



BLACK MOUNTAIN IRRIGATION DISTRICT BYLAW No. 738

A BYLAW FOR FIXING IRRIGATION ALLOCATION OVERAGE CHARGES 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 fees 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 fees, rates and charges are hereby fixed and made payable by all owners or occupants of land in the Improvement District to which irrigation water is delivered from the works of the District:

1. INTERPRETATION AND DEFINITIONS:

In this Bylaw, unless the context otherwise requires:

“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.

“Grade A Lands” shall consist of parcels of land greater than .50 acres in size, as listed in the BMID Assessment Roll, where water rights are being maintained, and where irrigation water is utilized for beneficial use in the current year.

“Grade C Lands” shall consist of parcels of land greater than .50 acres in size, as listed in the BMID Assessment Roll, where water rights are being maintained, and where irrigation water is not utilized for beneficial use in the current year.

“Irrigation Allocation” shall mean the volume of water that is assigned to properties within the District, that have land assessed as Grade A lands, where irrigation water is utilized. Irrigation allocations are based on a volumetric total, which is calculated by the area of Grade A land multiplied by the maximum permitted depth of 685mm of water annually. This total is converted to cubic meters of allocated volume.

“Irrigation Overage” shall mean the volume of water used in excess of the Irrigation Allocation.

“Overage Percentage” shall mean the percentage calculated based on the Irrigation Overage divided by the Irrigation Allocation.

“Overage Rate” shall mean the price of water charged per cubic meter corresponding to the volume of water exceeding the Irrigation Allocation. Properties with volumes exceeding their Irrigation Allocation by up to 20% will be charged the Tier 1 Overage Rate. Properties with volumes exceeding greater than 20% of their Irrigation Allocation will be charged the Tier 2 Overage Rate.

“Overage Charge” shall mean the total Charge calculated for the volume of water that is exceeding the irrigation allocation measured in cubic meters (m³), multiplied by the Overage Rate, applied by tiers.

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

“m³” means a cubic meter of water.

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

2. FEES, RATES OR CHARGES

2.1 Charges for irrigation overages, exceeding the property’s allocation, are as follows:

CATEGORY	DESCRIPTION	IRRIGATION OVERAGE RATES
Grade A Lands (billed Annually)	Metered Irrigation Services to properties where water is actively used. Property is allowed to water to a depth of 685mm.	TIER 1 OVERAGE RATE: Excess Usage of 0-20% over the Irrigation Allocation will be charged \$0.15/m ³
Grade A Lands (billed Annually)	Metered Irrigation Services to properties where water is actively used. Property is allowed to water to a depth of 685mm.	TIER 2 OVERAGE RATE: Excess Usage of greater than 20% over the Irrigation Allocation will be charged \$0.50/m ³

2.2 Overage Charges are payable by the due date stated on the invoice. Overage charges that are billed annually shall be due and payable within 60 days from the date that the invoice is issued. Any Overage Charges remaining unpaid after the due date shall be subject to a percentage addition of ten percent (10%) thereof.

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

2.4 The level or amount of consumption of an irrigation service at any property 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.

2.5 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.

2.6 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 Once the account is 60 days past the due date, the District will send monthly reminders which will include both the Overage Charge and the Penalty owing. The irrigation service, which is turned off in the Fall, will remain turned off for any property for which there are unpaid invoices. In such instances, service may be restored on receipt of payment of the overdue amounts plus any penalties owing.

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

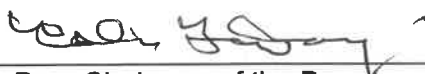
If any section, subsection, sentence, clause, phrase or paragraph of this Bylaw is found invalid by a decision of a Court or competent jurisdiction, the invalid section, subsection, sentence, clause, phrase or paragraph shall be severed without effect on the remainder of the Bylaw.

6. CITATION

This bylaw may be cited as the "Black Mountain Irrigation District Irrigation Overage Charge Bylaw".

INTRODUCED and given first reading by the Trustees on the 12th day of June, 2024.

RECONSIDERED and finally **PASSED** by the Trustees on the 12th day of June, 2024.



Colin Day, Chairman of the Board



Robert Hrasko, Administrator

I HEREBY CERTIFY that this is a true copy of Bylaw No. 738 of the Black Mountain Irrigation District passed by the Trustees this 12th day of June, 2024.



Robert Hrasko, Administrator