

CITY OF MERRITT

BYLAW NO. 2392

A BYLAW RESPECTING THE WATERWORKS SYSTEM OF THE CITY OF MERRITT

The Council of the City of Merritt, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw may be cited as "City of Merritt Waterworks Bylaw No. 2392, 2025".

Repeal

2. The "CORPORATION OF THE CITY OF MERRITT WATERWORKS BYLAW NO. 2181, 2015", and all amendments thereto is hereby repealed.

Definitions

3. In this Bylaw, unless the context otherwise requires:

"Accessible" means having access thereto, but which may first require removal of an access panel, door or similar obstruction;

"Approved Backflow Prevention Assembly" means a Backflow preventer that is designed to be tested and repaired in-line and to meet the design and installation criteria requirements of the Canadian Standards Association (CSA) standards B.64.10-07/Series 01 (or the most current) and the University of Southern California Foundation for Cross Connection Control and Hydraulic Research (USC FCCCHR) approved criteria;

"Backflow" means the flow of water or other liquids, gases or solids from any source back into the Customer's plumbing system or the Merritt Community Water System;

"Backflow Assembly Test Report" means a form provided by or approved for use by the City of Merritt to be used when testing Backflow assemblies to record all pertinent information and test data;

"Backflow Assembly Tester" means a person holding a valid certificate from the American Water Works Association - British Columbia Section, for testing Backflow prevention assemblies and approved by the City of Merritt;

"Backflow Preventer" means a mechanical apparatus installed in a water system that prevents Backflow of Contaminants into the Merritt Community Water System;

"Building Inspector" means a person designated by City of Merritt Council as a Building Inspector for the City of Merritt to administer building and plumbing regulations;

"City" means the City of Merritt;

"Commercial" means all buildings other than residential;

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water which may render the water non-potable, according to the regulations of the Province of British Columbia Drinking Water Protection Act & Regulations;

"Cross Connection" means any actual or potential physical connection whereby the Merritt Community Water System is connected, directly or indirectly, with any non-potable or unapproved private water supply system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture, or any other device which contains, or may contain contaminated water, liquid, gases, sewage, or other waste, or unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of Backflow;

"Cross Connection Control Program" means the City of Merritt Cross Connection Control policy and guidelines which provide further reference and direction, standard operating procedures, bulletins and other program updates relevant to this Bylaw;

"Customer" means the registered owner or occupier of the property served by the Merritt Community Water System;

"Director of Finance and Human Resources" means the person appointed as such from time to time by the City and any person delegated to assist them in carrying out their duties under this Bylaw;

"Director of Public Works and Engineering" means the person appointed as such from time to time by the City and any person delegated to assist them in carrying out their duties under this Bylaw;

"Discontinue" means to terminate the arrangement between the City of Merritt and the Customer for the supply of water and to shut off the service pipe, disconnect it, or remove it;

"Duly Authorized Agent" includes a person, firm or corporation representing the City of Merritt by written consent from the City or by City of Merritt Council appointment;

"Family" means an individual, or two (2) or more persons closely related by blood, marriage, adoption or foster parenthood, sharing one dwelling, or three (3) or less unrelated persons, sharing the same dwelling;

"Fees and Charges Bylaw" means the current Fees and Charges Bylaw, as amended from time to time.

"Hydrant Use Permit" means a permit issued by the City of Merritt for any person requesting water from a fire hydrant for purposes other than emergency fire protection;

"Inspect" means an on-site review of the water use, facilities, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluating for conformity with the terms and conditions of this Bylaw;

"Irrigation Use" means the use of water for sprinkling or watering lawns, gardens and other landscaping;

"Officer" means any person appointed from time to time by the City as delegated to assist the Director of Public Works and Engineering in carrying out their duties under this Bylaw;

"Private Water System" means any privately owned pipe and fittings intended for the delivery or distribution of water within a premise or to a property and includes any domestic use, irrigation system, green house and hydroponics system, and any other use of water supplied by the Merritt Community Water System;

"Readily Accessible" means direct access without the necessity of removing, or moving away any panel, door or other similar obstruction;

"Reduced Pressure Backflow Assembly" means a Backflow preventer consisting of a mechanically independent acting, hydraulically dependent relief valve located in a chamber between two independently operating, force-loaded check valves, the intermediate chamber pressure always being lower than the supply pressure when there is a positive pressure on the supply side. The unit includes properly located resilient-seated test cocks and tightly closing resilient-sealed shut-off valves at each end of the assembly. This device is design for use under continuous pressure;

"Used Water" means any potable water which is no longer in the water distribution system including potable water that has moved downstream or past the Water Connection (water meter) and/or the property line to the Private Water System;

"Water Service" means the portion of pipe, including water stops, between the City main and the Customer's property line.

General

4. The City is authorized to establish, maintain and operate a waterworks system and such system shall be under the control and Inspection of the Director of Public Works and Engineering.
5. The Director of Public Works and Engineering may impose minimum standards that must be met and satisfied relating to the type of Backflow preventer and the installation and maintenance of the same as specified by the City of Merritt Cross Connection Control Program.
6. No person shall take, consume or use water from the Merritt Community Water System, without first obtaining permission to do so and making arrangements for payment of same.
7. No person shall turn on a water valve to provide service to the occupants of any newly renovated or constructed or reconstructed premise(s) until the Private Water System in such premise(s) has been Inspected for Cross Connections and approved by the Building Inspector or Duly Authorized Agent of the City.
8. No person, except the Duly Authorized Agents of the City, shall tap, uncover, or make any connection to, use, alter or disturb any water mains or fire hydrants, without permission in advance by the Director of Public Works and Engineering.
9. The City retains the right to adjust the water supply pressure or to interrupt supply due to emergency conditions or for the purpose of upgrading or carrying out general maintenance. Where it is practical and time permits, notice shall be given to all Customers affected where alterations of pressure or interruption of service are to take place.

10. Customers depending on a continuous or uninterrupted supply of water or having processes or equipment that require particularly clear or pure water shall provide such emergency storage, oversize piping, pumps and tanks, filters, pressure regulators, check valves and additional service pipes, or other means for continuous and adequate supply of water suitable to their requirements at their own expense.
11. Where steam or hot water boilers or other equipment is fed with water by pressure directly from the Merritt Community Water System, the City shall not be liable for any injury or damage which may result from such pressure or from lack of such pressure or any injury or damage resulting from the improper installation of a Backflow preventer.
12. No Customer shall install water dependent cooling systems in Commercial, industrial, institutional or residential applications, without written authorization from the City.
13. The City will not be held responsible for any damage incurred as a result of a change or interruption in water supply or pressure.
14. Any Officer authorized by the City to enforce this Bylaw shall have free access to all parts of every building in which water is delivered and consumed after reasonable notice has been given and request made.
15. Any Officer authorized by the City to enforce this Bylaw may make personal Inspection of all pipes, taps and fixtures used for distributing water, and if found defective, or if any wastage of water is found to exist, notice will be given to have the defect remedied.
16. Any Officer authorized by the City to enforce this Bylaw may Inspect the type of Backflow preventer, the installation and state of maintenance and repair of same.
17. If any defect or defects or any wastage of water of which notice is given shall not be remedied within the time limit specified by the Officer, they shall have authority to cut off the supply of water from the main until such time that the said defect or defects are repaired. No person shall have any claim against the City by reason of the cutting off of the water.
18. Any water connection, pipe, apparatus, fitting or fixture which is not in accordance with the requirements of this Bylaw or which would cause noises, pressure surges, disturbances which may result in annoyance to other Customers, damage to the water system or which may in any way contribute to a potential contamination of the City's water system shall not be connected or allowed to remain connected to the Merritt Community Water System.

Water Rates

19. Any overdue rents, rates and charges shall become part of the utility billings, and failing payment shall be applied to the annual property tax notice for collection in accordance with section 258 of the *Community Charter*, as amended from time to time.
20. Rates, rents and charges shall hereby be imposed upon the owners of real property situated inside and outside the corporate limits of the City for the use of the Merritt Community Water System and all rates, rents and charges to be paid by Customers for the use of the City waterworks system shall be those stated in the Fees and Charges Bylaw.

21. Non-receipt of a utility bill will not exempt the Customer from payment for the service received.
22. Any Customer paying rates, rents and charges for the use of Merritt Community Water System shall be liable for same until they have given notice in writing to the City, by way of an application for a water turn-off, of their desire to Discontinue the use thereof. Any service supplied for a portion of a month shall be charged as if it were a full month.
23. No person shall knowingly withhold information about the use of their premise that could affect utility rates, rents and charges. It is the responsibility of the owner to notify the City in writing when any changes or modifications are made to their premise that may affect their utility billings. Failure to provide said notification will constitute a violation of this Bylaw. It shall be lawful for the City to bill and collect from the owner the additional rates, rents and charges resulting from the changes or modifications made to their premise from the time they were determined to be instituted.
24. The Director of Finance and Human Resources is responsible for interpretation of the Water Rates and Charges Schedule of the City of Merritt Fees and Charges Bylaw, as may be amended from time-to-time, and any person who feels that they has been unjustly charged or incorrectly billed for the service may appeal directly to the City's Chief Administrative Officer.

Water Service Connections

25. Each single-family dwelling, each dwelling unit of a semi-detached duplex and each dwelling unit in a row house project with separate titles shall have an individual copper Water Service connection at least 19 millimeters (3/4 inch) in diameter or as specified in the British Columbia Plumbing Code.
26. The City may require the diameter of Water Service connections be determined by a design engineer but the determination is subject to approval by the Director of Public Works and Engineering, and in no case shall the diameter be less than 19 mm.
27. Application for Water Service shall be made to the City in writing by the Customer, in the general format required by the City and the following shall apply:
 - a) The application shall provide the legal description or civic address of the property to be served, the requested size, including that necessary for a fire sprinkler system if applicable, the purpose for which the water is to be used and all other information that may be required in order that the correct rates, rents and charges can be applied.
 - b) Any subsequent changes to the purpose or use of water must be provided to the City in writing by the Customer.
 - c) Upon receipt of such application, and provided a City water main is laid the full length of one of the Customer's property lines, the City will tap the main and lay a service pipe the length of the applicant's property and for such connection the City shall be entitled to demand and receive from the applicant, in advance, such rates, rents and charges as outlined in the City of Merritt Fees and Charges Bylaw, as may be amended from time-to-time.

28. Where application for Water Service has been made in accordance with this Bylaw and it is found that no water main extends the full length of a property line, the applicant may have the option to:
 - a) Providing an extension is approved by the Director of Public Works and Engineering, pay for construction of extra water main or Water Service which is required; or
 - b) Accept a full return of monies paid at time of service application.
29. Where a specific size of Water Service has been requested, and where the City cannot or will not readily supply such service, the applicant may have the option of:
 - a) Accepting the size of Water Service as determined by the City;
 - b) Paying the appropriate cost of upgrading the City's water mains to meet the specific requests; or,
 - c) Accepting a full return of monies paid at time of service application.
30. All building Water Services shall be constructed and maintained by the Customer at their expense, to the requirements of this Bylaw and those of the British Columbia Plumbing Code. Permit applications for such construction must be made to the City Building Department on the appropriate form provided. Such application shall be supplemented by any plans, specifications or other information considered pertinent by the City Building Department. No occupancy can occur until all permits have been approved and the necessary requirements adhered to.
31. No connection shall be installed or maintained whereby water from an auxiliary water system may enter the Merritt Community Water System or Private Water System unless such auxiliary water system and the method of connection and use of such system has been approved by the City.
32. The City shall be responsible for maintenance of the Water Service from connection at property line to the City's water main. The Customer shall be responsible for maintenance of the Water Service on their property, from the connection at property line to their building.
33. Customers must keep all pipes and other fixtures, on their own property, in good repair and order, and protected from frost, at their own expense.
34. Where it is found that damage has been caused by misuse or abuse by any person to any part of the Merritt Community Water System, or that service stops are not Readily Accessible, the Customer must repair such damage or accessibility within the time period specified by the Director of Public Works and Engineering. Failure to make the necessary changes within the time specified will result in the City carrying out the work at the owner's expense. If the said cost is not paid within ninety (90) days, it will be added to and become part of the utility billings.
35. Any owner of property within the City on which there is located a residential or Commercial building and which abuts on any City right-of-way or easement in which there is now or hereafter located a water main of the City, is hereby required to be connected directly to the City water at the owner's expense, in accordance with the British Columbia Plumbing Code and this Bylaw within thirty (30) days after notice from the City.

36. Should the owner fail to connect their premises to the Merritt Community Water System within the time specified, the Public Works Manager may order the required connection to be made by the City Public Works Crew or others in accordance with this Bylaw. All costs resulting from the said connection shall become due and payable by the owner. If the costs are not paid within ninety (90) days, they shall be added to, and become part of, the utility billings.
37. When any water connection is temporarily abandoned, the Customer or their authorized agent shall effectively block such connection at the curbstop. Failure to do so within thirty (30) days after such abandonment shall be construed as authorization for the City to enter upon the property and so block such connection at the expense of the owner.
38. When any water connection is abandoned, and there is no expectation of use in the future, the City shall terminate such connection at the water main, at the expense of the owner.

Water Turn-On or Shut-Off

39. Requests for City water for temporary construction, permanent turn-on or shut-off, shall be made to the City in writing in advance by the Customer, in the format prescribed by the City. The requirement set out in this section may be temporarily waived in emergencies, or cases where it is impractical, or would create undue delay or hardship, provided that an application as outlined in above is carried out as soon as possible, and in no case later than five (5) days, after the service is rendered.
40. Once an application is made for water shut off, the Customer shall be responsible for the Water Service, from connection at property line to their building, including drainage of same.
41. No person, except the Duly Authorized Agents of the City, shall turn-on or shut off any part of the Merritt Community Water System, including service pipe curb stops.
42. If a service line is found to be turned on and no record of the turn-on exists in the City's files, it will be deemed appropriate to charge any rates, rents and charges retroactive to the time when the City determines that the turn on occurred.

Water Meters

43. A Water Meter shall be installed for each category on every parcel that receives water service from the City as per the Fees and Charges Bylaw. The City may refuse or Discontinue to supply water to any premises unless the Customer requiring water has first:
 - a) Made application on the appropriate form provided;
 - b) Paid in advance the actual cost for such water meter as determined by the City; and
 - c) Installed such water meter, at no cost to the City.
44. The property owner shall make provision for the installation of a water meter for all new services and all existing services as follows:

Every water meter shall be located:

 - a) As near as possible to the point of entrance of the service pipe;

- b) so that it is Accessible for reading, Inspecting and changing;
 - c) from point three (.3) m to one point two (1.2) m above the floor, with the dial pointing up;
and
 - d) in the general format, as approved by the City.
45. Every water meter shall be installed so that it is:
- a) in a position to register all the water delivered to the property;
 - b) Accessible to the meter reader and Director of Public Works and Engineering;
 - c) not a hazard to the property owner and the public; and
 - d) well protected against frost, mechanical damage and tampering.
46. If the water meter is in a closet or room where water on the floor is objectionable, a valve shall also be located immediately after the water meter. At least one valve shall be a compression type or have a level handle so that it can be operated in an emergency.
47. The City shall charge the property owner the actual cost for altering, repairing, relocating or removing the water meter. Any such charges shall be collected in the same manner as water rates, rents and charges.
48. The City has the right to determine the responsibility for any damages to a water meter and/or its accessories.
49. Where a water meter has been installed, the quantity of water used shall be deemed to be the quantity shown or indicated by the water meter, upon it being read from time to time.
50. No person shall have any claim against the City by reason of the discontinuing of water supplied to their premises until the water meter is installed.
51. No water meter shall be placed in connection with the Merritt Community Water System unless it is of a type, size and in a location approved by the City.
52. A compound meter shall be installed for a Water Service of fifty (50) mm and over.
53. Every Customer shall protect their water meters from frost or other damage and will ensure that such meters are Accessible at all times so that they may be repaired, examined, maintained, removed or read by an authorized agent of the City.
54. No person shall in any way interfere or tamper with any water meter or part thereof, nor cause nor allow to cause water to bypass the water meter without first obtaining permission to do so from the Director of Public Works and Engineering.
55. Provision shall be made on all new services and existing non-residential buildings for the installation of water meter readout equipment. Such equipment shall be installed by the City, at a cost to the Customer, as estimated by the City.

56. If any breakage, stoppage or other irregularity in the water meter is observed by the owner they shall notify the Director of Public Works and Engineering to arrange for replacement or repair.
57. When a water meter is out of order and fails to register the full amount of water supplied or indicates that no water has been used, it shall be lawful to charge and collect on the basis of the amount of water used during the time the meter was in working order or on the basis of any other information which can be obtained as to the amount used.
58. Any person liable to pay charges based on meter rates who wish to dispute the quantity of water used as recorded by a water meter, may have such water meter tested by the City upon application to the Director of Finance and Human Resources and upon payment of the charge for said test, as per the City of Merritt Fees and Charges Bylaw, as may be amended from time-to-time.

Water Conserving Fixtures:

59. In all new construction, water closet capacity must be equal to or less than 6 litres per flush and urinals must have a direct flush valve.

Water Use

60. The City is hereby authorized to suspend, regulate or stop the supply of water to any of its Customers for the use of sprinkling or irrigation of lawns, gardens or fields or for any other use, whenever in the opinion of the Director of Public Works and Engineering public interest may require it.
61. Every person that sprinkles or irrigates lawns, gardens or fields, shall use water supplied through the City's domestic system only during those times so designated by resolution of City Council.
62. No person shall waste, lend, sell, give or otherwise dispose of water supplied by the City or permit the water to be taken or carried away for the use or benefit of others, without first obtaining written permission from the Director of Public Works and Engineering, except if it is required to extinguish or prevent the spread of fire.
63. Except for emergency fire use, no person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or other appliance to a fire hydrant, stand pipe or any other temporary water connection:
 - a. In a manner which, under any circumstances, may allow water, wastewater or any liquid or substance of any kind to enter the Merritt Community Water System; and
 - b. Without using an Approved Backflow Prevention Assembly which has been approved and installed in accordance with the City of Merritt Cross Connection Control Program; and
 - c. Without first obtaining a Hydrant Use Permit.
64. Any person who violates this section will be refused access to service through the use of a fire hydrant or temporary water connection and may be subject to penalties under this Bylaw.

Cross Connection Control

65. No person shall create a Cross Connection by connecting, causing to be connected, or allowing to remain connected to the Merritt Community Water System any device, piping, fixture, fitting, container, appliance or any other chattel or thing which may under any circumstances allow non-potable water, Used Water, wastewater or any chemical, liquid, gas or other substance to enter the Merritt Community Water System.
66. No Customer or other person shall permit the introduction of any Contaminant or foreign matter whatsoever into any Private Water System that is connected to the Merritt Community Water System.
67. Service supplied by the Merritt Community Water System to a Customer shall be only provided where, in the opinion of the City of Merritt, the Merritt Community Water System has been effectively protected from any potential Cross Connections existing at or with the Customer's Private Water System.
68. Where the City or its Duly Authorized Agent determines that there exists a connection or Cross Connection prohibited by this Bylaw, written notice may be given to the Customer to correct the connection or Cross Connection at the expense of the Customer within the time specified in the notice.
69. A Customer to whom notice has been given under this section shall correct the connection or Cross Connection by installing an Approved Backflow Prevention Assembly conforming to the CSA Standards B64.10-07/B64.10.1-07 or most current edition, for the selection, installation, maintenance and field testing of Backflow preventers and as described in the City of Merritt Cross Connection Control Program.
70. The Customer shall install a type of Backflow preventer commensurate to the degree of hazard and that is approved by the City on the Private Water System at the location of water connection from the Merritt Community Water System or other location(s) approved by the City.
71. Notwithstanding anything contained herein if, in the opinion of the City the configuration of any water connection creates a high risk of contamination to the Merritt Community Water System, the Customer shall install on the Private Water System at the location of the water connection from the Merritt Community Water System, an Approved Backflow Prevention Assembly, or as directed by the City.
72. The failure to be sent a notice(s) or the failure to receive a notice(s) shall not excuse the mandatory duty of the Customer or other responsible party to comply with this Bylaw and all other applicable bylaws.
73. Where any condition is found to exist which, in the opinion of the City, constitutes a Cross Connection with the Merritt Community Water System, the City or Duly Authorized Agent shall either:
 - a. Shut off the water supply service(s) to the premises and notify the Customer that an Approved Backflow Prevention Assembly(s) shall be properly installed and tested at the expense of the Customer prior to the water supply service(s) being turned on;

- b. Give notice to the Customer to correct the Cross Connection(s) at the expense of the Customer within a specified period. If the notice is not complied with, the City may Discontinue service or services;
 - c. Install an Approved Backflow Prevention Assembly at the water connection with all costs being charged to the Customer.
- 74. Any person whose water has been shut off pursuant to this Bylaw shall not have the water from the Merritt Community Water System turned on until all requirements of the City have been met and the Customer has paid to the City all costs associated with the shut off/turn on of service, the cleanup of contamination and the Customer's default under this section has been remedied.

Testing and Maintenance of Backflow Prevention Assemblies

- 75. The Customer will provide to the City within thirty (30) days of initial installation, repair or relocation of an Approved Backflow Prevention Assembly a Backflow Assembly Test Report from a certified Backflow Assembly Tester confirming the following:
 - a. The installation date of the Approved Backflow Prevention Assembly;
 - b. The specific location of the assembly and what Cross Connection or hazard it is intended to isolate;
 - c. The manufacturer, model, size and serial number of the Backflow preventer installed; and
 - d. That it is an Approved Backflow Prevention Assembly, installed correctly and in proper operating condition.
- 76. Approved Backflow prevention assemblies are required to be Inspected and tested by a certified Backflow Assembly Tester at least once in every twelve (12) month period or more often if required by the City.
- 77. Where a Customer fails to have an Approved Backflow Prevention Assembly tested, the City may notify the Customer that the Backflow assembly must be tested within ninety-six (96) hours, or within a specified period. If the Customer fails to comply with such notice, the City or Duly Authorized Agent may Discontinue the service or services and the Customer may be subject to penalties listed under this Bylaw.
- 78. Where there is a visible or other indication that a Backflow preventer is malfunctioning, it is the responsibility of the Customer to immediately notify the City, and further, to stop using the Private Water System until the Backflow preventer is replaced or repaired and re-tested. This includes but is not limited to damage by freezing, hot water, and fire or otherwise due to neglect.

Severance

- 79. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, this decision shall not affect the validity of the remaining portions of this Bylaw.

Penalties

Bylaw 2393

80. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence against this Bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.
81. Every person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00).

READ A FIRST TIME this 11th day of February, 2025

READ A SECOND TIME this 11th day of February, 2025

READ A THIRD TIME this 11th day of February, 2025

ADOPTED this ____ day of _____, 202X

Michael Goetz
Mayor

Linda Brick
Corporate Officer