

**VILLAGE OF NAKUSP**

**BYLAW NO. 656, 2015**

**CONSOLIDATED TO INCLUDE BYLAWS 656-1, 656-2, 656-3 AND 656-4, AND 704, 2022  
As of March 2022**

**A BYLAW TO REGULATE AND SET FEES AND CHARGES FOR THE SUPPLY OF WATER BY THE  
VILLAGE OF NAKUSP**

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The Council of the Village of Nakusp, in open meeting assembled, enacts as follows:

**1.0 Citation**

1.1 This bylaw may be cited for all purposes as the “Village of Nakusp Water Rates and Regulations Bylaw No. 656, 2015”.

**2.0 Interpretation**

2.1 In this bylaw;

**Amended by Bylaw 656-4, 2020**

“Automated Irrigation System” **Removed by Bylaw 704, 2022**

**Amended by Bylaw 656-4, 2020**

“Automatic Shut-Off Device” **Removed by Bylaw 704, 2022**

“CAO” means the person appointed as Chief Administrative Officer for the Village and his or her designate.

**Amended by Bylaw 656-4, 2020**

“Consumer” means any person to whom water is supplied by the Village.

“Contaminant” means any substance or matter in water which may render the water unfit for drinking according to guidelines and regulations of the Province of British Columbia.

“Council” means the elected Municipal Council of the Village of Nakusp.

“Disconnect” means disconnecting the Water Connection at the boundary of a property.

“Director of Operations” means the person employed as the Director of Operations for the Village and his or her designate.

**Amended by Bylaw 656-4, 2020**

“Drip-Irrigation” **Removed by Bylaw 704, 2022**

**Amended by Bylaw 656-4, 2020**

“Hand-Watering” **Removed by Bylaw 704, 2022**

**Amended by Bylaw 656-4, 2020**

“In-Ground Irrigation System” **Removed by Bylaw 704, 2022**

**Amended by Bylaw 656-4, 2020**

“Lawn and Flower Garden Irrigation” **Removed by Bylaw 704, 2022**

**Amended by Bylaw 656-4, 2020**

“Lawn and Garden Watering Device” **Removed by Bylaw 704, 2022**

**Amended by Bylaw 656-4, 2020**

“New Lawn” **Removed by Bylaw 704, 2022**

“Rate” means the sum to be paid by a Consumer for the quantity of water supplied by the Village Water Utility, as measured by a Water Meter or as a fixed charge as provided by this bylaw.

**Amended by Bylaw 656-4, 2020**

“Residential Vegetable Garden” **Removed by Bylaw 704, 2022**

“Running Hose” **Removed by Bylaw 704, 2022**

“Service Area” means that area within the boundaries of the Village and the defined portion of Electoral Area K of the Regional District of Central Kootenay established by Supplementary Letters Patent effective June 7, 1979 as referred to in the Village’s Supplementary Letters Patent effective December 31, 1994 as shown on Map attached to this bylaw.

“Temporary Use” means the use of the Village Water Utility from an existing Water Connection to be used temporarily during construction of a new building.

“Village” means the Village of Nakusp.

“Village Water Utility” means the entire network of pipes, pumps, water treatment facilities, reservoirs, valves, hydrants, service lines, meters, and all other appurtenances or facilities that make up the Village’s water supply and distribution system within the Service Area.

“Water Connection” means the connecting line from the Village Water Utility water main to the boundary of a property, and includes all related pipes, shut-off valves and other appurtenances.

“Water Meter” means an apparatus or device used for measuring the volume of water passing through it, and includes any accessories such as a remote reader device and the connecting cable as provided by the Village.

### **3.0 Establishment of Water Service**

**3.1** To the extent that the Village has not already established the service of water supply, the Village hereby establishes the service of supplying water to the Service Area through the Village Water Utility and operating, constructing, maintaining and regulating the Village Water Utility.

### **4.0 Operation of the Village Water Utility**

**4.1** The Director of Operations is authorized to administer and oversee the day-to-day operation of the Village Water Utility and to assist in administering and enforcing this bylaw.

### **5.0 Application for Water Connection**

**5.1** A property owner shall make application to the Village for the installation of a Water Connection to the property on the form approved by the Village.

**5.2** After a property owner’s application for a Water Connection has been approved by the Director of Operations, the Village shall install the Water Connection from the Village Water Utility to the property line and the property owner will pay the minimum fee set forth in **the Fees and Charges Bylaw** or the actual cost of the Water Connection, whichever is greater, and will promptly pay that amount to the Village

upon completion of the installation of the Water Connection and prior to the Village turning on the water supply.

**5.3** No person shall connect to the Village Water Utility unless the person has first applied and paid the applicable amount to the Village pursuant to this bylaw and has obtained the written consent of the Director of Operations.

## **6.0 Interference with Village Water Utility**

**6.1** No person shall cause or permit any person to, turn on, turn off, tamper with, damage or in any way interfere with any hydrant, stand-pipe, valve, Water Meter or other component of the Village Water Utility.

## **7.0 Hydrant Use**

**7.1** No person shall operate any hydrant, stand-pipe or valve or use water there from other than an employee of the Village in the course of his or her employment, unless the person has first obtained a hydrant use permit under the Village's Cross Connection Control Bylaw as amended or replaced from time to time.

## **8.0 Inappropriate or Excessive Use of Water**

### **Amended by Bylaw 704, 2022**

**8.1** No person shall cause or permit water to be discharged from the Village Water Utility excessively whether by reason of the person failing to repair a known leak or otherwise.

**8.2** No person shall cause or permit water from the Village Water Utility to be used to fill commercial water tankers.

**8.3** No person shall cause or permit water from the Village Water Utility to be used for commercial or industrial washing or pressure washing without a valid business license issued by the Village for that purpose.

**8.4** No person shall cause or permit water from the Village Water Utility to be used for the irrigation of agricultural land. As an exception to this clause, any consumer within the Service Area who is charged under Code 40 as of the date of adoption of this bylaw, is exempt from this clause provided there are no changes in use of the property, size of the water service to the property or an increase in the number of services to the property. Use of the water for agricultural purposes will be limited to three hours per day.

## **9.0 Repairs of Village Water Utility**

**9.1** The Director of Operations may at times and for such length of time considered necessary by him or her restrict or prohibit water use for the purpose of maintaining, repairing, renovating, disinfecting, altering, extending or otherwise operating the Village Water Utility.

## **10.0 Maintenance of On-site Works**

**10.1** Every property owner shall keep all pipes, stop-cocks and other fixtures and apparatus on their property connected to the Village Water Utility in good order and repair and protected from frost at their own expense.

**11.0 Restrictions on Water Use – Removed by Bylaw 704, 2022**

**12.0 Regulations – Water Conservation – Removed by Bylaw 704, 2022**

**13.0 Regulations – Staging Restrictions – Removed by Bylaw 704, 2022**

**14.0 Water Meters**

- 14.1** A Water Meter shall be installed on each property that receives the supply of water from the Village Water Utility for each building constructed on or after February 8, 1996.
- 14.2** Every Water Meter shall be installed by a qualified contractor retained by the owner of the property.
- 14.3** All Water Meters shall be provided by the Village and remain the property of the Village.
- 14.4** If any breakage, stoppage or other irregularity in a Water Meter is observed by a property owner, the property owner shall notify the Director of Operations immediately.
- 14.5** The Village has the authority to inspect, maintain, repair, replace and read Water Meters.
- 14.6** A property owner must, at all reasonable times, provide adequate, convenient, and unobstructed access to the Village for inspecting, repairing, maintaining, replacing and reading the Water Meter.

**15.0 Village Water Utility System Pressure**

- 15.1** The Village does not guarantee water pressure, continuous supply or direction of water flow. The Village reserves the right at any time, without notice, to change the operating pressure, to shut off water or to change the direction of flow. Neither the Village, its officers, employees, nor agents shall be liable for any damage or other loss caused by changes in water pressure, shutting off water or change in direction of flow or by reason of the water containing sediments, deposits, or other foreign matter.

**16.0 Limitation on Liability**

- 16.1** Nothing contained in this bylaw shall be construed to impose any liability on the Village to provide water to any person or property or to provide a continuous supply of water or water of any particular quantity or quality.

**17.0 Conditions of Water Supply**

- 17.1** Any supply of water by the Village is subject to the following conditions, in addition to other conditions in this bylaw:
- (a) the Village is not responsible for the failure of the water supply as a result of any accident or damage to the Village Water Utility;
  - (b) the Village is not responsible for any excessive water pressure or lack of water pressure;
  - (c) the Village is not responsible for any temporary stoppage of the water supply on account of alterations or repairs to the Village Water Utility;

whether such arises from the negligence of any person in the employ of the Village or another person, or through natural deterioration or obsolescence of the Village Water Utility or otherwise.

**18.0 Shut Off of Water Supply**

- 18.1** The Director of Operations may shut off the supply of water from the Village Water Utility to any property for any or all of the following reasons:
- (a) a request to turn off or discontinue water service;
  - (b) non-payment of water rates and charges under this bylaw;
  - (c) maintaining, repairing, renovating, replacing, disinfecting, altering, or extending or otherwise operating the Village Water Utility; and

(d) the period of time for the Temporary Use has expired.

**18.2** The Village may shut off the supply of water to any property for any or all of the following reasons:

(a) non-compliance with any provision of this bylaw;

(b) shortage of water supply or in the public interest.

## **19.0 Notices of Water Shut Off**

**19.1** Where water supply is to be shut off for reason of non-payment of water rates and charges or other non-compliance with any provision of this bylaw, the Director of Operations shall give 30 days' notice to the property owner and notice may be given by posting it on the property.

**19.2** Where water supply is to be shut off for reason of non-compliance with any provision of this bylaw, except the non-payment of water rates and charges, the Village will give the person affected the opportunity to make representations to Council in respect of such non-compliance.

**19.3** Where water supply is to be shut off for reason of a shortage of water supply or in the public interest, the Village will give notice, but no notice may be given where safety of life or property is at risk.

**19.4** Where water supply is to be shut off for maintenance, repair, renovation, replacement, disinfection or other operation of the Village Water Utility, the Director of Operations will give notice for scheduled work, but no notice may be given where safety of life or property is at risk.

**19.5** The Village is not responsible for any notice failing to reach a property owner or other Consumer of water prior to the shut off of water from the Village Water Utility.

## **20.0 Water Rates**

**20.1** Every Consumer shall pay to the Village the rates and charges set out in **the Fees and Charges Bylaw** for the supply of water from the Village Water Utility. The rates and charges in **the Fees and Charges** are hereby imposed and levied by the Village on a yearly basis, and all such rates and charges shall be payable at the office of the Village on or before the due date printed on the Village Water Utility bill.

**20.2** All rates and charges payable under this bylaw are non-refundable and there shall be no pro-rating of rates and charges if the supply of water from the Village Water Utility is turned off or the Water Connection from the Water Utility is disconnected.

## **21.0 Taxes in Arrears**

**21.1** All fees, rates and charges set out in this bylaw not paid on or before the 31st day of December in any year shall be deemed to be taxes in arrear in respect of the properties served by the Village Water Utility and such sum shall be recoverable as taxes under the *Community Charter*.

## **22.0 Temporary Use**

**22.1** Upon application to the Village a connection to the Village Water Utility may be permitted solely for a Temporary Use for a specified period of time up to maximum of one year as determined by the Director of Operations.

**22.2** Applications for a Temporary Use shall be made in writing to the Director of Operations on the form approved by the Village.

**22.3** After an application for a Temporary Use has been approved by the Director of Operations, the applicant shall pay to the Village the rates and charges for such use as set out in **the Fees and Charges Bylaw** prior to the Village turning on the water supply.

**22.4** Any person who applies to the Village to turn the supply of water from the Village Water Utility on for a Temporary Use shall provide to the Director of Operations confirmation that a building permit has been obtained from the Village and any other information the Director of Operations may reasonably require.

### **23.0 Water Shut off or Turn on**

**23.1** Applications for turning the supply of water from the Village Water Utility off or on shall be made in writing to the Director of Operations on the form approved by the Village.

**23.2** Any person who applies to the Village to temporarily turn the supply of water from the Village Water Utility off or on shall pay the fee set forth in **the Fees and Charges Bylaw**.

### **24.0 Disconnection**

**24.1** Applications to permanently disconnect from the Village Water Utility shall be made in writing to the Director of Operations on the form approved by the Village.

**24.2** After an application for a disconnection has been approved by the Director of Operations, the Village shall disconnect the Water Connection from the Village Water Utility to the property line and the property owner will be responsible for the entire cost of the disconnection and will promptly pay that cost to the Village upon completion of the disconnection.

### **25.0 Location of Water Connection**

**25.1** Any person who applies to the Village to turn the supply of water from the Village Water Utility off, or on or to disconnect from the Village Water Utility shall pay the fee set forth in **the Fees and Charges Bylaw** where the location of the Water Connection has become obscure or hidden.

### **26.0 Testing of Water Meters**

**26.1** Any person who reports to the Village that a Water Meter is malfunctioning shall pay the fee set forth in **the Fees and Charges Bylaw** where the testing of the Water Meter indicates that there is no defect.

### **27.0 Inspection**

**27.1** The Director of Operations and any bylaw enforcement officer or designate may enter on any property at any reasonable time for the purpose of inspecting and ascertaining whether the regulations and requirements of this bylaw are being observed.

**27.2** No person shall obstruct or interfere with the Director of Operations or any bylaw enforcement officer or designate in the performance of his or her duties or the exercise of his or her powers under this bylaw.

### **28.0 Offence and Penalties**

**28.1** Any person who contravenes this bylaw is liable upon summary conviction to a maximum fine of \$10,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

### **29.0 Severability**

**29.1** If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

**30.0 Repeal**

**30.1** The Village of Nakusp Water Rates and Regulations Bylaw No. 463, 1996 and all amendments thereto are hereby repealed.

**30.2** The Village of Nakusp Water System Extension Bylaw No. 495 and all amendments thereto are hereby repealed.

Read a first, second and third time this 14th day of September, 2015.

Adopted this 26<sup>th</sup> day of October, 2015.

“Karen Hamling”

“Laurie Taylor”

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Mayor

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Chief Administrative Officer

**Consolidated March 18, 2022**

**Wayne Robinson**  
CAO

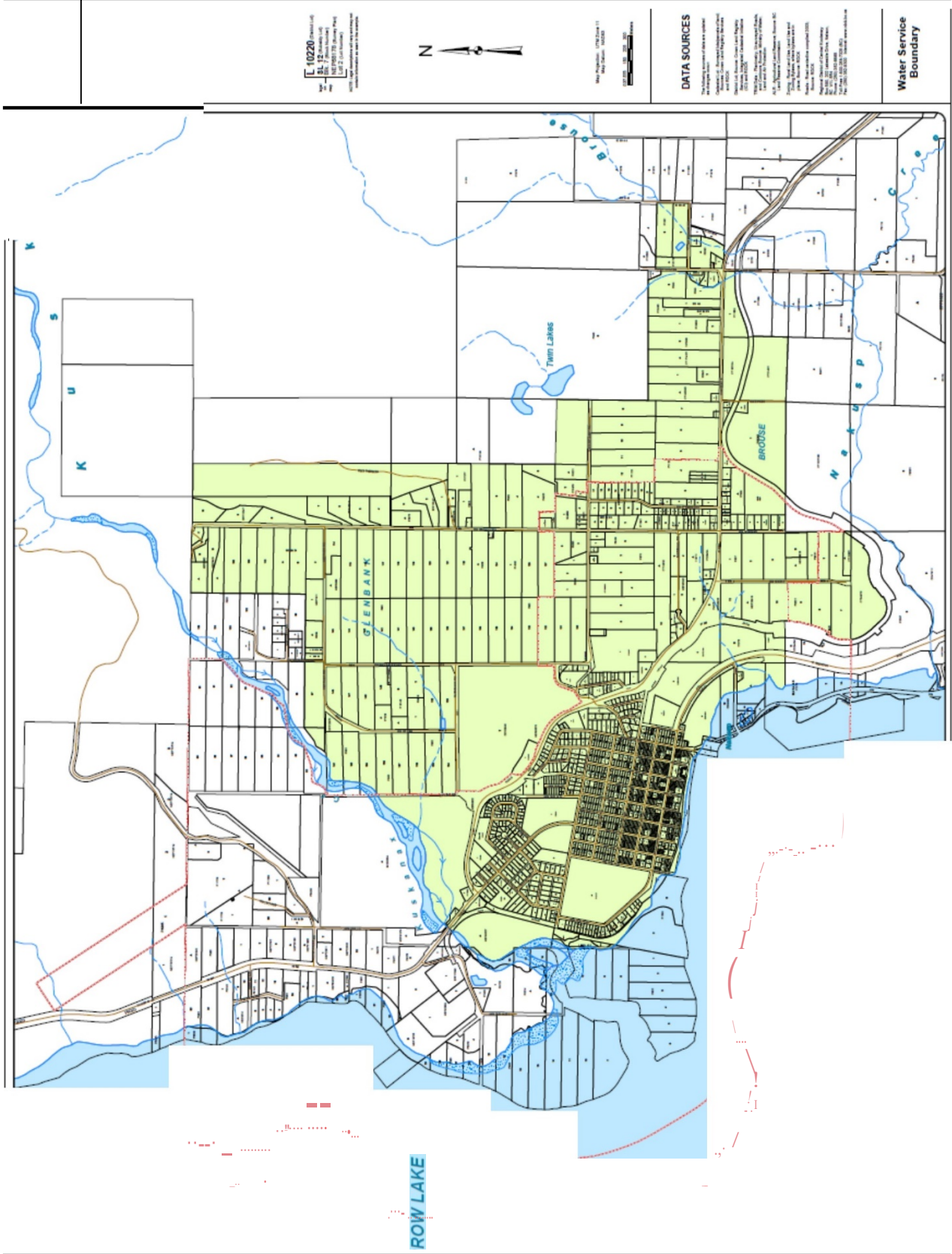
**Bylaw No. 656-1 adopted February 9, 2016 and Bylaw No. 656-2 adopted January 23, 2017 replaced Schedule “A”**

**Bylaw No. 656-3, 2020 adopted February 10, 2020 repealed Schedule “A” and all references to “Schedule A to this bylaw” be replaced with “the Fees and Charges Bylaw”.**

**Included in Bylaw 693, 2020 Fees and Charges Bylaw.**

**Bylaw 656-4 adopted July 24, 2020 added the following 10 definitions; Automated Irrigation System, Automatic Shutoff Device, Consumer, Drip Irrigation, Hand-Watering, In-Ground Irrigation, Lawn and Flower Garden Irrigation, Lawn and Garden Watering Device, New Lawn, and Residential Vegetable Garden. Replaced section 12.1, 12.2, 12.3, and 13.1.**

**Bylaw 704, 2022 adopted March 14, 2022 removed the following 10 definitions; Automated Irrigation System, Automatic Shutoff Device, Drip Irrigation, Hand-Watering, In-Ground Irrigation, Lawn and Flower Garden Irrigation, Lawn and Garden Watering Device, New Lawn, Residential Vegetable Garden, and Running Hose. Replaced section 8.1 and removed section 11, 12 and 13 in there entirety.**



**E 10220**  
 Scale: 1" = 100 feet  
 Date: 12/15/2011  
 Author: [Name]  
 Title: [Title]



Map Projection: UTM Zone 11  
 Map Scale: 1:50,000  
 Units: Meters

**DATA SOURCES**  
 The following sources of data were used:  
 - Aerial Photography (2011)  
 - Topographic Maps (1:50,000)  
 - Property Records (2011)  
 - Utility Records (2011)  
 - Field Surveys (2011)  
 - Other: [List other sources]

**Water Service Boundary**