

CORPORATION OF THE CITY OF NEW WESTMINSTER



WATER SHORTAGE RESPONSE BYLAW NO. 6948, 2004

EFFECTIVE DATE: September 27, 2004

CONSOLIDATED FOR CONVENIENCE ONLY
(May 25, 2016)

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.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
7124	September 25, 2006
7475	October 24, 2011
7845	May 16, 2016

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 The number of any amending bylaw that has been repealed is not referred to in this consolidation.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.

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- (e) "Residential" means a dwelling unit used for residential purposes

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- (f) "Non-Residential" means any building unit(s) other than residential housing, such as office buildings, shops, industrial units, churches, or hotels. In cases of mixed use, where commercial or industrial components are included in the same property along with residential, and subject to the landscaping being watered by an in-ground sprinkling system, the designation shall then be classified as "Non Residential".

- (g) “Permit” means a permit issued under Part 5.
- (h) “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.
- (i) “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 Westminster.
 - (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.
- (j) “Restriction Stage” means Stage 1 Restrictions, Stage 2 Restrictions, Stage 3 Restrictions, or Stage 4 Restrictions.
- (k) “Stage 1 Restrictions” means the restrictions on Water use described in sections 1.1 and 1.2 of Schedule 1.
- (l) “Stage 2 Restrictions” means the restrictions on Water use described in sections 2.1 and 2.2 of Schedule 1.
- (m) “Stage 3 Restrictions” means the restrictions on Water use described in sections 3.1 and 3.2 of Schedule 1.
- (n) “Stage 4 Restrictions” means the restrictions on Water use described in sections 4.1 and 4.2 of Schedule 1.
- (o) “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.
- (p) “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”;
- (q) “Water Play Park” means a recreational facility that is primarily out of doors, that includes water slides longer than 10 meters;
- (r) “Water Restriction Announcement” means a Stage 1 Announcement, Stage 2 Announcement, a Stage 3 Announcement or a Stage 4 Announcement.

- (s) "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.

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3.2 If no Restriction Stage is in force on May 15 of any year, Stage 1 Restrictions come into force on that date without prior declaration of the Commissioner or announcement under section 3.3.

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3.3 If the Commissioner declares that the Greater Vancouver Water District has activated either Stage 1, 2, 3 or 4 restrictions, a Public Announcement by the City Clerk or representative of the Commissioner is sufficient for the purposes of paragraph 3.1 (b) if it contains substantially the information set out in Schedule 1.

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3.4 (a) No Restriction Stage remains in force after October 15th of any year, unless the Commissioner makes a declaration under this section.

(b) At any time before or after October 15th of any year the Commissioner may, by letter to the City Clerk or representative declares that notwithstanding subsection (a), a Restriction Stage will remain in force or come into force after October 15th.

- (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 October 15th 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:

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- (a) the volume of Water historically consumed by the business operation from the 15th day of May to the 15th day of October of each year;

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- (b) the volume of Water to be consumed by the business operation from the 15th day of May to the 15th day of October of each year;
- (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

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- 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 for a 21 day period during the hours of 4:00 AM to 9:00 AM, at the premises described in the Permit. A Permit exempts the holder from Stage 1, 2 & 3 restrictions, and does not exempt the holder from 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.

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- 5.3 A Permit issued under section 5.2 shall be visibly displayed on the premises facing the street.
- 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

BYLAW NO. 7475,2011

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

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(a) Water Lawns, except:

1.1.1 Residential Addresses

- (i) at premises with even numbered civic addresses, on Monday, Wednesday and Saturday mornings (4 - 9 am)
- (ii) at premises with odd numbered civic addresses, on Tuesday, Thursday and Sunday mornings (4 - 9am)

1.1.2 Non - Residential Addresses

- (i) at premises with even numbered civic addresses, on Monday and Wednesday mornings (1 - 6 am)
 - (ii) at premises with odd numbered civic addresses, on Tuesday and Thursday mornings (1 - 6am)
 - (iii) all premises Friday mornings (4 - 9am)
- (b) use a hose providing water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-off Device;
- (c) perform hydrant flushing, except unscheduled flushing required for health or safety reasons.

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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;
 - (iii) the playing surfaces of golf courses;
 - (iv) turf at turf farms;
 - (v) artificial turf or outdoor race tracks where watering is required for dust control or safety;
 - (vi) pools, spas, water play parks, and fountains where filling is required;
 - (vii) flower gardens, vegetable gardens, decorative planters, shrubs or trees.
- (c) Commercial car washes.

PART 2 STAGE 2 RESTRICTIONS

BYLAW NO. 7475,2011

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

(a) Water Lawns, except:

2.1.1 Residential Addresses

- (i) at premises with even numbered civic addresses, on Monday mornings (4 – 9 am)
- (ii) at premises with odd numbered civic addresses, on Thursday mornings (4 - 9am)

2.1.2 Non - Residential Addresses

- (i) at premises with even numbered civic addresses, on Wednesday mornings (1 - 6 am)
- (ii) at premises with odd numbered civic addresses, on Tuesday mornings (1 - 6am)

(b) use a hose providing water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-off Device;

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- (c) pressure wash or 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
 - (iii) for aesthetic cleaning by commercial cleaning services.
- (d) operate ornamental fountains.
- (e) operate water play parks, unless the water play park is equipped with a user-activated switch.
- (f) perform hydrant flushing, except unscheduled flushing required for health or safety reasons.

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.

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- (g) operate water play parks, unless the water play park is equipped with a user-activated switch.
- (h) perform hydrant flushing, except unscheduled flushing required for health or safety reasons.

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.

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- (j) perform hydrant flushing, except unscheduled flushing required for health or safety reasons.

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; BYLAW 7845, 2016

- 5.2 A Person who wishes to treat their lawn with nematodes in order to control the Chafer Beetle may apply to the Director of Engineering Services or representative for a Permit authorizing the Person to water the nematode treated Lawn when Stage 1 Restrictions or Stage 2 Restrictions are in force for a 21 day period during the hours of 4:00 AM to 9:00 AM, at the premises described in the permit. A Permit exempts the holder from Stage 1, 2 & 3 restrictions, and does not exempt the holder from Stage 4 Restrictions.

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SCHEDULE 2 DELETED

BYLAW 7845, 2016

SCHEDULE 3 DELETED

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SCHEDULE 4 DELETED

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SCHEDULE 5 DELETED

SCHEDULE 6

FORM FIN24 (REV. 00/00)

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.
1.2050 GST		

SPRINKLING PERMIT

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

G.S.T. Registration No. R119439503