

THE CORPORATION OF THE CITY OF DAWSON CREEK

BYLAW NO. 3844

A Bylaw of The Corporation of the City of Dawson Creek (hereinafter called "the City") to establish water conservation measures within the City of Dawson Creek.

WHEREAS, the Council of the City of Dawson Creek deem it necessary from time to time to establish procedures and regulations for the use of water;

NOW THEREFORE, the Council of the City of the City of Dawson Creek, enacts as follows:

PART ONE: DECLARATION AND ANNOUNCEMENT OF WATER CONSERVATION MEASURES

1.1 Declaration of Conservation Stages

- 1.1.1 The Council of the City of Dawson Creek may declare that the City has activated a **water conservation stage**.
- 1.1.2 If the Council makes a declaration under subsection 1.1.1, the **water conservation stage** described in the declaration comes into force in the City seventy-two hours after the Council or the Director of Operations makes a public announcement of the declaration.
- 1.1.3 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.
- 1.1.4 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 without prior declaration of the Council or announcement under section 1.1.2.

PART TWO: WATER CONSERVATION MEASURE STAGES

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

- (b) use a hose providing water to wash boats or motor vehicles, unless the hose is equipped with an automatic shut-off device.

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 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 is:
 - (i) to prepare a surface for painting, sealing, or similar treatment;
 - (ii) to prevent or control fires; or
 - (iii) for the health or safety of any person; 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 hose is equipped with an automatic shut-off device and the purpose of the 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) 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; or
- (e) use a hose providing water unless the hose is equipped with an automatic shut-off device;

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 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 a water play park or water slide; or
- (f) operate a car wash.
- (g) **haul bulk water for non potable use.**

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) golf courses;
- (d) sports playing fields; and
- (e) 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) artificial turf or outdoor race tracks where watering is required for dust control or safety;
 - (v) flower gardens, vegetable gardens, decorative planters, shrubs or trees; and
 - (vi) the playing surface of golf courses; 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) and (c) of subsection 2.5.1.;

- (ii) flowers or produce at commercial nurseries or produce farms;
- (iii) trees at tree farms; and
- (iv) the tee-off areas and putting greens of golf courses.

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) and (c) of subsection 2.5.1.;
 - (b) flowers or produce at commercial nurseries or produce farms;
 - (c) trees at tree farms; and
 - (d) 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.

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.
- 2.8.2 At any time before or after September 30th of any year, the Council may, by letter to the Director of Operations declare that notwithstanding subsection 2.8.1, a **Water Conservation Measures Stage** will remain in force or come into force after September 30th.

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 Director of Operations for a permit authorizing the person to water the new lawn and new landscaping when **Stage 1 Water Conservation Measures** 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 Director of Operations, 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 Water Conservation Measures** 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 Water Conservation Measures** or **Stage 4 Water Conservation Measures**.
- 3.1.6 A permit must be affixed to a post 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: DELEGATION OF AUTHORITY

4.1 Delegation of Authority of Director of Operations.

- 4.1.1 The Director of Operations may delegate some or all of his or her powers and duties under this bylaw.

PART FIVE: INTERPRETATION

5.1 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.
CITY	means the City of Dawson Creek.
COMMERCIAL	means for profit or gain.
COUNCIL	means the Council of the City of Dawson Creek
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.
DIRECTOR OF OPERATIONS	means the person appointed by Council to the position of Director of Operations and includes a person to whom the Director of Operations has delegated authority under this bylaw.
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: <ul style="list-style-type: none">(i) a television or radio broadcast from a station that broadcasts to the City;(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 City at least once per week.
WATER CONSERVATION MEASURES STAGE	means conservation of water use imposed by 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 City of Dawson Creek 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.
WATER PLAY PARK	means a recreational facility that is primarily out of doors,

PART SIX: OFFENCES AND PENALTIES

- 6.1 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 6.2, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

- 6.2 **Subject to Section 6.1**, the offender is liable to the following fines:

- (a) for a first **offense, a written warning will be issued by City staff.**
- (b) **for a second offense, a municipal ticket in the amount of \$75.00 will be issued by City staff.**
- (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.**

- 6.3 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 SEVEN: PREVIOUS BYLAW REPEAL

- 7.1 Section 19 of "Bylaw No. 3326 Dawson Creek Water Rates and Regulations Bylaw No. 3326, 1998" is hereby repealed.

PART EIGHT: SEVERABILITY & CITATION

- 8.1 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. 3844, 2008**" and comes into effect on the date of adoption.

READ a first time this 6 day of March, 2006.

READ a second time this 6 day of March, 2006.

READ a third time this 6 day of March, 2006.

Third Reading rescinded this 11 day of August, 2008.

RE-READ a third time this 11 day of August, 2008.

ADOPTED this _____ day of _____, 2008.

CERTIFIED A TRUE AND CORRECT COPY of Bylaw No. 3844 cited as "WATER CONSERVATION MEASURES BYLAW NO. 3844, 2008".

Brenda Ginter
Director of Corporate Administration

The Corporate Seal of **THE CORPORATION OF THE CITY OF DAWSON CREEK** was affixed in the presence of:

Calvin Kruk – Mayor

Brenda Ginter – Director of Corporate Administration