



Holland Creek Water Distribution System Regulation and Fee Bylaw No. 1538

This is a consolidation of the original Bylaw and adopted Bylaw amendments. The amendments have been combined with the original Bylaw for convenience only. This consolidation is not a legal document.

September 9, 2022

BYLAW AMENDMENTS

Bylaw No.	Amend. No./Yr.	Adopted	Short Citing	Description
1850	1/05	Oct 7/05	Holland Creek Water Distribution System Regulation and Fee Bylaw No. 1538, 2000 – Amendment Bylaw No. 1, 2005	<ul style="list-style-type: none"> - Section 10.2 repealed and replaced - Fee Schedule B and C repealed and replaced
3161	2/22	Sept 9/22	Holland Creek Water Distribution System Regulation and Fee Bylaw No. 1538, 2000 – Amendment Bylaw No. 2, 2022”	<ul style="list-style-type: none"> - Section 2.1 definitions “Bulk Meter”, “Commercial”, “Commercial Unit Equivalency”, “Residential Unit” added - Section 2.1 definition Schedule A, B & C repealed and replaced - Section 4.6 (3) added - Section 5.8(2) repealed and replaced - Section 6.1 repealed and replaced - Sections 7.1 and 7.5 repealed and replaced - Section 8.2 repealed and replaced - Section 9.1 repealed and replaced - Section 10.1 repealed and replaced - Schedules A, B & C repealed and replaced

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 1538

This is a consolidation of the Holland Creek Water Distribution System Regulation and Fee Bylaw and adopted Bylaw amendments. The amendments have been combined with the original Bylaw for convenience only. This consolidation is not a legal document.

A bylaw to establish regulations and fees for the Holland Creek Water Distribution System.

WHEREAS Bylaw No. 1504 established the Holland Creek Water Distribution System Local Service and authorized the imposition of fees and other charges for said service;

AND WHEREAS it is necessary to regulate and manage the Holland Creek Water Distribution System and to set fees for use of said System;

NOW THEREFORE, the Board of the Regional District of East Kootenay, in open meeting assembled, enacts as follows:

1. CITING

This Bylaw may be cited as "Regional District of East Kootenay - Holland Creek Water Distribution System Regulation and Fee Bylaw No. 1538, 2000".

2. INTERPRETATION

2.1 In this Bylaw, the following definitions apply:

Authorized Agent includes a person, firm or corporation representing the RDEK by written consent.

Board means the Board of Directors of the Regional District of East Kootenay.

Bulk Meter means an apparatus with for measuring and recording the quantity of water passing through it for more than one downstream connection and shall include all accessory materials or appurtenances required for the installation and operation of the meter.

BL 3161
Sept 9/22

Commercial means any use permitted under the C-1 (Community Commercial), C-2 (Service Commercial), C-3 (Regional Commercial) or I-1 (Light Industrial) Zones as defined in Bylaw No. 900 - Upper Columbia Valley Zoning Bylaw No. 900, 1992 and all amendments enacted to Bylaw No. 900.

BL 3161
Sept 9/22

Commercial Unit Equivalency means the factor by which Kinbasket Connection Fees, Metered Services Monthly Base Rate User Fees and Unmetered Services User Fees paid by Commercial connections that consume a disproportionate volume of water because of the nature of the business would be multiplied.

BL 3161
Sept 9/22

Cross-connection means any physical piping arrangement where a public water supply is directly or indirectly connected to a secondary water source, fixture or device that may contain contaminants, sewage or other liquid waste capable of contaminating the water supply.

Disconnection means the turning off, or complete removal, of a water connection.

Manager means the person appointed by the Board to manage the water system and includes employees and authorized agents of the RDEK acting under the direction of the Manager.

Meter means an apparatus for measuring and recording the quantity of water passing through it and shall include all accessory materials required for the installation and operation of the meter.

Multi-Family Residential means a residential building containing three or more residential units.

Owner means any person who is the owner or agent for the owner of any premises (property) which are connected to the water system.

RDEK means the Regional District of East Kootenay.

Residential Unit means a housing unit for one family consisting of a detached residence, mobile home, an individual site in an RV Park intended for long-term occupancy, one self-contained suite in a residence, one side of a duplex, or one self-contained suite in a building containing three or more such suites, including home-based business.

BL 3161
Sept 9/22

Schedule A entitled "Connections", **Schedule B** entitled "User Fees", and **Schedule C** entitled "Commercial Units and Equivalencies" are attached to, incorporated in, and form part of this Bylaw.

BL 3161
Sept 9/22

Service Area means the Holland Creek Water Distribution System Local Service Area established by Bylaw No. 1504.

Turn Off means the closing of the valve in the standpipe located at or near where the water line crosses the property line.

Turn On means the opening of the valve in the standpipe located at or near where the water line crosses the property line.

Water Connection means a connection to a main supply line and extending to the property line of the customer to convey water to the customer and shall include a water meter and shut-off valve and shall be the property of the RDEK.

Water System means the Holland Creek Water Distribution System.

Works means the water works of the water system.

- 2.2 All words, either in this Bylaw or in the Schedules hereto, referring to any person, owner or applicant shall be taken to be of such number and gender as the context and the facts may require and shall also include a corporation or partnership.

3. RESPONSIBILITIES

- 3.1 The Manager shall have power, subject to the consent of the Board, to employ such inspectors as deemed necessary to carry out the provisions of this Bylaw, and whenever the Manager is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any inspector or employee authorized by such Manager to perform such act or duty.
- 3.2 The Manager is hereby authorized and directed to have general supervision over the installation, construction, inspection, and maintenance of all works in the Service Area.
- 3.3 No person shall obstruct or prevent the Manager from carrying out any or all of the provisions of this Bylaw, nor shall any person refuse to grant the Manager permission to inspect any works at any reasonable time.
- 3.4 All persons shall keep the service pipes, stop cocks, fixtures, and fittings on their own premises (property) in good order and repair, and protect them from frost at their own risk and expense, and when a premises is vacated the stop cock shall be turned off.
- 3.5 Nothing contained in this Bylaw shall be construed to impose any liability on the RDEK to give a continuous supply of water to any person or premises (property) and the RDEK hereby reserves the right at any time to turn off the water from any premises (property) without giving notice to any person from whose premises (property) the water may be turned off.

4. PROHIBITIONS

- 4.1 No person other than the RDEK shall tap or make any connection whatsoever with any of the public or private pipes.
- 4.2 No person except the Manager shall interfere in any way with any water system appurtenances.
- 4.3 No pump, booster or other device shall be employed by any consumer without permission in writing from the Manager, for the purpose of, or having the effect of, increasing water pressure in service lines to a higher pressure than the normal water pressure in the said service lines, and the RDEK may, without notice, discontinue service to any customer employing such pump, booster or other device.
- 4.4 No work of any kind connected with the water system, either for the laying of new or repair of old service pipes shall be done on or under any street or lane within the Service Area by any person other than the Manager or a person authorized by the Manager.
- 4.5 No unauthorized person shall in any way interfere or tamper with any pipe, fixture, fitting or appliance of or connected with the water system whether on his own premises (property) or elsewhere.
- 4.6 No person shall connect, cause to be connected, or allow to remain connected any piping, fixture, fitting, container, appliance or cross-connection that could cause or allow drinking water quality, the service, or a private service to become contaminated, degraded or polluted in any way and under any condition, including but not limited to backflow caused by back pressure or back siphonage as a result of the disruption of the water supply from the water system, unless an approved backflow prevention assembly has been installed and tested in accordance with this section.
- (1) Where the Manager determines that there exists a connection or cross-connection prohibited by this Bylaw, he may give written notice to the owner to correct the connection or cross-connection at the expense of the owner within the time specified in the notice.
 - (2) Where the Manager determines that a connection or cross-connection prohibited by this section places an owner or any other person at immediate risk, or if the owner fails to

correct the connection or cross-connection as required by this Bylaw, the Manager may order the disconnection of the supply of water without notice until such time as the connection or cross-connection is corrected.

- (3) Once the cross-connection has been corrected, maintenance of the corrected fixture(s) remains the responsibility of the owner.

5. CONDITIONS OF SERVICE

- 5.1 The RDEK shall have the right to limit the number of connections to the water system.
- 5.2 Each owner shall be responsible for the repair and maintenance of all pipes and fixtures between the curb stop and his premises (property).
- 5.3 Every plumbing system shall conform to the appropriate government regulations and these regulations shall govern the administration and minimum requirements for the installation of water services to all premises (property) located within the Service Area.
- 5.4 The Manager is authorized to inspect all buildings and premises (property) which are connected to the water system and shall keep records of applications for services and a full description of all works constructed.
- 5.5 Every person to whom water is supplied under this Bylaw shall at all reasonable times allow the Manager to enter into and upon the premises (property) in respect of which such water is supplied for the purpose of inspecting the water pipes, fixtures and fittings used in connection with such water supply.
- 5.6 The Manager may, without notice, disconnect the water service to any premise (property) for any of the following reasons, and the RDEK shall not be liable for damages by reason of discontinuing water service for such reasons:
- (1) Unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
 - (2) Failure to repair or replace defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water;
 - (3) Failure to install the meter as required by this Bylaw.
- 5.7 The Manager may, whenever in his discretion the public interest so requires, suspend or limit the consumption of water from the water system, regulate the hours of use, or further prescribe the manner in which such water may be used.
- 5.8 When any fees for water service due under the provisions of this Bylaw, are overdue for a period of 6 months, such water service shall be turned off to the premises (property) in respect to which such fees are overdue, without notice, and such service shall not be turned on again to the said premises (property) until there shall have been paid to the RDEK:
- (1) overdue fees;
 - (2) turn on fee set out in Schedule B;
 - (3) any additional cost incurred by the RDEK to prevent improper use of water after the same shall have been turned off.

BL 3161
Sept 9/22

6. METERS

- 6.1 Interference or tampering with Meters is strictly prohibited. If an owner is found to have interfered or tampered with a Meter, they will be subject to the unmetered rate or Disconnection.
- 6.2 Notwithstanding the degree of annexation of meters in or on any premises (property), the meters shall not constitute a fixture or improvement to such premises (property) and the meters are and shall remain the property of the RDEK or its Authorized Agents, who shall maintain, repair, replace, inspect and read the same. If such property is damaged or destroyed, the owner in or on whose premises (property) the meters have been placed shall pay to the RDEK, or its Authorized Agents, the value of the property so damaged or destroyed or the cost of repairing same.
- 6.3 A water meter up to ¾" will be supplied at cost to the owner and shall be installed according to the installation detail provided with the meter. All installations must be approved by the RDEK prior to the service being turned on.
- 6.4 Meters over ¾" shall be purchased by the owner and approved by the RDEK prior to installation.
- 6.5 The remote meter reader receptacle shall be installed on the front of the building and shall not be obstructed in any manner as to prevent the reading of the unit.

BL 3161
Sept 9/22

7. CONNECTIONS

7.1 All applications for connection to the Water System shall be made in writing on the application form provided by the RDEK and by the owner of the property to which the application refers, or by the owner's duly authorized agent.

BL 3161
Sept 9/22

7.2 Each application for connection to the water system shall give a full and true statement of the legal description and location of the property or building to which the installation is to be made, the size and description of the premises, the number of dwelling units therein, and all other information that may be necessary to form a correct estimate of the fees to be charged for the said premises. If the statement given is not accurate, any additional fees required to be made by reason that the statement is inaccurate, shall immediately be payable to the RDEK.

7.3 The RDEK reserves the right to refuse any application for connection to the water system for water collection or distribution reasons or where the applicant has overdue fees.

7.4 No application shall be considered approved until it has been signed by the Manager.

7.5 All new connections to the Water System are subject to the applicable fees as set out in Schedule A and Schedule B and shall be paid by the applicant when application for connection is made.

BL 3161
Sept 9/22

8. DISCONNECTION, TURN ON AND OFF

8.1 Applications for disconnection, turn on, or turn off of any water service shall be made in writing by the owner or the owner's duly authorized agent, and delivered to the Manager.

8.2 Disconnection, Turn On or Turn Off of any water service are subject to the Turn On Fee or Turn Off Fee, as applicable, as set out in Schedule B.

BL 3161
Sept 9/22

9. USER FEES

9.1 User fees are hereby imposed and levied against the owners or occupiers of land or real property whose property is connected to the water system, classified in accordance with the categories set out in Schedule B.

BL 3161
Sept 9/22

9.2 The user fees shall take effect from the first day when connection is made from the building or structure to the water main serving the property.

BL 3161
Sept 9/22

10. BILLING AND ARREARS

10.1 The RDEK shall invoice user fees as set out in Schedule B, on or before the 15th day of January, April, July and October.

10.2 If payment of the current billing is not made before the last day of the second month after the billing, a 10% charge shall be added to the rates as set out in Schedule C.

BL 1850
Oct. 7/05

10.3 All fees applicable to the Service Area in which real property is situated shall be paid by the property owner, and any balance or charge that is due and payable on or before the 31st day of December that remains unpaid on the 31st day of December shall be deemed to be taxes in arrears in respect of the property and be entered on the Tax Roll by the Provincial Collector as taxes in arrears.

11. MULTI-FAMILY RESIDENTIAL

11.1 In the case of multi-family residential, each building shall be considered as a separate unit and shall be charged the appropriate rate shown in Schedule C.

12. PUBLIC HEALTH

12.1 The Health Inspector for the East Kootenay Community Health Services Society shall be the authority to be consulted in all matters pertaining to public health resulting from the operation of the water system.

13. OWNERSHIP

13.1 All pipes, connections, appurtenances or facilities required for water supply to the owner's property line which are constructed, whether at the owner's expense or RDEK expense, in present or future public highways or within RDEK right-of-way property, shall be the property of the RDEK.

14. MAIN EXTENSIONS

14.1 Provisions are not made in this Bylaw for the extension of water mains.

15. INFRACTIONS AND PENALTIES

15.1 Any person who shall install, place or maintain in any premises any water connection, fixture or fitting not in accordance with the requirements of this Bylaw shall be guilty of an infraction thereof.

15.2 Any person or persons tampering with or interfering with or in any way injuring any part of the water system or interfering in any manner with the operation and distribution thereof, except under and with the permission in writing of the Manager, shall, on summary conviction thereof before the proper authority, be liable to a penalty of not less than \$500.00 for each offence, together with costs.

READ A FIRST TIME the 3rd day of November, 2000.

READ A SECOND TIME the 3rd day of November, 2000.

READ A THIRD TIME the 3rd day of November, 2000.

ADOPTED the 3rd day of November, 2000.

“Jim Ogilvie”

CHAIR

“Lee-Ann Crane”

SECRETARY

BL 3161
Sept 9/22

**SCHEDULE A
TO BYLAW NO. 1538**

**CONNECTIONS
Holland Creek Water Distribution System**

1. The conditions for Water Service as contained in the Application for Connection Permit form apply to all connections made to the Holland Creek Water Distribution System.

2. KINBASKET CONNECTION FEE

A Kinbasket Connection Fee of \$8,500.00 is to be applied as per the Modification and Extension Agreement within Master Water Servicing Agreement between the Kinbasket Water & Sewer Company Ltd. and the Regional District of East Kootenay for:

- a) Creation of a new serviced parcel by subdivision.
- b) Creation of a serviced parcel with separate folio from a group of two or more parcels with one folio.
- c) A service area extension to an additional parcel or dwelling.
- d) Each new Residential Unit in a bare land strata or equivalent.
- e) A new bulk supply (Irrigation or Pool) connection.
- f) Each new Commercial connection.*
 - i) Shell (Gas Station) – 2 equivalent
 - ii) McDonalds (Fast Food Outlet) – 4 equivalent
 - iii) Lordco (Retail) – 1 equivalent

* Subject to Commercial Unit Equivalencies as described in Schedule C

3. CONNECTION FEES

3.1 Fees to connect a property to the Holland Creek Water Distribution System are as follows:

- a) Flat connection fee for occupied and vacant properties \$2,500.00
- due and payable at time of application for connection
- b) Flat connection fee for each service lateral installed at the expense of the developer or each strata unit \$400.00
- due and payable at time of application for connection
- c) Where actual cost of connection exceeds the flat connection fee outlined in (a) or (b) above, the owner shall pay the actual costs of connection which include labour, materials, and equipment
 - deposit due and payable at time of application for connection \$ 2,500.00
 - balance due and payable immediately upon completion of connection actual costs

4. METER FEES

- 4.1 At the time of applying for connection to the water system, the owner shall pay to the RDEK a meter installation fee which is the actual cost of a water meter, meter setting fittings, and a remote reading device supplied by the RDEK, except as provided under Section 6.4 of Bylaw No. 1538.
- 4.2 All owners must provide a space for a meter setting in an accessible service inlet location inside the building unless an alternate location or installation is authorized by the Manager. This meter setting must include a master shut-off valve, 325mm long copper pipe horizontal run, and a meter isolation valve.
- 4.3 In the case of a bare land strata or equivalent a Bulk Meter is to be installed upstream of all strata units and other sources of consumption within the development at the expense of the developer. All consumption within the development is to be captured by the Bulk Meter. The strata corporation or equivalent will be responsible for all consumption fees.

BL 3161
Sept 9/22

**SCHEDULE B
TO BYLAW NO. 1538**

**USER FEES
Holland Creek Water Distribution System**

1. METERED SERVICES

	Monthly Base Rate	Consumption Rate (per m ³)
a) Residential Unit	\$22.00	\$0.32

b) Bulk Water Service - Recreation Center/Pool and Beach House	Meter Size	Monthly Base Rate	Consumption Rate (per m ³)
	i) 0.75" meter	\$22.00	\$0.32
ii) 1" meter	\$22.00	\$0.32	
iii) 1.5" meter	\$58.70	\$0.32	
iv) 2" meter	\$78.25	\$0.32	
v) 3" meter	\$117.35	\$0.32	
vi) 4" meter	\$156.45	\$0.32	

c) Commercial Unit*	Sept. 9, 2022		Jan. 1, 2023		Jan. 1, 2024	
	Monthly Base Rate	Consumption Rate (per m ³)	Monthly Base Rate	Consumption Rate (per m ³)	Monthly Base Rate	Consumption Rate (per m ³)
i) Shell (Gas Station) – 2 equivalent	\$276.00	\$1.40	\$284.00	\$1.45	\$292.00	\$1.50
ii) McDonalds (Fast Food Outlet) – 4 equivalent	\$552.00	\$1.40	\$568.00	\$1.45	\$584.00	\$1.50
iii) Lordco (Retail) – 1 equivalent	\$138.00	\$1.40	\$142.00	\$1.45	\$146.00	\$1.50

* Subject to Commercial Unit Equivalencies as described in Schedule C

2. TURN ON/TURN OFF FEES

	Once Per Year	With Two Working Days Notice	With Less Than Two Working Days Notice
a) Turn On Fee	Free	\$40.00	\$80.00
b) Turn Off Fee	Free	\$40.00	\$80.00

3. UNMETERED SERVICES

Unmetered Residential Unit	\$225.00/month
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Unmetered Irrigation	\$800.00/month
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Unmetered Commercial Per Unit*	
i) Shell (Gas Station) – 2 equivalent	\$1,100.00/month
ii) McDonalds (Fast Food Outlet) – 4 equivalent	\$2,200.00/month
iii) Lordco (Retail) – 1 equivalent	\$550.00/month

* Subject to Commercial Unit Equivalencies as described in Schedule C

The above metered and unmetered rates are applicable regardless if the respective unit is vacant or occupied or water connection is turned on or off.

BL 3161
Sept 9/22

SCHEDULE C

BYLAW NO. 1538

COMMERCIAL UNITS AND EQUIVALENCIES Holland Creek Water Distribution System

1. COMMERCIAL UNITS AND EQUIVALENCIES

1.1 Commercial connections will be assessed individually for expected consumption at the time of the application for connection and assigned an equivalency value based on:

- a) The applicant's estimate of water demand;
- b) Input from the Kinbasket Water & Sewer Company Ltd.;
- c) Applicable industry data; and
- d) Water demand from with similar Commercial entities.

This equivalency can be revised by the RDEK or at the request of the account holder once enough consumption data has been collected to determine consumption trends.

This equivalency value will then be applied as a multiplier to :

- a) The Kinbasket Connection Fee (Schedule A);
- b) The Commercial Monthly Base Rate User Fees (Schedule B); and
- c) The Commercial Unmetered Services Rate (Schedule B).