

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 3325

A BY-LAW for the regulation of the waterworks
of Burnaby Municipality.

THE MUNICIPAL COUNCIL of The Corporation of the
District of Burnaby ENACTS as follows:

1. In this By-law and any resolution passed thereunder,
unless the context otherwise requires, the following words and
terms shall have the meanings hereinafter assigned to them:

"Apartment House" or "Multiple Dwelling" shall mean
any building, not being a lodginghouse or a hotel, or portion
thereof, which is designed, built, rented, leased, let or hired
out to be occupied, or which is occupied, as the home or residence
of three or more families living independently of each other and
doing their own cooking within their apartment or suite.

"Boarding-House" shall mean a building containing not
more than fifteen sleeping rooms, where lodging and meals for three
or more persons are provided, for compensation pursuant to previous
arrangements or agreements, and with no provision for cooking in
any individual room so contained.

"Consumer" shall mean any person, company or corporation
who is the owner or agent for the owner of any premises to which
water is supplied or made available from the works and also any
person who is the occupier of any such premises, and also including
any person who is actually a user of water supplied to any premises
or by any services from the works.

"Council" shall mean the Municipal Council of the
Corporation of the District of Burnaby.

"District" shall mean The Corporation of the District
of Burnaby.

"Duplex House" or "Double House" shall mean any
building designed to be used by two families living separately.

"Engineer" shall mean the Municipal Engineer of the
District of Burnaby.

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"Fire Service " shall mean any installation which may be provided to supply water for fire fighting purposes over and above the supply of water required for the usual purposes of the consumer.

"Garden Irrigation" Shall mean the sprinkling or pouring of water by means of a hose, pipe or any sprinkling device upon, over or under the surface of the ground.

"Hotel" shall mean a building occupied as the more or less temporary abiding place of individuals who are lodged therein with or without meals and in which there are more than fifteen sleeping rooms, and with no provision for cooking in any individual room or apartment.

"Lodging-House" shall mean a building (other than a hotel) containing not more than fifteen sleeping rooms where lodging for three or more persons is provided for remuneration and with no provision for cooking in any individual room so contained.

"Metered Service" shall mean a service having attached thereto a meter or other measuring device for determining the quantity of water used by such service.

"Owner" shall, in addition to any other meaning, be deemed to extend to and include any person in occupation or possession of, or entitled to, or having any interest in the land, premises or property referred to under an Agreement of Sale.

"Person" shall, when necessary, mean and include natural persons of either sex, associations, corporations, bodies politic, co-partnerships, whether acting by themselves or by a servant, agent, or employee and the heirs, executors, administrators, successors, and assigns or other legal representative of such person to whom the context can apply according to law.

"Rate" shall mean the price or sum of money to be paid by any consumer for any water supplied or made available from the works.

"Rent" shall mean the sum of money charged for the use of a water meter or other measuring device.

"Service" shall mean and include the supply of water from the works to any person, company or corporation and all pipes, taps, valves, connections, meters and other things necessary to or

actually used for the purpose of such supply.

"Treasurer" shall mean the person appointed from time to time as the Municipal Treasurer for the District of Burnaby.

"Works or Water Works" shall mean the water works of the District of Burnaby.

2. There shall be two divisions for the conduct, operation and maintenance of the water supply of the District as follows:

(a) Treasurer's Division -- The Treasurer's Division shall be under the direction and supervision of the Treasurer, whose duties shall be:

1. To have the management and control of all officers servants or employees engaged in the financial affairs of the water works and the water works office including the billing of water rates and from time to time to prescribe the duties of each officer, servant or employee pursuant to this By-law and with power to suspend or discharge any such officer, servant or employee.
2. To have the preparation, control and supervision of the financial books of the water works office.
3. To have the collection of all water rates, meter rent and other accounts or charges levied or imposed pursuant to the provisions of this By-law.

(b) Engineer's Division -- The Engineer's Division under the control of the Engineer shall have charge of the various works and properties required for the supply and distribution of water within the District and the Engineer shall:

1. Subject to the direction of the Council, have charge of the properties and works belonging to or connected with the distribution of water within the District.
2. Have charge and control of all engineering and mechanical work in connection with the water works and the installation, repairs and inspection of such works.
3. Have control of all officers, servants and employees engaged or connected with the works or

properties of the water works with power from time to time to prescribe the duties of such officers, servants or employees pursuant to this By-law and with power to suspend or discharge any officer, servant or employee.

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see
3661

3. Application for the laying of service pipes to any premises shall be made in writing to the Engineer on such form as may from time to time be prescribed by the Council, signed by the owner of such premises or by his duly authorized agent, signing as such. Such owner shall be personally responsible for the payment of all rates and rents until he shall have delivered to the Treasurer a duly signed notice ordering the discontinuance of such service. Service shall be of size and type as prescribed by the Engineer. Application must be accompanied by a payment as prescribed in Schedule A and if for a flat rate service, applications shall also be accompanied by a payment of six months' water rates in advance as indicated in Schedule A.

4. In the event that such service may be provided from either of two mains, the Engineer shall determine to which main the service shall be connected.

5. No work of any kind connected with the water service, either for the laying of new, or repairing of old services shall be permitted to be done upon or under the streets of the District by any person other than an employee of the District and no person shall be allowed to make any connection with the water works system whatever without permission in writing from the Engineer or other officer authorized to give such permission.

6. All underground pipes on any premises shall be placed not less than thirty inches below the surface of the ground and all other pipes exposed to frost shall be properly and sufficiently protected therefrom, and it shall be the duty of every consumer to provide that all taps, fittings and other things connected with the service within the premises are good and sufficient and installed and connected in accordance with the provisions of the Plumbing By-law and Building By-law and every premises shall be supplied with a properly placed stop and waste cock and separate stop and waste cock shall be placed at the foot of every out-door stand pipe. The

Engineer or any other officer or employee of the District shall refuse to turn on the water to any premises and may discontinue any service to any premises should this section not be complied with to the satisfaction of the Engineer.

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see 3846.
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7. If any consumer on a flat rate shall use an unusual or unnecessary quantity of water or allow water to run to waste, whether wilfully or by permitting pipes, taps, toilets or other means of distributing or storing water to remain unrepaired, or shall vend, give or dispose of such water to a person other than a member of his household as stated in his application, or shall allow any other person to vend, give or dispose of such water in such manner or increase by any device or expedient the amount of water agreed to be supplied to him by the District according to the terms of his application, shall be guilty of a breach of this By-law, and in addition to the penalties outlined in Section (41) be liable to the installation of a water meter for future service.

8. Every meter shall be placed in position by the officers or servants or employees of the District who shall have every access to the premises of the consumer for such purposes and also for the inspection of meters and other things connected with such service at all reasonable hours.

9. The Engineer or any member of the water works staff authorized by him may make personal inspection of all pipes, taps, toilets or other means used for distributing water in any building or upon any premises in the District and if any such pipes, taps, toilets or other means used for distributing or storing water shall be found to be leaky or defective or if any wastage is found to exist notice shall be given in writing by the Engineer requiring the person owning or using such pipes, taps, toilets or other means used for distributing or storing water, to remedy such defects or leaks or to stop such wastage and if such requirements are not fulfilled within seventy-two hours from the service of such notice, the water supply may be turned off and the person owning or using such pipes, taps, toilets or other means for distributing or storing water shall be guilty of a breach of this By-law.

10. Where steam or hot water from boilers are fed by pressure direct from the District water mains the District shall not be liable for any injury or damage which may result from such pressure.

11. It shall be lawful for the District to reduce the quantity of water supplied to, or entirely discontinue the service of any consumer who has violated any of the provisions of this By-law or when, in the opinion of the Council, the public interest requires such action.

12. No person other than an employee of the water, fire or board of works department shall open or interfere with any of the hydrants, stand pipes or hose connections of the District without written authority signed by the Engineer. District employees engaged in sprinkling or cleaning the public streets may take water from hydrants, stand pipes or hose connections for sprinkling or cleaning purposes with the permission of the Engineer. Any other person desiring water from a hydrant, stand pipe or hose connection shall make written application therefor to the Engineer and shall give a bond in the sum of twenty-five dollars (\$25.00) conditioned upon keeping the said hydrant, stand pipe or hose connection in good repair and to liquidate any damages that may result from the use of such hydrant, stand pipe or hose connection. The water department shall send an inspector to open such hydrant, stand pipe or hose connection and the time of such inspector shall be paid by the person applying for such water. In addition to such bond, the applicant shall deposit with the Treasurer such a sum as is deemed adequate to pay for the water so supplied.

13. No person shall destroy or injure or in any manner interfere with any hydrant or other fixture or any property of the works.

14. No person shall obstruct at any time or in any manner, the access to any hydrant, valve, stop cock or other fixture connected with the works and should any person obstruct such access to any such fixture by placing thereon or in the vicinity thereof any brick, stone, timber or other material, the Engineer or any other employee or servant of the District may by his order, remove such obstruction and the expense of such removal shall be charged to and paid by the

person so offending.

15. The Council may at any time by resolution passed by not less than three-fifths majority of the whole Council determine that any or all water service in the District shall be metered. Notwithstanding the provisions of the foregoing paragraph, meters may be installed at the discretion of the Engineer on the following services:

- (a) Any service larger than three-quarter inch.
- (b) Any service used for commercial or industrial purposes.
- (c) Any service to premises housing two or more families.
- (d) To apartments, lodging houses and boarding houses.
- (e) To residences, eight rooms or over.
- (f) To premises (land) containing ninety-five hundred square feet or over.
- (g) To premises (land) having underground sprinkling system.
- (h) To premises (land) having fish ponds, lily ponds or fountains or swimming pools, or other extraordinary installations that are connected to the water works.
- (i) To all additional services used for irrigation purposes.
- (j) To any service where the consumer keeps horses and cows, chickens or other animals or fowl.

16. Meters larger than two inch shall be furnished by the owner, lessee or agent of the owner of the premises to be supplied. The District shall have the right to remove for testing, all such privately owned meters, and if found in error of more than 5%, shall be immediately repaired. Repairs to all privately owned meters shall be made by or under the direction of the Engineer and the cost of such repairs shall be paid by the owner of the meter. If meter is beyond repair, it shall be replaced at once, and the cost of replacement shall be paid by the owner of the meter.

Every consumer having a metered 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 to the satisfaction of the Engineer that such waste arose from an accident

to the pipes or fittings on the premises of the consumer arising from some cause beyond the control of such consumer, and unless it be further shown that such consumer used all reasonable diligence to stop such waste.

17. When it shall have been determined that a deduction should be made, as provided in the preceding section, the amount to be paid by the consumer shall be determined by taking the average reading of the meter for the six months preceding the accident, which average quantity shall be paid for at the rate fixed for such service and to which shall be added the cost to the District of the quantity registered in excess of such average.

18. If any meter stops or fails to indicate correctly the quantity of water passing through it the District shall be entitled to charge for such water according to the average consumption for the six months preceding the date upon which such meter was last found to be in order.

19. All damages to District Meters, due to hot water shall be chargeable against the person or premises supplied.

20. The District shall maintain and repair all District-owned meters when rendered unserviceable through fair wear and tear and shall renew them if necessary, provided, however, that where replacement repairs of any meter are rendered necessary by the act, neglect, or carelessness of the owner or occupant of any premises any expense caused to the District shall be charged against and collected from the owner or occupant of such premises .

21. When any consumer whose water service is metered shall make a complaint that the bill for any past time has been excessive, the District will, upon written request, have such meter reread and the service inspected for leaks. Should such consumer then desire that the meter be tested, said consumer shall then make a deposit with the Treasurer as prescribed in Section 28. The consumer shall have the privilege if he or she so desires to be present when such test is made. In case a test should show an error of over 5 per cent of water consumed in favor of the District, the deposit will be refunded to the consumer, a correct registering meter will be installed and the bill will be adjusted accordingly.

22. If the test of such meter should show an accurate measurement of water or should show an error in favor of consumer, the amount deposited will be retained by the District to cover part of the expense of making such test.

23. Before making a test as outlined in the next preceding section, the person or persons requesting such test shall deposit with the Treasurer the following amount:

For 5/8", 3/4", 1", 1 1/4", 1 1/2".....	\$ 1.50
For 2".....	2.50
For 3".....	5.00
For 4".....	5.00
For 6".....	10.00

(a) It shall be lawful for the Council from time to time to fix the rates to be paid by consumers for the water supplied from the works and to distinguish between classes or types of consumers, the rent to be paid for the water meters, the amount to be paid for fire services and the amount of the stand-by charge to be paid when water is made available for any purpose, which charge may vary according to the size of the service made available, and to fix the hours during which garden irrigation may be allowed.

(b) The said rates as referred to in the preceding sub-section shall be in accordance with Schedule "A" of this By-law.

(c) No prepayment for any service shall prevent the amount of any increase being charged to and collected from any consumer.

24. The District shall furnish to any consumer or ratepayer on request, one copy of a printed statement showing the rates and rents for the time being in force for each type of service.

25. A consumer shall give five days' notice of the discontinuance of any service, which notice shall be in writing and must be delivered at the Treasurer's Office, Municipal Hall, or sent to the said Treasurer, by prepaid letter, properly addressed and the

burden of proof of delivery or 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 days after such notice has been delivered to or received at the said office.

See 2661 + 26. When any service has been disconnected from any premises for non-payment of rate or rent or violation of the provisions of this By-law, or at the request of the consumer or of the owner of the premises, the District may require payment of a fee of fifty cents before ordering the service to be resumed.

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

28. When any rates or rents remain unpaid for 30 days after the day upon which the same may have become due and payable, the District may sue for and recover the same in the Small Debts Court or other Court of competent jurisdiction. The Power of Suit contained herein shall not affect the charge against the land created by the "Municipal Act", nor preclude recovery of said rates or rents by any other method provided by statute.

See 3661 x 29. No person shall turn on any service which shall have been turned off by the District and should any service be turned on by any person other than an employee of the District the service shall be deemed to have been continued from the date when the same was turned off and the owner shall be liable accordingly.

30. 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, or from any other consumer, without a written permission from the Engineer nor until the amount fixed by the rates in force at the time has been paid and all provisions made for properly protecting the supply pipe have been complied with.

31. The District shall not be liable for the failure of the water supply in consequence of any accident or damage to the works, or to excessive pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person in the employ of the Corporation

or other person whomsoever, or through natural deterioration or obsolescence of District's system, or otherwise howsoever; but in the event of such failure or stoppage continuing for more than five consecutive days, an equitable reduction shall be made on all rates for services affected thereby.

32. If, at any time the Council shall deem it to be in the public interest it may direct that any or all services may be reduced or discontinued until it shall be considered advisable to restore the same.

33. Where any connection or cross connection exists between the District Water Supply system and any other water supply system, or source of water supply, there shall be installed and maintained an efficient double check valve system, of such design, workmanship and material as shall be approved by the Engineer, but no further connections or cross connections to any water supply other than the District system shall be permitted after this By-law comes into effect.

34. All existing Fire Services shall be governed by the following:

(a) All fire services shall be so installed that water used or which can be used for other than fire purposes shall be metered.

(b) Any fire service that may be used for fire purposes only, may, at the discretion of the District, have a Detector Check Valve installed in lieu of a meter.

(c) If it be found that water is being used for other than fire fighting purposes on a service that has a Detector Check Valve installed, the Council shall have the power to shut off such service until a meter has been installed on such service at the expense of the owner.

(d) All Meters and Detector Check Valves used on fire services shall be of such make and pattern as may be approved by the Engineer.

(e) A fire service may be installed on any premises without a meter or detector check valve providing a gate valve is installed and sealed at the property line, and kept securely sealed so as to prevent the using or consuming of water whatsoever except in

case of fire. When the seal has been broken in cases of fire or otherwise, the owner or occupant of the premises shall so report to the Engineer within twenty-four hours after the breaking of such seal, and the Engineer shall thereupon have the same resealed.

(f) The cost of all meters, gate valves and detector check valves, and installation of same as defined in this section, shall be borne by the owner or occupant of the premises.

(g) Water used for fighting fires will not be charged for. If fire lines are connected through regular distribution service and meter, allowance will be made for water used for fighting fires by rendering account made up in accordance with Section 17.

35. All fire services installed after the passage of this By-law shall be metered and may be incorporated with the ordinary service line, if circumstances permit.

The meter used shall be of the Compound Crest and Disc type and the installation shall be approved by the B.C. Fire Underwriters Association. The cost of the installation, together with all maintenance charges, shall be borne by the applicant for fire service, with allowance made for fires as in Section 34 (g).

Rates charged shall be those shown on Schedule A.

36. It shall be lawful for the District to supply water to the inhabitants of the District and localities adjacent to the District and the provisions of this By-law shall extend to, and be binding upon, any person so supplied.

37. Nothing in this By-law shall obligate the District to supply water to any person when the cost of laying the supply or service mains to the premises of such person would, in the opinion of the Engineer, be unreasonable unless such person shall be prepared to pay to the District the cost of laying the supply or service mains to his premises provided, however, that such person may appeal from the decision of the Engineer to the Council which may confirm, amend or reverse the decision of the Engineer.

38. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law,

or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act, or who violates any of the provisions of this By-law shall be deemed to be guilty of an infraction thereof and liable to the penalties imposed.

39. All accounts for water, meter rates or rents shall be due and payable at the office of the Treasurer at the Municipal Hall in the District of Burnaby or to such person as may be authorized by the Council from time to time to receive the same.

acc 38/16 * 40. Accounts for water supplied through a meter shall be rendered monthly or quarterly, as the case may be, by the Treasurer, and shall be payable and subject to discounts as outlined in Schedule A.

acc 3661 * 41. Accounts for flat rate services shall be rendered half-yearly in advance by the Treasurer and be due and payable and subject to discount as outlined in Schedule A.

acc 3661 - *41A*
42. Any person guilty of an infraction of this By-law, shall, upon conviction thereof before the Reeve, Police Magistrate, or any two Justices of the Peace, or other Magistrate or Magistrates having jurisdiction in the District of Burnaby, on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the said Reeve, Police Magistrate, Justices, or other Magistrate or Magistrates convicting, a fine or penalty not exceeding the sum of One Hundred Dollars (\$100.00) and costs for each offence, and in the default of payment thereof, forthwith it shall be lawful for such Reeve, Police Magistrate, Justices or other Magistrate or Magistrates convicting as aforesaid to issue a warrant under his or their hand and seal to levy the said fine or penalty and costs, or costs only, by distress and sale of the offender's goods and chattels; and in case of no distress or insufficient distress found to satisfy the said fine or penalty, it shall, and may be, lawful for the Reeve, Police Magistrate, Justices or other Magistrate or Magistrates convicting as aforesaid, to commit the offender to the common gaol or any lock-up house in the District of Burnaby for any period not exceeding two months (with or without hard labour) unless the said fine or penalty be sooner paid.

43. The following By-laws are hereby repealed:

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|-----------------|---|
| By-law No. 521 | "Burnaby Waterworks Regulation By-law No. 2, 1926". |
| By-law No. 841 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law, 1929". |
| By-law No. 897 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law No. 2, 1929". |
| By-law No. 1002 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law No. 3, 1929". |
| By-law No. 1186 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law 1930". |
| By-law No. 1261 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law 1931". |
| By-law No. 1370 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law 1932". |
| By-law No. 1948 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law 1947". |
| By-law No. 3095 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law 1950". |
| By-law No. 3163 | "Burnaby Waterworks Regulation By-law No. 2, 1926, Amendment By-law 1951". |

44. This By-law shall come into force and effect upon receiving the approval of the Lieutenant-Governor in Council.

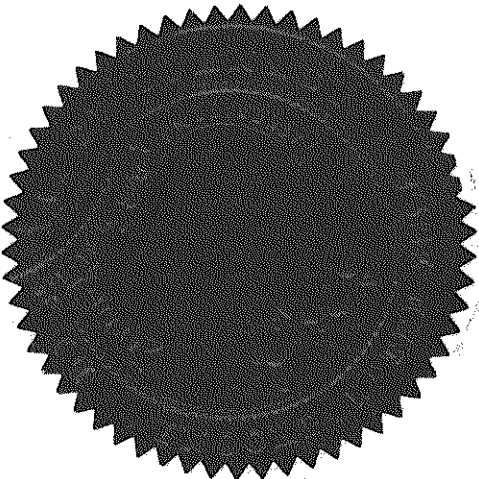
45. This By-law may be cited as "BURNABY WATERWORKS REGULATION BY-LAW 1953".

DONE AND PASSED in Open Council this Twenty-third (23rd) day of March, A.D., 1953.

RECONSIDERED AND FINALLY PASSED on the Twenty-second (22nd) day of June, A.D., 1953.

W. R. B. Samuel
REEVE

Charles B. Brown
CLERK



THE CORPORATION OF THE DISTRICT OF BURNABY

SCHEDULE A

F L A T R A T E S

The following minimum water charges shall apply to all one family dwellings; store or office with or without living quarters; unit of not more than three stores or offices, or both, without living quarters; service stations without living quarters; subject to the installation of a meter under Section 7 of this By-law:

A Semi-annual charge of eleven dollars and fifty cents (\$11.50) shall be due and payable on or before the 28th day of February for the first period and the 31st day of July for the second period, subject to a discount of one dollar (\$1.00) if paid on or before the due date.

- or -

see 3661
An Annual charge of twenty-three dollars (\$23.00) subject to a discount of three dollars (\$3.00) if paid on or before the 28th day of February.

- or -

An Annual charge of twenty-three dollars (\$23.00) subject to a discount of two dollars (\$2.00) if paid on or before the first day of May.

The following minimum water charges shall apply to all two family dwellings, subject to the installation of a water meter under Section 7 of this By-law:

see 3661
A semi-annual charge of eighteen dollars (\$18.00) shall be due and payable on or before the 28th day of February for the first period and the 31st day of July for the second period, subject to a discount of one dollar (\$1.00) if paid on or before the due date.

- or -

An Annual charge of thirty-six dollars (\$36.00) subject to a discount of three dollars (\$3.00) if paid on or before the 28th day of February.

- or -

An Annual charge of thirty-six dollars (\$36.00) subject to a discount of two dollars (\$2.00) if paid on or before the first day of May.

M E T E R R A T E S

The following Commercial and Domestic meter rates shall apply:

First 10,000 cu. ft. used	- per 100 cu.ft. per mo.....	20¢
Next 20,000 cu. ft. used	- per 100 cu.ft. per mo.....	16¢
Next 50,000 cu. ft. used	- per 100 cu.ft. per mo.....	12½¢
Next 420,000 cu. ft. used	- per 100 cu.ft. per mo.....	11¢
Next 1,500,000 cu. ft. used	- per 100 cu.ft. per mo.....	7¢
All in excess of 2,000,000 cu. ft. used	- per 100 cu.ft. per mo.....	6¢

see 3846
Discount of ten per cent (10%) will be allowed on meter accounts if paid on or before the 25th day of the month in which same may be due and payable.

see 3842
Minimum monthly charge will be \$1.60 plus meter rent, subject to a discount of 15¢ if paid by due date.

QUARTERLY METER RATES

Commercial and domestic accounts using 10,000 cu. feet or less per quarter may be billed quarterly at the rate of 20¢ per hundred cu. feet less ten per cent discount if paid by due date. Minimum charge will be \$4.80 per quarter less 45¢ discount if paid by due date, plus meter rental.

acc 3846

acc 3846 * METER RENTALS

The following rents shall be charged for meters in addition to the charge for water used, and shall not be subject to discount:

<u>METER SIZE</u>	<u>MONTHLY RENTAL</u>	<u>QUARTERLY RENTAL</u>
3/4"	\$.30	\$.90
1"	.40	1.20
1 1/2"	.75	2.25
2"	1.00	3.00
4"	2.00	6.00

acc 3546 * CONNECTION FEES

Fees payable for water service connections:

For a 3/4" connection.....	\$ 35.00
For a 1" connection.....	44.00
For a 1 1/2" connection.....	51.00
For a 2" connection.....	56.00
Over 2" - Total cost of installation.	