

CAPITAL REGIONAL DISTRICT BYLAW NO. 2804

Unofficial Consolidation (Bylaws 4050, 4509)

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GREATER VICTORIA WATER SUPPLY AREA PROTECTION BYLAW

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WHEREAS the Capital Regional District has established a water supply service and has the authority to regulate in relation to the service;

[BL 4050]

NOW THEREFORE, the Capital Regional District Board in open meeting assembled, enacts as follows:

1. DEFINITIONS IN THIS BYLAW

"aircraft" means any vehicle capable of deriving support in the atmosphere from reactions of the air, and includes helicopters, gliders, ultralights, rockets and unmanned aerial vehicles;

[BL 4050]

"alien species" means a species designated as a controlled alien species pursuant to the Controlled Alien Species Regulation;

[BL 4050]

"animal" means an organism other than a human;

"authorized designate" means an employee or an officer of the CRD provided with the written authority to act on another person's behalf;

[BL 4050]

"authorized personnel" includes, peace officer, conservation officer, or person appointed or employed by the CRD as a park officer, animal control officer, bylaw enforcement officer, watershed security officer, or other authorized CRD employee;

"Board" means the Board of Directors of the Capital Regional District;

"business" means carrying on a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit;

"CRD" means the Capital Regional District;

"cycle" means a device having any number of wheels that is propelled by human power and on which a person may ride;

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"emergency personnel" includes any person, group or organization responding to emergency situations in the water supply area;

[BL 4050]

"General Manager" means the General Manager of the CRD Integrated Water Services Department appointed by the Board and also any person lawfully acting in that capacity;

[BL 4050]

"Leech Water Supply Area" means the area identified as the Leech Water Supply Area on the map attached as Schedule "A" to this Bylaw;

[BL 4050]

"liquor" has the same meaning as in the Liquor Control and Licensing Act;

"motor vehicle" means a vehicle, not run on rails, that is designed to be self-propelled;

"natural feature" means any native or non-native tree, shrub, flower, grass or plant of any kind; soil, sand, gravel, rock, mineral, wood, fallen timber or other living or dead natural material;

"hunt" means to trap, chase, pursue, worry, follow after or on the trail of, search for, shoot at, stalk, lie in wait for, or to attempt, in any manner, to capture, kill or injure any wildlife whether or not the wildlife is captured, killed or injured;

[BL 4050]

"permit" means a water supply area access and use permit issued under this bylaw;

"recreational purpose" means access for the primary purpose of recreation (leisure and sport) by an organized club or association, not including traditional or cultural use access.

[BL 4509]

"Regional Water Supply Commission" means the standing committee appointed by the Board for regional water supply service purposes;

"special use" means an activity not included in the operations of the CRD, that is carried on in the water supply area by persons who are not employees or contractors of the CRD;

[BL 4050]

"traffic control device" means a sign, signal, line, meter, marking, space, barrier or device, not inconsistent with the Motor Vehicle Act, placed or erected by authority of the Board or the General Manager or a person authorized by either of them to exercise that authority;

"vehicle" means a device in, on or by which a person or thing is or may be transported or drawn on a highway, except a device designed to be moved by human power or used exclusively on stationary rails or tracks;

“vessel” means any ship or boat or any other description of vessel propelled by machinery, except a seaplane, used or designed to be used in navigation;

“water supply area” means any water catchment and non-catchment lands, including the water bodies within the boundaries, owned and managed by the Capital Regional District, as shown on the maps attached as Schedule “A”, but does not include the area marked “[Great Trail](#)” shown on Schedule “A”;

[BL 4050, 4509]

“watercraft” means any vessel that is not being propelled by machinery;

“weed species” means a species designated as a noxious weed pursuant to the Weed Control Regulation;

[BL 4050]

“wildlife” means any native or non-native mammal, bird, insect, reptile, fish or other indigenous creature.

### ENFORCEMENT POWERS

2. All authorized personnel may enforce this bylaw in the course of their duties.
3. Any authorized personnel may order a person who does anything contrary to this bylaw to leave water supply area immediately, or within a period of time specified by the authorized personnel, and every person so ordered shall comply with the order and leave the water supply area immediately or within the specified time period.
4. The prohibitions in this bylaw do not apply to authorized personnel or agents of the CRD acting in the course of their authorized duties or employment.

[BL 4050]

### FINES

5. A person who contravenes this bylaw commits an offence and is liable on conviction to a fine of not less than \$100.00 and not more than the maximum prescribed by the *Offence Act*.
6. If a contravention of this bylaw is committed or continued on more than one day, it constitutes a separate offence for each day on which it is committed or continued.
7. A person who commits an offence under this bylaw and was previously convicted of the same offence is deemed to have committed a subsequent offence for purposes of establishing the appropriate fine.
8. The penalty imposed under section 5 shall be in addition to and not in substitution for any other penalty or remedy imposed by this bylaw or any other statute, law or regulation.

[BL 4050]

NO ENTRY

9. No person, except emergency or authorized personnel or persons with the authority of the General Manager, shall enter the water supply area.

PUBLIC CONDUCT

10. No person shall obstruct or interfere with any person or traffic lawfully using the water supply area.
11. No person shall behave in a disorderly, dangerous or abusive manner in the water supply area.

LIQUOR

12. No person shall consume or possess liquor in the water supply area except in compliance with a license issued under the *Liquor Control and Licensing Act* and authorized by permit.  
[BL 4050]

SIGNS

13. The General Manager may cause to be erected signs or other devices specifying one or more areas in the water supply area where specific activities are permitted, prohibited or restricted under the authority of this bylaw.
14. Every person in the water supply area must observe and obey every prohibition and restriction announced by a sign or other device erected under section 13.  
[BL 4050]

DAMAGE

15. No person shall remove, destroy or damage any natural feature, either organic or inorganic, or other CRD property of any kind, in the water supply area except as authorized by permit or with written permission of the General Manager.
16. No person shall in any way foul or pollute any land, body of water, wetland, or watercourse in the water supply area.
17. No person shall remove, destroy or damage any signs, notices, rules or regulations posted in the water supply area by and under the authority of the Regional Water Supply Commission or the General Manager.
18. No person shall molest, disturb, frighten, injure, kill, catch, trap or snare any animal in the water supply area except as permitted by provincial or federal authorities and with written permission of

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the General Manager, or in the Leech Water Supply Area where authorized by the terms of a written agreement between a First Nation and the CRD.

19. No person shall deposit any garbage, refuse, or other waste material upon the water supply area.
20. No person shall introduce or cause to be introduced to the water supply area any alien species or weed species.
21. No person shall introduce any living or non-living organic material into the water supply area except as authorized by permit or with the written permission of the General Manager.

[BL 4050]

### FIRE

22. No person shall light or keep lit any fire in the water supply area except authorized personnel, other persons authorized by permit or with the written permission of the General Manager, or persons authorized by the terms of a written agreement between a First Nation and the CRD.
23. No person shall throw or place upon the ground in the water supply area any lighted match, cigar, cigarette or other burning substance.

[BL 4050]

### TREES

24. No person shall cut, deface, damage or cut down any tree or carry out any logging operation or facilitate such operation in the water supply area except as authorized by permit or written permission of the General Manager, or in the Leech Water Supply Area where authorized by the terms of a written agreement between a First Nation and the CRD.

[BL 4050]

### CYCLES

25. No person shall bring or ride any cycle in the water supply area except authorized personnel.

[BL 4050]

### CAMPING

26. No person shall camp or sleep overnight in the water supply area with or without a shelter of any kind, including, but not restricted to, a motor vehicle, recreational vehicle, tent, lean to, or other natural shelter, except as authorized by permit, with the written permission of the General Manager, or in the Leech Water Supply Area where authorized by the terms of a written agreement between a First Nation and the CRD.

[BL 4050]

STORAGE

27. No person, including an owner of property adjacent to the water supply area, shall use the water supply area for storage of any kind, except as authorized by permit or with the written permission of the General Manager.

[BL 4050]

ANIMALS IN THE WATER SUPPLY AREA

28. No person shall bring in, allow animals in their custody to enter or have custody of animals in the water supply area except emergency personnel or authorized personnel acting in the course of their duties.

[BL 4050]

FIREARMS AND HUNTING

29. No person shall hunt, carry or discharge any firearm, bow or crossbow in the water supply area except authorized personnel acting in the course of their duties, or in the Leech Water Supply Area where authorized by the terms of a written agreement between a First Nation and the CRD.

[BL 4050]

VESSELS, WATERCRAFT AND AIRCRAFT

30. No person shall land an aircraft within the water supply area except emergency or authorized personnel, as authorized by permit or with written permission of the General Manager.
31. No person shall operate a vessel or watercraft on or within the water supply area except emergency or authorized personnel, by written permission of the General Manager, or in the Leech Water Supply Area where authorized by the terms of a written agreement between a First Nation and the CRD.

[BL 4050]

FISHING

32. No person shall fish or take fish or attempt to take fish by any method in the water supply area, except by written permission of the General Manager, or in the Leech Water Supply Area where authorized by the terms of a written agreement between a First Nation and the CRD.

[BL 4050]

VEHICLES

- 33. (1) No person shall drive or propel any type of motor vehicle in the water supply area except on roadways intended and maintained for the passage of vehicles or parking lots.
- (2) Emergency personnel, authorized personnel, and persons with the authority of the General Manager are exempt from this section.
- (3) Vehicles parked in areas signed as “No Parking” or “No Parking Area Tow Away Zone” may be towed away immediately at the owner’s expense by order of authorized personnel. Vehicles left unattended for more than 48 hours may be towed away at the owner’s expense by order of authorized personnel.

[BL 4050]

- 34. (1) The General Manager may limit the maximum driving speed on any road within the water supply area by posting speed limits.
- (2) No person shall operate a vehicle in the water supply area in excess of the posted speed limit.
- 35. (1) The General Manager or authorized personnel acting on his behalf may cause signs or other traffic control devices to be placed in the water supply area for the purposes of sections 13, 34, 43 and 44.
- (2) No person shall operate a vehicle in the water supply area contrary to posted signs or traffic control devices.

COMMERCIAL SERVICES, ACTIVITIES OR DEMONSTRATIONS

- 36. No person shall post, paint, or distribute any advertisement, sign, placard or handbill of any kind in the water supply area.
- 37. No person shall operate or station in the water supply area any vehicle displaying advertising or equipped with a public address system for the purpose of advertising, demonstration or attracting attention except as authorized by permit or with the written permission of the General Manager.

[BL 4050]

CONSTRUCTION

- 38. No person shall build, or place any temporary structure or facilities in the water supply area except where authorized by permit or with the written permission of the General Manager.

39. No person shall build, or place any permanent structure or facilities in the water supply area except where authorized by permit.

WATER SUPPLY AREA ACCESS PERMITS

40. (1) No person shall conduct or carry on any special use or enter into or remain within the water supply area except where authorized by permit or written permission of the General Manager in accordance with this Bylaw, who will seek approval for access and special use from the Regional Water Supply Commission.

(2) In determining approval of access and special use in 40 (1), the RWSC will consider whether the access and special use poses acceptable risk to water quality, water supply infrastructure, watershed management, and secondary natural land values (e.g. biodiversity, wildlife habitat)

[BL 4509]

41. Persons who have the right under an enactment to enter into or remain within the water supply area are not excepted from the requirement in section 40 to obtain a permit.
42. Persons who have the right under an existing written agreement to carry on any special use or enter into or remain within the water supply area are excepted from the requirement in section 40 to obtain a permit unless the terms of the written agreement require the person to obtain a permit from the General Manager pursuant to this Bylaw.
43. The General Manager may close a road or roads, or a portion or all of the water supply area for reasons of safety, weather, operational concerns, road conditions and fire danger conditions by posting notices at water supply area entrances.
44. The General Manager may restrict specific activities of permit holders for reasons of safety, weather, operational concerns, road conditions and fire danger conditions by posting notices at water supply area entrances.
45. The General Manager or authorized designate may issue a permit for access and use (including special use) if all of the conditions established under Section 46 are met by the permit applicant.
46. The General Manager is hereby delegated the authority to establish the conditions respecting the issuance of permits.
47. (1) The General Manager and/or the Regional Water Supply Commission may:
- (a) refuse to issue a permit to any person or group who has previously contravened this bylaw;



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- (b) revoke a permit if the special use is conducted in a manner which contravenes this bylaw;

[BL 4050]

**FEES**

- 48. (1) Where an applicant applies for a permit for access to the water supply area, the applicant must pay a refundable security deposit of \$500.00 which will be repaid upon return of keys and other equipment owned by the Capital Regional District issued as a condition of access.

(2) Where an applicant applies for a permit for access to the Leech Water Supply area for recreational purpose, the applicant must pay a non-refundable administration fee of \$500.00.

[BL 4509]

**CITATION**

- 49. This bylaw may be cited as "Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000.

READ A FIRST TIME THIS	28 <sup>th</sup>	day of	June	2000
READ A SECOND TIME THIS	28 <sup>th</sup>	day of	June	2000
READ A THIRD TIME THIS	28 <sup>th</sup>	day of	June	2000
ADOPTED THIS	12 <sup>th</sup>	day of	July	2000

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CHAIR

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SECRETARY