

The following is a consolidated copy of the Black Creek – Oyster Bay water rates bylaw and includes the following bylaws:

| <b>Bylaw No.</b> | <b>Bylaw Name</b>  | <b>Adopted</b>                                 | <b>Purpose</b>  |
|------------------|--|--|---|
| 5                | Black Creek – Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008                  | March 25, 2008                                 | To fix and regulate the fees and charges, terms and conditions under which water may be supplied and used in the Black Creek / Oyster Bay water service area                                |
| 40               | Black Creek – Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 1 | February 24, 2009<br>(effective April 1, 2009) | To pay back borrowed funds that allowed for capital improvements to the service including the development of new groundwater wells and the construction of a water treatment plant building |
| 72               | Black Creek – Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 2 | October 27, 2009                               | To clarify regulations for strata developments  |
| 79               | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 3 | November 24, 2009                              | To reflect current job titles   |
| 211              | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 4 | March 27, 2012                                 | To increase fees and charges by 20%   |
| 381              | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 5 | June 30, 2015                                  | To increase fees and charges effective July 1, 2015   |

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| 424 | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 6  | March 22, 2016    | To increase fees and charges effective July 1, 2016   |
| 455 | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 7  | January 24, 2017  | To increase fees and charges effective April 1, 2017  |
| 544 | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 8  | July 24, 2018     | To reflect the costs for the installation of water meters and provide a limit of liability in relation to leak related charges  |
| 595 | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 9  | December 17, 2019 | To reflect a five per cent rate increase for all commercial and residential minimum charge and tiered rates effective April 1, 2020   |
| 682 | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 10 | November 23, 2021 | To include language around use of existing wells for non-domestic purposes following connection to the system and additional language for clarity around connection approvals |
| 759 | Black Creek - Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008, Amendment No. 11 | March 21, 2023    | To update the bylaw to align with the financial requirements outlined in the Black Creek / Oyster Bay Water Service 2023-2027 financial plan                                  |

**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.**

## **COMOX VALLEY REGIONAL DISTRICT**

### **BYLAW NO. 5**

**A bylaw to fix and regulate the fees and charges, terms and conditions under which water may be supplied and used in the Black Creek / Oyster Bay water service area**

**WHEREAS** under section 796.2 of the *Local Government Act* a regional district may regulate in relation to a service;

**AND WHEREAS** under section 363.2 of the *Local Government Act* a regional district may impose a fee or charge payable in respect of all or part of a service of the regional district;

**AND WHEREAS** the Black Creek / Oyster Bay water service was established by the adoption of Bylaw No. 1557 being "Black Creek / Oyster Bay Water Local Service Area Conversion and Establishment Bylaw, 1993" on the 30<sup>th</sup> day of January 1994;

**NOW THEREFORE** the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Definitions**

1. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

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

"*BOARD*" means the board of directors of the Comox Valley Regional District.

"*COMMERCIAL*" means those properties zoned commercial/industrial in the Comox Valley zoning bylaw.

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

"*DISCONNECTION*" means the complete removal of a water connection from the water main.

"*DOMESTIC PURPOSE*" means the use of water for human consumption, food preparation, sanitation or other household purposes.

"*DWELLING UNIT*" means a self-contained residential unit consisting of one or more habitable rooms designed, occupied or intended for occupancy as a separate household of only one person or family with a separate entrance and sleeping, sanitary and cooking facilities, with not more than one kitchen room.

"*MANAGER OF WATER SERVICES*" means the manager of water services of the regional district and includes any person appointed or designated by him to act on his behalf.

"*MULTI FAMILY*" means a building, or series of buildings, containing two or more separate dwelling units used or intended for residential use on a single property, excluding a secondary suite.

"*NON-DOMESTIC PURPOSE*" means the use of water for a purpose that is not defined as a domestic purpose.

"*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 and structures.

“*PRIVATE SYSTEM*” means the onsite pipes and other apparatus on a parcel, connected to the system at the property line and used to convey water from the system to the plumbing fixtures in the buildings and structures on that parcel.

“*REGIONAL DISTRICT*” means the Comox Valley Regional District and those persons duly authorized to represent the regional district in respect to this bylaw.

“*RESIDENTIAL*” means a single family residential dwelling zoned residential OR rural/resource in the Comox Valley zoning bylaw, which may include a secondary suite.

“*SECONDARY SUITE*” means a dwelling unit of less than 90 m<sup>2</sup> or 40% of the habitable floor space of the main dwelling unit, whichever is less, which is located within a single family residential building, which is self-contained and accessory to the principal use being made of the lot upon which the secondary suite is located, with a separate entrance and exit.

“*SERVICE AREA*” means the Black Creek / Oyster Bay water service area.

“*SINGLE FAMILY RESIDENTIAL DWELLING*” means a detached free-standing building or mobile home containing one dwelling unit used or intended for residential use.

“*STRATA*” means lots that are specifically shown on a strata plan and subdivided under a section of the *Strata Property Act* and amendments thereto.

“*SYSTEM*” means the distribution system of the service operated by the regional district.

“*TURN ON/TURN OFF*” means the operation of the curb stop valve(s) by the regional district at the water service connection

“*WATER MAIN*” means the water distribution pipeline in a highway or regional district statutory right of way or easement and forming part of the system.

“*WATER SERVICE CONNECTION*” means a pipe and all necessary valves, connections and other appurtenances necessary to and actually used to connect a water main to a shut off valve at or near a property line.

“*WELL*” means a well that is used for supplying water for domestic purposes prior to the connection of the parcel to the system on which the well is located.

“*WELL CLOSURE REPORT*” means a report that complies with Schedule 3 of the Groundwater Regulation or a successor enactment of similar intent.

## **Applications to connect**

2. (1) Applications for a water service connection in the service area shall include:
  - (a) Completion of the application form as supplied by the regional district; and
  - (b) The proper fee as specified in Schedule A of this bylaw.
- (2) The Manager of Water Services may refuse to supply water to a property if, in the opinion of the Manager of Water Services:
  - (a) The regional district does not have the capacity to supply water for that property or the level of proposed use;
  - (b) Doing so would adversely affect existing consumers; or
  - (c) The water system would not effectively be protected from any potential or actual cross-connections existing at, or within, a water service on the property to be connected.

- (3) If such application for connection is not approved, the Manager of Water Services will so notify the applicant and the regional district will refund the charges or fees paid by the Applicant.

### **Connection**

3. (1) Each property located within the service area is required to be connected to the water system, unless an application for connection is denied by the Manager of Water Services as per section 2(3).
- (2) Minimum standards must comply with the British Columbia Plumbing Code 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.
- (3) The regional district may refuse a service connection where the plumbing within any premises to be served by the water service connection does not meet the British Columbia Plumbing Code.
- (4) Approval of a water service connection is valid only in respect of the premises described in the application and the owner or occupier must not make any further or future connection of any other building or parcel without making a new application.
- (5) Where possible a water service connection will be located where requested by the applicant, however if the applicant's requested location will result in additional costs, or is not practicable due to unsuitable ground conditions or the existence of installed service improvements or underground utilities, the manager of water services may designate the location of the water service connection.
- (6) If the applicant wishes to be connected to the system and to use a well for non-domestic purposes, the owner must complete an Application for Permission to Use a Well for Non-Domestic Purposes as supplied by the regional district.
  - (a) Promptly after connection, the applicant must ensure that the well is disconnected from the private system on the parcel on which the well is located, in a manner that prevents water or other substances from the well entering the system, at the owner's expense.
  - (b) An owner who is permitted under this section to use a well for non-domestic purposes after connection to the system must:
    - i. Operate and maintain the well in good order;
    - ii. Ensure the well is closed immediately when required by the regional district to do so if it is not operated or maintained in good order;
    - iii. Not reconnect the well to the owner's private water distribution system as long as the owner's parcel is connected; and
    - iv. Not use the well for domestic purposes.

### **Applications to disconnect**

4. Applications for a water service disconnection from the water main shall be accompanied by the proper fee as specified in schedule 'A' of this bylaw.

### **Disconnection**

5. (1) 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.
- (2) The regional district may, with notice, disconnect the water service to any premises for any of the following reasons:
  - (a) Failure by the consumer to obey any direction of the board under section 10 of this bylaw;
  - (b) Non-payment of fees and charges outlined as in schedule 'A' of this bylaw, after the fees and charges are overdue for a period of thirty (30) days or more;
  - (c) 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;
  - (d) use of a pump, booster or other device in a manner outlined in section 12.
- (3) The regional district shall not be liable for damages by reason of discontinuing water service for the reasons outlined in subsection (2).

### **Installation and size of meters**

6. (1) The regional district may direct that the supply of water to any premises in the water service area be metered and the meter fees and charges specified in schedule 'B' of this bylaw shall apply and be payable as soon as the meter is installed.
- (2) The regional district:
  - (a) Shall determine the size of meter and the installation standards required; and
  - (b) May supply the meter to the owner or his agent for installation.
- (3) The regional district may install meters, on a supply line if requested to do so in writing by the owner of the premises, 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 1 of Schedule A hereof, the rate for meters according to the fees and charges contained in Schedule A of this bylaw.
- (4) 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.
- (5) 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.

- (6) All commercial, industrial, strata property, multiple family, and institutional consumers shall install a meter complete with bypass and isolation valves in a location easily accessible to the regional district for inspection and reading of the meter. Detailed plans must be submitted to the regional district general manager of property services for approval prior to the meter installation. Such plans shall conform to the standards of the regional district. An exemption may include fire protection water mains. Strata developments serviced by multiple meters prior to the adoption of this bylaw will not be required to change to a single meter.

#### **Access to meters**

7. (1) The owner/agent or occupier of a premise(s) 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.
- (2) No person shall obstruct at any time or in any manner the access to the meter.
- (3) If access is not provided, fees and charges may be determined as per schedule 'A' of this bylaw. Further, a letter will accompany the billing indicating a date by which access must be provided.

#### **Maintenance of meters**

8. (1) The owner/agent or occupier of the 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) Turn off the stop cock when the premise is vacated.
- (2) No person to whose premises water is supplied shall make, or permit to be made, any additional connection to his/her service of either temporary or permanent nature, for the purpose of supplying water to another building, or house trailer on his/her or any other property without written permission of the CVRD.
- (3) No person shall interconnect any portion of works on private property which are supplied by the CVRD with an external source of water, such as a well, except with written permission of the CVRD. Wherever works on private property which are supplied by the CVRD are connected to a body of contaminated water, such as a swimming pool, in such a way that, if a reverse flow were to be induced, a health hazard could result, the owner of the private property shall install and maintain a back-flow preventer on every such potentially dangerous cross-connection to the approval of the CVRD.
- (4) No change or addition to the number or type of fixtures on a premises, for the purpose of expanding a commercial or industrial enterprise, shall be made until notice thereof has been given in writing to the CVRD and written permission therefore obtained. Any extra charge or higher toll payable due to the change or addition must be paid before the change or addition is commenced.

- (5) No device designed to introduce another substance into the water in the connection between the building and the water supply main will be installed without written permission of the CVRD who shall ensure that the device is so designed and installed that such substance cannot be introduced into the system.

### **Fees and charges**

9. (1) The fees and charges specified in schedule 'A' of this bylaw are hereby imposed and levied for water services supplied by the regional district.
- (2) All fees and charges shall be billed at least once per annum. Where a strata property has a metered service, the regional district will issue a single bill to the Strata Council which is responsible for collecting payment from the owners and submitting such payment to the regional district. Under section 363.2 of the Local Government Act, fees and charges that remain unpaid after December 31 in any year shall be deemed to be taxes in arrears and shall be forwarded to the surveyor of taxes to be added as taxes payable on the property. In the case of a strata property this transfer will be to the owners of the strata property development based on the total unit entitlement for the strata corporation multiplied by unit entitle for the strata unit.
- (3) Water service disconnected under this bylaw shall not be reconnected unless the following has been paid to the regional district:
  - (a) The fees and charges that are overdue; and
  - (b) The turn on fee as described in Schedule 'A'.

### **Fee rebates**

10. (1) Where an owner or owner's agent provides evidence that:
  - (a) Fees charged to that person under schedule 'A' have been unduly high because of a water leak; and
  - (b) The leak has been repaireda 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 of water services or his designate.
- (4) The maximum leak related charge as described in subsection (2) shall be limited to \$1,000 per owner per application.
- (5) The rebate payable under subsection (1) may be made to an owner for a leak that occurred on or after July 1, 2000.
- (6) The rebate payable under subsection (1) is limited to once every two year per owner.

## **Restriction of water use**

11. If at any time the regional district 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 regional district considers it advisable to permit full use of water. Where practical, notice of water use restrictions may be hand delivered to the consumer or be published in a newspaper circulating in the service area at least seven (7) days prior to the commencement of the restriction.

## **System extensions**

12. (1) Any owner of land located within the service area, other than an extension to serve lots created by a subdivision of land, who wishes an extension to the system to serve the land, must make a written application to the regional district in the form as supplied by the regional district.
- (2) The Manager of Water Services may refuse any watermain extensions outside the service area if, in the opinion of the Manager of Water Services
  - (a) The regional district does not have the capacity to supply water for that property or the level of proposed use;
  - (b) Doing so would adversely affect existing consumers; or
  - (c) The water system would not effectively be protected from any potential or actual cross-connections existing at, or within, a water service on the property to be connected.
- (3) Where the manager of water services or designate considers that the minimum water pressure at the property line would be at least 275 kilopascals (40 pounds per square inch) and an extension to the system can be made to serve the land for which an application has been made under subsection (1) without affecting the supply of potable water to any other land in the service area, then the manager of water services may approve the extension.
- (4) An owner of land who wishes to proceed with an approved system extension:
  - (a) Must pay to the regional district all amounts reasonably estimated to represent the reasonable cost of design and construction of the extension to the system, and modifications to the system to allow the extension; or
  - (b) Must cause a qualified contractor to construct the extension and modifications referred to in subsection (3)(a) to the system, entirely at the cost of the owner.
- (5) Where the extension to the system is constructed by the owner under subsection (3)(b), then the extension must be:
  - (a) Designed by a professional engineer, registered in the province of British Columbia;
  - (b) Constructed in accordance with the plans and specifications of the regional district; public health authority, or its consulting engineer, or plans and specifications approved by the regional district or its consulting engineer;
  - (c) Constructed in accordance with all requirements, standards, and policies of the regional district;

- (d) Inspected by the regional district or its consulting engineer prior to backfilling;
  - (e) Approved and accepted by the regional district or its consulting engineer; and
  - (f) Transferred to the regional district together with all necessary rights of way.
- (6) Construction of an extension to the system does not relieve an owner from payment of a service connection fee for each parcel of land to be served by the extensions to the system.
- (7) The extension of the system shall extend from the most convenient existing water main of the system having sufficient surplus capacity, to the center of the last lot serviced.
- (8) If the regional district at its cost constructs the extension, the owner must pay the costs of construction within thirty (30) days of issuance of an invoice.
- (9) The board hereby imposes as a charge on an owner of land requesting the extension the cost referred to in subsection (3)(a).
- (10) This section shall not be interpreted as imposing an obligation on the regional district to approve any extension.

### **Illegal connection and use**

13. (1) No person shall connect or allow to remain connected to the system any premises without first obtaining the required permits in accordance with the section 3 of this bylaw.
- (2) No person shall use or allow to be used water supplied by the system except in accordance with the provisions of this bylaw.
- (3) No person shall use or allow to be used water supplied by the system contrary to all provisions of this bylaw.
- (4) 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 to a higher pressure unless current pressure does not meet minimum standards, or as required for fire protection.
- (5) No person shall:
- (a) Undertake work that is connected with the system on or under any street or land within the service area; or
  - (b) In any way, interfere or tamper with any water meter, sealed bypass valve, pipe, fixture, fitting or appliance of or connection with the waterworks whether on his own premises or elsewhere within the service area.

### **Penalty**

14. Every person who contravenes any of the provisions of this bylaw or permits any act or things to be done in contravention of a provision of this bylaw commits an offense and is be liable on summary conviction to a penalty not exceeding the sum of two thousand dollars (\$2,000.00).

### **Indemnity**

15. Nothing in this bylaw shall be interpreted as imposing any duty on the regional district to provide a continuous supply of water to any person or premises and it is a condition of supply

of water that the regional district is not liable for any injury, damage, or loss, including economic loss, to any person or property:

- (a) Arising or occurring from the use of water from the system;
- (b) Resulting from a failure of water supply to any consumer;
- (c) Resulting from any impurity, lack of pressure, increased supply pressure, or other condition affecting water supplied by the system.

**Severability**

16. If any provision of this bylaw is found invalid by any court of competent jurisdiction, the provision may be severed from the bylaw without affecting the validity of the remaining portion of the bylaw.

**Repeal**

17. Bylaw No. 2033 being “Black Creek/Oyster Bay Water Regulation, Fees and Charges Bylaw, 1998” and all amendments thereto are hereby repealed.

**Citation and effective date**

18. This Bylaw No. 5 may be cited as “Black Creek / Oyster Bay Water Service Regulation, Fees and Charges Bylaw, 2008” and shall take effect on the 1<sup>st</sup> day of April 2008.

## Schedule A

### Fees and charges

1. (a) All metered accounts are subject to a monthly minimum charge. The charge for the quantity of water used each month shall be calculated at the following rates:

| Charge              | Water volume                                     | Rate<br>(effective April 1, 2023) | Rate<br>(effective April 1, 2024) |
|---------------------|--|-----------------------------------|-----------------------------------|
| Residential minimum | Up to 15m <sup>3</sup>                           | \$26.42 flat fee per month        | \$26.95 flat fee per month        |
| Residential tier 1  | Over 15m <sup>3</sup> and up to 45m <sup>3</sup> | \$1.58 per m <sup>3</sup>         | \$1.62 per m <sup>3</sup>         |
| Residential tier 2  | Over 45m <sup>3</sup>                            | \$2.38 per m <sup>3</sup>         | \$2.42 per m <sup>3</sup>         |
| Commercial minimum  | Up to 15m <sup>3</sup>                           | \$41.16 flat fee per month        | \$41.99 flat fee per month        |
| Commercial tier 1   | Over 15m <sup>3</sup>                            | \$2.06 per m <sup>3</sup>         | \$2.10 per m <sup>3</sup>         |

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- (b) Where a meter is found not to register, or access is not available as per section 6 of this bylaw, 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 amount so composed shall be paid by the owner/agent.

### Extra charges - failure to provide access

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2. Each call after the first of each month if access has not been provided is charged at \$25.00 per call. The actual cost to gain access to the meter that is incurred by the regional district will be charged to the owner / occupier of the premises.

### Connection and disconnection charges

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3. (1) The following charges apply to service connections:
  - (a) 19 mm connection - \$2000.00;
  - (b) 25 mm connection – \$2500.00;
  - (c) Greater than 25mm- At cost (minimum \$1000.00)
- (2) The following charges apply to service disconnections:
  - (a) 19 mm, 25 mm and greater disconnection - \$1000.00.

### Turn on / turn off charges

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4. The following charges apply to turning on OR turning off water supply at the service connection and do not preclude payment of the minimum charge in Schedule A
  - (a) Turn on - \$25.00;
  - (b) Turn off - \$25.00.