

**SOUTH EAST KELOWNA IRRIGATION DISTRICT
PO BOX 28064 RPO EAST KELOWNA, KELOWNA BC**

BYLAW NO. 579

A Bylaw for Regulating the Distribution and Use of Water for Irrigation Purposes and Prescribing Penalties for Non-Compliance with the Regulations

The Trustees of South East Kelowna Irrigation District ENACT AS FOLLOWS:

1. **DEFINITIONS**

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| (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, confining or using water. |
| (d) | Swimming Pool | Shall mean an artificially created body of water having a depth of eighteen inches or more for recreational or physiotherapy purposes. |
| (e) | Irrigation Season | Means the period of time, commencing in the spring and ending in the fall, the precise dates of which shall be determined annually by the Trustees, during which water will be made available by the District for irrigation purposes. |
| (f) | Regulate | Includes allow, commence, stop, limit, open, shut and prohibit. |
| (g) | Multi-Parcel Irrigation Unit | Means any group of contiguous parcels of land which for the purpose of irrigation is operated as a single parcel. |
| (h) | Service Connection | Means an assembly of pipe, valve and fittings installed by the District, at or near the property line between public and private land, through which water is delivered for irrigation purposes. |
| (i) | Permanent Set System | Means any irrigation system installed on private land in such a manner that the system may be operated by the manual or automatic opening and closing of valves and that does not require the moving of pipes and shall include overhead, under-tree, and trickle systems which such systems are permanently installed. |

- (j) Flow Rate Means that rate of application of water expressed in United States gallons per minute per acre established by the British Columbia Ministry of Agriculture as the recommended farm water requirement of particular soils for sprinkler irrigation in South East Kelowna Irrigation District.
- (k) Flow Control Device Means any device designed to deliver a constant volume of water throughout a varying range of pressures for the purpose of regulating the application of water for irrigation.
- (l) Volume Means the measure of a quantity of water.
- (m) Water Rights Means the right to the use of water on land within the territorial limits of the district as determined by the Assessment Roll of the District.
- (n) Allotment The maximum volume of water as determined by the Board of Trustees that may be used on a parcel of land
2. No person shall apply water to any land within the District other than land classified for irrigation and/or domestic use on the current Assessment Roll of the District.
3. The use of irrigation water shall be restricted to the parcel or parcels of land to which irrigation water is delivered through District works and no person shall make, or permit to be made, any additional connection to any irrigation water service of either temporary or permanent nature, for the purpose of supplying water to any other land.
4. The Trustees may require, at the owner's expense, a plan of the irrigated area of a parcel of land for the purpose of confirming that adequate water rights exist for the land and to determine what part of a parcel of land has water rights.
5. In addition to the provisions of this Bylaw, where a service connection is required, each applicant shall pay a connection charge to install a service connection from the District's pipeline to the applicant's property line. The service connection charges shall be in accordance with the provisions of the *Waterworks Regulations and Rates Bylaw*.
6. (a) No person shall apply irrigation water to the land of any single parcel, or multi-parcel irrigation unit, at a rate in excess of the flow rate established for that land.
- (b) The Trustees may require the installation of a flow control device or devices on any irrigation water service or private irrigation system to ensure that water is not applied in excess of the established flow rate and the cost of such device or devices shall be paid by the owner of the irrigation system affected.

- (c) No person shall apply irrigation water to the land of any single parcel, or multi-parcel irrigation unit, in excess of the volume established for that land on the current Assessment Roll of the District. The Trustees shall cause the service connection to the land to be shut off when the volume established for that land on the current Assessment Roll of the district has been used.
 - (d) Notwithstanding 6. (c), the Trustees may at any time introduce regulations restricting the use of water for irrigation or any other purpose. Upon receiving due notice of such restriction no person shall use water for the purpose forbidden by or in excess of the allotment imposed by such restriction. Due notice of restrictions shall, be given either by publication in a newspaper circulating within the District, by broadcast on local radio stations or by mail.
- 7.
- (a) The Trustees shall have right of access to all parts of a person's property or premises at all reasonable hours for the purpose of inspecting or testing any works, fittings, or appliances related to the use of water, or for the purpose of installing, removing, repairing, reading or inspecting meters or flow control devices.
 - (b) No person shall obstruct or prevent the Trustees from carrying out any of the provisions of this Bylaw.
- 8.
- (a) No person except the Trustees shall open, shut, 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-cock or other fixture connected with the District's works. Should any person so obstruct access to any said fixture by allowing accumulation of surface water around it or by placing any structure or material near it, 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 situated within an easement in favour of the District 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.
- 9.
- (a) All irrigation systems installed on private land must comply with the district's *Cross Connection Bylaw*.
 - (b) No person shall install any permanent set system on irrigation land unless the system has been designed to apply water at the established flow rate and the design has been approved by the Trustees.
 - (c) Every person to whose land irrigation water is delivered by the District shall do whatever is necessary to prevent waste of irrigation water on the land.

- (d) Every person to whose land irrigation water is delivered by the District shall establish his irrigation system, permanent set or otherwise, in such a manner as to confine the water within the boundaries of the property.
10. 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.
11. No water shall be delivered to any land in arrears of taxes for three years or more.
12. (a) The Trustees may turn off the supply of irrigation water to any persons 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 persons 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. The turning on of a water service shall be at the sole discretion of the Trustees. The charge for turning on a water service which has been turned off due to a person not complying with provisions of this Bylaw shall be One Hundred Dollars (\$100).
- (b) It is a violation of this bylaw for anyone to use water in a manner that does not comply with all the provisions of this bylaw.
- (c) It is a violation of this bylaw for anyone to use water in excess of the allotment provided for in 6. (d) and water use in excess of the allotment is subject to a metered rate penalty as presented in Schedule A.
- (d) Notwithstanding 12 (c), it is the sole discretion of the Trustees to turn off the water supply to any property in excess of the allotment for that property.
- (e) 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 (\$2,000) or to imprisonment not exceeding sixty (60) days or both.
13. Bylaw No. 553, being the *Irrigation Water Distribution and Regulation Bylaw* is hereby repealed.

14. This Bylaw may be cited as the *Irrigation Water Distribution and Regulation Bylaw*.

INTRODUCED and given first reading by the Trustees on the 13th day of March 2003.

| RECONSIDERED and finally passed by the Trustees on the 13th day of March 2003.

Chairman

I HEREBY CERTIFY under the seal of the South East Kelowna Irrigation District that this is a true copy of Bylaw No. 579 of SOUTH EAST KELOWNA IRRIGATION DISTRICT passed by the Trustees on the 13th day of March 2003.

Secretary/Treasurer

Schedule A
Metered Rate Penalty for Water Use in Excess of Allotment

The following rate is an inclined block rate and applies to water use in excess of the allotment. Each block is a volume of water equal to ten percent of the allotment. For each ten percent block of water use in excess of the allotment the rate per 1,000 US gallons of water increases. The rates are cumulative and only apply to water use within the range of the block/volume of water to which they are attributed.

Block (percent in excess of water allotment):	>0% to 10%	>10% to 20%	>20% to 30%	>30% to 40%	>40% to 50%	>50% to 60%	>60% to 70%	>70% to 80%	>80% to 90%	>90%
Rate per 1,000 US gallons:	\$0.10	\$0.13	\$0.16	\$0.20	\$0.25	\$0.31	\$0.38	\$0.46	\$0.55	\$0.65