

BYLAW NO. 583	
Bylaw name:	Comox Valley Water Conservation Bylaw 2010, Amendment No. 6
Participants:	Electoral Area 'A' (Baynes Sound – Denman / Hornby Islands), Electoral Area 'B' (Lazo North), Electoral Area 'C' (Puntledge – Black Creek), City of Courtenay and Town of Comox
Purpose:	A bylaw to amend the Comox Valley water conservation bylaw to implement thresholds based on flow in the Puntledge River for implementation of stages of restrictions.
Amends bylaw:	129
Repeals bylaw:	N/A
Staff contact:	Marc Rutten, General Manager of Engineering Services

STATUS	
Committee approval:	<p>Comox Valley water committee, July 16, 2019:</p> <p>“THAT the Board amend Bylaw No. 129 being the “Comox Valley Water Conservation Bylaw No. 129, 2010” to the revised bylaw attached to the July 11, 2019 staff report as Appendix D, to include the requirements of CVRD’s new water licenses and to correct minor administrative components;</p> <p>AND FURTHER THAT an amendment to Bylaw No. 129 be considered for first, second and third readings at the July 30, 2019 Board meeting.”</p>
1st & 2nd readings:	
3rd reading:	
Final adoption:	

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 583

A bylaw to amend the Comox Valley water conservation bylaw to implement thresholds based on flow in the Puntledge River for implementation of stages of restrictions.

WHEREAS the Comox Valley Regional District adopted Bylaw No. 129 being the “Comox Valley Water Conservation Bylaw 2010” on May 25, 2010;

AND WHEREAS the board desires to update the bylaw to provide for the implementation of thresholds based on flow in the Puntledge River for implementation of stages of restrictions;

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

Amendment

1. Bylaw No. 129 being “Comox Valley Water Conservation Bylaw 2010” is hereby amended by:
 - (a) Adding under Section 1 (definitions)
“**Gauge 8** means the Water Survey of Canada Station 08HB006 on the Puntledge River;”
 - (b) Replace title for Section 5 which reads:
“**Effective Dates of Stages and Restrictions**”

with the following:

“Effective Dates and Puntledge River Flow Thresholds for Implementation of Stages and Restrictions”

- (c) Replace Section 5(1) which reads:
“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 subsection (3)”

with the following:

“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 subsection (5)”

- (d) Add under Section 5(1) the following sections:
 - “(2) Stage 2 and the water use restrictions for Stage 2 prescribed in schedule ‘A’ are in effect when the flow within the Puntledge River is reduced below 15.6 cubic meters per second as measured at Gauge 8, except as provided under subsection (5).
 - (3) Stage 3 and the water use restrictions for Stage 3 prescribed in schedule ‘A’ are in effect when the flow within the Puntledge River is reduced below 11.3 cubic meters per second as measured at Gauge 8, except as provided under subsection (5).

- (4) Stage 4 and the water use restrictions for Stage 4 prescribed in schedule 'A' are in effect when the flow within the Puntledge River is reduced below 5.7 cubic meters per second as measured at Gauge 8, except as provided under subsection (6)."

and renumber remaining subsections accordingly.

- (e) Replace Section 6(4) which reads:

"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 immediately to senior operational staff members of the municipalities and as required to other persons in consideration of the expected duration of the event."

with the following:

"In the event of the commencement of a more restrictive stage due to system failure as described under section 5(7), notices will be given immediately to senior operational staff members of the municipalities and as required to other persons in consideration of the expected duration of the event."

- (f) Replace Section 7(1) which reads:

"In making a determination under section 5(3) or 5(4)(ii), the operational officers may consider:"

with the following:

"In making a determination under section 5(5) or 5(6)(ii), the operational officers may consider:"

- (g) Delete sections 7(1)(a) and 7(1)(b) which read:

"(a) Forecasts of water inflow to the Comox Lake watershed provided by BC Hydro;

(b) Water levels in Comox Lake and projected water usage requirements of BC Hydro and Fisheries and Oceans Canada;"

and renumber remaining subsections accordingly.

- (h) Replace section 7(2) which reads:

"In making a determination under section 5(4)(i), the Comox Valley water committee may consider the factors referred to in section 7(1) and any other relevant information."

with the following:

"In making a determination under section 5(6)(i), the Comox Valley Water Committee may consider the factors referred to in section 7(1) and any other relevant information."

- (i) Replacing Schedule 'A' Outdoor Water Use Restrictions Stages with revised Schedule 'A' Outdoor Water Use Restrictions Stages which is attached to, and forms part of this bylaw.

- (j) Replacing Schedule 'B' Permits with revised Schedule 'B' Permits which is attached to, and forms part of this bylaw.

Citation

This Bylaw No. 583 may be cited as "Comox Valley Water Conservation Bylaw 2010, Amendment No. 6".

Read a first and second time this

Read a third time this

Adopted this

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 583 being "Comox Valley Water Conservation Bylaw 2010, Amendment No. 6" this day of , 2019.

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 am and 8:00 am and 7:00 pm and 10:00 pm 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 am and 8:00 am and 7:00 pm and 10:00 pm 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 pm and 7:00 am on even numbered days for even numbered addresses and odd numbered days for odd numbered addresses;
- (c) a person may
 - (i) water trees, shrubs, flowers, and vegetables on any day with a sprinkler during the prescribed hours for Stage 1 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;
 - (vi) use water to wash sidewalks, driveways, parking lots, exterior windows, or exterior building surfaces with water using a hand held container or hand held hose equipped with an automatic shut-off nozzle; and,
 - (vii) 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 three days of the week for a maximum of six 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 am to 8:00 am and 8:00 pm to 10:00 pm. 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 am to 8:00 am and 8:00 pm to 10:00 pm. 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 pm and 7:00 am 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.
- (d) A person may:
 - (i) water trees, shrubs, flowers, and vegetables with a sprinkler during the prescribed hours and days for Stage 2 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; 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 and commercial car washes.

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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 two days per week for a maximum of four 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 am to 8:00 am and 8:00 pm to 10:00 pm 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 am to 8:00 am and 8:00 pm to 10:00 pm;
 - (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 pm and 7:00 am 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; and
 - (f) water use is permitted for firefighting.

SCHEDULE ‘B’

PERMITS

1. During Stage 1 and 2, a person/resident in an electoral area or a municipality who has installed a new lawn, either newly seeded or new sod, may apply to the Comox Valley Regional District or to the municipality respectively 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 or the municipality may issue a permit to an applicant pursuant to section 1 and 2 upon payment to the Comox Valley Regional District or the municipality 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

Comox Valley Water System – Lawn Sprinkling Permit (pursuant to Comox Valley Regional District Bylaw No. 129)			
Name:		This permit is issued for NEW SOD	
Street Address (location of permit):		or NEWLY SEEDED LAWN	
		Permit issue date	
		Installation date	
Permit conditions:			
<ol style="list-style-type: none"> 1. If this permit is issued for new sod, the permit is valid for 21 days after the date of installation. 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. 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 am to 8:00 am and 7:00 pm to 10:00 pm during Stage 1 restrictions, between the hours of 6:00 am to 8:00 am and 8:00 pm to 10:00 pm during Stage 2 restrictions and at any time if watering is done by a hand held hose equipped with an automatic shut-off nozzle. 4. This permit is to be prominently displayed at the residence for which the permit is issued. 5. This permit is not valid during Stage 3 or 4 water restrictions. 			
Original to permit holder. Retain copy for local government records. Fee paid \$30.00.			