

CITY OF CASTLEGAR

BYLAW 703

City of Castlegar water regulations and rates bylaw.

WHEREAS pursuant to Sections 632 and 636 of the Municipal Act it is deemed expedient to make provisions for regulating the rates, conditions and terms under or upon which water may be supplied to and used by the inhabitants of the City of Castlegar.

NOW THEREFORE the Municipal Council of the City of Castlegar in open meeting assembled enacts as follows:

Citation

1. The Bylaw may be known and cited as the "City of Castlegar Water Regulations and Rates Bylaw No. 703, 1994".

Definitions

2. In the Bylaw, unless the context otherwise requires:
 - a. "Building Connection" shall mean the water pipe extending from the property line of the property concerned to the building situated thereon.
 - b. "Building Inspector" shall mean the person or persons appointed from time to time by the Council as Building Inspector and includes deputy and assistant Building Inspectors.
 - c. "City" shall mean the City of Castlegar.
 - d. "Collector" shall mean the person appointed from time to time by the Council as Collector.
 - e. "Director" shall mean the person appointed to the position of Director of Transportation and Civic Works by the Council of the City, and any person delegated to assist the Director in carrying out duties under this bylaw. (**Bylaw 1003**)
 - f. "Property Owner" shall mean the registered owner of any lands and premises within the City and shall, where applicable, include the agent, executor or administrator of such owner or the lessees or occupier of the premises.
 - g. "Water Connection" shall mean a connection of at least three-quarter inch pipe connecting to a main supply line and extending to the property line for the purpose of conveying water to the said property, and may or may not include a water meter but shall include a shut-off valve.
 - h. "Water Service" shall mean works and services provided by the City and include:
 - . supply of water for consumption or other use
 - . water connection installation, repair or replacement
 - . Meter installation and inspection (**Bylaw 1075**)
 - . water main extension
 - i. "Water System" shall mean all water pipes, fittings, valves, meters, reservoirs, pumps, treatment or purification facilities or fire hydrants within a right-of-way, easements or property under the control of or title to the City.

General Provisions

3. No person shall make any connection to the water system owned by the City or to any water line being supplied with water from the City water system without first receiving approval from the City.
4. No person shall install, place or maintain in any premises any water connection, fixture, or fitting not in accordance with the requirements of this Bylaw or not authorized by the application for such water service.
5. No pump, device or other fitting shall be used for the purpose of, or having the effect of, increasing or decreasing the available water flow in the water system without prior written authorization from the Director of Civic Works. **(Bylaw 1003)**
6. All persons shall keep the service pipes, stop cocks, fixtures, fittings on their own premises or property in good order and repair, and protect them from frost at their own risk and expense.
7. The City shall not be required to supply water to any property within the City which is supplied by other than the City water system.
8. The property owner shall be responsible for all costs associated with the works required for the installation of a water service for his property.
9. No person shall place or introduce contaminants or pollutants into the City water system.
10. No works or services shall be performed on the water system unless authorized in writing by the Director of Civic Works. **(Bylaw 1003)**
11. All works and services performed on the water system shall conform with the requirements of the City of Castlegar Standard Construction Specifications and MMCD Specifications. **(Bylaw 1075)**
12. No person, unless provided written authorization from the Director of Civic Works shall in any way interfere, operate or tamper with any pipe, fixture, fitting, fire hydrant, valve or other component of the City water system. **(Bylaw 1003)**
13. The City shall not be liable for damages caused as a result of a disruption or discontinuation of service.
14. No person being a property owner, occupant, or tenant of any premises supplied with water by the City shall sell or dispose of any water or give away or permit the same to be taken away or applied for the benefit of others, except to those persons provided written authorization from the Director of Civic Works. **(Bylaw 1003)**
15. Nothing contained in this Bylaw shall be construed to impose any liability on the City as to the availability, volume, pressure and quality of water to any person, property or premises in the City.

Application - Connection

16. Application for the water connection shall be made to the City and shall be made on the form contained in Schedule "A" of this Bylaw and shall be accompanied by the proper fee as specified in Schedule "B" of this Bylaw. Each application, when duly signed by the property owner, includes agreement to abide by the terms and conditions of this Bylaw and any subsequent amendments thereto.
17. Applications for a water service submitted by other than the registered property owner must be accompanied by a letter of consent or authorization from the registered or legal property owner.
18. The connection fee paid in accordance with Section 16 hereof, does not include works within private property.

Application - Disconnection

19. Application for disconnection of a water connection shall be made to the City and shall be made on the form contained in Schedule "A" of this Bylaw and shall be accompanied by the proper fee as specified in Schedules "B" of this Bylaw. Until such application has been submitted, water rates may be charged as prescribed by Schedule "B".

Water meters

20. a. All new residential construction and any existing non-residential property using or consuming water from the City mains or supply lines shall install and use an approved water meter. **(Bylaw 1075)**
- b. The residential property owner shall, through the City, obtain an approved water meter and radio read unit (MXU) free of charge and shall install the meter and MXU at their expense at a location on the premises as specified by the Director. **(Bylaw 1075)**
- c. All Industrial/Commercial/Institutional property owners shall, through the City, obtain an approved water meter and radio read unit (MXU) at their expense and shall install the meter and MXU at their expense at a location on the premises as specified by the Director. **(Bylaw 1075)**
- d. The charges as prescribed in Schedule "B" shall apply. **(Bylaw 1075)**
- e. The water meter and MXU shall, despite their installation in the property owner's premises, be the property of the City. **(Bylaw 1075)**
- f. The owner of a new residence shall be placed on the annual flat rate as prescribed as in Schedule "B" after an inspection and operational check of the equipment has been confirmed by the Director. **(Bylaw 1075)**
- g. Industrial/Commercial/Institutional metered rates shall apply as prescribed in Schedule "B". **(Bylaw 1075)**
- h. A flow test will be conducted on all new meter installations and will serve to confirm that all water use is measured through the meter before the Director will certify the installation satisfactory and initiate the metered rate. **(Bylaw 1075)**
- i. Any person(s) found to have a connection upstream of the water meter will be billed at the annual flat rate until the illegal connection is certified disconnected by the Director. **(Bylaw 1075)**

21. Every meter shall be equipped with a radio read unit (MXU) installed at a location on the premises specified by the Director, to reasonably enable the Director to monitor the consumption of water through the meter, and no person shall prevent the Director from entering on premises to read a meter or operate a radio read unit (MXU) connected to a meter. **(Bylaw 1003) (Bylaw 1075)**
22. In the event that a meter or radio read unit (MXU) is malfunctioning or the Director is unable to read a meter in any monitoring period, and at the Director's discretion in respect of premises where water consumption is not likely to differ materially from quarter to quarter, the Director may estimate the consumption of water, the rates charged for the premises for that period shall be based on the Director's estimate, and an adjustment shall be made on the Property Owner's account when the meter is next read. **(Bylaw 1003) (Bylaw 1075)**
 - a. All water meters equipped with a bypass device shall be sealed and no person shall break such seal without the written authorization of the Director. **(Bylaw 1003)**
 - b. No person shall interfere with, tamper with, disconnect or damage any water meter or remote keypad, nor cause or allow water being supplied by the City to bypass any meter, without the written authorization of the Director. **(Bylaw 1003)**
 - c. In the event that the Director is required to attend any premises for the purpose of reading a meter or operating a remote keypad, after having been unable to obtain access to the meter or remote keypad on a first attempt or in the event that the director is unable to obtain a meter reading from a remote keypad, the Property Owner shall be liable for the additional charge specified in Schedule B. **(Bylaw 1003)**
 - d. Residential water meters or MXU's deemed to be malfunctioning by City staff, will be repaired or replaced by the City. **(Bylaw 1075)**

Rates and Charges

23. Property owners shall be responsible for payment of all rates for water used and consumed on properties owned by them.
24. The user rates and charges specified in Schedule "B" of this Bylaw are hereby imposed and levied for water services supplied by the City. All such rates shall be due and payable when invoiced. **(Bylaw 1226)**
25. User rates calculated on a metered basis may be invoiced quarterly for the periods ending March 31, June 30, September 30 and December 31. Payment for the period ending December 31 shall not be deemed to be due until January 1 of the following year.
26. User rates are subject to a discount of up to 10%, as determined by the council, if paid within the discount period stated on the invoice. **(Bylaw 953)**
27. A penalty of 5% (five percent) shall be imposed upon the balance of the current quarterly instalment (or any portion thereof) that is unpaid by the last day of each respective quarter.
28. For any water service turned on after the 1st of January, the user account will be billed for an amount equal to the annual rate prorated for the number of days remaining in the year.

29. For any water service turned off after the 1st of January, the user account will be credited for an amount equal to the annual rate prorated for the number of days remaining in the year in accordance with section 30.
30. When any rates or charges for water service are overdue for a period of three (3) months, such water supply may be turned off from the property in respect to which such rates or charges are overdue. Such services shall not be turned on again to the said property until the following have been paid to the City:
 - a. The rates overdue (including penalty).
 - b. The charges prescribed in Schedule 'B' to cover the cost of turning the water supply off and on.
 - c. Any additional cost incurred by the City in order to prevent the improper use of water after the same has been turned off.
31. Notwithstanding Section 25, all rates and charges remaining unpaid on the 31st day of December in each year shall be added to and form part of the taxes payable in respect of the land and improvements therein, and shall be entered on the Collector's Roll as taxes in arrears.

Inspection

32. The building connection shall be left uncovered at the joint with water connection until it has been inspected and approved in writing by the Director of Civic Works. **(Bylaw 1003)**
33. Officers, employees, and agents of the City of Castlegar are hereby authorized to enter upon any lands and premises in the municipality at all reasonable times to ascertain whether the requirements and regulations of this Bylaw are being observed.

Water Restrictions

34. During the period from June 15 to September 15 of each year use of water for irrigation or sprinkling will be prohibited:
 - a) between the hours of 11:00 p.m. and 5:00 a.m., and
 - b) between the hours of 11:00 a.m. and 5:00 p.m. **(Bylaw 942)**
35. Notwithstanding section 34, the City may, whenever in its discretion the public interest so requires, suspend or limit the use of water from the City water system, or may further regulate the hours of use, or may further prescribe the manner in which such water may be used.
 - a) Owners and occupiers of residential and commercial properties, the civic address of which ends in an odd number may water lawns, trees, shrubs and gardens on odd numbered days of the month.
 - b) Owners and occupiers of residential and commercial properties, the civic address of which ends in an even number may water lawns, trees, shrubs and gardens on even numbered days of the month.
 - c) Auto washing allowed on regular watering day. **(Bylaw 942)**
 - d) Owners and occupiers of residential and commercial properties with a water regulating system shall be permitted to water between the hours of 11:00 p.m. and 5:00 a.m. on an alternating day basis. **(Bylaw 942)**

36. No water shall be used for irrigation, sprinkling, construction involving soil removal or replacement when restrictions have been imposed under Section 34 and 35 except:
(Bylaw 851)
- a. as described by such restrictions or
 - b. as a permitted exemption under Section 37.
37. Application for exemption from water usage restrictions or regulations in place under Section 34 shall be made to the City on the form contained in Schedule "C" of this bylaw and shall be accompanied by the proper fee or charge as specified in Schedule "B". Water usage exemption permits under this section may be issued for the following applications.
- a. New residential lawn or landscaping installation or construction.
 - b. As a means of controlling dust or cleaning of private driveways or parking lots of a metered commercial or multi-family user
 - c. Within a construction or building project under a building or development permit issued by the City.
38. An exemption permit may be revoked at any time.
39. The following activities and facilities be exempt from Section 34: commercial nursery operations, public works activities and repair work, and water parks. **(Bylaw 851) (Bylaw 1012)**

Enforcement

40. Any person who installs a water connection to the City water system, without first obtaining approval and paying the applicable charges, shall be liable for all costs associated with the disconnection of the said service connection and, in addition, is considered to be guilty of an offence under this Bylaw.
41. The City may discontinue the water service to any premises for contravention or violation of the regulations within this bylaw.
42. a. Every person who violates a provision of this Bylaw, neglects or refrains from doing anything required to be done by this Bylaw, breaches a condition of water service or an approval issued under this Bylaw, or who fails to comply with an order made under this Bylaw, commits an offence and is liable on summary conviction to a fine of not more than \$2,000 and the costs of prosecution. Each day a violation continues or is permitted to continue shall constitute a separate offence. **(Bylaw 1003)**
- b. Every person who breaks a seal on a water meter without the Director's written authorization, or tampers with, disconnects or damages any water meter or radio read unit (MXU) shall be liable to pay the City's actual cost of replacing or repairing the seal, meter or radio read unit (MXU), as the case may be, and in addition shall pay the City an administrative penalty of \$500.00. **(Bylaw 1003) (Bylaw 1075)**
 - c. Connections to the service line upstream of the water meter is prohibited. **(Bylaw 1075)**

Enactment

43. "City of Castlegar Water Rates and Regulations Bylaw No. 341, 1982" and all amendments thereto are repealed on the date this bylaw comes into effect.

44. This Bylaw shall take effect on January 1, 1995.

READ A FIRST TIME on the 18th day of October, 1994.

READ A SECOND TIME on the 18th day of October, 1994.

READ A THIRD TIME AND PASSED on the 1st day of November, 1994.

ADOPTED on the 15th day of November, 1994.

Mike O'Connor

MAYOR

Dianne Hunter

CITY CLERK

List of Amending Bylaws

753	January 1, 1996
805	March 4, 1997
818	May 20, 1997
830	January 1, 1998
851	August 17, 1998
859	January 1, 1999 (Repealed)
891	November 22, 1999 (Repealed)
915	January 8, 2001
927	May 22, 2001
942	May 23, 2002
953	December 19, 2002
975	November 3, 2003
1003	October 18, 2004
1006	December 6, 2004
1012	January 4, 2005
1033	November 21, 2005
1051	December 4, 2006
1075	January 7, 2008
1097	December 15, 2008
1100	March 16, 2009 (Repealed)
1114	December 21, 2009
1151	January 16, 2012
1166	December 17, 2012
1183	January 6, 2014 (Repealed)
1209	January 5, 2015 (Repealed)
1226	December 21, 2015

Schedule "A" to Water Rates and Regulations Bylaw 703

City of Castlegar Water Regulations and Rates Bylaw No. 703, 1994 and Amendments Thereto

APPLICATION FOR WATER SUPPLY AND SERVICE(S)

I, _____ being the property owner of the premises described as:

Lot _____ Block _____ D.L. _____ Plan _____

and situated at # _____ Street/Avenue, in the City of Castlegar, hereby makes application for the following services:

___ supply and use of water . The use or occupancy of the property or premise supplied will be _____ (describe current or proposed occupancy and zoning) consisting of ___ square meters of total building floor area.

___ new water connection(s).

___ water meter **purchase(s)**.

___ **water meter inspection(s) & initial read(s)**.

___ water connection repair(s), replacement(s) or adjustment(s)

___ water main extension

___ other (provide description) _____

DATED at the City of Castlegar this ___ day of _____, 20__.

APPLICANT

TOTAL COST OF SERVICE(S) = \$ _____

- note: (a) a detailed cost summary is attached for the property owner's review.
(b) the total costs presented herein will be held firm for a period not exceeding sixty (60) from date of issuance.

DATE: _____

(Director of Transportation & Civic Works)

Schedule "A"
to Water Rates and Regulations Bylaw 703

City of Castlegar Water Regulations and Rates Bylaw No. 703, 1994 and Amendments Thereto

AGREEMENT FOR WATER SUPPLY AND SERVICE(S)

The completion of this agreement does not relieve the applicant, authorized agent or owner from conforming to all requirements or every pertinent bylaw and regulation enforced within the City of Castlegar.

In consideration of the approval of this application, I/we agree to duly pay all applicable user rates and service charges for all water services provided herein as prescribed by the "City of Castlegar Water Regulations and Rates Bylaw", and amendments thereto. I/we further agree that I/we will be bound by all the provisions of the said Bylaw where applicable and the rules and regulations made there under and that in consideration of the aforesaid I will protect and save harmless the City of Castlegar from all claims for damages caused by the delivery of the said service(s). I/we further agree to release and indemnify the City of Castlegar, its Council members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgements, losses, damages, costs and expenses of whatever kind I/we or any other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have to incur in consequence of or incidental to this agreement.

DATED at the City of Castlegar this ____ day of _____, 20____.

Property Owner

(signature)

AUTHORIZATION TO PROCEED WITH WORKS:

DATE: _____

(Director of Transportation & Civic Works)

(Bylaw 1075)

**SCHEDULE "B" TO
 WATER RATES AND REGULATIONS BYLAW 703**

A. SERVICE CHARGES (not subject to discount)

1. Charges for installation of a water service.

(a) 19 mm diameter	\$920.00 (minimum) plus any additional service costs itemized in (d) below
(b) 25.4 mm diameter	\$1,250.00 (minimum) plus any additional service costs in (d) below
(c) renewal (upgrading existing 12 mm diameter to 19 mm diameter) including metre retrofit	\$ 250.00 (minimum) plus any additional service costs in (d) below
(d) additional service costs not included in (a), (b) and (c) above:	
(i) administration	15%
(ii) service or main extension (greater than 25.4 mm and up to 28.1 mm diameter and/or where the service line exceeds 15 m in length)	\$ 120.00 per linear metre plus any additional service costs listed herein
(iii) restoration	
(1) asphalt road repair	\$ 75.00 per square metre
(2) concrete curb	\$ 60.00 per linear metre
(3) asphalt curb	\$ 20.00 per linear metre
(4) sidewalk (concrete)	\$ 120.00 per linear metre
(5) boulevard landscaping	\$ 12.00 per square metre
(6) boulevard swale or ditch	\$ 14.00 per linear metre
(7) over excavation (depth of bury exceeding 1.2 m)	\$ 16.00 per cubic metre
(iv) metre purchase and installation inspection	
(1) residential	\$ 225.00
(2) residential retrofit	\$ 250.00
(3) meter greater than 19 mm diameter	at cost
(4) industrial/commercial	at cost
(5) industrial/ commercial retrofit	at cost
(6) installation inspection and initial read	\$ 25.00
(v) additional charge for meter reading	\$ 25.00
(v) metre installation (greater than 19 mm diameter)	at cost
(vi) approved use of fire hydrant	\$25.00 per day plus administration
(vii) additional charge for metre reading	\$25.00

2. Charges for disconnection of water service:
- (a) \$ 920 (minimum) plus any additional service costs itemized in (b) below
 - (b) additional service costs not included in (a) above
 - (i) administration 15%
 - (ii) restoration
 - (1) asphalt road repair \$ 75.00 per square metre
 - (2) concrete curb \$ 60.00 per linear metre
 - (3) asphalt curb \$ 20.00 per linear metre
 - (4) sidewalk (concrete) \$ 120.00 per linear metre
 - (5) boulevard landscaping \$ 12.00 per square metre
 - (6) boulevard swale or ditch \$ 14.00 per linear metre
 - (7) over excavation (depth of bury exceeding 1.2 m) \$ 16.00 per cubic metre
3. Each time water supply is turned on:
- (a) during normal working hours \$ 0.00
 - (b) outside normal working hours \$ 125.00
4. Each time water supply is turned off:
- (a) during normal working hours \$ 0.00
 - (b) outside normal working hours \$ 125.00
5. Exemption permit: \$ 10.00

B. WATER RATES

1. Metered rate (not subject to discount/2014 rates remain in effect beyond 2014 unless amended)

(a) Flat Rate - per quarter (Industrial, Commercial and Institutional	-2011	\$ 35.00
	-2012	\$ 36.00
	-2013	\$ 37.00
	-2014	\$ 38.00
(b) Flat Rate - per quarter (Multi-family residential)	-2011	\$ 15.00
	-2012	\$ 17.00
	-2013	\$ 19.00
	-2014	\$ 21.00
(c) Unit Rate - per cubic metre (Industrial, Commercial and Institutional)	-2011	\$ 0.35
	-2012	\$ 0.36
	-2013	\$ 0.37
	-2014	\$ 0.38
(d) Unit Rate - per cubic metre (Multi-family residential)	-2011	\$ 0.35
	-2012	\$ 0.36
	-2013	\$ 0.37
	-2014	\$ 0.38
(e) Bulk Rate - per cubic meter (purchased through hydrants or bulk water connections.		\$ 1.03

2. Un-Metered rate (subject to discount)

(a) Residential		
(i) single family dwelling		\$ 419.25
(ii) secondary suite		25% of single family dwelling
(b) Commercial		
(i) Trailer Camps or Courts		
(1) each trailer pad, stall or dwelling unit		\$ 419.25
(ii) Restaurants, Cafes, Coffee Shops, Beer Parlours, Licensed Lounges		
(1) per seat (over 60 seats)		\$ 13.31
(2) minimum per year (first 60 seats)		\$ 784.55
(iii) Laundries, Laundromats or Dry Cleaners		Metered use only
(iv) Garages and Service Stations		\$ 478.75
(v) Hairdressers and/or Barbers		
(1) each basin and toilet		\$ 330.06
(2) each additional basin		\$ 75.89
(vi) Offices, Stores, and Medical or Dental Clinics		
(1) each basin and toilet		\$ 330.06
(2) each additional spray, basin or urinal		\$ 75.89

(vii) Pool Rooms, Health Spas, Curling Clubs and Bowling Alleys	
(1) per unit of occupancy load	\$ 10.48
(viii) Private Halls, Theatres	
(1) per unit of occupancy load	\$ 2.58
(ix) Car Washes, Cement Mix Plants	Metered use only
(x) Greenhouses, Swimming Pools	Metered use only
(xi) Hotels, Motels, Tourist Cabins (Flat rates, no refund on vacancies)	
(1) owners unit	\$ 419.25
(2) each suite, room or overnight sleeping accommodation	\$ 113.70
(3) swimming pool (year round)	\$ 1,203.82
(4) swimming pool (seasonal)	\$ 605.96
(xii) For all un-metered users not herein provided for	
(1) each set of basin or toilet	\$ 419.25
(2) each additional basin or urinal	\$ 81.09
3. Institutional	
(a) Institutional offices, Churches and Halls	
(i) each set basin and toilet	\$ 197.40
(ii) each additional basin or urinal	\$ 70.40
(b) Schools, each classroom	\$ 481.59
(c) Hospitals, per bed	\$ 197.40
4. Industrial – metered use only	

Schedule "C"
to Water Rates and Regulations Bylaw 703

CITY OF CASTLEGAR
WATER USE EXEMPTION PERMIT

Pursuant to section 37 of the City of Castlegar Water Regulations and Rates Bylaw 703 exemption from the current restriction imposed is granted under the following terms and conditions.

- watering a new residential lawn or landscaping installation or Construction
- As a means of controlling dust or the cleaning of a private driveway or parking lot within a metered Commercial or Multifamily zone.
- watering within a construction or building project under a building or development permit issued by the City.
- the exemption permit expiration date will be _____ days from the date of issuance.
- receipt of fees prescribed by schedule "B" of this bylaw.

Agreement/Property Owner

Date

Authorized Signature – City of Castlegar

Date

Note to Users

This office consolidation is not an authoritative text of the law and is produced solely as a convenience to the user. The authoritative text of the law is in the original bylaw and the amending bylaw(s).