

CONSOLIDATED FOR CONVENIENCE ONLY

WATER REGULATIONS BYLAW

NO. 1763, 2015



CITY OF QUESNEL

City of Quesnel Water Regulations Bylaw No. 1763 of 2015*

Consolidated: May 12, 2020

CONSOLIDATED FOR CONVENIENCE ONLY

CONSOLIDATED FOR CONVENIENCE TO INCLUDE:

City of Quesnel Municipal Ticket Information Bylaw No. 1774 of 2015

*This bylaw is a “consolidated” version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Deputy Corporate Administrator at City Hall. Plan, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

**CITY OF QUESNEL
BYLAW NO. 1763**

A Bylaw to regulate the use of municipal water services.

WHEREAS, pursuant to section 8(3)(a) of the *Community Charter*, Council may, by bylaw, operate any service that the Council considers necessary or desirable for all or part of the municipality;

AND WHEREAS the City of Quesnel maintains a water system as a self-funded utility for the benefit of the residents of parts of the City;

AND WHEREAS Council deems it desirable to make rules and regulations regarding the connection to and the use of the water system;

NOW THEREFORE, the Council of the City of Quesnel in an open meeting assembled enacts as follows:

1. Interpretation:

(1) In this bylaw:

Applicant means any person who makes an application for the use of a service connection.

Bulk Water Facility means the water distribution facility located on the public right of way designated with the civic address of 94 North Star Road.

Building means any building, shelter, or other improvement intended for or presently occupied by one or more persons.

City means the City of Quesnel.

Council means the Mayor and Council of the City of Quesnel as elected.

Curb Stop means a shut off valve installed and owned by the City on a water connection with a protective housing to the ground surface located between the water system and the property line.

Director means the Director of Public Works and Engineering and anyone authorized by them to administer this bylaw.

Even Numbered means a number whose last digit is capable of being divided in half to form a whole number.

Highway means and includes any road, lane, street, avenue, or other such paved or gravel surface intended for use and access by the public, and includes the roadway, shoulder, boulevard, ditch and sidewalk area and whatever lands lie between the property lines of the highway.

Lands means any lot, block, parcel or other area in which land is held and shall include any improvements made thereon.

Main means all pipes including valves, fittings and appurtenances other than the water connections, pumping stations, treatment plants or reservoirs in the municipal water system.

Meter means a City authorized device used to measure and indicate the volume of water passing through this device and shall include remote reading accessories.

Odd Numbered means a number whose last digit is incapable of being divided in half to form a whole number.

Owner means the owner(s) of any parcel of land within City limits or their authorized agent.

Plumbed Building means a building which has been fitted with such pipes, valves, taps and other appurtenances as are necessary to provide for water distribution and disposal for that building.

Recreation Vehicle means a vehicle or trailer which is intended for being parked and used as a temporary mobile home.

Sani-Dump Site means the water distribution and sanitation dumping facility located on a public right of way designated with the civic address 72 Front Street.

Service Connection means a pipe and the necessary valves and protective boxes, connections, thaw wires, and any other material necessary to and actually used to connect the water main to a curb stop which are owned and maintained by the City.

Turn On means the act of opening the curb stop valve.

Turn Off means the act of closing the curb stop valve.

User means any person who occupies any lands which are connected to the Municipal Water System and who is using water from said system.

Water Service means a pipe including all valves, connections, taps, meters and all appurtenances connecting a curb stop to buildings on a parcel of land, and includes the tail nut of the curb stop.

Water System means all mains, valves and appurtenances thereto including fire hydrants, pumping stations, reservoirs, pressure reducing stations, meters and water connections within any highway, Municipal right-of-way, easement, or Municipal property.

- (2) The terms defined in this bylaw shall include the past tense, future tense, plural, and adjective of such terms, as the context may require.
- (3) The headings given to the parts and sections in this bylaw are for convenience and reference only, and do not form a part of this Bylaw and will not be used for the interpretation of such.
- (4) The various regulations prescribed in this bylaw are cumulative and not mutually self-exclusive.
- (5) If any part, section or phrase in this bylaw is deemed to be of no force or effect by a court of competent jurisdiction, that part, section or phrase shall be severed from this bylaw and the remainder shall be deemed to have been adopted without the severed part, section or phrase.
- (6) Words in this bylaw directing or empowering any officer or employee of the City to do any act or thing, or otherwise applying the name of office, includes successors in such office and any lawful deputy, and any person the Council may from time to time by bylaw or resolution designate to act in that officer or person's place.
- (7) Where a word or phrase indicates a measurement in metric units, that measurement shall be deemed to include the equivalent and comparable measurement in imperial units, and vice-versa, to the nearest hundredth of such a unit.

2. Fees and Charges:

- (1) Any lands which are serviced by an approved service connection shall be subjected to any applicable fees set out in the City of Quesnel Comprehensive Fees and Charges Bylaw No. 1683 of 2010, as amended or repealed.
- (2) Any lands which front a highway or public right-of-way underneath which is laid a water system main shall be subjected to any applicable frontage tax as set out by bylaw.

- (3) Where any act or thing is required to be done by an owner, and where such an act or thing is not done, the City may:
- (a) Provide the owner with written notice of their non-compliance with this bylaw and that the thing required to be done shall be completed within 90 days of such notice. The provision of notice will be deemed sufficient if sent by registered mail to the last known address of the owner;
 - (b) After such a notice period has expired, enter upon the owner's lands to do such an act or thing so required by the owner, at a minimum fee of \$100;
 - (c) Assign the costs incurred by the City as a fee for service under section 194 of the *Community Charter*; and,
 - (d) Deem any such fee so levied as taxes in arrears if such fees remain unpaid after December 31st of the year such fees were incurred.

3. Application for Service Connection:

- (1) All owners whose lands are not connected to the water system are required to apply for a service connection if their lands:
 - (a) have one or more plumbed buildings situated upon them; and,
 - (b) are situated next to a street, lane, or other public right of way upon or under which there is laid a water system main;except at the discretion of the Director; or,
 - (c) as otherwise required by the *Water Act* or other provincial laws and regulations.
- (2) Any owner who is not required to connect to the water system may apply for a service connection do so in accordance with the application procedure set out in this bylaw.
- (3) Before any service connection, change, reconnection or addition to the water service is made, the owner shall complete and sign an application form for service connection.
 - (a) Any application for a change or addition to a connection shall contain a description of the intended changes or additions to the said water service.
- (4) All applications shall be filled out in the form provided by the City from time to time.
- (5) The Director, in considering an application:
 - (a) may approve the application and initiate work to provide the service connection;
 - (b) may refuse the application and shall provide the reasons thereof in writing;
 - (c) shall not approve any service connection which in their opinion shall cause the water system to be incapable of safely delivering water from such connection;
 - (d) shall not approve an application for which the lands or buildings are in contravention of any bylaw of the City which are relevant to this bylaw;
 - (e) shall not approve an application where the applicant's lands are not abutting the right of way or easement containing a water system main;
 - (f) may submit to Council a recommendation to, by resolution, refuse the approval of an application where it is deemed that the cost of providing a water service is excessive and will place an undue burden on the revenue of the water system.
- (6) A decision to reject an application may be appealed to Council.

4. Installation of a Service Connection:

- (1) Every owner of lands which are connected to a private water system, prior to being connected to the water system, shall disconnect and be completely cut-off or physically severed from the said private water system, which shall not in any event include the use of valves.
- (2) Upon receipt of a valid application for service connection, the Director shall commence work to provide the service connection provided that the owner:
 - (a) has provided proof of payment for the service connection as set out in the Fees and Charges Bylaw, as amended and repealed; and,
 - (b) has disconnected any and all private water systems.
- (3) Only the Director shall authorize and undertake a connection or reconnection to the water system.
- (4) Where this bylaw directs a person to do anything or comply with regulations, the Director shall have free access at reasonable times to all lands and buildings in which water is delivered and supplied.
- (5) All owners whose lands are provided with and make use of a service connection must:
 - (a) keep the owner's water line and other plumbing fixtures on their premises in good repair and working order, at the owner's expense; and,
 - (b) pay in full the amounts charged for the water connection fee and utility rate as set out in the Fees and Charges bylaw.
- (6) All water services from any lands shall, at the cost of the owner, be installed and constructed in accordance with any building or servicing bylaw of the City or a standardized building code deemed acceptable by the Director.
- (7) All buildings served by the water system shall, at the owner's expense, be supplied with water through a "pressure reducing valve" which is set to a pressure of not more than 60 pounds per square inch.
 - (a) Existing serviced residential buildings which are not equipped with such valves prior to final adoption of this bylaw shall have such valves installed at the time of a reconnection to the water system or other modifications to the building plumbing system requiring a permit.
- (8) Materials and workmanship of the water service which, in the opinion of the Director, are or may become defective or otherwise not in accordance with the provisions of this Bylaw, shall be removed and replaced at the sole cost of the owner.

5. Metering of Water:

- (1) The City may install and compel the use of water meters by any person using or consuming water from the water system on a test-metering basis only.
- (2) Where it is deemed desirable to compel the use of water meters beyond the test-metering basis, the City may use or establish a fee or charge contained in the Fees and Charges bylaw.
- (3) All water meters and appurtenances installed are hereby deemed to be part of the water system and shall remain the property of the City and access to the said meter for the purpose of repair or reading by its Director shall be permitted by the owner at all reasonable times.
- (4) If access to a meter is inhibited or prevented by the user the City will bill such user based on the highest monthly usage during the 12 months preceding.
- (5) If a meter is tampered with or bypassed, the City shall levy the owner of land connected to the water system and whose use of water is metered, a fee equal to the amount of service charge

and repairs, but in no case shall the charge be less than twenty-five (25) dollars. If a meter has been bypassed, the water rates will be based on the highest monthly usage during the twelve (12) months preceding the bypass.

6. Bulk Water Usage:

- (1) All persons are permitted to fill:
 - (a) any container up to eighteen (18) liters; or,
 - (b) any water storage container in a recreation vehicle;without approval from the Director at the Sani-Dump Site.
- (2) Any person who wishes to fill any container over eighteen liters must use the bulk water facility.
- (3) Use of the bulk water facility is subject to payment in full of all applicable fees set out in the City of Quesnel Comprehensive Fees and Charges Bylaw No. 1683 of 2010.

7. Sprinkling

- (1) Sprinkling or irrigation is prohibited between the period of May 15th and September 30th of each year except as herein specified:
 - (a) on even numbered days, even numbered properties may sprinkle or irrigate between the hours of 6:00 AM and 10:00 AM or 7:00 PM and 11:00 PM;
 - (b) on odd numbered days, odd numbered properties may sprinkle or irrigate between the hours of 6:00 AM and 10:00 AM or 7:00 PM and 11:00 PM; or,
 - (c) as otherwise required or provided for by Council or the Director.
- (2) Council may, by resolution, restrict water usage including sprinkling and irrigation to certain times of the day.
- (3) Sprinkling of rooftops for the purpose of cooling buildings is prohibited during any period of the year.

8. Restriction of Water Use

The Director or such other person authorized by Council may temporarily restrict water usage in any emergency or under extraordinary circumstances.

9. Disconnections

- (1) Where an existing water service is no longer required, it shall be the responsibility of the owner to cause the disconnection of the water service from the water system at the tail nut of the curb stop. Such disconnection shall be inspected by the City before being backfilled.
- (2) All requests for a turn on or turn off of the water service shall require twenty-four (24) hours of notification to the City prior to work being conducted, except as required by emergency.

10. Limited Liability

The City shall not be liable for:

- (1) any interruption or discontinuation of service to any lands provided by the water system, whether intentional or not;
- (2) failure to provide continuous supply of water;
- (3) the failure of the water supply in consequence of any accident or damage to the water system;
- (4) excessive pressure or lack thereof;
- (5) any temporary stoppage of water due to alterations or repairs whether such failure arises from the negligence of any person in the employ of the City or any other person or through natural deterioration or obsolescence of the Municipal Water System;

- (6) impurities in the water; or,
- (7) the repair or replacement of any fault, defect, or damage to the water service or any portion thereof, and any damages caused by such.

11. Prohibitions

- (1) No person shall:
 - (a) make any connection to the water system or in any way tamper with, operate, remove, or alter any part of the water system without first having obtained the written permission or permit from the Director to do so;
 - (b) without lawful excuse, break, damage, destroy, uncover, deface, mar or tamper with any part of the water system; or,
 - (c) without lawful excuse, interfere with any act or thing being done under the authority of the Director in the exercise of any power or duty contained herein.
- (2) No owner of any lands provided with a service connection shall sell, distribute, serve or provide water from the water system to any lands or persons for any purpose other than that for which the water connection was given.

12. Offences and Penalties

- (1) Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done which contravenes or violates the provisions of this bylaw, or who neglects to do or refrains from doing anything which is compelled to be done by them by virtue of this bylaw, shall be:
 - (a) guilty of an offence under this bylaw, for which it shall be deemed a separate offence for each day during which any violation, contravention or breach continues;
 - (b) prosecuted accordingly; and,
 - (c) liable upon summary conviction to a minimum fine of up to two thousand (\$2,000) dollars for each offence.
- (2) Provisions of this bylaw may be enforced through a Municipal Ticketing Information system, in accordance with Part 8, Division 3 of the *Community Charter*, as amended or repealed. Any provisions not enforced by M.T.I. shall be enforced by means of the *Offence Act*, as amended or repealed.
- (3) In addition to any other penalty herein prescribed, the Director is hereby authorized and empowered to cause or carry out the disconnection of water service to any buildings where:
 - (a) there is evidence of tampering with any meter or the curb stop valve at the service connection; or,
 - (b) in the opinion of the Director, repairs to maintain the plumbing system, owner's water line, or other appurtenance are not performed or completed to the satisfaction of the Director within five (5) days from the date of the issuance of a written order by the said representative.

13. Amendment and Repeal of Old Bylaws

- (1) The following bylaws are hereby repealed:
 - (a) City of Quesnel Water Rates and Regulations Bylaw No. 1221 of 1992; and,
 - (b) City of Quesnel Water Rates and Regulations Bylaw Amendment Bylaw No. 1519 of 2002.

(2) M.T.I. Bylaw No. 1320 of 1995, as previously amended, is further amended by repealing and replacing Schedule 7 with the attached Schedule A hereto, to be cited for all purposes as Schedule 7 of Bylaw No. 1320.

14. Citation

This Bylaw may be cited for all purposes as “City of Quesnel Water Regulations Bylaw No. 1763 of 2015”.

READ A FIRST TIME this 11th day of May, 2015.

READ A SECOND TIME this 11th day of May, 2015.

READ A THIRD TIME this 11th day of May, 2015.

FINALLY ADOPTED by a Majority of Council this 25th day of May, 2015.

MAYOR,
Bob Simpson

CORPORATE OFFICER,
Byron Johnson

I hereby certify that the foregoing is a true and current copy of the “City of Quesnel Water Regulations Bylaw No. 1763 of 2015”.

DEPUTY CORPORATE ADMINISTRATOR,
Gina Albers

SCHEDULE 7 OF BYLAW NO. 1774

CITY OF QUESNEL WATER REGULATIONS BYLAW NO. 1763 OF 2015

Offence	Section	Fine
1) Sprinkling when prohibited	7(1)	
First Offence		\$ 50.00
Second Offence (within 12 months)		\$100.00
Subsequent Offence(s) (within 12 months)		\$200.00
2) Prohibited Sprinkling	7(3)	
First Offence		\$ 50.00
Second Offence (within 12 months)		\$100.00
Subsequent Offence(s) (within 12 months)		\$200.00