

**DIAMOND IMPROVEMENT DISTRICT
BYLAW NO. 211**

A bylaw to fix tolls and other charges payable to the Improvement District, the terms of payment, and provide for a percentage addition to encourage prompt payment.

NOW THEREFORE the Trustees of the Diamond Improvement District, in open meeting assembled, enact as follows:

Citation

1. This bylaw may be cited as the "*Tolls and Charges Bylaw, no. 211*"

Definitions

2. In this bylaw,

"Applicant" means an owner of property, or their agent, who submits an application to the District for a supply of water as set out in this bylaw;

"District" means Diamond Improvement District;

"dwelling" means a building intended to be used for a self-contained residential unit;

"owner" has the meaning given to that term in the *Community Charter*;

"property" has the same meaning as the term "parcel" in the *Community Charter*;

"service connection" means the connection from the water system to the property line of the property to be served;

"Trustees" means the trustees of the District;

"water meter" means a measuring device, and all accessory equipment, for determining the volume of water delivered during a given period of time;

"water service" means all of the works owned or controlled by the District to provide the water service; and

"works" means any structures, including mains, pipes, taps, valves, controls, devices, fittings and meters, and all attachments, fittings and facilities, for the storage, supply conveyance and distribution of water.

Application for Water

3. (1) Every owner shall notify the District at the time the owner receives a building permit for the construction of a dwelling on a property, and shall apply for a water connection and water meter to provide the water service for that dwelling.
- (2) An application for the water service shall be made in writing to the District in the form prescribed by the Trustees from time to time, and shall be signed by the Applicant.
- (3) Every Applicant is presumed to be the duly authorized agent of the owner of the property in respect of which an application for water is made.
- (4) Each application for the water service shall be accompanied by the applicable service connection charge and the water supply access charge, as set in this bylaw.
- (5) No person shall connect to the water system, and no supply of water shall be provided by the District, until all fees and charges for service connection, water supply access and other charges and amounts required by the District to be paid have been paid in full, or until alternative arrangements have been made and approved by resolution of the Trustees.

Service Connection Charge

4. Every applicant shall pay to the District a service connection charge for each property to be connected to the water system, or for each dwelling to be connected to the water system where there is more than one dwelling on a property, in accordance with the following scale:

For a $\frac{3}{4}$ inch connection	\$3,500.00
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Water Supply Access Charge

5. (1) Every owner shall pay to the District a water supply access charge of \$9,347.12 for each property to be connected to the water system, or if there is more than one dwelling on a property, for each dwelling to be connected to the water system.
- (2) A water supply access charge shall be paid at the time of approval of a subdivision of a property under the *Land Title Act* or the *Strata Property Act*, for each property created by the subdivision.
- (3) If a water supply access charge has not been paid under subsection (2) at the time of subdivision, the water supply access charge shall be paid at the time the first dwelling is constructed on the property.
- (4) A water supply access charge shall be paid at the time each additional dwelling is constructed on the property.

(5) A water supply access charge referenced in subsection (3) or (4) shall be paid by the owner at the earliest of the following, as applicable:

- (a) Before the approval of an application for the water service to a property;
- (b) Where an application for the water service has been approved, before the installation of a service connection; or
- (c) Where a service connection has been installed, before the dwelling is first occupied.

(6) Every owner shall notify the District at the time the owner receives a building permit for the construction of a dwelling on a property.

(7) For clarity, a water supply access charge shall be levied only once in respect of a property and is not payable where the charge has previously been paid for the property, except that a water supply access charge shall be levied and payable for each additional dwelling constructed on the property.

Service Connection

6. (1) On acceptance by the District of an application for the water service and payment by the owner of the service connection charge and the water supply access charge, the District will install the service connection, including a water meter, to the owner's property line. The owner shall be responsible for installing all works required to convey the water from the property line to the dwelling to be served.

(2) Where a service connection is required and the property line does not coincide with an established road allowance, or where the water system is not otherwise adjacent to the property line, the Applicant shall pay such additional costs incurred by the District in providing the service connection to the property line.

Meter Requirement and Installation

7.

(1) The District shall install a water meter at the time of installation of a service connection where possible.

(2) All water meters remain the property of the District.

(3) No person shall bypass a water meter, connect a water meter to more than one dwelling, or use unmetered water from the water system.

(4) No person shall interfere with, modify or damage a water meter.

(5) For clarity, the requirement in subsection (1) shall apply to every dwelling that is completed or first occupied after the date this Bylaw is enacted.

Water Use Tolls and Charges

8. (1) The following tolls and charges are hereby fixed and made payable to the District by all owners of property to which a metered supply of water is delivered through any size of connection to the District:

- (a) A \$160.00 fixed charge for each three (3) month period, plus
- (b) \$1.20 per cubic metre for the first 37.5 cubic metres;
- (c) \$1.30 per cubic metre for over 37.6 and up to 75 cubic metres;
- (d) \$1.50 per cubic metre for over 75 and up to 112.5 cubic metres;
- (e) \$1.75 per cubic metre for any amount over 112.5 cubic metres.

(2) Water tolls and charges shall be invoiced every three (3) months for the preceding three (3) month period and are due and payable within thirty (30) days after the invoice date.

(3) Invoices shall be mailed to the owner of the property unless the owner requests, in writing to the District, that the invoice be mailed to a different address. The owner shall remain at all times responsible for the payment of all water invoices for water provided to the owner's property.

Payment

9. (1) All payments to the District shall be by cheque or money order delivered to the District administration office, or electronically where permitted by the District.
- (2) Payment is made only when the payment is actually received by the District.

Unpaid Tolls and Charges

10. (1) A late payment charge equal to ten (10%) percent of the outstanding balance of any invoice shall apply and be added to any invoice not paid in full on or before the due date.

(2) The District may, on 24 hours written notice, shut off the water to any property on which there are any tolls or other charges unpaid for ninety (90) days or longer from

the due date. The charges levied under section 11 and all overdue tolls and charges owing in respect of the property shall be paid in full before the water service is restored to the property.

Water Shut-Off and Turn On

11. (1) An owner may request that the District shut off water service to the owner's property by delivering a written request to the District at least seven (7) days in advance of the requested shut-off date and paying the charge set out in subsection (3).
- (2) Where the water has been shut off, the owner may request that the water be turned on by delivering a written request to the District and paying the charge set out in subsection (4).
- (3) Every owner of property shall pay to the District a charge of \$100.00 for the District to turn off the water service to the property, or where the water supply is turned off in accordance with section 10.
- (4) Every owner of property shall pay to the District a charge of \$100.00 for the District to turn on the water service to the property.

Interpretation

12. (1) The provisions of this Bylaw are severable and where any provision is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Bylaw and the decision that it is invalid must not affect the validity of the remaining portions of this bylaw.
- (2) References in this Bylaw to a section, paragraph or schedule is a reference to the specified section, paragraph or schedule of this Bylaw, unless otherwise specified.
- (3) Headings form no part of this Bylaw and must be construed as being inserted for convenience of reference only.

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Repeal

13. The *Diamond Improvement District Bylaw no. 207* is hereby repealed.

INTRODUCED and given first reading by the Trustees on the ____ day of October, _____ ,
2021

Chair of the Trustees

Administrator

I hereby certify that this is a true copy of Bylaw 211 made on _____, 2021.

Administrator