

BLACK MOUNTAIN IRRIGATION DISTRICT
285 Gray Road, Kelowna, B.C. V1X 1W8

BYLAW #593

A bylaw to regulate the distribution and use of water for irrigation purposes, and prescribing penalties for non-compliance with the regulations.

The Trustees of Black Mountain Irrigation District ENACT AS FOLLOWS:

1. In this by-law, unless the context otherwise requires:
 - a) "District" means Black Mountain Irrigation District.
 - b) "Trustees" shall mean the Trustees of the District or their duly authorized representatives.
 - c) "Irrigation Water" shall mean water conveyed through the works operated or maintained by the District.
 - d) "Works" shall mean anything capable of or useful for diverting, storing, measuring, conveying, conserving, retarding, confining or using water.
 - e) "Person" shall mean any person who is the owner, or agent for the owner of any premises to which water is supplied from the works.
 - f) "D" Grade Land" means land not eligible for the supply and use of irrigation water.

2. Use Of Water For Irrigation Purposes:

- a) No water shall be used on any lands within the District except those classified into Grade "A" on the current Assessment Roll of the District.
- b) Application to have "D" Grade lands regraded for irrigation purposes shall be made in writing to the Trustees in accordance with the regrade bylaw currently in effect.
- c) 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 of the District, the Trustees 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.
- d) Changes or re-arrangements of existing works may be made upon application to the Trustees, and cost of such changes or re-arrangements if granted shall be borne by the applicant and changing of works shall be carried out by Black Mountain Irrigation District employees.

3. Operating Districts' Works:

- 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 allow any other person to draw water from any pipe or valve or other District's Works for use on any other land outside his boundaries, except by permission of the Trustees.

4. Regulating and Measuring:

- a) Regulating and measuring of irrigation water deliveries shall be by individual flow controls on each and every sprinkler or by a flow control on the service to the property.
- b) The maximum amount of water used per acre shall be as designated by the Ministry of Agriculture for water distribution under the ARDA program.
- c) To accomodate odd shaped parcels of land, a fluctuation of five per-cent or five sprinklers whichever is less, will be allowed.
- d) Worn or defective flow control valves or sprinklers allowing more water than prescribed in clause 4 (b) are to be immediately replaced on instruction by the Trustees.

A true copy of By-Law No. 593
registered in the office of the Inspector
of Municipalities this 13th day of

5 JUL 1983


Deputy Inspector of Municipalities

- e) 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 limits imposed by such restriction. Notice of restrictions shall be given either by publication in a newspaper circulating within the District or by mail.
 - f) Every person to whose land irrigation water is delivered by the District shall do whatever is necessary to prevent waste of irrigation water and to ensure that the water is contained on this land.
 - g) No person shall install any permanent set sprinkler system on irrigated land unless the system has been designed to apply water at the established flow rate and the design has been approved by the Trustees.
5. Trustees Right of Entry:
- 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, or inspecting flow control devices.
 - b) No person shall obstruct or prevent the Trustees from carrying out any of the provisions of this Bylaw.

6. Irrigation Charges and Rates:

- a) Irrigation rates shall be determined by the Trustees under a separate yearly tax bylaw.
- b) Regrade charges and regulations for re-classification of lands from "D" grade shall be determined by the Trustees under a separate bylaw, cited as the "Regrade Capital Expenditure Charge Bylaw".

7. Penalties for Non-Compliance:

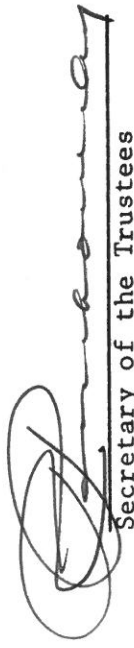
- a) The Trustees may order that the irrigation water to any parcel be shut off for failure of the owner or operator of the irrigation system to comply with the provisions of this Bylaw.
- b) Every person who disobeys or fails to comply with any provision of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding Three Hundred Dollars (\$300.00) or to imprisonment not exceeding thirty (30) days, or to both.

This Bylaw may be cited as the "Irrigation Water Distribution and Regulation Bylaw", replacing By law #529.

INTRODUCED and given first reading by the Trustees on the 28th day of June, 1983.

RECONSIDERED and finally passed by the Trustees on the 28th day of June, 1983.


Chairman of the Trustees


Secretary of the Trustees

I HEREBY CERTIFY under the seal of the Black Mountain Irrigation District that this is a true copy of Bylaw #593 passed by the Trustees of the Black Mountain Irrigation District this 28th day of June, 1983.


Secretary of the Trustees