

CITY OF WEST KELOWNA

BYLAW NO. 274

A BYLAW TO REGULATE THE DISTRIBUTION, OPERATION AND CONNECTION OF
POTABLE WATER

CONSOLIDATED FOR CONVENIENCE TO INCLUDE 0274.01

WHEREAS the Council of the City of West Kelowna may by bylaw, pursuant to the *Community Charter*, regulate, prohibit and impose requirements in relation to the distribution, operation, and connection for use of potable water from the City of West Kelowna Water Utility;

AND WHEREAS the City of West Kelowna may enter onto property for the purposes of enforcing its bylaws;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby enacts as follows:

1. **Title**

This Bylaw may be cited as the “City of West Kelowna Water Regulation Bylaw No. 274, 2021.”

2. **Definitions**

In this Bylaw:

“Agricultural” means land designated as “Farm Status” per Section 23 of the *Assessment Act and B.C. Regulation 411/95*.

“Approved Backflow Prevention Assembly (ABPA)” means a device that is designed to be tested and repaired in-line and meets the design and testing criteria requirements of the CSA B64.10 Series (as amended or replaced from time to time) and the BCPC Division B, 2.6.2. It is also known as a backflow preventer.

“Appurtenance” means all parts of a private or public water system.

“Authorized Agent” means a person, company or corporation representing the City of West Kelowna by written consent and includes Bylaw Enforcement Officers and Building Officials.

“Auxiliary Water Supply” means any water available on or to a premise originating from a source or system, other than that from the City of West Kelowna Water Utility.

“Backflow” means the flow of water or other substances in the opposite direction to normal flow.

“Backflow Assembly Test Report” means a form provided by or approved for use by the City of West Kelowna to be used when testing backflow assemblies to record all pertinent information and test data.

“Bare Land Strata” means a Bare Land Strata Plan as defined in the *Strata Property Act* as amended or replaced from time to time.

“B.C. Plumbing Code” (BCPC) means the British Columbia Plumbing Code as amended or replaced from time to time (BCPC, Division B, 2.6.2 Protection from Contamination).

“Building Official” means an individual designated as a Building Official for the City of West Kelowna.

“Building Strata” means a Building Strata Plan as defined in the *Strata Property Act* as amended or replaced from time to time.

“Bylaw Compliance Officer” means a person appointed by Council as a Bylaw Compliance Officer.

“Certified Backflow Assembly Tester” means a person holding a valid certificate from a recognized British Columbia approval agency for testing backflow prevention assemblies as approved by the City of West Kelowna.

“City” means the City of West Kelowna.

“City Water Utility” means the entire network of pipes, pumps, water treatment facilities, reservoirs, valves, hydrants, service lines, meters, and all other appurtenances or facilities that make up the City’s water supply and distribution system.

“Consumption” means the measurement of water in cubic meters that passes through the Water Meter.

“Contaminant” means any substance in water which may render the water unfit for drinking according to guidelines and regulations of the Province of British Columbia and/or the Interior Health Authority.

“Council” means the elected Municipal Council of the City of West Kelowna.

“Cross Connection” means any connection whereby the City Water Utility is connected, directly or indirectly, with any non potable or unapproved private water system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture or any other device which contains, or may contain, contaminated water, liquid, gases, sewage or other waste, of unknown or unsafe quality which may be capable of imparting contamination to the City’s Water Utility as a result of backflow.

“Cross Connection Control Program” means the City of West Kelowna Cross Connection Control Program which provides references, guidelines, bulletins and amendments relevant to this Bylaw as required by the Interior Health Authority’s Permit to Operate, issued to the City of West Kelowna.

“CSA” means the Canadian Standards Association.

“Customer” means any registered owner of a parcel (person, company, corporation, or government agency) who is serviced in a City water service area, or a person having an active Bulk Water Station account.

“Customer Service Account” means an account for invoice or billing purposes under the City’s Fees and Charges Bylaw.

“Director” means the Director of Engineering and Public Works of the City of West Kelowna, or approved designate.

“Discontinue” means the turning off, or a physical separation or removal of the owner or occupant Service Line from the City water system.

“Drip-irrigation system” means a system using irrigation components which consume less than 91 litres (20 gallons) per hour and operate at less than 25 psi to deliver water to the root zone of the plant material being irrigated, but does not include weeper or soaker hoses.

“Farm” means a parcel of land classified as farmland for assessment and taxation purposes including but not limited to nurseries, orchards, and vineyards.

“Fire Protection Use” means the use of the City Water Utility exclusively for the purposes of providing a standby water service for fire protection.

“Inspect” means an on-site review of the water use, facilities, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluating for conformity with the terms and conditions of this Bylaw.

“Large Properties” means parcels that are more than 0.4 ha (1 acre) in size.

“Large Strata Properties” means strata lots with common areas of more than 0.4 ha. (1 acre) in size.

“Multi-Family” means housing that contains five or more attached dwelling units per building.

“Non-potable water” means water that does not meet Health Canada’s Guidelines for Canadian Drinking Water Quality and is not meant for human consumption.

“Non-potable water systems” means an assembly of pipes, fittings, valves, and appurtenance that collects and distributes non-potable water.

“Nurseries” mean a business in which flowers, plants, trees or shrubs are grown and/or displayed for sale.

“Occupant” means a person to whom water is supplied by the City of West Kelowna.

“Over watering” means to water in a manner that saturates the lawn, boulevard or landscaped area being watered and results in water spreading or pooling onto areas beyond them.

“Owner” means the registered owner, or the person named as the registered owner on the tax roll by reason of agreement for sales of any lands and premises situated within the City of West Kelowna boundaries and shall, where applicable, include the agent, executor or administrator of such owner or the lessee or occupier of the premises.

“Parcel” means any lot, block or other area in which land is subdivided.

“Person” shall, in addition to its ordinary meaning, include a firm or partnership, company or corporation.

“Potable Water” means water that meets Health Canada’s Guidelines for Canadian Drinking Water Quality and is fit for human consumption.

“Premises” means any building or structure located on a parcel or property.

“Private Water System” means all appurtenances privately owned, and intended for the delivery or distribution of water within a premise or to a parcel and includes any domestic use, irrigation system, greenhouse and hydroponics system, and any other use of water supplied by the City Water Utility.

“Property” has the same meaning as parcel.

“Rate” means the sum to be paid by a Customer for the quantity of water supplied by the City Water Utility, as measured by a Water Meter and/or as a fixed charge as provided by the Fees and Charges Bylaw.

“Service Connection” means the point of physical connection between the City Water Utility and the boundary of the private water system, and includes all related pipes, shut-off valves (curbstops) and other appurtenances, for conveying water to the parcel.

“Single family” means a building containing one, or up to and including four individual housing units (each unit to be billed as a one “Single family unit”).

“Sprinkling” shall mean the application of water to lawns, gardens, farms, or other landscaped areas, except for hand watering and drip irrigation systems.

“Temporary Water Use Permit” means a permit issued by the City for a person requesting water from a fire hydrant, standpipe, or temporary water connection for purposes other than emergency fire protection.

“Turn on” means the opening of the City owned service connection.

“Turn off” means the closing of the City owned service connection.

“Used Water” means any potable water which is no longer in the City’s Water Utility including potable water that has moved downstream or past the Water Service Connection Point and/or the property line to the private water system.

“Water Meter” means an apparatus or device used for measuring the volume of water passing through it, and includes any accessories such as a remote reader device and the connecting cable.

“Water Meter Pit” means a private chamber constructed underground, which includes a Water Meter setting, to which the City Water Meter is installed.

“Water Meter Setting” means the private plumbing, including pipes, valves and couplers that comprise the exact opening into which the City Water Meter can be installed.

3. **Operation of the Water Service**

- 3.1 The Director is hereby authorized by Council to determine, administer and enforce the provisions of this Bylaw.

3.2 No person shall obstruct or prevent the City or its authorized agent from carrying out any of the provisions of this Bylaw.

4. **City's Right of Access**

4.1 The City or its authorized agent shall have right of access to all parts of a person's parcel or premises at all reasonable hours for the purpose of:

- inspecting or testing any works;
- inspecting private appurtenances;
- installing, removing, repairing, reading or inspecting water meters.

4.2 No person shall obstruct the access to any hydrant, valve, curbstop or other fixture connected to the City's Water Utility. The City may remove any obstruction at the expense of the owner.

5. **Liability of the City**

5.1 Water service is provided on the condition that the owner indemnify and save harmless the City, its Council, officers, agents and employees in respect of all claims arising from the provision of the water service.

5.2 The City does not guarantee a specific or consistent pressure, a continuous supply, or water quality to individual users. The City reserves the right to interrupt water services at anytime to make repairs or alterations to the City's Water Utility.

5.3 The City is not responsible for any excessive water pressure or lack of water pressure.

5.4 The City is not responsible for the failure of the water service or for damages due to failure or negligence resulting from the use of water from the City's Water Utility.

5.5 The City is not responsible for any temporary stoppage of the water service due to alterations or repairs to the City's Water Utility.

6. **City Water Utility**

6.1 No person shall tamper with, operate, damage or in any way interfere with any appurtenances of the City's Water Utility without written approval from the City.

6.2 No person shall tap into or make a connection to the City Water Utility except as authorized by this Bylaw or as explicitly authorized by the City.

6.3 When an owner requests that any of the City's Water Utility be relocated, the entire cost of relocating the works shall be paid by the owner unless other arrangements are agreed upon in writing by both parties. The owner shall also be responsible for all costs associated with the creation of any new easement, including repealing the old easement.

6.4 The City may, without notice, change the operating pressure, shut off water, or change the direction of flow.

6.5 No person shall sell water from the City's Water Utility.

6.6 No person shall allow any water to be used on a parcel other than the parcel for which the connection to the City's Water Utility is approved.

7. **Water Meters**

- 7.1 A Water Meter shall be installed for each category on every parcel that receives water service from the City as per the Fees and Charges Bylaw.
- 7.2 The City will determine the number of meters required on a parcel based on the number of buildings and/or the usage of water.
- 7.3 Fees for Residential Water Meters shall be in accordance with the Fees and Charges Bylaw.

Bylaw No. 274.01, adopted February 8, 2022, deleted section 7.4 in its entirety and replaced it with the following 7.4:

- 7.4 The City will supply, at the owner's expense, a Residential Water Meter up to 1 inch in size, for installation by the owner for all new construction and building upgrades; a parcel owner is responsible for the supply and installation of the Water Meter Setting and/or Water Meter Pit as determined by the City.
- 7.5 The City will specify the type and size of Water Meters for Commercial, Industrial, Institutional, Agricultural, and Multi-Family. Water Meters will be supplied and installed at the owner's expense and confirmation shall be delivered to the City within 14 days of installation.

Bylaw No. 274.01, adopted February 8, 2022, deleted section 7.6 in its entirety and replaced it with the following 7.6:

- 7.6 Water Meters that are located in a building shall be as close as possible to the entrance point of the Private Water Service unless otherwise approved by the City.

Bylaw No. 274.01, adopted February 8, 2022, deleted section 7.7 in its entirety and replaced it with the following 7.7:

- 7.7 All new residential construction must house the water meter in a water meter pit unless otherwise approved by the City. The location of the water meter will be determined by the City. This section shall apply to all building permits approved after the date of adoption of Amending Bylaw No. 247.01.
- 7.8 No appurtenance shall be located upstream of a water meter.
- 7.9 The City has the authority to inspect, maintain, repair, replace and read Water Meters.

Bylaw No. 274.01, adopted February 8, 2022, deleted section 7.10 in its entirety and replaced it with the following 7.10:

- 7.10 A parcel owner must, at all reasonable times, provide adequate, convenient, and unobstructed access to the City for installing, inspecting, repairing, maintaining, replacing and reading the Water Meter.
Where a water meter is located inside a building and the parcel owner fails to provide adequate, convenient, and unobstructed access to the City where the City has provided reasonable notice, the City may install a new water meter in a water meter pit at the parcel owners' expense.
- 7.11 A parcel owner must provide adequate protection for the Water Meter against freezing, heat and other severe conditions that might damage the Water Meter.

- 7.12 If a water meter is damaged, has failed or is deemed inoperable:
- a) A residential parcel owner shall be responsible for the cost of the repair or replacement of a water meter if it is damaged.
 - b) Industrial, Commercial, Institutional, Agricultural or Multi-family parcel owners shall be responsible for the cost of the repair or replacement of a water meter if it is damaged, has failed, or is deemed inoperable.
 - c) Failure to repair or replace a defective water meter will result in the City installing a new water meter in a water meter pit at the parcel owner's expense, and/or any other enforcement action the City deems necessary.
- 7.13 City water service to a parcel shall not be activated unless authorized by the City.
- 7.14 No person shall remove or disturb a water meter except under the direction of the City.
- 7.15 A parcel owner shall notify the City immediately of any breakage, stoppage or other irregularity in a water meter.
- 7.16 The City will estimate a meter reading if one cannot be obtained due to meter malfunction or other circumstance.
- 7.17 All parcels may be eligible for a one-time water leak adjustment providing the criteria is met as set out in the Financial Services Water Leak Adjustment Policy.
8. **Temporary Water Use Permit**
- 8.1 Outside of fire use protection, no person shall operate any hydrant or standpipe from the City Water Utility or Private Water System (ie: hydrants on private property), without first obtaining a Temporary Water Use Permit.
- 8.2 Any person who is requesting temporary water use from a standpipe or hydrant, must:
- a) Complete a "Temporary Water Use Application" for the City's consideration and pay application fees in accordance with the Fees and Charges Bylaw.
- 8.3 Upon issuance of the "Temporary Water Use Permit", the applicant must comply with all terms, conditions, and procedures of the permit.
- 8.4 The City may refuse to issue, may suspend, or may cancel a permit where the issuance may result in risk to the City or if the permit holder fails to comply with the provisions of this Bylaw or the terms and conditions of the permit.
- 8.5 The City may impose terms, conditions, or restrictions on any term of the Temporary Water Use Permit.
- 8.6 All costs associated with loss or damage to City provided Backflow assembly/water meter unit (BFA/WM unit) shall be the responsibility of the Temporary Water Use Permit holder.

9. **Bulk Water Filling Station**

- 9.1 No person shall use the Bulk water filling station without obtaining an account with the City. All charges will be in accordance with the Fees & Charges Bylaw.
- 9.2 No person shall use the water contrary to posted signage at the Bulk Water Station.

10. **Cross Connection Control**

- 10.1 A cross connection is not permitted to the City of West Kelowna water utility.
- 10.2 No person shall permit any contaminant or auxiliary water supply into the City's water utility.
- 10.3 The City shall not provide service to a premises until the private water system has been protected from Cross Connections and is in conformance with the CSA B64.10, and with the BCPC, Division B, 2.6.2 (Protection from Contamination).
- 10.4 Service supplied by the City to a premises or parcel shall only be provided where the City water utility is protected from actual or potential cross connections existing within a private water system.
- 10.5 The City may, at any time, order an owner or occupant, at the owner's expense, to conduct a backflow assembly test, provide reports and undertake measures required to prevent contamination of the potable water system.
- 10.6 The authorized agent of the City may enter on a parcel to:
- a) Access the private water system located on the private parcel, at all reasonable hours, in order to inspect the Premises to determine if cross connections comply with this Bylaw;
 - b) Impose and ensure minimum standards are met relating to the type and method of backflow prevention as per CSA B64.10, and as per the BCPC, Division B, 2.6.2 (Protection from Contamination); and,
 - c) Inspect the backflow preventer, the installation and maintenance.
- 10.7 Where the configuration of any water connection creates a risk of contamination to the City water utility, the City will require the owner or occupant, at their expense, to install a backflow preventer on the private water system where the water service connection point enters the building and downstream of the Water Meter, or in another location approved by the City.
- 10.8 Where the City determines any condition that may expose the City water utility to risk of contamination, the City shall take one or more of the following actions:
- a) Give notice to the owner or occupant to correct or eliminate the condition or cross connection(s) at the sole expense of the owner within 30 days or a specified time period as indicated in a notice issued by the City, by installing an ABPA, as per CSA B64.10, and as per the BCPC, Division B, 2.6.2 (Protection from Contamination).
 - b) The City may initiate an enforcement action that may include, but not be limited to:
 - i) the issuance of tickets;

- ii) installing a backflow preventer as a charge against the property.
- c) Service may be discontinued until the condition is corrected.

Testing, Maintenance and Repair of Backflow Prevention Assemblies

- 10.9 The owner, occupant or Certified Backflow Assembly Tester, shall provide to the City within thirty (30) days of initial installation, repair, relocation or annual testing of a backflow preventer, a Backflow Assembly Test Report completed by a Certified Backflow Assembly Tester as per CSA B64.10.
- 10.10 An owner or occupant shall have the backflow preventer located on the parcel, inspected and tested by a Certified Backflow Assembly Tester, at the sole expense of the owner or occupant:
- a) upon installation, after repair, or relocation and;
 - b) at least once in every consecutive twelve (12) month period thereafter.
- 10.11 The City may require more frequent testing of the backflow preventer where necessary to protect the City water utility.
- 10.12 Any person that removes a backflow preventer from a plumbing system must obtain prior written consent from the City.
- 10.13 Notwithstanding section 10.12, prior written consent is not required if:
- a) a backflow preventer is removed and is immediately replaced with an equivalent backflow preventer, and
 - b) the occupant or owner or their agent submits a test report to the City within 48 hours of replacing the backflow preventer.

Auxiliary and Non-Potable Water Supplies

- 10.14 No person shall cause or allow any Auxiliary Water Supply or non-potable water system to be connected to the City's water system.
- 10.15 All piping, exposed standpipes, fittings, valves and outlets for non-potable water systems must be permanently identified by a color and/or label and in conformance with CSA B128.1, as amended or updated.

Commercial and Agricultural Irrigation Use

- 10.16 Where a cross connection exists between the City's Water Utility and a private water system, in addition to the general provisions stated in this Bylaw, the owner or occupant shall:
- a) supply and install a backflow preventer on irrigation systems, in conformance with CSA B64.10, and as per the BCPC, Division B, 2.6.2 (Protection from Contamination).
 - b) have the backflow preventer inspected and tested by a Certified Backflow Assembly Tester, each irrigation season prior to commencement of operation of the private water system, at the expense of the owner or occupant.

- c) install and use an approved reduced pressure principal backflow assembly (RPBA) whenever fertilizers, chemicals or any other substance detrimental to health are introduced into an irrigation piping system.

11. **Outdoor Water Usage Regulations**

11.1 The Director shall determine when the applicable stages of watering regulations will be imposed and will provide notice to affected users.

11.2 Outdoor water use regulations for each stage are prescribed as follows:

11.2.1 **General:**

- a) Outdoor water use regulations apply to all properties within the City of West Kelowna, except exempt users, as set out in section 11.4.
- b) Stage 1 sprinkling regulations are continuously in effect throughout the year, except when any of Stages 2, 3, or 4 are in effect.
- c) Sprinkling is not permitted between the hours of 11:00 a.m. and 6:00 p.m. during any day.
- d) Only one outlet (outside tap) may be used at one time for sprinkling.
- e) Using an open pipe or hose for irrigating purposes is prohibited.
- f) Hand watering of all landscape plant materials and vegetable plantings, excluding lawns, is permitted, except in Stage 4.
- g) Properties that have both unit numbers and street numbers will adhere to the following guidelines:

- Units that have control of their own irrigation systems may water based on their unit number;
- Common areas within a complex may water on the days that correspond with the street number of the complex;
- Large properties and large strata properties may split their common area watering between odd and even days due to the large area they cover.

11.2.2 **Sprinkling Restrictions:**

a) **Stage 1 Restrictions**

i. **Days of Watering:**

Sprinkling is only permitted as follows:

- Even numbered addresses on Even Calendar Days
- Odd numbered addresses on Odd Calendar Days

ii. **Automatically Controlled Sprinkling Systems:**

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 described above.

iii **Manually Controlled Sprinklers:**

Properties equipped with manually controlled sprinkling systems, including those attached to outside taps, may only operate from 12:00 midnight to 11:00 a.m. and from 6:00 p.m. to 12:00 midnight on the days permitted by the sprinkling restrictions as described above.

b) **Stage 2 Restrictions**

i) Days of Watering:

Sprinkling is only permitted as follows:

- Even numbered addresses on Saturdays and Tuesdays
- Odd numbered addresses on Sundays and Wednesdays

ii) Automatically Controlled Sprinkling Systems:

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 described above.

iii) Manually Controlled Sprinklers:

Properties equipped with only manually controlled sprinkling systems, including those attached to outside taps, may only operate from 12:00 midnight to 11:00 a.m. and from 6:00 p.m. to 12:00 midnight on the days permitted by the sprinkling restrictions as described above.

c) **Stage 3 Restrictions**

i) Days of Watering:

Sprinkling is only permitted as follows:

- Even numbered addresses on Saturdays
- Odd numbered addresses on Sundays

ii) Automatically Controlled Sprinkling Systems:

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 described above.

iii) Manually Controlled Sprinklers:

Properties equipped with only manually controlled sprinkling systems, including those attached to outside taps, may only operate from 12:00 midnight to 11:00 a.m. and from 6:00 p.m. to 12:00 midnight on the days permitted by the sprinkling restrictions as described above.

iv) No Person Shall:

- i) Fill a swimming pool, hot tub, garden pond, or decorative fountain at any time;
- ii) Wash a vehicle with water;
- iii) Wash driveways or sidewalks.

d) **Stage 4 Restrictions**

- i No person shall use water outdoors for any purpose.

11.3 **New Lawns and Landscaping**

New lawns and landscaping may be watered during installation and for a period of 14 consecutive days immediately following installation, with the exception that no sprinkling is permitted between the hours of 11:00 a.m. and 6:00 p.m. on any day, or during a Stage 4 water restriction.

11.4 **Exempt Users**

The Outdoor Water Use Regulations shall not apply to persons who own, operate or carry on the following operations or activities that rely on the use of water:

- a) Agricultural;
- b) Fire Use Protection;
- c) Sports Fields;
- d) Cemeteries;
- e) Spray Parks;
- f) Washing exterior building surfaces including windows, prior to the application of a product such as paint, preservative, stucco or preparation of a surface prior to paving or repainting of bricks or if required by law, to comply with health and safety regulations.

Prohibitions

11.5 No person shall use water contrary to the provisions of this Bylaw.

11.6 No person shall waste water by using more water than is required, including but not limited to, allowing a tap or hose to run water unnecessarily or over-watering plants, lawns, and agricultural parcels.

11.7 No person shall damage or allow the deterioration of any device or mechanism which may result in a waste of water.

12. **Works on Private Property**

12.1 No person shall make any connection to their service for the purpose of supplying water to another parcel.

12.2 No person shall make any connection to their service for the purpose of supplying water to another building without a permit from the City.

12.3 No person shall connect any external source of water, such as well or surface water, to a parcel which is supplied water by the City.

12.4 No person shall use a pump or other device for increasing the pressure in any pipe without written permission from the City. The City may, without notice, discontinue services to any person using a pump or other device. If approval is granted by the City, an approved testable double check valve must be installed, at the owner's expense, at the intake side of the pump, to negate the potential for cross connection.

- 12.5 The parcel owner shall be responsible for safekeeping, maintenance, repair and replacement of all private appurtenances from the City's service connection at the parcel line.
- 12.6 A Temporary Water Use Application and Permit is required prior to hydrant maintenance.
- 12.7 Upon notification from the City, a parcel owner must, at the sole expense of the owner, repair any appurtenance within 30 days or a specified time period as indicated in a notice issued by the City.
- 12.8 If a parcel owner does not repair pursuant to section 12.7, the City may initiate an enforcement action that may include, but not be limited to;
- the issuance of a ticket;
 - the discontinuation of the service until the repair is completed.
- 12.9 No person shall demolish, move, remove or substantially alter any building connected to the City Water Utility, without first obtaining a building permit to discontinue the water service to the parcel and paying the applicable fee in accordance with the Fees and Charges Bylaw.
- 12.10 All properties must have a pressure reducing valve installed and maintained, at the owner's expense, to protect against pressure surges in the City's Water Utility.
13. **Service Connections**
- 13.1 A parcel owner is responsible for the cost of installation of the Private Water System.
- 13.2 No person shall obtain water from the City's Water Utility without first obtaining a Customer Service Account from the City.
14. **Agricultural Connections**
- 14.1 No person shall apply agricultural water to any parcel unless it is classified as Farm Status.
- 14.2 All irrigation systems for the purpose of agricultural use installed on private land must comply with this Bylaw.
- 14.3 The agricultural water service may be available on or about April 1st to on or about October 1st. Parcel owners may apply to the City for a variance to these dates.
- 14.4 Every parcel to which agricultural water is delivered shall establish an irrigation system to confine the agricultural water within the boundaries of the Farm Status area that has been defined for the parcel.
- 14.5 A fee will be charged to install an agricultural service connection in accordance with the Fees and Charges Bylaw.
- 14.6 Each agricultural connection shall not exceed a peak irrigation flow rate of 6.0 USGPM/acre or 56.1 LPM/hectare.

- 14.7 The City 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.
- 14.8 No person shall apply agricultural water to any single parcel, or multi-parcel irrigation unit, in excess of the volume established by the City. The City may shut off the service when the volume of water has exceeded the established allotment.
- 14.9 Notwithstanding 14.8, the City may at any time impose water restrictions on water for irrigation or any other purpose. Upon receiving notice, no person shall use water in excess of the allocation imposed by the restriction.
- 14.10 Agricultural water use will be metered by the City and is subject to a metered rate as per the Fees and Charges Bylaw.

15. **Turn Off / Turn On of Water Service**

- 15.1 The City may turn off water service to any parcel if any requirements set out in this Bylaw are not met and the parcel owner or user shall not be entitled to receive any further water from the City until the default has been remedied.
- 15.2 No person shall turn off or on the service connection valve (curbstop). The turning off/on of a water service shall be at the sole discretion of the City and be conducted by the City. The charge for turning off/on a water service shall be in accordance with the Fees and Charges Bylaw.
- 15.3 Requests for turning off/on the water service from the City Water Utility shall be made to the City and shall be billed in accordance with the Fees and Charges Bylaw.
- 15.4 The City may shut off the water service to any parcel for any reason it deems appropriate, including but not limited to the following reasons:
- a) a request from an owner to turn off or discontinue water service;
 - b) a shortage of water;
 - c) maintaining, repairing, renovating, replacing, disinfecting or otherwise operating the City's Water Utility;
 - d) an emergency that threatens the safety of the City's Water Utility or the public; or
 - e) non-compliance of this Bylaw.

16. **Service of Notice**

- 16.1 Where water service is to be shut off as a result of non-compliance with this Bylaw, shortage, maintenance, repair, renovation, replacement, disinfection or other operation of the City Water Utility, the City will give reasonable notice for scheduled work, but no notice may be given where safety or parcel is at risk.
- 16.2 Notice may be given by one or more of the following, but not limited to:
- a) posting notice on the parcel;
 - b) providing notice on the Customer Service Account invoice;
 - c) mailing notice to the parcel address or Customer mailing address;
 - d) email, phone, website, e-notification, or social media.

16.3 The City is not responsible for any notice failing to reach a parcel owner or other consumer.

17. **Interpretation**

Throughout this Bylaw where the context requires, the singular shall be held to mean and to include the plural and the masculine, the feminine or body corporate.

18. **Severability**

If any portion of this Bylaw is deemed invalid by a court of competent jurisdiction, the invalid portion shall be severed and shall not affect the validity of the remaining portions of the Bylaw.

19. **Penalties**

19.1 Any person who violates any provision of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction to a fine not exceeding Fifty Thousand Dollars (\$50,000.00).

19.2 Each day an offence against this Bylaw continues or exists shall constitute a separate offence.

20. **No Obligation to Provide Service**

Nothing in this Bylaw shall obligate the City to supply water to any parcel when the cost of laying City Water Utility to the parcel would be excessive and create an additional burden upon the revenues of the system, unless the owner of such parcel shall be prepared to pay to the City the extra costs incurred to lay City Water Utility to the person's parcel.

21. **Rescind**

21.1 The City of West Kelowna Outdoor Water Use Regulations Bylaw No. 0188, 2015 is hereby rescinded.

21.2 The Lakeview Irrigation District Bylaw No. 284 Cross Connection Regulation Bylaw, 2007 is hereby rescinded.

21.3 The Lakeview Irrigation District Bylaw No. 290 Water Distribution Regulation Bylaw, 2009 is hereby rescinded.

21.4 The Westbank Irrigation District Bylaw No. 609 Cross Connection, 2003 is hereby rescinded.

21.5 The Westbank Irrigation District Bylaw No. 614 Connection Charge Bylaw, 2004 is hereby rescinded.

21.6 The Westbank Irrigation District Bylaw No. 617 Water Distribution Regulation Bylaw, 2005 is hereby rescinded.

- 21.7 The Westbank Irrigation District Bylaw No. 653 Agricultural Water Distribution and Regulation Bylaw, 2010 is hereby rescinded.
- 21.8 The Lakeview Irrigation District Bylaw No. 273 Subdivision & Development Water Regulation Bylaw, 2005 is hereby rescinded.
- 21.9 The Regional District of Central Okanagan Bylaw No. 1108 Water Utility and Maintenance Fee Bylaw, 2007 is hereby rescinded.

READ A FIRST, SECOND AND THIRD TIME THIS 22ND DAY OF JUNE, 2021

ADOPTED THIS 13TH DAY OF JULY, 2021

MAYOR

CORPORATE OFFICER