

**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 BYLAW
NOS. 2439, 92-002, 93-008, 2000-284 AND 2014-019**

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Bylaw 93-008, adopted February 8, 1993, rescinded and replaced Section 2.0 with the following: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 [Section repealed by Bylaw No. 2014-019]

4.0 The rates and charges hereinafter referred to are hereby charged and levied by the Municipality;

4.1 [Section repealed by Bylaw No. 2014-019]

4.2 [Section repealed by Bylaw No. 2014-019]

4.3 [Section repealed by Bylaw No. 2014-019]

4.4 [Section repealed by Bylaw No. 2014-019]

4.5 [Section repealed by Bylaw No. 2014-019]

4.6 [Section repealed by Bylaw No. 2014-019]

4.7 [Section repealed by Bylaw No. 2014-019]

- 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 [Section repealed by Bylaw No. 2014-019]

6.0 [Section repealed by Bylaw No. 2014-019]

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 *[Section repealed by Bylaw No. 2014-019]*
- 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 [Section repealed by Bylaw No. 2014-019]

9.0 [Section repealed by Bylaw No. 2014-019]

- 10.0 [Section repealed by Bylaw No. 2014-019]
- 11.0 [Section repealed by Bylaw No. 2014-019]
- 12.0 [Section repealed by Bylaw No. 2014-019]
- 13.0 [Section repealed by Bylaw No. 2014-019]
- 14.0 [Section repealed by Bylaw No. 2014-019]
- 15.0 [Section repealed by Bylaw No. 2014-019]
- 16.0 [Section repealed by Bylaw No. 2014-019]
- 17.0 [Section repealed by Bylaw No. 2014-019]
- 18.0 [Section repealed by Bylaw No. 2014-019]
- 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

[Schedule repealed by Bylaw No. 2014-019]

SCHEDULE "B"

NEW ACCOUNTS

[Section repealed by Bylaw No. 2014-019]

SCHEDULE "C"

[Schedule rescinded by Bylaw No. 92-002 and repealed by Bylaw No. 2014-019]

SCHEDULE "D"

[Schedule repealed by Bylaw No. 2014-019]

SCHEDULE "E"

[Schedule rescinded by Bylaw No. 92-002]

SCHEDULE "F"

[Schedule rescinded by Bylaw No. 92-002]

SCHEDULE "G"
IRRIGATION SEASONS

1

OKANAGAN

LAKES

LEGEND

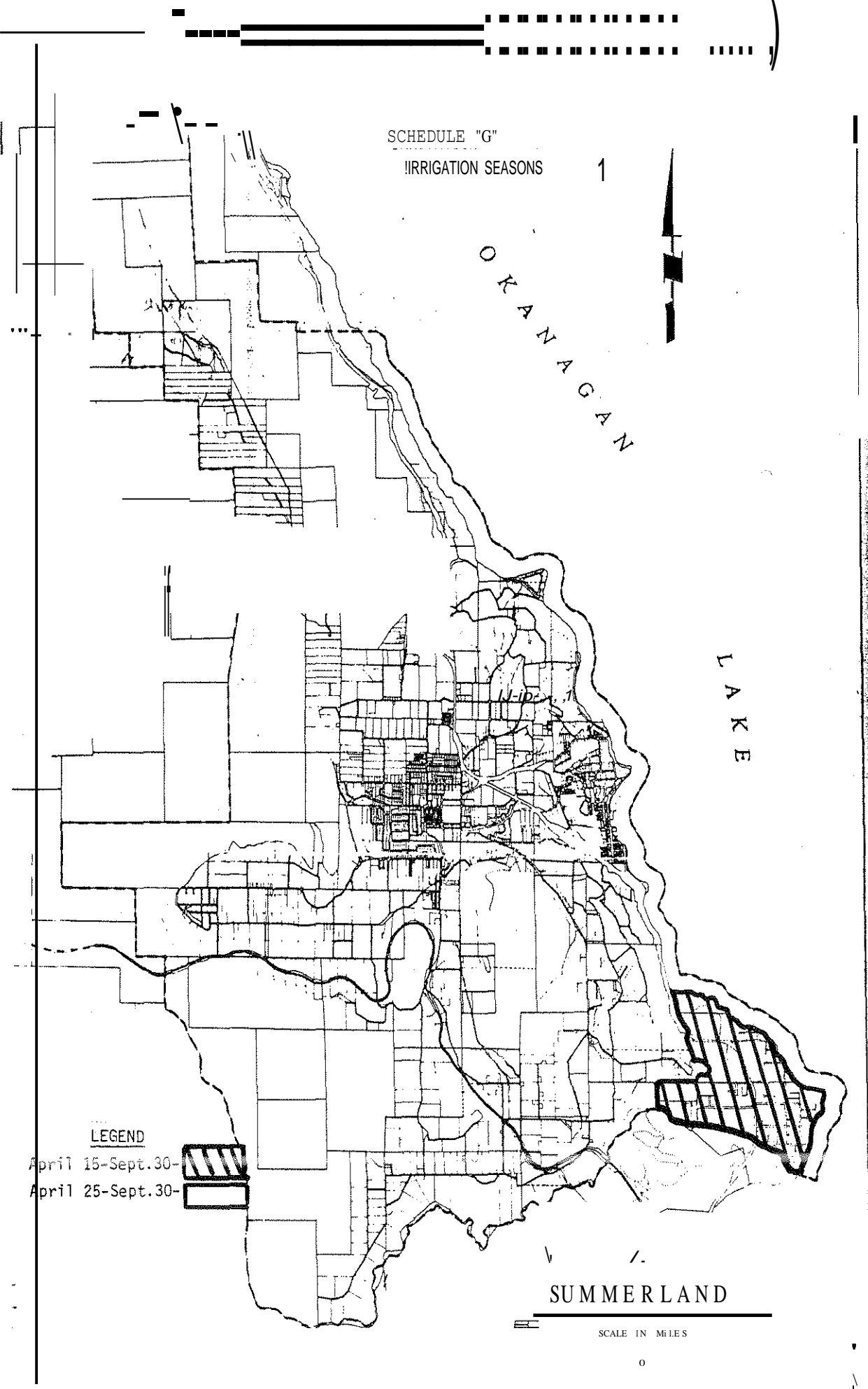
April 15-Sept. 30-
April 25-Sept. 30-



SUMMERLAND

SCALE IN MILES

0



SCHEDULE "H"

[Schedule repealed by Bylaw No. 2014-019]

SCHEDULE "I"

IRRIGATION WATER USERS EXTENDED IRRIGATION SEASON APPLICATION

[Schedule repealed by Bylaw No. 2014-019]

SCHEDULE "J"

PROHIBITED DEVICE APPLICATION

[Section repealed by Bylaw No. 2014-019]