

VILLAGE OF NAKUSP

BYLAW NO. 656, 2015

CONSOLIDATED TO INCLUDE BYLAWS 656-1 AND 656-2

JANUARY 25TH, 2017

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

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,

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

“Consumer” means any person, company, or corporation who is supplied with water from the Village Water Utility.

“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.

“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.

“Running Hose” means any type of hose or pipe capable of carrying fluid from one location to another;

“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 Schedule “A” to this 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

- 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, excessively use of sprinklering equipment 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 licence 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

- 11.1 The Village may at such times and for such length of time as is considered necessary or advisable, restrict or prohibit water uses from the Village Water Utility when it considers water to be in short supply or it considers it to be in the public interest and every person shall abide by such restriction or prohibition.

12.0 Regulations – Water Conservation

- 12.1 The following water uses shall be prohibited on any day between the hours of 9:00 a.m. and 7:00 p.m. and 9:00 p.m. and 7:00 a.m. the following day, during the calendar year:
 - (a) Operating lawn or garden watering devices, including but not limited to automatic above ground or manual sprinklers and soaker hoses connected to a running hose (does not include manual garden watering with watering cans).
- 12.2 Notwithstanding the limitations established in this section:
 - (a) Lawn and garden sprinklering on all properties with even numbered civic address shall be permitted on even days during the calendar year;

- (b) Lawn and garden sprinklering on all properties with odd number civic addresses shall be permitted on odd days during the calendar year.
- (c) Lawn and garden sprinklering shall be prohibited throughout the service area on the 31st of any month;
- (d) Washing any vehicle, driveway, building and/or structure with a running hose that is not affixed with a flow restriction device such as flow nozzle or spray gun (does not include washing from a water bucket) is prohibited at all times;
- (e) Owner(s) and/or user(s) are permitted to utilize maximum of one (1) lawn or garden sprinklering device, at any specific time (does not include manual garden watering with watering cans) during permitted watering periods.

12.3 Subject to all other limitations and restrictions specified in this bylaw:

- (a) Lawn and garden sprinklering with automated underground sprinklers shall be limited to the period between 12:00 a.m. and 4:00 a.m. on the permitted days;
- (b) Lawn and garden sprinklering using any device other than an automated underground sprinkler shall be limited to the periods between 7:00 a.m. and 9:00 a.m. and 7:00 p.m. and 9:00 p.m. on permitted days
- (c) Consumers of a property equipped with automated underground sprinklers shall not be permitted to use any other lawn or garden sprinklering device.

13.0 Regulations – Staging Restrictions

13.1 Council authorizes the Director of Operations and the CAO, in consultation with the Mayor and Council, whenever in their discretion the public interest so requires, to impose the following water staging restrictions in additions to the regulation set forth in this bylaw.

- (a) **Stage I** – regulatory control among all Consumers that further reduces the water conservation regulations as follows:
 - (i) Further restrictions to limitation provided in Section 12.3 (a, b and c) that reduces underground sprinklering time from 12:00 a.m. to 2:00 a.m. and that reduces lawn and garden sprinklering times from 7:00 a.m. to 8:00 a.m. and 7:00 a.m. to 8:00 p.m. on the permitted days. At a minimum Stage I regulatory control shall be implemented when the Province of BC issues a drought level 3 advisory for the service area.
- (b) **Stage II** – regulatory control among all Consumers that completely bans activities identified in Section 12. At a minimum Stage II regulatory control shall be implemented when the Province of BC issues a drought level 4 or higher advisory for the service area.

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, or 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 or 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 Schedule “A” to this bylaw for the supply of water from the Village Water Utility. The rates and charges in Schedule “A” 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 Schedule “A” to this 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 Schedule “A” to this 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 Schedule “A” to this 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 Schedule “A” to this 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 26th day of October, 2015.

“Karen Hamling”

Mayor

“Laurie Taylor”

Chief Administrative Officer

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

**SCHEDULE “A”
Water Rates, Charges and Fees - 2017
Unmetered Water Rates - 2017**

Category	Category Name	Annual Rate
W01	Single family dwelling	\$406.56
W02	Apartments, Duplex, Triplex, Fourplex – first unit	406.56
W03	Retail and other businesses	433.13
W04	Hotel/motel Room – owner/manager residence	433.13
W05	Restaurant and Cafe	696.47
W08	Large Grocer	1455.30
W09	Church or church hall	360.36
W10	Public hall or place of amusement with two separate washroom facilities	582.12
W11	Licensed Lounge	1205.82
W12	Car Wash - per wash unit	362.87
W13	Water Bottling Plant- per cubic meter	16.17
W14	Hospital, intermediate care facility - per bed	349.97
W15	Fire hall	261.03
W17	Sports Complex	2911.76
W18	Concrete batch plant	1195.43
W19	Cemetery	162.86
W20	Mobile home park - each pad	317.63
W21	Drive-In Restaurant (with no indoor seating)	522.06
W24	Laundromat - per washer	282.98
W25	Beach and park washrooms - per building	122.43
W26	Beach and park sprinklering	972.51
W30	Campground - per site	57.75

Water Rates, Charges and Fees – 2017

Unmetered Water Rates		
Category	Category Name	Annual Rate
W35	Swimming Pool	301.46
W40	Farm with livestock (horse, cow, sheep, swine) with one residence	813.12
W41	Garage, service station or body shop	520.91
W52	Apartments, Duplex, Triplex, Fourplex – each additional unit	282.98
W84	Hotel/motel Room - per room	200.97
W99	Vacant lot with service available	103.95
WES	Nakusp Elementary School	5250.63
WSS	Nakusp Secondary School	8054.97

Basic Connection Fee	
Single Family Dwelling – charge per lot	Greater of Actual cost or \$1,320.00
Each unit of a new or multi-family project	Actual cost

Other Services	
Temporary water on for construction (max 1 year)	\$392.70 + tax
Temporary water shut off	47.00 + tax
Water turn on	47.00 + tax
Location of service	75.00 + tax

Water Rates, Charges and Fees - 2017

Annual metered Water Rates		
Category		Min. Monthly Rates
¾ inch service		\$28.88
1 inch service		\$57.76
1 ½ inch service		\$115.50
2 inch service		\$190.58
>2 inch service		To Be Determined upon activation
Water allowance 20,000 litres / month		
Rate for service over monthly allowance (for each 1,000 litres or fraction thereof)		\$3.23
Testing water meter reported to be malfunctioning; no charge if defective. For meters found not be defective the testing fee shall be:		\$63.50 + tax
Water meters may be read and billed quarterly or for a longer period and prorated accordingly		

