

**TOWN OF LAKE COWICHAN
BYLAW NO. 1064-2021**

**A BYLAW TO REGULATE THE TERMS AND CONDITIONS UNDER WHICH
WATER FROM THE MUNICIPAL WATER UTILITY
MAY BE SUPPLIED AND USED**

WHEREAS Section 8 of the *Community Charter* permits a Municipal Council to operate and maintain such services as it deems desirable and through bylaw provide for the classification of users and prescribe different rates, terms and conditions for the provision of water utility services;

AND WHEREAS the Municipal Council deems it necessary to establish regulations and rates for the use of municipal water;

NOW THEREFORE the Council of the Town of Lake Cowichan, in open meeting assembled, ENACTS as follows:

1. TITLE

This bylaw may be cited as the "Town of Lake Cowichan Water Regulations and Rates Bylaw No. 1064-2021".

2. DEFINITION

In this bylaw unless the context otherwise requires,

COMMERCIAL means the occupancy or use of a building or land for the purpose of carrying out business, professional activities, industrial activities, retail or personal service use or any other Town approved commercial or business activity which results in the land and improvements in whole or part thereof being assessed at industrial or business tax rates for tax purposes;

CONSUMER means any person, company or corporation who is the owner or agent for the owner of any premises to which water is supplied or made available from the waterworks and also any person who is the occupier of any such premises, and also includes any person who is actually a user of water supplied to any premises or by a service from the said waterworks;

DUPLEX means a residential building containing two (2) segregated self-contained housekeeping units with cooking, living, sleeping and sanitary facilities, and sharing at least one (1) common wall;

INSPECTOR means the Building Inspector for the Town or such person as the Town may from time to time designate;

OWNER in respect to real property means the registered owner of an estate in fee simple and includes:

- (a) the registered holder of the last registered agreement for sale; and
- (b) an agent authorized in writing by the owner to act on his behalf;

OUTSIDE USER means any consumer located outside the boundaries of the Town of Lake Cowichan;



PRIVATE HYDRANT means a fire hydrant required by regulation, but owned and maintained by a private property owner, for use by the Fire Department;

SINGLE FAMILY UNIT means a single segregated self-contained residential dwelling used for, or intended for the domestic use of one (1) or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities;

SUPERINTENDENT means the Superintendent, Public Works and Engineering Services of the Town of Lake Cowichan;

TOWN means the Town of Lake Cowichan;

MULTI-FAMILY means a residential building containing three (3) or more segregated self-contained housekeeping units with cooking, living, sleeping and sanitary facilities, and with each unit sharing at least one (1) common wall with the adjacent unit;

NON-PROFIT HOUSING means residential housing that is owned and operated by community based, non-profit society and has fifteen (15) units or more. Most non-profit housing societies receive some form of financial assistance from government to enable them to operate.

STAGE means the Stages 1, 2, and 3 of Water Use Restrictions prescribed by Section 15.6 of this bylaw:

- "Stage 1" water supply conditions shall also be known as Normal;
- "Stage 2" water supply conditions shall also be known as Moderate; and
- "Stage 3" water supply conditions shall also be known as Acute.

WATER CONNECTION means the water line extending from the water main to the property line of the property being serviced or about to be serviced;

WATER MAINS means any pipes used for the distribution of the waterworks that is under the control of the Town of Lake Cowichan;

WATER SERVICE means the supply of water from the waterworks to any person and all the taps, valves, meter, connections and other things necessary to any actual use for the purpose of such supply;

WATERWORKS means any water system intended for public use that is under the control of the Town of Lake Cowichan.

3. CHARGES TO OWNER

There shall be charged against the owner of the land or real property where a water or drain connection has been installed to the property and where plumbing is installed on the premises and is connected to the Town water system, water rate charges as set forth in Schedule "A" of this bylaw.

4. APPLICATION FOR SERVICE

4.1 Application in the form as prescribed from time to time must be completed and signed by the owner of such property or his duly authorized agent before water service will be provided. The owner by submission of the completed application agrees to abide by the terms and conditions of this Bylaw and pay all appropriate fees or assessments for works or services.



- 4.2 Application for water connection and payment for same must be completed in conjunction with the application being made for a building permit.
- 4.3 Connection fees and inspection fees as outlined in Schedule "A" of this bylaw are payable at the time of the application for such service.

5. **INDEPENDENT RATES**

Where multiple independent users or multiple classifications of uses exist in what is commonly referred to as common connection line, the individual rates as defined in Schedule "A" of this bylaw shall be applicable whether independent water services have been installed to the property.

6. **CHARGES WHEN VACANT**

- 6.1 All of the Town is a specified water service area; therefore, the owner of a premises, whether occupied or vacant, to which a service connection has been made, shall be responsible for the payment of all water rates whether the services are actually used or not.
- 6.2 A separate charge will be applicable on each non-metered duplex unit whether vacant or not.

7. **COLLECTION OF FEES**

- 7.1 All accounts will be billed annually in January for the period January 1st to December 31st and payable in advance. The due date for annual billings is March 31st. These rates shall be payable at any place designated by Council, but in all cases, the owner shall be subject to the provisions of Section 258 of the *Community Charter* and shall be paid at the rates set forth in Schedule "A" attached to this bylaw.
- 7.2 Invoicing for water service shall commence on issuance of an occupancy permit and no later than six (6) months after the date of the issuance of the building permit whether or not the premises are occupied or an occupancy permit has been issued.
- 7.3 Metered accounts will be billed the minimum monthly charge annually on their annual January bill, and will receive additional bills for usage in excess of the minimum consumption charge quarterly or at a minimum semi-annually.
- 7.4 When a building containing multiple units is being supplied metered service through a common connection line and each unit has its own certificate of indefeasible title, the minimum usage charge will apply to each unit.
- 7.5 When a building containing multiple units is being supplied metered service through a common connection line and the entire building is under one title, the minimum usage charge per unit will apply to each unit.
- 7.6 A minimum charge per unit applies except in the case of a non-strata duplex which shall be treated as a single-family dwelling.



8. DISCOUNTS AND PENALTIES

- 8.1 All accounts shall be allowed a discount of ten percent (10%) for prompt payment of the annual January billing or portion thereof if paid on or before the last day of February.
- 8.2 The annual January billing is due and payable on or before March 31st of the current year. If the account remains unpaid after the first business day in July, a five percent (5%) penalty will be applied to the outstanding balance. If the account remains unpaid after September 30th an additional five percent (5%) penalty will be applied to the outstanding balance.
- 8.3 Excess usage billings will be due thirty (30) days from the invoice date. If the account remains unpaid after sixty (60) days from the billing date, monthly interest charges will be applied at two percent (2%) until the account is paid.
- 8.4 All outstanding balances as of December 31st will be transferred to taxes as arrears the following year.

9. MANDATORY CONNECTIONS

- 9.1 If a parcel of land, upon which is situated a building occupied and/or used by one (1) or more persons, abuts a street or land or right-of-way upon or under which there is laid a public water system, the owner of such building shall connect or cause to be connected the said building with the public water system in the manner provided by this bylaw.
- 9.2 It shall be compulsory for any owner whose property is capable of being serviced by municipal water to connect or cause to be connected such property with the public water system.
- 9.3 It shall be compulsory for all new construction to have water meters as approved by the Town installed at the owner's cost.
- 9.4 It shall be compulsory all new service upgrades to have installed water meters as approved by the Town at the owner's cost.
- 9.5 The property owner is responsible for all costs associated with the works required for the installation of a water connection to that property.

10. CONSTRUCTION RATES

- 10.1 Where water has been provided by the Town to land upon which a building is being constructed, a construction rate for water shall apply from the date of the building permit until occupancy of the building or six months, whichever occurs first. Regular water billings start at the time of occupancy or six months after the building permit is issued.
- 10.2 Every application for a construction rate shall be made under the hand of the owner of the property to which the water is to be supplied.
- 10.3 The rate shall be as stated in Schedule A attached to this bylaw.



11. OWNER REFUSES OR NEGLECTS

Where the owner of any parcel of land in the Town which is required to be connected to the public water system of this bylaw, neglects, omits or refuses to comply with the provisions of this bylaw, within sixty (60) days of receipt of such notice, then the Town may serve the owner with a second registered notice to comply with this bylaw. If the owner neglects, omits or refuses to comply within sixty (60) days of receipt of the second notice, the Town may contract a private contractor to make the connection, and the charges of this connection are to be charges as per provisions of Schedule "A" of this bylaw.

12. SERVICE PIPES

- 12.1 Before any person shall install or construct any water service or commence doing any construction work in relation to or in connection with such service, he shall notify the Town in writing. If required by the Inspector, he shall furnish a plan and specifications which shall show:
- (a) the purpose for which the water is to be used, the size of pipes and the number of outlets in connection with such an installation;
 - (b) a description of the material which the applicant proposed to use in connection with such installation or construction.
- 12.2 The installation of service pipes shall be the responsibility of the property owners but shall conform to specifications approved by the Town.
- 12.3 The Town shall not be liable for the cost of any work done in connection with any service on private property, nor shall any employee of the Town carry out any work on private property.
- 12.4 It shall be the duty of every owner to provide that all taps, fittings and other things connected with the service within the premises are in good order and installed and connected in accordance with the provisions of the Building and Plumbing Bylaws.
- 12.5 Every premise shall have a properly placed stop and waste cock.
- 12.6 When the owner's service pipe plans and water connection application have been approved, he may proceed with the installation of the service pipes. When the service pipes have been installed, but before the excavation is backfilled, the Town shall be notified that such work is ready for inspection.
- 12.7 The backfilling of the service pipes shall not be commenced until the Town has signified in writing that it is satisfied that the materials and workmanship employed are to its satisfaction and that the pertinent sections of this and other bylaws have been adhered to.
- 12.8 The Town shall refuse to turn on water to any premises not complying with Section 12.7.
- 12.9 (a) In the event of leakage, freezing or other conditions which causes the interruption of supply in the service pipe, repairs shall be the responsibility of the owner. If the owner feels that such conditions are present in the Municipality's connection pipe, the owner shall notify the Town requesting repairs.



- (b) In the event that the Town's connection pipe is faulty and is the cause of the owner's complaint, the Town shall repair such faults. If there is no fault found in the Town's connection pipe, the owner shall be invoiced for all costs of the work. The owner may have the right to inspect the site of the excavation by the Town and satisfy himself as to the condition of the connection pipe.

12.10 Every consumer shall provide for his own service to his premises a pressure reducing valve, also pressure relief valve, if required in accordance with the Plumbing Code.

13. WATER METERS

- 13.1 Each new water connection shall be equipped with a water meter.
- 13.2 Applicants for building permits shall pay the deposit amount outlined in the Town of Lake Cowichan Water Regulations and Rates before the issuance of a building permit to ensure that the water meter is installed in accordance with the Town requirements.
- 13.3 It shall be an offence under this bylaw for anyone to disconnect, remove, tamper with or bypass any water meter.

14. REGULATIONS

- 14.1 No person shall use, destroy, injure or tamper with any hydrant, or other fixture of the waterworks, and no person shall in any manner interfere or meddle with the water connection or waterworks in any street, or make any additions or alterations to the water system or any connection, or turn on or off any corporation stop-cock, service valve or gate valve without express approval of the Town.
- 14.2 No person shall sell or dispose of water from the municipal water system, or give it away to any person or persons whatsoever or permit it to be taken or carried away by any person or persons, whomsoever, or use or supply it to the use or benefit of others where such sale or use exceeds one thousand gallons (1,000 imp. gals.) per day.
- 14.3 No connection or cross connection between the municipal water system and any other water system or source of water supply shall be permitted.
- 14.4 The Town requires that every new consumer of water shall provide the proper valves, fittings and wire as established in the utility requirements of the Town of Lake Cowichan. The consumer is responsible for all costs relating to the installation of this service.
- 14.5 The inspection of premises and the review of engineered plans of new plumbing systems for cross connections is to be conducted by the Town and should meet all required specifications.
- 14.6 The Town may refuse to supply water at any time to any property owner or to any premises otherwise than by metered service.
- 14.7 The Town may establish a schedule by which premises will be converted to metered service.
- 14.8 Sprinkling restrictions may be enforced from time to time by the Town.



- 14.9 No person shall install a swimming pool with a connection to a water service coming from the Town's system, nor shall any below ground sprinklers be installed, or any addition to a water service made that may have cross connection implications, without first installing proper and approved backflow prevention. All such installations must first be approved by the Town after detail and design of the proposed installation has been made, and no work shall proceed without first obtaining such approval.
- 14.10 No person is permitted to connect equipment adapted for use on service pipes or mains for pressure spraying of fertilizer, pesticides or any other materials of a toxic or non-toxic nature unless proper protection for back flow has been installed and approved by the Town.
- 14.11 No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-cock or other fixture connected with the waterworks, and should any person obstruct such access the Town may remove such obstruction and the expense of such removal shall be charged to and paid by the person so offending, and on nonpayment thereof, on demand, the municipality may recover pursuant to Section 258 of the *Community Charter*.
- 14.12 The employees of the Town shall have free access to all lands and all parts of every building, upon request, and at reasonable time, where water is delivered and consumed.

15. ADMINISTRATION

- 15.1 The Superintendent is hereby authorized and directed to have a general supervision over the municipal waterworks system and to see that the provisions of this bylaw are carried out.
- 15.2 The Town shall have the power to appoint assistants and inspectors for the purpose of effectually carrying out the provisions of this bylaw, and wherever the Superintendent is authorized or directed to perform any act or duty under this bylaw, such act or duty may be performed by an employee authorized by the Town to perform such act or duty.
- 15.3 Nothing contained in this bylaw shall be construed to impose any liability on the municipality to service any person or premises or to give a continuous supply of water to any person or premises.
- 15.4 The Town shall not be liable for the failure of the water supply in consequence of any accident or damage to the waterworks, or to excessive pressure or lack of pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person in the employ of the municipality or other person whomsoever, or through natural deterioration or obsolescence of the municipality's system or otherwise.
- 15.5 The Town may, without notice, disconnect the water service to any premises for any of the following reasons, and the municipality 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) non-payment of water rates;
 - (c) failure to replace or repair 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;
 - (d) for repairs;
 - (e) for want of supplies;
 - (f) 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 Town;
 - (g) for violation of any of the provisions of this bylaw.
- 15.6 The Town may, in its discretion, whenever the public interest so requires, suspend or limit the consumption of water from the municipal water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used in accordance with restrictions that Council may impose from time to time when the following occur:
- (a) STAGE 1 - When Water Supply Conditions are deemed "Normal" watering restrictions not to exceed 2 hours per scheduled day and as regulated by council shall apply between May 1 and October 31 unless exempted by Permit for newly planted lawns or landscaping;
 - (b) STAGE 2 - When Water Supply Conditions are deemed "Moderate" under Stage 2, a person may:
 - only continue to sprinkle as permitted by council policy;
 - under the authority of an existing Permit issued under Stage 1, continue to water a recently seeded or sodded (un-established) lawn;
 - not apply for a New Permit during Stage 2;
 - not water more than 2 hours per scheduled day;
 - (c) STAGE 3 - When Water Supply Conditions are deemed "Acute", sprinkling is not permitted, and any hand-watering is to be in accordance with restrictions imposed by Council; and includes the proviso that a person shall:
 - not fill a swimming pool or hot tub except to replace evaporated water or water lost from general use of the pool or tub;
 - not use fountains or ponds unless using re-circulated water; and
 - not use water unless specifically permitted by council policy when this stage is declared.



16. CONNECTION - DEMOLISHED BUILDINGS

When a building within the Town is removed or demolished, it shall be the duty of the owner to immediately supply to the office of the Town upon such forms as prescribed by the Town for a permit to disconnect from the public water system, at the property line. The fee for such disconnection shall be the actual cost of the work as determined by the Town.

17. RECONNECTION FEES

If the owner of any property where the water line has been disconnected wishes to reconnect to the public water system, he shall make application upon such forms as prescribed by the Town for the reconnection. He shall pay the estimated cost, with minimum fees being charged pursuant to Schedule "A" of this bylaw. Upon completion of the reconnection, the owner shall be sent a statement showing the actual cost of the work and he shall be refunded any over-payment or conversely, he shall pay the Town any cost over and above the estimated cost of this work.

18. INSPECTION/RE-INSPECTION FEES

18.1 An inspection fee shall be paid to the Town for the initial inspection.

18.2 A re-inspection fee shall be paid to the Town for each additional inspection required after the first inspection because of defective materials or workmanship.

19. PRIVATE HYDRANTS

19.1 The owner or occupant of private property shall provide an annual report of inspection, service and maintenance by September 30 of each calendar year.

19.2 Records shall be kept of the inspections and tests and these records shall be made available to the Town for inspection.

19.3 The owner or occupier of premises on which a private fire hydrant is installed, must ensure that the hydrant is always maintained in good working condition and that the hydrant is inspected, serviced and tested at least yearly by a Fire Protection Technician in accordance with the requirements of the Fire Code.

19.4 Where the owner of a parcel of land containing private hydrant(s) elects to contract with the Town, in writing, to maintain and service private hydrant(s) fees will apply as established by Schedule "A" of this bylaw and included in the January billings where feasible.

19.5 If an owner or occupier fails to comply with an order issued under Section 19.3 within the time specified in the order, the Town may enter onto the property and carry out such work at the cost of the owner. Any charges so incurred and remaining unpaid on December 31 of that year shall be added to and form part of the taxes payable on the real properties of the owner or owners affected by this section as taxes in arrears.



20. RIGHT OF ENTRY

20.1 The Superintendent and all employees of the Town, acting under the Superintendent's direction, are authorized to enter upon any property in the Water Service Area at any reasonable time in order to ascertain whether the provisions of this bylaw are being observed.

20.2 No person shall interfere with or obstruct the entry of an authorized official onto any property under Section 20.1.

21. CONTRAVENTION AND PENALTIES

21.1 Any person who evades or knowingly assists in the evasion of rates under this bylaw is guilty of an offence and shall be liable to a penalty equal to twice the amount that was evaded.

21.2 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed.

21.3 Any person found guilty of an infraction of any of the provisions of this bylaw, shall, upon summary conviction, be liable to a fine not exceeding Two Thousand Dollars (\$2,000) which shall be recoverable and enforceable upon summary conviction in the manner provided by the *Offence Act*.

22. REPEAL

That upon adoption of the bylaw, Bylaw No. 1045-2020 being the "Town of Lake Cowichan Water Regulations and Rates Bylaw" is hereby repealed.

READ A FIRST TIME on the 23rd day of November 2021.

READ A SECOND TIME on the 23rd day of November 2021.

READ A THIRD TIME on the 23rd day of November 2021.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 21st day of December 2021.

Bob K. Day
Mayor

Joseph A. Fernandez
Corporate Officer



TOWN OF LAKE COWICHAN

SCHEDULE "A"

ATTACHED TO AND FORMING PART OF WATER BYLAW NO. 1064-2021

Water Rates		2022	2023	2024
Residential – monthly metered rates	Cubic Meters per Month			
Single family unit	up to 35 m ³	\$ 30.54	\$ 31.76	\$ 33.03
Townhouse per unit	up to 30 m ³	26.19	27.24	28.33
Apartment or condo per unit	up to 25 m ³	21.86	22.73	23.64
Outside user per unit	up to 35 m ³	58.00	60.32	62.73
RV site per unit	up to 20 m ³	17.47	18.17	18.90
Non-profit apartment rate	up to 15 m ³	13.06	13.58	14.12
Fee for use over maximum allowed per month	per m ³	0.56	0.57	0.58
Residential – monthly non-metered rates				
Single family or each duplex unit		40.79	42.42	44.12
Multi-family per unit		35.00	36.40	37.86
Outside user per unit		68.00	70.72	73.55
Commercial – monthly metered rates	(240 m ³ annually)			
Commercial fee for up to 20 m ³ per month	annually)	17.52	18.22	18.95
Charge for use over 20 m ³ per month	per m ³	0.56	0.57	0.58
Commercial - monthly non-metered rates				
Coffee shop/ café/ office or store/ Strata RV Site		23.45	24.39	25.37
Church/ hall/ auto body or machine shop/ beauty shop		40.57	42.19	43.88
Garage or service station		53.21	55.34	57.55
Hotel & Motels – per room		11.74	12.21	12.70
Licensed clubs or lounges and pubs		131.40	136.66	142.13
Restaurant		83.70	87.05	90.53
Grocery store (larger than 5,000 square feet)		260.50	281.34	303.85
Schools – Per Room (classroom, shop, office, etc.)		36.80	38.24	39.80
Fire hydrant service and maintenance fee *		200.00	225.00	250.00
*Cost of materials will be charged separately, if required		Actual cost	Actual cost	Actual cost
Fire hydrant use fee - minimum per fill		100.00	100.00	100.00
Deposit of \$1,000 required in advance				
¾ inch water meter (*actual cost – minimum fee \$900)		*900.00	*900.00	*900.00
Water meter inspection fee (first meter check free)		50.00	50.00	50.00
Water charge – during six-month construction period - minimum of		180.00	185.00	190.00
-Payable on permit application and on renewal or extension of permit				
Reconnection / Disconnection fee		50.00	55.00	60.00
Inspection /Re-inspection fee		90.00	95.00	100.00
CONNECTION FEES - Existing Serviced Lots				
¾ inch including meter		Actual Cost	1,200.00	Minimum
¾ inch meter, fittings, and box		Actual Cost	2,500.00	Minimum
1 inch meter, fittings, and box		Actual Cost	2,500.00	Minimum
larger than 1 inch		Actual Cost	2,500.00	Minimum

