

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4050**

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**A BYLAW TO AMEND BYLAW 2804, "CAPITAL REGIONAL DISTRICT WATER  
SUPPLY AREA REGULATIONS BYLAW NO. 1, 2000"**  
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The Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Bylaw No. 2804, "Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000" is amended as follows:
  - a. By deleting the recital paragraph in its entirety and substituting the following:

"WHEREAS the Capital Regional District has established a water supply service and has the authority to regulate in relation to the service;"
  - b. By adding the following new definitions in section 1 in correct alphabetical sequence:

""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;"

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

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

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

""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;"

""weed species" means a species designated as a noxious weed pursuant to the Weed Control Regulation;"
  - c. By deleting the definitions in section 1 for "permit fee" and "trail" in their entirety;
  - d. By amending the definition of "emergency personnel" in section 1 by deleting the word "lands";
  - e. By amending the definition of "General Manager" in section 1 by replacing the words "Water Department" with the words "Integrated Water Services Department";
  - f. By amending the definition of "special use" in section 1 by deleting the word "lands";

- g. By deleting the definition in section 1 of “water supply area lands” in its entirety and replacing it with the following:

““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 ‘Trans Canada Trail’ shown on Schedule “A”;

- h. By replacing each instance of the words “water supply area lands” in section 3 with the words “the water supply area”;

- i. By renumbering section 4 as section 5 and by inserting the following new section 4 under the heading ENFORCEMENT POWERS:

“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.”;

- j. By amending section 5 under the heading FINES to replace the symbol and numbers “\$50.00” with the symbol and numbers “\$100.00”;

- k. By adding the following three new sections 6, 7 and 8:

“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.”;

- l. By amending section 5 by replacing the words “water supply area lands” with the words “the water supply area.”;

- m. By amending sections 6 and 7 by replacing each instance of the words “water supply area lands” with the words “water supply area”;

- n. By deleting section 8 under the heading LIQUOR in its entirety and replacing it with:

“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.”;

- o. By amending Section 9 and 10 under the heading SIGNS to replace each instance of the words “water supply area lands” with the words “the water supply area”;

- p. By amending Section 10 to replace the words and number “under section (9)” with the words and number “under section (13)”;

- q. By deleting sections 11, 12, 13, 14 and 15 under the heading DAMAGE in their entirety and replacing them with the following:

- “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 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.”
- r. By adding the following new sections 20 and 21 under the heading DAMAGE:
- “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.”;
- s. By deleting section 16 under the heading FIRE in its entirety and replacing it with the following:
- “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.”;
- t. By amending section 17 under the heading FIRE to replace the words “water supply area lands” with the words “the water supply area”;
- u. By deleting section 18 under the heading TREES in its entirety and replacing it with the following:
- “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.”;
- v. By amending section 19 under the heading CYCLES to replace the words “water supply area lands” with the words “the water supply area”;

- w. By deleting section 20 under the heading CAMPING in its entirety and replacing it with the following:

“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.”;

- x. By deleting section 21 under the heading STORAGE in its entirety and replacing it with the following:

“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.”;

- y. By replacing the heading after section 21 “ANIMALS IN WATER SUPPLY AREA LANDS” with the heading “ANIMALS IN THE WATER SUPPLY AREA”;

- z. By deleting section 22 under the heading ANIMALS IN THE WATER SUPPLY AREA in its entirety and replacing it with the following:

“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.”;

- aa. By deleting section 23 under the heading FIREARMS AND HUNTING in its entirety and replacing it with the following:

“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.”;

- bb. By replacing the heading after section 23 “VESSELS AND WATERCRAFT” with “VESSELS, WATERCRAFT AND AIRCRAFT”;

- cc. By deleting section 24 under the heading VESSELS, WATERCRAFT AND AIRCRAFT in its entirety and replacing it with the following:

“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.”;

- dd. By inserting the following new section under the heading VESSELS, WATERCRAFT AND AIRCRAFT:

“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.”;

- ee. By inserting a new heading and section after section 24:

"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.";
- ff. By deleting subsection 25(1) in its entirety under the heading VEHICLES and replacing it with the following:
- "33. 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.";
- gg. By deleting in their entirety subsections 26(1) and 26(2) under the heading VEHICLES;
- hh. By deleting in its entirety subsection 27(1) under the heading VEHICLES and replacing it with the following:
- "34(1) The General Manager may limit the maximum driving speed on any road within the water supply area by posting speed limits.";
- ii. By amending subsections 27(2), 28(1) and 28(2) under the heading VEHICLES to replace each instance of the words "water supply area lands" with the words "the water supply area";
- jj. By amending section 28(1) under the heading VEHICLES to replace the words and numbers "sections 25 to 27 both inclusive" with the words and numbers "sections 13, 34, 43 and 44";
- kk. By amending sections 29 and 30 under the heading COMMERCIAL SERVICES, ACTIVITIES OR DEMONSTRATIONS to replace each instance of the words "water supply area lands" with the words "the water supply area";
- ll. By amending section 30 under the heading COMMERCIAL SERVICES, ACTIVITIES OR DEMONSTRATIONS to replace "except where authorized by the General Manager or by water supply area lands access permit" to "except as authorized by permit or with the written permission of the General Manager.";
- mm. By amending sections 31 and 32 under the heading CONSTRUCTION to replace each instance of the words "water supply area lands" with the words "the water supply area";
- nn. By amending section 31 under the heading CONSTRUCTION to replace the words "where authorized by the General Manager or by permit" with the words "where authorized by permit or with the written permission of the General Manager.";
- oo. To delete the heading "WATER SUPPLY AREA LANDS ACCESS PERMITS" after section 32 and replace it with the heading "WATER SUPPLY AREA ACCESS PERMITS"

pp. To delete sections 33, 34 and 35 and replace them with the following:

- “40. 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.
- 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.”;

qq. By adding the following new sections after section 35:

- “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.”;

rr. By deleting section 37 and 38 and replacing with the following:

- “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;
  - (b) revoke a permit if the special use is conducted in a manner which contravenes this bylaw;
- 48. Where an applicant applies for a permit for access to 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.”;


ss. By deleting “Schedule A” maps in their entirety and replacing them with the “Schedule A” map attached hereto and forming part of this bylaw.

- tt. By renumbering as follows:
  - i. section 5 as section 9;
  - ii. section 6 as section 10;
  - iii. section 7 as section 11;
  - iv. section 8 as section 12;
  - v. section 9 as section 13;
  - vi. section 10 as section 14;
  - vii. section 17 as section 23;
  - viii. section 19 as section 25;
  - ix. subsections 25(2) and 25(3) as 33(2) and 33(3);
  - x. subsection 27(2) as 34(2);
  - xi. section 28 as 35;
  - xii. section 29 as 36;
  - xiii. section 30 as 37;
  - xiv. section 31 as 38;
  - xv. section 32 as 39;
  - xvi. section 36 as 46; and
  - xvii. section 39 as 49.

CITATION

2. This bylaw may be cited as "Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000, Amendment Bylaw No. 1, 2016.

Read a first time this	8 <sup>th</sup>	day of	June,	2016
Read a second time this	8 <sup>th</sup>	day of	June,	2016
Read a third time this	8 <sup>th</sup>	day of	June,	2016
ADOPTED this	8 <sup>th</sup>	day of	June,	2016

  
 CHAIR

  
 CORPORATE OFFICER

