

DISTRICT OF FORT ST. JAMES

BYLAW NO. 808, 2004

WATER CONNECTION AND REGULATION

[CONSOLIDATED WITH AMENDING BYLAW NO. 850, 2007]

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DISTRICT OF FORT ST JAMES

BYLAW NO. 808

WATER CONNECTION AND REGULATION BYLAW

A Bylaw to provide for the imposition of a charge against the owner of real property for the use of and connection to the water works system owned and operated by the District of Fort St. James, and to provide for the government, management, terms and conditions under which water may be supplied from the water works system of the District of Fort St. James.

NOW THEREFORE the Council of the District of Fort St. James, in open meeting assembled, enacts as follows:

1. TITLE

1.1 This Bylaw may be cited for all purposes as “District of Fort St. James Water Connection and Regulation Bylaw No. 808, 2004”.

1.2 This Bylaw includes:

- (a) Schedule “A” - Application for a Water Service Connection
- (b) Schedule “B” – Water Service Connection Fees
- (c) Schedule “C” – Water System Usage Rates

[BYLAW NO. 850, 2007]

- (d) Schedule “D’ – Fines

1.3 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the invalid portion shall be severed, without affecting the remainder of this Bylaw;

1.4 Metric dimensions are used in this Bylaw.

2. REPEAL

The District of Fort St. James Water Utility System Bylaw No. 66, 1966 and all amendments thereto are hereby repealed.

3. DEFINITIONS

In this Bylaw, unless the context otherwise requires, the words and expressions noted below shall mean as follows, except that any word or expression not defined in this section, but defined in the *Community Charter* or the *Local Government Act* shall have the meaning there defined.

3.1 “Applicant” means the registered owner of the property or an agent authorized by the owner to act on their behalf;

3.2 “Abandonment” means complete removal of the water connection;

- 3.3 “Building Inspector” means the Building Inspector of the District and duly authorized representatives;
- 3.4 “Capable of Connection” means any parcel of land that abuts a street, land, public right-of-way or easement upon or under which there is a water main;
- 3.5 “District” means the District of Fort St. James;
- 3.6 “Collector” means the Collector of the District duly appointed by the District pursuant to the provisions of the *Community Charter*;
- 3.7 “Consumer” means a person, company or corporation who is the owner, or agent for the owner of any premises and who receives or uses water from the water system;
- 3.8 “Council” means the Municipal Council of the District of Fort St. James;
- 3.9 “Curb Stop” means a shut off installed by the District on a service connection with a protective housing (service box) to the ground surface. The curb stop is located on the main side of the property line;
- 3.10 “Disconnection” means the turning off or complete removal of the water connection in the event of violation of this Bylaw;
- 3.11 “Distribution System” means all mains and appurtenances thereto including fire hydrants, pumping stations, reservoirs, pressure reducing stations and service connections installed within any highway, District right-of-way or easement or on District property;
- 3.12 “Due Date” means the last day on which the account may be paid in order to have the discount applied;
- 3.13 “Dwelling Unit” means one or more rooms constituting a unit of living accommodation, used or intended to be used for living and sleeping purposes and containing a sink and a cooking facility;
- 3.14 “Fire Chief” means the District Fire Chief and duly authorized representatives appointed in writing to act on his behalf;
- 3.15 “Fire Hydrant” means a device equipped with special threaded connections installed by the District within a highway, District right-of-way, easement or on District property connected to a water main to supply water for fire protection purposes;
- 3.16 “Frontage” means the distance that a parcel of land actually abuts on the works or highway;
- 3.17 “Flankage” means the longer side of a regularly shaped corner lot. Where the lot is square it means the side designated by the Assessor as the Flankage;
- 3.18 “Institution” means a structure used for public and institutional facilities as defined in the District’s Zoning Bylaw;
- 3.19 “Main” means a pipe including valves, fittings and other appurtenances other than a service connection, pumping station, treatment plant or reservoir in the water distribution system;

- 3.20 “Owner” means a person registered in the records of the Land Title Office as owner of land or a charge on land, whether entitled in their own right or in a representative capacity or otherwise and includes “registered owner”;
- 3.21 “Public Works Superintendent” means the Public Works Superintendent for the District of Fort St. James and includes his duly authorized representative;
- 3.22 “Rate” means the sum of money to be paid by any consumer for the monthly charge for water as provided by this Bylaw;
- 3.23 “Residential Premises” shall mean all premises used solely for residential purposes;
- 3.24 “Service Connection” means a pipe and the necessary valves and protective boxes, connections, thaw wires, and any other material necessary to, and actually used, to connect the water main to a curb stop;
- 3.25 “Servicing Scheme” means the District’s proposed development of the water main line system;
- 3.26 “Water Service” means a pipe including all valves, connections, and taps connecting a curb stop to a house or building and includes the tail nut of the curb stop;
- 3.27 “Water Turn On/Off” means the turning off or on of the curb stop valve supplying water;
- 3.28 “Water Works” means the entire water works system of the District of Fort St. James.

4. USE OF WATER WORKS SYSTEM

4.1 Tampering with the Water Works System

No unauthorized person shall make any connection or addition to the water works system, or in any way tamper with, operate, remove, or make any alteration to any hydrant, curb stop, valve, pumping station, reservoir, chamber or other fixture or appurtenance connected with the water works system without first obtaining written permission from the Public Works Superintendent. No person shall, without lawful excuse break, damage, destroy, uncover, deface, mar or tamper with any part of the water works system.

4.2 Booster Pumps

No pump, booster or other device shall be employed by any consumer without permission in writing from the Public Works Superintendent for the purpose of, or having the effect of, increasing water pressure in service lines to a higher pressure than the normal water pressure in the said lines.

4.3 Sale of Water

It shall be unlawful for any consumer to sell, dispose of or give away District water for the use other than on their premises or permit it to be taken or carried away by any person or persons unless permission in writing has been granted by the Public Works Superintendent.

4.4 Water Use Restrictions

In the event of a water supply shortage, due to any reason whatsoever, the Public Works Superintendent 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 the local radio station or advertised in two consecutive issues of the local newspaper. Any person who refuses or fails to abide by such prohibition, restriction or limitation contained in the notice shall be deemed to have contravened this Bylaw and may be disconnected “without notice” as per section 10.3.

5. SERVICE CONNECTIONS

5.1 Installation of Curb Stops

All water service connections to the water works system shall be fitted with a curb stop, which shall be located in accordance with the current version of the District’s Subdivision Servicing Bylaw.

5.2 Illegal Connections

No person shall connect or attempt to connect, or allow to be connected, or allow to remain connected to the water works any property or premises other than in accordance with the provisions of this Bylaw.

5.3 Connection Application

Application for a water service connection shall be made to the District by the owner or their authorized agent in the form prescribed by Schedule “A” attached to and forming part of this Bylaw. Such applicant shall, on making application, pay to the District the applicable connection fee prescribed in Schedule “B” attached to and forming part of this Bylaw.

Each application when duly signed by the potential customer shall be an agreement whereby the consumer agrees to abide by the terms and conditions of this Bylaw and any subsequent amendments thereto.

If the connection is practicable, as determined by the Public Works Superintendent, at the District’s earliest convenience, weather permitting, the District shall provide and install a water service connection to the applicant’s property. If such connection is not practicable, the Public Works Superintendent shall so notify the applicant within sixty (60) days and the District shall refund the charges or fees paid by the applicant.

When water service is required for a new home on an unserved lot, it shall be mandatory to make application for a water service connection and pay the fees or provide the specified deposit for such water service connection at the same time as making application for a Building Permit.

Fees for services larger than 100 mm and with special conditions require an estimate. Actual cost will not be known until the end of the job. The applicant shall pay the amount of the estimate in advance; after installation the applicant shall pay the remainder of the cost of the work. If the cost of the work is less than the deposit, the surplus shall be returned to the applicant.

5.4 Individual Connections

Each property shall have a water service connection and it shall be installed by the District or under contract awarded by the District. Each building shall have only one service connection except when a separate connection is required for fire protection purposes or when a building expansion, use or zoning change makes the addition of a further connection necessary. Approval must be obtained in writing from the Public Works Superintendent for the second service connection.

Two buildings on the same lot are to be interconnected if possible. Any other second connection must have an application in writing with adequate drawings to be approved by the Public Works Superintendent.

5.5 Location of Water Service Connection

The water service connection location shall be in accordance with the provisions of the current District of Fort St. James Subdivision Servicing Bylaw.

5.6 Size of a Residential Water Service Connection

The minimum inside diameter of a residential service connection shall be nineteen millimetres (19mm). The size of a water service connection for any premises shall be approved by the Building Inspector. If the requested service connection exceeds the then available capacity of the waterworks, the Public Works Superintendent may limit the size of the connection.

5.7 Depth of Bury

The minimum depth of bury of the water service connection below finished ground elevation shall be determined by the Public Works Superintendent.

5.8 Maintenance of a Water Service Connection

In the event a defect is suspected in the service connection or water service, the consumer shall immediately notify the District. The Public Works Superintendent will, as soon as practicable, operate the curb stop and determine thereby if the defect exists in the water service or in the service connection. If the defect is determined to be located in the service connection, the District shall repair the defect at no cost to the consumer.

If the defect is determined to be in the water service, the property owner shall effect the necessary repairs within five (5) days. Should the consumer insist that the defect is in the service connection and not in his water service, he shall deposit with the District a sum of money equal to fifty percent (50%) of the cost of a new connection to cover the cost of excavation and backfilling for inspection purposes. In the event the defect is found in the service connection, the District shall carry out repairs and return the deposit to the consumer. If there is no fault or defect found in the service connection, the consumer shall pay the full cost for the work and shall forfeit the deposit. If the cost of repair is less than the deposit, the surplus shall be returned to the consumer.

5.9 Existing Dual Connections

Where two buildings are presently served from an existing single water service connection, a second connection may be installed on application provided the District receives the full amount for the second connection as prescribed in Schedule "B" attached to and forming part of this Bylaw.

5.10 Service Connections Prior to Paving

Where street surface improvements by way of paving are scheduled for installation by the District during a current budget year, the Public Works Superintendent shall order a service connection to be installed to any property abutting such street and served by the water works system regardless of whether or not any improvement is constructed on the property and a connection fee as provided in Schedule "B" shall be then levied against the property and shall be recovered as provided for in Section 8 of this Bylaw.

6. WATER SERVICES

6.1 Connection Approval

Water services on private property shall be installed in accordance with the B.C. Plumbing Code and shall be constructed by and at the expense of the owner, and shall be approved by the Building Inspector when connection to the water service is made and prior to covering. The District shall install that portion of the water service connection between the curb stop and mainline. Any fittings required to join the District's pipe to the applicant's shall be the applicant's responsibility.

If a service connection was previously installed, prior to connection of a water service on private property to that service connection, or "turn on" of the service connection, application shall be made to the District by the owner or his authorized agent in the form prescribed by Schedule "A" attached to and forming part of this Bylaw. If the existing service connection is acceptable to the Building Inspector the connection fee shall be waived as per Section 7.3.

Prior to backfill of the water service on private property the Building Inspector shall be notified and given opportunity to inspect the installation of the water service as well as the condition of the existing curb stop.

6.2 Maintenance

Any water service on private property shall be maintained by the property owner at their sole expense. In the event any defect is suspected in the service connection or water service, the consumer shall immediately notify the District and the Public Works Superintendent will as soon as practicable, determine thereby if the defect exists in the water service or in the service connection. If the defect is determined to be located in the water service, the property owner shall effect repairs within five (5) days.

In order to facilitate repairs to the water service, the District will respond to on demand or emergency call situations whether it be during regular working hours or off hours, to open or close the curb stop for the fee set out in Schedule "B". The applicant is required to pay the fee in advance of a turn-on or turn-off during regular working hours. The property owner will be billed the fee when a turn-on or off is requested during off hours. Fees owing the District for water utility must be paid in advance of a turn-on.

In the event the property owner refuses or neglects to carry out repairs within the specified time, the Public Works Superintendent may, by his workmen or others, have the work done at the expense of the owner, and the District shall recover the cost thereof from the owner with interest at a similar rate as that charged for Municipal Taxes in arrears.

6.3 Turn On and Turn Off

Only the District shall have the authority to turn on or off the curb stop supplying water to any public or private system. Only a person with lawful excuse and in the case of an emergency, shall turn off the curb stop.

When an owner wishes to turn on or turn off the water service at the curb stop, they shall make application in writing to advise the District. The Public Works Superintendent will carry out the work at the District's earliest convenience. A minimum of forty-eight (48) hours notice is required for non-emergency situations.

The fee for any such turn on or turn off shall be as provided in Schedule "B" attached to and forming part of this Bylaw.

Each application to turn on a water service when duly signed by the potential customer shall be an agreement whereby the consumer agrees to abide by the terms and conditions of this Bylaw and any subsequent amendments thereto.

At the request of the owner, the District will locate a curb stop during regular working hours at no charge to the owner. Locates other than during regular working hours shall be billed out at the actual costs involved for calling out crews and locating the curb stop.

6.4 Abandonment

When any water service is abandoned, the owner or their agent shall notify the District and the Public Works Superintendent shall abandon the service connection at the junction with the main, and remove the protective housing extending from the curb stop to the ground surface. The owner shall pay in advance the abandonment charge specified in Schedule "B" attached to and forming part of this Bylaw.

6.5 Frozen Service

Pursuant to Section 6.2 of this Bylaw, if it is determined that the defect is a frozen water service, it is the owner's responsibility to thaw the pipe. The owner shall be fully responsible for any damage caused by any thawing method.

6.6 Alternate Water Supply

In the event an owner has an alternate or auxiliary water supply source other than the District service connection, they shall not connect or in any way cause to be connected any portion of the alternate or auxiliary water supply distribution system with the distribution system supplied by the service connection. On application to the Public Works Superintendent in writing, special permission may be given to cross connect the two systems provided all requirements of the Public Works Superintendent with respect to water quality, disinfecting procedures and equipment, back flow protection devices and maintenance of such device and equipment are met.

6.7 Fire Protection Connection

Water connections required solely to supply a fire protection system shall be installed upon application of the fees set out in Schedule "B" attached to and forming part of this Bylaw.

A fire protection system may consist of an automatic sprinkler system, fire main loop with hydrant or connected hose standpipes located inside or outside of the building, fire protection monitors or any other equipment used solely for emergency fire protection and suppression and approved by the District Fire Chief.

6.8 Disconnections

Application for disconnections of any water service shall be made in writing and delivered to the Municipal Office and until such application has been submitted, water rates shall be chargeable against the consumer until the water service is disconnected.

7. CHARGES FOR WATER SERVICE

7.1 Connection Turn On or Turn Off and Abandonment Fees

The owner or his agent shall, on making application for a water service connection, a turn on or a turn off, or the abandonment of an existing water service connection, pay to the District the applicable fee prescribed in Schedule "B" attached hereto and forming part of this Bylaw.

7.2 Fees Added to Taxes

All fees prescribed in Schedules "B" and "C" attached to and forming part of this Bylaw, not paid on or before the thirty-first day of December in any year shall be deemed to be taxes in arrears in respect of the parcels of land served by the said service connection and such sum shall be recoverable as provided for in accordance with the provisions of the Community Charter.

7.3 Fee Waived

Where water service connections of a size acceptable to the Building Inspector for the proposed use were provided to any parcel of land developed as an approved subdivision, the connection fee payable by the owner applicant of such parcel pursuant to this Bylaw shall be waived. The provisions of this clause shall not apply to the additional cost payable by any owner applicant for additional service connections, nor for increasing the size of any service connection to conform to the Building Inspector's requirements.

7.4 User Rates

The owner or occupier of real property shall pay in addition to all other fees, charges and rates for the use of the water works the amounts specified in Schedule "C" attached to and forming part of this Bylaw. The several rates enumerated in Schedule "C" hereto are hereby imposed and levied by the District, and all such rates shall be payable at the office of the District on or before the date specified on the utility bill and shall form a charge on the lands and improvements to or upon which the service connection is made and if the rates imposed during any one calendar year remain unpaid after the thirty first day of December, they shall be entered upon the tax roll as taxes in arrears.

The user rates as specified shall be prorated to the nearest full month of service.

8. INSPECTION

8.1 Right of Entry

The owner of every parcel of land and the occupier of every premises shall at all reasonable times allow, suffer and permit the Public Works Superintendent, Building Inspector, or authorized representative to enter into or upon lands and premises for the purpose of inspecting the premises and water piping system, and bypass facilities in order to ascertain whether or not provisions of this Bylaw are being obeyed.

8.2 Inspection

Water service pipes on private property shall have passed inspection by the Building Inspector prior to water being turned on to a water service line.

9. SERVICE CALLS

9.1 When an owner or occupant has called upon the District to respond and evaluate a problem on private property, the owner of the property shall be responsible for all costs

incurred by the District if the extent of the water problems are not a result of the District water system.

10. ADMINISTRATION AND ENFORCEMENT

10.1 Liability

It is a condition of the supply of water that:

- (a) In the event that the supply of water to any consumer shall fail, whether from natural causes or accident or from any other causes whatsoever the District shall not be liable for damage by reason of such failure.
- (b) The District shall not be liable for any injury or damage to any person or property arising or occurring from the use of water from the water works.
- (c) The District does not guarantee that the water supplied is free of any impurity that would affect a manufacturing process.

10.2 Penalties

Any person who violates any of the provisions of this Bylaw shall, upon conviction by a Court of competent jurisdiction, be guilty of an offense and shall be liable to a fine not less than two hundred dollars (\$200.00) and not exceeding five thousand dollars (\$5,000.00) together with costs for each offense, and each day or part thereof during which any violation, contravention or breach shall continue, shall be deemed as a separate offense.

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10.2.1

Any person who violates any of the provisions of this bylaw shall, if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule "D" attached to and forming part of this bylaw.

10.3 Disconnection of Water Supply With Notice

The Public Works Superintendent may order the turn off or disconnection of the water service to any consumer upon provision of thirty (30) days written notice for:

- (a) the violation of any of the conditions of this Bylaw;
- (b) failure to pay any invoices for services performed by the District in relation to this bylaw.

The District shall not be liable for damages caused by discontinuing water service for such reasons.

10.4 Disconnection of Water Supply Without Notice

The District may, without notice, order the turn off or disconnection of the water service to any consumer. The following are considered reason for disconnection "without notice":

- (a) Unnecessary or wasteful use of water, or violation of regulations concerning watering and sprinkling;

- (b) Failure to maintain, repair or replace defective service and other pipes, fittings, valves, tanks, curb stop fixtures or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause for wasting water;
- (c) Failure to protect the water service from freezing;
- (d) Maintenance or repairs at any of the Water Works Facilities.

The District shall not be liable for damages caused by discontinuing water service for such reasons.

READ A FIRST, SECOND AND THIRD TIME THIS 10TH DAY OF NOVEMBER, 2004.

ADOPTED THIS 24TH DAY OF NOVEMBER, 2004.

Jim Togyi, Mayor

Dan Zabinsky, Administrator

Certified to be a true copy of Bylaw No. 808, "Fort St. James Water Connection and Regulation Bylaw No. 808, 2004".

Dan Zabinsky, Administrator

SCHEDULE "A": APPLICATION FOR A WATER SERVICE CONNECTION

This is Schedule "A" entitled "Application for a Water Service Connection" which forms part of the District of Fort St. James Water Connection and Regulation Bylaw No. 808, 2004.

CIVIC ADDRESS _____

PHONE NO. _____

LEGAL DESCRIPTION LOT _____ BLOCK _____

DISTRICT LOT _____ PLAN _____

ROLL NO. _____

I/We _____, the registered owner/owners of the above

mentioned property, do hereby apply for a _____ mm diameter water service connection from the main on the adjacent road/avenue to my/our property line. The amount of payment for the "turn-on" of an existing water service connection shall be determined in accordance with Schedule "B" which forms part of the District of Fort St. James Water Connection and Regulation Bylaw No. 808, 2004.

I/We have applied to the District for a water service connection, and do hereby agree to comply with all of the applicable B.C. Plumbing, Health and Safety Codes, and such bylaws as may be in effect, or may be adopted, by the District in the future.

If no water service connection presently exists, I/We hereby authorize the District to arrange to install the necessary water service connection and we further agree to deposit with this application payment in full for the installation of the water service connection. The amount of payment shall be determined in accordance with Schedule "B" which forms part of the District of Fort St. James Water Connection and Regulation Bylaw No. 808, 2004.

Date of Application

Applicant's Signature

DISTRICT USE ONLY

Is the installation of a new water service connection required? _____ Yes/No

Is a turn-on of the existing water service connection required? _____ Yes/No

Type and size of water service required _____

Date water service connection installed _____

Installed by _____

SCHEDULE “B”: WATER SERVICE CONNECTION FEES

This is Schedule “B” entitled “Water Service Connection Fees”, which forms a part of the District of Fort St. James Water Connection and Regulation Bylaw No. 808, 2004.

1. **CONNECTION FEES FOR A NEW WATER SERVICE INSTALLATION**

Pursuant to Section 5 of this Bylaw, the connection fees for a new water service connection shall be as follows:

(a)

TABLE OF CONNECTION FEES	
CONNECTION SIZE	CONNECTION FEE
19 mm (0.75”) connection	\$1,000.00
25 mm (1.0”) connection	\$1,125.00
38 mm (1.5”) connection	\$1,250.00
51 mm (2.0”) connection	\$1,375.00
Over 51 mm connection	At cost

- (b) The connection fees in (a) and (b) above do not include the following:
 - 1. Service connection exceeding 24 metres in length.
 - 2. Service connections which require the augering and/or the restoration of curbs, sidewalks or asphalt pavement surface.
 - 3. Service connections which require the cutting, excavation or backfilling of frozen ground.
- (d) Any type or size of water service connection not listed in Schedule “B” and installed by the District, shall be charged to the applicant at a fee equal to the actual costs of the installation, plus any applicable taxes.

2. **TURN OFF AND TURN ON**

- (a) Pursuant to Section 6.3 of this Bylaw, the fee for turning on or turning off an existing water service connection, on demand or after hours only on an emergency basis, shall be the actual cost of the employee’s time, under the current employment agreement.
- (b) Pursuant to Section 6.3 of this Bylaw, the fee for turning on or turning off an existing water service connection during regular working hours shall be Twenty Five (\$25.00) Dollars for each turn on or turn off.
- (c) An application and payment of the fee is required in advance, with the exception of the on demand or emergency call out situations.

3. **ABANDONMENT FEE**

Pursuant to Section 6.4 of this Bylaw, the fee for disconnecting an abandoned water service connection at the water main shall be a fee equal to the actual cost for disconnection plus any applicable taxes. Payment is required in advance with a refund or invoice of difference in actual cost.

SCHEDULE "C": WATER SYSTEM USAGE RATES

This is Schedule "C" entitled "Water System Usage Rates", which forms a part of the District of Fort St. James Water Connection and Regulation Bylaw No. 808, 2004.

<u>USER TYPE</u>	<u>RATE PER MONTH</u>
Residential (per dwelling unit)	13.19
Private Swimming Pool (extra charge)	2.73
Bachelor Suites	8.22
Rental Units (other than Bachelor)	13.43
Churches	16.13
Service & Retail	16.13
- without washroom facilities	8.07
Supermarkets	20.47
Licensed Premises & Clubs	20.81
Restaurants	22.50
Take-Out Restaurants	16.13
Hotel/Motel/Inn/Lodge (per room)	4.03
Schools (per room)	10.82
Hospitals (per bed)	14.63
Laundromats (per washer)	6.03
Historic Park & RCMP	20.52
Recreation & Entertainment Facilities	19.80
Industrial Shops	20.51
Car Washes	50.00
Water Only - Industrial Shops	24.75
Water Only - Places of Worship	17.99
Water Only - Residential	14.87
Water Only - Airport Users	17.99

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SCHEDULE "D" - FINES

Column 1 OFFENCE	Column 2 SECTION	Column 3 FINE
Tamper, destroy or damage Water Service or Waterworks Fixture, or Illegal Work on Water Service	4.1	\$100.00
Unauthorized booster pump	4.2	\$100.00
Illegal Sale of water	4.3	\$100.00
Overuse during water restrictions	4.4	\$100.00
Illegal Water Connection	5.2	\$100.00