

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 349

A by-law respecting the management of the waterworks system of the Adventure Road Specified Area located within Electoral Area 'A' of the Regional District of Central Okanagan.

Whereas the Regional District of Central Okanagan is authorized by By-law to provide for the continuing operation and maintenance and to provide for the improvements of the water system which services the Adventure Road subdivision located within Electoral Area 'A' of the Regional District of Central Okanagan;

AND WHEREAS it is deemed necessary and expedient to establish regulations for the management of the said water system and the terms and conditions upon which water services may be provided;

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

1. TITLE

This By-law may be cited for all purposes as "Regional District of Central Okanagan Adventure Road Water System and Regulation Management By-law No. 349, 1988."

2. INTERPRETATION

- (a) The "Regional Board" shall mean the Board of Directors of the Regional District of Central Okanagan.
- (b) The "Secretary" shall mean the person authorized by the Regional Board to act as senior official in charge of the water system and any other person authorized by the Secretary to act as his assistant, deputy or agent.
- (c) The "Operator" shall mean the person appointed by the Regional Board to operate and maintain the system under the terms and conditions established by the Regional Board.
- (d) The "Plumber" employed and designated by the owner of the premises (property) in his application for service will be considered the agent of the owner while employed installing the water service to said premises (property) and will not in any sense be the agent of the Regional District or the Secretary.
- (e) All works, either in this By-law or in the Schedule hereto, referring to any person, consumer or applicant, shall be taken to be of such number and gender as the context and the facts may require and shall also include a Corporation or Partnership.
- (f) Schedule "A" being the form of application for connection to the water system to be made by applicants, is incorporated and forms part of this by-law.

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- (g) "Owner" shall mean any person who is the owner or agent for the owner of any premises (property) which are connected to the water system.
- (h) "Dwelling Unit" shall mean one or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit.
- (i) "Water Connection" means a connection to a main supply line and extending to the property line of the owner for the purpose of conveying water to the said owner, and may or may not include a water meter, but shall include a shut-off valve and shall be the property of the Regional District.
- (j) "disconnection" means the turning off, or complete removal, of a water connection.
- (k) "Turn On" means the opening of the valve in the stand-pipe located at or near where the water line crosses the property line.
- (l) "Turn Off" means the closing of the valve in the standpipe located at or near where the water line crosses the property line.
- (m) "Property" shall mean any and all parcels of land outlined and described in the Adventure Road Water System Specified Area Establishment By-law No. 336, 1987.

3. RESPONSIBILITIES

- (a) The Secretary shall be responsible to the Regional Board for the charge and control of all properties and works in connection with the Water Supply and Distribution System.
- (b) The Operator shall have the authority to inspect all properties and works in connection with the Water Supply and Distribution System.
- (c) No person shall obstruct or prevent the Secretary or Operator or any person duly authorized by him from carrying out any or all of the provisions of this By-law, nor shall any person refuse to grant the Secretary or Operator, or any person duly authorized by him, permission to inspect any water work at any reasonable time.
- (d) Each new application for service shall give a full and true statement, on the form provided by the Regional District (see Schedule "A") of the size and description of his premises, the number of dwelling units therein and all other information that may be necessary to form a correct estimate of the charge to be made against him for the said premises. If the statement given is not accurate, any additional charge required to be made by reason that the statement is inaccurate, shall be payable forthwith.
- (e) Applications for disconnection of any water service shall be made in writing and delivered to the Regional District.
- (f) Applications to either Turn On a water service or Turn Off a water service shall be made by the owner in writing and delivered to the Regional District.
- (g)/

- (g) All persons shall keep the service pipes, stop cocks, fixtures and fittings on their own premises in good order and repair, and protect them from frost at their own risk and expense, and when a premises is vacated the stop cock shall be turned off.

4. PROHIBITIONS

- (a) No person other than the Regional District shall tap or make any connection whatsoever with any of the public or private pipes.
- (b) No person or persons except the Secretary or Operator shall interfere in any way with any water systems appurtenances without first obtaining authority from the Secretary or Operator.
- (c) No pump, booster or other device shall be employed by any consumer or owner without permission in writing from the Regional District, for the purpose of, or having the effect of, increasing water pressure in service lines to a higher pressure than the normal water pressure in the said service lines, and the Regional District may, without notice, discontinue service to any owner employing such pump, booster or other device.
- (d) No owner, occupier, tenant or person shall sell or dispose of any water, or permit same to be carried away, or use water or allow it to be used on a lot other than that lot for which the service connection has been provided.
- (e) No work of any kind connected with the water system, either for the laying of new or repair of old service pipes shall be done on or under any street or lane within the Specified Area by any other person or persons than employees of the Regional District except such person or persons as shall be authorized by the Regional District.

5. CONDITIONS OF SERVICE

- (a) The Regional District shall have the right to limit the number of connections to the water system.
- (b) Each owner of premises shall be responsible for the repair and maintenance of all pipes and fixtures between the property line and his premises.
- (c) The Secretary or Operator is authorized to inspect all buildings and premises which are connected to the water system but only as it relates to the provision of water by the water system. The Secretary shall also keep records and applications for services and full description of all works constructed.
- (d) The Regional District may, without notice, disconnect the water service to any premise for any of the following reasons, and the Regional District shall not be liable for damages by reason of discontinuing water service for such reasons:
 - (i) Unnecessary or wasteful use of water, or violation of any regulations concerning watering or sprinkling.
 - (ii) Non-payment of rates.
 - (iii)/

- (iii) 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.
- (e) The Regional District may, whenever in its discretion the public interest so requires, suspend or limit the consumption of water from the water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used.
- (f) When any rates or charges for water services are overdue for a period of six months, such water services may be turned off from the premises in respect to which such rates or charges are overdue without notice, or when service is discontinued under clause 5(d) above, such service shall not be turned on again to the said premises until there shall have been paid to the Regional District:
 - (i) the rates and charges overdue;
 - (ii) the reconnection fee of \$30.00;
 - (iii) any additional cost incurred by the Regional District in order to prevent improper use of water after the same shall have been turned off.
- (g) The Regional District may, if in its opinion an undue amount of water is used at any time by any owner, install a meter and thereafter charge the owner in accordance with a meter rate established by the Regional District.

6. APPLICATION FOR WATER CONNECTION

- (a) All applications for water connection shall be made in writing on the application form shown as Schedule "A" to this By-law, by the owner of the property to which the application refers, or by the owner's duly authorized agent.
- (b) All applications for water connection shall state the use of the building for which the water is to be connected, together with legal description and location of the property or building to which the installation is to be made.
- (c) The Regional District reserves the right to refuse any application for water connection because of water collection and distribution reasons.
- (d) No application shall be considered approved until it has been signed by the Secretary of the Regional District.

7. CHARGE FOR NEW CONNECTION

- (a) When a new connection to a main is required, the applicable charge shown in Schedule "A" of the Adventure Road Water System User Rates By-law No. 350, 1988 shall be paid by the applicant when application for service is made.

8. PUBLIC HEALTH

- (a) The Health Inspector of the South Okanagan Similkameen Health District shall be the authority to be consulted in all matters pertaining to public health resulting from the operation of the Water Supply and Distribution System.

9. OWNERSHIP OF WATER SYSTEM

- (a) All water pipes, connection, appurtenances or facilities required for water supply to the owner's property line which are constructed, whether at the owner's expense or Regional District expense in present or future public highways or within Regional District right-of-way property, shall be the property of the Regional District.
- (b) Nothing contained in the By-law shall be construed to impose any liability on the Regional District to give a continuous supply of water to any person or premises and the Regional District hereby reserves the right at any time to shut off the water from any premises without giving notice to any person from whose premises the water may be shut off.
- (c) Every person to whom water is supplied under this By-law shall at all reasonable times allow any authorized person to enter into and upon the premises in respect of which such water is supplied for the purpose of inspecting the water pipes, fixtures and fittings used in connection with such water supply.
- (d) Any person who shall install, place or maintain in any premises any water connection, fixture or fitting not in accordance with the requirements of this By-law shall be guilty of an infraction thereof.

10. GENERAL REQUIREMENTS

(a) Plumbing Systems

Every plumbing system shall conform to the appropriate Provincial and Regional District regulations.

(b) Stop Cock

Each Service shall be provided with a stop cock, of a pattern to be approved by the Regional District which shall be placed in such position on the premises supplied as directed by the Regional District, for the use of the owner or occupant of the premises in case of leaky or defective pipes or fixtures, or in case the premises are vacated.

- (c) Each service shall be provided with a pressure reducing valve at the owner's expense, if deemed necessary by the Regional District, and the Regional District shall not be responsible for damages caused for non-compliance with this section.

(d) Approval of Service Pipes

No service pipes or fittings shall be covered until same have been inspected and approved by the Regional District, and the Regional District shall not turn on the water thereto until such inspection and approval.

(e)/

(e) Keeping Service Pipes, etc. in Good Order

All persons using water shall keep their service pipes, stop cocks and other fixtures in good order and repair, and shall protect them from frost and other damage at their own risk and expense, and when any premises are vacated, the stop cock shall be turned off.

(f) Repairs, Extension, etc.

The Regional District shall have the right at all times to shut off temporarily the water supply to any premises in order to make such repairs, renewals, alterations and extensions to the Water Works as shall, in the opinion of the Regional District, be deemed necessary. Wherever possible the Regional District will give reasonable advance notice.

(g) Minimum Earth Cover Over Service Pipes

A minimum of five feet (5') of earth cover will be required over all service pipes including that portion of the service pipe between the Owner's property line and the premises.

(h) Leaky Pipes and Fixtures

In cases of leaky pipes or imperfect pipes or fixtures on any premises, the Regional District shall notify the occupant or owner and the necessary repairs or alterations not being made within two working days after notice has been given or when the condition of the pipes or fixtures is such as to cause serious waste of water or damage to property, then, without further notice, the water supply shall be turned off by shutting the stop cock or by detaching the service pipe from the main; and the water shall not be turned on again until such repairs or alterations have been made to the satisfaction of the Regional District and the expense of making such detachment and attachment and/or the charge for turning on the water, as applicable, shall have been paid by the person occupying or owning the house or premises supplied. No person whose water is turned off pursuant to this section shall have any claim against the Regional District by reason of such discontinuance of supply.

(i) Winter Construction

The Regional District reserves the right to refuse to make main extensions and install service pipe to any owner's property line under frost conditions in the winter months that would make such undertaking impractical.

11. ARREARS

- (a) All user charges applicable to the water Specified Area in which real property is situated shall be paid by the property owner, and any balance or charge that is due and payable on or before the thirty-first day of December that remains unpaid on the thirty-first day of December shall be deemed to be taxes in arrears in respect of the property and be entered on the Tax Roll by the Provincial Collector as taxes in arrears.

12. PENALTIES

- (a) Any person or persons tampering with or interfering with or in any way injuring any part of the Water System or interfering in any manner with the operation and distribution thereof, except under and with the permission in writing of the Secretary, shall, on summary conviction thereof before the proper authority, be liable to a penalty of not less than Five Hundred (\$500.00) Dollars for each offense, together with costs.

READ A FIRST TIME THIS 11th DAY OF January, 1988.

READ A SECOND TIME THIS 11th DAY OF January, 1988.

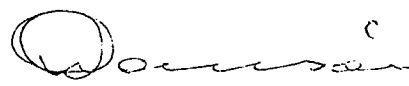
READ A THIRD TIME THIS 11th DAY OF January, 1988.

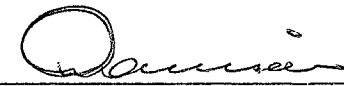
RECONSIDERED AND ADOPTED THIS 1st DAY OF February, 1988.


CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 349, cited as "Regional District of Central Okanagan - Adventure Road Water System Regulation and Management By-law No. 349, 1988" as read a third time this 11th day of January, 1988.

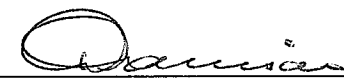
Dated at Kelowna, B.C. this 12th day of Jan., 1988.


Secretary


SECRETARY

I hereby certify the foregoing to be a true and correct copy of By-law No. 349, cited as "Regional District of Central Okanagan - Adventure Road Water System Regulation and Management By-law No. 349, 1988" as reconsidered and adopted by the Regional Board on the 1st day of February, 1988.

Dated at Kelowna, B.C. this 22nd day of Feb., 1988.


Secretary

