

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1370

A bylaw providing for regulating and managing the Water systems of the Regional District of Central Okanagan located within Electoral Areas East and West.

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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 regulations for the management of the said water systems and the terms and conditions upon which water services may be provided;

AND WHEREAS this bylaw repeals and replaces the Regional District of Central Okanagan Water systems Fees and Regulations Bylaw No. 1268, 2009;

NOW THEREFORE, THE REGIONAL BOARD OF THE REGIONAL DISTRICT OF CENTRAL OKANAGAN, IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:

1 PURPOSE

- 1.1 The purpose of this bylaw is to establish regulations under which water will be provided to any parcel located within a *Regional District of Central Okanagan water system* service area.

2 APPLICATION

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

3 SEVERABILITY

- 3.1 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.
- 3.2 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.

4 DEFINITIONS

In this bylaw, unless the context requires otherwise:

“asset renewal fee” means a fee imposed to assist with the partial replacement of *water system works* as part of infrastructure management and may be imposed regardless of whether or not a *property* or a *premises* is connected to a *water system*.

“backflow” means the flow of water or other substances back into any plumbing system connected to the *works*.

“connection fee” means a fee for applying to connect to a *water system*.

“contaminant” means any substance or matter in water which may render the water unfit for drinking according to guidelines and regulations of the Province of British Columbia.

“cross connection” means any connection whereby the *water system* is connected, directly or indirectly, to any device or source which may result in *backflow* or *contaminants* entering into any plumbing connected to the *water system* including bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or any other temporary, or permanent connecting arrangements.

“disconnect” or **“disconnection”** means the complete removal of a *water service connection*.

“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.

“penalty” or **“penalties”** means applicable fines or actions where a person contravenes the provisions of this bylaw. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

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

“private service works” means pipes, fittings, fixtures and other appurtenances on private *property*, not installed or owned by the *Regional District*, and is used to convey water from the *water system* on the *property* or *premises*.

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

“Regional Board” means the elected or appointed Board of the *Regional District of Central Okanagan*.

“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 Officer” means the Director of Community Services or designate of the *Regional District* of Central Okanagan.

“sprinkle” or **“sprinkling”** means the application or distribution of domestic water on a *property*, *premises*, lawn, driveway, or boulevard by *sprinkling* or spraying.

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

“user fee” means a fee imposed for the distribution of water.

“utility corridor” means a *parcel* of land registered by the *Regional District* for the purpose of accessing the utility for operation and maintenance.

“wasteful” means no useful purpose as determined by the *Regional District Officer*.

“works” means all pipes, valves, hydrants, fittings, *water meters*, pumps, intakes, reservoirs and all appurtenances.

“water service 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 pipes, shut-off valve and other appurtenances.

“water meter” means an apparatus or device used for measuring and reporting the volume of water passing through it.

“**water meter pit**” means a chamber constructed underground, which is used to install a *water meter* or approved *backflow* preventer.

“**water system**” means any water supply, distribution system and *works* that the *Regional District* is authorized by bylaw or by *Ownership* or by agreement, 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*, the *Interpretation Act*, the BC Building Code and *Regional District* Bylaws.

5 COMPLIANCE WITH BYLAW

- 5.1 No person shall connect to or interfere in any way with the *water system* except in accordance with the provisions of this Bylaw.
- 5.2 Should any person contravene the provisions of this Bylaw, and such contravention causes 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 the cost to the *Regional District* of so doing may be recovered by the *Regional District* as if the same were a debt due the *Regional District*. The amount of such cost, when certified by the *Regional District Officer*, if not before paid, shall be entered by the *Regional District's* Collector in the Collector's Roll next prepared after the receipt of the certificate and such amount may be recovered with interest at such rate as may be authorized from time to time by the Local Government Act, in like manner as municipal taxes.

6 OWNER'S LIABILITY

- 6.1 The *Owner* shall be liable for any contravention of this Bylaw arising on the *parcel* to which the *water service 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*.

7 OWNER'S RESPONSIBILITIES

- 7.1 Every *Owner* shall:
 - a) Ensure that the terms and conditions of this Bylaw are not contravened on their *property*;
 - b) Install, maintain, repair or replace as necessary all defective *private service works* which are leaking or are otherwise not in good repair such that they are a cause of waste of water, at their sole cost;
 - c) Give immediate notice to the *Regional District* of any failure or problem with the *water system* of which the *Owner* becomes aware;
 - d) Protect all *private service works* and the *water meter* from freezing, heat or other severe conditions;
 - e) Close the *private service works* main water supply valve when the *premises* are vacant; and
 - f) Pay all costs, rates, charges, fees, and penalties that may be imposed pursuant to this Bylaw.

- 7.2 Consumers using water for processes which require a guaranteed supply and pressure, or a critical standard of purity shall, at their expense, provide such equipment as necessary to provide the required standards and to protect such equipment from damage due to variations in or cessation of the *Regional District* water supply.
- 7.3 Where the *water service connection* on a *premises* is identified by the inspector as having a high risk of *backflow*, the *Owner* shall install, at his or her own expense, air gaps or *backflow* prevention devices which conform with CSA B64.10 "Selection and Installation of *Backflow Preventers*" and in the opinion of the *Regional District Officer*, are sufficient to prevent *backflow* from the *premises* and from any fixtures on the *premises*.
- 7.4 The *Owner* and occupant must ensure that:
- a) Air gaps and *backflow* prevention devices are installed in compliance with the BC Building Code and maintained in good operating condition at all times;
 - b) The *backflow* prevention device is tested before the anniversary of the date it has been installed, cleaned, repaired, relocated or tested previously;
 - c) The test required by clause b) is conducted by an individual currently certified in the Province of British Columbia to competently conduct tests of *backflow* prevention devices; and
 - d) The results of the test required by clause b) are received by the *Regional District* within 30 days after the test has been conducted and if the results are not received by the *Regional District*, the *Regional District* may conduct or coordinate the test at the expense of the *Owner*.
- 7.5 Where the *Regional District Officer* determines that a *cross connection* or *backflow* prohibited by this Bylaw is an immediate risk to the *water system* or any person, or if an *Owner* fails to correct any *cross connection* or *backflow* as required by this Bylaw, the *Regional District* may order and undertake, at the expense of the *Owner*, the turning off or *disconnection* of the *water system* to the *property* without notice until such time as the *cross connection* or *backflow* is corrected.

8 INTERFERENCE WITH THE WATER SYSTEM

- 8.1 No person other than the *Regional District Officer* or a contractor authorized by the *Regional District* shall:
- a) enter into or work upon the *water system*;
 - b) connect or *disconnect* a *water service connection*, line, pipe, or other appurtenance to the *water system*;
 - c) uncover, cover, damage, injure, tamper with, alter, modify, maintain, operate or interfere with the *water system*;
 - d) obstruct or impede or impair free, clear and easy access to any hydrant, standpipe, valve or other fixture or appurtenance forming part of the *water system*; or
 - e) block the access of a *utility corridor* or by any means change or obstruct the *utility corridor*.

9 WATER SERVICE CONNECTIONS

- 9.1 Where an *Owner* applies to connect to a *Regional District water system* and the *water service connection* must be installed in order to service the *property* the *Owner* shall be responsible for all capital costs pertaining to the installation of the *water service connection* as set out in Schedule "A".
- 9.2 Additional *water service connections* and their locations must be approved by the *Regional District Officer*.
- 9.3 Each *parcel* shall be limited to one *water service connection* to the *property* line except:
- a) each residential unit on a *property* zoned for multiple dwellings or dwelling units shall each have a separate *water service connection*.
 - b) where limitations in site servicing, development restrictions, future subdivision, or proposed stratification exist, the *Owner* may make application for additional *water service connections*.
- 9.4 The *Regional District* reserves the right to refuse to install *water service connections* under frost conditions.
- 9.5 Connections to the *water system* must be made through a pressure reducing valve, which is to be located within the *premises*, and connected directly to the *water system*. The pressure reducing valve is to be installed prior to the residential water distribution works and after the *water meter*, and is to be installed and maintained by the *Owner*.

10 WATER SYSTEM EXTENSIONS

- 10.1 Where an *Owner* applies to connect to a *Regional District water system* and the *water system* must be extended to service the *property*, the *Owner* shall be responsible for all costs pertaining to the extension of the *water system* as set out in Schedule "A", including all required security deposits.
- 10.2 The *Regional District* reserves the right to refuse to install *water system* extensions under frost conditions.

11 APPROVAL TO CONNECT

- 11.1 Any *Owner* of real *property* or their authorized agent wishing to connect any building or structure to a *Regional District water system* shall make a building permit application for a *water service connection* to the *Regional District* and pay the applicable fees and charges set out in Schedule "A" of this Bylaw for that connection.
- 11.2 Applications for turning on the supply of water from the *water system* shall be made in writing to the *Regional District* and shall be accompanied by the fee set out in Schedule "A" of this Bylaw.
- 11.3 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 charges applicable to the connection.
- 11.4 Fees and charges are payable when the building permit application is made.

- 11.5 Approval for connection to the *water system* shall not be granted until the *Owner* or his agent:
- a) Submits an application for a building permit;
 - b) Pays all applicable fees and charges;
 - c) Complies with the provisions of this bylaw, and any other applicable *Regional District* Bylaws; and
 - d) Complies with the BC Building Code.
- 11.6 The *Regional District* may inspect any *works* undertaken to determine compliance with a building permit, this and any other *Regional District* bylaw, and the BC Building Code, and may accept or reject the work for the purposes of Section 11.3.
- 11.7 Any person who applies to the *Regional District* to *turn on* the supply of water from the *water system* for any new building shall provide confirmation that the *private service works* were satisfactorily tested, inspected and approved by the *Regional District*, including satisfactorily inspected for connections and *cross connections*.
- 11.8 Where a security deposit is required by Schedule "A" prior to the completion of any *works*, the applicant will be reimbursed any remaining balance of the security deposit upon completion of the *works*. If the security deposit is insufficient to cover the costs of the *works*, then the remaining amount shall be added to the *Owner's* first invoice, and if unpaid shall be recoverable in accordance with Section 14.6.

12 TURN OFF OR DISCONNECTION

- 12.1 Applications for turning off or *disconnecting* the supply of water from the *water service connection* shall be made in writing to the *Regional District* and shall be accompanied by the fee set out in Schedule "A" of this Bylaw.
- 12.2 The *Regional District* may *turn off* the *water service connection* to any *property* or *premises* for any of the following reasons:
- a) maintaining, repairing, renovating, replacing, disinfecting or otherwise operating the *water system*;
 - b) excessive use of water, as determined by the *Regional District Officer*, that may put the *water system* at risk, including but not limited to exceeding water licence restrictions or consumption restrictions;
 - c) *wasteful* use of water;
 - d) violation of any water use regulations or provisions of this Bylaw;
 - e) non-payment of costs, rates, charges, fees, and/or penalties under this Bylaw;
 - f) 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; or
 - g) where an emergency threatens the safety of the *water system* or the public.
- 12.3 The *Regional District* may *disconnect* the *water service connection* to any *property* or *premises* for any of the following reasons:
- a) approval of a request to discontinue water service to a *property*;

- b) violation of a provision of this Bylaw; or
 - c) where the *property or premises* are deemed to be inaccessible and such inaccessibility is not remedied within 90 days of giving notice to the *Owner* that the *property or premises* is inaccessible.
- 12.4 An *Owner* whose water service has been turned off or *disconnected* for non-compliance with this Bylaw will be subject to a water service *turn off fee* or *disconnection fee* and a further service charge to restore the connection in accordance with Schedule "A".
- 12.5 The *Regional District* shall not be liable for any damages that may result from the *turn off* or *disconnection* of the *water service connection* or the restriction of water use pursuant to this section.
- 12.6 Where the *water service connection* is to be turned off:
- a) for non-payment of costs, rates, charges, fees, and/or penalties under this Bylaw, the District will give 30 days' advance notice to the *Owner*;
 - b) for maintenance, repair, renovation, replacement, disinfection or other operation of the *water system*, the *Regional District* will give 2 working days' advance notice for scheduled work;
 - c) for any other reason, the *Regional District* will give 7 days' advance notice to the *Owner*;
 - d) except that no advance notice will be given in the case of an emergency, and no notice will be given in any event or where safety of life or *property* is at risk.
- 12.7 Where the water supply is to be turned off or *disconnected* for reason of non-compliance with any provision of this Bylaw, except the non-payment of costs, rates, charges, fees or penalties, the *Regional District* will give the person affected the opportunity to make representations to the *Regional Board* in respect of such non-compliance.
- 12.8 Notice under Section 12.6 may be given by one or more of the following:
- a) posting notice on the *property or premises*;
 - b) providing notice on an invoice for water;
 - c) mailing notice to the address of the *property or premises*.
- 12.9 The *Regional District* is not responsible for any notice failing to reach an *Owner* or other consumer of water prior to the *turn off* or *disconnection* of water.

13 WATER METERS

- 13.1 All *water service connections* shall include a *water meter*.
- 13.2 Only one *water meter* shall be installed for all of the land shown on a strata plan that receives the supply of water from the *water system* from the same *water service connection*, except land shown on a bare land strata plan.
- 13.3 An *Owner* will be charged for the *water meter* when a building permit application is received for a connection to a *water system*. All *water meters* will be supplied by the *Regional District* at time of building permit approval and shall remain the *property* of the *Regional District*.

- a) In-home *water meters* will be installed as outlined in Schedule "C" by an *Owner* or a contractor and inspected by a *Regional District* building inspector. No drain valve, water bypass, branch line or any other type of fixture through which water may be taken shall be located upstream of a *water meter*.
 - b) Pit *water meters* will be installed in a *water meter pit* at the *water service connection* by the *Regional District* or its contractor. The *water meter pit* will also be installed by the *Regional District* or its contractor and remain the *property* of the *Regional District*
 - c) No person shall tamper with any *water meter* so as to alter the amount of water registered thereby.
 - d) If the *Regional District* deems that a *premises* is inaccessible to install a *water meter*, repair a *water meter*, or to obtain a meter read due to gates, unrestrained dogs or any other reason, the *Owner* may be liable to *penalty* for breaching this Bylaw as set out in Schedule "A", the water service may be shut off or *disconnected*, or a *water meter pit* and pit *water meter* may be installed at the expense of the *Owner*.
 - e) The *Regional District* shall maintain and repair all *water meters* when rendered unserviceable through reasonable wear and tear; however if any *water meter* is damaged, broken, lost or removed from the *property*, the *Owner* shall be liable for the cost of a replacement *water meter*, in an amount set out in Schedule "A" of this Bylaw.
- 13.4 If any *water meter* stops, sticks or fails to indicate correctly the quantity of water which is passing or which has passed through it, the *Regional District* shall be entitled to charge for such water according to the average consumption of the 12 months immediately preceding the date upon which such meter was last found to be in good order.
- 13.5 For residential connections, the *water meter* is to be installed in a *water meter pit* or in accordance with standard drawing M-1 as found in Schedule "C". For all other types of connections, the *water meter* is to be installed in a location approved by the *Regional District*.

14 FEES & CHARGES

- 14.1 Every *Owner* of *property* and/or *premises* situated within the service boundary of a *Regional District* Water Service Area shall pay to the *Regional District* the fees and charges established in accordance with this Bylaw, as prescribed in Schedule "A".
- 14.2 Every *Owner* of *property* and/or *premises* situated within the service boundary of a *Regional District* Water Service Area shall pay to the *Regional District* *User fees* and *Charges* established by separate bylaw for the applicable service area.
- a) *User fees* shall apply to all *parcels* connected to the *water system* where the water service is turned on.
 - b) An *Owner* may apply to the *Regional District Officer* for a one-time full or partial exemption of the consumption based *user fees* in the event of an emergency or unexpected usage due to failure of a portion of *private service works* or similar occurrence.
- 14.3 Every *Owner* of *property* and/or *premises* situated within the service boundary of a *Regional District* Water Service Area shall pay to the *Regional District* the *Asset renewal fees* and *Charges* established by separate bylaw for the applicable service area.

- a) *Asset renewal fees* shall apply to all *parcels*, vacant or otherwise, and shall commence immediately upon registration of a *property* in the Land Title Office.
- 14.4 Fees will be billed quarterly or other established interval and all fees shall be due and payable 30 days after the billing date.
- 14.5 A late payment *penalty* of four percent (4%) will be assessed each quarter (compounded quarterly 16.99% per annum) on all outstanding balances accrued under this Bylaw or its predecessors and not paid by the due date.
- 14.6 The costs, rates, charges, fees and/or penalties required to be paid by this Bylaw shall form a charge against the *parcel* serviced, and if such costs, rates, charges, fees and/or penalties are unpaid on December 31st of the year in which they become payable, they shall be entered by the *Regional District's* Collector in the Collector's Roll next prepared, and transferred to the tax roll in the next succeeding year as arrears of taxes against the *parcel* from which they arose, and such amount may be recovered with interest at such rate as may be authorized from time to time by the Local Government Act, in like manner as municipal taxes. Payments must be received by December 15th to ensure adequate processing time at year end.
- 14.7 Any *connection fees*, fees for additional connections or extensions, and *water meter* fees must be paid 10 days prior to installation or connection to the *water system*.
- 14.8 The *water meter* fees set out in Schedule "A" include the *water meter* and *water meter* setting fittings, all of which will be supplied and owned by the *Regional District*.
- 14.9 The pit *water meter* charge in Schedule "A" also includes installation of the meter in an *Owner* supplied and installed *water meter pit*.

15 PROHIBITIONS

- 15.1 Pumps, boosters, or other devices that have the effect of increasing water pressure in the *water service connection* to a pressure that is higher than the normal water pressure in the *water service connection* are prohibited without a *backflow* prevention device.
- 15.2 No person shall sell any water obtained from the *water system*, allow any water to be used on a *parcel* other than the *parcel* for which the *water service connection* has been provided, or permit any water to be taken from the *parcel* for which the *water service connection* has been provided.
- 15.3 No person will introduce, or allow to be introduced, any *contaminants* or pollutants into a *Regional District water system*.
- 15.4 No person shall connect, cause to be connected, or allow to remain connected any piping fixture, fitting, container, appliance, or *cross connection* that could cause or allow drinking water quality, the *water system*, or a private service to become contaminated, degraded or polluted in any way.
- 15.5 No person shall connect, or cause to be connected, and the *Owner* or occupant of the *premises* must not permit to be connected, a pipe, fixture, fitting, container or appliance in a manner which, under any circumstances, permits or facilitates *backflow* in to the *Regional District's water system*.

15.6 No person shall demolish, move, remove or substantially alter any building connected to the *water system*, without first applying to the *Regional District* to *turn off* or *disconnect* the *water service connection* to that *property* and paying the applicable fee set out in Schedule "A".

16 OUTDOOR WATER USE RESTRICTIONS

16.1 The *Regional District* may, at its discretion, and whenever the public interest so requires, suspend or limit the consumption of water from the *water systems*, or regulate the hours or days of use, or may further prescribe the manner in which such water may be used.

16.2 The following *sprinkling* hours apply at all times, subject to *sprinkling* restrictions:

- a) Properties equipped with an automated time clock *sprinkler* system may only *sprinkle* between the hours of 12:00 midnight to 6:00 a.m. on the days permitted by the *sprinkling* restrictions as identified below.
- b) Properties equipped with only manually controlled *sprinkling* systems, including those attached to outside taps, may only operate from 6:00 a.m. to 11:00 a.m. and from 6:00 p.m. to 12:00 midnight on the days permitted by the *sprinkling* regulations as identified below.
- c) A person using a watering can or hose with a spring-loaded nozzle may hand water any time of the day.

16.3 *Sprinkling* Restrictions – *Sprinkling* Days

Stage 1 Alternate Days <i>Sprinkling</i>:	
Effective	September 16th to June 15th, unless Notice of Stage 3 or 4 in Effect
Even numbered addresses:	<i>Sprinkling</i> is only permitted on Even Calendar Days
Odd numbered addresses:	<i>Sprinkling</i> is only permitted on Odd Calendar Days
Stage 2 Twice a Week <i>Sprinkling</i>:	
Effective	June 16th to September 15th, unless Notice of Stage 3 or 4 in Effect
Even numbered addresses:	<i>Sprinkling</i> is only permitted on Saturdays & Tuesdays
Odd numbered addresses:	<i>Sprinkling</i> is only permitted on Sundays & Wednesdays
Stage 3 Restriction Period - Once a Week <i>Sprinkling</i>:	
Effective	Upon Notice Issued by <i>Regional District Officer</i>
Even numbered addresses:	<i>Sprinkling</i> is only permitted on Saturdays
Odd numbered addresses:	<i>Sprinkling</i> is only permitted on Sundays
Stage 4 Restriction Period – No <i>Sprinkling</i>	
Effective	Upon Notice Issued by <i>Regional District Officer</i>

- a) During a Stage 3 *sprinkling* restriction period there shall be no outdoor water use for the following purposes:
 - i. to fill a swimming pool, hot tub, garden pond, or decorative fountain;

- ii. wash a vehicle or boat with water; or
 - iii. wash driveways or sidewalks or patios.
- b) During a Stage 4 *sprinkling* restriction period there shall be no outdoor water use for any purpose.
- 16.4 The following operations or activities that rely on a steady supply and use of water are automatically exempt from any *sprinkling* restrictions:
- a) nurseries;
 - b) farms;
 - c) orchards;
 - d) vineyards;
 - e) washing exterior building surfaces, including windows, parking lots, driveways or sidewalks, prior to the application of a product such as paint, preservative, or stucco, or preparation of a surface prior to paving or repainting or bricklaying, or if required by law to comply with health and safety regulations.
- 16.5 The following *sprinkling* restriction exemptions apply; however, there are no exemptions during a Stage 4 Restriction Period:
- a) A person may water new trees and shrubs during installation and for the following 24 hours, but after that exemption period watering must comply with the *sprinkling* restrictions.
 - b) A person may *sprinkle* new sod during the *sprinkling* hours set out in Section 16.2 for a period of 21 days after installation, but after the exemption period must comply with the *sprinkling* restrictions.
 - c) A person may *sprinkle* newly seeded lawn during the *sprinkling* hours set out in Section 16.2 for a period of 49 days or until growth is established, whichever is less, but after the exemption period must comply with the *sprinkling* restrictions.
- 16.6 No person shall allow water to flow *wastefully* to parking lots, driveways, sidewalks, roadways or structures while *sprinkling*.

17 HYDRANT USE PERMIT

- 17.1 The *Regional District* may issue Hydrant Use Permits on terms and conditions outlined in this section and Schedule "B".
- 17.2 The *Regional District* may issue a Hydrant Use Permit for the purposes of:
- a) construction road compaction;
 - b) construction dust control;
 - c) construction water main testing;
 - d) utility line flushing;
 - e) wellpoint dewatering installation;
 - f) road sweeping; or

- g) tanker truck filling.
- 17.3 The *Regional District* may refuse to issue a Hydrant Use Permit where such issuance may result in a risk to the *water system*, in the sole discretion of the *Regional District Officer*.
- 17.4 The *Regional District*, in issuing a Hydrant Use Permit, may impose terms and conditions regarding the use of the hydrant as follows:
- a) the location of the hydrant that may be used;
 - b) the type of hydrant that may be used;
 - c) the dates and time when the hydrant may be used;
 - d) the type of *backflow* prevention device required; and
 - e) precautions to be taken in connecting to and using the hydrant.
- 17.5 A *backflow* prevention device or an approved air gap must be installed prior to any connection to a hydrant pursuant to a Hydrant Use Permit. A current test report for *backflow* prevention devices (if applicable) must be available on request.
- 17.6 No person shall operate any hydrant or use water drawn from any hydrant pursuant to a Hydrant Use Permit, otherwise than in accordance with the terms and conditions of the Hydrant Use Permit.
- 17.7 At any time the *Regional District* may cancel or suspend a Hydrant Use Permit issued pursuant to this Bylaw:
- a) if the *Regional District* considers that the use of the hydrant may result in a risk to the *water system*; or
 - b) if the Hydrant Use Permit holder fails to comply with the provisions of this Bylaw or the terms and conditions of the Hydrant Use Permit.
- 17.8 Any damage to the hydrant or the *water system* as a result of hydrant use will be repaired at the applicant's expense.

18 OWNERSHIP OF WATER SYSTEM

- 18.1 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, or lands owned by the utility regardless of whether they were constructed at the expense of the *Owner* or the *Regional District*.
- 18.2 All *water meters*, either pit or in-home *water meters*, located within an *Owner's property* or *premises*, shall be owned by the *Regional District*.

19 PRESSURE, SUPPLY, AND QUALITY

- 19.1 The *Regional District* does not guarantee a constant pressure, continuous supply of water or direction of water flow, and it reserves the right at any and all times, without notice, to change operating conditions for the purposes of making repairs, extensions, alterations or improvements or for any other reason.
- 19.2 The *Regional District*, its Board, officers, agents, or employees shall not incur any liability for damage or other loss caused by changes in water pressure, shutting off water or change in direction of flow or by reason of the water containing sediments, deposits or other foreign matter.

20 LIMITATION OF LIABILITY

- 20.1 Water is provided on the condition that the *Owner* makes 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. Nothing contained in the Bylaw shall be construed to impose any liability on the *Regional District* to provide water to any person or *premises* or to provide a continuous supply of water or water of any particular quantity or quality to any person or *premises*.
- 20.2 Any supply of water by the *Regional District* is subject to the following conditions, in addition to other conditions in this Bylaw:
- a) the *Regional District* is not responsible for the failure of the water supply as a result of any accident or damage to the *water system*;
 - b) the *Regional District* is not responsible for any excessive water pressure or lack of water pressure;
 - c) the *Regional District* is not responsible for any temporary stoppage of the water supply on account of alterations or repairs to the *water system*; whether such arises from the negligence of any person employed by the *Regional District* or another person, or through natural deterioration or obsolescence of the *water system* or otherwise.

21 INDEMNIFICATION

- 21.1 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.

22 RIGHT OF ENTRY

- 22.1 The *Regional District Officer* is authorized to enter upon any *property* or *premises* at any reasonable time for the purpose of inspecting the lands and improvements and all parts of the *water system* and *private service works* thereon, and for the purpose of testing, repairing, replacing, maintaining and of doing such work as necessary to ensure the proper functioning of the *water system* including without limitation all pipes, valves, meters and appurtenances situated on the *parcel*, and to ensure compliance with, or prevent violation of, the provisions of this Bylaw.
- 22.2 The *Owner* or occupant shall provide adequate, convenient, and unobstructed access, failing which the *property* or *premises* may be considered inaccessible.

23 ORDER TO COMPLY

- 23.1 The *Regional District Officer* may order an *Owner* or occupant who contravenes this Bylaw to comply with the Bylaw within a specified time.
- 23.2 Where an *Owner* does not comply with such an order within the specified time, the *Regional District Officer* may order the action contained in the order to be performed by *Regional District* employees, or others, and the cost to the *Regional District* of so doing may be recovered from the *Owner* by the *Regional District* as if the same were a debt due the *Regional District*. The amount of such cost, when certified by the *Regional District Officer*, if not before paid, shall be entered by the *Regional District's* Collector in the Collector's Roll next prepared after the receipt of the certificate and such amount may be recovered with interest at such rate as may be authorized from time to time by the Local Government Act, in like manner as municipal taxes.

24 VIOLATION

- 24.1 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) fails to comply with bylaw orders, directions, or notices; or
 - e) prevents, obstructs or attempts to prevent or obstruct the authorized entry of any *Regional District Officer* authorized under this bylaw;
- commits an offence against this Bylaw. Each day that a violation is permitted to continue shall constitute a new and distinct offence.

25 PENALTIES

- 25.1 Any person who violates any provision 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.
- 25.2 The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this Bylaw.

26 CITATION

- 26.1 This Bylaw may be cited for all purposes as the "Regional District of Central Okanagan Water Systems Regulations Bylaw No. 1370, 2015".

27 ENACTMENT AND TRANSITIONAL

27.1 The "Regional District of Central Okanagan Water systems Fees and Regulations Bylaw No. 1268, 2009", as amended, is hereby repealed.

27.2 This Bylaw comes into effect on January 1, 2016.

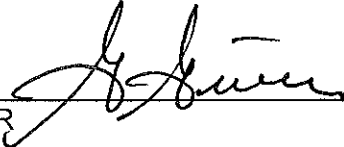
27.3 Any fees which became due and payable under the Regional District of Central Okanagan Water systems Fees and Regulations Bylaw No. 1268, 2009, prior to its repeal, are recoverable under this Bylaw.

READ A FIRST TIME THIS 26th DAY OF October 2015

READ A SECOND TIME THIS 12th DAY OF November 2015

READ A THIRD TIME THIS 12th DAY OF November 2015

ADOPTED THIS 12th DAY OF November 2015


CHAIR


DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1370 cited as the "Regional District of Central Okanagan Water systems Regulations Bylaw No. 1370, 2015", as read a third time and adopted by the Regional Board on the 12th day of November, 2015.

Dated at Kelowna, BC this
17th day November, 2015


DIRECTOR OF CORPORATE SERVICES

SCHEDULE "A" FEES & CHARGES

1. Application Fees
 - a) *Connection fee (/residential unit)*.....\$200.00
 - b) *Water meter Fees (/meter):*
 - 3/4" diameter.....\$440.00
 - 1" diameter.....\$635.00
 - 1 1/2" diameter.....\$935.00
 - 2" diameter.....\$1,220.00
 - Pit *water meter* surcharge.....\$325.00

2. *Water system Fees for Extensions & Additional Service Connections:*
 The Fees for an Extension or an Additional Service Connection are each calculated as follows:

\$ = (All off-site capital costs) + (3% administration fee) + (25% security deposit)

Where:

 - The capital costs and administration fee have the following minimums:
 - Off-site capital costs \$2,750; and
 - Administration fee \$ 250.
 - Any additional costs incurred will be at the expense of the *Owner*.

3. *Water system Disconnection fee:*
 The Fees for *disconnection* of an existing *water service connection* are calculated as follows:

\$ = (All off-site capital costs) + (3% administration fee)

Where:

 - The capital costs and administration fee have the following minimums:
 - Off-site capital costs \$1,000; and
 - Administration fee \$ 250.
 - Any additional costs incurred will be at the expense of the *Owner*.

4. Call-Out Service Fees:
 - a) *Water Service turn on or turn off (by appointment only)*.....\$150.00
 - b) *After Hours Water Service turn-on or turn-off*.....\$300.00
 - c) *Water Service locates, elevation adjustments, miscellaneous (by appointment only)*.....\$150.00

5. *Inaccessible Property or Premises Penalty*.....\$250.00/billing period

SCHEDULE "B" HYDRANT USE PERMIT

HYDRANT NO. _____

Name Of Hydrant User _____ Phone No _____
 Name Of Contact Person _____ Phone No _____
 Purpose For Use _____
 Name Of Water System _____
 Location Of Hydrant _____
 Estimated Volume Required _____
 Estimated Duration Required _____
 Date Start: _____ Date Finish: _____

OFFICE USE ONLY

Authorized By _____
 Date Serviced _____

Additional Terms and Conditions of Permit:

SPECIAL NOTES:

Resale as potable water is prohibited.
 A non-refundable application fee of \$100, plus \$50 per day of proposed use, is required upon application.
 The permit must be in the **possession of the user** when operating the hydrant.
 A gate valve shall be installed on the hydrant to control flow. The operating wheel shall be removed when leaving the hydrant unattended. **Ball valves are not to be used for control.**
 The connection shall be removed by the end of each working day, except by written permission.
 Approved *backflow* prevention assemblies or an approved air gap must be used.
 A current test report for *backflow* prevention assemblies (if applicable) must be available on request.

A *water meter* must be used and water consumption must be recorded daily and reported to the *Regional District of Central Okanagan*.

The hydrant must be fully open for use.

Only hydrant wrenches are to be used (no pipe wrenches).

Regional District of Central Okanagan reserves the right to restrict or terminate hydrant use.

The applicant acknowledges that any damage to the hydrant or the water main as a result of hydrant use will be repaired at the applicant's expense.

Any connection to any fire hydrant without permitted approval will be subject to penalties authorized by the *Regional District of Central Okanagan Water systems Bylaw* and the *Regional District of Central Okanagan Fire Prevention and Regulations Bylaw*.

The following Hold Harmless and Indemnification Clause applies to this permit:

The Hydrant User shall be liable for all loss, costs, damages, and expenses whatsoever incurred or suffered by the *Regional District of Central Okanagan*, its elected officials, officers, employees and agents (the Indemnitees) including but not limited to damage to or loss of *property* and loss of use thereof, and injury to or death of a person or persons resulting from or in connection with the performance, purported performance, or non-performance of this Permit, excepting only where such loss, costs, damages and expenses are as a result of the sole negligence of the Indemnitees.

The Hydrant User shall defend, indemnify and hold harmless the Indemnitees from and against all claims, demands, actions, proceedings, and liabilities whatsoever and all costs and expenses incurred in connection therewith and resulting from the performance, purported performance, or non-performance of this Permit, excepting only where such claim, demand, action, proceeding or liability is based on the sole negligence of the Indemnitees.

I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS.

Signature

Date

CC: Applicable Fire Department
RDCO Water Operator

SCHEDULE "C" M-1 STANDARD LAYOUT FOR FUTURE RESIDENTIAL METER

