



EAST SIDE LAKE WINDERMERE WATER SYSTEM REGULATION AND FEE BYLAW NO. 2851, 2018

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

December 13, 2019

BYLAW AMENDMENTS				
Bylaw No.	Amend. No. / Yr.	Adopted	Short Citing	Description
2968	1/19	Dec. 6/19	East Side Lake Windermere Water System Regulation and Fee Bylaw No. 2851, 2018 – Amendment Bylaw No. 1, 2019	Capital Infrastructure Fee change (Schedule A)

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2851

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A bylaw to establish regulations and fees for the East Side Lake Windermere Water System.

WHEREAS Bylaw No. 2786 established the East Side Lake Windermere Water System Service and authorized the imposition of fees and other charges for said service;

AND WHEREAS it is necessary to regulate and manage the East Side Lake Windermere Water System and to set fees for connection to and use of said system;

NOW THEREFORE, the Board of the Regional District of East Kootenay enacts as follows:

1. CITING

This Bylaw may be cited as “Regional District of East Kootenay – East Side Lake Windermere Water System Regulation and Fee Bylaw No. 2851, 2018”.

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.

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 Turn Off and 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.

Owner means any person who is the Owner or agent for the Owner of any premises (property) which are connected or intends to be 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, 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 or strata unit.

Schedule A entitled “Connection and Infrastructure Fees”, and **Schedule B** entitled “Fees” are attached to, incorporated in, and form part of this Bylaw.

Service Area means the East Side Lake Windermere Water System Service Area established by Bylaw No. 2786.

Turn Off means the closing of the shut-off valve (curb stop) located at or near where the water line crosses the property line.

Turn On means the opening of the shut-off valve (curb stop) 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 a curb stop shut-off valve and shall be the property of the RDEK.

Water System means the East Side Lake Windermere Water 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 Owners shall keep the service pipes, curb stops, fixtures, and fittings on their own premises (property) in good order and repair, and protect them from frost at their own risk and expense.
- 3.5 When a premises is vacated, the RDEK strongly recommends that the curb stop be turned off in accordance with Section 8 of this Bylaw.
- 3.6 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 to any premises (property) without giving notice to any Owner or tenant from whose premises (property) the water may be turned off.
- 3.7 The RDEK shall not be liable for failure of water supply in consequence of any accident or damage to the Water System, or to excessive pressure or lack of pressure, or any interruption of service.
- 3.8 The RDEK does not guarantee provision of minimum, maximum or steady service pressure or minimum flow rates.
- 3.9 The RDEK shall not be liable for deposition of sediment, mineral build-up, staining or corrosion in the owners service or plumbing system.

4. PROHIBITIONS

- 4.1 No person other than the RDEK shall tap or make any Water 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 person shall install branch supply lines, outlets or fixtures on the upstream side of the Meter.
- 4.5 No person shall install a water service to a garage or shop on a residential property.

- 4.6 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.
- 4.7 No unauthorized person shall in any way interfere or tamper with any pipe, fixture, fitting, meter, curb stop or appliance of or connected with the Water System whether on his own premises (property) or elsewhere.
- 4.8 (a) 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.
- (b) 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.
- (c) 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.

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 premises (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:
- (a) Unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
- (b) 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; and
- (c) 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:

- (a) Overdue fees;
- (b) Turn On fee set out in Schedule B; and
- (c) Any additional cost incurred by the RDEK to prevent improper use of water after the same shall have been Turned Off.

6. METERS

- 6.1 Meters shall be installed in all premises and active Water Connections receiving water from the RDEK as stipulated in this Bylaw, and shall be installed in accordance with Meter requirements and the *British Columbia Building Code*.
- 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 All Owners must provide a heated 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. The Meter setting must include a master shut-off valve, 325 mm long copper pipe horizontal run, and a Meter isolation valve.
- 6.4 All Owners must allow prompt RDEK access to the Meter for coordination of repair, replacement, reading and inspection.
- 6.5 All Owners are responsible for the safe keeping of Meters, including and protecting the Meters from freezing, excessive heat, and external and internal damage of any kind.
- 6.6 A Meter up to 75 mm diameter will be supplied by the RDEK at cost to the Owner and shall be installed according to the installation detail provided with the Meter. At the time of applying for connection to the Water System, the radio frequency transmitter, Meter and horn fitting cost shall be paid to the RDEK. All installations must be approved by the RDEK prior to the service being Turned On.
- 6.7 Meters over 75 mm diameter shall be purchased by the Owner and approved by the RDEK prior to installation.

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, by the Owner of the property to which the application refers.
- 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, and all other information that may be necessary to form a correct estimate of the fees to be charged for connection of 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 connection and capital infrastructure fees as set out in Schedule A and shall be paid by the Owner when application for connection is made.

8. DISCONNECTION, TURN ON AND OFF

- 8.1 Any Disconnection, Turn On or Turn Off of any water service shall be performed by the Manager.
- 8.2 Applications for Disconnection, Turn On or Turn Off of any water service shall be made in writing by the Owner and delivered to the Manager.
- 8.3 All Owners wishing to discontinue Water Service shall pay the Disconnection fee and are responsible for the work and cost to physically Disconnect the Owner's service line from the curb stop valve.
- 8.4 Disconnection, Turn On or Turn Off of any water service are subject to the fees as set out in Schedule B.
- 8.5 The recommendations of water service as contained in the RDEK issued Application for Connection Form, shall apply to all connections made.

9. USER FEES

- 9.1 Metered and unmetered services 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.
- 9.2 Metered and unmetered services fees shall take effect from the first day when connection is made from the building or structure to the water main serving the property.
- 9.3 Metered and unmetered services fees are applicable regardless if the respective Water Connection is turned off or on.

10. AVAILABILITY OF SERVICE RENT CHARGE

- 10.1 Availability of service rent charges are hereby imposed and levied against owners of land which have rent charge agreements registered on title while water service is not being received. The rate will be as set out in Schedule B.
- 10.2 When the Owner has been approved to connect to the water system and completed the connection work and the service is turned on, the availability of service rent charges will no longer apply.

11. BILLING AND ARREARS

- 11.1 On a quarterly basis, on or before the 15th day of February, April, July and October, the RDEK may invoice metered and unmetered services fees as set out in Schedule B.
- 11.2 If payment of the current billing is not made before the due date stated on the invoice, a 10% charge shall be added to the rates as set out in Schedule B.
- 11.3 All fees applicable to the Service Area shall be paid by the 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.

12. PUBLIC HEALTH

- 12.1 The Public Health Inspector shall be the authority to be consulted on 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's 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 4th day of May, 2018.

READ A SECOND TIME the 4th day of May, 2018.

READ A THIRD TIME the 4th day of May, 2018.

ADOPTED the 4th day of May, 2018.

Rob C. Gay
CHAIR

Shannon Moskal
CORPORATE OFFICER

SCHEDULE A**BYLAW NO. 2851****CONNECTION AND INFRASTRUCTURE FEES
East Side Lake Windermere Water System****1. CONNECTION AND INSTALLATION FEES**

- | | | |
|-----|--|---|
| (a) | Flat Connection and Installation Fee for occupied and vacant properties
- due and payable at time of application for connection | \$ 2,000.00 |
| (b) | Flat Connection Fee for each service lateral installed at the expense of the developer
- due and payable at time of application for connection | \$ 400.00 |
| (c) | Where the actual cost of connection exceeds the flat 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
- balance due and payable immediately upon completion of connection | \$ 2,000.00

actual costs
(less deposit) |

2. CAPITAL INFRASTRUCTURE FEE

- | | | |
|-----|---|-------------|
| (a) | Capital Infrastructure Fee for creation of a new serviced parcel by Subdivision | \$ 8,000.00 |
| (b) | Capital Infrastructure Fee for creation of a serviced parcel with separate Folio from a group of two or more parcels with one Folio | \$ 8,000.00 |
| (c) | Capital Infrastructure Fee for a Service Area Extension to an additional parcel or dwelling | \$ 8,000.00 |
| (d) | Capital Infrastructure Fee for the Hideways at Tegart Ridge – Phase 4 (Units #13 – 16) | \$4,400.00 |

**SCHEDULE B
BYLAW NO. 2851**

**FEES
East Side Lake Windermere Water System**

1. METERED SERVICES

	Monthly Base Rate	Consumption Rate (/m3)
(a) Residential Unit	\$ 35.00	\$ 1.40
(b) Commercial - includes store, restaurant, pub, lounge, golf course clubhouse, golf course washroom, commercial greenhouse, and commercial swimming pool	\$ 35.00	\$ 1.40
(c) Bulk Supply (per unit) - includes mobile home park, bulk supply metered strata property, apartment, hotel, motel, and campground	\$ 24.00	\$ 1.40
i) Bulk Supply with separate, in-use irrigation water system (per unit) - Akiskinook Resort	\$ 12.00	\$ 1.40
(d) Community/Non-Profit - includes Church, community hall, school (per classroom), fire hall, Search & Rescue/Emergency Operations Centre, Community Association irrigation, Windermere community beach washroom	\$ 17.50	\$ 1.40

2. UNMETERED SERVICES

	Monthly Rate
(a) Unmetered commercial greenhouse	\$ 750.00
(b) Other unmetered	\$ 275.00

3. AVAILABILITY OF SERVICE RENT CHARGE

	Monthly Rate
(a) Residential Parcels	\$ 40.00

4. TURN ON/TURN OFF FEES

	Once Per Calendar Year	With Two Working Days Notice	With Less Than Two Working Days Notice
(a) Turn On Fee	No Charge	\$ 25.00	\$ 50.00
(b) Turn Off Fee	No Charge	\$ 25.00	\$ 50.00

5. SERVICE DISCONNECTION

	Rate
(a) Service Disconnection Administration Fee	\$ 400.00
(b) Service Disconnection Fee	Actual Costs