

MILL BAY WATERWORKS DISTRICT Water Distribution Regulation

Bylaw No. 276

A bylaw to repeal Bylaw No. 238 Water Distribution Regulation Bylaw 2016 of the Mill Bay Waterworks District.

WHEREAS the Mill Bay Waterworks District has authority under the Local Government Act to establish charges payable to the District and regulations to subdivision of land that is being proposed for connection to Mill Bay Waterworks District's water system.

The Trustees of the Mill Bay Waterworks District enact as follows:

INTERPRETATION

1. In this Bylaw, unless the context otherwise requires:
 - a) "Waterworks District" or "District" means the Mill Bay Waterworks District.
 - b) "Trustees" means the Trustees of the Waterworks District elected under the provisions of the Water Act and the Letters Patent of the District and currently holding office, or their duly authorized representatives.
 - c) "Administrator" means the employee of the District authorized by the Trustees to manage the affairs of the District under their direction and control and to act from the time to time on their behalf.
 - d) "Water" means water conveyed through the works operated or maintained by the District.
 - e) "Works" means anything capable of or useful for diverting, storing, measuring or conveying, conserving, retarding, confining or using water.
 - f) "District works" means those works that are owned, operated or maintained by the District.
 - g) "Occupier" means the person (Owner, tenant or other) who has control of a building or premises either for business or for residence or any other purpose to which the District has provided water service connection.
 - h) "Swimming Pool" means an artificially created body of water having a depth of 18" or more used for recreational or physiotherapy.

SERVICE CONNECTIONS

2. Applications for connections to the District's system shall be made to the District by the owner of the premises, their agents or person occupying or about to occupy the premises, on the form available from the District office. Each application shall be accompanied by the prescribed fee. The District may approve or disapprove any application. Reasons for a connection refusal include, but are not limited to:

- the proposed connection does not comply with the provisions of this and other applicable bylaws of the District;
 - the proposed connection exceeds the demand for the parcel that the District is required to supply;
 - the District has an insufficient water supply to provide such parcel with a supply of water.
3. If and when the District requires further information relative to the premises or the works proposed to be connected to the District's system, such information shall be supplied before the application for connection is considered by the Trustees.
 4. No connection to the District works shall be made until approval of the District has been obtained and such connection shall be made only under the supervision of the District Administrator or designate.
 5. Any installation or construction related or designed to make use of the connection done prior to the receipt of approval for the connection will be the owner's sole responsibility and risk.
 6. Where an applicant for water service requires a quantity, pressure or type of service that may jeopardize the safety or sufficiency of the District works, the Trustees may require the said applicant to pay all or part of the cost of upgrading the District works to meet such requirements whether such upgrading is to be made immediately or in the future. A formal agreement may be required.

CHANGES IN APPLICATIONS AND/OR OWNERSHIP OR TENANCY

7. Notification of any changes in ownership and/or tenancy of the premises supplied with the District water from that shown on the "Application for Metered Water Service Connection" shall be made promptly to the District.
8. No person shall make any change in the use of the premises or of the water supplied by the District from that shown on the "Application for Metered Water Service Connection" without prior permission of the District, who may grant with conditions or refuse such permission.
9. No change or addition to the number or type of fixtures on a premise for the purpose of expanding a residential, commercial or industrial enterprise shall be made until notice thereof has been given in writing to the District and written permission therefor obtained. Any extra charge due to the change or addition shall be paid before the change or addition is commenced.

TRUSTEES RIGHT OF ACCESS

10. The District and authorized employees of the District shall have the right of free and unobstructed access at all reasonable hours of the day to all parts of the premises to which District water is delivered in order to carry out the lawful business of the District for the purpose of inspecting or testing any works, fittings or appliances related to the use of water, or for the purpose of installing, removing, repairing, reading or inspecting meters.

11. No person shall obstruct or prevent the District or their designate from carrying out any of the provisions of this bylaw.

DISTRICT WORKS

12. No person except the District or their designate shall damage, open, shut, adjust, interfere or tamper with any of the Districts works.
13. No person shall obstruct in any manner access to any part of the District works including fixtures or appurtenances thereto attached and should any person so obstruct such access in any way he will have committed an offence under this Bylaw and the District may remove such obstruction and recover the cost of such removal from the offending person and the offending person shall have no right of action for the recovery of the cost of any damage incurred thereby.
14. No unauthorized person shall wilfully alter the reading of any District meter.

WORKS ON PRIVATE PROPERTY

15. Occupiers shall keep the works on their premises in good order and repair.
16. No person to whose premises water is supplied by the District shall make or permit to be made any connection or addition to his works other than is shown or indicated on his approved connection application without prior permission of the District.
17. No person shall interconnect any portion of the works on or off his property which is supplied with water by the District with an external source of water, whatsoever.
18. No device that can intentionally or by accident introduce any substance into the water within or outside of any premises shall be installed without the express permission of the District. Such permission will not be given unless the District, in consultation with the Health Department are satisfied that such substance cannot enter the District's works.
19. Wherever water supplied by the District is to be placed into a well, pond, swimming pool, stock watering trough, cistern or any container open to the atmosphere, in such a way that, if a reverse flow were to be induced, a health hazard could result, the owner of the private property will install and maintain a back flow preventer on every such potentially dangerous cross connection to the approval of the District.
20. No change or addition to the number or type of fixtures on a premise, for the purpose of expanding a commercial or industrial enterprise, will be made until notice thereof has been given in writing to the District 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.
21. No person will use or permit the use of any pump or other device for the purpose of, or having the effect of, increasing the pressure in any pipe without the written permission of the District, whether such pipe forms part of the District's works or the works on the said person's premises. The District may without notice, discontinue service to any person employing such pump or other device.

22. The property owner will be responsible for the safekeeping, maintenance, repair and replacement of all service pipes and plumbing systems from the outlet of the District's curb stop or standard waterworks valve at his property line and will protect them from frost or other damage and will promptly repair frozen leaky or imperfect pipes or fixtures.

WATER USE REGULATION

23. No person shall use water derived from the District works for any purpose other than the intended purpose at the premises to which it is delivered nor permit it to be taken from the premises except in the event of an emergency, or with the permission of the District. The intended purpose for a water connection is determined by the service classification of the connection.
24. No person to whose premises water is supplied will make, or permit to be made, any additional connection to the service of either temporary or permanent nature, for the purpose of supplying water to another building or house trailer, recreational vehicle on the property supplied with water, or any other property without permission of the District.
25. No owner or occupant of any premises supplied with water by the District shall sell, dispose of, or give away water or permit the same to be taken away or applied for the benefit of other persons or premises, except by the permission of the District.
26. No person shall waste water. The District may, at their sole discretion, reduce the tolls charged for water by granting a Leak Allowance. All requests for a Leak Allowance are to be reviewed per the District's Leak Allowance Policy.
27. No person shall use any water service as motive power for the purpose of operating machinery without permission of the District who may terminate or withdraw such permission at any time.
28. The amount of water supplied to the consumers will be measured by the District and the reading of the water meters from time to time shall form the basis for the consumption of the tolls.
29. Where any meter does not register or which registers incorrectly, the District shall compute the amount of the tolls on the basis of the quantity of water used during the period when the meter was registering correctly or from other information they may obtain and the amount so calculated shall be payable.
30. The District does not guarantee a specific pressure or a continuous supply of water, or water of a quality to meet special requirements. The District reserves the right to interrupt water service at any time. Whenever possible the District will give notice of interruptions in excess of four consecutive hours to those customers affected.
31. In case of a break of the District works or any part thereof, due to accident or otherwise or in the event of conditions arising whereby an emergency is created or when there is an actual or anticipated demand beyond the ability of the District works to provide water to all its customers, the District may limit the amount of water that may be used by any or all customers by rationing, reduction of pressure or any other means they consider fit and proper in the interests of efficient operation of the District works and the equitable distribution of water.

32. The District may at any time introduce regulations restricting the use of water for irrigation or any other purpose per Schedule "A" of this bylaw; Water Conservation Stages. Upon receiving due notice of such restriction, no person shall use water for the purpose forbidden by or in excess of the limits imposed by such restrictions. Due notice of restrictions shall be given either by publication in a newspaper circulating within the District, by email and or text, Canada Post, local signage or all.
33. During periods of water rationing by means of irrigation regulations or otherwise, no person shall waste water by irrigation in excess of reasonable amounts or use an open pipe or hose for irrigation purposes.

PENALTIES

34. Every person who disobeys or fails to comply with any provision of this Bylaw shall be guilty of an offence. The Administrator will send to the property owner, by registered mail or hand-delivery, a written notice of the violation, citing the bylaw section being contravened and stating what the owner must do to comply with the bylaw within a stated timeframe, not to exceed five (5) business days.

The Notice will state that a court injunction may be sought to cease the activity or remedy the condition if the property owner does not comply with the notice as immediate action is required because non-compliance might result in damage to property or the water system. Steps may also be taken to lay a charge under the provisions of the Offence Act. A penalty of up to six months in jail or a \$5,000 fine, or both, could be imposed by the Court if a summary conviction is obtained from the Court.

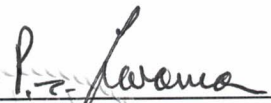
REPEAL

35. Bylaw No. 238 Water Distribution Regulation Bylaw 2016 of the Mill Bay Waterworks District is repealed.
36. This Bylaw may be cited as the "MBWD Water Distribution Regulation Bylaw No. 276".

INTRODUCED and given first reading by the Trustees on the 10th day of December 2019.

INTRODUCED and given second reading by the Trustees on the 10th day of December 2019.

RECONSIDERED and finally passed by the Trustees on the 11th day of February 2020.



Paul Laraman (Chairman)



Kim Vanderkooy (Administrator)

I hereby certify under seal of the Mill Bay Waterworks District that this is a true copy of Bylaw No. 276 of the Mill Bay Waterworks District passed by the Trustees on the 11th day of February 2020.



Kim Vanderkooy (District Administrator)

MILL BAY WATERWORKS DISTRICT
Water Distribution Regulation Bylaw No. 276
SCHEDULE "A"

WATER CONSERVATION STAGES

The Mill Bay Waterworks District (the District) may issue a notice prohibiting, restricting or limiting the use of water. Water Conservation Levels are determined through analysis of well levels, demand, precipitation, drought conditions, weather forecasts and other information deemed relevant to water supply, in order to ensure adequate water supply to district ratepayers, and to enable compliance with all water licence conditions and applicable regulations and legislation. Due notice of restrictions shall be given either by publication in a newspaper circulating within the District, by email and or text, Canada Post, local signage or all. Any person who refuses or fails to abide by such prohibition, restriction or limitation contained in the notice shall be deemed to have contravened this bylaw.

The District is exempt from conservation levels to allow for proper operations and maintenance of the water utility system but will practice conservation measures as much as possible.

The Trustees or their designate may impose watering restrictions as set out in this Bylaw when in their opinion they consider water to be in short supply. In exercising discretion to determine which watering restrictions to impose, the Trustees shall be guided by the following:

1. Stage 1 Watering Restrictions

Stage 1 Watering Restrictions are in effect from May 1st through October 31st

- a. Owners or residents of even numbered civic addresses are permitted to water only on even calendar dates between 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m.
- b. Owners or residents of odd numbered civic addresses are permitted to water only on odd calendar dates between 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m.
- c. No person is permitted to water more than 2 hours per scheduled day.
- d. All automatic irrigation systems must be programmed to match Stage 1 permitted dates and times or be manually operated to comply with the bylaw.
- e. Owners or residents are permitted to water newly planted lawns or landscaping between 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m. with permission from the Trustees, or their designate.
- f. Commercial enterprises which require water to facilitate normal business activities such as power washing companies or window washing companies, are permitted unless ordered otherwise by the Trustees or their designate.
- g. Hand watering of trees, shrubs, flowers, or vegetables is permitted on any day of the week between 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m. by use of a hose with a spring-loaded nozzle or by bucket (maximum 2 hours per

day). Micro irrigation or drip irrigation systems may be utilized anytime to a maximum of 4 hours per day. This does not include soaker hoses.

2. Stage 2 Watering Restrictions

Stage 2 watering restrictions, as required:

- a. Owners or residents of even numbered civic addresses are permitted to water only on Wednesdays and Saturdays between 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m.
- b. Owners or residents of odd numbered civic addresses are permitted to water only on Thursdays and Sundays between 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m.
- c. No person is permitted to water more than 2 hours per scheduled day.
- d. All automatic irrigation systems must be programmed to match Stage 2 permitted dates and times or be manually operated to comply with the bylaw.
- e. Commercial enterprises which require water to facilitate normal business activities such as power washing companies or window washing companies, are permitted unless ordered otherwise by the Trustees or their designate.
- f. Irrigation Permits will not be issued during Stage 2. Owners or residents with an Irrigation Permit issued by the Trustees or their designate prior to Stage 2 restrictions being implemented may sprinkle newly planted lawns or landscaping between the hours of 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m. for the duration of the permit.
- g. Hand watering of trees, shrubs, flowers, or vegetables is permitted on any day of the week between 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m. by use of a hose with a spring-loaded nozzle or by bucket (maximum 2 hours per day). Micro irrigation or drip irrigation systems may be utilized anytime to a maximum of 4 hours per day. This does not include soaker hoses.
- h. Washing driveways, houses, sidewalks, and parking lots is not permitted unless preparing surfaces for painting/preservatives or to prepare the surface for pouring of concrete or asphalt.

3. Stage 3 Watering Restrictions:

Stage 3 watering restrictions, as required:

- a. No person is permitted to water lawns during Stage 3 watering restrictions.
- b. No person is permitted to wash cars, boats, houses
- c. Washing of driveways, houses, sidewalks, parking lots, is not permitted unless preparing surfaces for painting/preservatives or to prepare the surface for pouring concrete or asphalt.

- d. Commercial enterprises which require water to facilitate normal business activities such as power washing companies or window washing companies are permitted unless ordered otherwise by the Trustees or their designate.
- e. No person is permitted to fill ponds, swimming pools or hot tubs except to replace evaporated water or water lost from general use of the pond, pool or hot tub.
- f. Hand watering of trees, shrubs, flowers, or vegetables is permitted on any day of the week between 7:00 a.m. and 9:00 a.m. OR between 7:00 p.m. and 9:00 p.m. by use of a hose with a spring-loaded nozzle or by bucket (maximum 2 hours per day). Micro irrigation or drip irrigation systems may be utilized anytime to a maximum of 4 hours per day. This does not include soaker hoses.
- g. No use of fountains or ponds is permitted unless using re-circulated water.
- h. Limited watering of school and community playing fields, heavy pedestrian community park areas and community landscaped planters is permitted.