

**OSOYOOS IRRIGATION DISTRICT  
WATER DISTRIBUTION REGULATION  
BYLAW NO. 166**

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**A BYLAW FOR REGULATING THE DISTRIBUTION AND USE OF  
WATER AND PRESCRIBING PENALTIES FOR NON-COMPLIANCE  
WITH THE REGULATIONS.**

The Trustees of Osoyoos Irrigation District **ENACT AS FOLLOWS:**

**Definitions**

1. In this bylaw, unless the context otherwise requires, the following words and terms shall have meanings hereinafter assigned to them":

- a) **"Collector"** means the collector of the Osoyoos Irrigation District as appointed by the Board or Trustees.
- b) **"District"** shall mean the Osoyoos Irrigation District.
- c) **"Domestic"** means the use of water for household requirements, sanitation, fire protection, the watering of domestic animals and poultry and the irrigation of a garden not exceeding one acre adjacent to, or occupied with any dwelling house.
- d) **"Irrigation"** means the beneficial use of water for crops.
- e) **"Miscellaneous Charges"** means charges owing to the District for goods or services provided by the District.
- f) **"Person"** shall include an owner, occupant, consumer, firm, association, partnership, organization, trust company or corporation as well as any individual.
- g) **"Rate"** means the price or sum of money paid by any consumer for any water supplied or made available for the works.
- h) **"Service"** means the supply of water from the works to any person, company or corporation and all pipes, taps, valves, connections, meters and other things necessary to, or actually used for, the supply of water.
- i) **"Trustees"** means the Board of Trustees of the Osoyoos Irrigation District or any person authorized to act on their behalf.
- j) **"Works or Waterworks"** means the waterworks system of the Osoyoos Irrigation District and includes every part of that system operated and maintained by the District.
- k) **"Swimming pool"** shall mean artificially created body of water having a depth of 18" or more used for recreational or physiotherapy purposes.

## **General Regulations**

2. No person shall use water on any property other than that for which rates are paid by the owner.

## **Service Connections**

3.
  - (a) It shall be lawful for the District to supply water to the persons of the District and the provisions of this Bylaw shall extend to, and be binding upon, any person so supplied.
  - (b) Nothing in this Bylaw shall obligate the District to supply water/service to any person.
  - (c) The District shall not be obligated in any way to extend water service beyond the boundaries of the District.
4.
  - (a) Where an applicant for a water service requires a quantity, pressure or type of service in excess of that which can be supplied from the works, the District may require the said applicant to pay for all or part of any works considered necessary to augment system capacity in order to meet the water requirements. Alternatively, the said applicant may be required to make a capital contribution towards the future provision of such works. Applicants considered under this section may be required to enter into a formal agreement with the District regarding the special terms and conditions under which water is supplied.
  - (b) Upon an application, for a water service being received, approved and the fee paid, the Trustees shall provide and install a service from the main to the lot boundary as soon as convenient.
5.
  - (a) Before any person shall install or construct any works, he shall apply to the District in writing and obtain a written permit therefore, and if required by the District, he shall furnish a plan and specifications which shall show:
    - (i) The purpose of the size of pipes and the number of outlets related or connected thereto.
    - (ii) A description of the material which the applicant proposes to use.
    - (iii) The street address and complete legal description of the premises in which the installation or connection is to be made.
6.
  - (a) The type and size of service connection and the arrangement of valves and other appurtenances required to regulate the water shall be specified in the design guidelines for the District.
  - (b) In the event that such service may be provided from either of two mains, the trustees shall determine to which main the service shall be connected.
  - (c) In case any person desires to have service pipes laid in any particular direction other than the shortest way from the main to the lot boundary, the consent of the

Trustees shall first be obtained and any extra expense incurred over the ordinary way of laying such service pipes shall be paid for by the applicant over and above the usual service fee.

- (d) Immediately after the completion of any works, and before such works or any part thereof has been covered or concealed, the District shall be notified that such works are ready for inspection. The works shall not be covered until they have been inspected, tested under pressure, and accepted in writing by the District.

### **Change of Occupancy**

- 7. No agreement between the person of premises and the District with respect to water service to those premises may be transferred to another person. New persons of the premises shall apply in writing to the District for water service and receive permission before they commence to use water.

### **Turn Off and Turn On**

- 8. Persons who wish to have their water service discontinued shall pay the prescribed turn-off charge, and give the District fourteen (14) days notice. The service shall be cut off at the end of the month succeeding the termination of the notice. Before the service is again renewed, the tenant or occupant shall pay to the District the prescribed turn-on charge for the renewal of the service. The prescribed turn-off charge is \$100.00 and the prescribed turn-on charge is \$100.00
- 9. The District may, on 24 hours notice, order the water be turned off to any person where Tolls have been owing to the District for ninety (90) days or longer. The person will be liable to pay the Tolls in full including interest, and subsequent turn off and turn on charges, prior to having their water turned on.

### **Trustees Right of Access**

- 10. (a) The Trustees or their designate 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.
- (b) No person shall obstruct or prevent the Trustees or their designate from carrying out any of the provisions of this bylaw.

### **District's Works**

- 11. No person except the Trustees or their designate shall open, shut, adjust, draw water from or tamper with any of the District's works.
- 12. 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, and should any person so obstruct access to any said fixture by allowing accumulation of surface

water around it or by placing thereon or near thereto any structure or material, the Trustees may remove such obstruction at the expense of the offending person.

13. When a landowner requests that any of the District's works situated within an easement in favor of the District be moved or relocated, the entire cost of moving or relocating the said works shall be borne by the owner unless other arrangements are agreed upon in writing by both parties.

### **Works on Private Property**

14. No work of any kind connected with the water service, either for the laying of new, or the repair of old service, shall be permitted to be done upon or under the streets, or to any District owned works, located in the District by any person other than an employee of the District and no person shall be allowed to make any connection with the waterworks system whatsoever without permission in writing from the District.
15. No person to whose premises water is supplied shall make, or permit to be made, any additional connection to his/her service of either temporary or permanent nature, for the purpose of supplying water to another building, or house trailer on his/her, or any other property without permission of the District.
16. No person shall interconnect any portion of works on private property which are supplied by the District with an external source of water, such as a well, except with written permission of the District. Wherever works on private property which are supplied by the District are connected to a body of contaminated water, such as a swimming pool, in such a way that, if a reverse flow were to be induced, a health hazard could result, the owner of the private property shall install and maintain a back-flow preventer on every such potentially dangerous cross-connection to the approval of the District.
17. No change or addition to the number or type of fixtures on premises, for the purpose of expanding a commercial, industrial enterprise, multiple occupancy, or increasing the number of residential units on the property, shall be made until notice thereof has been given in writing to the Trustees and written permission therefore obtained. Any extra charge or higher toll payable due to the change or addition shall be paid before the change or addition is commenced.
18. No person shall use or permit the use of any pump or other device for the purpose of, or having the effect of, increasing the pressure in any pipe without the written permission of the Trustees, whether such pipe forms part of the District's work or the works on the said person's premises. A backflow prevention device must be installed on any increased pressure system as per section 14. The District may, without notice, discontinue service to any person employing such pump or other device.
19. No device designed to introduce another substance into the water in the connection between the building or irrigation land and the water supply main shall be installed without written permission of the Trustees who, in consultation with the health

inspector, shall ensure that the device is so designed and installed that such substance cannot be introduced into the District's works.

20. (a) Any person wishing to install a permanent set system for watering lawns and gardens through a domestic shall submit plans of the system to the Trustees for approval. No person shall install a permanent system without first receiving approval from the Trustees.
  - (i) An automatic timing device must control all permanent set systems.
  - (ii) All permanent set systems must have an approved flow control device installed on the pipeline supplying the system which limited flow to 4 gallons per minute.
  - (iii) An approved back-flow prevention device must be installed on the pipeline supplying the permanent system.
  - (iv) All permanent set systems must be supplied with water downstream of an existing or potential water meter.
21. The owner shall be responsible for the safekeeping, maintenance, repair and replacement of all service pipes and plumbing systems from the outlet of the District's curb stop or standard waterworks valve at his/her property line and shall protect them from frost or other damage. and shall promptly repair frozen, leaky or imperfect pipes or fixtures.
22. No reduction in rates shall be allowed on account of any waste of water unless the Trustees are satisfied that such waste arose from an accident to the pipes or fittings on the consumer's premises arising from some cause beyond his/her control and that the consumer used all reasonable diligence to stop such waste.

### **Water Use Regulations**

23. (a) Where, in the opinion of the Trustees, the quantity of water being used or the rate which it is being used from time to time, through any service is in excess of that contracted for or otherwise considered adequate, the District may take such measures as are considered necessary to limit the supply to said service. These measures may include the installation of a meter, partially closing the controlling curb stop or standard waterworks valve, regulating the rate and time at which water may be used, and establishing special charges for water used in excess of a stipulated quantity or rate.
  - (b) The cost of any measures deemed necessary by the District under this section shall be paid by the owner or owners concerned.
24. The Trustees may limit the amount of water used by any service in the interests of efficient operation of the District's works and equitable distribution of water.

25. The Trustees may, at any time, substitute a metered service for an not metered service to any premises. Each dwelling shall have a meter separate from any other dwelling, in a position approved by the Trustees. All meters shall be the property of the District.
26. No person of any premises supplied with water by the District shall sell, dispose of, or give away water, or permit the same to be taken away or applied for the benefit of other persons or premises, except by permission of the Trustees.
27. No person shall use water for watering stock, filling of swimming pools, reservoirs or hot tubs, or for any purpose other than that required for normal domestic use and/or orchard/vineyard irrigation, except by written permission of the Trustees, which shall state the purpose, time of use and quantity of water to be used and additional charges, if any, and any special works required to be altered or installed.
28. An approved swimming pool shall be equipped with a recirculation and filtration system as set out in Part V of the Swimming Pool, Spray Pool and Wading Pool regulations under the Health Act.
29. No person shall use any service as motive power for the purpose of operating machinery without permission of the Trustees, who may terminate or withdraw such permission at any time.
30.
  - (a) The Trustees may at any time introduce regulations restricting the use of water for irrigation, sprinkling or any other purposes. Upon receiving due notice of such restriction, no person shall use water for the purpose forbidden by, or in excess of the limits imposed by, such restriction. Due notice of restrictions being applied and their removal, shall be given either by publication in a newspaper circulating within the District or by mail or hand delivery.
  - (b) Domestic sprinkling will be allowed between the hours of 9:00 p.m. and 7:00 a.m. **ONLY.**
  - (c) Notwithstanding any other provisions of this bylaw, no person shall, without the prior written permission of the Trustees, use water for sprinkling on any domestic in excess of the following limits:
    - (i) 4 US gallons per minute (4 U.S. GPM) for one-quarter acre on which a domestic is situated, and
    - (ii) Two U.S. gallons per minute (2U. S. GPM) for each additional one-quarter acre, for a total of eight U.S. gallons per minute per acre) or
    - (iii) Use an open pipe, hose or sprinkling apparatus, or a combination of open pipes, hoses and/or sprinkling apparatus that exceeds the flow limits prescribed by this section.
31. The irrigation of lawns, shrubs, trees, orchards and vineyards is **not permitted** until adequate pumping facilities have been turned on usually the 2nd Saturday in April. Persons, farmers and growers will be notified by publication in a newspaper

circulating within the District or by mail or hand delivery by the Trustees when irrigations is permitted or suspended.

32. In case of leaky, imperfect, defective or improper pipes, meters or indicators on any premises, the Trustees shall notify the occupant or owner and the necessary repairs or alterations shall be made within forty-eight hours. After this notice has been given, or when the condition of the pipes or fixtures is such as to cause waste of water or damage to property, without notice the water supply shall be terminated. The water shall not be turned on again until repairs or alterations have been made to the satisfaction of the Trustees and any District expenses have been paid. No person shall have any claim against the District by reason of such termination.

### **Liability of District**

33. The District does not guarantee a specific pressure or a continuous supply of water quality to meet the special requirements or 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. If service is to be interrupted for more than four consecutive hours, due notice shall be given to those water users affected.

### **Penalties**

34. The Trustees may, on twenty-four (24) hours written notice, turn off the supply of water to any person 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 person 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.
35. No occupier of land will cause, suffer or allow irrigation water to flow onto or to be released on or to be used on the land which he occupies or any part of such land, unless the water is being lawfully supplied to such land in accordance with the provisions of this bylaw.
36. Every person who commits an offence under this bylaw is liable on summary conviction to a penalty in accordance with the Offence Act.
37. This bylaw repeals Bylaw No. 160
38. This bylaw may be cited as the "Osoyoos Irrigation District Water Distribution Regulation Bylaw":

**INTRODUCED** and given first reading by the trustees on the twenty ninth day of January 2008.

**RECONSIDERED** and finally passed by the Trustees on the eighth day of April 2008.

Linda Lobl  
Chairman of the Trustees

I hereby certify that this is a true copy of the Bylaw No. 166

Linda McWhinnie  
Officer

A true copy of By-Law No. 166  
registered in the office of the Inspector  
of Municipalities this 22nd day of  
April 2008

Geoffrey  
Deputy Inspector of Municipalities

Superseded by 182