



BLACK MOUNTAIN IRRIGATION DISTRICT

285 Gray Road
Kelowna, B.C. V1X 1W8

Phone: (250) 765-5169

Fax: (250) 765-0277

BYLAW NO. 619

A Bylaw respecting the supply and installation of water systems
within subdivisions of land in the area comprising the District.

The Trustees of Black Mountain Irrigation District **ENACT AS FOLLOWS:**

1. Every owner of a proposed subdivision shall submit his plan of subdivision to the District for approval respecting a waterworks system to be installed therein, prior to or at the time submission for approval is made to the City of Kelowna or the Regional District of Central Okanagan for approval under the Land Title Act.
2. Before the Trustees of the District approve the subdivision plan as hereinbefore submitted, they may require the owner or owners of the proposed subdivision to deposit a sum of money or letter of credit as a guarantee that a water system will be installed therein. This is in addition to other charges under the Capital Expenditure Charge Bylaw.
3. In the event the proposed subdivision is in an area where engineering is necessary to determine if sufficient water, or if system upgrading is required in order to meet the demands of the development – the costs of such engineering study will be the responsibility of the owner or developer. These charges will be collected prior to the engineering study being commissioned.
4. The sum of money collected under Section Two (2) shall be an amount estimated by the Trustees or appointed representative of the District to be the reasonable cost of installing the water system. If the subdivision does not proceed, these funds will be refunded without interest.
5. Every owner of land who subdivides any parcel of land within the District shall install, at his own expense and at no cost to the District, and under the supervision of the Trustees or appointed representative, all watermains, fire hydrants, meters, fittings and appurtenances, permits, inspection fees, engineering costs deemed necessary by the District to provide an adequate supply of water for domestic, commercial, industrial use and fire protection.
6. Installations made by other than the District shall be under the supervision of the District and engineered to the satisfaction of the District, the cost of such supervision and engineering service to be borne by the subdivider. The contractor installing these works shall be held financially responsible for all maintenance of the project for a period of two (2) years. A performance bond in the amount equal to 50% of the contract price shall be deposited with the District prior to commencement of the installations.
7. The said mains, hydrants, meters, fittings and appurtenances shall become the property of the District immediately upon completion and acceptance of all installations pertaining to each and every subdivision.
8. All tie-ins to the Districts' mains shall be made by the District employees only. The cost of such installations including pipe and fittings shall be the responsibility of the developer.
9. The owner or developer who is required to install works under Section Five (5) may be eligible for a refund of a share of the costs in the event subsequent development of properties takes place and benefit from the works installed by the original developer. The rate of refund will be determined by the District and will not apply after a Thirty-six (36) month period.



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10. Every person who disobeys or fails to comply with any provision of the bylaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding Two Thousand dollars (\$2,000.00) or to imprisonment not exceeding Sixty (60) days, or to both.
11. This bylaw may be cited as the "Subdivision Water Regulation Bylaw" and replaces Bylaw No. 375, registered the 3rd, day of February 1971.

INTRODUCED AND GIVEN first reading by the Trustees on the 12th day of February, 1991.

RECONSIDERED AND PASSED by the Trustees on the 21st day of February 1991.

Chairman of the Trustees

I HEREBY certify under the Seal of the Black Mountain Irrigation District that this is a true copy of Bylaw No. 619 of the Black Mountain Irrigation District passed by the trustees on the 21st day of February, 1991.

Administrator