

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3370

(**amended by Bylaws No. 3455, 3481, 3529, 3532, 3586, 3609,
3635, 3678, 3745, 3746, 3799, 3890, 4016, 4057, 4107, 4139, 4178, 4220, 4262,
4324, 4342, 4391, 4443, 4448, 4497 and 4521)

A Bylaw for regulating the rates, conditions and terms under
and upon which water may be supplied and used

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled,
hereby enacts as follows:

- 1 This Bylaw may be cited as the "***WATER RATE BYLAW, 1981***".

INTERPRETATION

- 2 In this Bylaw

“BACKFLOW” means a flow of water or other liquid, gas or solid from any source in a backward or reverse direction into the water distribution system of the Corporation that has been caused either by Back-Pressure or Back-Siphonage;

“BACKFLOW PREVENTER” means a mechanical assembly, device, or method that has been specifically designed and installed to prevent a Backflow into the water distribution system of the Corporation;

“BACK-PRESSURE” means pressure that is higher than the ambient pressure in the water distribution system of the Corporation;

“BACK-SIPHONAGE” means a Backflow caused by a reduced or negative pressure in the water distribution system of the Corporation;

"COLLECTOR" shall mean the Collector of the Corporation;

"CORPORATION" shall mean The Corporation of the District of Oak Bay;

"COUNCIL" shall mean the Municipal Council of the Corporation;

“CROSS CONNECTION” means an actual or potential connection between any part of the water distribution system of the Corporation and any other environment containing other substances, which is allowing or has the potential to allow a contaminant affecting safety or aesthetic characteristics of drinking water to enter the water distribution system of the Corporation. Without restricting generality, bypass arrangements, jumper connections, removable sections, swivel or changeover devices or any other temporary or permanent connecting arrangements through which a Backflow may occur are considered to be Cross Connections;

"DIRECTOR OF ENGINEERING SERVICES" shall mean the Director of Engineering Services of the Corporation;

“DUAL CHECK BACKFLOW PREVENTER” means a non-testable Backflow Preventer consisting of two independently acting, spring-loaded check valves in series and commonly lacking shutoff valves and test cocks;

“FACILITY” means something that is built, installed, or provided to serve a particular purpose;

“MINOR CROSS CONNECTION HAZARD” means any type of Cross Connection or potential Cross Connection involving a Backflow of any substance that constitutes only a nuisance and results in a reduction in only the aesthetic qualities of the water supplied through the water distribution system of the Corporation, with no possibility of becoming a health hazard;

“MINOR HAZARD FACILITY” means a Facility classified by Canadian Standards Association standard B64.10 as having a minor degree of hazard because of the prevalence of Minor Cross Connection Hazards within the Facility.

"MUNICIPALITY" shall mean the area known as the Municipal District of Oak Bay;

"OWNER" in respect of any land within the Municipality means the person who appears by the records of the Land Registry Office at the City of Victoria to be the holder of an estate in fee simple in such land, and in the event of there being registered a life estate in such land shall include the tenant for life; in the event that there shall be registered in the said Land Registry Office an agreement to sell such land by the terms of which the purchaser shall agree to pay the taxes thereon, "owner" shall mean the person last registered as the holder of any such agreement;

"PERSON" shall mean and include not only a natural person or persons but also a corporation, firm or co-partnership.

*(**Bylaw 4443, adopted Dec.15/08)*

- 3 In this Bylaw, words importing the singular number or the masculine gender only shall include respectively more persons, parties, or things of the same kind than one, and females as well as males, and the converse shall also apply.

CONNECTIONS AND ACCOUNTS

- 4 Connection to a water main of the Corporation shall be made only upon the application in writing to the Director of Engineering Services by the owner of the land to which connection is sought. The application shall be accompanied by the fee prescribed by or calculated in accordance with Section 5.

*(**Bylaw 4057, adopted Oct.12/99)*

*(**Bylaw 3745, adopted Apr.13/93)*

- 5 To defray the cost of laying connecting pipes from a water main of the Corporation to land on which buildings or structures are situate, or for which water service is otherwise sought, the fee schedule is as follows:

- (1) For one 19 millimetre diameter service connection of length not exceeding 10 metres: \$1,800.00;
- (2) For one 25 millimetre diameter service connection of length not exceeding 10 metres: \$2,040.00;
- (3) For one 38 millimetre diameter service connection of length not exceeding 10 metres: \$2,520.00;

- (4) The water connection fee in circumstances or for pipe sizes other than those described in subsections (1), (2) and (3) shall be the amount of the estimate of the cost of the work prepared on the basis of municipal labour, material, equipment and contract costs, and approved by the Director of Engineering Services.

*(**Bylaw 4057, adopted Oct.12/99)*

6 Where, in the opinion of the Director of Engineering Services, a large meter, already installed, fails to record relatively small consumptions within a reasonable degree of accuracy, he may either order the installation of a compound meter or one or more smaller meters to replace the larger meter or subsidiary thereto; or alternatively, if adequate fire protection is considered by him to be menaced by the foregoing, test readings may be made with small temporary meters and the readings of the large meter equitably adjusted accordingly.

- (1) All accounts for water supplied by the Corporation shall be charged to and kept in the name of the owner of the land to or on which the water is supplied;
- (2) If such land is built on, all bills for such water shall be delivered to some person on such land or mailed by prepaid letter post addressed to the owner at such land or at such other address as the owner may designate by a request in writing filed with the Collector;
- (3) If such land is not built on all bills for such water shall be mailed as aforesaid addressed to the owner at his last known place of address, or at such other address as the owner may designate by a request in writing filed with the Collector;
- (4) Notice in writing of any change in ownership of such land shall be filed with the Collector, but the Collector may, without any such notice, upon any change of ownership of such land change the name of the owner in the water records kept by him;
- (5) Any arrangement between the owner of any land and the tenant thereof to pay the rates for the water supplied by the Corporation to or on such land shall not release the owner from his obligation to pay the rates for the water so supplied and for services rendered by the Corporation in respect of any service connection or water meter.

8 Without limiting the power conferred by Clause 14 hereof, the Collector may require that any water rate to be paid by any person for water to be supplied by the Corporation shall be paid in advance for periods not exceeding four (4) months each and he may withhold a supply to any land in case any water rates for water supplied to or on such land are in arrear; for the purpose of this clause, the Collector may estimate the amount of water rate for the said periods and a proper adjustment shall be made on the day fixed for the next payment so that the correct water rate shall be paid for the preceding period.

9 Except as hereinafter provided, all water supplied by the Corporation shall be measured by meter and the readings of meters from time to time shall form the basis for the calculation of water rates to be paid for water supplied by the Corporation

- 10 (1) For connections serving buildings containing more than two (2) apartments:
 - (a) for availability for use Twenty-One and Fifty-Five Hundredths Cents (\$0.2155) per day for each apartment suite;
 - (b) for every one hundred (100) cubic feet, One Dollar and Ninety-Six Cents (\$1.96).

*(**Bylaw 4178, adopted Jan. 27, 2003)*

*(**Bylaw 4220, adopted Feb 9, 2004)*

*(**Bylaw 4262, adopted Jan.24, 2005)*

(**Bylaw 4342, adopted Jan. 22, 2007)

(**Bylaw 4391, adopted Jan. 14, 2008)

(**Bylaw 4448, adopted Dec. 17, 2008)

(**Bylaw 4497, adopted Dec. 17, 2009)

(**Bylaw 4521, adopted Jan. 4, 2011)

- (2) For connections other than those serving more than two (2) apartments:
- (a) for availability for use Forty-Three and Ten Hundredths Cents (\$0.4310) per day;
- (b) for every one hundred (100) cubic feet, One Dollar and Ninety-Six Cents (\$1.96).

(**Bylaw 4178, adopted Jan. 27, 2003)

(**Bylaw 4220, adopted Feb.9, 2004)

(**Bylaw 4262, adopted Jan.24, 2005)

(**Bylaw 4342, adopted Jan. 22, 2007)

(**Bylaw 4391, adopted Jan. 14, 2008)

(**Bylaw 4448, adopted Dec. 17, 2008)

(**Bylaw 4497, adopted Dec. 17, 2009)

(**Bylaw 4521, adopted Jan. 4, 2011)

- 11 (1) In any of the following cases, namely:

- (a) Where water is first supplied, or after having ceased to be supplied is again supplied, to or on any parcel of land for a period of not more than two (2) months before any period of four (4) months mentioned in Clause 10 hereof commences in that part of the Municipality where the parcel of land is situate, or,
- (b) Where water is supplied to or on any parcel of land for a period of not more than two (2) months, after any period of four (4) months mentioned in Clause 10 hereof expires in that part of the Municipality where the parcel of land is situate, and then ceases to be supplied to such land or to the same occupant of such land, or
- (c) Where the ownership or the occupancy of any parcel of land to or on which water is supplied changes and the rates for water supplied to or on such land have become due and payable by reason of the change of ownership or occupancy, and water continues to be supplied for a period of not more than two (2) months before any period of four (4) months mentioned in Clause 10 hereof commences in that part of the Municipality where the parcel of land is situate,

the rates for water supplied during any such last mentioned periods shall be those fixed by clauses 10(1) and 10(2) hereof for a four (4) month period, except that the respective amounts of Twenty-One and Fifty-Five Hundredths Cents (\$0.2155), and Forty-Three and Ten Hundredths Cents (\$0.4310) set out therein shall for the purposes of this clause be read and construed as Ten and Seventy-Eight Hundredths Cents (\$0.1078) and Twenty-One and Fifty-Five Hundredths Cents (\$0.2155).

(**Bylaw 4178, adopted Jan. 27, 2003)

(**Bylaw 4220, adopted Feb.9, 2004)

(**Bylaw 4262, adopted Jan.24, 2005)

(**Bylaw 4342, adopted Jan. 22, 2007)

(**Bylaw 4391, adopted Jan. 14, 2008)

(**Bylaw 4448, adopted Dec. 17, 2008)

(**Bylaw 4497, adopted Dec. 17, 2009)

(**Bylaw 4521, adopted Jan. 4, 2011)

- (2) For the purpose of this clause and of Clause 12 "supplied" shall also mean "available for use".
- 12 (1) All meters shall be read at least once in every four (4) months, and, except as provided in subclause (2) of this clause all water rates in respect of any parcel of land shall become due and payable at the office of the Collector on the first day of the month following the month in which the meter for such land is read;
- (2) In the event of water ceasing to be supplied to or on any parcel of land, or in the event of a change in the ownership or occupancy of any parcel of land, at the water rates for such land shall become due and payable at the office of the Collector on the day when the meter for such land is read.
- (3) Where the ownership or the occupancy of any parcel of land to or on which water is supplied changes and a special reading of a water meter between scheduled reading dates is requested, a charge of Thirty Dollars (\$30.00) shall be levied against the owner of the land, which shall become due and payable at the same time as the payment for the scheduled reading date described in Section 12. (1).
- (**Bylaw 4324, adopted July 24, 2006)*
- 13 (1) If any sum less than the whole amount due for water rates in respect of any parcel of land is paid at any time, such sum shall be applied on the water rates which have been due for the longest.
- (2) A five percent (5%) penalty shall be added to account balances remaining unpaid after thirty (30) days from each billing date.
- (**Bylaw 4178, adopted Jan. 27, 2003)*

SHUTTING OFF SUPPLY

- 14 If water rates are not paid within sixteen (16) days after they become due and payable, the Collector may cause the supply of water to be shut off from the lands to or on which the water in respect of which the water rates shall be due and unpaid for the period aforesaid was supplied, and the Collector shall not again permit the water to be turned on, either for the then or any subsequent owner or occupant, except on payment of the whole amount due, together with the sum of Twenty Dollars (\$20.00) in addition to provide the expense of turning the water off and on, and in any such case the Collector may require the future rates to be paid in advance for periods not exceeding four (4) months for each payment; for the purposes of this clause, the Collector may estimate the amount of water rate for the next ensuing period of four (4) months or lesser period and a proper adjustment shall be made on the date fixed for the next payment after the expiration of each such period so that the correct water rate shall be paid for the preceding period.
- 15 Any person who may desire to have any of his water services discontinued shall give to the Collector one (1) week's notice in writing of such desire, and such service shall only be resumed on a written request of the owner of the land to which the water is to be supplied, or his duly authorized agent, and upon payment of all water rates that may be then due and payable in respect of water supplied to or on the said land.
- 16 The Collector shall be at liberty to shut off the water and discontinue the water service to or on any land which is vacant or is unoccupied for a period of two (2) months, and such water service shall only be resumed on a written request of the owner of the land to or on which the water is to be supplied, or his duly authorized agent, and upon payment of all water rates that may be then due and payable in respect of water supplied to or on the said land.

ACCOUNTS IN ARREARS

- 16.1 Where any account rendered for consumption or availability of water under this Bylaw, including any late payment penalty, is not paid in accordance with the provisions of this Bylaw by December 31 in the then current year, the amount unpaid as at that date shall be deemed to be taxes in arrear in respect of the land and improvements to which the charges set out in the account relate.
(**Bylaw 4443, adopted Dec.15/08)

METERS

- 17 Where the correctness of the recording of a water meter is questioned, it shall be tested at the written request of the owner or occupant of the land to or on which the water is supplied, or the agent of such owner or occupier, and the test shall be made by the Corporation in the presence of the person making the request; the result of the test shall be binding on the Corporation and on the owner of the land and on the person at whose request such test was made; if the result of the test shall show an error against the owner of the land of more than three percentum (3%) in the registration of the meter, the excess consumption of the three (3) previous readings of the meter shall be credited to the owner's water account, and the Corporation shall bear the entire expense of the test and the deposit required as hereinafter prescribed shall be returned to the owner; in the event of such test disclosing no such error in the registration of the meter, the owner shall pay to the Corporation the charge fixed for such test, which charge shall be retained by the Corporation out of the deposit hereinafter prescribed.
- 18 Before a test of the meter is made the person requesting such test shall at the time of filing his request with the Collector, deposit the charge for such test, subject to the condition contained in Clause 17 hereof, which charge shall be as follows:

| | |
|--|---------|
| For testing one-half meter | \$10.00 |
| For testing three-quarter inch meter | \$10.00 |
| For testing one inch meter | \$15.00 |
| For testing meters exceeding one inch in size, the cost of the test as estimated and determined by the Director of Engineering Services. | |

- 19 In cases other than those mentioned in Clause 17 hereof, where a meter is found not to register correctly or where for the time being no meter is installed, the Collector shall compute the amount of the water rate payable in respect of the lands to or on which the water is supplied, on a basis of the average amount of water supplied to the land during the last three (3) months the meter was working, or from any other information or source which he can obtain, and such amount so computed shall be paid by the person liable for the water rate for such land under the provisions of this bylaw.
- 20 The Director of Engineering Services may inspect or remove meters whenever in his opinion it is necessary.
- 20.1 No person shall obstruct, prevent or hinder an employee of the Corporation, acting in the course of his duties, from entering upon land for the purpose of reading, replacing, servicing or maintaining a water meter that is read by the Corporation for water billing purposes.
(**Bylaw 4443, adopted Dec.15/08)
- 20.2 No person shall do or suffer or permit to be done anything that interferes with direct access to the cover of a water meter that is read by the Corporation for water billing purposes, and without restricting generality every owner of land to which water is supplied from the water distribution system of the Corporation shall clear or trim any bush, trees, weeds or other vegetation growing on that land in such proximity to the water meter as to impede direct access to the cover of the water meter.
(**Bylaw 4443, adopted Dec.15/08)

GENERAL CONDITIONS

- 21 The Municipal Council shall have the right to suspend or regulate, by notice in some daily newspaper circulating within the Municipality, or by notice in writing to the owner or occupant of any land to or on which water is supplied by the Corporation, the supply of water for use in fountains, pools, garden hose or sprinklers, or to limit or alter the hours for using the same, whenever in the opinion of the Municipal Council the public interests may require it; such notice may apply only to a part of the Municipality. The Director of Engineering Services has the right to lift such restriction at a time deemed by him to be appropriate.
- 22 The Corporation or the Director of Engineering Services shall have the right at any time to shut off the water supply for repairs, extensions, nonpayment of rates or any other reason, and it shall be a condition of supplying water by the Corporation to or on any land that neither the Corporation nor the Director of Engineering Services shall be responsible for the bursting or injuring of boilers supplied by direct pressure, the breaking of any pipes or fixtures, or any damage caused thereby, or any damage to sewers or drains or loss or damage by fire, or any other damage resulting from the shutting off of water, from the pressure of water, or from any temporary failure in the supply of water by the Corporation.
- 23 The Corporation shall have the right to refuse the supply of water to any building not having an Occupancy Permit, providing water may be supplied for construction purposes only.
- 24 No work of any kind connected with the waterworks including the laying of new or the repair of old service connections shall be done upon or under any street in the Municipality by persons other than the employees of the Corporation, or other than persons having contracts with the Corporation in respect of its waterworks.
- 25 Before connection is made with the street main or before any building is occupied, the applicant for a water connection shall show, to the satisfaction of the Director of Engineering Services that the pipe and connections therewith within his land are installed in accordance with the requirements of the Bylaws of the Corporation, and unless the requirements are complied with, no water shall be supplied to such land.
- 26 All officers and employees authorized by the Corporation, shall have free access, at proper hours of the day and upon reasonable notice being given or request made, to all land and to those parts of every building to which water is supplied.
- 27 All owners shall keep their service pipes, stop-cocks, and fixtures on their own land in good repair and order at their own expense.
- 28 When two (2) or more houses or premises owned by the same person are supplied with water through one (1) service connection between the Corporation's water main and the street line, the service connection shall be so arranged that the supply of water to each separate house or premises can be controlled by a separate stop-cock placed on or near the street line.
- 29 Lands owned by different persons shall have a separate service connection with the water main owned by the Corporation for each parcel of land except where otherwise permitted by the Director of Engineering Services.
- 30 No person shall interfere or meddle with any water main or pipe or any connection therewith outside the limits of his own land, or interfere with any act, matter or thing done by the Director of Engineering Services or persons authorized by them in the exercise of the powers herein contained.

- 31 It shall not be lawful for any person, being the owner, occupant, tenant, or inmate of any house or building, or otherwise supplied with water by the Corporation, to vend, sell or dispose of such water, or give it away to any person or persons whomsoever, unless in case of actual necessity (of which the Corporation shall be the sole judge) or permit it to be taken or carried away by any person or persons whomsoever, or to use or supply it to the use or benefit of others, or to any other than to his own use and benefit, or wrongfully or improperly to waste such water.

BACKFLOW PREVENTION

- 32 For land occupied only by a minor hazard facility or minor hazard facilities, in respect of which a dual check backflow preventer has not been installed within or immediately adjacent to the box containing the water meter measuring the consumption of water supplied to that land from the water distribution system of the Corporation (the “water meter box”), whenever:

- (1) a new or replacement water service connection is being installed from the water distribution system of the Corporation to the land;
- (2) a new or replacement water supply line is being installed on the land outside of a building; or
- (3) in circumstances other than those described in Subsections (1) and (2), the installation of a dual check backflow preventer is required pursuant to *Capital Regional District Cross Connection Bylaw No. 1, 2008*, as amended from time to time,

then the Corporation at the cost of the owner of the land

- (4) being served by the new or replacement water service connection from the water distribution system of the Corporation;
- (5) on which the new or replacement water supply line outside of a building is being installed; or
- (6) to which the requirement described in Subsection (3) relates,

as the case may be, shall carry out the installation of a dual check backflow preventer within or as close as reasonably possible to the water meter box.

(**Bylaw 4443, adopted Dec.15/08)

- 33 Where a dual check backflow preventer is to be installed by the Corporation in the circumstances described in Section 32(1), the connection fee charged pursuant to Section 5 shall be increased by \$175.00.

(**Bylaw 4443, adopted Dec.15/08)

- 34 Where a dual check backflow preventer is to be installed by the Corporation in the circumstances described in Section 32(2), the plumbing permit fee charged pursuant to the *Building and Plumbing Bylaw, 2005*, as amended from time to time, shall be increased by \$175.00.

- 35 Where a dual check backflow preventer is to be installed by the Corporation in the circumstances described in Section 32(3), the owner of the land to which the requirement described therein relates shall be charged and shall pay concurrent with the building permit fee or plumbing permit fee if applicable, but in any event in advance of such installation, a fee of \$175.00.

SEVERABILITY

- 36 If any part of this Bylaw is declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

PENALTIES

- 37 (1) Any person who contravenes this Bylaw by doing an act which it forbids, omitting to do an act which it requires to be done, or by failing to comply with a condition or order imposed hereunder, commits an offence punishable upon summary conviction and is liable to a fine of not more than Two Thousand Dollars (\$2,000.00).
- (2) A separate offence shall be deemed to be committed on each day during and on which a contravention of this Bylaw occurs or continues.
- (**Bylaw 4443, adopted Dec.15/08)

REPEALS

- 38 The "Water Rate Bylaw, 1980", being Bylaw Number 3324, and amendment Bylaw Number 3369 of the Corporation are hereby repealed, except as to their application to any acts done before or things existing at this date that are contrary to any of the said Bylaws, which Bylaws shall continue to be in force as to such acts, or things, and nothing herein shall be deemed to validate such acts or things.

READ a first, second and third time by the Municipal Council on April 27, 1981

APPROVED by the Minister of Municipal Affairs on May 21, 1981

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council, signed by the Mayor and Acting Municipal Clerk and sealed with the Corporate Seal on May 25, 1981

Mayor

Municipal Clerk

Sealed with the Seal of
The Corporation of the District of Oak Bay.