

**THE CORPORATION OF THE VILLAGE OF POUCE COUPE
BYLAW NO. 927, 2009**

A bylaw to establish water conservation measures within the Village Bylaw #927, 2009.

WHEREAS, the Council of the Village of Pouce Coupe deem it necessary from time to time to establish procedures and regulations for the use of water;

NOW THEREFORE, the Council of the Village of Pouce Coupe enacts as follows:

PART ONE: DECLARATION AND ANNOUNCEMENT OF WATER CONSERVATION MEASURES

1 Declaration of Conservation Stages

1.1 The Council of the Village of Pouce Coupe may declare that the Village has activated a **water conservation stage**.

1.2 If the Council makes a declaration, the **water conservation stage** described in the declaration comes into force in the Village seventy-two hours after the declaration.

1.3 When a **water conservation stage** comes into force under this section, any prior **conservation stage** that had been in force, if any, ceases to be in force.

1.4 If no **water conservation measures** are in force on **May 1st** of any year, **Stage 1 Water Conservation measures** automatically become effective on that date.

PART TWO: WATER CONSERVATION MEASURE STAGES

As the purpose of this our water resource, and limit waste as much as possible, at no time may a person use a tap or a hose to deploy water, unless it is equipped with an automatic shut-off device.

2.1 Stage 1 Water Conservation Measures

2.1.1 Subject to the provisions of section 2.5, when **Stage 1 measures** are in force, a person **MUST NOT**:

- (a) water lawns, except:
 - (i) at premises with even-numbered civic addresses, on Wednesdays and Saturdays between 4:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 10:00 p.m.; and
 - (ii) at premises with odd-numbered civic addresses, on Thursdays and Sundays between 4:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 10:00 p.m.; or

2.2 Stage 2 Water Conservation Measures

2.2.1 Subject to the provisions of section 2.6, when **Stage 2 Water Conservation Measures** are in force, a person **MUST NOT**:

- (a) water lawns, except:
 - (i) at premises with even-numbered civic addresses, on Wednesdays between 4:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 10:00 p.m.; and
 - (ii) at premises with odd-numbered civic addresses, on Thursdays between 4:00 a.m. and 9:00 a.m. and between 7:00 p.m. and 10:00 p.m.;
- (b) use a hose providing unless the purpose of the usage is to prepare a surface for painting, sealing, or similar treatment; to prevent or control fires; or
- (c) operate ornamental fountains.

2.3 Stage 3 Water Conservation Measures

2.3.1 Subject to the provisions of section 2.7, when **Stage 3 Water Conservation Measures** are in force, a person must not:

- (a) water:
 - (i) any lawn; or
 - (ii) flower gardens, vegetable gardens, decorative planters, shrubs or trees, unless such watering is carried out by hand with a hose equipped with an automatic shut-off device and is not carried out using sprinklers or soaker hoses;
- (b) use a hose providing water to wash boats or motor vehicles, unless the purpose of the washing is to maintain visibility of lights or license plates, or through windows, or is otherwise for the safe operation of the boat or motor vehicle;
- (c) water as prohibited in clauses (b) and (c) of subsection 2.2.1;
- (d) use water to fill or re-fill garden ponds, ornamental fountains, hot-tubs, or swimming pools;

2.4 Stage 4 Water Conservation Measures

2.4.1 When **Stage 4 Water Conservation Measures** are in force, a person must not:

- (a) water as prohibited in:
 - (i) clause (c) of subsection 2.2.1; and
 - (ii) clauses (b), (d), and (e) of subsection 2.3.1;
- (b) water, or engage in drip irrigation 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; or
 - (vi) outdoor tracks;
- (c) operate a lawn sprinkler using water for play;
- (d) use a hose providing water unless the usage has been ordered by a regulatory authority;
- (e) operate a car wash.
- (f) haul bulk water for non potable uses

2.4.2 For greater certainty, the provisions of subsection 2.4.1 apply to all areas of:

- (a) commercial nurseries and produce farms;
- (b) turf farms;
- (c) sports playing fields; and
- (d) school yards.

2.5 Exceptions to Water Conservation Measures – Stage 1

2.5.1 The **Stage 1 Water Conservation Measures** specified in subsections 2.1.1 do not apply to:

- (a) a person who waters lawns or landscaping at premises pursuant to a 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) turf at turf farms;
 - (iv) flower gardens, vegetable gardens, decorative planters, shrubs or trees; and

2.6 Exceptions to Water Conservation Measures – Stage 2

2.6.1 The **Stage 2 Water Conservation Measures** specified in subsection 2.2.1 do not apply to:

- (a) a person who waters lawns or landscaping at premises pursuant to a permit issued under subsection 3.1.3, provided the person is and has been at all times in compliance with the permit;

(b) watering:

- (i) as permitted in clauses (b)(i) through (v) of subsection 2.5.1;
- (ii) flowers or produce at commercial nurseries or produce farms;
- (iii) trees at tree farms

2.7 Exceptions to Water Conservation Measures – Stage 3

2.7.1 The **Stage 3 Water Conservation Measures** specified in subsection 2.3.1 do not apply to watering:

- (a) as permitted in clauses (b)(i) through (iv) of subsection 2.5.1.;
- (b) flowers or produce at commercial nurseries or produce farms;
- (c) trees at tree farms

2.8 Time Limit for Water Conservation Measures

2.8.1 No **Water Conservation Measures Stage** remains in force after September 30th of any year, unless the Council makes a declaration under this section.

PART THREE: PERMITS

3.1 Permits for New Lawns or Landscaping

3.1.1 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 Village Administration for a permit authorizing the person to water the new lawn and new landscaping when **Stage 1** or **Stage 2 Water Conservation Measures** are in force.

3.1.2 An application for a permit must be accompanied by an application fee of \$50.00.

3.1.3 The Village Administration, upon being satisfied that an applicant qualifies under section 3.1.1, may issue a permit to the applicant.

3.1.4 Notwithstanding **Stage 1** or **Stage 2 Water Conservation Measures**, the holder of a valid permit is authorized to water new lawn and new landscaping at the premises described in the permit during the times and for the period specified in the permit.

3.1.5 A permit does not exempt the holder from **Stage 3** or **Stage 4 Water Conservation Measures**.

3.1.6 A permit must be affixed to the property facing the street serving the premises, beside the principal driveway from the street to the premises.

3.1.7 A permit expires and is of no force or effect 21 days after the date of its issue, unless extended under subsection 3.1.8.

3.1.8 Before or after the expiration of a permit, the permit holder may apply for one extension of the permit, but any such extension must end on or before 42 days from the date of the issue of the permit under section 3.1.3.

PART FOUR: INTERPRETATION

4.1 In this bylaw, unless the context otherwise requires:

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.

COMMERCIAL means for profit or gain.

COUNCIL means the Council of the Village of Pouce Coupe

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.

PERMIT means a permit issued under Part 3 of this bylaw.

PERSON does not include a municipality, a regional district, the provincial government, or any body appointed or created under an enactment of Canada or British Columbia.

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 Village;
- (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 Village at least once per week.

VILLAGE means the Village of Pouce Coupe.

VILLAGE ADMINISTRATION means the Administration department for the Village of Pouce Coupe.

WATER CONSERVATION means conservation of water use imposed by **MEASURES STAGE** Council, specifically the stages of restrictions specified in Part Two of this bylaw.

STAGE 1 MEASURES means the **conservation of** water use specified in section 2.1 of this bylaw.

STAGE 2 MEASURES means the **conservation of** water use specified in section 2.2 of this bylaw.

STAGE 3 MEASURES means the **conservation of** water use specified in section 2.3 of this bylaw.

STAGE 4 MEASURES means the **conservation of** water use specified in section 2.4 of this bylaw.

WATER used as a noun, means water supplied directly or indirectly by the Village of Pouce Coupe whether or not mixed with rain water, gray water or recycled water.

WATER OR WATERING used as a verb, 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.

PART FIVE: OFFENCES AND PENALTIES

5.1 Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw,

is deemed to have committed an infraction of, or an offence against this bylaw is liable on summary conviction, to the penalties provided in section 5.2, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

5.2 **Subject to Section 5.1**, the offender is liable to the following fines:

- (a) for a first offense, a written warning will be issued by Village Administration.

(b) for a second offense, a municipal ticket in the amount of \$75.00 will be issued by Village Administration.

(c) for a third or subsequent offense, upon conviction pursuant to the *Offence Act* for an offence against this bylaw, not less than \$100.00 and not more than \$500.00.

5.3 In a prosecution under this bylaw, the onus of establishing an exemption under sections 2.5, 2.6 or 2.7 lies on the person claiming the exemption.

PART SIX: SEVERABILITY & CITATION

6.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

This Bylaw may be cited for all purposes as "**WATER CONSERVATION MEASURES BYLAW NO. 927, 2009**" and comes into effect on the date of adoption.

Read a First Time this 19th day of May, 2009.

Read a Second Time this 19th day of May, 2009.

Read a Third Time this 19th day of May, 2009.

Reconsidered and Finally Adopted this 1st day of June, 2009.

Mayor Lyman Clark

Chief Administrative Officer, Peter Thomas

Certified a true copy of the
"Village of Pouce Coupe Water Conservation Bylaw No. 927, 2009"
At Adoption

Chief Administrative Officer, Peter Thomas