



## THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



# Water Rates and Regulation Bylaw No. 2, 1971

## Office Consolidation

This document is an office consolidation of Water Rates and Regulation Bylaw No. 2, 1971, with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Water Rates and Regulations Bylaw No. 2, 1971, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: [admin@lionsbay.ca](mailto:admin@lionsbay.ca)

### List of Amending Bylaws

Bylaw No.	Section	Description	Adopted/In Force
44	Sched A	Replaces Schedule A	April 5, 1976
110	Sched A	Replaces Schedule A	July 4, 1983
119	Sched A, 6-3(a)	Replaces Schedule A, amends text,	June 4, 1984

129	Sched A	Replaces Schedule A	May 6, 1985
144	Sched A	Replaces Schedule A	May 5, 1986
159	Sched A	Replaces Schedule A	January 4, 1988
174	Sched A	Replaces Schedule A	January 9, 1989
189	Sched A	Replaces Schedule A	February 4, 1991
197	Sched A	Replaces Schedule A	February 3, 1992
210	Sched A	Replaces Schedule A	February 1, 1993
225	Sched A	Replaces Schedule A	January 24, 1994
236	Sched A	Replaces Schedule A	February 6, 1995
249	Sched A	Replaces Schedule A	February 6, 1996
262	Sched A	Replaces Schedule A	January 6, 1997
273	Sched A	Replaces Schedule A	January 5, 1998
287	Sched A	Replaces Schedule A	March 1, 1999
304	Sched A	Replaces Schedule A	March 6, 2000
319	Sched A	Replaces Schedule A	March 5, 2001
331	Sched A	Replaces Schedule A	March 4, 2002
342	Sched A	Replaces Schedule A	March 3, 2003
357	Sched A	Replaces Schedule A	March 1, 2004
365	Sched A	Replaces Schedule A	March 7, 2005
378	Sched A	Replaces Schedule A	Feb 27, 2006
387	Sched A	Replaces Schedule A	March 8, 2007
399	Sched A	Replaces Schedule A	Feb 18, 2008
419	Sched A	Replaces Schedule A	Feb 3, 2010
426	Sched A	Replaces Schedule A	Feb 21, 2011
441	Sched A	Replaces Schedule A	Feb 21, 2012
454	Sched A	Replaces Schedule A	Feb 21, 2013
465	3.1(1) and 4	Delete connection charges of Sched A and amend s.4 text	
467	Sched A	Replaces Schedule A	Feb 18, 2014
482	Sched A	Replaces Schedule A	Feb 17, 2015
499	Sched A	Replaces Schedule A	Feb 16, 2016
497	4,	Amends s.4 text, amends Schedule 'A'	Dec 20, 2016 /January 1, 2017
514	Sched A	Replaces Schedule A	Feb 21, 2017
538	Sched A	Replaces Schedule A	Feb 20, 2018
557	Sched A	Replaces Schedule A	Feb 19, 2019
568	Various	Typos & Housekeeping, Clarifying Payment Due Date, Replace Schedule A Rates	Feb.18, 2020
579	2	Amends s.6(2)(a) to Extend 2020 Discount Period	April 21, 2020

587	Sched A	Replaces Schedule A	February 16, 2021
609	Sched A	Replaces Schedule A	February 15, 2022

VILLAGE OF LIONS BAY

BYLAW NO. 2

A by-law to regulate the rates, terms and conditions under which water from the municipal water utility may be supplied and used.

The Council of the Village of Lions Bay, in open meeting assembled, ENACTS AS FOLLOWS:

1. INTERPRETATION

In this by-law, unless the context otherwise requires, "Clerk" means the Clerk of the Village of Lions Bay.

"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;

"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 make available from the works and also any person who is the occupier of any such premises, and also includes any premises or by any service from the said works;

"service pipes" 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 mains" means any water service under the control of the municipality which is intended for public use;

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

purpose of such supply;

"works" means the waterworks of the Village of Lions Bay

2. APPLICATION FOR SERVICES

- (1) Application in the form of "Schedule C" attached and forming part of this by-law for the supplying of water to any property shall be made and delivered to the Clerk, 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
- (2) Upon approval of the application by the Clerk, he 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 by-law for the installation and connection of a water service to any parcel of land shall be delivered to the Clerk, 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 charges as established in section 4 of this by-law.
- (2) Where any new building or structure is being build and will come within the provisions of this by-law, the owner or his agent shall make application for a connection permit at the same time he makes application

for a building permit.

- (3) The Clerk 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 Clerk, 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 in accordance with the regulations hereinafter contained.
- (5) No work shall be permitted to be done on or under any street other than by an employee or agent of the municipality and no person shall be allowed to make any connection within the waterworks system without the permission in writing from the Clerk.
- (6) 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 municipality'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

Fees for services that may be or are provided under this Bylaw shall be payable as set out in Fees Bylaw No. 497, 2016, as amended.

[amended by Bylaw No. 465]

[amended by Fees Bylaw No. 497, 2016]

5. SERVICE PIPES

- (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 Clerk in writing. If required by the Clerk he shall furnish a plan and specification which shall show:
  - (a) The purpose for which the water is to be used, the size of the 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 and installation or construction.
- (2) The installation of service pipes shall be the responsibility of the property owner but shall conform to the specification approved by the Clerk.
- (3) All underground pipes on any premises shall be placed below the frost line, and in no cases, not less than thirty inches (30") below the surface of the ground or in placed under a driveway, sidewalk or other area that will be cleared of snow, not less than forty eight inches (48") below the surface of the ground. All other pipes exposed to frost shall be properly and sufficiently protected therefrom.
- (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 provision of the Building

and Plumbing By-Laws.

- (5) Every premises shall have a properly place stop and waste cock.
- (6) When the owner's service pipe plans and waster 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 Clerk shall be notified that such works is ready for inspection and shall make such inspection within two days thereafter, excluding Sunday's and holidays.
- (7) The backfilling of the service pipe shall not be commenced until the Clerk has signified in writing that he is satisfied that the materials and workmanship employed are to his satisfaction and that the pertinent sections of this and other by-laws have been adhered to.
- (8) The Clerk or any other officer or employees of the municipality 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 municipality's connection pipe and not in the consumer's service pipe, he shall deposit with the municipality a sum of money equal to the Clerk's estimate of the cost of excavation and backfilling required.
- (b) In the event the municipality's connection pipe is



faulty and is the cause of the consumer's complaint, the municipality shall repair such faults and return the deposit to the consumer. If there is no fault found in the municipality'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 municipality 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 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 the water supplied by the municipal water utility.
- (2) The Clerk shall classify each consumer in accordance with categories set out in Schedule "A", attached to and forming part of this by-law and the consumer is liable for the appropriate rate covering the annual period January 1<sup>st</sup> to December 31<sup>st</sup>.

(a) Rates shall be due and payable to the Village of Lions Bay on or before December 31<sup>st</sup> each year. A prompt payment discount shall be allowed, as set out in Schedule "A" if payment is made on or before the 31<sup>st</sup> of March of each year, other than the year 2020, when a prompt payment discount shall be allowed, as set out in Schedule "A" if payment is

made on or before the 1<sup>st</sup> day of June.

[amended by Bylaw No. 119]

[amended by Bylaw No. 579]

- (b) Further to the above mentioned fees and charges there shall be payable to the Village of Lions Bay a charge of twenty dollars (\$20.00) when the owner or occupier requests to be furnished with water after the water supply to the premises has been shut off by the order of Council.
- (c) Any rate remaining unpaid on the thirty first of December shall be deemed to be taxes in arrear in respect of the property in respect of which the consumer dwells and shall forthwith be entered on the real property tax roll by the Collector of taxes in arrears.
- (d) (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 written approval of the Clerk.  
(b) Application for such service shall be made in the manner prescribed in section 3 of this by-law and the user shall agree to pay the rates applicable, the connection fee if one is required and to properly protect the supply pipe, meter and other facilities of the waterworks.
- (e) (a) No person, except an employee of the municipality in the  
Course of his employment, or a member of the municipal fire department on duty, shall without the written

authority of the Clerk, open any hydrant, standpipe or valve or use any water therefrom. Such authority shall reserve to the municipality the right to stop such use at any time for any reason without liability for damages resulting therefrom in any manner whatsoever.

(b) Every person who receives such authority shall deposit with the Clerk a cash bond of Fifty dollars (\$50.00) and the municipality may deduct from such bond whatever charges shall be payable to the municipality 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 municipality on demand a 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 the 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 stop-cock, service valve or gate-valve without express approval of the Clerk.

(2) No person shall sell or dispose of water from the municipal 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, whomsoever, or to use or supply it to the use or benefit of others.

- (3) No connection or cross connection between the municipal 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) No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-cock or other fixture connected with the works, and should any person obstruct such access the Clerk or any other employee or servant of the municipality may, by his 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 municipality may recover said expense in a Court of competent jurisdiction.
- (6) No person shall obstruct or prevent the Clerk or any person authorized by him from carrying out any or all of the provisions of this by-law, nor shall any person refuse to grant the Clerk or any person authorized by him, permission to inspect any water service work at any reasonable time.

8. ADMINISTRATION

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

- (3) Nothing contained in this by-law shall be construed to impose any liability on the municipality to service any person or premises or to give a continuous supply of water to any person or premises.
- (4) The municipality shall not be liable for the failure of the water supply in consequence of accident or damage to the works, or to the excessive pressure or lack of pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from negligence of any person in the employ of the municipality or other person whomsoever, or through natural deterioration or obsolescence of the municipality's system or otherwise, howsoever; but in the event of such failure or stoppage continuing for more than fifteen consecutive days, an equitable reduction shall be made on all rates or services affected thereby.
- (5) The municipality may, without notice, disconnect the water service to any premises for any of the following reasons, and the municipality shall not be liable for damage by reason of discontinuing water service for such reasons:
  - (a) Unnecessary or wasteful use of water, or violation of regulations concerning watering 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 purposes of, or having the effect of, increasing water pressure in service lines without obtaining approval of Council;

(g) For violation of any of the provisions of this by-law.

(6) The Council may, in its discretion, whenever the public interest so requires, suspend or limit the consumption of water from the municipal 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 by-law 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. CITATION

This by-law may be cited as the "Water Rates and Regulations By-law No. 2".

READ a first time this *24* day of *JANUARY* 1971  
 READ a second time this *24* day of *JANUARY* 1971  
 READ a third time this *18* day of *FEBRUARY* 1971

APPROVED by the Lieutenant-Governor in Council on the *9<sup>th</sup>*  
 day of *MARCH* 1971.

RECONSIDERED and ADOPTED on the *5<sup>th</sup>* *APRIL* *1971*  
 day of *MARCH*

*Wm. Jewell*  
 Mayor

*CBDF Lucas*  
 Village Clerk

Certified a true copy of  
 By-law #2.

*CBDF Lucas*  
 Village Clerk.

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**SCHEDULE "A"**

**Attached to and forming  
part of Bylaw No. 2, 1971, as amended**

**WATER USER RATES**

**Prompt Payment Discount**

1. Single Family Residence	\$1,793.30 per year	2.0%
2. Townhouses/Condominiums	\$1,793.30 per year	2.0%
3. Businesses – Store/Café	\$4,697.88 per year	2.0%
4. Businesses – Marina	\$4,697.88 per year	2.0%
5. Businesses – Other	\$1,234.09 per year	2.0%
6. Schools	\$4,697.88 per year	2.0%