

The following is a consolidated copy of the Denman Island Water Regulation, Fees and Charges Bylaw, 1997 and includes the following Bylaws:

| | BYLAW No. | BYLAW NAME | ADOPTED | PURPOSE |
|----|------------------|---|------------------|--|
| 1. | 1920 | Denman Island Water Regulation, Fees and Charges Bylaw, 1997 | March 24, 1997 | <ul style="list-style-type: none"> <input type="checkbox"/> To fix and regulate the fees and charges, terms and conditions under which water may be supplied and used in the Denman Island Water Local Service Area |
| 2. | 2265 | Denman Island Water Regulation, Fees and Charges Bylaw, 1997, Amendment Bylaw No. 1 | June 26, 2000 | <ul style="list-style-type: none"> <input type="checkbox"/> To establish a rebate policy and to increase connection fees <input type="checkbox"/> Adds Section 8.1 and amends Schedule B. |
| 3. | 2507 | Denman Island Water Regulation, Fees and Charges Bylaw, 1997, Amendment Bylaw No. 2 | October 28, 2002 | <ul style="list-style-type: none"> <input type="checkbox"/> To include a charge for water hauled by a water hauling service. <input type="checkbox"/> Amends Schedule B |
| 4. | 2527 | Denman Island Water Regulation, Fees and Charges Bylaw, 1997, Amendment Bylaw No. 3 | January 27, 2003 | <ul style="list-style-type: none"> <input type="checkbox"/> Amends meter rates for water used. (Amends Schedule B). |

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 1920

**A Bylaw to fix and regulate the rates, terms and conditions
under which water may be supplied and used in the
Denman Island Water Local Service Area**

WHEREAS the Regional Board of the Regional District established the "Denman Island Water Local Service Area" through the adoption of Bylaw No. 1567, being "Denman Island Water Local Service Area Conversion and Establishment Bylaw No. 1, 1993"

AND WHEREAS the Regional Board of the Regional District is now desirous of regulating the rates, terms and conditions under which water may be supplied and used in the "Denman Island Water Local Service Area".

NOW THEREFORE the Regional Board of the Regional district in open meeting assembled enacts as follows:

I. For the purpose of this Bylaw, the following definitions shall apply:

"*APARTMENT*" means any building, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied, as the home or residence of three or more families living independently of each other and doing their own cooking within their apartment or suite.

"*APPLICANT*" means an owner, or his agent making application for a water connection to provide him with a supply of water from the system.

"*BOARD*" means the Regional Board of the Regional District.

"*CONSUMER*" means a person to whom water is supplied under this bylaw.

"*DISCONNECTION*" means the turning off, or complete removal, of a water connection.

"*DUPLEX*" means any building used or designed to be used by two families.

"*PARCEL OF LAND*" means any lot, block or other area in which land is held or into which it is subdivided but does not include a highway.

"*PREMISES*" includes land, buildings & structures.

"*PRIVATE RESIDENCE*" means a detached building having independent exterior walls and designed or used exclusively for residential purposes by not more than one person or family.

"*REGIONAL DISTRICT*" means the Regional District of Comox-Strathcona, the Regional Board or persons duly authorized to represent the Regional Board in respect to this Bylaw.

"RESORT COMMERCIAL" means those properties which provide only seasonal, transient, recreational accommodation and maintain a single year-round on-site owners' residential dwelling.

"SUPERVISOR FIELD SERVICES" means the Supervisor, Waterworks Field Services of the Regional District and includes any person appointed or designated by him to act on his behalf.

"SYSTEM" means the distribution system of the water Local Service Area and operated by the Regional District.

"WATER SERVICE CONNECTION" means a 20 mm ($\frac{3}{4}$ ") connection or larger, to a main supply line and extending to the property line of the customer for the purpose of conveying water to the said customer and may or may not include a water meter but shall include a shut-off valve and shall be the property of the Regional District.

"WATER LOCAL SERVICE AREA" means the "Denman Island Water Local Service Area".

APPLICATIONS TO CONNECT

2. Applications for of a water service connection in the Water Local Service Area shall be:
 - a) made to the Regional District in the form of Schedule "A" of this Bylaw;
 - b) accompanied by the proper fee as specified in Schedule "B" of this Bylaw.

DISCONNECTION

3.
 - a) If a person wishes to be disconnected from the system an application to disconnect must be made in writing and delivered to the Regional District by the owner/agent of the premises.
 - b) The Regional District may, without notice, disconnect the Water Service to any premises for any of the following reasons:
 - i) failure by the consumer to obey any direction of the Board under section 9 of this bylaw;
 - ii) non-payment of rates and charges outlined as in Schedule "B" of this Bylaw, after the rates are overdue for a period of sixty (60) days or more;
 - iii) failure to repair or replace defective pipes, fittings, valves, or tanks which are leaking or are otherwise not in good state of repair and which are or may become a cause of waste of water.
 - iv) use of a pump, booster or other device in a manner outlined in Section 10(d).
 - c) The Regional District shall not be liable for damages by reason of discontinuing water service for the reasons outlined in Section 3(b) above.
4. The Regional District shall prescribe all standards pertaining to:
 - a) the connection with or the attachment to the waterworks of the Regional District of any water mains, pipes or service; and
 - b) the repair or alteration of any such water connection with the waterworks of the Regional District.

METERS

Installation/Size

5. a) The Regional District may direct that the supply of water to any premises in the Water Local Service Area be metered and the meter rates specified in Schedule "B" of this bylaw, shall apply and be payable as soon as the meter is installed.
- b) The Regional District shall:
 - i) determine the size of meter required; and
 - ii) supply the meter to the owner or his agent for installation.
- c) The Regional District may install meters, on a supply line if requested to do so in writing, and the total installation cost shall be borne by the applicant and thereupon the applicant shall pay, in lieu of the flat rate set forth in Section I of Schedule "B" hereof, the rate for meters according to the rates contained in Section 2 of Schedule "B" hereof.
- d) Where the service is to a single building, the meter may be located in the building as close as possible to the entrance point of the water service into the building and before any take off points. If the water service is to a distribution system not solely for fire protection purposes, the meter shall be located upstream of any distribution point and as close as possible to the property line.
- e) If no building or structure exists at the location where the meter is to be installed, the property owner shall be responsible for constructing and maintaining the meter vault in accordance with the standards issued by the Regional District.
- f) Unless determined otherwise by the Regional District, all commercial, industrial, residential, multiple family and institutional consumers with a service connection in excess of 25 mm (1") in size, shall install a water meter complete with bypass and isolation valves in a location easily accessible to the Regional District for inspection and reading of the meter.

Access

6. a) The owner/agent or tenant of a premises must permit the Regional District access to the water meter for the purpose of reading and maintenance of the meter and inspecting the water pipes, fixtures and fittings used in connection with such water supply, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, inclusive.
- b) Failure to provide access shall result in an extra charge per call after the first call as specified in Schedule "B" of this Bylaw.

7. The owner/agent or tenant of a premises to whom water is supplied shall:
 - a) keep the service pipes, stop cocks, fixtures and fittings on their premises in good order and repair, and protect them from frost at their own risk and expense; and
 - b) and turn off the stop cock when the premise is vacated.

RATES AND CHARGES

8.
 - a) The rates and charges specified in Schedule "B" of this Bylaw are hereby imposed and levied for water services supplied by the Regional District.
 - b) All rates and charges shall be billed semi-annually and shall be due and payable on the thirtieth (30th) day of June and the thirty-first (31st) day of December.
 - c) Water service disconnected pursuant to this Bylaw shall not be reconnected unless the following has been paid to the Regional District:
 - i) the rates and charges that are overdue;
 - ii) the sum of \$25.00 to cover the cost of turning the water on; and
 - iii) any additional cost incurred by the Regional District in order to prevent the improper use of water after the same shall have been turned off.

FEE REBATES

- 8.1
 1. Where an owner or owner's agent provides evidence that:
 - (a) fees charged to that person under Schedule "B" have been unduly high because of a water leak; and,
 - (b) the leak has been repaired,a rebate calculated in accordance with subsection (2) may be made to the Owner.
 2. A rebate under subsection (1) shall be calculated on half of the dollar amount of:
 - (a) the last billing period calculated immediately before repair of the leak; and,
 - (b) the first billing period calculated immediately after repair of the leak.
 3. The power to review the evidence provided under subsection (1) and to calculate the rebate under (2) may be exercised by the Manager, Water Utilities and Services and/or the Treasurer.
 4. The rebate payable under subsection (1) may be made to an owner for a leak which occurred on or after July 1, 2000.
 5. No more than one rebate shall be given to a person in any calendar year.

RESTRICTION OF WATER USE

9. If at any time the Board considers it to be in the public interest, it may direct that the use of water by any or all of the consumers be reduced or discontinued until the Board considers it advisable to permit full use of water. Notice of water use restrictions may be hand delivered to the consumer or be published in a newspaper circulating in the Water Local Service Area at least seven (7) days prior to the commencement of the restriction.

ILLEGAL CONNECTION/USE

10. a) No person shall connect or allow to remain connected to the System, any Premises without first obtaining the required permits or written authorization from the Supervisor of Field Services and in accordance with the provisions of this bylaw.
- b) No person shall use or allow to be used water supplied by the System except in accordance with the provisions of this bylaw.
- c) No person shall use or allow to be used water supplied by the System contrary to a direction of the Board under Section 9 of this bylaw.
- d) No person shall use a water pump, booster or other device, for the purpose of, or having the effect of, increasing water pressure in service lines without permission in writing from the Regional District to a higher pressure than the normal water pressure in the said water service lines.
- e) No person shall, without first obtaining permission from the Regional District:
- i) undertake work that is connected with the system on or under any street or land within the Water Local Service Area;
 - ii) in any way, interfere or tamper with any water meter, sealed bypass valve, pipe, fixture or fitting or appliance of or connection with the waterworks whether on his own premises or elsewhere within the Water Local Service Area.
- f) No person shall obstruct at any time or in any manner the access.
11. Every person who offends against any of the provisions of this Bylaw or suffers or permits any act or things to be done in contravention of or violation of any of the provisions of this Bylaw, or neglects to do or refrains from doing anything required to be done under this Bylaw or who does any act or things which violates any of the provisions of this Bylaw, shall be deemed to have committed an offense under this Bylaw and shall be liable on summary conviction to a penalty not exceeding the sum of Two Thousand Dollars (\$2,000.00).
12. Nothing contained in this Bylaw shall be construed to impose any liability on the Regional District to give a continuous supply of water to any person or premises.
13. If any provision of this Bylaw is found invalid by any Court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Bylaw.
14. Bylaw No. 1569 cited as "Denman Island Water Local Service Area Regulation and Rates Bylaw, 1993" and Bylaw No. 1661 cited as "Denman Island Water Regulation and Rates Bylaw, Amendment No. 1" are hereby repealed.
14. This Bylaw may be cited as "**DENMAN ISLAND WATER REGULATION AND RATES BYLAW, 1997**".

READ A FIRST AND SECOND TIME THIS 24TH DAY OF MARCH 1997.

READ A THIRD TIME THIS 24TH DAY OF MARCH 1997.

RECONSIDERED, FINALLY

REGIONAL DISTRICT OF COMOX-STRATHCONA

"DENMAN ISLAND WATER REGULATION AND RATES 1997"

SCHEDULE "A"

APPLICATION FOR SERVICE AND AGREEMENT

I, _____, of _____

being the owner (or duly authorized agent of the owner) of the lands and premises described as follows (legal description and street address):

hereby apply to the Regional District of Comox-Strathcona for a supply of water through a ¾ inch (20 mm) connection to the said premises, and, in the event of this application being granted, covenant and agree to be bound by all the regulations, charges, terms and conditions set out and imposed by the Regional District of Comox-Strathcona from time to time, and further agree that the said Regional District of Comox-Strathcona shall in no case be liable for shortage or failure of water supply.

It is declared that this agreement shall be binding upon my heirs, executors and administrators and that all charges payable in respect of the above premises shall constitute a charge against said premises, pursuant to the provisions in that behalf contained in the "Municipal Act".

Date

Signature Of Owner/Agent

REGIONAL DISTRICT OF COMOX-STRATHCONA**BYLAW NO. 1920
(amended by Bylaw No. 2527)****"DENMAN ISLAND WATER REGULATION AND RATES BYLAW, 1997"****SCHEDULE "B"****1. METER RATES****a) Non-Residential**

All non-residential metered accounts, except Resort-Commercial, are subject to a monthly minimum charge. The charge for the quantity of water used each month shall be calculated at the following rates and where the supply of water requires more than one water meter to an individual customer, the minimum rates shall apply to the first water meter:

| QUANTITY OF WATER USED | CHARGE Effective January 1, 2003 |
|-----------------------------------|---|
| Active Service | \$5.00 per month (minimum charge) |
| 1.0 m ³ and over | \$3.30 for each 1.0 m ³ (220 gallons) |

b) Residential

All residential (private residence, duplex, or apartment) metered accounts are subject to a monthly minimum charge. The charge for the quantity of water used shall be calculated at the following rate and where the supply of water requires more than one water meter to an individual customer, the minimum rate shall apply to the first water meter:

| QUANTITY OF WATER USED | CHARGE Effective January 1, 2003 |
|-----------------------------------|---|
| Active Service | \$5.00 per month (minimum charge) |
| 1.0 m ³ and over | \$3.30 for each 1.0 m ³ (220 gallons) |

c) Water supplied by a water hauling service.

All residential and non-residential meters accounts are subject to a minimum charge equal to the actual cost incurred for water supplied by a water hauling service to replenish the reservoir when and if the wells run out. Residents will be notified when the rate applies.

| QUANTITY OF WATER USED | CHARGE Effective October 29, 2002 |
|-----------------------------------|--|
| 1.0 m ³ and over | \$19.61 for each 1.0 m ³ (220 gallons) (minimum rate) |

- d) Where a meter is found not to register, then charges shall be computed on the basis of the amount of water used during the time the meter was working or from any other information or source which can be obtained, and such charges shall be paid by the owner/agent of the premises.
- e) Each call after the first of each month if access has not be provided \$25.00 per call.

3. CONNECTION CHARGES

- a) At cost (\$850.00 minimum)
- b) Reconnection of any water service disconnected pursuant to this Bylaw \$25.00.