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BYLAW NO. 2804

CAPITAL REGIONAL DISTRICT WATER SUPPLY AREA REGULATIONS BYLAW NO. 1, 2000

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED JULY 12, 2000
(Consolidated with Amending Bylaws 4050, 4509, & 4753)

For reference to original bylaws or further details, please contact the Capital Regional District,
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**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2804**

GREATER VICTORIA WATER SUPPLY AREA PROTECTION BYLAW

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

(Bylaw 4050)

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;

(Bylaw 4050)

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

(Bylaw 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;

(Bylaw 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;

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

(Bylaw 4050)

“First Nation” has the same definition as in the *Community Charter*, SBC 2003, c 26;

(Bylaw 4753)

"General Manager" means the General Manager of the CRD **Infrastructure & Water Services** Department appointed by the Board and also any person lawfully acting in that capacity;
(Bylaw 4050, 4753)

"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;
(Bylaw 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;
(Bylaw 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;

"permit" means a water supply area lands access 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;
(Bylaw 4509)

"Regional Water Supply Commission" or "**RWSC**" means the standing committee appointed by the Board for regional water supply service purposes;
(Bylaw 4753)

"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;
(Bylaw 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" or "**GVWSA**" 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", and includes the **Leech Water Supply Area**, but does not include the area marked '**Sooke Hills Wilderness Trail**' shown on Schedule "A";
(Bylaw 4509, 4753)

"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*;

(Bylaw 4050)

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

"written authorization" means an approval in writing, with conditions as set out from time to time under this bylaw, which permits identified activities or actions within the water supply area or a portion of it, which would otherwise run contrary to this bylaw, and includes a written agreement with a First Nation.

(Bylaw 4753)

ENFORCEMENT POWERS

2. All authorized personnel may enforce this bylaw in the course of their duties.
3.
 - (1) When authorized personnel find, on reasonable grounds, that a person in the water supply area is contravening this Bylaw, a permit, or any other licence, written authorization, or written agreement respecting use of the water supply area, they may require that person to do one or more of the following:
 - (a) provide, immediately upon request, that person's correct name, address, and information about their destination, and proposed or actual activities in the water supply area;
 - (b) provide within a reasonable time identification verifying that person's correct name and address;
 - (c) provide evidence, where applicable, that the person possesses a current valid license, authorization, permit, or written agreement for the activity or permitting the activity;
 - (d) stop contravening the Bylaw, the permit, licence, authorization, or written agreement immediately; or
 - (e) leave immediately and not re-enter the water supply area.

(Bylaw 4753)
 - (2) A person who fails to comply with a requirement of authorized personnel under this Bylaw commits an offence.

(Bylaw 4753)
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.

(Bylaw 4050)

FINES

5. A person who contravenes this bylaw commits an offence and is liable on conviction to a fine of not less than **\$1,000.00** and not more than the maximum prescribed by the *Offence Act*.
(Bylaw 4050, 4753)
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.
(Bylaw 4050)
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.
(Bylaw 4050)

NO ENTRY

9. No person, except emergency or authorized personnel or persons with the **authorization** of the General Manager, shall enter the water supply area.
(Bylaw 4050, 4753)

PUBLIC CONDUCT

10. No person shall obstruct or interfere with any person or traffic lawfully using the water supply area.
(Bylaw 4050)
11. **A person must not obstruct authorized personnel who are performing their duties.**
(Bylaw 4753)
12. No person shall behave in a disorderly, dangerous or abusive manner in the water supply area.
(Bylaw 4050)

LIQUOR

13. 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.
(Bylaw 4050)

SIGNS

14. The General Manager **or designate** 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.
(Bylaw 4050, 4753)
15. 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 14. **Failure to do so is an offence.**
(Bylaw 4050, 4753)

DAMAGE

16. 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.
(Bylaw 4050)
17. No person shall in any way foul or pollute any land, body of water, wetland, or watercourse in the water supply area.
(Bylaw 4050)
18. 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.
(Bylaw 4050)
19. 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 the General Manager.
(Bylaw 4050, 4753)
20. No person shall deposit any garbage, refuse, or other waste material upon the water supply area.
(Bylaw 4050)
21. No person shall introduce or cause to be introduced to the water supply area any alien species or weed species.
(Bylaw 4050, 4753)
22. 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.
(Bylaw 4050)

FIRE

23. 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.
(Bylaw 4050, 4753)
24. No person shall throw or place upon the ground in the water supply area any lighted match, cigar, cigarette or other burning substance.
(Bylaw 4050)

TREES

25. 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.
(Bylaw 4050, 4753)

CYCLES

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

(Bylaw 4050)

CAMPING

27. 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.

(Bylaw 4050, 4753)

STORAGE

28. 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.

(Bylaw 4050)

ANIMALS IN THE WATER SUPPLY AREA

(Bylaw 4050)

29. 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.

(Bylaw 4050)

FIREARMS AND HUNTING

30. 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 where authorized by the terms of a written agreement between a First Nation and the CRD.

(Bylaw 4050, 4753)

VESSELS, WATERCRAFT, AND AIRCRAFT

(Bylaw 4050)

31. 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.

(Bylaw 4050)

32. 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.

(Bylaw 4050, 4753)

FISHING

(Bylaw 4050)

33. 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.
(Bylaw 4050, 4753)

VEHICLES

34. (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.
(Bylaw 4050)
- (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.
35. (1) The General Manager may limit the maximum driving speed on any road within the water supply area by posting speed limits.
(Bylaw 4050)
- (2) No person shall operate a vehicle in the water supply area in excess of the posted speed limit.
(Bylaw 4050)
- (3) No person shall operate a vehicle in the water supply area in a dangerous, unsafe, or irresponsible manner.
(Bylaw 4753)
36. (1) The General Manager or authorized personnel acting on their behalf may cause signs or other traffic control devices to be placed in the water supply area for the purposes of sections 14, 35, 45 and 46.
(Bylaw 4050, 4753)
- (2) No person shall operate a vehicle in the water supply area contrary to posted signs or traffic control devices.
(Bylaw 4050)

COMMERCIAL SERVICES, ACTIVITIES OR DEMONSTRATIONS

37. No person shall post, paint, or distribute any advertisement, sign, placard or handbill of any kind in the water supply area.
(Bylaw 4050)

- 38. Unless a person has the written authorization of the General Manager or a valid permit allowing the activity, they must not:
 - (a) sell, barter, or display for sale any goods, services, or materials in the water supply area;
 - (b) conduct any business or commercial activity, whether paid for in advance of, during, or after the activity;
 - (c) encourage any person to use the water supply area for any activity related to a business or commercial enterprise, whether or not the business or commercial aspect of the activity is carried out within the water supply area;
 - (d) operate or station in the water supply area any commercial vehicle or any motor vehicle displaying advertising or equipped with a public address system or the purpose of advertising, promoting, demonstrating, or attracting attention.

(Bylaw 4753)

- 39. Subsection 38(d) does not apply to a motor vehicle, vessel, or watercraft which corporate advertisement is displayed where the motor vehicle, vessel, or watercraft is used for transportation of persons within the water supply area or for services to the CRD, and not for the primary purpose of advertising.

(Bylaw 4753)

CONSTRUCTION

- 40. 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.

(Bylaw 4050)

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

(Bylaw 4050)

WATER SUPPLY AREA ACCESS

(Bylaw 4050)

- 42. (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 authorization.

(Bylaw 4753)

- (2) In determining approval of access and special use in 42(1) for permit purposes, 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 value (e.g., biodiversity, wildlife habitat).

(Bylaw 4753)

- (3) The RWSC may set categories of permits considered routine, with conditions set from time to time by the General Manager under section 48, which are pre-approved by RWSC, and which may be issued by the General Manager.

(Bylaw 4509, 4753)

43. 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 42 to obtain a permit or written authorization.
(Bylaw 4050, 4753)
44. 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 42 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.
(Bylaw 4050, 4753)
45. 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.
(Bylaw 4050)
46. The General Manager may restrict specific activities of permit holders or those persons possessing written authorizations for reasons of safety, weather, operational concerns, road conditions and fire danger conditions by posting notices at water supply area entrances.
(Bylaw 4050, 4753)
47. The General Manager or authorized designate may issue a written authorization if conditions imposed under section 48 are met by the applicant, and may issue a permit approved by RWSC by resolution or within the category of pre-approved permit types under section 42(3).
(Bylaw 4050, 4753)
48. In the issuance of a written authorization or permit, the General Manager or RWSC may impose any condition they deem necessary, including one or more of the following conditions:
- (a) a requirement that the permit or authorization holder provide security in an amount and form acceptable to the CRD to cover estimated cleanup or remediation costs following the event, activity, or thing;
 - (b) requiring the holder of the permit or written authorization to defend, indemnify, and hold harmless the Capital Regional District, its directors, officers, employees, volunteers, contractors, and agents, in relation to any loss, damage, or expenses arising from the issuance of the permit or written authorization to the holder, including for third party personal injury or property damage which occurs to third parties, the holder, its invitees, or anyone it is responsible for at law;
 - (c) public liability insurance, including wildfire and pollution endorsements, in an amount and form acceptable to the CRD's Risk Management division;
 - (d) that the event, activity, or thing is limited to one or more specified locations within the water supply area;

- (e) limiting the duration of the written authorization or permit, including setting curfew hours for water supply area access;
- (f) limiting the number of individuals who may access the water supply area, or, if an event, limited the number of participants (including staff and volunteers);
- (g) requiring the holder of the written authorization or permit to provide traffic control for the event, activity, or thing;
- (h) requiring that the holder of the written authorization or permit remove all waste, remediation ground conditions, or take such steps as may be directed by the General Manager to restore the lands and area to the state it was prior to the access;
- (i) requiring the written authorization or permit holder to provide specific facilities for special use purposes, including without limitation waste collection facilities;
- (j) requiring production of a research report prepared by or on behalf of the permit or written authorization holder;
- (k) requiring specific signage;
- (l) restricting the manner and application of any restricted method which the General Manager is permitting or approving by way of written authorization that would otherwise be prohibited under this bylaw;
- (m) any such other matter or condition restricting or limiting use, access, and behaviour within the water supply area in the interests of the Regional District.

(Bylaw 4753)

49. (1) Neither the RWSC nor the General Manager are obligated to issue any written authorization or permit, and, without in any way limiting the generality of the foregoing, may:

(Bylaw 4050, 4753)

- (a) refuse to issue a permit or written authorization to any person or group who has previously contravened this Bylaw; and

(Bylaw 4050, 4753)

- (b) revoke a permit or written authorization if the special use is conducted in a manner which contravenes this Bylaw.

(Bylaw 4050, 4753)

- (2) Neither the CRD nor any of its elected or appointed officers, employees, servants, agents, contractors, licensees or representatives accepts or assumes any responsibility or liability for any claims, demands, proceedings, actions, suits, costs, expenses, fines, losses or damages in respect of death, injury, loss or damage to persons or property, however caused, arising out of or in connection with the issuance of a permit or written authorization or activities contemplated thereunder.

(Bylaw 4753)

FEES

(Bylaw 4509)

- 50. (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.

(Bylaw 4509)

AGREEMENTS WITH FIRST NATIONS

- 51. (1) The RWSC may approve one or more agreements with a First Nation for access to the water supply area or a portion of it. Such agreements may act in place of a permit or written authorization to permit an activity under this bylaw which otherwise would require a permit or written authorization and shall impose or establish conditions for entry that are substantially similar to those set out in section 42(2) and section 48.
- (2) Where a written agreement with First Nation remains valid, in so far as its terms are complied with, those individuals acting in accordance with its terms, under the authority and with approval of the First Nation, are exempt from the requirement in this bylaw to obtain a permit or written authorization to the extent set out in the written agreement.

(Bylaw 4753)

CITATION

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

Read a first time this 28th day of June , 2000.

Read a second time this 28th day of June , 2000.

Read a third time this 28th day of June , 2000.

ADOPTED this 12th day of July , 2000.

CHAIR

SECRETARY

