

DISTRICT OF LOGAN LAKE

Consolidated to:
May 11, 2021

BYLAW NO. 839, 2018

A bylaw to regulate the terms and conditions of the waterworks system and for the levying and collection of connection and user fees.

WHEREAS Council may, by bylaw pursuant to Section 8 and 194 of the *Community Charter*, regulate, prohibit and impose requirements in relation to a municipal service provided and impose a fee payable in respect of all or part of a municipal service;

AND WHEREAS the District of Logan Lake is the holder of a license under the *Water Act* and owns and operates a municipal water system (the "Waterworks System") as a service under the *Community Charter*;

AND WHEREAS Council deems it is necessary and expedient that provisions be made for the management of the waterworks system, including the setting of terms and conditions under which water may be supplied from the system and the levying of connection and water user fees;

NOW THEREFORE the Council of the District of Logan Lake, in open meeting assembled enacts as follows:

1. Citation

This bylaw may be cited as "District of Logan Lake Waterworks System, Connections and User Fees Bylaw No. 839, 2018."

2. Definitions

In this bylaw, unless the context otherwise requires, the following definitions apply:

"Accessible" means that access is available but may require the removal of access panel, door or similar obstruction.

"Commercial" means all buildings other than residential.

"Commercial irrigation use" means the use of water by customers for the purpose of maintaining lands/fields on non-residential property including, but not limited to, golf courses and parcels of land exceeding 0.45 hectare (1 acre).

"Connection fee" means the fee imposed by the Council upon owners of land upon which are situated buildings, structures or other improvements, to defray the cost to the District of laying the District water service.

"Council" means the Council of the District of Logan Lake.

"Cross connection" means any unprotected actual or potential connection or structural arrangement between the District's or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water which the system is supplied.

"Curbstop" means the District owned valve on a property water service pipe located at or near the private property line.

"Customer" means the registered owner or occupier of the property.

"District" means the District of Logan Lake, its staff and duly appointed officers.

"District water service" means the portion of pipe including corporation stops, waterline and Curbstop between the District main and the Customer's property line.

"Domestic use" means the use of water by customers within their building or premises for the purposes other than irrigation.

"Family unit" means an individual or 2 or more persons closely related by blood, marriage or adoption sharing one dwelling, or 3 or less unrelated persons sharing the same dwelling.

"Inspection" means, for the purpose of this Bylaw, the inspection of a building water service and water service connections with the water main to ensure conformity with District's subdivision standards and BC Building Code requirements for water installations.

"Irrigation use" means the use of water for sprinkling or watering lawns, gardens, etc.

"Person" means any individual, group or private property owner not authorized by the District.

"Private water service" means the portion of pipe connecting the District water service to the building service pipe.

"Readily accessible" means that access is available without the necessity of removing or moving away any panel, door or other similar obstruction.

"Residential" means all single family dwellings, duplexes, semi-detached or row Housing.

"Turn off" means to discontinue the water supply by closing a District valve or curb stop or by any such other means approved by the District.

"Turn on" means to allow the flow of water by opening a District valve or curb stop or by any such means approved by the District.

3. Water Service Connections

3.1 The District is authorized to establish, maintain and operate a waterworks system and such system shall be under the control and inspection of the District.

3.2 .1 Application for water service shall be made to the District in writing by the customer on the form provided for that purpose, giving the legal description or municipal address 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 fees, rents or tolls can be applied. All applicable fees must be paid in advance of the activation of water to the property.

.2 Any subsequent changes to the purpose or use of water must be provided to the District in writing by the customer. No person shall take, consume or use water from the District's system without first obtaining permission to do so and making arrangements for payment of same.

3.3 Upon receipt of such application, and provided the District's water mains are laid to within 20 m of the customer's property, the District will install a District water service to the nearest boundary of the customer's property. All costs will be borne in advance by the customer including, but not limited to re-compaction of roads and the application of asphalt.

3.4 Where application for water service has been made in accordance with this bylaw and it is found that no District mains are within 20 m, the customer shall have the option to:

- (a) at the discretion of the District, pay in advance for such extra water service which is required, the sum according to the District's estimated cost;
- (b) accept a full return of monies paid at time of service application.

3.5 The District shall determine the location and size of service to be used, having first given due consideration to any specific requests.

- 3.6 Where a specific size of water service has been requested, and where the District cannot readily supply such service, the customer shall have the option to:
 - (a) accept the size of water service as determined by the District;
 - (b) pay in advance the appropriate cost of upgrading the District mains and/or water system to meet the requested specifications, according to the District's estimated cost;
 - (c) accept a full return of monies paid at time of service application.
- 3.7 All waterlines, including the portion lying within the property of any customer, shall be installed to a depth of not less than five (5) feet, or as determined by generally accepted engineering standards.
- 3.8 Where a water main exists in front of a property a District water service shall be installed when fees as outlined in Schedule "A", have been paid.
- 3.9. No person except the duly authorized agents of the District shall tap or make any connection with the District mains, unless written authorization is given in advance by the District.
- 3.10. No person shall connect to or allow a connection to be made or permit a connection to continue to exist from the District water service without first obtaining a permit to do so from the District.
- 3.11 .1 All customers must keep all pipes, main building turn off and other fixtures on their premises in good repair and protected from frost at their own expense.
 - .2 Where it is found that damage has been caused by misuse or abuse by any person to any part of the District water service, the customer must repair such damage within the time period specified by the District. Failure to make the necessary repairs within the time specified will result in the District carrying out the work at the customer's cost. If the said cost is not paid within ninety (90) days, it will be added to, and become part of the utility fees.
- 3.12 When any District water service is abandoned, it shall be sealed off by an authorized agent of the District and for such service, the District shall be entitled to demand and receive a fee of double the District's costs or a minimum of two hundred dollars (\$200.00).

4. Water Turn on or Turn off

- 4.1 Requests for District water to be turned-on or turned-off, shall be made as follows:
 - (a) Application for water turn on or turn off shall be made to the District in writing on the appropriate form provided for that purpose in advance, by the customer.
 - (b) The customer shall pay in advance, the turn on and turn off fee as shown on Schedule "C" which is attached to and forms a part of this bylaw, for each service.
 - (c) The customer shall pay in advance, a fee shown on Schedule "C" to have the water turned on or turned off, outside of municipal employee regular work hours (7:00 a.m. to 3:00 p.m., Monday to Friday, excluding statutory holidays).
 - (d) The procedure set out in (a) above may be temporarily waived in emergencies or cases where it is impractical, or would create undue delay or hardship, provided that an application as outlined in (a) above is carried out as soon as possible and in no case later than five (5) days.
- 4.2 .1 No person except the duly authorized agents of the District shall turn on or off any curbstop.
 - .2 Any unauthorized person who turns on or off a curb stop shall be in violation of this bylaw and subject to the penalties in outlined in this bylaw.
 - .3 If water is found to be turned on and no record of the turn on exists in the District's files, it will be deemed appropriate to charge any fees, rents or tolls retroactive to the time when the District determines that the property was occupied.
 - .4 Water service to a new customer shall not be turned on until a cross connection inspection has been completed and all back flow prevention assemblies installed and tested in accordance with Section 6.

- 4.3 No person shall waste, lend, sell, give or otherwise dispose of water supplied by the District or permit the water to be taken or carried away for the use or benefit of others, without first obtaining written permission from the District, except if it is required to extinguish or prevent the spread of fire.
- 4.4 Where water service has been disconnected or turned off, the owner of lands and premises to which service hereunder is disconnected shall pay to the District the fee established in Schedule "B" under the heading of "System Maintenance Fee" for the period the service is disconnected. Where water service has been maintained or is to be maintained for a period of less than one year as referred to in Schedule "B", the fee for "User Fee" shall be calculated on a pro-rata basis according to the appropriate fees as to the portion of the one year period during which service has been or is to be maintained and to the portion of the one year period during which service has been or is to be disconnected.

5. Prevention of Contamination

- 5.1 .1 No person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may allow water, wastewater, or any harmful liquid or substance to enter the District's water system. This will include, but not limited to, potential cross connections that allow for the physical connection of potable and non-potable water and may permit a back flow/back siphon situation. The District has the authority to examine all connections to the community water supply with twenty four (24) hours written notice. The District has the authority to order the installation of a backflow prevention device. The backflow prevention must meet standards outlined in (c) below.
- .2 If a condition is found to exist which in the opinion of the District is contrary to the aforesaid, the District may either:
- (a) turn off the service, or
 - (b) give notice to the customer to correct the fault within seven (7) calendar days, or a specified lesser period, and if the customer fails to comply with such notice, the District shall proceed in accordance with clause (a), above.
 - (c) without limiting the generality of the foregoing, the District may allow approved back flow prevention assemblies to be installed on the customer's water piping at the sources of potential contamination and/or on the water service pipes either on private or District property. If a back flow prevention assembly is installed on District property to isolate the customer's premise, the assembly shall be installed by the District, and 200 percent of the total cost of installation shall be paid by the customer to cover the District's cost to maintain the assembly.
- 5.2 The District will retain the right to discontinue water service to any property that does not rectify an identified cross connection within thirty (30) calendar days."

6. Backflow Prevention Devices

- 6.1 All back flow prevention assemblies shall be a type acceptable to the District and approved by the Canadian Standards Association (CSA) except where the District determines that more stringent measures are required. Where, in the opinion of the District, a severe hazard exists, the installation of a back flow prevention assembly shall be required on the customer's service to provide premise isolation, in addition to the requirement for back flow prevention within the customer's premise at the sources of potential contamination.
- 6.2 All back flow prevention assemblies and devices shall be installed in a manner approved by the Director of Public Works and in accordance with CSA selection and installation of back flow prevention devices. All assemblies shall be tested upon installation, after relocation, after repairs, and at least annually. The result of a back flow assembly test shall be reported to the District on the form provided by the District, within (30) thirty days of the completion of the test. All back flow prevention assemblies shall be tested by personnel certified by the British Columbia Water & Wastewater Association (BCWWA), and approved by the District.

- 6.3 The customer's failure to test, repair or replace back flow assemblies when requested by the District shall be grounds for termination of water service. All backflow preventers must be tested at least annually. Results of the testing of the backflow preventer must be provided to the District. Failure to perform these tests and provide a written copy to the District shall be grounds for the termination of water services.

7. Water Restrictions

- 7.1. All commercial and residential customers who receive their water from the District's water service, are required to comply with the following sprinkling and irrigation regulations:
- (a) Properties with even numbered addresses are allowed to sprinkle or irrigate only on even numbered days.
 - (b) Properties with odd numbered addresses are allowed to sprinkle or irrigate only on odd numbered days.
 - (c) Sprinkling and irrigating are not allowed between the hours of 9:00 am and 6:00 pm and 10:00 pm and 5:00 am in each and every day from May 1st through September 31st in each and every year.
 - (d) Where a complex uses internal addresses or other identifying numbers, the external numbers will be used to establish the appropriate watering day
 - (e) Commercial Customers may apply to the District for a variance to the water restrictions.
 - (f) All outdoor hand use of hoses for other than filling swimming pools and/or hot tubs shall be equipped with a working spring-loaded shut-off nozzle.
 - (g) Hand watering of plants using a hose with a working spring-loaded shut-off nozzle or a hand-held container is allowed at any time.
 - (h) Watering between 10:00 pm and 5:00 am is only permitted if automatic irrigation systems are used on a timer.
 - (i) If your watering day is an even number day, you are not permitted to overlap your watering into an odd number day and/or vice versa.
 - (j) The Director of Public Works and Recreation has the authority to change the time period in subsection (c) if required due to weather conditions and/or an emergency situation.

8. Water User Fees

- 8.1 Every customer to which service is extended shall pay to the District the water user fees as established in Schedule "B" which is attached to and forms a part of this bylaw.
- 8.2 All accounts shall be rendered to the customer to which water service is extended on the annual tax notice sent each year for said lands and premises, provided that every tenant or occupier shall be jointly liable with the owner for the same.
- 8.3 Where in any lands or premises there are contained more than one fee classification, the fee applicable to each separate classification shall be charged and paid.
- 8.4 Where any lands or premises or other classification is not specifically mentioned in Schedule "B", the Council may set and establish water fees for the same and such fee or fees shall be valid and binding as if included in said schedule.
- 8.5 All fees shown in Schedule "B" are due and payable on the first day of January of each year or on the day the property is serviced, and shall be rendered on the annual tax notice as described in 8.2 above shall become due and payable in the same manner as taxes and shall be collected in the same manner as provided for unpaid taxes.

9. Penalties

- 9.1 Every person who violates a provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this bylaw, is guilty of an offence against this bylaw and subject to a penalty as described in Schedule "D" which is attached to and forms a part of this bylaw; and in addition may be liable on summary conviction to a penalty of not more than

\$2,000.00 and not less than \$100.00.

9.2 Each day that a violation continues to exist, it is a separate offence against this bylaw.

10. General

10.1 .1 The District retains the right to adjust the water supply pressure or to interrupt supply due to emergency conditions or for the purpose of upgrading or carrying out general maintenance. Where it is practical and time permits, notice shall be given to all customers affected where alterations of pressure or interruption of service are to take place. The District does not guarantee pressure or a continuous supply of water, nor does it accept responsibility at any time for the maintenance of pressure on its water pipes or for increases and decreases in pressure. The District reserves the right at any and all times, without notice, to change operating water pressures, to turn off water service, or otherwise interrupt water service for the purpose of making repairs, extensions, alterations or improvements or any other reason, and to increase or reduce pressure at any time. Neither the District, its officers, employees or agents shall incur any liability of any kind.

.2 The District retains the right to discontinue water service to any or all properties to ensure emergency water requirements are met. Discontinuation of water service shall be first applied to private and/or public irrigation systems.

.3 Customers depending on a continuous or uninterrupted supply of water or having processes or equipment that require particularly clear or pure water shall provide such emergency storage, oversize piping, pumps and tanks, filters, pressure regulators, check valves and additional service pipes, or other means for continuous and adequate supply of water suitable to their requirements at their own expense.

10.2 .1 Any officer authorized by the District to enforce this bylaw shall have free access to all parts of every building in which water is delivered and consumed after reasonable notice has been given and request made and may make personal inspection of all pipes, taps and fixtures used for distributing water, and if found defective, or if any wastage of water is found to exist, notice will be given to have the defect remedied.

.2 If any defect or defects for which notice is given are not be remedied within the time limit specified by the District, the District shall have authority to turn off the supply of water to the property until such time that the said defect or defects are repaired. No person shall have any claim against the District by reason of the turning off of the water.

10.3 No unauthorized person shall interfere or tamper with any fire hydrant or part thereof.

10.4 .1 No apparatus, fitting or fixture shall be connected, allowed to remain connected, or operated in a manner which will cause noises, pressure surges or other disturbances which may, in the opinion of the District, result in annoyance to other customers or damage to the waterworks system.

.2 Where any such conditions exists, the District may give notice to the customer to correct the fault within 96 hours or such lessor period as may be specified in the notice.

.3 If a customer fails to comply with such notice within the time specified, the District may either:

- (i) have the service turned off until the fault has been corrected, or
- (ii) take such other action, either on or off the customer's property, deemed appropriate to correct the fault or to reduce the possibility of severity of annoyance or damage, or
- (iii) have the work done,

and any cost incurred may be recovered as a charge under this bylaw.

10.5 Every private water service, whether on private property or on the street, shall remain the property of the customer and they shall be responsible for its maintenance. If it is necessary for the customer to occupy or excavate in the street for the purpose of repair or removal of their private water service, they

shall repair the street and side walk in a manner satisfactory to the District and shall obtain the required permits and pay the appropriate fees.

10.6 The District will maintain an Emergency Response Plan to outline municipal responsibilities and procedures. The District will provide an updated Emergency Response Plan to the Interior Health Authority as required by legislation. The District will ensure all procedures and policies outlined in the Emergency Response Plan are strictly adhered to. The District or any such authorized person, after consultation with the Interior Health Authority, shall invoke water advisories and/or orders. A Special Council meeting will be convened at the earliest possible time to inform Council of the decision to invoke a water advisory and/or order. The District will provide to Council a written statement outlining all details regarding the reasons for the water advisory and/or order.

10.7. Waterworks System, Connections and User Fees Bylaw 775, 2015 and all amendments thereto are hereby repealed.

10.8 This bylaw shall come into full force and effect upon adoption.

READ A FIRST AND SECOND TIME this 17th day of April, 2018.

READ A THIRD TIME this 17th day of April, 2018.

RECONSIDERED AND ADOPTED this 8th day of May, 2018.

Mayor (R. Smith)

Director of Corporate Affairs (M. Miles)

INDEX OF AMENDING BYLAWS

Bylaw 874, 2021.....Adopted May 11, 2021

Note to Users

“WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of adoption of the original and all amending bylaws”, pursuant to ‘Authority to Consolidate Municipal Bylaws No. 655, 2009’, which was adopted on the 3rd day of November, 2009.

Certified a true and correct copy this ____ day of _____, 2021.

Corporate Administrator
District of Logan Lake

SCHEDULE "A"

WATER SERVICE CONNECTION FEES

<u>DESCRIPTION</u>	<u>WITH CONNECTION PIPES TO BE INSTALLED</u>	<u>WITH CONNECTION PIPES INSTALLED AND PAID FOR</u>
Residential	\$675.00	\$75.00 per inspection
Commercial/Industrial/Institutional/ Multiple Family:		
Less than 25mm(less than 1inch)	\$800.00	\$75.00 per inspection
25mm to 75mm(1 inch to 3 inch)	\$1,100.00	\$75.00 per inspection
over 75mm(over 3 inch)	\$1,900.00	\$75.00 per inspection

SCHEDULE "B"

WATER USER FEES

<u>Rate per 12 Months or Calendar Year</u>	<u>System Maintenance Charge</u>	<u>User Rate Charge</u>	<u>Total Charge</u>
1. <u>Residential - Flat Rate</u>			
(a) Single Family Dwelling	\$69.25	\$138.50	\$207.75
(b) Multiple Family - Per Unit	\$69.25	\$138.50	\$207.75
(c) Single Family Dwelling with Secondary Suite	\$138.50	\$277.00	\$415.50
2. <u>Commercial - Flat Rate</u>			
(a) Apartments - per unit (suite)	\$69.25	\$138.50	\$207.75
(b) Motel or Hotel			
- Manager's Unit (suite)	\$69.25	\$138.50	\$207.75
- each rental unit (suite)	\$69.25	\$69.25	\$138.50
(c) Coffee Shop/Cafe/Restaurant Beverage Room, Beer Parlour, Neighbourhood Pub			
i) under 50 seats	\$311.75	\$623.50	\$935.25
ii) over 50 seats	\$484.75	\$969.50	\$1,454.25
(d) Garage or Service Station	\$207.75	\$415.50	\$623.25
(e) All other commercial	\$103.75	\$207.50	\$311.25
3. Schools - per classroom sprinkling system	\$69.25 \$311.75	\$138.50 \$623.50	\$207.75 \$935.25
4. Industrial	\$311.75	\$623.50	\$935.25
5. Recreation Complex	\$1,020.00	\$2,040.00	\$3,060.00
6. Golf Course - Metered Rate		\$3.95 per thousand cubic feet	

"Bylaw 874"

SCHEDULE "C"

WATER TURN ON AND TURN OFF FEES

- | | |
|---|----------|
| 1. Water Turn On fee | \$ 15.00 |
| 2. Water Turn Off fee | \$ 15.00 |
| 3. Water Turn On or Off fee if after office hours as outlined in 4.1(c) | \$150.00 |

SCHEDULE "D"

PENALTIES

Waterworks System, Connections and User Fees Bylaw 839, 2018		
Bylaw Offence	Section	Fine
Unauthorized access and use of water	3.2.2	\$100.00
Unauthorized connection	3.9	\$500.00
Connection without a Permit	3.10	\$500.00
Unauthorized turn on or turn off of water	4.2.2	\$100.00
Unauthorized use of water	4.3	\$200.00
Contamination of District water system	5.1.1	\$1,000.00 plus cost of repair
Failure to install a backflow prevention device	6.1	\$100.00
Failure to test backflow prevention device	6.2	\$100.00
Violation of sprinkling regulations (even numbered)	7.1(a)	\$100.00
Violation of sprinkling regulations (odd numbered)	7.1(b)	\$100.00
Violation of sprinkling regulations (permitted times)	7.1(c)	\$100.00
Unauthorized use of fire hydrant	10.3	\$500.00
Failure to repair street or sidewalk	10.5	\$200.00 plus cost of repair