

# TOWN OF SMITHERS

## BYLAW NO. 954 WATER REGULATION BYLAW

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**WHEREAS** Council has the authority under the Municipal Act to provide for the regulation and use of a water system and for the construction of water connections;

**NOW THEREFORE** Council in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. **TITLE:**

- 1.1 This Bylaw may be cited for all purposes as the “Water Regulation Bylaw No. 954, 1991.”

2. **DEFINITIONS:**

2.1 In this Bylaw:

“Applicant” means a person or their duly authorized agent who applies for a service connection.

“Building Inspector” means the person appointed from time to time by Council as Building Inspector for the Municipality.

“Collector” means the Collector appointed from time to time by the Council.

“Council” means the Council of the Town of Smithers.

“Curb Stop” means the control valve located on a service connection at the property line of premises served by a service connection.

“Director of Engineering” means the person appointed from time to time by Council as Director of Engineering.

“Municipality” means the Town of Smithers.

“Parcel” means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway.

“Permission” means permission given by the Director of Engineering or the Building Inspector or their duly authorized representatives.

“Premises” means any building or buildings capable of being used or occupied by any person.

“Residential” means premises that are used exclusively as a single family dwelling unit.

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“Service Connection” means a pipe connecting a water main to a parcel.

“Water Main” means a pipe, including valves and other appurtenances in the Water System other than a service connection.

“Water System” means all water works and all appurtenances thereto, including water mains, service connections, pumping stations, treatment plants, valves and fire hydrants laid within any highways, municipal rights-of-way or easements and owned and operated by the Municipality.

## 3. SERVICE CONNECTION

- 3.1 Application for a service connection shall be made to the Town on the form prescribed in Schedule “A” attached and forming part of this Bylaw.
- 3.2 The fees applicable for service connection are as set out in Schedule “B”, attached and forming part of this Bylaw.
- 3.3 Applicable fees for service connections must be paid to the Municipality prior to their installation.
- 3.4 Where the owner, or his agent, of a parcel of real property desires to have his premises connected with the water supply system of the Municipality he shall make application at the Municipal Office on the form provided, and no connection shall be made to the premises of such person until the application has been approved by the Director of Engineering. The Director of Engineering shall determine the position of every service connection and in doing so, may defer so far as may be practicable to the requirements of the applicant.
- 3.5 Service connections shall be installed in conformity with the Town of Smithers specifications and the requirements of the British Columbia Plumbing Code.
- 3.6 Each parcel of real property shall be serviced by one independent service connection.
- 3.7 No person except a duly authorized agent or employee or the Municipality shall tap or make connection with any water main of the water system, and no person shall tamper with, destroy, or obstruct the access to any part of the Water System, or turn off or on any service pipe or curb stop.
- 3.8 All property owners or occupiers shall keep their service pipes and other plumbing fixtures on their premises in good repair and order, at their own expense.

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## 4. WATER METERS

- 4.1 Waters meters shall be included in all construction plans and shall be installed on all non-residential service connections.
- 4-2 The cost of any meter installed in the Water System shall be borne by the property owner, and such meters shall remain the property of the Municipality.
- 4.3 Every meter shall be installed pursuant to Municipal specifications and Municipal employees shall have access, during reasonable hours, to the premises of every property owner for the inspection of and reading of meters and all appurtenances connected with any service.
- 4.4 No person shall tamper with any meter or pipes connected thereto, or break meter or valve seals, so as to interfere with the recording of the quantity of water supplied to any lands or premises.

## 5. GENERAL CONDITIONS

- 5.1 The Municipality shall not be liable for any loss or damage whatsoever arising from the failure of water supplies in consequence of any accident or damage to the water system, or the temporary stoppage of water on account of alterations or repairs, whether such failure arises from negligence of any person in the employ of the Municipality or Act of God.
- 5.2 No person, unless authorized by the Municipality in writing, shall draw water from, open, close, or in any way injure or interfere with any fire hydrant, curb stop, or meter being the property of the Municipality or obstruct the free access to any fire hydrant or meter.

## 6. PENALTY

- 6.1 Every person who:
  - (a) violates any of the provisions of this bylaw;
  - (b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
  - (c) neglects or omits to do anything required under this bylaw;
  - (d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw;
  - (e) fails to comply with an order, direction or notice given under this bylaw; or

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(f) prevents or obstructs or attempts to prevent or obstruct the authorized entry of the Director of Engineering on property under section 7.2,

shall be deemed to be guilty upon summary conviction of an offence under this Bylaw.

6.2 Each day's continuation of an offence under Section 6.1 constitutes a new and distinct offence.

6.3 Every person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding two thousand (\$2,000.00) dollars and the costs of prosecution.

## 7. ADMINISTRATION AND ENFORCEMENT

7.1 This bylaw shall be administered by the Director of Engineering or by any other person authorized by Council.

7.2 The Director of Engineering or other authorized person is hereby authorized to enter on any property that is subject to regulations under this Bylaw to ascertain whether the regulation or directions under this bylaw are being observed.

7.3 The Council may upon recommendation of the Director of Engineering, throttle or entirely discontinue any service when the property owner or occupier has been guilty of violating any of the provisions of this Bylaw, or when the public interests require such action.

## 8. SEVERABILITY

8.1 If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of the Bylaw.

## 9. TRANSITION

9.1 "Town of Smithers Water Regulation Bylaw No. 744, 1985" is hereby repealed.

9.2 This Bylaw comes into full force and effect as of the date of adoption.

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READ A FIRST TIME THIS 19<sup>th</sup> DAY OF FEBRUARY, 1991.

READ A SECOND TIME THIS 19<sup>th</sup> DAY OF FEBRUARY, 1991.

READ A THIRD TIME THIS 19<sup>th</sup> DAY OF FEBRUARY, 1991.

RECONSIDERED, ADOPTED AND SEALED THIS 5TH DAY OF MARCH, 1991.

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MAYOR

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CLERK (DEPUTY)

EMc/sgm

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SCHEDULE "A"

WATER REGULATION BYLAW NO. 954

TOWN OF SMITHERS



TOWN OF SMITHERS  
BUILDING BYLAW NO. 1435  
FORM "A"

APPLICATION FOR A  
BUILDING PERMIT

MUNICIPAL OFFICES  
1027 ALDOUS ST.  
BOX 879  
SMITHERS, B.C. V0J 2N0  
TELEPHONE (250) 847-1600  
FAX (250) 847-1601  
**BUILDING  
PERMIT NO.** \_\_\_\_\_

Application Fee: Residential \$35.00

Other \$50.00

(Application fee will be credited to the building permit fee)

Folio No.: \_\_\_\_\_

Owner: \_\_\_\_\_

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

Civic Address: \_\_\_\_\_

Present Mailing Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Class of Work: New \_\_\_\_\_ Addition \_\_\_\_\_ Alteration \_\_\_\_\_ Conversion \_\_\_\_\_ Moving \_\_\_\_\_ Demolition \_\_\_\_\_

Description of Work: \_\_\_\_\_

Standard Building \_\_\_\_\_ Complex Building \_\_\_\_\_ Estimated Cost of Project Including Labour:

\$ \_\_\_\_\_  
(complete Form 'N')

**This Section is for Commercial, Institutional and Industrial Projects (if applicable):**

Coordinating Registered Professional: \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_

General Contractor: \_\_\_\_\_

Neither the granting of a permit nor the approval of the drawings and specifications nor inspections made shall in any way relieve the owner of such building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of Municipal By-laws and/or Provincial laws regulating building.

Any owner of property for which a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs as a result of the work covered by the permit.

A permit is issued upon the condition that from the date the permit is issued:

- (a) the work is to be started within six months;
- (b) the work is not to be discontinued or suspended for a period of more than one year;
- (c) the work is completed within two years.

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The applicant shall, where required by the Building Inspector, include copies in duplicate of the Drawings and Specifications of the building with respect to the work that is to be carried out.

I HEREBY AGREE to indemnify and keep harmless the Town of Smithers and its employees against all claims, liabilities, judgments, costs and expenses of whatsoever kind which may in any way occur against the said Town and its employees in consequence of and incidental to the granting of the permit, if issued, and I further agree to conform to all requirements of the Building By-laws in force in the Town of Smithers.

I hereby acknowledge that I have read this application and state that the above is correct.

\_\_\_\_\_  
(Signed by Owner or Authorized Agent) \_\_\_\_\_ Date

## OFFICE USE ONLY

The following fees are payable before a permit will be issued:

Municipal Service:	Size	Amount	T.P.W.O.#
Water Meter	_____	\$ _____	_____
Water Service Connection (Main to Property)	_____	_____	_____
Sewer Service Connection (Main to Property)	_____	_____	_____
Storm Sewer Connection (Main to Property)	_____	_____	_____
Culverts: _____ Length _____ and _____	_____	_____	_____
Curbs and Pavement Cuts	_____	_____	_____
Building Permit Fee		\$ _____	
Less Application Fee		- _____	
Less 5% reduction for Complex building (if applicable)		- _____	
<b>Total Payment Due</b>		\$ _____	

Approved by Building Inspector and issuing permit is authorized.

\_\_\_\_\_  
Building Inspector \_\_\_\_\_ Date

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SCHEDULE "B"

WATER REGULATION BYLAW NO. 954

SERVICE CONNECTION RATES

The fees for the installation of a service connection shall be:

1. (a) A nineteen millimeter (19mm) connection ..... \$550.00.
- (b) All connections over nineteen millimeters (19 mm) .....at cost.

Further provided, however, that when a connection is required to be made between the first day of November in any calendar year and the fifteenth day of April in the next calendar year succeeding, the foregoing connection fees shall be doubled;

And further provided that when a service connection requires any one or all of the following:

- service connection over nineteen millimeters (19mm).
- Highway asphaltic pavement cut.
- Tunnel or cut sidewalk.
- Cut curb and gutter.

The additional costs shall be estimated by the Municipality and paid in to the Municipality by the applicant before the work is begun, provided however, should such estimated cost be insufficient to cover the cost, the deficiency shall be charged against the persons for whom such installation was made, and provided further that any excess payment shall be returned to the persons applying for the installation.

2. Meter installation charge.....\$40.00
3. Water turn on/off at the curb stop.....\$25.00

EMc/jd  
91.01.04