

The following is a consolidated copy of the Comox Valley water conservation bylaw and includes the following bylaws:

| Bylaw No. | Bylaw Name  | Adopted      | Purpose  |
|-----------|---|--------------|--|
| 129       | Comox Valley Water Conservation Bylaw 2010                  | May 25, 2010 | A bylaw to regulate water use in the Comox Valley water system   |
| 219       | Comox Valley Water Conservation Bylaw 2010, Amendment No. 1 | May 29, 2012 | A bylaw to change the effective date of stage 2 and its restrictions   |
| 430       | Comox Valley Water Conservation Bylaw 2010, Amendment No. 3 | May 31, 2016 | To refine and improve regulatory language for all water restrictions and to provide for extreme drought weather conditions requiring a stage 4 water supply restriction program. |

**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. Some sub-section references have been updated to reflect amending bylaw language. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.**

## COMOX VALLEY REGIONAL DISTRICT

### BYLAW NO. 129

#### **A bylaw to regulate water use in the Comox Valley water system**

**WHEREAS** the Comox Valley Regional District (CVRD) provides a service of water supply pursuant to Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” within the following participating municipalities and electoral areas:

- The Corporation of the City of Courtenay;
- The Town of Comox;
- Baynes Sound (Electoral Area ‘A’);
- Lazo North (Electoral Area ‘B’); and
- Puntledge – Black Creek (Electoral Area ‘C’);

**AND WHEREAS** under section 796.2 of the *Local Government Act* a regional district may regulate in relation to a service;

**AND WHEREAS** under section 796.2 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;

**NOW THEREFORE** the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Definitions**

1. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

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

**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;

**Board** means the board of the Comox Valley 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 traveled roadway, driveway or sidewalk and includes any landscaped median;

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

**Comox Valley water committee** means the committee established by Comox Valley Regional District Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995”;

**Electoral area service areas** means those portions of Electoral Areas A, B, and C that are within the service areas created by:

- Bylaw No. 1453 being “Marsden/Camco Water Local Service Area Conversion and Establishment Bylaw, 1992”;
- Bylaw No. 1494 being “Greaves Crescent Water Local Service Area Establishment By-law, 1993”;
- Bylaw No. 1678 being “Arden Water Local Service Area Conversion and Establishment Bylaw, 1994”;

- Bylaw No. 1886 being “Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996”; and
- Bylaw No. 1999 being “England Road Water Local Service Area Establishment Bylaw No. 1999, 1998”;

**Exempted person** means an owner or occupier of property identified in schedule ‘A’ as exempt from one or more of the regulations under this bylaw;

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

**General manager** means any one of the officers of the CVRD, the senior manager of water/wastewater services or the manager of water services;

**Local Government** means the City of Courtenay, Town of Comox and the Comox Valley Regional District.

**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 BC Trickle Irrigation Manual prepared and published by the BC Ministry of Agriculture and Food, Resource Management Branch (issue 1999), but does not include weeper or soaker hoses;

**Municipality** means the Corporation of the City of Courtenay (Courtenay) and the Town of Comox (Comox);

**Notice** means a notice given under section 6 of this bylaw;

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

**Operational officers** means a group of persons comprised of one (1) of each of the following:

- (a) the chief administrative officer, general manager of engineering services, or senior manager of water/wastewater services of the CVRD;
- (b) the chief administrative officer or a senior operational staff member of the Corporation of the City of Courtenay; and
- (c) the chief administrative officer or a senior operational staff member of the Town of Comox;

**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(1) of this bylaw;

**CVRD** means the Comox Valley Regional District;

**Restricted hours** means those time periods during which watering is permitted in schedule ‘A’ of this bylaw;

**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, or 4 of the water use restrictions prescribed in schedule 'A' of this bylaw;

**Vehicle** means a device in, on, or by which a person or thing is or may be transported or drawn on a highway;

**Water** means water supplied by the CVRD 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 schedule 'A' of this bylaw; and

**Watering days** means those days during which watering is permitted in schedule 'A' of this bylaw.

### **Application**

2. The restrictions and regulations in this bylaw are applicable in each municipality and the electoral area service areas.

### **Prohibitions**

3.
  - (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 in the municipality or in an electoral area service area, shall use water or cause water to be used contrary to the restrictions in effect at the time pursuant to schedule 'A' of this bylaw.

### **Inspection**

4. The general manager 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.

### **Effective Dates of Stages and Restrictions**

5.
  - (1) Stage 1 and the water use restrictions for stage 1 prescribed in schedule 'A' are in effect on every day of the year, except as provided under subsection (3).
  - (2) [SECTION REPEALED BY BYLAW NO 219]
  - (3) The operational officers, by written determination and based on the determination factors specified in section 7, may
    - (a) Amend the effective period of time for stages 1, 2 or 3 water use restrictions, or
    - (b) Terminate or bring into effect water use restrictions up to and including stage 3 at any time of the year for any period of time.
  - (4)
    - (i) The Comox Valley water committee, at a regular, special or emergency meeting may bring into effect stage 4 water use restrictions.
    - (ii) The operational officers, by written determination and based on the determination factors specified in section 7, may terminate stage 4 water restrictions.

- (5) In the event of system failure which limits the delivery of water at normal volumes, the chief administrative officer or general manager of the CVRD may implement water restrictions as necessary to maintain the water system without consultation with the participating municipalities.
- (6) The stage determined under section 7 and the water use restrictions prescribed under schedule 'A' for that stage take effect on the commencement date stated in 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 bylaw or until the commencement of another stage."

### **Notice**

6. (1) An operational officer of the CVRD must give notice or cause notice to be given to persons within the municipality or electoral area service areas 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
  - (a) Before the commencement of a more restrictive stage
- (3) The notice under this section must be published in a newspaper and broadcast from a radio station. The notice may also be broadcast from a television station or cable television channel serving the CVRD and posted on the CVRD web site.
- (4) In the event of the commencement of a more restrictive stage due to system failure as described under section 5(5), notices will be given immediately to senior operational staff members of the municipalities and as required to other persons in consideration of the expected duration of the event.

### **Determination Factors**

7. (1) In making a determination under section 5(3) or 5(4)(ii), the operational officers may consider:
  - (a) Forecasts of water inflow to the Comox Lake watershed provided by BC Hydro;
  - (b) Water levels in Comox Lake and projected water usage requirements of BC Hydro and Fisheries and Oceans Canada;
  - (c) BC Hydro scheduled and emergency maintenance with respect to the operation of the penstock and powerhouse which would affect the capacity of the penstock supply source;
  - (d) Operational restrictions on system capacity with respect to the usage of the standby water pumping station on the Puntledge River;
  - (e) The need to reduce peak demands on the water system, and
  - (f) Operational factors which limits the ability to supply normal water capacity.
- (2) In making a determination under section 5(4)(i), the Comox Valley water committee may consider the factors referred to in section 7(1) and any other relevant information.

### **Water Use Restrictions**

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

**Permits, Exemptions, and Special Cases**

9. (1) The CVRD and the municipalities (as agents of the CVRD) may issue permits for the installation of a new lawn in the special cases and manner prescribed in schedule ‘B’.
- (2) Exemptions and special cases to the regulations in this bylaw are prescribed in schedule ‘A’.
- (3) Exempted persons and permit holders are exempted from section 3 to the extent permitted by schedule ‘A’ and the conditions of the permit where applicable.

**Schedules**

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

**Penalty**

11. (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:
  - (a) on summary conviction is liable to a fine of not less than \$100 and subject to the maximum fines under the *Local Government Act* and the *Offence Act*; or
  - (b) on conviction of a ticket offence under the ticketing 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.

**Liability**

12. Nothing in this bylaw shall be interpreted as imposing any duty on the local governments to provide a continuous supply of water to any person or premises and it is a condition of supply of water that the local governments are not liable for any injury, damage, or loss, including economic loss, to any person or property:
  - (a) Arising or occurring from the use of water from the system;
  - (b) Resulting from a failure of water supply to any consumer; or
  - (c) Resulting from any impurity, lack of pressure, increased supply pressure, or other condition affecting water supplied by the system.

**Severability**

13. If any provision of this bylaw is held to be invalid by a court, the provision may be severed from this bylaw and such invalidity does not affect the validity of the remaining portions of this bylaw.

**Repeal**

14. Bylaw No. 2867 being “Comox Valley Water Conservation Bylaw 2006” and all amendments thereto are hereby repealed.

**Bylaw citation and effective date**

15. This Bylaw No. 129 may be cited for all purposes as “Comox Valley Water Conservation Bylaw 2010” and takes effect on the date adopted.

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

1. During stage 1
  - (a) A person may only use a sprinkler to water a lawn growing on a property with:
    - (i) an even numbered address, between the hours of 4:00 a.m. and 9:00 a.m. and 7:00 p.m. and 10:00 p.m. 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 the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 10:00 p.m. on an odd numbered day. They may not use a sprinkler to water the lawn on any other day or time.
  - (b) Local governments may use a sprinkler to water parks, ornamental lawns and grassed boulevards between the hours of 11:00p.m.-7:00a.m. on even numbered days for even numbered addresses and odd numbered days for odd numbered addresses;
  - (c) 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) under the authority of a permit, 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 on any two days of the week for a maximum of nine hours per day;
  - (b) Nurseries, farms, turf farms, and tree farms are exempted from the restrictions;
  - (c) Local government water parks and pools are exempt from the restrictions; and

- (d) owners or operators of golf courses may water
  - (i) trees, shrubs, flowers, and vegetables grown on golf courses in accordance with stage 1 sections 1 (c) (i), (ii), and (iii) of this schedule; and
  - (ii) fairways, golf greens and tees on any day if failure to do so will result in permanent loss of plant material.



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

1. During stage 2
  - (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 the hours of 6:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m.. 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 the hours of 6:00 a.m. to 8:00 a.m. and 8:00 p.m. to 10:00 p.m.. They may not use a sprinkler to water the lawn on any other day or time.
  - (b) Local government may use a sprinkler to water parks, ornamental lawns and grassed boulevards between the hours of 11:00p.m.-7:00a.m. on even numbered days for even numbered addresses and odd numbered days for odd numbered addresses;
  - (c) 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
  - (d) 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;
    - (iii) under the authority of a permit, 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;
    - (iv) water all-weather playing fields at any time if failure to do so will result in a permanent loss of plant material;
    - (v) wash exterior windows and building surfaces with water using a hand held container or hand held hose equipped with an automatic shut-off nozzle
    - (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 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, may water their property on one day per week for a maximum of nine hours per day;

- (b) Nurseries, farms, turf farms, and tree farms are exempted from the restrictions;
- (c) Local government water parks and pools are exempt from the restrictions;
- (d) Owners and operators of commercial pressure washing companies may use water but only as part of their normal business operations; and
- (e) Owners or operators of golf courses may water:
  - (i) fairways at any time on not more than two days per week;
  - (ii) trees, shrubs, flowers, and vegetables grown on golf courses in accordance with stage 2 sections 1 (d) (i), (ii), and (iii) of this schedule; and
  - (iii) golf greens and tees on any day if failure to do so will result in permanent loss of plant material.

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

1. During stage 3
  - (a) no person shall
    - (i) water a lawn or boulevard;
    - (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 the hours of 4:00 a.m. to 7:00 a.m. and 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;
    - (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 the hours of 4:00 a.m. to 7:00 a.m. and 7:00 p.m. to 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 government water parks and pools are exempt from the restrictions;
  - (c) local government may use a sprinkler to water parks, ornamental lawns and grassed boulevards between the hours of 11:00p.m.-7:00a.m. on even numbered days for even numbered addresses and odd numbered days for odd numbered addresses;
  - (d) owners or operators of golf courses may water:
    - (i) fairways at any time on not more than one day per week;
    - (ii) trees, shrubs, flowers, and vegetables grown on golf courses in accordance with stage 3 sections 1 (b) (i), (ii), and (iii) of this schedule; and
    - (iii) golf greens and tees on any day if failure to do so will result in permanent loss of plant material.
  - (e) wading pools less than 200 centimeters in diameter may be filled with water up to a maximum depth of 30 centimeters; and
  - (f) 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.

**SCHEDULE 'A' (continued)****STAGE 4 – EXTREME CONDITIONS**

1. During stage 4 all use of water for any purpose other than drinking, food preparation and personal hygiene is prohibited.
2. Without limiting the generality of section 1, prohibited uses of water during stage 4 include the following:
  - (a) watering lawns, gardens, plants and trees in any manner or by any means, including watering by hand;
  - (b) filling or topping off or operating residential or commercial pools, hot tubs or ponds or fountains;
  - (c) operating local government outdoor water parks and pools;
  - (d) washing vehicles, boats or outdoor surfaces;
  - (e) irrigating golf courses and other public and/or school district property.
3. Where reasonably possible, swimming pools, hot tubs, fountains and ponds should be drained for health and safety purposes and such water used for irrigation.
4. No new lawn permit shall be issued during stage 4, and no new lawn permit, whenever issued, shall be valid during stage 4.
5. As exceptions to stage 4 restrictions,
  - (a) spot cleaning of vehicles and boats with a sponge and bucket for health and safety reasons (windows, lights, license plates, etc.) is permitted;
  - (b) local government water main and hydrant maintenance is permitted, but only for unscheduled safety or public health reasons;
  - (c) irrigating local government all-weather playing fields;
  - (d) water use is permitted for farm and agricultural operations, but only for livestock drinking purposes and for no other purpose;
  - (e) cleaning outdoor surfaces is only authorized when required by law to comply with health or safety regulations, or to comply with an order of a regulatory authority having jurisdiction, such as WorkSafeBC or a public health inspector;
  - (f) water use is permitted for firefighting.

**SCHEDULE ‘B’**

**PERMITS**

1. During stage 1 and 2, a person/resident in an electoral area or a municipality who has installed a new lawn, either newly seeded or new sod, may apply to the Comox Valley Regional District or to the municipality respectively for a permit (a “new lawn 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 Comox Valley Regional District or the municipality may issue a permit to an applicant pursuant to section 1 and 2 upon payment to the Comox Valley Regional District or the municipality 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 or 4 restrictions.
5. The permit is to take the form of the following example

|  |  |   |  |
|--|--|---|--|
| Comox Valley Water System – Lawn Sprinkling Permit<br>(pursuant to Comox Valley Regional District Bylaw No. 129)   |  |   |  |
| Name:  |  | This permit is issued for<br><b>NEW SOD</b><br>or<br><b>NEWLY SEEDED LAWN</b> |  |
| Street Address<br>(location of permit):  |  |   |  |
|  |  | Permit issue date   |  |
|  |  | Installation date   |  |
| Permit conditions: <ol style="list-style-type: none"> <li>1. If this permit is issued for new sod, the permit is valid for 21 days after the date of installation.</li> <li>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.</li> <li>3. During the term of the permit, the permit holder may sprinkle the new sod or newly seeded lawn between the hours of 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 10:00 p.m. and at any time if watering is done by a hand held hose equipped with an automatic shut-off nozzle.</li> <li>4. This permit is to be prominently displayed at the residence for which the permit is issued.</li> <li>5. This permit is not valid during stage 3 or 4 water restrictions.</li> </ol> |  |   |  |
| Original to permit holder. Retain copy for local government records. Fee paid \$30.00.   |  |   |  |