

CITY OF KELOWNA

BYLAW NO. 11745

South Okanagan Mission Agricultural Water Establishment Bylaw

A bylaw of the City of Kelowna to establish the Local Area Service for upgrading of a local irrigation watering system servicing the South Okanagan Mission agricultural customers

WHEREAS pursuant to the provisions of Section 210 of the Community Charter, and amendments thereto, empowers the Council of the City of Kelowna with the authority to adopt a local area service bylaw to recover costs from property owner's pursuant to Section 216 of the Community Charter and amendments thereto, who derive a benefit from the service provided from local improvement works;

AND WHEREAS pursuant to the provisions of Section 211 of the *Community Charter*, and amendments thereto, states that the Council of the City of Kelowna must adopt a bylaw to establish a local area service;

AND WHEREAS pursuant to the provisions of Section 211 of the *Community Charter*, and amendments thereto, the local area service works proposed by this bylaw include all things necessary in providing the upgrading of a local irrigation watering system servicing South Okanagan Mission agricultural customers;

AND WHEREAS pursuant to the provisions of Section 148 and 212 of the Community Charter, and amendments thereto, the Corporate Officer assigned responsibility has certified the sufficiency of the petition and the petitions received in favor of the proposed work was sufficient therefore unable to prevent Council from proceeding with the work within the LAS;

AND WHEREAS the Council of the City of Kelowna has been advised through a report prepared by the Corporate Officer that the elector responses submitted by the affected property owners of the LAS, requesting that Council to proceed with upgrading of a local irrigation watering system servicing South Okanagan Mission agricultural customers project, are sufficient;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. There shall be and is hereby established a Local Area Service (LAS) under the provision of the Community Charter, and amendments thereto, to be known as the "South Okanagan Mission Agricultural Customer User Local Area Service";
2. The boundaries of the City of Kelowna South Okanagan Mission Agricultural Customer User Local Area Service project is outlined in Schedule "A" attached to and forming part of this bylaw;
3. The City of Kelowna is hereby authorized to provide, operate, maintain and to undertake and carry out, or cause to be carried out, the construction upgrading of a local distribution system servicing existing South Okanagan Mission agricultural customers consisting of installing new water mains, redirecting existing water mains, installing new PRV, seven new Water Meter Pits and Chambers with Backflow Prevention, disconnect old services where required and tie-in to distribution of watermains in the LAS as outline in Schedule "A" attached to and forming part of this bylaw;
4. The entire capital costs of the work shall be borne by the benefiting area, as identified in Schedule A, and shall be raised by way of a local service parcel tax under Section 216 of the Community Charter, levied in 20 annual instalments commencing after completion of construction;

5. Upon completion of the local area service works, the actual construction cost will be specially charged against the parcels benefiting from, being the parcels shown on Schedule A as attached to and forming part of this bylaw;
6. Should the sums recovered through the levy of the local service parcel tax at any time be insufficient to meet the costs of repayment of the debt, the Council may levy and impose within the benefiting area an additional rate on land and improvements over and above all other rates sufficient to meet such deficit in the same manner and time as other general municipal levies.
7. Any person whose parcel is subject to being specially charged under Section 4 of this bylaw, may elect to make a one-time payment of the portion of the cost of construction assessed upon their parcel within sixty days of receipt of written instructions from the Collector.
8. This bylaw may be cited for all purposes as being "South Okanagan Mission Agricultural Water Establishment Bylaw No. 11745."
9. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 25th day of February, 2019.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule A

