

SAVARY SHORES IMPROVEMENT DISTRICT

BYLAW NO. 102, 2012

WATER USE AND DISTRIBUTION REGULATION BYLAW

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**SAVARY SHORES IMPROVEMENT DISTRICT
BYLAW NO. 102, 2012
WATER USE AND DISTRIBUTION REGULATION BYLAW**

The **Board of Trustees of Savary Shores Improvement District**, pursuant to sections 745(1)(f) and 746(1)(j) of the *Local Government Act*, enacts as follows:

PART 1 – INTERPRETATION AND ADMINISTRATION

1. Citation

This bylaw may be cited as the “Savary Shores Improvement District Water Use and Distribution Regulation Bylaw”.

2. Administration of the Bylaw

The Administrator is authorized to administer this Bylaw, except as specifically stated otherwise in this Bylaw.

3. Definitions

In this bylaw, unless the context otherwise requires,

“**Administrator**” means the person appointed from time to time by the Trustees to exercise the powers, duties and functions of corporate administration of the Improvement District under sections 738.1 and 738.2 and of financial administration under section 738.3 of the *Local Government Act*.

“**Applicant**” means a person who applies to the Improvement District for Water Service or, having Water Service, applies for an increase to the Water Service, and includes the owner or occupier of the Premises to be serviced with Water or their respective agents.

“**Connection Charge Bylaw**” means the Connection Charge Bylaw of the Improvement District in force from time to time.

“**Contract**” means the contract for Water Service between the Improvement District and a Customer as described in section 9(1) of this bylaw.

“**Curb Stop**” means a shut-off valve with a protective housing installed by the Improvement District within a highway or public right of way or easement abutting the property line of a Customer.

“**Customer**” means an Applicant whose application has been accepted and who is provided with and billed for Water Service by the Improvement District.

“**Improvement District**” means the Savary Shores Improvement District and the land within its territorial jurisdiction according to its Letters Patent.

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

“**Permit**” means a permit required under sections 8, 10 and 11 of this bylaw.

“**Pool**” means an artificially created body of water having a depth of 18” or more used for decorative, landscaping, recreational or physiotherapy purposes.

“**Premises**” means one or more buildings and structures, or a part of them, on a Parcel.

“Recreational Vehicle” or **“RV”** means a vehicle capable of being licensed under the *Motor Vehicle Act* and designed for the temporary accommodation of people, and includes motorhomes, camper vans, tent and camper trailers, 5th wheels and other motor vehicles converted or adapted for temporary human accommodation;

“Service Connection” means the connection of the Works to the Water Main at the property line of the land comprising the Premises, thus enabling the Premises to be supplied with Water Service.

“Water Main” means the water distribution portion of the Waterworks by which Water is supplied to the Improvement District’s Customers.

“Toll” means a toll, rate or charge for Water Services prescribed by a bylaw adopted by the Improvement District under section 746(1)(f) of the *Local Government Act*.

“Trustees” mean the elected Trustees of the Improvement District.

“Water” means the water supplied by the Improvement District through the Water Main to its Customers.

“Water Service” means the supply of Water to its Customers by the Improvement District.

“Waterworks” means all of the components by which the Improvement District provides Water Service and includes anything capable of or useful for diverting, storing, treating, measuring, delivering, supplying, conveying, conserving, retarding, confining or using Water.

“Works” means the infrastructure, including the pipe and all valves, connections, and other appurtenances, installed between the Service Connection and the Premises that are necessary to enable Water to be supplied to the Premises.

PART 2 - GENERAL CONDITIONS OF WATER SERVICE

4. No Guarantee of Water

The Improvement District does not guarantee a specific water pressure, a continuous supply of Water or a specific quality of Water to any Customers or other users of Water.

5. Conditions of Supply and Liability

The Improvement District supplies Water to Customers on the condition that the Improvement District is not liable for, and will not be liable to any person for, injury, damage or loss, including economic loss, to any person or property at any time caused by or resulting from

- (a) the use of Water from the Waterworks,
- (b) the failure to supply any or an insufficient amount of Water to a Customer,
- (c) any impurity, lack of adequate or any water pressure, increased water pressure, or other condition or matter affecting the quality or supply of Water, or
- (d) the Waterworks itself.

6. Interruption of Service

- (1) The Improvement District reserves the right to interrupt Water Service at any time for the purpose of maintaining, or making repairs or alterations to the Waterworks.

- (2) If the Improvement District anticipates that Water Service will be interrupted for more than twenty-four (24) consecutive hours for the purposes of subsection (1), the Improvement District will attempt to give one day's notice of the interruption to Customers who will be affected, except in cases of emergency.

7. Metered Service

- (1) The Improvement District reserves the right to install a meter at any time on a Premises to measure the Water consumed at that Premises for the purpose of calculating the Tolls owed to the Improvement District.
- (2) The meter for each premises must be separate from and not serve another premises.
- (3) The location of a meter on a Premises or dwelling is in the absolute discretion of the Trustees.
- (4) The District owns all of the meters installed on Premises under subsection (1).

PART 3 - OBTAINING WATER SERVICE

8. Permit Required

No person shall connect a Premises or allow it to be connected or remain connected to the Water Service, without first obtaining a Permit to do so from the Administrator.

9. Contract and Change of Occupancy

- (1) The issuance of a Permit for the provision of Water Service by the Improvement District to the occupant of a Premises results in a Contract between the Improvement District and the occupant and the Contract must not be transferred to another person without the written consent of the Trustees.
- (2) New occupants of any Premises must
 - (a) notify the Improvement District in writing that they wish to have Water Service,
 - (b) provide their billing details to the Administrator within 10 days of taking possession of the Premises, and
 - (c) obtain the written consent of the Administrator or a Trustee to the transfer to them of the Contract for their Premises.

10. Additional Plumbing Fixtures

- (1) A Customer who wishes to change or add to the number or type of plumbing fixtures on that Customer's Premises, for the purpose of expanding a commercial enterprise,
 - (a) must give notice in writing of that intention to the Trustees,
 - (b) must obtain a Permit from the Trustees to make the change or addition, and
 - (c) will be liable to pay to the Improvement District any extra charge or higher Toll payable for the change or addition once the change or addition is supplied with Water.
- (2) The Trustees may refuse a Permit required under this section if the change or addition

- (a) will have an adverse effect on the Water Service provided to other Customers,
- (b) has the potential to damage the Waterworks or
- (c) is contrary to section 25 of this bylaw.

11. Application for Service

- (1) A person who wishes to connect to the Waterworks must
 - (a) apply in writing to the Improvement District for a Permit on the Application for Water Connection form supplied by the Administrator for that purpose, and
 - (b) pay the service connection fee prescribed under the Connection Charge Bylaw.
- (2) If required by the Trustees, the Applicant must accompany the application for a Permit under subsection (1) with a plan and specifications showing
 - (a) the size of pipes and the purpose of the size specified,
 - (b) the number and types of water outlets or water using fixtures to be served by the Waterworks,
 - (c) a description of the plumbing materials the Applicant proposes to use,
 - (d) the street address and legal description of the Premises to be connected to the Waterworks.

12. Service Connection

- (1) As conditions of permitting a Service Connection,
 - (a) the Applicant's property line must coincide with a Water Main within an established road allowance;
 - (b) the Service Connection connecting the Premises to the Improvement District's Water meter at the property line must be a standard 3/4 inch connection;
 - (c) the Improvement District must install the Service Connection, and the Improvement District shall supply the service line and fittings (to include curb stop, meter, dual check valve) and all fittings to connect to the drain box at the dwelling. The Applicant shall be responsible for the excavation from the meter box to the dwelling.
- (2) As a condition precedent to obtaining Water Service, the Applicant must pay the Connection Charge and all other costs, fees and charges required by the Connection Charge Bylaw.
- (3) The Applicant must install the Works
 - (a) according to the type, size and arrangement of valves and other appurtenances required to regulate the flow of Water according to the Improvement District's design specifications for the Waterworks prescribed in the Application for Water Connection form supplied by the Administrator, and
 - (b) at the same time as the Improvement District installs the Service Connection.

13. Inspection

- (1) Immediately after the completion of the Works by the Applicant, and before any part or all of Works have been covered or concealed, the Applicant must notify the Improvement District that the Works are ready for inspection.
- (2) A Service Connection must not be covered or put into operation for Water Service until the Works and the Service Connection have been inspected, tested under pressure, and accepted in writing by the Improvement District.

PART 4 - UNLAWFUL CONNECTION**14. Disconnection of Illegal Connections**

The Trustees may order immediate disconnection without notice, at the expense of the owner of the Premises to which the connection was made, of a connection made to the Waterworks in circumstances where the connection would not be eligible for lawful connection under this bylaw.

PART 5 - OWNER'S RESPONSIBILITIES**15. Onsite Works**

The owner of Premises, in regard to service pipes and plumbing systems within the building or buildings on the Premises and all works comprising the Service Connection between the Premises and the outlet at the Curb Stop or the standard Waterworks valve at the property line of the Premises, is responsible for

- (a) the safekeeping, maintenance, repair and replacement of them,
- (b) protecting them from frost or other damage, and
- (c) promptly repairing them if they become frozen, leaky, damaged or imperfect.

16. Waterworks relocation

When the owner of a Premises requests the Improvement District to move or relocate any part of the Waterworks situated within an easement on the Premises, the entire cost of the move or relocation will be borne by the owner unless both parties agree upon other arrangements in writing.

17. Duty to Turn Water Off and On

If a Customer's Premises will be vacant during a period of forty-eight (48) hours, the Customer

- (a) must ensure that the Water Service is turned off at the Curb Stop prior to the vacancy and
- (b) is responsible for turning the Water Service back on at the end of the vacant period.

PART 6 - WATER CONSERVATION**18. Limiting Water Use**

- (1) The Trustees may limit the amount of Water used by any Customer in the interest of the efficient operation of the Waterworks and the equitable distribution of Water to all of the Improvement District's Customers.
- (2) If the Trustees determine that the quantity of Water being used or the rate at which it is being used from time to time by a Customer is in excess of that contracted for or beyond what the Trustees consider to be adequate, the Trustees may take the measures they deem necessary to limit the supply of Water to that Customer.
- (3) The measures referred to in subsection (2) 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, and establishing special charges for Water used in excess of a stipulated quantity or Toll.
- (4) The Customer must pay to the Improvement District the cost of any measures deemed necessary by the Trustees under this section 18.
- (5) The Trustees must give the Customer reasonable notice of any measures the Trustees intend to take under this section and give the Customer an opportunity to be heard by the Trustees before implementing the measures.

19. Water Use Restrictions

- (1) The Trustees may, at any time, implement water use restrictions; restricting the use of Water for sprinkling or any other purpose for a period of time or for an indefinite period.
- (2) The Administrator will give advance notice to Customers of Water Use Restrictions by publication in a newspaper circulating within the Improvement District, by mail or by notice posted within the boundaries of the Improvement District or a combination of them.
- (3) No person shall use Water at or during the restricted times set out in the notice given under subsection (2), for the purposes forbidden, or in excess of the limits imposed, by the Water Use Restrictions.
- (4) No person may at any time
 - (a) use Water for sprinkling in excess of one hour per day,
 - (b) use more than two outlets at one time for sprinkling purposes and neither outlet may exceed 1/2" in internal diameter,
 - (c) use an open pipe or hose for sprinkling purposes, or
 - (d) water more than 1/10 acre of land, including land occupied by dwellings.

PART 7 - PROHIBITIONS

20. Interference with the Waterworks

- (1) No person, except designated officers, employees or contractors of the Improvement District, shall open, shut, adjust, draw Water from or tamper with any part of the Waterworks.
- (2) A person shall not obstruct at any time or in any manner the access to a hydrant, valve, stopcock or other fixture that is part of or connected to or within the Waterworks.
- (3) If a person obstructs access to a fixture referred to in subsection (2) by allowing surface water to accumulate around it or by placing on or near it any structure or material, the Trustees may remove the obstruction at the expense of that person.

21. Unlawful Connections

No person to whose Premises Water is supplied shall make, or permit to be made, any additional connection, either temporary or permanent, to that person's Water Service for the purpose of supplying Water to another building or structure including, without restriction, a Recreational Vehicle or house trailer on that person's or any other person's property unless a Permit has been issued for that purpose under Part 3 of this Bylaw.

22. Cross Connections

- (1) No person will interconnect any portion of the Works located on a Premises connected to the Waterworks with any other source of water, such as a well, except with the written permission of the Improvement District.
- (2) The owner of Premises connected to the Waterworks must not connect the Works on those Premises to a body of contaminated water, without
 - (a) installing a back flow preventer on the connection to prevent a health hazard resulting from reverse flow and
 - (b) the written approval of the Improvement District for installation of the connection and the back flow preventer.
- (3) The owner of Premises connected to the Waterworks prior to installing a device that may permit another substance to be introduced into the Water in the Waterworks or on the Premises must
 - (a) obtain the written permission of the Trustees to do so, and, where required under the Drinking Water Protection Act, the responsible drinking water officer, and
 - (b) ensure that the device is designed and installed to prevent such introduction.

23. Pressure Increasing Device

- (1) No person will 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 water pipe without the written permission of the Trustees, whether such pipe forms part of the Improvement District's works or of the Works on that person's Premises.
- (2) As a condition of their permission, the Trustees may require the person to provide them with an engineer's report certifying that the pump or device is safe to use in the circumstances.
- (3) The Improvement District may, on 24 hours notice, and without notice if the Waterworks is at risk of damage, discontinue Water Service to the Premises of a person employing a pump or other device referred to in subsection (1).

24. Water Resale Prohibited

No owner or occupant of any Premises supplied with Water by the Improvement District nor any other person shall sell, dispose of or give away Water, or cause or permit Water to be taken away from the Premises, or sold or applied for the benefit of other persons or Premises.

25. Certain Uses of Water Prohibited

- (1) No person will use Water for watering livestock, filling Pools or reservoirs, or for any purpose other than required for normal domestic use.
- (2) No person shall use Water as motive power for the purpose of operating machinery.

- (3) No person shall use Water for a commercial purpose for which Water is a major consideration and the quantity of water used is substantial, such as but not limited to the following commercial purposes:
 - (a) laundries or related uses
 - (b) laundromats.
- (4) Examples, without restriction, of commercial operations for which the use of Water is deemed not a major consideration and the quantity of water used not substantial, and are not therefore subject to subsection (3), are as follows:
 - (a) bed and breakfast
 - (b) rental of the Customer's residence
 - (c) stores in operation on July 1, 2012
 - (d) campgrounds in operation on July 1, 2012.

26. Unlawful Use of Irrigation Water

Subject to section 19(4)(d) of this Bylaw, an owner or occupier of Premises must not cause, suffer or allow irrigation Water to flow onto or to be released on or to be used on the land occupied by that person or any part of that land, unless the Improvement District is lawfully supplying the Water to the land for irrigation purposes.

PART 8 – ENFORCEMENT AND PENALTIES

27. Breach of Bylaw

- (1) The Trustees, by resolution, may instruct the Administrator to have the supply of Water turned off at the Premises of a Customer, on 24 hours written notice, if the Customer
 - (a) has not paid, for two or more months, the Tolls, fees, taxes or other charges imposed or levied by the Improvement District in respect of the Water Service to the Premises, or
 - (b) is in contravention of this bylaw.
- (2) The Trustees may instruct the Administrator to act under subsection (1) without giving notice in case of emergency or where the Waterworks could be damaged as a result of the contravention.
- (3) A Customer whose Water supply has been turned off under subsection (1) will not be entitled to receive any further Water from the Improvement District until the Customer has
 - (a) paid the reconnection fee imposed under the Excess Tolls Bylaw and all other amounts owing to the Improvement District in full, and
 - (b) remedied the contravention of this bylaw.

28. Customer not to Reconnect Water

A person whose Water has been turned off pursuant to this bylaw shall not turn the Water on again, or take any Water from the Waterworks until the Trustees instruct the Administrator to have the Water turned on.

29. Trustees' Right of Access

The Trustees, the Administrator or their designate(s) may on 24 hours' written notice, or sooner with the consent of the occupier, enter in or upon all parts of a Premises at all reasonable hours for the purpose of any of the following:

- (a) inspecting or testing any works, fittings, fixtures or appliances related to the use of Water,
- (b) installing, removing, repairing, reading or inspecting Water meters,
- (c) discontinuing or reconnecting Water Service in accordance with this Bylaw,
- (d) inspecting and determining whether all regulations, prohibitions and requirements of this Bylaw applicable to the Premises are being met.

In an emergency affecting the Waterworks, the Trustees, the Administrator or their designate(s) may enter upon all parts of a Premises without notice to and without the consent of the owner or occupier of the Premises. The owner or occupier will be notified of the access after the fact.

30. Obstructing Enforcement

No person shall obstruct or prevent the Trustees, the Administrator or their designate(s) from carrying out any of the provisions of this bylaw.

31. Penalty

A person who contravenes a provision of this bylaw commits an offence and is liable on summary conviction to the penalties and costs prescribed by the Offence Act.

32. Repeal

The Savary Shores Improvement District Water Use and Distribution Bylaw No. 12 is repealed.

READ A FIRST TIME this 4th day of November, 2012.

READ A SECOND TIME this 4th day of November, 2012.

READ A THIRD TIME this 4th day of November, 2012.

ADOPTED on the 4th day of November, 2012.

CHAIR, BOARD OF TRUSTEES

ADMINISTRATOR

I hereby certify that this is a true copy of Savary Shores Improvement District Water Use and Distribution Regulation Bylaw No. 102.

ADMINISTRATOR