



Water Utilities Bylaw No. 2014 - 019

Original Bylaw Adopted: September 8, 2014
Consolidated to: April 12, 2019

This is a consolidated copy to be used for convenience only. Users are asked to refer to the Water Utilities Bylaw as amended from time to time to verify accuracy and completeness.

Amended by:

Bylaw No. 2016-004 – Adopted May 11, 2016
Bylaw No. 2016-030 – Adopted August 22, 2016
Bylaw No. 2016-047 – Adopted December 12, 2016
Bylaw No. 2017-038 – Adopted December 18, 2017
Bylaw No. 2018-040 – Adopted December 18, 2018
Bylaw No. 2019-022 – Adopted March 27, 2019

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DISTRICT OF SUMMERLAND WATER UTILITIES BYLAW NO. 2014-019

A Bylaw to Provide for the Supply, Distribution and Use of the District of Summerland Water Utilities

The Council of the District of Summerland in open meeting assembled, enacts as follows:

Part 1 – General

1.1 Title

1.1 This bylaw may be cited as the 'District of Summerland Water Utilities Bylaw No. 2014-019.

1.2 Interpretation

a. Enactments

Any enactment referred to in this Bylaw is a reference to an enactment of British Columbia or Canada, as the case may be, and regulations thereto, as amended, revised, consolidated, or replaced from time to time.

Any bylaw referred to in this Bylaw is a reference to an enactment of the Council of the District of Summerland, as amended, revised, consolidated, or replaced from time to time.

b. Headings and Table of Contents

The headings and the Table of Contents contained in this Bylaw are for convenience of reference. The headings and the Table of Contents do not form part of this Bylaw and will not be used in its interpretation.

c. Severability

If any section, subsection, sentence, clause, or phrase of this Bylaw is deemed to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

d. Context

Wherever the masculine is used throughout this Bylaw, it shall also mean the feminine, and wherever the singular is used throughout this Bylaw, it shall also mean the plural.

e. Metric units

Metric units are used for all measurements in this Bylaw. The approximate equivalent of the metric units, in imperial or US measure, are shown in brackets and are included for convenience only and do not form part of this Bylaw.

Amended by Bylaw No. 2016-004 (all definitions replaced)

1.3 Definitions

In this Bylaw, the following definitions shall apply:

"Agricultural Water" means any water distributed by the District Water Utility that is used for Irrigation on:

- a. cultivated land or hay meadows to nourish crops or on pasture to nourish forage, with an Arable Area of 0.81 hectares (2 acres) or more; or
- b. property classified as Class 9 [Farm] on the BC Assessment Roll.

"Appliance" means any machine, tool, equipment, or device that uses or consumes water in any manner whatsoever.

“Approved Backflow Preventer” means a mechanical device, assembly, or piping arrangement that is approved by the District and when subject to backpressure or back siphon it will prevent backflow into the District Water Utility.

“Arable Area” means land which by reason of its situation, topography and nature of its soil is capable of being beneficially used to nourish crops or on pasture to nourish forage.

“At Cost” means the Fixed Service Pipe Fee plus the actual cost of any additional items calculated as follows:

- a. the listed fees for such additional items as set out in Schedule ‘A’ as attached to this bylaw; and
- b. where the fees for such additional items are not listed in Schedule ‘A’ as attached to this bylaw, then the actual cost of those additional items shall be calculated as the amount expended by the District for gross wages and salaries, employee fringe benefits, materials, equipment rentals at rates paid by the District or set by the District for its own equipment, and any other expenditures incurred in doing the work, plus administration charges, as calculated by the Director.

“Backflow” means the flow of water or other substances back into any Private Water System or into the District Water Utility.

“Backflow Prevention Assembly Tester” means a Person who holds a valid certificate from the British Columbia Water and Waste Association for the purpose of testing and servicing Approved Backflow Preventers.

“Billing Period” means the period of time over which water consumption is recorded and for which a charge is levied upon each Owner of real property supplied with water by the District Water Utility.

“Bylaw Officer” means the Corporate Officer or their duly authorized representative.

“Cemetery, Park, Playfield Water” means any water used for Irrigation on cemeteries, public parks, and public playfields but does not include: Agricultural Water; Commercial Water; Domestic Water; Domestic Second Water; Golf Course Water; Groundwater; Greenhouse Water; or Other Water.

“Commercial Water” means any water used for commercial, industrial, or institutional use but does not include: Agricultural Water; Cemetery, Park, and Playfield Water; Domestic Water; Domestic Second Water; Golf Course Water; Groundwater; Greenhouse Water; or Other Water.

“Connection” or **“Connect”** means any existing or proposed affixing of any Private Water System to the District Water Utility by any means whatsoever.

“Corporate Officer” means the person appointed by bylaw as the District’s Corporate Officer or their duly authorized representative.

“Council” means the council of the Corporation of the District of Summerland.

“Cross Connection” means any actual or potential physical arrangement whereby the District Water Utility is connected, directly or indirectly, with any non-potable or unapproved Private Water System, sewer drain, conduit, well, pool, onsite Irrigation system, storage reservoir, plumbing fixture, or any other Appliance which contains, or may contain, contaminated water, liquid, gases, sewage, or other wastes, of unknown or unsafe quality which may be capable of imparting contamination to the District Water Utility as a result of Backflow.

“Director” means the District’s Director of Works and Utilities or their duly authorized representative.

“Director of Finance” means the District’s Director of Finance or their duly authorized representative.

“District” means the Corporation of the District of Summerland or the area within the boundaries of the District as the context requires.

“District Water Utility” means the Summerland Water System and the Garnet Valley Water System.

“Domestic Second Water” means water that is used for seasonal Irrigation on landscaped areas, landscaped boulevards or vegetable gardens on properties with a domestic residence and:

- a. an Arable Area of less than 0.81 hectares (2.0 acres); and
 - b. an existing second water service Connection in place as of July 1, 2015,
- but does not include: Agricultural Water; Cemetery, Park, and Playfield Water; Commercial Water; Domestic Water; Golf Course Water; Groundwater; Greenhouse Water; or Other Water.

“Domestic Water” means any water used for domestic residential purposes including accessory uses in residential zones but does not include: Agricultural Water; Cemetery, Park, and Playfield Water; Commercial Water; Domestic Second Water; Golf Course Water; Groundwater; Greenhouse Water; or Other Water.

“Fill” means to fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond, or decorative fountain with water.

“Flow Control Valve” means a mechanical device used to regulate the flow of water through a pipe, hose, or sprinkler and also includes valves that regulate the flow of water through one pipe or hose that service a system or combination of other pipes, hoses, or sprinklers.

“Golf Course Water” means any water used for Irrigation on golf courses.

“Greenhouse Water” means any water used for Irrigation within an enclosed structure for the purpose of nourishing crops.

“Groundwater” means any water used for any purpose that is drawn from water that is naturally occurring below the surface of the ground of properties adjacent to Garnet Lake.

“Irrigation” means the supply of water to land or crops to help biological growth.

“Micro-Irrigation” or **“Drip-Irrigation”** means a system using Irrigation components which consume less than 90 litres per hour (20 imperial gallons per hour) and operates at less than 172 kilopascals (25 pounds per square inch) to deliver water to the root zone of the plant material being Irrigated.

“Multi-Family” means residential housing in a single building or on a single property that contains three or more attached dwelling units.

“Occupier” has the same meaning as in the *Community Charter*.

“Other Water” means water used for a purpose which is designated by Council to be a high-volume use necessitating an Other Water rate.

“Owner” has the same meaning as in the Land Title Act and, for the purposes of this Bylaw, includes an agent acting on their behalf or any Person occupying the property with the permission of the Owner.

“Person” means any individual and includes a Corporation or partnership.

“Pit Meter” means a Water Meter installed in an underground chamber at sufficient depth to protect the meter from frost.

“Private Water System” means a water system privately owned or operated for the delivery or distribution of water and includes, but is not limited to, a domestic, commercial, industrial, or institutional plumbing system, an Irrigation system, a greenhouse system, a hydroponic system, or any other system, and all their associated appurtenances, that uses water supplied by the

District Water Utility.

“Sprinkler” means any type of Irrigation system but excludes a Micro-Irrigation or Drip-Irrigation system.

“Water Account” means each metered Connection to the District Water Utility and, where there are multiple dwelling units serviced through one meter, each dwelling unit and each Irrigation service will be identified as a separate account.

“Water Meter” means an apparatus or device used for measuring the volume of water passing through it, and includes any appurtenances such as, but not limited to, a remote reader device and the connecting cable.

Part 2 – Inspections

2.1 Access

- 2.1.1 An Owner shall, at all reasonable times, provide the Director, Bylaw Officer, and District employees authorized by the Director with adequate, convenient, and unobstructed access onto any land or into any building for the purpose of:
- inspecting the Private Water System,
 - identifying potential or existing cross connection issues,
 - inspecting, repairing, or changing the water meter, and
 - ascertaining the Owner’s compliance with the provisions of this bylaw.

Amended by Bylaw No. 2016-004

Part 3 – Fees and Charges Bylaw

3.1 Fees, Charges, Rates, and Fines

- 3.1.1 Fees, charges, rates and fines pertaining to this Bylaw are set out in Schedule ‘A’ as attached to this Bylaw

Amended by Bylaw No. 2016-004 (Section 3.1.2 added)

- 3.1.2 At Cost work shall proceed as follows:

Owners wishing to have At Cost work performed by the District, must first apply to the Works and Utilities Department for an estimate;

- upon receiving an application, the Director shall supply the Owner with an estimated calculation of the At Cost work;
- the Owner shall pay the District the estimated amount of the At Cost work prior to the commencement of any such work; and
- at conclusion of the At Cost work, the Director shall calculate all At Cost fees payable as a result of the work, and where those At Cost fees exceed the estimate the Owner shall pay to the District any additional amounts, or conversely, where those At Cost fees are less than the estimated amount, any surplus fees received by the Owner shall be refunded.

Part 4 - Applications

4.1 Form of Applications

- 4.1.1 All applications, permits, or forms required pursuant to the provisions of this Bylaw shall be in a form acceptable to the Director.

Part 5 – Water Service

5.1 Utility Account

- 5.1.1 Any person who uses or consumes water from the District Water Utility must have a water account with the District.

Amended by Bylaw No. 2016-004 (Section 5.1.2 added)

- 5.1.2 Water Accounts are not required for secondary suites.

5.2 Application for Water Service / Water Modelling

Amended by Bylaw No. 2016-004

Amended by Bylaw No. 2016-030

- 5.2.1 Any Person who wishes to Connect to the District Water Utility for the consumption or use of water must submit a completed Utility Service Request Form to the Director.

Amended (added) by Bylaw No. 2016-030

- 5.2.2 Any Person who wishes to add new Arable Area for the consumption or use of Agricultural Water, Cemetery, Park, Playfield Water, Golf Course Water, Greenhouse Water, or Other Water, must apply to the Director.

Amended by Bylaw No. 2016-047 (Section 5.2.3 deleted and subsequent numbers renumbered)

- 5.2.3 The Director may deny an application for water service if the District Water Utility has insufficient capacity and the Owner is unwilling or unable to pay for improvements to the District Water Utility to increase capacity.
- 5.2.4 All fees and charges pursuant to the installation of or connection to the water service shall be paid in full before the Utility Service Request will be approved.

5.3 Installation of a Water Service

- 5.3.1 The Utility Service Request must be approved before a water service will be installed or connected.
- 5.3.2 No person shall install a water service other than an employee of the District, during the course of their duties, a contractor employed by the District, or a contractor approved by the Director.
- 5.3.3 The District will install the water service to the property line.
- 5.3.4 No owner of a property shall install or permit the continuance of a branch line, tee, irrigation connection or other line between the water service connection point at the property line and the building on the property (other than a fire suppression line approved by the Director) unless meters are installed at locations approved by the Director so that the meters read all the water supplied to the property. The cost of the meters and the installation shall be At Cost at the expense of the Owner.
- 5.3.5 Each parcel shall have only one domestic water service unless the Director deems that servicing a parcel by one water service is impractical due to conditions such as the location of structures or difficult topography.
- 5.3.6 Bare land strata developments shall have one domestic water service to service all parcels within the strata plan unless the Director deems that servicing a parcel by one water service is impractical due to conditions such as the location of structures or difficult topography.

5.4 Turning On or Turning Off a Water Supply

- 5.4.1 An Owner may contact the Works and Utilities Department to have their water supply turned on or off.
- 5.4.2 The Owner will be invoiced for the cost for turning on or turning off the water supply which shall be At Cost at the expense of the Owner.
- 5.4.3 The Owner may retain a qualified plumber to turn the water supply on or off but in doing so takes the responsibility for any damage by the plumber to the District's Water Utility. The repair of any damage will be At Cost at the expense of the Owner.

5.5 Private Water System

- 5.5.1 Private Water Systems are the responsibility of the Owner and shall be installed, maintained, and protected from frost at the Owner's expense.
- 5.5.2 Every Owner shall maintain their Private Water System in a manner that ensures all pipes, stopcocks, fixtures, hose bibs, valves, cross connection control devices, and all other associated appurtenances remain in good working order and perform at a generally acceptable level.

5.6 Conditions of Water Supply

- 5.6.1 The District does not guarantee water pressure, a continuous supply of water, or direction of water flow and reserves the right at any time, and without notice, to change the operating pressure, to shut off water, or to change the direction of flow.
- 5.6.2 The District, its officers, employees, or agents are not liable for any damage or other loss caused by:
 - a. a change in water pressure, the shutting off of the water supply, or a change in direction of flow,
 - b. water containing sediments, deposits, or other foreign matter,
 - c. the failure of the water supply as a result of any accident or damage to the District Water Utility,
 - d. excessive water pressure or lack of water pressure, or
 - e. any temporary stoppage of the water supply on account of alterations or repairs to the District Water Utility,

whether such damage or loss arises from the negligence of any person in the employ of the District or another person, or through natural deterioration or obsolescence of the District Water Utility or otherwise.

Part 6 – Water for Irrigation Purposes

6.1 Annual Irrigation Season

- 6.1.1 The District will commence turning on irrigation water supplies on or about April 15 of each year and will commence turning off irrigation water supplies on or about September 30 of each year.

Amended by Bylaw No. 2016-004

6.2 Extension to Irrigation Season

- 6.2.1 Users may apply to have their irrigation turned on earlier in the season by submitting an Advance Irrigation Application to the Director and the payment of all applicable fees and charges

- 6.2.2 Users may apply to have their irrigation turned off later in the season by submitting an Irrigation Extension Application to the Director and the payment of all applicable fees and charges
- 6.2.3 The Director may deny approval of an Advance Irrigation Application or an Irrigation Extension Application if the Director deems the approval could conflict with operational requirements or concerns.

6.3 Water Flow

- 6.3.1 The maximum water flow to a parcel shall be prorated at 27 litres per minute per 0.405 arable hectare (6 imperial gallons per minute per arable acre).
- 6.3.2 Domestic users who are irrigating their property through an underground irrigation system may request the maximum water flow be increased to 45.5 litres per minute per 0.405 arable hectare (10 imperial gallons per minute per arable acre) by submitting a Domestic Underground Irrigation Application to the Director for approval.
- 6.3.3 The District may install one or more valves or devices to control flows on parcels where the user refuses to comply with this Section. All costs associated with the installation of the flow control valves and devices shall be At Cost at the expense of the Owner.

6.4 Water Systems for Irrigation

- 6.4.1 Any person who is installing an underground domestic irrigation system must submit a Domestic Underground Irrigation Application to the Director for approval prior to commencing installation.
- 6.4.2 Owner's shall maintain their irrigation system in a manner that ensures it remains in good working order, performs free of leakage and wastage and is protected from freezing.
- 6.4.3 Owner's shall take whatever measures are necessary to protect the District's standpipe, water meter, and related equipment and will be responsible for the costs of repairing the municipal standpipe, meter and related equipment if it is damaged as a result of negligence or improper procedures.

Part 7 – Water Quality Protection

7.1 Cross Connection

- 7.1.1 No person shall connect, cause to be connected, or allow to remain connected any pipe, fixture, fitting, container, Appliance, or Cross Connection, in a manner which under any circumstance could cause or allow any part of the District Water Utility to become, or at risk of becoming, contaminated.
- 7.1.2 The Director may give written notice to an Owner to correct, within a specified time period, any connection or Cross Connection that the Director deems has potential of contaminating the District Water Utility or to install an Approved Backflow Preventer. All costs shall be at the expense of the Owner.
- 7.1.3 If a Property owner fails to comply with the written notice or if the Director deems there is an immediate risk to the District Water Utility, the Director may, without notice, order and undertake At Cost at the expense of the Owner the disconnection of the parcel from the District Water Utility until such time as the connection or Cross Connection is corrected or an Approved Backflow Preventer is installed.

7.2 Installation, Inspection, and Testing of Approved Backflow Preventer

- 7.2.1 All inspections and testing of Approved Backflow Preventers shall be performed by a qualified Backflow Prevention Assembly Tester at the expense of the Owner.
- 7.2.2 The Owner shall have the Approved Backflow Preventer tested to confirm it is functioning properly as follows:
 - a. immediately after installation, repair, or reinstallation if removed for any reason, the results of these test shall be submitted to the Director within 30 days, and
 - b. during the second quarter of each year and shall submit the results of these tests to the Director by the 15th day of July each year, and
 - c. on a more frequent basis if the Director deems the Owner's Private Water System presents a high risk of contaminating the District Water Utility.
- 7.2.3 The Owner shall immediately repair or replace any Approved Backflow Preventer that is not functioning within manufacturer's specifications.
- 7.2.4 Every Approved Backflow Preventer shall have a tag attached that shows the date when the Approved Backflow Preventer was last inspected and tested and the testing companies name and tester number.

Amended by Bylaw No. 2016-004

- 7.2.5 Owners and operators of Private Water Systems that consume or use water for irrigation shall, in addition to the general provisions of this Section:
 - a. use an approved reduced pressure backflow prevention device when using fertilizers, pesticides, herbicides, or any other substance that may be a risk to health are introduced into the Private Water System,
 - b. assume responsibility for the operation of the irrigation and injection system and ensure that proper backflow prevention procedures are used at the connection to the District Water Utility, and
 - c. at all times when operating any sprayer tank filling station, maintain a minimum air gap of twice the diameter of the filling pipe between the end of the filler hose and the top of the sprayer tank.

7.3 Hydrant Use

- 7.3.1 Any person, other than employees of the District in the course of their duties, who wishes to use a fire hydrant as a source of water is required to submit a Hydrant Use Permit to the Director and the payment of all applicable fees and charges.
- 7.3.2 The Director may, at any time and at the Director's sole discretion, refuse to issue a Hydrant Use Permit or cancel or suspend a Hydrant Use Permit.
- 7.3.3 The Director in issuing a Hydrant Use Permit may impose terms and conditions regarding the use of the hydrant as follows:
 - a. the location of the fire hydrant that may be used,
 - b. the type of fire hydrant that may be used,
 - c. the date and time when the fire hydrant may be used,
 - d. the type of Approved Backflow Preventer that is required, and
 - e. precautions that the permit holder must take when connecting to and using the fire hydrant.

Part 8 – Water Meters

8.1 General

- 8.1.1 Except as provided for in 8.1.2, all water being used or consumed from the District Water Utility must be metered.
- 8.1.2 The Director may waive the requirement for a water meter if the Director deems the water use or consumption is so insignificant that it does not justify the cost to the District to install, operate, and maintain the meter. In these instances the Director of Finance will establish a flat rate based on the water use or consumption estimated by the Director.
- 8.1.3 If an Owner:
 - a. refuses to have a water meter installed inside a building when the Director has deemed it feasible to do so,
 - b. fails to respond to the District's attempts to contact the Owner to arrange an appointment to have the water meter installed, or
 - c. fails to have a water meter installed within the time specified in written notification by the Director,the District will, At Cost at the expense of the Owner, disconnect the water service or install a pit meter at the parcel boundary.

8.2 Residential, Commercial, Industrial, and Institutional Water Meters

- 8.2.1 The standard location for water meter installations of a single-family domestic water meter and the radio frequency remote reader shall be indoors as close as possible to the point where the water service pipe enters the building.
- 8.2.2 The Director shall, at the Director's sole discretion, determine the make, model, and size of water meter necessary for each application.
- 8.2.3 Oversizing a water meter to meet the Owner's justifiable water supply requirements (for example: a fire sprinkler system combined with the overall domestic water system) will be At Cost at the expense of the Owner.
- 8.2.4 Except as provided for in Section 8.4 – Grandfathering of Water Meters, the District will, At Cost at the expense of the Owner, supply the water meter and the radio frequency remote reader.
- 8.2.5 The Owner will retain a qualified plumber to install the water meter and the radio frequency remote reader and will be responsible for all costs associated with the installation.
- 8.2.6 Water meters and radio frequency remote readers will remain the property of the District following installation.
- 8.2.7 For a multi-family complex or a commercial, industrial, or institutional property, the water meter shall be installed within a meter room unless otherwise approved by the Director.
- 8.2.8 Water meters shall be installed with the radio frequency remote reader pointing up and on an angle of not more than 45 degrees from the horizontal plane.
- 8.2.9 All non-residential meters shall have by-passes that are sealed to prevent use by any person other than a District employee.
- 8.2.10 Pressure reducing valves shall only be installed on the Owner's side of the water meter and by-pass assembly.
- 8.2.11 Strainers shall be used on all water meters 75 mm or larger in diameter.
- 8.2.12 Pipe layouts, meter arrangement, and wiring shall be as approved by the Director.

8.3 Water Meters for Irrigation Purposes

- 8.3.1 The Director shall, at the Director's sole discretion, determine the make, model, and size of water meter necessary for each application.
- 8.3.2 Except as provided for in Section 8.4 – Grandfathering of Water Meters, the District will supply and install, At Cost at the expense of the Owner, the water meter, the radio frequency remote reader, the blue box meter cabinet, and associated appurtenances.
- 8.3.3 Water meters, radio frequency remote readers, and meter cabinets will remain the property of the District following installation.
- 8.3.4 The location of the existing service connection may make it necessary to install the water meter on private property.
- 8.3.5 The Owner is responsible for all costs associated with the connection of their irrigation system to the water meter.
- 8.3.6 No Owner shall:
 - a. cause damage to the water meter or related equipment during the operation or winterization of their irrigation system,
 - b. drain their irrigation system through the water meter.

The cost to repair any damage to the water meter that is attributable to the Owner will be At Cost at the expense of the Owner.

8.4 Grandfathering of Water Meters

- 8.4.1 Owners of residential properties who obtained an occupancy permit prior to April 13, 2004 and who were entitled to a water meter as part of the Universal Water Metering Program will be grandfathered in and will be entitled to have one meter installed by the District at the District's expense at the standard location for water meter installations provided that the request for the meter installation is made to the District prior to December 31, 2014.
- 8.4.2 Owners of property who, on December 31, 2014, own land that has an arable area that is equal to or greater than 2 acres will be grandfathered in and will be entitled to have one meter installed by the District at the District's expense at the standard location for water meter installations.
- 8.4.3 The Owner will be subject to costs if the Owner requests the installation to take place at a non-standard location for water meter installations.

Amended by Bylaw No. 2017-038

8.5 Non-Standard Location for Water Meter Installations

- 8.5.1 An Owner may request the District to provide a non-standard water meter installation. There are three approved options as follows:
 - a. installation of a pit meter at the property boundary,
 - b. installation of a seasonal blue-box water meter to capture water consumption from a second existing service that is being used for irrigation purposes. Additional monthly fees and charges will apply to this option.
- 8.5.2 Owners may submit other non-standard water meter installation requests to the Director for consideration.
- 8.5.3 All costs associated with a non-standard water meter installation shall be At Cost at the expense of the Owner.

8.6 Water Meter Maintenance

- 8.6.1 The Owner shall immediately notify the District if the Owner observes that the water meter has stopped working or if the Owner observes any leaks, breaks, or other irregularities in the water meter.
- 8.6.2 The District is responsible for the maintenance of all water meters including the radio frequency remote readers but is not responsible for the maintenance of any adjacent fitting unless the fittings were originally installed by the District.

8.7 Water Meter Testing

- 8.7.1 If the District or an Owner questions the accuracy of a water meter the District will arrange to have the water meter removed and will designate a qualified professional to have the water meter tested.
- 8.7.2 If the test confirms that the water meter has an accuracy of greater than or equal to 98%, the party questioning the accuracy of the water meter will be responsible for paying the water meter testing fee and all costs associated with the removal and reinstallation of the water meter.
- 8.7.3 If the test confirms that the water meter has an accuracy of less than 98%, the cost of the test shall be borne by the District and the District shall repair or replace the water meter at the District's cost.

Part 9 – Managing Water Use

9.1 Consumption and Use

- 9.1.1 Allowable water consumption and use will be managed by the Director based on the forecast of drought conditions and potential water quality or water availability concerns.
- 9.1.2 The Director will determine the applicable stage of response based on indicators outlined in the Summerland Drought Response Plan and the ability of the District Water Utility to provide uncompromised water.
- 9.1.3 The Director may deviate from the criteria set out in the Water Use Stages outlined below if the Director deems it is necessary to protect water supply or the integrity of the District Water Utility.

9.2 Notice

- 9.2.1 Notice will be provided in accordance with the Summerland Drought Response Plan.

9.3 Water Use Stages

- 9.3.1 For the purpose of this Section:

“Even numbered” means the last number in a houses address ends in a 0, 2, 4, 6, or 8.

“Odd Numbered” means the last number in a houses address ends in a 1, 3, 5, 7, or 9.

- 9.3.2 Residential underground water systems may only water between 12:00am and 6:00am on their designated watering days
- 9.3.3 Except as provided for in 9.3.2, water use at the various response levels shall be as follows:

Stage 1 – Three times a week watering

Even Numbered – a person may use their sprinkler to water lawns, trees, and shrubs on Sunday, Tuesday, and Friday only.

Odd Numbered – a person may use their sprinkler to water lawns, trees, and shrubs on

Saturday, Monday and Thursday only.

You may use micro-irrigation, drip irrigation or a hose with a shut-off nozzle to water trees, shrubs or vegetables on any day, at any time.

Stage 2 – Two times a week watering

Even Numbered – a person may use their sprinkler to water lawns, trees, and shrubs before 9:00 a.m. or after 6:00 p.m. on Sunday and Thursday only.

Odd Numbered – a person may use their sprinkler to water lawns, trees, and shrubs before 9:00 a.m. or after 6:00 p.m. on Saturday and Tuesday only.

You may use micro-irrigation, drip irrigation or a hose with a shut-off nozzle to water trees, shrubs or vegetables on any day, at any time.

Stage 3 – Once a week watering

Even Numbered – a person may use their sprinkler to water lawns, trees, and shrubs before 9:00 a.m. or after 6:00 p.m. on Sunday only.

Odd Numbered – a person may use their sprinkler to water lawns, trees, and shrubs before 9:00 a.m. or after 6:00 p.m. on Saturday only.

You may use micro-irrigation (mist spray), drip irrigation or a hose with a shut-off nozzle to water trees, shrubs or vegetables on any day, at any time. You may not use a hose to wash sidewalks or driveways and may not wash a vehicle except with a hand-held container or hose equipped with a shut-off device.

Amended by Bylaw No. 2016-004

Stage 4 – Complete Lawn Watering Ban

No person shall:

- a. water lawns or boulevards, at any time, including newly seeded or sodded lawns,
 - b. use a hose to wash exterior building surfaces including windows, parking lots, driveways, or sidewalks,
 - c. operate or cause the operation of decorative fountains which do not use recirculated water,
 - d. wash a vehicle or boat except in a commercial car wash,
 - e. fill residential swimming pools, wading pools, hot tubs, garden ponds, or decorative fountains,
 - f. water trees, shrubs, flowers or vegetables except by hand using a hose with a shut-off device, by hand-held container, or with a Micro-Irrigation or Drip-Irrigation System, or
 - g. use water for irrigation purposes in excess of the amounts set out in this bylaw.
- Water used for irrigation may further be restricted by resolution of Council

9.4 Special Water Use Permit

9.4.1 A person may apply to the Director for a Special Water Use Permit which will allow the person to irrigate new landscaping outside of permitted days, but within hours outlined in the Special Water Use Permit. The permit shall be displayed at the premises for which it was issued in a location that is easily seen from the adjacent road.

9.4.2 Special Water Use Permits will not be issued or be valid during Water Use Stage 4.

9.5 Exemptions

9.5.1 Unless otherwise notified by the Director, the provisions of Water Use Stages 1, 2, and 3 do not apply to persons who own, operate, or carry on the following operations or activities which rely on the steady supply and use of water:

- a. nurseries,
- b. farms,
- c. car washes,
- d. all weather playing fields if failure to water will result in a permanent loss of plant material,
- e. washing exterior building surfaces including windows, parking lots, driveways or sidewalks prior to the application of a product such as paint, preservative, stucco or preparation of a surface prior to paving or repointing of bricks or if required by law to comply with health and safety regulations,
- f. washing a boat or seaplane if failure to do so will cause permanent damage,
- g. other commercial uses that the Director deems are reliant on the steady supply of water.

Part 10 – Financial Requirements

10.1 Water Rates

Amended by Bylaw No. 2016-004

10.1.1 The rates as set out in the Schedule 'A' – Water Fees, Charges, Rates and Fines as attached to this Bylaw are hereby imposed upon all users and the rates shall be levied and collected in accordance with Schedule 'B' of the District's Fees and Charges Bylaw.

Amended by Bylaw No. 2016-004

10.1.2 A charge shall be periodically levied upon all owners of real property supplied with water in accordance with the rates as set out in Schedule 'A' – Water Fees, Charges, Rates and Fines as attached to this Bylaw, including any other charge for service from the system that may be levied under the provisions of this Bylaw and amendments thereto, and may, for convenience and economy, be included on a common form with other user rates levied by law.

10.1.3 Where water rates are charged for a shorter period than the normal billing period, the charges for such shorter period shall be calculated, levied and collected on a proportionate basis of the charges applicable thereto. Where a service connection is made during the year, the charges imposed shall commence on the date of service connection to the system. Once a service connection is established, water rates are charged continuously until the service connection is removed.

Amended by Bylaw No. 2016-004

10.1.4 All rates charged, as set out in the Schedule 'A' – Water Fees, Charges, Rates and Fines as attached to this Bylaw, shall be due and payable when levied and shall be subject to a discount of ten (10) percent, provided rates for the current billing period are paid in full, including all arrears then outstanding into the office of the Director of Finance or their agents, on or before the close of business on the date set out on the billing form.

Amended by Bylaw No. 2016-004 (10.1.5 added)

10.1.5 A registry of the following water users is to be kept by the Director of Finance: Agricultural Water; Cemetery, Park, Playfield Water; Golf Course Water; Groundwater; Greenhouse Water; and Other Water. Updates to the registry will be provided to the Director of Finance by the Director upon receipt.

10.2 Meter Reading

10.2.1 Each individual meter shall, whenever possible, be read once in every billing period.

10.2.2 Should the reading of any given meter be postponed until the next billing period, the rate to be charged:

- a. for the billing period for which no reading is taken, shall be calculated on the consumption for the same period in a previous year or a reasonable estimate of the same if it is not available; and
- b. for the billing period following that in which no reading is taken, shall be calculated on the total actual consumption in the two billing periods, as read on the meter, minus the average consumption utilized in subsection (a).

10.3 Billing

Amended by Bylaw No. 2016-004 (10.3.1 added)

10.3.1 There shall be twelve Billing Periods in each calendar year.

10.3.2 The Director of Finance is empowered to adjust any errors in water charges which are brought or come to their attention.

10.3.3 Where any meter fails to register or to properly indicate the quantity of water used or consumed, or where breakages occur on private property, the Director of Finance shall estimate the consumption of water and shall render an account to the customer.

10.3.4 Where any connection to the water system is not metered, the Director of Finance shall estimate the consumption of the water based on the highest use for that type of connection and shall render an account to the customer.

10.3.5 Where any account is rendered pursuant to this section, the Director of Finance, in estimating the account, shall consider previous billing periods when such meter was registering correctly, seasonal variations, changes in occupancy and any other factors which may, in the opinion of the Director of Finance, affect the consumption of water.

10.3.6 No complaint of an error in any charge for water rates or charges shall be considered and no adjustment of any such error shall be made after a period of one year has elapsed since the end of the period for which such water rates or charges were made. After the termination of this period all such water rates or charges shall be determined to have been properly and correctly made.

10.3.7 In the event of failure or stoppage of water supply continuing for more than five consecutive days, a pro-rated reduction shall be made on all fixed rates for water.

10.3.8 The rates imposed upon any real property by the Bylaw shall continue to accrue against such real property as long as water is normally being supplied or used or is available for use upon such real property from the system.

10.3.9 For the convenience of the owner of the real property, the common form billing for user rates may be directed to a tenant.

10.3.10 All periodic billings shall be due and payable at the close of business on the 20th day after the billing date as shown on the bill or invoice. Payments made at a financial institution must be made in sufficient time for the funds to be deposited to the account of the District prior to the close of business on the 20th day after the billing date. All billings and invoices not paid in full within 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. A notice of arrears will be sent to the owner of the real property as well any tenant who receives the billing form.

10.3.11 The District 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 District.

10.3.12 A charge imposed under this Bylaw which remains unpaid on the thirty-first day of December in any year shall be determined to be taxes in arrears on the land or real property on which the charge was imposed and may be recovered as provided in section 258 of the *Community Charter*.

Part 11 – Compliance

11.1 Bylaw Violation

11.1.1 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, or
- 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 fines hereby imposed. Each day that a violation is permitted to exist shall constitute a separate offence.

11.2 Restrictions

11.2.1 No Person shall:

- a. tamper with, operate, damage, or in any way interfere with any valves, fire hydrants, water meters, remote frequency readers, or any other component of the District Water Utility.
- b. drill, cut, connect, join, excavate, bury, disturb or otherwise interfere with the District Water Utility.
- c. directly or indirectly cause, permit or allow the release of water from a Private Water System so that it runs to waste, whether by reason of leakage from underground piping, faulty plumbing, improper Irrigation practices, or otherwise unless the release is necessary to prevent the water service from freezing.
- d. connect buildings on land already connected to the District Water Utility to any other source of water.
- e. use any device or apparatus of any nature or kind which may cause a sudden large demand for water or affect the stability or regulation of water pressure in the District Water Utility.
- f. sell, dispose, or otherwise give away water from the District Water Utility unless pre-approved by the Director.
- g. demolish, move, remove or substantially alter any building connected to the District Water Utility, without first applying to the District to discontinue the water service to that property and paying all applicable fees and charges.
- h. damage or allow the deterioration of any Appliance which will result in a waste of water.
- i. use water or cause water to be used contrary to the provisions of this Bylaw in effect at the time of use.
- j. water by using more water than is required to provide a service, produce a product or complete a task, including but not limited to, allowing a tap or hose to run water unnecessarily and over-watering plants or lawns.

11.3 Fine

Amended by Bylaw No. 2016-004

- 11.3.1 A person who contravenes this Bylaw commits an offence and is subject to a minimum fine as accordance with the Schedule 'A' – Water Fees, Charges, Rates and Fines as attached to this Bylaw plus costs in accordance with the Offence Act. If an information is laid by means of a ticket, in accordance with the procedure set out in the Offence Act, a fine as stipulated in the District's Fees and Charges Bylaw.

Part 12 - Liability

- 12.1 Nothing contained in this bylaw shall be construed to impose any liability on the District to provide water to any person or property or to provide a continuous supply of water or water of any particular quantity or quality.

Part 13 - Indemnity

- 13.1 In consideration of the District providing a water service, the consumer agrees to indemnify and save harmless, the District, its Council, officials, employees, agents, successors, and assigns from all loss, damage, cost, actions, suits, debts, accounts, claims, and demands which the District or any of its Council, officials, employees, agents, successors, and assigns may suffer or incur or be put to arising out of or in connection with the water service or subsequent use thereof.
- 13.2 The Owner covenants and agrees to indemnify and save harmless the District, its Council, officials, employees, agents, successors, and assigns from and against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and by whomever brought or made against the District, its Council, officials, employees, agents, successors, and assigns resulting directly or indirectly from the maintenance, construction, installation, or repair of the District Water Utility.

Part 14 – Enactment

14.1 Repeal of Previous Bylaws

- 14.1.1 The Corporation of the District of Summerland repeals the following bylaws, and their amendments, as of January 01, 2015.

1. Bylaw Number 2000-170 – A Bylaw to Prescribe Water Restrictions
2. Bylaw Number 2000-203 – A Bylaw for Irrigation Water Metering
3. Bylaw Number 2000-380 – A Bylaw for Universal Water Metering

- 14.1.2 The Corporation of the District of Summerland repeals following bylaw sections, and the bylaw section amendments, as of January 01, 2015.

1. The following Sections of 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,
 - a. Section 3
 - b. Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, and 4.7,
 - c. Section 5
 - d. Section 6
 - e. Section 7.5
 - f. Section 8
 - g. Section 9

- h. Sections 10 to 18
- i. Schedules A to D
- j. Schedules H to J

Read a first, second and third time this 25th day of August, 2014.

ADOPTED by the Municipal Council of the District of Summerland this 8th day of September, 2014.

Mayor

Corporate Officer

Amended by Bylaw No. 2016-004 (Added Schedule A)
Amended by Bylaw No. 2016-030 (Section 11.3)
Amended by Bylaw No. 2016-047 (Schedule A replaced – 2017 Rates)
Amended by Bylaw No. 2017-038 (Schedule A replaced – 2018 Rates)
Amended by Bylaw No. 2018-040 (Schedule A replace section 1.1.1 – 2018 Ag. Rates)
Amended by Bylaw No. 2018-038 (Schedule A replaced – 2019 rates)
Amended by Bylaw No. 2019-022 (Schedule A Inclining Block Fees)

SCHEDULE ‘A’ **WATER FEES, CHARGES, RATES AND FINES (effective January 1st, 2019)**

1. Agricultural Water

Each Agricultural Water account will be billed as follows:

1.1. Annual rate of \$183.70 per 0.405 hectare (1 acre) of Arable Area for the supply of water and system maintenance necessary up to a depth of 800 mm, plus

1.1.1 An inclining block fee for use over the threshold of 800 mm as follows:

1 – 20%	\$0.22 per cubic meter
21 – 40%	\$0.44 per cubic meter
41 – 60%	\$0.88 per cubic meter
61 – 80%	\$1.76 per cubic meter
81% and over	\$3.52 per cubic meter

2. Cemetery, Park, Playfield Water

Each Cemetery, Park, Playfield Water account will be billed as follows:

2.1. Annual rate of \$192.89 per 0.405 hectare (1 acre) of Arable Area for the supply of water and system maintenance necessary up to a depth of 800 mm, plus

2.1.1 An inclining block fee for use over the threshold of 800 mm as follows:

1 – 20%	\$0.22 per cubic meter
21 – 40%	\$0.44 per cubic meter
41 – 60%	\$0.88 per cubic meter
61 – 80%	\$1.76 per cubic meter
81% and over	\$3.52 per cubic meter

3. Commercial Water

Each Commercial Water account will be billed as follows:

3.1. Base fee of \$37.87 for the supply and system maintenance necessary for each account's access to water, plus

3.2. Commercial Water use fee of \$0.41 per cubic metre for all water used.

4. Domestic Water

Each Domestic Water account will be billed as follows:

4.1. Monthly mandatory base fee of \$37.87 for the supply and system maintenance necessary for each account's access to water, plus

4.2. Domestic Water use fee of \$0.41 per cubic metre:

4.2.1. up to a maximum of 25 cubic metres, plus

4.2.2. volume calculated based on the depth of water required to maintain vegetative growth over 70% of each parcel to a maximum parcel size of 0.81 ha (2.00 ac).

The Domestic Water volume calculation is based on the following water depths:

<u>Billing Period</u>	<u>Water Depth</u>
Dec 28 – Jan 27	0 mm
Jan 28 – Feb 27	0 mm
Feb 28 – Mar 27	0 mm
Mar 28 – Apr 27	35 mm
Apr 28 - May 27	95 mm
May 28 - Jun 27	150 mm
Jun 28 - Jul 27	180 mm
Jul 28 - Aug 27	175 mm
Aug 28 - Sep 27	110 mm
Sep 28 - Oct 27	55 mm
Oct 28 – Nov 27	0 mm
Nov 28 – Dec 27	0 mm

Where a property has Agricultural Water and Domestic Water, the parcel size for calculating Domestic Water volume shall be the parcel size minus the Arable Area. In no case shall the area used for calculating Domestic Water volume exceed 0.81 ha (2.00 ac), plus

4.3. Domestic additional water use fee of \$1.56 per cubic metre for any volume in excess of the Domestic Water volume allowed in Section 4.2, calculated for each account.

5. Domestic Second Water

Each Domestic Second Water account will be billed an annual charge as follows:

Arable acres of .5 or less	\$ 58.58
Arable acres of .51 to 1.0	\$ 149.10
Arable acres of 1.01 to 1.5	\$ 244.95
Arable acres of 1.51 to 1.99	\$ 338.15

6. Golf Course Water

Each Golf Course Water account will be billed as follows:

6.1. An annual rate of \$192.89 per 0.405 hectare (1 acre) of Arable Area for the supply of water and system maintenance necessary up to a depth of 800 mm, plus

6.1.1 An inclining block fee for use over the threshold of 800 mm as follows:

1 – 20%	\$0.22 per cubic meter
21 – 40%	\$0.44 per cubic meter
41 – 60%	\$0.88 per cubic meter
61 – 80%	\$1.76 per cubic meter
81% and over	\$3.52 per cubic meter

7. Greenhouse Water

Each Greenhouse Water account will be billed as follows:

7.1. Annual rate of \$416.46 per 0.405 hectare (1 acre) of Arable Area for the supply of water and system maintenance necessary up to a depth of 1,727 mm, plus

7.1.1 An inclining block fee for use over the threshold of 1,727 mm as follows:

1 – 20%	\$0.22 per cubic meter
21 – 40%	\$0.44 per cubic meter
41 – 60%	\$0.88 per cubic meter
61 – 80%	\$1.76 per cubic meter
81% and over	\$3.52 per cubic meter

8. Groundwater

Each Groundwater Water Account will be billed for the collection and storage of water, as follows:

8.1. Annual rate of \$126.76 per 0.405 hectare (1 acre) of Arable Area.

9. Other Water

Each Other Water account will be billed as follows:

9.1. Base fee of \$37.87 for the supply and system maintenance necessary for each account's access to water, plus

9.2. Other Water use fee of \$0.41 per cubic metre for all water used.

10. Environmental Levy

Charge for environmental levy per Domestic Water Connection per month \$ 3.73

11. Fixed Service Pipe Fees

11.1. Costs NOT included in the Fixed Service Pipe Fees

- *Applicable taxes*
- *Irrigation service installations or extensions*
- *Depths over 4.0 metres*
- *Flagging*
- *Rock excavation by blasting*
- *Well-point dewatering*
- *Crossing of high pressure gas mains*
- *Sidewalk and boulevard restoration*
- *Adjustment of existing infrastructure that is in conflict*
- *Reconnection to existing private infrastructure*

11.2. Domestic Water Service Installation

19 mm service	\$ 1,942.50
25 mm service	\$ 2,205.00
38 mm service	\$ 2,467.50
50 mm service	\$ 2,730.00

11.3.	Connection Installation, or addition of new Arable Area, for Agricultural Water, Cemetery, Park, Playfield Water, Golf Course Water, Greenhouse Water, and Other Water Per Hectare	\$ 10,000.00
11.4.	Water Service Removal	
	19 mm service	\$ 1,076.25
	25 mm service	\$ 1,076.25
	50 mm service	\$ 1,025.25
11.5.	Conversion to 19 mm Domestic Water Service	
	19 mm Irrigation service	\$ 2,152.50
	25 mm Irrigation service	\$ 2,152.50
	50 mm Irrigation service	\$ 2,152.50
11.6.	Domestic Water Service Extension	
	19 mm service	\$ 1,181.25
	25 mm service	\$ 1,338.75
	50 mm galvanized service	\$ 1,925.70
	50 mm copper	\$ 1,984.50

12. Service Fees

Water Turn On or Turn Off - per site attendance	\$ 46.20
Water Turn Off fee	\$ 46.20
Water Meter Testing	\$ 42.00
Hydrant Use Permit	\$ 31.50
	plus \$10.00 per day
	At Cost + 15%
	Administration Fee
Pit Meter Installation – single family Domestic Water only	
Domestic Water Seasonal Meter (blue box) – up to 25 mm	\$ 1,575.00
	(one-time payment) or
	\$131.25 per month for 12 months)
	\$ 44.00
Irrigation Season Extension Application	
Advance Season Irrigation Application	\$ 44.00
Water System Modelling	\$735.00
Water Account Transfer	\$ 15.00
Field test for meter accuracy – meter found accurate	\$ 31.50
Field test for meter accuracy – meter found inaccurate	No charge
After Hours Call-Out Rate	\$ 178.00 per hour
Application Fee – AMR Water Meter Relocation	\$ 85.00

13. Fine Schedule

Unmetered Water Use	\$ 500.00
Water used by other than occupant	\$ 50.00
Wasting water	\$ 100.00
Unauthorized Connection	\$ 100.00
Tamper with water system	\$ 100.00
Unauthorized use of fire hydrant	\$ 100.00
Unauthorized use of valve or stop cock	\$ 100.00
Fail to maintain access to Water Meter	\$ 50.00
Sell water without permit	\$ 100.00
Give water without permit	\$ 100.00
Water use not in accordance with the Water Utilities Bylaw No. 2014-019, Part 9	\$ 100.00
Cross-connect water services	\$1,000.00