

SCOTT POINT WATERWORKS DISTRICT

377 Scott Point Drive, Salt Spring Island,
British Columbia, Canada, V8K 2R2

BY-LAW NO. 117

A BY-LAW FOR REGULATING THE DISTRIBUTION AND USE OF WATER AND PRESCRIBING PENALTIES FOR NON-COMPLIANCE WITH THE REGULATION

The Trustees of Scott Point Waterworks District ENACT AS FOLLOWS:

1. In this by-law, unless the context otherwise requires:
 - (a) “District” shall mean the Scott Point Waterworks District
 - (b) “Occupier” means the person (Owner, tenant or other) who has control of a building or premises either for business or for residence or any other purpose to which the District has provided a water service connection.
 - (c) “Swimming pool” shall mean an artificially created body of water having a capacity of 1000 imperial gallons or more used for recreational or physiotherapy purposes.
 - (d) “Trustees” shall mean the Trustees of the District elected under the provisions of the *Local Government Act* and the Letters Patent of the District and currently holding office. or their duly authorized representatives.
 - (e) “Water” shall mean water conveyed through the Works operated or maintained by the District.
 - (f) “Works” shall mean anything capable of or useful for diverting, storing, measuring, or conveying, conserving, retarding, confining or using water.

Service Connections

2. On application each parcel of land in the District is permitted to have one ¾ inch service connection. On approval of an application, the District will provide and install each new service connection with the required curb-stop valve, meter, back-flow preventer, valve box and lid. The cost of materials and installation of such new service connection will be paid by the applicant. Applicants are required to provide their own property shut-off valve on the property side of the District’s service connection.
3. Where an applicant for a Water service requires a quantity, pressure or type of service in excess of that which can be supplied from the works of the District, the

Trustees may deny such application for Water service, or require the said applicant to pay for all or part of any works considered necessary to augment system capacity in order to meet the water requirements. Alternatively, the said applicant may be required to make a capital contribution towards the future provision of such Works. Applicants considered under this section may be required to enter into a formal agreement with the District regarding the special terms and conditions under which Water is supplied.

4. Before any person shall install or construct any Works, they shall apply to the District in writing and obtain a written permit therefor, and if required by the Trustees, shall provide a plan and specifications which shall show:
 - (a) The purpose of the size of pipes and the number of outlets related or connected thereto.
 - (b) A description of the material which the applicant proposes to use.
 - (c) The street address and complete legal description of the premises in which the installation or connection is to be made.
5. Immediately after the completion of any Works, and before such Works or any part thereof has been covered or concealed, the Trustees shall be notified that such Works have been inspected, tested under pressure, and accepted by an authority having jurisdiction.

Change of Occupancy

6. No agreement between the occupant of premises and the District with respect to Water service to those premises may be transferred to another occupant. New owners or new occupiers of premises must apply in writing to the District for Water service, pay any fee prescribed by the Trustees for account administration, and receive permission before they commence to use water.
7. Applications for water service may be made by an occupier of a premises, but the owner of the premises shall retain responsibility for any and all unpaid water tolls.

Turn Off and Turn On

8. Owners or occupiers of premises who wish to have their Water service discontinued shall pay the prescribed turn-off charge, and give the Trustees fourteen (14) days notice. The service shall be cut off at the end of the month succeeding the termination of the notice. Before the service is again renewed; the owner or occupant of premise shall pay to the District the prescribed turn-on charge for the renewal of the service.
9. Upon at least 24 hours notice, the Trustees may order the Water be turned off to any premises where tolls have been owing to the District for two months or longer.

Trustees Right of Access

10. Upon at least 24 hours notice, the Trustees or their designate shall have right of access to all parts of a person's property or premises at all reasonable hours for the purpose of inspecting or testing any Works, fittings or appliances related to the use of Water, or for the purpose of installing, removing, repairing, reading or inspecting meters.
11. No person shall obstruct or prevent the Trustees from carrying out any of this by-law.

District's Works

12. No person except the Trustees or their designate shall open, shut, adjust, draw water from or tamper with any of the District's Works.
13. No person shall obstruct at any time or in any manner the access to any hydrant valve, stop-cock or other fixture connected with the District's Works. Should any person so obstruct access to any said fixture by allowing accumulation of surface water or vegetation around said fixture or by placing thereon or near thereto any structure, improvement, or material the Trustees may remove such obstruction and recover the cost of such removal from the offending person and the offending person shall have no right of action for the cost of any damage incurred thereby.
14. When an owner of a premises requests that any of the District's Works situated within an easement in favour of the District be moved or relocated, the entire cost of moving or relocating the said Works shall be borne by the owner of the premises unless other arrangements are agreed upon in writing by both parties.
15. An owner of a premises, or persons representing an owner that installs, modifies, or removes improvements, including driveways, fences, gardens, plantings or other structures on the easement of the District's Works shall abide by all applicable government regulations and shall at all times bear responsibility for all costs of any damage caused to, or modifications required of the District's Works as a result of said improvements,

Works on Private Property

16. No person to whose premises Water is supplied shall make, or permit to be made, any additional connection to his service of either temporary or permanent nature, for the purpose of supplying Water to another building, or house trailer on his, or any other property without written permission of the Trustees.
17. No person shall interconnect any portion of Works on a private property which is supplied by the District with an external source of water, such as a well, except with written permission of the Trustees. Wherever Works on private property

which are supplied by the District are connected to a body of water, such as a swimming pool or storage tanks, the owner said property shall install and maintain a back-flow preventer on every such cross-connection to the specifications and approval of the authority having jurisdiction

18. No change or addition to the number or type of fixtures on a premises or an increase in demand and usage, for the purpose of expanding a commercial or industrial enterprise, shall be made until notice thereof has been given in writing to the Trustees and written permission therefore obtained. An extra charge or higher toll payable due to the change or addition shall be paid before the change or addition is commenced.
19. No person shall use or permit the use of any pump or other device for the purpose of, or having the effect of, increasing the pressure in any pipe without the written permission of the Trustees, whether such pipe forms part of the District's Works or of the Works on the said person's premises. The District may, without notice, discontinue service to any person employing such pump or other device.
20. No device designed to introduce another substance into the Water in the connection between the building and the water supply main shall be installed without written permission of the Provincial Medical Health Officer, and shall ensure that the device is so designed and installed that such substance cannot be introduced into the District's Works.
21. The owner of a property shall be responsible for the safekeeping, maintenance, repair and replacement of all service pipes and plumbing systems from the outlet of the District's Works at his property line and shall protect same from frost or other damage, and shall promptly repair frozen, leaky or imperfect pipes or fixtures.
22. No reduction in rates shall be allowed on account of any waste of Water unless written application for relief is made to the Trustees and the Trustees are satisfied that such waste arose from an accident to the pipes or fittings on the owner's premises arising from some cause beyond their control and that the owner or occupier of the premises used all reasonable diligence to prevent, identify and stop such waste, including closing the property shut-off valve on the consumer's side of the meter if the premises are to be unoccupied for a period of more than three 3 calendar days.

Water Use Regulations

23. Where in the opinion of the Trustees, the quantity of Water being used or the rate at which Water is being used from time to time, through any service, is in excess of that contracted for, allowed by by-law, or otherwise considered adequate, the District may take such measures as are considered necessary. These measures may include the installation of a meter, partially closing the controlling curb stop or standard waterworks valve, regulating the rate and time at which Water may be

used, establishing special charges for Water used in excess of a stipulated quantity or rate, or discontinuing the supply of Water. The cost of any measures deemed necessary by the Trustees under this section shall be paid by the owner or occupier of said premises. .

24. The Trustees may limit the amount of Water used by any service in the interests of efficient operation of the District's Works and equitable distribution of Water.
25. The Trustees may, at their sole discretion and with 24 hours notice, discontinue supplying Water to any service in the interests of efficient operation of the District's Works and equitable distribution of Water.
26. The Trustees may at any time substitute a metered service for an unmetered service to any premises. Each premises shall have a meter separate from any other premises, in a position approved by the Trustees. All meters shall be the property of the District.
27. No owner or occupier of any premises supplied with water by the District shall sell, dispose of, or give away Water, or permit the same to be taken away or applied for the benefit of other persons or premises, except by the written permission of the Trustees.
28. No person shall use water for watering stock, filling of swimming pools or reservoirs, or for any other purpose than that required for normal domestic use, except by written permission of the Trustees, which shall state the purpose, time of use and quantity of water to be used and additional charges, if any, and any special works required to be altered or installed.
29. (b) An approved swimming pool shall be equipped with a recirculation and filtration system as set out in the Swimming pool, Spray pool and Wading pool Regulations under the Health Act.
30. No person shall use any service as motive power for the purpose of operating machinery without permission of the Trustees, who may terminate or withdraw such permission at any time.
31. The Trustees may at any time introduce regulations restricting the use of Water for sprinkling or any other purpose. Upon receiving due notice of such restriction, no person shall use Water for the purposes forbidden by, or in excess of the limits imposed by, such restrictions. Due notice of restrictions shall be given either by publication in a newspaper circulating within the District or by mail or by electronic mail.
32. Notwithstanding the lack of, or limited form of, sprinkling regulations as hereinbefore provided, no person shall, without permission of the Trustees:

- (a) Use Water for sprinkling in excess of reasonable requirements; or
- (b) Use more than one outlet at one time for sprinkling purposes, said outlet shall not exceed 1/2" in internal diameter; or
- (c) Use any open pipe for sprinkling purposes;
- (d) Irrigate more than 1/4 acre of land (including that occupied by dwellings).

Liability of District

33. The District does not guarantee a specific pressure or a continuous supply of Water quality to meet the special requirements of individual users. The District reserves the right to interrupt Water service at any time for the purpose of making repairs or alterations to the Works. If service is to be interrupted for more than 4 consecutive hours, due notice shall be given to those water users affected.

Penalties

34. The Trustees may, on 24 hours written notice, turn off the supply of Water to any person in default of the requirements of this by-law. The person in default shall not be entitled to receive any further Water from the District until such person has remedied the default. It shall be unlawful for any person whose water has been turned off, pursuant to this section, to turn such Water on again, or take any Water from the District's Works until such time as the Trustees again turn on the supply of Water.

35. A person who disobeys or fails to comply with any provision of this by-law is liable on summary conviction to a penalty in accordance with the Offence Act.

36. This by-law may be cited as the "Water Distribution Regulation By-Law 2020".

This by-law repeals By-Law No. 88.

INTRODUCED and given first reading by the Trustees on October 23, 2020.

RECONSIDERED and finally passed by the Trustees on December ____, 2020.

Chair of the Trustees

I hereby certify under the seal of the Scott Point Waterworks District that this is a true copy of By-Law No. 117 of the Scott Point Waterworks District, passed by the Trustees on December ____, 2020.

Trustee and Administrative Officer.

NOTES ON REVISIONS CONTAINED IN BY-LAW 117

1. Two definitions added
2. The text has been made gender neutral
3. The use of premises, dwelling, landowner, and ratepayer has been consolidated into “premises” and “owner of a premises”
4. The numbering scheme for articles has been made consistent
5. Article 13 has been modified
6. Article 15 has been added
7. “Approval of authority having jurisdiction” has replaced “approval of Trustees” in certain circumstances.

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