



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. F1144

**A BYLAW OF THE REGIONAL DISTRICT OF
ALBERNI-CLAYOQUOT TO ESTABLISH RATES AND REGULATIONS
FOR THE MILLSTREAM WATER LOCAL SERVICE AREA**

WHEREAS the Board of the Regional District of Alberni-Clayoquot, constructed, operates and maintains a water system in the Millstream Water Local Service Area established by Bylaw No. 762 of the Regional District, (hereinafter called the “Service Area”).

AND WHEREAS it is deemed necessary and expedient that provisions be made for the regulation and management of the water system and for terms and conditions upon which water services shall be provided and to establish rates and charges for such services;

NOW THEREFORE the Board of the Regional District of Alberni-Clayoquot in open meeting assembled enacts as follows:

PART 1 - INTERPRETATION

Definitions

1. In this bylaw, unless the context otherwise requires:

“Applicant” means a person who applies for a connection, disconnection, system extension or other permission contemplated by the bylaw;

“Backflow preventer” means a mechanical apparatus installed in a water system to prevent the backflow of contaminants into the system;

“Commercial Use” means that a property or consumer unit is used for any undertaking intended for profit including but not limited to selling goods and services, commercial office functions, entertainment, recreational or tourism services, or short-term vacation rentals.

“Consumer” means a person to whom water is supplied under this bylaw;

“Consumer unit” means an independent residential dwelling unit including, but not so as to restrict the generality of the foregoing, a detached dwelling house, a basement or other independent dwelling unit contained in a detached dwelling house, each dwelling unit of a duplex or other multiplex, each dwelling unit of an apartment building, and each unit in a

mobile home park; An independent commercial unit including, but not so as to restrict the generality of the foregoing, a detached commercial building, each independent commercial unit of a duplex or other commercial multiplex, and each commercial unit of an office building proved that each such commercial unit has water supplied to it from the water system for the exclusive use of the occupants of such commercial unit and their customers; or any other structure requiring water;

“Disconnection” means the removal of a service connection;

“Engineering Specifications” means the design and construction specifications approved by the Manager and required to be met for any part of the water system including connections to the water system;

“Manager” means the person appointed by the Regional District to manage the water system or that person’s designate;

“Owner” means the person or persons registered under the *Land Title Act* as the owner of the parcel or any other person who is in lawful possession of the parcel or who is in lawful possession or occupancy of any dwelling or other building situated on the parcel;

“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;

“Premises” includes land, buildings or structures, or any part thereof;

“Service area” means the area of land included within the Millstream Water Local Service Area;

“Service connection” means the system of pipes, valves, connectors and other appurtenances used for connecting a water main to a shut off valve at or near a property boundary;

“Shut off” means to turn off the supply of water at the property boundary by closing the connection valve, or by some other means approved by the Regional District;

“System” or **“water system”** means the community water system or any portion thereof provided within the service area;

“Water main” means a water distribution pipeline located within a highway, statutory right of way, public easement or other public area and which forms part of the water system.

PART 2 – PROHIBITIONS

1. A person must not:
 - (a) Use, interfere with, change, tamper, connect to or obstruct the water system or any part of the water system, unless authorized by the Manager;

- (b) Destroy or damage or in any manner interfere with any fire hydrant, standpipe, valve, shut off valve, meter, backflow preventer, meter vault or other fixture or equipment of the water system;
- (c) Obstruct at any time or in any manner, the access to any fire hydrant, standpipe, valve, shut off valve, meter, meter vault or other fixture or equipment of the water system;
- (d) Connect, cause to be connected, or allow to remain connected to the water system, or to any private water service, any piping, fixture, fitting, container or appliance which may cause pressure surges, or any other disturbance which may, in the opinion of the Manager, result in annoyance to any other customer, damage to any private water service, or damage to the water system;
- (e) Connect additional consumer units to an existing service connection without submitting an application and receiving approval by the Manager.
- (f) Permit the introduction of any contaminant or foreign matter whatsoever into any private water service that is connected to the water system;
- (g) Sell, give or convey water beyond the premises to which the water is supplied under this bylaw, except with the written authority of the Manager.
- (h) Use water from the system to generate power or operate machinery.
- (i) Connect to an auxiliary water system in any manner that may allow water to enter the water system or customer's private water service unless such auxiliary water system and the method of connection and use of such system have been approved by the Manager.

PART 3 – SYSTEM CONNECTIONS

2. Except as provided elsewhere in this bylaw, the Manager may prescribe standards for the connection or attachment of any private water service to the water system, and for the repair or alteration of any private water service including engineering specifications for service connections.
3. The Manager may determine into which main of the water system a private water service must be connected.
4. Where the Manager deems it necessary, an applicant may be required to provide a certificate from a professional engineer to confirm that adequate quantity and pressure is available for the new service connection.

5. Where the water quantity or pressure are not adequate for the service connection, the applicant will be required to upgrade the system prior to connecting and the regulations for system extensions shall apply.
6. By authorizing a water service connection under this bylaw, the Regional District undertakes no duty of care to ensure that the capacity of that connection is sufficient for the future development potential of a parcel.
7. An owner who applies for a supply of water from the water system must pay the applicable fees for the installation of any necessary water service connection to that owner's premises as outlined in Schedule 'A'.
8. Where the water pressure in a water main exceeds 80 pounds per square inch, an owner whose private water service is supplied by that main, and a person who applies for a water service connection to that main, must:
 - (a) Install as part of that private water service, and at that person's sole cost, a pressure reducing valve of a type approved by the Building Inspector; and
 - (b) Carry out that installation in the manner required by the Building Inspector.
9. Every owner must ensure that all pipes, taps, backflow preventer fittings and other things forming part of that owner's private water service are installed in accordance with the provisions of all applicable bylaws and regulations and approved by the Manager.
10. Every owner must maintain the private water service on that owner's premises in good order and repair and must protect that private water service from frost and injury at that owner's own expense.
11. The Manager, upon written notice to an owner, occupier or customer of any premises as provided in this section, may direct that the water service connection to that premises be disconnected and the Regional District shall not be liable for damages by reason of discontinuing the supply of water to those premises.

PART 4 - APPLICATIONS FOR SERVICE

12. The Manager may prescribe the form of application for:
 - (a) The disconnection of a water service from the water system;
 - (b) The attachment to or connection with the water system;
 - (c) Adding consumer units to an additional service connection.
 - (d) The temporary use of a fire hydrant.

- (e) The location of a property box or curb-stop so that it is made visible and accessible
 - (f) The turn-on or turn-off of a water service at the property boundary.
13. All applications must be signed by the applicant and delivered to the Manager and must be accompanied by the payment of the applicable fees and charges. Each application, when duly signed by the potential consumer, shall be an agreement whereby the consumer agrees to abide by the terms and conditions of the Bylaw.

PART 5 – METERED ACCOUNTS

14. All new connections to the water distribution system are required to be metered at the time of connection.
15. The Manager may require that the supply of water to any consumer or premise within the service area be metered for any of the following reasons:
- (a) The premise is deemed to have a commercial use;
 - (b) Failure by the consumer or owner to obey any direction under this bylaw;
 - (c) There is reason for the Manager to believe that water consumption on the premise exceeds an average of 108 cubic meters (m³) per quarter; or
 - (d) Failure to maintain pipes, fittings, valves, tanks, vaults or other devices in a good state of repair.
16. The fees and charges specified in Schedule 'A' for metered accounts shall apply immediately following meter installation.
17. The Manager may approve the installation of a meter on a service connection line if requested to do so in writing by the owner of the premise.
18. The Manager shall determine the size and location of any meter required to be installed and shall determine the engineering specifications for the meter installation.
19. When the Manager requires a service connection to be metered or a meter has been requested and approved by an owner, all costs for installation of the meter and appurtenances to support the meter will be installed at the owner's expense.
20. Once installed, meters become the property of the Regional District.

PART 6 – ACCESS

21. A person must not obstruct or impede access to the water system or any part or component of the water system.
22. The Manager, or any other employee or agent of the Regional District with the authorization of the Manager, may remove any material or thing that obstructs or impedes access to the water system and the expense of such removal shall be charged to and paid by the person responsible for the obstruction or the property owner of the property serviced.
23. The owner of a parcel supplied with water under this bylaw must ensure that the property box and curb-stop for their property remains visible and accessible at all times.

PART 7 – SYSTEM EXTENSIONS

24. An owner of land located within the service area may complete and submit an application to the Regional District in the prescribed form to extend the water system to serve the land and, upon receipt of the application and any fees payable in respect thereof, the application will be processed by the Regional District in accordance with this bylaw.
25. Where an application to extend the water system has been received and the Manager believes that;
 - (a) The water pressure within all parts of the proposed extension will be at least 275 kilopascals (40 pounds per square inch) during peak day demand situations; and
 - (b) The supply of water to other areas within the service area will not be negatively affected by the proposed extension; then the Manager may approve the extension.
26. Where the Manager deems it necessary, an applicant will be required to provide a certificate from a professional engineer to confirm that the requirements of this bylaw can be met with respect to the proposed extension.
27. System extensions shall meet the engineering specifications and be designed and constructed to extend from the closest water main having sufficient capacity to serve the extension to the furthest edge of the property of the last parcel proposed to be served or as otherwise determined by the Manager.

28. The entire cost of a system extension shall be borne by the applicant whether the extension is constructed by the Regional District or by the applicant.
29. Where an extension is constructed by the applicant, the extension must be:
 - (a) Designed by a professional engineer registered to practice in the Province of British Columbia;
 - (b) Constructed by a qualified contractor in accordance with the plans, policies and engineering specifications approved by the Regional District;
 - (c) Inspected and approved by the Regional District prior to backfilling any of the works; and
 - (d) Transferred to the ownership of the Regional District together with any rights of way, easements or other tenures required for the ongoing operation of the extension.
30. Where an extension is constructed by the Regional District, the costs of the extension shall be reimbursed to the Regional District by the applicant within 30 days following the issuance of an invoice.
31. The submission of an application for an extension does not impose an obligation on the Manager to approve the extension application.

PART 8 – WATER USE RESTRICTIONS

32. The Regional District may impose restrictions on the use or consumption of water and, in the event such restrictions are imposed, every premise that is served by the water system and every consumer shall be subject to the terms, conditions and restrictions.
33. Upon notice of such restriction, no person shall use water for the purpose forbidden by, or in excess of the limits imposed by, such restrictions.

PART 9 – FEES AND CHARGES

34. Premises with service connections shall be subject to payment of such fees and charges as may be prescribed by Schedule 'A', attached to and forming part of this bylaw.
35. Where applicable, the fees charged for water service shall be prorated to the beginning of the month following the commencement or termination of service.

36. Fees charged for water service shall be billed quarterly and shall be due and payable on the due date stated on the invoice, no less than thirty (30) days after the issuance of the bills.
37. Where a service connection has been disconnected, the service connection shall not be reconnected until all outstanding fees and charges and the required reconnection and water turn on fees have been paid.
38. When any rates or charges for water services are overdue for a period of six (6) months, such water services may be turned off from the premises and shall not be turned on again until payment has been received for the following:
 - (a) The rates and charges overdue;
 - (b) The rate as set out in Schedule "A" to cover the cost of turning the water on;
 - (c) Any additional cost incurred in order to prevent the improper use of water after the source has been turned off.
39. The Manager may assess an interest rate of 2% on outstanding rates and charges, from the prior period, which are overdue.
40. The rates and charges specified in Schedule "A" and any assessed interest charges on the outstanding balance are due and payable by December 31st of each year and if unpaid on that date shall be deemed to be taxes in arrears and shall be so entered on the tax roll by the Surveyor of Taxes.

PART 10 – GENERAL

Right of Entry

41. Regional District staff may, at all reasonable times, enter upon any property subject to this bylaw to ascertain whether the provisions of this bylaw are being contravened.

No Obligation Assumed by Regional District

42. Nothing in this bylaw shall be interpreted as imposing a duty or obligation on the Regional District to provide a continuous supply of water to any consumer or premise and it is a condition of supply of water that the Regional District is not liable for any injury, damage, or economic loss to any party:
 - (a) Arising or occurring from the use of water or the water system;

- (b) Resulting from the failure to supply water of a specific quantity or quality to a consumer;
- (c) Resulting from any impurity, lack of pressure, increased or fluctuating pressure, or any other condition affecting the supply of water from the system.

Penalties

- 43. The Regional District may, on written notice, disconnect or turn off the supply of water to any persons in contravention of this bylaw.
- 44. Any person who violates a provision of this bylaw or permits any act or thing to be done in contravention of this bylaw shall be deemed to have committed an offence under this Bylaw and shall be liable on summary conviction to penalty in accordance with the *Offence Act*.

Severability

- 45. If any part of this bylaw is held to be invalid by a court of competent jurisdiction, that part of the bylaw may be severed from the remainder of the bylaw without affecting the validity or enforceability of the remainder.

Repeal

- 46. The following bylaws are hereby rescinded:
 - (a) Millstream Water Local Service Area Regulations By-law No. 927, 1995
 - (b) F1082 - Millstream Water Local Service Area Rates Bylaw, 2009

Citation

- 47. This Bylaw may be cited as the “Millstream Water Local Service Area Rates and Regulations Bylaw F1144, 2019”.

Effective Date

- 48. This Bylaw comes into effect on January 1, 2020.

Read a first time this 11th day of December, 2019.

Read a second time this 11th day of December, 2019.

Read a third time this 11th day of December, 2019.

ADOPTED this 11th day of December, 2019,

by an affirmative vote of at least two-thirds the votes cast.

Certified true and correct copy of
**“Millstream Water Local
Service Area Rates and Regulations
Bylaw No. F1144, 2019”**

The Corporate seal of the Regional
District of Alberni-Clayoquot was hereto
affixed in the presence of:



Wendy Thomson,
*General Manager of
Administrative Services*



John Jack,
Chairperson

WATER RATES

SCHEDULE "A"

1. WATER RATES

- (a) All users per consumer unit are subject to the following basic charge:

| Effective Date | Rate per Quarter |
|-----------------------|-------------------------|
| January 2020 | \$250 |
| January 2021 | \$255 |
| January 2022 | \$260 |
| January 2023 | \$265 |
| January 2024 | \$270 |

2. WATER METER RATES

- (b) If metered, an additional charge of \$2.00 per cubic meter (m³) shall be calculated on consumption that exceeds 108 cubic meters (m³) per quarter.
- (c) If a meter fails to register or to properly indicate the flow of water, consumption will be estimated and billed based on the average previous consumption. This estimate will take into account seasonal variations and other factors, such as ownership changes, that may affect the consumption of water.
- (d) The Alberni-Clayoquot Regional District reads the meters once every quarter. If access is not provided to the meter during the regular quarterly readings, return visits to read the meter are \$25.00 per call.

3. GENERAL CHARGES

A charge under this bylaw shall be paid by the owner of a serviced property for:

- (a) Application for new water service or extension \$200.00
- (b) Water turn-on - \$50.00 each
- (c) Service locate fee – at cost (minimum of \$50.00)
- (d) Emergency water turn-off – at cost (minimum of \$100.00)
- (e) Services related to the identification and repair of a water leak on the property side of a water line – at cost (minimum \$50.00)

- (f) Reconnection of any water service disconnected pursuant to this Bylaw – at cost (minimum of \$50.00)
- (g) Water connection & meter - \$3,800.00 per lot or cost of construction as determined by the Regional District, whichever is larger. If a Connection requires a line extension the cost of this construction is to be paid by the applicant.