

THE CORPORATION OF THE VILLAGE OF SALMO

BY-LAW NO. 508

A by-law to impose Waterworks Regulations for the Village of Salmo

Pursuant to Section 363 of the *Local Government Act*, the Municipal Council of the Village of Salmo in open meeting assembled, enacts as follows:-

1. **DEFINITIONS**

In this by-law unless the context otherwise requires:

- “CONSUMER” shall mean a person, company or corporation who is the owner or agent for the owner of any premises to which water is supplied from the works, and also any person who is actually the user of water supplied to any premises or by any service from the works.
- “COUNCIL” shall mean the Municipal Council of the Corporation of the Village of Salmo.
- “GARDEN IRRIGATION” shall mean the sprinkling or pouring of water by means of any hose, pipe, water-pot or other utensil upon or under the surface of the ground.
- “PARCEL” shall mean any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.
- “RATE” shall mean the price or sum of money to be paid by any consumer for the service to his premises for a stated period of time.
- “SERVICE” shall mean and include the supply of water from the said works to any person, company or corporation and all pipes, taps, valves, connections and other things necessary to and actually used for the purpose of such supply.
- “PUBLIC WORKS FOREMAN” shall mean the person in charge of the works.
- “VILLAGE” and “MUNICIPALITY” shall mean the Corporation of the Village of Salmo.

“WORKS”

shall mean the Waterworks System of the Corporation of the Village of Salmo.

2. APPLICATIONS – CONNECTIONS & DISCONNECTIONS

Applications for the turning on and/or off of water to the premises shall be made in writing signed by the owner or owners or their duly authorized agents. Whenever the supply of water is turned off or turned on at the request of the consumer, the Village may make a charge of **TEN (\$10.00) DOLLARS** for each time the supply of water is turned on or turned off during the working hours of the Village employees, and a charge of **TWENTY-FIVE (\$25.00) DOLLARS** for each time the water is turned on or off at any other time including Sundays and holidays.

In the case of applications for the laying of service pipes, all applications shall be upon the property application form provided for that purpose and signed by the owner or owners or their duly authorized agents. Applicants shall give on the form provided by the Village, all information that may be necessary in order that the correct estimate of the charge to be made against them may be arrived at.

3. DECLARATION OF USAGE

When statements are made as to the quantity of water used, or to be used, the Public Works Foreman may require the same to be verified by Statutory Declaration.

4. RECONNECTION CHARGES

When any service has been discontinued from any premises for non-payment of water rates, or infringement of terms of this by-law, the Council may require payment of a fee not exceeding **TEN (\$10.00) DOLLARS** before ordering service to be resumed.

5. NEW SERVICE CHARGES

An owner of property situated within the boundaries of the Village, desiring to obtain a supply of water thereto shall make a request to the Village for such service in writing and by depositing with the Village Clerk at his office the form referred to in Section 2 of this by-law, together with the sum of **FOUR HUNDRED (\$400.00) DOLLARS** in lawful money of Canada, being the charge for providing a ¾” water service connection to the outer boundary of said property. The boundary which lies nearest to the water main being tapped will be the normal location of this service connection, subject always to the discretion of the Public Works Foreman. The Village will then proceed to provide the service connection at the property line.

5. NEW SERVICE CHARGES CONT'D

Services larger than ¾", shall be charged for at actual cost, as determined by the Council and payment of the charge shall be secured by the deposit of **FOUR HUNDRED (\$400.00) DOLLARS** by the applicant before the service is provided.

6. DISCONTINUANCE OF SERVICE

Any consumer who shall desire to discontinue the use of water for any of the purposes stated in his application for such service, as provided in Clause 2 of this by-law, shall give notice of his intention to the Village Clerk, and shall further show to the satisfaction of the Public Works Foreman that the use of water for such purposes has been discontinued and that any fittings used for the supply of water for such purposes have been discontinued, and thereupon his original application and the rate charged thereunder shall be changed accordingly, with effect from the end of the billing period in which the notice is given.

Any person who is about to vacate any premises supplied with water and who is desirous of discontinuing the use thereof may give notice of same in writing by delivering such notice at the Village Clerk's office or by mailing same to the said Village Clerk by prepaid letter properly addressed and the burden of proof of delivery or posting of such notice shall be upon the consumer.

7. RIGHT OF COUNCIL

It shall be lawful for the Council to throttle or entirely discontinue any service when the consumer has been guilty of violating any of the provisions of this by-law, or when in the opinion of the Council the public interests require such action.

8. SHUT-OFF LIABILITY

The Municipality shall not be liable for any damage caused by the breaking of any service pipes or mains, nor shall the Municipality be liable for any damage caused by the shutting off of water to mains or service pipes provided reasonable notice is given if the water is to be shut off more than six (6) hours at one time.

9. EXCESSIVE USE AND DECEPTION

If any consumer shall use an unusual or unnecessary quantity of water, or allow water to run to waste, whether willfully or by allowing leaky pipes to remain unrepaired, or shall vend, give or dispose of such water other than for the ordinary purposes of his business establishment or household, (occasional guests and visitors excepted) or shall allow any other person to vend, give or dispose of water from the works in such manner or increase by any device or expedient the amount of water agreed by the Council or its agents, with a view to obtaining a greater supply of water than he should reasonably be supposed to obtain, according to the terms of his application, he shall be guilty of breach of this by-law.

10. VILLAGE RECORDS

If at any time it shall appear that an erroneous statement as to water usage which will affect the service charge for said usage has been made or there has been an alteration in a premises that would alter its rates classification as laid down in the appended schedule, it shall be the duty of the Public Works Foreman to make the proper correction.

11. NUMBER OF SERVICES

The number and size of services required for any premises or parcel of land shall be at the discretion of the Public Works Foreman.

12. DIVISION OF WORKING AREA

No work of any kind connected with the Waterworks service, either for the laying of new services or the repair of old services, shall be done in, upon, along or under any streets in the Village by any person other than the employees of the Village or a contractor hired/authorized and under direction of the Village.

13. EMERGENCY RESTRICTIONS

The right is hereby reserved to suspend or stop the supply of water, by resolution of the Council, to all, or any, consumers, or use in fountains, or by jets, garden hose, or sprinklers, or to limit the hours for using same, whenever in the discretion of the Council the public interest may require it.

14. IRRIGATION RESTRICTIONS

No person shall cause or permit water from the Waterworks system of the Village to run from any service pipe or other connection through an open pipe or pipes laid on, over, or in the ground or through an open ditch, or ditches, for the purpose of watering or irrigating any lawn, garden or other land or for any other purpose.

15. GENERAL

No person shall:

- a) use for a purpose prohibited by this by-law;
- b) use at times when prohibited by this by-law;
- c) take for or permit persons who are not occupants of the real property supplies with water by the Village to use;
- d) wilfully or negligently waste in any manner, including but not limited, through faulty or leaky pipes or fixtures or other equipment or devices, or
- e) allow to be used for a purpose prohibited by this by-law, improperly used or wasted;

water supplied by the Village from the Waterworks system to real property owned or occupied by him.

16. PROTECTION OF SERVICE

An owner of real property which is connected and supplied with water from the Village Waterworks system shall keep the water service pipes, stop-cocks and all other water fixtures on that real property in good order and repair, free of defects and leaks, and protected from injury by frost, all at the expense of the owner.

17. INSPECTION OF FIXTURES

The Public Works Foreman may enter upon premises and make personal inspections of all taps and pipes used for distributing water in any building in the Village and if any be found leaky or defective or if any waste of water is found to exist, notice may be given to the consumer to have the defects remedied and if they are not remedied within twenty-four (24) hours from the serving of such notice the water may be turned off or repaired by the Village and charged to the owner of the real property.

18. MAINTENANCE AND INSTALLATION OF SERVICES

- a) All service pipes which may be required shall be constructed and laid down from the water main or water pipe to the stop-cock by the Municipality. The owner of the real property shall be responsible for the installation of the service pipe from the stop-cock to the building, and the owner of the real property will be solely responsible for the maintenance of the service pipe from the stop-cock to the building.
- b) Water leaks that are found coming from the service pipe for which the owner of the real property is responsible for in 20(a), the Municipality may notify the owner of the real property of the leak and may issue in writing when the leak must be fixed. If the owner of the real property fails to repair the water leak in the stated period of time, then the Municipality may repair the water leak and charge to the owner of the real property all costs incurred by the Municipality in repairing the service pipe.

19. PLUMBING REQUIREMENTS

All plumbing work which is in any way connected with the Village works shall be subject to the approval of the Public Works Foreman or his crew and he may cut off the water service to any premises or property until such work meets with his approval.

20. APPROVAL OF FIXTURES

All parties supplied with water by the Municipality may be required by the Municipality to place only such taps for drawing and shutting off the water as are approved by the Municipality.

All hose, jets, cocks, stop-cocks and all other water fixtures used by a consumer shall be subject to the approval of the Public Works Foreman.

21. VILLAGE MAINS AND VALVES

No person, except a duly authorized employee or contractor of the Village, shall tap or make connection with the Village mains or turn off or on any corporation stop-cocks.

22. HYDRANTS AND VALVES

It shall be unlawful for any person in any way to interfere or tamper with any hydrant, valve, stop-cock, pipe connection or any other water appliance outside of his own premises.

23. FIRE HYDRANTS

No hydrant shall be used for watering or for any other purpose, by any person, except the Fire Department in case of fire, or by the public works Foreman, except special written permission be granted by the Council.

24. WATER RATES – DUE DATES

Annual water rates shall be as per Schedule 1 attached hereto and forming a part of this by-law. Non-metered annual water rates payable to the Village of Salmo will be billed with Property Taxes and will be due on July 2nd of each year for the calendar year.

25. PENALTY

All water rates billed and due on July 2nd will be subject to a 10% penalty if unpaid at that date.

26. BY-LAW INFRACTION

Any person guilty of infraction of any of the provisions of this by-law shall, upon conviction before any Magistrate or Justice of the Peace, on oath or affirmation of any credible witness, forfeit or pay, at the discretion of the Magistrate or Justice convicting a penalty of not more than **FIVE HUNDRED (\$500.00) DOLLARS** for each offence, together with the cost of such prosecution, or shall be imprisoned at the discretion of the said Magistrate or Justice convicting for a term not exceeding **THIRTY (30) DAYS** with or without hard labour, and, in default of the payment of the said penalty and costs forthwith, it shall and may be lawful for the Magistrate or Justice convicting as aforesaid to issue a warrant under his hand and seal to levy the said penalty and costs, or costs only, by distress and sale of the offender's or offenders' goods and chattels, and in cases of not sufficient distress to satisfy the said penalty and costs, it shall be lawful for the Magistrate or Justice convicting as aforesaid, to commit the offender or offenders to prison for a period not exceeding **THIRTY (30) DAYS** unless the penalty and costs be sooner paid.

27. This bylaw may be cited for all purposes as the "Village of Salmo Water-Works Regulations Bylaw No. 508, 2003".

- 28.** The “Village of Salmo Waterworks Regulations Amendment No. 292, 1985” and all amendments thereto are hereby repealed.
- 29.** This by-law shall come into force and take effect upon the date of adoption by the Council of the Corporation of the Village of Salmo.

READ a first time this 22nd day of April , 2003.
READ a second time this 22nd day of April , 2003.
READ a third time this 22nd day of April , 2003.

RECONSIDERED and FINALLY ADOPTED
this 13th day of May , 2003.

I hereby certify this to be a true copy of the “Village of Salmo Waterworks Regulations By-law No. 508, 2003”.

 Mayor

 Chief Administrative Officer

 Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF SALMO

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SCHEDULE 1

Rate per Annum

Single Family Dwelling	\$ 90.73
Stores, Offices, Banks	90.73
Restaurants, Coffee Bars (per seat)	8.59
Beer Parlours	172.38

Hotels, Rooming Houses, Multi-Family	
Dwellings, Suites, Motels (per unit)	90.73
Bakery, Butcher Shop	101.24
Garages, Service Stations	119.39
Halls, Churches	90.73
RCMP w/Barracks	181.46
Schools (per classroom)	81.18
Curling Club	90.73
Laundromat	204.00
Carwash	204.00
Sani-dump	90.73