

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 1826, 2007

**A BYLAW TO IMPOSE A WATER USER FEES AND
CERTAIN WATER USER REQUIREMENTS AND REGULATIONS**

WHEREAS Section 8 of the *Resort Municipality of Whistler Act* provides that the Resort Municipality of Whistler (the “Municipality”) may construct, replace, acquire, operate and maintain a water supply, treatment, conveyance, storage and distribution system, including water reservoirs;

AND WHEREAS section 3(1) of the *Resort Municipality of Whistler Act* provides that, subject to that Act, the *Community Charter* applies to the Municipality unless the *Community Charter* is inconsistent with the Resort Municipality of Whistler Act or regulations thereunder;

AND WHEREAS pursuant to section 8(3)(a) of the *Community Charter*, the Municipality may, by bylaw, regulate, prohibit and impose requirements in relation to its services;

AND WHEREAS pursuant to Section 194 of the *Community Charter*, the Municipality may impose fees payable in respect of all or part of a service of the Municipality and may, among other things, establish terms and conditions for payment, including discounts, interest and penalties;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as the “Water User Fee and Regulation Bylaw No. 1826, 2007”.
2. In this bylaw:

“Municipal Engineer” means the General Manager of Environmental Services or their designate.

“Building Official” means the Manager of Building Services, building inspectors, plan checkers and plumbing inspectors designated by the Resort Municipality of Whistler.

“building permit” and “occupancy permit” mean, respectively, a building permit and occupancy permit under the Municipality’s Building and Plumbing Regulation Bylaw No. 1617, 2002.

“parcel” means any lot, block or other area in which land is held or into which it is subdivided, including a bare land strata lot, a building strata lot and, notwithstanding the meaning of “land”, a strata lot that is within or a part of an improvement.

“water system” means the Municipality’s system of water supply and distribution to parcels within the boundaries of the Municipality.

Water User Fees

3. On January 1 of every calendar year, an annual water user fee is hereby imposed on the owner of a parcel that is connected, directly or indirectly, to the water system as of January 1 of the calendar year, in an amount calculated in accordance with Schedule A attached to and forming part of this bylaw. For clarity, a separate annual fee is imposed under this section for each parcel that is connected to the water system as of January 1 of the particular year.
4. Notwithstanding section 3 of this bylaw, if at any time during a calendar year the Municipality issues a building permit for an improvement to a parcel and:
 - (a) the improvement will, if constructed, increase the amount of the fee to be paid under this bylaw as calculated under Schedule A to this bylaw; or
 - (b) the improvement is to a parcel not connected to the water system or the improvement will, if constructed, be connected to the water system,

a water user fee shall hereby be imposed, as of 6 months after the date the building permit is issued, on the owner of the parcel in an amount calculated under Schedule A to this bylaw based on the proposed uses of the contemplated improvement or, in the case of an improvement under paragraph (a) of this section, in an amount equal to the increase in the fee payable under Schedule A to this bylaw (which fee shall be payable in addition to the fee imposed under section 3 of this bylaw), in either case based on the schedule required by this bylaw to be submitted with the building permit.

5. With any building permit application submitted to the Municipality, the owner of the parcel that is the subject of the application or their authorized representative shall submit to the Municipality, a form satisfactory to the Building Official setting out the uses for the proposed improvement, including, in the case of metered, per square foot charges or per hectare charges for each of the uses, all in accordance with the utility use categories in Schedule A to this bylaw.
6. With any application for an occupancy permit submitted to the Building Official, the owner of the parcel that is the subject of the application or authorized representative shall submit to the Municipality as part of the application, a final schedule setting out the actual uses for the improvement, including, in the case of metered, per square foot charges or per hectare charges, the basis of consumption for each of those uses and, in the case of an improvement that has been subdivided by deposit of a strata plan under the *Strata Property Act*, the uses for each area within each strata lot, all in accordance with the utility use categories set out in Schedule A to this bylaw.
7. If the use of a parcel or improvement or part of either changes during a calendar year such that the fee amount under Schedule A would change, an additional water user fee shall hereby be imposed on the owner of the parcel as of the date of the use change in an amount equal to the change in the fee calculated under Schedule A resulting from the change in use.
8. The owner of a parcel shall notify the Municipality in writing within 21 days of any change in use under section 7.

9. All fees imposed under this bylaw are due and payable by the owner on July 2 of the calendar year in which the fee is imposed, except that any fee that is imposed after June 2 in a calendar year shall be due and payable within 30 days of the date the fee is imposed.
10. If a fee (for a parcel not connected to the water system as of January 1 of the year) or additional fee is payable due to the issuance of a building permit or a change in use during a calendar year, the amount of the fee or additional fee, as the case may be, shall be equal to the fee amount determined using Schedule A divided by 12 and multiplied by the number of months remaining in the calendar year (including the month of the permit issuance or change in use).
11. If all or part of a fee imposed on an owner under this bylaw is due and payable on or before July 2 of a calendar year and remains unpaid after that date, the owner shall be subject to a penalty equal to 5% of the unpaid amount. If all or part of a fee imposed under this bylaw remains unpaid after September 30 of the calendar year in which the fee was imposed, the owner shall be subject to a further penalty equal to 5% of the then unpaid amount (excluding, for clarity, any fee not due and payable on or before September 30).
12. If all or part of any fee imposed on an owner under this bylaw that is due and payable before December 31 of a calendar year remains unpaid on December 31 of that calendar year, the outstanding amount is deemed to be taxes in arrear with respect to the parcel in respect of which the fee was imposed.

Regulations

13. No person may connect to or draw water from a fire hydrant of the Municipality without the prior written approval of the Municipal Engineer, whose decision shall be based on the availability of water, the period of connection, and the location of connection. In order to apply for a connection approval, a person must complete and submit to the Municipality's Public Works Yard a hydrant usage application, and there shall accompany this application a processing fee, payable to the Resort Municipality of Whistler, based on the period of use being in the form of a 24-hour permit, 7-day permit, or seasonal permit.
14. Every owner of a parcel that was connected to the water system as of May 1, 1993 shall install a water meter for each building and part thereof in accordance with the water meter requirements set out in Schedule B attached to and forming part of this bylaw.
15. All water meters required to be installed under this bylaw will meet the specifications set out in Schedule C attached to and forming part of this bylaw.
16. All water meters installed pursuant to this bylaw are purchased for the Municipality and become the property of the Municipality upon installation.
17. Pursuant to the provisions of Section 16(6) of the *Community Charter*, the Municipality may enter a parcel and any building on a parcel for the purpose of reading water meters for billing purposes.

18. No person shall destroy, injure or tamper with any of the water works comprised in the water system, including any taps, valves, meters, pipes, connections, hydrants, the source of the water itself and any other things used for the purposes of the supply of water, and no person or persons shall in any manner interfere or meddle with any such water works or make any additions or alterations to any such water works without the express written approval of the Municipality.
19. Every person who contravenes a provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000.00, costs of prosecution, and imprisonment for any time not exceeding six (6) months, and every offence under this bylaw is deemed to be a new and separate offence for each day during which it takes place.
20. If any section or lesser portion of this bylaw is held to be invalid by a Court, the invalid portions shall be severed from this bylaw and such invalidity shall not affect the remaining portions of the bylaw.
21. The following bylaw is hereby repealed:

“Water User Rates Bylaw No. 1641, 2003”

GIVEN FIRST, SECOND and THIRD READINGS this 5th day of May, 2009.

ADOPTED by the Council this 19th day of May, 2009.

Ken Melamed,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is
a true copy of “Water User Fee Bylaw No. 1826, 2007.

Shannon Story
Manager of Legislative Services

BYLAW NO. 1826, 2007

SCHEDULE A

**WATER USER FEES
(Amended by Bylaw No. 2115, 2016)**

| <u>FLAT FEE</u> | 2016 Rates |
|---|------------|
| 1 Single family residential and Bed & Breakfast | 116.19 |
| 2 Duplex (not strata titled) | |
| i) first residential unit | 116.19 |
| ii) each additional unit | 391.75 |
| 3 Duplex (strata titled), per strata lot | 116.19 |
| 4 Apartment or Multiple Family Residential parcel (not strata titled) | |
| i) first residential unit | 116.19 |
| ii) each additional unit | 116.19 |
| 5 Dormitory Housing (any housing unit with a gross floor area of 45 square meters or less located within a non-stratified building containing 10 or more such housing units and normally rented for continuous periods of 30 days or more) | |
| i) first residential unit | 57.58 |
| ii) each additional unit | 197.41 |
| 6 Hotel or Motel (not strata titled) | |
| i) first residential unit | 116.19 |
| ii) each additional unit | 391.75 |
| 7 Pension (not strata titled) | |
| i) first residential unit | 57.58 |
| ii) each additional unit | 57.58 |
| 8 Pension - residential portion | 116.19 |
| 9 Mobile home parks (not strata titled) | |
| i) first rental space | 116.19 |
| ii) each additional space | 391.75 |
| 10 Trailer, Recreational Vehicles, Campgrounds each space | 57.58 |
| 11 Apartment of Multiple Family Residential Parcel (strata titled), per strata lot | 116.19 |
| 12 Hotel or Motel (strata titled), per strata lot | 116.19 |
| 13 Mobile home parks (strata titled), per strata lot | 116.19 |
| 14 Schools - each classroom | 466.80 |

BYLAW NO. 1826, 2007

SCHEDULE A

**WATER USER FEES
(Amended by Bylaw No. 2115, 2016)**

PER SQUARE FOOT

| | |
|--|------|
| 15 Public restrooms, Laundries, Laundromats, Car Washes, & Breweries each square foot | 1.64 |
| 16 Restaurants, Bars, Lounges, Discotheques, Cabarets, Public Houses each square foot | 0.98 |
| 17 Business, Commercial, Industrial, Hostels, Other each square foot | 0.41 |
| 18 Pools, Aquatic Centres, Waterslides each square foot | 0.62 |

PER HECTARE

| | |
|---|--------|
| 19 Golf courses, parks, playgrounds, Ski Runs each hectare | 886.30 |
|---|--------|

PER CUBIC METRE

| | |
|---|------|
| 20 Metered rates (based on metered water volumes) | |
| First 6,000 cubic metres | 0.85 |
| Next 12,000 cubic metres | 0.66 |
| Next 24,000 cubic metres | 0.54 |
| Greater than 42,000 cubic metres | 0.48 |

MINIMUM CHARGE

| | |
|---|--------|
| 21 Minimum annual charge for a strata-titled unit, or the first unit in a non-strata building | 83.29 |
| 22 Minimum annual charge for each additional dwelling unit in a non-strata building | 365.01 |

BYLAW NO. 1826, 2007 (WATER)

SCHEDULE B

WATER METER REQUIREMENTS

Individual water meters shall be installed for each of the following building types:

1. Single Family homes
2. Suites in Single Family homes*
3. Duplex (strata and non strata)
4. Bed and Breakfast buildings
5. Suites in Bed and Breakfast buildings*
6. Pension buildings
7. Suites in Pension buildings*
8. Hostels
9. Suites in Hostels*
10. Townhouses (strata and non strata)
11. Each unit within an apartment/multi-family residential/condominium building
12. Each unit within a commercial or industrial building
13. Common property within a strata property that has water consuming facilities

* Separate water meters for suites may be installed at the discretion of the homeowner.

Unless an exception is approved by the Municipal Engineer permitting the use of a central water meter, individual water meters shall be installed for each of the following building types:

1. Townhouses that have centralized hot water services
2. Apartment/multi-family residential/condominium buildings that have centralized hot water services
3. Hotels/Inns/Lodges
4. Buildings with Phase I and II covenants
5. Apartment type Employee Housing
6. Dormitory type Employee Housing
7. Campgrounds/RV Parks
8. Schools/Churches/Public Institutions
9. Non strata titled commercial and industrial buildings
10. Recreational Facilities

The Municipal Engineer will evaluate exceptions to installing individual water meters based upon costs, practicality, and efficiency.

BYLAW NO. 1826, 2007 (WATER)

**SCHEDULE C
WATER METER SPECIFICATIONS
(Amended by Bylaw No. 2091, 2015)**

1. Water Meters

- 1.1. All water meters shall conform to 2012 CSA B125 standard series (low-lead) requirements, or other equivalent low-lead standards as approved by the Municipality in writing.
- 1.2. All water meters shall be Neptune or Sensus brand.
- 1.3. Water meters two inches and larger shall be Compound meters.
- 1.4. Strainer assemblies shall be provided for all meters where an internal strainer is not provided, and shall be installed in accordance with the meter manufacturer's specifications.

2. Encoded Registers

- 2.1. Encoded registers shall support six digit (minimum) signal reading capabilities
- 2.2. Measurement shall be in m³ (cubic meters), to the nearest 0.1m³
- 2.3. The register shall provide six digit (minimum) visual registration at the meter

3. Connecting Cable

- 3.1. If a remote Radio Frequency communication module is installed, the connection between the meter register and the communication module shall conform to manufacturer requirements for the communication module with regard electrical characteristics such as number of wires, wire gauge, stranding, and polarization.
- 3.2. The standard conductors shall be PVC insulated and colour coded. The cable shall be covered with grey PVC jacket.
- 3.3. No splicing of the connecting cable will be permitted.

4. RF Remote Reading Capability

- 4.1. All newly installed and replacement meters shall have Radio Frequency (RF) remote reading capabilities
- 4.2. The RF capability shall be provided by either a Neptune R900 or Neptune R900i Meter Interface Unit (MIU), or such successor Units as Neptune may release from time-to-time, as long as such successor units are R900 series communications protocol compatible.

5. Installation

- 5.1. Any connecting cable shall be securely fastened to all surfaces and be installed in accordance with applicable plumbing, building, and electrical codes.
- 5.2. All meters shall be installed on a horizontal plane, and in accordance with the manufacturer’s specifications.
- 5.3. Meters shall be installed as close to the point of entry of the metered service into the building as practical, and shall be visible to a person standing in the room. Water meters registers shall not be hidden above ceiling panels, within cabinets, etc.
- 5.4. Means to isolate the water meter from building plumbing shall be installed in such a manner as to facilitate easy removal and replacement of the meter for maintenance purposes.
- 5.5. Water meters may be insulated for reasons of condensation; however, the insulation must be non-adhesive. The Municipality, when repairing, servicing, or inspecting the meter, will not guarantee the restoration of the insulation.
- 5.6. For lots with service connections up to and including 1 inch in diameter, no fittings shall be permitted immediately upstream of the meter with the exception of one line valve.
- 5.7. Reasonable access shall be provided to representatives of the Resort Municipality of Whistler during normal working hours for repairing, inspecting, or changing the meter.
- 5.8. In structures requiring multiple meters, the meters shall be grouped together in a location to be approved by the Municipality.
- 5.9. For lots with service connections greater than 1 inch in diameter, a bypass assembly shall be provided in accordance with Resort Municipality of Whistler Standard Drawing No. W2-C, available upon request.

6. Meter Sizes

- 6.1. Meter sizes shall be dictated by Table 1 below:

TABLE 1

| <u>Size of Municipal Service</u> | <u>Meter Size Required</u> |
|----------------------------------|---|
| ¾ inch | 5/8 inch |
| 1 inch | 5/8 inch |
| Greater than 1 inch | As approved by the Municipality in writing. |