



CITY OF PORT ALBERNI

"Waterworks Bylaw, 2001"

(Bylaw No. 4494)

(with amendments to August 14, 2017)

Consolidated for convenience only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

This Bylaw has been consolidated for convenience only and includes amendments from:

Bylaw No. 4494 - adopted Nov. 26, 2001

Bylaw No. 4514 - adopted Jan. 27, 2003 (Amend #1) - Repealed by Bylaw No. 4540

Bylaw No. 4540 - adopted Nov. 24, 2003 (Amend #2) - Repealed by Bylaw No. 4569

Bylaw No. 4569 - adopted Nov. 22, 2004 (Amend #3) - Repealed by Bylaw No. 4774

Bylaw No. 4774 - adopted Jun. 13, 2011 (Amend #4) - Repealed by Bylaw No. 4815

Bylaw No. 4815 - adopted Apr. 22, 2013 (Amend #5) - Repealed by Bylaw No. 4844

Bylaw No. 4844 - adopted Jun. 9, 2014 (Amend #6) - Repealed by Bylaw No. 4881

Bylaw No. 4881 - adopted July 27, 2015 (Amend #7) - Repealed by Bylaw No. 4916

Bylaw No. 4916 - adopted July 25, 2016 (Amend #8) – Repealed by Bylaw No. 4943

Bylaw No. 4943 – adopted August 14, 2017 (Amend #9) –

CITY OF PORT ALBERNI

BYLAW NO. 4494

Consolidated to Include Bylaws 4514, 4540, 4569,
4774, 4815, 4844, #4481, #4916 and #4943

A BYLAW TO RESPECTING THE WATERWORKS SYSTEM

WHEREAS :

- A. Section 517 of the *Local Government Act, R.S.B.C. 1996* provides, among other things, that a Council may, by bylaw, establish and operate any service that the Council considers necessary or desirable for all or part of the municipality, including the authority to operate a service in an area outside the municipality as well as in the municipality itself.
- B. Section 518.1 of the *Local Government Act, R.S.B.C. 1996* provides, among other things, that Council may, by bylaw, regulate and prohibit in relation to a service, establish different classes of persons, places, activities and things, make different provisions for different classes and for different areas of the municipality, and provide for a system of licences, permits or approvals in relation to a municipal service.
- C. Section 519 of the *Local Government Act, R.S.B.C. 1996* provides that where a municipality has established works or facilities outside the municipality for the purposes of a municipal service, the Council may, by bylaw, regulate the use of the works and facilities.
- D. Section 363 of the *Local Government Act, R.S.B.C. 1996* provides, among other things, that a Council may, by bylaw, impose a fee or charge payable in respect of all or part of a service or regulatory scheme of the municipality, and that the bylaw may:
 - (a) if the bylaw is in relation to an authority to provide a service or regulate outside the municipality, apply outside the municipality;
 - (b) base the fee or charge on any factor specified in the bylaw, including by establishing different rates or levels of fees in relation to different factors;
 - (c) establish different classes of persons, property, businesses and activities and different fees or charges for different classes; and
 - (d) establish terms and conditions for payment, including discounts, interest and penalties.
- E. The City has constructed and is operating and maintaining a waterworks system for the inhabitants of the municipality and adjacent localities.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI,
IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:**

PART 1 - TITLE AND DEFINITIONS

Title

1. This Bylaw may be known and cited for all purposes as the "**Waterworks Bylaw, 2001**".

Definitions

2. In this Bylaw, unless the context otherwise requires:

At Cost means:

- (1) Any Owner who applies to the City for work which is to be done "at cost" shall pay a cost determined by the City and which includes the amount expended by the City for gross wages and salaries, employee fringe benefits, materials, equipment rentals at rates paid by the City or set by the City for its own equipment and any other expenditure incurred in doing the work, plus administration charges;
- (2) The Engineer shall supply an estimated cost and any Owner shall make an advance payment in the amount estimated prior to the commencement of any work; and
- (3) The estimated cost will be the cost paid by the Owner, regardless of whether the actual costs were greater or less than the estimate.

Backflow means the flow of water from an Owner's Premises to the Waterworks.

Building and Plumbing Inspector means the Chief Building and Plumbing Inspector of the City or any person appointed by the Council to serve in the capacity and his/her duly authorized representative.

Business Unit means a separate Premises or unit in which business is conducted whether or not the Premises or units are supplied with water.

City means the City of Port Alberni.

Council means the Municipal Council of the City of Port Alberni.

Cross Connection means any actual or potential physical connection between a Potable Water line and any pipe, vessel, or machine containing a non-potable fluid, such that it is possible for non-potable fluid to enter the Potable Water system by Backflow.

Curb Stop means a shut off valve installed by the City on a Service Connection with a protective housing to the ground surface. The Curb Stop is located on the Main side of the property line.

Distribution System means all Mains and appurtenances thereto, including Fire Hydrants, pumping stations, reservoirs, pressure reducing stations, Meters and Service Connections installed within any highway, municipal right-of-way or easement or municipal property.

Dwelling Unit means one or more rooms constituting a separate self-contained unit or living accommodation used or intended to be used for living and sleeping purposes and containing a sink and cooking facilities.

Engineer means the Municipal Engineer of the City or any person appointed by the Council to serve in that capacity and will be referred to herein as the Engineer, and his/her duly authorized representatives.

Engineering Department Standards and Specifications means the document so titled and adopted by Council as "Schedule B" to the City of Port Alberni Subdivision and Development Bylaw.

Fire Hydrant means a device equipped with special threaded connections installed by the City within a highway, municipal right-of-way, easement or on Municipal property, or private devices as permitted by the Engineer, connected to a Main to provide water for fire protection purposes.

Fire Line means a Supply of Water which has one separate and secure Service Connection devoted solely to serving Fire Hydrants and/or fire sprinklers as needed on an emergency basis only.

Main means a pipe including valves, fittings and other appurtenances other than a Service Connection, pumping station, treatment plant or reservoir in the Distribution System.

Meter means a device used to measure and indicate the volume of water passing through the device and shall include remote reading accessories and all other accessory materials required for the installation and operation of the Meter.

Owner means "owner" as defined in section 1 of the *Local Government Act*, R.S.B.C. 1996, which is copied here for convenience purposes only: "owner in respect of real property means (a) the registered owner of an estate in fee simple, (b) the tenant for life under a registered life estate, (c) the registered holder of the last registered agreement for sale, (d) the holder or occupier of land in the manner referred to in section 356 [*taxation of Crown land used by others*] or section 357 [*taxation of municipal land used by others*], and (e) an Indian who is an owner under letters patent of a municipality incorporated under section 12 [*incorporation of reserve residents as a village*]."

Person means any person and includes any company, corporation, individual, partnership, firm, association, society or party but excludes the City of Port Alberni or any person authorized to act on its behalf.

Potable Water means water that is fit for human consumption as defined in the *British Columbia Health Act, Safe Drinking Water Regulation*.

Premises means land and land and improvements.

Service Connection means a pipe and the necessary valves and protective boxes, connections and any other material necessary to and actually used to connect the Main to a Curb Stop.

Treasurer means the Treasurer of the City or any person appointed by the Council to serve in the capacity of Financial Officer under section 199 of the *Local Government Act*, and his/her duly authorized representative.

Water Consumption means the amount of water used at a Premises in a period of time as indicated by the difference between the Meter readings at the previous read date and the present read date.

Water Service means a pipe including all valves, connections, taps and Meters connecting a Curb Stop to a house or building and includes the tail nut of the Curb Stop.

Supply of Water means the flow of water available to the Premises from the Waterworks.

Waterworks means the entire waterworks system of the City including the Distribution System, reservoirs, treatment facilities, pumpstations, dams and intakes.

PART 2 - ESTABLISHMENT

Authority For City To Supply Water

3. The City hereby establishes a Waterworks to supply water to the inhabitants of the City and adjacent localities and the provisions of this Bylaw shall extend to and be binding upon any Owner so supplied.

Responsibility

4. The Engineer shall have responsibility for the Waterworks.

PART 3 - PROHIBITIONS

5. No Person shall:

- (1) bathe or wash or cleanse any material, or place a nuisance or any offensive matter or thing within or near the sources of supply of the Waterworks, or reservoir, or in any lake, river, pond or spring from which such water is obtained, or cause to throw or put any poisonous, noxious or offensive matter or thing therein, or cause, or permit, or suffer the outflow of any sink, drain or sewer to run or be conveyed into the same, or carry out work which allows silt or mud to foul the water supply, or cause or permit or suffer any other matter or thing to be done whereby the Waterworks may be fouled;
- (2) make any connection to the Waterworks or in any way tamper with, operate, remove, or make any alteration to any Fire Hydrant, Meter, Curb Stop, valve, pumping station, reservoir, chamber or other fixture or appurtenance connected with the Waterworks without first applying for, on the form provided by the Engineer, and obtaining written permission from the Engineer;
- (3) without lawful excuse, break, damage, destroy, uncover, deface, mar or tamper with any part of the Waterworks;
- (4) sell, give, or convey water beyond Premises connected to the Waterworks, without prior written permission of the Engineer;
- (5) willfully waste any water or use any water for powering machinery or any other use which the Engineer deems extraordinary;
- (6) use water on a Premises for purposes other than those specified in the application(s) for Service Connection;
- (7) connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance in a manner which, under any circumstances, may allow water, waste water, or any harmful liquid or substance to enter the Waterworks;
- (8) connect or attempt to connect, or allow to be connected, or allow to remain connected to the Waterworks any property or Premises otherwise than in accordance with the provisions of this Bylaw;
- (9) install water services on private property other than in accordance with the Building Bylaw and with the approval of the Building and Plumbing Inspector prior to connection being made to the Service Connection at the property line;
- (10) refuse or fail to abide by a notice issued by the Engineer of a prohibition, restriction or limitation of the use of water;
- (11) lay or cause to be laid any pipe to connect with any Main or Service Connection of the Waterworks or in any way obtain or use water supplied thereby without the permission of the Engineer;
- (12) turn on the Water Service at the Curb Stop for occupancy use until the private plumbing system has been approved by the Building and Plumbing Inspector and has been inspected for cross-connections;

- (13) knowingly give inaccurate information to the City regarding the description of Premises, the number and description of business and/or residential Premises, and other information necessary for the formation of a correct estimate of the rates and charges to be charged;
- (14) use water from a fire line Service Connection or from the fire line branch of a dual purpose Service Connection for any purpose other than firefighting;
- (15) in any way tamper with or remove the Meter or operate sealed bypass valves after installation without first obtaining the permission of the Engineer.

PART 4 - CONDITIONS OF SUPPLY OF WATER

No Guarantee Of Water Supply, Pressure or Quality

6. The City does not guarantee pressure, quality nor continuous Supply of Water, nor does it accept responsibility at any time for the maintenance of pressure on its lines. The City reserves the right at any and all times, without notice, to change operating water pressures, to shut off water, or otherwise to interrupt the Supply of Water for the purpose of making repairs, extensions, alterations or improvements, or for any other reason, and to increase or reduce pressure at any time.

Liability

- (1) Neither the City, its officers, employees or agents shall incur any liability of any kind whatsoever by reason of the cessation in whole or in part of the Supply of Water, or changes in operating pressures, or by reason of the water containing chlorine sediments, pathogens, deposits, or other foreign matter.
- (2) It is a condition of the Supply of Water that:
 - (i) In the event that the Supply of Water to any Owner shall fail, whether from natural causes or accident or from any other causes whatsoever, the City shall not be liable for damage by reason of such failure.
 - (ii) The City shall not be liable for any injury or damage to any Person or property arising or occurring from the use of water from the Waterworks.
 - (iii) The City does not guarantee that water supplied by it is free of any impurity that would affect a manufacturing process.

Owner Depending On Continuous Or Pure Water To Provide Their Own Facilities

8. Owners depending on a continuous and uninterrupted Supply of Water or having processes or equipment that require particularly clear or pure water shall provide such emergency storage, oversize piping, pumps, tanks, filters, pressure regulators, check valves, additional service pipe or other means for a continuous and adequate Supply of Water suitable for their requirements.

Access by City

9. (1) Every Owner under this Bylaw shall at all reasonable times allow, suffer and permit the Engineer or any person authorized by him for such purpose, to enter into the Premises for the purpose of installing, repairing, maintaining, examining, reading, and inspecting, water pipes, connections, fixtures, taps, Meters, Fire Hydrants, and any other apparatus used in connection with the Waterworks.
- (2) Every Owner, tenant or occupant of Premises shall provide and maintain an adequate and convenient passageway to the Meter, and shall keep such passageway reasonably accessible at all times for the reading, inspection, repairing, maintaining, and removal of the Meter.

Responsibility to Repair Leaks

10. (1) The Owner has a duty to expeditiously detect and repair any leaks which result in the waste of water as described in Section 15 of this Bylaw.
- (2) Every Owner having Metered service shall pay for the full amount of water as registered by the Meter, according to the rates applicable to the service, and no deduction shall be allowed on account of any waste of water.

Termination Of Supply of Water

11. The Engineer may order the termination of the Supply of Water to any Owner on ten (10) days written notice for violation of any of the provisions of this Bylaw, for failure to maintain the Water Service in good condition without any leaks, for the non-payment of rates and charges when due, for refusing to provide for the proper installation of a Meter, for system repairs, or for lack of water.

Water Use Restrictions

12. (1) In the event of a water supply shortage, due to any reason whatsoever, the Engineer may issue a notice prohibiting, restricting or limiting the use of water by any or all of the Owners.
- (2) Such notice shall be sufficiently given if broadcast by the local radio or television station or advertised in a newspaper circulating in the City.
- (3) It shall not be a defense to any Person prosecuted hereunder that notice, as aforementioned, shall not have reached or been brought to their attention.

Service Connections

13. (1) Each property shall have its own Service Connection which shall be installed by the City. Each building shall have only one Service Connection except when a separate connection is required for fire protection purposes or when otherwise approved by the Engineer. Where two or more buildings exist on one parcel of land and where such parcel or land can be subdivided, each building shall have a separate Service Connection.

- (2) All connections with the City's Mains or Service Connections shall be made by employees or authorized agents of the City.
- (3) A strata development, regardless of the number of internal lots or structures, shall have only one metered domestic Service Connection to the Waterworks.
- (4) The Engineer shall determine the location of a Service Connection. If an Owner desires to have a Service Connection installed in any particular location, he shall in writing notify the Engineer of such desire.
- (5) Where possible, the Service Connection will be located at the location requested by the Owner. In the event the Owner's preferred location is not practicable due to the existence of installed surface improvements, or is in conflict with installed underground utilities or is cost prohibitive, the Engineer shall designate the location of each Service Connection to each parcel of land or Premises.
- (6) The minimum inside diameter of a Service Connection shall be nineteen millimetres (19 mm) (3/4 inches). The size of the Service Connection for any Premises shall be approved by the Engineer. If the requested Service Connection exceeds the then available capacity of the Waterworks, the Engineer may limit the size of the connection.
- (7) All Service Connections shall be installed to conform to the latest revision of the Engineering Department Standards and Specifications.
- (8) Where street surface improvements by way of paving are scheduled for installation by the City, the Engineer may order a Service Connection to be installed to any property abutting such street and served by the Waterworks regardless of whether or not any improvement is constructed on the property, but no water shall be supplied to such property except as provided in Section 18 of this Bylaw.

Cross Connection Control

14. (1) Notwithstanding Section 11 above, if a condition is found to exist which, in the opinion of the Engineer is contrary to Subsection 5(7) above, the Engineer may either:
 - (i) forthwith shut off the Water Service or services, or
 - (ii) give notice to the Owner to correct the fault within 96 hours, or a specified lesser period, and if the Owner fails to comply with such notice, forthwith shut off the Water Service or services.
 - (iii) Without prejudicing the aforesaid, the Engineer may require Cross Connection control devices to be installed. The device and installation shall be approved by the Engineer and installed by and at the expense of the Owner.
- (2) Notwithstanding Subsection 5(12) of this Bylaw, use of a Water Service for construction purposes on a temporary basis is not prohibited, provided the Engineer is satisfied that adequate provision is made to prevent Backflow into the Waterworks.

- (3) No new Service Connection for any building, irrigation system or sprinkling system, will be given to an Owner unless the Engineer is satisfied that cross-connections do not exist, or unless an approved cross-connection control device has been installed by an approved installer. The said installation must then be inspected and approved by the Chief Building and Plumbing Inspector and tested by a Certified Tester of Cross Connection control devices.
- (4) Where a Cross Connection control device is required the said device shall be approved by the Engineer and conform to the requirements of the latest revision of the Engineering Department Standards and Specifications.
- (5) The installation, repair and maintenance of all cross-connection control devices are the responsibility of the Owner who must ensure that the devices are in proper working order. These devices are to be tested by a Certified Tester of Cross-Connection Control Devices, and the test results, including repairs performed, submitted to the City on an annual basis or as required by the Engineer.

Water Service

15. (1) The City shall install that portion of the Water Service between the Curb Stop and property line. Any fittings required to join the City's pipe to the Owner's shall be the Owner's responsibility. All Water Services shall be installed with a Meter.
- (2) The Water Service shall be maintained by the Owner at his sole expense. In the event that any defect is suspected in the Service Connection or Water Service, the Owner shall immediately notify the City and the Engineer will, as soon as practical, operate the Curb Stop and determine thereby if the defect exists in the Water Service or in the Service Connection. If the defect is determined to be located in the Water Service, the Owner shall effect repairs within ten (10) days.
- (3) In the event the Owner refuses or neglects to carry out repairs within the specified time the Engineer may either terminate the Water Service in accordance with Section 11, or by his workers or others, make the necessary repairs at the expense of the Owner, and the City shall recover the total actual costs thereof.

Meters

16. (1) The City shall be entitled at any time to install a Meter upon any Premises whereon water is supplied and substitute a metered user rate for the unmetered user rate thereon, whether such unmetered user rate has already been paid or not.
- (2) The establishment of a Rate for Water Consumption for unmetered (refusals) Premises in Section 1(a) of Schedule "B" to this Bylaw does not interfere with or relieve an Owner of their obligation to have a Meter installed on their Premises as required in Section (1) above.

- (3) In the event of the installation of a Meter, an allowance shall be made to the Owner of so much of the unmetered user rate already paid by him as is proportionate to the unexpired portion of the time covered by such unmetered user rate, and from the time of such installation the rate payable shall be according to the reading of the Meter installed.
- (4) Unless otherwise determined by the Engineer, all Owners shall install a Meter in a configuration as required in the latest revision of the Engineering Department Standards and Specifications
- (5) The Engineer shall determine the size of Meter required and the City shall supply, at the City's expense, the Meter to the Owner or his agent for installation. First-time installation of Meters in existing structures will be at the City's expense. All other Meter installations shall be at the Owner's expense.
- (6) The Meters are and shall remain the property of the City or its authorized agents, who shall maintain, repair, replace, inspect and read the same. If such property is damaged or destroyed as a result of carelessness, willful damage, tampering, hot water or steam, or the action of frost or from any other cause not the fault of the City or its employees, the Owner in or on whose Premises the Meter has been placed shall pay the City, or its authorized agents, the value of the property so damaged or destroyed or the total actual cost of repairing same.
- (7) Where, in the opinion of the Engineer, convenient access to a Meter cannot be supplied, the City shall, by its employees or others, install suitable remote reading equipment at cost to the Owner.
- (8) Each individual Meter shall, whenever possible, be read once every billing period.
- (9) In no case shall a Meter reading be postponed for more than two (2) consecutive billing periods.

Rates and Customer Service Charges

17. (1) Every Owner of Premises where a Meter is installed shall pay in addition to all other rates and charges for the use of the Waterworks the amounts specified in Schedule "A" of this Bylaw. The rates enumerated in Schedule "A" hereto are hereby imposed and levied by the City, and all such rates shall be due and payable on the date specified in Schedule "A" and shall form a charge on the lands and improvements to or upon which the Service Connection is made.
- (2) Every Owner of Premises where a Meter is not installed shall pay in addition to all other rates and charges for the use of the Waterworks the amounts specified in Schedule "B" of this Bylaw. The rates enumerated in Schedule "B" hereto are hereby imposed and levied by the City, and all such rates shall be due and payable on the date specified in Schedule "B" and shall form a charge on the lands and improvements to or upon which the Service Connection is made.
- (3) Every Owner requesting and/or receiving services shall be charged for those services as prescribed by Schedule "C" and the terms of this Bylaw.

- (4) The Rates for Water Consumption as specified shall be applied commencing:
 - (i) in the case of new construction, on the date that the City issues the Meter to a private installer or the date that City staff install the Meter, and
 - (ii) in the case of previously metered Premises, from the date of the application for turn on or, where service has been discontinued, from the date as determined by the Treasurer.
- (5) Fixed System Charges prescribed in Schedule "A", Rates for Water Consumption prescribed in Section 1 of Schedule "B", and Fire Line Rates prescribed in Section 2 of Schedule "B" charged for the first billing period shall be pro-rated to the next following full month of service.
- (6) Except where there is a compound Meter, where more than one Service Connection or Meter serves any Owner's Premises, each Meter will be billed separately and in accordance with the respective applicable rates and charges prescribed in Schedules "A" and "B" to this Bylaw.
- (7) Notwithstanding Subsection 16(8) above, when a Meter reading is postponed until the next billing period, the rate to be charged shall:
 - (i) for the billing period for which no reading is taken, be calculated on the average Water Consumption in the previous two (2) billing periods.
 - (ii) for the billing period following that in which no reading was taken be calculated on the total actual Water Consumption in the two (2) billing periods, as read on the Meter, minus the estimated Water Consumption utilized in (i) above.
 - (iii) if a Water Consumption estimate is not possible using the methods prescribed in (i) and (ii) above, then the Treasurer shall estimate the Water Consumption for the billing period in a similar manner as described in Subsection 17(9) of this Bylaw.
- (8) Where the Engineer determines that a Meter fails to register or to properly indicate the quantity of water used or consumed, or where breakage of a Meter occurs on private property, the Treasurer shall estimate the Water Consumption and shall render an account to the Owner.
- (9) Where any account is rendered pursuant to this Subsection 17(8), the Treasurer, in estimating the account, shall consider previous billing periods when such Meter was registering correctly, seasonal variations, changes in occupancy, and any other factors which, in the opinion of the Treasurer, may affect the Water Consumption.
- (10) Where an adjustment is made to an account related to failure of a Meter, the Treasurer may charge an administration charge as set out in Schedule "C" to this Bylaw.
- (11) No complaint of an error in any account for water rates or charges shall be considered and no adjustment of any such error shall be made after a period of one (1) year has elapsed since the end of the period for which such rates or charges were made. After termination of this period all such rates and charges shall be deemed to have been properly and correctly made.

- (12) In the event of failure or stoppage of Supply of Water continuing for more than five (5) consecutive days, a pro-rated reduction shall be made on the Fixed System Charge prescribed in Schedule "A" and the Rates for Water Consumption and Fire Line Rates prescribed in Schedule "B" to this Bylaw.

Bylaw #4540 amendment replaces Section 17(13) below:

- (13) A penalty equal to 5% of the unpaid balance of the "Amount Due" noted on the period Utility Billing invoice (less any subsequent payments), shall be charged to the customer account thirty-one days (31) following the "Payment Due Date" noted on the period Utility Billing invoice.
- (14) If the rates and charges imposed during any one calendar year remain unpaid after the thirty-first day of December in that year, they shall be entered upon the tax roll as taxes in arrears against the property so served.
- (15) Non-receipt of an invoice or account will not be recognized as a valid excuse for failure to pay the rates when due.

PART 5 - APPROVALS and APPLICATIONS FOR SERVICES

Service Connections

18. (1) The Council may from time to time by bylaw prescribe the charge to be paid to the City by an Owner applying for a Service Connection. No Service Connection shall be made until payment of the prescribed charge is received by the City.
- (2) Each application for a Service Connection shall be made to the City by the Owner or authorized agent and shall be in the form set by the Engineer and shall be signed by such Owner or agent, and delivered to the Engineer. Payment of the applicable Service Connection charge pursuant to Schedule "C" to this Bylaw shall be made with the application.
- (3) Every Owner applying for a Service Connection shall make a full and true statement, of the description of the said Premises and the number and description of business and/or residential Premises and shall give all other information necessary for the formation of a correct estimate of the rates and charges to be charged.
- (4) Every Owner shall forthwith upon there being any change in the description of Premises or in the number or description of business and/or residential Premises notify the Treasurer in writing of said change.
- (5) If the statement made or information given under Subsections 18(3) or 18(4) above shall be inaccurate in any particular so that any additional rate shall become chargeable, such additional rate shall be payable forthwith to the City.
- (6) Upon receipt of an application for a Service Connection, the Engineer shall, as soon as he can do so conveniently, install a Service Connection from the Main pipe to the street boundary.
- (7) If such connection is not practicable the Engineer shall so notify the

Owner and the City shall refund the Service Connection charge paid by the Owner.

Fire Line Service Connections

19. (1) In the event that an Owner wishes to apply for both a fire line Service Connection and a Service Connection for normal use that can be installed concurrently, they may apply either for a dual purpose Service Connection within one pipe, or separate Service Connections. The Engineer may require that the applications for the two types of services to a new structure be made concurrently, and may require that, in the case of separate Service Connections, they be installed concurrently and in the same location in order to minimize the disturbance of traffic, pavements and utilities.
- (2) If a dual purpose Service Connection within one pipe is approved by the Engineer, the connection will be installed At Cost.
- (3) If totally separate Service Connections are approved by the Engineer, the rates and charges applicable shall be the total of the charges for the size and "type" (i.e. domestic or fire line) of each Service Connection as prescribed in Schedules "A", "B" and "C" to this Bylaw.

Use of Fire Hydrants

20. An Owner desiring to temporarily obtain water by connecting to a Fire Hydrant must apply for, using the form provided by the Engineer, and obtain written permission from the Engineer. At the time of application, the Owner will pay the charges as prescribed in Schedule "C" for this service. The Engineer will consider each application on its merits and will grant permission at his discretion.

Watermain Extensions

21. (1) All applications for Main extension shall be made in writing to the Engineer, using the form provided by the Engineer, by the Owners of the property to be served by such Main extension.
- (2) Should the Engineer approve an extension of the Main to serve any Premises, the extension including Service Connections to the Owner's abutting property, shall be designed and installed in accordance with the Engineering Department Standards and Specifications At Cost to the Owner.
- (3) Notwithstanding the diameter of the Main required to be extended as aforesaid the amount payable by the Owner shall not be greater than the cost of extending a 150 mm (6 inch) Main.
- (4) Where extension of a Main is capable of providing less than four Service Connections, the Engineer may agree if so requested to have the engineering design and associated services performed by the City At Cost. The Owner shall reimburse the City its costs incurred for the provision of engineering services.
- (5) Where a Main is extended At Cost to an Owner as provided herein, the Owner extending the Main shall be entitled to a refund for each Service

Connection made to the said extension to serve property owned by another Owner where provided for under the City's "Subdivision and Development Bylaw".

Water Turn On and Turn Off

22. (1) Owners who desire to turn on or turn off their Supply of Water at the Curb Stop shall apply in writing, using the form provided by the Engineer, and at least two (2) days in advance, to the Engineer and the work will be done at the City's convenience. If the turn on or turn off is for purposes other than maintenance or repair or the commissioning of a new Service Connection or Supply of Water, the customer service charge for such turn on or turn off shall be as provided in Schedule "C" to this Bylaw.
- (2) Notwithstanding Subsection 22(1) above, any Owner who requests turn on or turn off of a Water Service for maintenance or repair on an emergency basis at dates and times other than regular City business hours shall be charged a customer service charge as prescribed in Schedule "C" to this Bylaw.
- (3) Until the receipt of such application, the appropriate rates shall be charged to the end of the month in which the application for turn on or off was received.
- (4) No credit or rebate of any rates or charges paid or payable will be granted or allowed unless proper application has been made and the Supply of Water has been turned off for a period in excess of thirty (30) days.
- (5) When an Owner desires to have the Supply of Water renewed after it has been turned off for any reason, they shall apply therefor to the Engineer in writing giving five (5) days' notice, and shall pay all arrears of rates and charges as set out in Schedules "A", "B" and "C" for the cost of turning water off and on together with any other expense the City may have incurred in connection with such discontinuance and resumption of supply. No Supply of Water shall be renewed to any Premises when there are arrears of rates or charges against such Premises or against the Owner for such renewal.

Interim Meter Read

23. Any Owner desiring an interim Meter read (i.e. a special read other than at the time of reading for the normal billing period) for a Premises for purposes including but not limited to buying/selling of the Premises, change of tenants, and statement of outstanding taxes from a lawyer, notary or others, must apply to the Treasurer, using the form provided by the Treasurer. A customer service charge as provided in Schedule "C" will be charged for this service. Written application must be received by the Treasurer at least two (2) working days in advance of the date that the interim Meter read is desired and the City will complete the work at its earliest convenience.

Meter Testing

24. (1) If an Owner is dissatisfied with the Water Consumption as recorded by their Meter, they may, on application to the Engineer, have their Meter

tested by the City. At the time of application, the Owner shall pay a deposit for Meter testing, prescribed in Schedule "C". Upon receiving such application, the City will test at its earliest possible convenience.

- (2) If the test shows that the Meter is over-registering by more than 4%, the sum so deposited shall be refunded and the Owner shall be allowed a rebate on the Water Consumption for a period not exceeding the three (3) months immediately prior to such test and the amount of the rebate shall be determined by the percentage of the inaccuracy as shown by the test, or on some other equitable basis as determined by the Treasurer. If the test shows the Meter to be registering within the 4% the sum so deposited shall be forfeited to the City to defray in part the cost of making the test.
- (3) Any Meter may be tested by the City at any time and at its initiation and the provisions of the above sub-section for the adjustment of inaccuracies shall apply.

Adjustment of Account

25. Notwithstanding Subsection 10(2) above, any Owner desiring an adjustment to an account as a result of a leak from a breakage of any water pipe on their property, may apply to the Treasurer, using the form provided by the Treasurer, and the Treasurer will decide at his discretion whether or not to adjust the account based on the circumstances and other factors he considers relevant. The Treasurer may charge an application administration charge as set out in Schedule "C" to this Bylaw.

PART 6 - OFFENSES AND PENALTIES

26. (1) Every Person who does anything this Bylaw prohibits or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who does any act which violates any of the provisions of this Bylaw, is guilty of an offense against this Bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offense.
- (2) Every Person who commits an offense against this Bylaw shall be liable upon summary conviction to a fine in accordance with Schedule "D" to this Bylaw and, for offenses not included in Schedule "D", a fine of not more than \$2,000 for each offense, or to imprisonment for not more than 6 months, or to both, and in default of payment forthwith or within such time as the presiding Supreme Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the *Offence Act*, R.S.B.C. 1996, Chapter 338 and all amendments thereto.

PART 7 - MISCELLANEOUS

Rates In Effect

27. This Bylaw shall become effective upon adoption of this Bylaw.

Schedules

28. Schedules "A", "B", "C" and "D" attached to this Bylaw form part of this Bylaw.

Severability

29. If any part of this Bylaw is held invalid, illegal or unenforceable by a court with the jurisdiction to do so, then that part shall be severed and the remainder of the Bylaw shall be deemed to have been adopted without the severed portion.

Repeal

30. Bylaw No. 4430 and Bylaw No. 4464 are hereby repealed.

READ A FIRST TIME THIS 13TH DAY OF NOVEMBER, 2001.

READ A SECOND TIME THIS 13TH DAY OF NOVEMBER, 2001.

READ A THIRD TIME THIS 13TH DAY OF NOVEMBER, 2001.

FINALLY ADOPTED THIS 26TH DAY OF NOVEMBER, 2001.

Mayor

Clerk

Bylaw #4540 replaced Schedules "A" + "B"; Bylaw #4774 repeals Bylaw #4569
 Bylaw #4815 repeals Bylaw #4774; Bylaw #4844 repeals Bylaw #4815;
 Bylaw #4881 repeals Bylaw #4844;
 Bylaw #4881 deletes Schedules "A" and "B" and replaces with the following Schedules "A", "B" +
 new Schedules "C", "D" and new "Convenience Index":
 Bylaw #4916 deletes Schedule "A", "B" and "C" and replaces with the following Schedules "A", "B"
 + "C"
 Bylaw #4943 deletes Schedule "A", "B" and "C" and replaces with the following Schedules "A",
 "B", + "C"

SCHEDULE "A" TO WATERWORKS BYLAW, NO. 4494 METERED CONSUMPTION RATES AND BILLING

Rates for Water Consumption

Rates for Water Consumption are calculated on the basis of cubic metre (m³).
 One m³ equals 1,000 litres.

Customer Category	Description	Volume Rate
Single Family Residential	Service to a single family dwelling unit is billed at the residential unit rate	First 60 m ³ : \$0.53 per m ³ Over 60 m ³ : \$0.70 per m ³
Multifamily Residential	Service that is shared by two or more single family dwelling units, including duplexes, apartments, and condominiums, is billed at the multifamily rate	\$0.53 per m ³
Commercial	Service to commercial and light industrial units	\$0.45 per m ³
Industrial	Service to specific high volume customers	\$0.31 per m ³
Outside City Residential	Single family residential outside City boundaries	First 60 m ³ : \$0.72 per m ³ Over 60 m ³ : \$0.95 per m ³
Special Service Agreement	Bulk provision to Hupacasath First Nation; Tseshaht First Nation; Beaver Creek	\$0.40 per m ³

Fixed System Charge

Fixed System Charges are calculated monthly, based on the size of Meter in metric (millimetre or mm) measure.

Meter Size millimetres	Meter Size inches	Inside City Boundaries Monthly Charge	Outside City Boundaries Monthly Charge
16	5/8	\$ 16.10	\$ 21.75
19	3/4	\$ 16.10	\$ 21.75
25	1	\$ 33.47	\$ 45.18
38	1 1/2	\$ 43.21	\$ 58.33
50	2	\$ 56.50	\$76.26
75	3	\$ 89.44	\$ 120.75
100	4	\$ 126.68	\$ 171.01
150	6	\$214.43	\$289.50
200	8	\$313.97	\$423.86
250	10	\$425.34	\$574.21

3. Billing Period

Unless otherwise determined by resolution of Council, Meters shall be read and the Water Consumption determined of at least three times a year and the resulting charges shall be due and payable on the date stated as the "Due Date".

SCHEDULE “B” TO WATERWORKS BYLAW, NO. 4494

UNMETERED CONSUMPTION RATES AND BILLING

1. Rates for Water Consumption

Category of Single Family Residential or Commercial Premises	Monthly Rate
(a) Unmetered (refusals)	\$131.19
(b) Inside City Boundaries - awaiting Meter installation	\$ 32.81
(c) Outside City Boundaries - awaiting Meter installation	\$ 44.25

The establishment of a rate for unmetered (refusals) Premises in (a) above does not interfere with or relieve an Owner from the obligation under Section 34 of this Bylaw to have a Meter installed on their Premises.

2. Fire Line Rates

The monthly rate for all Fire Lines shall be \$21.89.

3. Billing Period

Unless otherwise determined by resolution of Council, accounts for the above shall be billed every four months in advance and shall be due and payable on the date stated on the invoice. No prepayment for any service shall prevent the amount of any increase being charged to and collected from any Owner.

SCHEDULE “C” TO WATERWORKS BYLAW, NO. 4494

CUSTOMER SERVICE CHARGES

(1) Water Service Connections

Size of Service Connection	Inside City Boundaries Charge	Outside City Boundaries Charge
25 mm	As per current Fees & Charges Bylaw	As per current Fees & Charges Bylaw or At Cost*
Larger than 25 mm	At Cost*	At Cost*
* Note: “At Cost” is a term as defined in Section 2 of this Bylaw.		

(2) Use of Fire Hydrant for Water Supply

Application charge of \$51.00 plus \$51.00 for each week or portion thereof of connection to the Fire Hydrant plus \$51.00 non-refundable equipment use fee for use of City supplied backflow assembly.

(3) Turn Off and Turn On

- (i) A charge of \$51.00 shall be charged for turning OFF a Supply of Water.
- (ii) A charge of \$51.00 shall be charged for turning ON a discontinued Supply of Water.
- (iii) A charge of \$51.00 shall be charged for turning water on/off after usual City business hours for the purposes of emergency repair or maintenance.
- (iv) The charges noted in (i), (ii) and (iii) above do not apply where turning off the Supply of Water was required due to the Premises being substantially damaged by fire

(4) Meter Testing

\$76.50 per test

(5) Interim Meter Read

\$25.50

(6) Account Adjustment due to Meter Failure

\$10.20

(7) Processing of Application for Account Adjustment due to Leak

\$51.00