

<b>BYLAW NO.519</b>	
<b>Bylaw name:</b>	Black Creek – Oyster Bay Water Conservation Bylaw No. 519, 2018
<b>Participants:</b>	Electoral Area ‘C’ (Puntledge – Black Creek), Strathcona Regional District’s Electoral Area ‘D’ (Oyster Bay – Buttle Lake)
<b>Purpose:</b>	A bylaw to regulate water use in the Black Creek-Oyster Bay Water Local Service Area
<b>Amends bylaw:</b>	N/A
<b>Repeals bylaw:</b>	N/A
<b>Staff contact:</b>	Marc Rutten, General Manager of Engineering Services

<b>STATUS</b>	
<b>Committee approval:</b>	<p>Black Creek – Oyster Bay Services Committee – April 16, 2018</p> <p>THAT the draft Bylaw No.519 being “Black Creek – Oyster Bay Water Conservation Bylaw No.519, 2018”, as attached to the staff report dated April 12, 2018, be adopted;</p> <p>AND FURTHER THAT Bylaw No.104 being “Municipal Ticket Information Bylaw No.104, 2010” be amended to reflect the new Black Creek – Oyster Bay Water Conversation Bylaw.</p>
<b>1st &amp; 2<sup>nd</sup> readings:</b>	
<b>3rd reading:</b>	
<b>Ministry approval:</b>	N/A
<b>Final adoption:</b>	

## **COMOX VALLEY REGIONAL DISTRICT**

### **BYLAW NO. 519**

#### **A bylaw to regulate water use in the Black Creek-Oyster Bay Water Local Service Area**

**WHEREAS** the Comox Valley Regional District (CVRD) provides a service of water supply pursuant to Bylaw No. 1557 being “Black Creek – Oyster Bay Water Local Service Area Conversion and Establishment By-law, 1993” within the following participating regional districts and electoral areas:

- Puntledge – Black Creek (Electoral Area ‘C’); and
- Strathcona Regional District (SRD) (Electoral Area ‘D’)

**AND WHEREAS** the *Local Government Act RSBC 2015 Ch. 1 (the "Act")* provides that a regional district may regulate in relation to a service;

**NOW THEREFORE** the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Definitions**

1. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

**All-weather playing field** means a publicly accessible planted sports field;

**Appliance** means a device or mechanism, other than that owned and operated by the municipality or regional district, in or through which water is piped or used for a domestic or commercial purpose;

**Board** means the board of the Comox Valley Regional District;

**Boat** means a vessel propelled on water by an engine, oars, or sails;

**Boulevard** means that portion of any highway other than the paved, improved or main traveled roadway, driveway or sidewalk and includes any landscaped median;

**Bylaw compliance officer** means a person appointed or contracted by the board to enforce this bylaw;

**Black Creek- Oyster Bay services committee** means the standing committee established by the Comox Valley Regional District.

**Electoral area service areas** means those portions of CVRD Electoral Areas ‘C’ and SRD Electoral Area ‘D’ that are within the service areas created by:

- Bylaw No. 1557 being “Black Creek- Oyster Bay Water Local Service Area Conversion and Establishment By-law, 1993”;

**Exempted person** means an owner or occupier of property identified in schedule ‘A’ as exempt from one or more of the regulations under this bylaw;

**Farm** means one or more parcels of land classified as farmland for assessment and taxation purposes;

**General Manager** means any one of the officers of the CVRD, the senior manager of water/wastewater services or the manager of water services;

**Local Government** means the Strathcona Regional District and the Comox Valley Regional District.

**Micro-irrigation or drip-irrigation system** means a system using irrigation components which consume less than 91 litres (20 gallons) per hour and operate at less than 172 kilopascal (25 pounds per square inch) to deliver water to the root zone of the plant material being irrigated, and includes spray emitter systems (micro-sprays), point source emitters, and linear tape systems as defined in the BC Trickle Irrigation Manual prepared and published by the BC Ministry of Agriculture and Food, Resource Management Branch (issue 1999), but does not include weeper or soaker hoses;

**Notice** means a notice given under section 6 of this bylaw;

**Nursery** means a business in which flowers, plants, trees, or shrubs are grown or displayed for sale;

**Operational officers** means a group of persons comprised of one (1) of each of the following:

- (a) the chief administrative officer, general manager of engineering services, or senior manager of water/wastewater services of the CVRD;

**Occupier** has the same meaning as in the *Community Charter*;

**Over-watering** means to water in a manner that saturates the lawn, boulevard, or landscaped area being watered and results in water spreading onto areas beyond them;

**Owner** has the same meaning as in the *Community Charter*;

**Permit** means a permit issued under section 9(1) of this bylaw;

**CVRD** means the Comox Valley Regional District;

**Restricted hours** means those time periods during which watering is permitted in schedule 'A' of this bylaw;

**Sprinkler** means a hose connected or other sprinkler system but excludes a micro-irrigation or drip-irrigation system;

**Stage** means stages 1, 2, and 3, or 4 of the water use restrictions prescribed in schedule 'A' of this bylaw;

**Vehicle** means a device in, on, or by which a person or thing is or may be transported or drawn on a highway;

**Water** means water supplied by the CVRD directly or indirectly to an owner or occupier or the act of using or applying such water;

**Water use restrictions** means the restrictions prescribed in schedule 'A' of this bylaw; and

**Watering days** means those days during which watering is permitted in schedule 'A' of this bylaw.

## **Application**

- 2. The restrictions and regulations in this bylaw are applicable in the Black Creek/Oyster Bay Water Local Service Area.

## **Prohibitions**

- 3.
  - (1) The prohibitions in subsections (2), (3) and (4) are in force at all times of the year.
  - (2) No person shall damage or allow the deterioration of any appliance so as to result in an increase in water use.

- (3) 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) No person shall apply water intended for irrigation to an impervious surface such as a street, parking lot, sidewalk or driveway.
- (5) No person, being an owner or occupier of property in the municipality or in an electoral area service area, shall use water or cause water to be used contrary to the restrictions in effect at the time pursuant to schedule 'A' of this bylaw.

### **Inspection**

- 4. The general manager or a bylaw compliance 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 this bylaw are being observed.

### **Effective Dates of Stages and Restrictions**

- 5. (1) Stage 1 and the water use restrictions for stage 1 prescribed in schedule 'A' are in effect May 1 of the year, except as provided under subsections (3) and (4).
- (2) Stage 2 and the water restrictions for stage 2 prescribed in schedule 'A' are in effect July 1 of the year, except as provided under subsections (3) and (4)
- (3) The operational officers, by written determination and based on the determination factors specified in section 7, may
  - (a) Amend the effective period of time for stages 1, 2 or 3 water use restrictions, or
  - (b) Terminate or bring into effect water use restrictions up to and including stage 3 at any time of the year for any period of time.
- (4) (i) The Comox Valley Regional District Board, at a regular, special or emergency meeting may bring into effect stage 4 water use restrictions.
- (ii) The operational officers, by written determination and based on the determination factors specified in section 7, may terminate stage 4 water restrictions.
- (5) In the event of system failure which limits the delivery of water at normal volumes, the chief administrative officer or general manager of the CVRD may implement water restrictions as necessary to maintain the water system.
- (6) The stage determined under section 7 and the water use restrictions prescribed under schedule 'A' for that stage take effect on the commencement date stated in the notice for that stage and remain in effect until that stage is terminated.
- (7) A stage will remain in effect until it is terminated under this bylaw or until the commencement of another stage.

### **Notice**

- 6. (1) An operational officer of the CVRD must give notice or cause notice to be given to persons within the electoral area service areas of the applicable stage determined under section 5 and its effective dates of commencement and termination.
- (2) The notice under subsection (1) must be given at least once
  - (a) Before the commencement of a more restrictive stage
- (3) The notice under this section must be posted on the CVRD web site and reflected on the posted watering restriction signs within the electoral area services areas.

- (4) In the event of the commencement of a more restrictive stage due to system failure as described under section 5(5), notices will be given as required to other persons in consideration of the expected duration of the event.

### **Determination Factors**

7. (1) In making a determination under section 5(3) or 5(4)(ii), the operational officers may consider:
- (a) Forecasts of available water supply from the Oyster River and groundwater wells;
  - (b) Operational restrictions on system capacity with respect to the usage of the Oyster River infiltration gallery and groundwater wells;
  - (c) The need to reduce peak demands on the water system, and
  - (d) Operational factors which limits the ability to supply normal water capacity.
- (2) In making a determination under section 5(4)(i), the Comox Valley Regional District Board may consider the factors referred to in section 7(1) and any other relevant information.

### **Water Use Restrictions**

8. The water use restrictions for each stage are prescribed in schedule 'A' to this bylaw and must be obeyed during the period that the applicable stage is in effect under this bylaw.

### **Permits, Exemptions, and Special Cases**

9. (1) The CVRD may issue permits for the installation of a new lawn in the special cases and manner prescribed in schedule 'B'.
- (2) Exemptions and special cases to the regulations in this bylaw are prescribed in schedule 'A'.
- (3) Exempted persons and permit holders are exempted from section 3 to the extent permitted by schedule 'A' and the conditions of the permit where applicable.

### **Schedules**

10. Schedules 'A' and 'B' of this bylaw form part of and are enforceable in the same manner as this bylaw.

### **Penalty**

11. (1) Any person who contravenes a provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
- (a) on summary conviction is liable to a fine of not less than \$100 and subject to the maximum fines under the *Local Government Act* and the *Offence Act*; or
  - (b) on conviction of a ticket offence under the ticketing bylaw, is liable for the fine imposed under that bylaw.
- (2) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

### **Liability**

12. Nothing in this bylaw shall be interpreted as imposing any duty on the Comox Valley Regional District to provide a continuous supply of water to any person or premises and it is a condition

of supply of water that the Comox Valley Regional District is not liable for any injury, damage, or loss, including economic loss, to any person or property:

- (a) Arising or occurring from the use of water from the system;
- (b) Resulting from a failure of water supply to any consumer; or
- (c) Resulting from any impurity, lack of pressure, increased supply pressure, or other condition affecting water supplied by the system.

#### **Severability**

13. If any provision of this bylaw is held to be invalid by a court, the provision may be severed from this bylaw and such invalidity does not affect the validity of the remaining portions of this bylaw.

#### **Citation**

14. This Bylaw No. 519 may be cited for all purposes as “Black Creek – Oyster Bay Water Conservation Bylaw No. 519, 2018”.

<b>Read a first and second time this</b>	<b>day of</b>	<b>2018</b>
<b>Read a third time this</b>	<b>day of</b>	<b>2018</b>
<b>Adopted this</b>	<b>day of</b>	<b>2018</b>

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Chair

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Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 519 being “Black Creek – Oyster Bay Water Conservation Bylaw No. 519, 2018” as adopted by the board of the Comox Valley Regional District on the     day of     2018.

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Corporate Legislative Officer

## **SCHEDULE 'A'**

### **OUTDOOR WATER USE RESTRICTION STAGES**

#### **STAGE 1**

1. During stage 1

- (a) A person may only use a sprinkler to water a lawn growing on a property with:
  - (i) an even numbered address, between the hours of 5:00 a.m. and 8:00 a.m. and 7:00 p.m. and 10:00 p.m. on Tuesday, Thursday and Saturday. They may not use a sprinkler to water the lawn on any other day or time; and
  - (ii) an odd numbered address, between the hours of 5:00 a.m. and 8:00 a.m. and 7:00 p.m. and 10:00 p.m. on Wednesday, Friday and Sunday. They may not use a sprinkler to water the lawn on any other day or time.
- (b) Local governments may use a sprinkler to water parks, ornamental lawns and grassed boulevards between the hours of 11:00 p.m. and 7:00 a.m. on even numbered days for even numbered addresses and odd numbered days for odd numbered addresses;
- (c) no person shall use water to wash sidewalks, driveways and parking lots except as necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repointing bricks, or if required by law to comply with health or safety regulations; and
  - (i) water trees, shrubs, flowers, and vegetables on any day with a sprinkler during the prescribed hours for stage 1 lawn watering and on any day at any time if watering is done by hand held container or a hand held hose equipped with an automatic shut-off nozzle;
  - (ii) water newly planted trees, shrubs, flowers and vegetables by any method during installation and for the following 24 hours;
  - (iii) use micro-irrigation or drip-irrigation systems to water trees, shrubs, flowers, and vegetables at any time on any day;
  - (iv) under the authority of a permit, water new sod on installation and during the first 21 days after installation, and water newly seeded lawns until growth is established or for 49 days after installation, whichever is less, with a sprinkler but only during the prescribed stage 1 lawn watering hours, and at any time if watering is done by a hand held hose equipped with an automatic shut-off nozzle;
  - (v) water all-weather playing fields at any time if failure to do so will result in a permanent loss of plant material; and
  - (vi) wash a vehicle with water using a hand held container or hand held hose equipped with an automatic shut-off nozzle and at car dealerships or commercial car washes.

2. As exceptions to the stage 1 restrictions

- (a) Owners or occupiers of property who, by reason of physical or mental incapacity, and where such incapacity has been documented by a medical practitioner, are unable to water their property within the restricted days and times, may water their property on any two days of the week for a maximum of nine hours per day;
- (b) Nurseries, farms, turf farms, and tree farms are exempted from the restrictions;

- (c) Local government water parks and pools are exempt from the restrictions; and
- (d) owners or operators of golf courses may water
  - (i) trees, shrubs, flowers, and vegetables grown on golf courses in accordance with stage 1 sections 1 (c) (i), (ii), and (iii) of this schedule; and
  - (ii) fairways, golf greens and tees on any day if failure to do so will result in permanent loss of plant material.



## **SCHEDULE 'A' (continued)**

### **STAGE 2**

#### **1. During stage 2**

- (a) A person may only use a sprinkler to water a lawn growing on a property with:
  - (i) an even numbered address, on Tuesday and Saturday between the hours of 6:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m.. They may not use a sprinkler to water the lawn on any other day or time; and
  - (ii) an odd numbered address, on Wednesday and Sunday between the hours of 6:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m.. They may not use a sprinkler to water the lawn on any other day or time.
- (b) Local government may use a sprinkler to water parks, ornamental lawns and grassed boulevards between the hours of 11:00 p.m. and 7:00 a.m. on even numbered days for even numbered addresses and odd numbered days for odd numbered addresses;
- (c) no person shall use water to wash sidewalks, driveways and parking lots except as necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repointing bricks, or if required by law to comply with health or safety regulations; and
- (d) a person may:
  - (i) water trees, shrubs, flowers, and vegetables with a sprinkler during the prescribed hours and days for stage 2 lawn watering and on any day at any time if watering is done by hand held container or a hand held hose equipped with an automatic shut-off nozzle;
  - (ii) water newly planted trees, shrubs, flowers and vegetables by any method during installation and for the following 24 hours;
  - (iii) use micro-irrigation or drip-irrigation systems to water trees, shrubs, flowers, and vegetables at any time on any day;
  - (iii) under the authority of a permit, water new sod on installation and during the first 21 days after installation, and water newly seeded lawns until growth is established or for 49 days after installation, whichever is less, with a sprinkler but only during the prescribed stage 2 lawn watering hours, and at any time if watering is done by a hand held hose equipped with an automatic shut-off nozzle;
  - (iv) water all-weather playing fields at any time if failure to do so will result in a permanent loss of plant material;
  - (v) wash exterior windows and building surfaces with water using a hand held container or hand held hose equipped with an automatic shut-off nozzle
  - (vi) wash a vehicle with water using a hand held container or hand held hose equipped with an automatic shut-off nozzle and at car dealerships and commercial car washes.

2. As exceptions to stage 2 restrictions

- (a) Owners or occupiers of property who, by reason of physical or mental incapacity, are unable to water their property within the restricted days and times, may water their property on one day per week for a maximum of nine hours per day;
- (b) Nurseries, farms, turf farms, and tree farms are exempted from the restrictions;
- (c) Local government water parks and pools are exempt from the restrictions;
- (d) Owners and operators of commercial pressure washing companies may use water but only as part of their normal business operations; and
- (e) Owners or operators of golf courses may water:
  - (i) fairways at any time on not more than two days per week;
  - (ii) trees, shrubs, flowers, and vegetables grown on golf courses in accordance with stage 2 sections 1 (d) (i), (ii), and (iii) of this schedule; and
  - (iii) golf greens and tees on any day if failure to do so will result in permanent loss of plant material.

## **SCHEDULE 'A' (continued)**

### **STAGE 3 – NO LAWN WATERING**

1. During stage 3
  - (a) no person shall
    - (i) water a lawn or boulevard;
    - (ii) fill or add water to a swimming pool, hot tub, or garden pond;
    - (iii) fill or add water to or operate a decorative fountain at any time;
    - (iv) wash a vehicle or a boat with water; or
  - (b) a person may
    - (i) water trees, shrubs, flowers, and vegetables on any day between the hours of 6:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m if watering is done by hand-held container or a hand held hose equipped with an automatic shut-off nozzle;
    - (ii) water newly planted trees, shrubs, flowers and vegetables by hand held container or a hand held hose equipped with an automatic shut-off nozzle during installation and at any time during the following 24 hours after installation is completed;
    - (iii) use micro-irrigation or drip- irrigation systems to water trees, shrubs, flowers, and vegetables on any day between the hours of 6:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m.;
    - (iv) water all-weather playing fields at any time, but only if failure to do so will result in a permanent loss of plant material; and
    - (v) use water to wash sidewalks, driveways, parking lots, exterior windows, or exterior building surfaces, but only if necessary for applying a product such as paint, preservative, and stucco, preparing a surface prior to paving or repointing bricks, or if required by law to comply with health or safety regulations.
2. As exceptions to the stage 3 restrictions
  - (a) nurseries, farms, turf farms, and tree farms are exempted from the restrictions;
  - (b) local government water parks and pools are exempt from the restrictions;
  - (c) local government may use a sprinkler to water parks, ornamental lawns and grassed boulevards between the hours of 11:00 p.m. and 7:00 a.m. on even numbered days for even numbered addresses and odd numbered days for odd numbered addresses;
  - (d) owners or operators of golf courses may water:
    - (i) fairways at any time on not more than one day per week;
    - (ii) trees, shrubs, flowers, and vegetables grown on golf courses in accordance with stage 3 sections 1 (b) (i), (ii), and (iii) of this schedule; and
    - (iii) golf greens and tees on any day if failure to do so will result in permanent loss of plant material.
  - (e) wading pools less than 200 centimeters in diameter may be filled with water up to a maximum depth of 30 centimeters; and
  - (f) vehicles and boats may be washed with water only at car dealerships and commercial car washes using less than 205 litres of water per vehicle wash or 50 percent recirculated

water as long as the total amount of water, excluding recirculated water, does not exceed 205 litres per vehicle wash.

## **SCHEDULE 'A' (continued)**

### **STAGE 4 – EXTREME CONDITIONS**

1. During stage 4 all use of water for any purpose other than drinking, food preparation and personal hygiene is prohibited.
2. Without limiting the generality of section 1, prohibited uses of water during stage 4 include the following:
  - (a) watering lawns, gardens, plants and trees in any manner or by any means, including watering by hand;
  - (b) filling or topping off or operating residential or commercial pools, hot tubs or ponds or fountains;
  - (c) operating local government outdoor water parks and pools;
  - (d) washing vehicles, boats or outdoor surfaces;
  - (e) irrigating golf courses and other public and/or school district property.
3. Where reasonably possible, swimming pools, hot tubs, fountains and ponds should be drained for health and safety purposes and such water used for irrigation.
4. No new lawn permit shall be issued during stage 4, and no new lawn permit, whenever issued, shall be valid during stage 4.
5. As exceptions to stage 4 restrictions,
  - (a) spot cleaning of vehicles and boats with a sponge and bucket for health and safety reasons (windows, lights, license plates, etc.) is permitted;
  - (b) local government water main and hydrant maintenance is permitted, but only for unscheduled safety or public health reasons;
  - (c) irrigating local government all-weather playing fields;
  - (d) water use is permitted for farm and agricultural operations, but only for livestock drinking purposes and for no other purpose;
  - (e) cleaning outdoor surfaces is only authorized when required by law to comply with health or safety regulations, or to comply with an order of a regulatory authority having jurisdiction, such as WorkSafeBC or a public health inspector;
  - (f) water use is permitted for firefighting.

## SCHEDULE 'B'

### PERMITS

1. During stage 1 and 2, a person/resident in the service area who has installed a new lawn, either newly seeded or new sod, may apply to the Comox Valley Regional District for a permit (a "new lawn permit"), which will allow the new lawn to be sprinkled with water outside of permitted days, but within the restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. The Comox Valley Regional District may issue a permit to an applicant pursuant to section 1 and 2 upon payment to the Comox Valley Regional District of a fee in the amount of \$30.00.
3. New sod may be watered for 21 days after installation and newly seeded lawn may be watered until growth is established or for 49 days after installation, whichever is less, provided a permit pursuant to section 1 has been issued for the premises at which the new lawn has been installed.
4. Permits will not be issued or be valid during stage 3 or 4 restrictions.
5. The permit is to take the form of the following example

Black Creek- Oyster Bay Water Local Service Area– Lawn Sprinkling Permit (pursuant to Comox Valley Regional District Bylaw No. 519)			
Name:		This permit is issued for <b>NEW SOD</b> or <b>NEWLY SEEDED LAWN</b>	
Street Address (location of permit):		Permit issue date	
		Installation date	
Permit conditions: <ol style="list-style-type: none"> <li>1. If this permit is issued for new sod, the permit is valid for 21 days after the date of installation.</li> <li>2. If this permit is issued for newly seeded lawn, the permit is valid for 49 days after date of installation or until growth is established whichever is less.</li> <li>3. During the term of the permit, the permit holder may sprinkle the new sod or newly seeded lawn between the hours of 5:00 a.m. to 8:00 a.m. and 7:00 p.m. to 10:00 p.m. during stage one restrictions, between the hours of 6:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m. during stage two restrictions and at any time if watering is done by a hand held hose equipped with an automatic shut-off nozzle.</li> <li>4. This permit is to be prominently displayed at the residence for which the permit is issued.</li> <li>5. This permit is not valid during stage 3 or 4 water restrictions.</li> </ol>			
Original to permit holder. Retain copy for local government records. Fee paid \$30.00.			