



# City of Port Moody

## Bylaw No. 3026

A Bylaw to regulate extensions, connections, and use of the City's water works system, and to impose fees and charges for the use of the water system.

**WHEREAS** under the *Community Charter* (SBC 2003) Chapter 26, Council may, by bylaw, regulate, prohibit, and impose requirements in relation to municipal services;

**AND WHEREAS** Council deems it desirable to establish the terms and conditions under which water may be supplied and used within the City;

**NOW THEREFORE** in open meeting assembled, the Council of the City of Port Moody enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be officially cited for all purposes as "*City of Port Moody Water Supply and Distribution System Bylaw, 2015, No. 3026.*"

### 2. Interpretation

#### Definitions

- 2.1 In this Bylaw:

**APPROVED BACKFLOW PREVENTION ASSEMBLY** means a backflow preventer that meets the standard established in the most current edition of the *British Columbia Building (Plumbing) Code*.

**APPROVED REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY** means a reduced pressure backflow preventer that meets the standard established in the most current edition of the *British Columbia Building (Plumbing) Code*.

**AUXILIARY WATER SUPPLY** means any water available on, or to, a premises originating from a source or system other than that of the City.

**AWWA** means the American Water Works Association.

**BACKFLOW** means the flow of water or other liquids, gases, or other matter from any source in a backward or reverse direction towards a private water system or the City Water System.

BACKFLOW ASSEMBLY TESTER means a person holding a valid certificate from the American Water Works Association, British Columbia Section, for testing backflow prevention assemblies.

BACKFLOW ASSEMBLY TEST REPORT means a form provided by, or approved for use by, the City to record all pertinent information and test data when testing backflow prevention assemblies.

BACKFLOW PREVENTER means a device that prevents the backflow of, or reversal of, the normal direction of flow of water.

CITY means the City of Port Moody.

CITY WATER SYSTEM means the water supply and distribution system of the City.

CONTAMINANT means any physical, chemical, biological, or radiological substance or matter in water which may render the water non-potable under the *Drinking Water Protection Act* or other Provincial laws, or that may otherwise compromise its safety.

COUNCIL means Council for the City.

CROSS CONNECTION means any actual or potential physical connection whereby the City Water System is connected, directly or indirectly, with any unapproved private water supply system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture, or other source of contaminated water, liquid, gases, sewage, or other waste or contaminant.

CSA means the Canadian Standards Association.

CURB STOP means a shut-off valve on a service connection with a protective housing to the ground surface. The curb stop is located on the City side of the property line.

CUSTOMER means the owner or occupier of real property, or an agent acting on behalf of the owner or occupier.

DISCONTINUE means to terminate the arrangement between the City and the customer for the supply of water and to turn off the service pipe, disconnect, or remove it.

GENERAL MANAGER means the person appointed as General Manager of Engineering and Parks for the City, their deputy, or a person authorized to act in their absence.

HYDRANT OR TEMPORARY USE PERMIT means a permit issued by the City for any person requesting water from a fire hydrant, stand pipe, or temporary water connection for purposes other than emergency fire protection.

INSPECT means to conduct an on-site review of the water use, facilities, meters, piping, equipment, operating conditions, and maintenance records for the purpose of evaluating for conformity with the terms and conditions of this Bylaw.

INSPECTOR means an individual appointed by the City as an inspector for the water supply and distribution system.

OCCUPIER means any person to whom a water service is rendered and shall include the tenant of lands and premises.

OWNER has the same meaning as defined in the Schedule to the *Community Charter*, and in relation to common property under the *Strata Property Act* means the strata corporation.

POTABLE WATER has the same meaning as defined in the *Drinking Water Protection Act*.

PRIVATE WATER SYSTEM means any privately owned pipe and fittings intended for the delivery or distribution of water within a premises or a parcel.

SERVICE means the supply of water by means of the City Water System.

SERVICE CONNECTION POINT means the point of physical connection between the City Water System and a private water system, typically at the downstream side of the water meter, and located at, or near, the owner's property line.

TURN OFF means to turn off the water supply by closing a City owned valve or curb stop or by another method approved by the General Manager.

TURN ON means to allow the flow of water by opening a City owned valve or by another method approved by the General Manager.

WATER METER means a device used to measure and record water consumption.

WATER SERVICE CONNECTION means a service pipe from the City water service main to a property line and without limitation includes a curb stop.

WATER SERVICE MAIN means a pipe installed within a right-of-way for water service of more than one parcel.

## **General**

- 2.2 A reference to a statute refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, code, or bylaw refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter one prevails. If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Bylaw.

## Conditions of Service

- 2.3 The Service may be subject to increases or decreases in water pressure from time to time, and may be interrupted temporarily to allow for maintenance, repairs, extensions, alterations, replacements, or improvements to the City Water System, or for reasons beyond the control of the City.
- 2.4 The City may change operating water pressure and turn off the water supply for the purposes of making repairs, extensions, alterations, or improvements, and without notice, to address an urgent matter of public safety.
- 2.5 The City may limit the number, size, and capacity of connections to the City Water System.
- 2.6 The City may refuse water service main extension or enlargement if, in the opinion of the General Manager, it would adversely affect other users of the City Water System.
- 2.7 The City may refuse to provide Service where, in the opinion of the General Manager, the City Water System is not effectively protected from any actual or potential cross connections existing at, or within, a private water system on the property to be connected.

## 3. Connection to Service

- 3.1 Every owner on whose property a building or structure involving the use of water is proposed to be built must connect the building or structure to the City Water System and must pay all applicable fees set out in the *City of Port Moody Fees Bylaw, 2014, No. 2987*.
- 3.2 Every owner must ensure that all backflow preventers are properly installed, maintained, and tested.
- 3.3 A person must not:
  - a) connect to, or disconnect from, any pipe, valve, meter, hydrant, or any other part of the City Water System or private water system connected to the City Water System without first obtaining approval in writing from the General Manager;
  - b) add additional fill over a service pipe, meter box, or curb stop, or extend a standpipe without first obtaining written consent from the General Manager;
  - c) sell, take away, or use for the benefit of others any water supplied by the City Water System;
  - d) permit or allow any pipes, fixtures, meters, or other components of a private water system on the property to leak;
  - e) tamper with, destroy, damage, or interfere in any manner with a water service connection or any part of the City Water System;

- f) install, tamper with or attempt to repair, replace, or remove any water meter without first obtaining written consent from the General Manager;
- g) allow water from the City Water System to be discharged wastefully or for no provident use;
- h) obstruct or prevent the Inspector from administering and enforcing any and all provisions of this Bylaw;
- i) fail to promptly comply with any order, direction, or notice given under this Bylaw;
- j) cause, permit, allow, or suffer the introduction of any contaminant whatsoever into any private water system that is connected to the City Water System;
- k) connect, direct, or cause to be connected, or allow or suffer to remain connected to the City Water System or to any private water system, any device, piping, fixture, fitting, container, appliance, or any other chattel or thing which could under any circumstances allow any backflow or other substance to enter, directly or indirectly, the City Water System; or
- l) turn on a water valve to provide Service to the occupants of any newly renovated, constructed, or reconstructed premises before the private water system in such premises has been inspected for cross connections and the owner has received written approval from the General Manager.

#### 4. Application for Service

- 4.1 A person must apply in writing, to the City, in a form approved by the General Manager, in order to:
  - a) install a new connection to the City Water System;
  - b) disconnect from the City Water System;
  - c) materially change the use of the Service;
  - d) turn on or turn off the water supply to a premises; or
  - e) install or remove a water meter on the premises.
- 4.2 Prior to, or concurrently with, an application, the owner must pay all applicable fees and charges as set out in the *City of Port Moody Fees Bylaw, 2014, No. 2987*.

- 4.3 The General Manager may approve an application submitted under this Section on being satisfied that the provisions of this Bylaw are, or will be, met and may impose any terms, restrictions, and requirements as a condition of approval that the General Manager considers necessary for that purpose and otherwise to protect the safety and integrity of the City Water System.

## 5. Water Meters and Service Connections

- 5.1 The owner of a property identified in Schedule A must, at the owner's sole expense and within the time period established in the Schedule, apply to the General Manager to arrange for a water meter to be installed that:
- a) meets CSA or AWWA standards, or is of a type and size approved by the General Manager;
  - b) is located at the property line, unless otherwise approved by the General Manager; and
  - c) is capable of being read from a remote location.
- 5.2 If an owner or occupier observes any breakage, stoppage, or other irregularity in a water meter, he or she must notify the General Manager as soon as possible.
- 5.3 The owner or occupier must allow full, unobstructed access to the water meter and meter chamber to enable City staff or contractors to read and maintain the meter.
- 5.4 A water meter installed under this Bylaw is the property of the City and the City will maintain, repair, and replace it as deemed necessary by the General Manager.
- 5.5 The meter chamber, lid, fixtures, and appurtenances other than the water meter itself are the property of the owner, and the owner must ensure they are kept and maintained in good working condition.
- 5.6 Where repair or replacement of a water meter is deemed necessary by the General Manager due to an act or omission of a person other than a City employee or contractor, the City will carry out repairs or replace the meter at the expense of the owner; and the amount that is set out on an invoice delivered by the City becomes a debt owing by the owner to the City.
- 5.7 An owner wishing to have a water meter located, inspected, tested, or serviced may submit a written request to the General Manager and must pay the applicable fee established in the *City of Port Moody Fees Bylaw, 2014, No. 2987* prior to, or at the time of, the inspection, test, or service.
- 5.8 Charges for water service continue to apply during any inspection, testing, servicing, or replacement of a water meter. For certainty, where a request is made for the removal of a water meter, ordinary charges continue to apply until the meter has been removed as approved by the General Manager and in accordance with any directions given by the General Manager.

- 5.9 If servicing, removal, or replacement of a water meter involves the discontinuance of water service for longer than 24 hours, the charges for the Service covered by that meter will cease to apply from that time until the day that the Service is resumed.
- 5.10 Where the Inspector or General Manager has determined that a water meter has for any reason failed to correctly indicate the quantity of water passing through it, the Inspector or General Manager may cause the meter to be repaired or replaced. Charges for the water shall then be equivalent to the average consumption for the twelve (12) months billing period prior to the water meter failure.
- 5.11 An owner requesting a Service that is larger than the existing Service must pay, in addition to the applicable fee, the difference between that fee and the actual cost of the upgrade.
- 5.12 If a Service larger than 25mm is requested for connection to a single family dwelling, the General Manager may require the owner to provide design information demonstrating that a larger Service is warranted in the circumstances.

## 6. Backflow Prevention, Testing, and Maintenance

- 6.1 The owner of a property identified in Schedule B must, at the owner's sole expense and within the time period established in that Schedule, apply to the General Manager to arrange for a backflow preventer to be installed at the property; and must ensure that:
  - a) a backflow preventer is located on the water service connection to a premises or at another location approved by the General Manager;
  - b) a reduced pressure backflow preventer is used wherever fertilizers, chemicals, or other substances detrimental to health could potentially enter a private water system;
  - c) upon being installed or repaired, and at least once in every twelve-month period thereafter, any backflow preventers required under this Bylaw are inspected by a backflow assembly tester;
  - d) within thirty (30) days of the initial installation, repair, or relocation of a backflow preventer, the City is notified and provided with a backflow assembly test report prepared by a backflow assembly tester that confirms:
    - i. that it is an approved backflow prevention assembly or an approved reduced pressure backflow assembly;
    - ii. that the backflow preventer has been correctly installed and is in proper operating condition;
    - iii. the date of installation of the backflow preventer;

- iv. the specific location of the backflow preventer and what cross connection or hazard it is intended to isolate; and
  - v. the manufacturer, model, size, and serial number of the backflow preventer;
- e) if it appears that a backflow preventer is damaged or malfunctioning (due to freezing, hot water, fire, impact, interference, neglect, or any other cause), the owner must ensure that:
- i. the use of the private water system is discontinued immediately;
  - ii. the Inspector or the General Manager is notified as soon as possible; and
  - iii. the private water system is not used until the backflow preventer is replaced or repaired, re-tested by a backflow assembly tester, and confirmed to be in good working condition.

## 7. Temporary Water Use and Fire Hydrants

- 7.1 Other than an employee of the City in the course of his or her employment, a person must not, without a hydrant use permit issued by the General Manager, cause to be connected, or allow to remain connected any piping, fixture, fitting, container, or appliance to a fire hydrant, stand pipe, or any temporary water connection.

## 8. Auxiliary Water Supply

- 8.1 A person must not install or maintain a connection whereby water from an auxiliary water supply system may enter the City Water System or a private water system unless such auxiliary water supply system and the method of connection and use of such system has been approved by the General Manager.

## 9. Inspection and Enforcement

- 9.1 The General Manager and Inspector may enforce the provisions of this Bylaw.
- 9.2 The General Manager or Inspector may enter a premises at any reasonable time to inspect and determine whether all regulations and requirements are being met.
- 9.3 Where the General Manager or Inspector determines that there exists a violation of any provision of this Bylaw, the General Manager or Inspector may:
- a) order the customer to correct the violation at the expense of the customer within a specified time period; and/or
  - b) turn off or discontinue Service until the condition is corrected.



- 9.4 On taking action pursuant to subsection 9.3, the General Manager or Inspector will make reasonable attempts to notify the owner and occupier where the violation exists and will inform the Corporate Officer of the action taken, and the reason, as soon as possible thereafter.
- 9.5 Any person whose water has been turned off or discontinued pursuant to this Bylaw may arrange with the Corporate Officer to make representations to Council about the matter. After considering such representations, and any other information Council deems relevant to their decision, Council may confirm, vary, add restrictions or conditions to, or cancel a decision of the General Manager or Inspector.
- 9.6 Subject to a decision by Council pursuant to subsection 9.5, the customer must promptly comply with an order by the General Manager or Inspector pursuant to subsection 9.3, regardless of whether the notice was delivered in writing.
- 9.7 Where the General Manager or Inspector has caused a Service to be turned off at a property due to a violation, the Service will be turned on only when the General Manager or Inspector is satisfied that the violation has been remedied.

## 10. Action in Default and Cost Recovery

- 10.1 If a person subject to a requirement fails to take action, the General Manager may arrange for the City or a contractor to fulfill the requirement at the expense of the customer. In these circumstances, the City may recover the costs incurred from that person as a debt. If the debt has not been paid by December 31<sup>st</sup> of the year in which the debt was incurred, the City may collect the amount owing from the owner in the same manner as for property taxes.

## 11. Offence and Penalty

- 11.1 Every person who:
- (a) violates or contravenes any provision of this Bylaw;
  - (b) permits, allows, or suffers any act or thing to be done in violation or contravention of this Bylaw;
  - (c) fails or neglects to do, or refrains from doing anything required to be done by any of the provisions of this Bylaw; or
  - (d) fails to comply with any order, direction, or notice given under this Bylaw;
- commits an offence, and every day that the offence continues constitutes a separate offence.
- 11.2 A person convicted of an offence against this Bylaw is liable to pay a fine not exceeding the sum of ten thousand dollars (\$10,000.00).

## 12. Schedules

12.1 Schedules A and B are attached to and form part of this Bylaw.

## 13. Repeal of Previous Bylaws

13.1 The following Bylaws and all amendments thereto are hereby repealed:

(a) Bylaw No. 490, 1947

**Read a first time** this 27<sup>th</sup> day of October, 2015.

**Read a second time** 27<sup>th</sup> day of October, 2015.

**Read a third time** this 27<sup>th</sup> day of October, 2015.

**Adopted** this 10<sup>th</sup> day of November, 2015.

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M.E. Clay  
Mayor

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D. Shermer  
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3026 of the City of Port Moody.

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D. Shermer  
Corporate Officer

## **SCHEDULE A – WATER METERS**

The owner of a property included in this Schedule must apply to the General Manager to arrange for a water meter to be installed within a period of twelve (12) months from the date that property has been included in this Schedule:

- a) No properties listed upon adoption of the Bylaw.

## **SCHEDULE B – BACKFLOW PREVENTERS**

The owner of a property included in this Schedule must apply to the General Manager to arrange for a backflow preventer to be installed within a period of twelve (12) months from the date that property has been included in this Schedule:

- a) No properties listed upon adoption of the Bylaw.