

NORTH SALT SPRING WATERWORKS DISTRICT
BYLAW NO.282

A Bylaw for regulating the distribution and use of water and prescribing penalties for non-compliance with the regulations.

The Trustees of the North Salt Spring Waterworks District ENACT AS FOLLOWS:

Interpretation

1. In this Bylaw, unless the context otherwise requires:
 - a) **“Building Code”** means the British Columbia Building Code, as amended and replaced from time to time. For certainty, the “Building Code” includes the BC Plumbing Code;
 - b) **“District Works”** or **“District’s Works”** means those works that are owned, operated or maintained by the District.
 - c) **“Emergency”** means a forest fire, structure fire, or earthquake.
 - d) **“Manager”** means the employee of the District authorized by the Trustees to manage the affairs of the District under their direction and control and to act from the time to time on their behalf.
 - e) **“Occupier”** means the person (Owner, tenant or other) who has control of a building or premises either for business or for residence or any other purpose to which the District has provided water service connection.
 - f) **“Trustees”** means the Trustees of the Waterworks District elected under the provisions of the Water Act and the Letters Patent of the District and currently holding office.
 - g) **“Water”** means water conveyed through or made available by District works.
 - h) **“Waterworks District”** or **“District”** means the North Salt Spring Waterworks District.
 - i) **“Works”** means anything capable of or useful for diverting, storing, measuring or conveying, conserving, retarding, confining or using Water.

Service Connections.

2. Applications for connections to the District Works shall be made to the District by the owner of the premises, the owner’s agent or an Occupier, on the form attached as Schedule “A” to this Bylaw (the “Application”). Each Application shall be accompanied by the fee described in

- the District's current Miscellaneous Service Charge Bylaw, with the fee dependent upon the type of meter required for the proposed connection.
3. For any application other than an application for a residential $\frac{3}{4}$ inch connection, the applicant shall furnish a plan and specifications which must show:
 - a) the purpose and size of pipes and the number of fixtures related or connected thereto; and
 - b) a description of the material which the applicant proposes to use.
 4. The type and size of service connection required for a proposed connection, and the arrangement of valves and other appurtenances required to regulate the Water shall be those specified in the Building Code.
 5. The Trustees may approve or disapprove any application. Reasons for a connection refusal are:
 - a) the proposed connection does not comply with the provisions of this and other applicable bylaws of the District;
 - b) the Trustees determine that the District has an insufficient Water supply to provide the parcel with an adequate supply of Water; or
 - c) the Trustees determine that if the application were approved, the District would not have a sufficient Water supply to provide any other parcel or parcels with an adequate supply of Water.
 6. In order to determine whether to approve or disapprove an application, the District may require additional information regarding the proposed connection. If and when the District requires information relative to the premises or the works proposed to be connected to the District's Works additional to that indicated on the standard form, such information shall be supplied before the application for connection is considered by the Trustees.
 7. No person shall connect or permit a connection to the District Works until approval of the District has been obtained and such connection shall be made only under the supervision of the District Manager or designate.
 8. Any installation or construction related or designed to make use of the connection done prior to the receipt of approval for the connection will be the owner's sole responsibility and risk.
 9. Without limiting the District's ability to refuse an application, where an applicant for water service requires a quantity, pressure or type of service that may jeopardize the safety or sufficiency of the District Works, the Trustees may require the applicant to pay all or part of the cost of the upgrading the District works to meet the requirements, whether such upgrading is to be made immediately or in the future. A formal agreement may be required.

10. Immediately after completion of any works, and before such works or any part thereof has been covered or concealed, the District must be notified that such works are ready for inspection. The works must not be covered until they have been inspected, tested under pressure and accepted in writing by the District.

Changes in Applications and/or Ownership or Tenancy

11. When the ownership or tenancy of premises changes from that shown on the Application, the new owner or Occupier shall notify the District of the change forthwith.
12. When a person changes the use of premises or of the Water supplied by the District from that shown on the Application for the premises, the person shall advise the District forthwith.
13. Without limiting section 23 of this Bylaw, no person shall change or add or permit any change or addition to the number or type of fixtures on a commercial or industrial premises without prior permission of the trustees, who may refuse such permission on the following grounds:
 - a) the proposed change or addition does not comply with the provisions of this and other applicable bylaws of the District;
 - b) the proposed addition or change requires a larger service connection than the current service connection or any proposed service connection;
 - c) the Trustees determine that if the proposed change or addition were approved, District would have an insufficient Water supply to provide the premises with a supply of Water;
 - d) the Trustees determine that if the proposed change or addition were approved, the District would not have a sufficient Water supply to provide any other parcel or parcels with an adequate supply of Water; or
 - e) there are fees relating to the premises that are owing under this or another bylaw of the District.
14. Without limiting section 23, no person shall change the fixtures or add to the number of fixtures on a residential premises, or permit a change or addition to the number of fixtures on a residential premises, if the change or addition would result in the premises requiring a service connection greater than a standard $\frac{3}{4}$ inch pipe, without the prior permission of the Trustees. The Trustees may refuse such permission on the same grounds as specified in section 13 of this Bylaw.
15. If any change or addition approved under section 13 or 14 of this Bylaw results in a service connection that requires a higher capital Expenditure charge under the District's Comprehensive Capital Expenditure Charge (Water) Bylaw, 269, as amended or replaced from time to time, the person requested the change or addition must pay the higher fee before the

change or addition is commenced. Further, if such change or addition results in a larger meter being required, the person requesting the change or addition must pay the application fee specified in Miscellaneous Service Charge Bylaw for that meter size.

16. Any change or addition that is approved must comply with all enactments, including the District's bylaws and the Building Code.

Right of Access

17. The Trustees and employees of the District shall have the right of free and unobstructed access at all reasonable hours of the day after due notice has been given, to all parts of the premises to which District Water is delivered in order to carry out the lawful business of the District and no person shall obstruct, interfere or deny them such access.

District Works

18. No person shall damage or tamper with any of the District's Works.
19. No person shall open, shut, adjust or interfere with any of the District's Works without the District's permission.
20. No person shall obstruct in any manner access to any part of the District Works including fixtures or appurtenances thereto attached and should any person so obstruct such access in any way he will have committed an offence under this Bylaw and the District may remove such obstruction and recover the cost of such removal from the offending person and the offending person shall have no right of action for the recovery of the cost of any damage incurred thereby.
21. No unauthorized person shall willfully alter the reading of any District meter.

Works on Private Property

22. Owners and Occupiers shall keep the works on their premises in good order and repair.
23. No person to whose premises Water is supplied by the District shall make or permit any connection, addition or change to the works other than is shown or indicated on his approved Application without prior permission of the Trustees who may grant, grant with conditions, or refuse such permission on the following grounds:
 - a) the proposed connection, addition or change does not comply with the provisions of this and other applicable bylaws of the District;
 - b) the proposed connection, addition or change requires a larger service connection than the current service connection or any proposed service connection;

- c) the Trustees determine that if the proposed connection, addition or change were approved, the District would have an insufficient Water supply to provide the parcel with a supply of Water;
 - d) the Trustees determine that if the proposed change or addition were approved, the District would not have a sufficient Water supply to provide any other parcel or parcels with an adequate supply of Water; or
 - e) there are fees relating to the premises that are owing under this or another bylaw of the District.
24. No person shall interconnect any portion of the works on or off his or her property which is supplied with Water by the District with any other source or body of water whatsoever.
25. No person shall install a device that can intentionally or by accident introduce any non-District supplied Water, any waste water, or any harmful liquid or substance into the District's water system or the District's Works.
26. If a person places Water into a well, pond, swimming pool, stock watering trough, cistern or any container open to the atmosphere, the person shall do so in such a manner that makes it impossible for the water to flow into the District's Works.
27. Without limiting section 25, no person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container, or appliance, in a manner that allows water, waste water, or any harmful liquid or substance to enter the District's Works.

Water Use Regulation

28. Unless permitted pursuant to another provision of this Bylaw, no person shall use Water for any use other than the use specified on the Application for the premises to which it is delivered, nor take or permit it to be taken from the premises, except in the event of an Emergency. The intended purpose for a water connection is determined by the service classification of the connection.
29. No person to whose premises Water is supplied will make or permit any additional connection to the service of either temporary or permanent nature, for the purpose of supplying Water to another structure, building or house trailer, recreational vehicle on the premises, or for any other premises, without the permission of the Trustees. The Trustees may grant, grant with conditions or refuse such permission on the following grounds:
- a) the proposed connection, addition or change does not comply with the provisions of this and other applicable bylaws of the District;
 - b) the proposed connection, addition or change requires a larger service connection than the current service connection or any proposed service connection;

- c) if the proposed connection, addition or change were approved, the Trustees believe that the District would have an insufficient Water supply to provide the parcel with a supply of Water;
 - d) the Trustees believe that if the proposed change or addition were approved, the District would not have a sufficient Water supply to provide any other parcel or parcels with an adequate supply of Water; or
 - e) there are fees relating to the premises that are owing under this or another bylaw of the District.
30. No owner or occupant of any premises supplied with Water by the District shall sell, dispose of, or give away water or permit the same to be taken away or applied for the benefit of other persons or premises.
31. No person shall waste Water. The Trustees or Financial Officer may reduce the tolls charged for Water by granting a Leak Allowance. All requests for a Leak Allowance are to be reviewed per the District's Leak Allowance Policy, if they are satisfied that Water had been wasted on the premises due to cause beyond the reasonable control of the occupier a Leak Allowance may be granted as defined in the Policy
32. No person shall use Water for the filling of swimming pools or reservoirs, or for any purpose other than that required for normal domestic use, except by written permission of the Trustees. Applicants shall state the purpose, the time of use, the amount of water required, and any relevant information requested by the Trustees. The Trustees may require special works to be installed or altered and impose additional charges.
33. No person or business shall use Water to operate a car wash or power-washing business during Watering Restriction Levels 3 and 4 except by express permission of the Trustees.
34. No person shall use any water service as motive power for the purpose of operating machinery without permission of the Trustees who may terminate or withdraw such permission at any time.
35. The amount of Water supplied to the consumers will be measured by the District and the reading of the meters from time to time shall form the basis for the consumption of the tolls.
36. Where any meter does not register, or which registers incorrectly, the Trustees shall compute the amount of the tolls on the basis of the quantity of Water used during the period when the meter was registering correctly or from other information they may obtain and the amount so calculated shall be payable.
37. The District does not guarantee a specific pressure or a continuous supply of Water, or Water of a quality to meet special requirements. The District reserves the right to interrupt Water

service at any time. Whenever possible the District will give notice of interruptions in excess of four consecutive hours to those customers affected.

38. In case of a break of the District's Works or any part thereof, due to accident or otherwise or in the event of conditions arising whereby an emergency is created or when there is an actual or anticipated demand beyond the ability of the District's Works to provide water to all its customers, the Trustees may limit the amount of Water that may be used by any or all customers by rationing, reduction of pressure or any other means they consider fit and proper in the interests of efficient operation of the District's Works and the equitable distribution of Water.
39. The Trustees may at any time introduce regulations restricting the use of Water for sprinkling or any other purpose per Schedule "B" of this bylaw; Watering Restriction Levels. No person shall use Water for the purpose forbidden by or in excess of the limits imposed by such restrictions. Notice restrictions shall be given either by publication in a newspaper circulating within the District, by publication on the District's website at www.northsaltspringwaterworks.ca or both.
40. During periods of Water rationing by means of sprinkling regulations or otherwise, no person shall waste Water by sprinkling in excess of reasonable amounts, or use an open pipe or hose for irrigation purposes.
41. Notwithstanding any other provision of this Bylaw, a person who wants to obtain a temporary supply of Water for construction purposes or to flush out a sewer main may apply to the Trustees to obtain the Water from the District's bulk water station, at the rate specified in the District's Miscellaneous Service Charge Bylaw.

Penalties

42. Without limiting section 43, the Trustees may order the Water turned off from any premises where tolls have been owing to the District for two months or longer. The person in default shall not be entitled to receive any further Water from the District until such person has remedied the default.
43. The Trustees may, on 24 hours written notice, turn off the supply of Water to any person in default of the regulations of this Bylaw. The person in default shall not be entitled to receive any further Water from the District until such person has remedied the default.
44. If Water to a premises has been turned off pursuant to this Bylaw, no person shall turn such Water on again or take any Water from the District Works from the premises until such time as the Trustees again turn on the Water.
45. A person who commits an offence under this bylaw is liable on summary conviction to a penalty in accordance with the Offence Act. The District's corporate officer will send to the property owner, by registered mail or hand-delivery, a written notice of the violation, citing the bylaw

section being contravened and stating what the owner must do to comply with the bylaw within a stated timeframe, not to exceed five (5) business days.

The Notice will state that a court injunction may be sought to cease the activity or remedy the condition if the property owner does not comply with the notice as immediate action is required because non-compliance might result in damage to property or the water system. Steps may also be taken to lay a charge under the provisions of the *Offence Act*. A penalty of up to six months in jail or a \$2,000 fine, or both, could be imposed by the Court if a summary conviction is obtained from the Court.

46. This Bylaw repeals Bylaw No. 274 of the District.

47. This Bylaw may be cited as the “Water Distribution Regulation Bylaw 2017”.

INTRODUCED and given first reading by the Trustees on the 21st day of December 2017.

RECONSIDERED and finally passed by the Trustees on the 21st day of December 2017.

Original signed by:

Marshall J. Heinekey

Anne Williams

Chairman Board of Trustees

Financial Officer/Secretary to the Trustees

I hereby certify under the Seal of the North Salt Spring Waterworks District that this is a true copy of Bylaw No. 282 of the North Salt Spring Waterworks District, passed by the Trustees on the 21st day of December 2017.

Anne Williams

Financial Officer/Secretary to the Trustees

**BYLAW 282 – SCHEDULE A
APPLICATION FORM**

NORTH SALT SPRING WATERWORKS DISTRICT

(Please print clearly)

APPLICATION FOR _____ WATER SERVICE CONNECTION to service the property described hereunder:

Lot _____, Section _____, Range _____ of Plan _____ Folio #:764-_____

Physical Address of Property: _____

Name of Property Owner(s):

1	2
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Mailing Address: _____
Street, City, Province, Postal Code

Phone #: _____ Email: _____

- Property/Water Usage: (Check all that apply)
- 1. Residential: Single Family ___ with Suite or Cabin <600 sq. ft. ___ >600 sq.ft ___
 - 2. Multi Family <600 sq. ft. ___ # Units ___
 - 3. Multi Family >600 sq. ft. ___ # Units ___
 - 4. Farm: ___
 - 5. RV Park ___ # Units/Pads ___
 - 6. Commercial: Single Unit ___ or Multi-Unit ___ # Units ___
 - 7. Institutional: Non-Residential ___ or Residential ___ # Units ___
 - 8. Institutional: Park or Recreational Facility ___
 - 9. Industrial: ___ Industrial requiring water use for process ___

Until further notice please direct billing to: Same as above ___ or

Address: _____ City _____ Postal Code, Province _____

I hereby certify that I am the Owner ___ Owner's Agent ___ of this property.

Signed _____ Date (mm/dd/year) _____

Application for a _____ Approved: ___ Application Rejected: ___

Signed (For North Salt Spring Waterworks District) _____ Date _____

The users of water for the property described above are reminded that they must abide by the requirements of the *Provincial Water Act*, the *Health Act* and the requirements of this District.

Connection Fee Paid:
\$ _____

BYLAW 282 - SCHEDULE B
WATER DISTRIBUTION REGULATION BYLAW 2016
WATERING RESTRICTION LEVELS

The North Salt Spring Waterworks District (the District) may issue a notice prohibiting, restricting or limiting the use of water. Watering Restriction Levels are determined through analysis of lake levels, demand, precipitation, drought conditions, weather forecasts and other information deemed relevant to water supply in order to ensure adequate water supply to district ratepayers and to enable compliance with all water license conditions and applicable regulations and legislation. Such notice shall be sufficiently given if delivered in writing, on the District's website, or advertised in a newspaper published or circulating on the island. Any person who refuses or fails to abide by such prohibition, restriction or limitation contained in the notice shall be deemed to have contravened this bylaw.

1. Water Conservation Level 1 - Every Other Day Watering - April, September, and October

1.1. Sprinkler Watering

Note: For Levels 1-3 "Sprinkler Watering" includes all overhead and spray-type systems and micro and drip irrigation type systems.

Odd numbered civic addresses may water on odd numbered days and even numbered civic addresses may water on even numbered days. Watering times are 5:00 a.m. to 10:00 a.m. and 5:00 p.m. to 10:00 p.m. and for no more than three (3) hours in duration per period with a maximum of six (6) hours of total allocated watering per day.

For multi-unit stratas, watering applications may be applied based on "unit numbers" or "irrigation zones" to achieve the net same level of watering on permitted days (i.e. half of the watering/irrigation is undertaken on odd numbered days and half on even numbered days). This approach requires the prior written consent of the Trustees.

1.2. Landscape and Vegetable Gardens

Vegetable gardens, shrubs, trees and flowers are restricted to a hand-held container or a hose equipped with a shut-off nozzle if watered outside of the times permitted for a maximum of 1 hour per watering day.

1.3. Vehicle and Boat Washing

Vehicles, RVs, and boats may be washed with water using a hand-held container or hose equipped with a shut-off nozzle.

1.4. Driveways, Sidewalks, Parking Lots and Buildings

Persons may use District supplied potable water to wash sidewalks, driveways or parking lots and exterior building surfaces.

1.5. Wading Pools and Hot Tubs

Wading pools and hot tubs up to 500 gallons (2.27 cubic meters) in size may be filled with water.

1.6. Swimming Pools, Garden Ponds and Water Features

Swimming pools, garden ponds and water features may be filled with water upon application for and receipt of a filling permit from the District.

1.7. Public Parks, Open Space, and Sports Fields

Public parks, open space, and sports fields may be watered.

2. Watering Restrictions Level 2 - Every Other Day Watering - May, June, July, and August

2.1. Sprinkler Watering

Odd numbered civic addresses may water on odd numbered days and even numbered civic addresses may water on even numbered days. Watering times are 5:00 a.m. to 10:00 a.m. and 5:00 p.m. to 10:00 p.m. and for no more than two (2) hours in duration per period with a maximum of four (4) hours of total allocated watering per day.

For multi-unit stratas, watering applications may be applied based on "unit numbers" or "irrigation zones" to achieve the net same level of watering on permitted days (i.e. half of the watering/irrigation is undertaken on odd numbered days and half on even numbered days). This approach requires the prior written consent of the Trustees.

2.2. Landscape and Vegetable Gardens

Vegetable gardens, shrubs, trees and flowers are restricted to a hand-held container or a hose equipped with a shut-off nozzle if watered outside of the times permitted for no more than one (1) hour in duration per watering day.

2.3. Vehicle and Boat Washing

Vehicles, RVs, and boats may be washed with water using a hand-held container or hose equipped with a shut-off nozzle.

2.4. Driveways, Sidewalks, Parking Lots and Buildings

No person shall use District supplied potable water to wash sidewalks, driveways or parking lots and exterior building surfaces, except as necessary for applying a product such as paint, sealers, preservative and stucco, or preparing a surface prior to paving or brickwork.

2.5. Wading Pools and Hot Tubs

Wading pools and hot tubs up to 500 gallons (2.27 cubic meters) in size may be filled with water.

2.6. Swimming Pools, Garden Ponds and Water Features

Swimming pools, garden ponds and water features may be filled with water upon application for and receipt of a filling permit from the District.

2.7. Public Parks, Open Space, and Sports Fields

Public parks, open space, and sports fields may be watered upon application for and approval of a special watering permit.

3. Watering Restrictions Level 3 - Every Other Day Watering - As required at the discretion of the District

3.1. Sprinkler Watering

Odd numbered civic addresses may water on odd numbered days and even numbered civic addresses may water on even numbered days. Watering times are 5:00 a.m. to 10:00 a.m. and 5:00 p.m. to 10:00 p.m. and for no more than one (1) hour in duration per period with a maximum of two (2) hours of total allocated watering per day.

For multi-unit stratas, watering applications may be applied based on "unit numbers" or "irrigation zones" to achieve the net same level of watering on permitted days (i.e. half of the watering/irrigation is undertaken on odd numbered days and half on even numbered days). This approach requires the prior written consent of the Trustees.

3.2. Landscape and Vegetable Gardens

Vegetable gardens, shrubs, trees and flowers are restricted to a hand-held container or a hose equipped with a shut-off nozzle if watered outside of the times permitted for no more than one (1) hour in duration per watering day.

3.3. Vehicle and Boat Washing

Vehicles, RVs, and boats may be washed with water using a hand-held container or hose equipped with a shut-off nozzle.

3.4. Driveways, Sidewalks, Parking Lots and Buildings

No person shall use District supplied potable water to wash sidewalks, driveways or parking lots and exterior building surfaces, except as necessary for applying a product such as paint, sealers, preservative and stucco, or preparing a surface prior to paving or brickwork.

3.5. Wading Pools and Hot Tubs

Wading pools and hot tubs up to 500 gallons (2.27 cubic meters) in size may be filled with water.

3.6. Swimming Pools, Garden Ponds and Water Features

Filling of swimming pools, garden ponds and water features is banned.

3.7. Public Parks, Open Space, and Sports Fields

Watering of public parks, open space, and sports fields is banned.

4. Watering Restrictions Level 4 - Comprehensive Water Ban – As required at the discretion of the District

4.1. Sprinkler Watering

All outdoor watering is prohibited including newly seeded or sodded lawns, orchards, pastures or any other intensive agricultural or horticultural uses.

4.2. Landscape and Vegetable Gardens

Established vegetable gardens, shrubs, trees and flowers are restricted to a hand-held container or a hose equipped with a shut-off nozzle system between the hours of 5:00 a.m. to 10:00 a.m. and 5:00 p.m. to 10:00 p.m. and for no more than one (1) hour total in duration per watering day. A micro-irrigation or drip-irrigation system may be used by odd numbered civic addresses on odd numbered days and even numbered civic addresses on even numbered days for a maximum of 1 hour per watering day during the specified watering times.

4.3. Vehicle and Boat Washing

All washing of vehicles, RVs, and boats is banned.

4.4. Driveways, Sidewalks, Parking Lots and Buildings

All washing and/or power washing of driveways, sidewalks, parking lots and exterior building surfaces is banned.

4.5. Wading Pools and Hot Tubs

Filling of Wading pools and hot tubs is banned.

4.6. Swimming Pools, Garden Ponds and Water Features

Filling of swimming pools, garden ponds and water features is banned.

4.7. Public Parks, Open Space, and Sports Fields

Watering of public parks, open space, and sports fields is banned.

5. Special Watering Permits

- i. A person who has installed a new lawn, either newly seeded or new sod, may apply to the District for a permit which will allow the new lawn to be sprinkled outside of permitted days. The permit shall be conspicuously displayed at the premises for which it is issued.
- ii. The operator of a public park, open space or sports field may apply to the District for a permit which will allow the lawn to be sprinkled during Conservation Level 2. The permit shall be conspicuously displayed at the premises for which it is issued.
- iii. New sod or newly seeded lawn may be sprinkled for 14 days after installation, provided a permit pursuant to Section (5)(i) has been issued for the premises at which the new lawn has been installed.
- iv. After expiration of a permit issued under Section (5)(i), a person may apply for and may obtain subsequent permits under Section (5)(i).
- v. Permits will not be issued or be valid during the Water Conservation Level 3 and Level 4 restrictions.

6. Special Cases and Exemptions

- i. Strata developments may vary hours of use as required, with prior written permission from the Trustees, to accomplish maintenance and upkeep in cases where developments have all irrigation systems separately metered and can demonstrate that inadequate times exist within water conservation levels to sustain plant stock.
- ii. Commercial users may vary watering hours with prior written permission of the Trustees. Requests for variations to this regulation must be made annually.
- iii. The District is exempt from watering restriction levels to allow for proper operations and maintenance of the water utility system, but will practice conservation measures as much as possible.