



BLACK MOUNTAIN IRRIGATION DISTRICT

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

Phone: (250) 765-5169

Fax: (250) 765-0277

BYLAW NO. 610

A Bylaw for regulating the distribution and use of water for domestic purposes, commercial and industrial use and prescribing penalties for non-compliance with the regulation.

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

1. In this bylaw, unless the context otherwise requires:
 - a) "Trustees" shall mean the Trustees of the District or their duly authorized representatives.
 - b) "Water" shall mean water conveyed through the works operated or maintained by the District.
 - c) "Works" shall mean anything capable of or useful for diverting, storing, measuring or conveying, conserving, retarding, confining, or using water.

2. Service Connection:
 - a) The type and size of service connection and the arrangement of valves and other appurtenances required to regulate the water shall be specified by the Trustees.
 - b) Where an applicant for a water service requires a quantity, pressure or type of service in excess of that which can be supplied from the works of the District, the Trustees may require the said applicant to pay for all or part of any works considered necessary to augment system capacity in order to meet the water requirements. Alternatively, the said applicant may be required to make a capital contribution towards the future provision of such works. Applicants considered under this section may be required to enter into a formal agreement with the District regarding the special terms and conditions under which water is supplied.
 - c) Before any person shall install or construct any works, he shall apply to the District in writing and obtain a written permit therefore, and if required by the Trustees, he shall furnish a plan and specifications which shall show:
 1. The purpose of the size of pipes and the number of outlets related or connected thereto.
 2. Materials used must meet the Districts' specifications.
 3. The street address and complete legal description of the premises in which the installation or connection is to be made.
 - d) Immediately after the completion of any works, and before such works or any part thereof has been covered or concealed, the Trustees shall be notified that such works are ready for inspection. The works shall not be covered until they have been inspected, tested under pressure, and accepted in writing by the Trustees.

3. Change of Occupancy:

No agreement between the occupant of premises and the District with respect to water service to those premises may be transferred to another occupant. New occupants of premises shall apply in writing to the District for water service and receive permission before they commence to use water.



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4. Turn Off and Turn On:

- a) Consumers who wish to have their water service discontinued shall pay the prescribed turn-off charge, and give the Trustees adequate notice. Before the service is again renewed, the tenant or occupant shall pay to the District the prescribed turn-on and deposit charge.
- b) The Trustees may order the water be turned off to any premises where tolls have been owing to the District for ninety days (90) or longer.

5. Trustees Right of Access:

- a) The Trustees shall have right of access to all parts of a persons property or premises at all reasonable hours for the purpose of inspecting of testing any works, fittings, or appliances related to the use of water, or for the purpose of installing, removing, repairing, reading or inspecting meters.
- b) No person shall obstruct or prevent the Trustees from carrying out any of the provisions of this bylaw.

6. District's Works:

- a) No person except the Trustees shall open, adjust, draw water from or tamper with any of the District's works.
- b) No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-clock or other fixture connected with the District's works, and should any person so obstruct access to any said fixture by allowing accumulation of surface water around it or by placing thereon or near thereto any structure or material, the Trustees may remove such obstruction at the expense of the offending person.
- c) When a landowner requests that any of the District's works be moved or relocated, the entire cost of moving or relocating the said works shall be borne by the landowner unless other arrangements are agreed upon in writing by both parties.

7. Works on Private Property:

- a) No person to whose premises water is supplied shall make, or permit to be made, any additional connection to his service of either temporary or permanent nature, for the purpose of supplying water to another building, or house trailer on his, or any other property without permission of the Trustees.
- b) No person shall interconnect any portion of works on private property which are supplied by the District with an external source of water, such as a well. Wherever works on private property which are supplied by the District are connected to a body of contaminated water, such as a swimming pool, in such a way that, if a reverse flow were to be induced, a health hazard could result, the owner of the private property shall install and maintain a back-flow preventer on every such potentially dangerous cross-connection to the approval of the Trustees.
- c) No change or addition to the number or type of fixtures on a premises, for the purpose of expanding a commercial or industrial enterprise, shall be made until notice thereof has been given in writing to the Trustees and written permission therefore obtained. Any extra charge or higher toll payable due to the change or addition shall be paid before the change or addition is commenced.



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7. (Continued)

- d) No person shall use or permit the use of any pump or other device for the purpose of, or having the effect of, increasing the pressure in any pipe without the written permission of the Trustees, whether such pipe forms part of the District's works or of the works on the said person's premises. The District may, without notice, discontinue service to any person employing such pump or other device.
- e) No device designed to introduce another substance into the water in the connection between the building and the water supply main shall be installed without written permission of the Trustees who, in consultation with the health inspector, shall ensure that the device is so designed and installed that such substance cannot be introduced into the District's works.
- f) The property owner shall be responsible for the safe keeping, maintenance, repair and replacement of all service pipes and plumbing systems from the outlet of the District's curb stop or standard waterworks valve at his property line and shall protect them from frost or other damage, and shall promptly repair frozen, leaky or imperfect pipes or fixtures.
- g) No reduction in rates shall be allowed on account of any waste of water unless the Trustees are satisfied that such waste arose from an accident to the pipes or fittings on the consumers premises arising from some cause beyond his control and that the consumer used all reasonable diligence to stop such waste.

8. Water Use Regulations:

- a) Where, in the opinion of the Trustees, the quantity of water being used or the rate which it is being used from time to time, through any service is in excess of that contracted for or otherwise considered adequate, the District may take such measures as are considered necessary to limit the supply to said service. These measures may include the installation of a meter, partially closing the controlling curb stop or standard waterworks valve, regulating the rate and time at which water may be used, and establishing special charges for water used in excess of a stipulated quantity or rate. The cost of any measures deemed necessary by the Trustees under this section shall be paid by the owner or owners concerned.
- b) The Trustees may limit the amount of water used by any service in the interests of efficient operation of the District's works and equitable distribution of water.
- c) The Trustees may, at any time, substitute a metered service for an unmetered service to any premises. Each dwelling shall have a meter separate from any other dwelling, in a position approved by the Trustees. All meters shall be the property of the District.
- d) No owner or occupant of any premises supplied with water by the District shall sell, dispose of, or give away water, or permit the same to be taken away or applied for the benefit of other persons or premises except by permission of the Trustees.
- e) No person shall use water for any purpose other than that required for normal domestic use, except by written permission of the Trustees, which shall state the purpose, time of use and quantity of water to be used and additional charges, if any, and any special works required to be altered or installed.
- f) An approved swimming pool shall be equipped with a re-circulation and filtration system as set out in Part V of the swimming pool, spray pool and wading pool regulations under the Health Act.



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9. Sprinkling Regulations:

- a) The Trustees may, at any time, introduce regulations restricting the use of water for sprinkling or any other purpose. Upon receiving due notice of such restriction, no person shall use water for the purposes forbidden by, or in excess of the limits imposed by such restrictions. Due notice of restrictions shall be given either by publications in a newspaper circulating within the District or by mail.
- b) Notwithstanding the lack of, or limited form of, sprinkling regulations as hereinbefore provided, no person shall, without permission of the Trustees:
 1. Use water for sprinkling in excess of reasonable requirements; or
 2. Use more than one outlet at one time for sprinkling lawns and gardens, of which outlet shall not exceed ¾" in external diameter; or
 3. Use an open pipe or hose for sprinkling purposes; or
 4. Irrigate more than ½ acre of land (including that occupied by dwellings).
 5. Underground sprinkler systems must be approved by the Trustees and must be equipped with a timing device which permits operation between 12:00am (midnight) and 6:00am only.

10. Liability of District:

The District does not guarantee a specific pressure or a continuous supply of water quality to meet the special requirements of individual users. The District reserves the right to interrupt water service at any time for the purpose of making repairs or alterations to the works. If service is to be interrupted for more than four consecutive hours, due notice shall be given to those water users affected.

11. Penalties:

- a) The Trustees may, on twenty-four hours written notice, turn off the supply of water to any person in default of the requirements of this bylaw. The person in default shall not be entitled to receive any further water from the District until such person has remedied the default. It shall be unlawful for any person whose water has been turned off, pursuant to this section, to turn such water on again, or take any water from the District's works until such time as the Trustees again turn on the water.
- b) Every person who fails to comply with this section (9) of this bylaw shall be subject to a penalty of \$30.00 for each offence under the sprinkling regulations.
- c) No occupier of land shall cause, suffer or allow irrigation water to flow onto or to be released on or to be used on the land which he occupies or any part of such land, unless the water is being lawfully supplied to such land in accordance with the provisions of this bylaw. Water used on such land must be contained on that land.
- d) Every person who disobeys or fails to comply with any provision of this bylaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2000.00) other than that shown under Section (11b) of this bylaw, or to imprisonment not exceeding sixty days, or both.

12. This bylaw may be cited as the "Domestic Water Distribution Regulation Bylaw" and replaces Bylaw #374 registered on January 25, 1971.



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INTRODUCED AND GIVEN first reading by the Trustees on the 22nd day of March 1988.

RECONSIDERED AND PASSED by the Trustees on the 22nd day of March 1988.

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. 610 of the Black Mountain Irrigation District passed by the Trustees this 22nd day of March 1988.

Administrator