

NORTH CEDAR IMPROVEMENT DISTRICT
CONSOLIDATED BYLAW NO. 400/452

To Regulate the Distribution and Use of Water Bylaw 400

WHEREAS improvement districts are authorized under sections 745 and 746 of the *Local Government Act* to regulate the distribution and use of water and to establish penalties for non-compliance;

AND WHEREAS the Board of Trustees of the North Cedar Improvement District wishes to regulate the distribution and use of water supplied by the District and to prescribe penalties for non-compliance;

NOW THEREFORE the Board of Trustees of the North Cedar Improvement District, in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this bylaw:

“applicant” means a property owner, or the authorized agent of that owner, who has submitted an application for a water service connection or any other service provided under this bylaw including requests to turn-on and turn-off the supply of water;

“at cost” means:

- (1) Where work is done “at cost”, the cost shall include the amount expended by the District for gross wages and salaries, employee benefits, materials, equipment rentals at rates paid by the District or set by the District for its own equipment, or any other expenditures incurred in doing the work, plus administration charges;
- (2) The District shall provide cost estimate(s) that will serve as the amount of down payment(s) required from the applicant before any work is to begin, the District is cost neutral;
- (3) Where the “at cost” value differs from the estimate, any surplus shall be refunded;

“backflow” means a flow of water or other liquid, gas or solid from any source in a backward or reverse direction into the District’s water system caused either by back-pressure or back-siphonage;

“backflow preventer” means a mechanical assembly, device or method that has been specifically designed and installed to prevent backflow into the District’s water system;

“contaminant” means any substance or matter in water that may render it unfit for drinking based on Provincial guidelines and regulations, or may otherwise compromise its safety or aesthetic characteristics;

“cross connection” means any temporary, permanent or potential physical connection between the District’s water system and any source of non-potable liquid, solid or gas that could contaminate the potable water supply by backflow;

“curb stop” means a valve on a service connection that allows the water supply to a property to be shut-off;

“customer” means a recipient of water services that has a customer billing account and is billed by the District for water services;

“district” means the North Cedar Improvement District and its Board of Trustees;

“domestic use” means water used for indoor and outdoor household purposes including drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns, shrubbery and gardens;

”enactment” means an Act or a regulation or a portion of an Act or regulation;

“facilities” means any infrastructure forming part of the District’s water system that is used to produce and supply potable water including source wells, treatment facilities, distribution mains, water transmission mains, water service lines, valves, reservoirs, pumping stations, fire hydrants, chambers, pressure reducing valves, meters and any other physical plant and piping appurtenances.

“frontage” means that length of a parcel boundary which abuts a highway;

“highway” includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but specifically excludes private rights of way on private property;

“include” means as an example of, but not limited to;

“municipal use” means the use of water for normal residential, commercial, or industrial purposes, including residential lawn sprinkling and other domestic uses;

“parcel” means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

“private service line” means the privately owned pipes and fittings used to transmit water from the service connection to the private property that are located downstream of the service connection point, except for the water meter owned by the District;

“private works” means pipes and other appurtenances on private property not installed or owned by the District and used to convey water from the District’s water system to private property;

“property” means a parcel and all buildings or other structures that may, or may not, be located thereon;

“regulation” includes a bylaw enacted by the District or Regional District;

“road” means the same as highway;

“service connection” means the connecting line from the District’s water system to the boundary of private property that allows water to be delivered to that property, and includes all related pipes, shut-off valves, meters and other appurtenances.

“service connection point” means the point where a water service line owned by the District and forming part of the District’s water system, physically connects to a private service line;

“standards” means design and construction standards for the District’s water system as set-out in Schedule ‘B’ of Bylaw No. 401 – Service Standards for Subdivision & Development of Land;

“strata lot” means a lot shown on a strata plan.

“subdivision standards bylaw” means Bylaw No. 401 – Service Standards for Subdivision & Development of Land;

“such as” means the same as include.

“unit” means a unit of accommodation designed for independent occupation that either separately, or jointly with other units, receives its water supply from the District and includes strata lots, duplex unit, secondary

suites, multifamily dwelling units, units in apartments, units in mobile home parks, trailer courts and campgrounds.

“**water service area**” means any property located within the area serviced by the District’s water system and that pays a water parcel tax;

“**water meter or 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 system**” means the system of waterworks owned, operated and maintained by the District;

“**waterworks or works**” means any structures, including pipes, and all attachments, fittings and facilities used for the production, storage, conveyance, treatment and distribution of water;

2. OFFENCE AND PENALTY

(2.1) A person who:

- (a) does or suffers any act or permits any act to be done in contravention of this bylaw; or
- (b) neglects to do or refrains from doing any act or thing required by this bylaw
- (c) commits an offense.

(2.2) A person who commits an offence under this bylaw is liable on summary conviction to a penalty in accordance with the Offence Act.

3. GENERAL PROHIBITIONS

(1) No Unauthorized Connection to Water System

It is unlawful to connect to, or otherwise tap into, the District’s water system except as authorized by this and any other applicable bylaw.

(2) Interference with Water System

(a) No person shall:

- i. operate, damage, tamper with or in any way interfere with the functioning of any component of the District’s water system including pipes, valves, fire hydrants and water meters;
 - ii. obstruct at any time, and in many manner, access to a water meter, fire hydrant, valve, stop-cock or other fixture connected to the water system.
- (b) An obstruction under subsection (ii) may be removed by the District at the property owner’s expense.

(3) Water Waste

No person shall:

- (a) waste water including by allowing water to run off into a road, culvert or ditch; or
- (b) use water contrary to any water use restrictions that may be in effect from time to time.

(4) Water Resale

No person shall sell, dispose or otherwise give away water for use off the property being supplied.

(5) Contaminants

No person shall introduce any contaminant to the District’s water system.

4. INSPECTION AND RIGHT OF ACCESS

- (1) An officer, employee, agent or other representative of the District may enter on any property at any reasonable time:
 - (a) to determine whether the provisions of this bylaw are being observed;
 - (b) to install, remove, inspect ,repair, test or read water meters;
 - (c) to install, remove, inspect, repair, test and perform necessary maintenance on the waterworks;
 - (d) to investigate or respond to a customer complaint or inquiry; or
 - (e) for any other reason incidental to the provision of water.
- (2) No person shall obstruct or prevent a person referred to in subsection (1) from carrying out any of the provisions of this bylaw.

5. OTHER ENACTMENTS

Nothing contained in this bylaw relieves any person of the responsibility of seeking out and complying with other enactments applicable to their undertaking.

6. GENERAL TERMS AND CONDITIONS OF SERVICE

(1) Water Pressure, Supply and Quality

This District does not guarantee water pressure, water quality or a continuous supply of water. The District reserves the right at any times, without notice, to change the operating pressure or shut off the water supply. The District, or its officers, employees, agents or other representatives, shall not be liable for any damage or other loss caused by changes in water pressure or shutting off water or by reason of the water containing sediments, deposits, or other foreign matter.

(2) Service Interruptions and Notice

The District reserves the right to interrupt water services at any time for the purpose of maintaining, repairing, renovating, disinfecting or otherwise operating the water system. For service interruptions exceeding four consecutive hours, notice will be provided to affected users in accordance with section 14.4 (*service interruptions for water supply shortage & system operations*) of this bylaw.

(3) District Liability

- (a) The District, or its officers, employees or agents, shall not be held liable for any damage or loss, including economic loss, to a person or property resulting from:
 - i. no water or an adequate amount of water being provided;
 - ii. excess water pressure or lack of water pressure;
 - iii. the water containing sediments, deposits, or other foreign matter; or
 - iv. service interruptions.
- (b) Nothing in this bylaw shall be constructed 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.

7. SERVICE CONNECTIONS

(1) Eligible Properties & Application of Subdivision Standards Bylaw

- (a) Service connections shall only be made to properties:
 - i. located within the water service area; or
 - ii. that front the water line such that the main extends across the full frontage of the property.
- (b) Despite subsection 1 (a), the District may authorize an extension of the works in accordance with the Subdivision Standards Bylaw.
- (c) Other provisions of the Subdivision Standards Bylaw relating to the provision of works in the road immediately adjacent to the land being developed or redeveloped may also apply.

(2) Additional Buildings & Structures

- (a) It is unlawful to supply water to additional buildings or structures, either temporarily or permanently, without the written permission of the Improvement District.

(3) Service Connection to Individual Units

- (a) Each unit will be billed accordingly, should a property owner wish to have an additional unit on the property disconnected, it is only eligible if the unit has a separate service. A separate service connection is available to property owners in accordance with subsection 5.

(4) Application Requirements & Fees

- (a) Owners of eligible properties who wish to connect to the water system must first apply to the District by submitting:
 - i. a completed application, schedule "A", in the form prescribed that is signed by the registered owner of the land, or by an agent authorized to act on the owner's behalf;
 - ii. any and all information relating to service requirements that the District may reasonably require including the location of the site, the number of buildings, structures or individual units to be supplied, intended water use or uses, and the required size and capacity of the service connection pipe;
 - iii. where applicants will be installing the works in accordance with subsection 5, any and all information relating to the design and construction of the service connection that the District may reasonably require; and
 - iv. applications for service connections shall be submitted under the Connection Charge Bylaw No. 369.
- (b) For any application under subsection 4 (a), the District may determine and specify the type and size of the service connection and arrangement of valves and appurtenances for detecting water flow. Should the District consider the service connection requested to be improper for the flows and use desired, the District may require that the application be amended.

(5) Work Done At Cost

- (a) Unless otherwise authorized, service connections shall be installed by the District "at cost" to the applicant.
- (b) The District will provide all applicants with a cost estimate that must be paid in advance before any work commences.

- (c) Where the actual cost differs from the paid estimate, a cheque will be issued for a refund or an invoice will be produced for all balances owing.

(6) Requests to Upgraded Service Connection & System Facilities

- (a) Any property owner who wishes to upgrade their connection in order to meet new service requirements must submit an application to the District in accordance with subsection 4 (*application requirements & fees*).
- (b) Where an applicant's request for a new or upgraded service connection exceeds the capacity of the water system, the District may require the applicant to:
 - i. pay for all, or part, of any facilities considered necessary to meet the new service requirements; or
 - ii. make a capital contribution toward the future provision of such facilities; and
 - iii. enter into an agreement with the District respecting payment options and any other special terms and conditions for the supply of water.

(7) Agreements Not Transferable

No agreement between a property owner and the District made under subsection 6 (b) (iii) may be transferred to a new property owner.

(8) Illegal Service Connections

The District may disconnect or remove any service connection that contravenes this bylaw, at the property owner's expense.

8. CONSTRUCTION OF SERVICE CONNECTION

(1) Design and Construction

- (a) All service connections shall be installed by the District, except with the District's prior written authorization;
- (b) Service connections shall be designed and constructed in accordance with District standards;
- (c) All service connections shall be metered;
- (d) Any and all costs associated with the design and construction of a service connection, including professional fees, permits, inspection reports and other authorizations, shall be borne solely by the applicant at no cost to the District.

(2) Inspection

- (a) Where a service connection is installed by an applicant in accordance with subsection (1), the applicant must notify the District when the connection is ready for inspection.
- (b) It is unlawful to cover or put a service connection into operation until it has been inspected, tested under pressure and accepted, in writing, by the District.

9. WATER METERS

(1) Supply, Maintenance, Access & Reading

- (a) All service connections shall be metered for the purpose of measuring the volume of water supplied and rate of consumption.
- (b) All meters shall be supplied, installed, maintained and owned by the District.
- (c) Property owners shall pay all applicable fees at the time the meter is installed, and before the water supply is turned on.

- (d) The District has the authority to inspect, maintain, repair, replace, test and read meters and for these purposes the owner or occupant must provide, at all reasonable times, adequate, convenient and unobstructed access.

(2) Removal, Irregularity & Testing

- (a) No person shall remove or in any way disturb a meter, except with the District's prior written authorization.
- (b) If any breakage, stoppage or other irregularity is observed, the property owner shall notify the District immediately.
- (c) At a property owner's request, the accuracy of a meter may be tested.

(3) Wilful Interference

- (a) No person shall alter or cause to be altered a meter so as to lessen or alter the volume and or flow of water registered.
- (b) No connections shall be made downstream of a meter such that the meter is circumvented.

(4) Inaccurate Water Consumption Record

If a meter is malfunctioning, damaged, broken or has been tampered with, water consumption for customer billing purposes may be estimated by the District in accordance with the most current Water Tolls bylaw.

10. WORKS ON PRIVATE PROPERTY

(1) Private Works Must Conform to Codes & Regulations

- (a) All private works shall be installed by and at the cost of the property owner in accordance with the BC Plumbing Code, Regional District of Nanaimo building bylaw and any other applicable enactment.
- (b) A private service line shall not be covered until it has been inspected and approved by the Regional District of Nanaimo.
- (c) All works on private property are owned by, and are the responsibility of, the property owner.

(2) No Expansion of Commercial or Industrial Operations

No change or addition to the number or type of fixtures shall be made for the purpose of expanding a commercial or industrial enterprise until the District has been notified in writing and any applicable change to water tolls or other charges has been applied.

No change or addition to the number or type of fixtures shall be made for the purpose of expanding a commercial or industrial enterprise until an application to upgrade the service connection has been submitted in accordance with section 7 (*service connections*) of this bylaw.

(3) Pressure Increasing Devices

- (a) The use of any pump or device to increase water pressure is strictly prohibited, except with the District's prior written authorization.
- (b) Despite section 14 (*shut off water supply*), the water supply to any person that contravenes subsection (a) may be shut off without notice.

(4) Adjustments for Undetected Leaks

If a water meter shows excessively high consumption relative to previous readings, adjustments for leaks may be made to the customer billing account in accordance with District policy.

11. OWNER RESPONSIBILITIES

(1) Maintenance and Repair of Private Works

Property owners shall at their own expense:

- (a) keep all pipes, stop-cocks and other fixtures on their property in good order and repair and protected from frost or other damage; and
- (b) promptly repair frozen, leaky or otherwise compromised pipes and fixtures.

(2) Admission of District Employees

Employees of the District shall be admitted to a customer's property during regular working hours in order to inspect any water pipe, meter, appliance or fixture.

(3) Relocation of District Works at Owner's Request

- (a) District works located on private property may, at the property owner's request and District's discretion, be relocated.
- (b) Any and all costs associated with relocating works under subsection (a), including feasibility studies, permits and professional fees, shall be borne by the property owner unless the District agrees otherwise.

12. CUSTOMER BILLING ACCOUNT

- (1) The owner (s) of any property that receives water services is required to have a customer billing account with the District.
- (2) New owners must provide the District with billing information within 30 days of possession or occupation.

13. TURN-ON WATER SUPPLY

- (1) Requests to turn on a property's water supply must be submitted in the form prescribed by the District and be accompanied by the applicable fee in accordance with the current water tolls bylaw.
- (2) In the case of new buildings, requests under subsection (1) must also include:
 - (a) confirmation that a plumbing permit was issued by the Regional District of Nanaimo and that the private works therein installed were satisfactorily inspected and approved; and
 - (b) any other information the District may reasonably require.

14. SHUT-OFF WATER SUPPLY

(1) General

The District may shut off the water supply to any property:

- (a) where a customer has submitted a request in accordance with subsection (2);
- (b) where the owner or occupant has failed to comply with any provision of this bylaw, in accordance subsection 3;
- (c) as a result of a water supply shortage;
- (d) to maintain, repair, replace, disinfect or otherwise operate the District's water system, in accordance with subsection 4;
- (e) for non-payment of water tolls or other charges, in accordance with subsection 5; or
- (f) if an emergency threatens the safety of the water system or the public.

(2) Customer's Request

- (a) Customers who wish to have their water supply shut-off must:
 - i. provide the District with at least seven (7) days written notice; and
 - ii. pay the applicable shut-off charge.
- (b) Prior to service being restored, the applicable turn-on charge must be paid.

(3) Non-Compliance With Bylaw

- (a) The District may, on 24 hours written notice, shut off the water supply to a property for non-compliance with any provision of this bylaw;
- (b) Where a water supply is to be shut off under subsection (a), the District will provide the owner or occupant with an opportunity to make representations to the Board of Trustees;
- (c) A water supply shut off under subsection (a) shall be turned on again only by the District at such time as compliance has been satisfactorily demonstrated;
- (d) It is unlawful to restore water supply except in accordance with subsection (c).

(4) Service Interruptions for Water Supply Shortage & System Operations

- (a) Where service is to be interrupted because of a water supply shortage, at least 1 days notice shall be given or no notice where safety or life or property is at risk.
- (b) Where service is to be interrupted to maintain, repair, replace, disinfect or otherwise operate the District's water system, at least 1 days notice shall be given for scheduled work or no notice where safety or life or property is at risk.

(5) Outstanding Water Tolls

The District may, on 1 day written notice, shut-off the water supply to any property where tolls have been owing to the District for 90 days or longer.

(6) Notice Deemed Given

- (a) Notice under this section shall be deemed to have been given by one or more of the following:
 - i. posting notice on the property;
 - ii. providing notice on the water tolls invoice;
 - iii. mailing notice to the property address or address indicated on the customer account, if different; and
 - iv. phoning or leaving a message at the number listed on the customer account.
- (b) The District is not responsible for failure of any notice under subsection (a) to reach the owner or occupant of the property.

15. WATER QUALITY PROTECTION & CONSERVATION

(1) Cross Connections & Backflow Prevention

- (a) No person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance in a manner that under any circumstances could cause, or allow, any part of the District's water system to become contaminated.
- (b) Without limiting the generality of the foregoing:
 - i. No portion of private works shall be connected to an external water source such as a well;
 - ii. No portion of private works shall be connected to a contaminated body of water, such as a swimming pool, without the District's prior written authorization;
 - iii. Where a connection is authorized under subsection (ii), the property owner shall install and maintain a back-flow preventer in accordance with District standards;
 - iv. No portion of private works shall be outfitted with a device that injects substances into the water, such as water softener, without the District's prior written authorization;
 - v. Where a device is authorized under subsection (iv), the property owner shall install and maintain a back-flow preventer in accordance with District standards.

(2) Limiting Water Supply

- (a) To ensure the equitable distribution of water and efficient operation of the water system, the District may limit the amount of water consumed by the owner or occupant of a property.
- (b) Where either the volume of water consumed or the rate of consumption exceeds what would reasonably be considered adequate for normal use, the District may take measures to limit the supply of water to the property.
- (c) Measures to limit water supply under subsection 3 (b) may include:
 - i. Partially closing the controlling curb stop or standard waterworks valve;
 - ii. Regulating the rate and time of consumption; or
 - iii. Establishing a surcharge for amounts that exceed a specified volume or rate of consumption.
- (d) The cost of any measures deemed necessary under this subsection shall be borne by the property owner.

(3) Sprinkling Restrictions

- (a) For the purpose of this subsection, sprinkling means the distribution of water by sprinkler or any other means for the purpose of watering lawns, gardens or other outdoor areas.
- (b) From time to time the District may:
 - i. Impose restrictions on sprinkling;
 - ii. Change or revoke restrictions on sprinkling;
 - iii. Make the restrictions applicable at specified times or on specified days; or
 - iv. Differentiate between classes of customers or areas of the District.
- (c) Sufficient notice of restrictions under subsection 4 (b) shall be deemed to have been given by mail notification in April of the current year.

16. WATER USE

(1) Domestic & Municipal Use Only

- (a) Water supplied by the District shall be used for domestic and municipal purposes only.
- (b) For certainty, no water shall be used for:
 - i. watering livestock;
 - ii. filling reservoirs or swimming pools;
 - iii. commercial irrigation purposes including crops, green house operations, tree farms and golf courses; or
 - iv. powering machinery.

17. SEVERABILITY

If any section, subsection, sentence, clause, definition or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court, such decision shall not affect the validity of the remaining portions of this bylaw.

18. SCHEDULES

The following schedules are attached to and form part of this bylaw:

Schedule A Application for Service Connection

19. REPEAL

20. CITATION

This bylaw may be cited as “Bylaw No. 400 – Water Distribution & Use Regulation Bylaw”

INTRODUCED and given first reading by the Trustees on the 14 day of June, 2012.

RECONSIDERED and finally passed by the Trustees on the 14 day of June, 2012.

Chairperson of the Board of Trustees

I hereby certify under the seal of the North Cedar Improvement District that this a true copy of Bylaw No. 400.

Administrator to the Board of Trustees

THIS BYLAW IS CONSOLIDATED FOR CONVENIENCE ONLY AND IS NOT TO BE CONSTRUED AS A LEGAL DOCUMENT