

TOWN OF LADYSMITH



WATERWORKS RATES AND REGULATIONS BYLAW

JANUARY 18, 1999

CONSOLIDATED FOR CONVENIENCE ONLY

A BYLAW TO

pursuant to Part 14 of the Municipal Act and the regulations thereunder provide that the Municipal Council may, by bylaw, establish terms, rates and conditions under which water and water facilities may be constructed, supplied and used throughout the Municipality

The amendment bylaws which are included in this consolidated version of the "Bylaw Title" are:

1373, 1334, 1863, 1923, 1930, 1996, 2032, 2051

as on September 18, 2020

TOWN OF LADYSMITH WATERWORKS RATES AND REGULATIONS BYLAW CONSOLIDATION

This consolidation of the Town of Ladysmith Waterworks Rates and Regulations Bylaw and amendments has been prepared exclusively for the use of the Town of Ladysmith for convenience only.

The Town of Ladysmith does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original Bylaws.

The following Bylaw Amendments were enacted to Amend Schedule 'A'.

1361, 1414, 1556, 1565, 1628, 1634, 1670, 1726, 1800, 1821, 1863, 1873, 1902, 1923, 1930, 1942, 1996, 2032, 2051.

TOWN OF LADYSMITH

BYLAW NO. 1298

WATERWORKS RATES AND REGULATIONS BYLAW

WHEREAS pursuant to Part 14 of the Municipal Act and the regulations thereunder provide that the Municipal Council may, by bylaw, establish terms, rates and conditions under which water and water facilities may be constructed, supplied and used throughout the Municipality;

NOW THEREFORE the Municipal Council of the Town of Ladysmith in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this bylaw

"Appurtenances" - means any pipe, fixture or attachment to any part of a water main or water service.

"At Cost" - means

- (1) Any person or customer who applies to the Town for work which is to be done "at cost" shall pay a cost determined by the Town which includes the amount expended by the Town for gross wages and salaries, employee fringe benefits, administrative costs, materials, equipment rentals at rates paid by the Town or set by the Town for its own equipment and any other expenditures incurred in doing the work, plus administration and supervision charges.
- (2) The Director of Public Works shall supply an estimated cost and any applicant shall make an advance payment in the amount estimated prior to the commencement of any work.
- (3) At the conclusion of the work, any additional cost shall be paid to the Town or any surplus shall be refunded to the customer.

"Billing Period" - means the period of time over which water consumption is recorded and for which a charge is levied upon each owner of real property supplied with water by the system. There shall be four billing periods in each twelve (12) month period for each owner of real property supplied with water by the system.

"Council" - means the Council of the Town of Ladysmith

"Director of Financial Services" - means the Director of Financial Services appointed by Council or such other person as may, from time to time, be appointed by the Director of Financial Services or Council to act on their behalf.

"Disconnection of Service" - means the physical removal of a service connection from the property.

Bylaw 2051

"Grocery Store" - means a retail establishment whose primary business is the sale of food intended for consumption off-premises.

"Parcel" - means a separate and individual lot or parcel of land.

"Premises" - means a house or building with its parcel of land.

"Private Service" - means the water pipe and its appurtenances extending from the service connection onto the parcel or premises but does not include the water meter, meter box and meter setter.

"Public Waterworks System" - mean the Waterworks Utilities System of the Town

"**Service Connection**" - means a water pipe including a meter extending from the Town's distribution system to the property of the real property served or about to be served.

"**Superintendent of Public Works**" – means the Superintendent of Public Works appointed by Council or such other person as may, from time to time, be appointed by the Superintendent or Council to act on their behalf.

"**Town**" - means the Town of Ladysmith.

2. MANAGEMENT

The management of the System shall be divided into two parts, which shall consist of the following:

- (1) Finance Management
- includes all matters pertaining to the levying and collecting of water rates which shall be under the charge of the Director of Financial Services.
- (2) Works Management
- includes all matters pertaining to the engineering and mechanical work in connection with the system which shall be under the charge of the Superintendent of Public Works.

3. INDEPENDENT CONNECTION

Each parcel of land on which a building or structure is situated shall have a separate metered connection to the public waterworks system.

4. APPLICATION FOR CONNECTION

Any person desiring to have their premises connected with the water supply system of the Town shall make formal written application to the Director of Financial Services at the Town Office and no service connection shall be made to the premises until such written application, attached as Schedule "B" of this bylaw, for water service connections and payment for same shall be completed. Applications must be approved by the Superintendent of Public Works prior to connection. Connection fees shall be in accordance with Schedule "A" of this bylaw.

5. STRATA DEVELOPMENT CONNECTIONS

~~A strata development, regardless of the number of internal lots or structures shall have only one metered domestic connection to the public water system.~~

A strata development, regardless of the number internal structure may have more than one metered domestic connection to the public water system.

6. NOTICE OF CONNECTION

The owner of any real property to which a service connection to the Public Water System has been made shall notify the Superintendent of Public Works when any such connection has been made and is ready for inspection. No such connection shall be covered until it has been inspected and approved by the Superintendent of Public Works or his designate.

7. PRIVATE SERVICES

The Town shall not be liable for the cost or any work done in connection with any private service line on private property. No Town employee shall carry out any work on a private service at any time, except as described in Paragraph 17 (Access) and Paragraph 22 (Inspection of Meters).

8. REFUSAL TO SUPPLY SERVICE

The Town may refuse to supply water at any time to any property owner or to any premises other than by meter service.

9. MINIMUM SERVICE SIZE

No parcel of land shall be provided with a service connection of less than 19mm (3/4") in size.

10. EMERGENCY, TEMPORARY DISCONTINUANCE OF WATER SERVICE

The Town, in the event of an emergency, may discontinue, on a temporary basis, and without notice, a water supply to any property or premises.

11. PERMANENT DISCONTINUANCE OF WATER SERVICE

(1) The Town may permanently discontinue a water supply to any property or premises by giving three months written notice to the owner.

(2) The Town may reduce or entirely discontinue any service when the property owner or occupier has been guilty of violating any of the provisions of this bylaw, or when, in the opinion of the Council, the public interests require such action.

12. DEPTH OF SERVICE

All underground pipes shall be not less than 1.2 metres (47.24") below the surface of the ground at the main and not less than .65 metres (25.59") below the surface of the ground at all other locations. All other pipes or appurtenances where situated so as to be exposed to frost shall be properly protected to prevent freezing.

13. SERVICE LOCATIONS

The Superintendent of Public Works, or their designate, shall determine the location of every service pipe.

14. SERVICES IN GOOD ORDER

All property owners or occupiers shall keep any service lines and plumbing fixtures located on their property or premises in good repair and order, at their expense at all times.

15. RESALE

~~No property owner or occupier shall sell water, from the public waterworks system, to any other person, house, premise or property, without the prior written permission of Council.~~

(1) Except as permitted under section 15(2), no property owner or occupier shall sell water obtained from the Public Waterworks System to any other person, house, premise or property.

(2) The owner or occupier of a Grocery Store may sell water from the Public Waterworks System at the Grocery Store, unless the owner or occupier has been notified by the Superintendent of Public Works that the Town's water supply is insufficient to meet the needs of the Town.

16. EXCESSIVE USE

The water service may be discontinued to any property or premise who uses an unusual or unnecessary quantity of water, or who allows the waste of water in any way other than by the terms of their application for connection to the water system.

17. ACCESS

The employees of the Town shall have free access to all land and all parts of every real

property or building, upon request, and at reasonable times, where water is delivered and consumed. This access shall be for the purpose of installing, servicing or inspecting meters and related appurtenances only, except as described under "Inspection of Meters"

18. SERVICE RENEWAL

When any person desires to have the water service renewed after it has been discontinued either by the Town or by request of the owner, they shall apply to the Director of Financial Services in writing, giving one week (seven days) notice thereof, and shall, at the same time pay all arrears of rates and the service fee as set out in Schedule "A" of this bylaw for the cost of turning water off and on together with any other expense or costs incurred by the Town in connection with such discontinuance or renewal of supply.

19. WATER METERS

Water meters, meter boxes and meter setters are required to be installed on all service connections. The cost of any meter, meter setter and meter box installed in the Town Waterworks System shall be borne by the property owner. The size, location and specifications of the water meter shall be as specified by the Superintendent of Public Works. Installed water meters and meter setters and meter boxes shall become the property of the Town. Costs of water meters, meter boxes, meter setters and installation fees shall be in accordance with Schedule "A" of this bylaw.

20. FIRE SERVICE LINES

Service connections particularly designed for fire fighting shall not be fitted with any connection that would supply water for any other use. Such service connection shall be for the sole purpose of fighting fires. No charge shall be made for water used in extinguishing fires.

21. FIRE SERVICE METER

Where a water service line is permitted or required for the sole purpose of fighting fires, the Town may require the installation of a water meter. No charge shall be made for water used in extinguishing fires if the owner or occupant of the premises where such fire occurs, gives written notice to the Town within twenty-four (24) hours of the fire.

22. INSPECTION OF METERS

Every meter shall be installed as per the Town's requirements and specifications. Town employees shall have reasonable access to the premises of every property owner for the installing, reading, inspection and the servicing of meters.

23. CHECK VALVES

The owner of any property or premise shall place a check valve or backflow prevention on all water services. This check valve may be installed as an integral part of the meter, meter setter assembly or as a separate entity.

24. PRESSURE REDUCING VALVES

A pressure reducing valve shall be installed in a protected location on all water services to a premise or property to reduce water pressure to all plumbing fixtures on that premise.

25. SHUT OFF VALVES

A shut off valve shall be installed on the upstream side of each pressure reducing valve.

26. CROSS CONNECTION CONTROL

No person shall connect any private water supply or cause any cross connection with the Town's water system. No person shall be permitted to connect equipment adapted for use

on service pipes or mains for pressure spraying of fertilizers, pesticides, insecticides or any materials of a toxic or non-toxic nature.

27. WATER MAINS

No person except an authorized agent or employee of the Town shall tap or make connection with any main of the water system and no person shall obstruct the access of any part of the Town water system.

28. AUTHORIZED PERSONS

No person except those duly authorized by the Superintendent of Public Works shall:

- tap or make any connection with the waterworks system;
- turn on/off any water main valve;
- turn on/off any curb stop or corporation stop;
- tamper with any meter or pipes connected to the waterworks system;
- draw water from, open, close, or in any way injure or interfere with any fire hydrant valve;
- obstruct free access to any fire hydrant or meter.

29. TOWN NOT LIABLE FOR LOSS

The Town shall not be liable for any loss or damage whatsoever arising from the failure of water supplies in consequence of any accident or damage to the waterworks or the temporary stoppage of water on account of alterations or repairs, whether such failure arises from the negligence of any person in the employ of the Town or an Act of God.

30. CONSERVATION OF WATER

For the purpose of conserving the Town's water supply the Superintendent of Public Works may at any time prohibit or restrict the use of water supplied from the public water system for the purpose of washing windows, vehicles, driveways, sidewalks, structures or for the purpose of watering lawns, boulevards or grounds.

Notice prohibiting or restricting such use shall be deemed to have been served upon all consumers by publication of such notice in at least two consecutive issues of the local newspaper. Such notice shall specify the hours and/or days during which water may be used for such purposes.

31. ON-OFF FEE

Bylaw 1334

~~Any property owner who desires a turn off or on of a water service must give the Town seventy two hours notice in writing, except in the case of an emergency, and shall at the same time pay an on-off fee of the amount specified in Schedule "A" of this bylaw for each turning on or off.~~

32. WATER RATES

Bylaw 1863

The rates as set out in Schedule "A" are hereby imposed upon the owners of real property and shall be levied and collected for the amount of water supplied from the Public Waterworks System in any billing period.

33. INVOICING - COMMENCEMENT

Charges for water consumption from the Public Waterworks System shall commence on the date of occupancy as determined by the Building Inspector for the Town. Rates shall be in accordance with Schedule "A" of this bylaw.

34. INVOICING - DISCONTINUANCE

Charges for water consumption shall only be discontinued upon disconnection of service

from the Public Waterworks System.

35. INVOICING—OTHER USE SALE OF BULK WATER FROM FILLING STATION

Bylaw 1930

~~Charges or fees for occasional bulk users of water from the Public Waterworks System shall be in accordance with the Bulk Water rate as set out in Schedule "A" of this bylaw. The Superintendent of Public Works shall, at their discretion, permit or not permit such use.~~

Bylaw 2051

(1) The Superintendent of Public Works may authorize the sale of bulk water from the Public Waterworks System to a person if satisfied that:

(a) There is sufficient water supply in the Town's reservoir to meet the Town's needs;

(b) The water will be used within the Town's boundaries; and

(c) The person's use of the Town's filling station at the Public Works yard will not interfere with the Town's operations at the Public Works yard.

(2) Charges or fees for purchasers of bulk water from the Public Waterworks System shall be in accordance with the bulk water rate as set out in Schedule "A" of this bylaw.

(3) Any purchaser of bulk water from the Public Waterworks System must provide the Town with an indemnity and release in favour of the Town, regarding the purchaser's use of the bulk water.

(4) Any purchaser of bulkwater from the Public Waterworks System must not use the water in contravention of any Town bylaw or any Town watering restrictions.

36. CHARGES DISCONTINUED

Bylaw 1373

Charges for water service will only be discontinued in respect of a dwelling unit or commercial or other premises if:

(a) the premises are permanently vacated; or

(b) the premises are temporarily rendered uninhabitable because of fire or other similar disaster.

37. ERRORS

Bylaw 1373

(a) An owner or occupier of a dwelling unit or commercial or other premises shall bring any alleged error in any charge to the attention of the Director of Financial Services within one year of the end of the period for which such water rates were imposed.

(b) No complaint of error shall be considered by the Town and no adjustment for any error shall be made after a period of one year has elapsed from the end of the billing period in respect of which the charges were imposed.

(c) At the end of the period referred to in subsection (a), all charges shall be deemed to have been properly and correctly made.

(d) Despite subsections (b) and (c), the Director of Financial Services may authorize an adjustment for a period of up to ten years to correct an error made by the Town.

38. METER READING

(1) Each individual meter shall, whenever possible, be read once every billing period.

(2) Notwithstanding (1) above, when a meter reading is postponed until the next billing period, the rate to be charged shall:

Bylaw 1863

(a) for the billing period for which no reading is taken, be calculated on the

consumption for the same billing period of the previous years.

(b) for the billing period following that in which no reading is taken, be calculated on the total actual consumption in the two (2) billing periods, as read on the meter, minus the average consumption utilized in (2)(a) above.

(3) In no case shall a meter reading be postponed for more than two consecutive billing periods.

Bylaw 1996

39. BILLING ADJUSTMENTS DUE TO LEAKS OR BREAKAGES

Bylaw 1930

(1) Property owners are responsible for repairing any private property breakages or leaks within 45 days of being advised of a potential breakage. Property owners are responsible for submitting to City Hall a request for an adjustment along with proof of repair in a form acceptable by the Director of Finance.

(2) Where any meter fails to register or to properly indicate the quantity of water used or consumed, or where breakages occur on private property, the Director of Finance shall estimate the consumption of water and shall render an account to the customer.

(3) Where any account is rendered pursuant to this section, the Director of Finance, in estimating the account, shall consider previous billing periods when such meter was registering correctly, seasonal variations, changes in occupancy, and any other factors which, in the opinion of the Director, may affect the consumption of water. The maximum adjustment amount is \$3,000 per account.

(4) When an adjustment is made to an account as a result of a leakage or other unusual occurrence on the owner's property, the Director may charge an administration fee. This fee shall be 10% (ten percent) of the amount of any credit to the account, except that the fee may not be less than \$5.00 or more than \$25.00.

(5) The Director of Finance shall make only one adjustment for water breakages or leaks per property, per owners, within a 10-year period.

40. WATER LEAK: ORDER TO REPAIR

Bylaw 1996

(1) Where the *Director of Infrastructure Services* deems a leak to be occurring on private property, an Order to Repair notice will be posted at the property requiring the leak be repaired within 72 hours.

(2) No billing adjustment will be made if an Order to Repair leak is not repaired within 72 hours.

41. SEVERABILITY

If any part or lesser portion of this bylaw is held invalid by a Court, the invalid portion shall be severed from this bylaw.

42. SCHEDULES

Schedules "A" and "B" attached to this bylaw form a part of this bylaw.

43. REPEAL

"Waterworks Rate Regulation Bylaw 1995, No. 1146 and all amendments thereto are hereby repealed.

44. TITLE

This bylaw may be cited for all purposes as "Waterworks Regulation Bylaw 1999, No. 1298".

READ A FIRST TIME on the 04th day of JANUARY, 1999

READ A SECOND TIME on the 04th day of JANUARY, 1999

READ A THIRD TIME on the 04th day of JANUARY, 1999

ADOPTED on the 18th day of JANUARY, 1999

Mayor (R. Hutchins)

Manager of Corporate Services (P. Durban)

I hereby certify this to be a true
and correct copy of "Waterworks
Regulation Bylaw 1999, No.1298".

Manager of Corporate Services

TOWN OF LADYSMITH

~~Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2019, No. 2032~~**1 METERED SINGLE UNIT DWELLING**

Per billing period:

| | | |
|---|----------------------|--------------------|
| Base Rate, including consumption to 25 m ³ | \$ 51.13 | |
| Next 26 m ³ to 50 m ³ | \$ 0.9302 | Per m ³ |
| Next 51 m ³ to 75 m ³ | \$ 1.0993 | Per m ³ |
| Next 76 m ³ to 100 m ³ | \$ 1.3528 | Per m ³ |
| Next 101 m ³ to 125 m ³ | \$ 1.7757 | Per m ³ |
| Over 125 m ³ | \$ 2.3675 | Per m ³ |

2 METERED SERVICE — all other users

Per billing period:

| | | |
|---|----------------------|--------------------|
| Base Rate, including consumption to 25 m ³ | \$ 51.13 | |
| Over 25 m ³ | \$ 0.8456 | Per m ³ |

3 NON-METER SERVICE

Per billing period:

~~\$ 74.13 Per unit~~**4 WATER SERVICE CONNECTION RATES**

~~Where a service connection has not been previously provided to a parcel but where the Public Waterworks system front or abuts the parcel:~~

- (A) ~~Up to a 25mm (4") service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances:~~ ~~\$3,000 per connection~~
- (B) ~~Larger than 25mm (4") shall be:~~ ~~At cost but no less than \$3,000 per connection~~

~~Where a service connection has been previously provided to a parcel:~~

- (C) ~~service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances and is the requested size:~~ ~~\$100 per connection~~
- (D) ~~Owner requested service modification including installation of a water meter, meter box, meter setter, check valves, shut-off valve and any other related appurtenances shall be:~~ ~~At cost, but no less than \$3,000 per connection~~

5 FINES

~~Every person who violates any provision of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine or to imprisonment for not more than 6 months, or both. Each day that a violation of the provisions of this bylaw occurs, exist or is permitted to occur or exists, shall constitute a separate offense.~~ ~~\$2,000 per offence~~

Effective January 1, 2020..

SCHEDULE "A"

TOWN OF LADYSMITH

Waterworks Regulations Bylaw 1999, No. 1298, Amendment Bylaw 2020, No. 2051

1 METERED SINGLE UNIT DWELLING

Per billing period:

| | | |
|---|-----------|--------------------|
| Base Rate, including consumption to 25 m ³ | \$ 51.13 | |
| Next 26 m ³ to 50 m ³ | \$ 0.9302 | per m ³ |
| Next 51 m ³ to 75 m ³ | \$ 1.0993 | per m ³ |
| Next 76 m ³ to 100 m ³ | \$ 1.3528 | per m ³ |
| Next 101 m ³ to 125 m ³ | \$ 1.7757 | per m ³ |
| Over 125 m ³ | \$ 2.3675 | per m ³ |

2 METERED SERVICE - all other users

Per billing period:

| | | |
|---|-----------|--------------------|
| Base Rate, including consumption to 25 m ³ | \$ 51.13 | |
| Over 25 m ³ | \$ 0.8456 | per m ³ |

3 NON-METER SERVICE

Per billing period: \$ 74.13 per unit

4 BULK WATER RATE \$ 2.13 per m³**5 WATER SERVICE CONNECTION RATES**

Where a service connection has not been previously provided to a parcel but where the Public Waterworks system front or abuts the parcel:

- (A) Up to a 25mm (4") service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances: \$3,000 per connection
- (B) Larger than 25mm (4") shall be: At cost but no less than \$3,000 per connection

Where a service connection has been previously provided to a parcel:

- (C) Service connection including meter, meter box, meter setter, check valves, shut-off valves and other related appurtenances and is the requested size: \$100 per connection
- (D) Owner requested service modification including installation of a water meter, meter box, meter setter, check valves, shut-off valve and any other related appurtenances shall be: At cost, but no less than \$3,000 per connection

5 FINES

Every person who violates any provision of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine or to imprisonment for not more than 6 months, or both. Each day that a violation of the provisions of this bylaw occurs, exist or is permitted to occur or exists, shall constitute a separate offense. \$2,000 per offence

SCHEDULE "B"
TOWN OF LADYSMITH
WATERWORKS REGULATION BYLAW 1999, NO. 1298

APPLICATION FOR WATER SERVICE CONNECTION

I/We the undersigned, being the owner (or duly authorized agent) of the property described as:

Legal Description _____

Civic Address _____

do hereby make application to have water supplied to the above described lands by a _____ mm service for the following purpose:

RESIDENTIAL _____

(If more than one residential self-contained housing unit will be supplied with water by this service, state number.)

(If specific location for connection is desired, attached sketch with dimensions to this application.)

OTHER _____

(Describe use)

And I further agree to pay all installation fees and user rates for all water supplied hereunder as prescribed by this bylaw and any amendments thereto.

In consideration of the granting of this permit, I/We agree to release and indemnify the Town of Ladysmith, its Council Members, employees and agents from and against all liability, demands, claims, causes of actions, suits, judgements, losses, damages, costs, expenses of whatever kind which I/we or any other person, partnership or corporation of my/our/their respective heirs, successors, administrators or assignees may have or incur in consequence of or incidental to the granting of this permit or any inspection, failure to inspect, certification, approval, enforcement or failure to enforce the Town of Ladysmith Waterworks Regulation Bylaw and I/we agree that the Town of Ladysmith owes me/us no duty of care in respect of these matters.

I HAVE READ THE ABOVE AGREEMENT, THE RELEASE AND THE INDEMNITY AND UNDERSTAND THEM.

The person signing this application form, if not the owner, acknowledges that this signature is as agent for the owner and that they are authorized to bind the owner who is deemed to know of and understand the contents of this form.

Signature of Owner or Authorized Agent _____

Address (for billing purposes) _____

Phone No. _____ Date _____

FOR OFFICE USE ONLY

Connection Fee: (State if estimate) _____

Date Fee Paid: _____

Signature: _____

Director of Operations

Receipt No: _____

Date: _____

Date Service Connection Installed/Made: _____

cc: Director of Financial Services