




# FLETCHER CREEK IMPROVEMENT DISTRICT

BYLAW NO: 65

TITLE: Connection Moratorium Bylaw

A true copy of By-Law No. 65  
registered in the office of the Inspector  
of Municipalities this 29<sup>th</sup> day of  
October 2018  
  
Deputy Inspector of Municipalities

## 1 PREAMBLE:

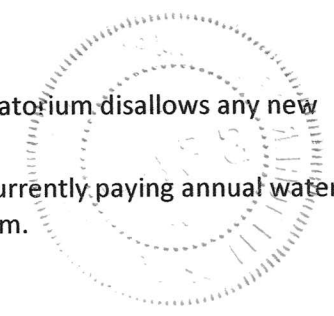
- 1.1 WHEREAS Section 697, Subsection 2 (f) of the BC Local Government Act (BCLGA) authorizes an improvement district to “regulate the distribution of water...conveyed by the improvement district.”
- 1.2 AND WHEREAS Section 707, Subsection (1) of the BCLGA states: “An improvement district has no obligation to convey or supply water...to any person, land or premises”
- 1.3 AND WHEREAS Section 707, Subsection (2) of the BCLGA provides a mechanism for appeal “to the inspector” of Municipalities, for any limitation of provision of water;
- 1.4 AND WHEREAS Fletcher Creek, as the source of water for Fletcher Creek Improvement District, has annually experienced severe low water levels, sufficient to warrant implementation of water use restrictions;
- 1.5 AND WHEREAS Fletcher Creek Improvement District is currently undertaking a water flow analysis to determine current average water consumption and supply;
- 1.6 AND WHEREAS the impact of additional connections or interconnections on the existing FCID distribution system is unknown at this time;
- 1.7 NOW THEREFORE, the Board of the Fletcher Creek Improvement District, enacts as follows:”

## 2 DEFINITIONS:

- 2.1 In this bylaw, unless the context otherwise requires:
  - 2.1.1 “FCID” shall mean Fletcher Creek Improvement District.
  - 2.1.2 “Works” shall mean anything capable of, or useful for, diverting, storing, measuring or conveying, conserving, retarding, confining or using water.
  - 2.1.3 “Water” shall mean water conveyed through the works operated or maintained by FCID
  - 2.1.4 “Connection” shall mean the pipeline installation (or curb stop) from FCID’s main to the property served, where such connection is intended to serve the principal residence or household of the property.
  - 2.1.5 “Interconnection” shall mean, anything additional extension made to the water works of the principal connection which are intended to service additional buildings, other than the principal residence. Including, but not limited to, guest cottages, commercial building, rental units or trailers, whether temporary or permanent.

## 3 Moratorium:

- 3.1 There is a moratorium on any new connections or interconnections. This moratorium disallows any new connections or interconnections to the FCID water distribution system.
- 3.2 Notwithstanding 3.1, this moratorium does not apply to existing properties currently paying annual water taxes to FCID with no existing connection to the FCID water distribution system.



- 3.3 Notwithstanding 3.1 above, the Board of FCID may, in response to an application in accordance with Bylaw 36: Water Distribution Regulations (or subsequent revisions or replacements), may grant a replacement connection or interconnection, if, in the opinion of the Board, the replacement connection or interconnection is designed primarily to:
- 3.3.1 replace one or more existing connections or interconnections which will be dismantled or disconnected from the water works of FCID;
- 3.3.2 maintain, or reduce, the existing flow of water to the property.

#### 4 Penalties:

- 4.1 Any property found in violation of this Bylaw may have the water disconnected. And shall be no longer provided water from FCID until the violation has been remedied.
- 4.2 Every person who disobeys or fails to comply with this bylaw shall be, upon summary conviction, deemed guilty of an offence and liable to a fine not exceeding five thousand dollars (\$5,000.00)
- 4.3 In the event that water supply is to be disconnected under this bylaw, FCID is required to provide at least 24 hours written notice to the registered owner of the property before disconnection of the water supply.

#### 5 Appeals:

- 5.1 Any person or property owner to whom supply of water has been discontinued under this bylaw, or has been refused connection or interconnection under this bylaw, has the right to appeal such decision, to the Inspector of Municipalities, in accordance with Section 707 of the BC Local Government Act,
- 5.1.1 The decision of the Inspector of Municipalities is binding on both FCID and the appellant.
- 5.1.2 Any appeal of the Inspector's decision must be brought in accordance with the laws of the Province of British Columbia.

#### 6 Liability of District:

- 6.1 FCID does not guarantee, nor is under any obligation to guarantee, a specific pressure of water, nor water of quality or quantity to meet the requirements of individual properties or users.
- 6.2 FCID reserves the right to interrupt water service at any time for the purpose of making repairs or alterations or maintenance to the works.

#### 7 READINGS:

- 7.1 INTRODUCED and given first reading by the Trustees on the 27<sup>th</sup> day of August, 2018
- 7.2 RECONSIDERED and given second reading by the Trustees on the 27<sup>th</sup> day of August, 2018
- 7.3 RECONSIDERED and finally passed by the Trustees on the 27<sup>th</sup> day of August, 2018

#### SIGNING:

  
Chair of the Trustees

  
Secretary-Treasurer of the Trustees

I hereby certify that this is a true copy of Bylaw No. 65

