



VILLAGE OF
VALEMOUNT

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Village of Valemount
Water Supply and Regulations Bylaw
No. 709, 2014

VILLAGE OF VALEMOUNT
WATER SUPPLY AND REGULATIONS BYLAW NO. 709, 2014

Being a bylaw to establish comprehensive water supply regulations

WHEREAS pursuant to Part 7 of the *Community Charter*, the Council has the power to provide for the establishment and use of a water 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 Valemount, in open meeting assembled, enacts as follows:

1. Title

- 1.1 This bylaw may be cited for all purposes as "Bylaw No. 709, 2014, Water Supply and Regulations Bylaw."

2. Repeal

- 2.1 Bylaw No. 21, 1964, Village of Valemount Water Connection Bylaw, and all amendments thereto, are hereby repealed.
- 2.2 Bylaw No. 311, 1989, Village of Valemount Water Supply and Rates Bylaw, and all amendments thereto, are hereby repealed.
- 2.3 Bylaw No. 451, 1998, Water Parcel Tax Bylaw, and all amendments thereto, are hereby repealed.
- 2.4 Bylaw No. 561, 2004, Water Restrictions and Metering Bylaw, and all amendments thereto, are hereby repealed.

3. Definitions

- 3.1 Refer to Schedule A of this bylaw.

4. Establishment of Village Waterworks

- 4.1 To the extent that the Village has not already established the service of water supply, the Village hereby establishes the service of supplying water to the Village through the Waterworks system and operating, constructing, maintaining and regulating the Waterworks system.

5. Provision of Water Service

- 5.1 Parcel Owners that are connected to the Waterworks, or are capable of being connected to the Waterworks, cannot opt out the Water Service, regardless of whether:
- a. Any building(s) situated on the Parcel is used or occupied;
 - b. The Owner or Occupant makes use of the Waterworks; or
 - c. The Waterworks is interrupted or altered in any manner.
- 5.2 A Parcel is deemed capable of being connected to the Waterworks if the adjacent street, right of way or easement has a public water main which has sufficient capacity to provide Water Service. If the Authorized Person determines that the public water main does not have sufficient capacity, Section 5.1 of this Bylaw does not apply.
- 5.3 An Owner of a vacant Parcel is not required to connect to the Waterworks, but if capable of being connected to the Waterworks as per 5.2 of this bylaw, cannot opt out of fees associated with providing the Water Service, as per the *Fees and Charges Bylaw*.
- 5.4 The Owner of any building with an occupancy permit which is capable of connection to the Waterworks must connect or cause to be connected:
- a. Six (6) months after the date that the adjacent public water main is completed and rendered operational; or
 - b. Six (6) months of being notified by the Village of the requirement to connect.
- 5.5 Each Parcel shall have its own Service Connection. Where there is more than one Premise or permitted use on a Parcel, the Authorized Person may require separate Service Connections for each Premise or permitted use.
- 5.6 Non-residents outside the Village boundaries are not permitted to connect to the Waterworks without prior approval, by resolution, of Council and approval of the board of the Regional District of Fraser Fort-George in accordance with Section 13 of the *Community Charter*.

6. Terms and Conditions

- 6.1 Nothing contained in this Bylaw shall be construed to impose any duty or liability on the municipality to service any Parcel or Premises or to give a continuous supply of water to any Parcel or Premises.
- 6.2 The Village does not represent, warrant or guarantee the quantity, volume, pressure or purity of the water provided to any consumer from the Waterworks.
- 6.3 Every consumer agrees not to make any claims, to sue or commence an action against the Village for any injury, loss, expenses or damage to person or property or for economic loss arising directly or indirectly from the use of water from the Waterworks except where the same are the result of gross negligence of the Village.
- 6.4 Council, if they have reason to believe that a Water Supply Shortage exists or is imminent or the public interest may require it, issue a public notice prohibiting or restricting the use of water. If feasible, notice of watering restrictions shall be advertised at least once in a newspaper circulating within the municipality.
- 6.5 Every owner must;
 - a. Maintain the Water Service in good condition free of leaks; and
 - b. Pay all rates, fees and charges as stipulated in the Village *Fees and Charges Bylaw* when due.
- 6.6 The Village may, without notice, disconnect the Water Service to any Parcel or Premises for any of the following reasons, and the Village shall not be liable for damages resulting from the discontinuing of Water Service for such reasons:
 - a. Unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
 - b. Non-payment of rates;
 - c. Failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in good state of repair and which are or may become a cause of Waste of Water;
 - d. For repairs;
 - e. For want of supplies;

- f. An emergency that threatens the safety of the Waterworks or the public;
 - g. For employing any pump, booster or other device for the purpose of, or having the effect of, increasing water pressure in service lines, without obtaining the approval of the Authorized Person; or
 - h. For violation of any of the provisions of this Bylaw.
- 6.7 Where Water Service is to be shut off with respect to 6.6 a. – g., the Village will attempt to give seven (7) days notice via one or more of the following:
 - a. Posting notice on the Parcel or Premises;
 - b. Providing notice on the water bill;
 - c. Mailing notice to the address supplied by the Owner or the address of the Parcel or Premises; or
 - d. Telephoning the Owner, which may include speaking directly to the Owner or leaving a message at the telephone number supplied by the Owner.
- 6.8 No notice will be given where the safety of life or property is at risk.
- 6.9 The Village is not responsible for any notice failing to reach an Owner or Occupier prior to the shut off of water.
- 6.10 Where Water Service is to be shut off for non-compliance with any provision of this Bylaw, the Village will give thirty (30) days notice to the Owner or Occupier. If requested, the affected Owner or Occupier shall be given the opportunity to address Council in respect to the non-compliance.
- 6.11 The Owner and/or Occupier of a parcel and/or premises shall, at all reasonable times, allow and permit the Authorized Person to enter into or upon the Parcel and/or Premises for the purpose of inspecting and testing the Water Service and Service Connection in order to ascertain whether or not the provisions of this Bylaw are being complied with.
- 6.12 The Authorized Person may, in the event of an emergency or apprehended emergency as reasonably determined, enter onto lands or into buildings or structures authorized to be connected to the Service Connection in order to take such steps necessary to prevent, reduce or mitigate any risk of contamination to the Waterworks.

7. Service Connection Installations

- 7.1 An application for a Service Connection to connect a Parcel or Premises to the public water main shall be made in writing on the designated application form and submitted to the Village. Such application must be signed by the Owner of the Property or Premises or their duly authorized agent signing as such, and shall be accompanied by the associated fees, as per the *Fees and Charges Bylaw*. Each application, when signed, shall be an agreement whereby the Owner agrees to abide by the terms and conditions of this Bylaw.
- 7.2 As part of the application form, the Authorized Person may require a site services layout, the name of the hired Contractor and other specifications which show a description of the material to be used and location of the service.
- 7.3 All Service Connections and Water Services must meet the standards of this Bylaw, the Village *Subdivision and Development Servicing Bylaw*, which may change from time to time, and the British Columbia Building Code.
- 7.4 After reviewing the proposed site services layout and other specifications as requested, the Authorized Person may approve, in writing, the installation of a Service Connection.
- 7.5 The Service Connection shall be installed at the Owner's cost by a Contractor approved by the Authorized Person. Any fittings required to join the Village's pipe to the applicant's building shall be the Owner's responsibility.
- 7.6 A Contractor may only connect a Parcel and/or Premises to the public water main upon approval of the application by the Authorized Person.
- 7.7 A Service Connection must not be backfilled before inspection by the Authorized Person. Such inspections will occur between the hours of 8:30 a.m. and 2:30 p.m. during Village working days and after forty-eight (48) hours notice of the need for an inspection has been given to the Village by the applicant. Inspection fees, as per the *Fees and Charges Bylaw*, apply.
- 7.8 Should the Authorized Person find upon inspection that any water line is defective, or should such work not be ready for inspection after the Authorized Person has received notification required herein, the Owner or

contractor, as the case may be, shall upon completion or correction of the work provide a further notice of inspection to the Village, together with an additional inspection fee as set out in the *Fees and Charges Bylaw*.

- 7.9 After final inspection has been made, it shall be incumbent upon the Parcel or Premises Owner to see that the Service Connection and Water Line does not become obstructed from rocks, gravel, sand, sticks, garbage, or any other foreign material, grease build-up and the freezing of lines.
- 7.10 The Village may, on application by an Owner, agree to install the Service Connection, or supervise the installation of the Service Connection, in which case the Owner must pay the appropriate fee as per the *Fees and Charges Bylaw*.
- 7.11 Where the Parcel or Premises is serviced by a private water system for domestic water supply, prior to permitting a Service Connection, the private water system shall be disconnected and capped, so as not to allow cross connection with the municipal Waterworks. The Authorized Person shall inspect the disconnection before authorizing any connection to the Municipal Waterworks.

8. Maintenance and Repairs

- 8.1 In the event a defect is suspected in the Service Connection or Water Service, the Village will as soon as practicable determine if the defect exists 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 Owner. If the defect is determined to be located in the Water Service, the defect shall be repaired by the Owner at no cost to the Village.
- 8.2 The Owner is responsible for blockages, freezing or other conditions in the Owner's water line or the Service Connection serving the Parcel which causes interruption to the Water Service. If the Owner feels that a blockage, freezing or other condition interrupting the Water Service is present in the public water main, and not in the Service Connection or Owner's water line, the Owner must deposit with the Village a sum of money equal to the Authorized Person's estimate of the cost of excavation and backfilling required or provide security for such amount satisfactory to the Authorized Person.

- 8.3 In the event that the Authorized Person determines that the Village's public water main is the cause of the problem, the Village or a contractor approved by the Authorized Person shall repair such fault and return the money deposited by the Owner.
- 8.4 If there is no blockage, freezing or other condition found in the Village's public water main, the Village shall retain that portion of the deposit in the amount equal to the actual cost of the work, and return any surplus to the Owner. The Owner may inspect the site of the excavation by the Village and satisfy himself or herself as to the condition of the Service Connection.
- 8.5 If the money or security deposited is insufficient, the Village may recover such expenses with the interest in the same manner as municipal taxes.
- 8.6 Should any Water Service or Service Connection become stopped or otherwise damaged and should the Owner fail to immediately take the necessary steps to clear the stoppage or repair the damage, the Authorized Person may take such steps as he or she may consider necessary repair the damage and charge the Owner for said repairs.
- 8.7 When an Owner wishes to turn on or turn off the Water Service at the Curb Stop, the Owner shall submit an application to the Village with the appropriate fees, as per the *Fees and Charges Bylaw*, and the Village will carry out the work at a mutually agreeable time.
- 8.8 Instances where an act of nature such as landslide, shifting of earth, washouts caused by rainfall or water tables, manmade instances such as contractors digging and breaking Service Connections or Water Lines, construction of new streets or any other work causes damage or breaks Service Connections or Water Lines on Village streets, rights-of-way, or easements, the Authorized Person shall determine the cause of such damage, repair or cause to have repaired the said Service Connections or Water Lines and further, determine who shall be liable for payment.

9. Demolition of Buildings

- 9.1 When a building or structure within the Village is removed or demolished, the Owner must immediately apply to the Village for a Water Connection Permit to disconnect the building from the Waterworks. The Authorized Person upon payment of the required fee imposed under the Fees and Charges Bylaw will cause such disconnection to be made and forthwith to stop up the said connection at the Village's property line.

10. Administration

- 10.1 The Authorized Person is hereby authorized and directed to carry out the general supervision of the Waterworks and to administer the provisions of this Bylaw.
- 10.2 The Chief Administrative Officer, or designated representative, is authorized to create the forms necessary to administer this Bylaw.
- 10.3 The officer responsible for financial administration in the Village is authorized to carry out the calculation of fees for each Parcel and/or Premises.

11. Fees

- 11.1 It is the responsibility of the Owner and/or Occupier to notify the Village in writing when any changes or modifications are made to their premises that may affect their utility rates or other requirements of this Bylaw.
- 11.2 Council imposes the fees to be charged with respect to matters dealt within this Bylaw. These fees are set out in the Village *Fees and Charges Bylaw*, which may change from time to time.
- 11.3 The Owner, as detailed in the records of the municipality, shall be billed directly and shall be responsible for the payment thereof.
- 11.4 The tenants of commercial property may be billed directly upon written authorization by the Owner thereof, provided that the Owner of such commercial property shall, at all times, be responsible to pay all monies required under the provisions of this Bylaw.
- 11.5 Billing will take place at a schedule determined by the officer responsible for financial administration in the Village.
- 11.6 All fees, rates and charges as set out in this Bylaw shall be payable at the office of the Village on or before the due date as printed on the utility notices.
- 11.7 A discount of eight (8%) shall be allowed on all fees, rates and charges paid within the period specified on the utility notices.

- 11.8 All fees, rates and charges as set out in this Bylaw not paid on or before the thirty-first (31st) day of December in any year shall be deemed to be taxes in arrear in respect of the parcels of land served by the said Service Connection and such sum shall be recoverable as taxes, as per Section 258 and 259 of the *Community Charter*.
- 11.9 In the case of a Parcel having more than one Premise or permitted use, each Premise or permitted use shall be charged a separate rate as per the *Fees and Charges Bylaw*.
- 11.10 Where a Parcel and/or a Premises is connected to the Waterworks part way through a year, the fee payable for the year shall be prorated to represent the number of months or partial months that the parcel and/or premises is connected to the Waterworks.
- 11.11 Where an Owner has, at their expense, installed a Service Connection to a property line as part of their subdivision servicing or other development requirements, Sections 11.10 shall not apply, and the owner shall pay only an inspection fee, in accordance with applicable Village Bylaws.
- 11.12 Any Service Connections made by the Village between November 1 and April 30 shall be subject to an additional fee as prescribed in the *Fees and Charges Bylaw*.
- 11.13 Non receipt of a bill for fees and charges does not exempt a person from paying the applicable fees or charges by the due date.

12. Offense and Penalty

- 12.1 No person shall do any act or permit any act or thing to be done in contravention of this bylaw.
- 12.2 Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this by-law, or who fails to do any act or thing required by this by-law, shall be deemed to have committed an offence against this by-law and:
- a. Shall be liable to any conditions set out in the Village of Valemount Bylaw Notice Enforcement and Dispute Adjudication System Bylaw; or
 - b. Shall be liable, upon summary conviction, to the penalties provided under the Offence Act; or
 - c. Any combination of the above.

12.3 Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.

12.4 Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

13. Prohibitions

13.1 No person shall obstruct or interfere with the Authorized Person or any Village officer in the performance of his or her duties or the exercise of his or her powers under this Bylaw.

13.2 No person shall make or maintain any connection to, or use water from the Waterworks, unless authorized by the Authorized Person.

13.3 No person shall tamper with, alter, remove, damage, deface or in any way interfere with the Waterworks unless authorized by the Authorized Person.

13.4 No person shall introduce to, or allow to be introduced to the Waterworks, any contaminant.

13.5 No person shall sell, dispose or otherwise give away Village water for use off the Parcel or Premises unless the Parcel or Premises is on a metered account and the Village has authorized such sale or disposal.

13.6 No person shall permit the Waste of Water.

13.7 No person shall use water contrary to this Bylaw and without limitation contrary to the water use restrictions as set by Council or the Authorized Person.

13.8 No person shall knowingly withhold information from the Village or fail to provide information to the Village about the use of their Parcel or Premises that could affect utility rates, fees or charges.

13.9 No person shall connect, cause to be connected, or allowed to remain connected any piping, fixture, fitting, container, meter, appliance or cross connection in a manner or in circumstances that could cause or allow any part of the Waterworks to become contaminated.

14. Severability

14.1 If any portion of this bylaw is declared ultra vires by the Court of Competent Jurisdiction, that portion shall be deemed to be severed from the bylaw to the extent that the remainder of the bylaw shall continue in full force and effect.

Read a First Time this 26th day of November, 2013

Read a Second Time this 26th day of November, 2013

Read a Third Time this 10th day of December, 2013

Reconsidered and Adopted this 14th day of January, 2014



Mayor, Andru McCracken



Corporate Officer, Braden Hutchins

Certified to be a true copy of the Bylaw 709, 2014 as adopted by Council Resolution #013/14, dated 14th day of January, 2014.

VILLAGE OF VALEMOUNT
WATER SUPPLY AND REGULATIONS BYLAW NO. 709, 2014

Schedule A: Definitions

In this Bylaw, unless the context otherwise requires:

“Authorized Person” means the Public Works Superintendent or in his or her absence, the Chief Administrative Officer or designated representative.

“Contractor” means a person approved by the Authorized Person to install Service Connections and, when required, Main Extensions.

“Council” means the Council of the Village of Valemount.

“Curb Stop” means a shut off valve on the main side of the property line installed on a Service Connection.

“Dwelling” means any building or structure in which a person or persons either resides or occupies, including duplexes, multiplexes, apartments or suites.

“Environmental Health Officer” means the person appointed by the Ministry of Health to enforce to Public Health Act or any other enactment of the Province relating to public health.

“Financial Officer” means the Financial Officer duly appointed from time to time by Council, pursuant to the *Community Charter*.

“Occupier” has the same meaning as defined in the *Community Charter*.

“Owner” has the same meaning as defined in the *Community Charter*, and in relation to strata property includes a strata corporation.

“Parcel” means a parcel of real property.

“Premises” means such separate and individual lots or parcels of land or individual dwelling or commercial units where they are contained with a single structure.

“Service Connection” means a pipe and the necessary valves and protective boxes, connections, thaw wires and any other material necessary to, and actually used to, connect the water main to the Curb Stop.

“Standard Methods” means the “Standard Methods for the Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association and the Water Pollution Control Federation, latest addition.

“Village” means the Village of Valemount.

“Waste of Water” means discharging, or allowing to be discharged, water from the waterworks for no useful purpose.

“Water Service” means a pipe including all valves, connections, taps, meters and all appurtenances connecting a curb stop to a house or building.

“Water Supply Shortage” means those times when the Village’s Waterworks is incapable of supplying sufficient flows for fire protection in combination with domestic consumption as determined by the Authorized Person.

“Waterworks” means the entire Waterworks system of the Village of Valemount including the water source, storage, pumping and treatment facilities, distribution system and the water in the entire system.