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THE CORPORATION OF THE CITY OF PENTICTON

IRRIGATION, SEWER AND WATER BYLAW

NO. 2005-02

Consolidated for convenience only.

Amended by: Bylaw 2005-63 (Schedule G)
Amended by: Bylaw 2007-51 (Schedule F)
Amended by: Bylaw 2008-48
Amended by: Bylaw 2009-11 (Schedule E & G)
Amended by: Bylaw 2010-26 (Schedule E)
Amended by: Bylaw 2010-34 (Schedule E, F & G)
Amended by: Bylaw 2010-46- Mobile Home Park
Amended by: Bylaw 2012-5026 (Schedule G)
Amended by: Bylaw 2013-07 – Schedule F & G
Amended by: Bylaw 2013-37 (Schedule F & G)
Amended by: Bylaw 2014-27 (Schedule F)
Amended by: Bylaw 2015-05
Amended by Bylaw 2016-05 (Schedule G)

Amended by: Bylaw 2020-25 on September 1, 2020

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW 2005-02

A BYLAW OF THE CORPORATION OF THE CITY OF
PENTICTON TO PROVIDE FOR THE SUPPLY, DISTRIBUTION AND USE
OF TREATED AND IRRIGATED WATER, AND THE COLLECTION
CONVEYANCE AND DISCHARGE OF SANITARY SEWAGE AND
STORM DRAINAGE INTO OR FROM THE IRRIGATION WATER,
TREATED WATER, SANITARY SEWER AND STORM SEWER
SYSTEMS OF THE CITY OF PENTICTON

WHEREAS pursuant to the Local Government Act and the Community Charter, Council is empowered to regulate and govern the distribution and use of treated and irrigation water and the collection, conveyance and discharge of sewage and drainage within the Municipality;

AND WHEREAS the City has adopted City of Penticton Waterworks Bylaw 2003-34 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Irrigation Administration and Rates Bylaw 3626 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Sewer Regulation Bylaw 3620 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Boundaries of the Sewerage District Bylaw 3252 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Conditions under which extensions to the Sewerage System Bylaw 2650 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS the City has adopted City of Penticton Domestic Water Extension Bylaw 1660 and any amendments hereto and now desires to amend that bylaw;

AND WHEREAS it is deemed expedient and in the public interest to:

1. Establish, operate, maintain and control an irrigation water system for the City of Penticton; and
2. Establish, operate, maintain and control a treated water distribution system for the City of Penticton; and
3. Establish a system of sewerage works for the collection, conveyance and disposal of sewage and to operate and maintain this system for the City of Penticton; and
4. Establish a storm water drainage system for the impounding, conveying and discharging of surface and other waters and to operate and maintain this system for the City of Penticton.

NOW THEREFORE the Municipal Council of The Corporation of The City of Penticton in open meeting assembled ENACTS as follows:

1. This bylaw may be cited for all purposes as the City of Penticton "Irrigation, Sewer and Water Bylaw 2005-02".
2. The City of Penticton Waterworks Bylaw 2003-34 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
3. The City of Penticton Irrigation Administration and Rates Bylaw 3626 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
4. The City of Penticton Sewer Regulation Bylaw 3620 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
5. The City of Penticton Boundaries of the Sewerage District Bylaw 3252 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
6. The City of Penticton Conditions under which extensions to the Sewerage System Bylaw 2650 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.
7. The City of Penticton Domestic Water Extension Bylaw 1660 and any amendments hereto is hereby repealed and replaced by Irrigation, Sewer and Water Bylaw 2005-02.

READ A FIRST time this 5th day of April, 2005.

READ A SECOND time this 5th day of April, 2005.

READ A THIRD time this 5th day of April, 2005.

RECONSIDERED and FINALLY PASSED and ADOPTED

This 18th day of April, 2005.

Original signed by

C. David Perry, Mayor

Original signed by

Leo den Boer, City Administrator

Certified a true copy of Bylaw
No. 2005-02 as adopted.

Original signed by

Leo den Boer, City Administrator

SHORT TITLE

1. This bylaw may be cited as the "Irrigation, Sewer and Water Bylaw 2005-02".

DEFINITIONS

2. For the purposes of this bylaw and the schedules attached hereto, unless the context otherwise requires, the following definitions apply:
 - (a) "Adverse Effect" means impairment to the Utility, Sanitary Sewer System, Storm Sewer System, human health or safety, City Property or the environment.
 - (b) "Approved" means approved by the Designated Officer.
 - (c) "Backflow" means the reversal of the normal direction of water flow in either the City's water system, Owner's private service or the Owner's plumbing system.
 - (d) "Backflow Preventer" means a unit that prevents Backflow.
 - (e) "Best Available Demonstrated Technology (B.A.D.T.)" means treatment technology that is considered demonstrated based on usage in similar type applications and that is environmentally desirable based on its minimization of emissions through the application of best available technology in combination with good operating practices, where costs are not prohibitive considerations, and includes internal processing, operating, and use practices that maximize or enhance treatment technology performance.
 - (f) "British Columbia Building Code" means the British Columbia Building Code as amended from time to time.
 - (g) "Building" means a temporary or permanent structure used or intended for supporting or sheltering any use or occupancy.
 - (h) "Building Bylaw" means the City Building Bylaw 94 – 45 as amended from time to time.
 - (i) "Car Wash" means a Commercial or Industrial Building or structure containing facilities for washing motor vehicles, including tunnel car washes, coin operated automatic car washes and coin operated self-service car washes.
 - (j) "Chief Administrative Officer" means the Chief Administrative Officer of the City or an authorized representative.
 - (k) "City" means The Corporation of the City of Penticton.
 - (l) "City Engineer" means the City Engineer of the City or an authorized representative.
 - (m) "Clear Water Waste" means any water including water from the City's Treated Water System to which no Matter has been added.
 - (n) "Commercial" means any occupation, employment or enterprise that is carried on for profit by the Owner, lessee, or licensee.
 - (o) "Community Charter" means the Community Charter S.B.C. 203 c.26.

- (p) "Consumer" means any Person who could or does receive water from a City Irrigation Main or Treated Water Main adjacent to their Property, or discharges Waste Water into a City Sanitary Sewer Main adjacent to their Property or discharges Storm Water into a City Storm Sewer adjacent to their Property.
- (q) "Council" means the elected Council of the City.
- (r) "Cross Connection" means any actual or potential physical arrangement whereby the City's water supply is connected, directly or indirectly, with any non-potable or un-approved private water supply system, sewer drain, conduit, well, pool, on site irrigation system, storage Reservoir, plumbing Fixture, or any other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other wastes, of unknown or unsafe quality which may be capable of imparting contamination to the City Treated Water Supply as a result of Backflow.
- (s) "Cross Connection Control Bylaw" means City Cross Connection Control Bylaw 93 – 24 as amended from time to time.
- (t) "Designated Officer" means an employee of the City or an authorized representative as designated in writing by the Chief Administrative Officer.
- (u) "Director of Development and Engineering Services" means the Director of Development and Engineering Services of the City or an authorized representative.
- (v) "Domestic" means for use within the home or dwelling place and does not include any Commercial, Industrial or Irrigation use.
- (w) "Environmental Management Act" means the Environmental Management Act of British Columbia, S.B.C. 2003 c. 53 and any amendments or regulations thereto.
- (x) "Fees and Charges Bylaw" means the City Fees and Charges Bylaw 2000 – 25 as amended from time to time.
- (y) "Fixture" means receptacle, appliance, apparatus or other device that discharges Sewage or Clear Water Waste and includes a floor drain.
- (z) "Industrial" means an occupation, employment or enterprise that is carried on for profit to: Process raw materials; manufacture or assemble semi finished or finished goods, products or equipment; cleaning servicing, repairing or testing of materials, goods and equipments associated with Industrial use; storage or shipping terminals; and distribution and sale of materials, bulk goods and equipment.
- (aa) "Infrastructure" means the Irrigation Water System, the Treated Water System, the Sanitary Sewer System and the Storm Sewer System or any combination thereof.
- (bb) "Irrigation" means the distribution of water from the Irrigation Water System or the Treated Water System to the surface or sub-surface of lawns, gardens, crops, orchards or other areas situated outside Buildings by pipes, hoses, sprinklers or any other method.
- (cc) "Irrigation Water Service" means the pipe used or intended to be used to conduct untreated Irrigation Water from the Irrigation Main to a Property.
- (dd) "Irrigation Main" means pipes and appurtenances installed in a Statutory Right of Way or easement registered in the Kamloops Land Title Office, road or otherwise for the transmission and distribution of untreated Irrigation Water.

- (ee) "Irrigation Roll" means a detailed list of Properties compiled by the Designated Officer of all Properties connected to the Irrigation Water System.
- (ff) "Irrigation Water System" means all Irrigation Water Mains, Irrigation Water Services, facilities, pump stations, Reservoirs, wells, water intakes and all associated appurtenances for untreated water of the City.
- (gg) "Irrigation Water" means untreated water for Irrigation purposes.
- (hh) "Irrigation Water Area" means the area as shown in Schedule "E" where Irrigation Water is available and charges are applicable.
- (ii) "Irrigation Water Service" means the pipe used or intended to be used to conduct Irrigation Water from the Irrigation Main to a Property.
- (jj) "Local Government Act" means the Local Government Act R.S.B.C. 1996 c. 323.
- (kk) "Matter" means any gaseous, liquid or solid substance.
- (ll) "Meters" means meters and other equipment or instruments used by the City or authorized by the City to be used to measure the amount of Treated Water or Irrigation Water consumed.
- (mm) "Oil and Grease Interceptor" means an in ground structure designed specifically to trap oil, grease and silt contained in Storm Water flows;
- (nn) "Over Strength Matter" means waste concentrations in excess of the concentrations specified in Schedule "D", and less than the concentrations specified in Schedule "C".
- (oo) "Over Strength Surcharge" means the charge per kilogram per cubic meter, as specified in the Fees and Charges Bylaw to be charged to a Consumer who releases Waste Water to the Sanitary Sewer System that exceeds the standards set in Schedule "D".
- (pp) "Owner" means the Person who has by law the management, control or custody of Property or use, and includes an authorized representative thereof.
- (qq) "Pathological Waste" means pathogenic or organisms that produce disease.
- (rr) "Permit to Discharge" means a permit issued by the Designated Officer that allows a Person to release Waste Water, Storm Water, Sub-surface Water or Clear-water Waste, in the form attached hereto as Schedule "A".
- (ss) "Person" means as defined in the Interpretation Act R.S.B.C. 1996 c.238 and any amendments thereto.
- (tt) "PH" means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in Standard Methods;
- (uu) "Plumbing Device" means any type of plumbing apparatus, fitting, Fixture, piping, or hardware located in a dwelling place, Building or on private Property.
- (vv) "Premises" means a Building, an area of Property, including a lot or parcel of Property with or without Buildings.
- (ww) "Pre-Treatment" to use an Industrial or Commercial Waste Water treatment facility designed to remove sufficient pollutants from the Waste Water stream to allow compliance with the limits established in Schedule "C" or "D".

- (xx) "Private Service" means that portion of a Service located between the Property line and the Building or use being serviced.
- (yy) "Property" means a piece of real estate, a lot defined by Property Lines.
- (zz) "Property Line" means a line which defines the perimeter of Property which is legally defined by registered plan or description in the Kamloops Land Title Office.
- (zz1) "Raw Water" means water that is not suitable for human consumption that has not been treated by a City treatment facility. **(Bylaw 2020-25)**
- (zz2) "Reclaimed Water" means treated and disinfected wastewater effluent processed by a City treatment facility that is not suitable for human consumption, to be used for irrigation purposes. **(Bylaw 2020-25)**
- (aaa) "Release" means to directly or indirectly conduct Matter to the Sanitary Sewer System, Storm Sewer System, or any Water Course by spilling, discharging, depositing, abandoning, leaking, seeping, pouring, draining, emptying or by any other means.
- (bbb) "Remediation Site" means a site where a soil contaminant has been identified and has been, is being, or is planned to be removed or treated by remedial activity.
- (ccc) "Reservoir" means either a constructed, enclosed storage vessel for Treated Water or Irrigation Water or a natural, non enclosed impoundment area that utilizes natural topography and or a dam to retain untreated Water Irrigation or for future treatment.
- (ddd) "Restricted Waste" means waste concentrations in excess of the concentrations specified in Schedule "C".
- (eee) "Sanitary Sewer Area" the area as shown in Schedule "G" where Sanitary Sewer service is available and charges are applicable.
- (fff) "Sanitary Sewer Main" means a pipe or conduit installed in a Statutory Right of Way or easement registered in the Kamloops Land Title Office or otherwise that carries Waste Water, ground water, uncontaminated processor cooling water, but not Storm Water or Sub-Surface Water from foundation drains unless a Permit to Discharge has been issued.
- (ggg) "Sanitary Sewer Service" means the pipe used or intended to be used to conduct Waste Water, ground water, uncontaminated processor cooling water, but not Storm Water or Sub-Surface Water from foundation drains unless a Permit to Discharge has been issued, from a Property or Building to a Sanitary Sewer Main.
- (hhh) "Sanitary Sewer System" means all Sanitary Sewer Mains, Sanitary Sewer Services, sanitary lift stations, Waste Water treatment facilities, outfalls and all associated appurtenances of the City.
- (iii) "Septic System" means a septic tank, septic field, cesspool, Sanitary Sewage holding tank, sewage from recreational vehicles or sewage brought to a City facility by a truck.
- (jjj) "Service" means either an Irrigation Water Service, Sanitary Sewer Service, Storm Sewer Service or Treated Water Service either separately or combined.
- (kkk) "Service Connection" means the installation of all pipes and appurtenances necessary to provide a Service or the connection of the Private Service to pipes owned by the City.

- (lll) "Service Failure or Interruption" means the failure or interruption of an Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service from working properly as a result of blockage, damage or freezing.
- (mmm) "Sewage" see definition for Waste Water.
- (nnn) "Shut Off" means an interruption in or discontinuance of the supply of water authorized by the City.
- (ooo) "Standard Methods" means the latest edition standard methods for examination of Water and Waste Water jointly prepared and published from time to time by the American Public Health Association, American Waterworks Association and the Water Environment Federation.
- (ppp) "Storm Sewer" means a pipe, conduit or ditch installed in a Statutory Right of Way or easement registered in the Kamloops Land Title Office road or otherwise for the collection and transmission of Storm Water, Sub-Surface Water from foundation drains and subject to the issuance of a Permit to Discharge Clear-Water Wastes.
- (qqq) "Storm Sewer Main" means a pipe or conduit installed in the Street that carries Storm Water, Sub-Surface Water from foundation drains or Clear-Water Wastes.
- (rrr) "Storm Sewer Service" means the pipe used or intended to be used to conduct Storm Water, Sub-Surface Water from foundation drains and subject to the issuance of a Permit to Discharge Clear-Water Wastes from a Property or Building to a Storm Sewer.
- (sss) "Storm Sewer System" means all Storm Sewer Mains, Storm Sewer Services, culverts, Storm Water lift stations, Storm Water management facilities, outfalls and all associated appurtenances of the City.
- (ttt) "Storm Water" means surface run-off water which is the result of natural precipitation.
- (uuu) "Street" shall include a road, lane, bridge, viaduct, Statutory Access Right of Way and any way open to the public use, but does not include a private right of way on private Property unless the contrary is expressed or unless such construction would be inconsistent with the context of this bylaw.
- (vvv) "Subdivision & Development Bylaw" means the City Subdivision & Development Bylaw 2004 – 81 as amended from time to time.
- (www) "Sub Surface Water" means water at a depth of not more than 15 meters beneath the surface of the ground and includes foundation drainage.
- (xxx) "Super Chlorinated Water" means water containing excessive amounts of chlorine as would result from disinfection of water mains.
- (yyy) "Termination" means the permanent Shut Off of an Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service.
- (zzz) "Traffic Bylaw" means the City Traffic Bylaw 94 – 39 as amended from time to time.
- (aaaa) "Treated Water" means water suitable for human consumption, that has been treated by a City treatment facility.
- (bbbb) "Treated Water Area" the area as shown in Schedule "F" where Treated Water is available and charges are applicable.

- (cccc) "Treated Water Main" means a pipe or conduit and appurtenances installed in a Statutory Right of Way or easement registered in the Kamloops Land Title Office, road or otherwise for the transmission and distribution of Treated Water.
- (dddd) "Treated Water Service" means the pipe used or intended to be used to conduct Treated Water from a Treated Water Main to a Property or Building.
- (eeee) "Treated Water System" means all Treated Water Mains, Treated Water Services, facilities, pump stations, Reservoirs, wells, water intakes, water treatment facilities and all associated appurtenances for Treated Water of the City.
- (ffff) "Treatment Capacity" is a measure of the amount of Treated Water the City can produce from its water treatment facilities.
- (gggg) "Turn On" means the authorization of water flow to a private Service by opening the required control valve.
- (hhhh) "Utility" means the Irrigation Water System, Treated Water System, Sanitary Sewer System and Storm Sewer System, owned and operated by the City.
- (iiii) "Waste Water" means the composite of waste and water carried wastes from residential, Commercial, Industrial or institutional Premises or any other source.
- (jjjj) "Water Course" means a natural or constructed, uncovered ditch, stream, creek, river, wetlands, lake or conduit in which un Treated Water moves or is located.
- (kkkk) "Zoning Bylaw" means the City Zoning Bylaw 87 – 65 as amended from time to time.

OPERATION OF THE UTILITY

3. The operation of the Utility shall be under the management and control of the Designated Officer.
4. The Designated Officer shall manage the Utility under the direction of the Chief Administrative Officer and/or Council.
5. The Designated Officer is authorized to Turn On and Shut Off water to any Consumer in accordance with this bylaw subject to the provision of advance notice except in the event of an emergency when notice may be given following Shut Off.

APPEAL PROCESS

6. Should any Person wish to appeal a decision made by the Designated Officer, pursuant to this bylaw they shall submit an appeal in writing to the Director of Development and Engineering Services within seven (7) days of the notification of the said decision. The Director of Development and Engineering Services shall within thirty (30) days of receipt of the said appeal render a decision in writing. The decision of the Director of Development and Engineering Services may be appealed in writing to the Chief Administrative Officer within seven (7) days, after notification thereof who shall within thirty (30) days of receipt render a decision in writing. The decision of Chief Administrative Officer shall be final.

GENERAL PROVISIONS AND RESTRICTIONS ON USE

7. No Person, except those authorized in writing by the Designated Officer, shall:
 - (a) Use, interfere with, obstruct or impede access to the Utility or any portion thereof in any manner;
 - (b) Drill, cut, connect, join, excavate, bury, disturb or otherwise interfere with the Utility;
 - (c) Operate any Utility valves, Service Connection valves or fire hydrants;
 - (d) Do anything that may cause the Treated Water System or the Irrigation Water System to become polluted or contaminated;
 - (e) Use the Treated Water or Irrigation Water pressure or flow to generate power; or
 - (f) Enter into any Utility Building or structure whether underground or above ground or any Utility Property whether fenced or not.
8. Private Treated Water Systems and private Sanitary Sewer Systems that supply water to or receive and treat Waste Water from more than one Property are not permitted.
9. No Person shall directly or indirectly cause, permit or allow the Release of water so that it runs to waste, whether by reason of leakage from underground piping, faulty plumbing, and improper Irrigation practices or otherwise unless the Release is being undertaken to drain a swimming pool or the Release is necessary to prevent the Irrigation Water Service or Treated Water Service from freezing.
10. No Person shall directly or indirectly Release or permit the Release of any Restricted Waste as specified in Schedule "C" to the Sanitary Sewer System or the Storm Sewer System.
11. No Person shall directly or indirectly Release or permit the Release of any Over Strength Matter as specified in Schedule "D" to the Sanitary Sewer System or the Storm Water Sewer System without a Permit To Discharge.
12. The Designated Officer may at such times and for such length of time as is considered necessary or advisable, regulate, restrict or prohibit Irrigation, car washing, pool filling, and any other form of water use including a total restriction of Treated Water and Irrigation Water use in order to reduce water usage during time of short supply.
13. The Designated Officer may at such times and for such length of time required restrict, or prohibit Irrigation Water use, sanitary and storm Sewage generation and Treated Water use or any other part or Fixture of the Utility to effect repairs.

14. The Designated Officer, upon reasonable notice, may inspect any Building or Premises: Provided with a Treated Water Service or Sanitary Sewer Service; provided with a Treated Water Meter or Irrigation Water Meter; where water reuse or recycling capability is provided or suspected to exist; where authorized Cross Connection control devices exist; where suspected unauthorized Cross Connection control devices exist; where backflow prevention devices exist or are suspected to exist; where sand traps, sumps, oil and grease traps or interceptors exist or are suspected to exist. At the request of the Designated Officer the Owner or proprietor of any business shall provide, to the reasonable satisfaction of the Designated Officer, proof that the requirements of this bylaw and the Cross Control Connection Bylaw are being met. In the event of non-compliance of a non-health threatening nature the Owner will have thirty (30) days to make the necessary modification and provide the necessary data with respect to such modification to the Designated Officer. If, after thirty (30) days the said modifications have not been completed in accordance with the requirements of this bylaw the Service to the Premises or Property may be Shut Off. In the case where the non-compliance is of a health threatening nature the Designated Officer may immediately Shut Off the Service to the Premises or Property.
15. The Designated Officer may, as a condition of connection to the Utility, inspect the Premises of any Person who applies to the City for a connection in order to determine if it is appropriate to permit a connection to such Premises and to determine whether such Premises comply with the bylaws of the City.
16. The Designated Officer may, inspect Premises in order to perform any test on piping or Fixtures in or on such Premises in order to determine whether this bylaw is being complied with, and in the event that such Owner fails or refuses to give such permission, Service to the Premises may be Shut Off upon fourteen (14) days written notice or such shorter period of time if the Designated Officer has reasonable grounds to believe that there may be a danger to public health.
17. If a Person requires a Utility connection to be Shut Off or turned on for their own purposes, the Person shall pay the amount specified in the Fees and Charges Bylaw.
18. The location of the Utility connection to a Property shall be in accordance with the Subdivision & Development Bylaw or as determined by the Designated Officer.
19. In the event it is possible to provide a Utility connection from more than one main the Designated Officer shall determine which main is to be used.
19. (1) The City of Penticton Water system is composed of three main water sources: Okanagan Lake, Penticton Creek and Ellis Creek. The Designated Officer has the right to determine what percentage of each source will be used for the desired application depending on current conditions. The Designated Officer has the right to impose restrictions on users of Irrigation Water, Raw Water, Reclaimed Water and Treated Water and has the ability to vary the level of restriction between the different user types and different water types.
 - (a) **Stage 1 Normal Restrictions:**
 - i. Odd numbered Street addresses may irrigate on Tuesday, Thursday and Saturday only. Even numbered Street addresses may irrigate on Wednesday,

- Friday and Sunday only.
- ii. Automatic Irrigation systems to be programmed to run between the hours of 0001 and 0600 only on the designated day. Manual Irrigation may occur between 0600 and 1000 and 1800 and 2200 hours only on the designated day.
- iii. Properties zoned RSM – Mobile Home Park may use their respective unit numbers in place of the street address to determine odd or even for the purpose of this restriction.
- iv. City Parks may irrigate 3 to 5 days per week, except for hanging baskets, which may be watered as required.
- v. Golf Courses may irrigate 3 to 5 days per week, including systems that use reclaim and raw water.
- vi. Agricultural users of the raw water supply may irrigate 5 to 7 days per week as required.

(b) Stage 2 Restrictions:

- i. Odd numbered Street addresses may irrigate on Tuesday and Saturday only. Even numbered Street addresses may irrigate on Wednesday and Sunday only.
- ii. Automatic Irrigation systems to be programmed to run between the hours of 0001 and 0600 only on the designated day. Manual Irrigation may occur between 0600 and 1000 and 1800 and 2200 hours only on the designated day. Total water usage must be 20% less than used during the normal restriction period.
- iii. Properties zoned RSM – Mobile Home Park may use their respective unit numbers in place of the street address to determine odd or even for the purpose of this restriction.
- iv. City Parks will reduce water consumption by 20%.
- v. Golf courses must reduce their total Irrigation water use by 20%.
- vi. Agricultural customers will reduce their consumption by 20%.

Triggers: Restrictions to be imposed at the discretion of the Designated Officer in consideration of but not limited to:

- i. Projected daily demand expected to reach 80% of Treatment Capacity.
- ii. Raw Water Storage Reservoir levels at 15% to 30% below the Median Storage Capacity for the time of year without any indication of recovery.
- iii. The Okanagan Basin Water Board forecasted or actual 1st of the month elevation of the months July through November is less than the 30th percentile 1st of the month elevation and greater or equal to the 15th percentile 1st of month elevation.
- iv. Failure or malfunction of a short-term nature of the Treated Water System.
- v. Level II drought conditions from the Ministry of Water, Land and Air Protection.
- vi. When considering restrictions for agricultural customers the Designated Officer may consult with Owners and take into consideration crop type, point in the growth cycle and type of on-site Irrigation system employed.
- vii. When considering restrictions for Irrigation customers using reclaimed water the Designated Officer may consult with AWWTP to ensure correct channel dilution rate can be achieved.

(c) **Stage 3 Restrictions:**

- i. Odd numbered Street addresses may irrigate on Saturday only.
Even numbered Street addresses may irrigate on Sunday only.
- ii. Automatic Irrigation systems to be programmed to run between the hours of 0001 and 0600 only on the designated day. Manual Irrigation may occur between 0600 and 1000 and 1800 and 2200 hours only on the designated day. Total water usage must be 50% less than used during the normal restriction period.
- iii. Properties zoned RSM – Mobile Home Park may use their respective unit numbers in place of the street address to determine odd or even for the purpose of this restriction.
- iv. City Parks will reduce water consumption by 50%.
- v. Golf courses must reduce their total Irrigation water use by 50%.
- vi. Agricultural customers will reduce their consumption by 50%.

Triggers: Restrictions to be imposed at the discretion of the Designated Officer in consideration of but not limited to:

- i. Projected daily demand expected to reach 90% of Treatment Capacity.
- ii. Raw Water Storage Reservoir levels at 30% to 40% below the Median Storage Capacity for the time of year without any indication of recovery.
- iii. The Okanagan Basin Water Board forecasted or actual 1st of the month elevation of the months July through November is less than the 15th percentile 1st of the month elevation and greater or equal to the 5th percentile 1st of month elevation.
- iv. Failure or malfunction of a short-term nature of the Treated Water System.
- v. Level III drought conditions from the Ministry of Water, Land and Air Protection.
- vi. When considering restrictions for agricultural customers using the Raw Water supply, the Designated Officer may consult with Owners and take into consideration crop type, point in the growth cycle and type of on-site Irrigation system employed.
- vii. When considering restrictions for Irrigation customers using reclaimed water the Designated Officer may consult with the AWWTP to ensure correct channel dilution rate can be achieved.

(d) **Stage 4 Restrictions**

- i. Use of City of Penticton supplied water for all forms of lawn and garden watering is prohibited.
- ii. City Parks will reduce water consumption by 90%.
- iii. Golf courses must reduce their total Irrigation water use by 90%.
- iv. Agricultural customers will reduce their consumption by 90%.

Triggers: Restrictions to be imposed at the discretion of the Designated Officer in consideration of but not limited to:

- i. Projected daily demand expected to reach 100% of Treatment Capacity.

- ii. Raw Water Storage Reservoir levels at Greater than 40% below the Median Storage Capacity for the time of year without any indication of recovery.
- iii. The Okanagan Basin Water Board forecasted or actual 1st of the month elevation of the months July through November is less than the 5th percentile 1st of the month elevation.
- iv. Failure or malfunction of a short-term nature of the Treated Water System.
- v. Level IV drought conditions from the Ministry of Water, Land and Air Protection.
- vi. When considering restrictions for agricultural customers using the Raw Water supply, the Designated Officer may consult with Owners and take into consideration crop type, point in the growth cycle and type of on-site Irrigation system employed.
- vii. When considering restrictions for Irrigation customers using reclaimed water the Designated Officer may consult with the AWWTP to ensure correct channel dilution rate can be achieved.

(Bylaw 2020-25)

19. (2) A Person who has just placed new sod or planted a newly seeded lawn may apply to the Designated Officer for a permit to water outside of the use restrictions referenced in Section 19.(1). The Designated Officer will consider the request and may issue a permit for the applicant to water outside of the use restrictions for a period of 21 days. The permit, date of issue and ending date must be prominently displayed on the front lawn.

(Bylaw 2020-25)

19. (3) A Person in any irrigation year, who contravenes the water use restrictions referred to in Section 19.(1) of this bylaw is guilty of an offence punishable on summary conviction and is liable to a fine as follows:
- (a) Stage 1 Restriction violation – of not less than \$25.00 for the first offence, \$50.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.
 - (b) Stage 2 Restriction violation – of not less than \$50.00 for the first offence, \$100.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.
 - (c) Stage 3 Restriction violation – of not less than \$100.00 for the first offence, \$200.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.
 - (d) Stage 4 Restriction violation – of not less than \$200.00 for the first offence, \$400.00 on the second offence and if the offence is of a continuing nature to a fine not less than \$500.00 for each day the offence is continued.

(Bylaw 2020-25)

IRRIGATION WATER SYSTEM - General

20. The Irrigation Water Area is that area described in Schedule “E” of this bylaw.
21. The Irrigation Water System shall only be used to supply untreated Irrigation Water for the purposes of Irrigation, by the City for the purposes of fire protection and when supply conditions permit for the filling of water storage systems.
22. The City does not guarantee Irrigation Water pressure or continuous supply. The City reserves the right, at any time and all times, without notice, for whatever reason, to change the operating Irrigation Water pressure or Shut Off Irrigation Water. Neither the City, its elected officials, officers, employees, or agents shall be liable for any damage or other loss caused by changes in Irrigation Water pressure or Shutting Off of Irrigation Water or by reason of the Irrigation Water containing sediments, deposits, or other foreign Matter.
23. (Bylaw 2020-25)
24. (Bylaw 2020-25)
25. Persons requiring a continuous and uninterrupted supply or constant pressure of Irrigation Water shall, at their own cost, provide such facilities as required to meet their objectives in a manner that does not have a negative impact on the Irrigation Water System or other users.
26. No Person shall sell, give, dispose or distribute Irrigation Water to any Person or Persons.
27. No Irrigation Water shall be provided to any Property except those:
 - (a) That are within the Irrigation Water Area as shown in Schedule “E”; and
 - (b) That are on the City Irrigation Roll or for which an application has been made in the prescribed form has been Approved by the Designated Officer.
28. The Designated Officer shall distribute all available Irrigation Water from the Irrigation Water System for Irrigation use as equitably as possible and is authorized to:
 - (a) Rotate the delivery of Irrigation Water to Properties with an Irrigation Water Service;
 - (b) Adjust delivery of Irrigation Water including Shutting Off the Irrigation Water Service to compensate for any previous excessive delivery or for any shortage in previous delivery to a Property as compared to the maximum rate of delivery per hectare and the amount of Irrigation Water available for distribution; and
 - (c) Determine the maximum rate of delivery per hectare.

IRRIGATION WATER SYSTEM – Service Connections

29. The provision of an Irrigation Water Service connection shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
30. Irrigation Water Service connections shall not cross Property Lines between adjacent private Properties except by right of way easements registered in the Kamloops Land Title Office.
31. The Owner shall pay for: Any standard Meter installations; any unusual Meter installation design to the acceptance of the Designated officer; any Meter installations, Meter reading costs and Backflow prevention devices associated with Irrigation Water Service connections which cross Property Lines or enter or leave Buildings.

32. Application for an Irrigation Water Service connection shall be made to the Designated Officer in the prescribed form not less than sixty (60) working days prior to the Irrigation Water Service being required. The application shall describe the Property to which the Irrigation Water Service is required, the size of the Service requested, soil type, crop type and shall include a survey plan prepared by a British Columbia Land Surveyor which shows the location and total number of cultivable and irrigable hectares on the Property and all existing and any required right of way easements.
33. To be eligible for a connection to the Irrigation Water System the following conditions apply:
- (a) The Property must be located in the area described in Schedule "E";
 - (b) There must be an Irrigation Main of sufficient size adjacent to the Property or an Irrigation Main of sufficient size accessible via a right of way easement registered in the Kamloops Land Title Office through an adjacent Property;
 - (c) The Irrigation Water System must be capable of providing water at an adequate pressure and flow rate to meet the Irrigation needs of the intended land use; and
 - (d) The connection must not prejudicially affect the prior rights of any of the parties to the use of the water intended to be conveyed and distributed by the connection.
34. Home site severances are exempt from the conditions referred to in Section 33 of this bylaw.
35. More than one connection to the Irrigation Water System per Property may be allowed subject to the written approval of the Designated Officer.
36. Applications to connect to the Irrigation Water System shall be reviewed by the Designated Officer, including any additional information that may be required and a report, which addresses the conditions of eligibility and the terms and conditions of this Bylaw, shall be generated.
37. If the Designated Officer, after reviewing and considering an application for connection to the Irrigation Water System, determines that an Irrigation Water Service connection is warranted the Designated Officer shall approve the connection, including setting the size of the service, subject to the Owner:
- (a) Paying the City all costs of the installation of the connection and any Metering and reading devices;
 - (b) Providing any Statutory Rights of Way registered in the Kamloops Land Title Office with respect to the connection;
 - (c) Having more than one connection per Property, paying all additional City costs associated with the installation, maintenance and reading of any Metering devices; and
 - (d) Designing, arranging and paying for any unusual Meter or Meter installation which may be required to properly measure the Irrigation Water entering or leaving the Property. Design to be approved by the Designated Officer.
38. The connection, installation, alteration and termination of Irrigation Water from the main to a Property Line shall be undertaken only by the City at a point in time and location determined by the City.

39. Where an Owner has requested an Irrigation Water Service Termination the City shall shut Off the Irrigation Water supply and cap the Irrigation Water Service line at a point in time determined by the City.

TREATED WATER SYSTEM - General

40. The Treated Water Area is that area described in Schedule "F" of this bylaw.
41. The Treated Water System shall only be used to supply Treated Water to customers for purposes permitted in this bylaw subject to the following restrictions:
- (a) Properties in Area A of Schedule "F" shall only use Treated Water for Domestic purposes; and
 - (b) Properties in Area B of Schedule "F", with a connection to the Irrigation Water System, are prohibited from using Treated Water for Irrigation purposes.
42. The City does not guarantee Treated Water pressure, continuous supply or direction of Treated Water flow. The City reserves the right at any and all times, without notice, for whatever reason to change the operating pressure, to Shut Off Treated Water or to change the direction of flow. Neither the City, its elected officials, officers, employees, nor agents shall be liable for any damage or other loss caused by changes in water pressure, Shutting Off of Treated Water or change in direction of flow or by reason of the Treated Water containing sediments, deposits, or other foreign Matter.
43. (Bylaw 2020-25)
44. (Bylaw 2020-25)
45. (Bylaw 2020-25)
46. Persons requiring a continuous and uninterrupted supply, constant pressure or temperature of Treated Water, or having processes or equipment that require particularly clear or pure water shall, at their own cost, provide such facilities as required to meet their water quantity and quality objectives in a manner that does not have negatively impact upon the Treated Water System or other users.
47. No Person shall sell or distribute Treated Water unless the sale or distribution of Treated Water is by a landlord to a tenant or by a strata corporation to a member and that the charge to the tenant or member for Treated Water use does not exceed the amount charged by the City or unless the sale is in the form of bottled water or in the form of water for which you bring your own bottle or container and have it filled.

TREATED WATER SYSTEM – Cross Connections

48. No private water supply shall be connected to the Treated Water System unless it is authorized in writing by the Designated Officer and it is done in accordance with the Cross Connection Control Bylaw.
49. No Person shall cause, permit, or allow to remain connected to the Treated Water System any piping, Fixture, fitting, container, or other appliance which may cause water from a source other than the Treated Water System, or any other harmful deleterious liquid or substance, to enter the Treated Water System.
50. Where the City has reasonable grounds to believe unauthorized Cross Connection is in use the Designated Officer may enter onto the Property and any Buildings thereon for the purpose

of inspection and in the event that an unauthorized Cross Connection is identified the Designated Officer may:

- (a) Shut Off any Treated Water Service immediately;
 - (b) Issue written notice to the Owner to have such conditions corrected in accordance with this bylaw and or the Cross Connection Control Bylaw within a defined period of time; or
 - (c) Direct that an Approved Backflow Preventer be installed and maintained at the Owner's expense.
- 51. The design, selection, installation, maintenance, and field testing of Backflow Preventers shall comply with City Bylaws as amended from time to time and shall be as Approved by the Designated Officer.
 - 52. All Backflow Preventers shall be installed so they are easily accessible for testing and maintenance and may be required to be installed on the customer's water piping at the sources of potential or actual contamination and/or on the Treated Water Service line.
 - 53. No bypass, jumper, or other device shall be installed on the Treated Water Service line which may reduce the effectiveness of or circumvent any Backflow Preventers.
 - 54. Backflow Preventers shall be field tested by a Certified Backflow Preventer Tester authorized by the Designated Officer at the Owner's cost, at the time of installation, thereafter annually, during repair, overhaul, relocation, cleaning or as required by the Designated Officer. Copies of the test results shall be submitted to the Designated Officer within forty eight (48) hours thereafter. In the event of test failure, the Owner shall have ninety-six (96) hours thereafter to correct the problem to the satisfaction of the Designated Officer.
 - 55. Where an Owner fails to have a Backflow Preventer tested the Designated Officer may notify the Owner that the Backflow Preventer must be tested within ninety-six (96) hours of the Owner receiving notice.
 - 56. Where the Owner fails to comply with a notice given by the Designated Officer, in accordance with this bylaw, the Designated Officer may cause the supply of the Treated Water Service to be Shut Off.
 - 57. The Treated Water Service from the Treated Water System shall not be turned on at the curb stop for occupancy use until the private plumbing system has been Approved by the Designated Officer provided however temporary use of the Treated Water Service for construction purposes is permissible for a limited time provided the Designated Officer is satisfied that adequate provision is made to prevent Backflow into the Treated Water System.
 - 58. The Designated Officer may enter Buildings or Premises provided with a Backflow prevention device or assembly for the purpose of inspection and testing.

TREATED WATER SYSTEM - Plumbing

- 59. No Consumer shall connect or allow to remain connected any apparatus, fitting or Fixture which may cause pressure surges, or any other disturbance which may, in the opinion of the Designated Officer, result in damage or enjoyment to any other Consumer of the Treated Water System or any damage to the Treated Water System.

60. The Designated Officer has the right of access to any Building or Premises supplied by the Treated Water System for the purposes of inspection and testing of plumbing devices.
61. All Plumbing Devices connected to the Utility shall conform to the British Columbia Building Code, the British Columbia Plumbing Code, the Cross Connection Control Bylaw and the Building Bylaw.

TREATED WATER SYSTEM - Hydrants

62. All new City hydrants or privately owned hydrants shall be installed in accordance with the Subdivision & Development Bylaw.
63. Hydrants installed on City owned water lines shall become the property of the City and the City shall have full responsibility and control over the maintenance and operation of such hydrants.
64. All existing and/or future hydrants installed on privately owned water lines shall be the property of the Owner and shall be maintained by and at the cost of the Owner on an annual basis to the satisfaction of the Designated Officer.
65. All existing privately owned hydrants on private Property shall not be removed or otherwise made unserviceable without the prior written authorization of the City.
66. The City shall be notified by the Owner immediately when any existing privately owned hydrant is determined to be in a condition that would render it unusable for fire suppression purposes.
67. All City and privately owned hydrants shall only be operated by City employees or those authorized to do so by the Designated Officer.
68. No Person shall obstruct free access to any hydrant. No vehicle, Building, fence, tree, shrub, snow pile or any other obstacle shall be placed within two (2) meters of any hydrant.
69. The use of City and privately owned hydrants for Irrigation purposes is prohibited.
70. Water from a City owned hydrant or un-metered water from a privately owned hydrant shall not be used for purposes other than fighting fires except as provided in Section 71 of this bylaw.
71. City owned hydrants may be used by employees of the City or by contractors for furnishing water for temporary water supply, Street cleaning, flushing sewers, Street repairs or any other purpose as Approved by the Designated Officer. Contractors shall apply to the Designated Officer in the prescribed manner and pay the fee as specified in the Fees and Charges Bylaw. All hydrant hookups require a Backflow Preventer assembly.

TREATED WATER SYSTEM – Service Connections

72. The provision of a Treated Water Service connection shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
73. Treated Water Service connections shall not cross Property Lines between adjacent private properties except by right of way easements registered in the Kamloops Land Title Office.

74. The Owner shall design, arrange and pay for any unusual Meter or Meter installations, Meter reading costs and Backflow Preventer Devices which may be required to properly measure Treated Water entering or leaving the Property or Buildings.
75. A Property may have only one (1) Treated Water Service connection unless authorization is obtained from the Designated Officer who will consider the following in making a determination:
- (a) The reason an additional Treated Water Service connection is being requested.
 - (b) The impact of the additional Treated Water Service connection on the Property Owner or adjacent Property Owner.
 - (c) The impact of the additional Treated Water Service connection on the Treated Water System.
 - (d) Age and maintenance history of the Treated Water Service(s).
 - (e) The required capacity of the Treated Water Service connections combined or otherwise. **(Bylaw 2015-05)**
76. Application for a Treated Water Service connection shall be made to the Designated Officer in the prescribed form not less than fourteen (14) working days prior to the Service being required. The application shall indicate the Property to which the Treated Water Service connection is required, the size of the Service requested, the intended use of the Property and include a British Columbia Land Surveyor survey plan which shows all existing and any required statutory right of way or right of way easements.
77. In general the application for a Treated Water Service connection shall be followed by an application for a plumbing permit prior to making any connection between the pipes located in any Street and pipes located on private Property.
78. To be eligible for a connection to the Treated Water System the following conditions must apply:
- (a) The Property requesting a connection must be in the Treated Water Area, Schedule "F";
 - (b) The connection shall serve only one (1) Property unless the conditions as prescribed in Section 75 herein where upon it will be permissible to have up to a maximum of two (2) water connections to one (1) Property;
 - (c) The current capacity of the Treated Water System is capable of supporting the connection without having a negative impact on existing Consumers as determined by the Designated Officer;
 - (d) Properties within Area A of Schedule "F" of the Treated Water Area must have a minimum of 2.02 irrigable hectares on the Irrigation Roll;
 - (e) Properties within Area A of Schedule "F" of the Treated Water Area must have an Irrigation Water Service connection; and
 - (f) Properties within Area A of Schedule "F" of the Treated Water Area must use the Treated Water connection for Domestic purposes only.

79. Home site severances are exempt from the conditions noted in 78 of this bylaw.
80. To be eligible to maintain a connection to the Treated Water System in Area A of Schedule "F" the Treated Water is to be used only for Domestic purposes.
81. Applications for connection to the Treated Water System shall be reviewed by the Designated Officer, including any additional information that may be required and a report, which addresses the conditions for eligibility and the terms and conditions of this bylaw, shall be generated.
82. If the Designated Officer after reviewing and considering an application for connection to the Treated Water System determines that a connection is warranted the Designated Officer shall approve a connection, including setting the size of the connection, subject to the Owner:
- (a) Paying the City all costs of the installation of the connection and any Metering or other reading devices;
 - (b) Providing any Statutory Right of Ways or right of way easements required for the connection;
 - (c) In the event of more than one connection paying all additional City costs associated with the installation, maintenance and reading of any additional Metering devices; and
 - (d) Designing, arranging and paying for any unusual Meter or Meter installation which may be required to properly measure Treated Water entering or leaving the Property. Design to be approved by the Designated Officer.
83. The connection, installation, alteration and termination of the Treated Water Service from the main to the Property Line shall be paid for by the Owner and undertaken only by the City at a point in time and location determined by the City.
84. Where an Owner has requested a Treated Water Service termination the City shall Shut Off the Treated Water Service and cap the Treated Water Service lines at a point in time determined by the City.
85. The Owner shall be responsible for the condition of the curb stop cap, curb stop stem and telescoping curb box. If the curb box is bent or the curb stop cap is buried by earth, rock, asphalt, concrete or for any other reason, the Owner shall pay the actual cost of locating, excavating, cutting and joining and all other work necessary to straighten the rod and stem, or to raise or lower the curb box to match existing grade.
86. Application for a temporary Treated Water Service shall be made in writing to the Designated Officer not less than fourteen (14) working days before the Treated Water Service is required, and in prescribed form. The provision of the temporary Treated Water Service shall be undertaken by the City and the Owner shall be responsible for the payment of all costs as set out in the Fees and Charges Bylaw.
87. Applications for the Shut Off or turn on of Utility connections shall be made in writing to the Designated Officer prior to 1000 hours to receive same day service and shall be in prescribed form. Application for Shut Off or turn on received after 1000 will be addressed on the next business day or on the next non work day subject to the payment of the appropriate fee. Applications for Shut Off will only be accepted from the Utility account holder or from the Property Owner if they certify that the Premises are no longer being occupied.

SANITARY SEWER SYSTEM – General

88. The Sanitary Sewer Area is that area depicted in Schedule “G” of this bylaw.
89. No Person shall release, or permit the release of, any Matter into the Sanitary Sewer System except:
- (a) Domestic Waste Water that complies with the requirements of this bylaw;
 - (b) Industrial/Commercial Waste Water that complies with the requirements of this bylaw;
 - (c) Over Strength Matter, as described in Schedule “D”, Storm Water, Clear-Water Waste, Sub-Surface Water from foundation drains, or other Matter where a Permit to Discharge has been issued by the Designated Officer;
 - (d) Swimming pool water.
90. Notwithstanding anything herein to the contrary no Person shall Release or permit the Release of any of the following into the Sanitary Sewer System:
- (a) Any waste, liquid or material classified as a ‘Hazardous Waste’ pursuant to the provisions of the Environmental Management Act and amendments thereto;
 - (b) Matter which, in the opinion of the Designated Officer, may cause:
 - i. A hazard to human health and that cannot be effectively mitigated by Waste Water treatment;
 - ii. A hazard to the environment;
 - iii. An adverse effect on the Sanitary Sewer System; or
 - iv. The Waste Water treatment plant, during normal operation, to be unable to meet the requirements of any other agency having jurisdiction over discharges to the receiving waters;
 - (c) Waste Water or Matter having:
 - i. A temperature greater than 65°C;
 - ii. A pH less than 5.5 or greater than 10.5;
 - iii. A Restricted Waste as described in Schedule “C”; or
 - iv. Been received from a Septic System unless it is discharged at an Approved City facility.
91. No Person shall Release or permit the Release of any of the following into the Sanitary Sewer System unless a Permit to Discharge has been issued by the Designated Officer:
- (a) Run-off from melt or natural precipitation;
 - (b) Storm Water;
 - (c) Clear Water Waste;
 - (d) Sub-Surface Water from foundation drains; or
 - (e) Over Strength Matter as described in Schedule “D”.
92. No Person shall dilute Waste Water for the purpose of avoiding the requirements of this bylaw.

93. Where a Person needs to or is releasing Waste Water that cannot meet the requirements of Sections 89 or 91 of this bylaw or where the volume of discharge of Waste Water is considered by the Designated Officer to be unusually high the Designated Officer may require a Permit to Discharge. Application for a Permit to Discharge, including all required test data, shall be made to the Designated Officer in the prescribed form and the required fees shall be paid as designated in the Fees and Charges Bylaw. The Designated Officer will review the application and determine whether to issue a Permit to Discharge. Conditions may be placed on the Permit to Discharge that may include the requirement for Pre-Treatment to a specified level, payment of an Over Strength Surcharge, flow regulation, monitoring or control manholes, testing and monitoring and may be subject to a negotiated fee for excessive quantities of Waste Water.
94. Where Best Available Demonstrated Technology ("B.A.D.T.") for a class of industry cannot meet the Restricted Waste or Over Strength Matter concentration levels set out in Schedules "C" or "D", the Designated Officer may, pursuant to the Permit to Discharge, authorize the concentration levels achievable through the use of B.A.D.T. for that class of industry as the concentration levels above which the Waste Water will be designated a Restricted Waste Water or Over Strength Matter.

SANITARY SEWER SYSTEM – On Site, Plumbing and Service Connection

95. Commercial garages, service stations, businesses that wash or lubricate motor vehicles, or businesses that wash aggregates or soils shall be provided with a readily accessible sand trap, sump and Oil and Grease Interceptors or traps located as close as possible to the source of the washing of aggregates or soils and they shall be maintained in good working order by the Owner. All interceptors shall have sand and silt removed from sand traps before materials occupy 25% of liquid depth. Accumulated oil and grease shall be skimmed off the surface of the interceptors and other sumps regularly to prevent accumulated oil and grease from escaping to the Sanitary Sewer. The design of such sand trap, sump and oil interceptor are to be Approved by the Designated Officer.
96. Cafe, restaurant, or other food service outlets shall be provided with readily accessible grease interceptor or trap located as close as possible to the source and they shall be maintained in good working order by the Owner. The design of such a grease trap or interceptor shall be Approved by the Designated Officer.
97. The Designated Officer shall have the right of access to any Building or Premises required to have a sand trap, sump, or oil and grease trap or interceptor for the purposes of inspection and testing.
98. The Designated Officer shall have the right to require that Backflow flapper type valves be installed in order to prevent homes from being flooded from a Sanitary Sewer back up.
99. All plumbing connected to the Utility shall conform to the British Columbia Plumbing Code, British Columbia Building Code and the Building Bylaw.
100. Where Sanitary Sewer volumes are highly variable the Designated Officer shall have the right to require that volume control devices be installed to equalize discharge volumes.
101. On all new Sanitary Sewer connections the Owner shall install a Sanitary Sewer Service inspection chamber and on Property zoned as Commercial and Industrial according to the Zoning Bylaw of the City. The Owner shall also install a monitoring point that meets the requirements of the Designated Officer.

102. Equipment necessary to comply with Sections 95, 96, 98, 100 and 101 of this bylaw shall be paid for, provided, maintained and operated by the Owner in a manner satisfactory to the Designated Officer.

SANITARY SEWER SYSTEM– Service Connections

103. The provision of a Sanitary Sewer Service connection shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
104. Sanitary Sewer Service connections shall not cross Property Lines between adjacent private Properties except by Statutory Right of Ways or right of way easements registered in the Kamloops Land Title Office.
105. A Property may have only one (1) Sanitary Sewer Service connection unless authorization is obtained from the Designated Officer who will consider the following in making a determination:
- (a) The reason an additional Sanitary Sewer Service connection is being requested.
 - (b) The impact of the additional Sanitary Sewer Service connection on the Property Owner or adjacent Property Owner.
 - (c) The impact of the additional Sanitary Sewer Service connection on the Sanitary Sewer System.
 - (d) Age and maintenance history of the Sanitary Sewer Service(s).
 - (e) The required capacity of the Sanitary Sewer Service connections combined or otherwise. **(Bylaw 2015-05)**
106. The maximum number of Sanitary Sewer Service connections allowed to any Property pursuant to Section 105 of this bylaw is two (2).
107. Application for a Sanitary Sewer Service connection shall be made to the Designated Officer in the prescribed form not less than fourteen (14) days prior to the Sanitary Sewer Service connection being required. The application shall describe the Property to which the Sanitary Sewer Service connection is required, the size of the service requested the intended use of the Property and include a British Columbia Land Surveyor survey plan which shows all existing and any required Statutory Right of Ways or right of way easements.
108. In general the application for a Sanitary Sewer Service connection shall be followed by an application for a plumbing permit prior to making any connection between the pipes located in the Statutory Right of Way or right of way easement and pipes located on private Property.
109. To be eligible for a connection to the Sanitary Sewer System the following conditions must apply:
- (a) The Property requesting a connection must be in the Sanitary Sewer Area, Schedule "G";
 - (b) The connection shall serve only one (1) Property unless the conditions pursuant to Section 105 of this bylaw have been satisfied where upon it will be permissible to have up to a maximum of two (2) Sanitary Sewer Service connections; and

- (c) The current capacity of the Sanitary Sewer System is capable of supporting the connection without having a negative impact on existing Consumers as determined by the Designated Officer.
- 110. Applications for Sanitary Sewer Service connections shall be reviewed by the Designated Officer, including any additional information that may be required and a report, which addresses the conditions of eligibility and the terms and conditions of this bylaw, shall be generated.
- 111. If the Designated Officer after reviewing and considering the application for Sanitary Sewer Service connection determines that a connection is warranted the Designated Officer shall approve a connection, including setting the size of the connection, subject to the Owner:
 - (a) Paying the City all costs of the installation of the connection;
 - (b) Obtaining and meeting any requirements for a Permit to Discharge;
 - (c) Meeting any requirements for monitoring or control points, flow control, sand traps, Oil and Grease Interceptors; and
 - (d) Providing any Statutory Right of Ways or right of way easements required for the connection.
- 112. In the event that the Sanitary Sewer Service connection replaces an onsite septic tank located on the Property the sludge or deposits from the septic tank must be removed and the septic tank filled in with suitable fill material approved by the Designated Officer.
- 113. The connection, installation, alteration and Termination from the Sanitary Sewer Main to the Property Line shall be undertaken only by the City at a point in time and location determined by the City.
- 114. Where an Owner has requested a Sanitary Sewer Service Termination the City shall cap the Sanitary Sewer Service Line at a point in time determined by the City.

STORM SEWER SYSTEM – General

- 115. No Person shall Release or permit the Release of any Matter into the Storm Sewer System or any watercourse, except:
 - (a) Storm Water and run-off from melt of natural precipitation that complies with the requirements of this bylaw;
 - (b) Sub-Surface Water that complies with the requirements of this bylaw;
 - (c) Water resulting from Street cleaning and de-chlorinated hydrant flushing;
 - (d) Water resulting from fire extinguishing activities;
 - (e) Water resulting from garden and lawn maintenance;
 - (f) Water resulting from non-Commercial car washing;
 - (g) Sub-Surface Water, Storm Water or Clear-Water Waste from a remediation site for which a Permit to Discharge has been issued; or
 - (h) Dechlorinated swimming pool water.

116. No Person shall Release or permit the Release of any Matter of any type into the Storm Sewer System or any watercourse which may:
- (a) Result in a hazard to any Person, animal, Property or vegetation;
 - (b) Cause an adverse effect on the Storm Sewer System or Water Course;
 - (c) Be in excess of 30.0 mg/L above the background suspended solids of the downstream receiving environment during the months of May 15 to October 1, or 80.0 mg/L above the background suspended solids of the downstream receiving environment during the months of October to April;
 - (d) Originate from a Commercial Car Wash;
 - (e) Contain Waste Water;
 - (f) Contain Super Chlorinated Water;
 - (g) Contain Restricted Waste or Over Strength Matter as described in Schedules "C" or "D";
 - (h) Have come from a Septic System unless it is discharged at an Approved City facility.
117. No Person shall Release or permit the Release of any of the following into the Storm Sewer system unless a Permit to Discharge has been issued by the Designated Officer:
- (a) Anything having a temperature greater than 40 degrees Celsius;
 - (b) Anything having a pH less than 6.0 or greater than 9.0, except for rainwater; or
 - (c) Clear-Water Waste, or
 - (c) Sub-Surface Water, Storm Water or Clear-Water Waste originating from a Remediation Site.
118. No Person shall dilute Storm Water for the purpose of avoiding the requirements of this bylaw.
119. Where a Person needs to or is releasing Storm Water that does not meet the requirements of Section 115 or 117 of this bylaw, they shall apply to the Designated Officer in the prescribed form and pay the designated fee for a Permit to Discharge. The Designated Officer will review the application and may either issue or refuse the application. The Designated Officer may impose conditions on the Permit to Discharge including the requirement for pre-treatment to a specified level, flow regulation, monitoring and or control manholes, testing and monitoring.

STORM SEWER SYSTEM – On Site, Plumbing and Service Connection

120. Where Storm Sewer Service volumes are highly variable the Designated Officer may require that volume control devices be installed to equalize discharge volumes.
121. Commercial garages, service stations, businesses that wash or lubricate motor vehicles, or businesses that wash aggregates or soils, or businesses with large parking lots shall be provide for readily accessible sand trap, sump and Oil and Grease Interceptors located as close as possible to the source or sources and they shall be maintained in good working order by the Owner. All interceptors shall have sand and silt removed from sand traps before materials occupy 25% of the liquid depth. Accumulated oil and grease shall be skimmed off the surface of the interceptors and other sumps regularly to prevent accumulated oil and

grease from escaping to the Storm Sewer System. The design of such sand trap, sump and oil interceptor are to be Approved by the Designated Officer.

STORM SEWER SYSTEM – Service Connections

122. The provision of a Storm Sewer Service connection shall at all times be subject to the terms and conditions set out in this bylaw and the charges designated in the Fees and Charges Bylaw.
123. A Property may have only one (1) Storm Sewer Service connection unless authorization is obtained from the Designated Officer who will consider the following in making a determination:
 - (a) The reason an additional Storm Sewer Service connection is being requested.
 - (b) The impact on the additional Storm Sewer Service connection on the Property Owner or adjacent Property Owner.
 - (c) The impact of the additional Storm Sewer Service connection on the Storm Sewer System.
 - (d) Age and maintenance history of the Storm Sewer Service(s).
 - (e) The required capacity of the Storm Sewer Service connections combined or otherwise. **(Bylaw 2015-05)**
124. The maximum number of Storm Sewer Service connections allowed to any Property pursuant to Section 123 of this bylaw, is two (2).
125. Storm Sewer Service connections shall not cross Property Lines between adjacent private Properties except by Statutory Rights of Way or right of way easements registered in the Kamloops Land Title Office.
126. Application for a Storm Sewer Service connection shall be made to the Designated Officer in the prescribed form not less than fourteen (14) working days prior to the Storm Sewer Service connection being required. The application shall describe the Property to which the Storm Sewer Service connection is required, the size of the Storm Sewer Service requested, the intended use of the Property and should include a British Columbia Land Surveyor survey plan which shows all existing and any required Statutory Right of Ways or right of way easements and any on-site Storm Water management Buildings.
127. In general the application for a Storm Sewer Service connection shall be followed by an application for a plumbing permit prior to making any connection between the pipes located in the Street and pipes located on private Property.
128. To be eligible for a connection to the Storm Sewer System the following conditions must apply:
 - (a) The connection shall only serve one (1) Property unless the conditions as set down in 123 of this bylaw apply where upon it will be permissible to have up to a maximum of two (2) Storm Sewer Service connections to one (1) Property; and
 - (b) The current capacity of the Storm Sewer System is capable of supporting the connection without having a negative impact on existing Consumers as determined by the Designated Officer.

129. Applications shall be reviewed by the Designated Officer, including any additional information that may be required for Storm Sewer Service connection and a report, which addresses the conditions of eligibility and the terms and conditions of this bylaw, shall be generated.
130. If the Designated Officer after reviewing and considering the application determines that a connection is warranted the Designated Officer shall approve the connection, including setting the size of the connection, subject to the Owner:
- (a) Paying the City all costs of the installation of the connection;
 - (b) Obtaining and meeting any requirements for a Permit to Discharge;
 - (c) Meeting any requirements for monitoring or control points, flow control, sand traps, Oil and Grease Interceptors and traps; and
 - (d) Providing any Statutory Rights of Way or right of way easements required for the connection.
131. The connection, installation, alteration and Termination from the Storm Sewer Main to the Property Line shall be undertaken only by the City at a point in time and location determined by the City.
132. Where an Owner has requested a Storm Sewer Service Termination the City shall cap the Storm Sewer Service Lines at a point in time determined by the City.

PERMIT TO DISCHARGE

133. The Designated Officer, may require that a Permit To Discharge be obtained by a Person or class of Persons to allow a high volume discharge, the discharge of Over Strength Matter, the discharge of Restricted Wastes where Best Available Demonstrated Technology (B.A.D.T.) for that class of Person cannot meet Restricted Waste concentrations levels as set out in Schedule "C" of this bylaw, the discharge from Commercial garages, service stations, businesses that wash or lubricate motor vehicles, or businesses that wash aggregates or soils , or businesses with large parking lots. The Designated Officer may set such terms and conditions as the Designated Officer may deem necessary or appropriate for the protection of the Sanitary Sewer System, the Storm Sewer System, natural Water Coursels, human or animal health and safety, and the environment and without limiting the generality of the foregoing, may in the Permit To Discharge:
- (a) Place limits and restrictions on the quantity, frequency of discharge and nature of the Waste permitted to be discharged;
 - (b) Levy an Over Strength Surcharge and or an excessive Waste Water quantity charge as prescribed in the Fees and Charges Bylaw, for each kilogram per cubic meter of constituent in the Waste Water released in excess of those specified in Schedule "D" but less than those identified as a Restricted Waste in Schedule "C";
 - (c) Allow the discharge of Over Strength Matter or Restricted Waste where concentration levels set in Schedule "C" and "D" of this bylaw cannot be achieved through the use of Best Available Demonstrated Technology (B.A.D.T.) for that class of industry;

- (d) Require the holder of a Permit To Discharge, at their expense repair, alter, remove or add works or construct new works to ensure that the discharge will comply with the Permit To Discharge and this bylaw;
 - (e) Require the holder of a Permit To Discharge, at their expense to monitor the Waste being discharged under the Permit To Discharge in the manner specified by the Designated Officer and to provide information concerning the discharge as requested by the Designated Officer, including, but not limited to, routine maintenance check dates, cleaning and Waste removal dates, and the means of disposal of accumulated Waste and residuals;
 - (f) Require the holder of a Permit To Discharge to submit to the Designated Officer details plans and operating procedures for all existing facilities installed on the Premises for the purpose of preventing accidental discharge; or
 - (g) Require the holder of a Permit to Discharge to take all measures to keep all equipment and facilities maintained and in good order as may be necessary to ensure compliance with the terms and conditions of the Permit To Discharge.
134. Notwithstanding anything herein to the contrary the Designated Officer may require a Person or any class of Persons to obtain a Permit To Discharge for the discharge of any non-Domestic Waste by that Person or class of Persons.
135. Upon receipt of notice under Section 134 of this bylaw the Person receiving the notice shall, within thirty (30) days, apply for a Permit to Discharge and provide to the Designated Officer such information relating to the discharge of non-domestic Waste by that Person as the Designated Officer may require.
136. The Designated Officer may revoke a Permit To Discharge for failure to comply with the terms and conditions of the Permit To Discharge or for failure to comply with this bylaw.
137. A Person who makes a discharge after having their Permit To Discharge revoked is guilty of an offence punishable on summary conviction and is liable to a fine not to exceed One Thousand Dollars (\$1,000.00) and if the offence is of a continuing nature to a fine not exceeding Five Hundred Dollars (\$500.00) for each day the offence is continued.

REPAIR OF SERVICE FAILURE OR INTERRUPTION OF SERVICE

138. Consumers shall have a duty of care to the City to maintain and use the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service in the manner in which they were designed to be used.
139. Any Consumer experiencing a Service Failure or interruption of the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service shall report forthwith the matter to the Designated Officer.
140. Consumers having a Service Failure or interruption of the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service, the investigation and/or repair of which necessitates excavation within the Street shall, prior to the City taking any action, sign a work order with the City and the City shall carry out the said repair work. Alternatively, if

Approved by the Designated Officer, pursuant to Schedule "F" to the Traffic Bylaw, the Consumer may undertake to have the work completed by a third party.

141. The Consumer shall undertake repair work for Service Failure or interruption of the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service on the Consumer's Property where it has been determined by the Designated Officer to be the fault of the City or the Consumer or due to natural causes.
142. Upon completion of the repair work by the City referred to in Section 140 of this bylaw the Designated Officer shall determine total costs and allocate them to the City or the Consumer as described in Section 144 of this bylaw. Should surface restoration not be possible until the following construction season, the calculation of total cost shall use the cost of surface restoration as estimated by the Designated Officer.

143. Upon completion of the repair work by the Consumer determined to be the fault of the City as referred to in Section 141 of this bylaw the Consumer shall submit an itemized invoice to the Designated Officer who will review and if appropriate approve payment of the invoice in accordance with Section 144 of this bylaw.
144. Responsibility for the cost of repair for any Service Failure or interruption in the Irrigation Water Service, Treated Water Service, Sanitary Sewer Service or Storm Sewer Service are as follows:
- (a) The Consumer shall be responsible for all costs resulting from blockage, breakage, damage, and or failure between the Irrigation Water Main, Treated Water Main, Sanitary Sewer Main and or Storm Sewer Main and the Property Line that is caused by any action, inaction, misuse or negligence on the part of the Consumer as determined by the Designated Officer;
 - (b) The Consumer shall be responsible for all costs resulting from blockage, breakage, damage, and or failure between the Property Line and the foundation line;
 - (c) The Consumer shall be responsible for all costs resulting from a freeze up of the Irrigation Water Service or the Treated Water Service from the Property Line to the foundation line; and
 - (d) The City shall be responsible for all costs resulting from blockage, breakage, damage, and or failure between the Irrigation Water Main, Treated Water Main, Sanitary Sewer Main or Storm Sewer Main and the Property Line that was not a result of any action, inaction, misuse or negligence on the part of the Consumer as determined by the Designated Officer.

INFRASTRUCTURE EXTENSIONS OR UPGRADES

145. Application for Infrastructure extensions to serve any existing Property not currently served and not being subdivided or where service to existing Property is in a manner that does not meet the needs of the Owner the Owner may make application to the Designated Officer in the prescribed form to have an extension or upgrade constructed.
146. Applications for Infrastructure extensions or upgrades that are required for subdivision servicing shall be addressed pursuant to the Subdivision & Development Bylaw.
147. The application for Infrastructure extensions shall indicate the area where the extension or upgrade is required and state the reason the extension or upgrade is necessary.
148. Applications for Infrastructure or up-grade shall be reviewed by the Designated Officer, any additional information relating thereto and a report, which addresses the following items, shall be submitted to Council for their consideration:
- (a) Whether the extension or upgrade generally is in the public interest;
 - (b) Whether the current Infrastructure is capable of supporting the extension or upgrade without having a negative impact on existing Consumers;
 - (c) Whether there are sufficient potential users to make use of such an extension or upgrade;
 - (d) The estimated cost of the extension or upgrade and financing options; and

- (e) Whether in the case of an extension or upgrade to the Irrigation Water System the connection prejudicially affects the prior rights of any of the parties to the use of the water intended to be conveyed and distributed by the connection.
149. After reviewing and considering the application and determining that an extension is warranted Council may authorize the extension on the terms and conditions that the Council considers advisable subject to the Owner or Owners and the City meeting all legislative requirements as set down in the relevant sections of the Local Government Act and the Community Charter and entering into any required agreements.

UNAUTHORISED RELEASES

150. Any Person who Releases or permits the unauthorized Release of any Matter set out in Section 90, 91, 116 or 117 of this bylaw into the Sanitary Sewer System, Storm Sewer System or any Water Course, immediately after becoming aware of the Release, shall notify the City and provide the following information:
- (a) Name of the Person owning or having had the possession of the Matter Released;
 - (b) Location of the Release;
 - (c) Name of Person reporting the Release and telephone number where that Person can be contacted;
 - (d) Time of the Release;
 - (e) Type of material Released and any known associated hazards;
 - (f) Volume of the material Released; and
 - (g) Corrective action being taken or anticipated to be taken to control the Release.
151. The Person who Released or permitted the unauthorized Release shall, as soon as the Person becomes aware or ought to have become aware of the Release, take all reasonable measures to:
- (a) Confine, remedy and repair the effects of the Released Matter; and
 - (b) Remove and dispose of the Matter in such a manner as to effect the maximum protection to human life, health and the Sanitary Sewer System, Storm Sewer System or watercourse.
152. The Person who Released or permitted the Release shall within fourteen (14) days following the unauthorized Release submit to the City a written report that details the following:
- (a) Date and time of the Release;
 - (b) Location of the point of the Release;
 - (c) Duration of the Release;
 - (d) Composition of the Release showing with respect to each substance its concentration and total quantity, and a description of the circumstances leading to the Release;
 - (e) Steps or procedures which were taken to minimize, control or stop the Release;
 - (f) A summary of the impairment, damage, or harm which occurred to any Person, Premises, or private drainage system; and

- (g) Any other information required by the City.
- 153. Any Person observing a Release of any Matter set out in Section 90, 91, 116 or 117 of this bylaw into the Sanitary Sewer System, Storm Sewer System or any Water Course shall notify the City forthwith and provide as much information on the Release as possible.
- 154. Every Person who directly or indirectly discharges Waste or substances produced, treated, handled or stored on Property other than residential Property into the Sanitary Sewer System shall, as a condition of that discharge:
 - (a) Provide and maintain facilities to prevent accidental discharge or discharge contrary to this bylaw or a Permit To Discharge. Facilities include but are not limited to spill containment facilities, recovery and neutralization facilities for substance which, if accidentally discharged, would constitute a Hazardous or Restricted Waste;
 - (b) Post and keep posted permanent signs in conspicuous locations on the Premises displaying the name, telephone number of the Person to call in the event of accidental discharge of Restricted Waste; and
 - (c) Inform employees who may cause or discover the discharge of Restricted Waste, of notification procedures set out in this bylaw.

WATER METERS

- 155. Save and except for dedicated fire lines all Properties, Buildings and devices connected to the Irrigation Water System and or Treated Water System shall have a water Meter, conduit, wiring and a remote register installed to the approval of the Designated Officer unless the Designated Officer determines that either a flat rate for water use would be more appropriate or unless the water line is a dedicated fire line. The water Meter or Meters shall be in the Building or in a Meter chamber or chambers and shall be sufficient to accurately determine the water flow.
- 156. Where unusual conditions such as but not limited to the following exist the Designated Officer may require one or more water Meters, remote readouts or Meter chambers:
 - (a) Any Property having more than one (1) Irrigation Water Service or Treated Water Service connection;
 - (b) Any situation where the water Service must cross private Property, other than the Owners to reach the Building being served; and
 - (c) Strata title properties, duplexes and mobile home parks.
- 157. The size of all Meters installed shall be determined by the Designated Officer and will not necessarily conform to the size of the service pipe installed but will be based on the estimated rate of consumption.
- 158. Water Meters, and remote registers shall be supplied, owned and maintained by the City and paid for by the Owner in accordance with the Fees and Charges Bylaw. Water Meter replacements required due to age or malfunction shall be paid for by the City.

159. Water Meters, wiring, conduit and remote registers shall be installed by the City at the expense of the Owner. The design of any unusual Water Meter installations must approved by the Designated Officer and shall be paid for by the Owner. Any Water Meter installations, Water Meter reading costs and Backflow prevention devices associated with Treated Water Service connections which cross Property Lines or enter or leave Buildings must be approved by the Designated Officer and shall be paid for by the Owner.
160. Water Meters shall be installed in accordance with the installation requirements as set by the Designated Officer.
161. Every Consumer shall provide adequate protection against freezing, heat, moisture damage and vandalism for any water Meter and remote register.
162. There shall be no branch lines or water consuming appliances affixed to the Treated Water line or the Irrigation Water line on the City's side of the water Meter except, with the approval of the Designated Officer or unless approved branch lines are for dedicated fire suppression systems.
163. If a Meter or by-pass seal is broken, the occupant of the Premises shall notify the Designated Officer within twenty-four (24) hours.
164. No Person shall remove, relocate or disconnect a water Meter, seals, or remote register without the written permission of the Designated Officer.
165. In the event that water Meter chambers are required the number and configuration of the Meter chambers shall be as determined by the Designated Officer. The Owner shall be responsible for all costs associated with the construction and maintenance of the Meter chambers.
166. The Designated Officer has the right of access to any Building or Premises provided with a water Meter for the purposes of obtaining Meter readings, performing inspections and carrying out maintenance and repairs.

PAYMENT AND COLLECTION OF ACCOUNTS

167. The City shall have the authority to charge Consumers and or the Owners for provision of Irrigation Water, Treated Water and Waste Water treatment pursuant to the following and as determined by the Designated Officer:
 - (a) Irrigation Water based on:
 - i. A per hectare charge for the number of irrigable hectares of the Consumer as shown on the Irrigation roll; and/or
 - ii. A volumetric charge based on the number of cubic meters of Irrigation Water used as measured by an Irrigation Water Meter; and/or
 - iii. A stand alone negotiated agreement.

At the time the City requires the installation of Irrigation Water Meters to measure Irrigation Water a sufficient notice and phase in period as determined by the Designated Officer will be provided.
 - (b) Treated Water based on:

- i. A volumetric charge of the number of cubic meters of Treated Water as measured by a Treated Water Meter; and/or
 - ii. A flat rate based on Service size; and/or
 - iii. A stand alone negotiated agreement.
- (c) Sanitary Sewage based on:
- i. A volumetric charge based on the number of cubic meters of Treated Water used as measured by a Treated Water Meter; and/or
 - ii. A flat rate based on Service size; and/or
 - iii. A Fixture charge; and/or
 - iv. A Sewage tax; and/or
 - v. A stand alone negotiated agreement.

At the time the City requires the use of a volume charge based on the number of cubic meters of Treated Water to measure Sanitary Sewage flow a sufficient notice and phase in period as determined by the Designated Officer will be provided.

168. There shall be paid, for all Irrigation Water and Treated Water supplied and Waste Water collected or service rendered for items listed in Schedule "B" the amounts set out in the Fees and Charges Bylaw.
169. Where Treated Water Mains or Sanitary Sewer Mains, in the areas described in Schedules "F" and "G" to this bylaw, have been provided by the City and are available for connection to private Property, upon six (6) months written notice, the minimum flat rate charge for Treated Water and Sanitary Sewage set out in the Fees and Charges Bylaw shall be paid by all Consumers whose Property is occupied for a purpose requiring the provision of sanitary facilities in accordance with the British Columbia Building Code, whether or not a private Treated Water Service or Sanitary Sewer Service connection has actually been made.
170. Subject to any other provisions of this bylaw, the Metered rates payable by a Consumer shall be determined by reference to the reading of the Meter connected to that Service.
171. In the event of a difference in reading between the remote register and the water Meter, the reading of the water Meter shall prevail.
172. If a Meter reading is disputed by either the City or a Consumer, the Meter shall be tested by a qualified Person designated by the City. If the Meter is found to be accurate within 98.5% to 101.5% of the water passing through the Meter, the expense of such test, as set out in the Fees and Charges Bylaw, shall be borne by the party disputing the reading. If the Meter is found not to be accurate within the said specified limits, it shall be repaired or replaced at the expense of the City.
173. If, upon testing a Meter, it is determined that the Meter has failed to properly record the flow of water, the Designated Officer shall estimate the flow of water and render a calculation utilizing such methods as are considered fair and equitable. The Consumer will then either be charged or refunded the difference and upon receipt of payment or refund all claims on account of the inaccurate Meter shall be deemed settled. No such settlement shall extend for a period beyond one (1) year prior to the test, and any refund shall be made only to the person who overpaid.

174. Accounts shall be rendered in respect of each Irrigation Water Service, Treated Water Service and Sanitary Sewer Service in the manner prescribed by the Designated Officer.
175. Where any Service charge is designated by reference to an hourly, daily or weekly rate, the charge for a lesser period of time shall, where possible, be calculated on a proportionate basis.
176. Should a Utility account remain unpaid for a period of thirty (30) days, the Service may be Shut Off following forty-eight (48) hours written notice. The Service supply to any such Person shall not be restored until such Person has paid the outstanding balance of the account to the satisfaction of the Designated Officer and has paid to the City the fee for reinstatement of Service as designated in the Fees and Charges Bylaw.
177. The Owner of Property shall be liable for all rates and fees chargeable or payable under this bylaw as provided for in provincial statutes and for any costs associated with the City having to undertake the repair of unsatisfactory work completed on the Owner's behalf by private contractors with respect to the Service. Any unpaid charges may be transferred to taxes of the benefiting Property in accordance with the Community Charter/Local Government Act.
178. The Meters of all Consumers shall be read, where practical, twice per year on or about May and September. In the event that any Meter cannot be read in accordance with normal practices, the Designated Officer shall estimate the flow of water and render an account utilizing such methods as are considered to be fair and equitable.
179. Should a Consumer have a concern with any fee or charge rendered pursuant to this bylaw they may send a letter to the Designated Officer setting out the nature and substantiating details of the concern. The Designated Officer will review the concern, provide a written response within thirty (30) days and take any action as may be necessary. Should the Consumer wish to appeal the decision of the Designated Officer they may send a letter to the Chief Administrative Officer within seven (7) days of receipt of the written response. The Chief Administrative Officer will review the matter and render a written decision in thirty (30) days and the decision of the Chief Administrative Officer shall be final and binding.

OFFENCES AND PENALTIES

180. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of or in violation of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act which violates any of the provisions of this bylaw is guilty of any offence against this bylaw and liable to the penalties hereby imposed.
181. Each day that a violation is permitted to exist shall constitute a separate offence.
182. A Person who contravenes any provision of this bylaw for which no other penalty has been provided under this bylaw, is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding Two Thousand Dollars (\$2,000.00) or to imprisonment for a term not exceeding six (6) months, or to both and if the offence is of a continuing nature to a fine not exceeding Five Hundred Dollars (\$500.00) for each day the offence is continued.
183. This Bylaw is designated as a Bylaw that may be enforced by means of Municipal Ticket Information under the Community Charter or a Bylaw Notice under the Local Government Bylaw Notice Enforcement Act.
184. The City may, in its discretion, terminate the supply of Irrigation Water or Treated Water after forty-eight (48) hours written notice of the contravention and proposed termination of Service

has been given by the City to the offending Person, and the said contravention has not within the forty-eight (48) hours been rectified for any or all of the following reasons:

- (a) Non payment of accounts for Irrigation Water, Treated Water, Sanitary Sewage or repair accounts;
- (b) Violation of any regulation, restriction or prohibition with respect to Irrigation;
- (c) The existence of a non health hazardous Cross-Connection;
- (d) The existence of Plumbing Devices that have a negative effect, as determined by the Designated Officer, on the Irrigation Water System, Sanitary Sewer System, Storm Sewer System or Treated Water System;
- (e) The existence of Plumbing Devices which leak or extract or add heat to the water system of the City;
- (f) Defective Backflow prevention devices or assemblies that do not cause a health hazard;
- (g) Alteration or bypass of a water Meter;
- (h) Violation of any regulation, restriction or prohibition with respect to water use;
- (i) Wasting of Irrigation Water or Treated Water;
- (j) Use of water from a Treated Water Main in Area A of Schedule "F" for non-domestic purposes or Irrigation purposes;
- (k) Disinfecting water Mains of the City;
- (l) Unauthorized Release of Over Strength Matter to the Sanitary Sewer System or the Storm Sewer System;
- (m) Non compliance with any provision of this bylaw;
- (n) Maintaining, repairing, renovating, or operating the Utility under normal circumstances; or
- (o) For such other reasons as the Council may determine from time to time.

185. The City may, in its discretion, Shut Off or Terminate the supply of Irrigation Water or Treated Water without notice for any or all of the following reasons:

- (a) Balancing the delivery of Irrigation Water to the maximum delivery rate;
- (b) Shortage of Irrigation Water or Treated Water;
- (c) The existence of a health hazardous Cross-Connection;
- (d) Defective Backflow prevention devices that cause a health hazard;
- (e) Unauthorized Release of a Restricted Waste to the Sanitary Sewer System or Storm Sewer System;
- (f) A request to discontinue Service;
- (g) Maintaining, repairing, renovating, or operating the Utility under emergency conditions; or
- (h) For such other reasons as the Council may determine from time to time.

186. The Irrigation Water or Treated Water supply to any Person who has had his Irrigation Water or Treated Water Shut Off for any reason except for those reasons cited in Section 183(k), 183(n), 184 (a), 184(b), 184(f) and 184(g), of this bylaw shall not have their Service restored until such time as the problem has been corrected to the satisfaction of the Designated Officer and that Person has paid to the City the fee for reinstatement of Service as designated in the Fees and Charges Bylaw.
187. The invalidity of any section, clause, sentence or provision of this bylaw shall not affect the validity of any other part of this bylaw which can be given effect without such invalid part or parts.

GENERAL INTERPRETATIONS

188. Wherever the singular or the masculine is used in this bylaw, the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context or the bylaw requires.

BYLAW SHALL PREVAIL

189. Where the provisions of this bylaw conflict with the provisions of any other bylaw of the City, the bylaw with the more stringent provisions in favor of the City shall prevail.

SCHEDULES

190. Schedules A, B, C, D, E, F and G are attached to and form an integral part of this bylaw.

COMING INTO FORCE

191. This bylaw shall come into full force and effect upon the final passing thereof.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "A"

SCHEDULE "A" – PERMIT TO DISCHARGE

PERMIT TO DISCHARGE No. _____

Pursuant to the City of Penticton Irrigation Sewer and Water Bylaw 2005 -02

(Consumer name and address; hereby referred to as the Permittee)

is hereby subject to the following Permit to Discharge terms, conditions and requirements.

TERMS, CONDITIONS AND REQUIREMENTS

SECTION ONE: GENERAL

1. Save and except as expressly authorized by the terms and conditions of this permit, the Permittee shall not Release Waste Water, Storm Water, Subsurface Water or Clear-Water that contravenes the Irrigation, Sewer and Water Bylaw 2005-02.
2. The Permittee shall not alter, add to, or in any other manner change the design or construction of the facility from the plans and specifications in the applications and authorized by permits or approvals issued by the City without the prior written authorization of the City Engineer.
3. All changes, additions and alterations must be submitted in written form to City Engineer for approval prior to construction.
4. Approval by the City of any design or specification of the facility shall not constitute or be interpreted as constituting a waiver of any terms or conditions of this Permit To Discharge or any amendment thereto, nor shall such approval otherwise relieve the Owner from full compliance with the terms and conditions of this Permit to Discharge, and the Irrigation, Sewer and Water Bylaw 2005 – 02.
5. The issuance of the Permit To Discharge does not convey any property rights in either real or personal property, or any exclusive privileges.
6. The terms and conditions of this Permit To Discharge are severable and if any term or condition of this Sanitary and Strom Sewer Discharge Permit or the application of any term or condition to any circumstances is held or invalid, the application of such term or condition to other circumstances and the remainder of this Permit shall not be affected thereby.
7. Issuance of this Permit To Discharge shall not relieve the Owner from liability arising from civil or criminal activities.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "A"

8. The issuance of a Permit To Discharge shall not be defense in an enforcement action that it would not have been necessary to halt or reduce production in order to maintain compliance with the terms and conditions of this Permit.
9. The Permittee shall furnish test results to the City Engineer as indicated on the attached, Special Conditions within established time limitations, and include any other specific information which may be requested to assess compliance with this Permit to Discharge.
10. The Permittee shall pay the excessive Waste Water charges as indicated on the attached Special Conditions .
11. By signing this Permit To Discharge the Permittee authorizes the City Engineer to, without prior notice and without incurring liability for so doing, enter the plant or Premises of the Owner for the purpose of determining if the terms and conditions contained within this Permit To Discharge are in compliance.
12. All applications reports or information submitted to the City Engineer shall be signed and certified the Permittee if the Permittee is an incorporated company by an officer thereof who shall make the following certification:

"I certify that this document and all attachments were prepared under my direction or supervision and assure that qualified personnel properly gathered and evaluated the information submitted in accordance with the terms and conditions of the Irrigation, Sewer and Water 2005-02 and amendments and in accordance with sound Engineering and Environmental practices. Based on my inquiry of the Person or Persons who manage the system, or those Persons directly responsible for gathering the information, the information submitted is accurate and complete, to the best of my knowledge and belief. "
13. All records and information resulting from the monitoring required by this Permit To Discharge, including records of analysis performed, calibration and maintenance of monitoring equipment and recordings from continuous monitoring equipment, shall be retained for a minimum five (5) year period, or longer, if requested by the City Engineer.
14. Notwithstanding any terms, conditions or requirements of this Permit To Discharge, all terms and provisions of the Irrigation, Sewer and Water Bylaw 2005-02, as amended from time to time, must be complied with by the Owner at all times.

SECTION TWO: RELEASE AND MONITORING STANDARDS

15. All Release and monitoring standards are to follow those indicated in Irrigation, Sewer and Water Bylaw 2005-02 and as per the attached Special Conditions contained in this Permit To Discharge.

SECTION THREE: ANALYTICAL PROCEDURE

16. All analytical procedures are to be undertaken by a certified testing firm Approved by the City Engineer and are to be done in compliance with Standard Methods to identify the constituents indicated in Schedule "C" and "D" of Irrigation, Sewer and Water 2005-02, unless otherwise directed by the City Engineer.

SECTION FOUR: SPECIAL CONDITIONS

17. See attached, Special Conditions, if deemed necessary by the City Engineer due to extraordinary circumstances.

Bylaw 2005-02
Irrigation, Sewer and Water Bylaw - Schedule "A"

SECTION FIVE: PERMIT EFFECTIVE AND EXPIRY DATES

This Permit To Discharge shall become effective on _____

This Permit To Discharge shall expire on _____

Signed at the City of Penticton, on _____, _____

Witness

Owner of the Premises

Witness

Proprietor of the Industry in Question

Authorized on behalf of The Corporation of the City of Penticton, on _____, _____

Witness

City Engineer

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SCHEDULE "B" - LIST OF FEES

The following forms a list of items for which fees will be levied in accordance with the rates specified in the Fees and Charges Bylaw:

1. Irrigation water based on an Irrigation water Meter reading ^{1, 2}
2. Irrigation water based on an annual rate per irrigable hectare
3. Irrigation water based on a negotiated agreement ^{1, 2}
4. Minimum Metered charge for Metered Irrigation water
5. Treated water based on a Treated Water Meter reading ^{1, 2}
6. Treated water, flat rate based on the Treated Water Service size
7. Treated water based on a negotiated agreement ^{1, 2}
8. Minimum Metered charge for Metered Treated Water
9. Minimum flat rate charge for Treated Water for un-connected properties
10. Sanitary sewer based on the Treated Water Meter reading ^{2, 3}
11. Sanitary sewer, flat rate based on the Treated Water Service size ³
12. Sanitary sewer Fixture charge
13. Sanitary sewer tax
14. Sanitary sewer based on a negotiated agreement ^{2, 3}
15. Minimum Metered charge for sanitary sewer
16. Minimum flat rate charge for Sanitary Sewer for un-connected properties
17. Additional charge for two Irrigation Services, Treated Water Services or Sanitary Sewer Services to one Property.
18. Sign on of a new customer
19. Special administration charges
20. Water and or sewer account transfer fee
21. Installation of an Irrigation Water Service, Treated Water Service, Sanitary Sewer Service and Storm Sewer Service
22. Termination of an Irrigation Water Service, Treated Water Service, Sanitary Sewer Service and Storm Sewer Service at the main
23. Irrigation water Service, Treated Water Service, Sanitary Sewer Service and Storm Sewer Service, Service calls
24. Reconnection fee
25. Shut off or turn on after normal business hours
26. Shut off or turn on during normal business hours
27. Thawing or clearing of a private Service after normal business hours

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28. Thawing or clearing of a private Service during normal business hours
29. Turn on for reinstatement after shut-off for non-payment after normal business hours
30. Turn on for reinstatement after shut-off for non-payment during normal business hours
31. Special water Meter reading
32. Water Meter and remote register
33. Water Meter testing or repair
34. Hydrant rental
35. Portable water Meter rental
36. Fire flow testing
37. Provision of temporary water
38. Permit to Discharge
39. Service inspection fee
40. Repair of Service Failure or Interruption
41. Evaluation of Restricted Wastes or Over Strength Matter
42. Over strength B.O.D. surcharge
43. Over strength C.O.D. surcharge
44. Over strength oil and grease surcharge
45. Over strength phosphorous surcharge
46. Over strength total suspended solids surcharge

NOTES ON FEES

- Note 1: A block rate structure that sets a different unit rate for different blocks of water use may be employed.
- Note 2: A minimum charge may be assessed.
- Note 3: May use a different unit rate depending on land use designations.
- General: The Designated Officer shall determine the type Metered or flat rate billing to be used.

Every Consumer who is not being charged on the basis of water Metered shall be charged in accordance with the Flat Rate fee or the Permit To Discharge.

Every Consumer whose consumption of water is being measured by a water Meter and who is being charged on the basis of that consumption shall pay for water supplied for the aggregate of amounts determined by the Metered Rate fee; however, in no case shall the total charge as calculated on a Metered basis be less than that which would be paid on the basis of the minimum monthly flat rate charge.

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For the purpose of this List of Fees, normal business hours shall be 7:00 a.m. to 3:15 p.m., Monday through Friday, except for statutory holidays. Services supplied outside of these times shall be subject to overtime charges.

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Irrigation, Sewer and Water Bylaw - Schedule "C"

SCHEDULE "C" - RESTRICTED WASTES

The following are designated as Restricted Wastes when present in Waste Water, Storm Water or Sub-Surface Water being released to the sanitary sewerage system at a concentration in excess of the levels set out below.

B1 CONTAMINANTS

Substance	24 hr Composite (mg/L)	2 hr Composite (mg/L)	Grab bag (mg/L)
Biochemical oxygen demand (BOD)	500.0	1000.0	2000.0
Chemical oxygen demand (COD)	750.0	1500.0	3000.0
Total suspended solids (TSS)	600.0	1200.0	2400.0

B2 INORGANIC CONSTITUENTS

Substance	24 hr Composite (mg/L)	2 hr Composite (mg/L)	Grab bag (mg/L)
Aluminium	50.0	100.0	200.0
Arsenic	1.0	2.0	4.0
Boron	50.0	100.0	200.0
Cadmium	0.2	0.4	0.8
Chromium	4.0	8.0	13.0
Cobalt	5.0	10.0	20.0
Copper	2.0	4.0	8.0
Cyanide	1.0	2.0	4.0
Iron	10.0	20.0	40.0
Lead	1.0	2.0	4.0
Manganese	5.0	10.0	20.0
Mercury	0.05	0.1	0.2
Molybdenum	1.0	2.0	4.0
Nickel	2.0	4.0	8.0
Phenols	1.0	2.0	4.0
Phosphorus	12.5	25.0	50.0
Silver	1.0	2.0	4.0
Sulphate	1500.0	3000.0	6000.0
Sulphide	1.0	2.0	4.0
Tin	5.0	10.0	20.0
Zinc	3.0	6.0	12.0

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Irrigation, Sewer and Water Bylaw - Schedule "C"

B3 ORGANIC COMPOUNDS

1. B.E.T.X (benzene, ethyl, toluene, xylene) 1.00 mg/L
2. Fuels any amount
3. Carbon tetrachloride 0.20 mg/L
4. Chloroform 0.20 mg/L
5. Hydrocarbons 50.00 mg/L
6. Pathological waste any amount
7. PCB waste any amount
8. Pentachlorophenol 0.20 mg/L
9. Phenols 1.00 mg/L
10. Pesticides, insecticides, herbicides and fungicides any amount*
11. Special waste any amount
12. Radioactive material any amount**

NOTES

- * Pesticides, insecticides, herbicides and fungicides in the Storm Sewer emanating from trees or vegetation treated in accordance with the Pesticide Control Act, R.S.B.C., 1996 c. 360 and regulations are allowable.
- ** Radioactive material within such limits as are permitted by license issued by the Atomic Energy Control Board of Canada are allowable.

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SCHEDULE "D" - OVER STRENGTH MATTER

The following are designated as Over Strength Matter and are subject to a surcharge when present in Waste Water, storm water or Sub-Surface Water being Released to the Sanitary Sewer System at a concentration in excess of the levels set out below.

1. Biochemical oxygen demand (BOD) 300 mg/L
2. Chemical oxygen demand (COD) 600 mg/L*
3. Oil and grease 100 mg/L
4. Phosphorous 10 mg/L
5. Total suspended solids (TSS) 300 mg/L

NOTES

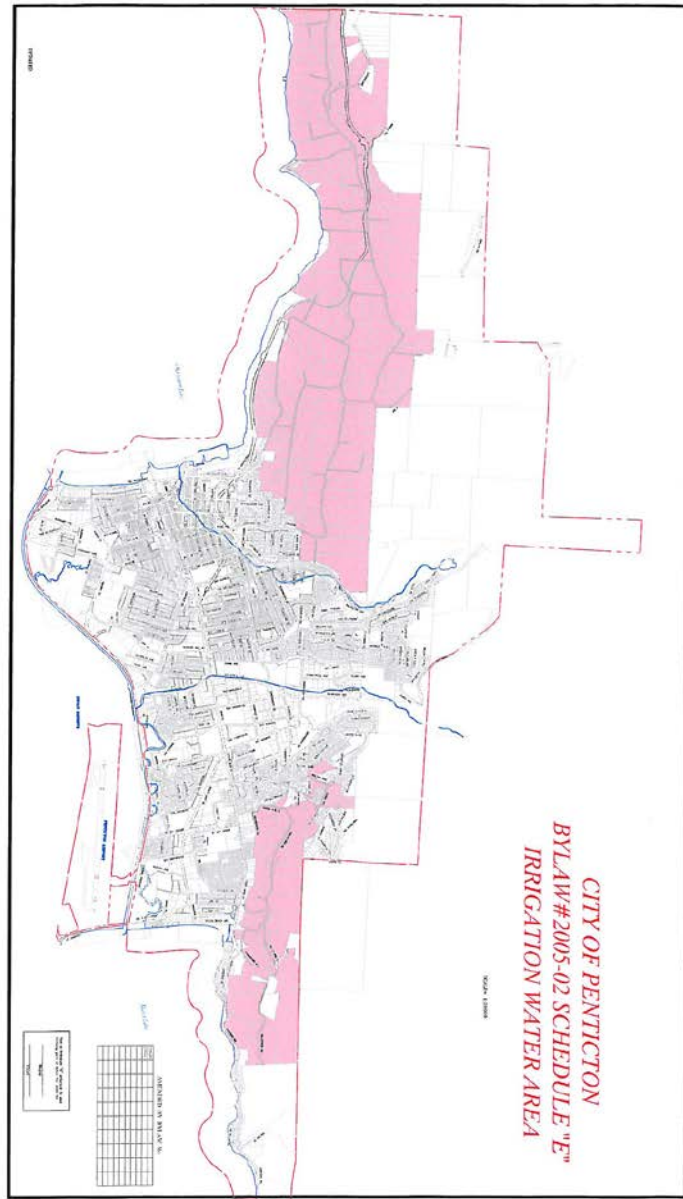
* Or twice the B.O.D. concentration in the Waste Water, whichever is greater.

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SCHEDULE "E" - IRRIGATION WATER AREA

Amended by Bylaw 2009-11

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SCHEDULE "F" - TREATED WATER AREA

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SCHEDULE "G" - SANITARY SEWER AREA

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