

## Union Bay Improvement District

### Water Use and Distribution Regulation Bylaw, Bylaw # 226, 2010 A Bylaw to regulate the distribution and use of water

**WHEREAS** the Union Bay Improvement District is authorized by the Local Government Act, by bylaw to regulate the distribution and use of water and to establish the rates and terms under which water may be supplied and used;

**NOW THEREFORE** the Trustees of the Union Bay Improvement District in an open meeting assembled enacts as follows:

#### **Definitions:**

1. In this bylaw, unless the context otherwise requires,

**"Applicant"** means a person who applies to the Improvement District for Water Service or, having Water Service, applies for an increase to the Water Service, and includes the owner or occupier of the Premises to be serviced with Water or their respective agents.

**"Corporate Officer"** means the person appointed from time to time by the Trustees as the corporate officer of the Improvement District under section 738.2 of the Local Government Act.

**"Curb Stop"** means a shut-off valve with a protective housing installed by the Improvement District within a highway or public right of way or easement abutting the property line of a Customer.

**"Customer"** means an applicant whose application has been accepted and who is billed for water service by the Improvement District.

**"Improvement District"** means the Union Bay Improvement District and the land within its territorial jurisdiction according to its Letters Patent.

**"Permit"** means a permit required under section 5 of this bylaw.

**"Pool"** means an artificially created body of water having a depth of 18" or more used for decorative, landscaping, recreational or physiotherapy purposes.

**"Premises"** means land, buildings and structures or a part of them and may include two or more of them.

**“Service Connection”** means a pipe and all necessary valves, connections, and other appurtenances necessary and actually used to connect the System to a Premises in order to supply Water to that Premises.

**“System”** means the system of Waterworks owned, operated or maintained by the Improvement District by which Water is supplied to its Customers.

**“Tolls”** means a toll, rate or charge for Water Services prescribed by the Improvement District’s Toll Bylaw.

**“Trustees”** means the elected Trustees of the Improvement District.

**“Water”** means water supplied and/or distributed by the Improvement District to its Customers through the System.

**“Water Service”** means the distribution of water to its Customers by the Improvement District.

**“Water Use Restrictions”** means the Water Use Restrictions prescribed in the Bylaw #194 Water Conservation and Drought Management (Schedule B).

**“Waterworks”** means all of the components of the System and includes anything capable of or useful for diverting, storing, treating, measuring, delivering, supplying, conveying, conserving, retarding, confining or using Water.

**“Works”** means infrastructure installed on private property to enable the property to be connected to the system.

## **General Conditions of Water Service**

### **2. No Guarantee of Water**

The Improvement District does not guarantee a specific water pressure, a continuous supply of Water or a specific quality of Water to any customers or other users of Water.

### **3. Conditions of Supply and Liability**

The Improvement District supplies Water to Customers on the condition that the Improvement District is not liable and will not be liable to any person for injury, damage or loss, including economic loss, to any person or property at any time caused by or resulting from:

- a) The use of Water from the System,
- b) The failure to supply any or an insufficient amount of Water to a Customer,

- c) Any impurity, lack of adequate or any water pressure, increased water pressure, or other condition or matter affecting the quality or supply of Water, or
- d) The System itself.

#### **4. Interruption of Service**

- a) The Improvement District reserves the right to interrupt Water Service at any time for the purpose of maintaining, or making repairs or alterations, to the System.
- b) If the Improvement District anticipates that Water Service will be interrupted for more than four consecutive hours for the purposes of subsection a), the Improvement District will attempt to give one day's notice to Customers who will be affected, except in cases of emergency.

### **Obtaining Water Service**

#### **5. Permits Required**

No person shall connect a Premises or allow them to be connected or remain connected to the system, without first obtaining a Permit to do so from the Corporate Officer. (Schedule A-1 or A-2).

#### **6. Additional Plumbing Fixture**

- 1) A customer who wishes to change or add to the number or type of plumbing fixtures on that Customer's Premises, for the purpose of expanding a commercial or industrial enterprise,
  - a) Must give notice in writing of that intention to the Trustees,
  - b) Must obtain a Permit from the Trustees to make the change or addition, and
  - c) Will be liable to pay to the Improvement District any extra charge or higher Toll payable for the change or addition once the change or addition is supplied with Water.
- 2) The Trustees may refuse a Permit required under subsection 1) b) if the change or addition will have an adverse effect on the Water Service provided to other Customers or if it has the potential to damage the System.

#### **7. Application for Service**

- 1) A person who wishes to connect to the System must apply in writing to the Improvement District for a Permit on the form supplied by the Corporate Officer for that purpose and must pay the service connection fee prescribed by the Improvement District.
- 2) If required by the Corporate Officer, the Applicant will accompany the application for a Permit with a plan and specifications, which must show

- a) The size of pipes and the purpose of the size specified,
- b) The number and types of water outlets or water using fixtures to be served by the System,
- c) A description of the plumbing materials the Applicant proposes to use,
- d) The street address and legal description of the Premises to be connected to the System.

#### **8. Service Connection**

The Applicant is responsible for the costs to install the type and size of Service Connection and the arrangement of valves and other appurtenances required to regulate the flow of Water according to the specifications contained in the Improvement District's design guidelines for the System. All services are to be metered.

#### **9. Excess Requirements**

If an Applicant requires a quantity of Water, a level of water pressure or a type of water service exceeding what is available from the System, the Improvement District may require the Applicant

- a) To pay for all or part of any improvements the Trustees consider necessary to augment the System's capacity in order to meet the Applicant's requirements, or to make a capital contribution towards the future provision of such improvements, and
- b) To enter into a formal agreement regarding the chosen payment option for the augmentation of the System and any other special terms and conditions under which Water will be supplied to the Applicant.

#### **10. Inspection**

- 1) Immediately after the completion of a Service Connection by the Applicant, and before any part or all of the Service Connection has been covered or concealed, the Applicant must notify the Improvement District that the Service Connection is ready for inspection.
- 2) A Service Connection must not be covered or put into operation for Water Service until it has been inspected, tested under pressure, and accepted in writing by the Improvement District.

#### **11. Change of Occupancy**

- 1) The issuance of a Permit under section 5 of this Bylaw for the provision of Water Service by the Improvement District to the occupant of a Premises results in a contract between the Improvement District and the occupant that may not be transferred to another person without the consent of the Trustees.

- 2) New occupants of Premises must notify the Improvement District in writing that they wish to have Water Service and provide billing details to the Corporate Officer within 10 days of taking possession of the Premises.

## **DISCONNECTION AND RECONNECTION**

### **12. Disconnection and Reconnection at Customer's request**

- 1) Customers who wish to have their Water Service discontinued must
  - a) Apply to the Improvement District for disconnection,
  - b) Pay to the Improvement District the disconnection fee prescribed, and
  - c) Give the Improvement District at least seven (7) days notice prior to the date of turn off.
- 2) Before a Water Service is reconnected, the owner or occupant of the Premises must pay to the Improvement District the reconnection fee prescribed.

### **13. Disconnection of Illegal Connections**

The Trustees or the Corporate Officer may cause a connection made to the System without a Permit or made contrary to this bylaw to be removed or disconnected at the expense of the owner of the Premises to which the connection was made.

## **PROHIBITIONS**

### **14. Interference with the System**

- 1) No person, except designated officers, employees or contractors of the Improvement District, shall open, shut, adjust, draw Water from or tamper with any part of the System.
- 2) A person shall not obstruct at any time or in any manner the access to a meter box, hydrant, valve, stopcock or other fixture that is part of or connected to or with the System.
- 3) If a person obstructs access to a fixture referred to in subsection (2) by allowing surface water to accumulate around it or by placing on or near it any structure or material, the Trustees may remove the obstruction at the expense of that person.

### **15. Works on Private Property**

- 1) No person to whose Premises Water is supplied will make, or permit to be made, any additional connection, either temporary or permanent, to that person's Water Service for the purpose of supplying Water to another building or structure including, without restriction, a manufactured home, or house trailer on that person's or any other person's property without the written permission of the Improvement District.

- 2) No reduction in rates shall be allowed on account of any waste of water unless the Trustees are satisfied that such waste arose from an accident to the pipes or fittings on the consumer's premises arising from some cause beyond his/her control and that the consumer used all reasonable diligence to stop such waste. Upon written application an adjustment may be made 'once every 5 (five) years' with respect to the address of the property.

#### **16. Cross Connections**

- 1) No person will interconnect any portion of the Works on a Premises connected to the System with another source of water, such as a well, except with the written permission of the Improvement District.
- 2) The owner of Premises connected to the System must not connect the Works on those Premises to a body of contaminated water, such as a pool, without installing a back flow preventer on the connection to prevent a health hazard resulting from reverse flow and without the written approval of the Improvement District for the connection and the back flow preventer.
- 3) The owner of Premises connected to the system must obtain the written permission of the Trustees (and the responsible drinking water officer where required under the Drinking Water Protection Act) to install a device that may permit another substance to be introduced into the Water in the system or on the Premises and must ensure that the device is designed and installed to prevent such introduction.

#### **17. Pressure Increasing Device**

- 1) No person will use or permit the use of any pump or other device for the purpose of, or having the effect of, increasing the pressure in any water pipe without the written permission of the Trustees, whether such pipe forms part of the Improvement District's works or of the Works on that person's Premises, and the Trustees may require the person to provide them with an engineer's report certifying that the pump or device is safe to use in the circumstances.
- 2) The Improvement District may, on 24 hours notice, and without notice if the System is at risk of damage, discontinue Water Service to the Premises of a person employing a pump or other device referred to in subsection 1).

#### **18. Water Resale Prohibited**

No owner or occupant of any Premises supplied with Water by the Improvement District nor any other person shall sell, dispose of or give away Water, or cause or permit Water to be taken away from the Premises, or sold or applied for the benefit of other persons or Premises.

## **19. Prohibited Use of Water**

- 1) An approved pool must be equipped with the recirculation and filtration system prescribed in Part 5 of the Swimming Pool, Spray Pool and Wading Pool Regulations under the Public Health Act.
- 2) No person shall use Water as motive power for the purposes of operating machinery without the written permission of the Trustees, who may terminate or withdraw such permission at any time.

## **Owner's Responsibilities**

### **20. Onsite services**

The owner of Premises, in regard to service pipes and plumbing systems within the building or buildings on the Premises and all Works located between the Premises and the outlet of the Curb Stop or the standard Waterworks valve at the property line of the Premises, is responsible for

- a) The safekeeping, maintenance, repair and replacement of them, and
- b) Protecting them from frost or other damage, and promptly repairing them if they become frozen, leaky, damaged or imperfect.

### **21. System relocation**

When the owner of a Premises requests the Improvement District to move or relocate any part of the System situated within an easement on the Premises, the entire cost of the move or relocation will be borne by the owner unless both parties agree upon other arrangements in writing.

## **Water Conservation**

### **22. Limiting Water Use**

- 1) The Trustees may limit the amount of Water used by any Customer in the interest of efficient operation of the System and the equitable distribution of Water to all of the Improvement District's Customers.
- 2) If it is determined that the quantity of Water being used or the rate at which it is being used from time to time by a Customer is in excess of that which is detrimental to the service of other customers, the Trustees may take the measures they deem necessary to limit the supply of Water to that Customer.
- 3) The measures referred to in subsection 2) may include the installation of a meter, partially closing the controlling standard Waterworks valve, regulating the rate and time at which Water may be used, and establishing special charges for Water used in excess of a stipulated quantity or Water Toll.
- 4) The Customer must pay to the Improvement District the cost of any measures deemed necessary by the Trustees under this section.

- 5) The Trustees must give the Customer reasonable notice of any measures the Trustees intend to take under this section and give the Customer an opportunity to be heard by the Trustees before implementing measures.

### **23. Water Use Restrictions**

- 1) The Trustees may, at any time, implement the Water Use Restrictions prescribed in Schedule B, restricting the use of Water for sprinkling or any other purpose for a period of time or for an indefinite period.
- 2) The Corporate Officer will give advance notice to Customers of Water use restrictions either by publication in a newspaper circulating within the Improvement District or by mail.
- 3) Upon receiving due notice of the Water Use Restrictions, no person shall use Water at or during the restricted times, for the purposes forbidden by, or in excess of the limits imposed by the restrictions.

## **Enforcement and Penalties**

### **24. Breach of Bylaw**

The Trustees may, on 24 hours written notice, instruct the Corporate Officer to have the supply of Water to any Customer who contravenes this bylaw turned off and may do so without notice in case of emergency or where the System could be damaged as a result of the contravention.

### **25. Not Entitled to Water**

A Customer who has contravened this bylaw will not be entitled to receive any further Water from the Improvement District until the Customer has remedied the breach.

### **26. Customer not to Reconnect Water**

A person whose Water has been turned off pursuant to this bylaw shall not turn the Water on again, or take any Water from the System until the Trustees instruct the Corporate Officer to have the Water turned on.

### **27. Trustees' Right of Access**

The Trustees, the Corporate Officer or their designate(s) may on 24 hours' written notice or with the consent of the occupier enter in or upon all parts of a Premises at all reasonable hours for the purpose of any of the following:

- a) Inspecting or testing any works, fittings or appliances related to the use of Water.
- b) Installing, removing, repairing, reading or inspecting Water meters,
- c) Discontinuing or reconnecting Water Service in accordance with this Bylaw,
- d) Inspecting and determining whether all regulations, prohibitions and requirements of this Bylaw applicable to the Premises are being met.

**28. Obstructing Enforcement**

No person shall obstruct or prevent the Trustees, the Corporate Office or their designate(s) from carrying out any of the provisions of this bylaw.

**29. Penalty**

A person who contravenes a provision of this bylaw commits an offence and is liable on summary conviction to the penalties prescribed by the Offence Act.

**30. Repeal**

The Union Bay Improvement District Water Distribution Regulation Bylaw, Bylaw #174 is repealed.

**INTRODUCED** and given first reading by the Trustees on the 21 day of July 2010.

**RECONSIDERED** and finally passed by the Trustees on the 21 day of July, 2010.

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Chair, Board of Trustees

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Corporate Officer

I hereby certify that this is a true copy of Water Use and Distribution Regulation Bylaw, Bylaw # 226, 2010.

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Corporate Officer

Schedule A-1

<b>INTERNAL USE ONLY:</b>	<b>UNION BAY IMPROVEMENT DISTRICT</b> <b>P.O. BOX 70, UNION BAY, B.C. V0R 3B0</b> <b>Phone: 250-335-2511 Fax: 250-335-1178</b> <b>Email: admin@union-bay.ca</b>
Assessment #: _____	
PID #: _____	
Customer #: _____	
The fee for connection is:	Date Application rec'd:
Payment rec'd:	Drawings rec'd: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date work order issued:	Approved by:
Date installation completed:	Date:

**APPLICATION FOR WATER CONNECTION**

Name of Property \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s): \_\_\_\_\_  
 \_\_\_\_\_

Authorized Agent: \_\_\_\_\_

*(If applicable. Attach written authorization from Owner(s).)*

Address: \_\_\_\_\_

Legal Description \_\_\_\_\_

of Property: \_\_\_\_\_

\_\_\_\_\_

Description of Development \_\_\_\_\_

on the Property: \_\_\_\_\_

Type of Service Required: \_\_\_\_\_ Residential - 3/4" service connection  
 \_\_\_\_\_ Commercial - 3/4" service connection  
 \_\_\_\_\_ Other (please specify): \_\_\_\_\_

I/We acknowledge and agree that:

- I/We are subject to and will abide by all Union Bay Improvement District bylaws and that only some of the relevant provisions of those bylaws are referenced in this document. (Copies of Bylaws are available at the District's office for viewing.)
- I/We have received copy of the Water Distribution Regulation Bylaw and understand its provisions.
- I/We are required to provide a **Deposit of \$500.00**, submitted with this Application.
- Connection will be provided by the District at my/our expense and that such costs may be upwards of **\$2,000.00** for a 3/4" service connection (more for larger connections).
- These connection costs are in addition to:
  - Administrative and Inspections Charges; and
  - Other rates, charges and fees as identified in the Bylaws.
- Even though a service connection will be provided, the District will not supply water to the property until I/we pay all charges.
- The curb stops valve is for the District's use only and must be uncovered and accessible at all times.
- The District has advised that I/we should, at my/our own expense:
  - install a shut off valve for emergencies and to facilitate changes to or cleaning of water lines on my/our property;
  - install a backflow preventer or other appurtenance on hot water tanks to prevent drain off during interrupted water service;
  - install a pressure reducing valve if I/we are in an area of high pressure;
  - install a booster pump if I/we are in a low pressure area.
- All services and installations on my/our property will be in accordance with the Plumbing Code of British Columbia.

Signed: \_\_\_\_\_ Telephone # \_\_\_\_\_



## “Schedule B”

### UNION BAY IMPROVEMENT DISTRICT WATER CONSERVATION AND DROUGHT MANAGEMENT BYLAW NO. 194, 2005

**WHEREAS** the Union Bay Improvement District has authority under section 746 of the *Local Government Act* to establish tolls and other charges, including charges for capital expenditures payable to the District and the times of their payment to regulate the distribution and use of water and to establish penalties for failure to comply with the regulations, and authority under section 745 of the *Local Government Act* and the District’s Letters Patent to regulate the distribution of water and any thing incidental thereto.

**AND WHEREAS** the Union Bay Improvement District has established tolls and other charges by bylaw, which tolls vary by amount of usage in order to, among other things, encourage the efficient and economical use of water in the best interests of all users in the District;

**AND WHEREAS** the Trustees of the Union Bay Improvement District are further desirous of promoting the efficient and economical use of water including through encouraging conservation practices in order to minimize the risks of shortages during drought conditions;

**NOW THEREFORE** the Trustees of the Union Bay Improvement District in open meeting assembled, enacts as follows:

#### **Citation**

1. This Bylaw may be cited for all purposes as "Water Conservation and Drought Management Bylaw No. 194, 2005".

#### **Application**

2. This Bylaw applies to all Commercial and Residential Properties, which receive water from the Union Bay Improvement District (the "**District**").

#### **Interpretation**

3. In this Bylaw:
  - (a) "**Commercial Property**" means a Property on which an income is derived from the use of the property.
  - (b) "**District**" means the Union Bay Improvement District.
  - (c) "**Property**" includes parcels and lots, and portions thereof where more than one water connection exists, is required or has been requested and provided.

- (d) **"Stages"** means Stages 1, 2 and 3 as prescribed in sections 5, 6 and 7 of this Bylaw respectively.
- (e) **"Water Use Restrictions"** means the provisions identified in sections 8, 9 and 10 of this Bylaw.
- (f) **"Water"** or **"Watered"** as a verb used in sections 8, 9 and 10, means to water a lawn, boulevard, trees, shrubs, flowers and vegetables, or any of them.

### **Prohibition**

- 4. No person shall use water or cause water to be used contrary to the Water Use Restrictions outlined in this Bylaw in effect at the time of the use.

### **Stages**

- 5. Stage 1 is in effect from May 1st to September 30th, both inclusive, every year, except when either Stage 2 or Stage 3 is in effect further to the provisions of this Bylaw.
- 6. Stage 2 is in effect immediately upon:
  - (a) the level of Langley Lake dropping to or below 12 feet, as measured by the measure stick on the intake located directly south of the dam at Langley Lake; and
  - (b) a notice identifying that Stage 2 restrictions apply being:
    - i. placed by the District on the Notice Board located at the District's offices;
    - ii. broadcast over a local radio station; and
    - iii. published in a local newspaper.
- 7. Stage 3 is in effect immediately upon:
  - (a) the level of Langley Lake dropping to or below 10 feet, as measured by the measure stick on the intake located directly south of the dam at Langley Lake; and
  - (b) a notice identifying that Stage 3 restrictions apply being:
    - i. placed by the District on the Notice Board located at the District's offices;
    - ii. broadcast over a local radio station; and
    - iii. published in a local newspaper.

### **Water Use Restrictions During Stages 1, 2 and 3**

- 8. During Stage 1, Residential Properties may only be watered for a maximum of four (4) hours per day, as follows:
  - (a) Properties with even numbered addressed may only be watered on even numbered days; and
  - (b) Properties with odd numbered addressed may only be watered on odd numbered days.
- 9. During Stage 2,
  - (a) Subject to section 9(b), Residential Properties may only be watered for a maximum of four (4) hours per day, two (2) days per week, as follows:

- (i) Properties with even numbered addressed may only be watered on even numbered days;
    - (ii) Properties with odd numbered addressed may only be watered on odd numbered days;
  - (b) No Residential Property may exceed 50 m3 of water usage per monthly period, including as calculated as a projection of daily average usage during Stage 2;
  - (c) No Commercial Property may exceed 300 m3 of water usage per monthly period, including as calculated as a projection of daily average usage during Stage 2.
10. During Stage 3,
- (a) Residential Properties may not be watered;
  - (b) No Residential Property may exceed 25 m3 of water usage per monthly period, including as calculated as a projection of daily average usage during Stage 3;
  - (c) No Commercial Property may exceed 250 m3 of water usage per monthly period, including as calculated as a projection of daily average usage during Stage 2.

#### **Violations of Water Use Restrictions**

11. The District will investigate complaints and, upon determining that a violation of the Water Use Restrictions has occurred, will:
- (a) for the first violation, give notice to the owner or occupant of the Property deemed to be in violation by the District advising of the violation;
  - (b) for the second and each subsequent violation in each calendar year,
    - (i) give notice to the owner or occupant of the Property deemed to be in violation by the District advising of the violation, and
    - (ii) suspend water service to the Property for a 24-hour period.

**INTRODUCED** and given first reading by the Trustees on the 16<sup>th</sup> day of June 2005.

**RECONSIDERED** and finally passed by the Trustees on the 16<sup>th</sup> day of June 2005.

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Passed June 16, 2005