



**DISTRICT OF PORT HARDY
BYLAW 1050-2016**

A BYLAW TO REGULATE CONSERVATION OF WATER

**CONSOLIDATED FOR CONVENIENCE
Amending Bylaw 1086-2018, October 2018**

WHEREAS The *Community Charter* authorizes Council to regulate municipal services;

AND WHEREAS the Council of the District of Port Hardy deems it necessary to conserve water;

NOW THEREFORE the Council of the District of Port Hardy in open meeting assembled enacts as follows:

1. TITLE

This Bylaw can be cited as the "District of Port Hardy Water Conservation Bylaw -2016"

2. DEFINITIONS

"Appliance" means a device or mechanism, other than that owned and operated by the District, in or through which water is piped or used for a domestic, commercial or industrial purpose.

"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 District of Port Hardy to enforce this bylaw.

"Council" means the Council of the District of Port Hardy.

"District Administrator" means the Chief Administrative Officer or designate.

"Exempted person" means an Owner of property identified in Schedule "A" as exempt from one or more of the regulations of this bylaw.

"Farm" means a parcel of land classified as farmland for assessment and taxation purposes.

"Fill" means to fill completely with water.

"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 psi 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 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.

"District" means the District of Port Hardy.

"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.

“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” means any person who owns, is in possession of, or who has the care, control or custody of property.

“Permit” means a permit issued under Section 8(a) of this bylaw.

“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 the Stages 1, 2, 3 and 4 of 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 District of Port Hardy directly or indirectly to an Owner or the act of using or applying such water.

“Water Use Restrictions” means the restrictions prescribed in Schedule “A” of this bylaw.

“Watering Days” means those days during which watering is permitted in Schedule “A” of this bylaw.

3. DECLARATION OF CONSERVATION STAGES

The declaration of the water restriction stages are as follows: each water restriction stage is identified in Schedule ‘A’ Attached to and forming this bylaw.

- (a) Stage 1 and the Water Use Restrictions for Stage 1 prescribed in Schedule “A” are in effect in each year from May 1st to October 31st both inclusive, except as provided under subsection (b).
- (b) The District Administrator, in consultation with the Water System Management, may
 - (i) amend the effective period of time for Stage 1, or
 - (ii) terminate or bring into effect a Stage more restrictive than Stage 1 at any time of the year for any period of time.
- (c) When a declaration is made under subsection 3(b), the water conservation stage described in the declaration comes into force in the District forty eight (48) hours after Council or the District Administrator makes a public announcement of the declaration.
- (d) 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.
- (e) When a stage 4 water restriction comes into force the District Administrator shall notify all property owners immediately within twenty four (24) hours.

4. NOTICE

- (a) The District Administrator must give Notice or cause Notice to be given to persons within the Municipality of the applicable Stage determined under Section 3 and its effective

dates of commencement and termination when determined by the Council or District Administrator.

- (b) The Notice under subsection (a) must be given at least once:
 - (i) before the commencement of the applicable Stage, and
 - (ii) within a reasonable time after the termination of any stage by the Council or District Administrator.

- (c) The notice under this section shall be determined by the District Administrator based on severity and may consist of any of the following means:

Changing the level on the water notice signage;

- (i) Newspaper;
- (ii) Community bulletin boards;
- (iii) Mail out;
- (iv) Radio advertising;
- (v) Door to door;
- (vi) Telephone.
- (vii) Website; or
- (viii) Social Media.

5. PROHIBITIONS

- (a) The prohibitions in subsections 5(b) and 5(c) are in force at all times of the year.
- (b) No person shall damage or allow the deterioration of any Appliance so as to result in a waste of Water.
- (c) 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:
 - (i) allowing a tap or hose to run Water unnecessarily, and
 - (ii) the Over-Watering of plants or lawns.
- (d) No person, being an Owner of property in the District, shall use Water or cause Water to be used contrary to the provisions of this bylaw in effect at the time of use.

6. INSPECTION

The District Bylaw Enforcement Officer or a Bylaw Enforcement Officer as designated in a valid District of Port Hardy Municipal Ticket Information System Bylaw 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.

7. WATER USE RESTRICTIONS

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.

8. PERMITS, EXEMPTIONS AND SPECIAL CASES

- (a) The District may issue Permits in the special cases and manner prescribed in Schedule "B".
- (b) Exemptions and special cases to the regulations in this bylaw are prescribed in Schedule "A".
- (c) 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.

9. SCHEDULES

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

10. SEVERABILITY CLAUSE

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

11. PENALTY

(a) A person who contravenes this bylaw commits an offence, is punishable in accordance with the Offence Act, and on conviction, in addition to the penalties prescribed under the Offence Act, is subject to the following minimum fines:

- (i) for an offence under section 5(b) of this bylaw, a minimum fine of \$100 plus costs for each month that deterioration of an Appliance is not rectified will constitute a new offence;
- (ii) for an offence under section 5(c) of this bylaw, a minimum fine of \$100 plus costs if the offence is committed during Stage 1, \$200 plus costs if the offence is committed during Stage 2, \$300 plus costs if the offence is committed during Stage 3, \$1000 plus costs if the offence is committed during Stage 4 and \$100 plus costs if the offence is committed when no Stage is in effect; and
- (iii) for an offence under section 5(d) of this bylaw, a minimum fine of \$50 plus costs for each offence under Stage 1, \$75 plus costs for each offence under Stage 2, \$100 plus costs for each offence under Stage 3 and \$500 plus costs for each offence under Stage 4.

12. REPEAL

Bylaw 06-2005 Water Conservation is hereby repealed.

Read a first time on the 12th day of April, 2016.

Read a second time on 12th day of April, 2016.

Read a third time on the 12th day of April, 2016.

Third reading rescinded on the 26th day of April, 2016.

Bylaw 1050-2016 amended on the 26th day of April, 2016.

Read a third time on the 26th day of April, 2016.

Adopted on the 10th day of May 2016.

Original signed by:

DIRECTOR
OF CORPORATE SERVICES

MAYOR

Certified a true copy of
Bylaw No. 1050-2016 as adopted.

Director of Corporate Services

SCHEDULE "A"

OUTDOOR WATER USE RESTRICTION STAGES

1. Stage 1 – Reduced Lawn Watering

1.1 During Stage 1:

- (a) A person shall not water lawns (by hand, sprinkler or other means of automation), except:
 - (i) at a residential premises with even-numbered civic addresses Monday, Wednesday and Saturday between the hours of 7:00am-9:00am OR 8:00pm-10:00pm.
 - (ii) at a residential premises with odd-numbered civic addresses Tuesday, Thursday and Sunday between the hours of 7:00am-9:00am OR 8:00pm-10:00pm.
 - (iii) at a non-residential premises with even-numbered civic addresses Monday, Wednesday and Saturday between the hours of 1:00am and 8:00am (maximum 2 hours).
 - (iv) at a non-residential premises with odd-numbered civic addresses Tuesday, Thursday and Sunday between the hours 1:00am-8:00am (maximum 2 hours).
- (b) 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 date at any time if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
 - (ii) water newly planted trees, shrubs, flowers and vegetables by any method during installation and within 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 to a maximum of 3 hours;
 - (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, but only during the prescribed Stage 1 lawn watering hours;
 - (v) fill hot tubs, swimming pools, wading pools and fountains;
 - (vi) wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces;
 - (vii) water all-weather playing fields at any time if failure to do so will result in a permanent loss of plant material; and
 - (viii) wash a vehicle with water using a hand-held container or hose equipped with a shut-off nozzle and at car dealerships or commercial car washes.

1.2 As exceptions to the Stage 1 restrictions,

- (a) Owners 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 any three days of the week for a maximum of 6 hours per week;
- (b) Nurseries, farms, turf farms and tree farms are exempted from the restrictions; and
- (c) Public Authorities may water lawns and boulevards on any day but no more than three days per week.

2. Stage 2 – Reduced Lawn Watering and Limited Water Use

2.1 During Stage 2:

- (a) A person shall not water lawns, except:
 - (i) at a premises with even-numbered civic addresses Wednesday and Saturday between the hours of 7:00am-9:00am OR 8:00pm-10:00pm.

-
- (ii) at a premises with odd-numbered civic addresses Thursday and Sunday between the hours of 7:00am-9:00am OR 8:00pm-10:00pm.
 - (iii) at a non-residential premises with even-numbered civic addresses Wednesday and Saturday between the hours of 1:00am and 8:00am (maximum 2 hours).
 - (iv) at a non-residential premises with odd-numbered civic addresses Thursday and Sunday between the hours 1:00am-8:00am (maximum 2 hours).
- (b) no person shall use water to wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces, 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.
- (c) a person may
- (i) water trees, shrubs, flowers and vegetables on any day with a Sprinkler during the prescribed hours for Stage 2 lawn watering and on any day at any time if watering is done by hand-held container or a hose equipped with a 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 to a maximum of 3 hours;
 - (iv) fill hot tubs, swimming pools, wading pools and fountains;
 - (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 hose equipped with a shut-off nozzle and at car dealerships and commercial car washes.

2.2 As exceptions to Stage 2 restrictions,

- (a) Owners 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 any three days of the week for a maximum of 4 hours per week;
- (b) Nurseries, farms, turf farms and tree farms are exempted from the restrictions;
- (c) Public Authorities may water lawns and boulevards on any day but no more than three days per week; and
- (d) Commercial operations requiring the use of water to further business. All businesses must hold a valid business license in Port Hardy. Commercial users must ensure that water usage is not wasteful and where possible reuse water.

3. Stage 3 – No Lawn Watering, Severe Water Use Restrictions

3.1 During Stage 3:

- (a) no person shall
 - (i) water a lawn or Boulevard;
 - (ii) fill a swimming pool, hot tub or garden pond;
 - (iii) fill or operate a decorative fountain at any time;
 - (iv) wash a Vehicle or a Boat with Water; and
 - (v) use water to wash sidewalks, driveways, parking lots, exterior windows, exterior building surfaces, fences, retaining walls and all accessory buildings, structures except as necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repainting bricks, or if required by law to comply with health or safety regulations.

SEC 3.1 (V) AMENDED OCT 2018 BYL 1086-2018

- (b) a person may
 - (i) water trees, shrubs, flowers and vegetables on any day between the hours of 7:00am-9:00am OR 8:00pm-10:00pm if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
 - (ii) water newly planted trees, shrubs, flowers and vegetables between the hours 7:00am-9:00am OR 8:00pm-10:00pm only by hand-held container or a hose equipped with a shut-off nozzle during installation and 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 anytime to a maximum of 3 hours; and
 - (iv) water all playing fields at any time, but only if failure to do so will result in a permanent loss of plant material.

3.2 As exceptions to the Stage 3 restrictions:

- (a) Nurseries, Farms, turf farms and tree farms are exempted from the restrictions;
- (b) Recreational and personal use vehicles and boats may be washed with water only at car dealerships and commercial car washes using less than 57 litres of water per Vehicle wash or 50% recirculated Water as long as the total amount of Water, excluding recirculated Water, does not exceed 57 litres per Vehicle wash;
- (c) Commercial operations requiring the use of water to continue and maintain current service levels of its business operations.

SEC 3.2(c) AMENDED OCT 2018 BYL 1086-2018

4. **Stage 4 – Emergency Severe Water Use Restrictions**

During a stage 4 water restriction due to emergency requirements – including firefighting, below sustainable levels of adequate treated drinking water, flood, or any other emergency situation that would cause treated water to recede quickly, no person shall use treated District water except for personal use including:

- (a) Drinking
- (b) Bathing
- (c) Preparing meals
- (d) All other uses will be prohibited.

SCHEDULE "B"

Permits

1. During Stage 1, a person who has installed a new lawn, either newly seeded or new sod, may apply to the District for a Permit, in a form as prescribed from time to time, which will allow the new lawn to be Sprinkled with Water outside of permitted days, but within Restricted Hours. The Permit shall be conspicuously displayed at the premises for which it was issued.
2. The District shall issue a Permit to an applicant pursuant to Section 1 upon payment to the District of a fee in the amount of \$20.
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 during Stage 2 or Stage 3 restrictions.
5. A permit will be invalid if Stage 2 or Stage 3 Outdoor Water Use Restrictions are imposed.

**APPLICATION FOR PERMIT
TO WATER NEW LAWN OUTSIDE OF
PERMITTED DAYS**

**Sample Only.
This permit does not
form part of the bylaw.**

District of Port Hardy Water Conservation Bylaw No. 1050-2016

APPLICANT _____

CIVIC ADDRESS _____

MAILING ADDRESS _____

TELEPHONE Home _____ Work _____

DATE OF APPLICATION _____

TYPE OF WORK Newly seeded New Sod

INSTALLATION DATE _____

PERMIT FEE RECEIVED IN THE AMOUNT OF \$ _____

I request approval from the District of Port Hardy to water my new lawn outside of the permitted days as specified in Stage 1, Outdoor Water Use Restrictions, Schedule "A" of the District of Port Hardy Water Conservation Bylaw No. 1050-2016 I understand that:

1. restricted hours are between the hours of 7:00-9:00 a.m. and 8:00 p.m. to 10:00 p.m.; and
2. this permit will be invalid if Stage 2 or Stage 3 Outdoor Water Use Restrictions are imposed.

Signature

PERMISSION IS HEREBY GRANTED TO WATER A NEW LAWN AT THE CIVIC ADDRESS SHOWN ABOVE. THIS PERMIT WILL BE CANCELLED, WITHOUT NOTICE, IF STAGE 2 OR STAGE 3 OUTDOOR WATER USE RESTRICTIONS ARE IMPOSED.

Signature of Authorized Personnel

Date

***THIS PERMIT IS TO BE CONSPICUOUSLY DISPLAYED
AT THE PREMISES FOR WHICH IT IS ISSUED.***