

CITY OF DUNCAN

BYLAW NO. 3120

**A BYLAW TO PROVIDE FOR THE OPERATING AND MAINTAINING OF THE
WATERWORKS SYSTEM IN THE CITY OF DUNCAN**

WHEREAS pursuant to the *Community Charter*, City Council may, by bylaw, regulate, prohibit and impose requirements in relation to the distribution, operation, connection and charge for use of potable water from the City of Duncan *waterworks system*;

NOW THEREFORE the Council of the City of Duncan enacts as follows:

1. **Title**

This Bylaw may be cited as the "Waterworks Regulation Bylaw No. 3120, 2015."

2. **Definitions**

In this bylaw:

"*adjacent area*" includes any district, town, village, regional district electoral area, Indian Reserve land or portions thereof that is situated near or adjacent to the *City*;

"*applicant*" means any property *owner*, or his or her agent, applying for a water service and from whom the *City* may expect to receive revenue on a continuing basis for such service;

"*approved backflow prevention device*" means a backflow preventer that is designed to meet the design and installation requirements of the Canadian Standards Association;

"*building*" means any structure used or intended for supporting or sheltering any use or *occupancy*;

"*Building Inspector*" means any *Building Inspector* employed by the *City*;

"*Bylaw Enforcement Officer*" means a *person* appointed by the *City* for the enforcement of *City* bylaws;

"*certified backflow tester*" means a *person* holding a valid certificate from the British Columbia Water and Waste Association for testing backflow prevention devices;

"*Chief Administrative Officer*" (*CAO*) means the *person* appointed by *Council* as the Chief Administrative Officer or his/her delegate;

"*City*" means the Corporation of the City of Duncan;

"*Consumer*" means any *person* who is the *owner* or agent for the *owner* of any premises to which water is supplied or made available from the *City's waterworks system*, and includes any *person* who is the occupier of any such premises, and also includes any *person* who is a user of water supplied to any such premises;

"*cross connection*" means an actual or potential connection between a potable water system and a source of pollution or contamination;

"*curb stop*" means a shut off valve installed by the *City* on a service connection with a protective housing to the ground surface. The *curb stop* is located on the main side of the property line;

"*Director of Public Works*" means the *person* hired by the *City* to administer the supervisory control of the *City's waterworks system*, among other duties, and includes his/her designate in administering this bylaw;

“*fixture*” means a receptacle, appliance, or other device that discharges sewage or clear-water waste and includes a floor drain;

“*highway*” has the same meaning as defined in the *Community Charter*;

“*micro irrigation or drip irrigation*” means an irrigation method that saves water by allowing water to drip slowly to the roots of plants, either to the soil surface or directly onto the root zone, through a network of valves, pipes, or tubes that uses less than 20 gallons per hour at less than 25 psi.

“*occupancy*” means the use or intended use of a *building* or part thereof for the shelter or support of persons, animals or property;

“*owner*”, in respect of *real property*, has the same meaning as defined in the *Community Charter*;

“*parcel*” has the same meaning as defined in the *Community Charter*;

“*person*” includes an individual, corporation, partnership or party, and the personal or other legal representatives of a *person* where applicable according to law;

“*private hydrant*” means a fire hydrant on private property or common property within a strata property;

“*private water main*” means a water service pipe that conveys water from a public water main to the inside of a *building*;

“*real property*” has the same meaning as defined in the *Community Charter*;

“*waterworks system*” is a term used to refer to all areas of the *City* and *adjacent areas* receiving water service from the *City* and all the pipes, valves and appurtenances that comprise the *City’s* water distribution systems.

3. **Application of Bylaw**

3.1 The provisions of this bylaw apply and have effect in the *City* and in respect of other lands or premises provided with water services by the *City’s waterworks system*.

3.2 The provisions of this bylaw are applicable to and binding upon all *consumers* receiving water from the *City’s waterworks system* whether or not such *persons* have made a written application therefor.

4. **Interpretation**

4.1 Words importing the singular include the plural and vice-versa; and words importing a male *person* include a female *person* and a corporation.

4.2 The headings used in this bylaw are for convenience of reference only and do not form part of this bylaw, and shall not be used in the interpretation of this bylaw.

5. **Application for Installation of Water Service**

5.1 Every application for the installation of a water service connection must be made by the *owner* or agent authorized in writing by the *owner*, in the form prescribed by the *City*, including an agreement with the *City* for payment.

5.2 Every *applicant* for the installation of a water service must deliver to the *City* a complete and accurate statement on the form provided by the *City* of the size and description of the premises and all information necessary to form a correct estimate of the rates to be charged for the water supplied for the said premises. All information may be verified and if determined to be in error, the *City* will levy

corrected rates. A balance owing by the *consumer* is a debt due and owing to the City.

6. Application for Turning Off or On of Water

- 6.1 All applications for turning water off or on at any premises must be made in writing to the *City* not less than 48 hours before the service is required, and in such form as prescribed by the *City*.
- 6.2 No *person* other than the *City* is permitted to make an application to turn off or disconnect water to any *parcel* in use or occupied by any other *person* until such use or occupation has ceased and the *parcel* has been vacated, except in the case of required emergency repairs.

7. Cross Contamination

- 7.1 No person may connect any installation, equipment or source in such manner as to allow any contamination to pass from such installation, equipment or sources in the *waterworks system*. If any such connection exists, the *City* may suspend or shut off the supply of water to the subject *parcel* until the problem has been rectified.
- 7.2 If the *Director of Public Works* determines that a connection or a *cross connection* exists on a *parcel* which has the potential of contaminating the *City waterworks system*, the *Director of Public Works* may give written notice to the *parcel owner* to correct the connection or *cross connection* or install an *approved backflow prevention device* at the expense of the *parcel owner* within a specified time period.
- 7.3 Every *parcel owner* who is required under this bylaw to have an *approved backflow prevention device* installed must install the *approved backflow prevention device* in accordance with the BC Plumbing Code and the American Waterworks Association (AWWA) standards.
- 7.4 Every *parcel owner* must, upon the installation of an *approved backflow prevention device* and annually thereafter, or more often as required by the *Director of Public Works*, have the *approved backflow prevention device* inspected and tested by a *certified backflow tester*. The results of all inspections and testing shall be submitted to the *Director of Public Works* within 30 days of the *Director's* requesting the *parcel owner* to do so.
- 7.5 If any irregularity or malfunction of an *approved backflow prevention device* is observed, the *parcel owner* must repair or replace the device immediately.
- 7.6 The *parcel owner* must display a tag in the form prescribed by the *City* for that purpose on the *approved backflow prevention device* showing when the *approved backflow prevention device* was last inspected and tested by a *certified backflow tester*.
- 7.7 The *City* will not activate the supply of water from the *City's waterworks system* to a *parcel* until the water connection and any plumbing system on the *parcel* have been completed to the satisfaction of the *Director of Public Works*.

8. Damages to City Property

- 8.1 In addition to all other penalties herein provided, repairs for any damage to any *City* owned property as a result of the improper use or maintenance of the *waterworks system on a parcel* will be the responsibility of the *parcel owner*. Repairs of the damage must be completed within ten days of the damage occurring. In the event

that the *parcel owner* fails to make the repairs within ten days, the *City* may complete repairs or arrange for the repairs to be completed at the cost of the *parcel owner*. If unpaid on December 31 in any year, the cost of repairing such damage may be added to and form part of the taxes payable on the *parcel*.

9. Disconnection and Reconnection Fees

9.1 The charge for disconnecting or reconnecting or for turning off or on the water as specified in the Fees and Charges Bylaw will be the responsibility of the *owner* of the *parcel* in respect of which the water is disconnected, reconnected, turned off or turned on.

10. Discontinuing Use of Water

10.1 If a water service connection to a *parcel* is turned off by the *City* at the request of the *parcel owner* to facilitate renovation, addition, demolition or replacement on the premises then the annual water user flat-rate charges payable in respect of said water connection will be reduced by a pro-rated amount reflecting the period that the water is shut off. A fee for the water shut off must accompany the application for discontinuance of water supply in accordance with the *City's* Fees and Charges Bylaw and the application must be in the form prescribed by the *City*.

10.2 If *building(s)* are demolished, destroyed or otherwise removed from a *parcel* connected to the *waterworks system*, the *City* may shut off the water service connection for a fee in accordance with the *City's* Fees and Charges Bylaw. In these instances, all plumbing on the *parcel* must be removed by the *owner* of the parcel at the owner's sole cost back to the *City's* water services connection unless in the Director of Public Work's opinion the pipes are in a sufficient condition to be reused for a new building, with an approved building permit.

10.3 The *City* may temporarily discontinue the supply of water to any premises for the purpose of extension, maintenance and repair of the *waterworks system*.

10.4 A *person* who is about to vacate any *parcel* that has been supplied with water from the *waterworks system*, and who is desirous of discontinuing the use thereof, must give written notice to the *City* in the form prescribed by the *City*, and in default thereof, applicable rates will be charged until such notice is given and the water is turned off.

10.5 The *City* will not grant a credit or rebate of any rates or fees paid or payable unless an application in the form prescribed by the *City* has been made to the *City* and the water service has been shut off for a period in excess of thirty days.

10.6 If a property is vacated, the shut-off valve on the inside of the *building* must be turned off by the *person* leaving the *parcel* or by the *parcel owner*. The *parcel owner* is responsible for this action.

11. Disposition of Water

11.1 It is unlawful for any *person*, including a *consumer*, *parcel owner*, occupant, or tenant, of a *parcel* supplied with water by the *City*, to sell, bottle, dispose of in bulk or give away such water, or otherwise dispose of it, other than for personal domestic use or benefit.

12. Emergency Measures

- 12.1 It is unlawful for any *person* to use water contrary to an order made by the *CAO* or the *Director of Public Works*. The *CAO* or *Director of Public Works* may issue an order to stop, limit or restrict the use of water for certain designated periods to conserve water for potable use during emergency conditions or to ensure proper functioning of infrastructure. Such periods may vary for different areas.
- 12.2 In an emergency the *Director of Public Works* may suspend or disconnect the supply of water to any *consumer* without notice.

13. Faulty Works

- 13.1 In the case of leaky or improper pipes or imperfect *fixtures*, meters, or indicators on any *parcel*,
- a) after notification to the occupant or *parcel owner*, and the necessary repairs or alterations not being made by such occupant or *parcel owner* within forty-eight (48) hours thereafter, or
 - b) where the conditions of such pipes or *fixtures* causes a waste of water or damage to a *parcel*,
- then without notice the *Director of Public Works* shall have authority to stop the supply of water by shutting off the *curb stop* or by detaching the service pipe from the main or by any other means approved by the *Director of Public Works*.

14. Faulty Works Repaired

- 14.1 If water has been turned off to effect repairs due to faulty works, the water will not be turned back on until the faulty works have been repaired or replaced to the satisfaction of the *Director of Public Works*.

15. Fees and Other Charges

- 15.1 Every *owner* of a *parcel* served by the *City's waterworks system* must pay to the *City* fees in accordance with the *City's Fees and Charges Bylaw*.
- 15.2 Failure to pay the fees relating to the *City's waterworks system* if unpaid on December 31 in any year, may be added to and form part of the taxes payable on the *real property*.
- 15.3 All water rates and other fees referenced in this bylaw are determined by the *City's Fees and Charges Bylaw*.

16. Fire Hydrants Use

- 16.1 No *person*, except an employee of the *City*, a member of the Duncan Volunteer Fire Department, or a member of a Fire Department of an *adjacent area* under agreement with the *City*, and in the course of their duty, is permitted to open any fire hydrant, standpipe, valve or hose connection or use water from any fire hydrant in the *City* without written permission from the *City*.

17. Fire Protection Services

- 17.1 Services provided solely for fire protection must be fitted with such *fixtures* only as are needed for fire protection and shall be entirely independent from services used for other purposes.
- 17.2 Water must not be used through fire protection services or *fixtures* for any purpose other than extinguishing fires.

18. **Fixtures**

18.1 All new and replacement *fixtures* must be compliant with the BC Plumbing Code.

19. **Inspection of Premises**

19.1 Every *consumer* to whom water is supplied under this bylaw must, at all reasonable times, allow the *City* to enter into and upon their *parcel*, for the purpose of inspecting the *parcel* with respect to water pipes, connections, *fixtures*, taps, meters and any other apparatus used in connection with water supplied by the *City's waterworks system*.

20. **Interference with Fire Hydrants, Service Connections**

20.1 Unless authorized by the *City*, a *person* must not operate, interfere or tamper with, or cause or allow to be caused, damage to any fire hydrant, valve, meter, *curb stop*, or other *fixture* or property connected with or belonging to the *City's waterworks system*.

21. **Maintenance of Apparatus Within Premises**

21.1 All *consumers* or *parcel owners* must ensure that all taps, fittings, *fixtures* and other apparatus connected to the *waterworks system* within all premises, or on a *parcel*, are installed, connected and maintained in accordance with the British Columbia Plumbing and Building Codes, as amended, and any applicable City bylaws.

21.2 An *owner* or occupier of a *parcel* must not use water closets without self-closing valves or cause or permit wasting of water, or imperfect or leaking stops, valves, pipes, water closets, faucets or other *fixtures*.

21.3 All *consumers* must ensure that *private hydrants* connected to the *waterworks system* on a *parcel* are maintained in accordance with the British Columbia Fire Code.

21.4 Without limiting the generality of s. 21.3 of this bylaw,

- a) the *owner* of every *private hydrant* must have all components of the hydrant inspected, serviced and tested by a qualified Fire Protection Technician not less than once a year during the months of March or April and provide the test results to the *Director of Public Works* within thirty (30) days of the testing being completed;
- b) annual testing of *private hydrants* must include:
 - (i) hydrants must be flushed with main valve and outlet valves fully open until the water runs clear of any visible debris; and,
 - (ii) check the operation of the main line valve by closing the isolating valve; and
- c) every three (3) years, or if a fire hydrant has been used for more than thirty (30) minutes for fire suppression use, the *owner* of a *private hydrant* must conduct or have conducted the following inspection by a qualified Fire Protection Technician with the test results being forwarded to the *Director of Public Works* within thirty (30) days of the inspection being completed:
 - (i) disassemble the hydrant and check for worn or broken parts and leaks;
 - (ii) lubricate all external and internal working parts during reassembly;
 - (iii) check water pressure; and,

- (iv) reopen main line valve and check to see if hydrant operates and close hydrant valve.

21.5 The *City* may refuse to turn on the water to any premise and may discontinue service to any premise if the *applicant* has contravened a provision of this bylaw.

22. No Connection Without Consent of Director of Public Works

22.1 Connections to public or *private water mains* will not be permitted without prior written consent of the *Director of Public Works*.

23. No Duty to Supply Quantity or Quality of Water

23.1 Nothing contained in this bylaw shall be construed to impose any duty or obligation upon the *City* to provide a continuous supply of water to any *consumer* nor to supply water of any given quality or pressure.

24. No Recourse of Action

24.1 No *person* whose supply of water is turned off or disconnected under this bylaw will have any claim against the *City* by reason of such action.

25. Obstructing Access

25.1 A *person* must not obstruct or cause the obstruction, in any manner, to any fire hydrant, valve, meter, *curb stop*, or other *fixture* or property connected with or belonging to the *City* for the operation of the *City's waterworks system*.

25.2 Any structures, vegetation or other obstructions blocking access or visibility of a hydrant, water connection or water meter may be removed by the *City* at the expense of the property *owner* of the offending property. Costs to remove said obstructions, if unpaid on December 31 in any year, may be added to and form part of the taxes payable on the *real property*.

26. Restricted Appliances

26.1 Services may be refused or suspended by the *City* to any *consumer* who, without a permit obtained from the *City*, installs or uses any booster pumps or non-recirculating devices including non-recirculating air conditioners, refrigeration or water-cooled compressors, or other like devices. A permit to install or use any such device or appurtenance must be obtained from the *City* and fees paid in accordance with the *City's Fees and Charges Bylaw*.

26.2 A person must not connect or allow to remain connect ay apparatus, fitting, or fixture that may cause noises, pressure surges, or any other disturbance that may, in the opinion of the Director of Public Works result in annoyance to a customer, damage to a water service pipe, or damage to the *City's waterworks system*.

27. Re-use of Existing Water Connections

27.1 All building permits issued for alteration of existing *buildings*, where in the opinion of the Building Inspector there is a substantial increase in the hydraulic load, or for all new *buildings* connected to the *City's waterworks system*, approval of the *Director of Public Works* for the reuse of an existing water connection will be required.

28. **Shut-off Valves Provided**

28.1 Each service pipe must be provided with a shut-off valve placed immediately inside the outer wall of the *parcel* premises.

29. **Water Meter Damage**

29.1 Each *parcel owner* will be responsible for the meter installed for their water service, and will be liable for any damage to the meter. All costs to the *City* occasioned by such damage to the water meter will be the responsibility of the property *owner*.

30. **Water Meter Failure**

30.1 If any meter stops, fails to register correctly or becomes otherwise out of order, the *City* may charge for such water according to the average consumption for a period that on the opinion of the CAO could best approximate normal consumption for the current period.

31. **Water Meter Location**

31.1 The *Director of Public Works* may require a specific location for each water meter whether on private or public property.

32. **Water Meter Purchase and Installations by Developers/Property Owners**

32.1 In the case of subdivision development, the *owner* is responsible for the purchase, maintenance, repairs and replacement of all water meters for one (1) year (maintenance period) from the date of the *City* approved installation, unless otherwise permitted by the *Director of Public Works*. After the expiration of the maintenance period (1 year) the *City* will take over the ownership, repair, maintenance and replacement of the water meter.

32.2 All water meters must be of a size and type approved by the *City*.

33. **Water Meter Relocation**

33.1 A change in the location or elevation of a water meter may be permitted upon written application to the *City* in the form prescribed by the *City* and payment of a Meter Relocation Fee as prescribed in the *City's Fees and Charges Bylaw*.

34. **Water Meter Required**

34.1 Water meters must be installed and used for all new construction and in other instances as directed by the *Director of Public Works*.

35. **Water Meter Tampering**

35.1 Unless prior written permission has been granted by the *Director of Public Works*, no *person* is permitted to interfere or tamper with any water meter or pipe leading to such water meter.

36. **Water Meter Testing**

36.1 On the request of a *parcel owner* to have their meter tested, a testing fee must be paid in advance of the testing and in accordance with the *City's Fees and Charges Bylaw*. If the test shows that the meter is over-registering by more than four percent (4%), the testing fee shall be refunded and the water bill adjusted accordingly. If

the test shows the meter to be registering within 4%, the testing fee will be retained by the *City*.

37. **Watering Restrictions**

The CAO or Director of Public Works may impose watering restrictions as set out in this Bylaw when in their opinion they consider water to be in short supply. In exercising discretion to determine which watering restrictions to impose, the CAO or Director of Public Works shall be guided by the following:

37.1 **Stage 1 Watering Restrictions:**

Stage 1 watering restrictions are in effect from May 1st through October 31st

- a. Owners or residents of even numbered civic addresses are permitted to water only on even calendar dates between 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m.
- b. Owners or residents of odd numbered civic addresses are permitted to water only on odd calendar dates between 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m.
- c. No person is permitted to water more than 2 hours per scheduled day.
- d. All automatic sprinkling systems must be programmed to match Stage 1 permitted dates and times or be manually operated to comply with the bylaw.
- e. Owners or residents are permitted to water newly planted lawns or landscaping between 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m. with a Garden Irrigation Permit approved by the *Director of Public Works*.
- f. Commercial enterprises which require water to facilitate normal business activities such as power washing companies or window washing companies, are permitted unless ordered otherwise by the Director of Public Works.
- g. Hand watering of trees, shrubs, flowers, or vegetables is permitted on any day of the week between 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m. by use of a hose with a spring-loaded nozzle or by bucket (maximum 2 hours per day). Micro irrigation or drip irrigation systems may be utilized anytime to a maximum of 4 hours per day. This does not include soaker or weeper hoses.

37.2 **Stage 2 Watering Restrictions:**

Stage 2 watering restrictions, as required.

- a. Owners or residents of even numbered civic addresses are permitted to water only on Wednesdays and Saturdays between 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m.
- b. Owners or residents of odd numbered civic addresses are permitted to water only on Thursdays and Sundays between 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m.
- c. No person is permitted to water more than 2 hours per scheduled day.

- d. All automatic sprinkling systems must be programmed to match Stage 2 permitted dates and times or be manually operated to comply with the bylaw.
- e. Commercial enterprises which require water to facilitate normal business activities such as power washing companies or window washing companies, are permitted unless ordered otherwise by the Director of Public Works.
- f. Garden Irrigation Permits will not be issued during Stage 2.
Owners or residents with a Garden Irrigation Permit issued by the Director of Public Works prior to Stage 2 restrictions being implemented may sprinkle newly planted lawns or landscaping between the hours of 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m. for the duration of the permit.
- h. Hand watering of trees, shrubs, flowers, or vegetables is permitted on any day of the week between 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m. by use of a hose with a spring-loaded nozzle or by bucket (maximum 2 hours per day). Micro irrigation or drip irrigation systems may be utilized anytime to a maximum of 4 hours per day. This does not include soaker or weeper hoses.

37.3 Stage 3 Watering Restrictions:

Stage 3 watering restrictions, as required.

- a. No person is permitted to water lawns during Stage 3 watering restrictions.
- b. No person is permitted to wash cars, boats, houses
- c. Washing of driveways, sidewalks, parking lots, is not permitted unless preparing surfaces for painting/preservatives or to prepare the surface for pouring concrete or asphalt.
- d. Commercial enterprises which require water to facilitate normal business activities such as power washing companies or window washing companies are permitted unless ordered otherwise by the Director of Public Works.
- e. No person is permitted to fill swimming pools or hot tubs except to replace evaporated water or water lost from general use of the pool or tub.
- f. Hand watering of trees, shrubs, flowers, or vegetables is permitted on any day of the week between 6:00 a.m. and 8:00 a.m. OR between 8:00 p.m. and 10:00 p.m. by use of a hose with a spring-loaded nozzle or by bucket (maximum 2 hours per day). Micro irrigation or drip irrigation systems may be utilized anytime to a maximum of 4 hours per day. This does not include soaker or weeper hoses.
- g. Licenced commercial car/boat dealerships are permitted to wash vehicles or boats but are limited to 57 litres per car or boat.
- h. No use of fountains or ponds is permitted unless using re-circulated water.

- i. Limited watering of school and municipal playing fields, heavy pedestrian municipal park areas and municipal landscaped planters is permitted.

38. **Water Service Installations**

- 38.1 All work connected with that portion of the *waterworks system* located on City land or in City rights of way will be performed by *City* employees, except as otherwise designated, or authorized in writing, by the *City*.
- 38.2 All water service connections must be made by or under the direction of the *City*.
- 38.3 In the case where any *person* desires to have service pipes laid in any particular direction, and provided this will not interfere with the requirements of the water main or the provisions of this bylaw, such a request must be forwarded in writing to the *Director of Public Works*.
- 38.4 Work of any kind relating to a water service must not be performed on or under a *highway* by any *person* other than an employee of the *City* or by a *City* authorized contractor.
- 38.5 The *Director of Public Works* may limit the number of water service connections between any water main in the *City's waterworks system* and any separate premises.
- 38.6 No service connection will be permitted from the *City* water mains to any premises supplied by water from any other source.

39. **Water Service Pipes**

- 39.1 All water service pipes shall be laid at a depth of not less than 0.600 meters (2.0 feet), or such other greater depth as may be determined by the *Director of Public Works*, below the surface of the ground and must be laid in such a manner as to be protected from frost.
- 39.2 Where water service pipes cross under or near other excavations, they must be properly protected against settlement.
- 39.3 Every branch water-service pipe serving any stand-pipe, underground sprinkler system, fountain, fish-pond, or any exposed service, must be equipped with a *backflow prevention device* at the point of connection.
- 39.4 The *Director of Public Works* will determine the size of the pipe to be used in supplying water to any property, and also the position in the street in which it is to be placed.
- 39.5 Pressure regulator valves (PVR) must be installed on the water service of every *building*.

40. **Water Wasting**

- 40.1 Water wasting of any type is strictly prohibited.

41. Offence and Penalty

- 41.1 Every *person* who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable upon summary conviction to a fine of not less than \$50.00 and not more than \$10,000.00. Each day that an offence continues shall constitute a separate offence.
- 41.2 Without restricting the generality of s. 41.1, failure to comply with an order made under this bylaw constitutes an offence under this bylaw, and the *City*, by its employees and others, may enter and remedy the offence at the expense of the *person* defaulting, and the charges for doing so, including all incidental expenses, if unpaid on December 31 in any year, may be added to and form part of the taxes payable on the *real property*, as taxes in arrears.
- 41.3 Without restricting the generality of s. 41.1, any *person* who obstructs a *City Bylaw Enforcement Officer, Director of Public Works, Peace Officer, City of Duncan Volunteer Fire Department member, City employee, or other City authorized person* while performing their duties in relation to this bylaw, is liable on summary conviction to a fine of not less than \$2,000.00, and not more than \$10,000.00, in addition to the costs of prosecution.
- 41.4 This bylaw may be enforced by the *City Bylaw Enforcement Officers, Peace Officers, CAO, Building Inspector, or the Director of Public Works*.
- 41.5 In case of continuing contravention of the provisions of this Bylaw, the CAO may cause the disconnection of the service pipe to and withhold the supply of water from the premises where such violation occurs until there is full compliance with such provisions.
- 41.6 Prior to exercising the power set out in this bylaw to disconnect, plug or seal off a connection to the waterworks system, the *City* shall provide the *persons* affected with reasonable notice and an opportunity to make representations to Council. The *City* shall provide such notice in writing and shall make a reasonable effort to mail or otherwise deliver the notice to the *owner* of the property and the *consumer* if the property is not *owner*-occupied. The *owner* and the *consumer*, if applicable, shall be provided an opportunity address Council prior to the service disconnection taking place.
- 41.7 Whenever a service connection has been disconnected in accordance with the provisions herein, the cost of such disconnection, together with the cost of reconnecting, shall be charged to the owner of the property for which such works has been performed as outlined in the Fees and Charges Bylaw.

42. Severability

- 42.1 If any part, section, subsection, sentence, clause, or sub-clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

43. **Duty of Care**

43.1 This Bylaw does not create any duty of care whatsoever on the City of Duncan, the Council Members, Officers, Inspectors or any employees or agents of the *City* in respect of:

- (a) inspections made by *City* employees or failure to make such inspections, or
- (b) the enforcement, or failure to enforce the provisions of this Bylaw.

44. **Repeal**

44.1 "Water Regulations Bylaw No. 1167, 1977" and amendments thereto, are hereby repealed.

PASSED FIRST READING 2015-APRIL-20
PASSED SECOND READING 2015-APRIL-20
PASSED THIRD READING 2015-APRIL-20
RECONSIDER THIRD READING 2015-MAY-04
PASSED THIRD READING, AS AMENDED 2015-MAY-04
RECONSIDER THIRD READING 2015-MAY-19
AMENDED AT THIRD READING 2015-MAY-19
PASSED THIRD READING AS AMENDED 2015-MAY-19

ADOPTED 2015-MAY-25

Phil Kent, Mayor

Karen Robertson,
Director of Corporate Services