



**REGIONAL DISTRICT OF CENTRAL KOOTENAY
WATER BYLAW NO. 2894, 2023**

ADOPTED April 20, 2023

CONTENTS

- 1. Bylaw Title 1
- 2. Application of Bylaw 1
- 3. Severability..... 1
- 4. Definitions..... 1
- 5. Administration 6
- 6. Liability..... 7
- 7. Operation of the Water System..... 7
- 8. Applications..... 7
- 9. Disconnection and Water Shut-Off..... 8
 - 9.1. Water Turn Off..... 8
 - 9.2. Application to Leave a Water Service Area 8
- 10. Ownership, Responsibility, and Access..... 8
 - 10.1. Owner Water Connections 8
 - 10.2. Access to the Water System on Public Lands 9
 - 10.3. Water System Access on Private Lands 10
 - 10.4. Fire Hydrants and Standpipes..... 10
- 11. Water Usage 10
 - 11.1. General Water Usage 10
 - 11.2. Temporary Water Usage 10
 - 11.3. Water Conservation..... 11
 - 11.4. Once Through Cooling Equipment 11
 - 11.5. Car Washes 11
 - 11.6. Water Wastage 12
 - 11.7. Illegal Water Connections 12
- 12. New Servicing and Development..... 12
 - 12.1. New Regional District Water Connections 12
 - 12.2. Water Service Area Extension 13
 - 12.3. Subdivision of a Parcel, Creation of Additional Units, or Changes to Irrigation on an Existing Property 13
 - 12.4. Multiple Dwelling Property Developments 14
 - 12.5. Existing Water Mains and Service Connections on Private Land 14
 - 12.6. Work Completed by Others..... 14
- 13. Cross Connection Control and Backflow Prevention 15
 - 13.1. Cross Connection Control Requirement and Classification..... 15
 - 13.2. Owner Responsibilities 16

13.3. Backflow Preventer Ownership	16
13.4. Backflow Preventer Testing and Inspection	16
14. Water Meters.....	17
14.1. Water Meter Requirement.....	17
14.2. Metering Equipment	18
14.3. Customer Responsibility and Notification Requirements	18
14.4. Water Meter Costs and Ownership.....	18
14.5. Meter Testing	18
14.6. Meter Readings.....	18
15. Offences and Penalties	19
16. Citation.....	19
17. Repeal	19

SCHEDULES

SCHEDULE A: WATER CONSERVATION MEASURES

SCHEDULE B: LATECOMER CHARGES AND COST RECOVERY FOR EXCESS AND EXTENDED SERVICES

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 2894

A Bylaw to regulate the terms and conditions under which water from the Regional District of Central Kootenay Water Systems may be supplied, used and regulated.

WHEREAS the Regional District of Central Kootenay wishes to regulate the terms and conditions under which water from the Regional District of Central Kootenay Water Systems may be supplied, used and regulated.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

1. Bylaw Title

This Bylaw is applicable to all Water Service Areas of the Regional District of Central Kootenay of the Regional District of Central Kootenay.

2. Application of Bylaw

This Bylaw applies to all Water Service Areas of the Regional District of Central Kootenay.

3. Severability

If any portion of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion may be severed from the Bylaw and such decision shall not affect the validity of the remaining portions of the Bylaw.

4. Definitions

In this Bylaw:

Account means a formal arrangement under this Bylaw for the provision of water services to a Property.

Account Holder means the person, organization, agent or representative that holds the water Account with the Regional District of Central Kootenay.

Account Type means the predominate usage of the Account such as but not limited to: Single Family Dwelling, Multiple Dwelling Property, Commercial, Industrial, Institutional, Agricultural, and Recreational.

Agricultural Land means the land where agricultural irrigation privileges have been assigned by the Manager.

Air Gap means the unobstructed vertical distance through air between the lowest point of a water fixture and the flood level rim of the fixture or device into which the outlet discharges.

Approved/Approval means approved by the Manager.

Auxiliary Building or Dependent Suite means a secondary or supplementary building or Unit that does not include all of cooking, eating, living, sleeping and sanitary facilities. An Auxiliary Building or Dependent Suite intended for habitation would be reliant on the main Dwelling.

Backflow means the flowing back or reversal of the normal direction of flow.

Backflow Prevention / Preventer is a method or device used to prevent Backflow that is selected and installed in accordance with the Plumbing Code, and CSA B64.10-11.

Boil Water Notice means the Notice issued by the Regional District or Interior Health when water provided by a Water System or portion of a Water System is considered non-potable due to potential health risk.

Board means the Regional District of Central Kootenay Board of Directors.

Capital Infrastructure Charge means a fee levied that is placed into reserves as a contribution to the cost of existing water infrastructure, upgrades and long term asset renewal.

Carwash means a 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-service car washes.

Certificate of Total Performance means a certificate issued by the Regional District indicating that water infrastructure has been designed, installed, tested, and commissioned to the satisfaction of the Regional District.

Commercial means any Unit for which the use is the provision for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including but not limited to retail sales, wholesaling incidental to retail sales, commercial education and entertainment services, household services and all associated repairs, other personal and non-personal services and administrative, commercial and professional offices.

Commercial Carwash means a Carwash used or operated by a Commercial or Industrial business.

Cross Connection means any physical arrangement whereby the Water System is connected, directly or indirectly, with any potable, non-potable or un-Approved private water supply 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, or unknown or unsafe water quality which may be capable of imparting contamination to the water supply as a result of Backflow.

CSA B64.10-11 means Canadian Standards CSA B64.10-11, Selection and Installation of Backflow Preventers, November 2011, or the latest version thereof.

Curb Stop Valve means the valve owned by the Regional District generally placed on the water service at the Property Line to control the flow of water to a lot.

Curb Stop Box means the hollow metal tube that runs from the Curb Stop Valve to the cap. The Curb Stop Box includes the operating stem and the box cap.

Customer means the Owner or occupant of any Property to which water is supplied or made available from the Regional District.

Designated Officer means an employee of the Regional District or an authorized representative as designated in writing by the Manager.

Developer means the Owner of a Development.

Development means the Subdivision of land, new construction of buildings, structures, utilities or any use that requires the issuance of a building permit, plumbing permit, development permit, or Interior Health construction permit issued in accordance with the *Drinking Water Protection Act*, or the development of irrigated land.

Disconnection means physically turning off the water to an Owner's Property and adjusting the Owner's Account accordingly.

Drip Irrigation means an irrigation method that saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone, and uses less than 7.6 liters per hour (2 United States gallons per hour) at less than 138 kPa (20 psi). This does not include soaker hoses, weeper hoses or micro-sprayers.

Double Check Valve Assembly mean a Backflow Prevention devise meeting Canadian Standards CSA B64.5.

Dual Check Valve means a Backflow Prevention devise meeting Canadian Standards CSA B64.6.

Dwelling means any living quarters used or has the potential to be used by one or more persons which contains cooking, eating, living, sleeping and sanitary facilities.

Easement means a right to the use of land, or a right to restrict the use of land. See also Statutory Right of Way.

Fees and Charges means the fees and charges set out in the *Fees and Charges Bylaw*.

Fees and Charges Bylaw means the Utilities Rates, Fees, and Charges Bylaw No. 2895, 2023, as may be amended or replaced from time to time.

Folio means a land identification number assigned by British Columbia Assessment and is used for Property tax purposes. Folio is synonymous with Assessment Roll Number. A Folio in this Bylaw may describe one or more Parcels grouped under one British Columbia Assessment Folio.

Free Flow Bleeder means 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.

Illegal Water Connection means any water connection that was made without the Manager's Approval under the Bylaw or other legal authority.

Industrial means businesses including but not limited to airports, aggregate processing, asphalt plants, bulk fuel storage, concrete plants, fabrication plants, manufacturing, processing, sawmills, and truck terminals.

Institutional means activities focusing on non-profit services in the public's interest. For example, schools, hospitals, group foster homes, and buildings used for religious worship.

Irrigation means the distribution of water to the surface or subsurface of lawns, gardens, vineyards and orchards, greenhouses by pipes, hoses, sprinklers or any other method.

Manager in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, the Water Operations Manager, Utility Services Manager or designate.

Manufactured Home means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and that is used as a Dwelling.

Meter means water meters, remote reading device, wire and other equipment or instruments used by the Regional District or authorized by the Regional District to be used to calculate the amount of water consumed, and other related appurtenances.

Mobile Housing Unit is any type of living accommodation that has been produced to be transported or is a mobile unit such as a ship, boat, recreational vehicle, Manufactured Home and so on, and occupied as living quarters.

Minor Cross Connection Hazard means any type of Cross Connection or potential cross-connection that involves a substance that constitutes only a nuisance and that results in a reduction in only the aesthetic qualities of the water.

Moderate Cross Connection Hazard means any Minor Cross Connection Hazard that has a low probability of becoming a Severe Cross Connection Hazard.

Multiple Dwelling Property means any Property containing more than one Dwelling Unit on one Folio.

Occupancy Permit means a permit issued by the Regional District indicating a building or structure is in compliance with applicable building codes and is suitable for occupancy.

Once Through Cooling Equipment means cooling, air conditioning or refrigeration systems in buildings, building systems and equipment, which rely upon the temperature of the water for cooling purposes and deliver water to a drain or other discharge facility without having recycled that water.

Owner has the same meaning as in the British Columbia *Land Title Act* and *Manufactured Home Act*.

Owner Water Connection means the Owner's water lines and appurtenances downstream of the Regional District Water Connection.

Parcel means the unit lot, block or other area in which land is registered under the British Columbia *Land Title Act*.

Plumbing Code means the British Columbia *Plumbing Code, 2012*, as it may be amended or replaced from time to time.

Property means land and improvements.

Property Isolation means Cross Connection protection provided at the entrance to a Property on the Regional District Water Connection.

Property Line means a line which defines, in the British Columbia Land Title Office, the perimeter of a Parcel.

Provincial Drought Level means drought levels defined and issued by the Province of British Columbia.

Qualified Person means a person who has a recognized degree, certificate, or professional standing related to subject matter.

Recreational is land primarily used for public recreation and includes but is not limited to not for profit: golf courses, parks, sports fields, gymnasiums, playgrounds, parks, green areas, beaches and camping sites.

Reconnection means physically turning on the water and reestablishing or adjusting an Account as required.

Redevelopment means the alteration or extension of existing buildings, structures, utilities or any use that results in a significant change in water usage and requires the issuance of a building permit, plumbing permit, development permit or Interior Health construction permit, or the redevelopment irrigated land.

Reduced Pressure Principle Backflow Preventer means a Backflow Prevention device meeting Canadian Standards CSA B64.4.

Regional District of Central Kootenay or Regional District or District means the Regional District of Central Kootenay, as described under the British Columbia *Local Government Act* with offices located at 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 250-352-6665 or toll free number 1-800-268-7325 and Fax: 250-352-9300.

Regional District Water Connection means the water line extending from the Water Main to the Curb Stop Valve, generally near the Property Line and shall include any immediate downstream Meter installation, or Backflow Preventer.

Severe Cross Connection Hazard means any type of Cross Connection or potential Cross Connection involving water that has additives or substances that can create a danger to health.

Single Family Dwelling means a building or structure that contains only one Dwelling.

Statutory Right of Way means the grant of a right of way under Section 218 of the British Columbia *Land Title Act*.

Subdivision means a subdivision as defined in the British Columbia *Land Title Act*, and a subdivision under the British Columbia *Strata Property Act*.

Subdivision Bylaw means the *Subdivision Bylaw No. 2159* as it may be amended or replaced from time to time.

Swimming Pool means any permanent or semi-permanent artificial pool for swimming in.

Title (Land Title) refers to the registration of land ownership in accordance with the British Columbia *Land Title Act*.

Turn On/Off means a temporary interruption in or discontinuance of the supply of water authorized by the Regional District.

Unit means any Dwelling, Commercial, Industrial, or Institutional space.

Water Conservation Measures means any measures implemented by the Manager to restrict water usage.

Water Main means any water pipe under the control of the District which is intended for public use.

Water Meter see Meter.

Water Service Area means the area defined by the Water System service area establishment bylaw.

Water Service Area Extension means the extension of the Water Service Area boundary by bylaw to include one or more additional parcels of land.

Water System means all Regional District owned assets like Water Mains, water treatment facilities, pump stations, reservoirs, wells, water intakes and all associated appurtenances used in the provision of Water Services.

Water Servicing Plan means a plan that details the proposed Development or Subdivision as it relates to water servicing.

Work means construction, maintenance, inspection or testing services provided for an Owner.

Work Order means a written order on an Approved form providing agreement by a Owner to proceed with Work identified on the form for which the Owner will be responsible for costs incurred by the Regional District in accordance with the Utilities Rates, Fees and Charges Bylaw.

5. Administration

1. The Manager is hereby authorized and directed to have general supervision over the Regional

District of Central Kootenay Water Systems and to see that the provisions of this Bylaw are carried out.

2. The Manager shall have the power to appoint Designated Officers for the purpose of effectually carrying out the provisions of this Bylaw, and wherever the Manager is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any Designated Officer authorized by the Manager to perform such act or duty.

6. Liability

1. Nothing contained in this Bylaw shall be construed to impose any liability on the Regional District to service any person or Property or to give a continuous supply of water to any person or Property.
2. The Regional District shall not be liable for the failure of the water supply in consequence of any accident or damage to the Water System, or to excessive pressure or lack of pressure, or any interruption of service.
3. The Regional District does not guarantee provision of minimum or maximum service pressures or minimum flow rates.
4. The Regional District shall not be liable for deposition of sediment, mineral build up, staining or corrosion in the Owner Water Connection or Owner's water system.

7. Operation of the Water System

1. No person, except a Designated Officer, or authorized contractor of the Regional District, or a member of a Regional District fire department shall operate any hydrant, standpipe or valve that forms part of the Water System or use any water therefrom, without written Approval of the Manager.
2. No person shall destroy, injure or tamper with any hydrant, or other fixture of the Water System and no person shall in any manner interfere or meddle with the Regional District Water Connection or Water System, or make any additions or alterations to the Water System or any Regional District Water Connection, or Turn On or Turn Off any Curb Stop, service valve or gate valve that forms part of the Water System without written Approval of the Manager, and damages incurred will be repaired by the Regional District at the person's expense.

8. Applications

1. An application is required for a new Owner Water Connection, Account, Disconnection or Reconnection and shall be made on the application form provided by the Manager.
2. An application is required for a change of Account Type or a significant change of water usage that would result in a change in billing.
3. Application for new Owner Water Connections or Account, or change of Account Type or water use will only be accepted from the Owner.
4. An application in writing is required to the Manager for temporary water usage for such things as construction, road maintenance, and events.
5. New Water Connections, changes to existing Water Connections, temporary water usage, and Account changes require Manager Approval.
6. New Developments, including phased Developments, and Redevelopments with Regional District water servicing greater than 10 Units, have potential water demands greater than equivalent to 10 Single Family Dwellings, add 2.0 hectares (5 acres) or more of Irrigation, increase number of connections or Customers by 10% or more, or have the potential to increase water system demand by 10% or more, shall require Regional District Board approval.

7. Developments and Redevelopments smaller than that identified in Clause 8.6 shall require only Manager Approval.

9. Disconnection and Water Shut-Off

9.1. Water Turn Off

1. An Owner may apply for water Turn Off.
2. The Regional District may Turn Off or Disconnect the water service to any Property, group of Properties or Water Service Area for any of the following reasons, and the Regional District shall not be liable for damages by reason of discontinuing water service:
 - a. Unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
 - b. Non-payment of Fees and Charges, repair charges or other miscellaneous charges;
 - 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. Failure to allow access for inspection of any reasonably assumed contravention of this Bylaw;
 - e. Failure to allow access for a Meter installation, Work, inspection, testing or reading;
 - f. Failure to allow access for Backflow Preventer installation, inspection, or testing;
 - g. Water System maintenance or repairs;
 - h. Inadequate source water supply or disruption;
 - i. Concerns with water quality;
 - j. For violation of any of the provisions of this Bylaw.
3. Except under emergency situations, reasonable notice is required before Shut Off or Disconnection of the Regional District Water Connection. Reasonable notice shall consist of at least 48 hours' notice.

9.2. Application to Leave a Water Service Area

1. Any request for a Parcel to be removed from a Water Service Area shall be submitted in writing to the Manager.
2. Parcels may only be removed from the Water Service Area if removal benefits the Water System or the Parcel cannot be feasibly serviced from the Water System.
3. If a future application is made for the Parcel to re-join the Water Service Area, the Parcel is subject to all conditions of this Bylaw and Fees and Charges as identified in the Utilities Rates, Fees and Charges Bylaw. No credit shall be given for past contributions to the Water Service Area.
4. After a Parcel is removed from a Water Service Area, no rebates for any past Fees and Charges or taxes shall be paid to the Owner, except proration of the current year's Fees and Charges.
5. If permission is granted for a Parcel to be removed from the Water Service Area, the Regional District Water Connection shall be removed at the Owner's expense.

10. Ownership, Responsibility, and Access

10.1. Owner Water Connections

1. The Owner is responsible for the supply and installation of Owner Water Connections.
2. Joining of the Regional District Water Connection and the Owner Water Connection

during construction shall be the responsibility of the Owner. The joint shall be inspected by a Designated Officer prior to backfilling the Owner Water Connection. A minimum notice of two working days is required before inspection.

3. The Owner shall ensure that all pipe, fixtures and appurtenances connected to the Owner's water system are in good working order.
4. All new Regional District Water Connections shall have a properly placed Curb Stop Valve and Curb Stop Box for Regional District Water Connections up to 50 mm in diameter or a shut off valve conforming to AWWA C509 for Regional District Water Connections of 100 mm diameter or larger.
5. All new Regional District Water Connection Curb Stop Valves or shut off valves shall be generally located immediately on the roadway side of the Parcel Property Line.
6. The Regional District shall own and be responsible for any maintenance or replacement of the Curb Stop Box and Curb Stop Valve with the exception of the connection point with the Owner Water Connection which is the responsibility of the Owner.
7. The Regional District does not guarantee the proper function of Curb Stop Valves.
8. The property Owner is responsible for any damage to the Curb Stop Box and Curb Stop Valve caused by the Owner or the Owner's contractors or representatives.
9. If it becomes necessary to do repairs on the Owner Water Connection, any costs incurred shall be the responsibility of the Owner. No work is permitted on the Regional District Water Connection without prior Approval from the Manager.
10. If the source of the leakage, freezing or other condition which causes the interruption of the supply of water cannot be determined, the Owner shall sign a Work Order for investigative Work. If it is determined that the source of the problem is within the Regional District Water Connection or other part of the Regional District Water System, then the Owner will not be charged for the Work. If it is determined that the source of the problem is within the Owner Water Connection then the Owner will be responsible for the investigative Work and any other repairs.
11. If potential high pressures are a concern, the Owner shall be responsible to provide and maintain any required pressure-reducing valves and pressure relief valves.
12. The Owner shall permit access by the Designated Officer upon reasonable notice for inspection of the Owner Water Connection, Meters, Backflow Preventers, fixtures or appurtenances, if the Designated Officer has reasonable reason to believe water is being wasted, there is a leak, there is a Cross Connection or any other contravention of this Bylaw.
13. Owner Water Connections may not be extended to service other Properties.
14. Water connections that pass through private property and service any other private property without looping back to a Regional District Water Main, and without Statutory Right of Way, shall be considered an Owner Water Connection.

10.2. Access to the Water System on Public Lands

1. No person shall enter into any utility structure forming part of a Water Service whether underground or above ground or any utility compound whether it is fenced or not.
2. No person shall obstruct at any time or in any manner the access to any hydrant, valve, Curb Stop or other fixture connected with the Water System or Regional District Water Connection.
3. No person shall obstruct or prevent the Manager or any person authorized by the Manager from carrying out any or all of the provisions of this Bylaw, nor shall any person refuse to grant the Manager or any person authorized by the Manager, permission to inspect any Owner Water Connection at any reasonable time.

10.3. Water System Access on Private Lands

1. Regional District access to the Water System located on private lands shall be done in accordance with *Local Government Act* Clause 311 (1), Clause 312, Clause 314.1, and *Community Charter* Section 16 (1) to (5).

10.4. Fire Hydrants and Standpipes

1. All fire hydrants and standpipes directly connected to Regional District Water Mains are the property of the Regional District.
2. All fire hydrants and standpipes connected to Owner Water Connections are the property of the Owner unless otherwise agreed in writing between the Manager and Owner.

11. Water Usage

11.1. General Water Usage

1. No person shall irrigate land unless irrigation privileges have been assigned by this Bylaw or by the Manager, regardless if Metered.
2. No Owner shall cause or allow Regional District supplied water to be conveyed to any other Property.
3. No person shall commercially sell water from a Regional District of Central Kootenay Water System unless otherwise Approved by the Manager or 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 shall not exceed the amount charged by the Regional District.
4. No change or addition to the number or type of fixtures on a Property, for the purpose of expanding the number of Dwellings, installation of a Swimming Pool, or Commercial or Industrial enterprise, shall be made until an Application is made to the Manager and written permission thereof obtained.
5. No pumps shall be connected to the Water System without Approval of the Manager. Any Owner pumps connected to the Water System shall be subject to conditions imposed by the Manager which may include but is not limited to:
 - a. Pump capacity limitations;
 - b. Pump discharge pressure limitations;
 - c. Pump low suction pressure monitoring and lock out;
 - d. Minimum service size;
 - e. Placement of a Restrictive Covenant on Title, in accordance with Section 219 of the British Columbia Land Title Act;
 - f. Existing pumps may only be replaced with a pump of the same make, model, impeller and speed. Approval of the Manager is required for any changes;
 - g. Approval from other applicable regulatory agencies.
6. Free Flow Bleeders for frost protection or any other purpose are not permitted after December 31, 2016 unless Approved in writing by the Manager.

11.2. Temporary Water Usage

1. Temporary water usage may only be approved by the Manager for construction, road maintenance, emergency water supply to other organizations, and community events, such as, but not limited to concerts, festivals and markets.
2. Temporary water users are not required to open an Account but Approval is required from the Manager for water usage.
3. Temporary water users shall provide tamper protection, Backflow Prevention, and or Metering, if required by the Manager.

4. Temporary water usage is subject to Fees and Charges as identified in the Utilities Rates, Fees and Charges Bylaw.
5. A deposit amount payable to the Regional District may be set out in the Utilities Rates, Fees and Charges Bylaw and the deposit may be used to recover any damages to the Water System.
6. Temporary water usage is limited to the water service area when required by the water system's provincially issued water licence.

11.3. Water Conservation

1. All Water Systems are subject to seasonal Stage One water conservations measures as identified in Schedule A.
2. The Manager may introduce further Stages of water conservation based on the following criteria and upon receiving due notice of such restriction, no person shall use water for the purposes prohibited by, or in excess of the limits imposed by such restrictions:
 - a. For planned maintenance of pumping and treatment equipment;
 - b. For emergency operating conditions including Water Main breaks, pumping failure, treatment failure, or emergency maintenance activities;
 - c. When emergency water storage levels cannot be maintained;
 - d. For Provincial Drought Level 2 or higher;
 - e. When water demand reaches or is reasonably expected to reach rated Water System capacity.
3. Due notice of Water Conservation Measures shall be given either by publication in a newspaper circulating within the Regional District, by mail, or by automated email, voice message or mobile device messaging service.
4. No person shall:
 - a. Use water for sprinkling in excess of reasonable requirements;
 - b. Irrigate more than 0.40 Hectares (1 acre) of land per non-Metered Account unless the Account has been classified as Agricultural Land, Golf Course, Institutional or Recreational, and assigned irrigation privileges by the Manager;
 - c. Irrigate more land area than has been assigned irrigation privileges by the Manager;
 - d. Use water at a rate greater than 0.70 litres per second per hectare (0.28 litres per second per acre or 4.5 United States gallons per minute per acre) on Agricultural Land, or for unmetered irrigation on Single Family Dwelling or Multiple Dwelling Properties;
 - e. Use an unattended open pipe or hose for sprinkling purposes.

11.4. Once Through Cooling Equipment

1. Once Through Cooling Equipment is not to be permitted to be connected to the Water System after December 31, 2016, unless otherwise Approved in writing by the Manager.

11.5. Car Washes

1. Commercial Carwashes connected to a Regional District Water System shall comply with the following:
 - a. Maximum of 151 liters (40 United States gallons) of Potable Water per average automated Carwash;
 - b. Maintain high pressure wash nozzles and pump systems that use less than 0.19 liters per second (3 United States Gallons per minute).
2. Commercial Carwashes may use recycled water to augment water volume and flow limits.

11.6. Water Wastage

1. No Customer shall allow Regional Districted supplied water to be wasted.
2. Notwithstanding the prohibitions in this Section, the Manager may authorize in writing the discharge of Regional District supplied water for the purposes of:
 - a. health and safety;
 - b. the installation and maintenance of infrastructure, including the flushing of Water Mains, hydrant leads and water service connections;
 - c. preventing the freezing of Water Mains, hydrant leads and water service connections;
 - d. conducting water flow tests;
 - e. installation and testing of permanently installed irrigation systems;
 - f. training programs for fire fighters.

11.7. Illegal Water Connections

1. No person shall make or cause to be made a connection to the Water System without the express written Approval of the Manager.
2. Any Illegal Water Connections shall be removed from the Water System within a reasonable time frame given by the Manager at the expense of the Owner, or the Owner shall make an Application for a Regional District Water Connection and the Owner is subject to all conditions of a new Regional District Water Connection.
3. An Owner is responsible for all Fees and Charges that would have been levied from the time of installation.

12. New Servicing and Development

12.1. New Regional District Water Connections

1. New Regional District Water Connections are subject to Fees and Charges identified in the Utilities Rates, Fees and Charges Bylaw.
2. There shall only be one Regional District Water Connection per Parcel for new Developments, unless a dedicated non-Cross Connected fire service is also required.
3. Given limitations on the availability or pressure of water within some Water Systems, a new Regional District Water Connection may not be permitted if normal operating pressures are anticipated to be below 280 kPa (40.6 psi) or above 700 kPa (101.5 psi) as might be measured at the living floor elevation. The Manager may approve pressures outside this range and impose specific conditions in writing.
4. Regional District Water Connections, Owner Water Connections or Water Mains may not pass through a private Property to service another Property. Exceptions may be made at the discretion of the Manager as follows:
 - a. if the benefiting Property is an existing landlocked Parcel and an Easement Agreement is executed between the properties with the Easement Agreement including the requirement for Regional District Approval for Easement Agreement discharge;
 - b. if Water Mains and Water Connections are located within a Provincially approved access common lot and all Water Mains and Water Connections within the access common lot are owned by the Property Owners, not the Regional District.
5. Owners are responsible for all costs associated with provision of the Regional District Water Connection including but not limited to:
 - a. Water System assessment to confirm adequate capacity and pressures;
 - b. Extension of Water Mains;
 - c. Roadway and surface restoration costs.
6. Provision of a new Regional District Water Connection is not guaranteed by the Regional

District and an Application may be rejected by the Manager for any reasonable reason, such as but not limited to, inadequate water pressures, inadequate capacity, Water System under boil water notice, geological hazards, unpaid water bills or taxes, zoning or development conditions, or if the connection is not economically feasible.

7. New Regional District Water Connections shall not run parallel with roadways; rather a new Water Main extension is required. New Water Mains shall be a minimum of 100 millimeter diameter in Water Service Areas without fire protection and 150 millimeter diameter in Water Service Areas with existing or planned fire protection. Water Mains may be larger or smaller in diameter subject to an engineering assessment and Approval by the Manager.
8. New Water Mains shall have a minimum pressure rating of 1,379 kPa (200 psi) unless otherwise approved by a Professional Engineer or Qualified Person, and the Manager.
9. Allowance for new Regional District Water Connections to substandard Water Mains is at the discretion of the Manager and the Manager may require that substandard Water Mains be replaced at the Owners expense.
10. A Developer or Owner who is required to replace or extend Water System infrastructure may qualify for a future rebate in accordance with Section 508 of the Local Government Act, and Schedule B: Bylaw No. 2894 Latecomer Charges and Cost Recovery for Excess and Extended Services.

12.2. Water Service Area Extension

1. Inclusion of one or more new Parcels into a Water Service Area is subject to Fees and Charges identified in the Utilities Rates, Fees and Charges Bylaw.
2. Owners are responsible for all costs associated with Water Service Area extension including but not limited to:
 - a. Water System assessment to confirm adequate capacity and pressures;
 - b. Extension of Water Mains;
 - c. Upgrade of treatment, pumping and storage facilities;
 - d. Roadway and surface restoration costs.
3. New Water Mains shall be a minimum of 100 millimeter diameter in Water Service Areas without fire protection and 150 millimeter diameter in Water Service Areas with existing or planned fire protection. Water Mains may be required to be larger or smaller diameter as determined by an engineering assessment and Approved by the Manager.
4. New Water Mains shall have a minimum pressure rating of 1,379 kPa (200 psi) unless otherwise approved by a Professional Engineer or Qualified Person, and the Manager.
5. All new Water System infrastructure shall be located in road right of ways or Parcels Titled to the Regional District. Location of new Water System infrastructure in Easements or Statutory Right of Ways may only be permitted under special circumstance and requires Approval of the Manager.

12.3. Subdivision of a Parcel, Creation of Additional Units, or Changes to Irrigation on an Existing Property

1. Any Subdivision or addition of Units to a Property within a Water Service Area may be subject to a Capital Infrastructure Charge as defined in the Utilities Rates, Fees and Charges Bylaw.
2. Applications for a new Regional District Water Connection as part of a Subdivision process shall include submission of a Water Servicing Plan to the Manager. The Water Servicing Plan shall include property lines, existing legal lot, block and plan numbers, proposed lot numbers, building location(s), driveways or hard surfaces, sanitary systems and service offsets, other utilities, road names, and the requested location of the water connection(s). Neat sketches may be acceptable from the Owner for small

- Developments or Subdivisions but the Manager may require drawings issued by a Professional Engineer or Qualified Person for larger Developments or Subdivisions.
3. The Manager may require the Owner to upgrade any existing Regional District Water Connection due to age, to meet current standards or to improve capacity as a condition of Subdivision or as a condition of adding a water serviced addition to a Unit or additional water serviced Units to a Property.
 4. There shall only be one Regional District Water Connection per Parcel for Redevelopments, unless a dedicated non-Cross Connected fire service is also required, or unless deemed beneficial to the Water System by the Manager to have more than one connection.
 5. If the Owner does not initiate construction of the required Water System within one year after the date of the subdivision approval, the Regional District may enter upon the subdivided lands to complete the installation of the required Water System at the expense of the Owner.

12.4. Multiple Dwelling Property Developments

1. Owners of a proposed Multiple Dwelling Property Development wishing to connect to a Regional District Water Service shall, prior to the start of any construction, submit a Water Servicing Plan to the Manager for Approval. The Water Servicing Plan shall include property lines, existing legal lot, block and plan numbers, proposed lot numbers, building location(s), driveways or hard surfaces, sanitary systems and service offsets, other utilities, road names, and the requested location of the water connection(s). Neat sketches may be acceptable from the Owner for small Developments or Subdivisions but the Manager may require drawings issued by a Professional Engineer or Qualified Person.
2. The Manager may require the Owner to upgrade any existing Regional District Water Connections due to age, to meet current standards or to improve capacity as a condition of Development.

12.5. Existing Water Mains and Service Connections on Private Land

1. Existing Water Mains and service connections that cross private Property to service another Property shall be relocated in road right of ways or Parcels Titled to the Regional District during new Developments, Redevelopments or property line boundary adjustments, unless otherwise approved by the Manager, and a Statutory Right of Way or Easement Agreement is provided for existing Water Mains and service connections.

12.6. Work Completed by Others

1. Work on Regional District Water Systems or installation of water infrastructure that is to become part of a Regional District Water System shall be completed by the Regional District or the Regional District's contractor unless done under written agreement between the Regional District and Developer.
2. The Developer is responsible for but not limited to the following when any infrastructure installed by the Developer is to be owned by the Regional District:
 - a. Securing all required permits, including but not limited to an Interior Health Issued Construction Permit, Ministry of Transportation and Infrastructure Provincial Public Highway Permit, Development Permits, Building Permits, and Plumbing Permits;
 - b. Provision of "issued for construction drawings" and "plan of record drawings" provided by a Professional Engineer or Qualified Person;
 - c. Provision of project costs by a Qualified Person.
 - d. All materials shall meet applicable American Water and Wastewater Association standards, Canadian Standards Association standards, NSF standards, and designs

- and construction standards shall meet the satisfaction of the Regional District and applicable Regulatory agencies;
- e. Provision of a deposit with the Regional District in the form of an unconditional, irrevocable letter of credit, a bank draft drawn on a chartered bank in Canada, or cash in the value of 20% of the estimated cost of the water infrastructure, and for a term to the time of not less than to the issuance of a Certificate of Total Performance by the Regional District; and
 - f. Securing and maintaining commercial general liability insurance against claims for bodily injury, death or property damage arising out of this Agreement or the construction of the water infrastructure in a form acceptable to the Chief Financial Officer of the Regional District, in the amount of \$5,000,000 per occurrence.
3. The Developer shall provide the following warranty on any infrastructure installed by a Developer that is to be owned by the Regional District:
- a. One year from the time of issuance of a Certificate of Total Performance by the Regional District for any water infrastructure.
 - b. Two years from the time of issuance of a Certificate of Total Performance by the Regional District for any landscaping.
 - c. The cost of all work required to repair any defects or deficiencies shall be at the expense of the Developer during the warranty period.

13. Cross Connection Control and Backflow Prevention

13.1. Cross Connection Control Requirement and Classification

1. As a condition of Approval of service:
 - a. The property owner must have a cross connection control device already installed as part of the plumbing system on their property in accordance with and when required by the Plumbing Code; or
 - b. Where a cross connection control device is not part of the owner's plumbing system, a cross connection control device must be installed outside of the property line on the Regional District Water Connection when require by the Manager.
2. No person shall cause or permit to continue a Cross Connection to a Regional District Water system or a connection between a Regional District Water System and another source of water.
3. When required by this Bylaw, Backflow Prevention shall be required to be installed on the public side of a Water Connection only at the following times:
 - a. During Developments or Redevelopments, at the Owner's expense;
 - b. When an Owner does not mitigate a Severe Hazard, at the Owner's expense;
 - c. When metering in a meter pit is required; or
 - d. During Water System metering implementation programs.
4. All new meter pits shall include Dual Check Valves for all Single Family Dwelling properties, Multiple Dwelling properties and Minor Cross Connection Hazard properties.
5. All new Regional District owned meter pits shall have Double Check Valve Assemblies for Moderate Cross Connection Hazard properties and potential Severe Cross Connection Hazard properties.
6. Property Owners with a Severe Cross Connection Hazard not protected by a Reduced Pressure Principle Backflow Preventer or Air Gap, approved by a Qualified Person, shall immediately eliminate the Severe Cross Connection Control Hazard or be subject to immediate water Turn Off by the Regional District.
7. Property Owners with a potential Severe Cross Connection Hazard shall install a Reduced Pressure Principle Backflow Preventer or Air Gap on their property, approved by a Qualified Person.

8. Backflow Prevention is not required in Water Systems under long-term Boil Water Notice.
9. Backflow Prevention, when required, shall be selected and installed by a Qualified Person in accordance with CSA B64.10-11.
10. No person shall remove or modify a Backflow Preventer unless a Qualified Person.
11. Buildings or facilities in a Regional District Water System may be classified as being a Minor, Moderate or Severe Cross Connection Hazard by the Manager in accordance with CSA B64.10-11.
12. All new Regional District Water Connections or Redevelopments servicing four or more Units, including Dwellings, shall be considered at least a Minor Cross Connection Hazard.
13. All new Regional District Water Connections or Redevelopments in potable Water Systems with no residual disinfection protection and with a building or facility identified as being a Minor Cross Connection Hazard shall have a Property Isolation Dual Check Valve or Double Check Valve Assembly as Approved by the Manager.
14. All new Regional District Water Connections or Redevelopments in all Water Systems with a building or facility identified as being a Moderate or Severe Cross Connection Hazard shall have Property Isolation Backflow Prevention as specified by a Qualified Person and as Approved by the Manager.
15. All new Regional District Water Connections on parcels of land 0.40 hectares (1 Acre) or larger, when also required to be metered, shall have Property Isolation Backflow Prevention, as specified by a Qualified Person and as Approved by the Manager.

13.2. Owner Responsibilities

1. When an Owner's Premises Isolation Backflow Preventer protecting a Moderate or Severe Cross Connection Control Hazard is found to not be in proper working condition, the condition shall be reported to the Regional District by the Customer or Owner and the Backflow Preventer shall be repaired or replaced by the Owner within 5 working days.
2. When an Owner's Premises Isolation Backflow Preventer protecting a Minor Cross Connection Control Hazard is found to not be in proper working condition, the condition shall be reported to the Regional District by the Customer or Owner and the Backflow Preventer shall be repaired or replaced by the Owner within 30 days.

13.3. Backflow Preventer Ownership

1. Backflow Preventers installed on the Owner's Property shall be owned by the Property Owner and shall be installed, maintained and tested at the Owner's expense.
2. Backflow Preventers when required to be installed on a Regional District Water Connection for new Regional District Water Connections or Redevelopments shall be installed at the Owner's expense.
3. Backflow Preventers when required to be installed on a Regional District Water Connection due to Cross Connections created by portable equipment connected to the water system by a Property Owner or their representatives shall be installed at the Owner's expense.
4. Backflow Preventers installed on the Regional District Water Connection shall be owned by the Regional District and shall be maintained and tested by the Regional District.

13.4. Backflow Preventer Testing and Inspection

1. Backflow Preventers that are owned by the Owner and that are protecting against Moderate or Severe Cross Connection Hazards shall be tested by a British Columbia Water and Wastewater Association certified Cross Connection Control Tester as follows:
 - a. Upon installation;

- b. When cleaned, repaired, or overhauled;
 - c. When relocated; and
 - d. Every three years.
2. Owners shall maintain a record of Backflow Preventer Inspection and testing results on the Property and shall provide a copy of these records to the Regional District upon request.
 3. Testable Backflow Preventers shall have an Approved testing tag affixed to the device by a British Columbia Water and Wastewater certified Cross Connection Control Tester.

14. Water Meters

14.1. Water Meter Requirement

1. Any new Regional District Water Connections or Redevelopment with Regional District Water Connection greater than 25 mm shall have an Approved Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
2. All new Regional District Water Connections or Redevelopments servicing, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities, excluding home based businesses, shall have an Approved Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
3. All new Regional District Water Connections or Redevelopments servicing four or more Units, including Dwellings, shall have an Approved Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
4. All Regional District Water Connections in the Lucas Road, Balfour Water System, Grandview Water System and Rosebery Water System shall be Metered.
5. All existing Properties with Approved Free Flow Bleeders shall be Metered, unless otherwise identified in a Board approved metering plan.
6. Owner Water Connections that cross a privately owned Property to service another Property unless otherwise exempted by the Manager in writing, shall have a Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
7. All existing Multiple Dwelling Properties, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities shall have a Meter installed by the Owner by **December 31, 2024**, unless otherwise identified in a Board Approved metering plan.
8. The Manager may at any time require that a Meter be installed by the Owner on Water Connections where there is reasonable cause to suspect a high water demand or where water usage cannot be easily determined.
9. No un-Metered water may be used on a Metered Property without the written Approval of the Manager.
10. The following Water Connections shall not require a Water Meter:
 - a. Fire water connections which are not used for any other purpose; and
 - b. Such other connections where, in the opinion of the Manager, it is impractical to install a Water Meter.
11. If an Owner requests and the Manager Approves an increase or decrease to the amount of irrigation privileges assigned or an increase or decrease to the assessed Agricultural Land Charge, a water meter will be required and the Owner shall be responsible for the installation costs of a Water Meter and related appurtenances, if the amount of assessed assigned irrigation privileges or assessed Agricultural Land Charge results in more than one acre and less all the lands.

14.2. Metering Equipment

1. Water Meters and equipment shall be selected and installed in accordance with requirements identified by the Manager.
2. All new Meter installations shall be located at Property Line and shall be installed in an Approved Meter Pit at the Owner's expense, unless otherwise identified in a Board approved metering plan.
3. The size of all Meters installed shall be Approved 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.
4. All Water Meters with a bypass shall have a seal on the bypass.
5. If a Property Owner fails to provide access to an existing Meter, a new Meter may be installed on the Regional District Water Connection at the Owner's expense.

14.3. Customer Responsibility and Notification Requirements

1. The Customer shall protect any Water Meter, valves, or pipes located on the Property from freezing, excessive heat, overheating of water, external or internal damage of any kind, or any other thing which may affect the operation of the Water Meter or Meters.
2. If a bypass seal is broken, the Customer shall notify the Designated Officer within twenty-four (24) hours of knowledge of the broken seal.
3. If a Water Meter is damaged, the Customer shall notify the Designated Officer within twenty-four (24) hours of knowledge of the damaged meter.
4. No Person shall:
 - a. Interfere with or tamper with the operation of any Water Meter or remote reading device; nor
 - b. Open a bypass valve on a Water Meter or metering installation except in the case of an emergency.

14.4. Water Meter Costs and Ownership

1. Water Meters located on Owner Water Connections shall be installed at the Owner's expense, unless installed as part of a Regional District metering program, and shall be the property of the Regional District.
2. If a Water Meter is removed or stolen, the Owner shall be responsible for the cost of replacing the Water Meter including installation.
3. If a Water Meter is damaged or tampered with, the Owner shall be responsible for the cost of repairs or replacement.
4. The Regional District shall be responsible for Water Meter maintenance, repair and replacement due to normal wear and tear, and life expectancy.
5. If a Water Meter is required by the Owner to be relocated, all costs associated with the Meter relocation shall be the responsibility of the Owner.

14.5. Meter Testing

1. The Owner may request that a Water Meter be tested for accuracy, and the cost of any such test shall be at the expense of the Regional District if the Water Meter is found to be inaccurate in excess of two (2%) percent of actual flow. The test shall be at the Owner's expense if the Water Meter is found to be accurate within two (2%) percent of actual flow.
2. The Manager may require a water meter to be tested for accuracy, and the cost of any such test shall be the expense of the Regional District.

14.6. Meter Readings

1. The Manager shall establish the frequency of regular Meter reading.

2. The Manager may require that a Meter be read at any time.
3. Customers shall provide Meter reading(s) when requested by the Manager.

15. Offences and Penalties

1. Any person who contravenes this Bylaw or other requirements made or imposed under this Bylaw or amendments thereto is guilty of an offence and is liable to a fine not exceeding \$2,000.
2. Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding \$2,000, may be imposed for each day on or during which an offence occurs or continues.
3. Nothing in this Bylaw shall restrict the Regional District of Central Kootenay from utilizing any other remedy that would otherwise be available to the Regional District of Central Kootenay at law.

16. Citation

This Bylaw may be cited as **Water Bylaw No. 2894, 2023**

17. Repeal

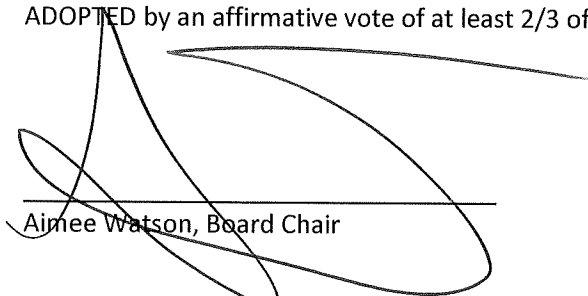
Water Bylaw No. 2824, 2022, and amendments hereto, are hereby repealed.

READ A FIRST TIME this 20th day of April, 2023.


READ A SECOND TIME this 20th day of April, 2023.

READ A THIRD TIME this 20th day of April, 2023.

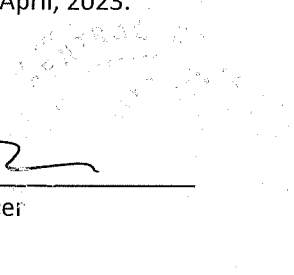
ADOPTED by an affirmative vote of at least 2/3 of the votes cast this 20th day of April, 2023.



Aimee Watson, Board Chair



Mike Morrison, Corporate Officer



**SCHEDULE A: BYLAW NO. 2894
WATER CONSERVATION MEASURES**

Stage 1 Water Conservation Measures go into effect every year regardless of seasonal weather patterns. These measures are in effect from June 1st to September 30th. The Regional District may, upon notification, impose further water conservation measures (Stages 2-4) as necessary.

Activity	Mandatory Restrictions			
	Stage 1	Stage 2	Stage 3	Stage 4
Watering of lawns	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited	Prohibited
Watering of new lawns (seed within 45 days and sod within 21 days of installation)	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited (Except where permitted by the Manager)
Watering of gardens, trees and shrubs (excluding watering of commercial agricultural products on Agricultural Land)	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited
	<i>Watering using drip irrigation, a watering can, and or hand held hose, which eliminates over-spray is permitted at any time.</i>			
Outdoor water usage during power outages greater than 1 hour	Prohibited	Prohibited	Prohibited	Prohibited
Watering of Commercial Agricultural Products (production and sales)	Permitted	Permitted	Permitted	Permitted (Voluntary Conservation)
Wash down (sidewalks, walkways, driveways, exterior building surfaces, window, vehicles or other outdoor surface)	Permitted	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited (Except where critical for health and safety, and business operations)	Prohibited (Except where critical for health and safety)
Filling of fountains or other decorative features	Permitted	Prohibited (Except where permitted by the Manager)	Prohibited	Prohibited
Filling of outdoor hot tubs and/or wading pools.	Permitted	Permitted	Prohibited	Prohibited
Filling of swimming pools	ONLY between the hours 8 pm - 7 am	Prohibited (Except where permitted by the Manager)	Prohibited	Prohibited
Dwelling water consuming appliances such as washing machines and dishwashers	Permitted	Permitted	Permitted (Voluntary Conservation)	Permitted (Voluntary Conservation)
Large commercial water use such as laundromats, washers, carwashes, etc.	Permitted	Permitted	Permitted (Voluntary Conservation)	Permitted (Voluntary Conservation)

SCHEDULE B: BYLAW NO. 2894
LATECOMER CHARGES AND COST RECOVERY FOR EXCESS AND EXTENDED SERVICES

PURPOSE

The purpose of this Schedule is to provide a form of authorization for staff on how to process Latecomer Agreements and associated Latecomer Charges within water systems owned and operated by the Regional District of Central Kootenay.

A Latecomer Agreement is executed between a Developer and the Regional District when Latecomer Charges are owed to a Developer for off-site infrastructure they have installed that benefit other lands within the water system. Identified Benefitting Lands in the Latecomer Agreement pay calculated Latecomer Charges to the Regional District at the time of a new water service request. The collected Latecomer Charges are reimbursed to the Developer for a set term.

Any modifications to this Schedule must be approved by the Regional District Board.

SCOPE

This schedule applies in situations where a developer wishes to install water infrastructure that is to become part of a Regional District water system that is deemed as Excess or Extended services.

DEFINITIONS

Benefitting Land means lands that benefit from an extended service within a Regional District water system boundary.

Development Agreement means an agreement executed between the Developer and the Regional District that outlines the requirements for installation of water infrastructure by the Developer that is to become part of a Regional District water system.

Excess Service means the oversizing built into the water system in order to provide excess capacity to service properties other than the land being developed.

Extended Service means the water system infrastructure that is being installed by a developer to service their development, but which also extends the immediate capability of water servicing to other properties.

Latecomer Agreement means the executed Latecomer Agreement as the legally binding contract between the Developer and the Regional District.

Latecomer means the registered owner of lands benefitting from the construction of the extended services.

Latecomer Charge means a charge imposed on the benefitting lands which will be collected by the Regional District as a condition of a latecomer connecting or using extended services.

Substantial Completion means the extended or excess service work is sufficiently complete in accordance with the Development Agreement to the point that it may be used for its intended purpose.

1 General Administration

Latecomer charges apply to Excess or Extended water services required as part of the subdivision, development process, or building permit process within a Regional District owned water system. The Latecomer Agreement Application submitted by the Developer is reviewed and approved by the Manager.

The Regional District may pay the cost of oversizing or extending of water services subject to funding availability and Board approval. The Developer shall not be eligible for Latecomer Charge benefits for any over sizing or additional component of water service extension paid for by the Regional District.

Benefitting lands are limited to:

- a. Parcels fronting the Excess or Extended services, or parcels fronting public roads where future water main extensions from the Excess or Extended services is feasible;
- b. Parcels that would achieve normal operating pressures as outlined in Bylaw 2894, as amended or replaced; and
- c. Parcels within the existing water system boundary.

A parcel with an existing service connection will be reconnected to the new service without a Latecomer Charge applied. Parcels with on-site servicing, such as a well, will not be entitled to this free connection.

Latecomer charges do not apply to offsite works and services which are voluntarily installed by a Developer or where the Developer has waived their right to collect latecomer charges.

Interest on Latecomer Charges shall be calculated annually at 1% and payable for the period beginning on date of Substantial Completion, up to the date that the benefitting lands water service is made.

Building and/or Development permits pursuant to the Subdivision and Development Bylaws will not be issued for works and services which are the subject of a latecomer charge until the Latecomer Agreement and the Development Agreement have been executed.

Before the Regional District will execute a Latecomer Agreement with the Developer, the Developer must pay an application administration fee to the Regional District in the amount prescribed in the Water Utility Rates, Charges, and Charges Bylaw 2825, as amended or replaced.

The term for the Latecomer Agreement will be set for the 10th anniversary of the Substantial Completion date, with no opportunity for extension.

2 Procedure

Staff is to establish and maintain procedures for process, approval, administration, collection, and reimbursement of Latecomer charges.

3 Authority for Execution

Latecomer Agreement contracts must be authorized by the General Manager of Environmental Services with the approval of the Chief Administrative Officer.

4 Related Legislation

Local Government Act Part 14 – Planning and Land Use Management Section 508.