

DISTRICT OF FORT ST JAMES
BULK WATER BYLAW NO. 936, 2013

A Bylaw to regulate the sale of bulk water from the District of Fort St. James public water system.

The Council of the District of Fort St. James enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as “District of Fort St. James Bulk Water Bylaw No. 936, 2013”.

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the invalid portion shall be severed, without affecting the remainder of this Bylaw;

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires, the words and expressions noted below shall mean as follows, except that any word or expression not defined in this section, but defined in the Community Charter or the Local Government Act shall have the meaning there defined.

- a) **Person** means any individual, firm, company, association, society, corporation, group or Municipality;
- b) **Water Vendor** means a *person* authorized by the District to purchase *bulk water* from the District of Fort St. James with the intention of reselling the water to another *person*;
- c) **Bulk Water** means water that is for use at a location other than the location of purchase.

3. BULK WATER RATES AND BILLING

The District of Fort St. James will levy a service charge on all *persons* purchasing *bulk water* from the District of Fort St. James public water system as per Schedule “A” to this bylaw.

All fees prescribed in Schedule “A” to this Bylaw, not paid on or before the thirty-first day of December in any year shall be deemed to be taxes in arrears in respect of the parcels of land served by the said service connection and such sum shall be recoverable as provided for in accordance with the provisions of the Community Charter.

4. DEPOSITS FOR ACCOUNT

All *persons* purchasing *bulk water* from the District of Fort St. James must, upon the opening of an account, deposit with the Director of Finance the minimum amount of \$100.00. This deposit will be credited against the final billing at the time said account is closed. If any deposited amount remains after the said account is paid in full, the balance will be refunded to the account holder. The Director of Finance may increase the amount of the deposit requested at any time for delinquent accounts. The deposited amount shall not exceed the estimated cost of the supply of three months of *bulk water* service to the account holder.

6. DELINQUENT ACCOUNTS

In the event that an account remains unpaid for a period of sixty (60) days from the billing date, the Director of Finance shall cause the delinquent customer to be served with a written notice advising that access to the *bulk water* service will be denied unless the account is paid in full within two (2) business days of a notice delivered to the customer, or to *person* in charge of the premises of the customer, or seven (7) business days after to the date of mailing a notice. If after this period, the account remains unpaid, the Director of Finance may cause the service to be denied without further notice.

7. SALE OF BULK WATER TO THIRD PARTY FOR RESALE

District of Fort St. James may enter into an agreement with a *water vendor* to sell *bulk water* for the purpose of resale subject to other terms of this bylaw and pre-approval in writing of such an agreement by the Public Works Superintendent.

8. SPECIAL AGREEMENT

The District of Fort St. James reserves the right to make special arrangements on terms fixed by the Council with certain industries or others to whom quantities of *bulk water* are sold.

9. RIGHT TO IMPOSE RESTRICTIONS

- (a) When and if it is considered necessary the Chief Administrative Officer, Public Works Superintendent or Director of Finance may, at his/her sole discretion, impose restrictions upon on the amount of *bulk water* any one, or all consumers may take from the District water system.
- (b) The District of Fort St. James reserves the right to refuse use of the *bulk water* service to any *person* who is deemed by the Public Works Superintendent to be misusing the service.
- (c) The District shall not be liable for damages caused by the imposition of restrictions on use of *bulk water*.

10. PURCHASE OF BULK WATER

No *person* shall sell *bulk water* from the District of Fort St. James public water system from any *person* or supplier other than the District of Fort St. James or an authorized *water vendor*.

11. PENALTIES

Any *person* found guilty of an infraction of any provision of this bylaw shall be liable to penalties as set out in the attached Schedule “A.”

12. EFFECTIVE DATE

This Bylaw shall take force and have effect from the date of adoption.

READ A FIRST, SECOND AND THIRD TIME THIS 27th DAY OF NOVEMBER, 2013.

ADOPTED THIS 11th DAY OF DECEMBER, 2013.

[Original Signed]

Rob MacDougall, Mayor

[Original Signed]

Kevin Crook, Chief Administrative Officer

SCHEDULE “A” RATES AND PENALTIES**Rate:**

Bulk water rate \$1.00/m³ (one dollar per cubic metre)

Minimum charge when *bulk water* is supplied during any six-month billing cycle: \$100.00

Penalties:

Sell *bulk water* from District of Fort St. James public water system without a *Water Vendor* permit: \$1,000.00 per occurrence

Fail to follow water restrictions imposed: \$100.00 per occurrence