

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1023

**A Bylaw to regulate the connection, use, and extension
of the Municipal Water System and to impose fees for associated services.**

The Council of the Corporation of the Village of Cumberland enacts as follows:

Part A ADMINISTRATION

1. Title

This Bylaw may be cited as the ‘Municipal Water System Regulation and Fees Bylaw No. 1023, 2015.’

2. Administration

The Chief Administrative Officer, Corporate Officer, Protective Services Manager, Manager of Operations or his designate, Municipal Engineer, and Building Official, are appointed by Council to administer this Bylaw.

3. Applicability

- a) This Bylaw must be applicable to all land within the municipal boundaries of the Corporation of the Village of Cumberland.
- b) For the purpose of this Bylaw the attached Schedule A referred to herein is attached to and forms an integral part of this Bylaw.

4. Definitions

For the purpose of this Bylaw, the following definitions apply. The context meaning of terms contained in this Bylaw and not defined herein, are to be determined in accordance with firstly, the *British Columbia Building Code 2012*, secondly, this Bylaw, thirdly in the Zoning Bylaw No. 717, 1997, and then in the Canadian Oxford dictionary.

BUILDING INSPECTOR means a person employed or contracted by the Village to administer the ‘Corporation of the Building Bylaw No. 949, 2011 and the BC Building Code.

BCBC means the *British Columbia Building Code 2012* as adopted by the Minister pursuant to the *Local Government Act* which includes the BCBC.

CURB STOP means a Village-owned valve on a Private Connection that is located at or near a property line.

IMPROVED PROPERTY means real property on which one or more structures have been built for either residential or business use, or a combination of both.

<i>MoO</i>	means the Manager of Operations as designated by the Chief Administrative Officer to carry out the duties of this position, this may include his designate.
<i>MMCD</i>	means the <u>Master Municipal Construction Documents</u> prepared under the auspices of the Master Municipal Construction Document Association which is an association of BC municipalities, regional districts, contractors and consultants.
<i>MUNICIPAL SYSTEM</i>	means, for the purposes of this Bylaw, a system of engineered hydrologic and hydraulic components which provide potable water supply to users within the Village.
<i>OWNER</i>	means a person registered in the land registry records as Owner of land or of a charge on land, whether entitled to it in his own right or in a representative capacity.
<i>PRIVATE CONNECTION</i>	means all the fittings and appurtenances in the area between the building that is served by and where it is linked to the Municipal System.
<i>SERVICE LINE</i>	means the Village-owned infrastructure typically located within a Village statutory right-of-way that provides a connection from the Municipal System to a property for the purpose of conveying potable water.
<i>WATER METER</i>	means a device that measures the consumption of water, excluding fire flows.
<i>WORKING HOURS</i>	means those hours between 7:30am to 3:30pm, Monday through Friday except for statutory holidays.

5. Offences & Penalties

- a) Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who does any act which violates any of the provisions of this Bylaw is guilty of an offence against this Bylaw and liable to the penalties hereby imposed.
- b) Each day that a violation is permitted to exist must constitute a separate offence.
- c) Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$10,000 for each day such offence is continued.

d) **Recovery of Costs for Damage to the Municipal System**

- a) Where any person contravenes any provision of this Bylaw and thereby causes damage to the municipal system, such person shall be liable to the Village for all costs incurred in making repairs or taking remedial action.
- b) If such costs are not paid forthwith after demand, the Village may recover the same by action in any court of competent jurisdiction.

6. Repeal

The 'Corporation of the Village of Cumberland Private Connection and Fees Bylaw No. 848, 2007,' is hereby repealed.

PART B PRIVATE CONNECTIONS

1. Application for Private Connections

- a) The MoO is authorized to prescribe the form of application for:
 - i) the connection to the Municipal System;
 - ii) to alter or repair a Private Connection;
 - iii) the provision of the water meter(s);
 - iv) to abandon a Private Connection;
 - v) the turning on or turning off of the supply of water to any Private Connection from the Municipal System;
 - vi) a temporary supply of water from a designated fire hydrant.
- b) Prior to connection to the Municipal System, the Owner must:
 - i) make application for a connection on the prescribed form; and
 - ii) make full payment of fees as prescribed in the Schedule A attached hereto and forming part of this Bylaw. The fees do not include any required works on private property.
- c) If an application for a Private Connection is denied, the Owner shall be so informed, the reasons for denial given, and the applicable refund in accordance with Schedule A, shall be made.
- d) Outstanding fees in relation to this Bylaw not paid on or before December 31st in any year must be deemed to be taxes in arrears on the lot served by the Private Connection.
- e) The Private Connection will be installed at the location requested by the Owner wherever possible. In the event the Owner's preferred location is not practicable as determined by the MoO, the MoO will determine the location of the Private Connection.

- f) No person, other than the Village, its employees or its contractors shall install, alter or remove or cause to be installed, altered or removed, any part of a Private Connection without written approval from the MoO.
- g) For any Private Connection, the MoO will install the following at the Owner's expense:
 - i) a curb stop on each separate branch of the Private Connection at the connection to the Municipal System; and
 - ii) the required water meter, and associated fittings and appurtenances;
- h) Prior to the installation of a Private Connection, if the property was previously serviced by a well, the water supply from the well must be entirely disconnected from domestic use to prevent backflow of such water from entering the Municipal System.
- i) There shall be only one Private Connection provided for each legal lot¹, however where a parcel of land can be subdivided as permitted by Bylaw or a hardship exists as determined by the MoO, an Owner may be granted a second Private Connection. The cost of each Private Connection and associated user fees will be payable by the Owner as set out in Schedule A of this Bylaw and the Water Rates Bylaw No. 1002, 2014.
- j) Except as provided elsewhere in this Bylaw, the standards for any Private Connection to the Municipal System, and for the repair or alteration of any Private Connection shall be as required by the BCBC.

2. Compulsory Private Connection

- a) Where an Improved Property abuts a street newly serviced by the Municipal System, a Private Connection must be installed and the property must utilize the Municipal System within one year of the Municipal System being made available. The applicable fees shall be payable by the Owner as set out in Schedule A of this Bylaw.
- b) Where street surface improvements are scheduled by the Village, a Private Connection will be installed to any property abutting said street not already serviced, regardless of whether the lot is improved. The applicable fees for the Private Connection shall be payable by the Owner as set out in Schedule A of this Bylaw.

3. Standards for Private Connections

- a) The standards for installation, repair, or alteration of any Private Connection are as required by the BCBC, except as provided elsewhere in this Bylaw, except as provided elsewhere in this Bylaw.

¹ Lot refers to those subdivided in fee simple only. Connections to those properties subdivided under the *Strata Property Act* or *Residential Tenancy Act* will be required and made to the edge of the parent lot.

- b) An application for a Private Connection for a single detached dwelling unit shall be the minimum size of 19mm (¾inch). The service size for all other uses shall be determined by the BCBC and approved by the MoO.
- c) The Village undertakes no duty of care to ensure that the capacity of that connection is sufficient for the current uses or future development of a lot, by approving a Private Connection under this Bylaw,
- d) Supply of water from the Municipal System to a customer will only be provided where, in the opinion of the Village, the Municipal System has been effectively protected from any actual or potential cross connections existing at or within the Private Connection.
- e) Materials and workmanship which in the opinion of the Building Official are defective or otherwise not in accordance with the provisions of the BCBC and this Bylaw, must be removed and replaced by the Owner at the direction of the Building Official.
- f) All requirements of this Bylaw for the installation of a Private Connection must be met before the MoO supplies any water through that Private Connection.

4. Abandonment

When a building on a lot serviced by the Municipal System is abandoned or demolished, the MoO may require the turn off and/or disconnection of the Private Connection and the meter removed, and the cost shall be recovered from the Owner as set out in Schedule A of this Bylaw.

PART C WATER METERS

1. Configuration of Meters

- a) Each Private Connection will be required to be metered, unless otherwise determined by the MoO. The type and size of the meter must be in accordance with Village standards and policies.
- b) Water meters will be installed by the Village:
 - i) at the property line within a Village right-of-way unless another location is approved by the MoO;
 - ii) in such a way so that it measures all water, excluding fire flows, delivered to those premises from the Municipal System.
- c) Where a water meter is to be installed in a building or other location where ready access is not available, a meter capable of remote readout must be installed.
- d) Water meters remain the property of the Village.
- e) The Village shall maintain and repair any water meter installed under this Bylaw.

- f) If a installed water meter is stolen or is damaged by freezing, hot water, fire, or otherwise due to neglect, as determined by the MoO, the cost of repairs or replacement will be payable by the Owner.
- g) Where excessive flow periodically overloads the capacity of any water meter used to supply service at any premises, the MoO must notify the Owner that the Village will be installing a larger capacity Private Connection and meter, and the cost shall be recovered from the Owner as set out in Schedule A of this Bylaw.
- h) An Owner must immediately notify the MoO of any breakage, stoppage, or other irregularity in a water meter installed in a building.

PART D USE OF MUNICIPAL SYSTEM

1. Prohibitions

- a) No person must connect or attempt to connect, or allow to be connected, or allow to remain connected to the Municipal System of any property or premises, otherwise than in accordance with the provisions of this Bylaw.
- b) Unless authorized by this Bylaw or the MoO, or a person must not:
 - i) use, change, tamper, connect to, obstruct, destroy damage or in any manner interfere with the Municipal System or any part thereof;
 - ii) obstruct, at any time or in any manner, the Village access to the Municipal System;
 - iii) connect, cause to be connected, or allow to remain connected to the Municipal System any piping, fixture, fitting, container, or appliance which may cause pressure surges, or any other disturbance which may result in annoyance to any other customer, damage to any Private Connection or to the Municipal System;
 - iv) permit the introduction of any contaminant or foreign matter whatsoever into the Municipal System.
- c) Without first obtaining written approval from the MoO, a person must not:
 - i) repair or alter, or cause any repairs or alteration to any Private Connection that is part of the Municipal System;
 - ii) open or use any water from a fire hydrant, or a standpipe, or valve intended for firefighting purposes; and
 - iii) sell, give, or convey water beyond the premises to which the water is supplied under this Bylaw.
- d) The prohibitions under sections Part D(1)(a), (b) & (c) do not apply to:
 - i) the employees, agents or contractors of the Village when carrying out necessary works on the Municipal System;
 - ii) the use of water for emergency purposes.

2. Auxiliary Water Supplies

No cross connection between an auxiliary water supply and the Municipal System is permitted.

3. Backflow and Cross-Connection Prevention

- a) A person must not connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, could allow water or any other substance to enter the Municipal System or any part or component of the Municipal System, by backflow/cross-connection or by any other means.
- b) Where the Village believes that a backflow or cross-connection exists in contravention of this Bylaw, the Village may:
 - i) provide written notice to the Owner to correct the condition at the Owner's expense;
 - ii) give notice to remove the piping, fixture, fitting, container, or appliance that is the source of the condition, within a period specified; or
 - iii) require that an approved backflow prevention assembly be installed and maintained as part of that Private Connection, at the Owner's expense.
- c) Where a backflow prevention assembly is required, the device must conform to the standards of the BCBC for the intended use.
- d) Within 30 days of initial installation, repair or relocation of an approved backflow prevention assembly, the Owner will provide to the Village a backflow assembly test report from a BC Trades Qualified Plumber confirming the following:
 - i) the installation date;
 - ii) the specific location of the assembly and what backflow or cross connection it is intended to isolate;
 - iii) the manufacturer, model, size and serial number of the device; and
 - iv) that it is installed correctly and in proper operating condition.
- e) An Owner of any premises where a backflow prevention assembly is installed must ensure that the device:
 - i) is tested annually, or as directed by the Village;
 - ii) remains in proper working condition; and
 - iii) is repaired or replaced where the results of testing show that the device is not in proper working condition.

- f) Where an Owner fails to have an approved backflow prevention assembly tested as required under this Bylaw, the Village may, on written notice to the Owner, require that the approved backflow prevention assembly be tested within 96 hours, or other period of time specified, of the Owner receiving the notice. Where an Owner fails to have the backflow prevention assembly tested, Part D section 4 and 5 of this Bylaw applies.
- g) The failure to be sent a notice(s), or the failure to receive a notice(s), must not excuse the mandatory duty of the Owner to comply with this Bylaw and Village policies and procedures.
- h) Where there is a visible or other indication that a backflow prevention assembly is malfunctioning, it is the responsibility of the Owner to immediately notify the Village and Part D 3(e)(iii) applies.
- i) The Owner operating a commercial or agricultural irrigation system must have the approved backflow prevention assembly inspected and tested, at his expense, prior to commencement of each irrigation season.

4. Private Connection Turn-Off

- a) The MoO may, within 30 days of sending a written notice to the Owner, turn off a Private Connection for any of the following reasons, and in doing so the Village shall not be liable for damages by reason of discontinuing the supply of water:
 - i) unnecessary or wasteful use of water, or violation of regulations concerning outdoor water use pursuant to the Water Conservation Bylaw No. 807, upon 48 hours notice;
 - ii) for failure to repair or replace defective pipes, fittings, valves, tanks or appliances as required;
 - iii) for failure to carry out any work required by this Bylaw or having the applicable permit; and
 - iv) upon receipt of written notice from the Village that charges imposed pursuant to the Water Rates Bylaw No. 1002, 2014 are in arrears.

5. Private Connection Disconnection

Council may, within 48 hours of sending a written notice to the Owner, direct that a Private Connection be disconnected for any of the following reasons, and in doing so, the Village shall not be liable for damages by reason of discontinuing the supply of water:

- a) where a Private Connection has been turned off in accordance with section 4 above and has been turned back on without authorization;
- b) failure to install or test a backflow prevention assembly, contrary to the requirements of this Bylaw in accordance with Part D section 3 of this Bylaw;
- c) where the reason for disconnection is the risk to public health and safety.

6. Notice Given

Notice in writing required to be given by the Village shall be considered as sufficiently given if sent by registered mail or hand delivered to the Owner at the address shown on the last revised Assessment Roll of the Village.

7. Appeal to Council

An Owner who has received a turn-off or disconnection notice under section 4 or 5 of this Bylaw may, by written notice delivered to the Village within 14 days of receipt of the notice of disconnection, request that Council reconsider the implementation of the notice.

8. Private Connection Restoration

- a) Where a Private Connection has been turned off or disconnected in accordance with this Bylaw, such service must not be turned or reconnected until the Owner has:
 - i) paid to the Village outstanding fees or charges owing relating to the provision of the connection or the supply of water pursuant to the Bylaws of the Village; and
 - ii) paid to the Village any additional costs incurred by the Village in order to prevent improper use of water after the connection was turned off or disconnected; and
 - iii) installed, repaired, rectified any outstanding issues leading to the Turn Off or Disconnection to the satisfaction of the MoO.
- b) The costs incurred in section 8(a) above shall be in addition to and not in substitution for any fine or other penalty to which the Owner of the premises in question may be subject pursuant to the provisions in this Bylaw or any other statute or regulation.

9. Interruption of Service

- a) The Village does not undertake a duty of care to furnish a continuous supply of water, or a minimum amount of water pressure, to any premises.
- b) The Village may temporarily reduce or discontinue the supply of water to any premises where necessary for the proper and effective operation, maintenance or repair of the Municipal System.
- c) The Village shall not be liable for the failure of the water supply as a result of any action or damage to the Municipal System or any temporary stoppage of any service on account of alteration or repairs of the Municipal System or for any other reason whatever, whether such failure arises from the negligence of any person or agent in the employ of the Village or otherwise.
- d) In the event of failure of the Municipal System or stoppage continuing for a period of more than four hours, the Village may, at the MoO's discretion, notify the Owner(s) of the stoppage or alteration of supply.

10. Right-of-Entry to Private Property

- a) Access to private property, at all reasonable times, must be permitted to any person authorized to administer this Bylaw, to enter into and inspect the Private Connection. Where possible, 24 hours notice shall be given in accordance with the *Community Charter*.
- b) Any person interfering with or obstructing the entry of the authorized person after that person has identified himself, must be deemed to be guilty of an infraction of this Bylaw and is liable to the penalties in this Bylaw.
- c) Any person authorized to administer this Bylaw may remove any material or thing that obstructs or impedes access to the Municipal System and the expense of such removal must be charged to and paid by the person responsible for the obstruction or the Owner of the property serviced.

PART E EXTENSION OF THE MUNICIPAL SYSTEM**1. Extension Application**

Where an application for a Private Connection has been made and that service cannot be provided unless the Municipal System is extended, that extension must be installed under the following conditions:

- a) Payment of applicable fees as set out in Schedule A;
- b) Where two or more applications are received, the total cost applicable shall be divided pro rata among the applicants;
- c) Where the extension is to be constructed in a public road right-of-way by a contractor, the contractor shall apply for a *Permit to do Works within a Public Right-of-Way* in accordance with the Subdivision and Development Bylaw No. 948, 2012.

2. Design Guidelines and Construction Specifications

All infrastructure built in the Village statutory right-of-way must be designed and built in accordance with the MMCD design guidelines.

PART F ENACTMENT

READ A FIRST TIME THIS	10 TH	DAY OF	AUGUST,	2015.
READ A SECOND TIME THIS	10 TH	DAY OF	AUGUST,	2015.
READ A THIRD TIME THIS	10 TH	DAY OF	AUGUST,	2015.
ADOPTED THIS	14 TH	DAY OF	SEPTEMBER,	2015.

 Mayor

 Corporate Officer

Schedule A**1. Private Connections**

The fee for any Private Water Connection is as follows:

Connection Size	Private Connection Fee ²				
	Base Rate	Plus Meter	Plus Administration Fee	Total	Plus Radio Read (if applicable)
19mm (¾inch)	\$1,300*	\$161	\$100	\$1,561	\$200
25mm (1inch)	\$1,500*	\$235	\$100	\$1,735	\$200
38mm(1½ inch)	\$1,700*	\$1,287	\$100	\$3,087	\$200
50mm (2inches)	\$1,900*	\$1,498	\$100	\$3,498	\$200
<i>*This rate includes the curb stop, meter box(es), cast lid, setter, meter, service pipe, and equipment and labour to install.</i>					
Larger than 50mm (2inch)	The Greater Amount of:				
	the estimated cost of the works ³ times 125%, plus \$100 administration fee.				
	<u>OR</u>				
	\$1,500 plus a \$100 administration fee.				
Refund	If an application for a Private Connection has been made which includes the fees and the private connection cannot be completed, a refund of the amount paid less the Administration Fee shall be reimbursed to the person who paid it.				

2. Extension Fee

The fee for extending the Municipal System will be as follows:

Connection Size	Extension Fee
All	The Greater Amount of:
	the estimated cost of the works ³ times 125%, plus \$100 administration fee.
	<u>OR</u>
	\$1,500 plus a \$100 administration fee

² Where the municipal system has been extended or improved by a GRANT which includes connections the fee would not be applicable however, the year deadline would still be applicable

³ The Owners will be required to pay in advance, the estimated cost which is calculated to be the estimated cost of the works. The estimate will be established considering the rates uniform with those charged to other projects with the Village and includes labour, equipment, materials, and any other cost of any probable service arising during the course of construction. The fee paid will form the account for the works project. Staff will maintain an accounting of charges for these works (all be consistent with municipal accounting procedures) which will be provided to the Owner upon completion/termination of the project. Any surplus funds less the minimum charge of \$1,500 will be returned to the Owner.

Schedule A**4. Water Service Turn On and Shut Off**

The fee for the turning off and turning on water supply at the Private Connection will be as follows:

	During Normal Working Hours	Outside Normal Working Hours
To turn on or turnoff	\$25	\$173

5. Inspection Fee

One inspection by the MoO is required prior to connection to the Municipal System and the cost of this inspection is included in the connection fee paid pursuant to section (1) above however, if subsequent additional inspections are required, the following fee will be paid prior to the each inspection being carried out:

	During Normal Working Hours	Outside Normal Working Hours
Each additional inspection	\$50	\$173

6. Abandonment Fee

The fee for disconnection of an abandoned Private Connection will be as follows:

Connection Size	Abandonment Fee
All	The Greater Amount of:
	the estimated cost of the works ³ times 125%, plus \$100 administration fee.
	<u>OR</u>
	\$1,500 plus \$100 administration fee

7. Upgrade Fee

If an Owner is upgrading, altering, modifying, relocating, or repairing an existing Private Connection or internal system and upgrades to current standards are required, the Owner must pay for the required works (materials, labour, and equipment), at the time of the Plumbing Permit application. The fee for will be the greater amount of: the estimated cost of the works³ times 125%, plus \$100 administration fee; OR \$1,500 plus a \$100 administration fee.

8. Supply of Water from Designated Fire Hydrant Fee

	During Normal Working Hours	Outside Normal Working Hours
Opening and closing designated hydrant	\$50	\$173