

**REGIONAL DISTRICT OF NORTH OKANAGAN
BYLAW NO. 2867, 2021**

CONSOLIDATED FOR CONVENIENCE

This document is an office consolidation of the above-noted Bylaw and includes the amendments listed below. This Bylaw has been consolidated for convenience and is intended for information and reference purposes only. This document is not the official version of the Bylaw. Be advised that plans, pictures, other graphics or text in the official version may be missing or altered in this consolidated version. Where accuracy is critical, please contact the Corporate Services Department at the Regional District of North Okanagan.

TEXT AMENDMENTS

Bylaw No.	Adopted	Amendment
2893, 2021	May 19, 2021	<ul style="list-style-type: none"> – Addition to Section M. Service and Service Connections regarding separate meter requirements for Silver Star building permits with a potential for subdivision – Add 16.d under Schedule “G” Rates and Fees for All Service Areas for Unauthorized turn on / off fee
2898, 2021	December 15, 2021	– Amending Section D: Definitions, Section M: Service and Service Connections, Section S: Offence and Penalty, Schedule “G”: Rates and Fees for All Service Areas
2933, 2022	July 20, 2022	– Amend Section D: Definitions (Service Application Fee), Schedule “A” (Rates & Fees for Grindrod Local Service Area), Schedule “E” (Rates & Fees for Silver Star Village Local Service Area), Schedule “G” (Rates & Fees for All Service Areas)
2957, 2023	March 22, 2023	– Amend Section D: Definitions, Section M: Service and Service Connections, Schedule “A” (Rates and Fees for Grindrod Local Service Area), Schedule “B” (Rates & Fees for Gunter-Ellison Local Service Area), Schedule “C” (Rates & Fees for Mabel Lake Local Service Area), Schedule “G” (Rates & Fees for All Service Areas)

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2867

A bylaw to impose rates and regulations for small utilities within the
Regional District of North Okanagan

WHEREAS Section 332 [*General authority for services*] of the *Local Government Act*, R.S.B.C., 2015, Chapter 1, as may be amended, states that the Board of a Regional District may operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Regional District of North Okanagan is authorized by separate establishment bylaws to provide for the operation, maintenance and improvements of various utility systems located within the Regional District of North Okanagan and to impose fees and charges for the annual cost of providing water and sewer services;

AND WHEREAS Section 397 [*Imposition of fees and charges*] of the *Local Government Act* provides that a Board of a Regional District may, by bylaw, impose a fee or charge payable in respect of all or part of a service of the Regional District;

AND WHEREAS the Regional Board is desirous to consolidate and amend the current rates for the Grindrod Local Service Area, the Gunter Ellison Road Service Area, the Mabel Lake Community Domestic Water Service Area, the Mabel Lake Sewer Utility Service Area, the Silver Star Village Water Local Service Area and the Whitevale Water Local Service Area;

NOW THEREFORE the Board of the Regional District of North Okanagan in an open meeting assembled, hereby **ENACTS AS FOLLOWS:**

A. CITATION

This Bylaw may be cited as “***Small Utilities Rates and Regulations Bylaw No. 2867, 2021***”.

B. INTERPRETATION

1. Words or phrases defined in the British Columbia *Interpretation Act*, *Community Charter*, or *Local Government Act* or any successor legislation shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
2. The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
3. Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Board of the Regional District of North Okanagan, as amended, revised, consolidated or replaced from time to time.
4. If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

C. SCHEDULES

The following Schedules are attached to and form part of this bylaw in the same manner as this Bylaw:

Schedule "A" – Rates and Fees for the Grindrod Water Local Service Area

Schedule "B" – Rates and Fees for the Gunter-Ellison Road Water Local Service Area

Schedule "C" – Rates and Fees for the Mabel Lake Community Domestic Water Service Area

Schedule "D" – Rates and Fees for the Mabel Lake Sewer Utility Service Area

Schedule "E" – Rates and Fees for the Silver Star Village Local Service Area

Schedule "F" – Rates and Fees for the Whitevale Water System Local Service Area

Schedule "G" – Rates and Fees for all Service Areas

D. DEFINITIONS

In this Bylaw:

Actual Cost means all direct labour, material and contracted service costs incurred, plus 20% to cover administration and other indirect costs incurred.

Apartment Unit means a Residential Unit containing two bedrooms or less, forming part of a larger building and contained on a single storey.

Approved Backflow Preventer means an apparatus that is approved by the RDNO or its Operator for installation in a water system so as to prevent Backflow of Contaminants into the RDNO Waterworks System, and includes Approved Backflow Prevention Assemblies and Approved Backflow Prevention Devices.

Approved Backflow Prevention Assembly means an Approved Backflow Preventer that is designed to be tested and repaired while in service and to meet the design and installation criteria requirements of CSA Standard B64.

Approved Backflow Prevention Device means a non-testable Approved Backflow Preventer that meets the design and installation criteria requirements of CSA Standard B64.

Backflow means the reversal of the normal direction of flow from a User's property to an RDNO water Utility.

Backflow Assembly Test Report means a record, in the form provided or approved for use by the Manager, which contains all pertinent information and test data resulting from a Backflow assembly test conducted by a Backflow Assembly Tester in accordance with the provisions of *Regional District of North Okanagan Cross Connection Control Regulation Bylaw No. 2651, 2014, as amended*.

Backflow Assembly Tester means a person holding a valid certification, issued by the British Columbia Water and Waste Association, for testing Approved Backflow Prevention Devices.

Bylaw Enforcement Officer means any person from time to time appointed by the RDNO as a bylaw enforcement officer, or any other person appointed by the RDNO for the purpose of administering, enforcing or carrying out this Bylaw.

Campground means the Club Kingfisher strata recreation property located at 3303 Enderby Mabel Lake Road, and/or the Mabel Lake Holiday Centre recreation properties located at 3501 and 3510 Enderby Mabel Lake Road.

Capital Cost means the cost to supply and install proposed waterworks including but not limited to: on and off site pipes, valves, services, Hydrants, fittings, reservoirs, pump stations and appurtenances at the market cost as determined at the sole discretion of the Regional District plus ~~25% for engineering and contingency~~ **an allowance for engineering, contingency and administration.**

Commercial Unit means each User that makes use of water service for commercial purposes.

Consumption Rate means the price of water per cubic metre.

Consumption Fee(s) means the periodic lump sum rate, or the Consumption Rate times the volume of water metered, for the use of water during any defined period of time.

Contaminant means any physical, chemical, biological or radiological substance or matter in water which may render the water non-potable, according to the *Drinking Water Protection Act*, S.B.C. 2001, Chapter 9.

Data Entry Fee means the fee charged per Backflow Assembly Test Report that the Regional District is requested to enter into the data base maintained by the Regional District on behalf of the User as per requirements of *Regional District of North Okanagan Cross Connection Control Regulation Bylaw No. 2651, 2014*, as amended.

Development Inquiry Fee means the fee charged to review a preliminary concept of a proposed development where the works have not been designed.

ERT (Encoder-Receiver-Transmitter) means a device that is connected to a Water Meter that transmits data to a remote Water Meter reading device.

Golf Course shall refer to the Mabel Lake Golf and Country Club.

Hydrant means a water conveyance device where a hose can be attached and supplied water with typically elevated flows for the primary purpose of fighting fires. This definition includes the Hydrant, the Hydrant connection valve, lead and tee at the main, and refers to all fire Hydrants, yard hydrants, and/or standpipes connected to the RDNO Water system installed for fire protection purposes, including Hydrants on private property.

Hydrant Tampering Fee means the fee charged for the unauthorized use of any Hydrant connected to a Utility source.

Hydrant Use Fee means the fees and charges to use any public or private Hydrant connected to the Utility.

Hydrant Use Permit means a permit issued by the Manager for a customer to use a Hydrant for a purpose other than firefighting.

Infrastructure Base Fee means the fee charged for the availability of water within the Local Service Area independent of whether the property is connected or not.

Inspection Fees means the fees charged for the RDNO to inspect the works from time to time while the works are under construction and at their completion.

Latecomer Administration Fee means the fee charged to prepare and execute a latecomer agreement.

Leak Adjustment Application Fee means the application fee charged to submit a written request for consideration of a financial adjustment to a metered Utility account due to a possible leak on a property.

Local Area Service means the applicable service area for the Utility as defined in the establishment bylaws.

Local Area Service Administration Fee means the fee charged to establish a Local Area Service or amend a Local Area Service boundary.

Manager means the person appointed to the position of General Manager by the RDNO, or designate.

MMCD (Master Municipal Construction Documents) means documents that provide a framework and foundation for municipal infrastructure projects.

Obstructed Water Meter means a Water Meter that could not be read due to some action or inaction of a User, including an inaccessible, and/or unreadable Water Meter.

Operator means the qualified person(s) employed by the RDNO, either directly or by contract, to operate the water and/or sewer Utility.

~~**Operator Service Fee** means the fee charged for the Operator to respond to a User's request to perform a specific service for that User, such as interrupting or resuming water supply service by means of a shut-off or turn-on of a water service valve, to remove or install a meter, ERT or other meter reading device, or to collect a water sample at the request of a User, or to complete a Water Meter Re-Read. The fee includes where an Operator has had to verify any unauthorized work performed on the system including turn-on or shut-off of the water service.~~

Operator Service Fee means the fee charged for the Operator to respond to a User's request to perform a specific service for that User, such as interrupting or resuming water supply service by means of a shut-off or turn-on of a water service valve, to remove or install a meter, ERT or other meter reading device, collect a water sample at the request of a User, complete a Water Meter Re-Read or any other request that requires an Operator site visit. The fee includes where an Operator has had to verify any unauthorized work performed on the system including turn-on or shut-off of the water service.

Parcel means any lot, block, strata lot, or other area in which land is held or into which land is subdivided, but does not include a highway.

Parcel – Debt Service Area means all legal properties identified in the original service area within *Gunter-Ellison Road Water Local Service Establishment Bylaw No. 1600, 2000*.

Pillow means the public or private overnight accommodations for one person.

Plan Review Fee means the fee for the RDNO to review a submitted set of waterworks and/or sewer works construction plans for approval prior to construction.

Premises means any real property and all buildings and improvements thereon.

Proof of Water Fee means the fee charged to review and determine evidence of a potable water supply.

Qualified Professional means a person who is recognized in British Columbia as being qualified to design onsite sewage disposal systems.

RDNO means the Regional District of North Okanagan.

Residential Unit means a building or portion thereof for human habitation consisting of one or more rooms where such room or rooms contain or provide for the installation of sleeping facilities, sanitary facilities and one kitchen. A suite or a Parcel with an activated water Service Connection are also types of Residential Units.

Seat means a single chair at a public or private facility that provides hospitality services (food and/or drinks).

~~**Service Application Fee** means the fee to apply for the conditions to install a sewer and/or water Service Connection to an existing property.~~

Service Application Fee means the fee to apply for a sewer or water service or an assessment of the parcel's sewer or water service compliance to Small Utilities bylaws and policies and to provide conditions of servicing that may be related to fees, off-site servicing requirements, service installation, metering, sewer and/or water system reconfiguration, or other bylaw or policy requirements in order to be serviced by an RDNO utility.

Service Connection means the pipe connecting the Utility main to the property line.

Service Connection Fee means the fee to offset the future Capital Costs to improve sewer/water treatment and/or provide increased capacity in the sewer/water system and shall not include the actual costs for the Service Construction Fee.

Service Connection Inspection Fee means the fee charged for the Operator to inspect the service connection to the Utility.

Service Construction Fee means the fee to construct sewer/water works from the sewer/water main to a private property line.

Service Disconnection means when an existing Service Connection to a property must be terminated at the main.

Sewer Service means the Utility's collection of sanitary sewage from its Users.

Sewer User Fee means the periodic lump sum rate for the use of the sewer system during any defined period of time.

Subdivision Application Fee means the fee to apply for subdivision review.

Unmetered means a water Service Connection without a Water Meter, or where an unauthorized bypass to a Water Meter exists so that water has the ability to flow without flowing through the Water Meter.

Unmetered Fee means the fee charged for Unmetered water use, where a Water Meter is required.

User means the owner or occupier of any property having works connected to the Utility.

Utility means the water and/or sewer system serving the property located within the service area.

Utility System Tampering Fee means the fee charged for the repairs resulting from damage or unauthorized use of the Utility infrastructure or property or to remediate damage or recover lost revenue.

Water Meter means a device to measure the quantity of water used.

Water Meter Inspection Fee means the fee charged to have an RDNO representative inspect the water meter to ensure proper installation and function.

Water Meter Re-Read means a User's request to re-read a Water Meter, and an Operator Service Fee must be paid for this service.

Water Meter Tampering Fee means the fee charged for tampering with a Water Meter or ERT. This includes altering the Water Meter or Water Meter read out, bypassing the Water Meter, providing a false Water Meter read, installing the Water Meter incorrectly or not installing a Water Meter as directed by the RDNO.

Water Meter Test means a test of the functioning of a Water Meter following a User's request to the Utility for same.

Water Meter Testing Fee means the fee charged for the Utility to conduct an onsite Water Meter test at the User's request.

Water Service means the Utility's supply of water to its Users.

E. APPLICATION

1. This Bylaw applies to all water supplied and sanitary sewage collected and disposed of by the Utility, and to all persons using these Utilities.

F. RDNO NOT LIABLE (Water)

1. The RDNO supplies water to Users on the condition that the RDNO is not liable for any injury, damage or loss to any person or property at any time caused by or resulting from:
 - a. the use of water from the Utility;
 - b. any biological, chemical, or physical parameter that naturally occurs in the source water or is a by-product of treatment;
 - c. lack of adequate water supply or water flow;
 - d. interruption of water supply;
 - e. increased or decreased water pressure; or
 - f. any other condition or matter affecting the supply or quality of water from the Utility.
2. The RDNO is not liable for any loss or damage arising from or in any way connected to water main breaks or leaks in the Utility.

3. The RDNO is not liable for any loss or damage, including water loss, arising from or in any way connected to the failure of a privately owned water infrastructure.
4. The RDNO does not guarantee a specific water pressure, a specific quality of water, or continuous supply of water to meet the special requirements of any User or any other user of water. The RDNO is not required to maintain any specified pressure in its water mains, or take any steps to correct or modify any increases or decreases in pressure.
5. The RDNO reserves the right, at any and all times and without notice, to change operating water pressure, source water supply, water quality, or otherwise interrupt or shut off the Water Service for any operational or maintenance purpose, including, without limitation, making repairs, extensions, alterations, improvements, and to increase or reduce pressure.

G. RDNO NOT LIABLE (Sewer)

1. The RDNO collects and disposes of sanitary sewage from Users on the condition that the RDNO is not liable for any injury, damage or loss to any person or property at any time caused by or resulting from:
 - a. the use of the Utility;
 - b. any other condition or matter affecting the collection and disposal of sanitary sewage by the Utility.
2. The RDNO is not liable for any loss or damage arising from or in any way connected to sewer main breaks or leaks in the Utility.
3. The RDNO is not liable for any loss or damage arising from or in any way connected to the failure of a privately owned sewer infrastructure.
4. The RDNO reserves the right, at any and all times and without notice, to interrupt Sewer Service for any operational or maintenance purpose, including, without limitation, making repairs, extensions, alterations, and/or improvements.

H. CONDITIONS OF WATER / SEWER SERVICE

1. Where there are any outstanding fees, fines or expenses due and owing to the RDNO pursuant to this Bylaw, the RDNO may discontinue Water Service to that User until such time as the outstanding amounts are paid in full.
2. All outstanding fees, charges, expenses and other amounts due and owing to the RDNO pursuant to this Bylaw may be treated and collected in the same manner and with the same remedies as property taxes.
3. At any time and without notice, the RDNO may limit or discontinue the supply of water to any User or limit the hours during which water may be used, in the event of a shortage of water, a Water or Sewer Utility malfunction, infrastructure capacity limitations or where the imposition of restrictions is in the public interest.
4. Users dependent upon a continuous and uninterrupted supply of water, or having processes or equipment that require clear or pure water are responsible for providing, at their own cost, such emergency storage, over-size piping, pumps and tanks, filters, pressure regulators, check valves, additional water service pipes, or other equipment or apparatus for a continuous and adequate supply of water suitable to their requirements, all of which must be equipped with the appropriate cross connection control devices as

required by *Regional District of North Okanagan Cross Connection Control Regulation Bylaw No. 2651, 2014*.

5. No interruption in the supply of water to a User shall entitle that User to a reduction in fees or charges for either Water or Sewer Utility, unless otherwise specifically provided for in this Bylaw.

I. RATES

1. Every person being the owner of lands and premises and whose property is connected to or is able to connect to the Utility shall pay to the RDNO, or agent, in the manner herein provided, the rates, charges and fees established in accordance with and set out in each applicable Schedule attached hereto and forming part of this bylaw.
2. All accounts shall be rendered to the owner or Strata Corporation of the property to which service is provided as determined by RDNO.
3. Campgrounds, including associated buildings, are charged for all water consumption and sewer use. The rate is based on a per campsite equivalency.
4. Each Commercial Unit and/or Residential Unit or other unit must connect to the service(s) installed to their own property. Any lot using a neighbouring site's Service Connection(s) will initiate a Consumption Fee and/or Sewer User Fee and/or other fee.
5. The Consumption Fee is charged for water consumption for each Residential Unit and/or Commercial Unit.
6. The Data Entry Fee will not apply to Backflow Assembly Test Reports that are entered online directly into the Regional District's data base by the Backflow Assembly Tester.
7. The Infrastructure Base Fee is charged to each Parcel with a Service Connection independent of whether connected or not. For Silver Star Village Water Local Service Area, the Infrastructure Base Fee is also charged for each Residential Unit and/or Commercial Unit.
8. The Operator Service Fee shall be applied for each Operator site visit requested by a User. After hours or weekend service calls will only be attended to for emergencies and will be subject to charges for Operator travel time and overtime charge out rates if applicable. Scheduled site visits that provide at least 48 business hour notice that coincide with routine Operator site visits will not incur Operator travel time or overtime charges.
9. The Service Application Fee shall not apply when a Subdivision Application Fee applies.
10. Once a Service Connection has been activated, Consumption Fees and Sewer User Fees will not be adjusted seasonally.
11. The Sewer User Fee is charged for use of the sewer system for each Residential Unit and/or Commercial Unit.

J. WATER METERS

1. All properties within the Silver Star Village Water Local Service Area, Grindrod Water Local Service Area and Gunter Ellison Domestic Water Service Area with activated Service Connections must have a Water Meter installed at the expense of the User to record all water use.

2. All Water Meters must be purchased from the RDNO.
3. A Water Meter includes a touch pad which must be attached to the front exterior of the building at least 1.5m (5') above ground level in a location easily accessible to meter reading personnel all year around, and cannot be obstructed by snow. A four (4) strand color coded wire must be installed to connect the Water Meter to the touch pad.
4. The water meter does not include the "tail pieces" which connect the meter to the building's plumbing.
5. The property owner is responsible for the existing plumbing works, excluding the water meter, and all costs associated with these works.
6. All water meters shall be installed in accordance with RDNO and manufacturers specifications.
7. Following inspection and approval, all Water Meters will become the property of the RDNO.
8. The RDNO will maintain, repair and replace a water meter when rendered unserviceable through reasonable wear and tear.
9. The property owner is responsible for protection of the water meter from damage.
10. Leak Adjustment Application: Where a User can prove with plumber's receipts or other pertinent evidence that a plumbing failure, resulting in a water loss in excess of 40 cubic metres, has been repaired, the User may complete a Leak Adjustment Application and the Leak Adjustment Application Fee will be subtracted from the credit allotted. At the discretion of the Manager, a credit volume may be calculated for half of the volume of the calculated water loss. The credit volume shall be calculated by subtracting the historical average consumption from the actual consumption. Adjustments will be limited to a one year period, but only if the volume lost is greater than 40 cubic metres. Each property is limited to one leak adjustment every 36 months. Any leak adjustment credit will be applied to the account.

Leak adjustments will NOT be considered for the following:

- above-ground piping or fixtures and/or where the leak is visible and is not covered by housing, walls, or other permanent structures;
 - leaks caused by frozen piping or fixtures that are not sufficiently protected from frost or freezing;
 - broken sprinkler heads or above-ground sprinkler systems;
 - routine dripping or leaking faucets, or water leaking commodes/toilets;
 - any type of faulty fixture with the exception of catastrophic breaks that were fixed immediately; and
 - new construction for a period of one year.
11. The Obstructed Water Meter fee is charged when the obstruction continues 30 days after a written warning and will continue to be applied until the obstruction is removed.

12. For new construction, the installation of a Water Meter is required within 90 days of an approved above grade plumbing inspection. The User is responsible for calling RDNO for a Water Meter inspection within 90 days of the approved above grade plumbing inspection or Unmetered Fees will be applied. The User may apply for an extension to the 90 days if it can be shown that the fixtures have not been installed.

K. WATER METER RE-READS OR METER TESTS

1. Water Meter Tests and Re-Reads shall be completed by the RDNO or its Operator.
2. Any User who disputes the quantity of water used as recorded by a Water Meter may request a Water Meter Re-Read or Water Meter Test by application to the RDNO and payment of the associated Operator Service Fee or Water Meter Test Fee, as applicable. The RDNO or its Operator will then conduct the Water Meter Test or Re-Read. Where such Re-Read or Test confirms that the Water Meter is:
 - i. functioning properly and a prior recording was inaccurate, if the difference between the volume of water previously recorded and the volume indicated by the accurate re-read or test:
 - a. is five (5%) percent or less, then there will be no refund or additional charges;
 - b. exceeds five (5%) percent, then the Water Meter Testing Fee or Operator Service Fee will be refunded and the User's account will be adjusted using the accurate reading.
 - ii. not functioning properly and is:
 - a. over-recording the volume of water, then a refund shall be made to the User to compensate for such inaccuracy and the Water Meter Testing Fee or Operator Service Fee will be refunded;
 - b. under-recording the volume of water, an additional charge shall be levied to the User to compensate for such inaccuracy and the Water Meter Testing Fee or Operator Service Fee will be not be refunded; andthe Water Meter shall be repaired or replaced by the RDNO.
3. Any adjustment, refund or additional charge calculated in accordance with this section shall be limited to the actual period of inaccurate recording up to a maximum period of six (6) months immediately preceding the date of the User's application for testing (the "Period"). The amount of the refund shall be determined by calculating the approximate volume of water that was inaccurately recorded by multiplying the percentage of inaccuracy (as determined by the Water Meter Test) by the recorded volume of water passing through the Water Meter during the Period.

L. WATER AND SEWER USE REGULATIONS

1. ***All persons must comply with the water use restrictions issued by the utility.***
2. No person may:
 - a. ***use water in contravention of water use restrictions;***
 - b. use an excessive or unnecessary quantity of water, or allow water to run to waste, whether wilfully or by allowing leaky, imperfect, defective or improper taps, pipes, meters, indicators or other fixtures to remain in disrepair;

- c. sell, give, take away or dispose of water obtained from the Utility, except for commercial resale of: bottled water, liquids containing water, or water obtained from the RDNO truck fill stations;
- d. use water for an illegal purpose, or for a purpose or in a manner contrary to any provincial or federal statute or regulation, or to any local government bylaw;
- e. use any device to increase or attempt to increase the amount of water that person is allowed pursuant to this Bylaw;
- f. use water, or have the immediate capability of using water through means of a connected valve or other device which bypasses a Water Meter, or remove, tamper with or in any way interfere with a Water Meter, except as authorized by the RDNO;
- g. open, shut, or regulate any pipe, valve, measuring device, or any other part of the Utility; No person, other than an Operator or employee of the RDNO, may maintain or operate or attempt to maintain or operate the Water Works or any portion thereof;
- h. introduce, allow to be introduced or cause to be introduced any Contaminants into the Utility, the Utility's source water or any water supplied by the Utility; ~~or~~
- i. introduce, allow to be introduced or cause to be introduced, any Contaminants into the sewer Utility; or***
- j. interfere with the operation of the Utility, any Water Meter, or any Hydrant, with the intention of circumventing any provincial or federal statute or regulation, or any local government bylaw.

M. SERVICE AND SERVICE CONNECTIONS

1. The following conditions apply to all Water Service and water Service Connections listed in M.2 below:
 - a. all Water Services within the Silver Star Village Water Local Service Area, Grindrod Water Local Service Area and Gunter Ellison Domestic Water Service Area shall be metered using a Water Meter;
 - i. if a ~~property~~ residential single family dwelling with a suite has potential for subdivision pursuant to the Strata Property Act within the Silver Star Village Water Local Service Area, then separate meters are required for each residential unit as part of a building permit.***
 - b. applications for the installation of a water Service Connection shall be made to the RDNO or its Operator;
 - c. ***applications for a Service Connection, subdivision, or issuance of a building permit based on proof of water to an RDNO utility can be denied if there is insufficient capacity within the RDNO utility to meet industry service level standards;***
 - d. ***any service connections that are greater than 25 years or made of metal, need to be replaced by customer when connecting or upon redevelopment or issuance of a building permit;***
 - e. all equipment and materials used to complete the water Service Connection must comply with all applicable RDNO bylaws ***and meet MMCD and RDNO standards to connect;***

- f. applications for inspection of a water Service Connection shall be made at the RDNO office or at the office of its Operator, and in no case shall the installation or construction of a water Service Connection be covered until it is inspected and tested by the RDNO;
 - g. when an application has been approved and all necessary installation charges have been paid by the applicant, the RDNO or its Operator will install the water Service Connection from the main to the boundary of the Premises being served, and:
 - i. such connection will terminate with a valve, and the RDNO will be responsible for the maintenance of the connection and the valve; and
 - ii. the User will be responsible for the operation and maintenance of the connection downstream from the RDNO valve.
 - h. each property that fronts a Utility main requires a water Service Connection; and
 - i. where a property that does not front a Utility main proposes to be serviced by means of a water Service Connection through an adjacent property fronting a Utility main:
 - i. the arrangement must be pre-approved in writing by the RDNO; and
 - ii. the water line from the adjacent property to the new property being serviced must be protected by an easement that may not be discharged without the written consent of the RDNO.
2. Completion of the Service Connection to the Premises to be served shall be arranged and paid for by the User, and
- a. In the case of water service, the on site works must include a shut off valve, a pressure reducing valve, and a Water Meter,
 - ~~b. In the case of sewer service, the on site works must include a two (2) chamber septic tank of sufficient capacity to hold two (2) days storage.~~
 - b. In the case of sewer service, the onsite works must be designed by a Qualified Professional that includes a two (2) chamber septic tank of sufficient capacity to hold two (2) days storage. The certified design must be submitted with the application for a Service Connection. The final installation must be inspected and approved by the Operator before building occupancy will be issued.***

N. USE OF WATER FOR WASHING STREETS

It shall be an offense for any person, other than an Operator or RDNO employee in the course of their duties, to use water for the purpose of washing any street, lane or public thoroughfare, except as authorized by the RDNO.

O. HYDRANTS

1. Fire departments are responsible for direct costs of public Hydrant maintenance within their service area. Private Hydrant maintenance costs are the responsibility of the User.
2. Any Utility or private Hydrant used for purposes other than fire department purposes or suppression shall require a Hydrant Use Permit in the form prescribed for that purpose. A damage deposit fee for equipment and a Hydrant Use Fee must be paid in the amounts set out in the attached Schedules.

3. Hydrant Use Permits are required when a qualified service provider is completing Hydrant maintenance on private Hydrants in compliance with AWWA standards; however, a backflow/meter box is not required and the Hydrant Use Fee will be waived. No other uses can be conducted without a backflow and meter box, including flushing.
4. A Hydrant Use Permit may be issued for the purposes of:
 - a. construction road compaction;
 - b. construction dust control;
 - c. construction water main testing;
 - d. utility line flushing;
 - e. wellpoint dewatering installation;
 - f. road sweeping;
 - g. water tanker truck filling;
 - h. special events;
 - i. Hydrant maintenance; or
 - j. other purposes, subject to approval by the Manager.
5. Applications for use of a Hydrant must provide two (2) business days' notice for installation of a backflow/meter box assembly.
6. The Manager may refuse to issue a Hydrant Use Permit where the issuance of a Hydrant Use Permit may result in a risk to the Utility.
7. The Manager may impose terms and conditions on the Hydrant Use Permit including, but not limited to the following:
 - a. the location of the Hydrant that may be used;
 - b. the type of Hydrant that may be used;
 - c. the dates and times when the Hydrant may be used;
 - d. permit expiry date;
 - e. precautions to be taken in using the Hydrant; and/or
 - f. the volume and or flow rate of water that may be used.
8. The installation/removal of the backflow/meter box must be completed by the Operator prior to any connection to a Hydrant pursuant to a Hydrant Use Permit.
9. No person may:
 - a. connect to, cause to be connected to, or allow to remain connected, any piping, fixture, fitting, container or appliance to any Hydrant;
 - b. use water from a Hydrant for any purpose other than fire department purposes; or
 - c. tamper or in any way interfere with a Hydrant,without first obtaining a Hydrant Use Permit in accordance with this Bylaw and the RDNO Small Utilities Private Hydrant Policy No. BPOL006.

10. At any time the Manager may cancel or suspend a Hydrant Use Permit issued pursuant to this Bylaw:
 - a. if the Manager considers that the use of the Hydrant may result in a risk to the Utility; or
 - b. if the Hydrant Use Permit holder fails to comply with the provisions of this Bylaw or the terms and conditions of the Hydrant Use Permit.
11. The Hydrant Use Fee applies to all Hydrant uses with the exception of fire department purposes, or Hydrant maintenance completed by the Operator or a qualified service provider completing Type A or Type B servicing of private Hydrants according to AWWA standards.
12. A fire department must notify the RDNO when they have used a Hydrant, and shall provide its number and location, and an estimate of the volume of water used.

P. NON-COMPLIANCE WITH WATER USE REGULATIONS OR RESTRICTIONS

1. The RDNO and its Operator, at any time, may enter into and upon any Premises within the Local Area Service for the purpose of carrying out inquiries, investigations, inspections and testing to determine whether the requirements of this bylaw are being met, including, without limitation, periodic tests of any water being used for any purpose, measurement of water being used, and the inspection and testing of any and all devices connected or having the potential to be connected to the Utility.
2. No person may obstruct, hinder, or prevent any RDNO employee or Operator from entering into or upon any Premises for the purpose of inquiring, investigating, inspecting or testing as authorized by Section P.1 of this Bylaw.
3. The owner or occupier of the Premises, the User or any other person having knowledge of:
 - a. the Premises; or
 - b. any devices on the Premises connected or having the potential to be connected to the Utility,shall, upon request, give to RDNO employees and Operators such assistance as may be required in carrying out any inquiry, investigation, inspection or test authorized by Section P.1 of this Bylaw.
4. It shall be an offence for any person to:
 - a. obstruct, hinder or prevent any RDNO employee or Operator from carrying out any inquiry, investigation, inspection or test authorized by this Bylaw; or
 - b. refuse or neglect to give any RDNO employee or Operator such assistance as may be required under Section P.3 of this Bylaw.

Q. EMERGENCY ACTION

1. The RDNO and/or its Operator, may enter upon any Premises and take any action reasonably necessary to respond to an emergency associated with the Utility, including, without limitation, water line breaks, water quality issues, or Utility malfunctions.
2. No person may obstruct, hinder, or prevent any RDNO employee or Operator from entering into or upon any Premises for the purpose of responding to an emergency associated with the Utility, and any such obstruction, hindrance or prevention shall constitute an offence.

R. ENFORCEMENT – GENERAL

1. This Bylaw may be enforced by any Bylaw Enforcement Officer. In the event of a conflict between this Bylaw and any other RDNO bylaw, the provisions of this Bylaw shall govern and supersede.
2. No person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.

S. OFFENCE AND PENALTY

1. Every person who 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, is guilty of an offence against this Bylaw and shall be liable to:
 - a. a ticket and fine as set out in ~~The Regional District of North Okanagan Ticket Information Authorization By Law No. 1148, 1993~~ ***Ticket Information Authorization Bylaw No. 2908, 2021 or Bylaw Notice Enforcement Bylaw No. 2909, 2021***;
 - b. on summary conviction, the penalties provided for in the *Offence Act*, and to a fine of not less than ~~\$200.00~~ ***\$100.00*** and not more than \$2000.00 for each offence, together with the costs of conviction; or
 - c. any combination of the above.
2. Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.
3. Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

T. PAYMENT DUE DATES

1. Payment of the utilities invoices outlined in this subsection are due and payable upon issuance of the invoice.
2. A discount of 10% will be applied if payment is made within 45 days of the billing date for the following fees:
 - Infrastructure Base Fee
 - Parcel Fee
 - Consumption Fee, and
 - Sewer User Fee.
3. Where the dates specified in Section T (2) above fall on a weekend or statutory holiday, the next business date shall apply.
4. Amounts remaining unpaid as at December 31st are deemed to be taxes in arrears and shall be transferred to property taxes.

U. REPEAL

1. *“Small Utilities Rates and Regulations Bylaw No. 2844, 2020” is hereby repealed.*

Read a First, Second and THIRD Time

this 17th day of March, 2021

ADOPTED

this 17th day of March 2021

“signatures of file”

Chair
Kevin Acton

“signatures on file”

Deputy Corporate Officer
Ashley Bevan

SCHEDULE "A" - RATES AND FEES FOR GRINDROD WATER LOCAL SERVICE AREA

The following rates and fees shall apply and be levied for water use for the full year, effective January 1st each year, or, where applicable, prorated for a portion thereof:

	2020	2021	2022	2023	2024	Units / Comments
1. Infrastructure Base Fee	\$ 399.00	411.00	423.50	436.00	449.00	Semi-annual; per Parcel
2. Consumption Fees						
a) Residential Unit	\$ 329.00	339.00	349.00	359.50	370.50	Semi-annual; per Unit
b) Commercial / Other User (minimum charge)	\$ 605.00	623.00	641.50	660.50	680.50	Semi-annual
i. Riverfront Pub (6927 Highway 97A)	\$ 2,502.00	2,577.00	2,654.50	2,734.00	2,816.00	Semi-annual
ii. Sure Crop Feeds (6863 Highway 97A)	\$ 14,546.50	14,983.00	15,432.50	15,895.50	16,372.50	Semi-annual
iii. School	\$ 5,384.50	5,546.00	5,712.50	5,884.00	6,060.50	Semi-annual
iv. Churches	\$ 605.00	623.00	641.50	660.50	680.50	Semi-annual
v. Park	\$ 2,137.00	2,201.00	2,267.00	2,335.00	2,405.00	Semi-annual
3. Data Entry Fee	\$ 15.00 per Backflow Test Report			20.00	20.40	Per Backflow Assembly Test Report
4. Obstructed Water Meter Fee	\$ 250.00 per billing period					
5. Purchase new Water Meter	Actual Cost					
6. Water Meter Inspection Fee	\$ 50.00 per occasion					
7. Water Meter Testing Fee	\$ 250.00 per occasion					
8. Water Meter Tampering Fee	\$ 600.00 per occasion or per day					

SCHEDULE "B" - RATES AND FEES FOR THE GUNTER-ELLISON ROAD WATER LOCAL SERVICE AREA

The following rates and fees shall apply and be levied for water use for the full year, effective January 1st each year, or, where applicable, prorated for a portion thereof:

	2020	2021	2022	2023	2024	Units / Comments
1. Parcel Fee – Debt Service Area	\$ 418.00 per annum / per Parcel					
2. Infrastructure Base Fee	\$ 350.00	364.00	379.00	394.00	410.00	Per annum; per Parcel
3. Consumption Fees						
4. Obstructed Water Meter Fee	\$ 250.00 per billing period					
5. Purchase new Water Meter	Actual Cost					
6. Water Meter Inspection Fee	\$ 50.00 per occasion					
7. Water Meter Testing Fee	\$ 250.00 per occasion					
8. Water Meter Tampering Fee	\$ 600.00 per occasion or per day					
User fees for water consumption to be invoiced directly by the City of Enderby in accordance with the City of Enderby Fees and Charges Bylaw No. 1479, 2010, as amended.						

SCHEDULE "C" - RATES AND FEES FOR MABEL LAKE COMMUNITY DOMESTIC WATER SERVICE AREA

The following rates and fees shall apply and be levied for water use for the full year, effective January 1st each year, or, where applicable, prorated for a portion thereof:

	2020	2021	2022	2023	2024	Units / Comments
1. Infrastructure Base Fee	\$ 234.00	246.00	258.00	271.00	285.00	Per annum; per Parcel
2. Consumption Fees						
a) Commercial Unit – Golf Course	\$ 3,256.00	3,419.00	3,590.00	3,770.00	3,959.00	Per annum
b) Residential Unit	\$ 234.00	246.00	258.00	271.00	285.00	Per annum
c) Apartment Unit	\$ 118.00	123.00	129.00	136.00	143.00	Per annum
c) Campground	\$ 118.00	123.00	129.00	136.00	143.00	Per annum; per campsite / cabin
3. Service Connection Fee						
<i>For connection to the Mabel Lake Community Domestic Water Utility or upon application for additional service. To be collected prior to connection approval, or issuance of building permit, or subdivision approval.</i>						
<i>Institutional, Commercial and Industrial defined as per the zoning bylaw applicable to the service area.</i>						
<i>a. Single family Residential Unit per lot</i>	<i>\$ 6,280.00 per Residential Unit per lot</i>					
<i>b. More than one single family Residential Unit per lot</i>	<i>Actual Cost. 125% deposit required based on estimate of Actual Cost.</i>					
<i>c. Multi-family residential</i>	<i>Actual Cost. 125% deposit required based on estimate of Actual Cost.</i>					
<i>d. Institutional</i>	<i>Actual Cost. 125% deposit required based on estimate of Actual Cost.</i>					
<i>e. Commercial</i>	<i>Actual Cost. 125% deposit required based on estimate of Actual Cost.</i>					
<i>f. Industrial</i>	<i>Actual Cost. 125% deposit required based on estimate of Actual Cost.</i>					

SCHEDULE "D" - RATES AND FEES FOR MABEL LAKE SEWER UTILITY SERVICE AREA

The following rates and fees shall apply and be levied for sewer use for the full year, effective January 1st each year, or where applicable, prorated for a portion thereof:

	2020	2021	2022	2023	2024	Units / Comments
1. Infrastructure Base Fee	\$ 153.00	161.00	169.00	177.00	186.00	Per annum; per Parcel
2. Sewer User Fees						
a) Commercial Unit – Golf Course	\$ 2,265.00	2,378.00	2,497.00	2,622.00	2,753.00	Per annum
b) Residential Unit	\$ 153.00	161.00	169.00	177.00	186.00	Per annum
c) Apartment Unit	\$ 100.00	105.00	110.00	116.00	122.00	Per annum
d) Campground	\$ 63.00	66.00	69.00	72.00	76.00	Per annum; per campsite / cabin

SCHEDULE "E" - RATES AND FEES FOR THE SILVER STAR VILLAGE LOCAL SERVICE AREA

The following rates and fees shall apply and be levied for water use for the full year, effective January 1st each year, or, where applicable, prorated for a portion thereof:

	2020	2021	2022	2023	2024	Units / Comment
1. Infrastructure Base Fee						
a) Commercial Unit shall be the greater of i) or ii) as determined below:						
i) Infrastructure Base Fee Per Commercial Unit based on total Seats and/or Pillows:						
- Per Seat	\$ 8.50	8.80	9.10	9.40	9.70	Per annum
- Per Pillow	\$ 25.70	26.60	27.50	28.50	29.50	Per annum
<i>or:</i>						
ii) Minimum Infrastructure Base Fee Per Commercial Unit	\$ 291.00	301.00	312.00	323.00	334.00	Per annum
b) Each Residential Unit or Parcel	\$ 291.00	301.00	312.00	323.00	334.00	Per annum
2. Consumption Fee	\$ 1.88	1.95	2.02	2.09	2.16	Per cubic
3. Data Entry Fee	\$ 45.00 per Backflow Test Report			20.00	20.40	Per Backflow Assembly Test Report
4. Leak Adjustment Application Fee	\$ 50.00 per application (fee to be deducted from approved credit on utility bill)					
5. Obstructed Water Meter Fee	\$ 250.00 per billing period					
6. Purchase new Water Meter	Actual Cost					
7. Water Meter Inspection Fee	\$ 50.00 per occasion					
8. Water Meter Testing Fee	\$ 250.00 per occasion					
9. Water Meter Tampering Fee	\$ 600.00 per occasion or per day					
10. Unmetered Fee (added to Infrastructure Base Fee)						
i) Initial and first full billing period after written warning	\$ 500.00	500.00	500.00	500.00	500.00	Per annum; per Unit
ii) Per billing period or part	\$ 1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	Per annum; per Unit
iii) Per billing period or part	\$ 2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	Per annum; per Unit

SCHEDULE "F" - RATES AND FEES FOR WHITEVALE WATER SYSTEM LOCAL SERVICE AREA

The following rates and fees shall apply and be levied for water use for the full year, effective January 1st each year, or, where applicable, prorated for a portion thereof:

	2020	2021	2022	2023	2024	Units / Comments
1. Infrastructure Base Fee	\$ 136.00	140.00	144.00	148.00	152.00	Per quarter (per Parcel or classroom)
2. Consumption Fees						
a) Residential Unit	\$ 99.00	102.00	105.00	108.00	111.00	Per Residential Unit; per quarter
b) School Classroom	\$ 99.00	102.00	105.00	108.00	111.00	Per classroom; per quarter (applicable only when school is open)

SCHEDULE "G" - RATES AND FEES FOR ALL SERVICE AREAS

The following rates and fees are effective January 1, 2020.

	Units / Comments
1. Development Fees	
a) Development Inquiry Fee	Actual Cost per inquiry (\$250.00 minimum for the first three hours)
b) Hydraulic modeling (where applicable)	Actual Cost per result – direct costs, plus 20% administration fee (\$240.00 minimum)
c) Site inspection fees (where plan review and inspection fees not charged)	\$ 90.00 per occasion
2. Hydrant Use Fee	\$ 250.00 per Backflow / Water Meter box assembly plus \$5.00 per cubic meter of water consumed
3. Latecomer Administration Fee	\$ 2,400.00 per agreement
4. Local Area Service Administration Fee	\$ 2,400.00 per Local Area Service bylaw
5. Operator Service Fee	Actual Cost <i>per occasion</i> (minimum charge of \$50.00). Fee added to water account.
6. Plan Review	\$250.00 per sheet. Maximum of two (2) reviews.
7. Inspection Fees	
Per application, based upon the Capital Cost of the sewer / water portion of the project	
a) Minimum fee	\$ 500.00
b) On first \$100,000	5%
c) \$100,001 to \$200,000	4%
d) \$200,001 to \$500,000	3%
e) \$500,001 to \$1,000,000	2%
f) Above \$1,000,000	1%
8. Proof of Water Fee	\$ 35.00 per occasion
9. Service Application Fee	\$ 430.00 250.00 per application
10. Service Connection Fee (does not apply to Silver Star Village Water Local Service Area) Service Connection Fee (does not apply to Silver Star Village Water or Mabel Lake Community Domestic Water Local Service Areas)	
For connection to an RDNO Utility. To be collected prior to subdivision approval, or connection approval, or issuance of building permit. The fee applies to the following units for which a Service Connection Fee has not previously been paid:	
<ul style="list-style-type: none"> – New properties created by subdivision; or – Existing private utilities that are connecting to an RDNO Utility; or – Existing buildings or properties not already serviced by an RDNO utility; or – Additional unit(s) to an existing customer. 	
Institutional, Commercial and Industrial defined as per the zoning bylaw applicable to the service area.	
a) Single family residential	\$ 2,180.00 per Residential Unit or lot
b) Multi-family residential	\$ 1,857.00 per Residential Unit
c) Institutional	\$ 8.90 per square metre of gross floor area

SCHEDULE "G" attached to and forming part of Bylaw No. 2867, 2021

d) Commercial	\$ 7.27 per square metre of gross floor area
e) Industrial	\$ 3.63 per square metre of gross floor area
11. Service Connection Inspection Fee – Two (2) business days' notice required – Inspection done during business hours	\$ 100.00 per occasion
12. Service Construction Fee	Actual Cost includes 20% administration fee. 125% deposit required based on estimate of Actual Cost.
13. Service Disconnection fee	Actual Cost includes 20% administration fee. 125% deposit required based on estimate of Actual Cost.
14. Service – Other Fees	Actual Cost includes 20% administration fee. 125% deposit required based on estimate of Actual Cost.
15. Subdivision Application Fee	\$ 380.00 plus \$10.00 per lot created
16. Unauthorized Use Fees	
a) Hydrant Tampering Fee	\$ 1,440.00 per hydrant per day or part
b) Utility System Tampering Fee	Actual Cost, includes 20% administration fee.
c) Use of Hydrant or private connected Hydrant or fixture or ancillary device without written approval	\$ 1,000.00 per device per day or part
d) Unauthorized turn on / off fee (not by an Operator)	\$ 100.00 per occasion (in addition to Operator Service Fee charged)