

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 4899

A bylaw to provide for the management and fixing of rates, terms and conditions under which irrigation water may be supplied from the irrigation water system of the City of Vernon

WHEREAS it is necessary and expedient that provisions be made for the government and management of the irrigation water system of the Corporation of the City of Vernon and for fixing terms and conditions under or upon which irrigation water may be supplied and used therefrom;

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1.00 CITATION

- 1.01 This bylaw may be cited as "The City of Vernon Irrigation Water Supply Bylaw Number 4899, 2005".
- 1.02 This bylaw shall come into force and be effective upon final adoption.

2.00 SCOPE

- 2.01 This bylaw regulates the terms and conditions under which irrigation water may be supplied to customers from the irrigation water system of the City of Vernon.

3.00 DEFINITIONS

- 3.01 In this bylaw:

"Agricultural Purposes" means for the irrigation of pasture land and/or land used to produce crops for animal consumption.

"City" means The Corporation of the City of Vernon.

"Commercial Purposes" means for the irrigation of golf courses and commercial lands.

"Customer" means the owner or tenant of real property or an agent acting on behalf of the owner.

"General Manager, Community Services" means the General Manager, Community services for the City of Vernon or his authorized representative.

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“Irrigation Season” means the period from May 1 to September 30 each year.

“Irrigation Water” means reclaimed water from the City of Vernon Water Reclamation Plant and/or from the City of Vernon MacKay Reservoir which has undergone a sufficient level of treatment to be suitable for use for irrigation purposes under the City of Vernon’s Ministry of Water, Land and Air Protection Operational Certificate and the Code of Practice for the Use of Reclaimed Water, A Companion Document to the Municipal Sewage Regulation, Issued May 2001, Ministry of Environment, Lands and Parks, Pollution Prevention and Remediation Branch.

“Irrigation Water Distribution System” means the City owned pipes, fittings and equipment intended to supply irrigation water from the City’s irrigation water to the customer’s property line.

“Irrigation Water Service Connection Point” means the point at which a private irrigation water distribution system connects to the City of Vernon irrigation water distribution system.

“Landscape Purposes” means for the irrigation of areas of trees, shrubs, vines, ground cover, flowers or lawns planted for aesthetic purposes.

“Manager, Water Reclamation Services” means the Manager, Water Reclamation Services for the City of Vernon or his authorized representative.

“Normal Irrigation Purposes” means the use of irrigation water for irrigation of agricultural, silvicultural, commercial, landscape, public recreational or residential land.

“Public Recreational Purposes” means for the irrigation of athletic fields and park areas which are accessible to the general public.

“Private Irrigation Water Distribution System” means the privately owned pipes, fittings and equipment intended to distribute irrigation water from the City of Vernon’s irrigation water distribution system to the customer’s property.

“Residential Purposes” means for the irrigation of areas of trees, shrubs, vines, ground cover, flowers or lawns planted for aesthetic purposes on residential lots.

“Shut Down” means a temporary interruption to irrigation water service by a turn-off of an irrigation water service connection.

“Silvicultural Purposes” means for irrigation of forest and woodland vegetation in tended stands

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"Turn-Off" means to discontinue the irrigation water supply.

"Turn-On" means to allow the flow of irrigation water.

4.00 GENERAL

- 4.01 Every person requesting the provision of irrigation water for normal irrigation purposes for any lands shall first make application in writing to the City of Vernon giving the legal description of the land, a description of the land to be irrigated and an accurate statement of the use or uses to which the irrigation water will be put.
- 4.02 The City will operate and maintain the irrigation water distribution system required to provide irrigation water to the irrigation water service connection point subject to available supplies.
- 4.03 The location of the irrigation water service connection point shall be at the discretion of the Manager, Water Reclamation Services. The customer shall pay the connection fee as provided under the City's current Fees & Charges Bylaw, and all subsequent amendments.
- 4.04 If a customer requests that the point of connection to the irrigation water distribution system be installed at a location other than that proposed by the Manager, Water Reclamation Services, and if the General Manager, Community Services approves such location, the customer shall pay the connection fee as provided under the City's current Fees & Charges Bylaw, and all subsequent amendments.
- 4.05 Should an extension of the irrigation water distribution system be required in order to provide irrigation water to a customers lands, the cost of any such extension will be at the cost of the benefiting customer.
- 4.06 The customer shall supply and install an irrigation water meter at an appropriate location to measure the volume of irrigation water supplied to the lands. Upon installation, the irrigation water meter becomes the property of the City of Vernon and the City will maintain the meter.
- 4.07 The customer shall supply, install, operate and maintain the private irrigation water distribution system to the satisfaction of the Manager, Water Reclamation Services, at his expense.
- 4.08 The private irrigation water distribution system shall be installed to the satisfaction of the Manger, Water Reclamation Services and in such a fashion

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so as to prevent any potential for cross connection with the potable water system.

- 4.09 The customer shall install and maintain all the necessary backflow prevention units in order to protect the potable water system
- 4.010 The customer shall use irrigation water provided by the City for normal irrigation purposes on the lands, such use to be in accordance with the Code of Practice for the Use of Reclaimed Water, the City of Vernon's Ministry of Water, Land and Air Protection Operational Certificate and any other regulation that may come into effect with respect to the use of irrigation water.
- 4.011 The City shall at all reasonable times have access to the lands to inspect the lands to ensure that the customer is complying with the terms of this bylaw, the Code of Practice for the Use of Reclaimed Water, the City of Vernon's Ministry of Water, Land and Air Protection Operational Certificate and any other regulations that may come into effect with respect to the use of irrigation water.
- 4.012 The customer shall provide, install and maintain any public notification and/or signage that may be required under the Code of Practice for the Use of Reclaimed Water or the City of Vernon's Ministry of Water, Land and Air Protection Operational Certificate or any other regulation that may come into effect with respect to the use of irrigation water.
- 4.013 If the City of Vernon determines that the customer is using irrigation water contrary to the Code of Practice for the Use of Reclaimed Water, the City of Vernon's Ministry of Water, Land and Air Protection Operational Certificate or any other regulation that may come into effect with respect to the use of irrigation water, the City may turn off the irrigation water supply.
- 4.014 If the City of Vernon determines that the private irrigation water distribution system is defective or inoperative (including leakage), or irrigation water is being wasted, the City may require immediate remedy thereof, and the owner, tenant or occupier shall remedy the same forthwith. In the event of failure to remedy, as aforesaid, the City may turn off the irrigation water supply upon seven (7) days notice.
- 4.015 No person except those duly authorized or employed by the City shall tap or make any connection to the irrigation water distribution system.
- 4.016 No person shall tamper with any irrigation water meter so that it interferes with the recording of the quantity of irrigation water supplied to any lands.

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- 4.017 No person shall tamper with the pipes supplying irrigation water to any lands so that the irrigation water supplied to any of the lands, wholly or partially, bypasses the irrigation water meter.
- 4.018 No person shall give, sell, permit or allow any person not entitled to irrigation water hereunder to take or use irrigation water from the irrigation water service provided to his lands.
- 4.019 No apparatus, fitting or fixture shall be connected, allowed to remain connected or operated in a manner which will cause noises, pressure surges or other disturbances which may, in the opinion of the Manager, Water Reclamation Services, result in annoyance to other customers or damage to the irrigation water distribution system.
- 4.020 The City does not guarantee pressure nor continuous supply of irrigation water, nor does it accept responsibility at any time for the maintenance of pressure on its lines, nor for increases or decreases in pressure.
- 4.021 The City reserves the right at any and all times, without notice, to change operating pressures, to shut off the supply of irrigation water, or otherwise interrupt irrigation water service for the purpose of making repairs, extensions, alterations or improvements or for any other reason, and to increase or reduce pressure at any time.
- 4.022 Neither the City, its officers, employees or agents shall incur any liability of any kind whatever by reason of the cessation in whole or in part of irrigation water pressure or irrigation water supply, or changes in operating pressures, or by reason of the irrigation water containing sediments, deposits or other foreign matter.
- 4.023 The City does not warrant the quality of irrigation water provided and, without limiting the generality of the forgoing, is not responsible for the clogging of sprinkler heads or trickle irrigation systems.
- 4.024 Customers depending on a continuous and uninterrupted supply of irrigation water, or having processes or equipment that requires particularly clear or pure water shall be solely responsible at their cost to provide such emergency storage, oversize piping, pumps and tanks, filters, pressure regulators, check valves, additional service pipes or other means for a continuous and adequate supply of irrigation water suitable to their requirements.
- 4.025 The City shall not be liable for any public liability or damage caused by the irrigation system that is located on the lands.

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- 4.026 The irrigation water customer shall indemnify and save harmless the City from any and all liabilities, damages, costs, claims, suits, or actions in connection with the use of irrigation water on their lands.
- 4.027 The City shall place no limit on the amount of irrigation water that may be utilized for normal irrigation purposes on the lands, subject to the use being in compliance with the Code of Practice for the Use of Reclaimed Water and the City of Vernon's Ministry of Water, Land and Air Protection Operational Certificate or any other regulation that may come into effect with respect to the use of irrigation water.
- 4.028 Irrigation water will be available from the irrigation water distribution system during the irrigation season, irrigation water outside of these dates may be provided at the sole discretion of the City by special request only.

5.00 RATES

- 5.01 Every customer to which irrigation water is supplied, with the exception of those customers who have alternate agreements with the City of Vernon, shall pay to the City of Vernon the rates described in the City's current Fees & Charges Bylaw, and all subsequent amendments.
- 5.02 In computing the rates for irrigation water for agricultural, silvicultural, commercial, landscape, public recreational and residential purposes, the area shall be deemed to be that which lies within the boundaries of the property to which irrigation water is applied. The customer shall provide the City with an accurate measurement of the area to which irrigation water is applied on an annual basis.
- 5.03 All charges for the supply of irrigation water shall be rendered to the consumer of the irrigation water or the owner of the lands to which irrigation water is supplied.
- 5.04 In any lands where there are lands of more than one rate classification, the rate applicable for each separate classification shall be charged and paid.
- 5.05 Where any lands or classification is not specifically mentioned in the City's current Fees and Charges Bylaw, and all subsequent amendments, Council may set and establish reclaimed water rates for the same by amending the Fees and Charges Bylaw.
- 5.06 Should irrigation water be provided for less than an entire irrigation season, the rate shall be determined on a pro-rated basis.

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- 5.07 Where any customer shall refuse, omit or neglect to pay the rate or rates herein contained within three months after the expiration of the day on which the same shall become due and payable, the City may turn off the irrigation water supply to the lands and shall not turn on the irrigation water supply until all amounts due hereunder are paid in full.
- 5.08 Nothing herein contained shall derogate from any legislation, law or bylaw or the remedies therein contained for the collection of the said rates, or invalidate or derogate from the lien of the City upon the lands in respect of which said rates may be due; PROVIDED THAT under this Section, the irrigation water supply to any of the said lands shall not be turned off until ten (10) days notice of the fact has been given.
- 5.09 Insofar as the same shall not infringe upon legislation in this behalf, the City may add any rates which are overdue and unpaid after this bylaw to the taxes due and payable to the City, and shall be collected in the same manner as provided for unpaid taxes.
- 5.010 A customer may absolve himself of responsibility for payment to the City for future irrigation water to be delivered to his lands by delivering to the City a notice in writing requesting the discontinuance or turn off of irrigation water service.

6.00 RESTRICTION OF USE OF RECLAIMED WATER

- 6.01 The Council of The Corporation of the City of Vernon may by resolution limit or prohibit at times the use of irrigation water. Notice of the imposition of restrictions or regulations as to the use of irrigation water shall be given by mail, advertising in a local publication and by broadcasting over a local radio station. It shall not be a defence to any person prosecuted hereunder that notice, as aforesaid, shall not have reached or been brought to his attention.

7:00 SEVERABILITY

- 7.01 In any section, subsection, paragraph, clause or phrase, of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME this 28 day of February, 2005..

READ A SECOND TIME this 28 day of February, 2005.

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READ A THIRD TIME this 14 day of March, 2005.

RESCIND THIRD READING this 11 day of April, 2005.

READ A THIRD TIME AS AMENDED this 11day of April, 2005.

RESCIND THIRD READING this 25 day of April, 2005.

READ A THIRD TIME AS AMENDED this 25 day of April, 2005.

ADOPTED this 9 day of May, 2005.

Mayor:

City Clerk: