

TOWN OF QUALICUM BEACH  
BYLAW NO. 753, 2020

A Bylaw Respecting the Water Works System of the Town of Qualicum Beach

The Council of the Town of Qualicum Beach, in open meeting assembled, enacts as follows:

**DEFINITIONS:**

1. In this Bylaw, unless otherwise specified,

"**Municipality**" means the Town of Qualicum Beach;

"**Council**" means the municipal Council of the Town of Qualicum Beach;

"**Community Water System**" means the network of pipes and other facilities used to distribute water to users of the water system which is owned by the Municipality and located upon or under any public street, lane, land owned by the Municipality and any right of way or easement in favour of the Municipality and includes Water Mains, service connections, valves, chambers, curb stops, hydrants, backflow prevention devices, water meters, fittings and other appurtenances;

"**Director of Engineering**" means the Director of Engineering or their designate duly appointed by Council, and includes any person appointed or designated by the Director of Engineering to act on their behalf;

"**Director of Finance**" means the Director of Finance or their designate duly appointed by the Council, and includes any person appointed or designated by the Director of Finance to act on their behalf;

"**Owner**" includes an agent duly authorized in writing by the owner to act on the owner's behalf;

"**Water Main**" means and shall include any water main upon or under any public street, lane, land owned by the Municipality and any right of way or easement in favour of the Municipality, which water main is owned or maintained by the Municipality whether laid by it or any other person whomsoever;

**COMMUNITY WATER SYSTEM:**

2. For the purpose of this Bylaw, the Director of Engineering shall have charge and control of the Community Water System and of all engineering and mechanical work in connection therewith.

3. The Director of Engineering may, in accordance with section 16 of the *Community Charter*, enter at all reasonable times upon any property for the purpose of inspecting the property and the water pipes, connections and any other apparatus used in connection with such water pipes or water system.
4. Nothing in this Bylaw obliges the Municipality to supply water to any person and the Municipality does not guarantee pressure nor continuous supply of water from the Community Water System. The Municipality shall not be liable for the failure of the water supply in consequence of any accident or damage to the Community Water System or any temporary stoppage thereof on account of repairs or alterations, whether such failure arises from the negligence of any person in the employ of the Municipality or otherwise, or for any cause whatsoever but in the event of such failure or stoppage continuing for more than five consecutive days an equitable reduction shall be made on all rates for services affected thereby.
5. No person shall sell or dispose of any water supplied by the Community Water System or give away or permit the same to be taken away or supplied for the benefit or use of others.
6. No person shall access, obstruct access to or tamper with the Community Water System.
7. Every Owner of property to which the Community Water System delivers water shall pay the applicable rates set out in Schedule "B", based on the water meter reading for the applicable period. The Municipality may read water meters twice a year or at other such intervals determined by the Council.
8. If a meter is not installed, is not operational, or cannot be read, the fees charged will be an amount estimated to have been consumed for the billing period, based on the normal consumption for that use and taking into account any circumstances particular to the use of water at that property, or any other factors which may affect the consumption of water.
9. Any person whose water use exceeds \$300.00 per billing period due to an undetected leak in the waterline on private property may apply to the Director of Engineering for relief from charges in excess of the greater of \$300.00 or a representative average of their consumption history for the applicable billing period, whichever is greater.
10. Any person who is aware or has been notified of a waterline leak on the person's private property shall forthwith repair said leak.
11. Any person who requests to have a water meter tested for accuracy, or requests to have a leak analysis conducted, shall pay the applicable fees as set out in Schedule "B".

12. Every person shall keep every water meter visible, accessible and free of obstruction from landscaping elements.
13. An Owner of property may request the raising or extension of a water meter box to accommodate a change in grade and the modification will be performed by employees of the Municipality for the service charge set out in Schedule "B".
14. For water meters installed within buildings, the Owner of a building shall permit staff of the Municipality access to the water meter(s) for the purpose of reading the water meter(s) during the hours of 8:00 a.m. to 4:00 p.m., Monday to Friday inclusive.
15. All water meters installed by the Municipality on private property shall remain the property of the Municipality notwithstanding any rule of law to the contrary. The Municipality shall maintain, repair and replace all Municipality-owned water meters at the Municipality's cost unless such maintenance, repair or replacement becomes necessary due to an act or omission of a person, in which case the Owner of the property shall be liable for the Municipality's costs.
16. The Municipality shall maintain and repair all privately owned water meters at the expense of the Owner.
17. No person shall tamper with any water meter.

#### **WATER CONNECTIONS:**

18. Every Owner desirous of connecting their property to the Community Water System shall submit an application to the Director of Finance in the form and with the applicable fee contained in Schedule "A".
19. Water connections for properties within the Urban Containment Boundary, as defined by Town of Qualicum Beach Official Community Plan Bylaw No. 800, 2018 and amendments thereto, may be approved by the Director of Engineering if the provision of a water service does not incur any additional capital cost to the Town in excess of the connection charge identified in Schedule "A".
20. Water connections to properties outside of the Urban Containment Boundary, and within the municipal boundary, as defined by Town of Qualicum Beach Official Community Plan Bylaw No. 800, 2018 and amendments thereto, may be approved by the Director of Engineering subject to the following conditions:

- a. The provision of a water service is required to mitigate a threat to human health or the natural environment;
- b. The property owner enters into a S. 219 Restrictive covenant recognizing that the provision of water service does not provide any development potential beyond that which is currently authorized in the *Town of Qualicum beach Land Use and Subdivision Bylaw No. 580, 1999* and amendments thereto;
- c. The property owner agrees to pay the cost of any capital works as well as the connection charge identified in Schedule "A" of this Bylaw;
- d. The property owner contributes towards a capital reserve fund the amount identified in Schedule "B" of this Bylaw.

#### **EXTENSION OF WATER MAINS:**

21. Where application for water service has been made and the service cannot be provided unless a main is extended, such extension shall be made on the following conditions:

In the case of a new subdivision or new area, it shall be the responsibility of the applicant or the developer to provide at their entire expense:

- i) all the new distribution mains within the subdivision, and
  - ii) all service connections to properties with the subdivision, and
  - iii) the necessary extension of the Municipal main to reach the subdivision or to reach the property where the service is required.
22. The Town of Qualicum Beach shall not be required to contribute to any extension constructed pursuant to this Bylaw.
  23. Every extension carried out under this Bylaw shall be according to Town of Qualicum Beach Engineering Standards and Specifications and shall be under the supervision of the Director of Engineering.
  24. No person shall do work of any kind connected with the Community Water System, including the installation of new services or repairing old services, without first obtaining the consent of the Director of Engineering.
  25. All water pipes shall be constructed in accordance with the specifications as set out in Town of Qualicum Beach Engineering Standards and Specifications, unless authorized by the Director of Engineering.
  26. Every person shall notify the Director of Engineering when any work permitted by the Municipality and associated with a connection to the Community Water System is ready for inspection, and no Owner shall cover any work associated

with a connection to the Community Water System until it has been inspected and approved by the Director of Engineering.

**DISCONNECTION & RECONNECTION OF WATER SERVICE:**

27. Any Owner desiring to discontinue for a period of not less than three months the use of water supplied to their property shall give the Director of Finance one week's notice in writing of such desire. Until the effective date of the notice the person shall remain liable for the rates as set out in Schedule "B" of this Bylaw.
28. When any property to which the Community Water System supplies water becomes vacant, it is the Owner's responsibility to contact the Municipality to have the curb stop turned off by employees of the Municipality.
29. When an Owner of property to which the Community Water System supplies water requires the water turned off for emergency repairs or for the installation of a curb stop, the Owner shall contact the Municipality to effect the shut off and the subsequent turn on of water supply by employees of the Municipality. There shall be no charge for operating the curb stop for these purposes if verified by an employee of the Municipality.
30. Whenever any rate due and payable under this Bylaw shall be in arrears and unpaid for a period of ninety days from the date when same became due, the Municipality may discontinue service to the property in respect of which the arrears are due. Before discontinuing service, the Director of Engineering shall send a notice to the Owner at the address noted on title to the property in the Land Title Office stating that
  - (a) if the Owner does not pay the arrears within 14 days of the date of the notice the Municipality may discontinue the service; and
  - (b) the Owner may make representations to Council on the matter.
31. When any Owner desires to have the water service restored after it has been discontinued either by the Municipality or by request, he/she shall apply to the Director of Finance in writing giving one week's notice thereof and shall at the same time pay all arrears of rates and the service fee set out in Schedule "B" of this Bylaw for the cost of turning the water off and on, together with any other expense or cost the Municipality may have incurred in connection with such discontinuance and resumption of supply.

**PREVENTION OF CONTAMINATION (CROSS-CONTAMINATION CONTROL)**

32. No person shall connect, cause to be connected or allow to remain connected to the Community Water System any piping, fitting, container or appliance in a

manner which under any circumstances may permit any non-potable water, wastewater, or any harmful liquid or substance to enter the Community Water System.

33. Every Owner shall install, where one does not already exist, and maintain, repair and replace as necessary backflow prevention devices on the Owner's private water system downstream of the water meter, including irrigation systems. The type of prevention device selected shall be in accordance with the British Columbia Plumbing Code. The Owner shall be responsible for all costs associated with the installation, inspection, testing, repair, replacement and maintenance of backflow devices servicing their system, and no Owner shall be entitled to receive water from the Community Water System until the backflow prevention device has been inspected by the Municipality.
34. If a condition is found to exist which, in sole the opinion of the Director of Engineering, may result in a contravention of section 32 of this Bylaw, the Director of Engineering may
  - (a) order that the service be shut off; or
  - (b) give notice to the person to correct the default within 96 hours or a shorter period specified in the notice and if the person fails to comply with such notice the Director of Engineering may order that the service be shut off and the default remedied at the Owner's expense.

#### **WATER CONSERVATION/SPRINKLING RESTRICTIONS:**

35. No person shall water a lawn, garden or similar landscape feature using a sprinkler between the hours of 7:00 a.m. to 7:00 p.m. daily during the period from May 15 to September 15 of each year. No restrictions apply during the same period for all other residential water uses (e.g. hand watering, vehicle washing, etc.).
36. For the purpose of conserving the water supply in the event of a water shortage, the Council may, by resolution, at any time temporarily prohibit or impose further limits on the use of water supplied by the Community Water System, including limits with respect to the times of day and the duration that water may be used and the purposes for which it may be used. Notice prohibiting or limiting the use of water shall be deemed to have been given to and served upon all consumers by publication of such notice in a local newspaper, the Municipality's web site, or appropriate social media that may change from time to time. In emergency situations, a sound truck may be used. No person shall use water supplied from the Community Water System in contravention of a restriction communicated in such notice.
37. Any person may apply to the Municipality for a permit to water new landscaping features in a manner that would otherwise constitute a contravention of sections 35 or 36 of this Bylaw. Every person applying for a

permit under this section shall submit the application set out in Schedule “C”, with the applicable fee. The Director of Engineering may issue a permit and may impose terms and conditions with respect to the times and duration of such watering. Permits shall be valid for three (3) weeks from the date of issue.

38. The restrictions on water use contained in sections 35 and 36 of this Bylaw shall not apply, unless specified otherwise in a resolution of Council under section 32 to the following:
- (a) Public parks, playing fields, etc. where adherence to restrictions is impractical because of size, or where permanent turf or plant loss would result.
  - (b) Nurseries - where economic loss would result from loss of plant stock.
  - (c) Safety/sanitary requirements - hosing for sanitary (other than power washing), health-related, or safety reasons if no reasonable alternative exists.

#### ENFORCEMENT:

39. Every person who contravenes a provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw or who neglects to do anything required to be done by this Bylaw commits an offence against this Bylaw and may, upon summary conviction, be liable for a penalty of not more than \$10,000 and all costs incurred by the Municipality related to the contravention.
40. Where an offence against this Bylaw is of a continuing nature, each day such offence is continued by the offender shall represent a separate offence.
41. This Bylaw may be enforced by means of a violation ticket issued under the *Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2008*.
42. Wherever in this Bylaw a person is required to take an action or remedy a condition and the person defaults on that obligation, the Municipality may take that action or remedy that condition at the cost of the Owner of the property on which the work is conducted and may, in accordance with Division 14 of Part 7 of the *Community Charter*, recover its costs of providing such work to land or improvements in the same manner and with the same remedies as property taxes and if such costs are due and payable on December 31 of any year and unpaid on that date such costs shall be deemed taxes in arrears.

#### GENERAL:

43. If any provision of this Bylaw or part thereof is determined to be void or unenforceable by a court of competent jurisdiction that determination shall not affect or impair the validity of the remainder of this Bylaw.

44. This Bylaw may be cited for all purposes as the "Town of Qualicum Beach Waterworks Rate and Regulation Bylaw No. 753, 2020".

45. The *Town of Qualicum Beach Waterworks Rate and Regulation Bylaw No. 713* is hereby repealed.

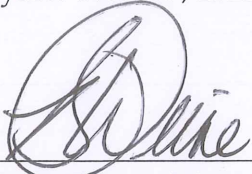
**INTRODUCED AND A FIRST TIME** this 28<sup>th</sup> day of October, 2020.

**READ A SECOND TIME** this 18<sup>th</sup> day of November, 2020.

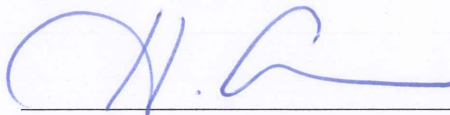
**READ A THIRD TIME** this 25<sup>th</sup> day of November, 2020.

**RECONSIDERED AND FINALLY ADOPTED** this 9<sup>th</sup> day of December, 2020.

**REVISED BY** "Town of Qualicum Beach Waterworks Rate and Regulation Revision Bylaw No. 759, 2021"



Brian Wiese, Mayor



Heather Svensen, Corporate Administrator



TOWN OF QUALICUM BEACH  
Schedule "A" to Bylaw No. 753, 2020  
APPLICATION FOR WATER CONNECTION

I/We \_\_\_\_\_

of \_\_\_\_\_

(mailing address)

being the Owner(s) of Lot \_\_\_\_\_, Block \_\_\_\_\_, DL \_\_\_\_\_, Plan \_\_\_\_\_

Roll No. \_\_\_\_\_

situated on \_\_\_\_\_

(civic address)

hereby make application for water connection and services to the above described property and agree to have water supplied according to the applicable Bylaws of the Municipality as may from time to time be in force.

The size of the connection requested is \_\_\_\_\_ mm.

The applicable fee is tendered herewith.

DATED at \_\_\_\_\_, B.C. this \_\_\_\_ day of \_\_\_\_\_ 20 .

\_\_\_\_\_  
(Signature of Applicant)

Minimum Connection fees for all connections: \$1000.00

If actual costs exceed the minimum connection fees, the applicant will be responsible to pay for the additional costs.

Water connection outside urban containment boundary \$7500.00  
(subject to the requirements identified in Sections 21. to 26. of this Bylaw)

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FOR OFFICE USE ONLY

Date of Installation \_\_\_\_\_, 20 .

Distance from \_\_\_\_\_ Property Line.

Meter Size \_\_\_\_\_ mm. Meter Make \_\_\_\_\_ Meter Serial No. \_\_\_\_\_

Review and Approval by Director of Engineering or their designate:

\_\_\_\_\_  
(Signature)

TOWN OF QUALICUM BEACH  
 Schedule "B" to Bylaw No. 753, 2020  
 WATER RATES

**WATER RATES:**

1.

	Dec. 9, 2020	Oct. 1, 2021	Oct. 1, 2022
For the first 15 cubic metres per month	\$0.85 per cubic metre	\$0.91 per cubic metre	\$0.98 per cubic metre
For the next 15 cubic metres per month	\$1.05 per cubic metre	\$1.15 per cubic metre	\$1.25 per cubic metre
All consumption over 30 cubic metres	\$1.45 per cubic metre	\$1.55 per cubic metre	\$1.70 per cubic metre
Minimum Charge per unit	\$12.75 per month	\$13.65 per month	\$14.70 per month
Prompt Payment Discount	\$1.50 per month	\$1.50 per month	\$1.50 per month

2. SERVICE FEES:

Emergency shut off/turn on	No Charge
Each time water is turned on after original connection	\$50.00
Each time water is shut off	\$50.00
Exposing obscured water meter box	\$100.00
Raising/extending water meter box – minimum charge (or actual costs, whichever is greater)	\$100.00
Water meter accuracy test	\$50.00
Leak analysis test	\$50.00
Water meter reading	\$20.00

3. The aforesaid rates shall be calculated on a monthly basis and invoices shall be issued twice a year. The due date for invoices shall be a minimum of twenty days following the last day of the applicable billing period. The Prompt Payment Discount shall be applied if the invoice is paid in full by the due date. Water invoices are in all cases to be mailed to the registered owner of the property.
4. Any service fees will be in addition to and entirely separate from water rates or minimum monthly charges. For water supply turned on before the fifteenth day of the month, or turned off after the fifteenth day of the month, the full monthly toll will apply for that month.
5. All rates, or charges due and remaining unpaid on the thirty-first day of December in any year, shall be deemed to be taxes in arrears on the land or real property on which the charge was imposed.

TOWN OF QUALICUM BEACH  
Schedule "C" to Bylaw No. 753, 2020  
SPECIAL SPRINKLING PERMIT

Name: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Folio No. \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_  
(Maximum of three (3) weeks)

Fee: Single Family Dwelling - \$30.00 per permit  
Multi-Family Residential - \$30.00 per unit to a maximum of \$150.00 per permit

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorization