

CAPITAL REGIONAL DISTRICT

Bylaw No. 4099

WATER CONSERVATION BYLAW

WHEREAS under Section 335 of the *Local Government Act*, a regional district may regulate in relation to a service;

AND WHEREAS under section 335 of the *Local Government Act* a regional government has authority to regulate Water use even though a participating Municipality is responsible for Water distribution within that municipality;

AND WHEREAS the Capital Regional District (“CRD”) under the *Capital Region Water Supply and Sooke Hills Protection Act* (the “Act”) has established a Water supply local service sourcing drinking water from the Sooke Lake and Goldstream Reservoirs in the following participating municipalities:

The Corporation of the City of Victoria
The Corporation of the District of Oak Bay
The Corporation of the District of Saanich
Corporation of the Township of Esquimalt
District of Central Saanich
Town of Sidney
District of North Saanich
District of Metchosin
City of Colwood
Town of View Royal
City of Langford
District of Sooke
District of Highlands
That portion of the Juan de Fuca Electoral Area as shown in Schedule C.

AND WHEREAS the CRD supplies bulk Water to the following:

The Corporation of the City of Victoria
The Corporation of the District of Oak Bay
The Corporation of the District of Saanich
Corporation of the Township of Esquimalt
Saanich Peninsula Water Commission
Juan de Fuca Water Distribution Commission

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

1. Definitions

In this bylaw, the following terms, whether capitalized or not, have the following meanings:

“Appliance” means a device or mechanism, other than that owned and operated by a Municipality or the CRD, in or through which Water is piped or used for a domestic or commercial purpose.

“Board” means the Board of the Capital 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 travelled roadway, driveway or sidewalk and includes any landscaped median.

“Bylaw Enforcement Officer” means a person appointed or contracted by the Board or the Council of a Municipality to enforce this bylaw.

“Commission” means the Regional Water Supply Commission.

“CRD” means the Capital Regional District.

“Excess Water Use” means to apply or use more Water than is required to provide a service, produce a product or complete a task, and without limitation includes the application of Water to a hardscape, such as a sidewalk, driveway or parking lot, or to exterior windows or exterior building surfaces, through a hose or power-washer to the point that Water runs-off or spreads to surrounding areas.

“Exempted Person” means an Owner or Occupier of property identified in Schedule “A” as exempt or excused from one or more of the regulations under this bylaw.

“Farm” refers to a parcel of land classified as farmland for assessment and taxation purposes.

“Fill” means to completely fill or partially fill with Water an empty or substantially empty hot tub, swimming pool, fountain, wading pool, or similar structure, but for certainty does not include topping up with or adding Water in the normal course of operation, where the hot tub, swimming pool, fountain, wading pool, or similar structure is filled with Water and is in operation at the time Water Use Restrictions come into effect.

“General Manager” means the General Manager of the Capital Regional District Integrated Water Services Department.

“Irrigation System” means an irrigation system that consists of controllers, wiring, and accessories such as climate and soil sensors, piping, and emission devices such as sprinklers, rotors or micro-irrigation components that artificially supplies water to a landscaped area, lawn or garden.

“Lawn” or “Turf” means a cultivated area that surrounds or is adjacent to an institutional, commercial or residential building, and that is covered by grass, turf or other plants used as ground cover, such as but not limited to clover, and that is used for decorative, ornamental or recreational purposes.

“Micro-irrigation or Drip-irrigation System” means a system using irrigation components which consume less than 20 gallons per hour and operate at less than 25 psi 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 Manual prepared and published by the BC Ministry of Agriculture and Food, Resource Management Branch (issue 1999), but does not include weeper hoses or soaker hoses.

“Motion-Activated Sprinkler Device” means a water sprinkling device that automatically operates through detection of motion or similar event and is used to deter wildlife and other animals.

“Municipality” means the District of Sooke, District of Metchosin, City of Colwood, Town of View Royal, City of Langford, District of Highlands, that portion of the Juan de Fuca Electoral Area as shown on Schedule C, the Corporation of the City of Victoria, Corporation of the Township of Esquimalt, The Corporation of the District of Oak Bay, The Corporation of the District of Saanich, District of Central Saanich, District of North Saanich and the Town of Sidney.

“New Lawn” or “New Turf” means a lawn that is newly established either by seeding or the laying of new sod or turf for the first time on a property, where there has been no lawn or turf previously.

“Newspaper” has the same meaning as in the *Community Charter*.

“Notice” means a Notice given under Section 6 of this bylaw.

“Nursery” means a commercial business in which flowers, plants, trees or shrubs are grown or displayed for sale.

“Occupier” has the same meaning as in the *Community Charter*.

“Odd Numbered Address” or “Even Numbered Address” means the numerical portion of the street address of a property, and in the case of multi-unit commercial or residential complex such as but not limited to a townhouse, condominium or other strata-titled property, means the numerical portion of the street address that is assigned to the entire complex, and not the individual unit number.

“Over-Water” means to apply Water in a manner that saturates the lawn, Boulevard or landscaped area being watered to the point of saturation and results in Water spreading or running-off to other areas.

“Owner” has the same meaning as in the *Community Charter*.

“Permit” means a Permit issued under Section 9(1) of this bylaw for watering new lawn or new turf.

“Public Authority” has the same meaning as in the *Community Charter*.

“Public, Institutional or Community Playing Field” means grass, sod or turf covered grounds that are owned, maintained or operated by a public authority, or by a private institution such as a private school, and are designed to be played upon, or that are used for sporting or other community events and activities, but for certainty does not include a lawn or turf on private residential property.

“Regional Water Supply” means the CRD drinking water supply operated and administered by the CRD under the authority referred to in the Recitals to this bylaw.

“Public Spray Park” means a facility that is open to the public and that is equipped with water sprays, water jets, sprinklers and similar devices that spray water for recreation and enjoyment of the users.

“Restricted Hours” means the designated time periods during which watering is permitted as set out in Schedule “A” of this bylaw.

“Soaker Hose” or “Weeper Hose” means a garden hose or a pipe with small holes that allow water to seep into the ground, to the roots of plants, discharging water through the entire length of its porous surface.

“Sprinkler” means an Irrigation System, a sprinkler system, or a hose connected, water emitting device such as sprinklers, rotors, or sprayer components, that artificially supply water to a landscaped area, lawn or garden, but excludes a Micro-irrigation or Drip-irrigation System.

“Stage” refers to the Stages 1, 2 and 3 of Water Use Restrictions prescribed in Schedule “A” of this bylaw.

“Tree Farm” means a commercial operation or business such as a tree plantation, tree nursery, or Christmas tree farm that grows trees for sale, and includes a privately owned forest that is managed for timber production.

“Turf Farm” means a commercial operation or business that grows and sells sod or turf.

“Vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway or other roadway.

“Water”, when used as a noun, means drinking water supplied by the CRD from the Regional Water Supply directly or indirectly to an Owner or Occupier, and when used as a verb means

the act of using or applying such Water.

"Water Use Restrictions" means the restrictions prescribed in Schedule "A" of this bylaw.

"Wading Pool" means a shallow, artificial pool 600 mm or less in depth, of portable or permanent construction for children to play or wade in.

"Watering Days" means those days during which Watering is permitted in Schedule "A" of this bylaw.

2. Application

The restrictions and regulations in this bylaw are applicable in each Municipality.

3. Prohibitions

- (1) The prohibitions in subsections 3(2), 3(3) and 3(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 a waste of Water, or Excess 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:
 - (a) allowing a tap or hose to run Water unnecessarily,
 - (b) the Over-Watering of plants or lawns,
 - (c) power-washing, using water from a hose, or otherwise applying or using Water in a manner that constitutes Excess Water Use, or
 - (d) using a Motion-Activated Sprinkler Device or Sprinkler in such a manner that water spray patterns are not confined to the property on which the device is located, and are allowed to spray onto adjoining public or private property.
- (4) No person, being an Owner or Occupier of property in the Municipality, shall use Water or cause Water to be used contrary to the provisions of this bylaw in effect at the time of use.

4. Inspection

A Bylaw Enforcement Officer has the authority to enter at all reasonable times on any property which 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.

5. Effective Dates of Stages and Restrictions

- (1) Stage 1 and the Water Use Restrictions for Stage 1 prescribed in Schedule "A" are in effect in each year from May 1 to September 30 both inclusive, except as provided under subsection (2).
- (2) Where it determines that this is necessary for the conservation of Water or the preservation of the Regional Water Supply, the Commission, by resolution, may
 - (a) amend the effective period of time for Stage 1, or
 - (b) terminate or bring into effect a Stage more restrictive than Stage 1 at any time of the year for any period of time.
- (3) The Stage determined under subsection (2) and the Water Use Restrictions prescribed under Schedule "A" for that Stage take effect on the commencement date stated in this bylaw or the Notice for that Stage and remain in effect until that Stage is terminated.
- (4) A Stage will remain in effect until it is terminated by resolution or otherwise under this bylaw, or until the commencement of another Stage.

6. Notice

- (1) The General Manager must give Notice or cause Notice to be given to persons within the Municipality of the applicable Stage determined under Section 5(2) and its effective dates of commencement and termination when determined by the Commission.
- (2) The Notice under subsection (1) must be given at least once
 - (a) before the commencement of the applicable Stage, and
 - (b) within a reasonable time after the resolution of the Commission to terminate the Stage.

- (3) The Notice under this section must be published on the Internet, in a Newspaper and broadcast from a radio station, and may also be broadcast from a television station or cable television channel serving the Capital Regional District and posted on the CRD web site.

7. Determining Water Use Restriction Stages

In making a determination under Section 5(2), the Commission may consider the following factors:

- (1) Time of year and typical seasonal water demand trends;
- (2) Precipitation and temperature conditions and forecasts;
- (3) Storage levels and storage volumes of water reservoirs (Sooke Lake Reservoir and the Goldstream Reservoir) and draw down rates;
- (4) Stream flows and inflows into Sooke Lake Reservoir;
- (5) Water usage, recent consumption and trends, and customer compliance with restrictions on Water use under this bylaw;
- (6) Regional Water Supply System performance; and
- (7) Climate change.

8. Water Use Restrictions

- (1) 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.
- (2) For greater clarity, when a Stage is in effect under this bylaw, no person shall perform any of the outdoor watering activities described in Schedule "A" to this bylaw except at the days and times, and in the manner permitted, during that Stage as set out in Schedule "A".

9. Watering Permits, Exemptions and Special Cases

- (1) The CRD may issue Permits and approve Exemptions 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 8 to the extent permitted by Schedule "A" and the conditions of the Permit where applicable.

10. Schedules

Schedules “A”, “B” and “C” of this bylaw form part of and are enforceable in the same manner as this bylaw.

11. Penalty

- (1) A person who contravenes this bylaw commits an offence, is punishable in accordance with the Offence Act, and on conviction, in addition to the penalties prescribed under the Offence Act, is subject to the following minimum fines:
 - (a) for an offence under section 3(3) of this bylaw, a minimum fine of \$100 plus costs if the offence is committed during Stage 1, \$200 plus costs if the offence is committed during Stage 2, \$300 plus costs if the offence is committed during Stage 3, and \$100 plus costs if the offence is committed when no Stage is in effect; and
 - (b) for an offence under section 3(4) of this bylaw, a minimum fine of \$100 plus costs for each offence under Stage 1, \$200 plus costs for each offence under Stage 2, and \$300 plus costs for each offence under Stage 3.

12. Repeal

Capital Regional District Water Conservation Bylaw No. 1, 2003 is repealed.

13. Effective Date

This bylaw shall take effect upon the date of its adoption.

14. Bylaw Citation

This Bylaw may be cited as “Capital Regional District Water Conservation Bylaw No. 1, 2016”.

READ A FIRST TIME, this	11 th	day of	May,	2016
READ A SECOND TIME, this	11 th	day of	May,	2016
READ A THIRD TIME, this	11 th	day of	May,	2016
ADOPTED this	11 th	day of	May,	2016

CHAIR

SECRETARY

SCHEDULE "A"
to Bylaw No. 4099

OUTDOOR WATER USE RESTRICTION STAGES

1. STAGE 1

- (1) During Stage 1,
- (a) a person may, by any method, water a lawn growing on a property, including but not limited to a property that is used for residential, commercial, or institutional purposes, with
 - (i) an even numbered address, only on Wednesday and Saturday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.; and
 - (ii) an odd numbered address only on Thursday and Sunday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.; and
 - (b) a person may
 - (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 a shut-off nozzle;
 - (ii) water newly planted trees, shrubs, flowers and vegetables by any method referred to in Section 1(b)(i) of this Schedule 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 New Lawn/Turf 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, but only during the prescribed Stage 1 lawn Watering hours;
 - (v) water public, institutional or community playing fields between the hours of 1:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on any day, but only if failure to do so will result in a permanent loss of plant material;
 - (vi) wash a vehicle with Water using a hand held container, or a hand held hose equipped with a shut-off nozzle and at car dealerships or commercial car washes; and

- (vii) use Water to wash sidewalks, driveways, parking lots, exterior windows or exterior building surfaces, by means of a power washer or hand-held hose equipped with a shut-off valve, provided the activity does not result in Excess Water Use.
 - (c) a person must not allow a Public Spray Park
 - (i) to emit Water continuously;
 - (ii) to be operated other than by either:
 - 1) a motion sensor timer, or
 - 2) manually by the user provided the device that is activated manually by the user is equipped with a timer or automatic shut off that prevents continuous emission of Water.
- (2) As exceptions to the Stage 1 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, and whose property is not equipped with an automatic in-ground Irrigation System, may with the written approval of the CRD given under Schedule B to this bylaw water their lawn or turf on any two days of the week for a maximum of 9 hours per day;
 - (b) Nurseries, Farms, Turf Farms and Tree Farms are exempted from the Stage 1 restrictions;
 - (c) Public Authorities may:
 - (i) in the case of Municipalities only, water lawns and Boulevards on Mondays and Fridays during the hours of 1:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
 - (ii) in the case of all Public Authorities, water public, institutional or community playing fields during the hours of 1:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on any day if failure to do so will result in a permanent loss of plant material; and
 - (iii) in the case of all Public Authorities, water trees, shrubs, flowers and vegetable gardens at the times and in the manner prescribed under Sections 1(1)(b)(i), (ii) and (iii) of this Schedule.
 - (d) owners or operators of golf courses may water
 - (i) fairways on any day, but only during the Stage 1 lawn prescribed times;
 - (ii) trees, shrubs, flowers and vegetables grown on golf courses in accordance with Section 1(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.

2. STAGE 2

(1) During Stage 2,

- (a) a person may, by any method, water a lawn growing on a property including but not limited to property that is used for residential, commercial or institutional purposes, with
 - (i) an even numbered address, only on Wednesday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
 - (ii) an odd numbered address, only on Thursday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
- (b) no person shall
 - (i) use Water to wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces, 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;
 - (ii) utilize a Motion-Activated Sprinkler Device to deter animals or wildlife;
 - (iii) water a lawn on property used as a cemetery;
- (c) a person must not allow a Public Spray Park
 - (i) to emit Water continually;
 - (ii) to be operated other than by either: 1) a motion sensor timer, or 2) manually by the user provided the device activated manually by the user is equipped with a timer or automatic shut off that prevents continuous emission of Water;
- (d) a person must not
 - (i) Fill an ornamental fountain with Water, or
 - (ii) operate an ornamental fountain that uses Water, other than an ornamental fountain that re-circulates continuously and is not replenished or re-Filled with Water from the Regional Water Supply; and

- (e) a person may
 - (i) water trees, shrubs, flowers and vegetables on any day with a Sprinkler during the prescribed morning hours (4:00 a.m. to 10:00 a.m.) 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 a shut-off nozzle;
 - (ii) water newly planted trees, shrubs, flowers and vegetables by any method referred to in Section 2(1)(e)(i) of this Schedule 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) water public, institutional or community playing fields between the hours of 1:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m., on no more than three days per week, but only if failure to do so will result in a permanent loss of plant material;
 - (v) wash a vehicle with Water using a hand-held container, or a hand-held hose equipped with a 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, and whose property is not equipped with an automatic in-ground Irrigation System, may with the written approval of the CRD given under Schedule B to this bylaw, water their lawn or turf on one day per week for a maximum of 9 hours per day;
 - (b) Nurseries, Farms, turf farms and tree farms are exempted from the restrictions;
 - (c) Public Authorities may:
 - (i) in the case of Municipalities only, water lawns and Boulevards on Monday between the hours of 1:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
 - (ii) in the case of all Public Authorities, water public, institutional or community playing fields during the hours of 1:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m., on no more than three days per week if failure to do so will result in a permanent loss of plant material;
 - (iii) in the case of all Public Authorities, water trees, shrubs, flowers and vegetable gardens at the times and in the manner prescribed under Sections 2(1)(e)(i), (ii) and (iii) of this Schedule;

- (d) owners or operators of golf courses may water
 - (i) fairways on not more than two days per week during prescribed lawn watering times;
 - (ii) trees, shrubs, flowers and vegetables grown on golf courses in accordance with Section 2(1)(e)(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.

3. STAGE 3

(1) During Stage 3,

- (a) no person shall
 - (i) water a lawn, turf or Boulevard;
 - (ii) fill a swimming pool, hot tub or garden pond;
 - (iii) operate a Public Spray Park;
 - (iv) fill with Water or operate an ornamental fountain with Water,
 - (v) wash a Vehicle or a Boat with Water;
 - (vi) use Water to wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces, 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
 - (vii) utilize a Motion-Activated Sprinkler Device to deter animals or wildlife.
- (b) a person or Public Authority may
 - (i) water trees, shrubs, flowers and vegetables on any day between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. if watering is done by hand-held container or a hand held hose equipped with a shut-off nozzle;
 - (ii) water newly planted trees, shrubs, flowers and vegetables between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. only by hand-held container or a hand held hose equipped with a shut-off nozzle, during installation and 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 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.; and

- (iv) water public, institutional or community playing fields only between the hours of 4:00 a.m. to 10:00 a.m., on no more than 3 days a week, and only if failure to do so will result in a permanent loss of plant material.
- (2) As exceptions to the Stage 3 restrictions,
 - (a) Nurseries, Farms, Turf Farms and Tree Farms are exempted from the restrictions;
 - (b) owners or operators of golf courses may water
 - (i) fairways on not more than one day per week during the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
 - (ii) trees, shrubs, flowers and vegetables grown on golf courses in accordance with Section 3(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;
 - (c) wading pools may be Filled with Water; and
 - (d) Vehicles and Boats may be washed with Water only at car dealerships and commercial car washes using less than 57 litres of Water per Vehicle wash or 50% recirculated Water as long as the total amount of Water, excluding recirculated Water, does not exceed 57 litres per Vehicle wash.

SCHEDULE "B"
to Bylaw No. 4099

PERMITS AND EXEMPTIONS

1. During Stage 1, a person who has installed a new lawn, either newly seeded or new sod, may apply to the Capital Regional District Integrated Water Services department for a Permit, which allows the new lawn to be Sprinkled with Water outside of permitted days, and within Restricted Hours. The Permit shall be conspicuously displayed at the premises for which it was issued.
2. The Capital Regional District Integrated Water Services Department may issue a Permit to an applicant pursuant to Section 1 upon payment to the Capital Regional District Water Department of a fee in an amount determined by the Commission.
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 Stages 2 or 3.
5. No Permits will be issued for top dressing or over-seeding lawns including, but not limited to, patch repairs.
6. Subject to section 7, a Permit will only be issued once for each distinct area of a property, whether or not the ownership of the property has changed, and whether or not the lawn or turf in that distinct area subsequently requires replacement.
7. Despite section 6, a Permit may be issued for the installation of a new lawn or the re-seeding of an area of lawn that has been disturbed by a Public Authority or Utility in the course of making infrastructure improvements.
8. An Owner or Occupier who considers they are entitled to an exemption under Section 1(2)(a) and Section 2(2)(a) of Schedule A must contact the Capital Regional District Integrated Water Services Department each year to obtain written confirmation of that Owner's or Occupier's entitlement to the exemption.

SCHEDULE C

