

TOWN OF PORT McNEILL
Bylaw No. 561, 2003

A bylaw to regulate the charges, rates, terms and conditions under which water from the Town Municipal Water Utility may be supplied and used.

WHEREAS in accordance with the provisions of Section 8(2) of the Community Charter, a municipality may provide any service that the council considers necessary or desirable, and may do this directly or through another public authority or another person or organization,

AND WHEREAS in accordance with the provisions of section 8(3) of the Community Charter, a council may, by bylaw, regulate, prohibit and impose requirements in relations to municipal services,

AND WHEREAS in accordance with the provisions of Section 12 of the Community Charter a council may, by bylaw, establish variations, terms and conditions in relation to municipal services,

AND WHEREAS in accordance with the provisions of Section 194 of the Community Charter a council may, by bylaw, impose a fee payable in respect of all or part of a service of the municipality,

NOW THEREFORE the Municipal Council of the Town of Port McNeill in open meeting assembled enacts as follows:

1. Citation

The Bylaw may be known and cited as the "Town of Port McNeill Water Regulations Bylaw No. 561, 2003".

2. Definitions

In the Bylaw, unless the context otherwise requires:

Building Connection shall mean the water pipe extending from the property line of the property concerned to the building situated thereon.

Building Inspector shall mean the person or persons appointed from time to time by the Council as Building Inspector and includes deputy and assistant Building Inspectors.

Town shall mean the Town of Port McNeill.

Collector shall mean the person appointed from time to time by the Council as Collector.

Property Owner shall mean the registered owner of any lands and premises within the Town and shall, where applicable, include the agent, executor or administrator of such owner or the lessees or occupier of the premises.

Supervisor of Public Works shall mean the person appointed as such by the Council of the Town and any person delegated to assist him in carrying out his duties under this bylaw.

Water Connection shall mean a connection of at least three-quarter inch pipe connecting to a main supply line and extending to the property line for the purpose of conveying water to the said property, and may or may not include a water metre but shall include a shut-off valve.

Water Service shall mean works and services provided by the Town and include:

- supply of water for consumption or other use
- water connection installation, repair or replacement
- metre installation
- water main extension

Water System shall mean all water pipes, fittings, valves, reservoirs, pumps, treatment or purification facilities or fire hydrants within a right-of-way, easements or property under the control of or title to the Town.

3. General Provisions

3. No person shall make any connection to the water system owned by the Town or to any water line being supplied with water from the Town water system without first receiving approval from the Town.
- 3.2 No person shall install, place or maintain in any premises any water connection, fixture, or fitting not in accordance with the requirements of this Bylaw or not authorized by the application for such water service.
- 3.3 No pump, device or other fitting shall be used for the purpose of, or having the effect of, increasing or decreasing the available water flow in the water system without prior written authorization from the Supervisor of Public Works.
- 3.4 All persons shall keep the service pipes, stop cocks, fixtures, fittings on their own premises or property in good order and repair, and protect them from frost at their own risk and expense.
- 3.5 The Town shall not be required to supply water to any property within the Town, which is supplied by other than the Town water system.

- 3.6 The property owner shall be responsible for all costs associated with the works required for the installation of a water service for his property.
- 3.7 No person shall place or introduce contaminants or pollutants into the Town water system.
- 3.8 No works or services shall be performed on the water system unless authorized in writing by the Supervisor of Public Works.
- 3.9 All works and services performed on the water system shall conform with the requirements of the Town of Port McNeill Standard Construction Specifications as written in the Town of Port McNeill Subdivision Development Servicing Bylaw and Master Municipal Construction Documents.
- 3.10 No person, unless provided written authorization from the Supervisor of Public Works shall in any way interfere, operate or tamper with any pipe, fixture, fitting, fire hydrant, valve or other component of the Town water system.
- 3.11 The Town shall not be liable for damages caused as a result of a disruption or discontinuation of service.
- 3.12 No person being a property owner, occupant, or tenant of any premises supplied with water by the Town shall sell or dispose of any water or give away or permit the same to be taken away or applied for the benefit of others, except to those persons provided written authorization from the Supervisor of Public Works.
- 3.13 Nothing contained in this Bylaw shall be construed to impose any liability on the Town as to the availability, volume, pressure and quality of water to any person, property or premises in the Town.

4. Application - Connection

- 4.1 Application for the water connection shall be made to the Town and shall be made on the form contained in Schedule "A" of this Bylaw and shall be accompanied by the proper fee as specified in Schedule "C" Town of Port McNeill Fee Setting Bylaw No. 558, 2003. Each application, when duly signed by the property owner, includes agreement to abide by the terms and conditions of this Bylaw and any subsequent amendments thereto.
- 4.2 Applications for a water service submitted by other than the registered property owner must be accompanied by a letter of consent or authorization from the registered or legal property owner.

- 4.3 The connection fee paid in accordance with Section 16 hereof does not include works within private property.

5. Application - Disconnection

Application for disconnection of a water connection shall be made to the Town and shall be made on the form contained in Schedule "A" of this Bylaw and shall be accompanied by the proper fee as specified in Schedules "C" Town of Port McNeill Fee Setting Bylaw No. 558, 2003. Until such application has been submitted, water rates may be charged as prescribed by Schedule "C" Town of Port McNeill Fee Setting Bylaw No. 558, 2003.

6. Water meters

The Town shall require the installation and use of water meters in the following instances:

- Any New Construction
- Any properties suspected of using an excess of water. Estimates will be based on using in excess of 500 Litres of water per capita per day.

All new applications for non-residential properties using or consuming water shall be required to install and use a water meter. The charges as prescribed in Schedule "C" Town of Port McNeill Fee Setting Bylaw No. 558, 2003 shall apply. The water meter shall be the property of the Town.

7. Rates and Charges

- 7.1 Property owners shall be responsible for payment of all rates for water used and consumed on properties owned by them.
- 7.2 The user rates and charges specified in Schedule "C" Town of Port McNeill Fee Setting Bylaw No. 558, 2003, as amended from time to time, are hereby imposed and levied for water services supplied by the Town.
- 7.3 Accounts are billed from January 1st to December 31st in each year.
- 7.4 If the account remains unpaid as at October 31st, a penalty of ten percent (10%) will be applied to the outstanding balance, any unpaid amounts will be transferred to taxes and collectible in the manner forth in the Community Charter.
- 7.5 The cost of works required to clear or flush waste or debris originating from a property and interrupting the free flow within the common sewer shall be charged to the owner of the originating property.

8. Inspection

- 8.1 The building connection shall be left uncovered at the joint with water connection until it has been inspected and approved in writing by the Supervisor of Public Works.

- 8.2 Officers, employees, and agents of the Town of Port McNeill are hereby authorized to enter upon any lands and premises in the municipality at all reasonable times to ascertain whether the requirements and regulations of this Bylaw are being observed.

9. Water Restrictions

The Town may, whenever in its discretion the public interest so requires, suspend or limit the use of water from the Town water system, or may further regulate the hours of use, or may further prescribe the manner in which such water may be used.

10. Enforcement

- 10.1 Any person who installs a water connection to the Town water system, without first obtaining approval and paying the applicable charges, shall be liable for all costs associated with the disconnection of the said service connection and, in addition, is considered to be guilty of an offence under this Bylaw.
- 10.2 The Town may discontinue the water service to any premises for contravention or violation of the regulations within this bylaw.
- 10.3 Any person who violates any provision of this bylaw, or who suffers or permits any act to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by any provision of this bylaw, commits an offence and is liable to:
- a) Prosecution of the offence in accordance with the Offence Act; or
 - b) Proceedings under Division 3 of Part 8 of the Community Charter (Ticketing for Bylaw Offences); or
 - c) Court action under Division 4 of Part 8 of the Community Charter (Enforcement by Civil Proceedings).

11. Enactment

- 11.1 "Town of Port McNeill Water Rates Bylaw No. 553, 2003" and all amendments thereto are repealed on the date this bylaw comes into effect.

11.2 This Bylaw shall take effect on January 1, 2004.

READ A FIRST TIME on the 15th day of December 2003

READ A SECOND TIME on the 15th day of December 2003

READ A THIRD TIME on the 05th day of January 2004

RECONSIDERED AND FINALLY ADOPTED on the 07th day of January 2004

Mayor

Corporate Officer

Certified to be a correct copy of Bylaw No. 561, 2003 as adopted.

Corporate Officer

SCHEDULE "A"

Town of Port McNeill Water Regulations and Rates Bylaw No. 561, 2003 and
Amendments Thereto

APPLICATION FOR WATER SUPPLY AND SERVICE(S)

I, _____ being the property owner of the premises described as:

Lot _____ Block _____ D.L. _____ Plan _____

and situated at # _____ Street/Avenue, in the Town of Port McNeill,
hereby make application for the following services:

_____ supply and use of water. The use or occupancy of the property or premise
supplied will be _____

(describe current or proposed occupancy and zoning) consisting of
_____ square metres of total building floor area.

_____ new water connection(s).

_____ water metre installation(s).

_____ water connection repair(s), replacement(s) or adjustment(s)

_____ water main extension

_____ other(provide description) _____

DATED at the Town of Port McNeill this _____ day of _____, 20____.

APPLICANT _____

TOTAL COST OF SERVICE(S) = \$ _____

note: - (a) a detailed cost summary is attached for the property owners review.

(b) the total costs presented herein will be held firm for a period not exceeding
sixty (60) from date of issuance.

_____ DATE: _____

(Supervisor of Public Works or designate)

SCHEDULE "A"

Town of Port McNeill Water Regulations and Rates Bylaw No. 561, 2003 and
Amendments Thereto

AGREEMENT FOR WATER SUPPLY AND SERVICE(S)

The completion of this agreement does not relieve the applicant, authorized agent or owner from conforming to all requirements or every pertinent bylaw and regulation enforced within the Town of Port McNeill.

In consideration of the approval of this application, I/we agree to duly pay all applicable user rates and service charges for all water services provided herein as prescribed by the "Town of Port McNeill Water Regulations and Rates Bylaw", and amendments thereto. I/we further agree that I/we will be bound by all the provisions of the said Bylaw where applicable and the rules and regulations made there under and that in consideration of the aforesaid I will protect and save harmless the Town of Port McNeill from all claims for damages caused by the delivery of the said service(s), I/we further agree to release and indemnify the Town of Port McNeill, its Council members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgements, losses, damages, costs and expenses of whatever kind I/we or an other person, partnership or corporation or our respective heirs, successors, administrators or assignees may have to incur in consequence of or incidental to this agreement.

DATED at the Town of Port McNeill this _____ day of _____, 20_____.

Property Owner _____

(signature)

AUTHORIZATION TO PROCEED WITH WORKS:

(Supervisor of Public Works or designate) DATE: _____