



## BLACK MOUNTAIN IRRIGATION DISTRICT BYLAW No. 730

### A BYLAW FOR FIXING TOLLS AND OTHER CHARGES PAYABLE TO THE DISTRICT AND THE TERMS OF PAYMENT THEREOF, AND PROVIDING A PENALTY ADDITION FOR ACCOUNTS IN ARREARS.

Whereas the Black Mountain Irrigation District is authorized pursuant to the *Local Government Act* to establish tolls and other charges and terms of their payment;

The Trustees of the Black Mountain Irrigation District, in open meeting assembled, **ENACT AS FOLLOWS:**

The following tolls, rates, fees and charges are hereby fixed and made payable by all owners or occupants of land in the Improvement District to which water is delivered from the works of the District:

#### 1. INTERPRETATION AND DEFINITIONS:

In this Bylaw, unless the context otherwise requires:

**“Apartments”** shall mean a multi-story style building, with units having shared hallways.

**“Ancillary Water Service”** shall mean provision of water service to a non-occupied, unmetered property or building, to support the primary activities of the property use. This may include, but is not limited to, garages or storage buildings with washrooms, yard hydrants or livestock watering, and is restricted to a service size of 1” or lower, with limited water consumption as determined by the District.

**“Base Fee”** shall mean the minimum fee for metered water supply regardless of water use.

**“Bed Units”** shall mean the number of beds counted in a farm accommodation building or within a picker’s cabin, to be determined by a BMID representative upon inspection of each building. Systematic counts will be performed on a routine basis.

**“BMID”** or **“District”** or **“Improvement District”** shall mean the Black Mountain Irrigation District.

**“Board of Trustees”** or **“Trustees”** shall mean the duly elected Trustees of the Black Mountain Irrigation District.

**“Consumption Charge”** shall mean the volume of water used, multiplied by the Consumption Rate.

**“Consumption Rate”** shall mean the price of water charged per cubic meter in accordance with this bylaw.

**“Commercial”** shall mean properties used for Commercial, Industrial, or Institutional purposes, which may include but are not limited to businesses, manufacturers, processing/packing plants, marijuana production and sales facilities, hotels, schools or campuses, community halls, congregate care facilities, agri-tourism parks, recreational vehicle parks, car washes and pet kennels.

**“Farm Accommodation”** or **“Picker’s Cabin”** shall mean housing facilities accommodating adults/farm workers for the purpose of Farm Help. Systematic counts of the number of bed units within each building will be performed on a routine basis.

**“General Irrigation”** shall mean properties having an existing agricultural connection separate from the domestic connection, with land not actively in crop production, which may include but are not limited to golf courses, cemeteries, medians, parks and boulevards.

**“Irrigation Allocation”** shall mean the volume of water allocated to General Irrigation properties in consideration of payment of Irrigation Taxes. Allocations will be determined by the Trustees for each category of use. Consumption that exceeds the Irrigation Allocation will be charged the General Irrigation consumption rate.

**“Last Business Day”** means the final day in each month that the District Office is open and in which normal business is conducted. This is generally considered to be Monday through Friday, and excludes weekends, public holidays and other dates specified for holiday closure by the Trustees.

“**Metered**” shall mean a water service with an installed Water Meter(s) and appurtenances.

“**m<sup>3</sup>**” means a cubic meter of water.

“**Micro-Unit Apartments**” shall mean a multi-story style building with shared hallways, with units having a floor area of less than 400 sq. ft.

“**Mixed Use**” shall mean a multi-story building or attached building with both commercial and residential units combined into one entity on a property.

“**Multi-Family Residential Units**” shall mean each unit within a multiple-family style dwelling or property, which may include but are not limited to stratified residential complexes, bare land stratas, townhomes, manufactured (mobile) home parks, or shared services by multiple units.

“**Secondary Suite**” shall mean a secondary residence or suite within or inside a single family dwelling or detached home, that shares the service connection with the primary dwelling.

“**Secondary Dwelling**” shall mean a secondary occupied residence on a shared property with an existing single family dwelling or detached home, which may include but are not limited to a small carriage house, cabin or small dwelling, having floor area under 800 sq ft.

“**Water Service**” means a public utility service or system, operated by the District for the provision of water.

“**Single Family Dwelling**” shall mean a single residential detached home, which may include but are not limited to, carriage homes over 800 sq ft, each unit in a duplex, triplex, fourplex or similar non-stratified dwellings, or manufactured (mobile) homes not within a manufactured (mobile) home park.

“**Quarter**” or “**Quarterly**” shall mean a three month period within a calendar year, specifically January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.

“**Unmetered**” shall mean a water service without a water meter, or those properties that have meters but metered billing has not yet been implemented by the District.

## 2. TOLLS, FEES, RATES OR CHARGES

2.1 Tolls, fees, rates and charges referred to in **Schedule ‘A’** attached hereto is hereby made an integral part of this bylaw.

2.2 Tolls are payable by the due date stated on the invoice. Tolls that are billed monthly shall be due and payable on the last business day at the end of the applicable month. Tolls that are billed quarterly shall be due and payable on the last business day at the end of the applicable quarter. Any tolls remaining unpaid after the due date shall be subject to a percentage addition of ten percent (10%) thereof.

2.3 All tolls, fees, rates and charges are the responsibility of the registered owner of that property. Arrangements may be made jointly by an owner and property management company with regard to the delivery of invoices, however the registered owner is still ultimately responsible for any non-payment of the utility billing account.

2.4 Notwithstanding section 2.3 above, Tolls for apartment, stratified or multi-family premises may be billed to the Strata Council or an Authorized Agent.

2.5 The level or amount of consumption of a service at any premise for which a Meter has been installed, shall be determined by the District through their meter reading equipment. No person shall prevent any authorized District representative from accessing or reading such meter.

2.6 If a meter at a particular location is not able to be read with reasonable accuracy, the District may estimate the level or amount of use or consumption of the service over the applicable period.

2.7 The District is not responsible for non-delivery of any invoice or billing notice. All payments or credits received in relation to amounts owing on a billing account shall be applied in reverse date order from the oldest outstanding charge to the newest charge.

2.8 The District retains the right to review or re-assess properties as required, to determine the appropriate billing category as outlined in this bylaw.

**3. NON-PAYMENT OF ACCOUNT**

3.1 The District may, upon 24 hour written notice, order the water shut off to any premises on which there are any tolls or other charges owing for 30 days or longer from the due date. In such instances, service may be restored on receipt of payment of the overdue amounts plus a fee of \$100.00 representing the cost of disconnection and reconnection of the water service.

3.2 Cheques or payments returned by a banking institution due to non-payment, including but not limited to Non-Sufficient Funds or Invalid Data, are subject to a prescribed service fee, plus any bank fees incurred by the District for that item, where applicable.

**4. APPLICABILITY**

This Bylaw applies to all owners of property, and all properties which are connected to the waterworks system, within District Boundaries.

**5. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or paragraph of this Bylaw is found invalid by a decision of a Court or competent jurisdiction, the invalid section, subsection, sentence, clause, phrase or paragraph shall be severed without effect on the remainder of the Bylaw.

**6. FORCE AND EFFECT**

This bylaw shall come into force and effect on January 1, 2023.

**7. REPEAL**

Bylaw #728 is hereby repealed.

**8. CITATION**

This bylaw may be cited as the "Black Mountain Irrigation District 2023 Toll Bylaw".

**INTRODUCED** and given first reading by the Trustees on the 27<sup>th</sup> day of October, 2022.

**RECONSIDERED** and finally **PASSED** by the Trustees on the 27<sup>th</sup> day of October, 2022.

  
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Colin Day, Chairman of the Board

  
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Robert Hrasko, Administrator

**I HEREBY CERTIFY** under the Seal of the Black Mountain Irrigation District that this is a true copy of Bylaw No. 730 of the Black Mountain Irrigation District passed by the Trustees this 27<sup>th</sup> day of October, 2022.

  
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Robert Hrasko, Administrator

Schedule A - 2023 Water Toll Rates, Black Mountain Irrigation District

Rate Code	Metered (M) or Unmetered (UM)	Account Type	Comments	
<b>SCHEDULE A.1 - UNMETERED RESIDENTIAL WATER RATES - 2023</b>				<b>Rate/Month</b>
R10	UM	Residential (billed Quarterly)	Unmetered services to single family dwellings	\$56.50/unit
R10C	UM	Residential (billed Quarterly)	Construction water to residential dwellings in progress	\$56.50/unit
R15	UM	Residential (billed Quarterly)	Unmetered services to single family dwelling with secondary suite, sharing one service connection	\$84.75/pair
R16	UM	Residential (billed Quarterly)	Unmetered services to secondary residence, small carriage house, cabin or small dwelling, with floor area under 800 sq ft	\$28.25/unit
R13	UM	Residential (billed Monthly)	Multifamily unmetered services shared by multiple single family dwelling units such as townhomes, stratas, and manufactured (mobile) home parks	\$31.20/unit
R20, R30, R40, R45	UM	Residential (billed Quarterly)	Unmetered services to duplex (2 units), triplex (3 units), fourplex (4 units) and similar non-stratified residences	\$56.50/unit
R80	UM	Residential (billed Monthly)	Unmetered services to multi-unit apartment buildings	\$31.20/unit
<b>SCHEDULE A.2 - METERED RESIDENTIAL WATER RATES - 2023</b>				<b>Rate/Month</b>
R18	M	Mixed Use - Residential/Commercial (billed Monthly)	Metered services to mixed use buildings, commercial and residential use combined	\$20.00/unit + \$0.74/ m3 consumption charge
R12	M	Residential (billed Monthly)	Multifamily metered services shared by multiple single family dwelling units, including stratas, townhomes, and manufactured (mobile) home parks	\$20.00/unit + \$0.74/ m3 consumption charge
R90	M	Residential (billed Monthly)	Metered services to multi-unit apartment buildings	\$20.00/unit + \$0.74/ m3 consumption charge
R95	M	Residential (billed Monthly)	Metered services to micro-unit apartment buildings (units with floor area of less than 400 sq ft)	\$12.00/unit + \$0.74/ m3 consumption charge
<b>SCHEDULE A.3 - METERED COMMERCIAL and GENERAL IRRIGATION WATER RATES - 2023</b>				<b>Rate/Month</b>
042	M	Commercial (billed Monthly)	Metered services to individual and stratified commercial properties	Base Fee + \$0.74/m3 consumption charge
050	M	Commercial (billed Monthly)	Metered services to schools, campuses, community institutions	Base Fee + \$0.74/m3 consumption charge
044	M	General Irrigation (billed Monthly)	Metered irrigation services to cemeteries, medians, parks and boulevards. Irrigation Allocations will be credited where applicable.	Base Fee + \$0.44/m3 consumption charge
043	M	General Irrigation (billed Monthly)	Metered irrigation services to golf courses. Irrigation Allocations will be credited where applicable.	0C Base Fee + \$0.18/m3 consumption charge
<b>METER SIZES for SCHEDULE A.3</b>				<b>Base Rate/Month</b>
<b>Base fee based on meter size (consumption extra)</b>	0C - Minimum Charge			\$ 29.00
	5/8"			\$ 29.00
	3/4"			\$ 38.00
	1"			\$ 50.50
	1.5"			\$ 75.50
	2"			\$ 120.00
	Greater than 2"			\$ 169.50
<b>SCHEDULE A.4 - UNMETERED / MISCELLANEOUS WATER RATES - 2023</b>				<b>Rate</b>
080	UM	Commercial (billed Monthly)	Unmetered services to individual or stratified, commercial customers	\$72.45/unit/month
150	UM	Fire Protection (standby fire supply) (billed Monthly)	Includes fire hydrants on private property, water service into buildings for sprinkler system use	\$59.25/hydrant/month \$59.25/sprinkler/month
170	UM	Bulk Water Rate (billed Monthly)	Water supplied by special agreement, including provision of service to properties with no granted Right of Ways	\$416.25/month
R04	UM	Ancillary Water Service (less than 1" Connection) (billed Quarterly)	Unoccupied, unmetered service left on year round for Garage & Storage Buildings with Washrooms, Yard Hydrant, or Livestock watering, must be limited consumption	\$12.00/month
R03A	UM	Farm Accommodation Buildings (billed Annually)	Charge per each Bed Unit	\$90.00/bed unit/year
R05	n/a	Disconnection Fee	For violation of this District Bylaw, including non-payment of accounts owing for 30 days or longer	\$100.00 / occurrence
R01	n/a	New Account Fee	For set up of each new account, or transfer of information to a new account	\$20.00 / occurrence