
THE CORPORATION OF THE DISTRICT OF KENT

BYLAW NO. 1452

“A bylaw to impose fees and other charges for the supply and use of water.”

WHEREAS Section 8(2) of the *Community Charter* authorizes the District of Kent to provide any service that Council considers necessary or desirable;

AND WHEREAS Council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services;

NOW THEREFORE the Council of the District of Kent in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as “Water Regulation and Rates Bylaw No. 1452, 2009” and comes into effect on the date of adoption.

2. DEFINITIONS

In this bylaw:

“Approved Backflow Prevention Device” means a Backflow Prevention Device that has been approved by the District in accordance with the British Columbia Building Code 1998, Part 7, Plumbing Services, Section 7.6.2., and subsequent amendments, “Protection from Contamination” for preventing backflow and which meets the standards adopted by the American Water Works Association;

“Backflow” means the flow of water or other liquids, gases, or solids from any source in the direction opposite to normal or intended flow;

“Backflow Prevention Device” means a mechanical apparatus installed in a water system to prevent the occurrence of backflow that is designed to be inline, tested and repaired and to meet the head loss and flow requirement of the water supply system;

“Backflow Prevention Device Tester” means an individual who is certified by the British Columbia Water and Waste Association and who is included in the District’s list of approved Testers of Backflow Prevention Devices;

“Commercial and Institutional” means a use of a parcel defined as Commercial or Institutional in the District of Kent Zoning Bylaw No. 1219, 2001 and subsequent amendments;

“Contaminant” means any physical, chemical, biological or radiological substance or matter which if present may render the water non-potable, according to the *Water Protection Act*, R.S.B.C.;

“Council” means the Council of the District of Kent.

“Cross-Connection” means any actual or potential physical connection between the Water Supply System’s potable water line and any source containing a non-potable fluid or where it is possible for the non-potable fluid to enter the water system by backflow. A cross connection includes connection to an unapproved water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or any other device which contains, or may contain, contaminated water, liquid, gases, sewage, or any other waste, of unknown or unsafe quality which may be capable of imparting contamination to the District’s Waterworks potable water supply as a result of backflow;

“Developer” means an Owner or Owners of land or the holder(s) of a bona fide interim agreement or option to purchase land, or an applicant who has made application to the District for Subdivision, or building permit, or is engaged in undertaking the Development of such land, and shall include a duly authorized representative;

“District” means the Corporation of the District of Kent.

“Drinking Water” means all water within the Water Supply System that meets the bacteriological quality parameters as defined in the *Water Protection Act*, R.S.B.C.;

“Engineer” means the Director of Engineering Services or designate for the District of Kent;

“Engineering Department” means the Engineering Department of the District of Kent.

“Fire Hydrant Permit” means a permit issued by the District authorizing the use of a District owned fire hydrant;

“Fire Service” means any installation on a Parcel or premises used to supply water solely for fire fighting or fire control purposes;

“Highway” means a street, road, lane, bridge, viaduct and any other way open to the use of the public, and includes any adjacent allowance, boulevard or right-of-way;

“Industrial” means a use of a parcel defined as Industrial in the District of Kent Zoning Bylaw No. 1219, 2001 and subsequent amendments;

“Irrigation” means the sprinkling or pouring of water by means of any pipe, hose, irrigation ditch or any irrigation system upon or under the surface of the ground which is immediately adjacent to the District owned fire hydrant or any other non-approved water main connection;

“Metered Service” means a water service having a meter or other measuring device attached to it for determining the quantity of water used or supplied through the service;

“Non-residential” means use of a parcel defined as Commercial, Institutional or Industrial in the District of Kent Zoning Bylaw No. 1219, 2001, and subsequent amendments;

“Owner” means the person or persons, including a corporation or company, registered in the records of a Land Title Office as owner in fee simple of a Parcel or, where there is a registered agreement for sale and purchase of the Parcel, the registered holder of the last registered agreement for sale and purchase, and includes that person’s authorized agent;

“Parcel” means privately owned property which has a legal description registered with the Land Titles Office of British Columbia;

“Person” means as defined in the *Interpretation Act R.S.B.C. 1996 c. 238* and any amendments thereto;

“Personal Care Residential Unit” means a dwelling unit within a building with four or more sleeping units where permanent residential accommodation is provided and must have common living area, kitchen and dining area where meals are provided; and, where health care, cultural and social services may be provided;

“Premise” means a Building, are area of Property, including a lot or parcel of Property with or without Buildings;

“Property” means a piece of real estate, a lot defined by Property lines;

“Service Area” means all parcels where a water main forming part of the Water Supply System is located in the highway in front of the property;

“Service Line” means the privately owned pipes and fittings used for the transmission of water from the property line of the property concerned or from the easement line where the water main is located in an easement, to a building or other improvement upon the parcel;

“Survey” means an on-site review of the water use, facilities, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluating conformance with the terms and conditions of this Bylaw;

“Residential” means a use of a parcel defined as Residential in the District of Kent Zoning Bylaw No. 1219, 2001 and subsequent amendments;

“Temporary Service Connection” means the connecting pipe between the District Waterworks and the property line of a Parcel which has been approved by the Engineer and a Temporary Water Service Permit has been issued. A Temporary Service Connection includes the corporation stop, curb stop and water meter assembly;

“Unit” means:

- a) a dwelling unit with its own separate cooking, washing and bathroom facilities for residential properties;
- b) a commercial or institutional unit conducting activities separate from any other use or occupancy for commercial or institutional properties;
- c) an industrial unit conducting activities separate from any other use or occupancy for industrial purposes.

“Water Main” means a principal pipe used for distributing water through the District’s Water Supply System;

“Water Meter” means meters and other equipment or instruments used by the District or authorized by the District to be used to measure the amount of water consumed;

“Water Service Connection” means the connecting pipe between the District Waterworks and the property line of the premises it serves and includes the corporation stop, curb stop and water meter assembly;

“Water Supply System” means any of the water and distribution systems of the District including Agassiz, Rockwell Bay Estates and Mount Woodside areas as shown in Schedule “A”.

3. OWNERSHIP OF WATERWORKS

- a) Every Water Service Connection, pipe and facility, in, on, or under a Highway or statutory right of way, which carries or is designated to carry water from a District Water Main to the boundary of a Parcel, is the Property of the District.

4. CONNECTION TO THE DISTRICT WATERWORKS

- a) All new construction in the Service Area which requires a new independent water service will be required to connect to the District’s Water Supply System.
- b) Every Owner requiring the District of Kent to provide installation of a Water Service Connection must first make application for and obtain a Permit from the District and must pay the fee as shown in Schedule “B”, attached to and forming part of this Bylaw.
- c) Every Owner connected to the District’s Water Supply System must pay the applicable user rates as shown in Schedules “C” to “E” respectively, attached to and forming part of this Bylaw.
- d) Every Water Service Connection which is to be connected to the District’s Water Supply System must be approved by the District and must (unless otherwise approved by the Engineer) be installed by the Owner at the Owner’s sole cost subject to the following provisions:
 - (1) The pipe must be of sufficient size, type, length, and capacity to provide adequate service, as determined by the Engineer, but in no case shall it be less than 20 mm in diameter.
 - (2) The installation of the service must include a stop cock and drain approved by the Engineer which must be placed on the installation as directed by the Engineer.
 - (3) At the request of the Engineer, the Owner must provide a pressure reducing valve (PRV) for each connection to the Parcel. This is in addition to any PRV required by the *British Columbia Plumbing Code 1998, Part 7, Plumbing Services* and subsequent amendments.

- (4) No Water Service Connection, Service Line or fitting shall be covered until the installation has been inspected and accepted by the Engineer.
 - (5) The District shall not connect the Service Line until the installation has been fully inspected and accepted by the Engineer.
 - (6) The Service Line must comply with all requirements of Section 13 of this Bylaw.
- e) Where water supply to a Parcel may be accessible from two or more Water Mains, the Engineer shall determine the main from which service shall be given.
 - f) Where an Owner requires the installation of a Service Line across or through another Parcel, the Owner must, in addition to the requirements set out in Sections 4 b) and c), obtain at the Owner's cost, any easement or other required authorization, permission or approval for the installation and must deliver to the District, at the time of application, written documentation of the registration in the Land Title Office.
 - g) No connection shall serve more than one Parcel, and for the purpose of this section a condominium or townhouse complex, mobile home park, or strata title consisting of more than two Parcels, shall be considered one Parcel.
 - h) No Person shall obstruct or prevent the Engineer from carrying out all or any of the provisions of this Bylaw, with respect to private Property, nor shall any Person refuse to grant the Engineer, permission to enter onto private Property to inspect pursuant to this Bylaw at any reasonable time and without prior notice.

5. WATER SUPPLY AND PRESSURE

- a) In case the supply of the water shall fail, whether from natural causes, routine maintenance or accident in any way, the District shall not be liable for damage by reason of such failure, whether the same arises from the negligence of any Person in the employment of the District, or from any other cause whatsoever, nor shall the District be liable in any event for damages to Person or Property, arising, accruing or resulting from the use of water supplied as per the terms and conditions of this Bylaw.
- b) The District does not guarantee pressure or continuous supply of water, or accept responsibility at any time for the maintenance of pressure in its Water Mains or for increases or decreases in pressure. The District reserves the right at any and all times, without notice, to change operating water pressure and to shut off the water supply for the purposes of making repairs, extensions, alterations or improvements to the Water Supply System.

6. WATER METERS

- a) The District may, on any Parcel, install a Water Meter to measure the consumption of water upon that Parcel, and the location of that Water Meter shall be determined by the Engineer and all Water Meters shall remain the Property of the District.

- b) At the time of subdivision or building Permit, the Developer or Owner is financially responsible for the provision of a Water Meter that meets the standards of the Engineer.
- c) Where, in the opinion of the Engineer, replacement or repair of any Water Meter is required due to the negligence, carelessness or wilful damage of the Owner or Occupier of the Parcel, the cost of repair or replacement shall be charged to the Owner or Occupier.
- d) Where the District determines that a Water Meter has for any reason failed to correctly indicate the quantity of water passing through it, the District shall charge for the water according to the average consumption for the six (6) months preceding the current billing period, and may repair or replace the Water Meter at its discretion.
- e) An Owner, in writing to the Engineer, may request the District to test a Water Meter for a Parcel and must pay a deposit as set out in Schedule "F" of this Bylaw, and the Engineer shall have the Water Meter removed and tested and provide another temporary Water Meter in its place.
- f) Where a Water Meter is tested pursuant to Section 6 e) and where the test indicates:
 - (1) an error in the measurement of water passing through the meter of over five percent (5%) in favour of the District, the deposit shall be refunded to the owner, a correct registering Water Meter shall be installed and the Owner's account shall be adjusted accordingly; or
 - (2) an accurate measurement of water or an error in favour of the Owner, the deposit shall be retained by the District to cover the cost of the testing.

7. TEMPORARY SERVICE

- a) Every Owner requiring the installation of a Temporary Service Connection from a Parcel to the District's Water Supply System must first make application for and obtain a Permit from the District and pay the fee set out in Schedule "B" of this Bylaw.
- b) Every Temporary Service Connection must be approved by the Engineer and shall be installed by the Owner subject to the following provisions:
 - (1) The pipe must be of a size, type, length and capacity as approved by the Engineer.
 - (2) Installation details must be provided prior to the connection being required for approval by the Engineer.
 - (3) The Engineer shall determine the location of the Water Main and where the service must be connected to the Water Main.
 - (4) The Owner must be responsible for maintenance of the pipe from the point of connection at property line, to the premises which it services.
 - (5) The Engineer may refuse a Temporary Service Connection if, in the Engineer's opinion, the connection would have a detrimental effect on the District's Water Supply System.

- (6) The District shall discontinue temporary service where application is made for, or the District proceeds with, construction or extension of a Water Main upon a highway on which the Parcel served by a Temporary Service Connection fronts.
- c) Temporary use of a Water Service Connection for construction purposes may be permitted subject to issuance of a Temporary Water Service Permit and payment of the applicable fee as shown in Schedule "B", attached to and forming part of this Bylaw.
- d) Prior to the use of water for residential construction purposes the Owner must ensure adequate protection be made to prevent Backflow into the District's Water Supply System by installing a dual check backflow preventer. For temporary use of a water service connection for construction purposes an approved double check valve assembly shall be the minimum protection required for all applications. The Water Service Connection shall be turned on only after the District has inspected the service and confirmed that the required Backflow Prevention Device has been correctly installed.
- e) An Owner, before beginning installation of a Fire Service, must make application for and obtain a building permit from the District and pay the fee set out in Schedule "B" of this Bylaw.
- f) Every Fire Service connected to the District's Water Supply System must be approved by the Engineer and shall be installed by the Owner subject to the following provisions:
- (1) The Fire Service must be installed so that any water which can be used for other than fire fighting purposes is metered.
 - (2) Every Fire Service which is designed to supply water solely to an automatic building sprinkler system may be connected to the District's Water Supply System subject to the installation of a detector check valve assembly, complete with bypass fitted with a 19 mm Water Meter. The detector check valve and bypass assembly must be located at the property line in a suitable chamber. The installation of this assembly is in addition to all British Columbia Plumbing Code 1998, and subsequent amendments, requirements for plumbing works internal to the building and is also in addition to the requirement for a separate and suitably sized Water Meter to be installed on the Water Service Connection.
 - (3) If, in the opinion of the Engineer, the water from any Fire Service could be used for other than fire fighting purposes, the Engineer may seal the outlets from the Fire Service connection and the seal must not be broken except in case of a fire.
 - (4) The Engineer may enter upon any Parcel at reasonable times subject to reasonable notice in respect of a Fire Service for the purposes of inspecting, sealing or resealing the connection.
 - (5) Where the seal on any Fire Service has been broken for any reason, the Owner or Occupier of the Parcel must immediately report it to the Engineer.

8. OWNER TO MAINTAIN SERVICE PIPES

- a) Where any Parcel is connected to the District's Water Supply System, the Owner of the Parcel must ensure that:
- (1) The pipes, stop cocks, taps, fittings and other fixtures connected with the Service Line are installed and connected pursuant to the Plumbing Code and the Building Bylaw, in force from time to time, and are maintained in good working order.
 - (2) The Service Line is equipped with a proper stop and waste cock and that a separate stop and waste cock is placed at the foot of every outdoor stand-pipe or other fixture.
 - (3) The stop cock on the inside of the building is turned off when the premise is vacated for an extended period of time.
 - (4) All underground pipes are placed not less than one (1) metre below the surface of the ground and that all other pipes are sufficiently protected from frost.
- b) An Owner of any Parcel legally connected to the District's Water Supply System must operate and maintain the Service Line, valves and fixtures in good working condition, so as to prevent leakage and waste of water and to prevent possible Contamination Backflow and any other threat to public health.

9. INSPECTION, MAINTENANCE AND REPAIR

- a) Every Owner of a Parcel must permit, and no Owner or Occupier shall obstruct, the Engineer and other representatives and authorized agents of the District, including contractors retained or appointed by the Engineer, to have access to the Owner's Parcel served with a Water Service Connection at any reasonable time subject to reasonable notice to enter, for the purpose of:
- (1) inspecting the Service Line and any connection thereto;
 - (2) inspecting, maintaining, repairing and reading water meters, and/or Backflow Prevention Devices;
 - (3) enforcing this Bylaw; and,
 - (4) preventing leaking of water or to prevent potential contamination of the water within the District's Water Supply System.
- b) An Owner of a Parcel must at all times keep all installed water system control devices, such as valves, hydrants, pressure reducing devices, Water Meters, and Backflow Prevention Devices, accessible for use, inspection, maintenance, repair and reading. If at any time the Engineer determines that insufficient access is available over and on the Parcel then the Owner must, on 72 hours written notice from the District, do work as required by the Engineer to provide such access. If the Owner fails to do such work within the time specified then the Engineer or his designate may enter the Parcel to do such work, or retain others to do the work. The Owner must pay for all costs of doing such work, including costs incurred by the District, plus administration costs (see Schedule "B") as a charge under this Bylaw.

- c) The District may at any time shut off the water supply to any Parcel in order to make such repairs, alterations or extensions to the District's Water Supply System as, in the opinion of the Engineer, are necessary.
- d) Where any pipe or fixture leaks, or requires maintenance or repair, and, in the opinion of the Engineer, is capable of causing a significant waste of water or property damage, the Engineer may by written notice require the Owner of the Parcel to remedy the deficiency within five (5) working days.
- e) Where notice is given to remedy a deficiency pursuant to Section 9 d) of this Bylaw and the Owner of the Parcel fails to take the action requested within the time or in the manner specified in the notice, the District may by its workers or others, repair or replace the fixtures or pipes as it deems necessary, including discontinuing water service until the repairs have been completed, and may charge the Owner for the cost of the work.
- f) Every Owner of a Parcel shall not make any significant changes to the volumes of water demanded, or the use, without the prior approval of the Engineer. A significant change in volumes of water used shall be defined as any water demand which is in excess of double the normal daily demand. The Engineer may require the Owner to provide full design and construction details, prepared and sealed by a Professional Engineer, as a condition of approval.
- g) If a failure occurs on a Parcel caused by a failure of the District's Water Supply System, the Owner must take all reasonable steps to mitigate losses of water including shutting off Owner owned valves, diverting water flow run off and installed reasonable works to mitigate damage and loss.
- h) In the event of an escape of water from the District's Water Supply System or the section of a Water Service Connection within a municipal right of way or road allowance, all Owners of Parcels adjacent to the escape of water must perform all reasonable actions to minimize damage and must immediately notify the District of such failure without delay.

10. FIRE HYDRANT USE PERMIT

- a) Any Person requiring the use of a District Water Supply System hydrant, stand-pipe or valve must first make application to the District for and obtain a Fire Hydrant Permit and pay the fees as set out in Schedule "F" of this Bylaw.
- b) Every Fire Hydrant Permit granted pursuant to section 10 a) shall be valid for a maximum of three (3) months and may be restricted or revoked by the Engineer at any time and for any reason the Engineer may deem necessary.
- c) The Engineer shall specify as a condition of approval of a Fire Hydrant Permit that:
 - (1) a Backflow Prevention Device be installed; and,
 - (2) a Water Meter be installed prior to the temporary use of a fire hydrant to measure the volume of water used.

- d) Every Person issued a Fire Hydrant Permit must coordinate their requirements with the District which will supply and install an Approved Backflow Prevention Device, Water Meter assembly and will turn on and off the applicable hydrant. Fire Hydrant Permit holder shall supply their own hose.
- e) Where the District is required to provide water flow in respect of a Fire Hydrant Permit after normal business hours, the permit holder must pay the outside of District office hours charge prescribed in Schedule "F" of this Bylaw.

11. FIRE HYDRANT USE RESTRICTIONS

- a) No Person, except employees or agents of the District in the course of their employment, shall open any hydrant, standpipe or valve or use water there from without first obtaining a Fire Hydrant Permit. Where a Fire Hydrant Permit has been issued, the District reserves the right to terminate such permit and the use of the hydrant standpipe or valve, at any time, for any reason, without liability for damages of any kind which may arise as a result of such termination.
- b) Without limitations a fire hydrant may not be used, under any circumstances, for the following purposes:
 - (1) Irrigation of agricultural land.
 - (2) Filling of truck mounted water tanks unless the Fire Hydrant Permit is specifically endorsed as allowing such use.

12. AUTHORITY

- a) The Engineer may at all reasonable times, enter on a Parcel that is directly or indirectly connected to the District's Water Supply System to ascertain whether the requirements and provisions of this Bylaw are being followed and met.

13. CONTAMINATION, CROSS-CONNECTION AND BACKFLOW PREVENTION

- a) If the Engineer determines that there exists a Water Service Connection or Cross Connection prohibited by this Bylaw, which is a risk to the District's Water Supply System or to public health, the Engineer may:
 - (1) Give written notice to the Owner to correct the Water Service Connection or Cross Connection at the expense of the Owner within the time specified in the notice.
 - (2) Disconnect the Water Service Connection in accordance with the enabling provisions of the *Community Charter*.
 - (3) Direct the Owner to correct the fault within a time period specified by the Engineer.
 - (4) Direct the Owner to install an Approved Backflow Prevention Device on any Service Line or internal plumbing within a time period specified by the Engineer.

- b) Where the Engineer determines that a Water Service Connection or Cross Connection prohibited by this Bylaw places any person at immediate risk, or if the Owner fails to correct the Water Service Connection or Cross Connection as required by this Bylaw, the Engineer may order the immediate disconnection of the supply of water, without prior notice, until such time the connection or cross-connection is corrected to the satisfaction of the Engineer. The owner must also pay any fees as shown in Schedule "B", attached to and forming part of this Bylaw.
- c) No person shall connect, cause to be connected or allow to remain connected, any piping, fixture, fitting, container or appliance in a manner which under any circumstances may allow water, waste water, or any harmful liquid, gas or substance to enter the District's Water Supply System.
- d) Where, in the opinion of the Engineer, a risk or potential risk to public health exists, water service to a customer shall be provided only on the provision that the Owner install, on the Owner's side of the property line, an Approved Backflow Prevention Device which has been approved, inspected and accepted by the Engineer.
- e) Where an Approved Backflow Prevention Device is required to be installed, it must be installed in accordance with the standards prescribed in the Canadian Standards Association Manual for the Selection and Installation of Backflow Prevention Devices, CSA B64.10-01, (2001) (referenced in the British Columbia Building Code 1998, Part 7, Plumbing Services and subsequent amendments).
- f) The Owner of any Parcel on which an Approved Backflow Prevention Device exists or is installed pursuant to the requirements of this Bylaw, must:
 - (1) maintain the Approved Backflow Prevention Device in proper working order at all times.
 - (2) have the Approved Backflow Prevention Device tested upon installation and thereafter periodically if required by the Engineer by a Backflow Prevention Device Tester or by personnel approved by the Engineer in compliance with the Canadian Standards Association, Manual for the Maintenance and Field Testing of Backflow Prevention Devices, CSA B64.10-01, (2001) (referenced in the British Columbia Building Code 1998, Part 7, Plumbing Services and subsequent amendments) to demonstrate that the device is in good working condition.
 - (3) submit a report on a form approved by the Engineer from a Backflow Prevention Device Tester upon installation of the Backflow Prevention Device and thereafter annually within 30 days of such test on any or all tests performed complete with a copy of the Tester's certificate.
- g) A District Backflow Prevention Device testing record tag must be attached to all Backflow Prevention Devices for documentation of the device's inspections and tests. The tag must not be removed from the device.
- h) If any test of a Backflow Prevention Device shows that such a Backflow Prevention Device is not in good working condition, the Engineer shall give notice to the Owner to make the necessary repairs or replace the device within 96 hours, or other

specified period, and if the Owner fails to comply with the notice, the Engineer may shut off the Water Service without further notice.

- i) The Water Service shall not be activated for residential use until the private plumbing system has been approved by the Engineer or has been inspected for Cross Connections by the Engineer; this shall not prohibit the use of a Water Service Connection for construction purposes provided the Engineer is satisfied that adequate provision is made to prevent Backflow into the District's Water Supply System.
- j) No temporary water piping shall be installed or operated on District Highways to carry potable water or wastewater without the approval of the Engineer.
- k) The Engineer or authorized agent may enter upon any Parcel at all reasonable times in order to carry out inspections and Surveys of the Parcel to:
 - (1) ascertain whether there exists any condition mentioned in Section 13 d);
 - (2) ascertain whether any direction made under Section 13 h) has been complied with; or,
 - (3) inspect any Backflow Prevention Device.
- l) Despite section 13 k), a new Water Service Connection shall not be turned on until the Owner's Service Line has been inspected and approved by the Engineer or authorized agent for Water Service Connections and Cross Connections prohibited by this section.
- m) No Water Meter billing deductions will be made for water wastage due to device testing and maintenance or Backflow Prevention Device failure.

14. ENGINEER MAY LIMIT SERVICE

- a) Where the Engineer shall deem it to be in the public interest, the Engineer may direct that:
 - (1) the supply of water be reduced or discontinued until, in the Engineer's opinion, it is advisable to restore full service;
 - (2) no person may use water to irrigate a lawn or garden, or to wash a vehicle or building, except as permitted by the Engineer;
 - (3) the supply of water to any Parcel may be refused where, in the opinion of the Engineer, the facilities are not properly constructed or protected.

15. FEES OR CHARGES

Non-metered Accounts – Agassiz and Rockwell Bay Estates

- a) Bills shall be rendered semi-annually and be payable in two equal instalments no later than the last business day of March and September respectively.
- b) Rates shall be assessed commencing on the first day of the month following the month in which the final inspection of the Service Line and Water Service Connection was made.

Bills for periods of less than one year may be rendered at any suitable time and shall be payable 30 days after the billing date.

- c) The prepayment of any fees and charges to a Parcel shall not prevent the amount of any rate or fee increase applicable to the prepayment being charged.
- d) No later than June 15th and December 15th each year any user may apply to make payments by the preauthorized payment plan.

This plan will collect the year's billing by 12 equal instalments, commencing January 2nd and monthly until December 2nd each year. The plan also collects half the year's billing by 6 equal instalments, commencing July 2nd and monthly until December 2nd each year. Where necessary, the first payment must be made on application. Payment under this plan must be made by preauthorized direct debit to a bank account designated by the user.

If a payment fails to be made an additional charge of \$10 may be levied to cover bank charges. If two payments fail to be made, the plan application will be cancelled and payments will be due as set out in Sections 15 a) to c) above with all applicable penalties reinstated and the additional charge for bank charges will be added.

- e) Where a building or Parcel served by a single Water Service Connection is occupied by more than one property type, fees will be applied for each property as set out in Schedule C.
- f) Despite Section 15 e), where a building or Parcel served by a single Water Service Connection is occupied by more than one Non-Residential Unit, each Unit shall be charged the Non-Residential user rate for a 25 mm Water Service Connection.

Metered Accounts & Mount Woodside

Accounts will be billed quarterly and payable 30 days after the billing date.

16. UNPAID FEES OR CHARGES

- a) The Owner of a Parcel is responsible for the payment of all accounts in arrears, and the District may refuse to provide water service to an Owner or Occupier until such arrears have been paid in full.
- b) A penalty of 10% will be added to any outstanding balance not received at the District office by the close of business of the applicable due day. Balances outstanding from pre-payment plans are not subject to this 10% penalty.
- c) Rates imposed under this Bylaw which remain unpaid on the thirty-first day of December of the year in which the rate was levied, charged or imposed, shall be deemed to be taxes in arrears in respect of the property and shall forthwith be entered on the real-property tax roll by the Collector as taxes in arrears, and provisions under the *Community Charter* shall apply.

17. PROHIBITIONS

No person shall:

- (1) perform any work whatsoever on any component of the District's Water Supply System, except an authorized employee, agent or contractor of the District;
- (2) interfere, adjust or tamper with any component of the District's Water Supply System or any water service, except as provided for in this Bylaw;
- (3) destroy or damage in any manner any component of the District's Water Supply System or any water service; or
- (4) where a Water Meter has been installed, access or take water in any manner as to avoid or alter the measurement or reading of the Water Meter;
- (5) connect to the District's Water Supply System in any manner or in any way access or take water from the Water Main or any fixture or property of the District;
- (6) make any addition or alteration to the District's Water Supply System, Water Service Connection or Service Line;
- (7) open any hydrant, stand-pipe or valve or use any water from it;
- (8) turn on or off any stop-cock or valve; or
- (9) access or use water from any Water Service Connection or Water Main for any construction purpose unless all fees have been paid as set out in Schedule "B" of this Bylaw and all provisions for the protection of the supply pipe, as directed by the Engineer, have been met.

18. REQUEST TO DISCONTINUE SERVICE

Where an Owner requests that the supply of water be discontinued to the Parcel, the Owner must:

- (1) give a minimum ten (10) working days notice in writing to the Engineer;
- (2) be liable for payment of all water consumed until such notice has been received and the service is discontinued; and
- (3) pay a disconnection fee as set out in Schedule "B" attached to and forming part of this Bylaw.

19. NO OBLIGATION TO PROVIDE SERVICE

- a) Nothing in this Bylaw shall obligate the District to supply water to any Parcel where, in the opinion of the Engineer, the cost of laying Water Mains or Water Service Connections to the property would be prohibitive or create an excessive burden upon the resources of the system.
- b) Where the District determines not to provide the supply of water to a Parcel pursuant to section 19 a) of this Bylaw due to cost alone, and sufficient capacity exists to provide service to the property, the Owner of the Property may, subject to the approval of the Engineer, pay the District for the cost of the installation.

20. WATER RESTRICTION

In the event of a water supply shortage due to any reason whatsoever, the Council may issue a notice prohibiting, restricting or limiting the use of water by any or all of the consumers. Such notice shall be sufficiently given if delivered in writing, broadcast by local radio or advertised in the local newspaper. In the event that water restrictions are implemented, the following stages shall be applicable:

Stage One

- a) There are no watering restrictions from October 1 to April 30, except where an order issued by the Engineer under Section 20 f).

Stage Two

- b) No Person shall carry out sprinkling of lawns using hose connected sprinklers, soaker hoses or automatic in-ground sprinklers between May 1 and September 30 of each year, except in accordance with the following restrictions:
 - (1) Premises with even-numbered municipal street addresses may only carry out sprinkling on Wednesdays and Saturdays between the hours of 6:00 a.m. to 8:00 a.m. and 7:00 p.m. to 10:00 p.m.;
 - (2) Premises with odd-numbered municipal street addresses may only carry out sprinkling on Thursdays and Sundays between the hours of 6:00 a.m. to 8:00 a.m. and 7:00 p.m. to 10:00 p.m.; and
 - (3) all hoses must be equipped with spring-loaded shut-off devices.
- c) Despite Section 20 b) but subject to an Engineer's order under Sections 20 d) and f):
 - (1) garden irrigation, watering of flowers, shrubs and vegetables and car washing on grass or gravel areas may be carried out using a hand-held wand or a hose equipped with spring-loaded shut off device; and
 - (2) every Person requiring the sprinkling of a newly seeded or sodded lawn must first make application for and obtain a Permit from the District in order to carry out sprinkling of the new lawn between the hours of 6:00 a.m. and 8:00 a.m. daily for a two week period.

Stage Three

- d) The Engineer is authorized to issue an order prohibiting all lawn sprinkling and garden irrigation and imposing additional and other restrictions on water use based on the availability of adequate water supply.
- e) Where the Engineer issues an order under Section 20 d), every Person must comply with all water use restrictions specified in the Engineer's order for the time period specified in the order and, without limiting the generality of the foregoing, the following water use restrictions shall apply:
 - (1) lawn sprinkling of any kind is prohibited;
 - (2) hosing of outdoor surfaces is prohibited;

- (3) hoses must be equipped with spring-loaded shut-off devices;
- (4) use of non re-circulating fountains must be discontinued; and
- (5) hydrant use permits will not be issued.

Stage Four

- f) The Engineer is further authorized to issue an order imposing such water use restrictions as the Engineer considers necessary where, because of special circumstances or conditions, such restrictions are necessary to ensure that adequate service can be maintained throughout the District.

General

- g) Where the Engineer issues an order under Section 20 d) or f):
 - (1) the order may specify the manner in which notice of the water use restrictions are to be advertised;
 - (2) notice of the Engineer's order must provided to Council at its next scheduled meeting; and
 - (3) Council may, by resolution, confirm, vary or rescind the order.
- h) No Person shall allow water to run to waste, whether willfully or by permitting pipes, taps, toilets, irrigation systems or other means of distributing or storing water to run or leak and remain unrepaired.
- i) Every Person who:
 - (1) uses water in contravention of a sprinkling ban or other water use restriction specified in Sections 20 b) and e) or an order issued by the Engineer under Sections 20 d) and f); or
 - (2) allows water to run to waste contrary to Section 20 h);

commits an offence under this Bylaw and, in addition to any other penalties which may be imposed, the District may cause service to the Person's Premise to be shut off until such time as the contravention is remedied and the Person has, where applicable, paid the reconnection fee prescribed in Schedule "B" attached to and forming part of this Bylaw.

21. OFFENCE AND PENALTY

- a) Every Person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.
- b) Every Person who commits an offence contrary to the provisions of this Bylaw is liable upon summary conviction to a penalty of not more than \$10,000.00 in addition to the costs of the prosecution.

22. ADMINISTRATIVE PROVISIONS

- a) "Rockwell Bay Estates Specified Area Water Rates and Charges Bylaw, 1988" (914) and any amendments thereto are all hereby repealed.
- b) "The District of Kent Water Rates and Regulations Bylaw No. 1149, 1998" and any amendments thereto are all hereby repealed.
- c) "Agassiz Water Supply System Regulation Bylaw 2005, No. 1330" and any amendments thereto are all hereby repealed.
- d) If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this 26th day of October 2009.

READ A SECOND TIME this 26th day of October 2009.

READ A THIRD TIME this 26th day of October 2009.

FINALLY PASSED AND ADOPTED this 9th day of November 2009.

CERTIFIED CORRECT:



Lorne Fisher, Mayor



Wallace Mah, Chief Administrative Officer

CERTIFIED A TRUE & CORRECT COPY
of "Water Regulation and Rates Bylaw No. 1452, 2009" adopted on the 9th day of November, 2009.

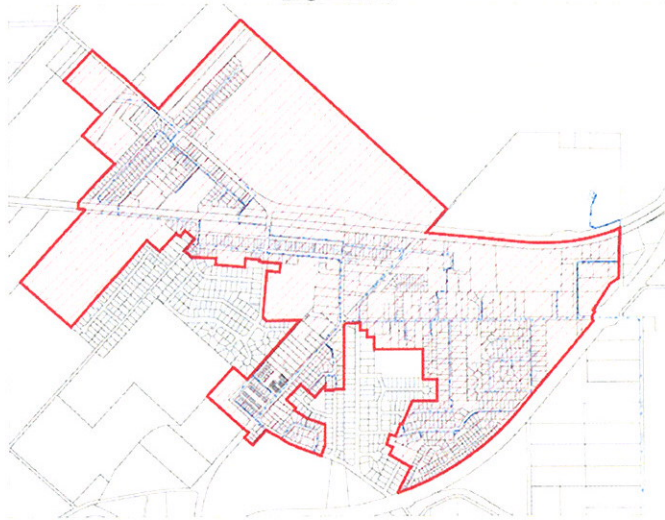


Clair Lee, Director of Corporate Services

SCHEDULE "A"

MAPS OF THE DISTRICT'S WATER SUPPLY SYSTEM

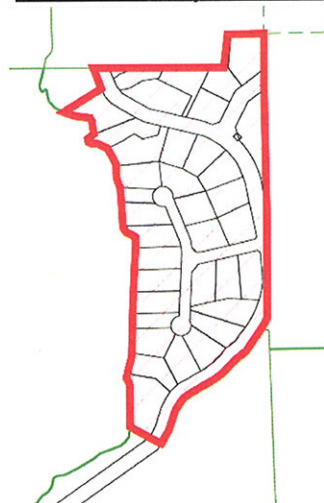
Agassiz



Mount Woodside



Rockwell Bay Estates



SCHEDULE "B"

DISTRICT WATER SUPPLY SYSTEM
SERVICE FEES AND CHARGES

Connection Fees (For Water Service Connection)

Permit Fee:	\$ 40.00	
Inspection Fee:		
Single Family Residential	\$ 40.00	
Non-Residential / Multi-Family / Apartments / Mobile Homes / Personal Care Units	\$ 125.00	
Meter Installation Fee:	\$ 100.00 + cost of meter	
New Service Connection Fee:		
a. Water meter supply	Based on actual costs *	
b. 20 mm (3/4") meter assembly only for existing service connection	\$1,700.00 *minimum	
c. For existing service connection	\$ 575.00 *minimum	
d. 25 mm (1") service connection including meter	\$3,000.00 *minimum	
e. Water service connection greater than 25 mm (1") including meter	} A deposit of the estimated cost of connection, as determined by Engineer, shall be made ten (10) days prior to installation. The fee shall be the actual cost of the installation.	
f. Fire Service		

NOTE: Application must be made twenty-one (21) days prior to service requirement.

* The actual costs, plus ** Administration costs, must be paid for each Water Service Connection with the minimum charge as noted. The estimated cost, as prepared by the Engineer, must be paid ten (10) days prior to installation.

** Administration costs include 5% handling on all material costs plus 15% charge on total costs.

Change of Service Size or Location:

In cases where a customer wishes to increase the size of a Water Service Connection or change the location of a Water Service Connection, the charges listed above shall apply.

Cross Connection Control Fees

Water Service Disconnection Fee:	\$ 375.00 *minimum
Water Service Reconnection Fee:	\$ 250.00 *minimum
Temporary Water Service Permit: (for construction purposes)	\$ 100.00

SCHEDULE "C"

DISTRICT WATER SUPPLY SYSTEM
WATER SERVICE FEES AND CHARGES

User Rates – Agassiz Water Supply System

Flat Rate Charges:

<u>Residential Property Type</u>	<u>Nominal Connection Size</u>	<u>2009 Monthly Charge (\$/Unit)</u>	<u>2010 Monthly Charge (\$/Unit)</u>
Single Family; Duplex; Triplex; Detached Strata	19 mm and 25 mm	\$21.50	\$22.15
Secondary Suite	19 mm and 25 mm	\$10.75	\$11.07
Multi Family; Apartments; Mobile Homes; Attached Strata / Townhouse	Varies	\$18.50	\$19.06
Personal Care Residential Unit	Varies	\$6.00 (per care unit)	\$6.18 (per care unit)

All business property owners shall install a water meter except where special exemption has been granted by the Engineer, in which case, the applicable flat rate change below shall be levied:

<u>Property Type</u>	<u>Nominal Connection Size</u>	<u>2009 Monthly Charge (\$/Unit)</u>	<u>2010 Monthly Charge (\$/Unit)</u>
Schools	n/a	\$18.00 / classroom	\$18.54 / classroom
Churches	n/a	\$21.50 / connection	\$22.15 / connection
Non-residential	25 mm	\$30.00	\$30.90
Non-residential	38 mm	\$40.00	\$41.20
Non-residential	50 mm	\$50.00	\$51.50
Non-residential	75 mm	\$65.00	\$66.95
Non-residential	100 mm	\$80.00	\$82.40
Non-residential	150 mm	\$95.00	\$97.85
Non-residential	200 mm	\$110.00	\$113.30
Laundromats	n/a	\$4.40 / machine	\$4.53 / machine
Motels/Hotels	n/a	\$10.00 / unit	\$10.30 / unit

Metered User Rates:
 (Based on Annual Use)

<u>Property Type</u>	<u>2009</u>	<u>2010</u>
Commercial, Industrial, Institutional & Agricultural Users:		
1 – 10,000 m ³	\$0.73 / m ³	\$0.75 / m ³
10,0001 – 100,000 m ³	\$0.66 / m ³	\$0.68 / m ³
100,001 + m ³	\$0.53 / m ³	\$0.55 / m ³
Residential Users:	\$0.86 / m ³	\$0.89 / m ³

SCHEDULE "D"

DISTRICT WATER SUPPLY SYSTEM
WATER SERVICE FEES AND CHARGES

User Rates – Mount Woodside Water Supply System2009 Rates:

<u>Class of Consumer</u>	<u>Monthly Parcel Tax</u>	<u>Basic Monthly Rate Upon Connection</u> 0 to 25m ³ per month usage	<u>Metered per 1m³ Upon Connection</u> Additional Usage Over 25m ³	<u>Metered per 1m³ Upon Connection</u>	<u>Capital Renewal % of Basic & Metered Rates</u>
Per Serviced Vacant Lot in all Zones	\$28.00				
Per Dwelling Unit in all Residential Zones		\$35.00	\$2.25		15%
Commercial, Industrial & Institutional Zones				\$1.40	15%

2010 Rates:

<u>Class of Consumer</u>	<u>Monthly Parcel Tax</u>	<u>Basic Monthly Rate Upon Connection</u> 0 to 25m ³ per month usage	<u>Metered per 1m³ Upon Connection</u> Additional Usage Over 25m ³	<u>Metered per 1m³ Upon Connection</u>	<u>Capital Renewal % of Basic & Metered Rates</u>
Per Serviced Vacant Lot in all Zones	\$28.70				
Per Dwelling Unit in all Residential Zones		\$35.90	\$2.25		15%
Commercial, Industrial & Institutional Zones				\$1.44	15%

SCHEDULE "E"

DISTRICT WATER SUPPLY SYSTEM
WATER SERVICE FEES AND CHARGES**User Rates – Rockwell Bay Estates Water Supply System**

<u>Class of Consumer</u>	<u>Annual Parcel Tax</u>	<u>Annual Stand-by Fee*</u>	<u>2009 Monthly Charge (\$/Unit)</u>	<u>2010 Monthly Charge (\$/Unit)</u>
Per Dwelling	\$182.00	\$165.00	\$13.75	\$14.16

*Stand-by Fee: For each lot not permanently connected to the system each year, the fee shall be billed semi-annually and the terms of Section 15 of this Bylaw shall apply.

SCHEDULE "F"**DISTRICT WATER SUPPLY SYSTEM**
WATER SERVICE FEES AND CHARGES**Other Charges**

Special Meter Reading	\$ 25.00 per call
Water Meter Test Fee (payable as a deposit which shall be subject to Sections 6 e) and f) of this Bylaw)	\$100.00
Private Use of Fire Hydrants	
Handling Charge per use:	\$100.00
Usage Charge per day:	\$ 10.00
Private Fire Hydrant Maintenance	
Service Type A:	\$200.00
Service Type B:	\$ 75.00
Water Service Turn On / Off	
During Regular District Office Hours:	\$ 70.00
Outside of District Office Hours:	\$180.00
Utility Bill Suspension Fee	\$ 30.00 per 6 month period

Billing Procedures

Bills shall be rendered twice yearly by the District for the use of the waterworks. Should the due date as printed on the bill fall on any Saturday, Sunday or Holiday, then the next business day following the Saturday, Sunday or Holiday shall be taken as the due date.

The date of payment shall be the date the payment is received at the District Municipal Hall. Post marked or ban stamped dates are not acceptable as the payment date.

Payments shall be applied firstly against charges in arrears and thereafter against the current charges. In the event that payments received are less than the total amount currently due, the 10% penalty shall be applicable only that portion of the outstanding charges.

Enrollment in the prepayment plan must occur by December 15 of the previous year to be in effect for the following January or by June 15 of the current year to be in effect for the second billing period.

Non-receipt of the utility bill will not be recognized as a valid excuse for failure to pay the rates when due.