

THE CORPORATION OF THE VILLAGE OF NEW DENVER
CONSOLIDATED BYLAW NO. 579 AND AMENDMENTS THERETO

A bylaw to regulate the rates, terms and conditions
under which water for the Village of New Denver
water utility may be supplied and used.

The Council of the Village of New Denver, in open meeting assembled, enacts as follows:

1. INTERPRETATION

In this bylaw, unless the context otherwise requires:

"Administrator" means the Administrator of the Village of New Denver;

"consumer" means any person, company or corporation who is the owner or agent for the owner of any premises to which water is supplied or made available from the works and also includes any person who is the occupier of any such premises, and also includes any person who is actually a user of water supplied to any premises or by any service from the said works;

"service pipe" means that portion of the water supply line extending from the property line of the property concerned to the building situated thereon, and joining the water connection to the plumbing system at the building;

"water connection" means the water line extending from the water main to the property line of the property being serviced or about to be serviced;

"water service" means the supply of water from the waterworks to any person and all the taps, valves, meters, connections and other things necessary to any actually used for the purpose of supply;

"works" means the waterworks of the Corporation of the Village of New Denver.

2. APPLICATION FOR SERVICE

- (1) Application in the form of "Schedule C" attached to and forming part of this bylaw for the supplying of water to any property shall be made and delivered to the Administrator, and must be signed by the owner of such property or his duly authorized agent, signing as such or by the consumer applying for such service. Each application, when signed by the potential customer, shall be an agreement whereby the customer agrees to abide by the terms and conditions of this bylaw.
- (2) Upon approval of the application by the Administrator, he/she may turn on or cause to be turned on the water service to the consumer's premises.

3. CONNECTIONS

- (1) Application in the form of "Schedule B" attached to and forming part of this bylaw for the installation and connection of a water service to any parcel of land shall be delivered to the Administrator, which shall be signed by the owner of the property or his duly authorized agent, signing as such and shall be accompanied by the required connection charge as established in Section 4 of this bylaw.
- (2) Where a new building or structure is being built and will come within the provisions of this bylaw, the owner or his agent shall make application for a connection permit at the time he makes application for a building permit.

- (3) The administrator shall determine the size of the pipe that is to be used in supplying any premises, the position to the street in which it is to be placed, and the main to which the connection shall be made if there is a choice of mains.
- (4) Upon approval of the application by the Administrator a water connection extending from the water main to the applicant's property line shall be laid, unless already laid; thereupon the owner shall connect his service pipe to the water connection to the water connection in accordance with the regulations hereinafter contained.
- (5) It shall be the responsibility of the public works department to ensure that all new water connections have a back-flow prevention valve installed at the service connection and to ensure that at the time of any repairs to a water service, a backflow prevention valve is installed.
- (6) No work shall be permitted to be done on or under any street other than by an employee or agent of the Corporation of the Village of New Denver and no persons shall be allowed to make any connection with the waterworks system without the permission in writing from the Administrator.
- (7) It shall be the responsibility of the consumer to supply, install and maintain the connection or joint at the property line between the consumer's service pipe and the Corporation of the Village of New Denver's connection pipe. The said connection or joint shall be of an approved flange or flare-type fitting. No soldered joints below ground will be permitted.

4. CONNECTION CHARGE

To defray the cost of the water connection, there is hereby imposed upon the owners of land upon which are situated buildings or structures a water connection charge as established in "Schedule A" attached to and forming part of this bylaw.

5. SERVICE PIPE

- (1) Before any person shall install or construct any water service or commence doing any construction work in relation to or in connection with, he shall notify the Administrator in writing. If required by the Administrator he shall furnish a plan and specification which shall show:
 - (a) the purpose for which the water is to be used, the size of pipes and the number of outlets in connection with such an installation;
 - (b) a description of the material which the applicant proposes to use in connection with such installation or construction.
- (2) The installation of service pipes shall be the responsibility of the property owner but shall conform to specifications approved by the Administrator.
- (3) All underground pipes on any premises shall be placed below the frost line, not less than forty-eight inches (48") below the surface of the ground. All pipes that are shallower shall be insulated to the satisfaction of the Village.
- (4) It shall be the duty of every consumer to provide that all taps, fittings and other things connected with the service within the premises are in good order and installed and connected in accordance with the provisions of the Building and Plumbing Bylaws.
- (5) Every premises shall have a properly place stop and waste cock.

- (6) When the owner's service pipe plans and water connection application have been approved he may proceed with the installation of the service pipes. When the service pipes have been installed but before the excavation is backfilled, the Administrator shall be notified that such work is ready for inspection and he/she shall make such inspection within two days thereafter excluding Sundays and holidays.
- (7) The backfilling of the service pipes shall not be commenced until the Administrator has signified in writing that he/she is satisfied that the material and workmanship employed are to his satisfaction and that the pertinent sections of this and other bylaws have been adhered to.
- (8) The Administrator or any other officer or employee of the Village of New Denver shall refuse to turn on water to any premises not complying with this section.
- (9)
 - (a) In the event of leakage, freezing or other condition which causes the interruption of supply in the service pipe, repairs shall be the responsibility of the consumer. If the consumer feels that such conditions are present in the Corporation of the Village of New Denver's connection pipe, and not in the consumer's service pipe, he shall deposit with the Corporation of the Village of New Denver a sum of money equal to the Clerk's estimate of the cost of excavation and backfilling required.
 - (b) In the event that the Corporation of the Village of New Denver's connection pipe is faulty and is the cause of the consumer's complaint, the Corporation of the Village of New Denver shall repair such faults and return the deposit to the consumer. If there is no fault found in the Corporation of the Village of New Denver's connection pipe, the consumer shall forfeit that portion of the deposit in the amount equal to the actual cost of the work, any surplus being returned to the consumer. The consumer shall have the right to inspect the site of the excavation by the Corporation of the Village of New Denver and satisfy himself as to the condition of the connection pipe.
- (10) Every consumer shall provide for each service to his premises a pressure-reducing valve and pressure relief valve in the event the water pressure in the main serving his premises shall be or become so great as may cause damage.

6. RATES

- (1) There is hereby imposed and levied a water user rate upon all users of water supplied by the Corporation of the Village of New Denver water utility.
- (2) The Administrator shall classify each consumer in accordance with the categories set out in "Schedule A" attached hereto and forming part of this bylaw and the consumer is liable for the appropriate rate.
- (3) A 5% penalty will be applied to all amounts that have not been paid by February 15th of each year, and an additional 5% penalty will be applied to all amounts that remain unpaid at October 1st of every year. A new consumer shall be charged for the full month regardless of the date he occupied the premises.
- (4) Any rate remaining unpaid on the thirty-first of December shall be deemed to be taxes in arrears in respect of the property in which the consumer dwells and shall forthwith be entered on the real property tax roll by the Collector as taxes in arrears.
- (5)
 - (a) No contractor, builder or other person shall use for building purposes of any kind any water from any pipe or main of the waterworks or from any other consumer without the written approval of the Administrator.

- (b) Applications for such service shall be made in the manner prescribed in Section 3 of this bylaw and the user shall agree to pay the rates applicable, the connection fee if one is required and to properly protect the supply pipes, meter and other facilities of the waterworks.
- (6) (a) No person, except an employee of the Corporation of the Village of New Denver in the course of his employment, or a member of the New Denver and Area Volunteer Fire Department on duty, shall without written authority of the Administrator, open any hydrant, standpipe or valve or use any water there from. Such authority shall reserve to the Corporation of the Village of New Denver the right to stop such use at any time for any reason without liability for damage resulting there from in any manner whatsoever.
- (b) Every person who receives such authority shall deposit with the Administrator a cash bond of Fifty Dollars (\$50.00) and the charges shall be payable to the Corporation of the Village of New Denver in its reasonable discretion for the use of the water and for damages to the main, hydrant, standpipe or valve.
- (c) Every person who uses water from any hydrant or standpipe shall pay to the Corporation of the Village of New Denver on demand the minimum charge of Five Dollars (\$5.00) or the sum of Two Dollars (\$2.00) per day for such use or any part thereof, whichever sum shall be greater.

7. REGULATIONS

- (1) No person shall destroy, injure or tamper with any hydrant or other fixture of the waterworks and no person shall in any manner interfere or meddle with the water connection or works in any street or make any additions or alterations to the water system or any connection, or turn on or off any corporation stopcock, service valve or gate valve without express approval of the Administrator.
- (2) No person shall sell or dispose of water from the Corporation of the Village of New Denver water system or give it away to any person or persons whatsoever, or permit it to be taken away or carried away by any person or persons whatsoever, or use or supply it to the use or benefit of others.
- (3) No connection or cross connection between the Corporation of the Village of New Denver water system and any other water system or source of water supply shall be permitted.
- (4) No person shall use water for irrigation purposes.
- (5) Any premise having a professionally certified water treatment and discharge system installed, shall keep a regular and effective schedule of maintenance on the system, and provide a copy of the schedule to the municipal administrator or his/her agent upon request.
- (6) No person shall obstruct at any time or in any manner the access to any hydrant, valve, stopcock or other fixture connected with the works, and should any person obstruct such access the Administrator or any other employee or servant of the Corporation of the Village of New Denver may, by his/her order, remove such obstruction and the expense of such removal shall be charged to and paid by the person so offending, and on non-payment thereof, on demand, the Corporation of the Village of New Denver may recover the said expense in a Court of competent jurisdiction.

- (7) No person shall obstruct or prevent the Administrator or any person authorized by him/her from carrying out any or all of the provisions of this bylaw, nor shall any person refuse to the Administrator or any person authorized by him/her, permission to inspect any water service work at any reasonable time.

8. ADMINISTRATION

- (1) The Administrator is hereby authorized and directed to have a general supervision over the Corporation of the Village of New Denver waterworks system and to see that the provisions of this bylaw are carried out.
- (2) The Administrator shall have the power, subject to the consent of the Village Council, to appoint assistants and inspectors for the purpose of effectually carrying out the provisions of this bylaw, and wherever the Administrator is authorized or directed to perform any act or duty under this bylaw, such act or duty may be performed by any inspector or employee authorized by the Administrator to perform such act or duty.

Nothing contained in this bylaw shall be construed to impose any liability on the Corporation of the Village of New Denver to service any person or premises or to give a continuous supply of water to any person or premises.

- (4) The Corporation of the Village of New Denver shall not be liable for the failure of the water supply in consequence of any accident or damage to the works, or to excessive pressure or lack of pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person whomsoever or through natural deterioration or obsolescence of the Corporation of the Village of New Denver's system or otherwise, howsoever; but in the event of such failure or stoppage continuing for more than five consecutive days, an equitable reduction shall be made on all rates or services affected thereby.
- (5) The Corporation of the Village of New Denver may, without notice, disconnect the water service to any premises for any of the following reasons, and the Corporation of the Village of New Denver shall not be liable for damages by reason of discontinuing water service for such reasons:
 - (a) unnecessary or wasteful use of water, or violation of regulations concerning water or sprinkling;
 - (b) non-payment of rates;
 - (c) failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water;
 - (d) for repairs;
 - (e) for want of supplies
 - (f) for employing any pump, booster or other device for the purpose of, or having the effect of increasing water pressure in service lines, without obtaining the approval of the Village Council;
 - (g) for failure to provide a schedule of maintenance on a professionally certified water treatment discharge system, upon request of the administrator or his/her agent.

- (h) for violation of any of the provisions of this bylaw.
 - (6) The Corporation of the Village of New Denver may, in its discretion, whenever the public interest so requires, suspend or limit the consumption of water from the Corporation of the Village of New Denver water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used.
9. OFFENCES
- Any person who violates any provision of this bylaw shall be deemed to have committed an offence and is punishable in accordance with the Summary Convictions Act; and each day on which the violation occurs shall be considered a separate offence.
- 10. Village of New Denver Water Rates and Regulations Bylaw No. 574, 2004 is hereby repealed.
 - 11. This bylaw may be cited and the "Village of New Denver Water Rates and Regulations Bylaw No. 579, 2004".

READ A FIRST TIME this 9th day of November, 2004.

READ A SECOND TIME this 9th day of November, 2004.

READ A THIRD TIME this 9th day of November, 2004.

RECONSIDERED AND ADOPTED this 23rd day of November, 2004.

MAYOR

ADMINISTRATOR

This Bylaw has been consolidated for convenience.

List of Amending Bylaws:

<u>Bylaw</u>	<u>Effective Date</u>
Water User Rates Amendment Bylaw No. 620, 2007	January 1, 2008
Water User Rates Amendment Bylaw No. 642, 2009	January 1, 2010
Water User Rates Amendment Bylaw No. 667, 2011	January 1, 2012
Water User Rates Amendment Bylaw No. 681, 2013	January 1, 2014
Water User Rates Amendment Bylaw No. 692, 2014	January 1, 2015
Fees and Charges Bylaw No. 699, 2016	April 26, 2016
Fees and Charges Amendment Bylaw No. 704, 2016	January 1, 2017
Fees and Charges Amendment Bylaw No. 712, 2017	January 1, 2018
Water Regulations Amendment Bylaw No. 724, 2019	September 11, 2019

SCHEDULE "B"

Attached to and forming part
of Bylaw No. 579

APPLICATION FOR WATER CONNECTION TO THE
CORPORATION OF THE VILLAGE OF NEW DENVER

I/We _____ owner/agent of owner,

hereby make application for a water connection to:

I herewith tender the sum of \$_____ to cover the cost of such connection, and further agree to pay the amount assessed against the aforesaid property from time to time in respect to the said water pursuant to the provisions of the Bylaws of the Corporation of the Village of New Denver.

Dated _____ 20__ .

Signature of owner or agent

SCHEDULE "C"

Attached to and forming part
of Bylaw No. 579

APPLICATION FOR THE SUPPLY OF WATER FROM THE
CORPORATION OF THE VILLAGE OF NEW DENVER

I/We _____ owner/agent of owner, hereby
make application for the supply of water to:

and agree to abide by the terms and conditions as established by Bylaw No. 579 and amendments thereto, regulating the supply and use of the water utility of the Corporation of the Village of New Denver.

Dated _____ 20__ .

Signature of owner or agent