

**THE CORPORATION OF THE DISTRICT OF SUMMERLAND
BYLAW NUMBER 2358**

**A BYLAW TO REGULATE CONNECTIONS TO AND THE USE OF THE
WATERWORKS SYSTEM OF THE CORPORATION OF THE DISTRICT OF
SUMMERLAND AND TO ESTABLISH AND REGULATE WATER RATES WITHIN
THE MUNICIPALITY**

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAWS 2439, 93-008, 98-001 (replaced Fees) AND 2000-284**

WHEREAS it is deemed expedient and desirable to fix the rates, terms and conditions under which water from the waterworks system of the District of Summerland may be supplied and used;

AND WHEREAS it is deemed expedient and desirable to establish, fix and regulate rates to be charged, paid and collected for water used for the purposes of irrigation;

NOW THEREFORE the Municipal Council of the Corporation of the District of Summerland in open meeting assembled enacts as follows:

1.0 This Bylaw may be cited for all purposes as: "The Corporation of the District of Summerland Water Rates and Regulations Bylaw Number 2358" 1988".

Bylaw 93-008, adopted February 8, 1993, rescinded and replaced Section 2.0 with the following:

2.0 In this Bylaw, unless the context otherwise requires:

2.1 "Arable Land" shall mean land which by reason of its situation, topography and nature of its soil is capable of being beneficially used to raise crops throughout the months of May, June, July, August and September;

2.2 "Backflow" means the reversal of flow of water from the private water system to the Municipality's waterworks system;

2.3 "Certified Technician" means a person holding a valid certificate from the British Columbia Water and Waste Association for the purpose of testing and servicing all types of backflow prevention devices;

2.4 "Commercial Water User" shall mean a person who uses water for the purposes of carrying on a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services whether or not for the purpose of gain or profit;

2.5 "Connection" or "Connect" shall mean tying into, tapping or otherwise connecting any land to the waterworks system of the Municipality by means of pipes, valves, fittings or other apparatus;

2.6 "Council" shall mean the Municipal Council of the District of Summerland;

- 2.7 “Cross Connection” means any physical arrangement whereby the Municipality’s water supply 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, of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow;
- 2.8 “Curb Stop” shall mean the valve on the service pipe located on the street or at or near the water user’s property line;
- 2.9 “Domestic Water User” shall mean a person who uses water for his/her household requirements, sanitation and fire prevention, the watering of domestic animals and poultry and the irrigation of grass and gardens not exceeding 0.101 hectares (0.25 acres) adjoining and occupied with a dwelling house;
- 2.10 “Flow Control Valve” shall mean a mechanical device used to regulate the flow of water through a pipe, hose or sprinkler;
- 2.11 “Irrigation Water User” shall mean a person who uses water on cultivated lands and hay meadows exceeding 0.101 hectares (0.25 acres) for nourishing crops and shall include the owner of any arable land exceeding 0.101 hectares (0.25 acres) for which water for irrigation is available under the Bylaw whether or not such water is actually supplied to such owner by the Municipality;
- 2.12 “Master Flow Control Valve” shall mean a mechanical device used to regulate the flow of water through one pipe or hose servicing a system or combination of other pipes, hoses or sprinklers;
- 2.13 “Metered” shall mean any domestic, commercial or irrigation water user whose consumption of water is measured by what is commonly known as a water meter;
- 2.14 “Municipality” shall mean the District of Summerland;
- 2.15 “Municipal Clerk” or “Clerk” shall mean the Municipal Clerk of the District of Summerland;
- 2.16 “Owner” in respect of any real property means the registered owner of an estate in fee simple, and in the event of there being registered a life estate includes the tenant for life and in the event that there is registered an agreement for sale and purchase means the registered holder of the last registered agreement for sale and purchase and in the case of real property held in the manner mentioned in the Municipal Act means the holder or occupier as therein set out;
- 2.17 “Person” shall mean any individual and includes a Corporation or partnership;
- 2.18 “Potable Water” means water that is fit for human consumption as defined in the British Columbia Drinking Water Regulation;
- 2.19 “Private Water System” means a water system privately owned or operated for the delivery or distribution of water and includes any domestic use, irrigation system, greenhouse, and hydroponic system, and any other use of water supplied by the Municipality’s waterworks system;
- 2.20 “Public Works Superintendent” shall mean the Public Works Superintendent of the

District of Summerland;

- 2.21 "Total Site Area" shall mean a parcel or parcels of land, owned by the same person or persons, for which water for irrigation is available from the water system of the Municipality, the boundaries of which are:
- a) Shown on a plan registered in the Land Title Office, or
 - b) Described in the Certificate of Title to the land;
- 2.22 "Turn-Off" shall mean to discontinue the water supply to any person or any lot by closing a curb stop or by such other means as the Public Works Superintendent shall find appropriate;
- 2.23 "Turn-On" shall mean to commence the supply of water to any person or any lot by opening a curb stop or by such other means as the Public Works Superintendent shall find appropriate;
- 2.24 "Waterworks System" shall mean the entire waterworks system of the District of Summerland including, without limitation, the distribution system and the intake, reservoirs and any water treatment plants.
- 3.0 Any person desiring to connect to or obtain water from the water works system of the Municipality shall comply with and be subject to the following provisions:
- 3.1 Any person desiring to connect any lands to the waterworks system of the Municipality shall first make application in writing to the Public Works Superintendent in the form of application set out in Schedule A hereof, for permission to connect such lands and shall pay the connection charges set out in Schedule C hereof.
- 3.2 Any person desiring to obtain water for any lands already connected to the waterworks system of the Municipality shall first make application in writing in the form of application set out in Schedule B hereof to the Engineer for a turn on in respect of such lands and shall pay the turn-on charges set out in Schedule C hereof.
- 3.3 Any person making application for water service under this Bylaw who is not the owner of the lands in respect of which such application is made, shall file with the Public Works Superintendent evidence in writing that such application is made with the knowledge and consent of the owner and for his benefit on his behalf.
- 3.4 Upon receipt of any application for water service under this Bylaw and upon receipt of all charges in respect of such application levied by this Bylaw the Public Works Superintendent shall consider such application and if he is satisfied that:
- a) The waterworks system of the Municipality is capable in all the circumstances then pertaining of adequately supplying the lands with water for the purposes set out in the application; and
 - b) The applicant and the lands in question comply with the provisions of this Bylaw and all other applicable bylaws of the Municipality and statutes of the Province and Canada;
- he shall grant the application and he shall classify the applicant as a domestic water user, and irrigation water user, or a commercial water user, or all or any combination thereof and if the applicant is classified as a commercial water user the Public Works Superintendent shall further classify the applicant as one or more types of commercial water user as set out in Schedule D hereof.
- 4.0 The rates and charges hereinafter referred to are hereby charged and levied by the Municipality;
- 4.1 Every domestic water user shall pay to the Municipality the monthly rates set out in

Schedule E hereof. **(Bylaw 98-001, Fees and Charges Bylaw adopted January 26, 1998, replaced Schedule E)**

- 4.2 Every irrigation water user shall pay to the Municipality the annual rates provided for in Section 7.5 hereof.
- 4.3 Every unmetered commercial water user shall pay to the Municipality the applicable monthly rates set out in Schedule E hereof in accordance with his commercial water user classification. **(Bylaw 98-001, Fees and Charges adopted January 26, 1998, replaced Schedule E)**
- 4.4 Every metered commercial water user shall pay to the Municipality the rates set out in Schedule F hereof. **(Bylaw 98-001, Fees and Charges adopted January 26, 1998, replaced Schedule F)**
- 4.5 All monthly rates levied under this bylaw shall be paid by the water user and shall be payable to the Municipality at the Municipal Office or at an authorized financial institution as follows:
- at the Municipal Office, no later than 4:00 p.m. of the 20th day after the billing date as shown on the bill or invoice;
 - at a local authorized financial institute within 19 days after the billing date as shown on the bill or invoice;
 - payments made on the last day as described above, shall be received and receipted prior to closing time of the respective office's business hours to avoid loss of discount in effect;
 - a discount in the amount of ten (10%) per cent of the current bill shall be applied if paid within the time described above;
 - all unpaid bills or invoices not paid in full within seventy-five (75) days of issuance shall become "In Arrears" and once designated as such, all amounts owing must be paid in full immediately to avoid termination of service;
 - all accounts in arrears, and if not subsequently paid, shall be added to the respective property tax roll and shall form part of the taxes due and payable.
- 4.6 The Municipality reserves the right to discontinue an applicant's water service, refuse an application for water, or water turn-on, if the applicant has outstanding utility accounts from that location or from a previous location within the municipality.
- b) A discount in the amount of ten percent (10%) of the bill or invoice shall be applied if paid by August 28th in each year.
 - a) All unpaid bills or invoices not paid in full prior to December 31st of that year, shall be added to the respective property roll and shall form part of the taxes due and payable;
- 4.7 All water users shall become liable to pay the monthly rates levied under this Bylaw and the same shall be calculated from the date of turn on and shall continue to pay such rates until the date of turn off and the rates payable in respect of the month of turn off and turn on shall be pro-rated by the Municipality as the circumstances of any case require.
- 4.8 All irrigation water users, having an arable assessment on the Municipality's current Irrigation Assessment Roll of 0.405 hectares (1 acre) or more, shall be required to pay to the Municipality, the current A.R.D.A. Encumbrance established by the Ministry of Agriculture for each 0.405 hectare (1 acre) or portion thereof that may be affected by:
- a) A land use change; or
 - b) Subdivision of the subject land; or
 - c) Decision of the Annual Irrigation Court of Revision whereby the Water User's

arable assessment is reduced.

5.0 Every water user shall:

- 5.1 Install and maintain in good repair and in a clean and sanitary condition, at all times, at his sole cost, all pipes, valves, fittings and apparatus required to connect his lands to the waterworks system of the Municipality at the curb stop and distribute water there from to and within any building or structure on the lands.
- 5.2 Forthwith remedy any defects appearing in the pipes, valves fittings and apparatus referred to in Section 5.1 thereof and in any event forthwith upon notices so to do given by the Public Works Superintendent and in the event of any such defects appearing forthwith advise the Public Works Superintendent in respect thereof.
- 5.3 In the event an order has been made in respect of the water user pursuant to Section 6.0 hereof:
 - a) Provide a location within any building or structure suitable for the installation and reading of and access to a water meter and suitable to the accurate operation thereof and in any event satisfactory to the Public Works Superintendent;
 - b) In the event that a water meter cannot be suitable located within any buildings or structure on the lands, install at his expense a frost proof box on the lands to house the water meter;
 - c) Forthwith notify the Public Works Superintendent of any defects appearing in any meter installed upon his lands;
 - d) At his expense make provision within any building or structure housing any meter for the installation of a remote reading head including provision of a suitable conduit for the purposes of connecting any remote reading head to a meter on the lands.
- 5.4 Comply at all times with the provisions of this Bylaw and all applicable Bylaws of the Municipality and statutes of the Province and Canada.

6.0 Where, in the opinion of Council, circumstances exist that make it desirable to accurately measure the consumption or use of water by any water user Council may, by resolution, direct such water user, to install a water meter of a type specified in the resolution and supplied by the Municipality, on his lands.

7.0 Irrigation water users shall be subject to and comply with the following provisions:

- 7.1 No irrigation water user shall receive or take from the waterworks system of the Municipality a flow of water in excess of the amount specified in Section 7.2 hereof unless he holds a permit to do so issued in accordance with the provision of paragraph 7.4 hereof.
- 7.2 Irrigation water users irrigating lands with a total site area of:
 - a) Not more than 0.101 arable hectares (.25 acre) shall provide and install in respect of such land one (1) flow control valve designed to supply to the lands a maximum water flow of nine (9) litres (2 imperial gallons, 2.5 US gallon) per minute;
 - b) More than 0.101 hectares (0.25 acre) but not more than 0.27 hectares (0.66 acre) shall provide and install two (2) flow control valves designed to supply the lands with a maximum water flow of eighteen (18) litres (4 imperial gallons, 5 US gallons) per minute;
 - c) More than .27 hectares (0.66 acres) but not more than 0.405 hectares (1 acre) shall provide and install three (3) flow control valves designed to supply the lands with a maximum water flow of 27 litres (6 imperial gallons, 7.5 US gallons) per

- minute;
- d) More than 0.405 hectares (1 acre) shall either provide and install one (1) master flow control valve designed to supply the lands with a maximum water flow of 27 litres (6 imperial gallons, 7.5 US gallons) per minute per 0.405 arable hectares (1 acre) or at his option, three flow control valves designed to supply the lands with the same maximum water flow.
- 7.3 An irrigation water user shall only irrigate his lands during the annual irrigation season specified for the location in which his lands are situated in Schedule G hereof.
- 7.4 Any irrigation water user may apply to the Public Works Superintendent for permission to:
- a) Obtain and take a flow of water in excess of the amount specified in Section 7.2 hereof by completing and filing an application in the form set out in Schedule H hereof;
- b) Irrigate his lands for periods without the annual irrigation season for his lands by completing and filing an application in the form set out in Schedule I hereof;
- c) Irrigate his lands without installing a Master Flow Control Valve or individual flow control valves provided that such irrigation system is designed by a qualified professional irrigation system design firm in accordance with the specified flow rates as defined in Section 7.2 and in such event, provided the Public Works Superintendent is satisfied that:
- d) The waterworks system of the Municipality is capable in all the circumstances then pertaining (including without limitations the possibility of similar applications by other persons) of adequately supplying the supply of water applied for; and
- e) The applicant and the land comply with the provisions of this Bylaw and all other applicable bylaws of the Municipality and statutes of the Province and Canada; he shall grant such permission.
- 7.5 ***Bylaw 2439 amended Section 7.5 and then Bylaw 98-001, Fees and Charges adopted January 26, 1998, replaced Section 7.5 and Schedules E and F.***
- 7.6 The Municipal Clerk shall, on or before February 15th in each year, prepare an irrigation assessment roll wherein he shall set down with respect to each parcel of land within the Municipality:
- a) A short description based on Land Registry Office records;
- b) The name and address of the owner;
- c) The name and address of any person claiming notice of assessment and taxes under the provisions of the Municipal Act;
- d) The area of arable land for which water for irrigation is supplied or for which it is available;
- and for the purposes hereof reference shall be had to the records of the Land Registry Office at Kamloops as of the 30th day of November in the previous year in question.
- 7.6.1 The irrigation assessment roll may be in the form of a book or may consist of a system of sheets, cards or other records as shall be approved from time to time by resolution of Council.
- 7.6.2 On or before February 15th in each year the Municipal Clerk shall mail to each person named in the irrigation assessment roll as the owners of land or otherwise at the address set out in the assessment roll, an irrigation assessment notice showing:
- a) A short description as it appears on the roll of the parcel of land in respect of which he is entered as the owner;

- b) The area of such person's arable land for which water for irrigation is supplied or for which it is available as set out in the assessment roll;
- c) A statement as follows:
Take notice that the property described in this Notice is assessed as containing the area of arable land as specified for the year _____. If you deem this calculation incorrect, you, your solicitor or agent may notify the Municipal Clerk in writing stating the grounds of complaint and the notice shall be delivered to the Municipal Clerk not later than March 7th of that year. All complainants will be notified of the time and place of the first meeting of the Court of Revision.

- 7.6.3 Any number of parcels of land assessed in the name of the same owner may be included in one assessment notice.
- 7.6.4 The Municipal Clerk shall enter upon the assessment roll, opposite the name of the person to whom assessment notice has been sent, the date of the mailing of such notice or in lieu thereof may enter upon the roll a statutory declaration pertaining to such dates.
- 7.6.5 A person being the holder of a registered charge against land may at any time give notice, with full particulars of the nature, extent and duration of the charge, to the Municipal Clerk and request copies of all irrigation assessment notices thereafter issued during the duration of the charge and the Municipal Clerk shall enter his name and address on the assessment roll and before completion of the roll the Municipal Clerk shall mail to each person from whom he has received such notice and request, at the address given by the person in the notice, a copy of the assessment notice in respect of the lands subject to the charge held by such person and shall enter upon the roll, opposite the name of the person to whom a copy of the assessment notice has been sent, the date of the mailing of such copy.
- 7.6.6 If any person is of the opinion that an error or omission exists in or upon the completed assessment roll in that:
 - a) The name of any person has been wrongfully inserted in or omitted from the roll; or
 - b) Any land within the Municipality has been wrongfully entered upon or omitted from the roll; or
 - c) Any land has been improperly classified as arable land, or
 - d) Any exemption has been improperly allowed or disallowed, he may personally or by means of a written communication over his signature or by a solicitor or by an agent authorized by him in writing to appear on his behalf, come before the Court of Revision and make complaint of such error or omission and may in general terms state his ground of complaint and the Court of Revision shall deal with the matter of such complaint and either confirm the assessment or direct the alteration thereof.
- 7.6.7 The Council may, by its Clerk, Solicitor or otherwise, make complaint against the roll or any individual entry therein and upon any ground whatever and the Court of Revision shall deal with the matter of such complaint and either confirm the assessment or direct the alteration thereof.
- 7.6.8 Notice in writing of every complaint shall be delivered to the Municipal Clerk not later than the 7th day of March of the year for which the roll has been compiled.
- 7.6.9 Where it appears by the Notice of Appeal that the complaint concerns the real property owned by some person other than the complainant the Clerk shall

forthwith mail a notice to the owner of the property at the address appearing on the assessment roll giving particulars of the complaint and requiring him to attend before the Court of Revision at a time named in the notice and thereupon the complaint shall be heard and dealt with in like manner as other complaints.

- 7.6.10 The Clerk shall post in some convenient and public place within the Municipality a list of all complaints made by persons on their own behalf against the Assessor's return and of all complaints made on account of the assessment of property owned by persons other than the complainants stating the name of each complainant with a concise description of the subject matter of each complaint.
- 7.6.11 The Clerk shall mail to the person or his solicitor or agent, as the case may be, who has notified him in accordance with section 7.6.6, 7.6.7, and 7.6.8 hereof a notice setting for the place, day and hour of the first meeting of the Court of Revision.
- 7.6.12 Any person making complaints as provided for herein may leave with the Clerk and address to which notices to that person in respect of the complaint may be sent; and forthwith after a decision has been made by the Court of Revision the Clerk shall forward to that person a notice setting out the decision of the Court.
- 7.6.13 The powers of a Court of Revision constituted under this bylaw are:
- a) To meet at the time or times appointed and to try all complaints lodged with the Clerk in accordance with the provisions of this Bylaw and the Municipal Act;
 - b) To investigate the said roll and the various assessments therein made whether complained against or not and so to adjudicate upon the same that they shall be fair and equitable and fairly represent the actual arable land within the Municipality;
 - c) To direct such alterations to be made in the assessment roll as may be necessary to give affect to its decision;
 - d) To confirm the roll either with or without amendment.
- 7.6.14 Any member of the Court may issue a summons in writing to any person to attend as a witness and any member of the Court may administer an oath to any person or witness before his evidence is taken.
- 7.6.15 No increase in the amount of assessment and no change in classification shall be directed until after five (5) days notice of the intention to direct such increase or change and the time and place of holding the adjourned sittings of the Court of Revision at which such direction is to be made has been given by the Clerk in the manner set out in Section 7.6.9 to the owner of the land on which the assessments are proposed to be increased or changed as to classification; any party interested or his solicitor or agent if appearing shall be heard by the Court of Revision.

The Court of Revision shall appoint a Chairman who shall preside at the meetings of the Court and who shall, unless otherwise provided by the Court, have power to call meetings and to regulate procedure.

- 7.6.16 The Court of Revision shall appoint a Secretary who may or may not be a member of the Court and the minutes of all sessions of the Court of Revision shall be drawn up and entered in a book to be kept for that purpose and shall be signed as correct by the Chairman or other member presiding and by the Secretary.

- 7.6.17 The assessment roll may be altered by the Secretary of the Court or the Clerk in accordance with the directions contained in the minutes of the Court of Revision.
- 7.6.18 A majority of the members of the Court of Revision shall constitute a quorum.
- 7.6.19 All questions before the Court of Revision shall be decided by a majority of the members present; the Chairman shall vote as an ordinary member of the Court of Revision.
- 7.6.20 The Court of Revision shall hold its first meeting on the fourth Friday in the Month of April of that year, at 10:00 a.m. Council Chambers. Resolution of the Council. The Court of Revision may adjourn its sittings from day to day or from time to time and the Court of Revision may also adjourn its sittings from place to place within the Municipality but in any case shall complete and authenticate the irrigation assessment roll not later than the 31st day of May following the first sitting of its annual meeting.
- 7.6.21 Ten (10) days notice of the time and place of the first sitting of the Court of Revision shall be given by the Clerk by posting upon the notice board or usual place for public notifications at the Municipal Hall and by advertisement in two issues of a newspaper published or circulating in the Municipality.
- 7.6.22 The Court of Revision shall proceed with the complaints in the order as nearly as may be in which they are entered on the list of complaints compiled by the Clerk.
- 7.6.23 Instead of proceeding in accordance with Section 7.6.22 the Court of Revision may order the complaints to be presented and proceeded with according to designated districts or portions of the Municipality or in any other manner that the Court of Revision in its discretion may consider desirable.
- 7.6.24 Every order made under 7.6.23 shall be posted forthwith at the place in which the Court of Revision is held.
- 7.6.25 The Court may grant an adjournment or postponement of the hearing of any complaint.
- 7.6.26 The burden of proof is in all cases upon the party appealing.
- 7.6.27 The Chairman of the Court of Revision shall see that alterations are made in the irrigation assessment roll in accordance with the directions contained in the minutes of the proceedings of the Court of Revision and initial in red ink each such alteration.
- 7.6.28 The Court of Revision shall identify, confirm and authenticate the irrigation assessment roll by inscribing or endorsing thereon or attaching thereto a certificate which may be signed by a majority of the members of the Court of Revision and which may be in the following form:

The within roll (or within roll as amended as the case may be) comprising _____ hectares of arable land is hereby confirmed by the Court of Revision of the District of Summerland, and except as may be amended upon further appeal is hereby certified to be the irrigation assessment roll of the District of Summerland for the year _____. Dated at Summerland this _____ day of _____, 19____.

- 8.0 No domestic water user shall receive or take from the waterworks system of the Municipality a

flow of water in excess of nine (9) litres (2 imperial gallons, 2.5 US gallons) per minute and every domestic water user shall provide and install in respect of his lands (1) flow control valve designed to supply to the lands a maximum flow of nine (9) litres (2 imperial gallons, 2.5 US gallons) per minute.

9.0 No person shall:

- 9.1 Connect any lands to the waterworks system of the Municipality without first obtaining permission to do so by way of application pursuant to Section 3.1 hereof.
- 9.2 Obtain water from the waterworks system of the Municipality on lands already connected thereto without first obtaining permission to do so by way of application pursuant to Section 3.2 hereof.
- 9.3 Connect buildings on lands already connected to the waterworks system of the Municipality to any other source of water.
- 9.4 Connect any building, structure, installation, equipment or apparatus to the waterworks system of the Municipality in a manner that might in any way permit any contaminant to pass from such building, structure, installation, equipment or apparatus into the waterworks system of the Municipality.
- 9.5 Connect to the waterworks system of the Municipality or use any device or apparatus of any nature or kind which may occasion sudden large demand for water or affect the stability or regulation of water pressure in the waterworks system of the Municipality and for the purposes hereof such prohibited devices or apparatus shall include without limitation:
 - a) Booster pumps
 - b) Quick openings
 - c) Flush meters
 - d) Rod hopper water closets
 - e) Water operated pumps or siphons
 - f) Standpipes
 - g) Large outletsunless he obtains permission so to do from the Public Works Superintendent by way of application under Section 10.0 hereof.
- 9.6 Waste water supplied by the waterworks system of the Municipality.
- 9.7 Sell or give any water supplied by the waterworks system of the Municipality to any other person.
- 9.8 Connect any apparatus fitting or fixture to the waterworks system of the Municipality which may in any way harm the waterworks system of the Municipality.
- 9.9 Draw water from, open, close or in any way injure, interfere with or tamper or obstruct access to any fire hydrant, curb stop, or water meter unless authorized so to do by the Public Works Superintendent.
- 9.10 Draw water or use water from the waterworks system of the Municipality contrary to any orders of Council enacted pursuant to Section 11.0 hereof.
- 9.11 Permit a hose or pipe connected to the waterworks system, of the Municipality, or of any other person that is connected to the waterworks system of the Municipality, to

be placed, fall or otherwise enter into any tank or other container containing any chemical in solution, or that by adding water will become in solution, that if released into the water system of the Municipality would be a health hazard to anyone consuming such water or might cause damage to any process or equipment to which water is supplied from the water system of the Municipality unless such hose or pipe is adequately connected to an approved Backflow Prevention Device.

- 9.12 Inject into the waterworks system, of the Municipality or of any other person that is connected to the waterworks system of the Municipality, any spray or other chemical material for the purpose of transporting the same through such waterworks system.
- 10.0 Any water user may apply to the Public Works Superintendent for permission to connect to the waterworks system of the Municipality any of the prohibited devices or apparatus listed or described in paragraph 9.5 hereof by filing with the Public Works Superintendent an application in the form set out in Schedule J hereof and the Public Works Superintendent may, if he is of the opinion that the use of such device or apparatus by the applicant will not unduly occasion a sudden large demand for water or unduly affect the stability or regulation or water pressure in the waterworks system of the Municipality, grant permission for the use of such device or apparatus subject to such terms and conditions and he may, in his discretion, deem desirable to impose.

Bylaw 93-008, adopted February 8, 1993, added new Subsections 10.1 to 10.6:

- 10.1 Subject to the provisions of Subsection 10.2 and Subsection 10.3 of this Bylaw:

No person shall create a cross connection by connecting, causing to be connected, or allowing to remain connected to the Municipality's waterworks system any device, piping, fixture, fitting, container, appliance or any other chattel or thing which may under any circumstances allow non-potable water, waste water or any chemical, liquid or other substance to enter the Municipality's waterworks system.

- 10.2 No owner or operator of a Private Water System connected to the Municipality's waterworks system shall permit the creation of a cross connection or the introduction of any chemicals or foreign matter whatsoever into the Private Water System except upon strict compliance with the following:
- a) The owner or operator of any Private Water System wishing to inject or introduce chemicals or foreign material into the water system must notify the Public Works Superintendent in writing of their intentions to do so.
 - b) The owner or operator of the Private Water System shall install a type of backflow prevention device approved by the Public Works Superintendent on the water system at the location of the service connection from the Municipality or another location approved by the Public Works Superintendent.
 - c) The backflow prevention device shall be installed in accordance with the current edition of "**Accepted Procedure and Practice in Cross Connection Control**" prepared by the Cross Connection Control Committee, Pacific Northwest Section, American Waterworks Association or as otherwise directed by the Municipality.
 - d) The backflow prevention device shall be a device approved by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research or the Canadian Standards Association.
 - e) The owner or operator of a Private Water System shall have the backflow prevention device inspected once in each twelve (12) month period basis by a Certified Technician to ensure that it is an approved device, installed correctly and in proper operating condition. A copy of the test report shall be provided to the Municipality within thirty (30) days of completion of the test.
 - f) The owner or operator will provide to the Public Works Superintendent, within thirty (30) days of initial installation of the backflow prevention device a certificate

from a Certified Technician confirming:

- i. the date of installation of the backflow prevention device;
- ii. the type, model and size of backflow prevention device installed;
- iii. that it is an approved device installed correctly and in proper operating condition;

10.3 The operator of a Private Water System for agricultural purposes where a cross connection exists between the Municipality's waterworks system and the Private Water System shall in addition to the general provisions of Subsection 10.2 also comply with the following:

- a) An approved reduced pressure backflow prevention device (RPBD) shall be used whenever fertilizers, pesticides, herbicides or any other substance deleterious to health are introduced to a private water system.
- b) Prior to commencement of operation of the Private Water System in each irrigation season, the owner or operator the Private Water System shall have the backflow prevention device inspected by a Certified Technician to ensure that it is an approved device, installed correctly and in proper operating condition. A copy of the test report shall be provided to the Public Works Superintendent within thirty (30) days of completion of the test and prior to operation of the chemical injection system.
- c) It is the responsibility of the owner or operator to ensure that chemicals are registered for the application method being employed and to operate the irrigation and chemical injection system in accordance with the procedure outlined in "**Chemigation Guidelines for British Columbia**", prepared by the B.C. Ministry of Agriculture, Fisheries and Food.
- d) The owner or operator assumes responsibility for the operation of the irrigation and injection system and shall ensure that proper backflow prevention procedures are used at the connection to the Municipality's waterworks system.
- e) The owner or operator of any sprayer tank filling station shall maintain a minimum air gap of thirty (30) centimeters between the end of the filler hose and the top of the sprayer tank. If this air gap cannot be maintained or if in the opinion of the Public Works Superintendent the sprayer filling station is constructed or operated in a manner that constitutes a cross connection with the Municipality's waterworks system, the provisions of Subsection 10.5 shall apply.

10.4 The Municipality shall be entitled, at its determination to:

- a) inspect the Private Water System located on private property;
- b) impose minimum standards which must be met and satisfied relating to the type of backflow preventer and the installation and maintenance of the same;
- c) inspect the type of backflow preventer and the installation and state of maintenance and repair of the same.

10.5 Where any condition is found to exist which, in the opinion of the Public Works Superintendent constitutes a cross connection with the Municipality's waterworks system, the Public Works Superintendent shall shut off the water supply service(s) to the property and notify the property owner that an approved backflow prevention device(s) shall be properly installed and tested prior to the water service(s) being turned on. If, in the sole opinion of the Public Works Superintendent, a health hazard does not presently exist, the Public Works Superintendent may give notice to the property owner to correct the cross connection within a specified period.

10.6 Any person whose water has been turned off pursuant to this bylaw shall not have the water from the Municipality's waterworks system turned on until such time as:

- a) all of the provisions of this Bylaw have been complied with;
- b) the said person pays to the Municipality a turn-on fee as prescribed in the Municipality's "Fees & Rates" Bylaw; and

c) the Municipality has turned on the service.

11.0 Whenever in the opinion of Council conditions exist that threaten the Municipality's ability to supply sufficient quantities of water to water users for such users essential uses then, in such event, Council may, by resolution, establish regulations restricting or prohibiting the use of water by any person for any use which Council in the resolution prescribes as a non-essential use and Council may in the same resolution direct the Public Works Superintendent to turn off the supply of water for any such non-essential use to any person.

12.0 Nothing in this Bylaw shall be construed so as to impose on the Municipality:

12.1 Any obligation or duty to supply water to any person or to any lands for any purposes whatsoever where in the opinion of the Public Works Superintendent to supply such water would impose too great a demand upon the waterworks system of the Municipality or any main branch line or part thereof or where the supply of water is inadequate to supply any such lands.

12.2 Any liability for any damage loss, costs, or expense of any nature or kind to any land or buildings, structures, equipment, material or apparatus located thereon or to any person resulting from or arising out of the turning on or off of the water supply to such lands or such person or the failure of any portion of the waterworks system of the Municipality or by reason of any water supply containing sediments, deposits or other foreign matter.

12.3 Any obligation to supply water to water users at a constant pressure.

12.4 Any obligation to install water meters at the request of any water user.

13.0 It is a condition of the supply of water under this Bylaw to any water user that:

13.1 In the event that the supply of water to any water user shall fail, whether from natural causes or accident or from any causes whatsoever, the District shall not be liable for any damage by reason of such failure.

13.2 The District of Summerland shall not be liable for any injury or damage to any person or property rising or occurring from the use of water from the waterworks system of the Municipality.

13.3 The District of Summerland does not guarantee that water supplied by it is free of any impurity that would affect any manufacturing.

14.0 The Public Works Superintendent may at any time:

14.1 Turn off or interrupt the water supply to any person or to any lands for the purposes of making repairs, extensions, alterations or improvements to the waterworks system of the Municipality, or to provide additional water supplies to combat major fires.

14.2 In addition to any other remedies the Municipality may have and in addition to any penalty prescribed by the Bylaw, shut off or interrupt the water supply to any person or to any lands who or which have contravened any of the provisions of this Bylaw. Such person(s) shall not be entitled to receive any further water from the Municipality until such person(s) have paid to the Municipality a turn-off and turn-on fee as shown on Schedule C attached to this Bylaw.

14.3 Without limiting the rights and powers of the Municipality as set out in paragraphs 14.1 and 14.2 of this Bylaw, the Clerk or any person acting on behalf of the Clerk

may on 24 hours written notice turn off the supply of water to any commercial water user, domestic water user, irrigation water user or owner who is, in the Clerk's opinion, in breach of any water restriction or rationing as contemplated in this Bylaw. Such person(s) shall not be entitled to receive any further water from the Municipality until such persons have paid to the Municipality a turn-on and turn-off fee as shown on Schedule C attached to this bylaw. In the event such person(s) receives any more than two (2) notices as aforesaid from the Clerk or any person acting on his behalf the Clerk or any person acting on his behalf shall be entitled to shut off the water supply to such person(s) for such period of time as the Clerk, in his absolute discretion, sees fit.

- 15.0 The Public Works Superintendent is hereby authorized to enter at all reasonable times upon any property within the District of Summerland in order to ascertain whether the regulations and direction in this Bylaw are being obeyed.
- 16.0 Every person who:
- a) Violates any of the provisions of this Bylaw;
 - b) Causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw;
 - c) Neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw;
 - d) Fails to comply with any order, direction or notice given under this Bylaw;
- shall be deemed to be guilty upon summary conviction of a violation of this Bylaw and shall be liable to the penalties hereby imposed. Each day that a violation is permitted to exist shall constitute a separate offence.
- 17.0 Every person who disobeys or fails to comply with any provision of this Bylaw is guilty of an offence and liable on summary conviction to a maximum fine of \$2000.00.
- 18.0 Metric units (Systems International D Unites) are used for all measurements in this Bylaw. The approximate equivalent of those units in currently used units of imperial and US measure are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this Bylaw.
- 19.0 Bylaw Number 2160 and amendments thereto are hereby repealed.
- 20.0 This Bylaw shall come in force and take effect on May 1, 1988.
- 21.0 Schedules A to J inclusive, attached hereto made an integral part of this Bylaw.

READ A FIRST, SECOND AND THIRD time this 25th day of April, 1988.

RECONSIDERED, FINALLY READ AND ADOPTED by the said Council of the said Corporation, signed by the Mayor and Clerk and sealed with the Corporate Seal of the said Corporation this 9th day of May, 1988.

"R.J. Shewfelt"

Mayor

"George Redlich"

Clerk

SCHEDULE "A"

DOMESTIC WATER APPLICATION

ROLL NUMBER _____

I/We, _____ of _____
Full name(s) (mailing address)

make application for Domestic Water to be connected to:

Street Address _____; Lot _____; Block _____; D.L. _____ Plan _____
of which I am the registered owner/agent. I agree to be governed by such by-laws as may be in effect in the Municipality relating to these services. The service will be installed from the Municipality's water main to the nearest point on the applicant's property line. The basic minimum charge for this domestic water line connection is \$ _____, however, if the actual cost is greater, then the final cost will be the actual cost plus 15%.

All new and renewed water service lines on an owner's property SHALL be left in FULL VIEW until a clearance to cover has been issued by the Building Inspection Department.

THE WATER RATES WILL BE CHARGED WHEN CLEARANCE TO COVER HAS BEEN ISSUED until such time the Municipality is notified in writing that the user wishes to have this service discontinued.

Check here - if there is a preferred location for new connection, and indicate on map.

DATE _____

SIGNATURE _____

Fees Collected \$ _____

Date Collected _____

Collector _____

NOTE: This charge does not allow for any extension of Municipal water mains. If a water line extension is required separate application must be made with the Building Inspection Department.

OFFICE USE ONLY

Service Connection Size _____ Meter Size _____

Size of Main _____ Application Approved _____

Domestic Water Service Line \$ _____

Domestic Line Extension or Enlarging \$ _____

TOTAL COSTS \$ _____

SCHEDULE "B"
NEW ACCOUNTS

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

Change of Owner - Change of Tenant - Change of Address

DATE: _____

NAME _____

MAILING ADDRESS _____

STREET ADDRESS _____

TELEPHONE _____

Date In _____ Account Number _____

Roll Number _____ Sequence ()

Should this application be accepted, I agree to use electricity and/or water in accordance with and subject to the provisions of the Municipality's Electrical Regulations Bylaw and/or Water Regulations Bylaw and amendments thereto. I hereby agree that all other accounts for electricity and/or water within the Municipal boundaries will be paid in full, in consideration for this service.

LIGHT Turn On Date _____ WATER Turn On Date _____

Customer's Signature _____ Date Signed _____

Owner's Signature _____ Date Signed _____

OFFICE USE ONLY

METER NUMBER _____ METER READING DATE _____

CODE _____ READING _____

DIGITS _____ WATER _____

M.C. _____ R.C. _____

LEGAL: LOT _____ BLOCK _____ D.L. _____ PLAN _____

PREVIOUS TENANT/OWNER: _____

ACCOUNT NUMBER _____

F I N A L A C C O U N T S

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

DATE: _____

NAME _____

STREET ADDRESS _____

FORWARDING ADDRESS _____

Meter Reading Date _____ Account Number _____

Roll Number _____ Meter Number _____

() _____

I agree the foregoing information regarding electrical and/or water transfers to be correct. I agree to pay this account in full before having electricity and/or water service provided at another location in the District of Summerland.

LIGHT

WATER

Turn Off Date _____

Turn Off Date _____

_____ Customer's Signature

_____ Date Signed

_____ Owner's Signature

_____ Date Signed

OFFICE USE ONLY

METER READING _____

WATER _____

\$ _____
Amount of Final Bill

SCHEDULE "C"

CONNECTION AND TURN ON RATES

1. DOMESTIC WATER SERVICE CONNECTION FEE

- (a) The charge for a Domestic Water Service Connection, Irrigation Water Service Connection and other Water Service Connections shall be as estimated by the Public Works Superintendent.
- (b) If the actual cost to the Municipality of installing such aforementioned connections is less than the estimate, a refund shall be issued. If the cost is greater than estimated, the charge shall be the actual cost plus 10% administration.

2. SUNDRY CHARGES

- (a) Transfer fee..... \$ 11.00
- (b) Turn-On Fee - During Regular Hours \$ 30.00
 - During Off Hours \$ 50.00
- (c) Turn-Off Fee - During Regular Hours..... \$ 30.00
 - During Off Hours \$ 50.00
- (d) Turn-Off and Turn-On penalty pursuant to Sections
14.2 and 14.3 of this Bylaw \$100.00
- (e) Call-Out for Meter Reader to check/locate service box,
standpipes, etc. on private properties
 - during normal working hours \$ 30.00
 - during off hours \$ 50.00

SCHEDULE "D"

(a) LIGHT CONSUMER:

Shall mean a person who uses water in a Commercial premise or establishment solely for providing washroom facilities for their respective staff;

(b) MEDIUM AND HEAVY CONSUMER:

Shall mean a person who uses water in a Commercial, Institutional or Industrial establishment for the prime purpose of carrying on a Commercial, Institutional or Industrial undertaking of any kind or nature whether or not for the purpose of gain or profit;

SCHEDULE "G"
IRRIGATION SEASONS

OKANAGAN

L A K E

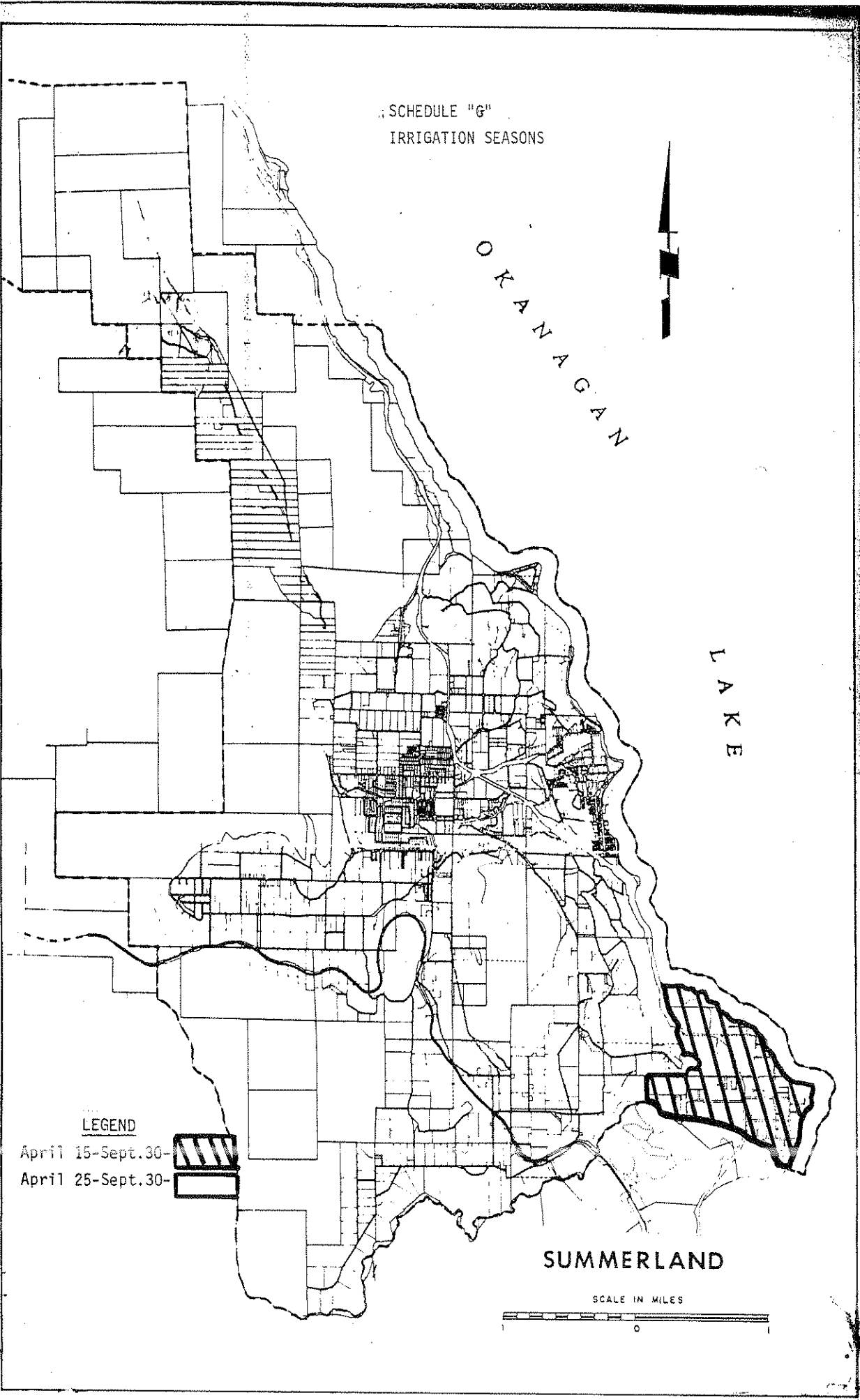
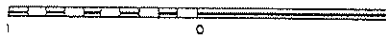
LEGEND

- April 15-Sept. 30-
- April 25-Sept. 30-



SUMMERLAND

SCALE IN MILES



Roll No.
Name:

Bylaw 2000-284 deleted and replaced Schedule H.

SCHEDULE "H"

RESIDENTIAL UNDERGROUND IRRIGATION WATER USERS
EXCESS WATER APPLICATION

The Public Works Superintendent
The Corporation of the District of Summerland
Box 159, 9215 Cedar Ave.
SUMMERLAND, B.C.
V0H 1Z0

Re: Lot(s) _____ Block _____ D.L. _____ Plan _____
Arable Acres _____ Lot Size _____
Civic Address _____

Dear Sirs:

Whereas Section 7.4 of Bylaw Number 2358 restricts the allocation of water for irrigation purposes to a maximum combined flow of twenty-seven (27) litres (6 imperial gallons or 7.2 U.S. gallons) per minute per arable acre or 0.45 hectares;

Excess water will be permitted provided applicant meets these requirements for underground Irrigation Systems:

1. Install an **approved** dual check valve;
2. **10 gal. per minute flow control valve;**
3. System must be on a time clock;
4. Connection to line must be inside house (residential);
5. Hours of operation from 12:00 a.m. to 6:00 a.m.;
6. Plans must be submitted - colour code zones;
7. Any additions or changes to your system will require a new application.

The Corporation of the District of Summerland reserves the right to cancel this application at any time without notice for reasons of water shortage or abuse of irrigation procedures by the applicant.

I have hereby read and agree with the above:

Approved this _____ Day of _____ 20____.

Land owner/Customer/Water user

On behalf of the Corporation of the District of Summerland

Address

Public Works Superintendent

(Installed by)

Inspection Date: _____ 20____

PERMIT NO. _____

By _____

SCHEDULE "I"

IRRIGATION WATER USERS EXTENDED IRRIGATION SEASON APPLICATION

The Corporation of the
District of Summerland,
Box 159,
SUMMERLAND, B.C. VOH IZO

I/We, _____ of _____

hereby make application to The Corporation of the District of Summerland to have my irrigation water supply valve turned on/remains on which services the following described property, of which I am the Registered Owner:

Owner: _____

Lot(s) _____ Block _____ D.L. _____ Plan _____

Street Address _____

I agree to be governed by any such Bylaws as may be in effect in the Municipality relating to this service.

I also absolve the Municipality from any damage to the irrigation service line that may occur as a result of freezing temperature.

I hereby request this service be turned on/off _____ Charge
Date _____ \$30.00

Date: _____

Owner's Signature _____

Fees Collected \$ _____

cc - Municipal Office

SCHEDULE "J"

PROHIBITED DEVICE APPLICATION

The Public Works Superintendent,
The Corporation of the
District of Summerland,
Box 159,
SUMMERLAND, B.C. VOH IZO

Re: Lot(s) _____ Block _____ D.L. _____ Plan _____

Dear Sirs:

Whereas Section 9.0 of Bylaw Number 2358 restricts the use of certain prohibited devices or apparatus onto the waterworks system of the Municipality;

And Whereas, due to the following described circumstances (brief description)

it is deemed necessary to have an install the following device or apparatus:

_____ Approved this _____ day of
Land Owner/Customer/Water User _____ 198__.

_____ on behalf of
Address The Corporation of the
District of Summerland

Public Works Superintendent