

**SAVARY SHORES IMPROVEMENT DISTRICT
BYLAW NO. 136, 2023
WATER USE AND DISTRIBUTION REGULATION BYLAW**

TABLE OF CONTENTS

1. Citation.....	2
2. Administration of the Bylaw	2
3. Definitions.....	2
4. No Guarantee of Water.....	4
5. Conditions of Supply and Liability	4
6. Interruption of Service.....	4
7. Metered Service	4
8. Permit Required	4
9. Forms and Fees for Permit.....	5
10. Specifications for a Connection.....	5
11. Inspection	6
12. Refused and Revoked Permits	6
13. Certain Uses of Water Prohibited.....	7
14. Onsite Works	7
15. Waterworks Relocation	7
16. Duty to Turn Water Off and On	8
17. Duty to Maintain Septic System	8
18. Limiting Water Use.....	8
19. Water Use Restrictions	8
20. Private Wells.....	9
21. Interference with the Waterworks	9
22. Unlawful Connections.....	9
23. Cross Connections.....	9
24. Pressure Increasing Device.....	10
25. Water Resale Prohibited	10
26. Disconnection of Illegal Connections.....	10
27. Breach of Bylaw.....	10
28. Customer Not to Reconnect Water	11
29. Trustees’ Right of Access.....	11
30. Obstructing Enforcement.....	11
31. Penalty	11
32. Repeal	11

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The Board of Trustees of Savary Shores Improvement District,
pursuant to sections 697 (2) (f) and 698 (1) (j) of the *Local Government Act*, enacts as follows:

Part 1 – Interpretation and Administration

1. Citation

This bylaw may be cited as the “Savary Shores Improvement District Water Use and Distribution Regulation Bylaw.”

2. Administration of the Bylaw

The Administrator is authorized to administer this bylaw, except as specifically stated otherwise in this bylaw.

3. Definitions

In this bylaw, unless the context otherwise requires,

“**Administrator**” means the person appointed from time to time by the Trustees to exercise the powers, duties and functions of corporate administration of the Improvement District.

“**Applicant**” means a person who applies to the Improvement District for Water Service or, having Water Service, applies for a change to the Water Service, and is the owner or occupier of the Premises to be serviced with Water or their respective agents.

“**Application for Water Connection**” means the form submitted by an Applicant for Water Service.

“**Connection Charge Bylaw**” means the Connection Charge Bylaw of the Improvement District.

“**Commercial Use**” means use of the Water Service in delivery of a for-profit product or service.

“**Contract**” means the contract for Water Service between the Improvement District and a Customer.

“**Curb Stop**” means a shut-off valve with a protective housing installed by the Improvement District within a highway or public right of way or easement abutting the property line of a Customer.

“**Customer**” means a person who is provided with and billed for Water Service by the Improvement District.

“**Domestic Use**” means use of the Water for normal personal, domestic or household purpose, and is not Commercial Use.

“Improvement District” means the Savary Shores Improvement District and the land within its territorial jurisdiction according to its Letters Patent.

“Operator” means the person appointed from time to time by the Trustees to operate and maintain the Waterworks.

“Parcel” means a lot, block or other area in which land is held or into which land is subdivided, and the Premises on the land.

“Permit” means written permission from the Administrator or a Trustee.

“Pool” means an artificially created body of water having a depth of 18 inches or more used for decorative, landscaping, recreational, or physiotherapy purposes.

“Premises” means one or more buildings and structures, or a part of them, on a Parcel.

“Recreational Vehicle” or **“RV”** means a vehicle capable of being licensed under the *Motor Vehicle Act* and designed for the temporary accommodation of people, and includes motorhomes, camper vans, tent and camper trailers, fifth wheels, and other motor vehicles converted or adapted for temporary human accommodation.

“Service Connection” means the connection of the Works to the Water Main at the property line of the land comprising the Parcel, thus enabling the Premises to be supplied with Water Service.

“Toll” means a toll, rate or charge prescribed by a bylaw adopted by the Improvement District.

“Transfer of Contract Charge Bylaw” means the Transfer of Contract Charge Bylaw of the Improvement District.

“Trustees” means the elected Trustees of the Improvement District.

“Water” means the water supplied by the Improvement District through the Water Main to its Customers.

“Water Main” means the water distribution portion of the Waterworks by which Water is supplied to the Improvement District’s Customers.

“Water Service” means the supply of Water to Customers of the Improvement District.

“Waterworks” means all of the components by which the Improvement District provides Water Service and includes anything capable of or useful for diverting, storing, treating, measuring, delivering, supplying, conveying, conserving, retarding, confining, or using Water.

“Works” means the infrastructure, including the pipes, valves, connections, and other appurtenances, installed between the Service Connection and the Parcel that are necessary to enable Water to be supplied to the Parcel.

Part 2 - General Conditions of Water Service

4. No Guarantee of Water

The Improvement District does not guarantee a specific water pressure, a continuous supply of Water or a specific quality of Water to any Customers or other users of Water.

5. Conditions of Supply and Liability

The Improvement District supplies Water to Customers on the condition that the Improvement District is not liable for, and will not be liable to any person for, injury, damage or loss, including economic loss, to any person or property at any time caused by or resulting from

- (1) the use of Water from the Waterworks,
- (2) the failure to supply any or an insufficient amount of Water to a Customer,
- (3) any impurity, lack of adequate or any water pressure, increased water pressure, or other condition or matter affecting the quality or supply of Water, or
- (4) the Waterworks itself.

6. Interruption of Service

- (1) The Improvement District reserves the right to interrupt Water Service at any time for the purpose of maintaining, or making repairs or alterations to the Waterworks.
- (2) If the Improvement District anticipates that Water Service will be interrupted for more than twenty-four (24) consecutive hours for the purposes of section 1, the Improvement District will attempt to give one day's notice of the interruption to Customers who will be affected, except in cases of emergency.

7. Metered Service

- (1) The Improvement District reserves the right to install a meter at any time at a Parcel to measure the Water consumed at the Premises for the purpose of calculating the Tolls owed to the Improvement District.
- (2) The meter for each Parcel must be separate from and not serve another Parcel.
- (3) The location of a meter at a Parcel is in the absolute discretion of the Trustees.
- (4) The District owns all of the meters installed at Parcels under section 1.

Part 3 - Obtaining or Changing Water Service

8. Permit Required

- (1) No person shall connect a Premises or allow it to be connected to the Water Service, without first obtaining a Permit to do so from the Administrator.

- (2) A Permit shall be for either Domestic Use or Commercial Use of the Water Service.
- (3) The issuance of a Permit to the occupant of a Premises results in a Contract between the Improvement District and the occupant, and the Contract must not be transferred to any person, including to a new occupant of the Premises.

9. Forms and Fees for Permit

- (1) A new occupant of a Premises that is connected to the Water Service and who wishes to obtain a Permit must
 - (a) submit a Transfer of Water Service Contract form to the Administrator, and
 - (b) pay the fee prescribed under the Transfer of Contract Charge Bylaw.
- (2) An occupant of a Parcel that is not connected to the Water Service and who wishes to obtain a Permit, must
 - (a) submit a completed Application for Water Connection form to the Administrator, and
 - (b) pay the fee prescribed under the Connection Charge Bylaw.
- (3) A Customer who holds a Permit for a Premises and wishes to obtain an additional Service Connection for the same Premises, from a different Water Main or meter box, must
 - (a) submit a completed Application for Water Connection form to the Administrator,
 - (b) pay the fee prescribed under the Connection Charge Bylaw,
 - (c) and will be liable to pay to the Improvement District any extra charge or higher Toll payable for the addition once the addition is connected to Water.
- (4) A Customer who wishes to increase the number of plumbing fixtures on that Customer's Premises, including for the purpose of creating or increasing Commercial Use of Water, must
 - (a) give notice in writing of that intention to the Administrator or Trustees,
 - (b) obtain a Permit from the Trustees to make the addition,
 - (c) and will be liable to pay to the Improvement District any extra charge or higher Toll payable for the addition once the change or addition is supplied with Water.

10. Specifications for a Connection

- (1) As conditions of permitting a Service Connection,
 - (a) the Applicant's property line must coincide with a Water Main within an established road

allowance,

- (b) the Service Connection connecting the Premises to the Improvement District’s Water meter at the property line must be a standard 3/4-inch connection,
 - (c) the Improvement District must install the Service Connection, and the Improvement District shall supply the service line and fittings—to include curb stop, meter, dual check valve—and all fittings to connect to the drain box at the dwelling,
 - (d) The Applicant shall be responsible for the excavation from the meter box to the dwelling.
- (2) The Applicant must install the Works according to the type, size and arrangement of valves and other appurtenances required to regulate the flow of Water according to the Improvement District’s design specifications for the Waterworks as prescribed in the Application for Water Connection form.

11. Inspection

- (1) Immediately after the completion of the Works by the Applicant, and before any part or all of the Works have been covered or concealed, the Applicant must notify the Improvement District that the Works are ready for inspection.
- (2) A Service Connection must not be covered or put into operation for Water Service until the Works and the Service Connection have been inspected, and tested under pressure, by the Improvement District Operator or other certified professional.

12. Refused and Revoked Permits

- (1) The Trustees may refuse or revoke a Permit if they deem that the addition or change
 - (a) will result in water volume usage in excess of what the Trustees deem reasonable,
 - (b) is in violation of prohibited uses in this bylaw,
 - (c) will have an adverse effect on the Water Service provided to other Customers, and the adverse effects may include but are not limited to
 - (i) potential damage to the Waterworks,
 - (ii) contamination of the groundwater,
 - (iii) septic system usage in excess of septic permit limitations,
 - (iv) water volume usage in excess of what the Trustees deem reasonable,
- (2) In refusing or revoking a Permit, the Trustees may turn off Water to any connection, provided the reason is submitted in writing to the Occupant of the Premises at least 30 days prior to turning off the Water.

13. Certain Uses of Water Prohibited

- (1) No person will use Water for watering livestock, filling Pools or reservoirs, or for any purpose other than normal Domestic Use or Commercial Use subject to this bylaw.
- (2) No person shall use Water as motive power for the purpose of operating machinery.
- (3) No person shall use Water for a Commercial Use for which Water is a major consideration and the quantity of water used is substantial, such as but not limited to the following Commercial Uses:
 - (a) laundries or related uses,
 - (b) laundromats,
 - (c) public shower facilities.
- (4) Examples of Commercial Use for which Water not a major consideration and the quantity of Water not substantial, are as follows:
 - (a) bed and breakfast,
 - (b) rental of the Customer's residence,
 - (c) stores.
- (5) Notwithstanding sections 1 through 4, the Trustees may at any time revise whether a Domestic Use or Commercial Use is prohibited.

Part 4 - Owner's Responsibilities**14. Onsite Works**

The owner of a Parcel, in regard to service pipes and plumbing systems within the building or buildings on the Parcel and all Works comprising the Service Connection between the Premises and the outlet at the Curb Stop or the standard Waterworks valve at the property line of the Parcel, is responsible for

- (1) the safekeeping, maintenance, repair and replacement of the Works,
- (2) protecting the Works from frost or other damage, and
- (3) promptly repairing the Works if they become frozen, leaky, or damaged.

15. Waterworks Relocation

When the owner of a Parcel requests the Improvement District to move or relocate any part of the

Waterworks situated within an easement on the Parcel, the entire cost of the move or relocation will be borne by the owner unless both parties agree upon other arrangements in writing.

16. Duty to Turn Water Off and On

If a Customer's Premises will be vacant during a period of forty-eight (48) hours, the Customer

- (1) must ensure that the Water Service is turned off at the Curb Stop prior to the vacancy, and
- (2) is responsible for turning the Water Service back on at the end of the vacant period.

17. Duty to Maintain Septic System

A person who operates a septic system in the Improvement District must follow a maintenance plan as prescribed in the *Sewerage System Regulation* or prescribed by a Registered Onsite Wastewater Practitioner, to ensure the septic system does not cause or contribute to contamination of the groundwater.

Part 5 - Water Conservation

18. Limiting Water Use

- (1) The Trustees may limit the amount of Water used by any Customer in the interest of the efficient operation of the Waterworks and the equitable distribution of Water to all of the Improvement District's Customers.
- (2) If the Trustees determine that the quantity of Water being used or the rate at which it is being used from time to time by a Customer is in excess of that contracted for or beyond what the Trustees deem to be adequate, the Trustees may take measures to limit the supply of Water to that Customer.
- (3) The measures referred to in section 2 may include the installation of a meter, partially closing the controlling Curb Stop or standard Waterworks valve, regulating the rate and time at which Water may be used, and establishing special charges for Water used in excess of a stipulated quantity or Toll.
- (4) The Customer must pay to the Improvement District the cost of any measures deemed necessary by the Trustees under this section.
- (5) The Trustees must give the Customer reasonable notice of any measures the Trustees intend to take under this section and give the Customer an opportunity to be heard by the Trustees before implementing the measures.

19. Water Use Restrictions

- (1) The Trustees may, at any time, implement water use restrictions restricting the use of Water for sprinkling or any other purpose for a period of time or for an indefinite period.
- (2) The Administrator will give advance notice to Customers of Water Use Restrictions by

publication in a bulletin circulating within the Improvement District, or by mail, or by email or by notice posted within the boundaries of the Improvement District, or by a combination of these methods.

- (3) No person shall use Water at or during the restricted times set out in the notice given under section 2, for the purposes forbidden, or in excess of the limits imposed, by the Water Use Restrictions.

Part 6 - Prohibitions

20. Private Wells

No person may install or cause to be installed or operate a private well in the Improvement District for uses prohibited in this bylaw.

21. Interference with the Waterworks

- (1) No person, except designated officers, employees or contractors of the Improvement District, shall open, shut, adjust, draw Water from or tamper with any part of the Waterworks.
- (2) A person shall not obstruct at any time or in any manner the access to a hydrant, valve, stopcock or other fixture that is part of or connected to or within the Waterworks.
- (3) If a person obstructs access to a fixture referred to in section 2 by allowing surface water to accumulate around it or by placing on or near it any structure or material, the Trustees may remove the obstruction at the expense of that person.

22. Unlawful Connections

No person to whose Premises Water is supplied shall make, or permit to be made, any additional connection, either temporary or permanent, to that person's Water Service for the purpose of supplying Water to another building or structure including, without restriction, a Recreational Vehicle or house trailer unless a Permit has been issued for that purpose.

23. Cross Connections

- (1) No person will interconnect any portion of the Works located at a Premises connected to the Waterworks with any other source of water, such as a well, except with the written permission of the Improvement District.
- (2) The owner of Premises connected to the Waterworks must not connect the Works on those Premises to a body of contaminated water, without
 - (a) installing a back-flow preventer on the connection to prevent a health hazard resulting from reverse flow, and
 - (b) the written approval of the Improvement District for installation of the connection and the back-flow preventer.

24. Pressure Increasing Device

- (1) No person will use or permit the use of a pump or other device for the purpose of, or having the effect of, increasing the pressure in any water pipe without the written permission of the Trustees, whether such pipe forms part of the Improvement District's works or of the Works on that person's Parcel.
- (2) As a condition of their permission, the Trustees may require the person to provide them with an engineer's report certifying that the pump or device is safe to use in the circumstances.
- (3) The Improvement District may, on 24 hours' notice, and without notice if the Waterworks is at risk of damage, discontinue Water Service to the Premises of a person employing a pump or other device referred to in section 1.

25. Water Resale Prohibited

No owner or occupant of any Premises supplied with Water by the Improvement District nor any other person shall sell, dispose of or give away Water, or cause or permit Water to be taken away from the Premises, or sold or applied for the benefit of other persons or Premises.

Part 7 – Enforcement and Penalties**26. Disconnection of Illegal Connections**

The Trustees may order immediate disconnection without notice, at the expense of the owner of the Premises to which the connection was made, of a connection made to the Waterworks in circumstances where the connection would not be eligible for lawful connection under this bylaw.

27. Breach of Bylaw

- (1) The Trustees, by resolution, may instruct the Administrator to have the supply of Water turned off at the Service Connection of a Customer, on 24 hours' written notice, if the Customer
 - (a) has not paid for two or more months, the Tolls, fees, taxes or other charges imposed or levied by the Improvement District in respect of the Water Service to the Premises, or
 - (b) is in contravention of this bylaw.
- (2) The Trustees may instruct the Administrator to act under section 1 without giving notice in case of emergency or where the Waterworks could be damaged as a result of the contravention.
- (3) A Customer whose Water supply has been turned off under section 1 will not be entitled to receive any further Water from the Improvement District until the Customer has
 - (a) paid the reconnection fee imposed under the Excess Tolls Bylaw and all other amounts owing to the Improvement District in full, and
 - (b) remedied the contravention of this bylaw.

28. Customer not to Reconnect Water

A person whose Water has been turned off pursuant to this bylaw shall not turn the Water on again, or take any Water from the Waterworks until the Trustees instruct the Administrator to have the Water turned on.

29. Trustees' Right of Access

- (1) The Trustees, the Administrator or their designates may on 24 hours' written notice, or sooner with the consent of the occupier, enter in or upon all parts of a Parcel at all reasonable hours for the purpose of any of the following:
 - (a) inspecting or testing works, fittings, fixtures or appurtenances related to the use of Water,
 - (b) installing, removing, repairing, reading or inspecting Water meters,
 - (c) discontinuing or reconnecting Water Service in accordance with this bylaw,
 - (d) inspecting and determining whether all regulations, prohibitions and requirements of this bylaw applicable to the Parcel are being met.
- (2) In an emergency affecting the Waterworks, the Trustees, the Administrator or their designates may enter upon all parts of a Parcel without notice to and without the consent of the owner or occupier of the Parcel. The owner or occupier will be notified of the access after the fact.

30. Obstructing Enforcement

No person shall obstruct or prevent the Trustees, the Administrator or designates from carrying out the provisions of this bylaw.

31. Penalty

A person who contravenes a provision of this bylaw commits an offence and is liable on summary conviction to the penalties and costs prescribed by the *Offence Act*.

32. Repeal

Water Use and Distribution Regulation Bylaw No. 102 is repealed.

Part 8 – Bylaw Adoption

READ A FIRST TIME on the 27th day of November, 2023.

READ A SECOND TIME on the 27th day of November, 2023.

READ A THIRD TIME on the 13th day of December, 2023.

ADOPTED on the 13th day of December, 2023.



CHAIR, BOARD OF TRUSTEES



ADMINISTRATOR

I hereby certify that this is a true copy of Savary Shores Improvement District Water Use and Distribution Regulation Bylaw No. 136, 2023.



ADMINISTRATOR

A true copy of Bylaw No. 136
registered in the office of the
Inspector of Municipalities this
4th day of January 2024



Deputy Inspector of Municipalities