



BYLAW NO. 146

A BYLAW TO AMEND BYLAW NO. 2838, BEING ELECTORAL AREA D WATER REGULATION, FEES AND CHARGES BYLAW 2005

WHEREAS the former Comox Strathcona Regional District has, by Bylaw No. 2838, established regulations for the use of the Electoral Area D community water system;

AND WHEREAS a bylaw of the former Comox-Strathcona Regional District that applies within all or a part of the Strathcona Regional District remains in force until amended or repealed;

AND WHEREAS the Regional District wishes to develop comprehensive standards for water use, including water restriction, to ensure an adequate supply of water for all users of the water system;

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

Amendments

1. (1) Section 9 (*Restriction of Water Use*) of Bylaw No. 2838 is deleted in its entirety and the following section 9 is substituted therefor:

Water Use Restrictions

9. *Use of the water system is subject to the terms, conditions and restrictions contained in Schedule "E" (Water Use Restrictions), attached to and forming part of this bylaw.*

- (2) Schedule "C" is deleted in its entirety.

- (3) Schedule "E" (*Water Use Restrictions*) together with all of its appendices and exhibits, is hereby attached to and made a part of Bylaw No. 2838.

Citation

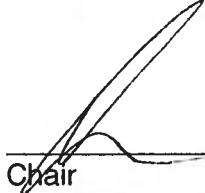
2. This bylaw may be cited for all purposes as Bylaw No. 146, being Electoral Area D Water Regulation, Fees and Charges Bylaw 2005, Amendment No. 4.

READ A FIRST TIME ON THE 26TH DAY OF JULY , 2012

READ A SECOND TIME ON THE 26TH DAY OF JULY, 2012

READ A THIRD TIME ON THE 26TH DAY OF JULY, 2012

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 26TH DAY OF JULY , 2012


Chair


Corporate Officer

SCHEDULE "E"
WATER USE RESTRICTIONS

1. Definitions

In this Schedule, unless the context otherwise requires, the following definitions shall apply:

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

Appendix "A" means Appendix "A" (*Outdoor Water Use Restriction Stages*) of this Schedule

Appendix "B" means Appendix "B" (*Permits*) of this Schedule;

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;

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

Exempted person means an owner or occupier of property identified in Appendix 'A' as exempt from one or more of the regulations under this Schedule;

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

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 B.C. Trickle Irrigation Manual prepared and published by the B.C. 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 Schedule;

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

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 of this Schedule;

Restricted hours means those time periods during which watering is permitted in Appendix 'A';

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 of the water use restrictions prescribed in Appendix 'A';

Water means water supplied by the Regional District 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 Appendix 'A'; and

Watering days means those days during which watering is permitted in accordance with Appendix 'A'.

2. Application

The restrictions and regulations in this bylaw are applicable to the Electoral Area D Water Service area.

3. Prohibitions

- (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 shall use water or cause water to be used contrary to the restrictions in effect at the time pursuant to Appendix 'A'.

4. Inspection

The Manager of Community Services 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.

5. Effective Dates

- (1) Stage 1 and the water use restrictions for Stage 1 prescribed in Appendix 'A' are in effect on every day of the year, except as provided under subsection (2).
- (2) Stage 2 and Stage 3 water use restrictions as prescribed in Appendix A will be put into effect upon determination of the Chief Administrative Officer as per Section 7, Determination Factors. .
- (3) The Chief Administrative Officer, by written determination may:
 - (a) amend the effective period of time for any stage of water use restriction, 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;
- (4) In the event water restrictions are implemented under subsection (3), an advisory will be issued.
- (5) In the event of system failure which limits the delivery of water at normal volumes, the Regional District 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 Appendix 'A' for that stage take effect on the commencement date stated in this Schedule or 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 Schedule or until the commencement of another stage.

6. Notice

- (1) The Regional District must give notice or cause notice to be given to persons within the service area 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, and with the exception of the implementation of section 5 (5), must be
 - (a) before the commencement of a more restrictive stage; and
 - (b) at least seven (7) days prior to commencement of the restriction.
- (3) The notice under this section must be published in a newspaper and may be broadcast from a radio station. The notice may also be hand delivered, broadcast from a television station serving the service area or posted on the Strathcona Regional District web site.

7. Determination Factors

In making a determination under section 5 (3), the Regional District may consider:

- (a) forecasts of water inflow to the Campbell River watershed provided by BC Hydro;
- (b) water levels in the Campbell River watershed and projected water usage requirements of BC Hydro and the Department of Fisheries and Oceans;
- (c) requirements to restrict water use under a water supply agreement;
- (d) the need to maintain fire flow water pressure and volumes;
- (e) the need to reduce peak demands on the water system, and
- (f) operational factors which limit the ability to supply normal water capacity or water pressure.

8. Water Use Restrictions

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

9. Permits

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

10. Penalties

- (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 on conviction of a ticket offence under the applicable 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.
- (3) In the event of repeated contraventions of this bylaw by an owner or occupier, the Chief Administrative Officer may order the installation of a water meter at the expense of the property owner.

APPENDIX 'A'**OUTDOOR WATER USE RESTRICTION STAGES****STAGE 1**

1. During Stage 1 water use restrictions the following provisions apply:
 - (a) a person may only use a sprinkler to water a lawn growing on a property with:
 - (i) an even numbered address, between 12:00 midnight and 7:00 a.m. and between 7:00 p.m. and 12:00 midnight on an even numbered day. They may not use a sprinkler to water the lawn on any other day or time; and
 - (ii) an odd numbered address, between 12:00 midnight and 7:00 a.m. and between 7:00 p.m. and 12:00 midnight on an odd numbered day. They may not use a sprinkler to water the lawn on any other day or time.
 - (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 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) upon issuance of a permit as per Appendix B, 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 every second day for a maximum of 4 hours per day;
 - (b) nurseries, farms, turf farms, and tree farms are exempted from the restrictions;
 - (c) local governments are exempted from the restrictions.

APPENDIX 'A' (continued)**STAGE 2**

1. During Stage 2 water use restrictions the following provisions apply:
 - (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 12:00 midnight and 7:00 a.m. and between 7:00 p.m. and 12:00 midnight. 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 12:00 midnight and 7:00 a.m. and between 7:00 p.m. and 12:00 midnight. They may not use a sprinkler to water the lawn on any other day or time.
 - (b) 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
 - (c) 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;
 - (iv) upon issuance of a permit as per Appendix B, 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;
 - (v) water all-weather playing fields at any time if failure to do so will result in a permanent loss of plant material;
 - (vi) wash exterior windows and building surfaces with water using a hand held container or hand held hose equipped with an automatic shut-off nozzle
 - (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 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, 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 every second day for a maximum of 4 hours per day;
 - (b) nurseries, farms, turf farms, and tree farms are exempted from the restrictions;
 - (c) local governments are exempted from the restrictions
 - (d) owners and operators of commercial pressure washing companies may use water but only as part of their normal business operations.

APPENDIX 'A' (continued)**STAGE 3 – NO LAWN WATERING**

1. During Stage 3 water use restrictions the following provisions apply:
 - (a) no person shall
 - (i) water a lawn;
 - (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 12:00 midnight and 7:00 a.m. and between 7:00 p.m. and 12:00 midnight 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 4:00 a.m. and 7:00 a.m. and between 7:00 p.m. and 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 governments are exempted from the restrictions.
 - (c) wading pools less than 200 centimeters in diameter may be filled with water up to a maximum depth of 30 centimeters; and
 - (d) 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.

APPENDIX 'B'

PERMITS

1. During stage 1 and 2, a person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District for a 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 Regional District, may issue a permit to an applicant pursuant to section 1 and 2 upon payment 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 restrictions.
5. The permit is to take the form of the following example

Strathcona Regional District – Electoral Area D Water System – Lawn Sprinkling Permit (pursuant to Bylaw No. 2838)			
Name:		This permit is issued for NEW SOD or NEWLY SEEDED LAWN	
Street Address (location of permit):		Permit issue date	
		Installation date	
Permit conditions: 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 4:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 10:00 p.m. 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 water restrictions.			
Original to permit holder. Retain copy for local government records. Fee paid \$30.00.			