

**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 2804**

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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 adopt a Bylaw under section 796 (1) (a) of the *Local Government Act* to make rules for the management of property under its control with the right to set conditions respecting access to and use of that property;

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

1. DEFINITIONS IN THIS BYLAW

"animal" means an organism other than a human;

"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 lands;

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

"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;

"permit fee" includes the special use fee and the refundable security deposit prescribed by this bylaw for a water supply area lands access permit to carry out a special use;

"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 lands by persons who are not employees or contractors of the CRD;

"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;

"trail" means any footpath, pathway or area of land held in fee simple, leased, or held under a registered easement or statutory right-of-way by the CRD;

"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 lands " means any water catchment and non-catchment lands, including the water bodies within the boundaries, managed by the Capital Regional District, as shown on the maps attached as Schedule "A";

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

"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 lands 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 lands immediately or within the specified time period.

#### FINES

4. A person who contravenes this bylaw commits an offence and is liable on conviction to a fine of not less than \$50.00 and not more than the maximum prescribed by the Offence Act.

#### NO ENTRY

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

### PUBLIC CONDUCT

6. No person shall obstruct or interfere with any person or traffic lawfully using water supply area lands.
7. No person shall behave in a disorderly, dangerous or abusive manner in water supply area lands.

### LIQUOR

8. No person shall in water supply area lands consume or possess liquor except in compliance with a license issued under the Liquor Control and Licensing Act.

### SIGNS

9. The General Manager may cause to be erected signs or other devices specifying one or more areas in water supply area lands where specific activities are permitted, prohibited or restricted under the authority of this bylaw.
10. Every person in water supply area lands must observe and obey every prohibition and restriction announced by a sign or other device erected under section (9).

### DAMAGE

11. No person shall remove, destroy or damage any natural feature, either organic or inorganic, or other CRD property of any kind, in water supply area lands except with the written permission of the general manager or if permitted by permit.
12. No person in water supply area lands shall in any way foul or pollute any lake, stream, pond, watercourse or any CRD property on those lands or bodies of water.
13. No person shall remove, destroy or damage any notices, rules or regulations posted in water supply area lands by and under the authority of the Regional Water Supply Commission or General Manager.
14. No person shall molest, disturb, frighten, injure, kill, catch, trap or snare any animal in water supply area lands except as permitted by provincial or federal authorities and the General Manager.
15. No person shall deposit any garbage, refuse, empty or broken bottles, tin cans, paper or other waste material upon water supply area lands.

### FIRE

16. No person shall light or keep lit any fire in water supply area lands except authorized persons and other persons with the written permission of the General Manager or under a permit.
17. No person shall throw or place upon the ground in water supply area lands any lighted match, cigar, cigarette or other burning substance.

### TREES

18. No person shall cut, deface, damage or cut down any tree or carry out any logging operation or facilitate such operation in water supply area lands except where authorized by the General Manager or permit.

### CYCLES

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

### CAMPING

20. No person shall camp or sleep overnight in water supply area lands 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, without permission of the General Manager or by permit.

### STORAGE

21. No person, including an owner of property adjacent to water supply area lands, shall use water supply area lands for storage of any kind, unless related to CRD activities or authorized by permit.

### ANIMALS IN WATER SUPPLY AREA LANDS

22. No person shall have custody of an animal in water supply area lands except emergency personnel or authorized personnel acting in the course of their duties.

### FIREARMS AND HUNTING

23. No person shall discharge any firearm, bow or crossbow in water supply area lands except authorized personnel acting in the course of their duties.

### VESSELS AND WATERCRAFT

24. No person shall operate a helicopter, amphibious aircraft, vessel, watercraft or fishing device on or within water supply area lands except emergency or authorized personnel or persons authorized by the General Manager.

### VEHICLES

25.
  - (1) No person shall drive or propel any type of motor vehicle in water supply area lands except on public roadways 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.

26. (1) The General Manager may, if in his opinion it is necessary for reasons of safety or convenience, cause the erection of appropriate signs closing any road or other areas within water supply area lands.
- (2) No person shall operate a vehicle in any part of water supply area lands posted as closed except authorized personnel.
27. (1) The General Manager may, if in his opinion it is necessary for reasons of safety and convenience, limit, by posting signs to that effect the speed at which vehicles may be operated on any road within water supply area lands.
- (2) No person shall operate a vehicle in water supply area lands in excess of the posted speed limit.
28. (1) The General Manager or authorized personnel acting on his behalf may cause signs or other traffic control devices to be placed in water supply area lands for the purposes of sections 25 to 27 both inclusive.
- (2) No person shall operate a vehicle in water supply area lands contrary to posted signs or traffic control devices.

#### COMMERCIAL SERVICES, ACTIVITIES OR DEMONSTRATIONS

29. No person shall post, paint, or distribute any advertisement, sign, placard or handbill of any kind in water supply area lands .
30. No person shall operate or station in water supply area lands any vehicle displaying advertising or equipped with a public address system for the purpose of advertising, demonstration or attracting attention except where authorized by the General Manager or by water supply area lands access permit.

#### CONSTRUCTION

31. No person shall build, or place any temporary structure or facilities in water supply area lands except where authorized by the General Manager or by permit.
32. No person shall build, or place any permanent structure or facilities in water supply area lands except where authorized by permit.

#### WATER SUPPLY AREA LANDS ACCESS PERMITS

33. No person shall, in water supply area lands, conduct or carry on any special use or enter into or remain within any water supply area lands except where authorized by a special permit.
34. Persons who have the right under an enactment or an existing written agreement to enter into or remain within water supply area lands are excepted from section (33).
35. The General Manager may issue a permit for special use if all of the conditions established under Section 36 are met by the permit applicant.
36. The General Manager is hereby delegated the authority to establish the conditions respecting the issuance of permits.

37. (1) The General Manager may:
- (a) refuse to issue a permit to any person or group who has previously contravened this bylaw;
  - (b) revoke a permit if the special use is conducted in a manner which contravenes this bylaw;
38. Where an applicant applies for a permit for access to water supply area lands, the applicant must pay a refundable security deposit of \$50.00 which will be repaid upon return of the key and radio required as a condition of access.

CITATION

39. 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