

THE CORPORATION OF THE CITY OF GRAND FORKS
 AGENDA - COMMITTEE OF THE WHOLE MEETING
 Monday, June 23rd, 2014 - 9:00 am
 6641 Industrial Parkway (old Canpar Office Building)

	<u>ITEM</u>	<u>SUBJECT MATTER</u>	<u>RECOMMENDATION</u>
1	<u>CALL TO ORDER</u>		
2	<u>COMMITTEE OF THE WHOLE AGENDA</u>		
	Adopt agenda	June 23rd, 2014, COTW Agenda	Adoption of Agenda
3	<u>REGISTERED PETITIONS AND DELEGATIONS</u>		
	Grand Forks Community Trails Society Delegation - G. F. Community Trails Society.pdf	Signing of a Stewardship Agreement with the society to cover their trails work in the City.	That the COTW recommends Council receive the request from the Grand Forks Trails Society to enter into a Stewardship Agreement with the Grand Forks Trails Society for a period of five years and refers the request to the July 21st, 2014, Regular Meeting for decision.
	Grand Forks Mural Committee Delegation - Grand Forks Mural Committee.pdf	Request for Council support and approval to move forward with a community mural project.	That the COTW receives the request from the Grand Forks Mural Committee to create a mural on the exterior walls of the lift stations two buildings (washroom and plant) in City Park and to recommend a theme for the murals to the Committee, to assist local artists to develop conceptual sketches for Council's approval, and refers the request to the June 23rd, 2014, Regular Meeting of Council for discussion and decision purposes.
4	<u>PRESENTATIONS FROM STAFF</u>		
	Monthly Highlight Reports from Dept. Managers Building & Bylaw Services.doc Corporate & Community Services.doc Development & Engineering.doc Fire Chief.doc	Staff request for Council to receive the monthly activity report from department managers	That the COTW recommends to Council to receive the monthly activity reports.

[Operations.doc](#)
[Chief Financial Officer.doc](#)

Manager of Development and
Engineering
[RFD - Mgr. Dev & Eng. - Medical
Marijuana Operations.pdf](#)

Medical Marijuana Operations
within the City of Grand Forks

That the COTW receives the
Memorandum regarding
Medical Marijuana
Operations in the City of
Grand Forks and directs staff
to prepare a report to Council
with various options based
on what other Municipalities
are undertaking for Council
to consider with regard to
amending the City's zoning
bylaw.

Manager of Development and
Engineering
[RFD - Mgr. Dev. & Eng. - Helbig Site
Specific Setback Exemption.pdf](#)

Request for Site Specific
Setback Exemption

That the COTW recommends
Council approve the
application for a Site Specific
Exemption for property
owned by Judy Helbig of #19,
7151 Highway 3 to reduce the
100 foot setback from the
Kettle River to 0 setback in
order to redo the back
entrance/exit and construct
an open deck located from
the trailer to the rear property
line at the June 23rd, Regular
Meeting.

5 **REPORTS AND DISCUSSION**

6 **PROPOSED BYLAWS FOR DISCUSSION**

Manager of Development and
Engineering
[RFD - Mgr. Dev. & Eng. - Municipal
Ticket Information Bylaw No. 1957,
2013.pdf](#)

Municipal Ticket Information
Bylaw No. 1957, 2013

That the COTW recommends
Council receive the Bylaw No.
1957-A2 as an amendment to
Municipal Ticket Information
bylaw No. 1957, 2013, and
refer the amendment bylaw to
the Regular meeting of
Council scheduled for July
21st, 2014, for first, second
and third reading.

Manager of Development and
Engineering
[RFD - Mgr. Dev. & Eng. - Water
Regulations and Rates Repeal Bylaw
No. 1501-R, 2014.pdf](#)

Water Regulations and rates
Repeal Bylaw No. 1501-R,
2014

That the COTW recommends
Council receive the Water
regulations and Rates repeal
Bylaw No. 1501-R, 2014, and
refer to the Regular meeting
of Council scheduled for July
21st, 2014, for first, second
and third readings.

Manager of Development and
Engineering & Manager of Operations
[RFD - Mgr. Dev. & Eng. and Mgr. Ops
- Water Regulations Bylaw No. 1973,
2014.pdf](#)

Water Regulations Bylaw No.
1973, 2014

That the COTW recommends
Council receive the
introduction of the new Water
Regulations Bylaw No. 1973,
2014, and refer the Bylaw to
the Regular Meeting
scheduled for July 21st, 2014,
for first, second and third
readings.

- 7 **INFORMATION ITEMS**
- 8 **CORRESPONDENCE ITEMS**
- 9 **LATE ITEMS**
- 10 **REPORTS, QUESTIONS AND INQUIRIES
FROM MEMBERS OF THE COUNCIL
(VERBAL)**
- 11 **QUESTION PERIOD FROM THE PUBLIC**
- 12 **ADJOURNMENT**

Council Delegations

Background

Council for the City of Grand Forks welcomes public input and encourages individuals and groups to make their views known to Council at an open public meeting.

Council needs to know all sides of an issue, and the possible impacts of any action they make take, prior to making a decision that will affect the community. The following outline has been devised to assist you in preparing for your presentation, so that you will understand the kind of information that Council will require, and the expected time frame in which a decision will be forthcoming. Council may not make a decision at this meeting.

Presentation Outline

Presentations may be a maximum of 10 minutes.

Your Worship, Mayor Taylor, and Members of Council, I/We are here this evening on

behalf of Grand Forks Community Trails Society

to request that you consider signing a Steward Ship Agreement with society to cover their trails work in the city.

The reason(s) that I/We are requesting this action are:

This will allow the society to work closely with the city to perform volunteer services while being covered by the city's insurance

I/We believe that in approving our request the community will benefit by:

Encouraging volunteer trail creation, maintenance and promotion.

(over)

Council Delegations (cont.)

I/We believe that by not approving our request the result will be:

Discouraging volunteers and forcing the city to
ignore its own trails.

In conclusion, I/we request that Council for the City of Grand Forks adopt a resolution stating: _____

the City of Grand Forks enter into a
Stewardship Agreement with the Grand Forks
Community Trails Society for a period of
5 years.

Name: Chris Moslin
Organization: Grand Forks Community Trails Society
Mailing Address: 9125 North Fork Rd, Grand Forks, BC
(Including Postal Code) V0H 1H2
Telephone Number: 250-666-1262
Email Address: chris.moslin@gmail.com

The information provided on this form is collected under the authority of the Community Charter and is a matter of public record, which will form a part of the Agenda for a Regular Meeting of Council. The information collected will be used to process your request to be a delegation before Council. If you have questions about the collection, use and disclosure of this information contact the "Coordinator" City of Grand Forks.

N:Forms/Delegation form



Administrative Use Only:

Agreement #	SA-2014-GFCTS
Expiration Date:	_____, 2019

THE CORPORATION OF THE CITY OF GRAND FORKS STEWARDSHIP AGREEMENT

THIS AGREEMENT, dated for reference this ____th day of _____, **2014**,

is **BETWEEN:**

**The Corporation of the City of Grand Forks,
7217 – 4th Street, PO Box 220 Grand Forks, B.C. V0H 1H0**

the “City”

AND:

The Grand Forks Community Trails Society

Box 2921, Grand Forks, BC V0H 1H0

the “Agreement Holder”

both of whom are sometimes referred to as “the Parties” and each of whom
is a “Party” to this Agreement.

Whereas the City owns the land subject to this Agreement and wishes to have the land managed and maintained for the purpose of recreational activities;
And Whereas the City wishes to encourage groups and individuals having an interest in undertaking the management and maintenance required to provide conditions which are conducive to enhancing public recreational activities in the Agreement Area;
Therefore, in consideration of the mutual exchange of benefits resulting from this Agreement, the City and the Agreement Holder agree as follows:

1 SERVICES AGREEMENT

- 1.1 The Agreement Area is the trails within the municipality of Grand Forks delineated on the attached map and/or described in Schedule A: Trails Map.
- 1.2 The City engages the Agreement Holder to provide the services as set out in Schedule B to this Agreement.
- 1.3 The City authorizes the Agreement Holder to enter the Agreement Area for the purposes of this Agreement but nothing in this Agreement grants to the Agreement Holder the exclusive use and occupancy of the Agreement Area. Existing conditions and land uses of City lands within or in the vicinity of the Agreement Area are subject to change including the status of roads, visual landscape conditions and the location and status of existing and new resource tenures.
- 1.4 The City acknowledges that the Agreement Holder is a non-profit society run by volunteers and that the scope of the work expected could be limited by monetary and volunteer resources.
- 1.5 The City will consider trails improvements as part of its annual Financial Plan and Budget processes and decide on the appropriate level of work each year.
- 1.6 Nothing in the Agreement constitutes the Agreement Holder as the agent, joint venturer, or partner of the City or conveys any authority or power for the Agreement Holder to bind the City in any way.
- 1.7 The obligations of the Agreement Holder under this Agreement are subject to other rights of use and occupation granted by the City, and the Agreement Holder must not interfere with the exercise of those rights by any other person.

2 DURATION AND MODIFICATION

- 2.1 The duration of this Agreement is for a term of **5** years commencing on **Date, 2014** and ending on **Date, 2019** inclusive.
- 2.2 The Agreement may not be modified except by a subsequent agreement in writing between the Parties.
- 2.3 Nothing in this Agreement will be considered to have been waived by the City unless such a waiver is in writing.
- 2.4 Either Party may cancel this Agreement by giving 60 days prior written notice to the other Party. Upon receiving cancellation notice, the party receiving the cancellation notice will have the opportunity to be heard by the party serving the cancellation notice and the Parties will use their best efforts to conclude the opportunity to be heard within the 60 day period.
- 2.5 Not later than **6 months** prior to the expiry date of the Agreement, the City will make a written offer to the Agreement Holder setting out the conditions upon which the City may renew this Agreement.
- 2.6 The Agreement Holder shall have a period of **3 months** from receipt of the renewal offer to accept in writing, the renewal offer on the terms and conditions contained in such offer,

provided the Agreement Holder is in compliance with the terms and conditions of this agreement at that time.

- 2.7 Notwithstanding anything to the contrary in this Agreement, the City, in its sole discretion, may elect to not make a renewal offer to the Agreement Holder.

3 REPRESENTATION OF THE AGREEMENT HOLDER

3.1 The Agreement Holder acknowledges and agrees that:

- (a) it has inspected the Agreement Area, including City improvements;
- (b) access to the Agreement Area is not guaranteed by the City; and
- (c) it will comply with all applicable municipal, provincial and federal legislation and regulations. Nothing in this Agreement, and no inspection performed by the City in relation to this Agreement, constitutes an inspection for the purposes of any such enactment.

4 INDEMNITY AND WAIVER

4.1 The Agreement Holder will indemnify and save harmless the City, its servants, employees and agents against all losses, claims, damages, actions, costs and expenses that the City, its servants, employees and agents may sustain, incur, suffer or be put to arising:

- (a) directly from the performance of the Services during the Term of this Agreement by the Agreement Holder, its employees, members, volunteers, and subcontractors, from breach of the obligations of this Agreement by the Agreement Holder, or
- (b) the willful misconduct, gross negligence or the bad faith actions of the Agreement Holder, its employees, members, volunteers and subcontractors,

except to the extent that any such loss or claim is caused or contributed to by the negligence of the City.

5 DESIGNATED CONTACTS

The following representatives will be responsible for liaising between the Parties:

The Grand Forks Community Trails Society:

Name: Chris Moslin
Address: Box 2921
Grand Forks, B.C. V0H 1H0
Telephone: 250-442-2620
Email: gftails@shaw.ca

The City of Grand Forks:

Name: Dolores Sheets
Address: 7217 – 4th Street
Grand Forks, B.C. V0H 1H0
Telephone: 250-442-8266

Email: info@grandforks.ca
Fax: 250-442-8000

6 SCHEDULES

- 6.1 The Schedules to this Agreement form part of this Agreement. In the event of a conflict between the main body of this Agreement and a Schedule, the main body of this Agreement shall prevail. This Agreement includes the following Schedules:

Schedule	Title
A	Trails Map
B	Services

If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and the remaining parts will be enforceable to the fullest extent permitted by law.

This Agreement may be executed by the Parties on separate copies of the Agreement which becomes complete and binding upon the latter of the two executions.

IN WITNESS WHEREOF the Parties have duly executed this Agreement as of the day and year last written below.

Signed and Delivered on behalf of the **City** by a duly authorized representative of the City.

Duly authorized representative name

Title

Signature

Date

Signed and Delivered on behalf of the **Agreement Holder** by a duly authorized representative of the Agreement Holder.

Duly authorized representative name

Title

Signature

Date

**SCHEDULE A
TRAILS MAP**

DRAFT

SCHEDULE B SERVICES

The Agreement Holder as a volunteer society will undertake to provide the following services to the City:

- Provide the city with a yearly operational plan and wish list of improvements;
- Care and updating of Kiosks;
- Recommend and install signage on the trails;
- Organize and sponsor trail stewards for the maintenance and monitoring of trails;
- Publish trail promotional materials such as trails booklets, buttons, and posters;
- Promote and sponsor trails events such as the commuter challenge and bike to work week

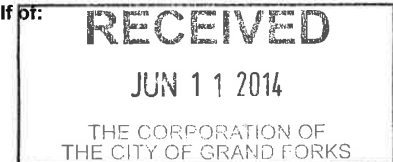
From:  Sandy Elzinga & James Wilson <james@boundarycf.com> 10/... 
Subject: New Online Delegation Form submission from Sandy Elzinga & Jam...
To:  Info City of Grand Forks

Your Worship, Mayor Taylor, and Members of Council, I/We are here this evening on behalf of:

The Grand Forks Mural Committee

To request that you consider:

supporting a mural project for the City of Grand Forks



The reasons that I/We are requesting this action are:

We require Council's support and approval to move forward with a community mural project. The long term plan is to enhance the exterior of several buildings (business and municipal) throughout the community. The initial project would be to create a mural(s) on two buildings located in City Park (washrooms and wash plant). Mural would be based on a theme. Suggested themes are:

Heritage
Culture/Diversity
Youth/Seniors
Wildlife
Outdoor /Recreation
Agriculture
Lifestyle
Other - specify

I/We believe that in approving our request the community will benefit by:

We believe that in approving our request the community will benefit by:

1. Transforming a mundane building into a canvas featuring local artists
2. Creating a legacy that tells a story about our community
3. Instilling "Community Pride"
4. Encouraging collaboration and engagement with community stakeholders
5. Inviting visitors to explore and stay longer

I/We believe that by not approving our request the result will be:

- A missed opportunity to transform and revitalize our community

In conclusion, I/we request that Council for the City of Grand Forks adopt a resolution stating:

We, Council, grant permission to the Grand Forks Mural Committee to create a mural on the exterior walls of 2 buildings (washroom and wash plant) located in City Park. Furthermore, Council will recommend a theme to the Mural Committee, to assist local artists to develop conceptual sketches for Council's approval.

Name

Sandy Elzinga & James Wilson

FILE CODE
Grand Forks Mural
D2 - Committee

Organization

Mural Committee

Mailing Address

box 2949
1647 central ave
v0h1h0, British Columbia Grand Forks
Canada
[Map It](#)

Telephone Number

250-442-2722

Email Address

james@boundarycf.com



Greenwood
Box 245 South Copper St
Greenwood BC V0H 1J0
Ph: (250) 445-6618
Fax (250) 445-6765
Web: www.boundarycf.com

Grand Forks
Box 2949, 1647 Central Ave
Grand Forks, BC V0H 1H0
Ph: (250) 442-2722
Fax: (250) 442-5311

June 12, 2014

Corporation of the City of Grand Forks
Box 220
Grand Forks, B.C.
V0H 1H0

Mayor Taylor & Members of City Council:

On behalf of the Grand Forks Mural Committee, this letter is to request Council's support for a proposed mural project in Grand Forks.

The Committee's goal is to carry out a community beautification project, specifically painting murals on building exteriors, in key locations throughout Grand Forks. The long term goal is to create a legacy for our community.

Our goal in 2014 is to complete one mural project. We propose 2 buildings, the new washroom and liftstation, located in City Park. If council is in agreement with this proposal, we ask that Council identify a theme in order to move forward with drafting a mural for Council's approval.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sandy Elzinga".

Sandy Elzinga, Assistant Manager – Community Futures Boundary
James Wilson, Executive Director – Boundary Country Regional Chamber of
Commerce
On Behalf of the Grand Forks Mural Committee

Growing communities one idea at a time.

MONTHLY HIGHLIGHT REPORTS



DATE : May 28, 2014
TO : Committee of the Whole
FROM: Manager of Building Inspection & Bylaw Services
HIGHLIGHTS : For the Month of May, 2014

- ❖ Continue with the development of the City's Bylaws
- ❖ Processing new Building Permits
- ❖ *(20 permits issued in 2014 and 4 pending awaiting documentation)*
- ❖ Following up on Existing Permits transferred from the RDKB
- ❖ Remediation Work has started on the Fire Damage property located at 820 65th Ave. The owner has an extension to complete the clean up by June 27, 2014
- ❖ The Fire Damaged property located at 721 65th Avenue is now going to a stage two notice for the cleanup of this property
- ❖ This month 7 notices for unsightly properties have been sent out
- ❖ The City has also received compliance with the Cleanup of the property located at 7585 5th Street

MONTHLY HIGHLIGHT REPORTS



- ❖ The cleanup of a property located at 6456 12th Street has also begun with the removal of several derelict vehicles
- ❖ The cleanup of a property located at 6336 9th Street has also been started.



MONTHLY HIGHLIGHT REPORTS



DATE : May 29th, 2014
TO : Committee of the Whole
FROM: Corporate & Community Services
HIGHLIGHTS: For the Month of May, 2014

- ❖ Department compiling material for the 2013 Annual Report
- ❖ Human Resources participated in interviews for Summer Students and for Casual Administrative Assistants
- ❖ Participated in the organization of the Ribbon Cutting Event on May 8th at Wells 4 & 5 with respect to Drinking Water Week
- ❖ Organization and participation in the Council Roles and Responsibility Session with the public on May 21st
- ❖ Preparation of Bylaws pertaining to the upcoming Local Government Election
- ❖ Preparation of Agendas, Minutes and Summaries for Scheduled Meetings and information purposes
- ❖ Provided communications for extended power outage on May 25th
- ❖ Provided support role to Clara's Ride and Robb's Ride events
- ❖ Street Banner program for local artists

MONTHLY HIGHLIGHT REPORTS



- ❖ Prepared monthly newsletter and media releases for projects such as the Asset Management Program, Development Showcase and Brazilian Students.



MONTHLY HIGHLIGHT REPORTS



DATE : June 9, 2014
TO : Committee of the Whole
FROM: Manager of Development & Engineering
HIGHLIGHTS: For the Month of May, 2014

- ❖ Installed Kiosk at the Spragett Bridge Tubing Parking Lot
 - ❖ Preparing RFP and Schedule for the Downtown Beautification Upgrades
 - ❖ City Hall Reconstruction Project out for Tender
 - ❖ Completed Development of Community Profile
 - ❖ Completed Design of the Riparian Area Sign and Kiosk Maps
 - ❖ Brazilian Students Commenced Work with the City, RDKB and the Granby Wilderness Society
 - ❖ Revised Water, Sewer and Electrical Bylaws
 - ❖ Pre-Planning for Development Showcase
 - ❖ Completed Annual 2014 Dike Inspection Report for the Diking Authority
 - ❖ Launched New Water Conservation Website
-

MONTHLY HIGHLIGHT REPORTS



DATE : June 9, 2014
TO : Committee of the Whole
FROM: Fire Chief
HIGHLIGHTS : For the Month of May, 2014

- ❖ Calls for May: 40 – 16 Fire Related, 1 Rescue, 23 First Responder.
- ❖ Swiftwater Rescue Certification Training for 4 personnel.
- ❖ Sent 5 personnel to Okanagan Spring Training Weekend.
- ❖ Called out to structure fire on 22nd Street. Twenty one personnel attended.
- ❖ Freshet is in full swing and is flowing well. Snowpack is at 114% and melting at a consistent pace. At this stage, unless we get a weather event we should not experience any problems this year.
- ❖ Upon request, attended the community fundraiser at Rilkoff's Store with ladder truck and provided tours of the truck.
- ❖
- ❖
- ❖
- ❖
- ❖
- ❖

MONTHLY HIGHLIGHT REPORTS



MONTHLY HIGHLIGHT REPORTS



DATE : June 9, 2014
TO : Committee of the Whole
FROM: Manager of Operations
HIGHLIGHTS : For the Month of May, 2014

- ❖ Hanging baskets and planters installed throughout City.
 - ❖ 5 Students hired and incorporated into Campground, Water Department and Public Works/Parks Department work stream.
 - ❖ Catch Basin Cleaning Maintenance Program completed.
 - ❖ Line Painting Program completed.
 - ❖ Water Main Flushing Program complete on May 28th.
 - ❖ Electrical crew beginning the door-to-door meter audits.
 - ❖ Bat houses installed. Waiting for photo opportunity at Observation Mountain Bat House install.
 - ❖ Dick Bartlett Washroom/Kitchen building and Ball Storage building painted.
 - ❖
 - ❖
 - ❖
-

MONTHLY HIGHLIGHT REPORTS



DATE : June 2, 2014
TO : Committee of the Whole
FROM: Chief Financial Officer
HIGHLIGHTS : For the Month of May, 2014

- ❖ 2014 tax rates adopted and submitted to Province
 - ❖ Fees & Charges bylaw given three readings, will be adopted June 9th
 - ❖ Tax notices mailed out last week of May
 - ❖ LGDE (Local Government Data Entry) – yearly provincial reporting submitted
 - ❖ Working on SOFI (Statement of Financial Info) for approval by Council and submission to Province by end of June
 - ❖ Working on a presentation to Council for Permissive Tax Exemptions
 - ❖ May 8th – attended Gen Set ribbon cutting
 - ❖ Interviews for replenishing casual admin pool
 - ❖ Payable Clerk back to work part-time
 - ❖
 - ❖
-

MEMORANDUM



DATE : June 23, 2014

TO : Mayor and Council

FROM : Manager of Development and Engineering

SUBJECT : Medical Marihuana Operations

Background/History:

On December 16, 2012, Health Canada announced changes to Federal Legislation regarding the production and distribution of marihuana for medical purposes. In this regard, the *Marihuana for Medical Purposes Regulations* have been fully implemented as of April 1, 2014. The stated objective of the Regulations are to reduce the risks to public health, security and safety of Canadians, while improving the way in which individuals access marihuana for medical purposes. Some of the changes include:

- All personal and designated grow licenses expired on March 31, 2014.
- Production of medicinal marihuana is no longer permitted in private dwellings.
- Production, packaging, labeling and storage of medical marihuana must occur indoors and on the licensed producer's site.
- The licensed producer's site must be designed in a manner that prevents unauthorized access.
- The perimeter of the licensed producer's site must be secured with an intrusion detection system and a visual monitoring system to detect any attempted or actual unauthorized access.
- Areas within a site where cannabis is present must be equipped with a system that filters air to prevent the escape of odours and, if present, pollen.
- Medical marihuana will be shipped by producers to users through courier. No retailing will occur at the production site.
- License holders will need to provide the location of the production sites to the local police force, local fire authority and local government.
- Local Government Regulatory and Zoning bylaws will need to be respected.

Local governments have the authority to regulate this land use and to direct these uses into specific zones. Planning staff have interpreted the current zoning regulations as permitting medical marihuana operations within zones that allow agricultural, manufacturing and home occupation uses. This report has been prepared to determine

Council's appetite to specifically specify Medical Marihuana Operations in specific zones that would formally establish regulations related to medical marihuana grow operations to address potential community land use impacts.

Agricultural Land Commission:

Due to the number of inquiries from local governments and Medical Marihuana production proponents, the ALC has provided the following interpretation with regard to Medical Marihuana production in the ALR. Section 1 of the *Agricultural Land Commission Act* defines "farm use" as:

An occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

Based on the above definition, if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is permitted and would be interpreted by the Agricultural Land Commission as being consistent with the definition of "farm use" under the *ALC Act*.

Notwithstanding the farming of land for the production of medical marihuana, not all activities associated with its production would necessarily be given the same "farm use" consideration. A building such as a greenhouse building solely used to produce medical marihuana may be different than a building complete with business offices and research and development facilities, or other associated facilities. Although these uses may be considered accessory to a farm use, this determination is contingent on the uses being necessary and commensurate with the primary function of the property/building to produce an agricultural product.

The ALC would require information with respect to proposed building(s) before it could provide guidance on whether a particular proposal would be considered consistent with the definition of farm use in it's entirety. Proponents are therefore advised to communicate with the ALC in the early stages of developing a farm proposal and in advance of approaching a local government for building permits for a specific property that is within the ALR, to determine whether an application is required for permission under the *Agricultural Land Commission Act*.

News Release by UBCM:

“BC Assessment has confirmed that commercial marihuana operations established to produce medical marihuana might qualify to be assessed at farm rates. In addition, the ALC has noted that marihuana is classified as a plant and therefore may be grown on farmland in the ALR.

Both of these decisions could impact where a medical marihuana operation approved by the federal government might locate in a community and the ability of a local government to regulate and control this type of commercial operation.

The Assessment Authority notes that the property classification for farmland is based on the use of the property and those portions of the site used for medical marihuana production may qualify for farm class provided it meets all of the legislated requirements under the regulation. The buildings on the property used for medical marihuana will be classified as Class 1 – residential or Class 6 – Business & Other depending on their use. A building having more than one use may be split into more than one property class.

A local government will need to carefully consider the tax benefits it may obtain from a commercial marijuana operation before approving a site. In addition, it will need to consider where it may want to locate this type of business in the community.”

City of Grand Forks Zoning Bylaw No. 1606:

Staff has received a number of enquiries from licensed medical marihuana producers regarding establishing potential operations within the boundaries of the City of Grand Forks.

At present the City’s Zoning Bylaw is silent on medical marihuana operations specifically. But based on the interpretation of Zoning Bylaw No. 1606, 2001, marihuana production can be defined as a farm operation (crops and/or animals), which is a permitted use in R-4 and R4-A Zones. Based upon a thorough review of Zoning Bylaw No. 1606, we are of the opinion that licensed medical marijuana grow operations would currently be permitted under the following circumstances:

1. Where within the Agricultural Land Reserve (ALR) and crop production is limited to field crops, greenhouse or other buildings approved by the Agricultural Land Commission (ALC);
2. As a home occupation, as a permitted use in zones R-1, R-1A, R-2, R-3, R-3A, R-4, R-4A, R-5 and AUC, if the provisions of the Zoning Bylaw can be met.
3. As a manufacturing facility as a permitted use in zones I-1, I-2, I-3, I-4 and AP, if the provisions of the Zoning Bylaw can be met.

Local zoning bylaws may have an impact on the land classification; however, zoning does not supersede the *Classification of Land as a Farm Regulation*. If farm use is not consistent with permitted uses under the zoning, farm class may nonetheless be applied to land if it meets the legislated requirements under the *Classification of Land as a Farm Regulation*.

Considerations:

The following issues should be considered when developing land use regulations associated with the production of marijuana for medical purposes:

- Proximity and impact on adjacent land uses, especially residential or schools;
- The size and configuration of the host property, including access to the property;
- Proposed scale of the production facility and any accessory use (i.e. storage);
- Utility requirements (i.e. electrical power, water, sewer);
- Potential noise, odor, glare and vibration generation;
- Visual impact and landscaping screening;
- Traffic impacts/parking;
- Building ventilation and potential odors;
- Environmental impacts such as the storage and disposal of liquid and solid waste;
- Community benefits, and,
- Safety and security.

Summary:

The Federal Government has enacted the new *Marihuana for Medical Purposes Regulations* to replace the *Marihuana Medical Access Regulations* program. The new regulations no longer authorize individuals to grow medical marihuana within residential areas and will only authorize larger scale licensed producers located in zones where medical marihuana production is a permitted use. Stricter security, inspection and quality control measures will be required along with greater communication with local police, fire departments and local governments in addition to complying with Local Government Regulatory bylaws.

Since the Zoning Bylaw does not specifically speak to Medical Marihuana Operations, it is recommended that Council carefully consider if it is in favour of allowing medical marijuana operations and if it would like to clearly specify the zones that medical marijuana operations would be allowed in to be consistent with the direction provided by the ALC.

Such considerations would require an amendment to the Zoning Bylaw should Council choose to take that direction. Staff could prepare a report to Council with various options based on what other municipalities are undertaking for Council to consider. The District of Mission, Regional District of North Okanagan, Maple Ridge, Pitt meadows, Armstrong, Abbotsford and many other municipalities have amended their Zoning Bylaw and have adopted policies and procedures with which to control and regulate medical marihuana operations.

Respectfully Submitted,



Sasha J. Bird, ASCT
Manager of Development and Engineering

COMMUNITY SEWAGE SYSTEM means a system of sewage collection and disposal serving two or more parcels;

COMMUNITY USE SERVICES means the use of land, buildings_or facilities for the following purposes;

- (a) community sponsored and funded passive or active recreational activities;
- (b) community sponsored and funded educational activities;
- (c) health activities, which includes congregate care facilities, intermediate care facilities, personal care facilities and hospitals;
- (d) ***deleted by Bylaw 1679**
- (e) ***deleted by Bylaw 1679**
- (f) or any combination of the above.

COMMUNITY WATER SYSTEM means a system for the distribution of fresh potable water serving two or more parcels;

****CONGREGATE CARE FACILITY means housing in the form of one or more dwelling units for semi independent persons within which is provided living and sleeping facilities, meal preparation, laundry services and room cleaning. A congregate care facility may also include such associated uses and services as administrative offices for that particular facility, on-site residential accommodation for support staff, transportation for residents and counselling services. A congregate care facility provides only limited on-site health care services;***

Bylaw 1679

CONVENIENCE STORE means a commercial operation where merchandise and foodstuffs are offered for retail sale. This operation may contain a banking machine or a postal outlet;

COUNCIL means the City of Grand Forks Council;

DAY CARE CENTRE means a public or private facility providing educational enrichment and custodial care to young children and are licensed by the appropriate jurisdictions;

DERELICT VEHICLE means any vehicle which has not been licensed pursuant to the Motor Vehicle Act for a period of more than 12 months and which is not housed in a garage or carport;

DWELLING UNIT or DWELLING UNITS means a building or a part of a building in which a person or persons live. This means one or more rooms are to be used as or designed as a residence, which contains sleeping, cooking and sanitary facilities and has an independent entrance, either directly from outside a building or from a common hallway inside a building. Without restricting the generality of the above, this includes but is not limited to the following classifications:

SECTION 3 **DEFINITIONS** (cont'd)

- (a) Single-family detached dwelling, generally designed for and occupied by one family;
- (b) Two-family dwellings commonly referred to as a Duplex dwelling, or a Semi-detached dwelling;

Bylaw 1751

- (bi) ***Three family dwellings meaning any physical arrangement of three attached dwelling units with separate exterior access to grade;***

- (c) Multi-family dwellings, commonly referred to as either row or townhouses;
- (d) Apartments, for rent to the public or for private uses. The private use of apartments may also be used as on site security or watchman's quarters for industrial uses;

Bylaw 1679

- (e) ****Mobile home, a transportable factory built single family dwelling designed to provide year round living accommodation for one family and able to be connected to utility services, manufactured after June 1, 1989, in conformity with the CAN/CSA-Z240 MH Series and a minimum of 4.3 metres (14 ft) in width***

- (f) ****deleted by Bylaw 1679***

ECOLOGICAL RESERVE means land used or intended to be used for the preservation of the environment or for scientific research and education pertaining to studies in the inter-relationships between species and the behaviour of unique flora and fauna;

***EMERGENCY RESPONSE AND MUNICIPAL SERVICES** means a use providing the public with fire, police and/or ambulance services;

Bylaw 1679

EQUESTRIAN CENTRE means the use of lands, buildings, or structures for the boarding of horses, the training of horses and riders, and the staging of equestrian events, but does not include the commercial racing of horses;

EXTERIOR SIDE PARCEL LINE means a side parcel line that abuts a highway. Please see the Parcel Definition Diagram No. 1 on Page 9 and the Setback/Height Definition Diagram No. 2 on page 10;

FARM OPERATION (Animal) means the growing, rearing, producing of poultry, fowl, livestock or game farm animals for commercial purposes;

FARM OPERATION (Crop) means the growing, rearing, producing or harvesting of agricultural or speciality crops, for commercial purposes;

SECTION 3 **DEFINITIONS** (cont'd)

FLOOR AREA means the aggregate of the area of all floors in a building, measured between the inside surface of the exterior walls of the building, excluding any area used for parking vehicles;

FRONT PARCEL LINE means a front parcel boundary that abuts a highway, and in respect of a corner parcel is the shortest parcel boundary abutting a highway. Please see the Parcel Definition Diagram No. 1 on Page 9 and the Setback/Height Definition Diagram No. 2 on Page 10;

HEIGHT means the average vertical dimension of a building or structure calculated by averaging the vertical dimensions of the building or structure at each building elevation by dividing the area of all building surfaces shown on a drawing of the building elevations as being above finished grade, by the greatest horizontal dimension of that elevation of the building. Please see Setback/Height Definition Diagram No. 2 on Page 10;

HIGHWAY includes a street, road, lane, bridge, viaduct, government road allowances and any other way open to the use of the public, but does not include a private right-of-way on private property;

HOME INDUSTRY means an occupation or profession that may include outdoor storage and accessory retail sales, carried out in a dwelling or accessory building, by the residents of the dwelling, where such occupation or profession is incidental or secondary to the residential use of the subject property;

HOME OCCUPATION means an occupation or profession that may include accessory retail sales, carried out in a dwelling, by the residents of the dwelling, where such occupation or profession is incidental or secondary to the residential use of the subject property;

HOTEL means a building wherein accommodation is provided primarily for the travelling members of the public on a daily rental basis. Access to the accommodation is through the main lobby of the business operation. The accommodation may or may not include an on-site kitchenette. The building may or may not contain any of the following services:

- (a) one or more restaurants;
- (b) one or more liquor licensed rooms;
- (c) one or more banquet rooms;
- (d) one or more meeting rooms; and
- (e) recreational facilities.

INTERIOR SIDE PARCEL LINE means a side parcel line that is not common to a highway other than a lane or walkway. Please see the Parcel Definition Diagram No. 1 on Page 9 and the Setback/Height Definition Diagram No. 2 on Page 10;

SECTION 3

DEFINITIONS (cont'd)

KENNEL means a commercial establishment for the keeping, breeding, or training of domestic pets;

LANE means a highway, generally 10 metres in width or less, providing secondary access to a parcel of land;

LIQUOR LICENSED PREMISES means any building, structure or premises licensed to sell alcohol or spirits, under the Liquor Control and Licensing Act and it may or may not include the selling of food or the providing of entertainment;

LOT AREA means the total area of a parcel of land taken in a horizontal plane;

Bylaw
1679

***LOT AREA COVERAGE** means the area of the lot covered by buildings or structures, located on the lot, expressed as a percentage of the gross lot area;

MANUFACTURING FACILITIES means a building, structure or a parcel of land used for the making of articles or products by either physical labour or with machinery or a combination of both methods. This excludes the following activities –

- asphalt plants
- pulp and /or paper manufacturing facility

***MANUFACTURED HOME PARK** deleted by Bylaw 1679.

MOBILE HOME PARK means 3 or more mobile homes on a parcel of land, but does not include the storage of unoccupied mobile homes on the parcel;

MOTEL means a building wherein accommodation is provided primarily for the travelling members of the public on a daily rental basis. Access to the accommodation is directly from the operation's off street parking lot. The accommodation may or may not include an on-site kitchenette. The building may or may not contain any of the following services:

- (a) one or more restaurants;
- (b) one or more liquor licensed rooms;
- (c) one or more banquet rooms;
- (d) one or more meeting rooms; and
- (e) recreational facilities.

***MUNICIPAL SERVICES** means a system, work or resource, including but not limited to natural gas distribution, electricity, sewerage, community waterworks, and telephone services;

Bylaw 1679

***OPEN FENCING** means fencing, which is constructed of wire, chain linking or other transparent material;

Bylaw 1679

REQUEST FOR DECISION

— COMMITTEE OF THE WHOLE —



To: Committee of the Whole
From: Sasha Bird, Manager of Development & Engineering Services
Date: June 23, 2014
Subject: Request for Site Specific Setback Exemption
Recommendation: **RESOLVED THAT** the Committee of the Whole recommends to Council that they approve the application for a Site Specific Exemption for property owned by Judy Helbig located at #19; 7151 Highway 3 to reduce the 100 foot setback from the Kettle River to 0 setback in order to renovate the back entrance/exit and construct an open deck located from the trailer to the rear property line at the June 23, 2014 Regular meeting of Council.

BACKGROUND: Staff have received an application from the owner of trailer #19 located in the Rivershore Mobile Home Park to renovate the back exit to accommodate wheelchair access and to construct an open deck from the rear of the trailer to the property line fence which abuts on the Kettle River. The property is zoned R-5 (Mobile Home Park) and is located in the floodplain. However, as the proposed deck is not considered a habitable area and is a floating deck, the construction is exempt from the floodplain elevation requirements.

The applicant's partner, who lives there, is a paraplegic and cannot maneuver easily to get out of the trailer. This addition would allow him to exit the trailer on his own and sit outside and enjoy the weather and the river.

The property is located in the General Commercial Development area, however, because this application is for the replacement of the existing entrance/exit and is not an addition to an inhabitable area (part of the trailer), a development permit is not required.

Section 910 of the Local Government Act was amended giving the City of Grand Forks the authority to approve site-specific exemptions to floodplain and setback bylaws. The Ministry of Environment was contacted for their comments or concerns and they had no problem with the proposal and cited Section 910 of the Local Government Act with regard to governance.

Enclosed are pictures of the trailer showing the Kettle River behind the trailer and photos of the actual area where the applicant proposes to build the handicapped friendly deck.

In 2012, Council approved a site specific exemption for Unit #1 at Johnny's Motel property adjacent to the Rivershore Mobile Home Park, to re-reconstruct the foundation in its current location.

REQUEST FOR DECISION

— COMMITTEE OF THE WHOLE —



Benefits or Impacts of the Recommendation:

- General:** The option of approving the site specific setback requirement would benefit the applicant with easy wheelchair access to the back yard and entry back into the trailer and the construction of the deck would be approved by way of a valid building permit application.
- Strategic Impact:** N/A
- Financial:** The construction of the handicapped deck/entrance would increase the assessed value of the property and thus generate more taxes for the City.
- Policy/Legislation:** The Local Government Act governs this legislation.
- Attachments:**
- Site Specific Application form and letter of introduction;
 - photos showing the trailer and proposed location of the deck;
 - Copy of the property showing the Rivershore Mobile Home Park.
 - Aerial map showing the Rivershore Mobile Home Park.

Recommendation: **RESOLVED THAT** the Committee of the Whole recommends to Council that they approve the application for a Site Specific Exemption for property owned by Judy Helbig located at #19; 7151 Highway 3 to reduce the 100 foot setback from the Kettle River to 0 setback in order to renovate the back entrance/exit and construct an open deck located from the trailer to the rear property line at the June 23, 2014 Regular meeting of Council.

- OPTIONS:**
1. COTW COULD CHOOSE TO SUPPORT THE RECOMMENDATION.
 2. COTW COULD CHOOSE TO NOT SUPPORT THE RECOMMENDATION.
 3. COTW COULD CHOOSE TO REFER THE REPORT BACK TO STAFF FOR MORE INFORMATION.
-

THE CORPORATION OF THE CITY OF GRAND FORKS

7217-4th STREET, BOX 220, GRAND FORKS, B.C. V0H 1H0 TELEPHONE: 250-442-8266 FAX: 250-442-8000



SCHEDULE "B"
BYLAW NO. 1402

REQUEST FOR SITE-SPECIFIC AND/OR SITE-SETBACK EXEMPTION

Floodplain Management Provisions

This form is to be fully completed and submitted by the property owner to the City of Grand Forks as a request to exempt a development from the requirements of Section 910 of the Local Government Act, in respect to the provisions in the City of Grand Forks Floodplain Management Bylaw.

Applicant's Name, Address and Telephone Number

JUDY HELBIG #19-7151 HW3 705-347-2407

(Lot, Block, Legal Subdivision, Section, Plan, Township, Range, Land District)

Exemption of the following development from the requirements of Section 910 of the Local Government Act and Section 5 of the City of Grand Forks Floodplain Management Bylaw No. 1402 is requested:

PROPOSED DEVELOPMENT:

BACK DOOR OPEN DECK

NAME OF ADJACENT WATERCOURSE OR BODY OF WATER:

KETTLE RIVER

FLOOD CONSTRUCTION LEVEL IN BYLAW NO. 1402

FLOODPLAIN SETBACK REQUESTED: 30 meters from the natural boundary of the Kettle or Granby Rivers and 7.5 meters from the land side toe of any standard dyke.

FLOODPLAIN SETBACK REQUESTED:

0 (contained within the lot)
fenced area.

7217-4th STREET, BOX 220, GRAND FORKS, B.C. V0H 1H0 TELEPHONE: 250-442-8266 FAX: 250-442-8000



ENCLOSED ARE THE FOLLOWING:

(check where provided; provision of all of this information will facilitate processing of application)

- ☐ legal map of property
- ☐ map indicating property location and relationship of proposed building to adjacent watercourse
- ☒ photos of property (proposed building location, adjacent existing development, riverbank areas etc.) *EMAIL TO KATHY*
- ☐ other information pertinent to this application
- ☐ Structural Engineered plans for foundation
- ☐ Geotechnical review of bearing capacity of soil

REASONS FOR APPLICATION:

attached

DATE OF APPLICATION:

SIGNATURE OF APPLICANT:

ACKNOWLEDGEMENT OF BUILDING INSPECTOR:

APPLICATION FEE: \$200.00

Receipt No.

New Reply Delete Archive Move to Categories

Search Sent

Folders

Inbox 2

Junk

Drafts 2

Sent

Deleted

New folder

more info as to request of permit by helbig authorization



Judy Helbig 23/05/2014
To: Kathy Labossiere



Bonnie Lee 05/05/2014
To: bonnie.lee@gov.bc.ca

Already on Facebook?

Already on Twitter?

I have just sent you the covenant on title for this trailer park. I have requested a building permit for open deck to be built off my secondary back door entry/exit point. Currently there is a small landing area with steps. I bought the home 1 year ago to find these steps in a deteriorated manner and very unsafe and need to be removed.

Along with myself, the other person who lives here is a parapalegic confined to a wheelchair. The only person in this state in all of the 20 unit park.

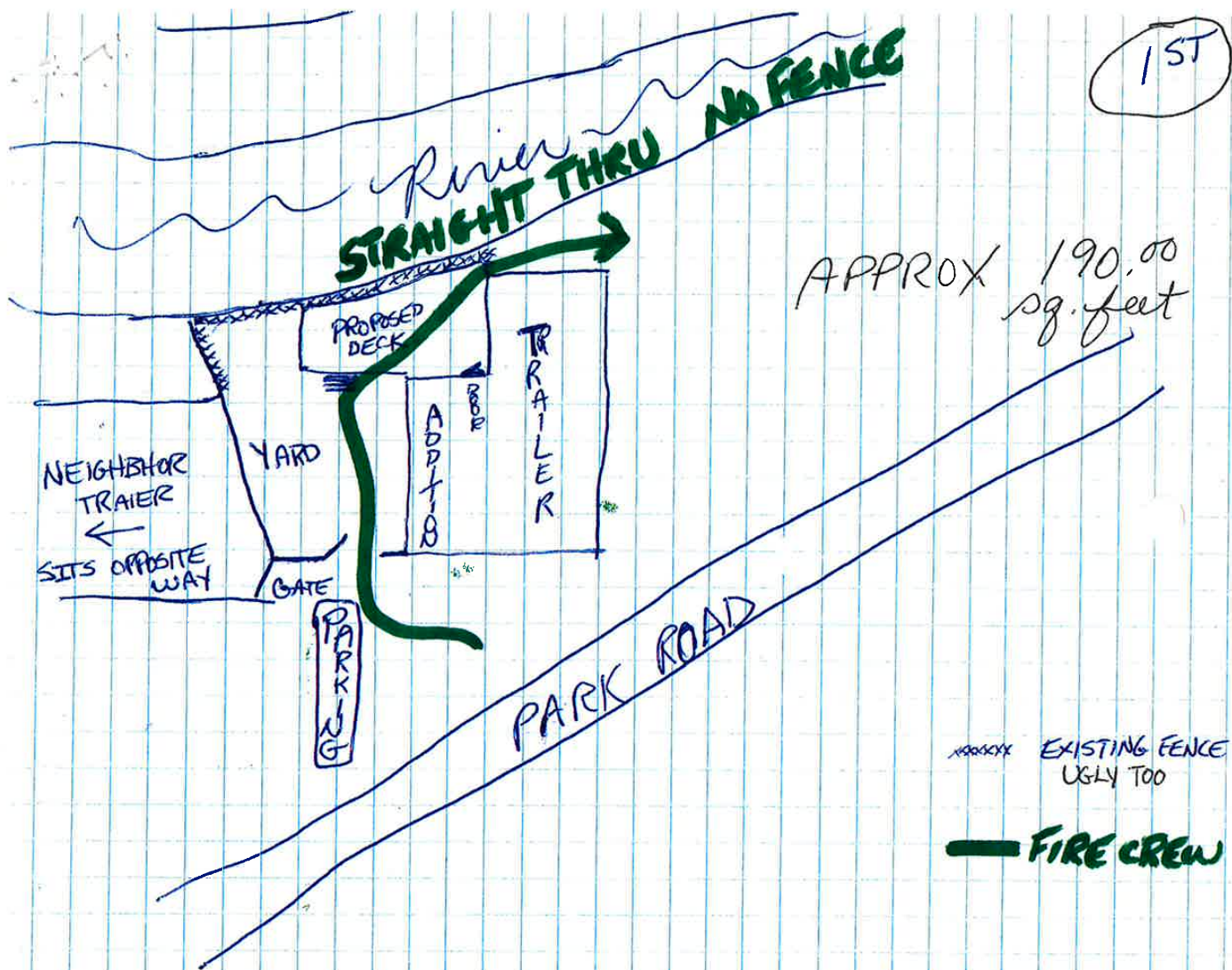
His inability to the use of a secondary exit point is a concern for us both, as his bedroom is located the furthest distance possible away from front entrance. As well as the safety aspect, I know that an easily accessible (even by himself) decked area would greatly increase his time outdoors, as well as socializing with others. The deck would stay within the confines of current yard. I look forward to your reply, and or questions. I will ask that your reply is as soon as possible.

Regards, Judy Helbig

jood28@live.com 705-347-2407

Content from

1ST



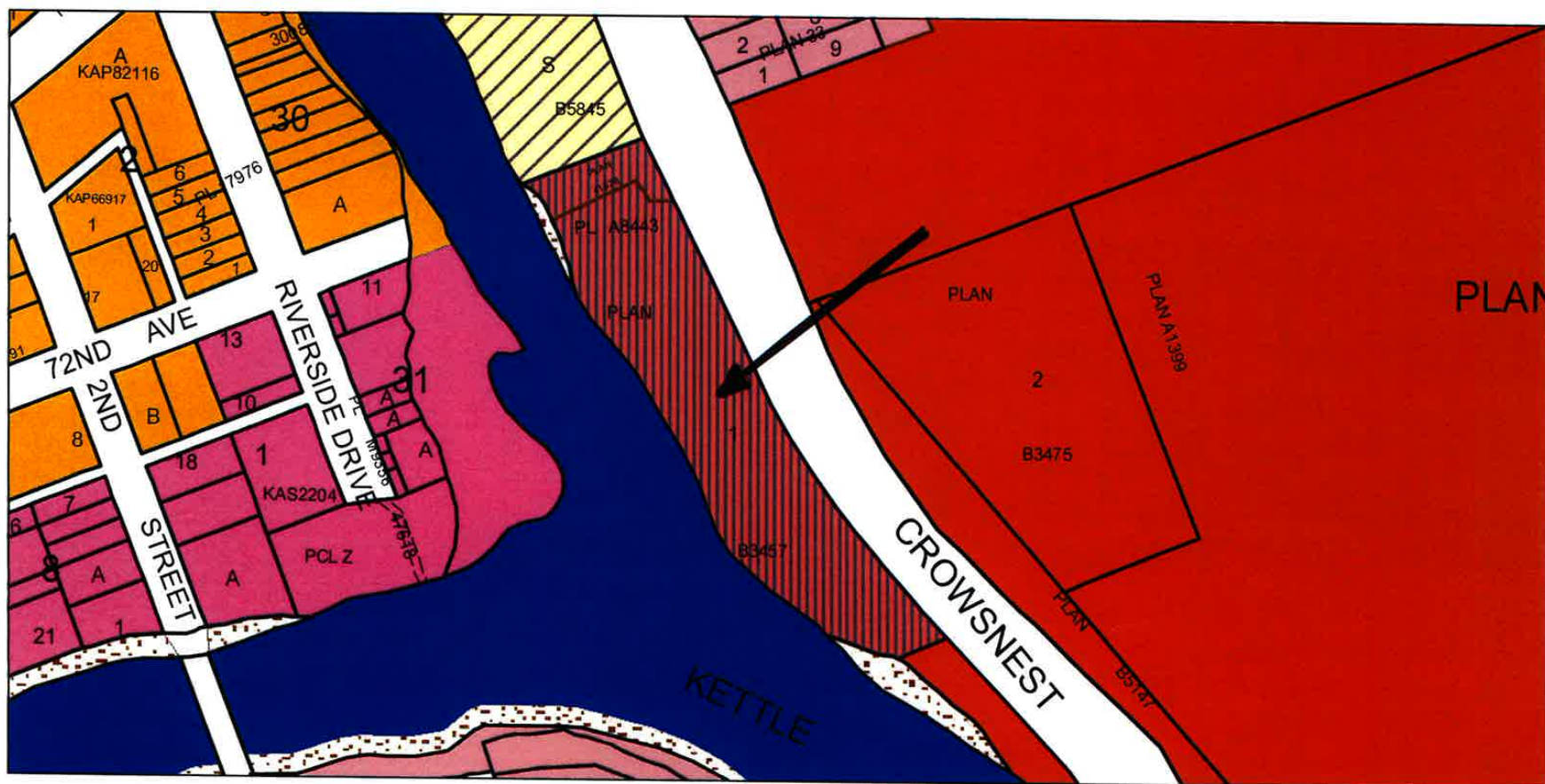
DECK SITTING IN SUNNY AREA



front of trailer looking west



← Stairs





REQUEST FOR DECISION

— COMMITTEE OF THE WHOLE —



To: Committee of the Whole
From: Sasha Bird, Manager of Development & Engineering Services
Date: June 23, 2014
Subject: Municipal Ticket Information Bylaw No. 1957, 2013
Recommendation: **RESOLVED THAT** the Committee of the Whole recommends to Council to receive Bylaw No. 1957-A2 as an amendment to Municipal Ticket Information Bylaw No. 1957, 2013 and refer the amendment bylaw to the Regular Meeting of Council scheduled for July 21, 2014, for first, second and third readings.

BACKGROUND: The City of Grand Forks Municipal Ticket Information Bylaw No. 1957, 2013 requires an updated schedule for a newly-instated fee for unrecorded usage of water from the Waterworks System.

Benefits or Impacts of the Recommendation:

General: The objective is to amend the bylaw with an added schedule to reflect current rates/charges.
Strategic Impact: N/A
Financial: The City will have the ability to recover costs resulting from abuse of the supply and distribution of the Waterworks System.
Policy/Legislation: Council's authority to amend or repeal bylaws comes from the Community Charter.
Attachments: 1) Draft – Municipal Ticket Information Amendment Bylaw No. 1957-A2, 2014

Recommendation: **RESOLVED THAT** the Committee of the Whole recommends to Council to receive Bylaw No. 1957-A2 as an amendment to Municipal Ticket Information Bylaw No. 1957, 2013 and refer the amendment bylaw to the Regular Meeting of Council scheduled for July 21, 2014, for first, second and third readings.

REQUEST FOR DECISION

— COMMITTEE OF THE WHOLE —



- OPTIONS:**
- 1. COTW COULD CHOOSE TO SUPPORT THE RECOMMENDATION.**
 - 2. COTW COULD CHOOSE TO NOT SUPPORT THE RECOMMENDATION.**
 - 3. COTW COULD CHOOSE TO REFER THE REPORT BACK TO STAFF FOR MORE INFORMATION.**
-

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1957-A2

**A Bylaw to Amend the City of Grand Forks
Municipal Ticket Information Bylaw No. 1957, 2013**

=====

WHEREAS Council may, by bylaw, amend the provisions of the Municipal Ticket Information Bylaw No. 1957, pursuant to the Local Government Act;

AND WHEREAS Council desires to amend the Municipal Ticket Information Bylaw No. 1957, 2013 by adding a Schedule 11, as described below;

NOW THEREFORE Council for the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS**, as follows:

1. That the Municipal Ticketing Information Bylaw No. 1957, 2013 be amended by adding Schedule 11, as follows:

SCHEDULE 11

Bylaw No. 1973 "Water Regulations Bylaw"

COLUMN 1	COLUMN 2	COLUMN 3
Offence	Section	Fine
Unrecorded usage of water from the Waterworks System	12.9	\$750.00

2. That this bylaw may be cited as the "**City of Grand Forks Municipal Ticket Information Amendment Bylaw No. 1957-A2, 2014**".

READ A FIRST TIME this ____ day of _____, 2014.

READ A SECOND TIME this ____ day of _____, 2014.

READ A THIRD TIME this ____ day of _____, 2014.

FINALLY ADOPTED this ____ day of _____, 2014.

Brian Taylor, Mayor

Diane Heinrich – Corporate Officer

CERTIFICATE

I hereby certify the foregoing to be a true copy of Bylaw No. 1957-A2 as passed
by the Municipal Council of the City of Grand Forks on the
____ day of _____, 2014.

Corporate Officer for the
Municipal Council of the City of Grand Forks

Date

REQUEST FOR DECISION

— COMMITTEE OF THE WHOLE —



To: Committee of the Whole
From: Sasha Bird, Manager of Development & Engineering Services
Date: June 23, 2014
Subject: Water Regulations and Rates Repeal Bylaw No. 1501-R, 2014
Recommendation: **RESOLVED THAT** the Committee of the Whole recommends to Council to receive Water Regulations and Rates Repeal Bylaw No. 1501-R, 2014 and refer the bylaw to the Regular Meeting of Council scheduled for July 21, 2014, for first, second and third readings.

BACKGROUND: The City of Grand Forks Water Regulations and Rates Bylaw No. 1501 was adopted in 1997 and requires updating to meet the current requirements for management and maintenance of the waterworks system of Grand Forks. The proposal is to have City Council repeal the existing bylaw and adopt a new bylaw which is similar to bylaws currently in use by other municipalities and cities in the Province.

Benefits or Impacts of the Recommendation:

General: The objective is to rescind Water Regulations & Rates Bylaw 1501, 1997.

Strategic Impact: To allow for adoption of an updated bylaw that reflects current requirements and allows for better management of City infrastructure.

Financial: The City will have the ability to better manage the supply and distribution of water within the City and forecast financial requirements more accurately.

Policy/Legislation: Council's authority to amend or repeal bylaws comes from the Community Charter.

Attachments: 1) Draft – Water Regulations and Rates Repeal Bylaw No. 1501-R, 2014

Recommendation: **RESOLVED THAT** the Committee of the Whole recommends to Council to receive Water Regulations and Rates Repeal Bylaw No. 1501-R, 2014 and refer the bylaw to the Regular Meeting of Council scheduled for July 21, 2014, for first, second and third readings.

REQUEST FOR DECISION

— COMMITTEE OF THE WHOLE —



- OPTIONS:**
- 1. COTW COULD CHOOSE TO SUPPORT THE RECOMMENDATION.**
 - 2. COTW COULD CHOOSE TO NOT SUPPORT THE RECOMMENDATION.**
 - 3. COTW COULD CHOOSE TO REFER THE REPORT BACK TO STAFF FOR MORE INFORMATION.**
-

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1501-R

**A BYLAW TO REPEAL THE WATERWORKS REGULATIONS AND RATES
BYLAW NO. 1501, 1997**

=====

WHEREAS it is deemed necessary and expedient to repeal Bylaw No. 1501 in its entirety;

NOW THEREFORE, the Council of the Corporation of the City of Grand Forks in open meeting assembled, **ENACTS** as follows:

1. That Bylaw No. 1501, cited for all purposes as the "City of Grand Forks Water Regulations and Rates Bylaw No. 1501, 1997" and all amendments thereto, be hereby repealed.
2. This bylaw may be cited as "**The City of Grand Forks Water Regulations and Rates Repeal Bylaw No. 1501-R, 2014**".

Read a **FIRST** time this ____ day of _____, 2014.

Read a **SECOND** time this ____ day of _____, 2014.

Read a **THIRD** time this ____ day of _____, 2014.

FINALLY ADOPTED this ____ day of _____, 2014.

Mayor Brian Taylor

Diane Heinrich – Corporate Officer

City of Grand Forks Water Regulations and Rates Repeal Bylaw No. 1501-R

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of Bylaw No. 1501-R as adopted by the Municipal Council of the City of Grand Forks on the _____ day of _____, 2014.

Corporate Officer of the Municipal Council of the
Corporation of the City of Grand Forks

REQUEST FOR DECISION

— COMMITTEE OF THE WHOLE —



To: Committee of the Whole
From: Sasha Bird, Manager of Development & Engineering Services
Roger Huston, Manager of Operations
Date: June 23, 2014
Subject: Water Regulations Bylaw No. 1973, 2014
Recommendation: **RESOLVED THAT** the Committee of the Whole recommends to Council that they receive the introduction of the new Water Regulations Bylaw No. 1973, 2014 and refer the Bylaw to the Regular Meeting of Council scheduled for July 21, 2014, for first, second and third readings.

BACKGROUND: The City of Grand Forks Water Regulations & Rates Bylaw No. 1501 was adopted in 1997 and requires updating to meet the current requirements for management and maintenance of the waterworks system of Grand Forks. The proposal is to have City Council adopt a new Water Regulations Bylaw which is similar to bylaws currently in use by other municipalities and cities in the Province, but structured to meet our community's needs. Attached are some samples of bylaws from other communities for reference.

Benefits or Impacts of the Recommendation:

General: The objective is to rescind Water Regulations & Rates Bylaw 1501, 1997 and all amendments thereto and to adopt an updated, legislated bylaw that is workable and enforceable by City staff.

Strategic Impact: To update the Bylaw to reflect current requirements and allow for better management of City infrastructure.

Financial: The City will have the ability to better manage the supply and distribution of water within the City and forecast financial requirements more accurately.

Policy/Legislation: Council's authority to regulate water supply and usage comes from the Community Charter.

Attachments:

- 1) Draft - Water Regulations Bylaw No. 1973, 2014
- 2) New forms for above – removed from bylaw
- 3) Current – Consolidated Water Regulations Bylaw No. 1501, 1997
- 4) Four (4) example bylaws from other communities used for reference in developing of Water Regulations Bylaw No. 1973, 2014.

REQUEST FOR DECISION

— COMMITTEE OF THE WHOLE —



Recommendation: **RESOLVED THAT** the Committee of the Whole recommends to Council that they receive the introduction of the new Water Regulations Bylaw No. 1973, 2014 and refer the Bylaw to the Regular Meeting of Council scheduled for July 21, 2014, for first, second and third readings.

OPTIONS:

1. COTW COULD CHOOSE TO SUPPORT THE RECOMMENDATION.
2. COTW COULD CHOOSE TO NOT SUPPORT THE RECOMMENDATION.
3. COTW COULD CHOOSE TO REFER THE REPORT BACK TO STAFF FOR MORE INFORMATION.

THE CORPORATION OF THE CITY OF GRAND FORKS

WATER REGULATIONS BYLAW NO. 1973

A bylaw to provide for the regulation and use of the water system of the City of Grand Forks

WHEREAS the City of Grand Forks has established and operates a water system pursuant to its powers under the Community Charter, for the purpose of providing water to the residents, institutions, commercial and industrial users, and all other consumers in the City;

AND WHEREAS the City Council of the City of Grand Forks deems it necessary to set the rates, fees, charges and terms and conditions under which water may be supplied, protected and used;

NOW THEREFORE, the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. TITLE

- 1.1 This bylaw may be cited for all purposes as the **“Water Regulations Bylaw No. 1973, 2014”**.

2. DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:

“Agricultural User” means any Owner of land in the Agricultural Land Reserve or bona fide agricultural land that is connected to the Waterworks System;

“Applicant” means any Owner or duly authorized agent making an application for Service, Water Connection/Disconnection, or the Turn-on or Turn-off of water;

“Backflow Preventer” means a mechanical apparatus installed in a water system that prevents the backflow of contaminants into the potable Waterworks System;

“Bi-monthly” means every two-month period;

“Bone Fide Agricultural Land” means land used for agricultural purposes, as defined by the BC Assessment Authority;

"Bylaw Enforcement Officer" means a person in a class prescribed under section 273 (c) of the *Community Charter* who is designated by a local government as a bylaw enforcement officer, and every Peace Officer;

"City" means the Corporation of the City of Grand Forks;

"City specifications" means the specifications, drawings and other standards for works and services established under the **Subdivision, Development and Servicing Bylaw No. 1424, 1994.**

"Collector" means the Person appointed from time to time by Council as the Collector;

"Collector's Roll" means a list of each property served by the Waterworks System that is liable to water charge, and which designates the Owner as a Domestic User, a Non-Domestic User, an Agricultural User or a combination thereof;

"Commercial" means all industrial, utility and business properties as defined as Class 2,4,5 and 6 under the *B.C. Assessment Act* and any institutional and apartment buildings with three or more units and any residential with two or more units within the same assessment folio, upon written application by the Owner;

"Council" means the Municipal Council of the Corporation of City of Grand Forks;

"Curb Stop" means the valve on a Service pipe located on the street or lane at or near an Owner's Parcel Boundary;

"Customer" means any person, company, or corporation who has opened a service account with the City for the purpose of being supplied water from the City Waterworks System;

"Domestic User" means any Owner of land connected to the Waterworks System using water for residential household requirements, sanitation, fire prevention, or lawn and garden irrigation purposes;

"Dwelling Unit" means a building or a part of a building in which a person or persons live. This means one or more rooms are to be used as or designed as a residence, which contains sleeping, cooking and sanitary facilities and has an independent entrance, either directly from outside a building or from a common hallway inside a building.

"Manager of Operations" means the individual appointed by Council to manage and oversee the day-to-day operation of the Waterworks System or his/her designate and, along with other City staff, to administer this bylaw;

“Meter Pit” means a chamber installed below or above the ground over a residential or irrigation water Service for the purpose of installing a Water Meter;

“Non-Domestic User” means any Owner of land connected to the Waterworks System that is not using water as a Domestic User or Agricultural User;

“Occupier” has the same meaning as in the Community Charter, as amended from time to time;

“Owner” has the same meaning as in the Community Charter, as amended from time to time;

“Parcel Boundary” means the line that defines the perimeter of a parcel of land;

“Person” includes a corporation, partnership or party, and the Personal or legal representatives of a Person to whom the context can apply, according to law;

“Service” means and includes the supply of water to any Owner or any lot, and all the pipes, valves, fittings, meters, connections and other things necessary for the purpose of such supply;

“Service Connection” means the connecting line from the Waterworks System to the Parcel Boundary, and includes all related pipes, shut off valves and other appurtenances;

“Single-family Detached Dwelling” means a Dwelling Unit generally designed for and occupied by one family;

“Sprinkling” means to allow water from the City’s water supply to enter onto lawns, gardens and other outdoor areas;

“Turn-off” means to discontinue the Service to any Owner or any lot by closing a Curb Stop or by such other means as the City finds appropriate;

“Turn-on” means to commence the Service to any Owner or any lot by opening a Curb Stop or by such other means as the City finds appropriate;

“Water Connection” means the pipes and appurtenances on private property used or intended to be used to conduct water from the Curb Stop to the private property;

“Water Meter” means an apparatus or device used for measuring the volume of water passing through it, and includes any accessories such as a remote reader device and the connecting cable;

“Water User” means any Person who is the Owner or agent for the Owner of any premises to which the Service is provided, and also any Person who is the Occupier of any such premises, and also any Person who is actually a user of water supplied to any premises;

“Waterworks System” means the entire water system of the City, including, without limitation, the distribution system and the intake, reservoirs, and any water treatment facilities.

3. GENERAL PROVISIONS

- 3.1 To the extent that the City has not already established the Service of water supply, the City hereby establishes the Service of supplying water to the City through the Waterworks System and operating, constructing, maintaining and regulating the Waterworks System.
- 3.2 The City does not guarantee water pressure, continuous supply or direction of water flow. The City reserves the right at any time, without notice, to change the operating pressure, to shut off water or to change the direction of flow. The City, its officers, employees, nor agents shall be liable for any damage or other loss caused by changes in water pressure, shutting off water or change in direction of flow or by reason of the water containing sediments, deposits, or other foreign matter.
- 3.3 Nothing contained in this bylaw shall be construed to impose any liability on the City to provide water to any Person or property or to provide a continuous supply of water or water of any particular quantity or quality.
- 3.4 Any supply of water by the City is subject to the following conditions, in addition to the other conditions set out in this Bylaw:
- (a) the City is not responsible for the failure of the water supply as a result of any accident or damage to the Waterworks System;
 - (b) the City is not responsible for any excessive water pressure or lack of water pressure;
 - (c) the City is not responsible for any temporary stoppage of water supply on account of alterations or repairs to the Waterworks System,

whether such arises from the negligence of any Person in the employ of the City or another Person, or through natural deterioration or obsolescence of the Waterworks System or otherwise.

4. APPLICATIONS FOR SERVICE CONNECTION AND WATER CONNECTION

- 4.1 An Owner or an Owner's duly authorized agent must make an application to the City to install a Service Connection from the Waterworks System to the Owner's Parcel Boundary, and a Water Connection from the Curb Stop to his or her private property, and shall submit the application on the required form(s), as provided by the City and amended from time to time. Such Applicant shall, on making the application, pay to the City the applicable fee(s) as set out in **Schedule A**.

5. CONSTRUCTION OF THE SERVICE CONNECTION

- 5.1 Upon a completed application being received for the installation of a Service Connection, and payment of applicable fee(s) in full, a contractor pre-approved by the City may install a Service Connection from the Waterworks System to the Parcel Boundary and a Curb Stop at the Parcel Boundary.
- 5.2 An Owner is responsible for the installation of a Service Connection and a Curb Stop at the Parcel Boundary, at his or her sole cost.
- 5.3 Each property shall have only one Service Connection except where a separate connection is required by the Manager of Operations.
- 5.4 The size of the pipe to be used in providing a Service Connection to any premises and also the position in the street in which the Service Connection is to be laid shall be determined by the Manager of Operations.
- 5.5 No work of any kind in relation to a Service Connection, either for the laying of a new Service Connection or repair of an existing Service Connection, shall be done by any Person other than a contractor approved by the Manager of Operations.

6. CONSTRUCTION OF THE WATER CONNECTION

- 6.1 Upon a completed application being received for the installation of a Water Connection, and payment of the applicable fee(s) in full, the Owner may install a Water Connection from the Curb Stop to the Owner's private property, and the Manager of Operations shall classify the Owner as either a Domestic User, a Non-domestic User, an Agricultural User, or any combination thereof.
- 6.2 An Owner is responsible for the installation of a Water Connection, at his or her sole cost.
- 6.3 Installation of a Water Connection must comply with the following requirements:

- (a) the type and size of pipe used for the Water Connection must meet the standards for piping as determined by the Manager of Operations or his/her designate;
 - (b) all Water Connection lines shall be installed to provide a minimum depth of 1.5 metres cover;
 - (c) where required by the Manager of Operations, a Backflow Preventer must be installed at the building as close as possible to the entrance point of the Water Connection into the building; and
 - (d) after the Water Connection lines have been installed, the Owner must not backfill the excavation until the installation of the Water Connection has been inspected and approved by the City.
- 6.4 No work of any kind in relation to a Water Connection, either for the laying of a new Water Connection or repair of an existing Water Connection, shall be done by any Person other than a contractor approved by the Manager of Operations.
- 6.5 The Owner is solely responsible for supplying, installing and maintaining the Curb Stop and the connection or joint at the property line between the Service Connection and the Water Connection.
- 6.6 The Owner is responsible for any damage caused by the Owner to the Curb Stop and must immediately notify the Manager of Operations of any such damage.
- 6.7 Where required by the Manager of Operations, an Owner shall install a pressure-reducing device on his or her property, to the satisfaction of the Manager of Operations.
- 6.8 An Owner is responsible for maintaining the Water Connection and Backflow Preventer in good repair and in a clean and sanitary condition at all times, and must remedy any defect in the Water Connection as soon as the Owner becomes or is made aware of the defect. The Owner must immediately advise the Manager of Operations of any defect in the Water Connection.
- 7. WATER TURN-OFF / TURN-ON**
- 7.1 All applications for the Turn-off or Turn-on of the water Service must be made in writing to the Manager of Operations not less than forty-eight (48) hours before the Turn-off or Turn-on is required.
- 7.2 On application by a property Owner or duly authorized agent, on the required form(s) as provided by the City and amended from time to time, the applicant shall pay the applicable fee as set out in **Schedule A**.

- 7.3 Any Person who applies to the City for the Turn-on of the Service shall provide to the Manager of Operations confirmation that the Water Connection was satisfactorily tested, inspected and approved by the City.
- 7.4 No Person shall make an application for the Turn-off of the Service from any premises in use, or occupied by any other Person, until such use or occupation has ceased, the premises have been vacated, or the occupying Person consents.
- 7.5 Any unauthorized Person found to have turned the water on or off is guilty of an offence under this bylaw and will be subject to a penalty in accordance with Section 12.11.

8. WATER DISCONNECTION/RECONNECTION

- 8.1 When any building within the City is removed, demolished or abandoned, application for disconnection of a water Service shall be made in writing, by the property Owner, on the required form(s) as provided by the City and amended from time to time and delivered to the City Office. Until such application has been submitted, water rates may be charged as prescribed in **Schedule A** to the property Owner.
- 8.2 All applications for the disconnection or reconnection of the water Service must be made in writing to the Manager of Operations not less than one (1) week before the disconnection/reconnection is required.
- 8.3 On application by a property Owner or duly authorized agent, on the required form(s) as provided by the City and amended from time to time, the applicant shall pay the applicable fee as set out in **Schedule A**.
- 8.4 Any Person who applies to the City for reconnection of the Service shall provide to the Manager of Operations confirmation that the Water Connection was satisfactorily tested, inspected and approved by the City.
- 8.5 Any unauthorized Person found to have disconnected from or reconnected to the water Service is guilty of an offence under this bylaw and will be subject to a penalty in accordance with Section 12.11.

9. RESTRICTIONS ON USE OF WATER

- 9.1 Council may at such times and for such length of time as is considered necessary or advisable by Council, restrict or prohibit irrigation, yard and garden Sprinkling, car washing and private pool filling to reduce water usage when it considers water to be in short supply and every Person shall abide by such restriction or prohibition.

- 9.2 The City may at such times and for such length of time as is considered necessary or advisable by Council, restrict or prohibit other water uses when it considers water to be in short supply and every Person shall abide by such restriction or prohibition.

10. WATER METERS

- 10.1 Every Owner of property that receives the supply of water from the Waterworks System shall, at the sole cost of the Owner, purchase a Water Meter from the City and shall install the Water Meter on his or her property in compliance with the provisions of this bylaw.
- 10.2 Notwithstanding Section 10.1, the City shall supply and install Water Meters to those properties built prior to January 1, 2015, free of charge.
- 10.3 Only one Water Meter shall be installed for each Water Connection on a property.
- 10.4 The Manager of Operations may determine and specify the type and size of Water Meters for each type of property and use, considering the Manager of Operation's estimate of water consumption and other factors considered relevant by the Manager of Operations.
- 10.5 Every Water Meter shall be installed by a certified plumber or qualified contractor retained by the Owner of the parcel and approved by the Manager of Operations.
- 10.6 Where water services a single building on private property, the Water Meter shall be located in the building as close as possible to the entrance point of the Water Connection into the building, unless otherwise approved by the Manager of Operations.
- 10.7 Notwithstanding Section 10.6, the Owner of each newly constructed Single-family Detached Dwelling in the City shall install a water meter within the Dwelling Unit or a Meter Pit, as per current industry standards as determined by the Manager of Operations, with a Water Meter at the Parcel Boundary. For clarity, a newly constructed single-family detached dwelling is any single-family detached dwelling constructed after adoption of this bylaw. The City will provide a water meter free of charge up until July 31, 2015.
- 10.8 Where water services multiple-unit housing or Commercial, industrial or institutional property, the Water Meter must be located within a meter room or some other location approved by the Manager of Operations.
- 10.9 The Owner shall maintain the Water Meter on his or her property in good repair and shall not tamper with the Water Meter in any manner. The Owner shall

provide adequate protection for the Water Meter against freezing, heat and other severe conditions that might damage the Water Meter.

- 10.10 If any breakage, stoppage or other irregularity in a Water Meter is observed by an Owner, the Owner shall notify the Manager of Operations immediately.
- 10.11 If a Water Meter installed on a property is destroyed, lost or damaged in any way, the Owner shall repair or replace the Water Meter at his or her sole cost.
- 10.12 An Owner must, at all reasonable times, provide adequate, convenient, and unobstructed access to the City for inspecting and reading the Water Meter.
- 10.13 No Person shall remove or in any way disturb a Water Meter except under the direction of the Manager of Operations.
- 10.14 The Service shall not be activated to a property until a Water Meter has been installed on the property and any Meter Pit has been inspected by the City and found to be in compliance with this bylaw.
- 10.15 If the City or an Owner questions the accuracy of the record of a Water Meter, the City shall designate a qualified professional to remove and test the Water Meter.
- 10.16 If the test performed under Section 10.15 discloses that the Water Meter is not less than 98% accurate in recording the water passing through the Water Meter, the party questioning the accuracy of the Water Meter shall pay the meter testing fee specified in **Schedule A**. If the test performed under Section 10.15 discloses that the Water Meter is less than 98% accurate in recording the water passing through the Water Meter, the cost of the test shall be borne by the City.
- 10.17 If the test performed under Section 10.15 discloses that the Water Meter is less than 98% accurate in recording the water passing through the Water Meter, the City shall repair or replace the Water Meter, at its own cost.
- 10.18 If the test performed under Section 10.15 discloses that the Water Meter is less than 98% accurate in recording the water passing through the Water Meter, the Manager of Operations shall adjust the Owner's water bill by the amount of the inaccuracy for a period not exceeding one (1) year. The adjustments shall only apply to the Owner who overpaid or underpaid and not to any subsequent Owner of the property.

11. FAILURE TO INSTALL A WATER METER

- 11.1 If an Owner fails to install a Water Meter as required by this bylaw, the City may, upon giving notice to the Owner, install a Meter Pit and Water Meter at the Curb Stop at the sole cost of the Owner. Prior to and including July 31, 2015 the

- Owner will be responsible for the difference in cost between in-home installation and Meter Pit installation. After July 31, 2015 the Owner will be responsible for all costs associated with installation.

12. OFFENCES AND PROHIBITIONS

12.1 No Person shall:

- (a) connect or maintain any connection to, or use water from the Waterworks System without first obtaining permission from the Manager of Operations in accordance with this bylaw;
- (b) connect, cause to be connected or allow to remain connected any building on any property already connected to the Waterworks System to any other source of water;
- (c) connect, cause to be connected or allow to remain connected to the Waterworks System any pipe, fixture, fitting, container, appliance or apparatus, in any manner which, under any circumstances, could cause or allow any part of the Waterworks System to become contaminated;
- (d) sell, dispose of or otherwise give away water from the City Waterworks System;
- (e) connect any apparatus, fitting, or fixture to the Waterworks System which may in any way harm the Waterworks System.

12.2 No Person shall cause, permit or allow any device or apparatus of any kind to be or remain connected to the Waterworks System or allow it to be operated in such a manner as to cause sudden large demands for water or otherwise affect the stability of water pressure in the Waterworks System and, for the purposes of this section, such prohibited devices and apparatuses include, without limitation:

- (a) booster pumps;
- (b) quick opening valves or quick closing valves;
- (c) flush meters;
- (d) rod hopper water closets;
- (e) water-operated pumps or siphons;
- (f) standpipes;
- (g) large outlets.

- 12.3 Notwithstanding Section 12.2, an Owner may apply to the Manager of Operations in writing for permission to connect a prohibited device or apparatus to the Waterworks System. Upon receiving permission from the Manager of Operations, the Owner may connect a prohibited device or apparatus to the Waterworks System, subject to any terms and conditions imposed by the Manager of Operations.
- 12.4 No Person shall destroy, injure, obstruct access to, or tamper with any hydrant, valve, Curb Stop, pipe, pump or other fixture of the Waterworks System or the Water Connection and no Person shall in any manner make any additions, alterations or other changes to the Waterworks System or the Water Connection.
- 12.5 No Person shall use water from the Waterworks System unless that usage is recorded by a properly functioning Water Meter that is installed and maintained in accordance with this bylaw.
- 12.6 No Person shall install any piping or other works designed to allow water from the Waterworks System to be used without that usage being recorded by a Water Meter.
- 12.7 Where the Manager of Operations considers that a Person has violated Section 12.5 or 12.6, the City may install a Meter Pit with a Water Meter at or near the Parcel Boundary of the property either on the property or on the adjacent highway.
- 12.8 Where the City has installed a Meter Pit with a Water Meter under Section 12.7, the Owner of the property in respect of which the Meter Pit with a Water Meter was installed shall pay to the City a fee equal to the cost incurred by the City to install the Meter Pit and Water Meter, including the cost of the pit and meter.
- 12.9 Where a Person has violated Section 12.4, 12.5 or 12.6, the Owner of the property in respect of which the violation has occurred shall pay to the City an unrecorded water usage penalty as set out in Municipal Ticket Information Bylaw No. 1957, and additional charges as described in **Schedule A**, whether or not the City has installed a Meter Pit with a Water Meter at or near the Parcel Boundary under Section 12.7.
- 12.10 Charges imposed under Section 12.8 or 12.9 are due and payable within 30 days of the date on which an invoice setting out the amount of the fee is mailed to the address of the Owner as shown on the assessment roll for the property referred to in those Sections and if unpaid on December 31 of the year in which the charges became due and payable, may be collected in the same manner and with the same remedies as property taxes.

- 12.11 Any Person who contravenes any of the provisions of this Bylaw is liable upon summary conviction to a minimum fine of not less than One Thousand Dollars (\$1000.00) and a maximum fine of Ten Thousand Dollars (\$10,000.00) and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

13. SHUT OFF OF WATER SUPPLY

- 13.1 The Manager of Operations may shut off the supply of water to any property for any or all of the following reasons:

- (a) a request for Turn-off or discontinuance of the Service;
- (b) maintaining, repairing, renovating, replacing, disinfecting or otherwise operating the Waterworks System;
- (c) an emergency that threatens the safety of the Waterworks System or the public;

and the City may shut off the supply of water to any property for any or all of the following reasons;

- (d) non-compliance with any provision of this bylaw;
- (e) shortage of water supply pursuant to Section 9.1 or 9.2 of this bylaw.

14. NOTICES OF WATER SHUT OFF

- 14.1 Where water supply is to be shut off for non-compliance with any provision of this bylaw, the City will give thirty (30) days notice to the Owner.
- 14.2 Where water supply is to be shut off for reason of non-compliance with any provision of this bylaw, the City will give the Person affected the opportunity to make representations to Council in respect of such non-compliance.
- 14.3 Where water supply is to be shut off for reason of shortage of water supply pursuant to Section 9.1 or 9.2 of this bylaw, the City will give at least seven (7) days notice, but no notice will be given where safety of life or property is at risk.
- 14.4 Where water supply is to be shut off for maintenance, repair, renovation, replacement, disinfection or other operation of the Waterworks System, the City will give at least two (2) working days notice for scheduled work, but no notice will be given where safety of life or property is at risk.
- 14.5 Notice under Sections 14.1, 14.3 and 14.4 may be given by one or more of the following:

- (a) posting notice on the property;
 - (b) providing notice on an Owner's water bill;
 - (c) mailing notice to the address supplied by the Owner or the address of the property;
 - (d) telephoning the Owner, which may include speaking directly to the Owner or leaving a message at the telephone number supplied by the Owner.
- 14.6 The City is not responsible for any notice failing to reach an Owner or other Water User prior to the shut off of water.

15. WATER USE CHARGES

- 15.1 Property Owners shall be responsible for payment of all rates for water used and consumed on properties owned by them.
- 15.2 The user rates and charges specified in **Schedule A** are imposed and levied for water Services supplied by the City. All such rates shall be due and payable on or before the date shown as the DUE DATE on the Bi-monthly billing rendered by the City. These rates may also be paid on the City's Tax/Utility Preauthorized Pre-Payment Plan.
- 15.3 User rates and charges not paid by the DUE DATE shall be subject to an overdue account penalty, as set out in the current **Fees and Charges Bylaw**, on the working day after the DUE DATE and monthly thereafter.
- 15.4 For any new water Service connected to the City system during a Bi-monthly billing period, full basic charges for the billing period will apply and the user rates relating to consumption shall be based on recorded consumption. If no meter reading is available, the user rate will be prorated over the number of days from connection to the end of the billing period.
- 15.5 For any water Service disconnected or reconnected from the City system, Section 8 of this bylaw shall apply. Should the property Owner elect to have water Service to a building turned on or off, as described in Section 7 of this bylaw, water basic charges and user rates will continue to be charged.
- 15.6 The charges prescribed in **Schedule A** to cover the cost of disconnecting or reconnecting the service or turning the water supply "off" or "on" shall apply.
- 15.7 User rates shall be invoiced on a Bi-monthly basis.
- 15.8 Upon application, the City will permit qualifying customers, to make equal monthly payments. The payments will be calculated to yield during the period

ending in December, the total estimated amount that would be payable by the customer during the year. Application will be accepted at any time of the year. All accounts will be reconciled in December.

A customer will qualify for the plan provided the account is not in arrears and the customer expects to be on the plan for at least one (1) year.

The equal payment plan may be terminated by the customer, or the City, if the customer has not maintained his credit to the satisfaction of the City. The City deems credit to be unsatisfactory if, for any reason, two payments fail to be honoured. On the reconciliation date, or termination, the amounts payable by the customer to the City for water Service actually consumed during the equal payment period will be compared to the sum of equal payments made during the period. Any resulting amount owing by the customer will be paid to the City. An excess of payments over charges will be paid or credited by the City to the customer. If such amounts are less than \$10.00 (ten dollars), they will be carried forward and included in the calculation of the equal payments for the next period.

- 15.9 All rates and charges remaining unpaid on the 31st day of December in each year shall be added to and form part of the taxes payable in respect of the land and improvements therein, and shall be entered on the Collector's Roll as taxes in arrears.

16. INSPECTION

- 16.1 The Manager of Operations and any Bylaw Enforcement Officer may enter on any property at any reasonable time for the purpose of inspecting and ascertaining whether the regulations and requirements of this Bylaw are being observed.
- 16.2 No Person shall obstruct or interfere with the Manager of Operations or any Bylaw Enforcement Officer in the performance of his or her duties or the exercise of his or her powers under this bylaw.

17. SEVERABILITY

- 17.1 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

18. REPEAL

- 18.1 The "Corporation of the City of Grand Forks Waterworks Regulation Bylaw No. 1501, 1997" and all amendments thereto are hereby repealed.

19. ENACTMENT

19.1 This bylaw is to take effect upon adoption by the Council of the Corporation of the City of Grand Forks.

READ A FIRST TIME this ____ day of ____, 2014.

READ A SECOND TIME this ____ day of ____, 2014.

READ A THIRD TIME this ____ day of ____, 2014.

RECONSIDERED AND FINALLY ADOPTED this ____ day of ____, 2014.

Mayor

Corporate Officer

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1973, as passed by the Municipal Council of the City of Grand Forks on the ____ day of _____, 2014.

Corporate Officer of the Municipal Council of the
City of Grand Forks

Date Signed

SCHEDULE "A"

SERVICE CHARGES

1. ***Charges for installation of water service:***

- (a) Residential: 19 mm diameter (3/4") & 24.5 mm diameter (1")

***NOTE: Water Meter Mandatory**

At Cost by Contractor, including any additional service costs itemized in (d), plus 15%

- (b) Commercial, Industrial & Institutional

***NOTE: Water Meter Mandatory**

At Cost by Contractor, including any additional service costs itemized in (d), plus 15%

- (c) Renewal (upgrading, including meter retrofit)

At Cost by Contractor, including any additional service costs itemized in (d), plus 15%

- d) Additional service costs not included in (a), (b), and (c) above:

i) Service or main extension (greater than 25.4 mm diameter and/or where the service line exceeds 15 m in length)

ii) Restoration including but not limited to: asphalt road repair, concrete curb, sidewalk (concrete), and boulevard landscaping

2. ***Charges for each time the water supply is turned on/off***

During normal working hours (Monday – Friday) \$ 50.00

3. ***Charges for after-hours callout – evenings, weekends, statutory holidays***

Private property issue \$ 250.00

4. Purchase of water from City Bulk Water Facility

Rate per cubic meter or portion thereof \$ 4.00

5. Water Meter Installation – subject to Sections 10.2, 10.7 & 11.1

(a) Standard in-house installation

At Cost by Contractor, plus 15%

(b) In-house installation with modifications*

At Cost by Contractor, plus 15%

(c) Pit meter

At Cost by Contractor, plus 15%

* Any modifications to water meter installation that result in the requirement for a manual read of the meter will result in a reading charge.

6. Additional Charges

(a) Manual meter reading charge – per occurrence \$ 25.00

(a) Meter re-read at Customer's request – per occurrence \$ 25.00

(b) Meter testing at Customer's request – per occurrence At Cost

(c) Water meter tampering charge – per occurrence \$ 200.00

(d) Charge for damage due to tampering

At Cost by Contractor for installation of new water meter plus the water meter tampering charge.

Schedule A
Bylaw No. 1973
Page 3 of 3

7. User Rates – Effective July 1, 2014

	Per Unit Bi-monthly Fixed Charge & Capital Charge	Per Account (per meter) Bi-monthly Fixed Charge & Capital Charge	Per Account Bi-monthly Customer Charge	Per Cubic Meter	Bi-Monthly Variable Water Charges for Non-Metered, Per Residence
User Class					
Metered Multi-Family Apartment (one tax folio)	\$28.50		\$7.00	\$0.113	
Commercial Office Properties (water use restricted to staff washroom)		\$26.50	\$7.00	\$0.113	
Commercial (Class06) Properties not listed below		\$59.00	\$7.00	\$0.124	
Large Industrial (Class 04) Properties		\$59.00	\$7.00	\$0.124	
Commercial laundry, car wash Properties		\$59.00	\$7.00	\$0.124	
Hotels, Restaurants, Malls		\$59.00	\$7.00	\$0.124	
Institutions, schools, recreation facilities (arenas, pools) irrigation systems		\$59.00	\$7.00	\$0.124	
Buildings not connected to Water System on lots where service is available		\$21.50	\$7.00		
Residential Properties not metered	\$45.25		\$7.00		\$16.40



THE CORPORATION OF THE CITY OF GRAND FORKS
APPLICATION AND AGREEMENT FOR **WATER** SUPPLY AND SERVICE(S)

Referenced in:
Bylaw No. 1973

Date of Application: _____ Folio Number: _____
Owner or Agent: _____ Phone Number: _____
Service Address: _____ Legal Description: _____
Mailing Address: _____ Lot: _____ Block: _____
_____ Plan: _____ DL: _____
_____ Parcel Size: _____ Number of Units: _____

I, _____ as Owner or Agent of the property on this application, hereby
make application for authorization to proceed with the following works (check all that apply):

☐ New Service Connection ☐ New Water Connection ☐ Re-connection ☐ Disconnection
☐ Residential ☐ Commercial ☐ Industrial ☐ Institutional
☐ 3/4" ☐ 1" or greater (specify size) _____ ☐ Other _____

The completion of this agreement does not relieve the property owner, or authorized agent, from conforming to all requirements or every pertinent bylaw and regulation enforced within the City of Grand Forks.

In consideration of the approval of this application, I/We agree to duly pay all applicable user rates and service charges for all water services provided herein as prescribed by the "City of Grand Forks Water Regulations Bylaw", and amendments thereto. I/We further agree that I/We will be bound by all the provisions of the said Bylaw where applicable and the rules and regulations made there under and that in consideration of the aforesaid I will protect and save harmless the City of Grand Forks from all claims for damages caused by the delivery of the said service(s). I/We further agree to release and indemnify the City of Grand Forks, its Council members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgments, losses, damages, costs and expenses of whatever kind I/We or any other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have to incur in consequence of or incidental to this agreement.

Owner or Agent Signature: _____ Date: _____

Owner Authorization for Agent

I, _____ as Owner of the property described on this application, hereby authorize:

Name: _____ Phone: _____

Address: _____

to act on my behalf with regards to this application.

(Owner's Signature)

OFFICE USE ONLY

Fee \$: _____ Receipt No: _____ Received by: _____

City Signature: _____ Date: _____



THE CORPORATION OF THE CITY OF GRAND FORKS
APPLICATION AND AGREEMENT FOR **WATER** SUPPLY AND SERVICE(S)

Referenced in:
Bylaw No. 1973

Date of Application: _____ Folio Number: _____

The following Contractor will complete the works: _____

Contractor Contact: _____ Ph: _____

Mandatory Contractor Documentation Attached:

Certificate(s) of Insurance: ☐ Yes ☐ No ☐ N/A WorksafeBC Clearance: ☐ Yes ☐ No ☐ N/A

City Business License: ☐ Yes ☐ No ☐ N/A Prime Contractor Form(s): ☐ Yes ☐ No ☐ N/A

Traffic Safety Plan: ☐ Yes ☐ No ☐ N/A Bid Bond: ☐ Yes ☐ No ☐ N/A

Other: _____

OFFICE USE ONLY

Other Requirements:

Backflow Preventer: ☐ Yes ☐ No ☐ N/A Pressure Reducing Valve: ☐ Yes ☐ No ☐ N/A

Authorized to proceed with works by: _____

Date: _____ (Signature)

*****Backfill not to be completed prior to final inspection approval*****

Inspection completed by: _____ **Approved:** ☐ Yes ☐ No

Date: _____ (Signature)

Fee Paid: Yes No (Confirm payment of fee prior to issuing approval)

Additional Comments: _____



THE CORPORATION OF THE CITY OF GRAND FORKS
APPLICATION AND AGREEMENT FOR **WATER** TURN-ON/TURN-OFF

Referenced in:
Bylaw No. 1973

Date of Application: _____ Account Number: _____
Owner or Agent: _____ Phone Number: _____
Service Address: _____

I, _____ as Owner or Agent of the property on this application, hereby
make application for the following:

☐ Water Turn-on ☐ Water Turn-off

The completion of this agreement does not relieve the property owner, or authorized agent, from conforming to all requirements or every pertinent bylaw and regulation enforced within the City of Grand Forks.

In consideration of the approval of this application, I/We agree to duly pay all applicable charges as prescribed by the "City of Grand Forks Water Regulations Bylaw", and amendments thereto. I/We further agree that I/We will be bound by all the provisions of the said Bylaw where applicable and the rules and regulations made there under and that in consideration of the aforesaid I will protect and save harmless the City of Grand Forks from all claims for damages caused by the delivery of the said service(s). I/We further agree to release and indemnify the City of Grand Forks, its Council members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgments, losses, damages, costs and expenses of whatever kind I/We or any other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have to incur in consequence of or incidental to this agreement.

Owner or Agent Signature: _____ Date: _____

Owner Authorization for Agent

I, _____ as Owner of the property described on this application, hereby authorize:

Name: _____ Phone: _____

Address: _____

to act on my behalf with regards to this application.

(Owner's Signature)

OFFICE USE ONLY

Fee \$: _____ Receipt No: _____ Received by: _____

City Signature: _____ Date: _____

PUBLIC WORKS USE ONLY

Request for: ☐ Water Turn-on ☐ Water Turn-off completed this date: _____

By: _____ Signature: _____



THE CORPORATION OF THE CITY OF GRAND FORKS WATER METER PIT INSTALLATION

Referenced in:
Bylaw No. 1973

WATER METER PIT INSTALLATION

In accordance with Water Regulations Bylaw No. 1973, all newly constructed single family homes (SFH) or new service connections in Grand Forks require a water meter to be installed in a meter pit at the parcel boundary or in the building.

The costs of all materials and installation of the meter (excavation, plumbing etc...) is the responsibility of the property owner.

Prior to backfilling the water service line and the meter pit, Water & Sewer Department staff must be called for an inspection. The water service will NOT be turned on until a water meter is in place to the City's satisfaction. If the installation is not inspected, it will not be signed off on.

For ¾" water meters (typical install for a SFH)

A pre-built meter pit can be purchased from: _____

These pits include:

- 18" diameter tube with piping installed (¾" MIP connectors)
- Piping should include at least one angle stop (for isolation)
- ¾" meter gaskets (2)
- Meter pit lid
- Antenna
- Foam insulation disc

Water & Sewer Department staff will supply a 5/8" x ¾" OR a ¾" x ¾" water meter. The cost of this meter will be billed back to the homeowner.

The water service line and the bottom of the water meter pit must be sufficiently bedded with sand.

The meter pit should be installed as close as possible to the curbstop. Other locations must be discussed and cleared with Water & Sewer Department staff.

The top of the meter lid should be set at final grade before backfilling. The meter lid should still be visible and easily found once backfilled.

For meters 1" or larger

Please contact Water & Sewer department for information on pit requirements for larger meters.

Contact Information:

Please direct all questions and concerns to the Water & Sewer Department at (250) 442-8266 or 250-442-4148. At least 24 hours notice must be given prior to a meter pit/water service inspection.

THE CORPORATION OF THE CITY OF GRAND FORKS

Consolidated for Convenience
Not Official Version

Waterworks Regulations Bylaw No. 1501, 1997

A Bylaw to Provide for the Regulation and Use of the Water System and to Set Rates and Charges for the Connection and Use of the System

Water Regulations and Rates Amendment Bylaw No. 1559, 1998
Water Regulations and Rates Amendment Bylaw No. 1571, 1999
Water Regulations and Rates Amendment Bylaw No. 1625, 2000
Water Regulations and Rates Amendment Bylaw No. 1656, 2001
Water Regulations and Rates Amendment Bylaw No. 1673, 2001
Water Regulations and Rates Amendment Bylaw No. 1686, 2002
Water Regulations and Rates Amendment Bylaw No. 1710, 2003
Water Regulations and Rates Amendment Bylaw No. 1750, 2004
Water Regulations and Rates Amendment Bylaw No. 1769, 2004
Water Regulations and Rates Amendment Bylaw No. 1795, 2006
Water Regulations and Rates Amendment Bylaw No. 1822, 2007
Water Regulations and Rates Amendment Bylaw No. 1832, 2007
Water Regulations and Rates Amendment Bylaw No. 1845, 2008
Water Regulations and Rates Amendment Bylaw No. 1850, 2008
Water Regulations and Rates Amendment Bylaw No. 1862, 2008
Water Regulations and Rates Amendment Bylaw No. 1897, 2010
Water Regulations and Rates Amendment Bylaw No. 1913, 2011

=====
WHEREAS pursuant to Sections 594(2) and 601 of the Municipal Act it is deemed expedient to make provisions for regulating the rates, conditions and terms under which water may be supplied to and used by the residents of the City of Grand Forks;

NOW THEREFORE, Council of the Corporation of the City of Grand Forks in open meeting assembled, **ENACTS**, as follows:

Title:

1. This bylaw may be cited as the “**City of Grand Forks Water Regulations and Rates Bylaw No. 1501, 1997**”.

Repeal of Existing Bylaws:

2. Bylaw No. 929, cited as “The City of Grand Forks Waterworks Regulation Bylaw No. 929, 1975”, and all amendments thereto are hereby repealed.

Definitions:

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

Bi-Monthly means every two-month period.

Building Water Connection means the water pipe extending from the property line of the property concerned to the building situated thereon.

City means the City of Grand Forks

Collector means the person appointed from time to time by Council as Collector

Bylaw 1822

Commercial means all industrial, utility and business properties as defined as Class 2, 4, 5 and 6 under the B.C. Assessment Act and any institutional and apartment buildings with three or more units and any residential with two or more units within the same assessment folio, upon written application by the owner.

Dwelling Unit means one or more rooms used or intended to be used for residential accommodation for one or more persons when such rooms contain(s) kitchen, bathroom and sleeping facilities.

Property Owner means the registered owner of any lands and premises within the City and shall, where applicable, include the executor or administrator of an estate.

Sprinkle means to allow water from the city's water supply to enter onto lawns, gardens and other outdoor areas."

Bylaw 1656

Superintendent of Public Works means the person appointed as such by Council of the City and any person delegated to assist him in carrying out his duties under this bylaw

Water Connection means a connection of at least three-quarter inch pipe connecting to a main supply line and extending to the property line for the purpose of conveying water to the said property, and may or may not include a water meter but shall include a shut-off valve.

Water Service means works and services provided by the City and include:

- supply of water for consumption or other use
- water connection installation, repair or replacement
- water main extension

Water System means all water pipes, fitting, valves, reservoirs, pumps, treatment or purification facilities or fire hydrants within a right-of-way, easements or property under the control of or title to the City

General Provisions:

4. No person shall make any connection to the water system owned by the City or to any water line being supplied with water from the City water system without first receiving approval from the City.
5. No person shall install, place or maintain in any premises any water connection, fixture, pump or fitting not in accordance with the requirements of this Bylaw or the Grand Forks Building Bylaw, or not authorized by the application for such water service.
6. If a parcel of land has a building, occupied by one or more persons, and the parcel of land abuts a street, lane or right-of-way where there is a water system, the owner of the building shall connect with the water system in the manner provided by this bylaw.
7. The property owner shall be responsible for all costs associated with the works required for the installation of a water service for their property.
8. All persons shall keep the service pipes, stopcocks, fixtures, and fittings on their own property in good order and repair, free from leaks, and protect them from frost at their own risk and expense.
9. No person shall place or introduce contaminants or pollutants into the City water system, nor shall they cross connect into another water system.
10. No works or services shall be performed on the water system unless authorized in writing by the Superintendent of Public Works, and all works and services performed on the system shall conform with the City's requirements.
11. No person shall in any way interfere, operate or tamper with any pipe, fixture, fitting, fire hydrant, valve or other component of the City water system. On written request, and the payment of the appropriate fee, outlined in Schedule "B", permission will be granted for the use of the City's fire hydrants.
12. The City shall not be liable for damages caused as a result of a disruption or discontinuation of service, and nothing contained in this Bylaw shall be construed to impose any liability on the City as to the availability, volume, pressure and quality of water to any person, property or premises in the City. The City shall not be liable for damages caused when the electric power is unavoidably turned-off.

13. No person being a property owner, occupant, or tenant of any premises supplied with water by the City shall sell or dispose of any water or give away or permit the same to be taken away or applied for the benefit of others, except to those persons provided written authorization from the Superintendent of Public Works.

Application - Connection:

14. Application for the water connection shall be made to the City on the form contained in Schedule "A" of this Bylaw and shall be accompanied by the proper fee as specified in Schedule "B" of this Bylaw. Each application, when signed by the property owner, includes agreement to abide by the terms and conditions of this Bylaw and any subsequent amendments thereto.
15. Applications for a water service submitted by other than the registered property owner must be accompanied by a letter of consent or authorization from the registered property owner.
16. The connection fee paid in accordance with Clause 14 hereof, does not include works within private property.

Application - Disconnection:

17. When any building within the City is removed or demolished, application for disconnection of a water service shall be made in writing, by the property owner, and delivered to the City Office, and until such application has been submitted, water rates may be charged as prescribed by Schedule "B" to the property owner.
18. On application by a property owner, or authorized agent, in the form attached and identified as Schedule "C", and on the payment of the appropriate fee, outlined in Schedule "B", the City's authorized personnel will turn the water on, or off, as the case may be. Any unauthorized person, found to have turned the water on or off, is guilty of an offence under this bylaw, and will be subject to a penalty in accordance with Section 37.

Water Meters:

19. *The City shall require the installation of a water meter for all existing commercial properties to connect to the City of Grand Forks Water system. The City shall supply the customer with the meter and pay for the installation. If a commercial property requests more than one meter, the City shall pay the cost of the meter, or meters and the commercial property shall pay for such use, as specified in Schedule B of the bylaw.*

The City shall require the installation of water meters for all existing major industrial customers, as defined under the BC Assessment Act, on the City of Grand Forks water system. The City shall supply the customer with the meter. The installation of the meter will be at the customer's cost, and will be completed within three months of receiving the meter from the City. The City shall fix rates to be paid for such use, as specified in Schedule B of the Water Regulations and Rates Bylaw."

Bylaw 1673

20. In the event that a meter is malfunctioning the City shall charge and collect the average metered rate calculated for the six previous months.

If there are reasonable grounds to believe that the customer has tampered with, bypassed the water meter, or otherwise used the water service in an unauthorized manner, or evidence of fraud, theft or other criminal acts exist then the City has the right to discontinue service to the customer. The customer will be liable for the fee for water service turn on and water service turn off as well as back billing for the term of the unauthorized use. In addition, the customer shall be liable for the direct administrative costs incurred by the City in the investigation of any such incident of tampering, including the cost of repair or replacement of equipment.

Bylaw 1822

Rates and Charges:

21. Property owners shall be responsible for payment of all rates for water used and consumed on properties owned by them.

22. *The user rates and charges specified in Schedule "B" of this Bylaw are imposed and levied for water services supplied by the City. All such rates shall be due and payable on or before the date shown as the DUE DATE on the bi-monthly billing rendered by the City. These rates may also be paid on the City's Tax/Utility Preauthorized Pre-Payment Plan.*

Bylaw 1845

23. *User rates not paid by the DUE DATE shall be subject to a penalty of 2% on the working day after the DUE DATE and monthly thereafter.*

Bylaw 1845

24. *REPEALED by Bylaw 1845.*

25. *For any new water service connected to the City system during a bi-monthly billing period, full basic charges for the billing period will apply and the user rates relating to consumption shall be based on recorded consumption. If no meter reading is available, the user rate will be prorated over the number of days from connection to the end of the billing period.*

Bylaw 1845

26. *For any water service disconnected from the City system, Section 17 of this bylaw shall apply. Should the property owner elect to have water service to a building turned on or off, as described in Section 18 of this bylaw, water basic fees and user rates will continue to be charged.*
27. The charges prescribed in Schedule "B" to cover the cost of turning the water supply "off" or "on" shall apply.
28. *User rates shall be invoiced on a bi-monthly basis.*
29. *Upon application, the City will permit qualifying Customers, to make equal monthly payments. The payments will be calculated to yield during the period ending in December, the total estimated amount that would be payable by the Customer during the year. Application will be accepted at any time of the year. All accounts will be reconciled in December.*
- A Customer will qualify for the plan provided the account is not in arrears and the customer expects to be on the plan for at least one year.*
- The equal payment plan may be terminated by the customer, or the City, if the customer has not maintained his credit to the satisfaction of the City. The City deems credit to be unsatisfactory if, for any reason, two payments fail to be honoured. On the reconciliation date, or termination, the amounts payable by the customer to the City for water service actually consumed during the equal payment period will be compared to the sum of equal payments made during the period. Any resulting amount owing by the customer will be paid to the City. An excess of payments over charges will be paid or credited by the City to the customer. If such amounts are less than \$10.00 (ten dollars), they will be carried forward and included in the calculation of the equal payments for the next period.*
30. Notwithstanding Section 28, all rates and charges remaining unpaid on the 31st day of December in each year shall be added to and form part of the taxes payable in respect of the land and improvements therein, and shall be entered on the Collector's Roll as taxes in arrears.

Inspection:

31. A new building water connection shall be left uncovered at the joint with water connection until it has been inspected and approved, in writing, by the Superintendent of Public Works or his designate.

32. Officers, employees, and agents of the City of Grand Forks are hereby authorized to enter upon any lands and premises in the municipality at all reasonable times to ascertain whether the requirements and regulations of this Bylaw are being observed.

Water Restrictions:

33. *Sprinkling times shall be set by City Policy adopted by Council and as amended from time to time.*

Bylaw 1832

34. *No person shall operate an automatic timed underground sprinkling system unless it has a backflow preventer.*

Bylaw 1832

35. *REPEALED by Bylaw 1845.*

Enforcement:

36. Any person who installs a water connection to the City water system, without first obtaining approval and paying the applicable charges, shall be liable for all costs associated with the disconnection of the said service connection and, in addition, is considered to be guilty of an offence under this Bylaw. Each day that the offence continues shall be deemed to constitute a new and separate offence.
37. The City may discontinue the water service to any premises for contravention or violation of the regulations within this Bylaw.
38. Any person who violates any provision of this Bylaw, or who suffers or permits any act to be done in contravention or violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and is liable on conviction to a fine of not more than \$2,000.00. Each day during which such violation continues shall be deemed to constitute a new and separate offence.

Enactment:

39. This Bylaw shall take effect on upon adoption.

Read a **FIRST** time this 1st day of December, 1997.

Read a **SECOND** time this 1st day of December, 1997.

Read a **THIRD** time this 12th day of January, 1998.

FINALLY ADOPTED this 19th day of January, 1998.

Mayor Brian Taylor

Lynne Burch, City Clerk

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1501 cited as
"City of Grand Forks Water Regulations and Rates Bylaw No. 1501, 1997".

Clerk of the Municipal Council of the
City of Grand Forks

**APPLICATION FOR WATER SUPPLY AND SERVICE(S)
FOR ALL NEW CONSTRUCTION**

I, _____ being the property owner, or
authorized agent, of the premises legally described as:

_____ and located at _____ in the City

of Grand Forks, hereby make application for the following services:

_____ supply and use of water. The use or occupancy of the property or
premise supplied will be:

_____ (residential, commercial, multi-family, industrial, institutional)

_____ water connection repair(s), replacement(s) or adjustment(s)

_____ water main extension

_____ other (provide description) _____

Dated at the City of Grand Forks this _____ day of _____, _____.

APPLICANT _____
(signature)

TOTAL COST OF SERVICE(S) = \$ _____
(as per Schedule B)

Note: a) a detailed cost summary is attached for the property owners review
b) the total costs presented herein will be held firm for a period not exceeding sixty days
from the date of issuance.

City of Grand Forks

Date

Schedule "A" to

Bylaw No. 1501

Page 2 of 2

AGREEMENT FOR WATER SUPPLY AND SERVICE(S)

The completion of this agreement does not relieve the property owner, or authorized agent, from conforming to all requirements or every pertinent bylaw and regulation enforced within the City of Grand Forks.

In consideration of the approval of this application, I/We agree to duly pay all applicable user rates and service charges for all water services provided herein as prescribed by the "City of Grand Forks" Water Regulations and Rates Bylaw", and amendments thereto. I/We further agree that I/We will be bound by all the provisions of the said Bylaw where applicable and the rules and regulations made there under and that in consideration of the aforesaid I will protect and save harmless the City of Grand Forks from all claims for damages caused by the delivery of the said service(s). I/We further agree to release and indemnify the City of Grand Forks, its Council members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgements, losses, damages, costs and expenses of whatever kind I/We or any other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have to incur in consequence of or incidental to this agreement.

Dated this ____ day of _____, ____.

Signature of Property Owner or Agent

Deposit Required

Receipt Number

AUTHORIZATION TO PROCEED WITH WORKS:

City of Grand Forks

(Date)

APPROVED FOR BACKFILL

City of Grand Forks

The Personal Information on this form is collected under the authority of the Municipal Act. The information collected will be used to process your application for water service. If you have questions about the collection, use and disclosure of this information, contact the "Coordinator", City of Grand Forks.

Bylaw 1897

Bylaw 1913

Bylaw 1862

**Appendix 1 of
Bylaw No. 1897
Page 1 of 3**

SCHEDULE "B"

SERVICE CHARGES

1. **Charges for installation of water service:**
***A deposit of 100% of cost, is payable in advance, prior to installation**
***includes initial turn on of water**
 - (a) **-Residential: 19mm diameter (3/4")** at cost, including any additional service costs itemized in (d)

-Residential: 24.5mm diameter (1") At cost, including any additional service costs itemized in (d)
***NOTE: Water Meter Mandatory**
 - (b) **Commercial, Industrial, Institutional Minimum Charge** At cost, including any additional service costs itemized in (d)
***NOTE: Water Meter Mandatory**
 - (c) **renewal (upgrading, including meter retrofit)** At cost, including any additional service costs in (d)
 - d) **additional service costs not included in (a), (b), and (c) above:**
 - **service or main extension (greater than 25.4 mm diameter and/or where the service line exceeds 15 m in length** Cost/linear meter + any additional service costs listed below:
 - **restoration**
 - **asphalt road repair** \$ 45.00/square meter
 - **concrete curb** 85.00/linear meter
 - **sidewalk (concrete)** 120.00/linear meter
 - **boulevard landscaping** 18.00/linear meter

Bylaw 1897

Bylaw 1862

Schedule "B" cont'd

2. *Charges for each time the water supply is turned on/off*

- during normal working hours	\$ 50.00
- outside normal working hours	\$ 100.00

3. *Purchase of water from City Bulk Water Facility*

<i>Rate per cubic meter or portion thereof</i>	\$4.00
------------------------------------------------	--------

SCHEDULE "B"
WATER RATES -- Effective March 2011

Appendix 1 of
Bylaw No. 1913
Page 3 of 3

<u>User Class</u>	per unit	per account (per meter)	per account		
	<u>Bi-Monthly</u> <u>Fixed</u> <u>Charge &</u> <u>Capital</u> <u>Charge</u>	<u>Bi-Monthly Fixed</u> <u>Charge & Capital</u> <u>Charge</u>	<u>Bi-Monthly</u> <u>Customer</u> <u>Charge</u>	<u>Per CM</u>	<u>Bi-Monthly</u> <u>Variable Water</u> <u>Charges for Non-</u> <u>Metered</u> per Residence
Metered Multi-Family Apartment (one tax folio)	20.50		7.00	0.096	
Commercial Office Properties (water use restricted to staff washroom)		18.50	7.00	0.096	
Commercial (Class 06) Properties not listed below		51.00	7.00	0.105	
Large Industrial (Class 04) Properties		51.00	7.00	0.105	
Commercial laundry, car wash Properties		51.00	7.00	0.105	
Hotels, Restaurants, Malls		51.00	7.00	0.105	
Institutions, schools, recreation facilities (arenas, pools) irrigation systems		51.00	7.00	0.105	
Buildings not connected to Water System on lots where service is available		13.50	7.00		
Residential Properties not metered	37.25		7.00		13.90

Bylaw 1913

WATER CONNECTION

Turn On / Turn Off

Account No. _____ Date: _____

Receipt No. _____ for payment of turn on/off fee.

Date to Be Connected and/or Disconnected: _____

at the building of _____
(property owner)

(street address)

Signature of Property Owner

For City Use Only:

Water Connected / Disconnected this date: _____

Water / Sewer Personnel

Schedule "D" to
Bylaw No. 1501

SCHEDULE "D" deleted in its entirety by Bylaw No. 1832.

SAMPLE BYLAWS

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NUMBER 1896

This is a consolidated bylaw prepared by the Corporation of the District of Peachland for convenience only. The Corporation does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.

Amended by: Bylaw No. 2009, Adopted on October 25, 2011

The Council of the District of Peachland, in open meeting assembled, hereby enacts as follows:

1. REPEAL

- 1.1 The "Corporation of the District of Peachland Water Regulations Bylaw Number 1507, 1998" and all amendments attached thereto are hereby repealed.

2. TITLE

- 2.1 This Bylaw may be cited for all purposes as "Water Regulation Bylaw Number 1896, 2008".

3. INTERPRETATION

- 3.1 In this Bylaw, unless the context otherwise requires:

"Agricultural User" means any Owner of land in the Agricultural Land Reserve or Bona Fide Agricultural Land that is connected to the Waterworks System;

"Applicant" means any Owner or his agent making an application for Service, Service Connection, or the Turn-on or Turn-off of water;

"Backflow Preventer" means a mechanical apparatus installed in a water system that prevents the backflow of contaminants into the potable waterworks system;

"Bone Fide Agricultural Land" means land used for agricultural purposes, as defined by the BC Assessment Authority;

"Council" means the Council of the District of Peachland;

"Curb Stop" means the valve on a service pipe located on the street or lane at or near an Owner's Parcel Boundary;

"Director of Operations" means the individual appointed by Council to manage and oversee the day-to-day operation of the Waterworks System and, along with other District staff, to administer this Bylaw;

"District" means the Corporation of the District of Peachland;

"Domestic User" means any Owner of land connected to the Waterworks System using water for residential household requirements, sanitation, fire prevention, or lawn and garden irrigation purposes;

"Meter Pit" means a chamber installed below or above the ground over a residential or irrigation water service for the purpose of installing a Water Meter;

"Non-Domestic User" means any Owner of land connected to the Waterworks System that is not using water as a Domestic User or Agricultural User;

"Owner", in respect of real property, means the registered owner of an estate in fee simple;

"occupier" has the same meaning as in the *Community Charter*, as amended from time to time;

"Parcel Boundary" means the line that defines the perimeter of a parcel;

"person" includes a corporation, partnership or party, and the personal or legal representatives of a person to whom the context can apply, according to law;

"Service" means and includes the supply of water to any person, and all the pipes, valves, fittings, meters, connections and other things necessary for the purpose of such supply;

"Service Connection" means the connecting line from the Waterworks System to the Parcel Boundary, and includes all related pipes, shut off valves and other appurtenances;

"Turn-off" means to discontinue the Service to any Owner or any lot by closing a Curb Stop or by such other means as the District finds appropriate;

"Turn-on" means to commence the Service to any Owner or any lot by opening a Curb Stop or by such other means as the District finds appropriate;

"Utilities Collection Roll" means a list of each property served by the Waterworks System that is liable to water charge, and which designates the Owner as a Domestic User, a Non-Domestic User, or an Agricultural User;

"Water Connection" means the pipes and appurtenances on private property used or intended to be used to conduct water from the Curb Stop to the private property;

"Water Meter" means an apparatus or device used for measuring the volume of water passing through it, and includes any accessories such as a remote reader device and the connecting cable;

"Water Rates Bylaw" means Water Rates Bylaw No. 1713, 2004, as amended from time to time;

"Water User" means any person who is the Owner or agent for the Owner of any premises to which the Service is provided, and also any person who is the occupier of any such premises, and also any person who is actually a user of water supplied to any premises;

"Waterworks System" means the entire water system of the District, including, without limitation, the distribution system and the intake, reservoirs, and any water treatment facilities.

4. ESTABLISHMENT OF A WATER SERVICE

- 4.1 To the extent that the District has not already established the service of water supply, the District hereby establishes the service of supplying water to the District through the Waterworks System and operating, constructing, maintaining and regulating the Waterworks System.

5. APPLICATIONS FOR SERVICE CONNECTION AND WATER CONNECTION

- 5.1 An Owner or an Owner's duly authorized agent must make an application to the Director of Operations to install a Service Connection from the Waterworks System to the Owner's Parcel Boundary, and a Water Connection from the Curb Stop to his or her private property, and shall submit the application in the form attached as Schedule "A" to this Bylaw. Such Owner shall, on

making the application, pay to the District the applicable connection fee as set out in the Water Rates Bylaw.

6. CONSTRUCTION OF SERVICE CONNECTION

- 6.1 Upon a completed application being received for the installation of a Service Connection, the Owner may install a Service Connection from the Waterworks System to the Parcel Boundary, and a Curb Stop at the Parcel Boundary.
- 6.2 An Owner is responsible for the installation of a Service Connection and a Curb Stop at the Parcel Boundary, at his or her sole cost.
- 6.3 Each property shall have only one Service Connection except where a separate connection is required by the Director of Operations.
- 6.4 The size of the pipe to be used in providing a Service Connection to any premises and also the position in the street in which the Service Connection is to be laid shall be determined by the Director of Operations.
- 6.5 No work of any kind in relation to a Service Connection, either for the laying of a new Service Connection or repair of an existing Service Connection, shall be done by any person other than a contractor approved by the Director of Operations.

7. CONSTRUCTION OF THE WATER CONNECTION

- 7.1 Upon a completed application being received for the installation of a Water Connection, and payment of the connection fee in full, the Owner may install a Water Connection from the Curb Stop to the Owner's private property, and the Director of Operations shall classify the Owner as either a Domestic User, a Non-Domestic User, an Agricultural User, or any combination thereof.
- 7.2 An Owner is responsible for the installation of a Water Connection, at his or her sole cost.
- 7.3 Installation of a Water Connection must comply with the following requirements:
 - (a) the type and size of pipe used for the Water Connection must meet the standards for piping contained in the District's bylaws, in effect from time to time;
 - (b) all Water Connection lines shall be installed to provide a minimum depth of 1.2 metres cover;
 - (c) where required by the Director of Operations, a Backflow Preventer must be installed at the building as close as possible to the entrance point of the Water Connection into the building; and
 - (d) when the Water Connection lines have been installed, but before the excavation is backfilled, the Owner must not backfill the excavation until the installation of the Water Connection has been inspected and approved by the District.
- 7.4 No work of any kind in relation to a Water Connection, either for the laying of a new Water Connection or repair of an existing Water Connection, shall be done by any person other than a contractor approved by the Director of Operations.
- 7.5 The Owner is solely responsible for supplying, installing and maintaining the Curb Stop and the connection or joint at the property line between the Service Connection and the Water Connection.
- 7.6 The Owner is responsible for any damage caused by the Owner to the Curb Stop and must immediately notify the Director of Operations of any such damage.

7.7 Where required by the Director of Operations, an Owner shall install a pressure-reducing device on his or her property, to the satisfaction of the Director of Operations.

7.8 An Owner is responsible for maintaining the Water Connection and Backflow Preventer in good repair and in a clean and sanitary condition at all times, and must remedy any defect in the Water Connection as soon as the Owner becomes or is made aware of the defect. The Owner must immediately advise the Director of Operations of any defect in the Water Connection.

8. WATER TURN-OFF AND TURN-ON

8.1 All applications for the Turn-off or Turn-on of the Service must be made in writing to the Director of Operations not less than forty-eight (48) hours before the Turn-off or Turn-on is required. Such Applicant shall, on making the application, pay to the District the applicable Turn-off or Turn-on fee, as set out in the Water Rates Bylaw.

8.2 Any person who applies to the District for the Turn-on of the Service shall provide to the Director of Operations confirmation that the Water Connection was satisfactorily tested, inspected and approved by the District.

8.3 No person shall make an application for the Turn-off of the Service from any premises in use, or occupied by any other person, until such use or occupation has ceased, the premises have been vacated, or the occupying person consents.

9. RESTRICTIONS ON USE OF WATER

9.1 Unless otherwise authorized by Council, an Agricultural User shall not irrigate his or her land except between April 15th and October 30th each year.

9.2 Council may at such times and for such length of time as is considered necessary or advisable by Council, restrict or prohibit irrigation, yard and garden sprinklering, car washing and private pool filling to reduce water usage when the it considers water to be in short supply and every person shall abide by such restriction or prohibition.

9.3 The District may at such times and for such length of time as is considered necessary or advisable by Council, restrict or prohibit other water uses when it considers water to be in short supply and every person shall abide by such restriction or prohibition.

10. WATER METERS

10.1 Every Owner of property that receives the supply of water from the Waterworks System shall, at the sole cost of the Owner, purchase a Water Meter from the District and shall install the Water Meter on his or her property in compliance with the provisions of this Bylaw.

10.2 Notwithstanding section 10.1, the District shall supply Water Meters to those properties built prior to November 20, 2006, free of charge.

10.3 Only one Water Meter shall be installed for each Service Connection on a property.

10.4 The Director of Operations may determine and specify the type and size of Water Meters for each type of property and use, considering the Director of Operation's estimate of water consumption and other factors considered relevant by the Director of Operations.

10.5 Every Water Meter shall be installed by a certified plumber or qualified contractor retained by the Owner of the parcel and approved by the Director of Operations.

- 10.6 Where water services a single building on private property, the Water Meter shall be located in the building as close as possible to the entrance point of the Water Connection into the building, unless otherwise approved by the Director of Operations.
- 10.7 Notwithstanding section 10.6, the Owner of each newly constructed single-family detached house in the District shall install a Meter Pit with a Water Meter at the Parcel Boundary. For clarity, a newly constructed single-family detached house is any single-family detached house constructed after adoption of this Bylaw.
- 10.8 Where water services multiple-unit housing or commercial, industrial or institutional property, the Water Meter must be located within a meter room or some other location approved by the Director of Operations.
- 10.9 The Owner shall maintain the Water Meter on his or her property in good repair and shall not tamper with the Water Meter in any manner. The Owner shall provide adequate protection for the Water Meter against freezing, heat and other severe conditions that might damage the Water Meter.
- 10.10 If any breakage, stoppage or other irregularity in a Water Meter is observed by an Owner, the Owner shall notify the Director of Operations immediately.
- 10.11 If a Water Meter installed on a property is destroyed, lost or damaged in any way, the Owner shall repair or replace the Water Meter at his or her sole cost.
- 10.12 An Owner must, at all reasonable times, provide adequate, convenient, and unobstructed access to the District for inspecting and reading the Water Meter.
- 10.13 No person shall remove or in any way disturb a Water Meter except under the direction of the Director of Operations.

11. ACTIVATION

- 11.1 The Service shall not be activated to a property until a Water Meter has been installed on the property and any Meter Pit has been inspected by the District and found to be in compliance with this Bylaw.

12. WATER METER TESTING

- 12.1 If the District or an Owner questions the accuracy of the record of a Water Meter, the District shall designate a qualified professional to remove and test the Water Meter.
- 12.2 If the test performed under section 12.1 discloses that the Water Meter is not less than 98% accurate in recording the water passing through the Water Meter, the party questioning the accuracy of the Water Meter shall pay the meter testing fee specified in the Water Rates Bylaw. If the test performed under section 12.1 discloses that the Water Meter is less than 98% accurate in recording the water passing through the Water Meter, the cost of the test shall be borne by the District.
- 12.3 If the test performed under section 12.1 discloses that the Water Meter is less than 98% accurate in recording the water passing through the Water Meter, the District shall repair or replace the Water Meter at its own cost.
- 12.4 If the test performed under section 12.1 discloses that the Water Meter is less than 98% accurate in recording the water passing through the Water Meter, the Director of Operations shall adjust the Owner's water bill by the amount of the inaccuracy for a period not exceeding one (1) year. The adjustments shall only apply to the Owner who overpaid or underpaid and not to any subsequent Owner of the property.

13. FAILURE TO INSTALL A WATER METER

- 13.1 If an Owner fails to install a Water Meter as required by this Bylaw, the District may, upon giving notice to the Owner, install a Meter Pit and Water Meter at the Curb Stop at the sole cost of the Owner.

14. PROHIBITIONS

- 14.1 No person shall:

- (a) connect or maintain any connection to, or use water from the Waterworks System without first obtaining permission from the Director of Operations in accordance with this Bylaw;
- (b) connect, cause to be connected or allow to remain connected any building on any property already connected to the Waterworks System to any other source of water;
- (c) connect, cause to be connected or allow to remain connected to the Waterworks System any pipe, fixture, fitting, container, appliance or apparatus, in any manner which, under any circumstances, could cause or allow any part of the Waterworks System to become contaminated;
- (d) sell, dispose of or otherwise give away water from the District Waterworks System;
- (e) connect any apparatus, fitting, or fixture to the Waterworks System which may in any way harm the Waterworks System.

- 14.2 No person shall cause, permit or allow any device or apparatus of any kind to be or remain connected to the Waterworks System or allow it to be operated in such a manner as to cause sudden large demands for water or otherwise affect the stability of water pressure in the Waterworks System and, for the purposes of this section, such prohibited devices and apparatuses include, without limitation:

- (i) booster pumps;
- (ii) quick opening valves or quick closing valves;
- (iii) flush meters;
- (iv) rod hopper water closets;
- (v) water-operated pumps or siphons;
- (vi) standpipes;
- (vii) large outlets.

- 14.3 Notwithstanding section 14.2, an Owner may apply to the Director of Operations in writing for permission to connect a prohibited device or apparatus to the Waterworks System. Upon receiving permission from the Director of Operations, the Owner may connect a prohibited device or apparatus to the Waterworks System, subject to any terms and conditions imposed by the Director of Operations.

- 14.4 No person shall destroy, injure, obstruct access to, or tamper with any hydrant, valve, Curb Stop, pipe, pump or other fixture of the Waterworks System or the Service Connection and no person shall in any manner make any additions, alterations or other changes to the Waterworks System or the Service Connection.

- 14.5** No person shall use water from the Waterworks System unless that usage is recorded by a properly functioning Water Meter that is installed and maintained in accordance with this Bylaw.
- 14.6** No person shall install any piping or other works designed to allow water from the Waterworks System to be used without that usage being recorded by a Water Meter.
- 14.7** Where the Director of Operation considers that a person has violated section 14.5 or 14.6, the District may install a Meter Pit with a Water Meter at or near the Parcel Boundary of the property either on the property or on the adjacent highway.
- 14.8** Where the District has installed a Meter Pit with a Water Meter under section 14.7, the Owner of the property in respect of which the Meter pit with a Water Meter was installed shall pay to the District a fee equal to the cost incurred by the District to install the Meter Pit and Water Meter, including the cost of the Pit and Meter.
- 14.9** Where a person has violated section 14.5 or 14.6, the Owner of the property in respect of which the violation has occurred shall pay to the District an unrecorded water usage fee of \$500.00 whether or not the District has installed a Meter Pit with a Water Meter at or near the Parcel Boundary under section 14.7.
- 14.10** Fees imposed under section 14.8 or 14.9 are due and payable within 30 days of the date on which an invoice setting out the amount of the fee is mailed to the address of the Owner as shown on the assessment roll for the property referred to in those sections, and if unpaid on December 31 of the year in which the fees became due and payable may be collected in the same manner and with the same remedies as property taxes."
- 15. CONDITIONS**
- 15.1** The District does not guarantee water pressure, continuous supply or direction of water flow. The District reserves the right at any time, without notice, to change the operating pressure, to shut off water or to change the direction of flow. Neither the District, its officers, employees, nor agents shall be liable for any damage or other loss caused by changes in water pressure, shutting off water or change in direction of flow or by reason of the water containing sediments, deposits, or other foreign matter.
- 15.2** Nothing contained in this Bylaw shall be construed to impose any liability on the District to provide water to any person or property or to provide a continuous supply of water or water of any particular quantity or quality.
- 15.3** Any supply of water by the District is subject to the following conditions, in additions to the other conditions set out in this Bylaw:
- (a) the District is not responsible for the failure of the water supply as a result of any accident or damage to the Waterworks System;
 - (b) the District is not responsible for any excessive water pressure or lack of water pressure;
 - (c) the District is not responsible for any temporary stoppage of water supply on account of alterations or repairs to the Waterworks System, whether such arises from the negligence of any person in the employ of the District or another person, or through natural deterioration or obsolescence of the Waterworks System or otherwise.

16. SHUT OFF OF WATER SUPPLY

16.1 The Director of Operations may shut off the supply of water to any property for any or all of the following reasons:

- (a) a request for Turn-off or discontinuance of the Service;
- (b) maintaining, repairing, renovating, replacing, disinfecting or otherwise operating the Waterworks System;
- (c) an emergency that threatens the safety of the Waterworks System or the public;

and the District may shut off the supply of water to any property for any or all of the following reasons:

- (d) non-compliance with any provision of this Bylaw;
- (e) shortage of water supply pursuant to section 9.2 or section 9.3 of this Bylaw.

17. NOTICES OF WATER SHUT OFF

17.1 Where water supply is to be shut off for non-compliance with any provision of this Bylaw, the District will give thirty (30) days notice to the Owner.

17.2 Where water supply is to be shut off for reason of non-compliance with any provision of this Bylaw, the District will give the person affected the opportunity to make representations to Council in respect of such non-compliance.

17.3 Where water supply is to be shut off for reason of shortage of water supply pursuant to section 9.2 or 9.3 of this Bylaw, the District will give at least seven (7) days notice, but no notice will be given where safety of life or property is at risk.

17.4 Where water supply is to be shut off for maintenance, repair, renovation, replacement, disinfection or other operation of the Waterworks System, the District will give at least two (2) working days notice for scheduled work, but no notice will be given where safety of life or property is at risk.

17.5 Notice under sections 17.1, 17.3 and 17.4 may be given by one or more of the following:

- (a) posting notice on the property;
- (b) providing notice on an Owner's water bill;
- (c) mailing notice to the address supplied by the Owner or the address of the property;
- (d) telephoning the Owner, which may include speaking directly to the Owner or leaving a message at the telephone number supplied by the Owner.

17.6 The District is not responsible for any notice failing to reach an Owner or other Water User prior to the shut off of water.

18. WATER USE CHARGES

18.1 The District shall prepare a Utilities Collection Roll and shall update the Utilities Collection Roll from time to time. The District shall levy the rates listed in the Water Rates Bylaw to each Owner listed on the Utilities Collection Roll in accordance with its listed water use.

- 18.2 Every Owner shall pay to the District the rates and charges set out in the Water Rates Bylaw for the supply of water from the Waterworks System.

19. INSPECTION

- 19.1 The Director of Operations and any bylaw enforcement officer may enter on any property at any reasonable time for the purpose of inspecting and ascertaining whether the regulations and requirements of this Bylaw are being observed.
- 19.2 No person shall obstruct or interfere with the Director of Operations or any bylaw enforcement officer in the performance of his or her duties or the exercise of his or her powers under this Bylaw.

20. OFFENCES AND PENALTIES

- 20.1 Any person who contravenes any of the provisions of this Bylaw is liable upon summary conviction to a minimum fine of not less than One Thousand Dollars (\$1000.00) and a maximum fine of Ten Thousand Dollars (\$10,000.00) and the cost of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

21. SEVERABILITY

- 21.1 If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Bylaw.

READ A FIRST TIME this 25th day of November, 2008.

READ A SECOND TIME this 25th day of November, 2008.

READ A THIRD TIME this 25th day of November, 2008

ADOPTED this 9th day of December, 2008.

Mayor

Corporate Officer

Dated at Peachland this day of , 2008

SCHEDULE “A”

[INSERT APPLICATION FORM FOR SERVICE CONNECTION & WATER CONNECTION]

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NUMBER 1931

A Bylaw to Establish and Regulate Water Rates within the District of Peachland

This is a consolidated bylaw prepared by the Corporation of the District of Peachland for convenience only. The Corporation does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.

Amended by: Bylaw No. 1981, Adopted on April 12, 2011
Amended by: Bylaw No. 2037, Adopted on September 18, 2012
Amended by: Bylaw No. 2073, Adopted on April 8, 2014

WHEREAS the Council of the District of Peachland is authorized pursuant to the *Community Charter* to establish fees and fix the rates and terms under which water may be supplied and used;

AND WHEREAS the Council of the District of Peachland may provide by bylaw pursuant to the *Community Charter* the classification of users and prescribe different rates, terms and conditions for different users;

AND WHEREAS it is deemed necessary to establish a new water rate structure within the District of Peachland;

NOW THEREFORE, the Council of the Corporation of the District of Peachland, in Open Meeting assembled, ENACTS AS FOLLOWS:

1. **TITLE**

This Bylaw may be cited for all purposes as "Water Rates Bylaw Number 1931, 2010."

2. **INTERPRETATION**

In this Bylaw, unless the context otherwise requires:

"After Hours Call Out" shall mean requests for service from the District of Peachland requiring a response after the regular hours of operations and/or any time during Saturday, Sunday and Statutory Holidays.

"Agricultural Allocation Fee" shall mean the fees charged for using water for non-residential purposes in the Agricultural Land Reserve or bona fide agricultural land.

"Base Fee" shall mean the minimum fee for water supply regardless of quarterly water use.

"Non-Domestic Allocation Fee" shall mean the fees charged for using water on non-residential or agricultural land.

"Collector" shall mean the individual appointed by the Municipal Council.

"Connection" or "Connect" shall mean tying into, tapping or otherwise connecting to the waterworks system of the Municipality by means of pipes, valves, fittings or other apparatus;

"Connection Charge" shall mean the fee charged for the water connection inspection, administration, installation of a service box, and turning on a new water service.

"Consumption Charge" shall mean the volume of water used multiplied by the Consumption Rate

"Consumption Rate" shall mean the price of water per cubic meter that is charged to properties with a water connection and water meter in accordance with this Bylaw.

"Council" shall mean the duly elected municipal Council of the Corporation of the District of Peachland.

"Grey Area Properties" shall mean properties with irrigation meters having land greater than one half acres, but not in the Agricultural Land Reserve or having Class 9 farming status. New irrigation meters are to be installed at the registered property owner's expense.

"Municipality" shall mean the Corporation of the District of Peachland.

"Obstructed Meter read" shall mean that the water meter could not be read due to some action or inaction of the property owner or occupier.

"Owner" shall mean the duly registered own of real property.

"Quarter" shall mean a three month period within a calendar year, specifically January to March, April to June, July to September, and October to December.

"Residential Allocation Fee" shall mean the fees charged for using water for residential purposes.

"Temporary Fire Hydrant User Fee" shall mean the fees and charges to use a water utility fire hydrant that is charged on a per hydrant basis per week, or part thereof.

"Turn-Off" shall mean to discontinue the water service at the service box or by such other means as deemed appropriate.

"Turn-On" shall mean to commence the water service at the service box or by such other means as deemed appropriate.

"Unmetered" shall mean a water service without a water meter,

"Water Meter" shall mean a device owned by the District installed on the owner's property used to measure the quantity of water used by a customer.

"Waterworks System" shall mean the entire waterworks system of the District of Peachland including, with limitation, the distribution system, intake and any other water treatment plants.

3. RATES

3.1 Rates and charges referred to in Schedule "A" attached hereto is hereby made an integral part of this Bylaw.

3.2 Every water user shall pay to the Municipality the applicable rates set out in Schedule A.

3.3 All properties having water service are liable to pay the rates levied under this Bylaw and the same shall be calculated from the date of turn-on and shall continue to pay such rates until the date of turn-off. The rates payable in respect to the month of turn-on and turn-off shall be pro-rated as the circumstances of any case requires.

4. BILLINGS AND COLLECTIONS

4.1 Rates and charges established by the Municipality shall be calculated on a quarterly basis based on metered flows. Billings for all properties shall have bills prepared on a quarterly basis.

4.2 Any properties which do not have an installed water meter in accordance with this Bylaw shall be billed based on an unmetered water rate.

4.3 All rates and charges shall be billed to the property owner and are the responsibility of the registered owner of that property.

4.4 Failure to receive billings will not exempt the property owner from liability to pay by the due date, or as a valid reason for late payment.

4.5 Rates and charges are due and payable 30 days following the date of invoice as per the invoice provided by the Municipality. Any unpaid charges shall be deemed to be payment overdue, and assessed a late penalty of 5% on the current quarterly billing, with payment recovery methods by the Collector in accordance with the provisions of the *Community Charter*.

6. APPLICABILITY

This Bylaw applies to all owners and properties which are connected to the waterworks system of the Municipality.

7. SEVERABILITY

If any section, subsection, or paragraph of this Bylaw is found invalid by a decision of a Court or competent jurisdiction, the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

8. REPEAL

The Corporation of the District of Peachland Water Rates Bylaw No. 1713, 2004 and all amendments attached thereto are hereby repealed.

READ A FIRST TIME This 9th Day of March, 2010

READ A SECOND TIME This 9th Day of March, 2010

READ A THIRD TIME This 9th Day of March, 2010

FINALLY RECONSIDERED AND ADOPTED This 23rd Day of March, 2010

Mayor

Corporate Officer

Dated at Peachland, B. C.

This ____ Day of _____, 2010

RATES AND CHARGES

Metered Water Rates

Single Detached Residential Allocation Fee	Base Fee	\$55.50	per quarter
	Consumption Fee (0 – 400 m ³ of water use)	\$0.35	per m ³ per quarter
	Consumption Fee (> 400 m ³ of water use)	\$ 0.58	per m ³ per quarter
Multiple Unit Residential and Non-Domestic Allocation Fee	Base Fee based Meter Size:		
	• Up to 38mm (1.5")	\$120.00	per quarter
	• 50mm (2")	\$134.00	per quarter
	• 75mm (3")	\$296.00	per quarter
	• 100mm (4")	\$517.00	per quarter
	• 150mm (6")	\$665.00	per quarter
	• 200mm (8") or greater	\$887.00	per quarter
Agricultural Allocation Fee	Consumption Fee (for each m ³ of water use)	\$ 0.35	per m ³ per quarter
	Base Fee	\$0.00	per quarter
	Consumption Fee (for each m ³)	\$ 0.11	per m ³ per quarter
Grey Area Properties	Base Fee for Cultivation Area Irrigation	\$0.00	per quarter
	Consumption Fee (0-1250m ³ per acre) of Cultivation Area Irrigation	\$0.35	per m ³ per quarter
	Consumption Fee (> 1250m ³ per acre) of Cultivation Area Irrigation	\$0.58	per m ³ per quarter

Unmetered Water Rates

Residential Allocation Fee	Initial Fee	\$ 120.00	per quarter
	Fee after First Written Warning for non-installation of water meter	\$ 160.00	per quarter
	Fee after Second Written Warning for non-installation of water meter	\$ 200.00	per quarter
	Fee as of April 1, 2010	\$ 250.00	per quarter
Multiple Unit Residential and Non-Domestic Allocation Fee	Initial Fee	\$ 300.00	per quarter
	Fee after First Written Warning for non-installation of water meter	\$ 600.00	per quarter
	Fee after Second Written Warning for non-installation of water meter	\$ 900.00	per quarter
	Fee as of April 1, 2010	\$1,200.00	per quarter
Agricultural Allocation Fee	Initial Fee	\$ 300.00	per quarter
	Fee after First Written Warning for non-installation of water meter	\$ 600.00	per quarter
	Fee after Second Written Warning for non-installation of water meter	\$ 900.00	per quarter
	Fee as of April 1, 2010	\$1,200.00	per quarter

Fees for New Meter Installations on New Construction

Actual cost of water meter plus the cost of meter inspection

Water Connection Charges*Serviced Property (i.e. existing connection between watermain and property line)*

Less than 25mm (1") service	\$375.00
25mm (1") service	\$450.00
38mm (1.5") service	\$550.00
50mm (2") service	\$750.00
Greater than 50mm (2") service	At Cost Plus 15% administration

Un-serviced Property (i.e. no connection between watermain and property line)

Actual Cost of installation, plus charges above for Serviced Property

Temporary Fire Hydrant User Fees

Connection Fee	\$ 100.00	per hydrant per week, or portion thereof
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Fire Hydrant Fees

Application for a new fire hydrant	\$ 50.00	per hydrant
Installation of a new fire hydrant	Actual cost plus 15% administration costs	per hydrant
Use of a hydrant without approval	\$ 1,000.00	per occasion
<i>Fire Hydrant Flow Test:</i>		
(i) First Test	\$330.00	per test
(ii) Additional tests in immediate area at the same time	\$100.00	per test

Additional Fees

Meter Re-read at Customer's Request	At Cost	per occasion
Meter Testing at Customer's Request	At Cost	per occasion
Obstructed Meter Read	\$ 200.00	per occasion
Water Meter Tampering Fee	\$ 200.00	per occasion
Fee for Damage Due to Tampering	Water Meter Tampering Fee plus Cost for New Meter Installation	per occasion
Installation of Backflow Device (pit)	At Cost	per occasion
Testing of Back Flow Assembly	\$50.00	per occasion
Turn-Off / Turn-On Fee	\$75.00	per occasion
After Hours Call Out	\$265.00	per occasion

Golf Course Water Rates

A discount of ten percent will be applied to the Multiple Unit Residential and Non-Domestic base rate and consumption rate for golf course irrigation on the condition that irrigation would take place during off-peak hours (i.e. night time watering only).

This is a consolidated bylaw prepared by The Corporation of the City of Penticton for convenience only. The city does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.

THE CORPORATION OF THE CITY OF PENTICTON

IRRIGATION, SEWER AND WATER BYLAW

NO. 2005-02

Consolidated for convenience only.

Amended by: Bylaw 2005-63 (Schedule G)
Amended by: Bylaw 2007-51 (Schedule F)
Amended by: Bylaw 2008-48
Amended by: Bylaw 2009-11 (Schedule E & G)
Amended by: Bylaw 2010-26 (Schedule E)
Amended by: Bylaw 2010-34 (Schedule E, F & G)
Amended by: Bylaw 2010-46- Mobile Home Park
Amended by: Bylaw 2012-5026 (Schedule G)
Amended by: Bylaw 2013-07 – Schedule F & G
Amended by: Bylaw 2013-37 (Schedule F & G)

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW 2005-02

A BYLAW OF THE CORPORATION OF THE CITY OF
PENTICTON TO PROVIDE FOR THE SUPPLY, DISTRIBUTION AND USE
OF TREATED AND IRRIGATED WATER, AND THE COLLECTION
CONVEYANCE AND DISCHARGE OF SANITARY SEWAGE AND
STORM DRAINAGE INTO OR FROM THE IRRIGATION WATER,
TREATED WATER, SANITARY SEWER AND STORM SEWER
SYSTEMS OF THE CITY OF PENTICTON

WHEREAS pursuant to the Local Government Act and the Community Charter, Council is empowered to regulate and govern the distribution and use of treated and irrigation water and the collection, conveyance and discharge of sewage and drainage within the Municipality;

AND WHEREAS the City has adopted City of Penticton Waterworks Bylaw 2003-34 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Irrigation Administration and Rates Bylaw 3626 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Sewer Regulation Bylaw 3620 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Boundaries of the Sewerage District Bylaw 3252 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Conditions under which extensions to the Sewerage System Bylaw 2650 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Domestic Water Extension Bylaw 1660 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS it is deemed expedient and in the public interest to:

1. Establish, operate, maintain and control an irrigation water system for the City of Penticton; and
2. Establish, operate, maintain and control a treated water distribution system for the City of Penticton; and
3. Establish a system of sewerage works for the collection, conveyance and disposal of sewage and to operate and maintain this system for the City of Penticton; and
4. Establish a storm water drainage system for the impounding, conveying and discharging of surface and other waters and to operate and maintain this system for the City of Penticton.

NOW THEREFORE the Municipal Council of The Corporation of The City of Penticton in open meeting assembled ENACTS as follows:

1. This bylaw may be cited for all purposes as the City of Penticton "Irrigation, Sewer and Water Bylaw 2005-02".
2. The City of Penticton Waterworks Bylaw 2003-34 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
3. The City of Penticton Irrigation Administration and Rates Bylaw 3626 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
4. The City of Penticton Sewer Regulation Bylaw 3620 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
5. The City of Penticton Boundaries of the Sewerage District Bylaw 3252 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
6. The City of Penticton Conditions under which extensions to the Sewerage System Bylaw 2650 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
7. The City of Penticton Domestic Water Extension Bylaw 1660 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.

READ A FIRST time this 5th day of April, 2005.

READ A SECOND time this 5th day of April, 2005.

READ A THIRD time this 5th day of April, 2005.

RECONSIDERED and FINALLY PASSED and ADOPTED

This 18th day of April, 2005.

Original signed by

C. David Perry, Mayor

Original signed by

Leo den Boer, City Administrator

Certified a true copy of Bylaw
No. 2005-02 as adopted.

Original signed by

Leo den Boer, City Administrator

SHORT TITLE

1. This bylaw may be cited as the "Irrigation, Sewer and Water Bylaw 2005-02".

DEFINITIONS

2. For the purposes of this bylaw and the schedules attached hereto, unless the context otherwise requires, the following definitions apply:
 - (a) "Adverse Effect" means impairment to the Utility, Sanitary Sewer System, Storm Sewer System, human health or safety, City Property or the environment.
 - (b) "Approved" means approved by the Designated Officer.
 - (c) "Backflow" means the reversal of the normal direction of water flow in either the City's water system, Owner's private service or the Owner's plumbing system.
 - (d) "Backflow Preventer" means a unit that prevents Backflow.
 - (e) "Best Available Demonstrated Technology (B.A.D.T.)" means treatment technology that is considered demonstrated based on usage in similar type applications and that is environmentally desirable based on its minimization of emissions through the application of best available technology in combination with good operating practices, where costs are not prohibitive considerations, and includes internal processing, operating, and use practices that maximize or enhance treatment technology performance.
 - (f) "British Columbia Building Code" means the British Columbia Building Code as amended from time to time.
 - (g) "Building" means a temporary or permanent structure used or intended for supporting or sheltering any use or occupancy.
 - (h) "Building Bylaw" means the City Building Bylaw 94 – 45 as amended from time to time.
 - (i) "Car Wash" means a Commercial or Industrial Building or structure containing facilities for washing motor vehicles, including tunnel car washes, coin operated automatic car washes and coin operated self-service car washes.
 - (j) "Chief Administrative Officer" means the Chief Administrative Officer of the City or an authorized representative.
 - (k) "City" means The Corporation of the City of Penticton.
 - (l) "City Engineer" means the City Engineer of the City or an authorized representative.
 - (m) "Clear Water Waste" means any water including water from the City's Treated Water System to which no Matter has been added.
 - (n) "Commercial" means any occupation, employment or enterprise that is carried on for profit by the Owner, lessee, or licensee.
 - (o) "Community Charter" means the Community Charter S.B.C. 203 c.26.

- (p) "Consumer" means any Person who could or does receive water from a City Irrigation Main or Treated Water Main adjacent to their Property, or discharges Waste Water into a City Sanitary Sewer Main adjacent to their Property or discharges Storm Water into a City Storm Sewer adjacent to their Property.
- (q) "Council" means the elected Council of the City.
- (r) "Cross Connection" means any actual or potential physical arrangement whereby the City's water supply is connected, directly or indirectly, with any non-potable or un-approved private water supply system, sewer drain, conduit, well, pool, on site irrigation system, storage Reservoir, plumbing Fixture, or any other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other wastes, of unknown or unsafe quality which may be capable of imparting contamination to the City Treated Water Supply as a result of Backflow.
- (s) "Cross Connection Control Bylaw" means City Cross Connection Control Bylaw 93 – 24 as amended from time to time.
- (t) "Designated Officer" means an employee of the City or an authorized representative as designated in writing by the Chief Administrative Officer.
- (u) "Director of Development and Engineering Services" means the Director of Development and Engineering Services of the City or an authorized representative.
- (v) "Domestic" means for use within the home or dwelling place and does not include any Commercial, Industrial or Irrigation use.
- (w) "Environmental Management Act" means the Environmental Management Act of British Columbia, S.B.C. 2003 c. 53 and any amendments or regulations thereto.
- (x) "Fees and Charges Bylaw" means the City Fees and Charges Bylaw 2000 – 25 as amended from time to time.
- (y) "Fixture" means receptacle, appliance, apparatus or other device that discharges Sewage or Clear Water Waste and includes a floor drain.
- (z) "Industrial" means an occupation, employment or enterprise that is carried on for profit to: Process raw materials; manufacture or assemble semi finished or finished goods, products or equipment; cleaning servicing, repairing or testing of materials, goods and equipments associated with Industrial use; storage or shipping terminals; and distribution and sale of materials, bulk goods and equipment.
- (aa) "Infrastructure" means the Irrigation Water System, the Treated Water System, the Sanitary Sewer System and the Storm Sewer System or any combination thereof.
- (bb) "Irrigation" means the distribution of water from the Irrigation Water System or the Treated Water System to the surface or sub-surface of lawns, gardens, crops, orchards or other areas situated outside Buildings by pipes, hoses, sprinklers or any other method.
- (cc) "Irrigation Water Service" means the pipe used or intended to be used to conduct untreated Irrigation Water from the Irrigation Main to a Property.
- (dd) "Irrigation Main" means pipes and appurtenances installed in a Statutory Right of Way or easement registered in the Kamloops Land Title Office, road or otherwise for the transmission and distribution of untreated Irrigation Water.

- (ee) "Irrigation Roll" means a detailed list of Properties compiled by the Designated Officer of all Properties connected to the Irrigation Water System.
- (ff) "Irrigation Water System" means all Irrigation Water Mains, Irrigation Water Services, facilities, pump stations, Reservoirs, wells, water intakes and all associated appurtenances for untreated water of the City.
- (gg) "Irrigation Water" means untreated water for Irrigation purposes.
- (hh) "Irrigation Water Area" means the area as shown in Schedule "E" where Irrigation Water is available and charges are applicable.
- (ii) "Irrigation Water Service" means the pipe used or intended to be used to conduct Irrigation Water from the Irrigation Main to a Property.
- (jj) "Local Government Act" means the Local Government Act R.S.B.C. 1996 c. 323.
- (kk) "Matter" means any gaseous, liquid or solid substance.
- (ll) "Meters" means meters and other equipment or instruments used by the City or authorized by the City to be used to measure the amount of Treated Water or Irrigation Water consumed.
- (mm) "Oil and Grease Interceptor" means an in ground structure designed specifically to trap oil, grease and silt contained in Storm Water flows;
- (nn) "Over Strength Matter" means waste concentrations in excess of the concentrations specified in Schedule "D", and less than the concentrations specified in Schedule "C".
- (oo) "Over Strength Surcharge" means the charge per kilogram per cubic meter, as specified in the Fees and Charges Bylaw to be charged to a Consumer who releases Waste Water to the Sanitary Sewer System that exceeds the standards set in Schedule "D".
- (pp) "Owner" means the Person who has by law the management, control or custody of Property or use, and includes an authorized representative thereof.
- (qq) "Pathological Waste" means pathogenic or organisms that produce disease.
- (rr) "Permit to Discharge" means a permit issued by the Designated Officer that allows a Person to release Waste Water, Storm Water, Sub-surface Water or Clear-water Waste, in the form attached hereto as Schedule "A".
- (ss) "Person" means as defined in the Interpretation Act R.S.B.C. 1996 c.238 and any amendments thereto.
- (tt) "PH" means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in Standard Methods;
- (uu) "Plumbing Device" means any type of plumbing apparatus, fitting, Fixture, piping, or hardware located in a dwelling place, Building or on private Property.
- (vv) "Premises" means a Building, an area of Property, including a lot or parcel of Property with or without Buildings.
- (ww) "Pre-Treatment" to use an Industrial or Commercial Waste Water treatment facility designed to remove sufficient pollutants from the Waste Water stream to allow compliance with the limits established in Schedule "C" or "D".

- (xx) "Private Service" means that portion of a Service located between the Property line and the Building or use being serviced.
- (yy) "Property" means a piece of real estate, a lot defined by Property Lines.
- (zz) "Property Line" means a line which defines the perimeter of Property which is legally defined by registered plan or description in the Kamloops Land Title Office.
- (aaa) "Release" means to directly or indirectly conduct Matter to the Sanitary Sewer System, Storm Sewer System, or any Water Course by spilling, discharging, depositing, abandoning, leaking, seeping, pouring, draining, emptying or by any other means.
- (bbb) "Remediation Site" means a site where a soil contaminant has been identified and has been, is being, or is planned to be removed or treated by remedial activity.
- (ccc) "Reservoir" means either a constructed, enclosed storage vessel for Treated Water or Irrigation Water or a natural, non enclosed impoundment area that utilizes natural topography and or a dam to retain untreated Water Irrigation or for future treatment.
- (ddd) "Restricted Waste" means waste concentrations in excess of the concentrations specified in Schedule "C".
- (eee) "Sanitary Sewer Area" the area as shown in Schedule "G" where Sanitary Sewer service is available and charges are applicable.
- (fff) "Sanitary Sewer Main" means a pipe or conduit installed in a Statutory Right of Way or easement registered in the Kamloops Land Title Office or otherwise that carries Waste Water, ground water, uncontaminated processor cooling water, but not Storm Water or Sub-Surface Water from foundation drains unless a Permit to Discharge has been issued.
- (ggg) "Sanitary Sewer Service" means the pipe used or intended to be used to conduct Waste Water, ground water, uncontaminated processor cooling water, but not Storm Water or Sub-Surface Water from foundation drains unless a Permit to Discharge has been issued, from a Property or Building to a Sanitary Sewer Main.
- (hhh) "Sanitary Sewer System" means all Sanitary Sewer Mains, Sanitary Sewer Services, sanitary lift stations, Waste Water treatment facilities, outfalls and all associated appurtenances of the City.
- (iii) "Septic System" means a septic tank, septic field, cesspool, Sanitary Sewage holding tank, sewage from recreational vehicles or sewage brought to a City facility by a truck.
- (jjj) "Service" means either an Irrigation Water Service, Sanitary Sewer Service, Storm Sewer Service or Treated Water Service either separately or combined.
- (kkk) "Service Connection" means the installation of all pipes and appurtenances necessary to provide a Service or the connection of the Private Service to pipes owned by the City.
- (lll) "Service Failure or Interruption" means the failure or interruption of an Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service from working properly as a result of blockage, damage or freezing.
- (mmm) "Sewage" see definition for Waste Water.

- (nnn) "Shut Off" means an interruption in or discontinuance of the supply of water authorized by the City.
- (ooo) "Standard Methods" means the latest edition standard methods for examination of Water and Waste Water jointly prepared and published from time to time by the American Public Health Association, American Waterworks Association and the Water Environment Federation.
- (ppp) "Storm Sewer" means a pipe, conduit or ditch installed in a Statutory Right of Way or easement registered in the Kamloops Land Title Office road or otherwise for the collection and transmission of Storm Water, Sub-Surface Water from foundation drains and subject to the issuance of a Permit to Discharge Clear-Water Wastes.
- (qqq) "Storm Sewer Main" means a pipe or conduit installed in the Street that carries Storm Water, Sub-Surface Water from foundation drains or Clear-Water Wastes.
- (rrr) "Storm Sewer Service" means the pipe used or intended to be used to conduct Storm Water, Sub-Surface Water from foundation drains and subject to the issuance of a Permit to Discharge Clear-Water Wastes from a Property or Building to a Storm Sewer.
- (sss) "Storm Sewer System" means all Storm Sewer Mains, Storm Sewer Services, culverts, Storm Water lift stations, Storm Water management facilities, outfalls and all associated appurtenances of the City.
- (ttt) "Storm Water" means surface run-off water which is the result of natural precipitation.
- (uuu) "Street" shall include a road, lane, bridge, viaduct, Statutory Access Right of Way and any way open to the public use, but does not include a private right of way on private Property unless the contrary is expressed or unless such construction would be inconsistent with the context of this bylaw.
- (vvv) "Subdivision & Development Bylaw" means the City Subdivision & Development Bylaw 2004 – 81 as amended from time to time.
- (www) "Sub Surface Water" means water at a depth of not more than 15 meters beneath the surface of the ground and includes foundation drainage.
- (xxx) "Super Chlorinated Water" means water containing excessive amounts of chlorine as would result from disinfection of water mains.
- (yyy) "Termination" means the permanent Shut Off of an Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service.
- (zzz) "Traffic Bylaw" means the City Traffic Bylaw 94 – 39 as amended from time to time.
- (aaaa) "Treated Water" means water suitable for human consumption, that has been treated by a City treatment facility.
- (bbbb) "Treated Water Area" the area as shown in Schedule "F" where Treated Water is available and charges are applicable.
- (cccc) "Treated Water Main" means a pipe or conduit and appurtenances installed in a Statutory Right of Way or easement registered in the Kamloops Land Title Office, road or otherwise for the transmission and distribution of Treated Water.

- (dddd) "Treated Water Service" means the pipe used or intended to be used to conduct Treated Water from a Treated Water Main to a Property or Building.
- (eeee) "Treated Water System" means all Treated Water Mains, Treated Water Services, facilities, pump stations, Reservoirs, wells, water intakes, water treatment facilities and all associated appurtenances for Treated Water of the City.
- (ffff) "Treatment Capacity" is a measure of the amount of Treated Water the City can produce from its water treatment facilities.
- (gggg) "Turn On" means the authorization of water flow to a private Service by opening the required control valve.
- (hhhh) "Utility" means the Irrigation Water System, Treated Water System, Sanitary Sewer System and Storm Sewer System, owned and operated by the City.
- (iiii) "Waste Water" means the composite of waste and water carried wastes from residential, Commercial, Industrial or institutional Premises or any other source.
- (jjjj) "Water Course" means a natural or constructed, uncovered ditch, stream, creek, river, wetlands, lake or conduit in which un Treated Water moves or is located.
- (kkkk) "Zoning Bylaw" means the City Zoning Bylaw 87 – 65 as amended from time to time.

OPERATION OF THE UTILITY

3. The operation of the Utility shall be under the management and control of the Designated Officer.
4. The Designated Officer shall manage the Utility under the direction of the Chief Administrative Officer and/or Council.
5. The Designated Officer is authorized to Turn On and Shut Off water to any Consumer in accordance with this bylaw subject to the provision of advance notice except in the event of an emergency when notice may be given following Shut Off.

APPEAL PROCESS

6. Should any Person wish to appeal a decision made by the Designated Officer, pursuant to this bylaw they shall submit an appeal in writing to the Director of Development and Engineering Services within seven (7) days of the notification of the said decision. The Director of Development and Engineering Services shall within thirty (30) days of receipt of the said appeal render a decision in writing. The decision of the Director of Development and Engineering Services may be appealed in writing to the Chief Administrative Officer within seven (7) days, after notification thereof who shall within thirty (30) days of receipt render a decision in writing. The decision of Chief Administrative Officer shall be final.

GENERAL PROVISIONS AND RESTRICTIONS ON USE

7. No Person, except those authorized in writing by the Designated Officer, shall:
 - (a) Use, interfere with, obstruct or impede access to the Utility or any portion thereof in any manner;
 - (b) Drill, cut, connect, join, excavate, bury, disturb or otherwise interfere with the Utility;
 - (c) Operate any Utility valves, Service Connection valves or fire hydrants;
 - (d) Do anything that may cause the Treated Water System or the Irrigation Water System to become polluted or contaminated;
 - (e) Use the Treated Water or Irrigation Water pressure or flow to generate power; or
 - (f) Enter into any Utility Building or structure whether underground or above ground or any Utility Property whether fenced or not.
8. Private Treated Water Systems and private Sanitary Sewer Systems that supply water to or receive and treat Waste Water from more than one Property are not permitted.
9. No Person shall directly or indirectly cause, permit or allow the Release of water so that it runs to waste, whether by reason of leakage from underground piping, faulty plumbing, and improper Irrigation practices or otherwise unless the Release is being undertaken to drain a swimming pool or the Release is necessary to prevent the Irrigation Water Service or Treated Water Service from freezing.
10. No Person shall directly or indirectly Release or permit the Release of any Restricted Waste as specified in Schedule "C" to the Sanitary Sewer System or the Storm Sewer System.
11. No Person shall directly or indirectly Release or permit the Release of any Over Strength Matter as specified in Schedule "D" to the Sanitary Sewer System or the Storm Water Sewer System without a Permit To Discharge.
12. The Designated Officer may at such times and for such length of time as is considered necessary or advisable, regulate, restrict or prohibit Irrigation, car washing, pool filling, and any other form of water use including a total restriction of Treated Water and Irrigation Water use in order to reduce water usage during time of short supply.
13. The Designated Officer may at such times and for such length of time required restrict, or prohibit Irrigation Water use, sanitary and storm Sewage generation and Treated Water use or any other part or Fixture of the Utility to effect repairs.

14. The Designated Officer, upon reasonable notice, may inspect any Building or Premises: Provided with a Treated Water Service or Sanitary Sewer Service; provided with a Treated Water Meter or Irrigation Water Meter; where water reuse or recycling capability is provided or suspected to exist; where authorized Cross Connection control devices exist; where suspected unauthorized Cross Connection control devices exist; where backflow prevention devices exist or are suspected to exist; where sand traps, sumps, oil and grease traps or interceptors exist or are suspected to exist. At the request of the Designated Officer the Owner or proprietor of any business shall provide, to the reasonable satisfaction of the Designated Officer, proof that the requirements of this bylaw and the Cross Control Connection Bylaw are being met. In the event of non-compliance of a non-health threatening nature the Owner will have thirty (30) days to make the necessary modification and provide the necessary data with respect to such modification to the Designated Officer. If, after thirty (30) days the said modifications have not been completed in accordance with the requirements of this bylaw the Service to the Premises or Property may be Shut Off. In the case where the non-compliance is of a health threatening nature the Designated Officer may immediately Shut Off the Service to the Premises or Property.
15. The Designated Officer may, as a condition of connection to the Utility, inspect the Premises of any Person who applies to the City for a connection in order to determine if it is appropriate to permit a connection to such Premises and to determine whether such Premises comply with the bylaws of the City.
16. The Designated Officer may, inspect Premises in order to perform any test on piping or Fixtures in or on such Premises in order to determine whether this bylaw is being complied with, and in the event that such Owner fails or refuses to give such permission, Service to the Premises may be Shut Off upon fourteen (14) days written notice or such shorter period of time if the Designated Officer has reasonable grounds to believe that there may be a danger to public health.
17. If a Person requires a Utility connection to be Shut Off or turned on for their own purposes, the Person shall pay the amount specified in the Fees and Charges Bylaw.
18. The location of the Utility connection to a Property shall be in accordance with the Subdivision & Development Bylaw or as determined by the Designated Officer.
19. In the event it is possible to provide a Utility connection from more than one main the Designated Officer shall determine which main is to be used.

IRRIGATION WATER SYSTEM - General

20. The Irrigation Water Area is that area described in Schedule "E" of this bylaw.
21. The Irrigation Water System shall only be used to supply untreated Irrigation Water for the purposes of Irrigation, by the City for the purposes of fire protection and when supply conditions permit for the filling of water storage systems.

22. The City does not guarantee Irrigation Water pressure or continuous supply. The City reserves the right, at any time and all times, without notice, for whatever reason, to change the operating Irrigation Water pressure or Shut Off Irrigation Water. Neither the City, its elected officials, officers, employees, or agents shall be liable for any damage or other loss caused by changes in Irrigation Water pressure or Shutting Off of Irrigation Water or by reason of the Irrigation Water containing sediments, deposits, or other foreign Matter.
23. The Designated Officer may impose water conservation restrictions on users of the Irrigation Water System. The said restrictions may be done in consultation with the Owners taking into consideration crop type, point in the growth cycle, type of on-site Irrigation system employed and available and predicted Irrigation Water and Treated Water supply volume.
24. A Person who contravenes the water conservation restrictions referred to in Section 23 of this bylaw is guilty of an offence punishable on summary conviction and is liable to a fine of not less than \$50.00 for the first offence, \$100.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.
25. Persons requiring a continuous and uninterrupted supply or constant pressure of Irrigation Water shall, at their own cost, provide such facilities as required to meet their objectives in a manner that does not have a negative impact on the Irrigation Water System or other users.
26. No Person shall sell, give, dispose or distribute Irrigation Water to any Person or Persons.
27. No Irrigation Water shall be provided to any Property except those:
 - (a) That are within the Irrigation Water Area as shown in Schedule "E"; and
 - (b) That are on the City Irrigation Roll or for which an application has been made in the prescribed form has been Approved by the Designated Officer.
28. The Designated Officer shall distribute all available Irrigation Water from the Irrigation Water System for Irrigation use as equitably as possible and is authorized to:
 - (a) Rotate the delivery of Irrigation Water to Properties with an Irrigation Water Service;
 - (b) Adjust delivery of Irrigation Water including Shutting Off the Irrigation Water Service to compensate for any previous excessive delivery or for any shortage in previous delivery to a Property as compared to the maximum rate of delivery per hectare and the amount of Irrigation Water available for distribution; and
 - (c) Determine the maximum rate of delivery per hectare.

IRRIGATION WATER SYSTEM – Service Connections

29. The provision of an Irrigation Water Service connection shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
30. Irrigation Water Service connections shall not cross Property Lines between adjacent private Properties except by right of way easements registered in the Kamloops Land Title Office.
31. The Owner shall pay for: Any standard Meter installations; any unusual Meter installation design to the acceptance of the Designated officer; any Meter installations, Meter reading costs and Backflow prevention devices associated with Irrigation Water Service connections which cross Property Lines or enter or leave Buildings.

32. Application for an Irrigation Water Service connection shall be made to the Designated Officer in the prescribed form not less than sixty (60) working days prior to the Irrigation Water Service being required. The application shall describe the Property to which the Irrigation Water Service is required, the size of the Service requested, soil type, crop type and shall include a survey plan prepared by a British Columbia Land Surveyor which shows the location and total number of cultivable and irrigable hectares on the Property and all existing and any required right of way easements.
33. To be eligible for a connection to the Irrigation Water System the following conditions apply:
- (a) The Property must be located in the area described in Schedule "E";
 - (b) There must be an Irrigation Main of sufficient size adjacent to the Property or an Irrigation Main of sufficient size accessible via a right of way easement registered in the Kamloops Land Title Office through an adjacent Property;
 - (c) The Irrigation Water System must be capable of providing water at an adequate pressure and flow rate to meet the Irrigation needs of the intended land use; and
 - (d) The connection must not prejudicially affect the prior rights of any of the parties to the use of the water intended to be conveyed and distributed by the connection.
34. Home site severances are exempt from the conditions referred to in Section 33 of this bylaw.
35. More than one connection to the Irrigation Water System per Property may be allowed subject to the written approval of the Designated Officer.
36. Applications to connect to the Irrigation Water System shall be reviewed by the Designated Officer, including any additional information that may be required and a report, which addresses the conditions of eligibility and the terms and conditions of this Bylaw, shall be generated.
37. If the Designated Officer, after reviewing and considering an application for connection to the Irrigation Water System, determines that an Irrigation Water Service connection is warranted the Designated Officer shall approve the connection, including setting the size of the service, subject to the Owner:
- (a) Paying the City all costs of the installation of the connection and any Metering and reading devices;
 - (b) Providing any Statutory Rights of Way registered in the Kamloops Land Title Office with respect to the connection;
 - (c) Having more than one connection per Property, paying all additional City costs associated with the installation, maintenance and reading of any Metering devices; and
 - (d) Designing, arranging and paying for any unusual Meter or Meter installation which may be required to properly measure the Irrigation Water entering or leaving the Property. Design to be approved by the Designated Officer.
38. The connection, installation, alteration and termination of Irrigation Water from the main to a Property Line shall be undertaken only by the City at a point in time and location determined by the City.

39. Where an Owner has requested an Irrigation Water Service Termination the City shall shut Off the Irrigation Water supply and cap the Irrigation Water Service line at a point in time determined by the City.

TREATED WATER SYSTEM - General

40. The Treated Water Area is that area described in Schedule "F" of this bylaw.
41. The Treated Water System shall only be used to supply Treated Water to customers for purposes permitted in this bylaw subject to the following restrictions:
- (a) Properties in Area A of Schedule "F" shall only use Treated Water for Domestic purposes; and
 - (b) Properties in Area B of Schedule "F", with a connection to the Irrigation Water System, are prohibited from using Treated Water for Irrigation purposes.
42. The City does not guarantee Treated Water pressure, continuous supply or direction of Treated Water flow. The City reserves the right at any and all times, without notice, for whatever reason to change the operating pressure, to Shut Off Treated Water or to change the direction of flow. Neither the City, its elected officials, officers, employees, nor agents shall be liable for any damage or other loss caused by changes in water pressure, Shutting Off of Treated Water or change in direction of flow or by reason of the Treated Water containing sediments, deposits, or other foreign Matter.
43. The Designated Officer has the right to impose Treated Water restrictions on users of the Treated Water System as follows:
- (a) Stage 1
Restrictions:
 - i. Odd numbered Street addresses may irrigate on the odd numbered days of the month only. Even numbered Street addresses may irrigate on the even numbered days of the month only. Automatic Irrigation systems to be programmed to run between the hours of 2200 and 0400 only on the designated day. Manual Irrigation may occur between 1900 and 2200 and 0600 and 0800 hours only on the designated day. Properties zoned RSM – Mobile Home Park may use their respective unit numbers in place of the street address to determine odd or even for the purpose of this restriction.
 - ii. City Parks with a Level 1 water requirement designation may irrigate 3 to 5 days per week, except for hanging baskets which may be watered once per day.
 - iii. City Parks with a Level 2 water requirement designation may irrigate 2 to 3 days per week.
 - iv. City Parks with a Level 3 water requirement designation may irrigate 1 day per week.
- Triggers:
Restrictions to be employed between May 1 and August 31 unless otherwise imposed by the Designated Officer.

(b) Stage 2

Restrictions:

- i. Odd numbered Street addresses may irrigate on Saturday and Tuesday only. Even numbered Street addresses may irrigate on Sunday and Wednesday only. Automatic Irrigation systems to be programmed to run between the hours of 2200 and 0400 only on the designated day. Manual Irrigation may occur between 1900 and 2200 and 0600 and 0800 hours only on the designated day. Properties zoned RSM – Mobile Home Park may use their respective unit numbers in place of the street address to determine odd or even for the purpose of this restriction.
- ii. City Parks with a Level 1 water requirement designation may irrigate 3 days per week.
- iii. City Parks with a Level 2 water requirement designation may irrigate 2 days per week.
- iv. City Parks with a Level 3 water requirement designation may irrigate 1 day per week.
- v. Golf courses must reduce their total Irrigation water use by 10%.

Triggers:

Restrictions to be imposed at the discretion of the Designated Officer in consideration of but not limited to:

- i. Projected daily demand expected to reach 90% of Treatment Capacity.
- ii. Actual daily Treated Water demand 5% above the five (5) year historic average daily demand for the same day.
- iii. Water Reservoir levels at 60 – 70% capacity without any indication of recovery.
- iv. Failure or malfunction of a short term nature of the Treated Water System.
- v. Projected drought conditions from the Ministry of Water, Land and Air Protection.

(c) Stage 3

Restrictions:

- i. Odd numbered Street addresses may irrigate on Tuesday only. Even numbered Street addresses may irrigate on Wednesday only. Automatic Irrigation systems to be programmed to run between the hours of 2200 and 0200 only on the designated day. Manual Irrigation may occur between 2000 and 2300 hours only on the designated day. Properties zoned RSM – Mobile Home Park may use their respective unit numbers in place of the street address to determine odd or even for the purpose of this restriction.
- ii. City Parks with a Level 1 water requirement designation may irrigate 2 days per week.
- iii. City Parks with a Level 2 water requirement designation may irrigate 1 day per week.
- iv. City Parks with a Level 3 water requirement designation may irrigate 1 day per week.
- v. Golf courses must eliminate the use of automatic Irrigation systems and are restricted to hand sprinkling of greens and tees as required to maintain plant material with a hose equipped with a manual shut off.

- vi. No Irrigation of golf courses in the rough play areas, practice ranges and non-essential playing areas.
- vii. No Irrigation of playing fields, school yards and cemeteries other than one day a week.
- viii. No running of City water parks.
- ix. No filling or refilling of garden ponds, hot tubs and swimming pools.
- x. No operation or use of Commercial Car Washes unless carwash pressure reduced to less than 4,140 kpa (600psi).

Triggers:

Restrictions to be imposed at the discretion of the Designated Officer in consideration of but not limited to the following:

- i. Projected Treated Water demand to remain above 90% of Treatment Capacity
- ii. Actual daily Treated Water demand is 10% above the five (5) year historic average daily demand for the same day.
- iii. Water Reservoir levels at 60% capacity.
- iv. Failure or malfunction of a medium term nature of the Treated Water System.
- v. Projected prolonged drought conditions by the Ministry of Water, Land and Air Protection.

(d) Stage 4

Restrictions:

- i. No Irrigation permitted; of property other than those described in Section 43 (d) ii.
- ii. No Irrigation of golf courses, City parks, playing fields, school yards and cemeteries except where necessary to maintain plant material by the use of a hose equipped with a manual shut off.
- iii. No Irrigation of golf courses in the rough play areas, practice ranges and non-essential playing areas.
- iv. No filling or refilling of garden ponds, hot tubs and swimming pools.
- v. No running of City water parks.
- vi. No operation or use of Commercial Car Washes.

Triggers:

Restrictions to be imposed at the direction of the Designated Officer in consideration of but not limited to the following:

- i. Projected demand to remain above 95% of Treatment Capacity.
- ii. Failure or malfunction of a long term nature of the Treated Water System or Water Reservoirs used by the Utility.
- iii. Prolonged power outage.
- iv. Natural disaster that causes severe damage to the Treated Water System.

v. Natural disasters that require high volumes of Treated Water.

44. A Person who has just placed new sod or planted a newly seeded lawn may apply to the Designated Officer for a permit to water outside of the Treated Water use restrictions referenced in Section 43. The Designated Officer will consider the request and may issue a permit for the applicant to water outside of the Treated Water use restrictions for a period of 21 days. The permit, date of issue and ending date must be prominently displayed on the front lawn.
45. A Person who contravenes the water conservation restrictions contained in this bylaw is guilty of an offence punishable on summary conviction and is liable to fines as follows:
 - (a) Stage 1 Restriction violation - of not less than \$25.00 for the first offence, \$50.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.
 - (b) Stage 2 Restriction violation - of not less than \$50.00 for the first offence, \$100.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.
 - (c) Stage 3 Restriction violation - of not less than \$100.00 for the first offence, \$200.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.
 - (d) Stage 4 Restriction violation - of not less than \$200.00 for the first offence, \$400.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.
46. Persons requiring a continuous and uninterrupted supply, constant pressure or temperature of Treated Water, or having processes or equipment that require particularly clear or pure water shall, at their own cost, provide such facilities as required to meet their water quantity and quality objectives in a manner that does not have negatively impact upon the Treated Water System or other users.
47. No Person shall sell or distribute Treated Water unless the sale or distribution of Treated Water is by a landlord to a tenant or by a strata corporation to a member and that the charge to the tenant or member for Treated Water use does not exceed the amount charged by the City or unless the sale is in the form of bottled water or in the form of water for which you bring your own bottle or container and have it filled.

TREATED WATER SYSTEM – Cross Connections

48. No private water supply shall be connected to the Treated Water System unless it is authorized in writing by the Designated Officer and it is done in accordance with the Cross Connection Control Bylaw.
49. No Person shall cause, permit, or allow to remain connected to the Treated Water System any piping, Fixture, fitting, container, or other appliance which may cause water from a source other than the Treated Water System, or any other harmful deleterious liquid or substance, to enter the Treated Water System.
50. Where the City has reasonable grounds to believe unauthorized Cross Connection is in use the Designated Officer may enter onto the Property and any Buildings thereon for the purpose

of inspection and in the event that an unauthorized Cross Connection is identified the Designated Officer may:

- (a) Shut Off any Treated Water Service immediately;
 - (b) Issue written notice to the Owner to have such conditions corrected in accordance with this bylaw and or the Cross Connection Control Bylaw within a defined period of time; or
 - (c) Direct that an Approved Backflow Preventer be installed and maintained at the Owner's expense.
- 51. The design, selection, installation, maintenance, and field testing of Backflow Preventers shall comply with City Bylaws as amended from time to time and shall be as Approved by the Designated Officer.
 - 52. All Backflow Preventers shall be installed so they are easily accessible for testing and maintenance and may be required to be installed on the customer's water piping at the sources of potential or actual contamination and/or on the Treated Water Service line.
 - 53. No bypass, jumper, or other device shall be installed on the Treated Water Service line which may reduce the effectiveness of or circumvent any Backflow Preventers.
 - 54. Backflow Preventers shall be field tested by a Certified Backflow Preventer Tester authorized by the Designated Officer at the Owner's cost, at the time of installation, thereafter annually, during repair, overhaul, relocation, cleaning or as required by the Designated Officer. Copies of the test results shall be submitted to the Designated Officer within forty eight (48) hours thereafter. In the event of test failure, the Owner shall have ninety-six (96) hours thereafter to correct the problem to the satisfaction of the Designated Officer.
 - 55. Where an Owner fails to have a Backflow Preventer tested the Designated Officer may notify the Owner that the Backflow Preventer must be tested within ninety-six (96) hours of the Owner receiving notice.
 - 56. Where the Owner fails to comply with a notice given by the Designated Officer, in accordance with this bylaw, the Designated Officer may cause the supply of the Treated Water Service to be Shut Off.
 - 57. The Treated Water Service from the Treated Water System shall not be turned on at the curb stop for occupancy use until the private plumbing system has been Approved by the Designated Officer provided however temporary use of the Treated Water Service for construction purposes is permissible for a limited time provided the Designated Officer is satisfied that adequate provision is made to prevent Backflow into the Treated Water System.
 - 58. The Designated Officer may enter Buildings or Premises provided with a Backflow prevention device or assembly for the purpose of inspection and testing.

TREATED WATER SYSTEM - Plumbing

- 59. No Consumer shall connect or allow to remain connected any apparatus, fitting or Fixture which may cause pressure surges, or any other disturbance which may, in the opinion of the Designated Officer, result in damage or enjoyment to any other Consumer of the Treated Water System or any damage to the Treated Water System.

60. The Designated Officer has the right of access to any Building or Premises supplied by the Treated Water System for the purposes of inspection and testing of plumbing devices.
61. All Plumbing Devices connected to the Utility shall conform to the British Columbia Building Code, the British Columbia Plumbing Code, the Cross Connection Control Bylaw and the Building Bylaw.

TREATED WATER SYSTEM - Hydrants

62. All new City hydrants or privately owned hydrants shall be installed in accordance with the Subdivision & Development Bylaw.
63. Hydrants installed on City owned water lines shall become the property of the City and the City shall have full responsibility and control over the maintenance and operation of such hydrants.
64. All existing and/or future hydrants installed on privately owned water lines shall be the property of the Owner and shall be maintained by and at the cost of the Owner on an annual basis to the satisfaction of the Designated Officer.
65. All existing privately owned hydrants on private Property shall not be removed or otherwise made unserviceable without the prior written authorization of the City.
66. The City shall be notified by the Owner immediately when any existing privately owned hydrant is determined to be in a condition that would render it unusable for fire suppression purposes.
67. All City and privately owned hydrants shall only be operated by City employees or those authorized to do so by the Designated Officer.
68. No Person shall obstruct free access to any hydrant. No vehicle, Building, fence, tree, shrub, snow pile or any other obstacle shall be placed within two (2) meters of any hydrant.
69. The use of City and privately owned hydrants for Irrigation purposes is prohibited.
70. Water from a City owned hydrant or un-metered water from a privately owned hydrant shall not be used for purposes other than fighting fires except as provided in Section 71 of this bylaw.
71. City owned hydrants may be used by employees of the City or by contractors for furnishing water for temporary water supply, Street cleaning, flushing sewers, Street repairs or any other purpose as Approved by the Designated Officer. Contractors shall apply to the Designated Officer in the prescribed manner and pay the fee as specified in the Fees and Charges Bylaw. All hydrant hookups require a Backflow Preventer assembly.

TREATED WATER SYSTEM – Service Connections

72. The provision of a Treated Water Service connection shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
73. Treated Water Service connections shall not cross Property Lines between adjacent private properties except by right of way easements registered in the Kamloops Land Title Office.

74. The Owner shall design, arrange and pay for any unusual Meter or Meter installations, Meter reading costs and Backflow Preventer Devices which may be required to properly measure Treated Water entering or leaving the Property or Buildings.
75. A Property may have only one (1) Treated Water Service connection unless the following conditions exist or such other conditions as the Designated Officer may determine:
- (a) The second Treated Water Service connection is being provided to serve an adjacent Property and it is impractical, and not for financial reasons alone, to service the adjacent Property:
 - i. If a main extension would result in a long dead end main;
 - ii. If a main extension would not serve any further development;
 - iii. If a main extension would severely impact the environment; or
 - iv. If topography or pressure constraints require service through the adjacent Property.or
 - (b) The second Treated Water Service connection results from a Property consolidation and the following conditions exist:
 - i. The two (2) Treated Water Service connections combined are able to provide the capacity that is required with out Cross Connection concern, otherwise the existing Treated Water Service connections shall be terminated and a new properly sized Treated Water Service shall be installed at the Owner's expense; and
 - ii. The Designated Officer has examined the age and maintenance history of the Treated Water Service connection and is not satisfied as to the reliability thereof and as a result the existing Treated Water Service connection shall be terminated and a new properly sized Treated Water Service connection shall be installed at the Owner's expense; or
 - (c) The second Treated Water Service connection is a dedicated fire line.
76. Application for a Treated Water Service connection shall be made to the Designated Officer in the prescribed form not less than fourteen (14) working days prior to the Service being required. The application shall indicate the Property to which the Treated Water Service connection is required, the size of the Service requested, the intended use of the Property and include a British Columbia Land Surveyor survey plan which shows all existing and any required statutory right of way or right of way easements.
77. In general the application for a Treated Water Service connection shall be followed by an application for a plumbing permit prior to making any connection between the pipes located in any Street and pipes located on private Property.
78. To be eligible for a connection to the Treated Water System the following conditions must apply:
- (a) The Property requesting a connection must be in the Treated Water Area, Schedule "F";
 - (b) The connection shall serve only one (1) Property unless the conditions as prescribed in Section 75 herein where upon it will be permissible to have up to a maximum of two (2) water connections to one (1) Property;

- (c) The current capacity of the Treated Water System is capable of supporting the connection without having a negative impact on existing Consumers as determined by the Designated Officer;
 - (d) Properties within Area A of Schedule "F" of the Treated Water Area must have a minimum of 2.02 irrigable hectares on the Irrigation Roll;
 - (e) Properties within Area A of Schedule "F" of the Treated Water Area must have an Irrigation Water Service connection; and
 - (f) Properties within Area A of Schedule "F" of the Treated Water Area must use the Treated Water connection for Domestic purposes only.
79. Home site severances are exempt from the conditions noted in 78 of this bylaw.
80. To be eligible to maintain a connection to the Treated Water System in Area A of Schedule "F" the Treated Water is to be used only for Domestic purposes.
81. Applications for connection to the Treated Water System shall be reviewed by the Designated Officer, including any additional information that may be required and a report, which addresses the conditions for eligibility and the terms and conditions of this bylaw, shall be generated.
82. If the Designated Officer after reviewing and considering an application for connection to the Treated Water System determines that a connection is warranted the Designated Officer shall approve a connection, including setting the size of the connection, subject to the Owner:
- (a) Paying the City all costs of the installation of the connection and any Metering or other reading devices;
 - (b) Providing any Statutory Right of Ways or right of way easements required for the connection;
 - (c) In the event of more than one connection paying all additional City costs associated with the installation, maintenance and reading of any additional Metering devices; and
 - (d) Designing, arranging and paying for any unusual Meter or Meter installation which may be required to properly measure Treated Water entering or leaving the Property. Design to be approved by the Designated Officer.
83. The connection, installation, alteration and termination of the Treated Water Service from the main to the Property Line shall be paid for by the Owner and undertaken only by the City at a point in time and location determined by the City.
84. Where an Owner has requested a Treated Water Service termination the City shall Shut Off the Treated Water Service and cap the Treated Water Service lines at a point in time determined by the City.
85. The Owner shall be responsible for the condition of the curb stop cap, curb stop stem and telescoping curb box. If the curb box is bent or the curb stop cap is buried by earth, rock, asphalt, concrete or for any other reason, the Owner shall pay the actual cost of locating, excavating, cutting and joining and all other work necessary to straighten the rod and stem, or to raise or lower the curb box to match existing grade.
86. Application for a temporary Treated Water Service shall be made in writing to the Designated Officer not less than fourteen (14) working days before the Treated Water Service is required,

and in prescribed form. The provision of the temporary Treated Water Service shall be undertaken by the City and the Owner shall be responsible for the payment of all costs as set out in the Fees and Charges Bylaw.

87. Applications for the Shut Off or turn on of Utility connections shall be made in writing to the Designated Officer prior to 1000 hours to receive same day service and shall be in prescribed form. Application for Shut Off or turn on received after 1000 will be addressed on the next business day or on the next non work day subject to the payment of the appropriate fee. Applications for Shut Off will only be accepted from the Utility account holder or from the Property Owner if they certify that the Premises are no longer being occupied.

SANITARY SEWER SYSTEM – General

88. The Sanitary Sewer Area is that area depicted in Schedule "G" of this bylaw.
89. No Person shall release, or permit the release of, any Matter into the Sanitary Sewer System except:
- (a) Domestic Waste Water that complies with the requirements of this bylaw;
 - (b) Industrial/Commercial Waste Water that complies with the requirements of this bylaw;
 - (c) Over Strength Matter, as described in Schedule "D", Storm Water, Clear-Water Waste, Sub-Surface Water from foundation drains, or other Matter where a Permit to Discharge has been issued by the Designated Officer;
 - (d) Swimming pool water.
90. Notwithstanding anything herein to the contrary no Person shall Release or permit the Release of any of the following into the Sanitary Sewer System:
- (a) Any waste, liquid or material classified as a 'Hazardous Waste' pursuant to the provisions of the Environmental Management Act and amendments thereto;
 - (b) Matter which, in the opinion of the Designated Officer, may cause:
 - i. A hazard to human health and that cannot be effectively mitigated by Waste Water treatment;
 - ii. A hazard to the environment;
 - iii. An adverse effect on the Sanitary Sewer System; or
 - iv. The Waste Water treatment plant, during normal operation, to be unable to meet the requirements of any other agency having jurisdiction over discharges to the receiving waters;
 - (c) Waste Water or Matter having:
 - i. A temperature greater than 65°C;
 - ii. A pH less than 5.5 or greater than 10.5;
 - iii. A Restricted Waste as described in Schedule "C"; or
 - iv. Been received from a Septic System unless it is discharged at an Approved City facility.

91. No Person shall Release or permit the Release of any of the following into the Sanitary Sewer System unless a Permit to Discharge has been issued by the Designated Officer:
- (a) Run-off from melt or natural precipitation;
 - (b) Storm Water;
 - (c) Clear Water Waste;
 - (d) Sub-Surface Water from foundation drains; or
 - (e) Over Strength Matter as described in Schedule "D".
92. No Person shall dilute Waste Water for the purpose of avoiding the requirements of this bylaw.
93. Where a Person needs to or is releasing Waste Water that cannot meet the requirements of Sections 89 or 91 of this bylaw or where the volume of discharge of Waste Water is considered by the Designated Officer to be unusually high the Designated Officer may require a Permit to Discharge. Application for a Permit to Discharge, including all required test data, shall be made to the Designated Officer in the prescribed form and the required fees shall be paid as designated in the Fees and Charges Bylaw. The Designated Officer will review the application and determine whether to issue a Permit to Discharge. Conditions may be placed on the Permit to Discharge that may include the requirement for Pre-Treatment to a specified level, payment of an Over Strength Surcharge, flow regulation, monitoring or control manholes, testing and monitoring and may be subject to a negotiated fee for excessive quantities of Waste Water.
94. Where Best Available Demonstrated Technology ("B.A.D.T.") for a class of industry cannot meet the Restricted Waste or Over Strength Matter concentration levels set out in Schedules "C" or "D", the Designated Officer may, pursuant to the Permit to Discharge, authorize the concentration levels achievable through the use of B.A.D.T. for that class of industry as the concentration levels above which the Waste Water will be designated a Restricted Waste Water or Over Strength Matter.

SANITARY SEWER SYSTEM – On Site, Plumbing and Service Connection

95. Commercial garages, service stations, businesses that wash or lubricate motor vehicles, or businesses that wash aggregates or soils shall be provided with a readily accessible sand trap, sump and Oil and Grease Interceptors or traps located as close as possible to the source of the washing of aggregates or soils and they shall be maintained in good working order by the Owner. All interceptors shall have sand and silt removed from sand traps before materials occupy 25% of liquid depth. Accumulated oil and grease shall be skimmed off the surface of the interceptors and other sumps regularly to prevent accumulated oil and grease from escaping to the Sanitary Sewer. The design of such sand trap, sump and oil interceptor are to be Approved by the Designated Officer.
96. Cafe, restaurant, or other food service outlets shall be provided with readily accessible grease interceptor or trap located as close as possible to the source and they shall be maintained in good working order by the Owner. The design of such a grease trap or interceptor shall be Approved by the Designated Officer.
97. The Designated Officer shall have the right of access to any Building or Premises required to have a sand trap, sump, or oil and grease trap or interceptor for the purposes of inspection and testing.

98. The Designated Officer shall have the right to require that Backflow flapper type valves be installed in order to prevent homes from being flooded from a Sanitary Sewer back up.
99. All plumbing connected to the Utility shall conform to the British Columbia Plumbing Code, British Columbia Building Code and the Building Bylaw.
100. Where Sanitary Sewer volumes are highly variable the Designated Officer shall have the right to require that volume control devices be installed to equalize discharge volumes.
101. On all new Sanitary Sewer connections the Owner shall install a Sanitary Sewer Service inspection chamber and on Property zoned as Commercial and Industrial according to the Zoning Bylaw of the City. The Owner shall also install a monitoring point that meets the requirements of the Designated Officer.
102. Equipment necessary to comply with Sections 95, 96, 98, 100 and 101 of this bylaw shall be paid for, provided, maintained and operated by the Owner in a manner satisfactory to the Designated Officer.

SANITARY SEWER SYSTEM– Service Connections

103. The provision of a Sanitary Sewer Service connection shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
104. Sanitary Sewer Service connections shall not cross Property Lines between adjacent private Properties except by Statutory Right of Ways or right of way easements registered in the Kamloops Land Title Office.
105. A Property may have only one (1) Sanitary Sewer Service connection unless the following conditions exist and such other conditions as the Designated Officer may require:
 - (a) The second Sanitary Sewer Service connection is being provided to an adjacent Property and it is impractical, not for financial reasons alone, to service the adjacent Property:
 - i. If a main extension would result in a long dead end main;
 - ii. If a main extension would never serve any further development;
 - iii. If a main extension would have a severe negative impact on the environment; or
 - iv. If topography or pressure constraints require service through the adjacent Property; or
 - (b) The second Sanitary Sewer Service connection results from a Property consolidation and the following conditions exist:
 - i. The two (2) Sanitary Sewer Service connections combined are able to provide the capacity that is required otherwise the existing Sanitary Sewer Service connections shall be terminated and a new properly sized Sanitary Sewer Service connection shall be installed at the Owner's expense; and
 - ii. The Designated Officer has examined the age and maintenance history of the Sanitary Sewer Service connection and is satisfied as to the condition and reliability thereof otherwise the existing Sanitary Sewer Service connection shall be Terminated and a new properly sized Sanitary Sewer Service connection shall be installed at the Owner's expense.

106. The maximum number of Sanitary Sewer Service connections allowed to any Property pursuant to Section 105 of this bylaw is two (2).
107. Application for a Sanitary Sewer Service connection shall be made to the Designated Officer in the prescribed form not less than fourteen (14) days prior to the Sanitary Sewer Service connection being required. The application shall describe the Property to which the Sanitary Sewer Service connection is required, the size of the service requested the intended use of the Property and include a British Columbia Land Surveyor survey plan which shows all existing and any required Statutory Right of Ways or right of way easements.
108. In general the application for a Sanitary Sewer Service connection shall be followed by an application for a plumbing permit prior to making any connection between the pipes located in the Statutory Right of Way or right of way easement and pipes located on private Property.
109. To be eligible for a connection to the Sanitary Sewer System the following conditions must apply:
 - (a) The Property requesting a connection must be in the Sanitary Sewer Area, Schedule "G";
 - (b) The connection shall serve only one (1) Property unless the conditions pursuant to Section 105 of this bylaw have been satisfied where upon it will be permissible to have up to a maximum of two (2) Sanitary Sewer Service connections; and
 - (c) The current capacity of the Sanitary Sewer System is capable of supporting the connection without having a negative impact on existing Consumers as determined by the Designated Officer.
110. Applications for Sanitary Sewer Service connections shall be reviewed by the Designated Officer, including any additional information that may be required and a report, which addresses the conditions of eligibility and the terms and conditions of this bylaw, shall be generated.
111. If the Designated Officer after reviewing and considering the application for Sanitary Sewer Service connection determines that a connection is warranted the Designated Officer shall approve a connection, including setting the size of the connection, subject to the Owner:
 - (a) Paying the City all costs of the installation of the connection;
 - (b) Obtaining and meeting any requirements for a Permit to Discharge;
 - (c) Meeting any requirements for monitoring or control points, flow control, sand traps, Oil and Grease Interceptors; and
 - (d) Providing any Statutory Right of Ways or right of way easements required for the connection.
112. In the event that the Sanitary Sewer Service connection replaces an onsite septic tank located on the Property the sludge or deposits from the septic tank must be removed and the septic tank filled in with suitable fill material approved by the Designated Officer.
113. The connection, installation, alteration and Termination from the Sanitary Sewer Main to the Property Line shall be undertaken only by the City at a point in time and location determined by the City.

114. Where an Owner has requested a Sanitary Sewer Service Termination the City shall cap the Sanitary Sewer Service Line at a point in time determined by the City.

STORM SEWER SYSTEM – General

115. No Person shall Release or permit the Release of any Matter into the Storm Sewer System or any watercourse, except:
- (a) Storm Water and run-off from melt of natural precipitation that complies with the requirements of this bylaw;
 - (b) Sub-Surface Water that complies with the requirements of this bylaw;
 - (c) Water resulting from Street cleaning and de-chlorinated hydrant flushing;
 - (d) Water resulting from fire extinguishing activities;
 - (e) Water resulting from garden and lawn maintenance;
 - (f) Water resulting from non-Commercial car washing;
 - (g) Sub-Surface Water, Storm Water or Clear-Water Waste from a remediation site for which a Permit to Discharge has been issued; or
 - (h) Dechlorinated swimming pool water.
116. No Person shall Release or permit the Release of any Matter of any type into the Storm Sewer System or any watercourse which may:
- (a) Result in a hazard to any Person, animal, Property or vegetation;
 - (b) Cause an adverse effect on the Storm Sewer System or Water Course;
 - (c) Be in excess of 30.0 mg/L above the background suspended solids of the downstream receiving environment during the months of May 15 to October 1, or 80.0 mg/L above the background suspended solids of the downstream receiving environment during the months of October to April;
 - (d) Originate from a Commercial Car Wash;
 - (e) Contain Waste Water;
 - (f) Contain Super Chlorinated Water;
 - (g) Contain Restricted Waste or Over Strength Matter as described in Schedules "C" or "D";
 - (h) Have come from a Septic System unless it is discharged at an Approved City facility.
117. No Person shall Release or permit the Release of any of the following into the Storm Sewer system unless a Permit to Discharge has been issued by the Designated Officer:
- (a) Anything having a temperature greater than 40 degrees Celsius;
 - (b) Anything having a pH less than 6.0 or greater than 9.0, except for rainwater; or
 - (c) Clear-Water Waste, or
 - (c) Sub-Surface Water, Storm Water or Clear-Water Waste originating from a Remediation Site.

118. No Person shall dilute Storm Water for the purpose of avoiding the requirements of this bylaw.
119. Where a Person needs to or is releasing Storm Water that does not meet the requirements of Section 115 or 117 of this bylaw, they shall apply to the Designated Officer in the prescribed form and pay the designated fee for a Permit to Discharge. The Designated Officer will review the application and may either issue or refuse the application. The Designated Officer may impose conditions on the Permit to Discharge including the requirement for pre-treatment to a specified level, flow regulation, monitoring and or control manholes, testing and monitoring.

STORM SEWER SYSTEM – On Site, Plumbing and Service Connection

120. Where Storm Sewer Service volumes are highly variable the Designated Officer may require that volume control devices be installed to equalize discharge volumes.
121. Commercial garages, service stations, businesses that wash or lubricate motor vehicles, or businesses that wash aggregates or soils, or businesses with large parking lots shall provide for readily accessible sand trap, sump and Oil and Grease Interceptors located as close as possible to the source or sources and they shall be maintained in good working order by the Owner. All interceptors shall have sand and silt removed from sand traps before materials occupy 25% of the liquid depth. Accumulated oil and grease shall be skimmed off the surface of the interceptors and other sumps regularly to prevent accumulated oil and grease from escaping to the Storm Sewer System. The design of such sand trap, sump and oil interceptor are to be Approved by the Designated Officer.

STORM SEWER SYSTEM – Service Connections

122. The provision of a Storm Sewer Service connection shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
123. A Property may have only one (1) Storm Sewer Service connection unless the following conditions exist and such other conditions as the Designated Officer may require:
- (a) The second Storm Sewer Service connection is being provided to an adjacent Property and it is impractical, not for financial reasons alone, to Service the adjacent Property:
 - i. If a main extension would result in a long dead end main;
 - ii. If a main extension would not serve any further development;
 - iii. If a main extension would have a severe and negative impact on the environment; or
 - iv. If topography or pressure constraints require Service through the adjacent Property; or
 - (b) The second Storm Sewer Service connection results from a Property consolidation and the following conditions exist:
 - i. The two Storm Sewer Service connections combined are able to provide the capacity that is required otherwise the existing Storm Sewer Service connections shall be terminated and a new properly sized Storm Sewer Service connection shall be installed at the Owner's expense; and

- ii. The Designated Officer has examined the age and maintenance history of the Storm Sewer Service connections and is satisfied with the condition and reliability thereof otherwise the existing Storm Sewer Service connections shall be Terminated and a new properly sized Storm Sewer Service connections shall be installed at the Owner's expense.
- 124. The maximum number of Storm Sewer Service connections allowed to any Property pursuant to Section 123 of this bylaw, is two (2).
- 125. Storm Sewer Service connections shall not cross Property Lines between adjacent private Properties except by Statutory Rights of Way or right of way easements registered in the Kamloops Land Title Office.
- 126. Application for a Storm Sewer Service connection shall be made to the Designated Officer in the prescribed form not less than fourteen (14) working days prior to the Storm Sewer Service connection being required. The application shall describe the Property to which the Storm Sewer Service connection is required, the size of the Storm Sewer Service requested, the intended use of the Property and should include a British Columbia Land Surveyor survey plan which shows all existing and any required Statutory Right of Ways or right of way easements and any on-site Storm Water management Buildings.
- 127. In general the application for a Storm Sewer Service connection shall be followed by an application for a plumbing permit prior to making any connection between the pipes located in the Street and pipes located on private Property.
- 128. To be eligible for a connection to the Storm Sewer System the following conditions must apply:
 - (a) The connection shall only serve one (1) Property unless the conditions as set down in 123 of this bylaw apply where upon it will be permissible to have up to a maximum of two (2) Storm Sewer Service connections to one (1) Property; and
 - (b) The current capacity of the Storm Sewer System is capable of supporting the connection without having a negative impact on existing Consumers as determined by the Designated Officer.
- 129. Applications shall be reviewed by the Designated Officer, including any additional information that may be required for Storm Sewer Service connection and a report, which addresses the conditions of eligibility and the terms and conditions of this bylaw, shall be generated.
- 130. If the Designated Officer after reviewing and considering the application determines that a connection is warranted the Designated Officer shall approve the connection, including setting the size of the connection, subject to the Owner:
 - (a) Paying the City all costs of the installation of the connection;
 - (b) Obtaining and meeting any requirements for a Permit to Discharge;
 - (c) Meeting any requirements for monitoring or control points, flow control, sand traps, Oil and Grease Interceptors and traps; and
 - (d) Providing any Statutory Rights of Way or right of way easements required for the connection.

131. The connection, installation, alteration and Termination from the Storm Sewer Main to the Property Line shall be undertaken only by the City at a point in time and location determined by the City.
132. Where an Owner has requested a Storm Sewer Service Termination the City shall cap the Storm Sewer Service Lines at a point in time determined by the City.

PERMIT TO DISCHARGE

133. The Designated Officer, may require that a Permit To Discharge be obtained by a Person or class of Persons to allow a high volume discharge, the discharge of Over Strength Matter, the discharge of Restricted Wastes where Best Available Demonstrated Technology (B.A.D.T.) for that class of Person cannot meet Restricted Waste concentrations levels as set out in Schedule "C" of this bylaw, the discharge from Commercial garages, service stations, businesses that wash or lubricate motor vehicles, or businesses that wash aggregates or soils , or businesses with large parking lots. The Designated Officer may set such terms and conditions as the Designated Officer may deem necessary or appropriate for the protection of the Sanitary Sewer System, the Storm Sewer System, natural Water Courses, human or animal health and safety, and the environment and without limiting the generality of the foregoing, may in the Permit To Discharge:
 - (a) Place limits and restrictions on the quantity, frequency of discharge and nature of the Waste permitted to be discharged;
 - (b) Levy an Over Strength Surcharge and or an excessive Waste Water quantity charge as prescribed in the Fees and Charges Bylaw, for each kilogram per cubic meter of constituent in the Waste Water released in excess of those specified in Schedule "D" but less than those identified as a Restricted Waste in Schedule "C";
 - (c) Allow the discharge of Over Strength Matter or Restricted Waste where concentration levels set in Schedule "C" and "D" of this bylaw cannot be achieved through the use of Best Available Demonstrated Technology (B.A.D.T.) for that class of industry;
 - (d) Require the holder of a Permit To Discharge, at their expense repair, alter, remove or add works or construct new works to ensure that the discharge will comply with the Permit To Discharge and this bylaw;
 - (e) Require the holder of a Permit To Discharge, at their expense to monitor the Waste being discharged under the Permit To Discharge in the manner specified by the Designated Officer and to provide information concerning the discharge as requested by the Designated Officer, including, but not limited to, routine maintenance check dates, cleaning and Waste removal dates, and the means of disposal of accumulated Waste and residuals;
 - (f) Require the holder of a Permit To Discharge to submit to the Designated Officer details plans and operating procedures for all existing facilities installed on the Premises for the purpose of preventing accidental discharge; or

- (g) Require the holder of a Permit to Discharge to take all measures to keep all equipment and facilities maintained and in good order as may be necessary to ensure compliance with the terms and conditions of the Permit To Discharge.
- 134. Notwithstanding anything herein to the contrary the Designated Officer may require a Person or any class of Persons to obtain a Permit To Discharge for the discharge of any non-Domestic Waste by that Person or class of Persons.
- 135. Upon receipt of notice under Section 134 of this bylaw the Person receiving the notice shall, within thirty (30) days, apply for a Permit to Discharge and provide to the Designated Officer such information relating to the discharge of non-domestic Waste by that Person as the Designated Officer may require.
- 136. The Designated Officer may revoke a Permit To Discharge for failure to comply with the terms and conditions of the Permit To Discharge or for failure to comply with this bylaw.
- 137. A Person who makes a discharge after having their Permit To Discharge revoked is guilty of an offence punishable on summary conviction and is liable to a fine not to exceed One Thousand Dollars (\$1,000.00) and if the offence is of a continuing nature to a fine not exceeding Five Hundred Dollars (\$500.00) for each day the offence is continued.

REPAIR OF SERVICE FAILURE OR INTERRUPTION OF SERVICE

- 138. Consumers shall have a duty of care to the City to maintain and use the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service in the manner in which they were designed to be used.
- 139. Any Consumer experiencing a Service Failure or interruption of the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service shall report forthwith the matter to the Designated Officer.
- 140. Consumers having a Service Failure or interruption of the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service, the investigation and/or repair of which necessitates excavation within the Street shall, prior to the City taking any action, sign a work order with the City and the City shall carry out the said repair work. Alternatively, if Approved by the Designated Officer, pursuant to Schedule "F" to the Traffic Bylaw, the Consumer may undertake to have the work completed by a third party.
- 141. The Consumer shall undertake repair work for Service Failure or interruption of the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service on the Consumer's Property where it has been determined by the Designated Officer to be the fault of the City or the Consumer or due to natural causes.
- 142. Upon completion of the repair work by the City referred to in Section 140 of this bylaw the Designated Officer shall determine total costs and allocate them to the City or the Consumer as described in Section 144 of this bylaw. Should surface restoration not be possible until the following construction season, the calculation of total cost shall use the cost of surface restoration as estimated by the Designated Officer.

143. Upon completion of the repair work by the Consumer determined to be the fault of the City as referred to in Section 141 of this bylaw the Consumer shall submit an itemized invoice to the Designated Officer who will review and if appropriate approve payment of the invoice in accordance with Section 144 of this bylaw.
144. Responsibility for the cost of repair for any Service Failure or interruption in the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service are as follows:
- (a) The Consumer shall be responsible for all costs resulting from blockage, breakage, damage, and or failure between the Irrigation Water Main, Treated Water Main, Sanitary Sewer Main and or Storm Sewer Main and the Property Line that is caused by any action, inaction, misuse or negligence on the part of the Consumer as determined by the Designated Officer;
 - (b) The Consumer shall be responsible for all costs resulting from blockage, breakage, damage, and or failure between the Property Line and the foundation line;
 - (c) The Consumer shall be responsible for all costs resulting from a freeze up of the Irrigation Water Service or the Treated Water Service from the Property Line to the foundation line; and
 - (d) The City shall be responsible for all costs resulting from blockage, breakage, damage, and or failure between the Irrigation Water Main, Treated Water Main, Sanitary Sewer Main or Storm Sewer Main and the Property Line that was not a result of any action, inaction, misuse or negligence on the part of the Consumer as determined by the Designated Officer.

INFRASTRUCTURE EXTENSIONS OR UPGRADES

145. Application for Infrastructure extensions to serve any existing Property not currently served and not being subdivided or where service to existing Property is in a manner that does not meet the needs of the Owner the Owner may make application to the Designated Officer in the prescribed form to have an extension or upgrade constructed.
146. Applications for Infrastructure extensions or upgrades that are required for subdivision servicing shall be addressed pursuant to the Subdivision & Development Bylaw.
147. The application for Infrastructure extensions shall indicate the area where the extension or upgrade is required and state the reason the extension or upgrade is necessary.
148. Applications for Infrastructure or up-grade shall be reviewed by the Designated Officer, any additional information relating thereto and a report, which addresses the following items, shall be submitted to Council for their consideration:
- (a) Whether the extension or upgrade generally is in the public interest;
 - (b) Whether the current Infrastructure is capable of supporting the extension or upgrade without having a negative impact on existing Consumers;
 - (c) Whether there are sufficient potential users to make use of such an extension or upgrade;
 - (d) The estimated cost of the extension or upgrade and financing options; and

- (e) Whether in the case of an extension or upgrade to the Irrigation Water System the connection prejudicially affects the prior rights of any of the parties to the use of the water intended to be conveyed and distributed by the connection.
149. After reviewing and considering the application and determining that an extension is warranted Council may authorize the extension on the terms and conditions that the Council considers advisable subject to the Owner or Owners and the City meeting all legislative requirements as set down in the relevant sections of the Local Government Act and the Community Charter and entering into any required agreements.

UNAUTHORISED RELEASES

150. Any Person who Releases or permits the unauthorized Release of any Matter set out in Section 90, 91, 116 or 117 of this bylaw into the Sanitary Sewer System, Storm Sewer System or any Water Course, immediately after becoming aware of the Release, shall notify the City and provide the following information:
- (a) Name of the Person owning or having had the possession of the Matter Released;
 - (b) Location of the Release;
 - (c) Name of Person reporting the Release and telephone number where that Person can be contacted;
 - (d) Time of the Release;
 - (e) Type of material Released and any known associated hazards;
 - (f) Volume of the material Released; and
 - (g) Corrective action being taken or anticipated to be taken to control the Release.
151. The Person who Released or permitted the unauthorized Release shall, as soon as the Person becomes aware or ought to have become aware of the Release, take all reasonable measures to:
- (a) Confine, remedy and repair the effects of the Released Matter; and
 - (b) Remove and dispose of the Matter in such a manner as to effect the maximum protection to human life, health and the Sanitary Sewer System, Storm Sewer System or watercourse.
152. The Person who Released or permitted the Release shall within fourteen (14) days following the unauthorized Release submit to the City a written report that details the following:
- (a) Date and time of the Release;
 - (b) Location of the point of the Release;
 - (c) Duration of the Release;
 - (d) Composition of the Release showing with respect to each substance its concentration and total quantity, and a description of the circumstances leading to the Release;
 - (e) Steps or procedures which were taken to minimize, control or stop the Release;
 - (f) A summary of the impairment, damage, or harm which occurred to any Person, Premises, or private drainage system; and

- (g) Any other information required by the City.
- 153. Any Person observing a Release of any Matter set out in Section 90, 91, 116 or 117 of this bylaw into the Sanitary Sewer System, Storm Sewer System or any Water Course shall notify the City forthwith and provide as much information on the Release as possible.
- 154. Every Person who directly or indirectly discharges Waste or substances produced, treated, handled or stored on Property other than residential Property into the Sanitary Sewer System shall, as a condition of that discharge:
 - (a) Provide and maintain facilities to prevent accidental discharge or discharge contrary to this bylaw or a Permit To Discharge. Facilities include but are not limited to spill containment facilities, recovery and neutralization facilities for substance which, if accidentally discharged, would constitute a Hazardous or Restricted Waste;
 - (b) Post and keep posted permanent signs in conspicuous locations on the Premises displaying the name, telephone number of the Person to call in the event of accidental discharge of Restricted Waste; and
 - (c) Inform employees who may cause or discover the discharge of Restricted Waste, of notification procedures set out in this bylaw.

WATER METERS

- 155. Save and except for dedicated fire lines all Properties, Buildings and devices connected to the Irrigation Water System and or Treated Water System shall have a water Meter, conduit, wiring and a remote register installed to the approval of the Designated Officer unless the Designated Officer determines that either a flat rate for water use would be more appropriate or unless the water line is a dedicated fire line. The water Meter or Meters shall be in the Building or in a Meter chamber or chambers and shall be sufficient to accurately determine the water flow.
- 156. Where unusual conditions such as but not limited to the following exist the Designated Officer may require one or more water Meters, remote readouts or Meter chambers:
 - (a) Any Property having more than one (1) Irrigation Water Service or Treated Water Service connection;
 - (b) Any situation where the water Service must cross private Property, other than the Owners to reach the Building being served; and
 - (c) Strata title properties, duplexes and mobile home parks.
- 157. The size of all Meters installed shall be determined by the Designated Officer and will not necessarily conform to the size of the service pipe installed but will be based on the estimated rate of consumption.
- 158. Water Meters, and remote registers shall be supplied, owned and maintained by the City and paid for by the Owner in accordance with the Fees and Charges Bylaw. Water Meter replacements required due to age or malfunction shall be paid for by the City.

159. Water Meters, wiring, conduit and remote registers shall be installed by the City at the expense of the Owner. The design of any unusual Water Meter installations must approved by the Designated Officer and shall be paid for by the Owner. Any Water Meter installations, Water Meter reading costs and Backflow prevention devices associated with Treated Water Service connections which cross Property Lines or enter or leave Buildings must be approved by the Designated Officer and shall be paid for by the Owner.
160. Water Meters shall be installed in accordance with the installation requirements as set by the Designated Officer.
161. Every Consumer shall provide adequate protection against freezing, heat, moisture damage and vandalism for any water Meter and remote register.
162. There shall be no branch lines or water consuming appliances affixed to the Treated Water line or the Irrigation Water line on the City's side of the water Meter except, with the approval of the Designated Officer or unless approved branch lines are for dedicated fire suppression systems.
163. If a Meter or by-pass seal is broken, the occupant of the Premises shall notify the Designated Officer within twenty-four (24) hours.
164. No Person shall remove, relocate or disconnect a water Meter, seals, or remote register without the written permission of the Designated Officer.
165. In the event that water Meter chambers are required the number and configuration of the Meter chambers shall be as determined by the Designated Officer. The Owner shall be responsible for all costs associated with the construction and maintenance of the Meter chambers.
166. The Designated Officer has the right of access to any Building or Premises provided with a water Meter for the purposes of obtaining Meter readings, performing inspections and carrying out maintenance and repairs.

PAYMENT AND COLLECTION OF ACCOUNTS

167. The City shall have the authority to charge Consumers and or the Owners for provision of Irrigation Water, Treated Water and Waste Water treatment pursuant to the following and as determined by the Designated Officer:

- (a) Irrigation Water based on:

- i. A per hectare charge for the number of irrigable hectares of the Consumer as shown on the Irrigation roll; and/or
- ii. A volumetric charge based on the number of cubic meters of Irrigation Water used as measured by an Irrigation Water Meter; and/or
- iii. A stand alone negotiated agreement.

At the time the City requires the installation of Irrigation Water Meters to measure Irrigation Water a sufficient notice and phase in period as determined by the Designated Officer will be provided.

- (b) Treated Water based on:

- i. A volumetric charge of the number of cubic meters of Treated Water as measured by a Treated Water Meter; and/or
 - ii. A flat rate based on Service size; and/or
 - iii. A stand alone negotiated agreement.
- (c) Sanitary Sewage based on:
- i. A volumetric charge based on the number of cubic meters of Treated Water used as measured by a Treated Water Meter; and/or
 - ii. A flat rate based on Service size; and/or
 - iii. A Fixture charge; and/or
 - iv. A Sewage tax; and/or
 - v. A stand alone negotiated agreement.

At the time the City requires the use of a volume charge based on the number of cubic meters of Treated Water to measure Sanitary Sewage flow a sufficient notice and phase in period as determined by the Designated Officer will be provided.

- 168. There shall be paid, for all Irrigation Water and Treated Water supplied and Waste Water collected or service rendered for items listed in Schedule "B" the amounts set out in the Fees and Charges Bylaw.
- 169. Where Treated Water Mains or Sanitary Sewer Mains, in the areas described in Schedules "F" and "G" to this bylaw, have been provided by the City and are available for connection to private Property, upon six (6) months written notice, the minimum flat rate charge for Treated Water and Sanitary Sewage set out in the Fees and Charges Bylaw shall be paid by all Consumers whose Property is occupied for a purpose requiring the provision of sanitary facilities in accordance with the British Columbia Building Code, whether or not a private Treated Water Service or Sanitary Sewer Service connection has actually been made.
- 170. Subject to any other provisions of this bylaw, the Metered rates payable by a Consumer shall be determined by reference to the reading of the Meter connected to that Service.
- 171. In the event of a difference in reading between the remote register and the water Meter, the reading of the water Meter shall prevail.
- 172. If a Meter reading is disputed by either the City or a Consumer, the Meter shall be tested by a qualified Person designated by the City. If the Meter is found to be accurate within 98.5% to 101.5% of the water passing through the Meter, the expense of such test, as set out in the Fees and Charges Bylaw, shall be borne by the party disputing the reading. If the Meter is found not to be accurate within the said specified limits, it shall be repaired or replaced at the expense of the City.
- 173. If, upon testing a Meter, it is determined that the Meter has failed to properly record the flow of water, the Designated Officer shall estimate the flow of water and render a calculation utilizing such methods as are considered fair and equitable. The Consumer will then either be charged or refunded the difference and upon receipt of payment or refund all claims on account of the inaccurate Meter shall be deemed settled. No such settlement shall extend for a period beyond one (1) year prior to the test, and any refund shall be made only to the person who overpaid.

174. Accounts shall be rendered in respect of each Irrigation Water Service, Treated Water Service and Sanitary Sewer Service in the manner prescribed by the Designated Officer.
175. Where any Service charge is designated by reference to an hourly, daily or weekly rate, the charge for a lesser period of time shall, where possible, be calculated on a proportionate basis.
176. Should a Utility account remain unpaid for a period of thirty (30) days, the Service may be Shut Off following forty-eight (48) hours written notice. The Service supply to any such Person shall not be restored until such Person has paid the outstanding balance of the account to the satisfaction of the Designated Officer and has paid to the City the fee for reinstatement of Service as designated in the Fees and Charges Bylaw.
177. The Owner of Property shall be liable for all rates and fees chargeable or payable under this bylaw as provided for in provincial statutes and for any costs associated with the City having to undertake the repair of unsatisfactory work completed on the Owner's behalf by private contractors with respect to the Service. Any unpaid charges may be transferred to taxes of the benefiting Property in accordance with the Community Charter/Local Government Act.
178. The Meters of all Consumers shall be read, where practical, twice per year on or about May and September. In the event that any Meter cannot be read in accordance with normal practices, the Designated Officer shall estimate the flow of water and render an account utilizing such methods as are considered to be fair and equitable.
179. Should a Consumer have a concern with any fee or charge rendered pursuant to this bylaw they may send a letter to the Designated Officer setting out the nature and substantiating details of the concern. The Designated Officer will review the concern, provide a written response within thirty (30) days and take any action as may be necessary. Should the Consumer wish to appeal the decision of the Designated Officer they may send a letter to the Chief Administrative Officer within seven (7) days of receipt of the written response. The Chief Administrative Officer will review the matter and render a written decision in thirty (30) days and the decision of the Chief Administrative Officer shall be final and binding.

OFFENCES AND PENALTIES

180. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of the provisions of this bylaw, or 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 any offence against this bylaw and liable to the penalties hereby imposed.
181. Each day that a violation is permitted to exist shall constitute a separate offence.
182. A Person who contravenes any provision of this bylaw for which no other penalty has been provided under this bylaw, is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding Two Thousand Dollars (\$2,000.00) or to imprisonment for a term not exceeding six (6) months, or to both and if the offence is of a continuing nature to a fine not exceeding Five Hundred Dollars (\$500.00) for each day the offence is continued.
183. This Bylaw is designated as a Bylaw that may be enforced by means of Municipal Ticket Information under the Community Charter or a Bylaw Notice under the Local Government Bylaw Notice Enforcement Act.
184. The City may, in its discretion, terminate the supply of Irrigation Water or Treated Water after forty-eight (48) hours written notice of the contravention and proposed termination of Service

has been given by the City to the offending Person, and the said contravention has not within the forty-eight (48) hours been rectified for any or all of the following reasons:

- (a) Non payment of accounts for Irrigation Water, Treated Water, Sanitary Sewage or repair accounts;
 - (b) Violation of any regulation, restriction or prohibition with respect to Irrigation;
 - (c) The existence of a non health hazardous Cross-Connection;
 - (d) The existence of Plumbing Devices that have a negative effect, as determined by the Designated Officer, on the Irrigation Water System, Sanitary Sewer System, Storm Sewer System or Treated Water System;
 - (e) The existence of Plumbing Devices which leak or extract or add heat to the water system of the City;
 - (f) Defective Backflow prevention devices or assemblies that do not cause a health hazard;
 - (g) Alteration or bypass of a water Meter;
 - (h) Violation of any regulation, restriction or prohibition with respect to water use;
 - (i) Wasting of Irrigation Water or Treated Water;
 - (j) Use of water from a Treated Water Main in Area A of Schedule "F" for non-domestic purposes or Irrigation purposes;
 - (k) Disinfecting water Mains of the City;
 - (l) Unauthorized Release of Over Strength Matter to the Sanitary Sewer System or the Storm Sewer System;
 - (m) Non compliance with any provision of this bylaw;
 - (n) Maintaining, repairing, renovating, or operating the Utility under normal circumstances;
or
 - (o) For such other reasons as the Council may determine from time to time.
185. The City may, in its discretion, Shut Off or Terminate the supply of Irrigation Water or Treated Water without notice for any or all of the following reasons:
- (a) Balancing the delivery of Irrigation Water to the maximum delivery rate;
 - (b) Shortage of Irrigation Water or Treated Water;
 - (c) The existence of a health hazardous Cross-Connection;
 - (d) Defective Backflow prevention devices that cause a health hazard;
 - (e) Unauthorized Release of a Restricted Waste to the Sanitary Sewer System or Storm Sewer System;
 - (f) A request to discontinue Service;
 - (g) Maintaining, repairing, renovating, or operating the Utility under emergency conditions;
or
 - (h) For such other reasons as the Council may determine from time to time.

186. The Irrigation Water or Treated Water supply to any Person who has had his Irrigation Water or Treated Water Shut Off for any reason except for those reasons cited in Section 183(k), 183(n), 184 (a), 184(b), 184(f) and 184(g), of this bylaw shall not have their Service restored until such time as the problem has been corrected to the satisfaction of the Designated Officer and that Person has paid to the City the fee for reinstatement of Service as designated in the Fees and Charges Bylaw.
187. The invalidity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw which can be given effect without such invalid part or parts.

GENERAL INTERPRETATIONS

188. Wherever the singular or the masculine is used in this bylaw, the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context or the bylaw requires.

BYLAW SHALL PREVAIL

189. Where the provisions of this bylaw conflict with the provisions of any other bylaw of the City, the bylaw with the more stringent provisions in favor of the City shall prevail.

SCHEDULES

190. Schedules A, B, C, D, E, F and G are attached to and form an integral part of this bylaw.

COMING INTO FORCE

191. This bylaw shall come into full force and effect upon the final passing thereof.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "A"

SCHEDULE "A" – PERMIT TO DISCHARGE

PERMIT TO DISCHARGE No. _____

Pursuant to the City of Penticton Irrigation Sewer and Water Bylaw 2005 -02

(Consumer name and address; hereby referred to as the Permittee)

is hereby subject to the following Permit to Discharge terms, conditions and requirements.

TERMS, CONDITIONS AND REQUIREMENTS

SECTION ONE: GENERAL

1. Save and except as expressly authorized by the terms and conditions of this permit, the Permittee shall not Release Waste Water, Storm Water, Subsurface Water or Clear-Water that contravenes the Irrigation, Sewer and Water Bylaw 2005-02.
2. The Permittee shall not alter, add to, or in any other manner change the design or construction of the facility from the plans and specifications in the applications and authorized by permits or approvals issued by the City without the prior written authorization of the City Engineer.
3. All changes, additions and alterations must be submitted in written form to City Engineer for approval prior to construction.
4. Approval by the City of any design or specification of the facility shall not constitute or be interpreted as constituting a waiver of any terms or conditions of this Permit To Discharge or any amendment thereto, nor shall such approval otherwise relieve the Owner from full compliance with the terms and conditions of this Permit to Discharge, and the Irrigation, Sewer and Water Bylaw 2005 – 02.
5. The issuance of the Permit To Discharge does not convey any property rights in either real or personal property, or any exclusive privileges.
6. The terms and conditions of this Permit To Discharge are severable and if any term or condition of this Sanitary and Strom Sewer Discharge Permit or the application of any term or condition to any circumstances is held or invalid, the application of such term or condition to other circumstances and the remainder of this Permit shall not be affected thereby.
7. Issuance of this Permit To Discharge shall not relieve the Owner from liability arising from civil or criminal activities.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "A"

8. The issuance of a Permit To Discharge shall not be defense in an enforcement action that it would not have been necessary to halt or reduce production in order to maintain compliance with the terms and conditions of this Permit.
9. The Permittee shall furnish test results to the City Engineer as indicated on the attached, Special Conditions within established time limitations, and include any other specific information which may be requested to assess compliance with this Permit to Discharge.
10. The Permittee shall pay the excessive Waste Water charges as indicated on the attached Special Conditions .
11. By signing this Permit To Discharge the Permittee authorizes the City Engineer to, without prior notice and without incurring liability for so doing, enter the plant or Premises of the Owner for the purpose of determining if the terms and conditions contained within this Permit To Discharge are in compliance.
12. All applications reports or information submitted to the City Engineer shall be signed and certified the Permittee if the Permittee is an incorporated company by an officer thereof who shall make the following certification:

"I certify that this document and all attachments were prepared under my direction or supervision and assure that qualified personnel properly gathered and evaluated the information submitted in accordance with the terms and conditions of the Irrigation, Sewer and Water 2005-02 and amendments and in accordance with sound Engineering and Environmental practices. Based on my inquiry of the Person or Persons who manage the system, or those Persons directly responsible for gathering the information, the information submitted is accurate and complete, to the best of my knowledge and belief. "
13. All records and information resulting from the monitoring required by this Permit To Discharge, including records of analysis performed, calibration and maintenance of monitoring equipment and recordings from continuous monitoring equipment, shall be retained for a minimum five (5) year period, or longer, if requested by the City Engineer.
14. Notwithstanding any terms, conditions or requirements of this Permit To Discharge, all terms and provisions of the Irrigation, Sewer and Water Bylaw 2005-02, as amended from time to time, must be complied with by the Owner at all times.

SECTION TWO: RELEASE AND MONITORING STANDARDS

15. All Release and monitoring standards are to follow those indicated in Irrigation, Sewer and Water Bylaw 2005-02 and as per the attached Special Conditions contained in this Permit To Discharge.

SECTION THREE: ANALYTICAL PROCEDURE

16. All analytical procedures are to be undertaken by a certified testing firm Approved by the City Engineer and are to be done in compliance with Standard Methods to identify the constituents indicated in Schedule "C" and "D" of Irrigation, Sewer and Water 2005-02, unless otherwise directed by the City Engineer.

SECTION FOUR: SPECIAL CONDITIONS

17. See attached, Special Conditions, if deemed necessary by the City Engineer due to extraordinary circumstances.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "A"

SECTION FIVE: PERMIT EFFECTIVE AND EXPIRY DATES

This Permit To Discharge shall become effective on _____

This Permit To Discharge shall expire on _____

Signed at the City of Penticton, on _____, _____

Witness

Owner of the Premises

Witness

Proprietor of the Industry in Question

Authorized on behalf of The Corporation of the City of Penticton, on _____, _____

Witness

City Engineer

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "B"

SCHEDULE "B" - LIST OF FEES

The following forms a list of items for which fees will be levied in accordance with the rates specified in the Fees and Charges Bylaw:

1. Irrigation water based on an Irrigation water Meter reading ^{1,2}
2. Irrigation water based on an annual rate per irrigable hectare
3. Irrigation water based on a negotiated agreement ^{1,2}
4. Minimum Metered charge for Metered Irrigation water
5. Treated water based on a Treated Water Meter reading ^{1,2}
6. Treated water, flat rate based on the Treated Water Service size
7. Treated water based on a negotiated agreement ^{1,2}
8. Minimum Metered charge for Metered Treated Water
9. Minimum flat rate charge for Treated Water for un-connected properties
10. Sanitary sewer based on the Treated Water Meter reading ^{2,3}
11. Sanitary sewer, flat rate based on the Treated Water Service size ³
12. Sanitary sewer Fixture charge
13. Sanitary sewer tax
14. Sanitary sewer based on a negotiated agreement ^{2,3}
15. Minimum Metered charge for sanitary sewer
16. Minimum flat rate charge for Sanitary Sewer for un-connected properties
17. Additional charge for two Irrigation Services, Treated Water Services or Sanitary Sewer Services to one Property.
18. Sign on of a new customer
19. Special administration charges
20. Water and or sewer account transfer fee
21. Installation of an Irrigation Water Service, Treated Water Service, Sanitary Sewer Service and Storm Sewer Service
22. Termination of an Irrigation Water Service, Treated Water Service, Sanitary Sewer Service and Storm Sewer Service at the main
23. Irrigation water Service, Treated Water Service, Sanitary Sewer Service and Storm Sewer Service, Service calls
24. Reconnection fee
25. Shut off or turn on after normal business hours
26. Shut off or turn on during normal business hours
27. Thawing or clearing of a private Service after normal business hours

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "B"

28. Thawing or clearing of a private Service during normal business hours
29. Turn on for reinstatement after shut-off for non-payment after normal business hours
30. Turn on for reinstatement after shut-off for non-payment during normal business hours
31. Special water Meter reading
32. Water Meter and remote register
33. Water Meter testing or repair
34. Hydrant rental
35. Portable water Meter rental
36. Fire flow testing
37. Provision of temporary water
38. Permit to Discharge
39. Service inspection fee
40. Repair of Service Failure or Interruption
41. Evaluation of Restricted Wastes or Over Strength Matter
42. Over strength B.O.D. surcharge
43. Over strength C.O.D. surcharge
44. Over strength oil and grease surcharge
45. Over strength phosphorous surcharge
46. Over strength total suspended solids surcharge

NOTES ON FEES

- Note 1: A block rate structure that sets a different unit rate for different blocks of water use may be employed.
- Note 2: A minimum charge may be assessed.
- Note 3: May use a different unit rate depending on land use designations.
- General: The Designated Officer shall determine the type Metered or flat rate billing to be used.

Every Consumer who is not being charged on the basis of water Metered shall be charged in accordance with the Flat Rate fee or the Permit To Discharge.

Every Consumer whose consumption of water is being measured by a water Meter and who is being charged on the basis of that consumption shall pay for water supplied for the aggregate of amounts determined by the Metered Rate fee; however, in no case shall the total charge as calculated on a Metered basis be less than that which would be paid on the basis of the minimum monthly flat rate charge.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "B"

For the purpose of this List of Fees, normal business hours shall be 7:00 a.m. to 3:15 p.m., Monday through Friday, except for statutory holidays. Services supplied outside of these times shall be subject to overtime charges.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "C"

SCHEDULE "C" - RESTRICTED WASTES

The following are designated as Restricted Wastes when present in Waste Water, Storm Water or Sub-Surface Water being released to the sanitary sewerage system at a concentration in excess of the levels set out below.

B1 CONTAMINANTS

Substance	24 hr Composite (mg/L)	2 hr Composite (mg/L)	Grab bag (mg/L)
Biochemical oxygen demand (BOD)	500.0	1000.0	2000.0
Chemical oxygen demand (COD)	750.0	1500.0	3000.0
Total suspended solids (TSS)	600.0	1200.0	2400.0

B2 INORGANIC CONSTITUENTS

Substance	24 hr Composite (mg/L)	2 hr Composite (mg/L)	Grab bag (mg/L)
Aluminium	50.0	100.0	200.0
Arsenic	1.0	2.0	4.0
Boron	50.0	100.0	200.0
Cadmium	0.2	0.4	0.8
Chromium	4.0	8.0	13.0
Cobalt	5.0	10.0	20.0
Copper	2.0	4.0	8.0
Cyanide	1.0	2.0	4.0
Iron	10.0	20.0	40.0
Lead	1.0	2.0	4.0
Manganese	5.0	10.0	20.0
Mercury	0.05	0.1	0.2
Molybdenum	1.0	2.0	4.0
Nickel	2.0	4.0	8.0
Phenols	1.0	2.0	4.0
Phosphorus	12.5	25.0	50.0
Silver	1.0	2.0	4.0
Sulphate	1500.0	3000.0	6000.0
Sulphide	1.0	2.0	4.0
Tin	5.0	10.0	20.0
Zinc	3.0	6.0	12.0

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "C"

B3 ORGANIC COMPOUNDS

1. B.E.T.X (benzene, ethyl, toluene, xylene) 1.00 mg/L
2. Fuels any amount
3. Carbon tetrachloride 0.20 mg/L
4. Chloroform 0.20 mg/L
5. Hydrocarbons 50.00 mg/L
6. Pathological waste any amount
7. PCB waste any amount
8. Pentachlorophenol 0.20 mg/L
9. Phenols 1.00 mg/L
10. Pesticides, insecticides, herbicides and fungicides any amount*
11. Special waste any amount
12. Radioactive material any amount**

NOTES

- * Pesticides, insecticides, herbicides and fungicides in the Storm Sewer emanating from trees or vegetation treated in accordance with the Pesticide Control Act, R.S.B.C., 1996 c. 360 and regulations are allowable.
- ** Radioactive material within such limits as are permitted by license issued by the Atomic Energy Control Board of Canada are allowable.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "D"

SCHEDULE "D" - OVER STRENGTH MATTER

The following are designated as Over Strength Matter and are subject to a surcharge when present in Waste Water, storm water or Sub-Surface Water being Released to the Sanitary Sewer System at a concentration in excess of the levels set out below.

1. Biochemical oxygen demand (BOD) 300 mg/L
2. Chemical oxygen demand (COD) 600 mg/L*
3. Oil and grease 100 mg/L
4. Phosphorous 10 mg/L
5. Total suspended solids (TSS) 300 mg/L

NOTES

- * Or twice the B.O.D. concentration in the Waste Water, whichever is greater.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "F"

SCHEDULE "F" - TREATED WATER AREA

SCALE = 1.200000



LEGEND

(A) ■ Treated water use restrictions apply

(B) ■ Irrigation restrictions apply

47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100																																														
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Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "G"

SCHEDULE "G" - SANITARY SEWER AREA

CITY OF PENTICTON
 BYLAW#2005-02 SCHEDULE 'G'
 SANITARY SEWER AREA

SCALE 1:2000



APPROVED BY BYLAW No. 4 DATE

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UNIVERSITY OF PENTICTON

SUMMARY:

The Water Regulation Bylaw sets out the rates charged for use of the City's water system. Provisions are made for consumption charges for both residential and commercial based on the quantity of water used.

This bylaw is a 'consolidated' version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

CITY OF KELOWNA
WATER REGULATION BYLAW NO. 10480

REVISED: March 17, 2014

CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAW NO. 10550, 10660 and 10928

WHEREAS pursuant to the *Community Charter*, City Council may, by bylaw, regulate, prohibit and impose requirements in relation to the distribution, operation, connection and charge for use of potable water from the City of Kelowna Water Utility;

The Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

PART 1 - INTRODUCTION

1.1 Title

1.1.1 This bylaw may be cited for all purposes as "Water Regulation Bylaw No. 10480".

1.2 Interpretation

BL10550 and BL10660 amended this section:

1.2.1 In this bylaw,

"Agricultural" means land designated as an agricultural land reserve under the *Agricultural Land Commission Act, S.B.C. 2002, c. 36* as amended or replaced from time to time and used for the primary production of farm products permitted by the Land Reserve Commission.

"Approved Backflow Preventer" means a mechanical device, assembly, or piping arrangement that when subject to backpressure or back siphonage will prevent Backflow, and is approved for use by the City.

"Backflow" means the flow of water or other substances back into any plumbing system connected to the City Water Utility.

"Backflow Prevention Assembly Tester" means a person who is approved by the City Engineer and holds a current certification from the British Columbia

Water and Wastewater Association to test Approved Backflow Preventers.
“**Bare Land Strata Plan**” means a Bare Land Strata Plan as defined in the *Strata Property Act* as amended or replaced from time to time.

“**B.C. Building Code**” means the British Columbia Building Code 2006 as amended or replaced from time to time.

“**Beaver Lake Industrial Area**” means that area of lands legally described as Lots 1 to 28 inclusive, Section 2, Township 20, O.D.Y.D., Plan KAP57943 in the City.

“**Bulk Water Filling Stations**” means stations used for the provision of bulk water from the City Water Utility.

“**City**” means the City of Kelowna.

“**City Water Utility**” means the entire network of pipes, pumps, water treatment facilities, reservoirs, valves, hydrants, service lines, meters, and all other appurtenances or facilities that make up the City’s water supply and distribution system.

“**Contaminant**” means any substance or matter in water which may render the water unfit for drinking according to guidelines and regulations of the Province of British Columbia.

“**Council**” means the elected Municipal Council of the City of Kelowna.

“**Cross Connection**” means any connection whereby the City Water Utility is connected, directly or indirectly to any device or source which may result in Backflow or Contaminants entering into any plumbing connected to the City Water Utility including bypass arrangements, jumper connections removable sections, swivel or changeover devices, or any other temporary, or permanent connecting arrangements.

“**Customer**” means any person, company, or corporation who has opened a Customer service account with the City for the purpose of being supplied water from the City Water Utility.

“**Customer Service Account**” means an account for invoice or billing purposes under the City’s Utility Billing Customer Care Bylaw No. 8754 as amended or replaced from time to time.

“**Estimated Landscape Water Use**” means a calculation of the total water used for an outdoor landscape area in a given year, as calculated in accordance with Schedule “C” of this bylaw.

“**Fire Protection Use**” means the use of the City Water Utility exclusively for the purposes of providing a standby water service for fire protection.

“Hydrant Use Permit” means a permit issued for use of a fire hydrant for purposes other than fire protection and suppression.

“Landscape Water Budget” means the maximum allowable annual water usage for an outdoor landscape area, as calculated in accordance with Schedule “C” of this bylaw.

“Manager” means the person appointed by Council to manage and oversee the day-to-day operation of the City Water Utility, to represent the City on the Kelowna Joint Water Committee and along with other City staff to administer this bylaw.

“Mixed Use” means a combination of commercial and Multi-Family Residential development on a single property.

“Multi-Family Residential” means housing in a single building or on a single property that contains three or more attached dwelling units.

“Park and Non-ALR Farm Use” means the use of the City’s Water Utility exclusively for irrigating park, public green spaces and land classified as farm under the *Assessment Act*, R.S.B.C. 1996, c. 20 as amended or replaced from time to time that is not designated as an agricultural land reserve under the *Agricultural Land Commission Act*;

“Private Service” means pipes and other appurtenances on private property not installed or owned by the City and is used to convey water from the City Water Utility to the private property.

“Property” means any lot, block or other area in which land is subdivided.

“Rate” means the sum to be paid by a Customer for the quantity of water supplied by the City Water Utility, as measured by a Water Meter or as a fixed charge as provided by this bylaw.

“Renovated Landscape Irrigation System” means a re-construction of an outdoor landscape irrigation system, such that at least 50% of the irrigation piping in a landscape area is relocated or replaced, all cumulatively within the period of one year from the commencement of construction.

“Service Connection” means the connecting line from the City Water Utility to the boundary of private Property, and includes all related pipes, shut-off valves and other appurtenances.

“Single family” means detached (1 family), or semi-detached (2 family) housing units.

“Single Family Strata” means single family housing on a strata property.

“Smart Controller” means an electric timing device that sends an electric signal for automatic valves to open or close based on estimates or measures of depletion of available plant soil moisture in order to operate an automatic landscape irrigation system, that replenishes water as needed while minimizing excess water use that meets the requirements of this bylaw.

“Strata Lot” means a lot shown on a strata plan.

“Temporary Use” means the use of the City Water Utility from an existing Service Connection to be used temporarily for construction of a new building on commercial, industrial, institutional or residential properties.

“Water Meter” means an apparatus or device used for measuring the volume of water passing through it, and includes any accessories such as a remote reader device and the connecting cable.

“Water Meter Pit” means a chamber constructed underground, which is used to install a Water Meter or Approved Backflow Preventer.

“Water Meter Setting” means the plumbing, including pipes, valves and couplers that comprise the exact opening into which a Water Meter can be installed.

“Water Quality Enhancement Reserve Fund” means the reserve fund established by the City’s Water Quality Enhancement Reserve Fund Establishment Bylaw No. 8195.

PART 2 - WATER SERVICE

2.1 Establishment of Water Service

2.1.1 To the extent that the **City** has not already established the service of water supply, the **City** hereby establishes the service of supplying water to the **City** through the **City Water Utility** and operating, constructing, maintaining and regulating the **City Water Utility**.

2.1.2 The **City** may provide the service of water supply directly to its **Customers** or indirectly through another public authority, person or organization.

2.2 Operation of the City Water Utility

2.2.1 The **Manager** is authorized to administer and oversee the day-to-day operation of the **City Water Utility** and administer and enforce this bylaw.

2.3 Application for Service Connection

BL10550 amended this section:

- 2.3.1 A **Property** owner must make application to the **City** to install a **Service Connection** to the **City Water Utility** in the form prescribed for that purpose by the **City**.
- 2.3.2 At the time of making the application referred to in section 2.3.1, the **Property** owner shall pay an installation fee equivalent to the estimated cost of installing the **Service Connection**, as determined by the **Manager**.
- 2.3.3 After completion of the installation of the **Service Connection**, the actual cost of the installation shall be determined by the **Manager** and any variation of more than 10% or \$500.00 whichever is greater from the fee paid under section 2.3.2, shall be refunded by or be payable to the **City**, as applicable.

2.4 Construction of Service Connection

- 2.4.1 No person shall construct a **Service Connection** other than an employee of the **City**, unless the written consent of the **Manager** is first obtained.
- 2.4.2 After a **Property** owner's application for a **Service Connection** has been approved by the **Manager** and payment of the installation fee has been paid, the **City** shall install the **Service Connection** to the **Property** line.
- 2.4.3 Each **Property** shall have one **Service Connection**.
- 2.4.4 Despite section 2.4.3, all of the land shown on a strata plan other than a side-by-side duplex shall have only one **Service Connection**.

2.5 Construction of Private Service

- 2.5.1 A **Property** owner is responsible for the installation of a **Private Service**, at his or her sole cost.
- 2.5.2 Pipes for a **Private Service** greater than 50 mm in diameter shall be disinfected in accordance with the **City's** Subdivision, Development and Servicing Bylaw No. 7900 prior to the **City** turning water on to supply the **Private Service**.

2.6 Customer Service Account

- 2.6.1 Any person who obtains water from the **City's** Water Utility must have a **Customer Service Account** with the **City**. Any person who applies for a Building Permit on a vacant lot must establish a **Customer Service Account** with the **City**.

2.7 Turn On Of Water Supply

- 2.7.1 Applications for turning the supply of water from the **City Water Utility** shall be made in writing to the **Manager** and shall be accompanied by the fee set out in Schedule "B" of this bylaw.
- 2.7.2 Any person who applies to the **City** to turn the supply of water from the **City Water Utility** on for any new building shall provide to the **Manager**:
- a) confirmation that a plumbing permit has been obtained from the **City**;
 - b) confirmation that the **Private Service** was satisfactorily tested, inspected and approved by the **City** including satisfactorily inspected by the **City** for connections and **Cross Connections** under section 4.2.5 of this bylaw; and
 - c) any other information the **Manager** may reasonably require.

2.8 Maintenance of On-site Works

- 2.8.1 Every Property owner shall keep all pipes, stop-cocks and other fixtures on their Property in good order and repair and protected from frost at their own expense, and when any premises is vacated the stop-cock on the inside wall of the premises shall be turned off by the departing Property owner.

2.9 Short Supply of City Water Utility

- 2.9.1 The **Manager** may at such times and for such length of time as is considered necessary or advisable by him or her, restrict or prohibit irrigation, yard and garden sprinklering, car washing and private pool filling to reduce water usage when the **Manager** considers water to be in short supply and every person shall abide by such restriction or prohibition.
- 2.9.2 The **City** may at such times and for such length of time as is considered necessary or advisable by **Council**, restrict or prohibit water uses when it considers water to be in short supply and every person shall abide by such restriction or prohibition.

2.10 Repairs of City Water Utility

- 2.10.1 The **Manager** may at times and for such length of time considered necessary by him or her restrict or prohibit water use for the purpose of maintaining, repairing, renovating, disinfecting or otherwise operating the **City Water Utility**.

PART 3 - WATER METERS

3.1 Installation of Water Meters

- 3.1.1 A **Water Meter** shall be installed on each **Property** that receives the supply of water from the **City Water Utility**.
- 3.1.2 Despite section 3.1.1, only one **Water Meter** shall be installed for all of the land shown on a strata plan that receives the supply of water from the **City Water Utility** from the same **Service Connection**, except land shown on a **Bare Land Strata Plan**.
- 3.1.3 Despite section 3.1.1 and section 3.1.2, land shown on a strata plan that receives the supply of water from the **City Water Utility** from the same **Service Connection**, except land shown on a **Bare Land Strata Plan**, that is used for mixed residential and non-residential purposes shall have one **Water Meter** installed for the residential use and one **Water Meter** installed for the non-residential use.
- 3.1.4 Every **Water Meter** shall be installed by the **City**.
- 3.1.5 A **Property** owner is responsible for the installation of a **Water Meter Setting** and **Water Meter Pit**.
- 3.1.6 Every **Water Meter Setting** and **Water Meter Pit** shall be installed in accordance with the **City's** Plumbing Regulation Bylaw.

3.2 Ownership of Water Meter

- 3.2.1 All **Water Meters** and **Water Meter Pits** shall be provided by the **City** and remain the **Property** of the **City**.

3.3 Location of Water Meters

- 3.3.1 **Water Meters** must be located in a building as close as possible to the entrance point of the **Private Service** into the building unless otherwise approved by the **Manager**.
- 3.3.2 If a **Water Meter** is not located within a building, the owner of the **Property** must house the **Water Meter** in a **Water Meter Pit** in a location approved by the **Manager**.

3.4 No Upstream Drain

- 3.4.1 No drain valve, water bypass, branch line or any other type of fixture through which water may be taken shall be located upstream of a **Water Meter**.

3.5 Type of Water Meter

- 3.5.1 The **Manager** may determine and specify the type and size of **Water Meters** for each type of **Property** and use, considering the **Manager's** estimate of water consumption and other factors considered relevant by the **Manager**.

3.6 Rental Fee for Water Meter

- 3.6.1 Where a **Water Meter** is installed, the **Property** owner shall pay the rental fee set out in Schedule "B" to this bylaw for the **Water Meter** at the time of application for the supply of water by the **City Water Utility**.

3.7 Authority to Repair and Maintain Water Meter

- 3.7.1 The **City** has the authority to inspect, maintain, repair, replace and read **Water Meters**.

3.8 Access to Water Meter

- 3.8.1 A **Property** owner must, at all reasonable times, provide adequate, convenient, and unobstructed access to the **City** for inspecting, repairing, maintaining, replacing and reading the **Water Meter**.

3.9 Protection and Damage to Water Meter

- 3.9.1 A **Property** owner must provide adequate protection for the **Water Meter** against freezing, heat and other severe conditions that might damage the **Water Meter**.
- 3.9.2 If a **Water Meter** installed on a **Property** is destroyed, lost or damaged in any way, the **Property** owner shall pay the costs of repairs to or replacement of the **Water Meter**.

3.10 Activation

- 3.10.1 The service of water supply to a **Property** from the **City Water Utility** shall not be activated until a **Customer Service Account** has been established.

3.11 Removal of Water Meter

- 3.11.1 No person shall remove or in any way disturb a **Water Meter** except under the direction of the **Manager**.
- 3.11.2 Upon removal of the **Water Meter**, the **Water Meter** shall be returned to the **City**.

3.12 Irregularity of Water Meter

3.12.1 If any breakage, stoppage or other irregularity in a **Water Meter** is observed by a **Property** owner, the **Property** owner shall notify the **Manager** immediately.

3.13 Water Meter Testing

3.13.1 If a **Property** owner questions the accuracy of the record of a **Water Meter**, the **Property** owner may make a written request to the **City** and upon receipt of the Meter Testing Fee specified in Schedule "B", the **City** shall remove and test the **Water Meter**.

3.13.2 If the test performed under section 3.13.1 discloses an error in favour of the **Property** owner, the **Customer's** account will be adjusted by the amount of the inaccuracy for a period not exceeding 6 months and the **City** will return the Meter Testing Fee.

PART 4 - WATER QUALITY PROTECTION AND WATER CONSERVATION

4.1 Cross Connections

4.1.1 No person shall connect, cause to be connected or allow to remain connected any pipe, fixture, fitting, container, appliance or **Cross Connection**, in a manner which, under any circumstances, could cause or allow any part of the **City Water Utility** to become contaminated.

4.1.2 A **Property** owner must, at all reasonable times, provide adequate, convenient, and unobstructed access to the **City** for the purpose of inspecting the **Private Service** and any plumbing system and fixtures on the **Property** to identify any **Cross Connections**.

4.1.3 If the **Manager** determines that a connection or a **Cross Connection** exists in the **Private Service** which has the potential of contaminating the **City Water Utility**, the **Manager** may give written notice to the **Property** owner to correct the connection or **Cross Connection** or install an **Approved Backflow Preventer** at the expense of the **Property** owner within a specified time period.

4.1.4 Where the **Manager** determines that a connection or **Cross Connection** prohibited by this bylaw is an immediate risk to the **City Water Utility** or any person, or if a **Property** owner fails to correct any connection or **Cross Connection** as required by this bylaw, the **Manager** may order and undertake at the expense of the **Property** owner the disconnection of the **City Water Utility** to the **Property** without notice until such time as the connection or **Cross Connection** is corrected.

4.2 Installation and Inspection of Approved Backflow Preventer

- 4.2.1 Every **Private Service** that is connected to the **City Water Utility** that is required under this Bylaw to have an **Approved Backflow Preventer** installed shall have the **Approved Backflow Preventer** installed in accordance with the **B.C. Building Code**.
- 4.2.2 Every **Property** owner shall, upon the installation of an **Approved Backflow Preventer** and annually thereafter, or more often as required by the **Manager**, have the **Approved Backflow Preventer** inspected and tested by a **Backflow Prevention Assembly Tester**. The results of all inspections and testing shall be submitted to the **Manager** within 30 days of the **Manager** requesting the **Property** owner to do so.
- 4.2.3 If any irregularity or malfunction in an **Approved Backflow Preventer** is observed by a **Property** owner, the **Property** owner shall repair or replace the **Approved Backflow Preventer** immediately.
- 4.2.4 The **Property** owner must display a tag in the form prescribed by the **City** for that purpose on the **Approved Backflow Preventer** showing when the **Approved Backflow Preventer** was last inspected and tested by a **Backflow Prevention Assembly Tester**.
- 4.2.5 The **City** will not activate the supply of water from the **City's Water Utility** to a **Property** until the **Private Service** and any plumbing system and fixtures on the **Property** has been inspected by the **City** for connections and **Cross Connections** prohibited by this bylaw and the **Private Service** and any plumbing system and fixtures on the **Property** is found to be in compliance with this bylaw.

4.3 Hydrant Use

- 4.3.1 Any hydrant used for purposes other than fire protection or suppression shall require a **Hydrant Use Permit** in the form prescribed for that purpose and a fee paid in the amount set out in Schedule "B".
- 4.3.2 The **Manager** may issue a **Hydrant Use Permit** for the purposes of:
 - a) construction road compaction;
 - b) construction dust control;
 - c) construction water main testing;
 - d) utility line flushing;
 - e) wellpoint dewatering installation;
 - f) road sweeping; or
 - g) tanker truck filling.

- 4.3.3 The **Manager** may refuse to issue a **Hydrant Use Permit** where the issuance of a **Hydrant Use Permit** may result in a risk to the **City Water Utility**.
- 4.3.4 The **Manager** in issuing a **Hydrant Use Permit** may impose terms and conditions regarding the use of the hydrant as follows:
- a) the location of the fire hydrant that may be used;
 - b) the type of fire hydrant that may be used;
 - c) the dates and time when the fire hydrant may be used;
 - d) the type of **Approved Backflow Preventer** required; and
 - e) precautions to be taken in connecting to and using the fire hydrant.
- 4.3.5 An **Approved Backflow Preventer** must be installed by the **City** prior to any connection to a hydrant pursuant to a **Hydrant Use Permit**.
- 4.3.6 No person shall operate any hydrant or use water drawn from any hydrant pursuant to a **Hydrant Use Permit**, otherwise than in accordance with the terms and conditions of the **Hydrant Use Permit**.
- 4.3.7 At any time the **Manager** may cancel or suspend a **Hydrant Use Permit** issued pursuant to this Bylaw:
- a) if the **Manager** considers that the use of the hydrant may result in a risk to the **City Water Utility**; or
 - b) if the **Hydrant Use Permit** holder fails to comply with the provisions of this Bylaw or the terms and conditions of the **Hydrant Use Permit**.
- 4.4 **Landscape Water Conservation Report and Smart Controller Requirements**
- 4.4.1 No **Property** owner shall install or operate an outdoor landscape irrigation system, in such a manner that the **Estimated Landscape Water Use** for the outdoor landscape area exceeds the **Landscape Water Budget** as calculated in accordance with Schedule "C" of this bylaw.
- 4.4.2 A **Property** owner must make application to the **City** to install any new or **Renovated Landscape Irrigation System**.
- 4.4.3 Any **Property** owner who applies to the **City** to install an outdoor landscape irrigation system shall provide for approval to the **Manager** a Landscape Water Conservation Report, which shall be generally in the form set out in Schedule "C" of this bylaw. The Landscape Water Conservation Report shall include a completed Landscape Water Conservation Checklist of basic landscape and irrigation design and installation standards, and shall set out the calculations

for the **Estimated Landscape Water Use** and the **Landscape Water Budget** of the proposed outdoor landscape irrigation system in accordance with Schedule "C" of this bylaw.

- 4.4.4 The **Manager** may refuse to approve the installation of an outdoor landscape irrigation system if the calculations in the Landscape Water Conservation Report show that the **Estimated Landscape Water Use** exceeds the **Landscape Water Budget**, or if the Landscape Water Conservation Checklist is not satisfactory. The Manager may accept a Landscape Water conservation Report in a form alternate to Schedule C in cases of applications for large scale renovated landscape irrigation systems (such as golf courses and schools), provided that the Report calculates to the satisfaction of the manager a minimum 15% reduction in estimated landscape water use compared to pre-renovation conditions.
- 4.4.5 The requirements in section 4.4.1 to 4.4.4 shall not apply to:
- a) An outdoor landscape irrigation system on Agricultural properties within the ALR where the water being supplied is necessary in order to conduct farm use pursuant to the *ALR Use, Subdivision and Procedure Regulation*;
 - b) An outdoor landscape irrigation system on farming properties outside of the ALR where water is being supplied for the primary production of farm products.
 - c) An outdoor landscape irrigation system serving a landscape area not greater than 100 square metres.
- 4.4.6 No **Property** owner shall cause or permit water resulting from an outdoor landscape irrigation system to flow wastefully on to non-irrigated areas, walks, roadways or structures.
- 4.4.7 No **Property** owner shall install an outdoor irrigation system without an irrigation master shut off valve located outside the building accessible to the **City**.
- 4.4.8 Every irrigation master shut off valve that is required under this bylaw when closed shall stop the supply of water from the **City Water Utility** to the outdoor irrigation system and shall be capable of being closed and locked off by the **City**.
- 4.4.9 No **Property** owner required to submit a Landscape Water Conservation Report under section 4.4 of this bylaw shall cause or permit an automatic landscape irrigation system to operate contrary to the requirements of the approved Landscape Water Conservation Checklist.

4.4.10 No **Property** owner required to submit a Landscape Water Conservation Report under section 4.4 of this bylaw shall cause or permit an automatic outdoor landscape irrigation system to operate without a **Smart Controller** installed and operated that meets the following minimum performance requirements:

- a) Tested by the Irrigation Association Smart Water Application Technologies as a Climate-based **Smart Controller** or Sensor-based **Smart Controller** and results have been released by the manufacturer;
- b) Multiple start times per program/ day;
- c) 365 day calendar;
- d) Odd/ even or watering day scheduling option;
- e) Independent day scheduling options;
- f) Water budgeting/ seasonal adjustment by percentage;
- g) Rain delay;
- h) Rain sensor/ Moisture sensor compatible;
- i) Weather or evapotranspiration based - either using historical weather data, or real time weather data.
- j) Installed and programmed according to the manufacturers specifications.

4.4.11 No **Property** owner shall cause or permit a **Smart Controller** to operate such that more water is used for outdoor landscape areas than the amount that would be indicated by the Irrigation Industry Association of British Columbia (IIABC) Irrigation Scheduling Calculator.

4.4.12 Every **Property** owner shall program and maintain **Smart Controllers** to adjust watering schedules automatically based on real or historic weather data. In cases where manual irrigation program adjustment is temporarily required, adjust water programming at least once per month between May and October, to follow the reference evapotranspiration measurements set out in Schedule "C" of this bylaw.

4.4.13 A **Property** owner must, at all reasonable times, provide adequate, convenient, and unobstructed access to the **City** for the purpose of inspecting and reading the **Smart Controller**.

4.4.14 The **Manager** may order a **Property** owner, in writing, to repair or replace any irregularity or malfunction in a **Smart Controller** within a specified time period.

- 4.4.15 If any irregularity or malfunction in a **Smart Controller** is observed by a **Property** owner, the **Property** owner shall repair or replace the **Smart Controller** within a 30 day period.
- 4.4.16 The **Manager** may shut off the supply of water to an outdoor landscape irrigation system, but not to the supply of water for domestic purposes, on any **Property** for any or all of the following reasons:
- a) failing to provide and obtain approval of a Landscape Water Conservation Report as required under section 4.4.3 of this bylaw;
 - b) exceeding the **Landscape Water Budget** under section 4.4.1 of this bylaw;
 - c) failing to install and operate a **Smart Controller** as required under section 4.4.9 of this bylaw; and
 - d) failing to repair or replace any irregularity or malfunction in a **Smart Controller** within the time specified in the **Manager's** order under section 4.4.14.
- 4.4.17 The **Manager** must, prior to shutting off the supply of water to an outdoor landscape irrigation system, notify the persons affected of their right to make representations to **Council**, and may not shut off the supply of water unless **Council** has considered such representations and confirmed that the supply of water is to be shut off.

PART 5 -PROHIBITIONS

5.1 Prohibition Against Contaminants

- 5.1.1 No person shall introduce to, or allow to be introduced to the **City Water Utility**, any **Contaminant**.

5.2 Interference with City Water Utility

- 5.2.1 No person shall, or permit any person to, tamper with, operate, damage or in any way interfere with any valves, fire hydrants, **Water Meters** or other component of the **City Water Utility**.

5.3 Connection to City Water Utility

- 5.3.1 No person shall tap into or make a connection to the **City Water Utility** except authorized employees of the **City**.

5.4 Sale of Water and Use of Water Off Property

- 5.4.1 No **Property** owner shall sell, dispose or otherwise give away water from the **City Water Utility** for use off their **Property**.

5.5 Waste of Water

- 5.5.1 No person shall cause or permit water to be discharged from the **City Water Utility** for no useful purpose.

5.6 Demolition of Building

- 5.6.1 No person shall demolish, move, remove or substantially alter any building connected to the **City Water Utility**, without first applying to the **City** to discontinue the water service to that **Property** and paying the applicable fee set out in Schedule "B".

PART 6 - CONDITIONS

6.1 City Water Utility System Pressure

- 6.1.1 The **City** does not guarantee water pressure, continuous supply or direction of water flow. The **City** reserves the right at any time, without notice, to change the operating pressure, to shut off water or to change the direction of flow. Neither the **City**, its officer, employees, nor agents shall be liable for any damage or other loss caused by changes in water pressure, shutting off water or change in direction of flow or by reason of the water containing sediments, deposits, or other foreign matter.

6.2 Limitation on Liability

- 6.2.1 Nothing contained in this bylaw shall be construed to impose any liability on the **City** to provide water to any person or **Property** or to provide a continuous supply of water or water of any particular quantity or quality.

6.3 Conditions of Water Supply

- 6.3.1 Any supply of water by the **City** is subject to the following conditions, in addition to other conditions in this bylaw:
- 6.3.2 the **City** is not responsible for the failure of the water supply as a result of any accident or damage to the **City Water Utility**;
- 6.3.3 the **City** is not responsible for any excessive water pressure or lack of water pressure;

6.3.4 the **City** is not responsible for any temporary stoppage of the water supply on account of alterations or repairs to the **City Water Utility**;

6.3.5 whether such arises from the negligence of any person in the employ of the **City** or another person, or through natural deterioration or obsolescence of the **City Water Utility** or otherwise.

6.4 Shut Off of Water Supply

6.4.1 Applications for turning the supply of water from the **City Water Utility** off shall be made in writing to the **Manager** and shall be accompanied by the fee set out in Schedule "B" of this bylaw.

6.4.2 The **Manager** may shut off the supply of water to any **Property** for any or all of the following reasons:

- a) a request to turn off or discontinue water service;
- b) a shortage of water pursuant to section 2.9.1;
- c) maintaining, repairing, renovating, replacing, disinfecting or otherwise operating the **City's Water Utility**;
- d) non-payment of water **Rates** and charges under this bylaw;
- e) the period of time for the **Temporary Use** has expired; and
- f) an emergency that threatens the safety of the **City's Water Utility** or the public.

6.4.3 The **City** may shut off the supply of water to any **Property** for any or all of the following reasons:

- a) non-compliance with any provision of this bylaw; and
- b) shortage of water supply pursuant to section 2.9.

6.5 Notices of Water Shut Off

6.5.1 Where water supply is to be shut off for reason of non-payment of water **Rates** and charges or other non-compliance with any provision of this Bylaw, the **Manager** will give 30 days notice to the **Property** owner.

6.5.2 Where water supply is to be shut off for reason of non-compliance with any provision of this Bylaw, except the non-payment of water **Rates** and charges, the **City** will give the person affected the opportunity to make representations to **Council** in respect of such non-compliance.

- 6.5.3 Where water supply is to be shut off for reason of a shortage of water supply pursuant to sections 2.9.1 and 2.9.2, the **City** will give at least 7 days notice, but no notice will be given where safety of life or **Property** is at risk.
- 6.5.4 Where water supply is to be shut off for maintenance, repair, renovation, replacement, disinfection or other operation of the Water System, the **Manager** will give at least two working days notice for scheduled work, but no notice will be given where safety of life or **Property** is at risk.
- 6.5.5 Notice under section 6.4 may be given by one or more of the following:
- a) posting notice on the **Property**;
 - b) providing notice on an invoice for the relevant **Customer Service Account**;
 - c) mailing notice to the address supplied by the **Customer** or the address of the **Property**; and
 - d) telephoning the **Customer** which may include speaking directly with the **Customer** or leaving a message at the telephone number supplied by the **Customer**.
- 6.5.6 The **City** is not responsible for any notice failing to reach a **Property** owner or other consumer of water prior to the shut off of water.

PART 7- RATES AND CHARGES

7.1 Water Rates

- 7.1.1 Every **Customer** shall pay to the **City** the applicable **Rates** and charges set out in Schedule "A" to this bylaw for the supply of water from the **City Water Utility**. The **Rates** and charges in Schedule "A" are hereby imposed and levied by the **City**, and all such **Rates** and charges shall be payable at the office of the **City** on or before the due date printed on the **City Water Utility** bill.

7.2 Temporary Use

- 7.2.1 Upon application to the **City** a connection to the **City Water Utility** may be permitted solely for **Temporary Use** for a specified period of time determined by the **Manager**.
- 7.2.2 The applicant for the **Temporary Use** will pay to the **City** the **Rates** and charges for such use as set out in Schedule "A" to this bylaw.

7.2.3 Any person who applies to the **City** to turn the supply of water from the **City Water Utility** on for a **Temporary Use** shall provide to the **Manager**:

- a) confirmation that a building permit or a plumbing permit has been obtained from the **City**;
- b) confirmation that an **Approved Backflow Preventer** has been installed at the junction of the **Service Connection** and the **Approved Backflow Preventer** has been satisfactorily tested and inspected; and
- c) any other information the **Manager** may reasonably require.

7.2.4 Pipes for **Temporary Use** shall not be larger than 50 mm in diameter.

7.3 Fire Protection Use

7.3.1 Upon application to the **City**, a connection to the **City Water Utility** may be permitted solely for **Fire Protection Use**. The **Property** owner will pay to the **City** the **Rates** and charges for such use as set out in Schedule "A" to this bylaw.

7.4 Park and Non-ALR Farm Use

7.4.1 Upon application to the **City**, a connection may be permitted to the **City Water Utility** solely for **Park and Non-ALR Farm Use**. The **Property** owner will pay to the **City** the **Rates** and charges for such use as set out in Schedule "A" to this bylaw.

7.5 Bulk Water Filling Stations

7.5.1 Upon application to the **City**, a person may purchase a card from the **City** to use the **Bulk Water Filling Stations**. The rates and charges for use of water from the **Bulk Water Filling Stations** shall be as set out in Schedule "A" to this bylaw.

7.6 Water Quality Enhancement Reserve Fund Contribution

7.6.1 Every **Customer**, except **Customers** in the **Beaver Lake Industrial Area**, shall pay to the **City** the applicable charges set out in Schedule "A" to this bylaw to be placed in the **Water Quality Enhancement Reserve Fund**.

7.7 Customer Service Account Set-Up Fee

7.7.1 Upon creation, each new **City Customer Service Account** shall include an account set-up fee, as set out in Schedule "B" to this bylaw.

7.8 Interest

- 7.8.1 Any money due and owing to the **City** under this bylaw shall bear interest at the **Rate** of 3.75% per annum calculated from the date on which the money was to have been paid.

7.9 Taxes in Arrears

- 7.9.1 All fees, **Rates** and charges set out in this bylaw not paid on or before the 31st day of December in any year shall be deemed to be taxes in arrear in respect of the properties served by the **City Water Utility** and such sum shall be recoverable as taxes under the *Community Charter*.

PART 8 - GENERAL

8.1 Inspection

- 8.1.1 The **Manager** and any bylaw enforcement officer may enter on any **Property** at any reasonable time for the purpose of inspecting and ascertaining whether the regulations and requirements of this bylaw are being observed.
- 8.1.2 No person shall obstruct or interfere with the **Manager** or any bylaw enforcement officer in the performance of his or her duties or the exercise of his or her powers under this bylaw.

8.2 Offence and Penalties

- 8.2.1 Any person who contravenes this bylaw is liable upon summary conviction to a minimum fine of \$1000 and a maximum fine of \$10,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

8.3 Severability

- 8.3.1 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

8.4 Repeal

- 8.4.1 City of Kelowna Water Regulation Bylaw, 1960, No. 2173, and all amendments thereto, are hereby repealed.

Read a first, second and third time by the Municipal Council this 28th day of March, 2011.

Adopted by the Municipal Council of the City 4th day of April, 2011.

"Sharon Shepherd"

Mayor

"Stephen Fleming"

City Clerk

BL10550, BL10660 and BL10928 amended Schedule "A":

SCHEDULE "A"

Water Rates and Charges

Customers shall pay the following **rates** and charges for water service with 2012 rates effective on April 16, 2012, with 2013 rates effective April 16, 2013, with 2014 rates effective with consumption after April 1, 2014:

1. Single Family Residential Properties - Metered

A combined monthly flat **rate** meter service charge of Nine Dollars and Twenty Five Cents (\$9.25) per month in 2012, Ten Dollars and Forty five Cents per month in 2013 (\$10.45), Eleven dollars and Eighty One Cents (\$11.81) per month in 2014 or \$23.62 bi-monthly in 2014, plus a consumption charge as follows:

	April 16, 2012	April 16, 2013	Consumption after April 1, 2014
First 30 cubic metres, or For Bi-Monthly, First 60 cubic metres	\$0.322 per cubic metre	\$0.361 per cubic metre	\$0.404 per cubic metre
Next 50 cubic metres, or For Bi-Monthly, Next 100 cubic metres	\$0.433 per cubic metre	\$0.485 per cubic metre	\$0.543 per cubic metre
Next 45 cubic metres, or For Bi-Monthly, Next 90 cubic metres	\$0.657 per cubic metre	\$0.736 per cubic metre	\$0.824 per cubic metre

Balance of cubic metres	\$1.314 per cubic metre	\$1.472 per cubic metre	\$1.648 per cubic metre
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2. Single Family Residential Properties - Required to Have a Meter But Do Not

A monthly flat charge of \$400.00 or a bi-monthly flat charge of \$800.00.

3. Commercial, Industrial and Institutional (collectively, "Non-Residential") Properties - Metered

A combined monthly or bi-monthly flat **rate** charge plus a consumption charge as follows:

Flat **rate** charge based on **Water Meter** size as follows:

Meter Size	Monthly Flat Charge		Bi-Monthly	
	In 2012	In 2013	In 2014	In 2014
5/8" (15 mm)	\$ 9.25	\$ 10.45	\$ 11.81	\$23.62
3/4" (20 mm)	\$ 12.41	\$ 13.25	\$ 14.42	\$28.84
1" (25 mm)	\$ 16.25	\$ 17.21	\$ 18.55	\$37.10
1½" (37 mm)	\$ 29.92	\$ 28.92	\$ 27.78	\$55.56
2" (50 mm)	\$ 48.26	\$ 46.63	\$ 44.78	\$89.56
3" (75 mm)	\$ 129.74	\$ 136.75	\$146.66	\$293.32
4" (100 mm)	\$ 196.07	\$ 197.35	\$ 200.12	\$400.24
6" (150 mm)	\$ 381.16	\$ 361.58	\$ 338.04	\$676.08
8" (200 mm)	\$ 477.02	\$ 462.16	\$ 445.36	\$890.72

Plus a consumption charge of \$0.331 for the year 2012, \$0.394 for the year 2013, \$0.466 for the year 2014, per cubic metre for all **Water Meter** sizes.

4. **Mixed Use properties**

A combined monthly or bi-monthly flat **rate** charge plus a consumption charge as follows:

Flat **rate** charge based on **Water Meter** size as follows:

Meter Size	Monthly Flat Charge		Bi-Monthly Flat Charge	
	In 2012	In 2013	In 2014	In 2014
5/8" (15 mm)	\$ 9.25	\$10.45	\$11.81	\$23.62
¾" (20 mm)	\$ 12.41	\$13.25	\$14.42	\$28.84
1" (25 mm)	\$ 16.25	\$17.21	\$18.55	\$37.10
1½" (37 mm)	\$ 29.92	\$28.92	\$27.78	\$55.56
2" (50 mm)	\$ 48.26	\$46.63	\$44.78	\$89.56
3" (75 mm)	\$ 129.74	\$136.75	\$146.66	\$293.32
4" (100 mm)	\$ 196.07	\$197.35	\$200.12	\$400.24
6" (150 mm)	\$ 381.16	\$361.58	\$338.04	\$676.08
8" (200 mm)	\$ 477.02	\$462.16	\$445.36	\$890.72

Plus a consumption charge of \$0.322 for the year 2012, \$0.375 for the year 2013, \$0.458 for the year 2014 per cubic metre for all **Water Meter** sizes.

5. **Temporary Use**

For **Temporary Use** of water during construction on:

Single Family residential properties a flat charge of \$9.55 per month or \$19.10 bi-monthly.

For non-residential properties and **Multi-Family Residential** properties a monthly flat charge of \$62.95 or a bi-monthly flat charge of \$125.90.

6. Fire Protection Use

For **Fire Protection Use** a monthly flat **rate** charge of Twenty Dollars and Three Cents (\$20.03) per month for 2012, Twenty Two dollars and forty three cents (\$22.43) per month for 2013, and Twenty Five Dollars and Twelve Cents (\$25.12) per month for 2014 or Fifty Dollars and Twenty Four Cents (\$50.24) bi-monthly for 2014.

7. Beaver Lake Industrial Area Properties

A combined monthly or bi-monthly flat **rate** charge plus a consumption charge for all properties within the **Beaver Lake Industrial Area** as follows:

Meter Size	Monthly Charge	Flat	Bi-Monthly Flat Charge
5/8" (15 mm)	\$ 9.55		\$19.10
3/4" (20 mm)	\$ 13.94		\$27.88
1" (25 mm)	\$ 18.51		\$37.02
1½" (37 mm)	\$ 39.02		\$78.04
2" (50 mm)	\$ 62.95		\$125.90
3" (75 mm)	\$ 148.84		\$297.68
4" (100 mm)	\$ 241.65		\$483.30
6" (150 mm)	\$ 509.35		\$1,018.70
8" (200 mm)	\$ 620.13		\$1,240.26

Plus a consumption charge of \$0.283 per cubic metre.

8. Park and Non-ALR Farm Use - Metered

A combined monthly or bi-monthly flat **rate** charge plus a consumption charge as follows:

Flat **rate** charge based on **Water Meter** size as follows:

Meter Size Charge	Monthly Flat Charge			Bi-Monthly	Flat
	In 2012	In 2013	In 2014	In 2014	
5/8" (15 mm)	\$ 9.25	\$10.45	\$11.81	\$23.62	
¾" (20 mm)	\$ 12.41	\$13.25	\$14.42	\$28.84	
1" (25 mm)	\$ 16.25	\$17.21	\$18.55	\$37.10	
1½" (37 mm)	\$ 29.92	\$28.92	\$27.78	\$55.56	
2" (50 mm)	\$ 48.26	\$46.63	\$44.78	\$89.56	
3" (75 mm)	\$ 129.74	\$136.75	\$146.66	\$293.32	
4" (100 mm)	\$ 196.07	\$197.35	\$200.12	\$400.24	
6" (150 mm)	\$ 381.16	\$361.58	\$338.04	\$676.08	
8" (200 mm)	\$ 477.02	\$462.16	\$445.36	\$890.72	

Plus a consumption charge of \$0.282 for the year 2012, \$0.317 for the year 2013, \$0.353 for the year 2014 per cubic meter

Park and Non-ALR Farm use - required to have a meter but do not

For unmetered parcels in **Park and Non-ALR Farm Use** a yearly flat **rate** of Four Hundred Seventy Six Dollar and fifty Six Cents (\$476.56) in 2012, Five Hundred and Twenty Four Dollars and Twenty One Cents (\$524.21) in 2013, Five Hundred Seventy Six Dollars and Sixty Four Cents (\$576.64) in 2014 per acre per year whether a portion is irrigated or not . For farm land not designated as an **agricultural** land reserve the yearly flat **rate** shall be based on the total assessed size of the **Property** classified as farm under the *Assessment Act*.

9. Agricultural Properties

A consumption charge of \$0.089 for 2012, \$0.098 for 2013, \$0.108 for 2014 per cubic metre.

Agricultural Properties - required to have a meter but do not

For unmetered **Agricultural** properties a yearly flat **rate** of One Hundred Ten Dollars (\$110) for the year 2012, One Hundred Twenty Dollars (\$120) for the year 2013, One Hundred Thirty Dollars (\$130) for the year 2014 per acre per year based on the total assessed size of the **Property** designated as **agricultural** land reserve under the *Agricultural Land Commission Act* whether a portion is irrigated or not.

10. Multi-Family Residential Properties - 3 or more attached dwelling units on a single property

A combined monthly or bi-monthly flat **rate** charge plus a consumption charge as follows:

Meter Size	Monthly Flat Charge			Bi-Monthly Flat Charge
	In 2012	In 2013	In 2014	In 2014
5/8" (15 mm)	\$ 9.25	\$10.45	\$11.81	\$23.62
3/4" (20 mm)	\$ 12.41	\$13.25	\$14.42	\$28.84
1" (25 mm)	\$ 16.25	\$17.21	\$18.55	\$37.10
1½" (37 mm)	\$ 29.92	\$28.92	\$27.78	\$55.56
2" (50 mm)	\$ 48.26	\$46.63	\$44.78	\$89.56
3" (75 mm)	\$ 129.74	\$136.75	\$146.66	\$293.32
4" (100 mm)	\$ 196.07	\$197.35	\$200.12	\$400.24
6" (150 mm)	\$ 381.16	\$361.58	\$338.04	\$676.08
8" (200 mm)	\$ 477.02	\$462.16	\$445.36	\$890.72

Plus a consumption charge of \$0.313 in 2012, \$0.357 in 2013, \$0.406 in 2014 per cubic metre for all **Water Meter** sizes.

11. Single Family Strata - single family housing on a strata property

A combined monthly or bi-monthly flat **rate** charge plus a consumption charge as follows:

Meter Size	Monthly Flat Charge			Bi-Monthly Flat Charge
	In 2012	In 2013	In 2014	In 2014
5/8" (15 mm)	\$ 9.25	\$10.45	\$11.81	\$23.62
¾" (20 mm)	\$ 12.41	\$13.25	\$14.42	\$28.84
1" (25 mm)	\$ 16.25	\$17.21	\$18.55	\$37.10
1½" (37 mm)	\$ 29.92	\$28.92	\$27.78	\$55.56
2" (50 mm)	\$ 48.26	\$46.63	\$44.78	\$89.56
3" (75 mm)	\$ 129.74	\$136.75	\$146.66	\$293.32
4" (100 mm)	\$ 196.07	\$197.35	\$200.12	\$400.24
6" (150 mm)	\$ 381.16	\$361.58	\$338.04	\$676.08
8" (200 mm)	\$ 477.02	\$462.16	\$445.36	\$890.72

Plus a consumption charge of:

	April 16, 2012	April 16, 2013	Consumption after April 1, 2014
First 30 cubic metres, or For Bi-Monthly, First 60 cubic metres	\$0.336 per cubic metre	\$0.396 per cubic metre	\$0.464 per cubic metre
Next 50 cubic metres, or For Bi-Monthly, Next 100 cubic metres	\$0.444 per cubic metre	\$0.522 per cubic meter	\$0.612 per cubic metre
Next 45 cubic metres, or For Bi-Monthly, Next 90 cubic metres	\$0.672 per cubic metre	\$0.791 per cubic metre	\$0.927 per cubic meter
Balance of cubic metres	\$1.344 per cubic metre	\$1.583 per cubic metre	\$1.855 per cubic metre

per cubic metre for all **Water Meter** sizes.

For land shown on a strata plan that receives the supply of water from the **City Water Utility** from the same **Service Connection**, except land shown on a **Bare Land Strata Plan**, the **City** may send a single invoice covering all **Strata Lots** and common **property** to the strata corporation. If the **rate** levied remains unpaid as of December 31 of the billing year, the **City** may allocate the total volume of water used among the **Strata Lot** owners on the basis of their unit entitlements and type of use, and determine the charges and penalties owing by the owner of each **Strata Lot**.

12. Bulk Water Filling Station Use

The cost of a card for use of the **Bulk Water Filling Stations** is \$20.00, non-refundable.

For **Bulk Water Filling Stations**, a consumption charge of \$0.80 per cubic metre of water used.

13. Water Quality Enhancement Reserve Fund Contribution - Metered

All **Customers**, except those **Customers** in the **Beaver Lake Industrial Area**, shall pay an additional monthly or bi-monthly flat charge, as follows:

Meter Size	Monthly Flat Charge			Bi-Monthly Flat Charge
	In 2012	In 2013	In 2014	In 2014
5/8" (15 mm) or ¾" (20mm)	\$ 4.95	\$6.19	\$7.73	\$15.46
1" (25 mm)	\$ 10.16	\$12.70	\$15.88	\$31.76
1½" (37 mm)	\$ 22.43	\$28.03	\$35.04	\$70.08
2" (50 mm)	\$ 36.30	\$45.38	\$56.72	\$113.44
3" (75 mm)	\$ 85.09	\$106.36	\$132.95	\$265.90
4" (100 mm)	\$ 140.70	\$175.88	\$219.84	\$362.82
6" (150 mm)	\$ 314.81	\$393.52	\$491.89	\$612.80
8" (200 mm)	\$ 632.61	\$699.67	\$874.59	\$807.36

14. Water Quality Enhancement Reserve Fund Contribution - Water Uses That Do Not Require a Meter:

A monthly flat charge as follows: \$4.95 per month for 2012, \$6.19 for 2013 and \$7.73 for 2014, or

A bi-monthly flat charge as follows: \$15.46 for 2014.

BL10660 amended Schedule "A":

SCHEDULE "B"**Water Meter Fees and Service Charges****1. Water Meter Fees**

Customers shall pay a **Water Meter Fee** at the time of application for water service as follows:

METER TYPE			
Meter Size	I Perl Standard	Omni T2 (Turbo)	Omni (Compond) C2
5/8" x 3/4" (residential)	\$ 268.00		
3/4" (commercial)	\$268.00		
1" (commercial)	\$ 285.00		
1.5" (commercial)		\$ 1,100.00	\$1367.00
2" (commercial)		\$ 1,428.00	\$ 2,817.00
3" (commercial)		\$ 2,292.00	\$ 3,155.00
4" (commercial)		\$ 4,065.00	\$ 5,247.00
6" (commercial)		\$ 6,247.00	\$ 8,061.00
8" (commercial)		\$ 8,572.00	
4" Protectus fire service meter	\$ 6,837.00		
6" Protectus fire service meter	\$ 9,690.00		
8" Protectus fire service meter	\$ 15,271.00		

The **Water Meter** Fee for commercial meters includes the following components as applicable to each meter setting: specified meter, companion flanges, strainer, gaskets, bolts, remote reading device and connecting cable all supplied and owned by the **City**.

The **Water Meter** Fee for commercial meters does not include the following: master control valve on service inlet and meter isolation valve downstream of meter, pressure reducing valve(s) (PRV's), pressure gauges, back flow prevention device and bypass piping and bypass valve all to be supplied and owned by the **Property** owner.

The **Water Meter** Fee for residential meters includes the following: **Water Meter**, meter setting fittings, installation of **Water Meter** within a 325 mm copper pipe run, supply of a remote reading device and connecting cable all of which will be supplied and owned by the **City**.

2. Service Fees

Customers will pay and will be invoiced on their **City Water Utility** bills for the following service fees:

Service	Fees
Set-up or transfer of service for every new billing account.	\$ 5.00
Water disconnect (shut-off) or connect (turn-on) during regular office hours	\$ 25.00
Emergency water disconnect (shut-off) or connect (turn-on) during off-hours	\$160.00
Shut-off or Turn-on Irrigation System (per section 4.4.16)	\$ 25.00

Both the transfer and water turn-on charge will apply if water is turned on and a new account is established.

Regular office hours shall mean the regular operating hours of the **City's** Water Utility Services Branch.

3. Hydrant Use Permit Fee

The fee for each **Hydrant Use Permit** shall be \$60.00 plus \$25.00 per day for each day of Hydrant Permit. The fee for a **Hydrant Use Permit** shall include the costs of providing, installing and removing **Approved Backflow Preventer**.

SCHEDULE "C"

Landscape Water Conservation Report Requirements

Schedule C provides the scope of information that is required in applications for new or renovated irrigation systems in the City of Kelowna Water Utility area. Applicants are required to submit three components for review and approval by the City:

1. Project and Applicant Identification
2. Landscape Water Conservation Checklist
3. Landscape Water Conservation Calculation Table

Project and Applicant Identification

Applicants shall provide a project name that clearly distinguishes the project from others in the City. City staff may assign an application number in addition to this project name.

Applicants may be the **Property** owner or an agent appointed by the **Property** owner with authority to commit the Owner to meet the requirements of the bylaw. Applicants shall provide their contact information and be available to liaise with the City throughout the design and landscape construction period.

Landscape Water Conservation Checklist

Applicants shall complete the attached Landscape Water Conservation Checklist to identify and confirm that the project will conform to current landscape and irrigation water conservation practices listed in the checklist. Applicants should use the Notes section to explain unchecked clauses, if any. The City may require additional information or refuse permit approval based on its review of the application checklist completion and comments.

Landscape Water Conservation Calculation Table

Applicants shall complete a Landscape Water Conservation Calculation Table. Applicants may choose from one of two methods: the Spreadsheet Method or the Manual Method.

Spreadsheet Method: A Landscape Water Conservation Calculation Spreadsheet will be made available from City staff to allow the applicant to enter project information which will enable the spreadsheet to calculate the **Landscape Water Budget (WB)**, the **Estimated Landscape Water Use (WU)**, and the difference between them.

The Landscape Water Conservation Calculation Spreadsheet embeds the formulas shown in this Schedule C, and is available in MS Excel format, separately. Applicants using the spreadsheet method may be able to refine values for Plant Factor (PF), Irrigation Efficiency (IE) and Reference Evapotranspiration (ET_o), subject to approval of the City.

Manual Method: Using the attached Landscape Water Conservation Calculation Table as a model, applicants may manually fill in and calculate the **Landscape Water Budget (WB)**, the **Estimated Landscape Water Use (WU)**, and the difference between them.

In both bases the applicant needs to design and supply the areas of various landscape treatments and the cumulative total landscape area of the project. Projects below the minimum area stipulated in the Water Regulation Bylaw do not require an application or permit.

It is the responsibility of the Applicant or their representative(s) to create a calculation and installed system that meets the requirements of the Water Regulation Bylaw, including that the **Landscape Water Budget (WB)** must exceed the **Estimated Landscape Water Use (WU)** for the system design, installation and operation.

Project and Applicant Identification

<i>Project Name & Address</i>		
<i>Name of Applicant</i>	<i>Telephone No.</i>	
	<i>Fax No.</i>	
<i>Title</i>	<i>Email Address</i>	
<i>Company</i>	<i>Street Address</i>	
<i>City</i>	<i>Province</i>	<i>Postal Code</i>

Landscape Water Conservation Checklist

- ☐ Install **Backflow** prevention devices to meet **City** of Kelowna standards to isolate the outdoor irrigation system from the potable water system.
- ☐ Group planting into 'hydrozones' of high, medium and low water-use plants or unirrigated/unwatered areas.
- ☐ Minimize mown turf areas that are high water use areas - ideally to 50% of the landscape area or less - substitute with areas of lower water use treatments like unwatered native woods or meadow, mulch, spaced wood deck, pervious paving.
- ☐ Provide adequate topsoil or growing medium of depth and quality to meet the BC Landscape Standard, published by the BC Society of Landscape Architects and the BC Landscape and Nursery Association. General minimum depths over poor subsoils are 150mm for lawn and 300mm for shrubs groundcover.
- ☐ Group irrigation circuits/zones into 'hydrozones' of high, medium, and low or unirrigated areas consistent with the landscape planting plan. Provide a separate irrigation valve for each irrigated hydrozone.
- ☐ Minimize use of high-volume spray heads, and employ drip or low volume irrigation where practical.
- ☐ When spray or rotor irrigation is used, design and install head to head coverage in accordance with manufacturer's specifications, and avoid overspray outside landscape areas.
- ☐ Ensure matched precipitation rates within all irrigation circuits.
- ☐ Design and install pipe and head layout so flow velocity does not exceed 1.5 m/s, and to minimize elevation change or pressure variation in circuits. Provide check valves to stop low head drainage.
- ☐ Ensure irrigation mainlines are proved leak-free with hydrostatic tests.
- ☐ Provide pressure regulating devices to ensure irrigation outlets are operating at the manufacturer's optimum pressure range.
- ☐ Install - and program to minimize water use - '**Smart Controllers**' to meet standards of the **City** of Kelowna Water Regulation Bylaw.
- ☐ Install an irrigation master shut-off valve (isolation valve) located outside the building in a location accessible to the **City** that when closed shall stop the supply of water from the potable water supply to the outdoor irrigation system and shall be capable of being closed and locked off by the **City**.

Applicant Notes on the Landscape Water Conservation Checklist Signature: Date:

Landscape Water Conservation Calculation Table

Project Name/Address:

Applicant Name:

Step 1: Measure Total Landscape Area (LA)Insert area of site that will absorb water: sq.m.

Note: INCLUDE BOULEVARD, and proposed lawn, plants, mulch, PERVIOUS decks. Do not include building areas, driveways, patios, decks or walks unless pervious.

Calculate Estimated Water Use (WU) for each Landscape Treatment $WU = (ET_o \text{ of } 1000) / ((PF \times HA / IE)) / 1000$ see Page 4

Step 2: Divide Into Landscape Treatments	Plant Factor (PF)	Irr Efficiency (IE)	Hydrozone Area (sq.m.) (HA)	% of Total LA	Estimated Water Use (cu.m.) (WU)
Note: each of the areas below are a 'HYDROZONE'					
Unwatered Pervious Areas (not impervious paving)					
Unwatered pervious mulch (e.g. stone, bark or sand)	N/A	N/A			N/A
Unwatered pervious deck (e.g. spaced wood deck)	N/A	N/A			N/A
Unwatered pervious paving (e.g. AquaPave, Rima Pave)	N/A	N/A			N/A
Unwatered naturalized meadow (e.g. wildflowers)	N/A	N/A			N/A
Unwatered naturalized area (e.g. existing natural area)	N/A	N/A			N/A
Other unwatered pervious area Specify:	N/A	N/A			N/A
Swimming or ornamental pool (use recirculating water)	1	1			
Watered Planting Beds (shrubs or groundcover)					
Low water use plants, high efficiency irrigation	0.3	0.9			
Low water use plants, low efficiency irrigation	0.3	0.7			
Moderate water use plants, high efficiency irrigation	0.5	0.9			
Moderate water use plants, low efficiency irrigation	0.5	0.7			
High water use plants, high efficiency irrigation	0.7	0.9			
High water use plants, low efficiency irrigation	0.7	0.7			
Watered Mown Lawn Areas					
Mown lawn, moderate efficiency irrigation	1	0.7			
Special Landscape Areas (SLA)					
Vegetable garden, high efficiency irrigation	1	0.9			
Vegetable garden, low efficiency irrigation	1	0.7			
Sports or playground Lawn, moderate efficiency irrigation	1	0.7			
Areas where non-potable water supplements irrigation	0.3	1			
Totals			= Total LA	=100%	=Total WU
Special Landscape Area (SLA) Subtotal					

Landscape Water Conservation Calculation Table (cont'd)

Project Name: _____

Applicant Name: _____

Step 3: Calculate & Compare Water Budget to Estimated Water Use Note: For Evapotranspiration (ETo) in Kelowna allow 1000 mm/yr		
Calculate Landscape Water Budget (WB) $WB = ETo[(1.0 \times \text{Total LA}) + (0.3 \times \text{Subtotal SLA})] / 1000$	Show Calculations	Total WB (cu.m./yr)
Calculate Estimated Landscape Water Use (WU) $WU = ETo(PF \times HA/IE) / 1000$	Calculate for each Landscape Type on Page 3, then sum into Total WU	Total WU (cu.m./yr)
Subtract Estimated Landscape Water Use from Landscape Water Budget (WB - WU) Result Must be greater than 0 Adjust landscape areas or planting/irrigation type to suit.	Notes	Difference (cu.m./yr)

Signature: _____

Date: _____

Landscape Water Budget (WB)The project's **Landscape Water Budget** shall be calculated using this equation:

$$WB = ETo[(1.0 \times LA) + (0.3 \times SLA)] / 1000$$

where:

WB = Maximum Landscape Water Budget (cubic metres per year)

*ETo = Reference Evapotranspiration (use approx. 1000 millimetres per year in Kelowna, or more specific data from www.farmwest.com)

1.0 = ET Adjustment Factor (ETAF)

LA = Landscaped Area includes Special Landscape Area (square metres)

SLA = Portion of the landscape area identified as Special Landscape Area (square metres)

0.3 = the additional ET Adjustment Factor for Special Landscape Area (1.3 - 1.0 = 0.3)

/ 1000 = divide total calculation by 1000 to convert to cubic metres/year

Estimated Landscape Water Use (WU)The project's **Estimated Water Use** in the landscape is calculated using the following formula:

$$WU = ETo(PF \times HA/IE) / 1000$$

where:

WU = Estimated Landscape Water Use per year (cubic metres per year)

ETo = Reference Evapotranspiration (use approx. 1000 millimetres per year in Kelowna, or more specific data from www.farmwest.com)

PF = Plant Factor

HA = Hydrozone area [high, medium, low and no water use areas] (square metres)

IE = Irrigation efficiency (minimum 0.7)

/ 1000 = divide total calculation by 1000 to convert to cubic metres/year

Interpretation

Landscape area: means all of the planting areas, turf areas, pervious paving, water features and unirrigated pervious surfaces - such as existing or planted native vegetation, spaced wood deck, stone or organic mulch - in a landscape design plan subject to the **Landscape Water Budget** calculation. The landscape area does not include footprints of buildings or structures, impervious sidewalks, impervious driveways or parking lots, impervious decks or patios, other impervious hardscapes.

Pervious: means surfaces that allow water to soak into the underlying ground and do not create runoff when exposed to up to the mean annual rainfall.

Impervious: means surfaces that shed water and create runoff when exposed to rainfall events of 1 mm or greater.

Special Landscape Area (SLA): for all calculations, means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, and water features using recycled water, captured rainwater, or other non potable water source. For calculations in multiple family, park and playground areas, but not for single family lots, Special Landscape Area may also include areas dedicated to active play such as park lawns, sports fields, golf courses and where turf provides an intensively used playing surface.

Water Feature: means a designed element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where make-up water is supplied from the municipal potable system).

Hydrozone: means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

- Unirrigated pervious paving, spaced wood deck or other pedestrian, decorative or driveway surfacing that allows rainwater to soak into underlying ground without puddling shall be included in total landscaped area calculations and shall be in a no water use hydrozone.
- All water feature surface areas shall be included in the high water use hydrozone.
- Areas with temporary irrigation for a maximum 1 year plant establishment period shall be included in the no water use hydrozone.
- Individual hydrozones that mix high and low water use plants shall not be permitted.
- Individual hydrozones that mix plants of moderate and low water use or moderate and high water use may be allowed if:
 - Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor, or
 - If the plant factor of the higher water using plant is used for calculations.

Plant factor or plant water use factor (PF): means a factor, when multiplied by the Reference Evapotranspiration (ET_o) that estimates the amount of water needed by plants. For the purposes of these standards plant factor ranges are as follows as described in the "Watering" section on page 161 in Western Garden Book *.

- Empty water droplet - Low water use = 0.3
- Half-filled water droplet - Medium/ moderate water use = 0.5
- 1, 2 or 3 full, water droplets - High water use = 0.7

* Norris Brenzel, Kathleen, ed. Western Garden Book Seventh Edition. Menlo Park: Sunset Publishing Corporation, 2001.

Irrigation efficiency (IE): means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of these standards is 0.7, with the corresponding requirement that installations meet all the clauses in the Landscape Water Conservation Checklist and in the irrigation manufacturer's design and installation specifications.

Evapotranspiration Rate: means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Reference evapotranspiration (ET_o): means a standard measurement of environmental parameters which affect the water use of plants. ET_o is given in millimeters per day, month or year and is an estimate of the evapotranspiration of a grass reference crop using a modified Penman Monteith equation, which is the standard method recommended by the UN Food and Agriculture Organization. Reference evapotranspiration is used as the basis of determining the **Landscape Water Budget** so the regional differences in climate can be accommodated. For purposes of calculations in the City of Kelowna, use 1000 litres/year, or the applicant may use more precise amounts derived from the Farmwest.com Evapotranspiration Calculator (www.farmwest.com) for the location of the project in Kelowna (Airport, East Kelowna or South Kelowna).

ET adjustment factor (ETAF): means a factor of 1.0, that, when applied to a reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.71 is the basis of the plant factor portion of this calculation. For purposes of the ET adjustment factor, the average irrigation efficiency is 0.71. Therefore, the ET adjustment factor $(1.0) = (0.71/0.71)$.

- ETAF for special landscape area (SLA) shall not exceed 1.3.
- ETAF for existing, non-rehabilitated landscapes is 1.0

CITY OF CASTLEGAR

BYLAW 703

City of Castlegar water regulations and rates bylaw.

WHEREAS pursuant to Sections 632 and 636 of the Municipal Act it is deemed expedient to make provisions for regulating the rates, conditions and terms under or upon which water may be supplied to and used by the inhabitants of the City of Castlegar.

NOW THEREFORE the Municipal Council of the City of Castlegar in open meeting assembled enacts as follows:

Citation

1. The Bylaw may be known and cited as the "City of Castlegar Water Regulations and Rates Bylaw No. 703, 1994".

Definitions

2. In the Bylaw, unless the context otherwise requires:
 - a. "Building Connection" shall mean the water pipe extending from the property line of the property concerned to the building situated thereon.
 - b. "Building Inspector" shall mean the person or persons appointed from time to time by the Council as Building Inspector and includes deputy and assistant Building Inspectors.
 - c. "City" shall mean the City of Castlegar.
 - d. "Collector" shall mean the person appointed from time to time by the Council as Collector.
 - e. "Director" shall mean the person appointed to the position of Director of Transportation and Civic Works by the Council of the City, and any person delegated to assist the Director in carrying out duties under this bylaw. (**Bylaw 1003**)
 - f. "Property Owner" shall mean the registered owner of any lands and premises within the City and shall, where applicable, include the agent, executor or administrator of such owner or the lessees or occupier of the premises.
 - g. "Water Connection" shall mean a connection of at least three-quarter inch pipe connecting to a main supply line and extending to the property line for the purpose of conveying water to the said property, and may or may not include a water meter but shall include a shut-off valve.
 - h. "Water Service" shall mean works and services provided by the City and include:
 - . supply of water for consumption or other use
 - . water connection installation, repair or replacement
 - . Meter installation and inspection (**Bylaw 1075**)
 - . water main extension
 - i. "Water System" shall mean all water pipes, fittings, valves, meters, reservoirs, pumps, treatment or purification facilities or fire hydrants within a right-of-way, easements or property under the control of or title to the City.

OFFICE CONSOLIDATION

Bylaw 703

Page 2 of 7

General Provisions

3. No person shall make any connection to the water system owned by the City or to any water line being supplied with water from the City water system without first receiving approval from the City.
4. No person shall install, place or maintain in any premises any water connection, fixture, or fitting not in accordance with the requirements of this Bylaw or not authorized by the application for such water service.
5. No pump, device or other fitting shall be used for the purpose of, or having the effect of, increasing or decreasing the available water flow in the water system without prior written authorization from the Director of Civic Works. (**Bylaw 1003**)
6. All persons shall keep the service pipes, stop cocks, fixtures, fittings on their own premises or property in good order and repair, and protect them from frost at their own risk and expense.
7. The City shall not be required to supply water to any property within the City which is supplied by other than the City water system.
8. The property owner shall be responsible for all costs associated with the works required for the installation of a water service for his property.
9. No person shall place or introduce contaminants or pollutants into the City water system.
10. No works or services shall be performed on the water system unless authorized in writing by the Director of Civic Works. (**Bylaw 1003**)
11. All works and services performed on the water system shall conform with the requirements of the City of Castlegar Standard Construction Specifications and MMCD Specifications. (**Bylaw 1075**)
12. No person, unless provided written authorization from the Director of Civic Works shall in any way interfere, operate or tamper with any pipe, fixture, fitting, fire hydrant, valve or other component of the City water system. (**Bylaw 1003**)
13. The City shall not be liable for damages caused as a result of a disruption or discontinuation of service.
14. No person being a property owner, occupant, or tenant of any premises supplied with water by the City shall sell or dispose of any water or give away or permit the same to be taken away or applied for the benefit of others, except to those persons provided written authorization from the Director of Civic Works. (**Bylaw 1003**)
15. Nothing contained in this Bylaw shall be construed to impose any liability on the City as to the availability, volume, pressure and quality of water to any person, property or premises in the City.

Application - Connection

16. Application for the water connection shall be made to the City and shall be made on the form contained in Schedule "A" of this Bylaw and shall be accompanied by the proper fee as specified in Schedule "B" of this Bylaw. Each application, when duly signed by the property owner, includes agreement to abide by the terms and conditions of this Bylaw and any subsequent amendments thereto.

OFFICE CONSOLIDATION

Bylaw 704

Page 3 of 7

17. Applications for a water service submitted by other than the registered property owner must be accompanied by a letter of consent or authorization from the registered or legal property owner.
18. The connection fee paid in accordance with Section 16 hereof, does not include works within private property.

Application - Disconnection

19. Application for disconnection of a water connection shall be made to the City and shall be made on the form contained in Schedule "A" of this Bylaw and shall be accompanied by the proper fee as specified in Schedules "B" of this Bylaw. Until such application has been submitted, water rates may be charged as prescribed by Schedule "B".

Water meters

20. a. All new residential construction and any existing non-residential property using or consuming water from the City mains or supply lines shall install and use an approved water meter. **(Bylaw 1075)**
- b. The residential property owner shall, through the City, obtain an approved water meter and radio read unit (MXU) free of charge and shall install the meter and MXU at their expense at a location on the premises as specified by the Director. **(Bylaw 1075)**
- c. All Industrial/Commercial/Institutional property owners shall, through the City, obtain an approved water meter and radio read unit (MXU) at their expense and shall install the meter and MXU at their expense at a location on the premises as specified by the Director. **(Bylaw 1075)**
- d. The charges as prescribed in Schedule "B" shall apply. **(Bylaw 1075)**
- e. The water meter and MXU shall, despite their installation in the property owner's premises, be the property of the City. **(Bylaw 1075)**
- f. The owner of a new residence shall be placed on the annual flat rate as prescribed as in Schedule "B" after an inspection and operational check of the equipment has been confirmed by the Director. **(Bylaw 1075)**
- g. Industrial/Commercial/Institutional metered rates shall apply as prescribed in Schedule "B". **(Bylaw 1075)**
- h. A flow test will be conducted on all new meter installations and will serve to confirm that all water use is measured through the meter before the Director will certify the installation satisfactory and initiate the metered rate. **(Bylaw 1075)**
- i. Any person(s) found to have a connection upstream of the water meter will be billed at the annual flat rate until the illegal connection is certified disconnected by the Director. **(Bylaw 1075)**
21. Every meter shall be equipped with a radio read unit (MXU) installed at a location on the premises specified by the Director, to reasonably enable the Director to monitor the consumption of water through the meter, and no person shall prevent the Director from entering on premises to read a meter or operate a radio read unit (MXU) connected to a meter. **(Bylaw 1003) (Bylaw 1075)**

OFFICE CONSOLIDATION

Bylaw 704

Page 4 of 7

22. In the event that a meter or radio read unit (MXU) is malfunctioning or the Director is unable to read a meter in any monitoring period, and at the Director's discretion in respect of premises where water consumption is not likely to differ materially from quarter to quarter, the Director may estimate the consumption of water, the rates charged for the premises for that period shall be based on the Director's estimate, and an adjustment shall be made on the Property Owner's account when the meter is next read. **(Bylaw 1003) (Bylaw 1075)**
- a. All water meters equipped with a bypass device shall be sealed and no person shall break such seal without the written authorization of the Director. **(Bylaw 1003)**
 - b. No person shall interfere with, tamper with, disconnect or damage any water meter or remote keypad, nor cause or allow water being supplied by the City to bypass any meter, without the written authorization of the Director. **(Bylaw 1003)**
 - c. In the event that the Director is required to attend any premises for the purpose of reading a meter or operating a remote keypad, after having been unable to obtain access to the meter or remote keypad on a first attempt or in the event that the director is unable to obtain a meter reading from a remote keypad, the Property Owner shall be liable for the additional charge specified in Schedule B. **(Bylaw 1003)**
 - d. Residential water meters or MXU's deemed to be malfunctioning by City staff, will be repaired or replaced by the City. **(Bylaw 1075)**

Rates and Charges

23. Property owners shall be responsible for payment of all rates for water used and consumed on properties owned by them.
24. The user rates and charges specified in Schedule "B" of this Bylaw are hereby imposed and levied for water services supplied by the City. All such rates shall be due and payable from the first day of January in each year but may be paid in four equal quarterly payments due on or before March 31, June 30, September 30, and December 31.
25. User rates calculated on a metered basis may be invoiced quarterly for the periods ending March 31, June 30, September 30 and December 31. Payment for the period ending December 31 shall not be deemed to be due until January 1 of the following year.
26. User rates are subject to a discount of up to 10%, as determined by the council, if paid within the discount period stated on the invoice. **(Bylaw 953)**
27. A penalty of 5% (five percent) shall be imposed upon the balance of the current quarterly instalment (or any portion thereof) that is unpaid by the last day of each respective quarter.
28. For any water service turned on after the 1st of January, the user account will be billed for an amount equal to the annual rate prorated for the number of days remaining in the year.
29. For any water service turned off after the 1st of January, the user account will be credited for an amount equal to the annual rate prorated for the number of days remaining in the year in accordance with section 30.
30. When any rates or charges for water service are overdue for a period of three (3) months, such water supply may be turned off from the property in respect to which such rates or charges are overdue. Such services shall not be turned on again to the said property until the following have been paid to the City:

OFFICE CONSOLIDATION

Bylaw 704

Page 5 of 7

- a. The rates overdue (including penalty).
 - b. The charges prescribed in Schedule 'B' to cover the cost of turning the water supply off and on.
 - c. Any additional cost incurred by the City in order to prevent the improper use of water after the same has been turned off.
31. Notwithstanding Section 25, all rates and charges remaining unpaid on the 31st day of December in each year shall be added to and form part of the taxes payable in respect of the land and improvements therein, and shall be entered on the Collector's Roll as taxes in arrears.

Inspection

32. The building connection shall be left uncovered at the joint with water connection until it has been inspected and approved in writing by the Director of Civic Works. **(Bylaw 1003)**
33. Officers, employees, and agents of the City of Castlegar are hereby authorized to enter upon any lands and premises in the municipality at all reasonable times to ascertain whether the requirements and regulations of this Bylaw are being observed.

Water Restrictions

34. During the period from June 15 to September 15 of each year use of water for irrigation or sprinkling will be prohibited:
- a) between the hours of 11:00 p.m. and 5:00 a.m., and
 - b) between the hours of 11:00 a.m. and 5:00 p.m. **(Bylaw 942)**
35. Notwithstanding section 34, the City may, whenever in its discretion the public interest so requires, suspend or limit the use of water from the City water system, or may further regulate the hours of use, or may further prescribe the manner in which such water may be used.
- a) Owners and occupiers of residential and commercial properties, the civic address of which ends in an odd number may water lawns, trees, shrubs and gardens on odd numbered days of the month.
 - b) Owners and occupiers of residential and commercial properties, the civic address of which ends in an even number may water lawns, trees, shrubs and gardens on even numbered days of the month.
 - c) Auto washing allowed on regular watering day. **(Bylaw 942)**
 - d) Owners and occupiers of residential and commercial properties with a water regulating system shall be permitted to water between the hours of 11:00 p.m. and 5:00 a.m. on an alternating day basis. **(Bylaw 942)**
36. No water shall be used for irrigation, sprinkling, construction involving soil removal or replacement when restrictions have been imposed under Section 34 and 35 except: **(Bylaw 851)**
- a. as described by such restrictions or
 - b. as a permitted exemption under Section 37.
37. Application for exemption from water usage restrictions or regulations in place under Section 34 shall be made to the City on the form contained in Schedule "C" of this bylaw and shall be accompanied by the proper fee or charge as specified in Schedule "B". Water usage exemption permits under this section may be issued for the following applications.

OFFICE CONSOLIDATION

Bylaw 704

Page 6 of 7

- a. New residential lawn or landscaping installation or construction.
 - b. As a means of controlling dust or cleaning of private driveways or parking lots of a metered commercial or multi-family user
 - c. Within a construction or building project under a building or development permit issued by the City.
38. An exemption permit may be revoked at any time.
39. The following activities and facilities be exempt from Section 34: commercial nursery operations, public works activities and repair work, and water parks. **(Bylaw 851) (Bylaw 1012)**

Enforcement

40. Any person who installs a water connection to the City water system, without first obtaining approval and paying the applicable charges, shall be liable for all costs associated with the disconnection of the said service connection and, in addition, is considered to be guilty of an offence under this Bylaw.
41. The City may discontinue the water service to any premises for contravention or violation of the regulations within this bylaw.
42. a. Every person who violates a provision of this Bylaw, neglects or refrains from doing anything required to be done by this Bylaw, breaches a condition of water service or an approval issued under this Bylaw, or who fails to comply with an order made under this Bylaw, commits an offence and is liable on summary conviction to a fine of not more than \$2,000 and the costs of prosecution. Each day a violation continues or is permitted to continue shall constitute a separate offence. **(Bylaw 1003)**
- b. Every person who breaks a seal on a water meter without the Director's written authorization, or tampers with, disconnects or damages any water meter or radio read unit (MXU) shall be liable to pay the City's actual cost of replacing or repairing the seal, meter or radio read unit (MXU), as the case may be, and in addition shall pay the City an administrative penalty of \$500.00. **(Bylaw 1003) (Bylaw 1075)**
- c. Connections to the service line upstream of the water meter is prohibited. **(Bylaw 1075)**

Enactment

43. "City of Castlegar Water Rates and Regulations Bylaw No. 341, 1982" and all amendments thereto are repealed on the date this bylaw comes into effect.

OFFICE CONSOLIDATION

Bylaw 704

Page 7 of 7

44. This Bylaw shall take effect on January 1, 1995.

READ A FIRST TIME on the 18th day of October, 1994.

READ A SECOND TIME on the 18th day of October, 1994.

READ A THIRD TIME AND PASSED on the 1st day of November, 1994.

ADOPTED on the 15th day of November, 1994.

Mike O'Connor
MAYOR

Dianne Hunter
CITY CLERK

List of Amending Bylaws

753	January 1, 1996
805	March 4, 1997
818	May 20, 1997
830	January 1, 1998
851	August 17, 1998
859	January 1, 1999 (Repealed)
891	November 22, 1999 (Repealed)
915	January 8, 2001
927	May 22, 2001
942	May 23, 2002
953	December 19, 2002
975	November 3, 2003
1003	October 18, 2004
1006	December 6, 2004
1012	January 4, 2005
1033	November 21, 2005
1051	December 4, 2006
1075	January 7, 2008
1097	December 15, 2008
1100	March 16, 2009 (Repealed)
1114	December 21, 2009
1151	January 16, 2012
1166	December 17, 2012
1183	January 6, 2014

Schedule "A"
to Water Rates and Regulations Bylaw 703

City of Castlegar Water Regulations and Rates Bylaw No. 703, 1994 and Amendments Thereto

APPLICATION FOR WATER SUPPLY AND SERVICE(S)

I, _____ being the property owner of the premises described as:

Lot _____ Block _____ D.L. _____ Plan _____

and situated at # _____ Street/Avenue, in the City of Castlegar, hereby makes
application for the following services:

___ supply and use of water . The use or occupancy of the property or premise supplied will be

_____ (describe current or proposed occupancy and zoning)

consisting of ___ square meters of total building floor area.

___ new water connection(s).

___ water meter **purchase(s)**.

___ **water meter inspection(s) & initial read(s)**.

___ water connection repair(s), replacement(s) or adjustment(s)

___ water main extension

___ other (provide description) _____

DATED at the City of Castlegar this ___ day of _____, 20__.

APPLICANT

TOTAL COST OF SERVICE(S) = \$ _____

note: (a) a detailed cost summary is attached for the property owner's review.

(b) the total costs presented herein will be held firm for a period not exceeding sixty
(60) from date of issuance.

(Director of Transportation & Civic Works) DATE: _____

Schedule "A"
to Water Rates and Regulations Bylaw 703

City of Castlegar Water Regulations and Rates Bylaw No. 703, 1994 and Amendments Thereto

AGREEMENT FOR WATER SUPPLY AND SERVICE(S)

The completion of this agreement does not relieve the applicant, authorized agent or owner from conforming to all requirements or every pertinent bylaw and regulation enforced within the City of Castlegar.

In consideration of the approval of this application, I/we agree to duly pay all applicable user rates and service charges for all water services provided herein as prescribed by the "City of Castlegar Water Regulations and Rates Bylaw", and amendments thereto. I/we further agree that I/we will be bound by all the provisions of the said Bylaw where applicable and the rules and regulations made there under and that in consideration of the aforesaid I will protect and save harmless the City of Castlegar from all claims for damages caused by the delivery of the said service(s). I/we further agree to release and indemnify the City of Castlegar, its Council members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgements, losses, damages, costs and expenses of whatever kind I/we or any other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have to incur in consequence of or incidental to this agreement.

DATED at the City of Castlegar this ____ day of _____, 20 ____.

Property Owner

(signature)

AUTHORIZATION TO PROCEED WITH WORKS:

DATE: _____

(Director of Transportation & Civic Works)

(Bylaw 1075)

**SCHEDULE "B" TO
WATER RATES AND REGULATIONS BYLAW 703**

A. SERVICE CHARGES (not subject to discount)

1. Charges for installation of a water service.

(a) 19 mm diameter	\$920.00 (minimum) plus any additional service costs itemized in (d) below
(b) 25.4 mm diameter	\$1,250.00 (minimum) plus any additional service costs in (d) below
(c) renewal (upgrading existing 12 mm diameter to 19 mm diameter) including metre retrofit	\$ 250.00 (minimum) plus any additional service costs in (d) below
(d) additional service costs not included in (a), (b) and (c) above:	
(i) administration	15%
(ii) service or main extension (greater than 25.4 mm and up to 28.1 mm diameter and/or where the service line exceeds 15 m in length)	\$ 120.00 per linear metre plus any additional service costs listed herein
(iii) restoration	
(1) asphalt road repair	\$ 75.00 per square metre
(2) concrete curb	\$ 60.00 per linear metre
(3) asphalt curb	\$ 20.00 per linear metre
(4) sidewalk (concrete)	\$ 120.00 per linear metre
(5) boulevard landscaping	\$ 12.00 per square metre
(6) boulevard swale or ditch	\$ 14.00 per linear metre
(7) over excavation (depth of bury exceeding 1.2 m)	\$ 16.00 per cubic metre
(iv) metre purchase and installation inspection	
(1) residential	\$ 225.00
(2) residential retrofit	\$ 250.00
(3) meter greater than 19 mm diameter	at cost
(4) industrial/commercial	at cost
(5) industrial/ commercial retrofit	at cost
(6) installation inspection and initial read	\$ 25.00
(v) additional charge for meter reading	\$ 25.00
(v) metre installation (greater than 19 mm diameter)	at cost
(vi) approved use of fire hydrant	\$25.00 per day plus administration
(vii) additional charge for metre reading	\$25.00

2. Charges for disconnection of water service:
- (a) \$ 920 (minimum) plus any additional service costs itemized in (b) below
 - (b) additional service costs not included in (a) above
 - (i) administration 15%
 - (ii) restoration
 - (1) asphalt road repair \$ 75.00 per square metre
 - (2) concrete curb \$ 60.00 per linear metre
 - (3) asphalt curb \$ 20.00 per linear metre
 - (4) sidewalk (concrete) \$ 120.00 per linear metre
 - (5) boulevard landscaping \$ 12.00 per square metre
 - (6) boulevard swale or ditch \$ 14.00 per linear metre
 - (7) over excavation (depth of bury exceeding 1.2 m) \$ 16.00 per cubic metre
3. Each time water supply is turned on:
- (a) during normal working hours \$ 0.00
 - (b) outside normal working hours \$ 125.00
4. Each time water supply is turned off:
- (a) during normal working hours \$ 0.00
 - (b) outside normal working hours \$ 125.00
5. Exemption permit: \$ 10.00

B. WATER RATES

1. Metered rate (not subject to discount)

(a) Flat Rate - per quarter (Industrial, Commercial and Institutional)	-2011	\$ 35.00
	-2012	\$ 36.00
	-2013	\$ 37.00
	-2014	\$ 38.00
(b) Flat Rate - per quarter (Multi-family residential)	-2011	\$ 15.00
	-2012	\$ 17.00
	-2013	\$ 19.00
	-2014	\$ 21.00
(c) Unit Rate - per cubic metre (Industrial, Commercial and Institutional)	-2011	\$ 0.35
	-2012	\$ 0.36
	-2013	\$ 0.37
	-2014	\$ 0.38
(d) Unit Rate - per cubic metre (Multi-family residential)	-2011	\$ 0.35
	-2012	\$ 0.36
	-2013	\$ 0.37
	-2014	\$ 0.38
(e) Bulk Rate - per cubic meter (purchased through hydrants or bulk water connections.		\$ 1.03

2. Un-Metered rate (subject to discount)

(a) Residential	
(i) single family dwelling	\$ 404.96
(ii) secondary suite	25% of single family dwelling
(b) Commercial	
(i) Trailer Camps or Courts	
(1) each trailer pad, stall or dwelling unit	\$ 404.96
(ii) Restaurants, Cafes, Coffee Shops, Beer Parlours, Licensed Lounges	
(1) per seat (over 60 seats)	\$ 12.86
(2) minimum per year (first 60 seats)	\$ 757.80
(iii) Laundries, Laundromats or Dry Cleaners	Metered use only
(iv) Garages and Service Stations	\$ 462.43
(v) Hairdressers and/or Barbers	
(1) each basin and toilet	\$ 318.80
(2) each additional basin	\$ 73.30
(vi) Offices, Stores, and Medical or Dental Clinics	

**Office Consolidation
Schedule "B"
Bylaw 703
Page 4 of 4**

(1) each basin and toilet	\$ 318.80
(2) each additional spray, basin or urinal	\$ 73.30
(vii) Pool Rooms, Health Spas, Curling Clubs and Bowling Alleys	
(1) per unit of occupancy load	\$ 10.12
(viii) Private Halls, Theatres	
(1) per unit of occupancy load	\$ 2.50
(ix) Car Washes, Cement Mix Plants	Metered use only
(x) Greenhouses, Swimming Pools	metered use only
(xi) Hotels, Motels, Tourist Cabins (Flat rates, no refund on vacancies)	
(1) owners unit	\$ 404.96
(2) each suite, room or overnight sleeping accommodation	\$ 109.82
(3) swimming pool (year round)	\$ 1,162.78
(4) swimming pool (seasonal)	\$ 585.30
(xii) For all un-metered users not herein provided for	
(1) each set of basin or toilet	\$ 404.96
(2) each additional basin or urinal	\$ 78.32
 3. Institutional	
(a) Institutional offices, Churches and Halls	
(i) each set basin and toilet	\$ 190.67
(ii) each additional basin or urinal	\$ 68.00
(b) Schools, each classroom	\$ 465.17
(c) Hospitals, per bed	\$ 190.67
 4. Industrial – metered use only	
<i>(Bylaw 1183)</i>	

Schedule "C"
to Water Rates and Regulations Bylaw 703

CITY OF CASTLEGAR
WATER USE EXEMPTION PERMIT

Pursuant to section 37 of the City of Castlegar Water Regulations and Rates Bylaw 703 exemption from the current restriction imposed is granted under the following terms and conditions.

- ☐ watering a new residential lawn or landscaping installation or Construction
- ☐ As a means of controlling dust or the cleaning of a private driveway or parking lot within a metered Commercial or Multifamily zone.
- ☐ watering within a construction or building project under a building or development permit issued by the City.
- ☐ the exemption permit expiration date will be _____ days from the date of issuance.
- ☐ receipt of fees prescribed by schedule "B" of this bylaw.

Agreement/Property Owner

Date

Authorized Signature – City of Castlegar

Date

Note to Users

This office consolidation is not an authoritative text of the law and is produced solely as a convenience to the user. The authoritative text of the law is in the original bylaw and the amending bylaw(s).