

**REGIONAL DISTRICT OF CENTRAL OKANAGAN
BYLAW NO. 1108**

A bylaw to provide for the administration of the Regional District of Central Okanagan *water systems*.

WHEREAS the Regional District of Central Okanagan is authorized by separate bylaws to provide for the operation, maintenance, and improvements of various *water systems* located within the Regional District of Central Okanagan;

AND WHEREAS it is deemed necessary and expedient to establish and standardize the regulations for the administration of the *water systems* and the terms and conditions upon which water will be provided;

AND WHEREAS the Regional Board adopted the "Regional District of Central Okanagan Water Utility User and Maintenance Fee Bylaw No. 664, 1996" as amended by Bylaw Nos. 709, 734, 843, 989, 1003 and 1062, a bylaw to provide for the imposition of fees and charges against the *owner* of any parcel located within a Regional District of Central Okanagan water system service area;

AND WHEREAS it is deemed prudent to combine the regulations and the fees and charges into one bylaw to improve clarity and administrative efficiency;

AND WHEREAS this bylaw repeals and replaces the "Regional District of Central Okanagan Water Systems Regulation and Management Bylaw No. 614, 1994", as amended by Bylaw No. 1054 and the "Regional District of Central Okanagan Water Utility User and Maintenance Fee Bylaw No. 664, 1996", as amended by Bylaw Nos. 709, 734, 843, 989, 1003 and 1062;

NOW THEREFORE, the Regional Board of the Regional District of Central Okanagan, in open meeting assembled, enacts as follows:

PURPOSE

The purpose of this bylaw is to establish regulations under which water will be provided and to establish fees and charges which may be imposed against the *owner* of any *parcel* located within a Regional District of Central Okanagan *water system* service area.

SECTION 1 - TITLE

This Bylaw may be cited for all purposes as the "Regional District of Central Okanagan Water Systems Bylaw No. 1108, 2005".

SECTION 2 – APPLICATION

This bylaw shall apply to the *owner* or occupier of all *parcels* located within a *Regional District water system* service area.

SECTION 3 - INTERPRETATION

3.01 Severability

If any section, subsection, sentence, clause, or phrase of this bylaw is deemed to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

Wherever the masculine is used throughout this bylaw, it shall also mean the feminine, and wherever the singular is used throughout this bylaw, it shall also mean the plural.

3.02 Definitions

In this bylaw, unless the context requires otherwise:

"*connection fee*" means a fee for applying to connect to a *water system*;

"*disconnect or disconnection*" means the *turn off*, or complete removal, of a *water connection*.

"*maintenance fee*" means a fee for the availability of water service and may be imposed regardless of whether or not a *property* or a *premises* is connected to a *water system*.

"*Owner*" shall be interpreted as defined in the Local Government Act as amended from time to time.

"*parcel*" means any lot, block, or other area in which land is held or into which land is subdivided but does not include a highway.

"*premises*" means any residence, building, or structure located on a *property*.

"*property*" means any *parcel* contained within the boundaries of a *Regional District water system* service area.

"*Regional Board*" means the elected Board of the *Regional District*.

"*Regional District*" means the Regional District of Central Okanagan as described in Letters Patent and amendments thereto but shall not include incorporated municipalities.

"*Regional District Engineer*" means the Director of Engineering Services of the *Regional District*, or his designate.

"*turn on*" means the opening of the shut-off valve located in a standpipe at or near where the *water connection* crosses the *property* line.

"*turn off*" means the closing of the shut-off valve located in a standpipe at or near where the *water connection* crosses the *property* line.

"*user fee*" means a fee imposed for the use and consumption of water.

"*water connection*" means a pipe connected to a main water supply line and extending to a *property* line for the purpose of conveying water and includes a shut-off valve and standpipe.

"*water system*" means any water supply and distribution system that the *Regional District* is authorized by bylaw to operate, maintain and improve.

Unless otherwise defined herein, all words or expressions used in this bylaw shall have the same meaning assigned to them as like words or expressions contained in the Local Government Act, Interpretation Act, Zoning Bylaw, Sewer Systems Fees & Charges Bylaw, and the *Plumbing Code*.

WATER SYSTEM REGULATIONS

Sections 4, 5, and 6 outline the terms and conditions upon which water will be provided.

SECTION 4 - LIABILITY

4.01 Limitation of Liability

Water is provided on the condition that the *Owner* make no claim against the *Regional District*, its Board or Council, or its officers, agents, and employees acting within the scope of their employment. It is further a condition that the *Owner* shall make no claim for any indirect, incidental, or consequential damage.

4.02 Indemnification

Water is provided on the condition that the *Owner* indemnify and save harmless the *Regional District*, its Board or Council, or its officers, agents, and employees in respect of all claims arising from the provision of the water.

SECTION 5 - GENERAL REQUIREMENTS

5.01 Compliance with Bylaw

No person shall connect to or interfere in any way with the *water system* except in accordance with the provisions of this bylaw.

Should any person contravene the provisions of this bylaw, and such contravention causes or may cause damage to the *water system*, the *Regional District* may make any repairs and take whatever remedial action necessary to limit the extent of the damage and shall recover the cost from the *Owner* pursuant to this bylaw.

5.02 Ownership of *water system*

The *water system*, its operation, maintenance, repair, and replacement shall be under the direction and control of the *Regional District Engineer*.

All water pipes, connections, appurtenances, or facilities required to provide water to an *Owner's property* line shall be owned by the *Regional District*. This includes, but is not limited to, all works that are located within a highway or a statutory right of way regardless of whether they were constructed at the expense of the *Owner* or the *Regional District*.

5.03 Other Legislated Requirements

No person shall enter into or work upon the *water system* without meeting the applicable confined space entry, street regulations, or other safety requirements required by the Workers' Compensation Act.

Nothing in this bylaw relieves any person or organization from complying with any provision of any Federal or Provincial legislation or any other bylaw of the *Regional District*. Where there is a conflict of regulations, the more stringent shall apply.

5.04 *Owner's Liability*

The *Owner* shall ensure that the terms and conditions under which water is provided are not contravened. The *Owner* shall be liable:

- a) to keep all service pipes, stop cocks, fixtures, and fittings on their *property* and *premises* in good working order and repair and to protect them from frost.

- b) to notify the *Regional District* when their *property* will be vacated in order to arrange for the *turn off* of the *water connection*.
- c) to pay all costs, rates, charges, fees, and penalties that may be imposed pursuant to this bylaw;
- d) for any contravention of this bylaw arising on the *parcel* to which the *water connection* is provided, whether the contravention is actually committed by the *Owner* or by a third party renting, leasing, or having access to the *property*.

5.05 Approval to Connect

All applications for connection to the *water system* shall be made to the *Regional District* Engineering and Inspection Services Departments. Applications must be made by the *owner* of the *property* to which the application refers, or by the *owner's* duly authorized agent.

All applications for connection shall state the use of the *premises* for which the *water system* is to be connected, the number of dwelling units, the legal description and location of the *property* or *premises* to which the connection is to be made, and any other information that may be necessary to accurately assess the fees and charge applicable to the connection.

Approval for connection to the *water system* shall not be granted until the *Owner*:

- a) Submits an Application for Connection;
- b) Submits an Application for a Building Permit;
- c) Submits a Capital Cost Connection Security Agreement, if applicable;
- d) Pays all applicable fees and charges;
- e) Complies with the provisions of the "Regional District of Central Okanagan Subdivision and Development Servicing Bylaw No. 704,1996" and this bylaw.

5.06 Water connections

Each *parcel* shall be limited to one *water connection* except:

- a) each residential unit on an R2 zoned *property* shall have a separate *water connection*.
- b) where limitations in site servicing, development restrictions, future subdivision, or proposed stratification exist, the *Owner* may make application for additional *water connections*. Additional *water connections* and their location must be approved by the *Regional District Engineer*.

All *water connections* shall be installed by the *Regional District* at the expense of the *Owner*.

5.07 Water System Extensions

All *water system* extensions required in order to provide water to a *parcel* shall be constructed and installed by the *Regional District* at the expense of the *Owner*.

The *Regional District* reserves the right to refuse to make *water system* extensions and install *water connections* under frost conditions.

5.08 Interference with the Water system

No person other than the *Regional District Engineer*, a *Regional District* employee acting in the course of his duties, or a contractor authorized by the *Regional District Engineer* shall:

- a) enter into or work upon the *water system*;
- b) make or *disconnect* a *water connection* to the *water system*;
- c) uncover or tamper with the *water system*; or
- e) attach or detach any line, pipe, or other appurtenance to the *water system*.

5.09 Conditions of Providing Water

Water shall be used in accordance with this section.

Nothing contained in the Bylaw shall be construed to impose any liability on the *Regional District* to give a continuous supply of water to any person or *premises*.

Restrictions:

The *Regional Board* may by resolution adopt water use regulations, including irrigation and sprinkling restrictions, for the purpose of suspending, limiting, regulating hours, or prescribing the manner in which water may be used.

The *Regional District Engineer* may limit or temporarily interrupt the supply of water in circumstances where repairs, renewals, alterations, or extensions to the *water system* are taking place

Disconnection:

The *Regional District* may, without notice, *disconnect* the *water connection* to any *property* or *premise* for any of the following reasons:

- unnecessary or wasteful use of water.
- violation of any water use regulations, including irrigation and sprinkling.
- non-payment of costs, rates, charges, fees, and penalties.
- failure to repair or replace defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water.
- where a person contravenes the provisions of this bylaw.

The *Regional District* shall not be liable for any damages that may result from the *disconnection* of the *water connection* or the restriction of water use pursuant to this section.

Except in the case of an emergency, reasonable efforts will be made to notify the *Owner* or occupant if the *Regional District* is planning to *disconnect* the *water connection* or restrict water use.

5.10 Water Meters

Where an *Owner* is deemed to be using an undue amount of water, the *Regional District* may require the *Owner* to install a water meter and thereafter charge the *Owner* in accordance with the metered rates established by the *Regional District*.

The *Owner* will be required to install a water meter when application for connection to the *Regional District Water Systems* is received. The meter will be supplied by the *Regional District* and installed by a *Regional District* employee or a contractor authorized by the *Regional District Engineer*. This requirement for a water meter applies to:

- a) New construction;
- b) Changes to an existing service, installation of additional fixtures;
- c) Any parcel or premises identified in a Water Metering Program. *

* Water Metering Programs may be eligible for partial funding from a Provincial grant.

5.11 Prohibitions

Pumps, boosters, or other devices that have the effect of increasing water pressure in the *water connection* to a pressure that is higher than the normal water pressure in the *water connection* are prohibited.

No person shall sell any water, allow any water to be used on a *parcel* other than the *parcel* for which the *water connection* has been provided, or permit any water to be taken from the *parcel* for which the *water connection* has been provided.

SECTION 6 - ENFORCEMENT

6.01 Right Of Entry

Regional District officers, or their designates, are authorized to enter upon any *property* or *premises* at any reasonable time to inspect any building, structure, or premise to ensure compliance with, or prevent violation of, the provisions of this bylaw.

The *Owner* or occupant shall permit the *Regional District* officers or their designates to perform all actions required including inspection, observation, measurement, testing, and sampling in order to determine compliance with this bylaw.

6.02 Cease and Desist Order

The *Regional District Engineer* may order the *Owner* or occupant who contravenes this bylaw to comply with the bylaw within a specified time. Where an *Owner* does not comply with a cease and desist order within the specified time, the *Regional District Engineer* may order the action contained in the order to be performed by *Regional District* employees, or others, at the expense of the *Owner*. All costs incurred as a result of such action shall be recovered pursuant to this bylaw.

6.03 Violation

Any person who:

- a) violates the provisions of this bylaw;
- b) causes or permits any act in contravention or violation of the provisions of this bylaw;
- c) neglects or omits bylaw requirements;
- d) tampers with, interferes with, or damages the *water system*;
- e) interferes with the operation or maintenance of the *water system*;
- f) fails to comply with bylaw orders, directions, or notices;
- g) prevents, obstructs or attempts to prevent or obstruct the authorized entry of any officer authorized under this bylaw;

will be guilty upon summary conviction of an offence under this bylaw. Each day's continuance of an offence under this section will constitute a new and distinct offence.

WATER SYSTEM FEES, CHARGES, RECOVERY OF COSTS, AND PENALTIES

Section 7 outlines the *water system* fees, charges, recovery of costs, and penalties.

SECTION 7 – FEES, CHARGES, RECOVERY OF COSTS, AND PENALTIES

7.01 Connection Fee

The *connection fee* for all *water systems* shall be \$200.00 per residential unit. Where there is more than one residential unit connected on a *property* the *connection fee* shall be applied to each residential unit for which a separate billing account is required.

7.02 Administration Fee

This section does not apply if the *Owner* is required to pay Administration Fees in accordance to the Regional District of Central Okanagan Subdivision and Development Servicing Bylaw 704,1996.

Where the *water system* is required to be extended, or a water connection must be installed in order to service a *property*, the *Owner* shall pay an administration fee equal to 3% of the total capital costs of constructing and installing the works.

The administration fee shall be in addition to any other fees or charges stated in this bylaw. The minimum administration fee shall be \$150.00.

7.03 Capital Charge for Water System Extensions

Where an *Owner* applies to connect to the *water system* and if the *water system* must be extended or a *service connection* must be installed in order to service the *property*, the *Owner* shall:

- a) be responsible for all capital costs pertaining to the extension of the *water system* or installation of the *water connection*;
- b) deposit a security in the form of an irrevocable letter of credit or bank draft equal to the sum of the estimated cost to complete the work, including any applicable administration fees, plus an additional twenty five percent (25%) for contingencies.

Upon completion of the extension to the *water system* or installation of a *water connection*, the *Regional District* shall reimburse any remaining balance of the security to the *Owner*. If the security is insufficient to cover the costs of completing the work the *Regional District* shall recover the costs in accordance to the Local Government Act and the Community Charter.

The capital charge for a *water connection* in the Killiney Beach service area is \$500.00 and is payable at the time of applying for connection. *Water system* extensions will be made in accordance with this section.

7.04 User and Maintenance Fee

User fees and *maintenance fees* shall be imposed in accordance with Schedule 'A' and 'B' attached to and forming part of this bylaw.

User fees shall commence on the day which final inspection is made or as determined by the Building Inspector. *Maintenance fees* shall commence immediately upon registration of a *property*.

User and *maintenance fees* shall be due and payable thirty (30) days after the billing date.

Any *user fees* or *maintenance fees* that remain unpaid on the 15th day of December of each year shall be deemed taxes in arrears and shall be forthwith entered on the real *property* tax roll by the collector as taxes in arrears.

7.05 Water Turn On or Turn Off Charge

Where an *Owner* requests that the *Regional District* turn off or turn on a water connection, the charge shall be \$75.00 per occurrence.

7.06 Deferred Capacity Trust Fund Charges

Where an application for connection, subdivision, or re-zoning of a *property* within a service area increases the number of residential equivalent units per *property* the following Deferred Capacity Trust Fund Charges shall apply:

- | | |
|-------------------------|--|
| a) Killiney Beach | - \$5,000.00 (per residential equivalent unit) |
| b) Pritchard | - \$3,000.00 (per residential equivalent unit) |
| c) West Kelowna Estates | - \$3,000.00 (per residential equivalent unit) |
| d) Sunnyside | - \$2,056.00 (per residential equivalent unit) |

The Deferred Capacity Trust Fund Charges are in addition to any costs required to upgrade a *water system* to accommodate the connection, subdivision, or re-zoning.

7.07 Debt Servicing Fees

Debt Servicing Fees are established and collected by separate bylaws.

7.08 Recovery of Costs

Any costs incurred as a result of action taken pursuant to this bylaw shall:

- be at the expense of the *Owner* and recovered pursuant to the Local Government Act and the Community Charter; and
- be in addition to and not in substitution for any fine or other penalty to which the *Owner* may be subject pursuant to the provision of this bylaw.

7.09 Penalties

Any person who violates the provisions of this bylaw may, on summary conviction, be liable to the maximum penalty under the Offence Act, plus the cost of prosecution, for each offence. The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this bylaw.

7.10 Water Meter Fees

The fees for the water meters shall be:

- | | |
|------------------|------------|
| a) ¾ " diameter | \$ 330.00 |
| b) 1" diameter | \$ 625.00 |
| c) 1 ½" diameter | \$ 990.00 |
| d) 2" diameter | \$1,500.00 |

The above fees are for a standard meter installation that includes a remote reading device within the *premises*. Any additional costs incurred will be at the expense of the *owner*.

SECTION 8 ENACTMENT


8.01 Repeal of Previous Bylaws

The "Regional District of Central Okanagan Water Systems Regulation and Management Bylaw No. 614, 1994", as amended by Bylaw No. 1054 and the "Regional District of Central Okanagan Water Utility User and Maintenance Fee Bylaw No. 664, 1996", as amended by Bylaw Nos. 709, 734, 843, 989, 1003 and 1062, are hereby repealed.

8.02 Bylaw Adoption

This bylaw is to take effect upon adoption by the Regional Board of the Regional District of Central Okanagan.

READ A FIRST TIME THIS	21 st	DAY OF	March	2005.
READ A SECOND TIME THIS	21 st	DAY OF	March	2005.
READ A THIRD TIME THIS	21 st	DAY OF	March	2005.
RECONSIDERED AND ADOPTED THIS	21 st	DAY OF	March	2005.



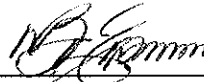
CHAIRPERSON



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1108 cited as the "The Regional District of Central Okanagan Water System Bylaw No. 1108, 2005", as read a third time and adopted by the Regional Board on the 21st day of March 2005.

Dated at Kelowna, BC this
24th day of March 2005.



DIRECTOR OF CORPORATE SERVICES

Schedule "A"

ANNUAL USER AND MAINTENANCE FEES

Water System	Annual User Fee Per Residential Unit
Killiney Beach	\$ 200.00
Pritchard Drive	\$ 170.00
Falconridge	\$ 360.00
West Kelowna	\$ 250.00
Trepanier (Dietrich)	\$ 800.00
Westshores	\$ 200.00
Sunnyside (see Schedule "B")	

Water System	Annual Maintenance Fee Per Parcel
Killiney Beach (all parcels)	\$ 120.00
West Kelowna (unimproved parcels)	\$ 60.00
Westshores (all parcels)	\$ 130.00
Sunset Ranch (parcels > 0.25 hectares)	\$ 2,400.00
Sunset Ranch (parcels < 0.25 hectares)	\$ 216.00

Billing will coincide with any other utility charges being levied by the *Regional District* on a quarterly or semi-annual basis.

Schedule "B"

**SUNNYSIDE WATER SYSTEM
USER AND MAINTENANCE FEES**

All properties are charged on a metered rate basis, as follows:

- a) **Domestic Service:**
\$70.00 per quarter (\$280.00 annually) for the 1st 60,000 Imperial Gallons per quarter, plus \$1.00 per 1000 Imperial Gallons used thereafter.
- b) **Agricultural, Hobby Farming and Irrigation:**
\$212.00 per season plus \$57.00 per acre for up to 2.25 acre-feet per acre (610,578 Imperial Gallons/acre) of irrigated land, plus \$1.00 /1,000 Imperial Gallons thereafter.
- c) **Commercial Customers** are billed on the following quarterly rates up to the allowable specified volumes:
 - Mission Hills Winery - \$2,755.00 per quarter up to 2, 087,000 Imp. Gals.
 - Green Bay Bible Camp - \$532.00 per quarter up to 401,000 Imp. Gals.
 - Chief Tomat School - \$955.00 per quarter up to 722,000 Imp. Gals.
 - Quails Gate Winery - \$636.00 per quarter up to 482,000 Imp. Gals.
 - Hydrant/Standpipe Use - \$105.00 per quarterAll consumption for commercial customers in excessive of the above volumes will be charged at a metered rate of \$1.00/1000 Imperial Gallons.
- d) All unimproved *parcels* will be charged an annual *maintenance fee* of \$168.00 per *parcel*.

Billing will coincide with any other utility charges being levied by the *Regional District* on a quarterly or semi-annual basis.

Flat rates and the flat rate portion of metered rates are billed in advance of service and metered excess consumption is billed in arrears.

Season means the agricultural growing period between April 1 and October 31.

For the purpose of billing, the conversion factor is $1 \text{ m}^3 = 219.78 \text{ Imperial Gallons}$.