

**CAPITAL REGIONAL DISTRICT
Bylaw No. 4492**

ELECTORAL AREAS WATER CONSERVATION BYLAW

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

AND WHEREAS the Capital Regional District (“CRD”) has established or continued Water Supply local services providing drinking water in the Southern Gulf Islands, Salt Spring Island, and Juan de Fuca Electoral Areas;

AND WHEREAS the CRD desires to enact regulations to protect local Water System supplies to mitigate the risk of low water storage levels within these Water Systems;

AND WHEREAS this bylaw does not apply to water not provided under a Water System operated by the CRD on behalf of service participants, such as water from private water systems, irrigation wells, or water provided by other public authorities;

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.

“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.

“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 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.

“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.

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

“Notice” means a Notice given under Section 5 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*.

“Once-Through Cooling” means to use Water to provide a cooling effect through the transfer of heat to Water that circulates only once through equipment, and is then discharged,

whether to a sewer, stream, other water body, to the ground, or otherwise.

“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.

“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.

“Public Spray Park” means a facility that is open to the public and that 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.

“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.

“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 a Water System 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 System” or “Water Systems” means the following local services, individually or collectively as applicable, as set out in the below table:

Water System Name	Establishing Bylaw
Beddis Water System	Bylaw No. 3188, “Beddis Water Service Establishment Bylaw No. 1, 2004”
Cedar Lane Water System	Bylaw No. 3424, “Cedar Lane Water Service Establishment Bylaw No. 1, 2007”
Cedars of Tuam Water System	Bylaw No. 3021, “Salt Spring Island Cedars of Tuam Water System Service Establishment Bylaw No. 1, 2002”
Fulford Water System	Bylaw No. 3202, “Fulford Water Service Establishment Bylaw No. 1, 2004”
Highland/Fernwood Water System	Bylaw No. 3753, “Highland and Fernwood Water Service Establishment Bylaw No. 1, 2010”
Lyll Harbour/Boot Cove Water System	Bylaw No. 2920, “Lyll Harbour/Boot Cove Water Service Establishment Bylaw No. 1, 2001”
Magic Lake Estates Water System	Bylaw No. 1874, “Outer Gulf Islands Magic Lake Estates Water System Local Service Establishment Bylaw, 1990”
Skana Water System	Bylaw No. 3089, “Skana Water Service Establishment Bylaw No. 1, 2003”
Sticks Allison Water System	Bylaw No. 2556, “Sticks Allison Water Local Service Establishment Bylaw No. 1, 1997”
Surfside Park Water System	Bylaw No. 3087, “Surfside Park Estates Water Service Establishment Bylaw No. 1, 2003”
Port Renfrew Water System	Bylaw No. 1747, “Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989”
Wilderness Mountain Water System	Bylaw No. 3503, “Wilderness Mountain Water Service Establishment Bylaw No. 1, 2008”

“Water System Area” means the area serviced by a Water System, as may be amended by the CRD from time to time.

“Water System Supply” means the CRD drinking water supplies for the Water Systems operated and administered by the CRD under the authority referred to in the Recitals to this bylaw.

“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 Water System’s service area.

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 Water Supply the General Manager may:
 - (a) amend the effective period of time for Stage 1 for any or all Water Systems, 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 for any or all Water Systems.
- (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.

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) posting or delivery of notices; or
- (d) publication in a local newspaper.

6. Determining Water Use Restriction Stages

In making a determination under Section 4(2), the General Manager 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 or Water Systems and draw down rates;
- (4) stream flows and inflows into CRD Reservoirs and Water Systems;
- (5) water usage, recent consumption and trends, and customer compliance with restrictions on Water use under this bylaw;
- (6) Water System performance;
- (7) the effects of climate change; and

- (8) any other factor the General Manager considers to be relevant for making a determination under Section 4(2).

7. Water Use Restrictions

- (1) The Water Use Restrictions for each Stage are prescribed for each Water System 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 from a Water System 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 a Water System Area, shall use Water or cause Water from a Water System to be used contrary to the provisions of this bylaw in effect at the time of use.

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".

9. Schedules

- (1) Schedule "A" of this bylaw forms part of and is enforceable in the same manner as the bylaw.

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 they have 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.

11. Bylaw Citation

This Bylaw may be cited as "Capital Regional District Electoral Areas Water Conservation Bylaw No. 1, 2023".

READ A FIRST TIME THIS	10 th	day of	May, 2023
READ A SECOND TIME THIS	10 th	day of	May, 2023
READ A THIRD TIME THIS	10 th	day of	May, 2023
ADOPTED THIS	10 th	day of	May, 2023



CHAIR



CORPORATE OFFICER

SCHEDULE "A"
to Bylaw No. 4492

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, on more than one day per week 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) 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) water public, institutional or community playing fields, lawns and Boulevards 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 more than one day per week; and
 - (ii) water trees, shrubs, flowers and vegetable gardens other than at the times and in the manner prescribed under Section 1(1)(b)(i) 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), 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, on more than one day per two-week period 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 a Water System Supply; and
- (e) no person shall
 - (i) water trees, shrubs, flowers and vegetables on more than one day per week 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 one day per week unless failure to water will result in a permanent loss of plant material;
 - (iv) wash a Vehicle or Boat with Water other than 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; or
 - (v) leave water service turned on, at the residential point of connection to the residence, home, or dwelling, when property is uninhabited for more than 30 consecutive days.

- (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) water public, institutional or community playing fields, lawns and Boulevards 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 one day per week if failure to water will result in a permanent loss of plant material;
 - (ii) water trees, shrubs, flowers and vegetable gardens other than at the times and in the manner prescribed under Section 2(1)(e)(i), and (ii) of this Schedule;
 - (c) owners or operators of golf courses shall not water
 - (i) fairways more than one day 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) operate or fill 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;
 - (vii) utilize a Motion-Activated Sprinkler Device to deter animals or wildlife; or
 - (viii) leave water service turned on when property is uninhabited for more than 30 consecutive days.
 - (b) no person or Public Authority shall
 - (i) water trees, shrubs, flowers and vegetables on any day, except where watering only one day per week between the hours of 4:00 a.m. to 10:00 a.m. and when 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. if watering is done 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 one day per 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) 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;
- (b) Vehicles and Boats must not be washed with Water other than at 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.