

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NUMBER 1896

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of the District of Peachland Water Regulations Bylaw Number 1507, 1998" and all amendments attached thereto are hereby repealed.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