

The following is a consolidated copy of the Comox Valley water systems fees and charges bylaw and includes the following bylaws:

<b>Bylaw No.</b>	<b>Bylaw Name</b>	<b>Adopted</b>	<b>Purpose</b>
2866	Comox Valley Water System Regulation, Fees and Charges Bylaw 2006	March 27, 2006	A bylaw to fix and regulate the fees and charges, terms and conditions under which water may be supplied and used in Comox Valley water service areas
2998	Comox Valley Water Systems Regulation, Fees, and Charges Bylaw 2006 Amendment No. 1	March 1, 2007	To amend the fees and charges of the Comox Valley water systems
3080	Comox Valley Water Systems Regulation, Fees and Charges Bylaw 2006 Amendment No. 2	December 13, 2007	To amend the fees and charges of the Comox Valley water systems. (remove and replace Schedule B)
87	Comox Valley Water Systems Regulation Fees and Charges Bylaw No. 2866, 2006, Amendment No. 3	November 24, 2009	To update staff position titles
96	Comox Valley Water System Regulation, Fees and Charges Bylaw 2006, Amendment No. 4	November 24, 2009	To clarify regulations for strata developments and to update rates beyond 2009
246	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 5	March 26, 2013	To amend the Arden annual non-residential rate from \$374 to \$469 and the Arden annual residential (each unit) rate from \$345 to \$435 effective April 1, 2013.
289	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 6	October 29, 2013	To update the metered water fees and charges to be effective December 1, 2013.
295	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 7	November 26, 2013	To remove redundancy and improve clarity in the bylaw

330	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 8.	April 29, 2014	To correct an administrative error
423	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 9	March 22, 2016	To increase monthly metered water fees and charges effective April 2016
466	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 10	March 23, 2017	To increase monthly metered water fees and charges effective April 1, 2017
509	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 11	February 27, 2018	To increase monthly metered water fees and charges for 2018 and 2019.
546	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 12	July 24, 2018	To update the water connection and leak rebate charges and to update the schedules
596	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 13	November 26, 2019	To increase the commercial and residential minimum charge and tiered rates (Replace Schedule B)
755	Comox Valley Water Systems Regulation Fees, and Charges Bylaw No. 2866, 2006, Amendment No. 13	March 21, 2023	To update the bylaw to align with the financial requirements outlined in the Comox Valley Water Service 2023-2027 financial plan

**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.**

## COMOX VALLEY REGIONAL DISTRICT

### BYLAW NO. 2866

#### **A bylaw to fix and regulate the fees and charges, terms and conditions under which water may be supplied and used in Comox Valley water service areas**

**WHEREAS** under section 796.2 of the *Local Government Act* a regional district may regulate in relation to a service;

**AND WHEREAS** under section 363.2 of the *Local Government Act* a regional district may impose a fee or charge payable in respect of all or part of a service of the regional district;

**AND WHEREAS** the Comox Valley Regional District provides water service to a number of areas in the regional district;

**NOW THEREFORE** the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Definitions**

1. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

**Applicant** means an owner, or agent making application for a water connection to provide a supply of water from the system;

**Board** means the board of directors of the Comox Valley Regional District;

**Commercial** means those properties zoned commercial/industrial in the Comox Valley zoning bylaw;

**Consumer** means a person to whom water is supplied under this bylaw;

**Disconnection** means the complete removal of a water connection from the water main;

**Dwelling unit** means a self-contained residential unit consisting of one or more habitable rooms designed, occupied or intended for occupancy as a separate household of only one person or family with a separate entrance and sleeping, sanitary and cooking facilities, with not more than one kitchen room;

**Manager of water services** means the manager of water services of the regional district and includes any person appointed or designated by the manager to act on behalf of the manager;

**Multifamily** means a building, or series of buildings, containing two or more separate *dwelling units* used or intended for residential use on a single property, excluding a *secondary suite*;

**Parcel of land** means any lot, block, or other area in which land is held or into which it is subdivided but does not include a highway;

**Premises** means all land, buildings, and structures;

**Regional district** means the Comox Valley Regional District and those persons duly authorized to represent the regional district in respect to this bylaw;

**Residential** means a *single family residential dwelling* zoned residential OR rural/resource in the Comox Valley zoning bylaw, which may include a *secondary suite*;

**Secondary suite** means a dwelling unit of less than 90 m<sup>2</sup> or 40% of the habitable floor space of the main dwelling unit, whichever is less, which is located within a single family residential building, which is self-contained and accessory to the principal use being made of the lot upon which the secondary suite is located, with a separate entrance and exit;

**Service area** means the service areas as identified in Schedule A of this bylaw;

**Single family residential dwelling** means a detached free-standing building or mobile home containing one dwelling unit used or intended for residential use;

**Strata** means lots that are specifically shown on a strata plan and subdivided under a section of the Strata Property Act and amendments thereto;

**System** means the distribution system of the service area operated by the regional district;

**Turn on / turn off** means the operation of the curb stop valve(s) by the regional district at the *water service connection*;

**Water main** means the water distribution pipeline in a highway or regional district statutory right of way or easement and forming part of the system; and

**Water service connection** means a pipe and all necessary valves, connections, and other appurtenances necessary to and actually used to connect a water main to a shut off valve at or near a property line.

### **Applications to connect**

2. Applications for a water service connection in the service area shall include:
  - (a) Completion of the application form as supplied by the Comox Valley Regional District; and
  - (b) The proper fee as specified in Schedule B of this bylaw.

### **Connection**

3. (1) Minimum standards must comply with the British Columbia Plumbing Code pertaining to:
  - (a) The connection with or the attachment to the waterworks of the regional district of any water mains, pipes, or service; and
  - (b) The repair or alteration of any such water connection with the waterworks of the regional district.
- (2) The regional district may refuse a service connection where the plumbing within any premises to be served by the water service connection does not meet the British Columbia Plumbing Code.
- (3) Approval of a water service connection is valid only in respect of the premises described in the application and the owner or occupier must not make any further or future connection of any other building or parcel without making a new application.
- (4) Where possible a water service connection will be located where requested by the applicant. However if the applicant's requested location will result in additional costs, or is not practicable due to unsuitable ground conditions or the existence of installed service improvements or underground utilities, the manager of water services may designate the location of the water service connection.

### **Applications to disconnect**

4. Applications for a water service disconnection from the water main shall be accompanied by the proper fee as specified in Schedule B of this bylaw.

### **Disconnection**

5. (1) If a person wishes to be disconnected from the system an application to disconnect must be made in writing and delivered to the regional district by the owner/agent of the premises.

- (2) The regional district may, with thirty (30) days notice delivered to the owner/agent of the premises, disconnect the water service to any premises for any of the following reasons:
  - (a) Non-payment of fees and charges outlined as in Schedule B of this bylaw, after the fees and charges are overdue for a period of thirty (30) days or more;
  - (b) Failure to repair or replace defective pipes, fittings, valves, or tanks which are leaking or are otherwise not in good state of repair and which are or may become a cause of waste of water;
  - (c) Use of a pump, booster or other device in a manner outlined in section 11 (3).
- (3) The regional district shall not be liable for damages by reason of discontinuing water service for the reasons outlined in subsection (2).

**Installation / size of meters**

6. (1) The regional district may direct that the supply of water to any premises in the water service area be metered and the meter fees and charges specified in Schedule B of this bylaw shall apply and be payable as soon as the meter is installed.
- (2) The regional district:
  - (a) Shall determine the size of meter and the installation standards required and;
  - (b) May supply the meter to the owner or the owner’s agent for installation.
- (3) Where the service is to a single building, the meter may be located in the building as close as possible to the entrance point of the water service into the building and before any take off points. If the water service is to a distribution system not solely for fire protection purposes, the meter shall be located upstream of any distribution point and as close as possible to the property line.
- (4) All commercial, industrial, strata property, multifamily, and institutional consumers may be required to install a meter complete with bypass and isolation valves in a location easily accessible to the regional district for inspection and reading of the meter. Detailed plans must be submitted to the regional district general manager of property services for approval prior to the meter installation. Such plans shall conform to the standards of the regional district. An exemption may include fire protection water mains. Strata developments serviced by multiple meters prior to the adoption of this bylaw will not be required to change to a single meter.

**Access to meters**

7. (1) The owner/agent or occupier of a premise(s) must permit the regional district access to the water meter for the purpose of reading and maintenance of the meter and inspecting the water pipes, fixtures, and fittings used in connection with such water supply, during the hours of 8:30 a.m. to 4:30 p.m., Monday to Friday, inclusive.
- (2) No person shall obstruct at any time or in any manner the access to the meter.
- (3) If access is not provided, fees and charges may be determined as per Schedule B of this bylaw. Further, a letter will accompany the billing indicating a date by which access must be provided.

**Maintenance of meters**

8. (1) The owner/agent or occupier of the premises to whom water is supplied shall;
  - (a) Keep the service pipes, stop cocks, fixtures and fittings on their premises in good order and repair, and protect them from frost at their own risk and expense; and
  - (b) Turn off the stop cock when the premise is vacated.
- (2) No person to whose premises water is supplied shall make, or permit to be made, any additional connection to his/her service of either temporary or permanent nature, for the purpose of supplying water to another building, or house trailer on his/her or any other property without written permission of the CVRD.
- (3) No person shall interconnect any portion of works on private property which are supplied by the CVRD with an external source of water, such as a well, except with written permission of the CVRD. Wherever works on private property which are supplied by the CVRD are connected to a body of contaminated water, such as a swimming pool, in such a way that, if a reverse flow were to be induced, a health hazard could result, the owner of the private property shall install and maintain a back-flow preventer on every such potentially dangerous cross-connection to the approval of the CVRD.
- (4) No change or addition to the number or type of fixtures on a premises, for the purpose of expanding a commercial or industrial enterprise, shall be made until notice thereof has been given in writing to the CVRD and written permission therefore obtained. Any extra charge or higher toll payable due to the change or addition must be paid before the change or addition is commenced.
- (5) No device designed to introduce another substance into the water in the connection between the building and the water supply main will be installed without written permission of the CVRD who shall ensure that the device is so designed and installed that such substance cannot be introduced into the system.

**Fees and charges**

9. (1) The fees and charges specified in Schedule B of this bylaw are hereby imposed and levied for water services supplied by the regional district.
- (2) All fees and charges shall be billed at least once per annum. Where a strata property has a metered service, the regional district will issue a single bill to the Strata Council which is responsible for collecting payment from the owners and submitting such payment to the regional district. Under section 363.2 of the *Local Government Act*, fees and charges that remain unpaid after December 31 in any year shall be deemed to be taxes in arrears and shall be forwarded to the surveyor of taxes to be added as taxes payable on the property. In the case of a strata property, this transfer will be to the owners of the strata property development based on the total unit entitlement for the strata corporation multiplied by the unit entitlement for the strata unit.

**Fee rebates**

10. (1) Where an owner or owner's agent provides evidence that:
  - (a) Fees charged to that person under Schedule B have been unduly high because of a water leak; and,
  - (b) The leak has been repaired,a rebate calculated in accordance with subsection (2) may be made to the owner.

- (2) A rebate under subsection (1) shall be calculated on half of the dollar amount of:
  - (a) The last billing period calculated immediately before repair of the leak; and
  - (b) The first billing period calculated immediately after repair of the leak.
- (3) The maximum leak related charge as described in subsection (2) shall be limited to \$1,000 per owner per application.
- (4) The power to review the evidence provided under subsection (1) and to calculate the rebate under (2) may be exercised by the manager of water services or the corporate financial officer.
- (5) The maximum rebate payable under subsection (1) is limited to once every two years per owner.

**System extensions**

11. (1) Any owner of land located within the service area, other than an extension to serve lots created by a subdivision of land, who wishes an extension to the system to serve the land, must make a written application to the regional district in the form as supplied by the regional district.
- (2) Where the manager of water services or designate considers that the minimum water pressure at the property line would be at least 275 kilopascals (40 pounds per square inch) and an extension to the system can be made to serve the land for which an application has been made under subsection (1) without affecting the supply of potable water to any other land in the service area, then the manager of water services may approve the extension.
- (3) An owner of land who wishes to proceed with an approved system extension:
  - (a) Must pay to the regional district all amounts reasonably estimated to represent the reasonable cost of design and construction of the extension to the system, and modifications to the system to allow the extension; or
  - (b) Must cause a qualified contractor to construct the extension and modifications referred to in subsection (3)(a) to the system, entirely at the cost of the owner.
- (4) Where the extension to the system is constructed by the owner under subsection (3)(b), then the extension must be:
  - (a) Designed by a professional engineer, registered in the province of British Columbia;
  - (b) Constructed in accordance with the plans and specifications of the regional district; public health authority, or its consulting engineer, or plans and specifications approved by the regional district or its consulting engineer;
  - (c) Constructed in accordance with all requirements, standards, and policies of the regional district;
  - (d) Inspected by the regional district or its consulting engineer prior to backfilling;
  - (e) Approved and accepted by the regional district or its consulting engineer; and
  - (f) Transferred to the regional district together with all necessary rights of way.
- (5) Construction of an extension to the system does not relieve an owner from payment of a service connection fee for each parcel of land to be served by the extensions to the system.

- (6) The extension of the system shall extend from the most convenient existing water main of the system having sufficient surplus capacity, to the center of the last lot serviced.
- (7) If the regional district at its cost constructs the extension, the owner must pay the costs of construction within thirty (30) days of issuance of an invoice.
- (8) The board hereby imposes as a charge on an owner of land requesting the extension the cost referred to in subsection (3)(a).
- (9) This section shall not be interpreted as imposing an obligation on the regional district to approve any extension.

**Illegal connection / use**

- 12. (1) No person shall connect or allow to remain connected to the system any premises without first obtaining the required permits in accordance with the section 3 of this bylaw.
- (2) No person shall use or allow to be used water supplied by the system except in accordance with the provisions of this bylaw.
- (3) No person shall use a water pump, booster, or other device, for the purpose of, or having the effect of, increasing water pressure in service lines to a higher pressure unless current pressure does not meet minimum standards, or as required for fire protection.
- (4) No person shall:
  - (a) Undertake work that is connected with the system on or under any street or land within the service area;
  - (b) In any way, interfere or tamper with any water meter, sealed bypass valve, pipe, fixture, fitting or appliance of or connection with the waterworks whether on their own premises or elsewhere within the service area.

**Penalty**

- 13. Every person who contravenes any of the provisions of this bylaw or permits any act or things to be done in contravention of a provision of this bylaw commits an offense and is liable on summary conviction to a penalty not exceeding the sum of two thousand dollars (\$2,000.00).

**Indemnity**

- 14. Nothing in this bylaw shall be interpreted as imposing any duty on the regional district to provide a continuous supply of water to any person or premises and it is a condition of supply of water that the regional district is not liable for any injury, damage, or loss, including economic loss, to any person or property:
  - (a) Arising or occurring from the use of water from the system;
  - (b) Resulting from a failure of water supply to any consumer; or
  - (c) Resulting from any impurity, lack of pressure, increased supply pressure, or other condition affecting water supplied by the system.

**Severability**

- 15. If any provision of this bylaw is found invalid by any Court of competent jurisdiction, the provision may be severed from the bylaw without affecting the validity of the remaining portion of the bylaw.



**Repeal**

16. The following bylaws and all amendments there are hereby repealed:

- (a) Bylaw No. 755 being “Water Utility Extension Bylaw No. 755, 1984”;
- (b) Bylaw No. 2242 being “Marsden/Camco Water Regulation, Fees and Charges Bylaw, 2000”;
- (c) Bylaw No. 1938 being “Greaves Crescent Water Regulation, Fees and Charges Bylaw, 1997”;
- (d) Bylaw No. 1936 being “Arden Water Regulation, Fees and Charges Bylaw, 1997”;
- (e) Bylaw No. 1937 being “Comox Valley Water Regulation, Fees and Charges Bylaw, 1997”;
- (f) Bylaw No. 2113 being “England Road Water Regulation, Fees and Charges Bylaw, 1998”;

**Citation**

17. This Bylaw No. 2866 may be cited as “Comox Valley Water Systems Regulation, Fees, and Charges Bylaw 2006”.

**SCHEDULE A**

**WATER SERVICE AREAS**

1. The regulations, fees, and charges contained in this bylaw are applicable in respect of the following services:
  - (a) Bylaw No. 1453 being “Marsden/Camco Water Local Service Area Conversion and Establishment Bylaw, 1992”;
  - (b) Bylaw No. 1494 being “Greaves Crescent Water Local Service Area Establishment By-law, 1993”;
  - (c) Bylaw No. 1678 being “Arden Water Local Service Area Conversion and Establishment Bylaw, 1994”;
  - (d) Bylaw No. 1886 being “Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996”; and
  - (e) Bylaw No. 1999 being “England Road Water Local Service Area Establishment Bylaw No. 1999, 1998”.

**Schedule B**

**Fees and charges**

1. (1) Metered water fees and charges pursuant to this bylaw for the Comox Valley (305), Greaves Crescent (309), Arden (311), England Road (314) and Marsden/Camco (317) water local service areas are as follows:

**Monthly Metered Rates**

Description	Volumetric Threshold	Effective April 1, 2023	Effective April 1, 2024
Residential			
Min. monthly charge	Up to 15 m <sup>3</sup>	\$30.34 flat fee	\$30.94 flat fee
Tier 1 charge	Over 15 m <sup>3</sup> up to 45m <sup>3</sup>	\$0.96/m <sup>3</sup>	\$0.98/m <sup>3</sup>
Tier 2 charge	Over 45m <sup>3</sup>	\$1.16/m <sup>3</sup>	\$1.18/m <sup>3</sup>
Multifamily/Commercial			
Min. monthly charge	Up to 15m <sup>3</sup>	\$27.06/m <sup>3</sup>	\$27.60/m <sup>3</sup>
Tier 1	Over 15m <sup>3</sup>	\$1.18/m <sup>3</sup>	\$1.20/m <sup>3</sup>

- (2) Non-metered fees and charges pursuant to this bylaw for the City of Courtenay or the Town of Comox for properties within the City of Courtenay or the Town of Comox supplied by the Comox Valley (305), Greaves Crescent (309), Arden (311), England Road (314) or Marsden/Camco (317) water local service areas are as follows:

**Annual Rates (non-metered)**

Non-residential (each unit)	\$469.00
Residential (each unit)	\$435.00

- (3) Where a meter is found not to register, or access is not available as per section 6 of this bylaw, then charges shall be computed on the basis of the amount of water used during the time the meter was working or from any other information or source which can be obtained, and such amount so composed shall be paid by the owner/agent.

**Extra charges – failure to provide access**

2. Each call after the first of each month if access has not been provided is charged at \$25.00 per call. The actual cost to gain access to the meter that is incurred by the regional district will be charged to the owner / occupier of the premises.

**Connection and disconnection charges**

3. (1) The following charges apply to service connections:
  - (a) 19 mm connection - \$2000.00;
  - (b) 25 mm - \$2500.00;
  - (c) Greater than 25 mm – At cost (minimum \$2500.00).
- (2) The following charges apply to service disconnections:
  - (a) 19 mm, 25 mm and greater disconnection - \$1000.00.

**Turn on / turn off charges**

4. The following charges apply to turning on OR turning off water supply at the service connection and do not preclude payment of the minimum charge in Schedule B
  - (a) Turn on - \$25.00;
  - (b) Turn off - \$25.00.