

CORPORATION OF THE CITY OF NEW WESTMINSTER



WATER SHORTAGE RESPONSE BYLAW NO. 6948, 2004

EFFECTIVE DATE: September 27, 2004

CONSOLIDATED FOR CONVENIENCE ONLY
(July 26, 2007)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

EFFECTIVE DATE

7124

September 25, 2006

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 6948. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 6948, 2004

A BYLAW TO REGULATE WATER SHORTAGE RESPONSE

THE COUNCIL OF THE CITY OF NEW WESTMINSTER, in open meeting assembled, enacts as follows:

PART 1 : CITATION

- 1.1 This Bylaw may be cited as the "Water Shortage Response Bylaw No. 6948, 2004".

PART 2 : DEFINITIONS AND INTERPRETATION

2.1 In this Bylaw:

- (a) "Automatic Shut-off Device" means a device attached to a water hose that is spring loaded and shuts off the supply of water automatically unless hand pressure is applied to allow the supply of water.
- (b) "Commissioner" means the Commissioner of the Greater Vancouver Water District.
- (c) "Drip irrigation" means a system using irrigation components which consume less than 20 gallons (91 litres) per hour and operate at less than 25 PSI (172 kPa) to deliver Water to the root zone of the plant material being irrigated.
- (d) "Lawns" includes grass growing at cemeteries.
- (e) "Permit" means a permit issued under Part 5.
- (f) "Person" does not include a municipality, a regional district, the provincial government, but does not include any body appointed or created under an enactment of Canada or British Columbia.
- (g) "Public Announcement" means one or more advertisements or public service announcements in any one of:
 - (i) a television or radio broadcast from a station that broadcasts to the Corporation of the City of New Westminister.
 - (ii) a newspaper or other publication intended for general circulation, including one that is distributed without charge to the reader, that contains news and advertising, and is

distributed within the Corporation of the City of New Westminster at least once per week.

- (h) "Restriction Stage" means Stage 1 Restrictions, Stage 2 Restrictions, Stage 3 Restrictions, or Stage 4 Restrictions.
- (i) "Stage 1 Restrictions" means the restrictions on Water use described in sections 1.1 and 1.2 of Schedule 1.
- (j) "Stage 2 Restrictions" means the restrictions on Water use described in sections 2.1 and 2.2 of Schedule 1.
- (k) "Stage 3 Restrictions" means the restrictions on Water use described in sections 3.1 and 3.2 of Schedule 1.
- (l) "Stage 4 Restrictions" means the restrictions on Water use described in sections 4.1 and 4.2 of Schedule 1.
- (m) "Water" used as a noun means water supplied directly or indirectly by Greater Vancouver Water District or the Corporation of the City of New Westminster, whether or not mixed with rain water, gray water or recycled water.
- (n) "Water" used as a verb, and "Watering", mean the application or distribution of Water (used as a noun) to lands or plants but does not include the method known as "drip irrigation";
- (o) "Water Play Park" means a recreational facility that is primarily out of doors, that includes water slides longer than 10 meters;
- (p) "Water Restriction Announcement" means a Stage 1 Announcement, Stage 2 Announcement, a Stage 3 Announcement or a Stage 4 Announcement.
- (q) "Water Use Plan" means a Water Use Plan approved by the Director of Engineering Services or representative for a business operation under Part 5.

2.2 The schedules to this Bylaw are integral parts of this Bylaw.

2.3 The Director of Engineering Services or representative may delegate some or all of his or her powers and duties under this Bylaw.

PART 3 : DECLARATION AND ANNOUNCEMENT OF RESTRICTION STAGES

- 3.1 (a) The Commissioner may, by letter to the City Clerk or representative, declare that the Greater Vancouver Water District has activated a Restriction Stage.
- (b) If the Commissioner makes a declaration under subsection (a), the Restriction Stage described in the declaration comes into force in Corporation of the City of New Westminster seventy-two hours after

the Commissioner or the City Clerk or representative makes a Public Announcement of the declaration.

- (c) When a Restriction Stage comes into force under this section, a Restriction Stage that had been in force, if any, ceases to be in force.
- 3.2 If no Restriction Stage is in force on June 1st of any year, Stage 1 Restrictions come into force on that date without prior declaration of the Commissioner or announcement under section 3.3.
- 3.3
- (a) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 1 Restrictions, a Public Announcement by the City Clerk or representative or the Commissioner is sufficient for the purposes of paragraph 3.1(b) if it contains substantially the information set out in Schedule 2.
 - (b) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 2 Restrictions, a Public Announcement by the City Clerk or representative or the Commissioner is sufficient for the purposes of paragraph 3.1(b) if it contains substantially the information set out in Schedule 3.
 - (c) If the Commissioner the Greater Vancouver Water District has activated Stage 3 Restrictions, a Public Announcement by the City Clerk or representative or the Commissioner is sufficient for the purposes of paragraph 3.1(b) if it contains substantially the information set out in Schedule 4.
 - (d) If the Commissioner the Greater Vancouver Water District has activated Stage 4 Restrictions, a Public Announcement by the City Clerk or representative or the Commissioner is sufficient for the purposes of paragraph 3.1(b) if it contains substantially the information set out in Schedule 5.
- 3.4
- (a) No Restriction Stage remains in force after September 30th of any year, unless the Commissioner makes a declaration under this section.
 - (b) At any time before or after September 30th of any year the Commissioner may, by letter to the City Clerk or representative declare that notwithstanding subsection (a), a Restriction Stage will remain in force or come into force after September 30th.
 - (c) Subsections 3.1(b), 3.1 (c) and section 3.3 apply to a declaration made under this section, with such changes as are necessary, except that a Public Announcement of a declaration under this section shall state that the Restriction Stage that is continued in force or that comes into force after September 30th will remain in force until further declaration of the Commissioner.
 - (d) The Commissioner may make one or more declarations under this section.

PART 4 : BUSINESS WATER USE PLANS

- 4.1 A business operator may apply in writing to the Director of Engineering Services or representative for approval of a Water Use Plan stipulating:
- (a) the volume of Water historically consumed by the business operation from the first day of June to the last day of September of each year;
 - (b) the volume of Water to be consumed by the business operation from June 1st to September 30th of each year under the proposed Water Use Plan;
 - (c) the measures to be followed by the business operation to conserve Water and to reduce the use of Water;
 - (d) the schedule for Watering specified areas within the grounds for each of Restrictions Stages 1-3;
 - (e) that the business will report its actual water use to the Director of Engineering Services or representative not less than once per month when Stage 1 Restrictions or Stage 2 Restrictions are in force, and not less than once every two weeks when Stage 3 Restrictions are in force;
 - (f) such other information or commitments, conditions or restrictions as the Director of Engineering Services or representative may require.
- 4.2 The Director of Engineering Services or representative may approve a proposed Water Use Plan in whole or in part, and may amend the proposed Water Use Plan, or add such other or further commitments, conditions and restrictions as the Director of Engineering Services considers advisable.
- 4.3 If the business operator consents to adopt a Water Use Plan approved by the Director of Engineering Services or representative, it shall signify such consent in writing, specifying the date on which the business operator will adopt the Water Use Plan, in which case the Water Use Plan shall come into force for that business on the later of the date specified in the notice of consent, or the date on which the Director of Engineering Services or representative or other official receives the written notice of consent.
- 4.4 If the business operator does not consent to adopt the Water Use Plan approved by the Director of Engineering Services or representative, the Water Use Plan shall be of no force or effect.
- 4.5 If a Water Use Plan is in force for a business operation, the business operator shall comply with all conditions and restrictions set out in the Water Use Plan.

- 4.6 The Director of Engineering Services or representative may terminate or suspend a Water Use Plan by notifying the business operator in writing at least seven days before the termination date.
- 4.7 A business operator may terminate a Water Use Plan by notifying the Director of Engineering Services or representative in writing, in which case the Water Use Plan is terminated on the later of the date specified in the notice, or the date on which the Director of Engineering Services or representative receives the notice.

PART 5 : PERMITS

Permits

- 5.1 A Person who has installed a new Lawn, either by placing sod or turf or by seeding, or who has installed new landscaping on a substantial part of the outdoor portion of a premises may apply to the Director of Engineering Services or representative for a Permit authorizing the Person to water the new lawn and new landscaping when Stage 1 Restrictions or Stage 2 Restrictions are in force, at times specified in the Permit, at the premises described in the Permit, during the currency of the Permit. A Permit does not exempt the holder from Stage 3 Restrictions or Stage 4 Restrictions.
- 5.2 The Director of Engineering Services or representative, upon being satisfied that an applicant qualifies under section 5.1, shall issue a Permit in the form set out in Schedule 6 to the applicant upon payment of a fee in the amount of \$50.00 for Single Family Residential, \$75.00 for Multiple Family Residential and \$100.00 for Commercial or Industrial.
- 5.3 A Permit issued under section 5.2 shall be affixed to a post facing the street serving the premises, beside the principal driveway from the street to the premises.
- 5.4 A Permit issued under section 5.2 shall expire and be of no force or effect 21 days after the date of its issue, unless the Person has been issued an extension under section 5.5.
- 5.5 Before or after the expiration of a Permit issued under section 5.2 a Person may apply for one extension of the Permit on the same terms and conditions as may be imposed under section 5.2. Such an extension shall end on or before 42 days from the date of the issue of the Permit under section 5.2.

PART 6 : OFFENCES AND PENALTIES

- 6.1 Every Person who violates or contravenes any of the provisions of this Bylaw, or suffers or allows to be done any act or thing that violates or contravenes this Bylaw, commits an offence.
- 6.2 A prosecution under this Bylaw may be commenced by:

- (a) proceedings under Division 3 of Part 8, of the *Community Charter*,
or
 - (b) prosecution of the offence in accordance with the *Offence Act*.
- 6.3 If a prosecution is commenced pursuant to paragraph 6.2(a), upon conviction the offender shall be liable to a fine of:
- (a) \$100 if the offence is committed when Stage 1 Restrictions are in force;
 - (b) \$200 if the offence is committed when Stage 2 Restrictions are in force;
 - (c) \$500 if the offence is committed when Stage 3 Restrictions are in force; or
 - (d) \$1000 if the offence is committed when Stage 4 Restrictions are in force.
- 6.4 Subject to section 6.5, if a prosecution is commenced pursuant to section 6.2(b), upon conviction the offender shall be liable to pay a fine:
- (a) for a first conviction for an offence, of not more than \$10,000. and not less than \$3,000.;
 - (b) for a second or subsequent conviction for an offence, of not more than \$10,000. and not less than \$5,000. for each offence.
- 6.5 Where a prosecution is commenced against a commercial entity pursuant to section 6.2(b) for an offence committed while Stage 4 restrictions are in effect, whether or not a Water Use Plan is in effect for the offender, upon conviction that Person shall be liable to pay a fine of not less than \$5,000.
- 6.6 Section 6.4(b) applies whether or not a second or subsequent conviction is for conduct that preceded the conduct that is the subject matter of the prosecution then before the court.
- 6.7 If an offence under this Bylaw continues for more than one day, separate fines each not exceeding the maximum fine for that offence may be imposed for each day or part thereof in respect of which the offence occurs or continues.
- 6.8 In a prosecution under this Bylaw the onus of establishing an exemption under subsections 1.2, 2.2, or 3.2 of Schedule 1 lies on the Person claiming the exemption.

PART 7 : DATE OF COMING INTO FORCE

- 7.1 This Bylaw comes into force and takes effect on the date of its passing.

PART 8: REPEAL OF BYLAW

8.1 Bylaw No. 6112, 1993 is hereby repealed.

SCHEDULE 1: RESTRICTION STAGES

PART 1 STAGE 1 RESTRICTIONS

1.1 Subject to section 1.2 of this Schedule, when Stage 1 Restrictions are in force, no Person shall:

- (a) Water Lawns, except:
 - (i) at premises with even numbered civic addresses, on Wednesdays and Saturdays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.; and
 - (ii) at premises with odd numbered civic addresses, on Thursdays and Sundays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.;
- (b) use a hose providing Water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-off Device;

1.2 Section 1.1 of this Schedule does not apply to:

- (a) a Person who Waters Lawns or landscaping at premises described in a valid and subsisting Permit, provided the Person is and has been at all times in compliance with the Permit;
- (b) Watering:
 - (i) public sports playing fields;
 - (ii) school yards;
 - (i) the playing surfaces of golf courses;
 - (ii) turf at turf farms;
 - (iii) artificial turf or outdoor race tracks where watering is required for dust control or safety;
 - (iv) flower gardens, vegetable gardens, decorative planters, shrubs or trees.
- (c) commercial car washes.

PART 2 STAGE 2 RESTRICTIONS

2.1 Subject to section 2.2 of this Schedule, when Stage 2 Restrictions are in force, no Person shall:

- (a) Water Lawns, except:

- (i) at premises with even numbered civic addresses, on Wednesdays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.; and
- (ii) at premises with odd numbered civic addresses, on Thursdays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.;
- (b) use a hose providing Water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-off Device;
- (c) use a hose providing Water to wash sidewalks, driveways, walls, roofs or other outdoor surfaces, unless the hose is equipped with an Automatic Shut-off Device, and the purpose of washing the surface is:
 - (i) to prepare a surface for painting, sealing, or similar treatment; or
 - (ii) for the health or safety of any Person, or to prevent or control fires; or
- (d) operate ornamental fountains.

2.2 Section 2.1 of this Schedule does not apply to:

- (a) a Person who Waters Lawns or landscaping at premises described in a valid and subsisting Permit, provided the Person is and has been at all times in compliance with the Permit
- (b) Watering:
 - (i) public sports playing fields;
 - (ii) school yards;
 - (iii) the tee-off areas and putting greens of golf courses;
 - (iv) turf at turf farms;
 - (v) flowers or vegetables at commercial vegetable or flower gardens;
 - (vi) artificial turf or outdoor race tracks where watering is required for dust control or safety;
 - (vii) flower gardens, vegetable gardens, decorative planters, shrubs or trees.
- (c) commercial car washes.

PART 3 STAGE 3 RESTRICTIONS

3.1 Subject to section 3.1 of this Schedule, when Stage 3 Restrictions are in force, no Person shall:

- (a) Water:
 - (i) Lawns; or
 - (ii) flower gardens, vegetable gardens, decorative planters, shrubs or trees, unless such Watering is carried by hand with hoses equipped with Automatic Shut-off Devices, and is not carried out using sprinklers or soaker hoses.
- (b) use a hose providing Water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-off Device, and the purpose of washing is to maintain visibility of lights or licence plates, or through windows, or is otherwise for the safe operation of the boat or motor vehicle;
- (c) use a hose providing Water to wash sidewalks, driveways, walls, roofs or other outdoor surfaces, unless the hose is equipped with an Automatic Shut-off Device, and the purpose of washing the surface is:
 - (i) to prepare a surface for painting, sealing, or similar treatment; or
 - (ii) for the health or safety of any Person, or to prevent or control fires;
- (d) operate ornamental fountains;
- (e) use Water to fill or re-fill garden ponds, ornamental fountains, hot-tubs, or swimming pools; or
- (f) use a hose providing Water unless the hose is equipped with an Automatic Shut-off Device.

3.2 Section 3.1 of this Schedule does not apply to:

- (a) Watering:
 - (i) turf on turf farms;
 - (ii) public sports playing fields;
 - (iii) school yards;
 - (iv) the tee-off areas and putting greens of golf courses, provided that water is used only to the extent necessary to maintain the viability of the grass in those areas;

- (v) flowers or vegetables at commercial vegetable or flower gardens; or
 - (vi) artificial turf or outdoor race tracks if such Watering is required for dust control or safety; or.
- (b) commercial car washes.

PART 4 STAGE 4 RESTRICTIONS

4.1 Subject to section 4.2 of this Schedule, when Stage 4 Restrictions are in force, no Person shall:

- (a) Water, or engage in drip irrigation using Water, of:
 - (i) Lawns or landscaping, whether newly planted or otherwise;
 - (ii) flower or vegetable gardens;
 - (iii) decorative planters;
 - (iv) shrubs or trees;
 - (v) artificial turf;
 - (vi) outdoor tracks.
- (b) use a hose providing Water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-off Device, and the purpose of washing is to maintain visibility of lights or licence plates, or the ability to see through windows, or is otherwise for the safe operation of the boat or motor vehicle;
- (c) operate a lawn sprinkler using Water for play;
- (d) use a hose providing Water to wash sidewalks, driveways, walls, roofs or other outdoor surfaces, unless the hose is equipped with an Automatic Shut-off Device, and the washing has been ordered by a regulatory authority;
- (e) operate ornamental fountains;
- (f) operate a Water Play Park or water slide;
- (g) use Water to fill or re-fill garden ponds, ornamental fountains, hot-tubs, or swimming pools;
- (h) use Water from a hose providing Water unless the hose is equipped with an Automatic Shut-off Device; or
- (i) operate a car wash.

4.2 For greater certainty, section 4.1 of this Schedule applies to all areas of:

- (i) sports playing fields; and
- (ii) school yards.

PART 5 EXEMPTIONS

5.1 The restrictions set out in Parts 1-3 of this Schedule do not apply to a Person operating under a valid and subsisting Water Use Plan issued under Part 5 of this Bylaw, provided that the Person is in compliance with the Water Use Plan.

Bylaw No. 7124, 2006

5.2 - The restrictions set out in Parts 1-3 of this Schedule do not apply during any one 5 day period between July 15 and July 31, when an appropriate nematode treatment for Chafer Grubs is being completed. Lawn watering will be permitted within the normal water restriction time frames (4–9am and 7-10pm) for the 2 days before and the 2 days after the treatment. Lawn watering will be unrestricted on the day of treatment. The restrictions return to being in effect the day following the treatment. This exemption is valid only during Stage 1 restrictions and is not valid under Stage 2, 3 or 4 restrictions. Notice must be provided to the Engineering Department prior to initiation of the treatment process.

**SCHEDULE 2: INFORMATION FOR PUBLIC ANNOUNCEMENT OF
STAGE 1 RESTRICTIONS**

A Public Announcement of Stage 1 Restrictions is sufficient for the purposes of section 3.3 of this Bylaw if it includes substantially the following information:

- That lawn sprinkling is allowed only from 4 AM to 9AM and 7PM to 10PM
- That even-numbered addresses, may sprinkle only on Wednesdays and Saturdays, and that odd-numbered addresses may sprinkle only on Thursdays and Sundays
- That these sprinkling regulations apply only to lawns, and not to gardens, shrubs, trees and flower beds
- That when washing a boat or motor vehicle other than at commercial car wash, water hoses must be equipped with an automatic shut-off device.

SCHEDULE 3: INFORMATION FOR PUBLIC ANNOUNCEMENT OF STAGE 2 RESTRICTIONS

A Public Announcement of Stage 2 Restrictions is sufficient for the purposes of section 3.3 of this Bylaw if it includes substantially the following information:

- That lawn sprinkling is allowed only from 4 AM to 9AM and 7PM to 10PM
- That even-numbered addresses may sprinkle only on Wednesdays, and that odd-numbered addresses may sprinkle only on Thursdays
- That these sprinkling regulations apply only to lawns, and not to gardens, shrubs, trees and flower beds
- That hosing or pressure washing of outdoor surfaces is only allowable for health, safety or preparing a surface for painting, sealing, or similar treatment;
- That decorative fountains must be shut down
- That when washing a boat or motor vehicle other than at commercial car wash, water hoses must be equipped with an automatic shut-off device (e.g., a nozzle that shuts off automatically unless hand pressure is applied).

**SCHEDULE 4: INFORMATION FOR PUBLIC ANNOUNCEMENT OF
STAGE 3 RESTRICTIONS**

A Public Announcement of Stage 3 Restrictions is sufficient for the purposes of section 3.3 of this Bylaw if it includes substantially the following information:

- That lawn sprinkling is not allowed by homes or businesses
- That residential and most commercial gardens, shrubs, trees and flower beds may only be watered by hand, by containers or drip irrigation
- That private (residential) pressure washing is prohibited, and that commercial hosing or pressure washing is only allowed for health, safety or preparing a surface for painting
- That decorative fountains must be shut down
- That hand washing of vehicles is restricted to features required for safety (windows, lights, licenses)
- That refilling of private, commercial and public swimming pools is prohibited
- That when washing a boat or motor vehicle other than at commercial car wash, water hoses must be equipped with an automatic shut-off device (e.g., a nozzle that shuts off automatically unless hand pressure is applied).

**SCHEDULE 5: INFORMATION FOR PUBLIC ANNOUNCEMENT OF
STAGE 4 RESTRICTIONS**

A Public Announcement of Stage 4 Restrictions is sufficient for the purposes of section 3.3 of this Bylaw if it includes substantially the following information:

- That lawn sprinkling by homes or businesses is prohibited, including using sprinklers for children's play
- That watering of residential and commercial gardens, shrubs, trees and flower beds by any method is prohibited
- That drip irrigation is prohibited
- That private and commercial hosing or pressure washing is prohibited except if ordered by a regulatory authority
- That washing of vehicles using any method is prohibited except for features required for safety (windows, lights, licenses), including at commercial car washes.
- That decorative fountains must be shut down
- That refilling of private, commercial and public garden ponds, ornamental fountains, hot-tubs and swimming pools is prohibited
- That the operation of Water Play Parks is prohibited

SCHEDULE 6

FORM FIN24 (REV. 00/08)

CORPORATION OF THE CITY OF NEW WESTMINSTER

CASHIER'S RECEIPT

Finance Department

Amount: \$ Date:

RECEIVED from: _____
address: _____
in payment of: _____
the sum of: _____

| G/L account | Amount | EXP. | dollars |
|-------------|--------|------|---------|
| | | | |
| | | | |
| | | | |
| 1.2050 GST | | | |

SPRINKLING PERMIT

This receipt is valid only when stamped "PAID" by Cashier's Register

G.S.T. Registration No. R119439503