



Making a difference...together

BYLAW NO. 4099

**CAPITAL REGIONAL DISTRICT WATER CONSERVATION
BYLAW NO. 1, 2016**

Consolidated for Public Convenience

(This bylaw is for reference purposes only)

ORIGINALLY ADOPTED MAY 11, 2016

(Consolidated with Amending Bylaws: 4248 , 4261 4549, and 4604)

For further details please consult CRD's Environmental Protection Division,
Glenn Harris, Senior Manager, Environmental Protection
Phone: 250-360-3090

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 “B”.

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:

“Automatic shut-off nozzle” means a nozzle, attached to a water hose, that shuts off the supply of water automatically unless the application of hand pressure allows the supply of water.

[Bylaw 4261]

“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.

“Emergency Back-up System” means a Once-Through Cooling System that is not normally operated and is only activated either in an emergency situation (including, but not limited to, power outages, severe weather, or natural disasters) or in the event of a sudden failure of an otherwise properly designed, operated and maintained primary cooling system that is not a Once-Through Cooling System.

[Bylaw 4549]

“Even-Numbered Address” see “Odd-Numbered Address”

“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 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 BC Trickle Irrigation Manual prepared and published by the Irrigation Industry Association of British Columbia (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 “B”, 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 on a property.

[Bylaw 4261]

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

“Notice” means a Notice given under Section 5 of this bylaw.

[Bylaw 4261]

“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.

“Once-Through Cooling System” means a system or equipment that produces a cooling effect through the transfer of heat to water that is circulated only once through the system, and is then discharged, whether to a sewer, stream, other water body, the ground, or otherwise.

[Bylaw 4549]

“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 including, but not limited to, municipal storm drains.

[Bylaw 4261]

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

“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.

“Residential Property” means a property which is used primarily for the purpose of residence by persons on a permanent, temporary or seasonal basis.

[Bylaw 4261]

“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.

“Surface Coating” means one or more coatings such as paint, preservative, or stucco applied to exterior building surfaces.

[Bylaw 4261]

“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.

2. Application

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

3. 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.

4. Water Use Restriction Stages

- (1) The Stage 1 Water Use Restrictions prescribed in Schedule "A" are in effect each year from May 1 to September 30 inclusive, except as provided under subsection (2).
- (2) When 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 48 hours after the Notice for that Stage under section 5(1) and remain in effect until that Stage is terminated.
- (4) A Stage will remain in effect until it is terminated under this bylaw, or until the commencement of another Stage.

[Bylaw 4261]

5. Notice

The General Manager must make a public announcement of the activation or termination of any water use restriction stage, other than the automatic activation and termination of the Stage 1 water use restriction on May 1 and September 30 of each calendar year, and may do so by one or more of the following means:

- (a) radio or television broadcast;
- (b) posting on the CRD website and social media;
- (c) delivery of notices; or
- (d) publication in a local newspaper.

[Bylaw 4261]

6. Determining Water Use Restriction Stages

In making a determination under Section 4(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) current and forecasted storage levels and storage volumes of CRD Reservoirs and draw down rates;
- (4) stream flows and inflows into CRD Reservoirs;
- (5) water usage, recent consumption and trends, and customer compliance with restrictions on Water use under this bylaw;
- (6) Regional Water Supply System performance;
- (7) the effects of climate change; and
- (8) any other factor the Commission considered to be relevant for making a determination under Section 4(2).

[Bylaw 4261]

7. Water Use Restrictions

- (1) The Water Use Restrictions for each Stage are prescribed in Schedule “A” to this bylaw and must be followed 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”.
- (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.

[Bylaw 4261]

- (5) Commencing on July 1, 2028, no person shall use Water in a Once-Through Cooling System unless:
 - (a) the Once-Through Cooling System is an Emergency Back-up System, or
 - (b) the person has obtained written authorization from the General Manager to use Water in the Once-Through Cooling System in accordance with section 7(6).

[Bylaw 4549]

- (6) The General Manager may grant a person authorization to use Water in a Once-Through Cooling System if there is no reasonable alternative to using Water in a Once-Through Cooling System.

[Bylaw 4549]

8. Exemptions to Water Use Restrictions

- (1) Nurseries, Farms, Turf Farms and Tree Farms are exempted from all Stage restrictions.
- (2) Exempted Persons are exempted from Section 7 to the extent permitted by Schedule "A".

[Bylaw 4261]

9. Schedules

Schedules "A" and "B" of this bylaw form part of and are enforceable in the same manner as the bylaw.

[Bylaw 4261]

10. Offences and Penalties

- (1) A person who contravenes this bylaw commits an offence and is liable to a fine not less than \$100 and not exceeding \$10,000.
- (2) Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not less than \$100 and not exceeding \$10,000, may be imposed for each day on or during which an offence occurs or continues.
- (3) Nothing in this bylaw shall limit the District from pursuing any other remedy that would otherwise be available to the District at law.
- (4) A Bylaw Enforcement Officer may, if he or she has reason to believe an offence has been committed against this bylaw, complete and leave with the alleged offender, or at the address of the alleged offender with someone who appears to be 16 years of age or older, a ticket information pursuant to Bylaw No. 1857, *Capital Regional District Ticket Information Authorization Bylaw, 1990* as may be amended or repealed and replaced from time to time, indicating a penalty equal to the amount stipulated for such an offence.

[Bylaw 4261]

11. Repeal

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

12. Effective Date

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

13. Bylaw Citation

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

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

[original signed by]

CHAIR

[original signed by]

SECRETARY

SCHEDULE "A"
to Bylaw No. 4099

(Bylaws 4261, 4604)

OUTDOOR WATER USE RESTRICTION STAGES

APPLICATION

This schedule does not apply to Nurseries, Farms, Turf Farms and Tree Farms.

1. STAGE 1 Water Restrictions

(1) During Stage 1,

- (a) no person shall, 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, unless

[Bylaw 4604]

- (i) the property has an even-numbered address, the lawn watering is on Wednesdays or Saturdays, and the watering occurs between the hours of 12:01 a.m. to 4 a.m. by utilizing an irrigation system with a timer or automatic shut off that prevents continuous emission of Water, or between the hours of 4 a.m. to 10 a.m. or 7 p.m. to 10 p.m. by any method permitted by this bylaw;

[Bylaw 4604]

- (ii) the property has an odd-numbered address, the lawn watering is on Thursdays or Sundays, and the watering occurs between the hours of 12:01 a.m. to 4 a.m. by utilizing an irrigation system with a timer or automatic shut off that prevents continuous emission of Water, or between the hours of 4 a.m. to 10 a.m. or 7 p.m. to 10 p.m. by any method permitted by this bylaw; and

[Bylaw4604]

(b) no person shall

- (i) water trees, shrubs, flowers and vegetables on any day with a Sprinkler other than during the prescribed hours for Stage 1 lawn watering or on any day at any time if watering is done other than by hand-held container, hand held hose equipped with an automatic shut-off nozzle, or by Micro-irrigation or Drip-irrigation systems.
- (ii) water newly planted trees, shrubs, flowers and vegetables by any method referred to in Section 1(1)(b)(i) of this Schedule other than during installation and the following 24 hours;
- (iii) outside the prescribed Stage 1 lawn Watering hours, water new sod or newly seeded lawns, other than on new sod installation and during the first 21 days after installation, or for newly seeded lawns, water until growth is established or for 49 days after installation, whichever is less;
- (iv) water public, institutional or community playing fields other than between the hours of 1:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m. on any day, unless failure to water will result in a permanent loss of plant material;
- (v) wash a vehicle with Water other than by using a hand held container or a

hand held hose equipped with an automatic shut-off nozzle or at car dealerships or commercial car washes; and

- (vi) use Water to wash sidewalks, driveways, parking lots, exterior windows or exterior building surfaces, by means of other than a power washer or hand-held hose equipped with a shut-off valve or in a manner that results 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, with the written approval of the General Manager given under this bylaw, shall not water their lawn or turf on more than two days of the week for a maximum of 9 hours per day;

(b) no Public Authority shall:

(i) in the case of Municipalities only, water lawns and Boulevards other than on Mondays and Fridays during the hours of 1:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m.;

(ii) in the case of all Public Authorities, water public, institutional or community playing fields on a Wednesday or on any other day at times other than during the hours of 1:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m; and
[Bylaw 4604]

(iii) in the case of all Public Authorities, water trees, shrubs, flowers and vegetable gardens other than at the times and in the manner prescribed under Sections 1(1)(b)(i) and (ii) of this Schedule.

(c) owners or operators of golf courses shall not water

(i) fairways on any day, other than during the Stage 1 lawn prescribed times;

(ii) trees, shrubs, flowers and vegetables grown on golf courses other than in accordance with Section 1(1)(b)(i), and (ii) of this Schedule; and

(iii) golf greens and tees on any day unless failure to water will result in permanent loss of plant material.

2. **STAGE 2 Water Restrictions**

(1) During Stage 2,

(a) no person shall, 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, other than on Saturday between the hours of 4:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m.;
- (ii) an odd-numbered address, other than on Sunday between the hours of 4:00 a.m. to 10:00 a.m. or 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 surface coating, 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 continuously;
- (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) no person shall

- (i) water trees, shrubs, flowers and vegetables on any day with a Sprinkler other than during the prescribed morning hours (4:00 a.m. to 10:00 a.m.) for Stage 2 lawn watering or on any day at any time if watering is done other than by hand-held container, hand-held hose equipped with an automatic shut-off nozzle, or by Micro-irrigation or Drip-irrigation system;
- (ii) water newly planted trees, shrubs, flowers and vegetables during installation and for the following 24 hours other than by any method referred to in Section 2(1)(e)(i) of this Schedule;
- (iii) water public, institutional or community playing fields other than between the hours of 1:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m., on more than three days per week unless failure to water will result in a permanent loss of plant material;
- (iv) wash a vehicle with Water other than by using a hand-held container or a hand-held hose equipped with an automatic shut-off nozzle or 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, with the written approval of the General Manager given under this bylaw, shall not water their lawn or turf on more than one day per week for a maximum of 9 hours per day;
 - (b) no Public Authority shall:
 - (i) in the case of Municipalities only, water lawns and Boulevards other than on Monday between the hours of 1:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m.;
 - (ii) in the case of all Public Authorities, water public, institutional or community playing fields other than during the hours of 1:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m., on no more than three days per week if failure to water will result in a permanent loss of plant material;
 - (iii) in the case of all Public Authorities, water trees, shrubs, flowers and vegetable gardens other than at the times and in the manner prescribed under Sections 2(1)(e)(i), and (ii) of this Schedule;
 - (c) owners or operators of golf courses shall not water
 - (i) fairways more than two days per week during prescribed lawn watering times;
 - (ii) trees, shrubs, flowers and vegetables grown on golf courses other than in accordance with Section 2(1)(e)(i) and (ii) of this Schedule; and
 - (iii) golf greens and tees on any day unless failure to water so will result in permanent loss of plant material.

3. STAGE 3 Water Restrictions

- (1) During Stage 3,
- (a) no person shall
 - (i) water a lawn, turf or Boulevard;
 - (ii) fill a wading pool, 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 surface coating, 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) no person or Public Authority shall
 - (i) water trees, shrubs, flowers and vegetables on any day other than between the hours of 4:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m. if watering is done by hand-held container, a hand held hose equipped with an

- automatic shut-off nozzle, or by Micro-irrigation or Drip-irrigation systems;
 - (ii) water newly planted trees, shrubs, flowers and vegetables other than between the hours of 4:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m. only by hand-held container or a hand held hose equipped with an automatic shut-off nozzle, during installation and during the following 24 hours after installation is completed;
 - (iii) water public, institutional or community playing fields other than between the hours of 4:00 a.m. to 10:00 a.m., on no more than 3 days a week, if failure to water will result in a permanent loss of plant material.
- (2) As exceptions to the Stage 3 restrictions,
- (a) owners or operators of golf courses shall not water
 - (i) fairways more than one day per week during the hours of 4:00 a.m. to 10:00 a.m. or 7:00 p.m. to 10:00 p.m.;
 - (ii) trees, shrubs, flowers and vegetables grown on golf courses other than in accordance with Section 3(1)(b)(i), (ii) and (iii) of this Schedule; and
 - (iii) golf greens and tees on any day unless failure to water will result in permanent loss of plant material;
 - (b) Vehicles and Boats must not be washed with Water other than at car dealerships and commercial car washes using less than 57 litres of Water per Vehicle wash or using 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

