

THE CORPORATION OF THE VILLAGE OF ZEBALLOS
BYLAW #519-2018
WATER RATES AND REGULATIONS

A bylaw to provide for the imposition of a charge against the owner or occupier of real property for the use of the Municipal sewer system.

WHEREAS pursuant to Part 2 of the Community Charter, a municipality may provide any service that the council considers necessary or desirable, and may do this directly or through another public authority or another person or organization,

AND WHEREAS pursuant to Part 7 of the Community Charter, Council has the power to provide for the establishment and use of a waterworks system and impose fees payable in respect to all or part of a service of the municipality;

NOW THEREFORE the Council of the Village of Zeballos, in open meeting assembled, ENACTS THE FOLLOWING:

PART 1 ADMINISTRATION

1.1 Citation

This bylaw may be cited for all intents and purposes as "Village of Zeballos Water Rates and Regulations Bylaw #519-18".

1.2 Definitions

- | | |
|--------------------|---|
| "Applicant" | means an owner or his agent making application for a <i>water service connection</i> . |
| "Collector" | means the Collector of Taxes for the Village of Zeballos and unless otherwise specified, this shall be the Municipal Clerk. |
| "Consumer" | means any <i>person</i> to whom water is supplied by the Village. |
| "Council" | means the <i>Council</i> of the Corporation of the Village of Zeballos. |
| "Curb stop" | means a shut-off valve on a <i>service connection</i> installed by the Village. The <i>curb stop</i> is generally located between the water main and the property line. |

“Director of Finance”	means that <i>person</i> appointed as such by the <i>Council</i> of the Corporation of the Village of Zeballos who is authorized to deal with all matters relating to the levying and collecting of water rates.
“Dwelling unit”	means one or more rooms constituting a unit of living accommodation used or intended to be used for living and sleeping purposes and containing a sink and cooking facilities.
“Fire Chief”	means that <i>person</i> appointed as such by the <i>Council</i> of the Village of Zeballos.
“Fire hydrant”	means a device equipped with special threaded connections installed on a highway, right-of-way, easement or on municipal property and connected to a water <i>main</i> to supply water for fire protection purposes.
“Main”	means a pipe including valves, fittings and other appurtenances, other than a <i>service connection</i> , <i>Service lateral</i> , pumping station, treatment plant or reservoir in the water distribution system.
“Meter”	means a device used to measure and indicate the volume of water passing through the device.
“Occupier”	means a person who rents, leases or physically occupies a property owned by another <i>person</i> .
“Officer”	means a duly authorized agent or employee of the Village of Zeballos.
“Owner”	means the <i>person</i> , corporation, partnership, company, organization or society shown as the registered owner of the property in the Land Titles Office.
“Person”	means and shall include not only a natural <i>person</i> , but also a corporation, partnership, company, organization or society.
“Public Works Foreman”	means that <i>person</i> hired as such by the Village of Zeballos.
“Service connection”	means a pipe and the necessary valves and protective boxes, connections, and any other materials necessary to and actually used to connect the water main to a curb stop.

- “Service lateral”** means a pipe including all valves, connections, taps and *meters* connecting a *curb stop* to a house or building.
- “Village”** depending on context, means
- (a) the Village of Zeballos, its *officers*, employees and duly appointed agents;
 - (b) that area within the geographical corporate boundaries of the Village of Zeballos.
- “Waterworks system”** means all of the mains, valves, pipes, tanks, pumps and other things forming part of the Village’s water supply and distribution system.
- “Working hours”** means the hours of work as established from time to time by the *Public Works Foreman* for the Public Works Department.

1.3 Right of Entry

The *owner* or *occupier* of land or premises shall permit an *officer* of the *Village* or the *Public Works Foreman* to enter at all reasonable times to ascertain whether or not the provisions of this Bylaw are being adhered to.

1.4 Management

The management of the *Waterworks System* shall be divided into two parts, which shall consist of the following:

- a) Financial Management: Includes all matters pertaining to the levying and collecting of water rates which shall be under the charge of the *Director of Finance*.
- b) Works Management: Includes all matters pertaining to the engineering and mechanical work in connection with the system which shall be under the charge of the *Public Works Foreman*.

1.5 Inspection

- a) An *officer* of the *Village* or the *Public Works Foreman* shall have access, during reasonable times, to the land or premises being serviced by the Municipal Water System, for the inspection of and reading of meters, and all appurtenances connected with any service.
- b) Upon inspection, if any defect or waste of water is found to exist, an *officer* of the *Village* or the *Public Works Foreman* may issue written notice that the situation is to be corrected within ten days or such other time as may be specified.
- c) In the event the *owner* or *occupier* refuses or neglects to take the necessary steps within the specified time, an *officer* of the *Village* or *Public Works Foreman* may have the work done at the expense of the owner, and the *Village* shall recover the cost thereof with interest.

1.6 Access

No *person* shall obstruct at any time or in any manner the access to any *fire hydrant, curb stop, meter, main* or any other appurtenances connected to the *waterworks* system.

1.7 Penalty

The *Village* may take legal action against any *person* who violates any provision of this bylaw, and, upon summary conviction, that *person* shall be liable to a penalty not exceeding \$2,000.00.

PART 2 USE OF THE WATERWORKS SYSTEM

2.1 Tampering with the *Waterworks*

- a) No *person* except an *officer* of the *Village* or the *Public Works Foreman* shall tap or make any connection to a *service connection* or the *mains*, or turn off or on any *curb stop*.
- b) No *person* shall in any way interfere with or use a *fire hydrant* without permission from the *Fire Chief* or the *Public Works Foreman*.

- c) No *person* shall in any way interfere with any *valve, curb stop, pipe, service connection, main* or other *waterworks* or water system appurtenances outside of his own property, nor shall he in any way interfere or tamper with any *meter* or pipe leading to such *meter*, nor in any way interfere with any officer or agent of the municipality.
- d) No *person* shall install, place or maintain in any premises any water connection pipe or fixture which is not in accordance with the requirements of this bylaw and the BC Plumbing Code.
- e) No *person* shall allow, cause or permit contamination of the water supply by failing to install a backflow prevention device on all outside taps and underground sprinkler or irrigation systems.

2.2 Liability

It is a condition of the supply of water that:

- a) In the event that the supply of water to any *consumer* shall fail, whether from natural causes or accident or from any other causes whatsoever, the *Village* shall not be liable for damage by reason of such failure.
- b) *Consumers* depending on a continuous or uninterrupted supply of water or having processes or equipment which require particularly clear or pure water shall provide such emergency storage, oversize piping, pumps, tanks, filters, pressure regulators, check valves, additional *service pipes*, or other means for continuous and adequate supply of water suitable for their requirements.
- c) The *Village* shall not be liable for any injury or damage to any *person* or property arising or occurring from the use of the water from the *waterworks*.
- d) The *Village* shall not be responsible for the maintenance of pressure on *mains, service connections, or service laterals* nor for increases or decreases in pressure nor for any damages that may result.
- e) The *Village* shall not be liable in case the water contains sediments, deposits, or other foreign matter.

2.3 Termination of Water Supply

- a) The *Director of Finance* or the *Public Works Foreman* may deliver notice of an intention to discontinue providing water service to any *consumer* if:
 - i. Fees under this bylaw in connection with that *consumer* are not received by the *Village* within 30 days of being due;
 - ii. The portion of unpaid taxes that represents unpaid fees under this bylaw remains unpaid for 30 days after the tax notice is mailed to the owner of the property; or
 - iii. For failure to maintain the Service lateral in good condition, without any leaks or refusing to provide for the proper installation of a water *meter*;
or
 - iv. The owner or occupier of a property has failed to comply with this bylaw.
- b) A person to whom the notice is addressed is deemed to have received notice under section 2.3 subsection a, five (5) days after it is mailed to their last known address or, if delivered personally, on the same day that it is delivered.
- c) Within 14 days of receiving or being deemed to receive the notice of discontinuance, the owner, *occupier* or other affected person of the parcel may notify the *Director of Finance* in writing of an intention to be heard by *Council* respecting the matter. The *Director of Finance* shall endeavour to arrange for an opportunity to be heard at the next regular meeting of *Council* scheduled to take place within 30 days following the day the *Director of Finance* received notice under this Section, or an earlier date as may be mutually agreed on.
- d) Despite subsection a and b, if the *Director of Finance* considers that a discontinuance based on section 2.3, subsection a (iv), is urgent and necessary to address an emergency or a significant threat to health or safety, the notice of discontinuance and opportunity to be heard by *Council* may be within a shorter time and in a manner that is reasonable in the circumstances.
- e) After hearing representations from the affected person, *Council* may confirm, suspend or cancel a decision to discontinue the water service, and *Council*

may impose any conditions, restrictions or requirements that it considers necessary or appropriate in the circumstances.

- f) If the owner, occupier or other affected person:
1. after 14 days of receiving or being deemed to receive a notice under Section 2.3, subsection a, has not:
 - i. paid the required fees or portion of unpaid taxes representing unpaid fees under this bylaw;
 - ii. notified the *Director of Finance* of a request to be heard by *Council*;
 - iii. remedied any and all non-compliance with this bylaw described in the notice; or
 2. has failed to comply with any condition, restriction or requirement imposed by *Council* within a time period established by *Council*, or otherwise within 14 days of *Council's* decision,

the *Director of Finance* may cause the water service to the property to be discontinued, provided that water service shall not be discontinued until notice in writing has been given to the owner or persons responsible for payment, giving 48-hours notice of such discontinuance.

The fee for disconnection and reconnection established in Schedule "A" attached to and forming part of this bylaw, shall apply to that property in addition to any other fees owing under this bylaw.

2.4 Use of Water

It shall be unlawful for any *consumer* to lend, sell or give the water supplied by the *Village* or to permit the water to be taken or carried away for the use or benefit of others (except in case of fire) or to waste water. Whenever it is found that any *consumer* is using water supplied by the *Village* contrary to the provisions contained in this section an *officer* of the *Village* or the *Public Works Foreman* may have the water turned off without notice.

2.5 Water Use Restrictions

- a) The *Public Works Foreman* is hereby authorized to suspend or stop the supply of water to all *consumers* for use in fountains, pools, garden hoses or sprinklers, or to set the hours for using same.

- b) Notice thereof shall be given by posting notice on the notice board at the *Village* Office and at the post office.
- c) Whenever it is found that any *consumer* is using water supplied by the *Village* upon lawns, gardens, yards, streets or grounds of any description during times other than those fixed, the supply of water may be turned off without notice and may not be turned on until the water reconnection fee is paid as set out in, Schedule "A" attached to and forming part of this bylaw.

PART 3 SERVICE CONNECTIONS AND LATERALS

3.1 Inspection

A *service lateral* shall have passed inspection by the *Public Works Foreman* prior to connection being made at the property line.

3.2 Illegal Connections

No *person* shall connect or attempt to connect, or allow to be connected, or allow to remain connected to the *waterworks*, any property or premises otherwise than in accordance with the provisions of this bylaw.

3.3 Connection Application

- a) Each application for a *service connection* shall be made to the *Village* by the owner or his authorized agent on the form prescribed in Schedule "B" attached to and forming part of this Bylaw.
- b) The *applicant* shall, on making application, pay to the *Village* the applicable connection fee as set out in Schedule "A" attached to and forming part of this bylaw.
- c) If the connection is practicable, the *Public Works Foreman* shall provide and install a *service connection* to the *owner's* property. If such connection is not practicable, the *Public Works Foreman* shall so notify the *applicant* and the *Village* shall refund the fees paid by the *applicant*.
- d) At the discretion of the *Village*, in addition to the fee set out in Schedule "A" attached to and forming part of this bylaw, where it is necessary to remove and replace asphalt or other hard surface road materials, the *applicant* shall pay in advance the estimated cost of the removal and replacement of such hard surface.

3.4 Individual Connections

Each property shall have its own *service connection* which shall be installed to the *Village's* standards.

3.5 Existing Dual Connections

Where two buildings are presently serviced from an existing single *service connection*, a second *service connection* may be approved for installation on application, provided the connection fee as set out in Schedule "A", attached to and forming part of this bylaw, is received from the *applicant*.

3.6 Connection Location

- a) Where possible, the *service connection* will be located at the location requested by the *applicant*. In the event the *applicant's* preferred location is not practicable, the *Public Works Foreman* shall have the right to change the location.
- b) The *Village*, or *persons* duly authorized by the *Village*, shall install the *service connection*. Any fittings required to join the *service connection* to the *service lateral* shall be the *applicant's* responsibility.
- c) Where the length of the *service connection* exceeds 20 metres (66 feet), the *applicant* shall pay, in advance, the estimated cost of constructing the *service connection*.

3.7 Size of Service Pipes

The *Public Works Foreman* shall in every case determine the size of the *service connection* to be used in supplying any premises, and the use of the water and the use of the premises shall be taken into consideration.

3.8 Specifications

Water pipes on private property shall be installed in accordance with the BC Building Plumbing Code at the expense of the owner and shall be approved by the *Public Works Foreman* prior to connection being made to the *curb stop* at the property line.

3.9 Maintenance of the Service connection and Lateral

- a) All *consumers* must keep all pipes, valves, stopcocks, backflow prevention devices and other fixtures on their property and premises in good repair and protected from frost at their own expense.
- b) No apparatus, fitting or fixture shall be connected to, allowed to remain connected to, or operated in a manner which will cause noises, pressure surges, or other disturbances which may result in annoyance to other *consumers* or to the *Village* or in property damage.
- c) The *service lateral* shall be maintained at the sole expense of the *owner*. In the event a defect is suspected in the *service connection* or *service lateral*, the *consumer* shall immediately notify the *Village*, and the *Public Works Foreman* will determine if the defect exists in the *service lateral* or in the *service connection*. If the defect is determined to be located in the *service connection*, the *Village* shall repair the defect at no cost to the *consumer*. If the defect is determined to be in the *service lateral*, the property owner shall affect the necessary repairs as soon as possible.
- d) It is intended that in the case of frozen water service or similar type of problems that the lot owner first call a plumber. If it is determined that the problem is in the *service connection*, work is to proceed only after the *Public Works Foreman* or an *officer* of the *Village* authorizes the work to proceed. The *Village* will not pay for any work done unless this procedure is followed.

3.10 Turn on and Turn off

When an *owner* or *occupier* wishes to have the water service turned on (reconnected) or turned off (disconnected) at the *curb stop*, he shall make application on the form provided by the *Village* as set out in Schedule "B" attached to and forming part of this bylaw and pay the fee set out in Schedule "A", attached to and forming part of this bylaw.

3.11 Abandonment

- a) When any water service is abandoned, the owner or his agent shall notify the *Village* and the *Public Works Foreman* shall cause the *service connection* at the *curb stop* to be shut off after the fee set out in Schedule "A", attached to and forming part of this bylaw shall be paid.
- b) When a house or a building is vacated, the connection on the inside wall of the house or building shall be turned off by the owner or his agent.

3.12 Backflow Prevention

All in ground sprinkler and irrigation systems must be equipped with a backflow prevention device.

3.13 Alternate Water Supply

In the event an owner has an alternate or auxiliary water supply source other than the municipal *service connection*, they shall not connect it, cause it to be connected, or allow it to remain connected with the *Waterworks system*.

PART 4 METERS

4.1 Installation of *Meters*

- a) The Village of Zeballos shall require the use of a water *meter*, complete with by-pass and isolation valves on all non-residential properties and new construction. The size and make of the *meter* shall be determined by the *Public Works Foreman*. The *Public Works Foreman* shall place the *meter* in connection with the *service lateral* at a point where it enters the building or in such other location as approved. The *consumer* shall protect the *meter* from damage and frost and make the *meter* available to the *Village* for reading and billing purposes.
- b) The cost of purchasing the water meter and installation thereof must be paid by the owner of the premises for which the water meter is installed.
- c) The water *meter* shall be the property of the Village of Zeballos.
- d) Except as provided in Section 4.1, subsection e, of this bylaw, the Village shall maintain and repair any water meter installed under this bylaw.
- e) If a meter installed on an owner's premises is stolen or is damaged by freezing, hot water, fire, or otherwise due to neglect of the owner, or an occupier or consumer of that premises, as determined by the Public Works Foreman, the cost of repairs or replacement will be billed to the owner.

4.2 Blocked *Meter*

- a) When a *meter* is blocked or out of order and fails to register the full amount of water supplied, or indicates that no water has been used, the *Village* may charge for water on the basis of the amount of water used during the time the

meter was working properly or on the basis of any other information which can be obtained as to the amount of water used, and such amount so computed shall be paid by the *consumer*.

PART 5 RATES

5.1 Responsibility

- a) Payment of user rates as set out in Schedule "A" attached to and forming part of this bylaw shall be the responsibility of the *owner* of the property or premises receiving the water service.

5.2 Payment Regulations

- a) Non-*metered* user rates set out in Schedule "A" attached to and forming part of this bylaw, will be billed annually for service January 1st through December 31st, due and payable on the first business day of July of each year.
- b) On the first day after the Water User Fees due date each year, non-*metered* water users who have not paid their Water User Fees will be assessed a penalty of 10% on the amount outstanding.
- c) *Metered* users will be invoiced on a monthly basis and the charges contained therein will become due and payable to the *Village* thirty (30) days from the date of the invoice;
- d) *Metered* users with water user fees that are thirty (30) days past due at December 31st will be assessed a penalty of 10% on the amount outstanding and will be subject to the conditions set out in Section 2.3 of this bylaw.

5.3 New Service/Termination of Service

- a) A new *consumer* shall be charged with the full annual user rate prorated for the number of months of water service remaining in the calendar year after their water service has been turned on.
- b) A rebate on a prorated basis shall be given in any case where the *consumer* has the water shut off by the *Village*.

5.4 Non-Payment of Rates

- a) Any non-*metered* user rates remaining unpaid on the 31st day of December shall be deemed to be taxes in arrears in respect of the property to which

the water is delivered and shall forthwith be entered on the Real Property Tax Roll by the *Collector* as taxes in arrears.

- b) Any *metered* user rates that are at least thirty (30) days past due remaining unpaid on the 31st day of December will be deemed to be taxes in arrears on the property concerned and will be forthwith entered on the Real Property Tax Roll by the *Collector* as taxes in arrears.

PART 6 REGULATIONS TO DETERMINE RATES

6.1 Residence in Commercial Building

- a) Where a residence is located in conjunction with a business or in a commercial building, the residence shall be charged as per the annual residential rate and the business shall be charged a commercial rate as per Schedule "A", attached to and forming part of this bylaw.
- b) A *dwelling unit* in an apartment building, motel, hotel, boarding house or like building which is not available for rent to the public but is used as the principal residence of the owner, shall be charged according to the residential rate.

PART 7 REPEAL

7.1 Water Rates & Regulations Bylaw #445-09, Water Fees Amendment Bylaw #449-11 and Water User Fee Amendment Bylaw #503-15 are repealed in their entirety.

PART 8 EFFECTIVE DATE


8.1 This bylaw shall take effect as of the 1st day of January, 2019.

READ A FIRST time this 18th day of December, 2018.

READ A SECOND time this 18th day of December, 2018.

READ A THIRD time this 18th day of December, 2018.

RECONSIDERED AND FINALLY ADOPTED this 20th day of December, 2018



Mayor



Corporate Officer

CERTIFIED a true and correct copy of the
Village of Zeballos Water Rates and
Regulations Bylaw #519-18.



Corporate Officer



WATER FEES AND CHARGES

PER BYLAW #519-18

SCHEDULE "A"

<u>Non-Metered Users</u>	<u>Monthly</u>	<u>Annual</u>
Single family dwelling	\$15.25	\$183.00
Duplex, multiple dwellings, apartments (per single dwelling unit)	\$15.25	\$183.00
Bed and Breakfast/Boarding House (per rentable room)	\$15.25 \$7.50	\$183.00 \$90.00
Hotel/Motel/Motor Inn (per room)	\$15.25 \$7.50	\$183.00 \$90.00
Beer Parlour/Neighbourhood Pub	\$15.25	\$183.00
Schools (per classroom)	\$15.25	\$183.00
Store/Office/Restaurant	\$15.25	\$183.00
Non-Profit Organizations	\$15.25	\$183.00

Senior Discount

Fee with Full Discount Applied \$137.25

A property owner who is 65 years of age and who meets the additional grant eligibility requirements as defined in the *Home Owner Grant Act*, shall also receive a 25% discount on all or any portion of the current annual billing if paid by the annual due date.

Metered Users

Water Users with a metered service shall be charged for water measured by water meter in any one month as follows:

Residential: \$0.45 per cubic meter or part thereof computed to the nearest 5 cents with a minimum charge of \$15.25 per month.

Commercial: \$0.45 per cubic meter or part thereof computed to the nearest 5 cents with a minimum charge of \$15.25 per month.

Industrial: \$0.45 per cubic meter or part thereof computed to the nearest 5 cents with a minimum charge of \$15.25 per month.

Penalties

1. Where a consumer has been notified in writing that section 4.1 of Bylaw #519-18 applies to the property, and fails to install a water meter within 60 days of that notice being delivered, the applicable fee set out in this Schedule shall be increased
 - a) In relation to a residential property, by \$15.25 per month; and
 - b) In relation to a commercial or industrial property, by \$15.25 per month, from the end of the 60 day period until the meter has been installed.
2. *Non-metered* water users will be assessed a penalty of 10% on all water user fees which are not paid by the annual due date in the year invoiced.
3. *Metered* water users with water user fees that are thirty (30) days past due at December 31st will be assessed a penalty of 10% on the amount outstanding.

Termination of Service

Pursuant to a submitted Water Service Application form, set out in Schedule "B" attached to and forming part of this bylaw, from an *owner* or *occupier* or decision by the Village to discontinue water service, the following fees shall apply:

Disconnection Fee:	\$50.00
Reconnection Fee:	\$50.00

SCHEDULE "B"

ATTACHED TO AND FORMING PART OF

BYLAW #519-18

WATER SERVICE APPLICATION

Application for the Connection of water from the Village of Zeballos Municipal Waterworks System

or

Application for the Disconnection of water from the Village of Zeballos Municipal Waterworks System or Water Turn On/Turn Off

I/We _____, (Owner) hereby make application
for a _____, to the following property;

(full legal description)

Folio Number: _____

I/we agree to abide by the terms and conditions as established by #519-18 regulating the supply and use of the Municipal Waterworks System.

Applicant Signature

Date Received

Village of Zeballos

Routing:

PW Foreman

Mayor & Council

CAO

