

A By-law to enable the Municipality of Burnaby to raise under the provisions of Section 259 of the "Municipal Clauses Act" a sum not exceeding the sum of \$46,000. for the purpose of constructing water works within a prescribed area within the Municipality of Burnaby.

WHEREAS the Municipal Council of the Corporation of the District of Burnaby has received from George F. Galt and others being the owners of more than one-half in value of the real property included within the boundaries of a certain prescribed area within the Municipality, the boundaries whereof are hereinafter described, a petition dated as to each signature and signed by the owners of more than one-half in value of the real property included within the boundaries of such prescribed area asking for the construction of water works within the said prescribed area. Such prescribed area is more particularly described as follows:- That part of the Municipality of Burnaby situate lying and being in Group One (1) in the District of New Westminster and Province of British Columbia described as follows: District Lot One hundred and eighty-six (186) excepting 10 acre portion more or less belonging to the City of Vancouver and in use by it as a reservoir site.

AND WHEREAS without passing any By-law under Sub-section (1) of said Section 259 the Council procured an Engineer to make the necessary surveys, plans and estimates of the proposed works within the area above mentioned.

AND WHEREAS the estimated cost of the proposed works is \$46,000. and the same does not exceed 25% of the assessed value of the real property and improvements within the said described area, and if added to the other debts for which the real property and improvements within the said described area above mentioned is liable for local improvements does not exceed 35% of the assessed value of the real property and improvements within the said described area according to the last revised assessment roll of the Municipality.

AND WHEREAS according to the last revised assessment roll the assessed value of the said real property within the said described area is \$205,800.

AND WHEREAS in order to raise the money necessary for the carrying out and completion of the proposed work and for paying all fees, costs, charges and expenses lawfully incurred and payable in respect thereof inclusive of the costs of the surveys, plans and estimates and any other preliminary expenses connected with the proposed works it is deemed advisable to issue debentures for the sum of \$46,000. Such debentures to be payable within forty years from the day on which this by-law takes effect.

AND WHEREAS it will be necessary to raise annually during the currency of the said debentures the sum of \$485. for the formation of a sinking fund for the payment of the said debt and the further sum of \$2,300. for payment of the interest on the said debentures.

AND WHEREAS to provide for the formation of a sinking fund and for the payment of interest as aforesaid it will be necessary to levy a special annual rate upon the real property and upon 50% of the assessed value of the improvements within the described area.

NOW THEREFORE the Municipal Council of the Corporation of the District of Burnaby enacts as follows:-

1. The Reeve and Clerk of the Municipal Council of the Corporation of the District of Burnaby are hereby authorized to borrow on the credit of the municipality the sum of \$46,000. being the amount necessary for the carrying out and completion of the proposed works and for paying all fees, costs, charges and expenses lawfully incurred and payable in respect thereof and (no by-law having been passed under the provisions of Sub-section 1. of said Section 259 of the Municipal Clauses Act) for paying the costs of the surveys, plans and estimates and any other preliminary expenses connected with the proposed works, and may issue debentures of the Corporation for the said sum of \$46,000. signed by the said Reeve and Clerk and sealed with the seal of the said Corporation in sums of not less than \$1,000 each

payable forty (40) years from the date this by-law takes effect.

2. Such debentures shall bear interest at the rate of five (5) per centum per annum payable half-yearly on the 1st day of May and the 1st day of November in each and every year during the currency of the said debentures or any of them. And there shall be added to each of the said debentures coupons for the payment of each and every payment of interest that may become due thereupon and the signatures thereto may be either written, printed or lithographed.

3. During the forty years, the currency of the debentures to be issued under the authority of this by-law, there shall be assessed levied and collected annually in the same manner as municipal taxes are assessed levied and collected from and upon the real property and from and upon 50% of the assessed value of the improvements within the said described area the sum of \$2,300. for the payment of interest on the said debentures and the further sum of \$485. for the purpose of forming a sinking fund for the re-payment of the principal of the said debentures within the time specified herein making in all the sum of \$2785. to be raised annually as aforesaid.

4. Such special rate shall be re-adjusted and levied from year to year upon the basis of the assessment value of the real property and improvements within the said described area as shown from time to time by the then last revised assessment roll of the said municipality and such rate may be fixed by the General Rate By-Law or By-Laws of the municipality.

5. The said debentures may both as to principal and interest be payable in any place in Great Britain and Ireland, in the United States of America or in Canada and may be expressed in Canadian or Sterling currency or in any other currency and may be payable in gold, and the amount to be raised thereunder shall be paid out and expended in paying for the construction of the said works, or paying off any temporary loans heretofore obtained on account of the proposed works and for any necessary expenses in

connection with the construction of the said works and for no other purpose whatever.

6. Such special rate shall be inserted in the collector's roll in each year for the next succeeding 40 years and shall be payable at the time or times and at the place and in the manner in which the ordinary municipal taxes are payable: Provided however that no rebate shall be allowed on the amount to be levied hereunder as aforesaid.

7. All moneys forming part of the sinking fund to be raised by the special rate above referred to may be invested by the Council of the said municipality from time to time as the law directs.

8. The Council may at any time or from time to time with the consent of the holders thereof purchase any of the debentures issued under this by-law and all debentures so purchased shall be forthwith cancelled and destroyed and no re-issue of debentures shall be made in consequence of such purchase.

9. Upon completion of the said works it shall be lawful for the Municipal Council to impose levy and collect a rate to be known as the water rate upon and from the consumers or users of the said water. The said rate shall be fixed by resolution of the Council from time to time as the said Council shall deem expedient and may include rent to be paid for water meters.

10. The Council shall furnish to any consumer or ratepayer within the said described area on application one copy of a printed statement showing the rates and rents for the time being in force and such statement shall set forth the rates upon which water will be supplied.

(a). For a fixed sum to be paid either month by month when due or quarterly, half-yearly or yearly in advance.

1. To residences.
2. To business premises.
3. For miscellaneous services.
4. For temporary services.
5. For garden irrigation.

(b) By meter.

The monthly, quarterly, half-yearly or yearly rent chargeable for meters.

11. All monthly rates and meter rates and rents (except such rent as may be paid in advance) as the same shall be from time to time fixed by the Council under the Provisions of this By-law shall be due and payable at the Municipal Clerk's office in the Municipal Hall or to any person authorized by the Council to receive the same on the 1st day of the month following the month for which they are due and payable but any consumer who shall pay such monthly or meter rent within ten (10) days after the same shall have become due shall be entitled to a rebate of 20 per centum upon the amount thereof.

12. Consumers paying the rate in advance shall be entitled to the following discounts from the rates set forth in the statement of rates in force at the time of such payment:-

For a payment of three months' rate in advance 25%.

For a payment of six months' rate in advance 27 1/2%.

For a payment of one years rate in advance 30%.

13. The rate for garden irrigation shall be based upon an estimate of the amount of water which shall be disposed of by a single garden hose during the regular hours for the season regard being had to the extent of ground to be irrigated. No consumer who is supplied otherwise than by a meter service shall use any water for garden irrigation until he has obtained a permit therefor. Permits for garden irrigation shall be for the season and may be issued at any time after the 15th day of May in each year. Each permit shall authorize the holder to use water for garden irrigation at such times and at such times only as the Council shall from time to time fix. It shall be lawful for the Council or for the Superintendent when expressly authorized by the Council to do so to fix the days and hours upon or during which garden irrigation shall be allowed and to alter the same from time to time or prohibit such garden irrigation without other or further notice than the publication of the order in a newspaper circulating in the Municipality. And it shall be the duty of every consumer to

conform to such notice and every consumer failing or refusing to do so shall be guilty of a breach of this By-law.

14. No permit for garden irrigation shall be issued except upon the payment of the full amount chargeable thereon for the season in advance.

15. Water shall not be supplied to any consumer otherwise than by a meter service unless and until such consumer shall have stated in writing the purpose for which such water is to be used and any consumer using water for any purpose other than the purpose named in such statement shall be guilty of a breach of this By-law.

16. Application for the laying of service pipes or the turning on or off of the water to or from any premises shall be made in writing at the Municipal Clerk's office and when such application is for the laying of a service pipe or the turning on of water except in cases where the water has been turned off at the request of the consumer or in consequence of the infringement of the provisions of this By-law must be signed by the owner of such premises or by his duly authorized agent signing as such. And such owner shall be personally responsible for the payment of all rates and rents until he shall have delivered to the Municipal Clerk a duly signed notice ordering the discontinuance of such service. Provided however that the committee of the Council for the time being having control of the works may accept an application signed by a person other than the owner or his agent, ^{upon} the written statement of such person that it is impossible to obtain the required signature at the time but in all such cases it shall be lawful for the Council upon giving one (1) week's notice to turn off the water in case an amended application signed in accordance with the provisions of this section be not supplied within a reasonable time. And provided further that water may be supplied to any tenant or occupant who shall and so long and so long ^{only} as he shall pay for the same in advance.

17. Upon the receipt of such application from the owner or occupant of any premises the Council may provide and lay down an ordinary house service pipe from the main to the street line or boundary, but the expense of distribution of water through buildings or parts of buildings shall be borne or paid for by the proprietors,

tenants or occupants thereof and for each such connection from the main the Council shall be entitled to demand and receive from the applicant a sum not exceeding \$6.00.

18. Only the ordinary house service pipes for the supply of any single house or premises shall be allowed by the Council for the sum mentioned in the last preceding section, but any person desiring more than such service for the supply of his premises shall, subject to the approval of the Council, be supplied with the same and shall be charged with the extra cost.

19. Any person making application for the laying of service pipes other than ordinary house service from the main to the street boundary shall at the time of making such application deposit with the Municipal Clerk a sum equal to the cost of providing such services such cost to be determined by the Superintendent and upon receipt of such sum the Council may provide and lay such pipes.

20. The Council shall in every case determine the size of the pipe to be used in supplying any premises and also the position in the street in which it is to be laid.

21. The Council shall not be liable for the cost of any work done in connection with any service on the premises of a consumer except the placing of meters; but the Council may at the request of any consumer do any such work for a price to be agreed upon and in such case all material used in such work whether furnished by the consumer or by the Council shall be held to be the property of the Council until, the price agreed to be paid for the doing of the work has been paid.

22. No work of any kind connected with the water service either for the laying of new or the repairing of old services shall be permitted to be done upon or under the streets by any person other than an employee of the Council.

23. Any directions as to the position in which it may be desired to have the service pipe laid when such directions do not interfere with the requirements of the Council will be ~~complied~~^{complied} with when given in writing at the Municipal Clerk's Office and the applicant shall be notified of the time at which the service pipe is to be laid

24. If any person so notified as above failed to appear at the time appointed for the laying of the service pipe the work may

be proceeded with in the ordinary way and any subsequent alterations may be made at the expense of the consumer.

25. All underground pipes shall be not less than 15 inches below the surface of the ground and all other pipes where so fitted as to be exposed to frost shall be properly protected and it shall be the duty of every consumer to see that all pipes, taps, fittings and other things connected with the service within his premises are good and sufficient and put in in accordance with the provisions of the By-laws or regulations of the Council and that a "stop and waste cock" be properly placed to drain such service when necessary, and the Council shall refuse to turn on the water to any premises and shall discontinue any service in case this provision is not complied with to the satisfaction of the Superintendent or such other person appointed by the Council. No water closets except such as are of the pattern or action approved by the Council shall be permitted in connection with any service other than the water service. It shall also be lawful for the Council to prescribe the make or pattern of tap to be used in connection with any service other than the meter service and to refuse to grant or to discontinue any such service until the regulations are complied with.

26. If any consumer shall use an unusual or unnecessary quantity of water or allow water to run to waste whether wilfully or by permitting leaky pipes to remain unrepai red or shall vend, give or dispose of such water to others than the members of his household as stated in his application (occasional guests or visitors excepted) or shall allow any other person to vend give or dispose of water from the works in such manner or increase by any device or expedient the amount of water agreed to be supplied by the Council or practise any deception upon the Council or its agent with a view to obtain a supply of water greater than he should reasonably be expected to have according to the terms of his application he shall be guilty of a breach of this By-law.

27. Any consumer supplied otherwise than by meter service who shall desire to discontinue the use of water for any of the

purposes stated in his application for said service as hereinbefore provided shall give notice of his intention at the Municipal Clerk's Office and shall further show to the satisfaction of the Superintendent that the use of water for such purpose has been discontinued and that any fittings used for the supply of water for such purpose be disconnected and thereupon his original application and the rate charged thereunder shall be amended accordingly.

28. The Council may refuse to supply water to any consumer or to any premises otherwise than by a meter service and every meter shall be placed in position by the officers of the Council who shall have free access to the premises of every consumer for such purpose and also for the inspection of meters and other things connected with any service. Provided that no officer of the Council shall demand access to the premises of any consumer at improper or unreasonable hours or shall damage any property of any consumer or be guilty of any improper or offensive conduct while upon the premises of any consumer.

29. Every consumer having meter service shall pay for the full amount of water as registered by the meter, according to the rate applicable to the service and no deduction shall be allowed on account of any waste of water unless it be shown that such waste arose from an accident to the pipe or the fittings on the premises of the consumer arising from some cause beyond the control of such consumer and unless it be further shown that the consumer used all reasonable diligence to stop such waste.

30. Consumers must give five (5) days notice of the discontinuance of any service and such notice must be in writing and must be delivered at the Municipal Clerk's Office or sent to the Municipal Clerk properly addressed and the burden of proof of delivery and posting of such notice shall be upon the consumer. Every consumer shall be liable for the full amount of rates and rents chargeable for the service for five (5) days after such notice has been so delivered or received at the said office.

31. When any service has been disconnected from any premises for non-payment of rent or rate or infringement of terms or of the by-law or at the request of the consumer or of the owner of the premises the Council may require payment of a fee not exceeding 50¢

before ordering the service to be resumed.

32. In case of the non-payment of rates or rents for thirty days after the date upon which they shall have become due and payable the Council may cut off the service in respect of which such rates or rents are due without notice.

33. When any rates or rents remain unpaid for thirty days after the day upon which the same may have become due and payable the Council may sue for and recover the same in the Small Debts Courts or other Court of competent jurisdiction.

34. No Contractor, builder or other person shall use for building purposes of any kind or description any water from any pipe or main of the water works without a written permit from the Municipal Clerk nor until the rate fixed by the regulations in force at the time has been paid and all rules made for properly protecting the supply of pipe have been complied with.

35. No person shall destroy or injure or in any manner tamper with any hydrant, valve, stop cock, pipes or other fixtures or property of the works.

36. No person shall obstruct at any time or in any manner the access to any hydrant, valve, stopcock or other fixture connected with the works and should any person obstruct access to any such fixture by placing thereon or near thereto any brick, stone, timber or other material the superintendent or other authorized agent of the Council may remove such obstruction at the expense of the offending party.

37. The Superintendent or other person appointed by the Council may make personal inspection of all pipes and taps used for distributing water in any building or premises and if any be found leaky or defective or if any waste of water be found to exist notice may be given to have the defects remedied and if they are not so remedied within twenty-four hours from the service of such notice the water supply may be turned off.

38. No person except the duly authorized agent of the Council shall tap or make any connection with the water mains or turn off or on any Corporation stop cock.

39. No person shall in any manner interfere or meddle with the water service in any street or road or make any addition or alteration in or about or turn on or off any Corporation stop cock or gate without permission of the Council or the Superintendent or some other person appointed by the Council for such purpose.

40. The Council shall not be liable for the failure of the water supply in consequence of any action or damage to the works or any temporary stoppage thereof on account of alteration or repairs or on any account whatever whether such failure arise from the negligence of any person in the employ of the Corporation or other whomsoever or otherwise ~~howsoever~~, but in the event of any such failure or stoppage continuing for more than five consecutive days or equitable reduction will be made on all rates for service affected thereby.

41. It shall be lawful for the Council to throttle or entirely discontinue any service when the consumer has been guilty of violating any of the provisions of this By-Law or when in the opinion of the Council any public requires such action.

42. This By-Law shall come into force on the 26th
day of November 1910

43. This By-Law may be cited as the
"WATER SUPPLY AND SERVICE ORDINANCE BY-LAW NO. 5. 1910."

DOEN 1910. 1910 in open Council this 18th
day of November A. D. 1910

RECONSIDERED and finally passed the 24th
day of November A. D. 1910

C. T. Saunders, Peter Byrne

C. T. C.

CLERK.

I Charles Thomas Saunders, Clerk of the Municipal Council of Burnaby hereby certify that the foregoing is a true copy of By-law passed by the Council on the 24th day of November 1910.

C. T. Saunders.
Clerk

