

# Village of Nakusp

## Water Conservation Bylaw No 702, 2022

### A BYLAW TO PROVIDE FOR REGULATIONS OF GOVERNING WATER CONSERVATION

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

1. DEFINITIONS

For the purpose of this bylaw, the following terms are defined as follows:

**“Address”** – means the civic house assigned to a property by the Village of Nakusp.

**“Automatic Shut-Off Device”** – means a device that is attached to a water hose that is spring loaded and shuts off the supply of water when pressure is released.

**“Bylaw Enforcement Officer”** – means a person appointed by the Council to enforce this bylaw.

**“Bylaw Notice Enforcement Bylaw”** – means the Village of Nakusp Bylaw Notice Enforcement Bylaw 694, 2020 and as amended.

**“Chief Administrative Officer (CAO)”** – means the person employed as the CAO by the Village of Nakusp or his or her delegate.

**“Commercial Carwash”** – means a business operating a “for fee” service to wash vehicles and has a valid business license with the Village.

**“Community Charter”** – means the Community Charter [SBC 2003] Chapter 26 and as amended.

**“Council”** - means the Municipal Council of the Village of Nakusp.

**“Director of Operations”** – means the person employed as the Director of Operations by the Village of Nakusp or his or her delegate.

**“Fire Chief”** – means the person designated as the Fire Chief of the Nakusp and District Volunteer Fire Department.

**“Offence Act”** – means Offence Act [RSBC 1996] Chapter 338 as amended, and as it relates to section 263 of the Community Charter.

**“Permit”** – means a permit issued by the Chief Administrative Officer, Director of Operations or designate.

**“Public Notice Places”** – means the notice board at the Village Office and the Village of Nakusp website located at [www.nakusp.com](http://www.nakusp.com).

**“Village”** – means the Corporation of the Village of Nakusp.

**“Watering System”** – means a watering system which may include in-ground automated or drip systems, hoses or sprinklers that supply domestic use water outdoors.

**2. APPLICATION**

The restriction and regulations outlined in this bylaw are applicable to every person who uses the Village of Nakusp water system.

**3. PROHIBITION**

1. No person, shall use water or cause water to be used contrary to the provision of this bylaw in effect at the time of use.
2. No person shall damage or allow the deterioration of any device or mechanism through which water is piped or used for a domestic or commercial purposes, which will result in misuse or waste of water.
3. No person shall draw water from any point in the Village of Nakusp water distribution system to fill a truck mounted tank or vehicles or equipment constructed or equipped to carry or supply water without the prior written approval of the Director of Operations or designate.
4. No person shall waste water by using more water than is required to provide a service, produce a product, or complete a task, including but not limited to allowing a tap or hose to run water unnecessarily and over-watering plants or lawns.

**4. BYLAW ENFORCEMENT OFFICER**

1. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw be carried out.
2. The Bylaw Enforcement Officer has the authority to enter, at all reasonable times, on any property that is subject to this bylaw, to ascertain whether the requirements of this bylaw are being met or the regulations in the bylaw are being observed.
3. For the purposes of this bylaw, the Bylaw Enforcement Officer means any of the following:
  - a. Chief Administrative Officer (CAO) of the Village of Nakusp
  - b. Director of Operations of the Village of Nakusp
  - c. Fire Chief of the Nakusp and District Volunteer Fire Department
  - d. RCMP

**5. DECLARATION OF CONSERVATION STAGES**

1. At any time, the Council, CAO or Director of Operations may declare the activation of water conservation stage.
2. When a declaration is made pursuant to section 5(1), the water conservation stage described in the declaration comes into force after the Village makes a public announcement of the declaration.

3. When a water conservation stage comes into force, any prior conservation stage that was previously declared, if any, ceases to be in force.
4. If no water conservation measures are in force on May 1<sup>st</sup> of any year, Stage 1 Water Conservation Measures will automatically become effective on that date without prior declaration or announcement under section 5(b).
5. After September 30<sup>th</sup> of every year, no water conservation stage will remain in force; unless a new declaration is made pursuant to section 5(1).
6. Despite section 5(2), during a power-outage affecting the Village, water conservation stage 4 comes into effect for all people, without any prior notice required.

## **WATER CONSERVATION STAGES**

### **6. PERMITTED WATER CONSERVATION MEASURES USE DURING ALL STAGES**

1. During every water conservation stage (1-4) the following uses are permitted:
  - a. Prevention or to control fires; and,
  - b. For health and safety of any person or domestic animal.

### **7. STAGE 1 WATER CONSERVATION MEASURES**

1. A person shall not use a watering system to water a lawn, garden, or landscaped area on a property except:
  - a. At premises with an **even numbered** civic address, on **even numbered** calendar days:
    - i. Between 6:00 AM and 9:00 AM, as well as 8:00 PM and 11:00 PM for hose supplied sprinklers; or,
    - ii. Between Midnight (12:00 AM) and 6:00 AM for underground automated sprinkler systems.
  - b. At premises with **odd numbered** civic addresses, on **odd numbered** calendar days:
    - i. Between 6:00 AM and 9:00 AM, as well as 8:00 PM and 11:00 PM for hose supplied sprinklers; or,
    - ii. Between Midnight (12:00 AM) and 6:00 AM for underground automated sprinkler systems.
2. Pursuant to sub section (1) at any address on any day, a person is also permitted to use water for the following:
  - a. Hand watering of flower gardens, vegetable gardens, decorative planters, shrubs or trees;
  - b. Drip irrigation or micro sprinkler irrigation for watering flower gardens, vegetable gardens, decorative planters and shrubs to trees;
  - c. Use of hose to provide water to wash boats, motor vehicles or driveways, only if the hose is equipped with an automatic shut off device;
  - d. Watering of public sports fields, school yards, public parks and cemeteries;
  - e. Filling and maintaining of private pools, spas, hot tubs, ponds and bird baths;

- f. Water slide or sprinkler for the purpose of children's play;
- g. Commercial Carwash; and,
- h. Uses authorized by a permit issued by the CAO, Director of Operations or Designate (Schedule 'A').

#### **8. STAGE 2 WATER CONSERVATION MEASURES**

1. A person shall not use a watering system to water a lawn, garden, or landscaped area on a property except:
  - a. At premises with **even numbered** civic address, on **Wednesdays** and **Saturdays**:
    - i. Between 6:00 AM and 9:00 AM, as well as 8:00 PM and 11:00 PM for hose supplied sprinklers; or,
    - ii. Between midnight (12:00 AM) and 6:00 AM for underground automated sprinkler systems.
  - b. At premises with **odd numbered** civic addresses, on **Thursday** and **Sundays**:
    - i. Between 6:00 AM and 9:00 AM, as well as 8:00 PM and 11:00 PM for hose supplied sprinklers; or,
    - ii. Between midnight (12:00 AM) and 6:00 AM for underground automated sprinkler systems.
2. Pursuant to sub section (1) at any address on any day, a person is also permitted to use water for the following purposes:
  - a. Hand Watering of flower gardens, vegetable gardens, decorative planters, shrubs or trees; for certainty hand watering of lawns or grass is not permitted;
  - b. Drip irrigation or micro sprinkler irrigation for watering flower gardens, vegetable gardens, decorative planters and shrubs or trees;
  - c. Use of hose to provide water to wash boats or motor vehicles, only if the hose is equipped with an automatic shut off device;
  - d. Watering of public sports fields, school yards, public parks and cemeteries;
  - e. Filling and maintaining of private pools, spas, hot tubs, ponds and bird baths;
  - f. Water slide or sprinkler for the purpose of children's play;
  - g. Commercial Carwash; and,
  - h. Uses authorized by a permit issued by the CAO, Director of Operations or Designate (Schedule 'A').

#### **9. STAGE 3 WATER CONSERVATION MEASURES**

1. A person shall not use water for any other uses than as follows:
  - a. Hand watering of flower gardens, vegetable gardens, decorative planters, shrubs or trees; for certainty hand watering of lawn or grass is not permitted;
  - b. Drip irrigation or micro sprinkler irrigation for watering flower gardens, vegetable gardens, decorative planters and shrubs or trees;
  - c. Washing of Vehicles or Boats with a bucket of water and sponge;
  - d. Commercial Carwash;
  - e. Uses defined in Section 6.1; and,

- f. Uses authorized by a permit issued by the CAO, Director of Operations or Designate (Schedule 'A').

**10. STAGE 4 WATER CONSERVATION MEASURES**

- 1. A person is not permitted to use water for any other use than as follows:
  - a. Uses defined in Section 6.1; and,
  - b. Uses authorized by a permit issued by the CAO, Director of Operations or Designate (Schedule 'A').

**11. SPECIAL PERMISSION TO WATER**

- 1. A person requiring the use of a watering system for a purpose not consistent with the declared stage of Water Conservation Measures must submit an application attached hereto as Schedule 'A', along with a permit fee of \$10.00.
- 2. No person shall commence using water subject to a special permission until the application has been approved by the CAO, Director of Operations, or their designate.

**12. FINES AND PENALTIES**

- 1. Each day that such violation is permitted to continue shall be considered an offence.
- 2. If action is taken pursuant to this bylaw, expenses may be recovered, together with costs and interest, in the same manner as prescribed for municipal taxes.
- 3. Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw shall be deemed to have committed an offence against this bylaw and:
  - a. Shall be liable to any fines set out in the Bylaw Notice Enforcement Bylaw; or,
  - b. Shall be liable, upon summary conviction, to the penalties provided under the Offence Act.

**13. SERVERABILITY**

If any part, section, sub-section clause or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

**14. CITATION**

This bylaw may be cited for all purposes as the Village of Nakusp "Water Conservation Bylaw No. 702, 2022".

READ A FIRST TIME THIS 28<sup>th</sup> DAY OF February, 2022

READ A SECOND TIME THIS 28<sup>th</sup> DAY OF February, 2022

READ A THIRD TIME THIS 28<sup>th</sup> DAY OF February, 2022

RECONSIDERED AND ADOPTED THIS 14<sup>th</sup> DAY OF March, 2022

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Mayor

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Chief Administrative Officer

**WATER CONSERVATION BYLAW NO 702, 2022**

**SCHEDULE 'A'**

**APPLICATION AND PERMIT FOR WATER USE**

Applicant's Name:	
Owner's Name (if different):	
Address:	
Phone Number:	
Purpose of Request:	
Duration of Requested Water Use:	

I (we) hereby agree to be bound by the provisions of all applicable Village of Nakusp bylaws; as well as to such additional conditions, restrictions, and regulations as may be imposed by the Village. I (we) agree to save and hold harmless the Village of Nakusp from all liabilities that may arise from this permit.

The Permit Fee is \$10.00

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Applicant's Signature

Date of Application

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For Official Use Only

Permitted Uses & Conditions:	
Approved By:	
Date Application Approved:	