

## **TOWN OF COMOX**

### **CONSOLIDATED BYLAW NO. 529**

#### **A BYLAW TO REGULATE THE RATES, TERMS AND CONDITIONS FOR THE SUPPLY OF WATER**

(Consolidated to Feb 15, 2023)

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**Please note:** This is a consolidated bylaw prepared for  
Convenience only and is not a certified copy.

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Consolidated to include the following bylaws:

<b>Bylaw No.</b>	<b>Adopted</b>	<b>Name</b>	<b>Purpose</b>
544	20-Jun-1979	Comox Water Connection Fee Amendment Bylaw, 1979	To amend By-Law No. 529 of the Town of Comox
600	19-Nov-1980	Comox Water Rates and Regulations Amendment Bylaw, 1980	To amend the rates charged for the supply and use of water
659	03-Feb-1982	Comox Water Rates & Regulations Amendment Bylaw, 1981	To amend the rates charged for the supply and use of water
667	17-Feb-1982	Comox Water Rates and Regulations Bylaw Amendment No. 1, 1982	To regulate the turning off and on of water valves
770	19-Dec-1984	Comox Water Rates & Regulation Amendment Bylaw, 1984	To amend the rates charged for the supply and use of water
797	02-Jan-1986	Comox Water Rates & Regulations Amendment Bylaw, 1985	To amend the rates charged for the supply and use of water
891	28-Sep-1988	Comox Water Rates & Regulations Bylaw Amendment, 1988	Replace Section 4 – water meters, Replace Schedule A.
937	01-Nov-1989	Comox Water Rates and Regulations Amendment Bylaw, 1989	To amend sanitary water connection fees – Replace Schedule A
1171	07-Jun-1995	Comox Water Rates & Regulations Amendment No. 9, Bylaw, 1995	To amend sanitary water connection fees – Replace Part 1 Schedule A
1288	08-May-1998	Comox Water User Rates Bylaw, 1988 (May 8/98)	To amend the rates charged for the supply and use of water. – Replace Schedule A
1404	02-Jul-2003	Comox Water Rates & Regulations Amendment Bylaw, 2003	To amend the rates charged for the supply and use of water – Replace Schedule A.
1423	03-Mar-2004	Comox Water Rates Amendment Bylaw, 2004	To increase the rates charged for supply and use of water – Replace Schedule A.
1454	01-Dec-2004	Comox Water Rates Amendment Bylaw, 2005	To increase the rates charged for the supply and use of water – Replace Schedule A.

<b>Bylaw No.</b>	<b>Adopted</b>	<b>Name</b>	<b>Purpose</b>
1494	07-Dec-2005	Comox Water Rates and Regulations Bylaw Amendment No. 13, 2005	To increase the rates charged for water supply and use – Replace Schedule A.
1522	05-Jul-2006	Comox Water Rates and Regulations Bylaw 1979 Amendment No. 14, 2006	To amend Town of Comox Water Rates and Regulations Bylaw 1979 – Add regulations re connection to water system, amend right to place responsibility, remove 7(a) water conservation provision.
1545	06-Dec-2006	Comox Water Rates and Regulations Bylaw Amendment No. 14, 2006	To increase the rates charged for water supply and use – Replace Schedule A
1587	05-Dec-2007	Comox Water Rates and Regulations Bylaw Amendment No. 15, 2007	To increase the rates charged for water supply and use – Replace Schedule A
1596	07-May-2008	Comox Water Rates and Regulations Bylaw Amendment No. 16, 2008	To amend the Comox Water Rates and Regulations Bylaw No. 529, 1979 – Replace Schedule A
1609	22-Dec-2008	Comox Water Rates and Regulations Bylaw Amendment No. 17, 2008	To increase the rates charged for water supply and use – Replace Schedule A
1644	NOT ADOPTED	Comox Water Rates and Regulations Bylaw Amendment No. 18, 2009	To increase the rates charged for water use.
1662	18-Aug-2010	Comox Water Rates and Regulations Bylaw 1979 Amendment No. 19, 2010	To delete requirement to provide security for the installation of a water distribution system – section 3(i).
1715	21-Mar-2012	Comox Water Rates and Regulations Bylaw Amendment No. 18, 2012	To increase the rates charged for water supply and use – Replace Schedule A. Also allow residential customers to pay based on usage – sections 3(g) and 4(h).
1738	05-Dec-2012	Comox Water Rates and Regulations Bylaw Amendment No. 19, 2012	To increase the rates charged for water supply and use – replace Schedule A.
1759	04-Dec-2013	Comox Water Rates and Regulations Bylaw Amendment No. 20, 2013	To increase the rates charged for water supply and use – replace Schedule A.
1797	04-Feb-2015	Comox Water Rates and Regulations Bylaw Amendment No. 21, 2015	To increase the rates charged for water supply and use – replace Schedule A.
1821	18-Nov-2015	Comox Water Rates and Regulations Bylaw Amendment No. 22, 2015	To increase the rates charged for water supply and use – replace Schedule A.
1849	07-Dec-2016	Comox Water Rates and Regulations Bylaw Amendment No. 23, 2016	To increase the rates charged for water supply and use – replace Schedule A.
1876	07-Feb-2018	Comox Water Rates and Regulations Bylaw Amendment No. 24, 2018	To increase the rates charged for water supply and use – replace Schedule A.
1904	05-Dec-2018	Comox Water Rates and Regulations Bylaw Amendment No. 25, 2018	To increase the flat rate for residential customers with and without a water meter, as well as unmetered non-residential customers – update Schedule A.
1940	01-Apr-2020	Comox Water Rates and Regulations Amendment Bylaw No. 1940, 2020.	To increase the rates charged for water supply and use.

<b>Bylaw No.</b>	<b>Adopted</b>	<b>Name</b>	<b>Purpose</b>
1973	05-May-2021	Comox Water Rates and Regulations Amendment Bylaw No. 1973, 2021	To increase the rates charged for water supply and use.
1991	01-Dec-2021	Comox Water Rates and Regulations Amendment Bylaw No. 1991, 2021	To increase the rates charged for water supply and use.
2011	15-Feb-2023	Comox Water Rates and Regulations Amendment Bylaw No. 2011, 2023	To increase the rates charged for water supply and use.

WHEREAS Section 568 of the “Municipal Act” provides that Council may by by-law regulate the rates, terms and conditions under which water may be supplied and used;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

### **1. Title**

This By-law may be cited as the “Comox Water Rates and Regulations By-law, 1979”.

### **2. Definitions**

“Town” shall mean the Town of Comox, the Council or persons duly authorized by the Council in respect of this by-law.

“Water Connection” shall refer to a connection from the water main to a pipe which extends to the property line of the customer for the purpose of conveying water to the said customer and may or may not include a water meter, but shall include a shut off valve. The said water connection shall be the property of the Town.

“Disconnection” shall refer to the turning off or complete removal of the water connection.

“Owner” shall bear the meaning assigned to the same by the “Municipal Act” as presently enacted or from time to time amended.

### **3. Water Connections**

- (a) Application for the connection of a water service shall be made at the Town office and shall be accompanied by the proper fee as specified in Schedule ‘A’ of this by-law. Each application must be signed by the owner or duly authorized agent of the premises to which the connection is to be made and such application shall be an agreement whereby the applicant agrees to abide by the terms and conditions of this by-law and any subsequent amendments thereto.
- (b) Any applicant for a connection of a water service shall satisfy the Public Works Superintendent or the person in charge of the said connections that all water pipes within the premises which are used for purposes of providing water have

been disconnected from any wells or other sources of water before the connection is made.

- (c) Any person or persons who shall install, place or maintain in any premises any water connection fixture or fitting not in accordance with the requirements of this By-law shall be guilty of an infraction thereof.
- (d) No consumer shall make use of any water connection to any Town water main without first making application for such water connection.

*[Sections (e) to (j) added July 5, 2006]*

- (e) The owner of every parcel of land that is capable of connection to a water main or to which a water connection has been made, and on which is located a building which is required by the *British Columbia Building Code* to be supplied with potable water, must connect such building to the water system.
- (f) Section e) does not apply to any building served by an on-site water supply system that is in existence on a parcel that becomes capable of connection to the water system by reason only of the installation of a water main, unless the water main has been installed as a local area service or the building is being altered to an extent requiring a building permit under the Town's Building Bylaw in which case Section 13.0 of *Town of Comox Subdivision Bylaw, 1997*, No. 1261 shall apply.
- (g) In the case of a building previously served by an on-site water supply system using a well, the owner must, within 30 days of a water connection being made, deal with the well in the manner prescribed in the Groundwater Protection Regulation under the *Water Act*.
- (h) In the event of any such owner failing to make the required connection within 30 days after being notified in writing by the Public Works Superintendent to do so, the Public Works Superintendent may have the work done at the expense of the owner and s.258 of the *Community Charter* shall apply.

*[Original Section (i) deleted August 18, 2010]*

- (i) For the purposes of this section, a parcel is capable of connection to a water main if the parcel is within 15 metres of the nearest water main, and the distance of a parcel from the nearest water main shall be determined by projecting the side parcel line nearest the water main and the centre line of the water main such that the projected lines intersect, and measuring the distance from point of intersection to the closest part of the water main.

*[Section 4 replaced September 28, 1988]*

#### **4. Water Meters**

- (a) The Town may install and compel the use of water meters to any connection from the Town's water main and the rates payable by a consumer are specified in Schedule 'A' of this By-law.
- (b) Connections from the Town's water main to commercial or industrial premises shall have water meters installed.

- (c) Existing water meters which become broken or defective will be replaced by the Town and a rental fee will be charged to the consumer.

*[Section 4(d) replaced, July 5, 2006]*

- (d) The Public Works Superintendent shall have the right to place the responsibility for any damage to, and removal of, a water meter.
- (e) No water meter shall be removed, disturbed or have its seal broken except in the presence of or under the direction of the Public Works Superintendent.

*[Section 4(f) amended March 21, 2012]*

- (f) Commercial, industrial and institutional consumers of metered water shall pay for the full amount as registered by the meter, unless the conditions stated in sub-section (d) prevail.

*[Section 4(g) and 4(h) added March 21, 2012]*

- (g) Subject to subsection (h), residential consumers of metered water shall pay a monthly flat rate, as set out in Schedule "A" of this Bylaw.
- (h) Residential consumers of metered water, including strata corporations, may apply to pay an amount based on metered readings, as set out in Schedule "A" of this Bylaw, by completing the prescribed form of application and submitting the form to the Director of Finance for the Town of Comox.
- (i) Any person who wilfully alters or damages a water meter shall be liable to the penalties imposed by this by-law.

## **5. Disconnection and Reconnection of Water Services**

- (a) Any person or persons wishing to discontinue their water service shall give to the Town office notice of such desire. If such notice is not received and premises vacated, the water rates will be charged on a continuous basis.
- (b) The disconnection charge for water supply will be \$10.00

## **6. Water Billing**

- (a) Application for Water Service shall be made at the Town office on forms, presented by the Town. The rates enumerated in Schedule 'A' of the by-law are hereby imposed and levied for water services supplied or to be supplied by the Town. The billings for such rates, payable quarterly, shall be mailed on or about the twentieth day of January each year.
- (b) The minimum rates for water service shall be payable in respect to any premises to which water has been supplied for a period of FOURTEEN days or more in any one calendar month, provided however, that where the service has been maintained for a period of less than FOURTEEN days, the rate shall only be Fifty percent of the minimum rate.
- (c) All rates payable, in any year which remain unpaid on the 31<sup>st</sup> day of December in that year shall be deemed to be in arrears and the total of such rates shall be added to and be deemed to form part of the taxes due upon the land or upon land and improvements

to or upon which water has been supplied or used. Any rates which are so added or charged remaining unpaid on the 31<sup>st</sup> day of December in the year following that in which such rates became in arrears, shall be deemed to be delinquent on the 31<sup>st</sup> day of December and for the purpose of enforcing payment, the same shall be deemed to be delinquent taxes.

## **7. General**

*[Original Section (a) deleted July 5, 2006]*

- (a) Every person to whom water is supplied under this By-law shall at all reasonable times allow any authorized person to enter into and upon the premises in respect of which such water is supplied for the purpose of inspecting the water pipes, fixtures, and fittings used in connection with such water supply.
- (b) Where steam or hot water boilers are fed by direct pressure from the Town water mains, the Town will not be responsible or liable for any injury or damage which may accrue from any excess or lack of pressure.
- (c) All persons shall keep the service pipes, stop cocks, fixtures or fittings on their own premises in order and repair and protect them from frost at their own risk and expense; and when the house is vacated, the stop cock shall be turned off.
- (d) No person being an owner occupant or tenant of premises supplied with water by the Town shall sell or dispose of any such water or give away or permit the same to be taken away or applied for the benefit or use of others except to those persons not having their own water connections but who have made application for such service and who pay the rate specified for such service in Schedule 'A' of this By-law and in respect of which permission to do so has been granted.

*[Section 7(e) added February 17, 1982]*

- (e) No person or persons, other than authorized Town employees is permitted to turn on or off water valve connected to the Town's water main.

*[Section 7(f) added February 17, 1982]*

- (f) Any person or persons who violate the provisions of this by-law is liable on summary conviction to a penalty not exceeding FIVE HUNDRED dollars and also costs of prosecution.

## **8. Repealment**

By-law No. 383 "Comox Water Rates and Regulations By-law 1974" is hereby repealed.

## **9. Adoption**

RECONSIDERED AND ADOPTED this      7<sup>TH</sup>      day of      March      , 1979

(SCHEDULE "A" updated, Bylaw 1904, Dec 5, 2018)  
 (SCHEDULE "A" replaced, Bylaw 1940, April 1, 2020)  
 (SCHEDULE "A" replaced, Bylaw 1973, May 5, 2021)  
 (SCHEDULE "A" replaced, Bylaw 1991, Dec 1, 2021)  
 (SCHEDULE "A" replaced, Bylaw 2011, Feb 15, 2023)

## **BYLAW No. 529**

**Effective May 1, 2023**

### **SCHEDULE "A"**

#### **PART I - SERVICE INSTALLATION FEES**

1. To Provide or Upgrade a Water Service Connection

<u>Connection Size</u>	<u>To provide a new service connection</u>	<u>To upgrade an existing service that only has the pipe and a shut-off valve</u>
Pipe Size 19 mm	\$ 1,210	\$ 750
Pipe Size 25 mm	\$ 1,685	\$ 1,050
Pipe Size 37 mm	\$ 2,450	at Town's full cost
Pipe Size 50 mm	\$ 3,110	at Town's full cost
Pipe Size over 50 mm	at Town's full cost	at Town's full cost

These fees are per connection and include a meter box, lid, meter setter, meter & MXU.
2. Additional Costs
  - (j) Where curb and gutter have been installed on the street an additional cost, over and above the connection fee, of \$300 per lineal meter is required to cover repairs thereto;
  - (k) Where a concrete sidewalk exists an additional cost, over and above the connection fee, \$550 per lineal meter is required to cover repairs thereto; and
  - (l) Where there is a requirement to cut existing road pavement, an additional cost, over and above the connection fee, of \$1,500 is required to cover repairs thereto.
3. Inspection Fee

An inspection fee of \$50 shall be charged when materials, labour or equipment are not required to be supplied from the Municipality to make the connection.

#### **PART II – GENERAL CONSUMER RATES**

1. General Residential Rates
  - (m) The flat rate of thirty-eight dollars and thirty-eight cents (\$38.38) per calendar month shall be charged for each self-contained residential household, family or housekeeping units, including (for example): single-family homes, halves of residential duplexes, suites within residences, carriage houses, and dwellings above commercial businesses (except where the business is already charged for metered water consumption that includes the dwelling).
  - (n) The minimum fee for residential consumers, including strata corporations, who have directed that they pay an amount based on metered readings, shall be seventeen dollars and sixty-three cents (\$17.63) per residential household, family or housekeeping unit per calendar month (including at no additional cost up to 15 cubic metres of water use per



unit per calendar month) plus a rate of one dollar

and thirty-five cents (\$1.35) per cubic metre for water use over 15 cubic metres per calendar month.

(o) In addition to the rates set out in (a) and (b), where metered water consumption for these customers equals or exceeds 450 cubic meters per calendar year, the customer shall be charged as follows:

(i) for residential customers paying a flat rate fee, an additional one dollar and seventy-seven cents (\$1.77) per cubic metre for all consumption over 450 cubic metres per calendar year; and

(ii) for customers who have directed that they pay an amount based on metered readings, an additional thirty-eight cents (\$0.38) per cubic metre for all consumption over 450 cubic metres per calendar year.

(p) In addition to the rates set out in (a), (b) and (c), fifty dollars (\$50.00) for the Town to obtain a meter reading and compute a pro-rated billing, between scheduled meter readings, at the request of a customer.

## **2. Metered Rates for Other Customers**

(q) Each and every commercial, industrial, or institutional water consumer, who receives metered water from the Town's water mains, shall be charged seventeen dollars and sixty-three cents (\$17.63) per commercial, industrial or institutional unit (including, at no additional cost, up to 15 cubic metres of water use per unit per calendar month) plus a rate of one dollar and thirty-five cents (\$1.35) per cubic metre for all water consumption, and

(r) Where this metered consumption is for a strata-titled property, each strata unit is deemed to have consumed the amount calculated by dividing the total metered consumption by the total unit entitlement for the strata, multiplied by unit entitlement for the strata unit.

## **3. Discounted Rate for Leak Repairs**

For consumers who detect and subsequently permanently repair a water leak on the buried portion of their service, a discounted rate equal to the Town's bulk purchase rate per cubic meter shall be charged for the estimated volume of water leaked during either the billing period in which the leak was repaired or the one immediately prior. The Town's Director of Finance is authorized to estimate the amount of water leaked for the purposes of this section, along with determining when the leak was repaired and deciding which one billing period is to be discounted.

If a property has a leak that carries over from one fiscal year billing period to the next and is repaired, The Town's Director of Finance is authorized to provide relief for both billing periods.

If repairs are completed by the owner of the property and valid invoices are provided to the Town, the Director of Finance is authorized to provide leak relief equivalent to

the cost of the repair which may result in a nil bill. No credit will be provided to the account for any repair costs that exceed the excess water bill.

4. General Un-metered Rates

The flat rate of thirty-eight dollars and thirty-eight cents (\$38.38) per calendar month shall be charged for each un-metered non-residential unit, including (for example): individual offices, businesses, and store fronts.