



WATERWORKS BYLAW

BYLAW NO. 07-030

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on January 1, 2016 up to Bylaw No. 15-087)

This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

NO. 07-030

WATERWORKS BYLAW

A BYLAW OF THE CITY OF VICTORIA

(Consolidated to include Bylaws No. 07-104, 08-105, 09-086, 10-086,
11-071, 12-092, 13-097, 15-023, 15-049 and 15-087)

The purpose of this Bylaw is to consolidate and clarify the regulations for the supply, use, and charges for water service.

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Under its statutory powers, including the *Corporation of the City of Victoria Water Works Act, 1873* and section 8 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

PART 1 - INTRODUCTION

Title

- 1 This Bylaw may be cited as the "WATERWORKS BYLAW".

Definitions

- 2 In this Bylaw,

“at cost”

means a cost or charge determined in accordance with s. 22;

"Collector"

means the City's Director of Finance or that person's authorized representative;

“cross connection control device”

means an approved mechanical assembly, device, or method that has been specifically designed for the purpose of preventing the occurrence of a backflow based on the degree of potential hazard, accompanied by a current test record;

"customer"

means a person who receives or is entitled to receive a supply of water under this Bylaw, and without limitation includes an owner or occupier of land that is provided water service, or is otherwise connected to the waterworks system;

“Director”

means the City’s Director of Engineering or that person’s authorized representative;

"discontinue water service"

means

- (a) to terminate the arrangement between the City and a customer for the supply of water, and
- (b) to shut off, disconnect, or remove the service pipe that supplies water to the customer referred to in paragraph (a);

"Downtown Area"

means the geographic area of the City outlined on the map attached as Schedule B;

“Esquimalt”

means the Corporation of the Township of Esquimalt;

"establish water service"

means to become a customer by entering into an arrangement with the City for the supply of water through a completed service pipe;

"fire hydrant"

means a fire hydrant, together with all its valves and fittings, that is connected to a City water main;

"fire line"

means a pipe that is intended solely for the purposes of providing a standby supply of water for fire protection purposes;

"private service pipe"

means the pipe and its fittings that is intended to distribute water within any land and that is connected to the service pipe by a service connection;

"service connection"

means the City installed fitting that is farthest downstream from the City's water main, and is no less than 0.30 m and no more than 1m from a City property line or the boundary of an easement held by the City;

"service pipe"

means the City-owned pipes and their fittings, either on or within a street, or within an easement held by the City, that are intended to carry water from the City's water main to a service connection;

"shut off"

means to turn off the water supply by closing a City-owned valve or by any other means approved by the Director;

"turn on"

means to allow the flow of water by opening a City-owned valve or by any other means approved by the Director;

"unit"

means 2.832 m³ of water [*for conversion to British/U.S. measure, see Schedule C*];

"water service"

means the supply of water to a customer;

"waterworks system"

includes every part of the City's system for the supply of water within the City and within the geographic area for which Esquimalt is responsible.

PART 2 - CONTINUATION OF WATERWORKS AND APPOINTMENT OF WATER COMMISSIONER

Waterworks continued as a service

- 3 (1) This Bylaw applies to the waterworks system, which is continued as a service under the authority of the statutory powers of the City.

- (2) All fees and charges imposed under this Bylaw are for the purpose of the waterworks system.

Appointment of Water Commissioner

- 4 The Director is appointed as the Water Commissioner pursuant to *The Corporation of Victoria Water Works Act, 1873*.

PART 3 - ESTABLISHMENT AND DISCONTINUANCE OF WATER SERVICES

Application and fees for water service connection

- 5 (1) An owner of land, or the owner's authorized agent, may apply to establish water service to the property by
- (a) filling out the application form provided by the Director, and
 - (b) paying the connection fee that is prescribed in Schedule A.
- (2) A request that a water service be installed outside the City's normal working hours must be approved by the Director, and if approved the applicant must pay the "at cost" fee prescribed in Schedule A.
- (3) An applicant for water service that has been discontinued must pay an "at cost" connection fee if in the Director's opinion the existing service pipe and service connection are of an appropriate and adequate size and can be re-established.
- (4) In addition to an application to establish water service, an application to turn on a water service must be made to the Director.

Location of water service

- 6 (1) An applicant for water service may designate the location of the service connection.
- (2) The Director must specify the location of the service connection if in the Director's opinion the location designated by an applicant is not practicable.
- (3) Each part of the waterworks system must be located at the lower of the following depths:
- (i) below the maximum depth of frost penetration,
 - (ii) 600 mm below ground surface,
 - (iii) a lower depth indicated by the Director where necessary because of local conditions.

Water meter required

- 7 A service pipe must be fitted with a water meter to measure the supply of water.

Water meter connections

- 7A (1) Subject to subsections (2) to (4), a person must not connect to or disconnect from a water meter.
- (2) To connect to or disconnect from a water meter, a customer must apply to the Director.
- (3) If the Director is satisfied that it is necessary to connect to or disconnect from a water meter, the Director may
- (a) direct how the water meter may be connected or disconnected, and
 - (b) arrange to have an authorized person attend at the water meter to ensure the connection or disconnection occurs in accordance with the Director's direction.
- (4) While the person authorized by the Director pursuant to subsection (3)(b) is attending at a water meter, the customer, or agent for the customer, may connect or disconnect a water meter in accordance with the Director's direction.
- (5) A customer who had an authorized person attend at a water meter for the purposes of subsection (3)(b) must pay the fee set out in Schedule A.

Type of water meter & pipes

- 8 (1) The Director may determine and specify the type, size, and arrangement of new water meters, piping, and flow detecting devices for which an application has been made.
- (2) For the purpose of determining a connection charge under Schedule A, the size of the service must be determined by the size of the inlet and outlet of the water meter.
- (3) The minimum size of service pipe that may be used to serve any one parcel of land must
- (a) have a diameter of 18 mm, and
 - (b) comply with the Plumbing Bylaw and the British Columbia Plumbing Code.
- (4) Where the inlet portion of the service pipe has been upgraded, for maintenance reasons, from 12 mm to 18 mm and the meter and outlet remain unchanged, an applicant for water service may apply to the Director to have the remaining portion of the service pipe, service connection, and water meter upgraded by paying the fee set out in Schedule A.
- (5) Where any water is supplied other than through a water meter, or under any condition or circumstance not specifically provided in this Bylaw, the Director may fix the service charge and consumption charge based on the requested size of

the connection and the estimated quantity of water required, in accordance with Schedule A.

Temporary supply of water

- 9
- (1) Despite any other provision of this Bylaw, a person who wants to obtain a temporary supply of water for construction purposes may apply to the Director for a connection to a City fire hydrant or to an existing service pipe.
 - (2) A temporary connection to a City fire hydrant must be installed and removed by the City, unless authorized by the Director.
 - (3) An applicant for a temporary supply of water must pay the connection fee prescribed in Schedule A, and a consumption charge based on the rates set out in Schedule A.
 - (4) If an existing service pipe is available, but is of an inadequate size for continued use, a person wanting a temporary supply of water for construction purposes may apply to the Director for a temporary re-instatement of that service pipe, upon payment of the connection fee prescribed in Schedule A.
 - (5) A temporary service connection to a fire hydrant must be equipped with a cross connection control device installed by the City in accordance with the Capital Regional District's Cross Connection Control Bylaw.
 - (6) A temporary service connection to an existing service pipe must be equipped with a cross connection control device installed by the applicant in accordance with the Plumbing Bylaw, and the Capital Regional District's Cross Connection Control Bylaw
 - (7) A temporary service connection to an existing service pipe must be equipped with a water meter.
 - (8) If a water meter cannot be installed, the applicant may be required to pay a consumption charge based on:
 - (a) the amount of water the Director estimates will be consumed, and
 - (b) the fees prescribed in Schedule A.
 - (9) The Director may discontinue a temporary service when an application is made to establish permanent service at that location.

Fire line

- 10
- (1) An applicant for a fire line connection must apply to the Director and must pay the connection fee that is prescribed in Schedule A.
 - (2) A connection of a fire line to the waterworks system must be furnished with a detector check meter that is satisfactory to the Director.

Discontinuance of fire line

- 11 (1) The Director may declare a private service pipe to be other than a fire line and may install a water meter in place of a detector check meter to record all water flow if the readings on the detector check meter on the fire line indicate that water is being consumed for other than fire protection purposes.
- (2) The customer served by the water service for which a water meter is installed under this section must pay the full service charge and consumption rate as is prescribed in this Bylaw for a water service other than a fire line.

Discontinuance of service/temporary shut-off by application

- 12 By application to the Director a customer may:
- (a) discontinue a water service;
- (b) request the temporary shut off of a water service.

Who may work on waterworks system

- 13 A person, other than a City employee, may do work of any kind connected with the waterworks system, including the laying of new, or the repair of old, services, mains, and accessories on or under a street or right of way, over which the Director has jurisdiction, only if the following requirements apply:
- (a) that person is authorized by the Director to do that work;
- (b) that person is
- (i) qualified in accordance with the *Drinking Water Protection Act* (B.C.); or
- (ii) under the supervision of another person who is qualified in accordance with the *Drinking Water Protection Act* (B.C.).

PART 4 - RESPONSIBILITIES OF WATER SERVICE CUSTOMER

Repair

- 14 A customer must keep in good order and repair, at that customer's expense, all private service pipes, fittings, and other plumbing fixtures on the property that receives water service.

Access to property by City and inspection

- 15 (1) After giving reasonable notice, the Director, or a person authorized by the Director for this purpose, at all reasonable times has access to land to which water is delivered for the purpose of inspecting and determining whether all regulations, prohibitions and requirements under this Bylaw are being met.

- (2) The Director may inspect any part of a building to expose water piping or to perform a test on a private service pipe in order to enforce the provisions of this Bylaw.
- (3) An applicant must provide access for installing, maintaining, and reading a water meter if the meter is located, or is to be located, on private land.

Use, sale, waste of water

- 16 (1) A person must not draw or use water for a purpose other than in connection with the land to which the water service is connected.
- (2) A person may sell, give, or convey water beyond the parcel of land that has water service only if that person first obtains the Director's permission.
- (3) A person must not wilfully waste water, use it for powering machinery, or use it for a purpose that is considered to be extraordinary by the Director.
- (4) In order to ensure an adequate and uninterrupted supply of water, a person must not use water contrary to the Capital Regional District's Water Conservation Bylaw.

Nuisance and damage to waterworks system

- 17 A person must not connect or allow to remain connected any apparatus, fitting, or fixture that may cause noises, pressure surges, or any other disturbance that may, in the opinion of the Director, result in annoyance to a customer, damage to a private service pipe, or damage to the waterworks system.

Contamination of waterworks

- 18 (1) A person, including a customer, must not connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container, or appliance, in a manner that, under any circumstances, may allow water, waste water, or any harmful liquid or substance to enter the waterworks system.
- (2) The Director may take any of the following actions to correct a condition that the Director determines is contaminating the waterworks system:
 - (a) temporarily shut off any water service;
 - (b) give notice to the customer causing or allowing the condition to correct it within a specified period;
 - (c) direct that a cross-connection control device be installed on a private service pipe, at the expense of the customer using that pipe.
- (3) A cross-connection control device installed under subsection (2) must be installed in accordance with the Capital Regional District's Cross Connection Control Bylaw.

Interference with waterworks system

- 19 A person must not tamper or interfere with the waterworks system.

PART 5 - OPERATION AND INSPECTION

Liability for damage

- 20 (1) Neither the Director nor the City assumes liability for damage
- (a) caused by the breaking of a service pipe or attachment,
 - (b) resulting from the shutting off of water for the purpose of repairing, maintaining, or cleaning pipes, or
 - (c) resulting from the shutting off of water for more than 6 hours for the purpose of repairing, maintaining, or cleaning pipes if notice of that is given to those affected.
- (2) The City does not assume liability for a change in water pressure, including if the City changes the operation or configuration of the water service for any purpose, including repair or alteration.

Relocation of waterworks system

- 21 An owner of land who desires a change, removal or relocation of part of the waterworks system, including its service pipes, meters, valves, chambers, fire hydrants, and other fittings and accessories, must
- (a) obtain the Director's approval, and
 - (b) pay the costs of the change, removal, or relocation "at cost".

Charges for work

- 22 (1) A person, including a customer, who applies to the City for work that is to be done "at cost" must pay a cost, determined by the Director, which includes the amount actually expended by the City for gross wages and salaries, employee fringe benefits, materials, equipment rentals at rates paid by the City or set by the City for its own equipment, any other expenditures incurred in doing the work, plus any administration charges prescribed in Schedule A.
- (2) Before the start of work requested by a person, including a customer of water service, the applicant must pay to the City the estimated cost of work determined by the Director.
- (3) At the conclusion of the work, if the actual cost of the work exceeds the payment made under subsection (2), the applicant must pay to the City the amount by which the actual cost of the work exceeds that payment.

- (4) At the conclusion of the work, if the payment made under subsection (2) exceeds the actual cost of the work, the City must pay to the applicant the amount by which that payment exceeds the actual cost of the work.

Water main extension

- 23 (1) A person wanting to become a customer must apply to the Director for a water main extension and for any service connections that are required in order to establish a water service to a new subdivision or to an area in which there is no existing water main.
- (2) An applicant for a water main extension must pay for the cost of its installation, fire lines, and any other accessories "at cost".
- (3) An applicant must supply legal plans, construction drawings, a survey layout, and prepare the site as required by the Director.

Ownership of service pipe

- 24 Service pipes, water meters, fire hydrants, accessory fittings, and any other part of the waterworks system are the property of the City.

Overload

- 25 (1) The Director may notify a customer if excessive flow to, or consumption by, that customer periodically overloads the capacity of a water meter used to supply service to the customer's land.
- (2) After receiving notice under subsection (1), a customer must
- (a) apply for a replacement service pipe and water meter, as is required, and
- (b) pay any charges "at cost".

Pressure in waterworks system

- 26 (1) For the purpose of ensuring a sufficient quantity of water to customers, the Director may change the pressure of water within any part of the waterworks system.
- (2) A customer that will be receiving water at an increased pressure above 550 kilopascals [*for conversion to British/U.S. measure, see Schedule C*] as a result of a decision of the Director must install a pressure reducing valve on the customer's private service pipe.
- (3) A customer receiving water through a pressure reducing valve must maintain the valve in good working condition.
- (4) Before increasing water pressure to above 550 kilopascals, the Director must give written notice to those customers who will receive water at the increased pressure.

- (5) The notice required under subsection (4) must advise a customer
- (a) of the time when the increased water pressure will begin,
 - (b) that a private service pipe or appliance receiving the water may be adversely affected by the increased pressure,
 - (c) that under section 20(2) the City does not assume liability for any damage resulting from a change in water pressure,
 - (d) of the obligations imposed by subsections (2) and (3), and
 - (e) in time sufficient for a customer to install the valve required under subsection (2).

PART 6 - BILLING AND COLLECTION

Consumption charge

- 27 (1) A customer must pay to the City the consumption charge set out in Schedule A for each unit of water used.
- (2) Except as provided otherwise in this Bylaw, a meter reading must form the basis of calculations of the amount of water used.

Service charge

- 28 In addition to the consumption charge, a customer, whether or not water is used by the customer, must pay the service charge set out in Schedule A, according to the size of water meter, for every 4 (four) months that that person is a customer.

Fire hydrant charges

- 29 (1) Esquimalt must pay the monthly charge, set out in Schedule A, for each fire hydrant connected to the waterworks system for municipal purposes within the geographic area for which Esquimalt is responsible.
- (2) A customer must pay the monthly charge set out in Schedule A for the use of each fire hydrant that is connected to the waterworks system for the non-municipal purposes of that customer.

Meter reading

- 30 (1) The City must cause every water meter to be read once every 4 months and render its accounts for any water supplied.
- (2) Where the City is unable for any reason to read a water meter as required under subsection (1), the Collector may estimate the amount of water consumed and render an account based on the previous average consumption rate, seasonal

variations, changes in occupancy, and any other factors which in the Collector's opinion may affect the consumption of water.

- (3) Any accounts rendered by the City under subsection (1) are due and payable when received.

Unpaid accounts

- 31 (1) The Director may shut off a water service where an account rendered by the City has not been paid, after providing thirty (30) days notice to the customer.
- (2) The following procedures apply to an account that is rendered for water used within the geographic area for which Esquimalt is responsible and that is unpaid as prescribed by this Bylaw:
- (a) until paid, the account is a lien or charge on the land to which the water was delivered,
 - (b) the account becomes delinquent if unpaid on December 31 of the year in which the account was levied and is considered to be taxes in arrears with interest at the prescribed rate referred to in section 245 of the *Community Charter* accrued from January 1 of the following year,
 - (c) the municipal Collector of Esquimalt must add the amount of the taxes, referred to under paragraph (b) to the taxes payable on the land, and
 - (d) the amount added under paragraph (c) is a municipal tax and must be dealt with in the same manner as taxes against the land under the *Community Charter*.
- (3) The municipal Treasurer of Esquimalt must pay to the City the amount added under subsection (2).
- (4) The following procedures apply to an account that is rendered for water used within the City and that is unpaid as prescribed by this Bylaw:
- (a) until paid, the account is a lien or charge on the land to which the water was delivered,
 - (b) the account becomes delinquent if unpaid on December 31 of the year in which the account was levied, and is considered to be taxes in arrears with interest at the prescribed rate referred to under section 245 of the *Community Charter* accrued from January 1 of the following year,
 - (c) the Collector must add the amount of the taxes referred to under paragraph (b) to the taxes payable on the land, and
 - (d) the amount added under paragraph (c) is a municipal tax and must be dealt with in the same manner as taxes against the land under the *Community Charter*.

Failure of water meter

- 32 (1) The Collector must estimate the consumption of water and render an account to the customer of water service if a water meter fails to register or to properly indicate the flow of water.
- (2) When estimating an account under subsection (1), the Collector must consider the previous average consumption rate, seasonal variations, changes in occupancy, and any other factors which in the Collector's opinion may affect the consumption of water.

Reduction of charge

- 33 The Director may reduce the amount of a water account if the Director is satisfied that it is excessive because of
- (a) leaks from a broken underground water pipe,
 - (b) defects in a water meter, or
 - (c) a consumer's occupancy, for less than one month, of the land to which the account applies.

Incorrect accounts

- 33A (1) If the City renders an incorrect account pursuant to section 30, the City must
- (a) provide a refund to the owner of any amount overcharged, or
 - (b) forfeit any amount undercharged.
- (2) The applicable refund pursuant to subsection 33A(1)(a) is the amount overcharged since the most recent of the following dates:
- (a) the date the error occurred;
 - (b) the date of the most recent transfer of ownership of the property;
 - (c) the date that is five years prior to the date upon which the City receives notice of the error.

Connection charges

- 34 (1) The connection charges set out in Schedule A
- (a) are payable in advance, and
 - (b) may be revised and calculated annually to reflect the actual average cost of the connection.

- (2) The annual revision of the connection charges in Schedule A may be based on
 - (a) the cost of the service connection in the preceding calendar year, and
 - (b) a factor that provides for the increases in labour and material costs for the current year.

PART 7 - GENERAL

Discontinuation of service for noncompliance

- 35 (1) In this section, “controlled substance”
- (a) means a controlled substance as defined and described in Schedules I to VI of the *Controlled Drugs and Substances Act (Canada)*, as amended, but
 - (b) excludes the trade or manufacture of a controlled substance that is permitted under the *Controlled Drugs and Substances Act (Canada)*.
- (2) A customer must not use water, supplied under this Bylaw for the production of a controlled substance.
 - (3) The Director may permanently disconnect the supply of water to land, by first giving 30 days written notice to a customer, if that customer or any owner or occupier of the land:
 - (a) fails to comply with any provision of this Bylaw relating to the use of the water service, or
 - (b) fails to comply with a notice of the Director that work is to be done to correct a default.
 - (4) A customer who has received a notice of disconnection under subsection (3) may request that Council reconsider the decision to disconnect, within 45 days of the delivery of that notice, by delivering a written request for reconsideration to the City’s Corporate Administrator.
 - (5) Council must consider a request for reconsideration made under subsection (4), and must provide reasons for its decision to hold or not hold a reconsideration.
 - (6) The Director may take any of the following actions after giving at least 48 hours notice of them to a customer if the customer fails to comply with a provision of this Bylaw or with a notice issued under it:
 - (a) shut off the water service to the customer's land until the default is corrected;
 - (b) have any work done that the Director considers to be necessary to correct the default;

- (c) recover from the customer, as a charge under this Bylaw, the costs of the work referred to in paragraph (b).

Offences and penalties

36 A person who contravenes a provision of this Bylaw is guilty of an offence and on conviction is liable to the penalties prescribed by the *Corporation of the City of Victoria Water Works Act, 1873* and the *Offence Act*.

Repeal

37 Bylaw No. 81-127, the Water Works Bylaw, is repealed.

Effective Date

38 The Bylaw is effective on the later of the following dates:

- (1) June 1, 2007
- (2) The date this Bylaw is adopted.

READ A FIRST TIME the	26th	day of	April	2007
READ A SECOND TIME the	26th	day of	April	2007
READ A THIRD TIME the	26th	day of	April	2007
ADOPTED on the	10th	day of	May	2007

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“ALAN LOWE”
MAYOR

Schedule A**Fees**1. Connection fee for any water service, other than a fire line:

<u>Size of Connection or Meter</u>	<u>Connection Charge</u>
18 mm	\$ 4,300.00
25 mm	4,500.00
40 mm	at cost
50 mm	at cost
75 mm	at cost
100 mm	at cost
150 mm	at cost
200 mm and greater	at cost
For duplexes only, 2-18mm (in the same trench)	at cost
For duplexes only, 2-25 mm (in the same trench)	at cost
Cap water service, 12mm to 25 mm	1,000.00
Cap water service, 40mm and greater	at cost

Special fees:

- (a) To upgrade a meter, outlet pipe, and accessories under s. 8(4) of the Waterworks Bylaw: \$500.00
- (b) Service pipe installations on Arterial Roads or within the Downtown Area: an additional \$1,230.00 per trench.
- (c) Service Pipe that is requested to be installed outside normal working hours, where approved by the Director: at cost.
- (d) Temporary water connection: \$200.00.
- (e) Fire hydrant connection fee: \$100.00 per fire hydrant per day.
- (f) New fire hydrants that are installed at the request of an applicant: at cost.

2. Connection fee for a fire line:

<u>Size of Connection or Meter</u>	<u>Connection Charge</u>
100 mm	at cost
150 mm	at cost
200 mm and greater	at cost

3. Consumption charge

Consumption charge for each unit of water used: \$3.67.

4. Service charge(a) 4-month service charge:

<u>Size of Connection</u>	<u>Service Charge</u>
12 mm	\$34.57
18 mm	\$39.23
25 mm	\$57.50
40 mm	\$71.88
50 mm	\$114.60
75 mm	\$215.52
100 mm	\$344.43
150 mm	\$644.18
200 mm	\$1,431.05

5. Fire Hydrant charge

(a) Esquimalt: \$4.00 monthly for each hydrant

(b) Non-municipal purposes: \$4.00 monthly for each hydrant.

6. Administrative Charges

Where work is performed "at cost" an administrative charge of 18% must be calculated and added to the "at cost" total.

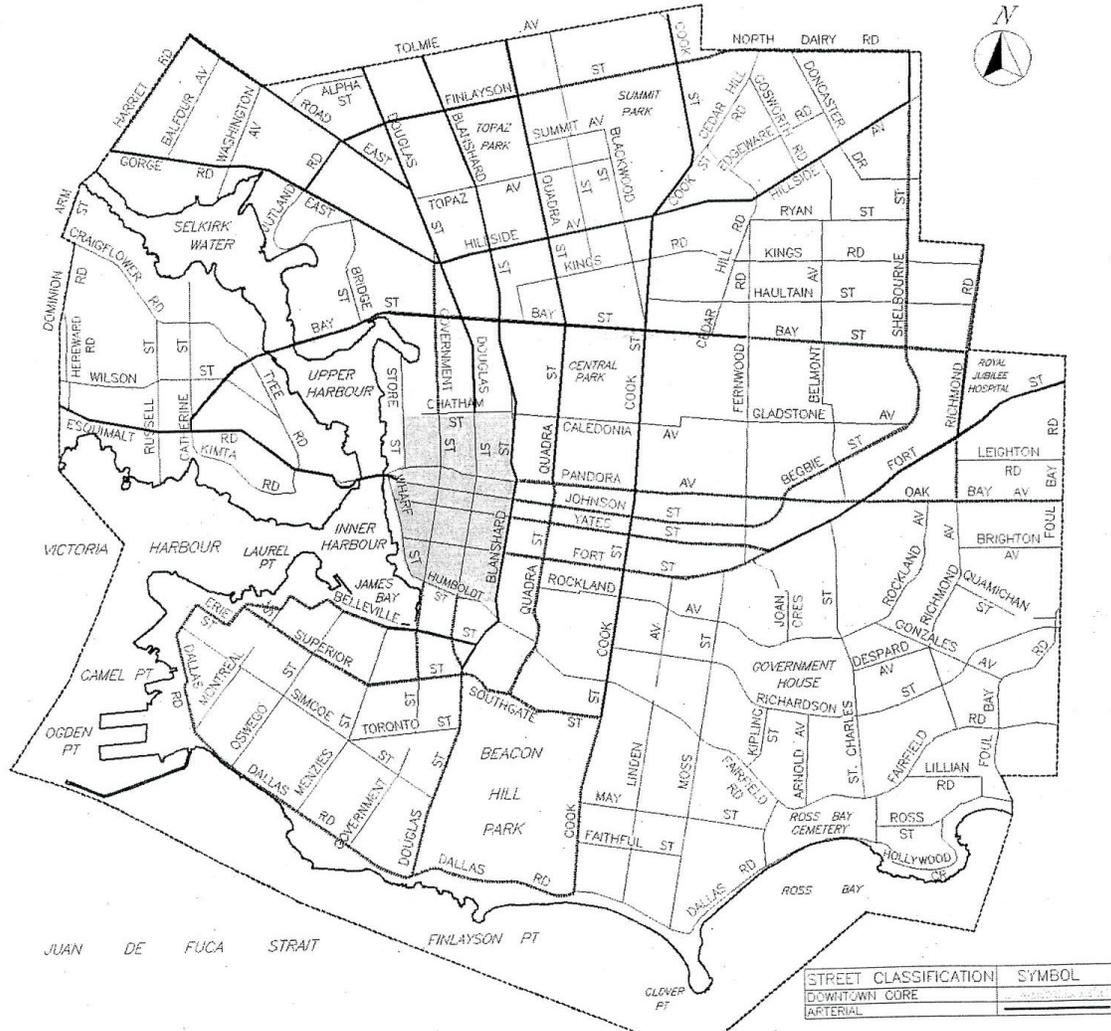
7. Water Meter Activation/Deactivation Fee

To have an authorized person attend at a water meter pursuant to section 7A(5): \$40.

Schedule B

Map of Downtown Area

CITY OF VICTORIA



Schedule C**Metric and British/U.S. Measurement Equivalents**Metric/Imperial Measurements

The (approximate) British/U.S. equivalent of the units of measure referred to in section 2 (definition of "unit") and section 26 of this Bylaw are given as follows, for convenience only:

$$2.832\text{m}^3 = 100 \text{ cubic feet}$$

$$550 \text{ kilopascals} = 80 \text{ pounds per square inch}$$

This statement of equivalents is not intended to have any regulatory effect and in the event of any inconsistency between a Metric unit of measure stated in this bylaw and the British/U.S. conversion stated in this Schedule C, the Metric unit prevails.