

DISTRICT OF ELKFORD

BYLAW NO. 428

COPY

A BYLAW TO SET THE RATES, CONDITIONS AND TERMS UNDER WHICH WATER
MAY BE SUPPLIED AND USED WITHIN THE DISTRICT OF ELKFORD

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

1. This bylaw may be cited for all purposes as the "District of Elkford Waterworks Bylaw No. 428, 1992".
2. Bylaw No. 310 and all amendments thereto are hereby repealed.
3. Metric units are used for all measurements in this bylaw.

INTERPRETATION

4. (1) In this bylaw, unless the context otherwise requires:
 - (a) "Clerk-Administrator" means the person appointed as such by the Council;
 - (b) "Commercial" means all buildings and uses other than Residential;
 - (c) "Council" means the Council of the District of Elkford;
 - (d) "Customer" means the owner or occupier of real property in the District;
 - (e) "District" means the District of Elkford;
 - (f) "District water service" means the portion of pipe including water stops between the District water main and the connection with the Service Line;
 - (g) "Domestic Use" means the use of water by Customers within their building or on their premises;
 - (h) "Person" means an individual, and includes a corporation, partnership or party and the personal or other legal representative to whom the context can apply according to law;
 - (i) "Quarterly" means each successive period of three calendar months commencing January 1st of each year;
 - (j) "Residential" means single family dwellings, duplexes, semi-detached or row housing and apartments;
 - (k) "Service Line" means the water line between the Customer's building and the connection with the District water service at the property line;
 - (l) "Superintendent of Public Works" means the person appointed as such by the Council;
 - (m) "Waterworks" means the system established by Section 5 of this Bylaw.

- (2) If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this bylaw.

SYSTEM ESTABLISHED

5. A water distribution system is hereby established and continued for the District and the use, maintenance and operation of it shall be under the control and inspection of the Clerk-Administrator.

WATER RATES

6. (1) The respective classes of users or Customers shall pay, in the manner prescribed by this Bylaw, for the use of water supplied to their premises from the Waterworks, the rates prescribed in Schedule "A" attached to and forming part of this bylaw.
- (2) The interpretation and application of the water rates schedule is the responsibility of the Public Works Superintendent, except that customer who feels that he has been unjustly charged or incorrectly billed for service may appeal to the Clerk-Administrator.
- (3) Residential water bills shall be billed annually and the bill included with the annual tax notices forwarded by the District and shall be due and payable on July 2nd in the year in which they are billed.
- (4) Bills for all Commercial Customers under this bylaw shall be on a Quarterly basis and shall be due and payable on the last day of the second month of each quarter.
- (5) All water user rates and charges which remain unpaid after the 31st day of December in any year shall be deemed to be taxes in arrears on the property concerned and shall promptly be entered as such on the tax roll by the collector.
- (6)
 - a) All water user rates bills payable by Commercial customers and due in any year shall bear simple interest at 2.5% calculated quarterly until paid or until the end of that year, whichever occurs first.
 - b) All water user rates bills payable by Residential customers and due in any year shall bear simple interest at 10% per annum until paid or until the end of that year, whichever occurs first.
- (7) Non-receipt of a water rates bill will not exempt the Customer from liability for paying for the service he receives.
- (8)
 - (a) A Customer shall be liable for payment of the rates prescribed in Schedule "A" unless the service has been discontinued pursuant to section 17 of this bylaw.
 - (b) A customer receiving water service for a portion of a month shall be charged for a full month.
- (9)
 - (a) No Person shall knowingly withhold information about the use of his premises that could affect water user rates or charges.
 - (b) The Customer shall notify the District in writing when any changes or modifications are made to his premises that may affect his water user rates.
 - (c) The District shall bill to the Customer the applicable rates and charges from the time the changes or modifications to his premises were found to have first existed.

- (10) (a) Customers may prepay their total annual water user rate between 01 January and 15 February in any given year, and shall receive a discount of one half the prime lending rate of the District's banker in effect on the 15th day of December on the preceding year.

WATER SERVICE CONNECTIONS

7. (1) Application for water service shall be made to the District in writing by the Customer on the form provided for that purpose, giving the legal description or municipal address of the property to be served, the purpose for which the water is to be used and all other information that may be required in order that the correct rates may be applied.
- (2) (a) Any subsequent changes to the use of the premises or the purpose for which water is used shall be provided to the District in writing by the Customer.
- (b) No Person shall take, consume or use water from the District's system without first obtaining permission to do so from the District and paying all applicable rates, charges and fees.
8. (1) Upon receipt of the application and provided that the District's water mains are laid to within 20 m of the Customer's property, the District shall bring the District water service to the nearest boundary of the applicant's property for connection to the service line.
- (2) The applicant shall pay in advance, for 20 mm diameter Residential service, the fee prescribed in Schedule "A".
9. Where application for water service has been made in accordance with this bylaw and no District water mains are within 20 m of the applicant's property, the applicant shall have the option to
- (a) at the discretion of the District, pay the District's estimated cost of bringing District water service to the applicant's property boundary line; or
- (b) accept a refund of monies paid at time of the application.
10. The District shall in every case determine the location and size of District water service pipe to be used, having first given due consideration to any specific requests on the customer.
11. Where a specific size of District water service has been requested, and where the District cannot supply the service without physically changing the existing District Water Service, the applicant shall have the option to
- (a) accept the size of District water service in existence;
- (b) pay in advance the District's estimated cost of upgrading the District water service to meet the requested specifications; or
- (c) accept a refund of monies paid at time of service application.

12. Charges for a water service connection shall be payable in advance by the Customer according to the District's estimated actual cost, when
 - (a) the size of the service line, if for residential property, is larger than 20 mm in diameter; or
 - (b) regardless of size, the service is to be used for Commercial purposes.
13. No Person, except the duly authorized agents of the District, shall tap, or make any connection with the Waterworks mains unless written authorization is given in advance by the Clerk-Administrator.
14. No Person shall connect or allow a connection to be made to or permit a connection to continue to exist between the Service Line leading to his premises and the Waterworks main without first obtaining a permit to do so from the District.
15.
 - (1) All Customers must keep all pipes, stopcocks and other fixtures on their premises in good repair and order and protected from frost at their own expense.
 - (2) Public works personnel must be present at all underground water thaws that take place on District property.
 - (3) All curb stops located at or near the property line for the purpose of water turn-off to each property must be maintained at finished ground level at the property owner's cost after having been left at ground level by the District after completion of construction of the service.
 - (4) Where damage to any part of the Waterworks has been caused by misuse or abuse by any person or because service stops are not readily accessible, the Customer shall repair the damage at his expense upon notice given to do so by the Superintendent of Public Works.
 - (5) If the work required under subsection (4) is not completed within the time required by the notice, the District Council may order the work done at the Customer's expense and may recover the cost in accordance with Section 311 of the Municipal Act.
16.
 - (1) When a Service Line is abandoned, the owner of the property on which it is located shall seal it off from the District Water Service.
 - (2) If the owner fails to comply with subsection (1) within 30 days of notice to do so given by the Superintendent of Public Works, the District Council may direct the work to be done and to charge the fee prescribed in Schedule "A" to the owner and to collect the fee in the manner prescribed in Section 311 of the Municipal Act.

WATER TURN-ON OR TURN-OFF

17. Requests for District water for temporary construction, permanent turn-on or turn-off shall be made as follows:
 - (a) Application for water turn-on or off shall be made in advance to the District in writing on the appropriate form provided for that purpose by the Customer together with payment of the fee prescribed in Schedule "A".
 - (b) The procedure set out in paragraph (a) may be temporarily waived in emergencies or cases where it is impractical or would create undue delay or hardship, provided that

an application and payment as provided in paragraph (a) is made as soon as possible and in no case later than five (5) days.

18. (1) No Person except the duly authorized agents of the District shall turn on or off any service pipe stopcock.
- (2) No unauthorized Person shall turn on or off a water service curb stop.
- (3) If a Service Line is found to be turned on and no record of the turn-on exists in the District's files, the District may charge to the Customer any applicable rates, fees or charges retroactive to the time when the District determines that the property was occupied.

WATER USE

19. (1) The District Council may suspend, regulate or stop the supply of water to any or all Customers for the use of sprinkling or irrigation of lawns, gardens or fields or for any other use, whenever in the opinion of the Clerk-Administrator the public interest may require it.
- (2) No Person shall use water supplied through the District's domestic system to sprinkle or irrigate lawns, gardens or fields during those times designated from time to time by the District Council, without first obtaining a permit to do so from the Clerk-Administrator.
20. (1) No Person shall waste, lend, sell or otherwise dispose of water supplied by the District or permit the water to be taken or carried away for the use or benefit of others, except if it is required to extinguish or prevent the spread of fire.
- (2) The District Council may, if, in its opinion, an excessive amount of water is used at any time by a Customer charged under the flat rate, install a water meter and thereafter charge the Consumer the metered amount at a rate established by Schedule "A".

GENERAL

21. (1) The District retains the right to adjust the water supply pressure or to interrupt supply due to emergency conditions or for the purpose of upgrading or carrying out general maintenance. Where it is practical and time permits, notice shall be given to all Customers affected where alterations of pressure or interruption of service are to take place.
- (2) Customers depending on a continuous or uninterrupted supply of water or having processes or equipment that require particularly clear or pure water shall provide such emergency storage, oversize piping, pumps and tanks, filters, pressure regulators, check valves and additional service pipes, or other means for continuous and adequate supply of water suitable to their requirements at their own expense.
- (3) (a) Where an owner or occupier has installed one or more bleeder valves to prevent freezing water lines or plumbing fixtures, the Council may order the bleeder valves shut off by publishing a notice to that effect in a local newspaper.
- (b) Where a notice has been published under paragraph (a), the owner or occupier shall turn off all bleeder valves by May 1st in the year of publication of the notice and shall not turn them on again before October 1st in that year.

- 22. (1) The Superintendent of Public Works is hereby authorized to enter at all reasonable times any property subject to this bylaw to ascertain whether this bylaw is being observed. He may make personal inspection of all pipes, taps and fixtures used for distributing water and if found defective or if any wastage of water is found to exist, he may give notice to the Customer to have the matter remedied.
- (2) (a) If any matter of which notice is given under this section is not remedied within the time limit specified by the Superintendent of Public Works, he may cut off the supply of water from the main until the matter is remedied.
- (b) No Person shall have any claim against the District by reason of the cutting off of the water under this section.
- 23. No unauthorized Person shall in any way interfere or tamper with any fire hydrant or part thereof.
- 24. Any water connection, pipe, apparatus, fitting or fixture which is not in accordance with the requirements of this bylaw or which would cause noises, pressure surges or disturbances which may result in annoyance to other Customers, damage to the District water system or may in any way contribute to a potential contamination of the District's Water System shall not be connected or allowed to remain connected to the District Water System.

PENALTY SECTION

- 25. (1) A Person who contravenes this bylaw commits an offence and is punishable in accordance with the *Offence Act*.
- (2) Each day that a violation continues to exist shall constitute a separate offence.

READ A FIRST TIME the 17th day of January, 1992.

READ A SECOND TIME the 17th day of January, 1992.

READ A THIRD TIME the 23rd day of March, 1992.

RECONSIDERED AND ADOPTED the 13th day of April, 1992.


MAYOR


CLERK-ADMINISTRATOR

CERTIFICATION:

I HEREBY CERTIFY the foregoing to be a true and correct copy of Bylaw No. 428 cited as "District of Elkford Waterworks Bylaw No. 428, 1992" as read a fourth time and finally adopted by Council on the 13th day of April, 1992.

DATED at Elkford, British Columbia this 4th day of May, 1992.


CLERK-ADMINISTRATOR

DISTRICT OF ELKFORD

BYLAW NO 552

A bylaw to amend District of Elkford Waterworks Bylaw No. 428, 1992

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

1. This Bylaw may be cited for all purposes as the "*District of Elkford Waterworks Amendment Bylaw No. 552, 1997*".
2. **Interpretation**

Section 4 shall have included as follows and each definition shall be renumbered as applicable:
"i) "Premises" means an area enclosed in four interior walls."
3. **Water Rates**

Section 6(1) shall have included as follows:
"a) If there is more than one use in the premises, the highest rate shall apply. b) Home occupation users will be charged a commercial user rate should water be specifically required in their operation. c) Where a home based business rate is higher than the residential rate, then the higher rate shall prevail."

"Section 6(3) shall be hereby deleted and substituted as follows:
"Residential users excluding apartments, strata units and mobile homes located in mobile home parks shall be billed annually in the month of May and shall be due and payable on July 1st in the year in which they are billed or the next following working day if July 1st is recognized as a statutory holiday."

Section 6(4) shall be hereby deleted and substituted as follows:
"All Commercial users including apartments, strata units and mobile homes located in mobile home parks shall be billed on a quarterly basis in advance and shall be due and payable on the last day of the second month of each quarter."
4. Schedule "A" of Bylaw No. 428 is hereby deleted and Schedule "A" attached hereto is substituted.
5. Schedule "B" of Bylaw No. 428 is hereby deleted and Schedule "B" attached hereto is substituted.
6. Schedule "C" of Bylaw No. 428 is hereby deleted and Schedule "C" attached hereto is substituted.
7. The balance of Bylaw No. 428, cited as the "District of Elkford Waterworks Bylaw No. 428, 1992" not amended by this bylaw, shall remain in full force and effect.

READ a first, second and third time this 28th day of April 1997.

ADOPTED THIS 30th day of April 1997.


MAYOR


CLERK

DISTRICT OF ELKFORD

BYLAW NO 689

A Bylaw to Amend District of Elkford Waterworks Bylaw No. 428, 1992

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

Citation

1. This Bylaw may be cited for all purposes as the "District of Elkford Waterworks Amendment Bylaw No. 689, 2007".

Water Rates Schedule "A"

2. Schedule "A" of Bylaw No. 428 is hereby deleted and Schedule "A" attached hereto is substituted.

Balance of Bylaw No. 428

3. The balance of Bylaw No. 428, cited as the "District of Elkford Waterworks Bylaw No. 428, 1992" not amended by this bylaw, shall remain in full force and effect.

Effective Date

4. This bylaw to take effect January 1, 2008.

Read a first time this 26th day of November 2007.

Read a second time this 26th day of November 2007.

Read a third time this 26th day of November 2007.

Adopted this 10th day of December 2007.

Original signed _____
Mayor D. McKerracher

Original signed _____
Norma Everett
Director of Corporate Services

**DISTRICT OF ELKFORD
BYLAW NO. 689
SCHEDULE 'A'
WATER USE FLAT RATE**

Class of User of Customer	Annual Rate Effective January 1, 2008
Residential:	
	Annual Rate
Single family dwelling, duplexes (per unit), mobile homes, town houses (per unit), apartments (per unit), strata condominiums (per unit), mobile home parks (per lot)	\$175.00
Rooming houses and camp facilities (per unit)	\$110.25
Commercial Light Use:	
	Quarterly Rate
Auto dealers, banks, building supply outlets, churches, commissaries, general offices, government offices, hardware stores, liquor stores	\$ 52.75
Commercial Medium Use:	
Bakeries, barber shops, beauty parlours, bowling alleys, butcher shops, community halls, union halls, dentist offices, discotheques, florists, greenhouses, licensed lounges, pool halls, pubs and beer parlours, service stations without car washes, tire shops, retail outlets not included in the above	\$ 69.75
Commercial Heavy Use:	
Machine shops, industrial garages/shops, car washes (per bay), dry cleaners, laundries, laundromats, medical clinics, supermarkets	\$141.50
Commercial Other:	
Clubs (private/licenced), theatres	\$ 98.00
Motels and Hotels (per room)	\$ 24.20
Cafes, restaurants, camp kitchens:	
• under 75 seats/per seat	\$ 4.80
• over 75 seats/per seat	\$ 2.90
Swimming pools (private)	\$ 12.00
Schools (per room)	\$ 43.75

Where two or more uses are made of a single property or building, multiples or combinations of the user rates shall apply.

Home occupation users will be charged a commercial user rate should water be specifically required in their operation.

**DISTRICT OF ELKFORD
BYLAW NO. 611
SCHEDULE "B"
CONNECTION FEES**

<u>Service</u>	<u>Fee</u>
For each 25 mm residential/commercial service connection installed to the water main and payable at the time of the Building Permit Application	\$180.60
For each residential/commercial service larger than 25 mm installed to the water main and payable at the time of the Building Permit Application	\$144.00
Plus GST to the above fees	

**DISTRICT OF ELKFORD
BYLAW NO. 611
SCHEDULE "C"
DISCONNECTION FEES**

<u>Service Required</u>	<u>Fee</u>
To seal off an abandoned service connection	\$161.00
Turn on or turn off at curb stops	\$ 33.60
Plus GST to the above fees	