



# THE CORPORATION OF THE CITY OF ENDERBY

CONSOLIDATED FOR CONVENIENCE ONLY

## BYLAW NO. 1468 AMENDMENT INDEX

BYLAW NO.	ADOPTION	TEXT AMENDMENT
1528	September 23, 2013	<ul style="list-style-type: none"> <li>Amending Section 6 – Service Pipes (Pipe from Property Line to Building) by replacing Section 6.10.</li> </ul>
1565	February 2, 2015	<ul style="list-style-type: none"> <li>Amending Section 11 – Rates by replacing Section 11.01.</li> <li>Amending Section 11 – Rates by deleting Section 11.04.</li> </ul>
1794	July 15, 2024	<ul style="list-style-type: none"> <li>Amending Section 3.04 by replacing the definitions of “Building Code”, “Building Inspector”, “Director”, “meter”, “Plumbing Code”, and “Treasurer”.</li> <li>Amending Section 3.04 by removing the definitions of “Professional Engineer” and “Subdivision Bylaw”.</li> <li>Amending Section 3.04 by replacing the final paragraph.</li> <li>Amending Section 7 by replacing Section 7.11(b).</li> <li>Amending Section 7.11 by adding to the end of the section.</li> <li>Amending Section 7.14 by replacing “current Provincial Plumbing code” with “Plumbing Code”.</li> <li>Amending Section 7 by replacing Section 7.25.</li> <li>Amending Section 7 by replacing Section 7.27.</li> <li>Amending Section 7 by replacing Section 7.28 b).</li> <li>Amending Section 7 by replacing Section 7.30.</li> <li>Amending Section 8 by replacing Section 8.03.</li> <li>Amending Section 9 by removing Section 9.02.</li> <li>Amending Section 9 by renumbering Section 9.03 to Section 9.02.</li> <li>Amending Section 9 by renumber Section 9.04 to Section 9.03 and replacing it.</li> <li>Amending Section 9 by adding Section 9.04.</li> <li>Amending Section 9 by replacing the first paragraph of Section 9.05.</li> <li>Amending Section 9 by replacing Section 9.10.</li> <li>Amending Section 9 by replacing Section 9.11 b).</li> <li>Amending Section 9 by replacing Section 9.11 e).</li> <li>Amending Section 9 by replacing Section 9.12 a).</li> <li>Amending Section 10.02 be removing “, subject to the consent of the CAO,”.</li> <li>Amending Section 10.04 d) by replacing “the approval of Council” with “approval”.</li> <li>Amending Section 11.01 by removing “or Occupant”.</li> <li>Amending Section 11 by renumbering Section 11.04 to Section 11.05.</li> <li>Amending Section 12 by removing Section 12.03 in its entirety.</li> <li>Amending by removing Appendix “A” in its entirety.</li> </ul>

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1468

A BYLAW TO REGULATE WATER AND SPRINKLING

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WHEREAS pursuant to the provisions of the *Community Charter* Council may provide any service it considers necessary or desirable and may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services;

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

**Section 1 – Title**

- 1.01 This bylaw may be cited as the “City of Enderby Water and Sprinkling Regulation Bylaw No. 1468, 2010”.

**Section 2 – Repeal**

- 2.01 “City of Enderby Water Rates Bylaw No. 850, 1981” and all amendments thereto, are hereby repealed.  
2.02 “City of Enderby Water Regulation and Rates Bylaw No. 1393, 2007” and all amendments thereto, are hereby repealed.  
2.03 “Universal Water Metering Bylaw No. 1453, 2010” is hereby repealed.

**Section 3 – Interpretation**

- 3.01 In this bylaw, unless the context otherwise requires, the singular includes the plural and masculine includes the female gender and a corporation.

3.02 Severability

If any section, subsection, sentence, clause or phrase of this bylaw is deemed to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

3.03 Limit of Liability

Water service is provided on the condition that the Owner makes no claim against the City, its Council, officers, agents and employees acting within the scope of their employment. It is further a condition that the Owner shall make no claim for any indirect, incidental or consequential damage.

The City does not guarantee a specific quantity of water nor a specific pressure nor a continuous supply of water quality to meet the special requirements of individual users.

The Council shall not be liable for the failure of the water supply in consequence of any accident or damage to the works, or to excessive pressure or lack of pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person in the employ of the City of other person whomsoever, or through natural deterioration or obsolescence of the City’s system or otherwise.

The City reserves the right to interrupt service at any time for the purpose of making repairs or alterations to the works.

3.04 Definitions

In this bylaw, unless the context requires otherwise:

**“approved backflow prevention assembly”** means an assembly that has been approved in accordance with the Plumbing Code and the City, for preventing backflow.

~~“**Building Code**” means any regulation made by the Lieutenant Governor in Council of British Columbia, in accordance with Section 692 of the *Local Government Act*. (1794)~~

**“Building Code”** means the version of the BC Building Code that is currently in effect, and includes errata, revisions, and technical bulletins thereto. (1794)

~~“**Building Inspector**” means the Chief Building Inspector of the City or his authorized designate. (1794)~~

**“Building Inspector”** means a qualified building official as defined in the BC Building Act who is authorized to act on behalf of the City of Enderby. (1794)

**“consumer”** means any person, company or corporation who is the Owner, or agent for the Owner, of any premises to which water is supplied.

**“Council”** means the Municipal Council of the City of Enderby.

**“City”** means the municipality of the City of Enderby.

~~“**Director**” means the Director of Engineering and Public Works or his duly authorized representative. (1794)~~

**“Director”** means the Director of Engineering and Public Works or their authorized representative. (1794)

**“dwelling”** shall have the same meaning as defined in the City of Enderby’s Zoning Bylaw.

**“fire hydrant”** means an external device used as a means to access the municipal water supply solely for the purposes of extinguishing fires.

~~“**meter**” means a Neptune water meter, register and remote readout unit owned by the Municipality to measure the quantity of water used by a consumer. (1794)~~

**“meter”** means an apparatus or device used for measuring and reporting the volume of water passing through it, and may be used interchangeably with “water meter”. (1794)

**“meter chamber”** means any exterior chamber or pit approved by the Municipality for the purpose of containing a water meter and appurtenances thereto.

**“owner”** shall be interpreted as defined in the *Assessment Act*.

**“parcel”** means a lot, block, or other area in which land is held or into which land is subdivided.

~~“**Plumbing Code**” means any regulation made by the Lieutenant Governor in Council of British Columbia, in accordance with Section 692 of the *Local Government Act*. (1794)~~

**“Plumbing Code”** means the version of the BC Plumbing Code that is currently in effect, and includes errata, revisions, and technical bulletins thereto. (1794)

~~“**Professional Engineer**” means a person who is registered, or duly licensed as such, under the Engineers and Geoscientists Act of British Columbia. (1794)~~

**“service pipe”** means a pipe and appurtenances extending from the property line to the building situated thereon.

**“sprinkling”** means the application or distribution of water on lawns, gardens or boulevards by sprinkling or spraying.

~~“**Subdivision Bylaw**” means the Subdivision and Development Servicing Bylaw of the City. (1794)~~

~~“**Treasurer**” shall mean the Chief Financial Officer of the City of Enderby or his authorized representative. (1794)~~

**“Treasurer” means the Chief Financial Officer of the City of Enderby or their authorized representative. (1794)**

**“water”** means water supplied by the City of Enderby.

**“water connection”** means the pipe extending from the property line of the relevant property to the works.

**“water service”** means the supply of water from the works to any person.

**“water utility”** means the City of Enderby Water System or any other system of waterworks owned by the City.

~~Unless otherwise defined herein, all words or expressions used in this bylaw shall have the same meaning assigned to them as like words or expressions contained in the *Local Government Act, Interpretation Act, Zoning Bylaw, Plumbing Code, and Building Code.* (1794)~~

**Unless otherwise defined herein, all words or expressions used in this bylaw shall have the same meaning assigned to them as like words or expressions contained in the *Assessment Act, RSBC 1996 c 20, Building Act, SBC 2015 c 2, Community Charter, SBC 2003, c 26, Interpretation Act RSBC 1996 c 238, Local Government Act, RSBC 2015 c 1, the BC Building, Plumbing, and Fire Codes, and the City of Enderby Zoning Bylaw No. 1550, 2014.* (1794)**

## **Section 4 – General Requirements**

### **4.01 Compliance with Bylaw**

No person shall connect to the water system except in accordance with the provisions of this bylaw.

### **4.02 Owner’s Liability**

The owner shall ensure that the terms and conditions under which connection to the water system is provided are not breached. The owner shall be liable:

- a) To pay all costs, rates, charges, user fees and penalties that may be imposed pursuant to this bylaw;
- b) For any breach of this bylaw arising on the parcel to which water service is provided, whether the breach is actually committed by the Owner or by a third party renting, leasing or having access to the property.

### **4.03 Other Legislated Requirements**

No person shall enter or work upon the water system without meeting the applicable confined space entry, street regulations, or other safety requirements required by the Workers’ Compensation Act without the written permission of the City.

Nothing in this bylaw relieves any person or organization from complying with any provision of any Federal or Provincial legislation, or any other bylaw of the City. Where there is a conflict of regulations, the more stringent shall apply.

### **4.04 Interference with the Water System**

The water system, its operation, maintenance, repair and replacement, shall be under the direction and control of the Director. No person other than the Director, a City employee acting in the course of his duties, or a contractor authorized by the Director shall:

- a) interfere with the water system;
- b) make or terminate a service connection to the water system; or
- c) uncover, tamper with, attach, or detach any line, pipe, valve, hydrant or other appurtenance of the water system.

#### 4.05 Turn On and Turn Off of Water Service

- a) Consumers who wish to have their water service discontinued on a permanent or temporary basis shall pay the turn-off charge prescribed in the Fees and Charges bylaw, and shall provide the City written notice. The service will then be turned off within 24 hours, excluding weekends and holidays, following authorization by the consumer. No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.
- b) Consumers who wish to have their water service resumed shall make written application to the City and shall pay the turn-on fee prescribed in the Fees and Charges bylaw.
- c) The Council may order the water to be turned off to any premises where fees have been owing to the City for sixty (60) days or longer and consumers will be liable for the prescribed turn-off and turn-on charges.
- d) The Council may order the water to be turned off to any premises where infractions have been made to the regulations of this Bylaw and particularly where the City's works have been damaged or tampered with and where sprinkling regulations have been broken. Consumers will be liable for the prescribed turn-on fee to restore service.
- e) Where service is terminated, a proportionate charge of the applicable annual rates provided in the Fees and Charges bylaw, as amended from time to time, for the part of the year in which service is provided, will be levied, with the month or part month during which service was provided, being assessed as one-twelfth of the applicable annual rate.

### **Section 5 – Water Connections (Pipe Extending From Watermain to Property Line)**

- 5.01 The type, size, location at property line of the service connection and the arrangement of valves and other appurtenances required to regulate the water shall be determined by the Director.
- 5.02 Upon approval of the application by the City, a water connection will be installed within ninety (90) days unless already installed, where after the Owner shall connect the service pipe to the water connection in accordance with the regulations contained herein.
- 5.03 A water connection charge will be imposed on the Owner upon application to defray the costs of such connection. The water connection charge is prescribed in the Fees and Charges bylaw.

### **Section 6 – Service Pipes (Pipe from Property Line to Building)**

- 6.01 Before any person installs or constructs any water service, or commences doing any construction work in relation to or in connection with any water service, he shall notify the Director in writing. If required by the Director he shall furnish a plan and specification which shall show:
  - a) the purpose for which the water is to be used, the size of the pipes and the number of outlets related or connected thereto;

- b) a description of the material which the applicant proposes to use.
- 6.02 The installation of service pipes shall be the responsibility of the property owner but shall conform to specifications and applicable codes as approved by the Director.
- 6.03 All underground pipes on any premises shall be placed below the frost line but with not less than 1.5 metres of cover. All other pipes exposed to frost shall be properly and sufficiently protected therefrom.
- 6.04 It shall be the duty of every consumer to ensure that all taps, fittings and other appurtenances connected with the service within or without the premises are maintained in good order, and installed and connected in accordance with the Building and Plumbing Codes.
- 6.05 Every premise shall have a properly placed stop and waste-cock.
- 6.06 The installation of service pipes shall be the responsibility of the property owner but shall conform to specifications and applicable codes as approved by the Director.
- 6.07 The backfilling of the service pipes shall not be commenced until the Director has signified in writing that he is satisfied that the materials and workmanship employed are to his satisfaction and that the pertinent sections of this and other bylaws have been adhered to.
- 6.08 The Director shall refuse to turn on water to any premises not complying with regulations established for the connection.
- 6.09
- a) In the event of leakage, freezing or any other condition which causes the interruption of supply in the service pipes, repairs shall be the responsibility of the consumer. If the consumer feels that such conditions are present in the City's connection pipe and not in the consumer's service pipe, he shall deposit with the City a sum of money equal to the Director's estimate of the cost of the required excavating and backfilling.
  - b) In the event that the City's connection pipe is faulty and is the cause of the consumer's complaint, the City shall repair such faults and return the deposit to the consumer. If there is no fault found in the City's connection pipe, the consumer shall forfeit the portion of the deposit in the amount equal to the actual cost of the work, any surplus being returned to the consumer. The consumer shall have the right to inspect the site of the excavation by the City and satisfy himself as to the condition of the connection pipe.
- ~~6.10 Every consumer shall provide a pressure reducing valve for each service to his premises to prevent or control possible damage which may be caused by the water pressure in the City main being too great or becoming too great. Those consumers who do not provide a pressure reducing valve do so at their own risk. (1528)~~
- 6.10 Every consumer shall provide and regularly service an adequate configuration of pressure reducing valves for each service to his premises to prevent or control possible damage which may be caused by the water pressure in the City main being too great. Those consumers who do not provide and regularly service pressure reducing valves adequate for the connection do so at their own risk. (1528)**
- 6.11 No person shall interconnect any portion of works on private property which are supplied by the City with an external source of water such as a well.
- 6.12 No person shall use or permit the use of any pump or other device for the purpose of, or having the effect of, increasing or decreasing the pressure in any City works without the written permission of the Director. The Council may,

without notice, discontinue service to any person employing such pump or other device.

- 6.13 The Owner shall be responsible for the safekeeping, maintenance, repair and replacement of all service pipes and plumbing systems from the outlet of the City's curb stop or standard water works valve at his property line and shall protect them from frost or other damage, and shall promptly repair frozen, leaky or imperfect pipes or fixtures. If no curb stop exists, the Owner's responsibility ends at the property line.

## **Section 7 – Water Meters**

### Installation and Maintenance of Meters:

- 7.01 Every owner who makes application for a water service or whose property is connected to the Water Utility shall be responsible for the installation of a water meter complete with a radio frequency remote reader, at their expense, in accordance with the requirements of this bylaw.
- 7.02 The Director may determine and specify the size of meter, piping, and flow-detecting device, based on the estimated water consumption and other factors considered relevant by the Director in making this determination. If the Director determines that the sizes requested by an owner are improper for the flows and use desired, the owner must amend the application accordingly.
- 7.03 All water meters including strainers and radio frequency remote readers, are the property of the City following approval of their installation
- 7.04 Every owner shall maintain the private service pipes, fitting, meter chambers, meter supports, and fixtures in proper order and keep them free from freezing, leakage or wastage.
- 7.05 The owner should ensure that fire protection systems, including the fire lines, are isolated and taken off of the water service connection on the City side of the meter.
- 7.06 If an owner combines his potable and fire line in one line, resulting in the need for a meter of a larger diameter than would otherwise be required, the owner shall pay for the total cost of supplying and installing the meter.
- 7.07 The owner shall immediately notify the City if the owner observed that the meter has stopped working or if he observed any leaks, breaks, or other irregularities in the water meter.
- 7.08 No person shall tamper or interfere with a water meter connected to the City's water utility.

### Water Meter Standards:

- 7.09 The Director shall determine the make and model of water meter and appurtenances required pursuant to this bylaw.
- 7.10 Every meter shall be placed in such location as the persons authorized by the Municipality shall direct. Where practical, the meter shall be installed in the basement of a building, and shall be located immediately after the main shutoff valve in the owner's plumbing system so as to ensure that all water supplied to the building passes through the meter. In the event that a building has no basement, the water meter shall be installed in another location in the building with sufficient heat or in a meter chamber as authorized by the Municipality at the Owner's expense.
- 7.11 If an owner:
- (a) Refuses to have a water meter installed inside a building when the Director has deemed it feasible to do so, or
  - (b) ~~Fails to respond to the City's attempts to contact the owner to arrange an appointment to have the water meter installed, or (1794)~~

- (b) **Fails to respond to the City's attempts to contact the owner to arrange an appointment to have the water meter installed, or to inspect a meter that has already been installed, or (1794)**
- (c) Fails to install a water meter within the time specified in written notification by the City,

The City will install the water meter in a chamber at the parcel boundary and the owner will be subject to a charge outlined in the Fees and Charges bylaw over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building. **At the City's sole discretion, in the alternative, it may impose a non-metered user fee on the property. (1794)**

- 7.12 All meters shall be sealed by the City and only removed by the City. The City will install a non-resealable tag requesting that the Owner notify the City if the seal is broken.
- 7.13 No branch lines, tees, irrigation connections, or other connections are permitted between the water service connection point at the property line and the meter location, other than fire suppression lines approved by the Director.
- 7.14 All plumbing shall meet the requirements of the ~~current Provincial Plumbing code~~ **Plumbing Code. (1794)**
- 7.15 All piping shall be arranged so that the meter shall sit in a horizontal plane.
- 7.16 No pressure reducing valve shall be installed between the two by-pass tees of the meter assembly. Any necessary reducing valve shall be located on the owner's side of the meter.
- 7.17 Strainers shall be used on all meters greater than or equal to 75mm and larger.
- 7.18 Pipe layouts, meter arrangement and wiring shall be as approved by the Director.

Leaks:

- 7.19 Immediately upon an owner or occupant becoming aware of any leak that has developed at the meter or its couplings, the owner or occupant shall report the same to the Municipality. The Municipality shall not be held responsible for any damages resulting from such leaks.

Agreements:

- 7.20 The Municipality may enter into agreements with others to provide for the installation of water services or meters in any manner satisfactory to the Municipality.

Reading Requests:

- 7.21 Any requests for reading by a property owner of a meter prior to or after a regulation reading schedule shall be subject to a fee as outlined in the Fees and Charge bylaw.

Activation:

- 7.22 A water service connection shall not be activated until a water meter has been installed in compliance with this bylaw and has been inspected and sealed by the City.

Water Meter Testing

- 7.23 If the City or an owner questions the accuracy of a water meter, the City shall designate a qualified professional to test the water meter.
- 7.24 If the test confirms that the water meter has an accuracy of greater than or equal to 98%, the party questioning the accuracy of the water meter will be responsible



for paying the removal, installation and meter testing fee. If the test confirms that the water meter has an accuracy of less than 98%, the cost of the test shall be borne by the City and the City shall:

- (a) Repair or replace the water meter at its own cost; and
- (b) Adjust the owner's water bill by the amount of the inaccuracy for a period not exceeding six months.

General Provisions:

~~7.25 Meters shall be installed on services not qualifying for classification under the flat rate detailed in the Fees and Charges bylaw. The Council may also require the installation of a meter where there appears to be a greater than average consumption of water or where water is being wasted. A consumer dissatisfied with the charges set out in the Fees and Charges bylaw, may request the installation of a meter by providing written notice to the City by November 30 of the year prior to the metered service coming into effect. The Council in its sole discretion may approve such installation that, once approved and installed, becomes irrevocable. The Consumer is then billed as a metered service as outlined in the Fees and Charges bylaw. (1794)~~

**[Intentionally left blank] (1794)**

7.26 The City shall supply and install all water meters at the expense of the consumer. The consumer shall provide a suitable and easily accessible location for the meter.

~~7.27 A deposit, as noted in the Fees and Charges bylaw for the cost of the meter shall be made by the applicant. The balance of the costs are due and payable upon installation. Where actual costs are less than the deposit amount, the balance will be refunded to the consumer.~~

**[Intentionally left blank] (1794)**

7.28

a) Every consumer having a metered service shall pay for that amount of water registered by the meter according to the rate applicable for the service, pursuant to the Fees and Charges bylaw. No reduction shall be allowed on account of any waste unless it be shown to the satisfaction of the Director that such waste arose from an accident to the pipes or fittings on the premises of the consumer arising from some cause beyond the control of the consumer, and unless it be further shown that such consumer used all reasonable diligence to stop such waste.

~~b) When it is determined that a reduction should be made, the amount paid by the consumer shall be determined by taking the average reading of the meter for the three months immediately preceding the accident, or for three corresponding months of the preceding year, if available, which average quantity shall be paid for at the rate fixed for such service. (1794)~~

**b) When it is determined that a reduction should be made, the amount paid by the consumer shall be determined by taking an average of historical readings for a comparable period for the same property, as determined by the Director. (1794)**

7.29 If any meter stops or fails to indicate correctly the quantity of water passing through it, the City shall be entitled to charge for such water according to the average consumption for the three months preceding the failure or the three corresponding months of the previous year, if available.

~~7.30 The City shall maintain and repair all meters when rendered unserviceable through fair wear and tear, and shall renew them if necessary, provided however that where replacement or repairs of any meter is rendered necessary by the act, neglect or carelessness of the Owner or occupant of any premises, any expense caused to the City shall be charged against and collected from the Owner or occupant of such. (1794)~~

- 7.30 The City shall maintain and repair all meters when rendered unserviceable through fair wear and tear, and shall renew them if necessary, provided however that where replacement or repairs of any meter is rendered necessary by the act, neglect or carelessness of the Owner or occupant of any premises, any expense caused to the City shall be charged against and collected from the Owner of such. (1794)**

## **Section 8 – Contamination, Cross-Connection and Backflow Prevention**

- 8.01 No person shall connect, cause to be connected, or allow to remain connected any piping, fixture, fitting, container, appliance or cross-connection that could cause or allow drinking water quality, the service, or a private service to become contaminated, degraded or polluted in any way and under any condition, including but not limited to backflow caused by backpressure or back-siphonage as a result of the disruption of the water supply from the water system, unless an approved backflow prevention assembly has been installed and tested in accordance with this section.
- 8.02 Where the Director determines that there exists a connection or cross-connection prohibited by this Bylaw, he may give written notice to the consumer to correct the connection or cross-connection at the expense of the consumer within the timeframe specified in the notice.
- ~~8.03 A consumer to whom notice has been given under this section shall correct the connection or cross-connection by installing an approved backflow prevention assembly in accordance with the Accepted Procedures and Practices in Cross-Connection Control Manual, December 1995, Sixth Edition published by Pacific Northwest Section, American Water Works Association and CSA B64.10-01. (1794)~~
- 8.03 A consumer to whom notice has been given under this section shall correct the connection or cross-connection by installing an approved backflow prevention assembly in accordance with the current editions of the AWWA Cross Connection Control Manual and CSA-B64.10. (1794)**
- 8.04 Where the Director determines that a connection or cross-connection prohibited by this section places a consumer or any other person at immediate risk, or if the consumer fails to correct the connection or cross-connection as required by this Bylaw, Council may order the disconnection of the supply of water without notice until such time the connection or cross-connection is corrected.
- 8.05 Every consumer shall, upon the installation of an approved backflow prevention assembly and annually thereafter, or more often as required by the Director, arrange for the inspection and testing of the assembly by a certified backflow prevention assembly tester. The results of all inspections and testing shall be submitted to the Director within 30 days of such inspection and testing.
- 8.06 All consumers shall permit the Director or a Building Inspector to enter their premises at all reasonable times in order to carry out inspections and surveys of the premises to determine the existence of connections or cross-connections prohibited by this section.
- 8.07 A new service connection shall not be turned on at the curb stop until the consumer's water service has been inspected by the Building Inspector for connections and cross-connections prohibited by this section. This shall not prohibit the use of a water service for construction purposes for a limited time, provided the Director is satisfied that adequate provision is made to prevent backflow into the City water system.

## **Section 9 – Water User Regulations**

- 9.01 The Council may limit the amount of water used by any service in the interests of efficient operation of the City's works and equitable distribution of water. Where, in the opinion of the City, the quantity of water being used or the rate which it is being used from time to time, through any service is in excess of that contracted for or otherwise considered adequate, the City may take such measures as are

considered necessary to limit the supply to said service. These measures may include the installation of a flow control valve, or a meter, partially closing the controlling curb stop or standard water works valve, regulating the rate and time at which water may be used, and establishing special charges for water used in excess of a stipulated quantity. The cost of any measures deemed necessary by the Council under this section shall be paid by the Owner or Owners concerned.

~~9.02 The Council may at any time substitute a metered service to any premises. All meters shall be the property of the City. (1794)~~

~~9.03~~ **9.02** No person shall use water for watering stock or agricultural irrigation, except by written permission of the Director 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. (1794)

~~9.04 The Council 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 restriction. Due notice of restrictions shall be given either by publication in a newspaper circulating within the City or by mail. (1794)~~

**9.03** The Council 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 restriction. Notice of the regulations shall be given by media publication. Council may introduce a staged system of regulations for which the designation of such stages is delegated to the Director, for which the Director shall provide public notification through local media in advance of a change to the designated stage. (1794)

**9.04** Council delegates to the Director the issuance of permits exempting a consumer from a regulation, provided the consumer can demonstrate that there is no practical solution to comply with the regulations despite best efforts. A decision of the Director may be reconsidered by Council upon written request. A request for reconsideration must be in writing and describe the grounds upon which the request is being made. Upon receipt of a request, the Corporate Officer shall place it on a Council agenda and Council may confirm, set aside or alter the decision at it deems appropriate. (1794)

~~9.05 Notwithstanding the lack of, or limited form of, sprinkling regulations as hereinbefore provided, no person shall, without permission of the Council: (1794)~~

**In the event that no regulations have been introduced pursuant to section 9.04, no person shall: (1794)**

- a) Between May 1 and October 1 of each year, sprinkle or allow sprinkling on any property except as follows:
  - i) Sprinkling is permitted on properties with even-numbered civic addresses on even-numbered days of the month between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. and 9:00 p.m.
  - ii) Sprinkling is permitted on properties with odd numbered civic addresses on odd-numbered days of the month between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. and 9:00 p.m.

b) Exemptions

The provisions of Sections a) i) and a) ii) do not apply to the following:

- i) Nurseries
- ii) Golf courses and pitch and putt courses
- iii) Farms

- iv) Sports fields, parks, public gardens, and
- v) A person may:
  - a) Water flowers, shrubs, trees, vegetables on days other than, and including, their assigned watering day, providing watering is done by hand using a hose with a shut-off device or a hand-held container.
  - b) Water new trees and shrubs during installation and for the following 24 hours using hose-connected or automatic in-ground sprinklers. After the initial 24 hour period, watering must comply with Sections a) i) and a) ii).
  - c) Water a newly seeded lawn or new sod on days other than, and including their assigned watering days, but with restricted hours, until growth is established or for 21 days after installation, whichever is less.
  - d) Utilize an automatic sprinkling system between the hours of 12:00 midnight and 6:00 a.m. on their assigned watering days, provided that sprinkling does not exceed a total of 6 hours in any 24 hour period.

9.06 Any damage caused to the City water works by persons, by their workmen or others, at the time of construction or otherwise, shall be the responsibility of the registered Owner of the property in question. Any works carried out by the City employees to repair such damage, shall be charged to and be paid for by the registered Owner of the property. Any such charges which remain unpaid at December 31<sup>st</sup> of each year, shall be deemed to be taxes in arrears in respect of the property and be entered on the real property tax roll in the following year.

9.07 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 works, and should any person obstruct such access, the Director, or any other employee or servant of the City may, by his order, remove such obstruction and the expense for such removal shall be charged to and paid for by the person so offending, and on non-payment thereof, on demand, the City may recover the said expenses in Court of competent jurisdiction.

9.08 No person shall obstruct or prevent the Director from carrying out any or all of the provisions of the Bylaw, nor shall any person refuse to grant the Director permission to inspect any water service work at any reasonable time.

9.09 No contractor, builder or other person shall use for building purposes, any water from the water system or operate any valve, hydrant or other appurtenances without written approval of the Director.

~~9.10 Authority for the use of water from a hydrant in the water system may be obtained on written approval of the Director in the prescribed form in Appendix "A" and subject to the payment of the prescribed charges as outlined in the Fees and Charges bylaw for the deposit, hydrant wrench rental and daily usage fee. The City shall, in its sole discretion, retain the deposit or a portion thereof for water usage and/or damage to the hydrant or standpipe. Water obtained from a hydrant may only be used for purposes within the Municipal boundaries of Enderby. (1794)~~

**9.10 Authority for the use of water from a hydrant in the water system may be obtained on written approval of the Director and subject to the payment of the prescribed charges as outlined in the Fees and Charges bylaw. The City shall, in its sole discretion, retain the deposit or a portion thereof for water usage and/or damage to the hydrant or standpipe. (1794)**

- 9.11 No person shall sell or dispose of water from the City system, or give it away or be carried away by any person or persons whomsoever, or to use or supply it for use or benefit of others.

Notwithstanding the foregoing paragraph, no person shall sell water which is provided through the water system, to any person, except in accordance with the following regulations:

- a) Before selling water supplied by the City and before bottling such water for sale, a water vendor shall have obtained or provided to the City:
  - i) a current and valid business license required by the City;
  - ii) a certificate of inspection approval from the Regional Health Inspector or other authority having jurisdiction over the condition of the premises where the water is to be bottled or sold;
  - iii) proof of comprehensive public liability insurance in a minimum amount of five million (\$5,000,000.00) per occurrence, with the City of Enderby named insured under the policy; and
  - iv) the water vendor's agreement to save harmless and indemnify the City against any action or claim arising from the sale of water which is supplied by the City.
- ~~b) The insurance required under Subsection a) shall be kept in force at all times while the water vendor is in business and the water vendor shall supply the City with copies of the policy renewals as they are issued. The policy shall include a clause that requires the City's approval prior to cancellation of the insurance. (1794)~~
- b) The insurance required under Subsection a) shall be kept in force at all times while the water vendor is in business and the water vendor shall supply the City with copies of the policy renewals as they are issued. The policy shall include a clause requiring the insurer to notify the City prior to cancellation of the insurance. (1794)**
- c) Bottled water from the water utility shall meet the requirements of the Canadian Food Inspection Agency, including without limitation the Canadian Drinking Water Guidelines and Division 12 of the Food and Drug Regulations or any other regulation, legislation or requirement that may come into force from time to time.
- d) Water supplied to water vendors by the City shall be metered and the rate for the supply of water for resale shall be as prescribed in the Fees and Charges bylaw, as amended from time to time.
- ~~e) The maximum volume of water supplied to a premise by the City which may be resold in any calendar year shall be 2,600 cubic metres. (1794)~~
- e) The maximum volume of water supplied to a premise by the City which may be resold in any calendar year shall be set in the water vendor's agreement. (1794)**

- 9.12 Supply of water to properties outside the municipal boundaries shall:

- ~~a) Be subject to all the requirements and regulations of this Bylaw as amended from time to time (1794)~~
- a) Be subject to all the requirements and regulations of this Bylaw. (1794)**
- b) Be subject to the fees prescribed in the Fees and Charges bylaw.

## Section 10 – Administration

- 10.01 The Director is hereby authorized and directed to have general supervision over the water system and to see that the provisions of this Bylaw are carried out.
- 10.02 The Director shall have the power, ~~subject to the consent of the CAO, (1794)~~ to appoint assistants and inspectors for the purpose of effectually carrying out the provisions of the Bylaw and wherever the Director is authorized by Council to perform such act or duty.
- 10.03 Nothing contained in this Bylaw shall be construed to impose any liability on the Council to service any person or premises or to give a continuous supply of water to any person or premises.
- 10.04 The Director may, without notice, discontinue the water service to any premises for any of the following reasons, and the City shall not be liable for damages to property or person by reason of discontinuing or reduction of water service for such reasons:
- a) Unnecessary or wasteful use of water, violation of regulations concerning watering or sprinkling;
  - b) Failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in good state of repair and which are or may become a cause of waste of water;
  - c) For want of supplies;
  - d) For employing any pump, booster or other device for the purpose of, or having the effect of increasing water pressure in service lines, without obtaining ~~the approval of Council~~ **approval (1794)**;
  - e) For providing water to another property;
  - f) For violation of any provision of this Bylaw.

## Section 11 – Rates

- ~~11.01 There is hereby imposed and levied an annual water user rate upon all users of water supplied by the water system as prescribed in the Fees and Charges bylaw. (1565)~~
- 11.01 There is hereby imposed and levied a users charge against the Owner or Occupant (1794) of real property whose property or premises is connected to the water system. (1565)**
- 11.02 The City shall classify each consumer in accordance with the categories set out in the Fees and Charge bylaw and the consumer is liable for payment of the appropriate rate or rates under the terms of this Bylaw.
- 11.03 The rates pursuant to the Fees and Charges bylaw shall become chargeable to the consumer upon application for the commencement or resumption of the supply of water thereto being made and thereafter as long as the supply of water thereto being made and thereafter as long as the supply of water is continued.
- ~~11.04 A penalty of ten percent (10%) will be imposed on all Owners or Occupants on any balance of water remaining unpaid after the date of penalty established for the current year's taxation. (1565)~~
- ~~11.05~~ **11.04** Water rates for the current year remaining unpaid after the thirty first (31<sup>st</sup>) day of December of that year shall be deemed to be taxes in arrear and shall forthwith be entered on the real property tax roll by the Treasurer as taxes in arrears against the property to which the water rates apply. **(1794)**

## Section 12 – Offences

12.01 Every Person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$100.00, and not exceeding \$10,000, and a jail term of not more than 6 months.

12.02 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

~~12.03 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw. (1794)~~

READ A FIRST TIME this 1<sup>st</sup> day of November, 2010.

READ A SECOND TIME this 1<sup>st</sup> day of November, 2010.

READ A THIRD TIME this 1<sup>st</sup> day of November, 2010.

RECONSIDERED AND ADOPTED this 15<sup>th</sup> day of November, 2010.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer