

CITY OF WHITEHORSE

BYLAW 2013-57

A bylaw to provide for the operation, maintenance, and control of a water distribution system for the City of Whitehorse

WHEREAS section 265 of the *Municipal Act* (R. S. Y. 2002) provides that council may pass bylaws for municipal purposes respecting municipal utilities, facilities, works, and improvements on private and public land; and

WHEREAS it is deemed expedient and in the public interest to establish, operate, maintain and control a water distribution system for the City of Whitehorse;

NOW THEREFORE, the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "**Water Utility Bylaw**".

OBJECTIVES

2. The objectives of this bylaw are to
 - (1) Ensure the long term, cost effective supply and distribution of high quality potable water to the public,
 - (2) Protect the water distribution system from damage, corrosion, and misuse
 - (3) Reduce water wastage and ensure fair and equitable allocation of related operational expense, and
 - (4) Minimize the potential risks associated with cross contamination.

DEFINITIONS

3. For the purposes of this bylaw and the schedules attached hereto, unless the context otherwise requires, the following definitions apply:

“APPLICANT” means property owner or the authorised agent of the property owner.

“APPROVED” means approved by the Designated Officer.

“APPROVED BACKFLOW PREVENTION ASSEMBLY” means a method to prevent backflow that is designed to be tested and repaired in-line and which meets the design and installation criteria of the CSA standards B64.10-01/Series-01 as amended from time to time.

“APPROVED CONTRACTOR” means a contractor authorized by the Designated Officer in writing to complete utility installation work within City rights-of-way. Authorization is granted annually by completion of the required form supplied by the Designated Officer.

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“AUTHORISED AGENT” means a person, firm or corporation authorised by the owner to act on the owner’s behalf through designation, contract, or otherwise.

“BUILDING” means a temporary or permanent structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and equipment.

“BUILDING INSPECTIONS” means the City of Whitehorse Building Inspection branch.

“BUILDING AND PLUMBING BYLAW” means the City of Whitehorse Building and Plumbing Bylaw as amended from time to time.

“CAR WASH” means a commercial or industrial building or structure containing facilities for washing motor vehicles, including but not limited to tunnel car washes, coin operated automatic car washes and coin operated self-serve car washes.

"CITY" means the City of Whitehorse.

“CITY MANAGER” means the City Manager of the City of Whitehorse or an authorised representative.

"CITY UTILITY" means the sanitary sewer system, storm water system and water system owned and operated by the City.

“COMMERCIAL USE” means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

“CONSUMER” means any person who could receive water from a City water main adjacent to his property or from a bulk water station, or discharge sewage into a City sanitary sewer adjacent to his property, or discharge trucked sewage into a sewage dumping station

“COUNCIL" means the elected Council of the City of Whitehorse.

“CROSS CONNECTION” means any physical arrangement whereby the City water supply is connected, directly or indirectly, with any non-potable or un-approved private water supply system, sprinkler system, sewer drain, conduit, well, pool, irrigation system, storage reservoir, plumbing fixture, or any other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other wastes, of unknown or unsafe quality which may be capable of imparting contamination to the City water supply as a result of backflow.

“CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION TESTER” means a person who holds a valid certificate from the British Columbia Water and Waste Association (BCWWA), or equivalent, for testing backflow prevention assemblies.

“CSA” means the Canadian Standards Association.

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“CSA – B64 SERIES STANDARDS (B64.10-01/b64.10.1-01)” means the manual for the selection and installation of backflow prevention devices and the manual for the maintenance and field testing of backflow prevention devices, published by CSA, as amended from time to time.

“CURB STOP” means the valve placed on the water service located on a City street or lane or within an easement or within 0.3 metres of the property line or easement line to control the flow of water to a lot.

“CURB STOP BOX” means the hollow metal tube that runs from the curb stop to the curb stop cap.

“CURB STOP CAP” means the cap to the curb stop box.

“CURB STOP STEM” means the metal operating rod that runs inside the curb stop box from the curb stop cap to the curb stop.

“DE-GREASE” means to remove the potable grease used for the protection of the water service after installation and before being activated from the water service line.

“DESIGNATED OFFICER” means an employee of the City of Whitehorse or an authorised representative designated in writing by the City Manager to enforce this bylaw.

“DOUBLE CHECK VALVE ASSEMBLY“ (DCVA) means a backflow prevention device designed to protect water supplies from contamination caused by backflow, consisting of two check valves assembled in series with a ball valve or gate valve installed at each end for isolation and testing. The design and installation criteria requirements for the assembly shall be to CSA standards B64.10-01/Series-01. as amended from time to time.

"DWELLING" means one or more rooms intended to be used as a residence by one household, each dwelling having independent living, sleeping, and toilet facilities and not more than one kitchen.

“FEES and CHARGES BYLAW” means the City of Whitehorse Fees and Charges Bylaw as amended from time to time.

“FREE FLOW BLEEDER” is a freeze protection device that allows the discharge of bleed water continuously.

“FREEZE PROTECTION DEVICE” means any approved device to prevent the freezing of the water service.

“GARDEN SUITE means a secondary dwelling unit located on a lot where the principal use is single detached housing.

“GREASED SERVICE LINE” means potable grease inserted into the water service line to protect it from freezing.

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"IRRIGATION" means the distribution of water to the surface or sub-surface of lawns, gardens or other areas situated outside buildings by pipes, hoses, sprinklers or any other method.

"LIST OF FEES" means **Schedule A** of this bylaw, a list of items for which the City may charge a fee in accordance with the Fees and Charges Bylaw, as amended from time to time.

"MATTER" means any gaseous, liquid or solid matter.

"MUNICIPAL UTILITIES" means a system or facility that is used to provide any of the following things for the public: water, sewage treatment and disposal, public transportation, heat, waste heat, and waste management; and a service or product that is provided for public consumption, benefit, convenience, or use.

"OCCUPANT" includes a renter or an owner of premises where that owner resides or carries on a business within the premises, and includes any person or corporation residing or carrying on a business or both, within premises as a lessee, where the premises are connected to the Water System.

"OWNER" means the person, persons, or corporation who has by law the management, control, use, or custody of the lot, and includes an authorised agent.

"PERMIT TO DISCHARGE" means a Sanitary Sewer Discharge Permit issued by the City allowing a person to release wastewater or clear water waste to the Sanitary Sewer, or a Storm Sewer Discharge Permit issued by the City allowing a person to release storm water, sub-surface water or clear water waste to the Storm Sewer.

"PERSON" means any legal entity including a partnership, corporation, trust, union etc. as defined in the *Yukon Interpretations Act*.

"PLUMBING DEVICE" means any type of plumbing apparatus, fitting, fixture, piping, or hardware located in a dwelling, building or on private property.

"PORTABLE HYDRANT METER BACKFLOW PREVENTION ASSEMBLY" means a unit that includes a portable water meter, backflow preventer, a testable Reduced Pressure Backflow Assembly (RPBA) and a protective case for the water meter.

"POTABLE WATER" means water which originates from a source or tap connected to a City Utility water main.

"PREMISES" means an area of land, including a lot or parcel of land with or without buildings.

"PRESSURE VACUUM BACKFLOW ASSEMBLY" (PVBA) means a type of backflow prevention device containing a spring loaded poppet, used to keep non-potable or contaminated water from entering the water supply.

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"PRIVATE SERVICE" means the portion of the water service located within a property or between curb stop located near the property line and the primary building being serviced.

"PROPERTY" means a piece of real estate, a lot defined by property lines.

"PROPERTY LINE" means a line which defines the perimeter of a lot which is legally defined either by registered plan or description.

"REDUCED PRESSURE BACKFLOW ASSEMBLY" (RPBA) means a type of backflow prevention device containing two independently acting spring-loaded check valves separated by a spring loaded differential pressure relief valve, two resilient seated shutoff valves and four properly located test cocks.

"REGISTERED OWNER" means any person registered as the owner of real property in the Land Titles Office for the Yukon Land Registration District.

"REGULAR BUSINESS HOURS" means Monday to Friday between 8:00 a.m. and 5:00 p.m., excluding statutory and civic holidays.

"SERVICE FAILURE or INTERRUPTION" means the failure of a sanitary sewer service, storm sewer service or water service to work properly as a result of blockage, damage or freezing.

"SERVICING STANDARDS MANUAL" means the City of Whitehorse Servicing Standards Manual, as amended from time to time.

"SHUT OFF" means an intentional interruption or discontinuance of the supply of water by the City from the City water distribution system.

"STANDARD METHODS" means the Standard Methods for the Examination of Water and Wastewater manual, published jointly by the American Water Works Association, the American Public Health Association and the Water Environment Federation, as amended from time to time.

"STREET" means all highways, roads, lanes, alleys, avenues, easements, thoroughfares, utility lots, drives, bridges, sidewalks, boulevards, parks, public squares and other public places unless the contrary is expressed.

"SUB-SURFACE WATER" means water at a depth of not more than 15 metres beneath the surface of the ground and includes foundation drainage.

"SUPER CHLORINATED WATER" means water containing excessive amounts of chlorine as would result from disinfection of water mains.

"TERMINATION WORK" the permanent disconnection or shut off of a water and/or sewer service.

"THERMOSTATICALLY CONTROLLED BLEEDER" means an approved freeze protection device which is meant to replace free flow bleeders. The device continuously monitors the temperature of water in the water service line. Should the temperature drop below a pre-set level, a solenoid opens and allows the discharge of water for a pre-set period of time

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"TURN-ON" means an intentional restoration of the supply of water by the City, from the City water distribution system.

"WATER MAIN" means pipes and appurtenances installed for the transmission and distribution of water throughout the City.

"WATER METER" means a device that measures the amount of water used by a consumer. A water meter will accurately measure the quantity of water passing through a particular outlet.

"WATER SERVICE" means the pipe and appurtenances used or intended to be used to conduct water from the water main to the primary building or chamber on a property.

"WATER SERVICE RETURN LINE" means the pipe and appurtenances used or intended to be used to recirculate water within a water service in order to avoid freezing.

"WATER SYSTEM" means all water mains, water treatment facilities, pump stations, reservoirs, wells, water intakes and all associated appurtenances.

"WATER TREATMENT FACILITY" means any structure or thing used for the physical, chemical, biological treatment of water.

"ZONING BYLAW" means the City of Whitehorse Zoning Bylaw as amended from time to time.

OPERATION OF THE UTILITY

4. The operation of the City Utility shall be under the management and control of the Designated Officer.
5. The Designated Officer shall manage the City Utility under the direction of the City Manager and/or Council.
6. The Designated Officer is authorised to shut off water to any consumer in accordance with any relevant section of this bylaw provided that notice of shutting off water be given when it is practical to do so.
7. Should a consumer wish to appeal a decision made by the Designated Officer, they shall submit such an appeal in writing to the City Manager within seven days of the occurrence of the decision.

GENERAL RESTRICTIONS ON USERS

8. No person, except those authorised in writing by the Designated Officer, shall:
 - (1) Use, interfere with, obstruct or impede access to the City Utility or any portion thereof in any manner;
 - (2) Drill, cut, connect, join, excavate, bury, disturb or otherwise interfere with the City Utility;
 - (3) Operate any water main valves or water service valves or fire hydrants;

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- (4) Enter into any City Utility structure whether underground or above ground or any City Utility compound whether it is fenced or not.
9. No person shall cause, permit or allow the release of water so that it runs to waste, whether by reason of leakage from underground piping, faulty plumbing, or otherwise unless the release of water to waste is necessary to prevent the water service from freezing and a Permit to Discharge has been issued by the Designated Officer.
10. No private water supply shall be connected to the City Water System unless approved in writing by the City Engineer.
11. No person shall sell or distribute piped water unless specifically licensed to do so by the City unless the sale or distribution of water is by a landlord to a tenant or by a condominium corporation to a member and the charge to the tenant or member for water use does not exceed the amount charged by the City.
12. The City Manager may at such times and for such length of time as is considered necessary or advisable, regulate, restrict or prohibit the use of water from the City's water system. The City Manager may vary the hours, days or areas of restrictions or prohibitions, or may attach other conditions as deemed necessary. The City Manager shall provide notice of the times during which the use of water for the purposes specified are restricted or prohibited.
13. The Designated Officer may at such times and for such length of time as is required, restrict or prohibit water use as necessary to effect repairs.

THE WATER SYSTEM

14. The City does not guarantee water pressure, continuous supply or direction of water flow. The City reserves the right at any and all times, without notice, to change the operating pressure, to shut off water or to change the direction of flow. The City, its officers, employees, or agents shall not be liable for any damage or other loss caused by changes in water pressure, shutting off of water or change in direction of flow or by reason of the water containing sediments, deposits, or other foreign matter.
15. Persons requiring a continuous and uninterrupted supply, constant pressure or temperature of water, or having processes or equipment that require particularly clear or pure water shall, at their own cost, provide such facilities as required to meet their water quality objectives.
16. The Designated Officer may, as a condition of the supply of water, inspect the premises of any person who applies to the City for such supply in order to determine if it is appropriate to supply water to such premises and whether such premises comply with the relevant bylaws of the City.
17. The Designated Officer may, with the permission of the owner, inspect the premises in order to perform any inspection or testing of equipment, piping or fixtures in or on such premises in order to determine compliance with this bylaw. In the event that such owner fails to provide proof of compliance or refuses to

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- give such permission, the supply of water to those premises may be shut off 14 days after written notice has been provided by the City.
18. Applications for the turning off or on of water shall be made in writing to the Designated Officer not less than 48 hours before the service work is required and in such form as is prescribed. No person shall make application to turn off the water from any premises in use, or occupied by any other person, until such use or occupation has ceased, the premises have been vacated or the occupying person has been notified.
 19. A person who requires the supply of water to be shut off or turned on for his own purposes shall pay the amount specified in the Fees and Charges Bylaw.
 20. The supply of water to any person may be shut off for any or all of the following reasons:
 - (1) Non-payment of water service or repair accounts;
 - (2) The existence of a cross connection;
 - (3) The existence of plumbing devices that have a negative effect on the water system, as determined by the Designated Officer,
 - (4) The existence of plumbing devices which extract or add heat to the water system without the prior approval of a City Engineer;
 - (5) During the installation or repair of plumbing, the plumbing has not been properly disinfected;
 - (6) Defective backflow prevention devices;
 - (7) Use of a bleeder, other than a thermostatically controlled bleeder, which passes more than 1.1 litres per minute of water; unless otherwise approved by the Designated Officer.
 - (8) Use of an unauthorized free flow bleeder for freeze protection;
 - (9) Alteration or bypass of a thermostatically controlled bleeder;
 - (10) Alteration or bypass of a water meter;
 - (11) Refusal to provide a water meter reading within seven days of a request by the Designated Officer to provide such water meter reading;
 - (12) Unauthorised release of potable water into the sanitary sewer;
 - (13) Violation of any regulation, restriction or prohibition with respect to irrigation, car washing or pool filling;
 - (14) In the opinion of the Designated Officer, the premises are unsafe or defective;
 - (15) A request to discontinue service has been submitted to the City;
 - (16) Non-compliance with any provision of this bylaw;
 - (17) Disinfecting water mains;
 - (18) Maintaining, repairing, renovating, or operating the City Utility; or
 - (19) Shortage of water supply.

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21. The water supply to any person who has had their water shut off for any reason cited in section 20 of this bylaw, except for subsections (17), (18) and (19), shall not be restored until such time as the problem has been corrected to the satisfaction of the Designated Officer and that person has paid to the City the fee for reinstatement of service as designated in the Fees and Charges Bylaw.
22. Notice of Shut Off of water services to customers will be as follows:
 - (1) Emergency repairs - no prior notice required.
 - (2) Scheduled repair work - 12 hours written notice.
 - (3) Shut off for non-compliance with the bylaw - 14 days written notice.

WATER SERVICES

23. The provision of water services to the consumer or owner shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
24. Applications for a water service connection, termination or alteration shall be made in writing to the Designated Officer not less than seven working days before the service is required unless otherwise approved by the Designated Officer.
25. All new water service live tapping of a new or existing water main shall be done by City staff or approved contractors only.
26. Applications for water service turn on will not be approved until a service record of the service has been submitted and approved by the Designated Officer.
27. All termination work of existing water services shall be carried out by City staff or approved contractors only.
28. An applicant for water service connection, termination or alteration must hire an approved contractor to complete service installation and/or alteration work, including the portion from the property line to the water main. Should an approved contractor not be available, the applicant may request that the portion of work on City property be completed by the City, and shall be responsible for all costs associated with service installation or alteration work. The application shall be submitted in writing on a form approved by the Designated Officer. Contractor approvals are valid for the application year only and may be cancelled at any time.
29. Application for a temporary or permanent water service turn on shall be made in writing to the Designated Officer not less than five working days before the service is required. If, in the opinion of the Designated Officer a meter should be installed, the applicant shall provide a safe and adequate location for the meter and shall be responsible for the payment for the use of water as set out in the Fees and Charges Bylaw. Water turn-ons shall be provided between June 1st and December 1st unless otherwise approved by the Designated Officer. Any extraordinary costs (such as steaming, excavation, thawing, etc.) associated with

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water turn-ons outside June 1st and December 1st shall be paid by the owner. Temporary or permanent water turn-ons shall be given between June 1st and December 1st only if the owner provides adequate freeze protection of the temporary water service. Applications for temporary water turn-ons shall be submitted in writing on a form approved by the Designated Officer.

30. Where an applicant has requested a service termination, the City shall shut off the water supply and disconnect and/or remove the water service and water service return lines, or grease and cap the water service and water service return lines as soon as reasonably practicable. The applicant shall continue to pay the water charges specified in the Fees and Charges Bylaw until the termination has been completed and shall pay all costs of shut off and disconnection or greasing as designated in the Fees and Charges Bylaw.
31. No more than one complete water service (which may include one water service line and one water service return line) shall be connected from the water main to the primary building on the Property, except where permitted by the Designated Officer. In the event that more than one water connection is permitted, the owner shall design, arrange and pay for any unusual meter installations which may be required to properly measure the water entering and/or leaving the property or building.
32. All water service connections for Garden Suites shall be recirculating and approved by the City Engineer or Designated Officer prior to installation.
33. Service connections shall not cross property lines between adjacent private properties except by legally registered easement plans and agreements. The owner shall also, if required by the Designated Officer, provide a means to monitor water use on each separate property. The owner shall design, arrange and pay for any unusual meters or meter installations which may be required to properly measure the water entering or leaving the properties or buildings.
34. The property owner shall be responsible for the condition of the curb stop cap, curb stop stem and telescoping curb box. The owner shall ensure that the water service curb stop valve remains accessible and exposed. If the curb box is bent or the curb stop cap is buried by earth, rock, asphalt or concrete; or the curb stop has become inoperative, the owner shall pay the actual cost of locating, excavating, cutting and joining and all other work done to straighten the rod and stem, or to raise or lower the curb box to match existing grade.
35. The owner shall be responsible for de-greasing water service and return lines prior to connecting to the curb stops. Should any grease remain in the water service, the owner shall be responsible for any effects the grease may have.
36. All newly installed water services or replaced portions thereof connecting to the City water distribution system shall conform to the most recent Servicing Standards Manual. New services shall be inspected and approved by a qualified individual or engineering consultant prior to covering. Services shall be

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thoroughly flushed prior to extension of new services into privately owned lots and prior to final water turn on.

37. All newly installed water services larger than 75mm servicing privately owned developments shall conform to the most recent Servicing Standards Manual and shall be inspected, sealed and approved by a qualified engineering consultant prior to burial. All water mains and services shall be pressure tested, disinfected flushed, and proof of disinfection must be submitted to and approved by the Designated Officer prior to final water turn on.

PLUMBING

38. No person shall cause, permit, or allow any apparatus, fitting, or fixture to be or to remain, connected to the water system or allow the water system to be operated in such a manner as to extract or add heat, cause noise, pressure surges, or other disturbances which result in annoyance or damage to other consumers or the City Utility.
39. The City has the right of access during Regular Business Hours to any building or premise for the purposes of inspection, testing and maintenance of the water service or attached water devices.
40. All plumbing connected to the City Utility shall conform to the *National Building Code*, *National Building Code*, and the City Building and Plumbing Bylaw.

FREEZE PROTECTION

41. The responsibility for the supply, installation, proper use and maintenance, and all capital and operating costs of freeze protection devices and methods is the responsibility of the owner.
42. The owner shall protect the water service from blockage or damage due to freezing. Freeze protection devices or methods shall be installed or employed in accordance with the Servicing Standards Manual to the satisfaction of the Designated Officer.
43. Service interruption and repairs caused by freezing shall be as specified in section 105 of this bylaw.
44. The method for thawing a frozen water service shall be by the hot water thawing method or by electrical impedance heat trace only. Other methods such as thawing by use of electricity directly applied to the pipes shall not be used.
45. For new installations of any buildings or dwellings located within any residential zone as defined in the Zoning Bylaw, a circulating water service with a water service return line shall be utilised for freeze protection.
46. The following types of freeze protection are authorised for existing installations:
- (1) Electrical impedance heat trace;
 - (2) Circulating water service with a water service return line;
 - (3) Aqua Flow;

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- (4) Free flow bleeder if, as determined by the Designated Officer, it is the original type of freeze protection device and has not been modified;
 - (5) Authorised thermostatically controlled bleeders as a replacement for free flow bleeders, existing malfunctioning aqua flow systems, and failed electrical impedance heat trace systems.
47. Free flow bleeders shall:
- (1) Be located on the consumer side of the entry valve or meter, unless authorised in writing by the Designated Officer;
 - (2) Be sized not to pass more than 1.1 litres per minute of water unless authorized by the Designated Officer;
 - (3) Be connected to a waste pipe in a manner that does not create a cross connection and is approved by the Designated Officer;
 - (4) Be open and accessible for maintenance;
 - (5) Not be installed in a crawl space.
48. All free flow or thermostatically controlled bleeder installations shall be authorized by the Designated Officer, and will be installed at the owner's expense.
49. The use of free flow bleeders under emergency conditions may be authorised by written approval of the Designated Officer.
50. Any existing free flow bleeder which passes more than 1.1 litres per minute unless otherwise authorized by the Designated Officer shall be corrected within 14 days after the owner receives notice from the Designated Officer. After receiving notice, should the required modifications not be completed, the Designated Officer may impose penalties as provided under this bylaw, or cause the water supply to be shut off.
51. Any thermostatically controlled bleeder that has been altered, bypassed or modified in any way shall be corrected within 14 days after the owner receives notice from the Designated Officer. After receiving notice, should the required modifications not be completed, the Designated Officer may cause the water supply to be shut off.
52. Water services shall be insulated in accordance with the most recent Servicing Standards Manual.
53. The Designated Officer has the right of access at any time during Regular Business Hours to any building or premise provided with a freeze protection device for the purposes of inspection and testing.
54. The Designated Officer has the right of access to any building or premise provided with a freeze protection device at any time if the freeze protection device poses an immediate threat of contamination of the City Water Utility.

WATER METERS

55. All buildings and devices which are to be connected to the City water distribution system shall have provision made in the onsite water or plumbing system to

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accommodate the future installation of a water meter of the appropriate size, a remote register and associated conduit. The conduit and wiring for the remote register shall be installed at the time of construction, at the owner's cost, from the future water meter location to the outside wall within one metre of the electrical meter. Year round access to the remote register must be maintained by the owner, at the owner's expense. If the Designated Officer determines that it is impractical to install a water meter, the Designated Officer shall determine what rate shall be charged for the estimated amount of water used through the service. If the Designated Officer determines, or has evidence, that a proposed or installed water meter may not capture all water consumption from a water service, the City may require the owner to install a meter and a buried meter vault, on the property line at the owner's expense.

56. The water meter or meters shall be in a building or in a meter chamber or chambers and shall be sufficient to accurately determine the water use per lot or dwelling unit as determined by the Designated Officer. The following properties, or buildings, where served by the City water system, shall have a water meter, conduit, wiring and a remote register installed to the approval of the Designated Officer unless the Designated Officer determines that a flat rate for water use would be more appropriate:
- (1) All buildings in the Industrial zone, as defined in the Zoning Bylaw.
 - (2) All buildings in the Commercial zone as defined in the Zoning Bylaw.
 - (3) All buildings that serve federal, territorial, First Nation or municipal government, crown corporations, government departments, and privately owned utilities whether under the control of any utilities board or not.
 - (4) Any property having more than one water service connection.
 - (5) Any situation where the water service must cross private property, other than the owners to reach the building being served.
 - (6) When the principal use for any property has changed from residential to commercial use.
 - (7) Any property served by a water service larger than 25 mm nominal diameter.
 - (8) Any institution whether privately owned or otherwise such as a hospital, church, homes for the elderly, clubs and meeting places regardless whether the property includes a residence besides the main use.
 - (9) Any property which would become a metered use by reason of a change in zoning.
 - (10) Any property which has a private hydrant used for purposes other than fighting fires.
 - (11) Any property which is used to gain revenue, regardless of profit, except in the case where the revenue would be solely of a capital gains nature

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- resulting from a sale of property including child care centres providing full time care for more than eight children.
- (12) Any property used for public recreation.
 - (13) Any property which is found to have a non-approved free flow bleeder or a bleeder which is larger in size than allowed in this bylaw.
 - (14) Any property upon which there is reasonable cause to suspect that an unusually high quantity of water may be used.
 - (15) Any property which uses water as a cooling or heating agent through the use of a heat exchanger, where the water is allowed to run to waste.
 - (16) Condominiums, multi-family dwellings, and mobile home parks.
 - (17) Any residential property presently without a water meter if required by the Designated Officer.
- 57. The size of all meters installed shall be determined by the Designated Officer and will not necessarily conform to the size of the service pipe installed but will be based on the estimated rate of consumption.
 - 58. Water meters and remote registers shall be supplied, owned and maintained by the City and paid for by the owner in accordance with the Fees and Charges Bylaw. Unless otherwise approved by the Designated Officer.
 - 59. Water meters, wiring, conduit and remote registers shall be installed by a qualified tradesperson hired by and at the expense of the owner.
 - 60. Water meters shall be installed in accordance with the installation requirements as set by the Designated Officer.
 - 61. Completed water meter installations shall be approved by the Designated Officer prior to water turn on being granted.
 - 62. Every owner or Consumer shall provide adequate protection and general safekeeping against freezing, heat, internal or external damage of any kind and vandalism for any water meter and remote register.
 - 63. There shall be no branch lines or water consuming appliances affixed to the water service line on the City's side (upstream) of the water meter except for fire suppression systems or with the written approval of the Designated Officer.
 - 64. If a meter or by-pass seal is broken, the occupant of the premises shall notify the Designated Officer within 24 hours.
 - 65. No person shall remove, relocate, tamper with or disconnect a water meter, seals, or remote register without the written permission of the Designated Officer.
 - 66. No person shall open a by-pass valve on a water meter or metering installation without the written permission of the Designated Officer.
 - 67. In the event that water meter chambers or buildings are required to adequately house the water meter and determine water use, the number and configuration of

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the meter chambers shall be as determined by the Designated Officer. The owner shall be responsible for all costs associated with the construction and maintenance of the meter chambers.

68. The Designated Officer has the right of access to any building or premise provided with a water meter for the purposes of obtaining meter readings, performing inspections at any time and carrying out maintenance and repairs.

CROSS CONNECTIONS

69. No person shall cause, permit, or allow to remain connected to the water system any piping, fixture, fitting, container, or other appliance which may cause water from a source other than the City water system, or any other harmful deleterious liquid or substance, to enter the City water system.
70. Where the Designated Officer believes that a cross connection exists in contravention of section 69 of this bylaw, the Designated Officer may carry out an inspection during regular business hours with or without notice where the Designated Officer believes a threat of contamination to the water system exists.
71. Where any cross connection is found, whether newly installed or previously existing, the Designated Officer shall issue written notice to the owner to have such conditions corrected in compliance with these regulations within the time limit as set by the Designated Officer.
72. If the cross connection continues to exist in contravention of this bylaw, the Designated Officer may shut off the water service to the premises with reasonable notice or where the Designated Offices believes that such cross connection poses an immediate threat of contamination of the Water System, the Designated Officer may shut off the water service without notice.
73. The design, selection, installation, maintenance and field testing of backflow prevention devices shall comply with the National Plumbing Code and to CSA – B64 Series Standards (B64.10-01/B64.10.1-01 as amended from time to time and shall be approved by the Designated Officer.
74. In the event that neither the National Plumbing Code nor the CSA B64 Series Standards clearly indicates the method of backflow prevention, the method to be used to protect the potable water supply shall be as specified by the Designated Officer.
75. All backflow prevention devices shall be installed so they are easily accessible for testing and maintenance as per CSA – B64 Series Standards (B64.10-01/b64.10.1-01).
76. No bypass, jumper, or other device shall be installed which may reduce the efficiency of or circumvent any backflow prevention device.
77. An air gap separation shall be used wherever practicable, and in preference to any other method of backflow prevention.

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78. An air gap separation shall be mandatory, and may be required in addition to a backflow prevention device on the water service pipe at sewage handling piping or equipment, non-potable water systems and where any lethal substances or condition may exist.
79. Backflow prevention devices shall be field tested by a certified cross connection control and backflow prevention tester at the owner's cost upon installation, annually, after repair, overhaul, relocation, or cleaning, or as required by the Designated Officer. If required, copies of the test results shall be submitted to the Designated Officer within 48 hours of the request. Should the tests fail, the owner shall have 14 days to correct the problem to the satisfaction of the Designated Officer. Should the required modifications not be completed after the period specified herein, the Designated Officer may cause the water supply to be shut off.
80. The water service from the City Water System shall not be turned on at the curb stop until the private plumbing system has been approved by the Designated Officer, unless a temporary use of the water service for construction purposes has been approved for a limited time and the Designated Officer is satisfied that adequate provision is made to prevent backflow into the City water system.
81. The Designated Officer has the right of access during regular business hours to any building or premise provided with a backflow prevention device for the purpose of inspection and testing.

HYDRANTS

82. All new City or privately owned hydrants shall be installed as in-line hydrants in accordance with the Servicing Standards Manual as amended from time to time, unless approved by the Designated Officer.
83. Hydrants installed on City owned water lines shall become the property of the City and the City shall have full control over the maintenance and operation of such hydrants.
84. All hydrants installed on privately owned property, or installed on privately owned water mains shall be the property of the owner and shall be maintained by the owner, at the cost of the owner, to the satisfaction of the Designated Officer. Annual inspection and maintenance of all private hydrants shall be completed by the City and will be directly billed to the owner of the private hydrant as per the Fees and Charges Bylaw.
85. Repairs to private hydrants required for their proper operation, will be completed by the City at the owner's expense.
86. No privately owned hydrant shall be removed or otherwise made unserviceable without the written authorisation of the City.
87. The City shall be notified immediately when any hydrant is suspected or determined to be in a condition that would render it unusable for fire-fighting purposes.

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88. Fire hydrants shall only be operated by City employees or those authorised to do so by the Designated Officer.
89. No person shall obstruct free access to any fire hydrant. No vehicle, building, fence, tree, shrub, snow pile or any other obstruction shall be placed within two metres of any hydrant.
90. The use of hydrants for irrigation purposes is prohibited.
91. No person shall fill bulk water tanks from a hydrant without the use of an approved Portable Hydrant Meter Backflow Prevention Assembly.
92. Water from a City owned hydrant or un-metered water from a privately owned hydrant shall not be taken for purposes other than fighting fires except as stated in section 93 and section 94 of this bylaw.
93. City owned hydrants may be used by employees of the City for flushing water from the distribution system, for temporary water supply, street cleaning, sewer flushing, street repairs or any other purpose as approved by the Designated Officer.
94. Contractors or persons wishing to obtain water from a hydrant shall apply to the Designated Officer in the prescribed manner, obtain a Portable Hydrant Meter Backflow Prevention Assembly, and pay the metered rate for the water used as specified in the Fees and Charges Bylaw. The Portable Water Meter Backflow Prevention Assembly shall be used from May 15th to September 1st only, unless authorized by the Designated Officer.
95. The Designated Officer has the right of access to a property with a private hydrant at any time for the purpose of inspection and testing of the hydrant.
96. Access shall be maintained at all times to hydrants on private property at the owner's expense.

BULK WATER

97. Any person wishing to establish a charge account for the purposes of obtaining water from any City owned bulk water facility shall apply to the Designated Officer in the prescribed manner and shall pay the water account charges as specified in the most recent Fees and Charges Bylaw.
98. Users of the bulk water fill station shall supply their own hoses, cam-lock couplings and fall arrest equipment for the overhead truck fill and the small barrel fill point and ladders. Any hose or equipment attached to the bulk fill station shall be clean and free of any potentially harmful substances.
99. Any person taking water from a City bulk water fill station is responsible to safely load their own vehicle according to *Works Compensation Act 2008*, as amended from time to time.

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REPAIR OF SERVICE FAILURE OR INTERRUPTION ASSISTANCE PROGRAM

100. Owners or Consumers shall have a duty of care to maintain and use the water service in the manner in which they were designed to be used.
101. Any property owner or consumer experiencing a service failure or interruption of the water service shall report the matter to Water and Waste Services.
102. Where the exact location of a leak or other service failure cannot be determined to be either within the City right-of-way, or on private property, the owner shall sign a work order agreeing to cover costs should the failure be the owner's responsibility, and the City will undertake to determine the cause and location of the problem. The responsibility for the cost of repairs shall be as outlined in section 105 of this bylaw.
103. The owner shall undertake repair work for service failure or interruption of the Water Service on the owner's property from the property line or Curb Stop to the foundation line where the fault has been determined to be the responsibility of the consumer or owner. The responsibility of repairs shall be as outlined in section 105 of this bylaw. The City does not normally undertake repair work on private property but may do so if the property owner cannot arrange an approved contractor to undertake the repairs. The owner shall be required to sign a work order with the City, agreeing to the repair and assuming the costs of the repairs deemed necessary by the City.
104. Upon completion of repair work completed by City staff, the Designated Officer shall determine total costs and assign them to the City or the customer as described in section 105 of this bylaw. Should surface restoration not be possible until the following construction season, the calculation of total cost shall use the cost of surface restoration as estimated by the Designated Officer.
105. Responsibility for the cost of repair for any service failure or interruption in the water service are to be as follows:
 - (1) The owner shall be responsible for all costs resulting from blockage, breakage, damage, and or failure between the water main and the curb stop that is caused by any action, inaction, misuse or negligence on the part of the consumer as determined by the Designated Officer.
 - (2) The owner shall be responsible for all costs resulting from blockage, breakage, damage, and or failure between the curb stop at property line and the foundation line of the building.
 - (3) The City shall be responsible for all costs resulting from blockage, breakage, damage, and/or failure between the water main and the curb stop at property line that was not a result of any action, inaction, misuse or negligence on the part of the consumer as determined by the Designated Officer.
 - (4) The owner shall be responsible for all costs resulting from a freezing of the water service from the water main to the foundation line if the freeze up is

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not a result of a frozen water main, an interruption in the supply of water through the water main or a failure of the freeze protection device from the water main to the property line as determined by the Designated Officer.

- (5) The City shall be responsible for all costs resulting from a freezing of the water service from the water main to the foundation line if the freeze up is a result of a frozen water main, an interruption in the supply of water through the water main or a failure of the freeze protection device from the water main to the property line as determined by the Designated Officer.
- (6) The City shall be responsible for all costs resulting from a freezing of the water service from the water main to the curb stop at property line if the consumer has taken every effort to ensure that freeze protection methods have been applied to the water service. The Designated Officer shall determine if every effort has been employed.

PAYMENT OF ACCOUNTS

106. There shall be paid for all water supplied or services rendered the amounts set out in the Fees and Charges Bylaw as amended from time to time. Schedule "A", attached hereto and forming part of this bylaw, contains a list of items for which a fee is chargeable.
107. Where municipal water or sewer services have been provided and are available for connection to private services, the minimum charge for water and sewer service set out in the Fees and Charges Bylaw, as amended from time to time, shall be paid by all Consumers whose property is occupied for a purpose requiring the provision of sanitary facilities, whether or not a private water or sewer service connection has actually been made.
108. Subject to other provisions of this bylaw, the metered rates payable by a consumer shall be determined by reading of the meter connected to that service.
109. In the event of a difference in reading between the remote register and the water meter, the water meter shall be deemed to be correct.
110. If a meter reading is disputed by either the City or the owner, the meter shall be tested by a qualified person designated by the City. If the meter is found to be accurate within 1.5%, the expense of such test, as set out in the most recent Fees and Charges Bylaw, shall be borne by the party disputing the reading. If the meter is found not to be accurate within the limits specified herein, it shall be repaired or replaced by another meter at the expense of the City, and the accounts rendered immediately preceding the date of such test shall be corrected in proportion to the inaccuracy found. The consumer will then either be charged or refunded the difference and upon receipt of payment or refund all claims on account of the inaccurate meter shall be deemed settled.
111. If the City is unable to obtain a water meter reading, the Designated Officer may estimate the meter reading based on either previous consumption patterns or a daily average consumption for the property.

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112. If, upon reading a meter, it is determined that the meter has failed to properly record the flow of water, the Designated Officer shall estimate the flow of water and render an account utilising such methods as are considered to be fair and equitable, and the meter in question shall be tested, repaired or replaced by the City.
113. If a Consumer experiences abnormal water consumption, the Designated officer may adjust the Consumer's bill taking into account whether the Consumer is a residential or commercial consumer, the cause or nature of the abnormal water consumption, any action taken by the Consumer to abate the abnormal consumption or any other factor or factors that the Designated officer considers relevant.
114. The City may charge for and recover from the owner of a premise the cost of supplying, installing, altering, repairing, relocating or replacing a water meter.
115. If a water meter is removed or stolen, the owner of the premises shall pay the cost of replacing the water meter including installation.
116. All accounts for water and sewer service shall be due and payable when rendered.
117. A separate account shall be rendered in respect of each water and sewer service or as directed by the Designated Officer.
118. Where any service charge is designated by reference to an hourly, daily or weekly rate, the charge for a lesser period of time shall be calculated on a proportionate basis.
119. All charges for services which remain unpaid for a period exceeding 60 days from the due date shall be subject to a penalty charge of ten percent of the current unpaid account.
120. Should an account remain unpaid for a period of 60 days, the water may be shut off following 14 days further written notice. The water supply to any such person shall not be restored until such person has paid the outstanding balance of the account including penalty to the satisfaction of the Designated Officer and has paid to the City the fee for reinstatement of service as designated in the most recent Fees and Charges Bylaw.
121. The registered owner of real property within the City shall be liable for all rates and fees chargeable or payable under this bylaw, and for any costs associated with the City having to undertake the repair of unsatisfactory work completed on the owner's behalf by private contractors with respect to that property. The City may make the balance of any account in arrears over 60 days, or any repair of unsatisfactory work charges, a charge against the real property to which utilities were supplied, as a special tax to be recovered in like manner as other City taxes on real property.
122. The meters of all owners and consumers shall be read, where practical, at least once every three months. In the event that any meter cannot be read within the

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three month schedule, the Designated Officer shall estimate the flow of water and render an account utilising such methods as are considered to be fair and equitable.

123. A fee may be charged as designated in the most recent Fees and Charges Bylaw, where a City employee is required to make an additional visit or visits to a property for any of the following reasons:
- (1) where an owner or consumer refuses access to a premise for a City employee to install, repair, inspect, test or read a water meter or any other equipment in relation to the water system;
 - (2) where a City employee attends at a premise for a scheduled appointment to perform any of the functions set out in subsection 123(1), and the owner or consumer is not present at the scheduled time to provide access to the premise; or
 - (3) where a City employee attends at a premise to perform any of the functions set out in subsection 123(1) and is unable to proceed based on unsafe conditions or the inadequacy of access to the premises.

PENALTIES

124. Any Person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- (1) a voluntary fine under section 20 of the *Summary Convictions Act*, issued In respect of an offence specified in Schedule "B" attached hereto and forming part of this bylaw, or
 - (2) a fine not exceeding ten thousand dollars (\$10,000.00) or to imprisonment for one year or both where proceedings are commenced pursuant to the summary convictions provisions of the *Criminal Code of Canada*; or
 - (3) a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for six months or both where proceedings are commenced pursuant to section 9(1) of the *Summary Convictions Act* of the Yukon.
125. The fine imposed against any person who commits an offence under this bylaw shall increase for second and subsequent offences.
126. The City may, in its discretion, terminate the supply of water to a person who contravenes any provision of this bylaw. A water service may be shut off by the City after 14 days written notice of the contravention and proposed termination of service has been given by the City to the offending person, and the said contravention has not within the 14 days been rectified. The Water Service shall remain shut off until the contravention has been corrected to the satisfaction of the Designated Officer and the person has paid the specified reconnect fee.
127. The invalidity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw which can be given effect without such invalid part or parts.

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128. The registered owner of real property within the City shall be liable for fines ordered by a court of competent jurisdiction to be paid on account of contraventions of this bylaw occurring on or in relation to their real property. The City may make such fines a charge against the real property on or in relation to which a contravention of this bylaw occurred, as a special tax to be recovered in like manner as other City taxes on real property.

GENERAL INTERPRETATIONS

129. Wherever the singular or the masculine is used in this bylaw, the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context or the bylaw requires.

BYLAW SHALL PREVAIL

130. Where the provisions of this bylaw conflict with the provisions of any other bylaw of the City, the bylaw with the more stringent provisions shall prevail.

REPEAL

131. Bylaw 2000-25, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

132. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST and SECOND READING: November 25, 2013

THIRD READING and ADOPTION: December 9, 2013

ORIGINAL DOCUMENT SIGNED BY:

"Dan Curtis"
Dan Curtis, Mayor

"Mike Stevely"
Mike Stevely, Acting City Clerk

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SCHEDULE "A"

LIST OF FEES

The following is a list of items for which fees will be levied in accordance with the rates specified in the Fees and Charges Bylaw:

1. Monthly flat rate for sewer and water for each single family dwelling, duplex, multiple family unit or semi-detached dwelling.
2. Monthly flat rate for sewer and water for the first suite or dwelling unit in a single family dwelling or on a single lot.
3. Monthly flat rate for sewer and water for the second suite or dwelling unit in a single family dwelling or on a single lot.
4. Monthly flat rate for sewer and water for the third suite or dwelling unit in a single family dwelling or on a single lot.
5. Monthly flat rate for sewer and water for the fourth dwelling unit in a single family dwelling or on a single lot.
6. Metered rate for sewer and water per 1000 imperial gallons above minimum charge.
7. Metered rate for sewer and water per cubic meter above minimum.
8. Minimum metered rate for sewer and water.
9. Minimum rate for sewer for each single family dwelling, duplex, multiple family unit or semi-detached dwelling.
10. Inspection fee – new installations, during regular hours.
11. Inspection fee – new installations, outside regular hours.
12. Inspection fee – new installations, short notice cancellations, or no show.
13. Fire hydrant – annual servicing fee.
14. Service calls – work done for others.
15. Utility Service installation work – during normal business hours.
16. Utility Service installation work – after normal business hours.
17. Shut off and/or turn on after normal business hours.
18. Shut off and/or turn on during normal business hours.
19. Turn on for reinstatement after shut-off for non-payment during normal business hours.
20. Flat rate per truck load of sewage dumped at the City sewage dumping station.
21. Annual Eductor Dumping Permit.
22. Special water meter reading.

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23. Monthly flat rate for water only for each single family dwelling, duplex, multiple family unit or semi-detached dwelling.
24. Metered rate for water per 1000 gallons.
25. Metered rate for water per cubic meter.
26. Minimum metered rate for water.
27. Water meter and remote test, repair, or installation.
28. Provision of temporary water.
29. Sewerage dumping discharge fee.
30. Coin operated bulk water station fee.

NOTES ON FEES

Each person authorised to use the bulk water dispensing station shall be considered to have been provided with a metered water service and shall pay for this service in accordance with metered rates.

Every owner or consumer who is not being charged on the basis of metered water shall be charged in accordance with the Flat Rate Schedule.

Every owner or consumer whose consumption of water is being measured by a water meter and who is being charged on the basis of that consumption shall pay for water supplied to him the aggregate of amounts determined by the metered rate schedule; however, in no case shall the total charge as calculated on a metered basis be less than that which would be paid on the basis of the minimum monthly flat rate charge.

For the purpose of this List of Fees, normal business hours shall be 7:00 a.m. to 5:30 p.m., Monday through Friday, except for statutory holidays. Work completed outside of these times shall be subject to overtime charges.

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SCHEDULE B

LIST OF VOLUNTARY FINES

<u>Authority</u>	<u>Ticket Description of Offence</u>	<u>Penalty</u>
Section 8 (1)	Use, obstruct or impede access to the City Utility	\$250.00
Section 8 (2)	Drill, cut, connect, join, excavate, bury, disturb or otherwise interfere with the City Utility	\$500.00
Section 8 (3)	Operate any water main valves or water service valves or fire hydrants	\$250.00
Section 8 (4)	Enter into any City Utility	\$500.00
Section 9	Cause or Permit release of water to waste	\$250.00
Section 10	Unauthorised private water connection to City Utility	\$500.00
Section 11	Selling or distributing water without authorization or in excess of city charge	\$250.00
Section 31	More than one authorised connection	\$500.00
Section 32	Unauthorised Garden suite connection	\$500.00
Section 38	Extracting heat or adding heat to City Utility	\$250.00
Section 47	Unauthorised Free flow bleeder or one passing more than 1.1 litres per min	\$250.00
Section 63	Unauthorised water use (upstream on City side of water meter)	\$250.00
Section 65	Tampering with water meter	\$250.00
Section 66	Unauthorised use of bypass valve around water meter	\$250.00
Section 69	Contaminate City water system through unauthorised connection, or cross connection	\$5,000.00
Section 86	Private hydrants being made unserviceable without written permission from the City	\$500.00
Section 89	Obstruction of access to any hydrant	\$250.00
Section 90	Use of a hydrant for irrigation purposes	\$250.00
Section 91	Filling bulk water from hydrant without the use of Hydrant Meter Backflow Prevention Assembly	\$500.00
Section 92	Unauthorised use of a hydrant	\$250.00