



THE DISTRICT OF HOPE

BYLAW NO. 1271

A Bylaw to Provide for the Administration of the Water Works System of the District of Hope and to Regulate Connections to the System and to set the Terms under which the Water Facilities may be Supplied and Used

Whereas pursuant to Part 2, Division 1, Section 8.(3)(a) of the Community Charter, it is deemed expedient to make provisions for regulating the conditions and terms under which water may be supplied to and used by the residents of the District of Hope.

Therefore the Council of the Corporation of the District of Hope in open meeting assembled enacts as follows:

Title:

1. This Bylaw may be cited as the “Water Regulation Bylaw No. 1271, 2009.”

Definitions:

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

Backflow Prevention Assembly: means a backflow preventer that is designed to be in-line tested and repaired, and to meet the head loss and flow requirements of the water supply system. The "assembly" consists of the backflow prevention unit, two resilient seated shutoff valves, and test cock(s);

Backflow Prevention Assembly Tester-Certified: means a person so certified by the American Water Works Association, British Columbia Section;

Chief Administrative Officer: means the person appointed from time to time by the Council as the **Chief Administrative Officer**, or such other Person as Council may, by resolution, designates.

Director of Finance: means the person appointed from time to time by the Council as the **Director of Finance**, or such other Person as Council may, by resolution, designate.

Council: means the District Council of the District of Hope.

Director of Corporate Services: means the person appointed from time to time by the Council as the **Director of Corporate Services**, or such other Person as Council may, by resolution, designates.

District: means the District of Hope.

Dwelling Unit: means one or more habitable rooms designed, occupied or intended for use as residential accommodation where such room or rooms together contain or provide for the installation of only one set of cooking facilities.

Fees and Charges Bylaw: means the “District of Hope Fees & Charges Bylaw”, as amended from time to time.

Fire Service: means a **Water Service** installed to supply water for fire fighting purposes.

Irrigation: means the sprinkling or pouring of water by means of a hose, pipe or any sprinkling device, over or under the surface of the ground for the usage of gardens, lawns shrubs, flowers, trees and other outdoor uses.

Director of Operations: means the person appointed from time to time by the **Chief Administrative Officer** as the **Director of Operations**, or such other Person as may be designated by the **Director of Operations** or **Chief Administrative Officer**.

Metered Service: means a **Water Service** with a water meter or other measuring device attached for determining the quantity of water used or supplied.

Multiple Dwellings: shall mean that, in the case of multifamily buildings, duplexes or houses containing one or more suites, each **Dwelling Unit** shall be charged the appropriate rate shown in the **Fees and Charges Bylaw**.

Owner: means the registered **Owner** of an estate in fee simple, the tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, the Executor or Administrator of an estate and includes the authorized agent of the **Owner**.

Parcel: means a lot, block or other area in which land is held or into which it is subdivided.

Person: includes an individual, firm, company, association, society, partnership, corporation, municipality, institution or other similar organization, agency or group.

Premises: includes, as the context requires, **Parcel**, land, **Multiple Dwellings**, building, house, industrial, commercial or institutional building or dwelling unit.

Water Connection: means a connection of at least 19(nineteen)mm pipe connecting to a main supply line and extending to the **Parcel** line for the purpose of conveying water to the said **Parcel**, and may or may not include a water meter, check valve or backflow preventer, but shall include a shut-off valve at the **Parcel** line.

Water Service: means Works and is provided by the **District** and include:

- supply of water for consumption or other use;
- **Water Connection** installation;
- repair or replacement; and
- water main extension.

Water System: means all water pipes, fittings, valves, reservoirs, pumps, treatment or purification facilities or fire hydrants within a right-of-way, easements or property under the control of or title of the **District**.

Works: means any of the **Water Systems** owned by the **District**.

General Provisions:

3. The following conditions shall apply:
 - a. This bylaw shall apply to all **Works** owned by and operated by the **District**.

- b. No **Person** shall make any connection to the **Water System** or in any way tamper with, operate, remove, or make any alteration to any hydrant, meter, curb stop, valve, pumping station, reservoir, chamber or other fixture or appurtenance connected with the **Water System** or use a hydrant without first obtaining a written permit from the **Director of Operations**. No **Person** shall damage, destroy, uncover, deface, mar or tamper with any part of the **Water System**. All damage shall be repaired and paid by the person so offending.
- c. No **Person** shall obstruct at any time or in any manner the access to any hydrant, valve, curb stop or other fixture connected with the system and should any **Person** obstruct such access to any such fixture by placing thereon or in the vicinity thereof any brick, stone, timber or other material, the **Director of Operations** may, by his order, remove such obstruction and the expense of such removal and reinstatement shall be charged to and paid by the **Person** so offending.
- d. If a **Parcel** has a building and the **Parcel** abuts a street, lane or right-of-way where there is a **District** owned **Works**; the **Owner** of the building shall connect with the **Works** in the manner provided for in the Bylaw. In the event of an **Owner** failing to connect within one year after being notified in writing by the **Director of Corporate Service** to do so, the **Director of Operations** may, by his workmen or agents, have the necessary work done at the **Owner's** expense. The **District** may recover the expenses with interest and penalties pursuant to the terms and provisions of the Local Government Act.
- e. The **Owner** shall be responsible for all costs associated with the works required for the installation of a **Water Connection** for their property as identified in the **Fees and Charges Bylaw**.
- f. All **Owners** shall keep the pipes, valves, fixtures, and fittings on their **Premises** in good order and repair, free from leaks, and protect them from frost at their own risk and expense. Failure to repair leaks or protect the system from frost may result in the **Water Connection** be disconnected and charges assessed as per the **Fees and Charges Bylaw**.
- g. No **Person** shall place or introduce contaminants or pollutants into the **Works**, nor shall they cross-connect into another water system. The **District** may inspect all **Premises** to ensure no cross-contamination or cross-connection exists. All underground **Irrigation** systems shall have the necessary back-flow prevention devices in place and functioning to reduce the risk of contamination. Failure to remedy a cross contamination, cross-connection or install appropriate backflow preventers shall result in the **Water Connection** be disconnected and charges assessed as per the **Fees and Charges Bylaw**.
- h. No work or services shall be performed on the **Works** unless authorized in writing by the **Director of Operations**, and all work and services performed on the **Works** shall conform to the **District's** requirements.
- i. The **District** shall not be liable for damages caused as a result of a disruption or discontinuation of service, and nothing contained in the Bylaw shall be construed to impose any liability on the **District** as to the availability, volume, pressure and quality of water to any **Person, Parcel** or **Premises** in the **District**.

- j. No **Person** or **Owner** shall sell or dispose of any water supplied by or through the **Works** or give away or permit the same to be taken away or applied for the benefit of others, except to those persons provided written authorization from the **District**.
- k. Only one **Water Connection** is permitted for every **Parcel** unless written permission is received from the **Director of Operations**.

Application Connection:

- 4.
 - a. Application for a **Water Connection** shall be made to the **District** and shall be accompanied by the proper fee as specified in the **Fees and Charges Bylaw**. Should such amount be insufficient to cover the cost, the deficiency shall be charged against the applicant and provided further that any excess payment shall be returned to the applicant. Upon signing the application, the property **Owner** agrees to abide by the terms and conditions of this Bylaw and any subsequent amendments thereto.
 - b. Applications for a **Water Connection** submitted by a **Person** other than the registered property **Owner** must be accompanied by a letter of consent or authorization from the registered property **Owner**.
 - c. The location and requirements for a **Water Connection** will be determined by the **Director of Operations** and may include a water main extension. A **Water Connection** will typically be perpendicular to the property line.
 - d. The connection fee paid in accordance with the **Fees and Charges Bylaw**, does not include works within the **Premises**.
 - e. Any unauthorized person found to have turned the water on or off is guilty of an offence under this Bylaw, and will be subject to a penalty.
 - f. Additional applications for **Water Connection** shall be made for all extensions of **Water Service** to additional units or uses in buildings and for installation of additional units or uses in buildings already served.

Application – Disconnection:

- 5.
 - a. When any building within the District is removed or demolished, application for disconnection of a **Water Connection** shall be made in writing by the **Owner** and delivered to the **District Office**, and until such application has been submitted, water rates may be charged to the **Owner** as prescribed by the **Fees and Charges Bylaw**.
 - b. On application by an **Owner** and on the payment of the appropriate fee outlined in the **Fees and Charges Bylaw**, the **District** will turn the water off.
 - c. Any unauthorized person found to have turned the water off is guilty of an offence under this Bylaw, and will be subject to a penalty.

Water Meters:

6.
 - a. The **District** requires water meters for all new construction involving property used for residential and all new and existing commercial, industrial, multi-family or institutional purposes or any other purpose where water is used from the **Water System**. Water meters shall be required for all residential retrofits or additions where the estimated value equals or exceeds \$50,000.00 or whenever a retrofit or addition requires the issuance of a plumbing permit. The **District** shall fix rates to be paid for such use as specified in the **Fees and Charges Bylaw**.
 - b. The **District** shall be responsible to maintain, repair or replace any malfunctioning water meters.
 - c. The **Water Connection** will be turned on only if the water meter is installed, passed inspection and the appropriate fees have been paid. Exceptions will only be considered if a security deposit equal to the estimated cost to supply and install the water meter plus 25% is submitted in a form acceptable to the **Director of Finance**.
 - d. All water meters shall be approved by the **Director of Operations** and calibrated to read in cubic metres and shall be installed with a remote reader in a location suitable to the **District**. Water meters must be installed in locations suitable for access for maintenance purposes and protected from frost. Meter pits will not be allowed unless no other location is available and only with the written permission by the **Director of Operations**. Water for fire fighting must be metered.

Rates and Charges:

7.
 - a. Property **Owners** shall be responsible for payment of all water used and consumed on properties owned by them.
 - b. The **Owner** shall state the legal description 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 and charges can be applied
 - c. Any subsequent changes to the purpose and use of the water must be provided to the **District** in writing by the **Owner**. Failure to provide such notification will constitute a violation of this Bylaw. In the event of such a failure, the **District** may bill and collect from the **Owner** the appropriate rates and charges from the time the charges or modifications to the premises were found to have first existed.
 - d. No person shall knowingly withhold information about the use of **Premises** that could affect the rates and charges for the **Water Service** to the property.
 - e. Residential user charges shall be invoiced on an annual base. Metered, commercial and industrial accounts shall be invoiced quarterly.
 - f. User rates and charges as specified in the **Fees and Charges Bylaw** are imposed and levied for **Water Services** supplied by the **District**. These rates may also be paid on the **District's** Preauthorized Payment Plan Bylaw. Upon application, the **District** will permit qualifying customers to pay these rates by authorized debits from a bank account.

- g. When any rates or charges due by any person under this Bylaw remain unpaid on the 31st of December, the same shall be deemed to be taxes in arrears of the property to which the **Water Service** was provided, and such sum shall be recoverable under the provisions of the Local Government Act.
- h. For any **Water Service** turned on after the 1st of January, the user account will be billed for an amount equal to the annual rate prorated for the number of months remaining in the year including the month the water was turned on.
- i. For any **Water Service** de-activated after the 1st of January, the user account will be credited for an amount equal to the annual rate prorated for the number of months remaining in the year conditional on the terms in Section 5(a).
- j. The charges prescribed in the **Fees and Charges Bylaw** to cover the cost of turning the water supply “off” or “on” shall apply.

Inspection:

- 8.
 - a. A new **Water Service** shall be left uncovered at the water connection until it has been inspected by the **Director of Operations** or his designate.
 - b. Officers, employees, and agents of the **District** are hereby authorized to enter upon any **Premises** in the Municipality at all reasonable times to ascertain whether the requirements and regulations of this Bylaw are being observed, to read water meters and to perform all maintenance of water meters and associated appurtenances.
 - c. If an additional inspection is required resulting from the **Owner’s** actions, an additional inspection fee shall be applied as identified in the **Fees and Charges Bylaw**.

Water Use Restrictions:

- 9.
 - a. The **District of Hope Outdoor Watering Conservation Program** shall pertain to all **Works**.
 - b. Outdoor watering includes the use of municipal water outside the principle residence. The applicable activities include but are not limited to watering of lawns, landscaping, roofs and walls for cooling.
 - c. Hand Watering includes the use of watering devices (hoses, nozzles and watering cans) while under the direct control of the user. All hoses and nozzles must include an automatic shut-off.
 - d. Water use restrictions are based on an escalating system as outlined herein:
 - a. Stage 1 – Throughout the year
 - i. Conservation shall be promoted through-out the year. This includes education, conservation and policies adopted by the **District** from time to time.

- ii. Water users shall be permitted to undertake outdoor watering activities between the hours of 5:00 am to 9:00 am and 6:00 pm to 10:00 pm.
 - iii. Hand watering is permitted at any time regardless of the applicable watering day.
- b. Stage II – Alternate Day Restrictions – May 1 to September 30
 - i. Water users shall be permitted to undertake outdoor watering activities on alternate odd or even calendar days based on civic addresses between the hours of 5:00 am to 9:00 am and 6:00 pm to 10:00 pm.
 - ii. Properties zoned and used for play fields, parks or public open space shall be permitted to undertake watering activities between the hours of 5:00 am to 9:00 am and 6:00 pm to 10:00 pm each day provided their use warrants such watering as determined by the **Director of Operations**. Play fields, parks and open space that have minimal use shall be permitted to undertake outdoor watering activities on alternate odd or even calendar days based on civic addresses between the hours of 5:00 am to 9:00 am and 6:00 pm to 10:00 pm.
 - iii. Hand watering is permitted at any time regardless of the applicable watering day.
- c. Stage III – Reduced Hours Alternate Day Restrictions
 - i. The **Director of Operations** may impose this stage of restriction at any time of the year.
 - ii. The **Director of Operations** may impose this stage of restriction if water supplies or storage are deemed to be becoming at risk. Should the **Director of Operations** invoke this level, a report to **Chief Administrative Officer** supporting the restriction must be provided at the next available **Council** meeting.
 - iii. Water users shall be permitted to undertake outdoor watering activities on alternate odd or even calendar days based on civic addresses between the hours of 6:00 am to 8:00 am and 7:00 pm to 9:00 pm.
 - iv. Properties zoned and used for play fields, parks or public open space shall be permitted to undertake watering activities between the hours of 6:00 am to 8:00 am and 7:00 pm to 9:00 pm each day provided their use warrants such watering as determined by the **Director of Operations**. Play fields, parks and open space that have minimal use shall be permitted to undertake outdoor watering activities on alternate odd or even calendar days based on civic addresses between the hours of 6:00 am to 8:00 am and 7:00 pm to 9:00 pm.
 - v. Hand watering is permitted at any time regardless of the applicable watering day.

- d. Stage IV – Outdoor Watering Ban
 - i. The **Director of Operations** may impose this stage of restriction at any time of the year.
 - ii. The **Director of Operations** may impose this stage of restriction if water supplies or storage are deemed to be becoming at risk. Should the **Director of Operations** invoke this level, the Chief Administrative Officer and Council will be immediately notified. A report to the **Chief Administrative Officer** supporting the restriction must be provided at the next available **Council** meeting.
 - iii. Water users shall not be permitted to undertake outdoor watering activities.
 - iv. Properties zoned and used for play fields, parks or public open space shall not be permitted to undertake watering activities.
 - v. Hand watering is permitted at any time regardless of the applicable watering day. Hand watering of lawns is not permitted at any time.
- e. Stage V – Watering Ban and Additional Use Restrictions
 - i. The **Director of Operations** may impose this stage of restriction at any time of the year.
 - ii. The **Director of Operations** may impose this stage of restriction if water supplies or storage are deemed to be becoming at risk or any other emergency that may pose a risk to the **Works**. Should the **Director of Operations** invoke this level, the Chief Administrative Officer and Council will be immediately notified. A report to the **Chief Administrative Officer** supporting the restriction must be provided at the next available **Council** meeting.
 - iii. Water users shall not be permitted to undertake outdoor watering activities and additional restrictions may be imposed as deemed appropriate by the **Director of Operations**.
 - iv. Properties zoned and used for play fields, parks or public open space shall not be permitted to undertake watering activities.
 - v. Hand watering is permitted at any time regardless of the applicable watering day. Hand watering of lawns is not permitted at any time.
- e. Section 9(d) does not include restrictions of water used for maintenance of the **Works**.
- f. Exemptions to Section 9(d) may be granted by the **District** for special circumstances.
- g. **District** water consumers with automatic timed underground sprinkling systems may apply for a permit to vary the sprinkling hours as outlined in 9(d)(a) 9(d)(b) and 9(d)(c). Application for the Sprinkling Variance Permit shall be made to the **District** and shall be accompanied by the proper fee as specified in the **Fees and Charges Bylaw**. All automatic timed underground sprinkling systems must include back-flow preventers.

- h. **District** water consumers establishing new lawns may apply for a permit to vary the sprinkling regulations for a one month period, at the time that the new lawn is planted. Application shall be accompanied by the fee specified in the **Fees and Charges Bylaw**.
- i. Sufficient notice of the restrictions set out in this section or in any change or revocation thereof shall be deemed to have been given by an announcement made on behalf of the **District** through a radio or television station broadcasting in the area of the **District** or by one publication in a newspaper.
- j. Notwithstanding section 9(d) of this Bylaw, **Council** may, by resolution, apply such additional water use restrictions, in such form and for such duration as deemed necessary by **Council**, for the purpose of maintaining an adequate water supply.

Enforcement:

- 10.
 - a. Any **Person** who installs a **Water Connection** to the **Works**, without first obtaining approval and paying the applicable charges, shall be liable for all costs associated with the disconnection of the said connection and, in addition, is considered to be guilty of an offence under this bylaw. Each day that the offence continues shall be deemed to constitute a new and separate offence.
 - b. The **District** may discontinue the **Water Service** to any **Premises** for contravention or violation of the regulations within this bylaw.
 - c. Any **Person** who violates any provision of this bylaw, or who suffers or permits any act to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by any provision of this bylaw, commits an offence and is liable on conviction to a fine of not more than \$2,000.00. Each day during which such violation continues shall be deemed to constitute a new and separate offence.

Severability:

- 11. If any section, subsection or clause of this bylaw is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the invalid and severed section, subsection or clause.

Repeal of Existing Bylaw:

- 12. The Corporation of the Village of Hope Water Regulation Bylaw No. 64, the Corporation of the Village of Hope Water Regulation Bylaw No. 86, the District of Hope Water Supply and Distribution System Rates and Charges Bylaw No. 28/95 and District of Hope Water Restrictions Bylaw No. 1176, 2005 and any amendments thereto are hereby repealed in their entirety.

Read a First time this 11th day of May, 2009.

Read a Second time this 11th day of May, 2009.

Read a Third time this 11th day of May, 2009.

Rescind Third reading this 25th day of May, 2009

Read a Third time as amended this 25th day of May, 2009

Adopted this 8th day of June, 2009.

Mayor

Director of Corporate Services

Certified a true copy of “Water Regulation Bylaw No. 1271, 2009” as adopted.

Director of Corporate Services



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

I, _____ being the registered property **Owner**, or authorized agent, of the premises legally described as:

If authorized agent a letter of authorization from the registered property **Owner** is attached

Legal address (Lot, Plan #, etc.)

and located at _____ in the District of Hope,
(Civic address)

hereby make application for the following services:

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

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

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

_____ water main extension

_____ other (provide description) _____

DATED at the District of Hope this _____ day of _____, 20 _____.

APPLICANT _____
(signature)

Address: _____

Phone/Cell: _____

TOTAL COST OF SERVICE(S) = \$ _____
(as per District of Hope Fees and Charges Bylaw)

- Note:**
- a) a detailed cost summary is attached for the property **Owner**'s review
 - b) the total costs presented herein will be held firm for a period not exceeding sixty (60) days from the date of issuance.

District of Hope

Date



**DISTRICT OF HOPE
BYLAW NO. 1271**

“SCHEDULE A”

AGREEMENT FOR WATER SUPPLY AND SERVICE(S)

The completion of this Agreement does not relieve the property **Owner**, or authorized agent, from conforming to all requirements or every pertinent bylaw and regulation enforced within the District of Hope.

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

DATED this _____ day of _____, 20 _____.

Signature of Property **Owner** or Agent

Please print name

_____ Deposit Required

_____ Receipt Number

AUTHORIZATION TO PROCEED WITH WORKS:

District of Hope

Date

Approved for Backfill _____
District of Hope

The Personal Information on this form is collected under the authority of the *Local Government Act*. The information collected will be used to process your application for Water Service. If you have questions about the collection, use and disclosure of this information, contact the “Coordinator”, District of Hope.



**DISTRICT OF HOPE
BYLAW NO. 1271**

“SCHEDULE B”

WATER CONNECTION

Turn on / Turn off / Decommission

Account No. _____

Date: _____

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

Date Required _____

at the building of _____

(property owner)

(street address)

(legal)

Signature of Property Owner
or Agent

For City Use Only:

Water Connected /Disconnected/Decommissioned this date:

Water/Sewer Personnel



**DISTRICT OF HOPE
BYLAW NO. 1271**

“SCHEDULE C”

SPRINKLING VARIANCE PERMIT

Name _____

Street Address _____

Legal _____

I/We wish to vary Bylaw No. 1271 by:

- a) Utilizing our automatic times underground sprinkling system:

From _____ To _____
every other day.

- b) Sprinkling outside of sprinkling hours for the purpose of establishing a new lawn

From _____ To _____
(Maximum one month period)

Property Owner Signature

Phone/Cell

Approval Granted / Approval Granted with Conditions

Per Director of Operations _____