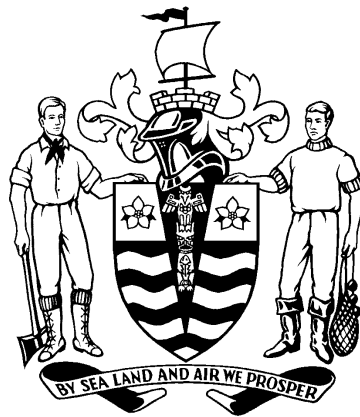


CITY OF VANCOUVER BRITISH COLUMBIA



WATER SHORTAGE RESPONSE BY-LAW NO. 8912

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by authority of the Council of
the City of Vancouver**

**(Consolidated for convenience only
to May 17, 2016)**

WATER SHORTAGE RESPONSE BY-LAW

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BY-LAW NO. 8912

Water Shortage Response By-law

**[Consolidated for convenience only,
amended to include By-law No. 11516
effective May 17, 2016]**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**SECTION 1
INTERPRETATION**

By-law name

1.1 The name of this By-law, for citation, is the "Water Shortage Response By-law".

Definitions

1.2 In this By-law:

"automatic shut-off device" means a spring loaded device, attached to a water hose, that shuts off the supply of water automatically unless the application of hand pressure allows the supply of water;

"city clerk" means the individual appointed by Council to be City Clerk or a person duly authorized to carry out the powers and duties of the City Clerk;

"city engineer" means the individual appointed by Council to be General Manager of Engineering Services or a person duly authorized to carry out the powers and duties of the General Manager of Engineering Services;

"commissioner" means the Commissioner of GVWD;

"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;

"GVWD" means the Greater Vancouver Water District;

"lawns" include grass growing at cemeteries;

"non-residential" means a site which is not located in a zoning district listed in Schedule A;

"permit" means a permit issued under section 4.3;

"person" does not include a municipality, a regional district, the Province of British Columbia, 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:

- (a) a television or radio broadcast from a station that broadcasts to the city, or
- (b) a newspaper or other publication intended for general circulation, that contains news and advertising, distributed within the city at least once each week, with or without charge to the reader;

"residential" means a site which is located in a zoning district listed in Schedule A;

"restriction stage" means stage 1 restrictions, stage 2 restrictions, stage 3 restrictions, or stage 4 restrictions;

"stage 1 restrictions" mean restrictions on water use described in sections 5.1 and 5.2;

"stage 2 restrictions" mean restrictions on water use described in sections 5.3 and 5.4;

"stage 3 restrictions" mean restrictions on water use described in sections 5.5 and 5.6;

"stage 4 restrictions" mean restrictions on water use described in section 5.7;

"water" used as a noun means treated drinking water supplied directly or indirectly by GVWD or the city;

"water" used as a verb means the application or distribution of water (used as a noun) to lands or plants but does not include the method known as "drip irrigation", and "watering" has a similar meaning;

"water play park" means a recreational facility that is primarily out of doors, and that includes water slides longer than 10 metres;

"water restriction announcement" means a stage 1 restrictions announcement, stage 2 restrictions announcement, stage 3 restrictions announcement, or stage 4 restrictions announcement; and

"water use plan" means a water use plan approved by the city engineer for a golf course operation under section 3.2(a) or (b).

Table of contents

- 1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

Schedules

- 1.4 The schedules attached to this by-law form part of this by-law.

Severability

- 1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable is not to affect the balance of this By-law.

SECTION 2 DECLARATION AND ANNOUNCEMENT OF RESTRICTION STAGES

Notice of activation of restriction stage

- 2.1 The commissioner, by letter to the city clerk, may declare that GVWD has activated a restriction stage.

Announced commencement of restriction stage

- 2.2 A restriction stage described in a declaration under section 2.1 comes into force and takes effect in the city 72 hours after the commissioner or city clerk makes a public announcement of the declaration.

Expiry of existing restriction stage

- 2.3 When a restriction stage comes into force and takes effect under section 2.2, any restriction stage that had been in force and effect ceases to have force or effect.

Automatic commencement of stage 1 restrictions

- 2.4 If no restriction stage is in force and effect on June 1 of any year, stage 1 restrictions come into force and take effect on that date without prior declaration of the commissioner under section 2.1 or public announcement under section 2.2.

Public announcement of stage 1 restrictions

- 2.5 A public announcement of stage 1 restrictions is sufficient if it contains substantially the following information:
- residential lawn watering is only allowed from 4:00 a.m. to 9:00 a.m.;

- even numbered residential addresses may only water on Monday, Wednesday and Saturday
- odd numbered residential addresses may only water on Tuesday, Thursday and Sunday
- non-residential lawn watering is only allowed from 1:00 a.m. to 6:00 a.m. on Monday, Tuesday, Wednesday and Thursday and from 4:00 a.m. to 9:00 a.m. on Friday
- even numbered non-residential addresses may only water on Monday, Wednesday and Friday; and
- odd numbered non-residential addresses may only water on Tuesday, Thursday and Friday
- these sprinkling regulations apply only to lawns, and not to gardens, shrubs, trees and flower beds
- when washing a boat or motor vehicle other than at commercial car wash, water hoses must have an automatic shut-off device, for example, a nozzle that shuts off automatically unless hand pressure is applied.

Public announcement of stage 2 restrictions

2.6 A public announcement of stage 2 restrictions is sufficient if it contains substantially the following information:

- residential lawn watering is only allowed from 4:00 a.m. to 9:00 a.m.
- non residential lawn watering is only allowed from 1:00 a.m. to 6:00 a.m.
- even numbered residential addresses may only water on Monday
- odd numbered residential addresses may only water on Thursday; and
- even numbered non-residential addresses may only water on Wednesday
- odd numbered non residential addresses may only water on Tuesday
- these sprinkling regulations apply only to lawns, and not to gardens, shrubs, trees and flower beds
- hosing or pressure washing of outdoor surfaces is only allowable for health, safety, to prepare a surface for painting, sealing, or similar treatment, or aesthetic cleaning by commercial cleaning services
- decorative fountains must be shut down
- when washing a boat or motor vehicle other than at commercial car wash, water hoses must be equipped with an automatic shut-off device, for example, a nozzle that shuts off automatically unless hand pressure is applied.

Public announcement of stage 3 restrictions

2.7 A public announcement of stage 3 restrictions is sufficient if it contains substantially the following information:

- lawn sprinkling is not allowed by homes or businesses

- residential and most commercial gardens, shrubs, trees and flower beds may only be watered by hand, by containers or drip irrigation
- 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
- decorative fountains must be shut down
- hand washing of vehicles is restricted to features required for safety (windows, lights, licenses)
- refilling of private, commercial and public swimming pools is prohibited
- when washing a boat or motor vehicle other than at commercial carwash, water hoses must be equipped with an automatic shut-off device, for example, a nozzle that shuts off automatically unless hand pressure is applied.

Public announcement of stage 4 restrictions

2.8 A public announcement of stage 4 restrictions is sufficient if it contains substantially the following information:

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

Effect of restriction stage after October 15

2.9 A restriction stage ceases to have force or effect after October 15 in each year unless the commissioner makes a declaration under section 2.10.

Notice of activation of restriction stage after October 15

2.10 Before or after October 15 in any year, the commissioner, by letter to the city clerk, may declare that GVWD has activated a restriction stage or that an existing restriction stage is to remain in force and effect.

Provisions that apply to restriction stage after October 15

- 2.11 Sections 2.2, 2.3, 2.5, 2.6, 2.7, and 2.8 apply in respect of a declaration under section 2.10, with such changes as are necessary, except that a public announcement of such a declaration is to state that the restriction stage referred to in the declaration is to remain in force until further declaration of the commissioner.

Multiple declarations

- 2.13 The commissioner may make one or more declarations under section 2.10.

Power of entry

- 2.13 The city engineer and any person authorized to act on behalf of the city engineer is authorized to enter on to any land, building or premises at any reasonable time for the purpose of administering or enforcing this by-law and inspecting any water-pipe, meter, appliance or fixture upon such land or premises.

Obligation of the owner

- 2.14 An owner must allow the city engineer, or any person authorized to act on behalf of the city engineer, to enter any land, building or premises at any reasonable time for the purpose of administering or enforcing this by-law.

SECTION 3 GOLF COURSE WATER USE PLANS

Application for proposed water use plan approval

- 3.1 A golf course operator may apply in writing to the city engineer for approval of a proposed water use plan that sets out:
- (a) the volume of water the golf course operation has consumed historically from June 1 to September 30 of each year;
 - (b) the volume of water the golf course operation is to consume, under the proposed water use plan, from June 1 to September 30 of each year;
 - (c) the measures the golf course operator is to follow to conserve water, and to reduce the use of water on the golf course;
 - (d) the schedule for watering specified areas within the golf course operation for each of a stage 1 restriction, stage 2 restriction, or stage 3 restriction;

- (e) a commitment that the golf course operator will report actual water use to the city engineer not less than once each month when a stage 1 restriction or stage 2 restriction is in force and effect, and not less than once every two weeks when a stage 3 restriction is in force and effect;
- (f) the date on which the golf course operator intends to implement the proposed water use plan; and
- (g) such other information, commitments, conditions, or restrictions as the city engineer may require.

Consideration of proposed water use plan

3.2 The city engineer may:

- (a) approve a proposed water use plan;
- (b) amend a proposed water use plan, and then approve the amended plan; or
- (c) refuse to approve a proposed water use plan.

Notice from city engineer

3.3 The city engineer is to notify the golf course operator of the decision made under section 3.2.

Acceptance of water use plan

3.4 A golf course operator who intends to adopt a water use plan must:

- (a) give written notice to the city engineer within 10 days receipt of notice from the city engineer under section 3.3; and
- (b) adopt the water use plan on the implementation date set out in the water use plan.

Non-acceptance of water use plan

3.5 If a golf course operator does not notify the city engineer, under section 3.3, of its intent to adopt the water use plan, the water use plan is to have no force or effect.

Compliance with water use plan

- 3.6 If a golf course operator implements a water use plan for a golf course operation, the golf course operator must comply with all commitments, conditions, and restrictions set out in the water use plan.

Termination of water use plan by city engineer

- 3.7 The city engineer may terminate or suspend a water use plan by notifying the golf course operator in writing at least seven days before the termination date set by the city engineer.

Termination of water use plan by golf course operator

- 3.8 A golf course operator may terminate a water use plan by notifying the city engineer in writing, in which case the water use plan is to terminate on the later of the date specified in the notice or the date on which the city engineer receives the notice.

Effect of restriction stages

- 3.9 Stage 1 restrictions, stage 2 restrictions, and stage 3 restrictions, when they are in force and effect, do not apply to a person operating under, and complying with, a current water use plan that is in force and effect but stage 4 restrictions do so apply, and, when stage 4 restrictions are in force and effect, such a person must operate under, and comply with, them rather than the water use plan.

SECTION 4 PERMITS

Application for permit to water new lawn

- 4.1 An owner or occupier of real property who has installed a new lawn, either by placing sod or turf or by seeding, or new landscaping on a substantial part of a parcel of land that includes improvements may apply to the city engineer for a permit authorizing that person to water the new lawn or new landscaping when stage 1 restrictions or stage 2 restrictions are in force and effect.

Application for permit to water lawn for nematode treatment

- 4.2 An owner or occupier of real property who has purchased a nematode lawn treatment for that real property may apply to the city engineer for a permit authorizing that person to water the lawn when stage 1 restrictions or stage 2 restrictions are in force and effect.

Form of application

- 4.3 Every application for a permit under 4.1 or 4.2 must be in the form prescribed by the city engineer.

Issuance of permit to water new lawn

- 4.4 If the city engineer is satisfied that an applicant qualifies under section 4.1, and if the applicant pays to the city a fee of \$35.31, the city engineer must issue a permit in the form prescribed by the city engineer.

Issuance of permit to water lawn for nematode treatment

- 4.5 If an applicant under section 4.2 supplies the city engineer with proof of purchase of a nematode lawn treatment, and the applicant pays to the city a fee of \$10.00, then the city engineer may issue a permit unless water supply issues support a refusal of the permit.

Conditions of permit

- 4.6 A permit holder may water a new lawn or new landscaping on the land described in the permit only at the times specified in the permit, and only while the permit has force and effect, and the city engineer is authorized to impose permit conditions related to safety, timing and volume of water used, as the city engineer deems appropriate.

Posting of permit

- 4.7 A permit holder must affix an exemption notice in the form prescribed by the city engineer to a post facing the street serving the land described in the permit, beside the principal driveway from the street to the land.

Extension of permit

- 4.8 Before or after expiry of a permit applied for under section 4.1, but in no case less than 14 days after the issuance of the permit, a person may apply for one extension of the permit on the same terms and conditions as may be imposed under section 4.6 for 42 days from the date of the issue of the permit.

Expiry of permit

- 4.9 A permit is to expire and have no further force or effect 21 days after the date of its issue or, if the city engineer has granted an extension under section 4.8, 42 days after the date of its issue.

Effect of stage 4 restrictions

- 4.10 A permit issued under section 4.1 or 4.2 does not exempt the permit holder from compliance with stage 4 restrictions.

SECTION 5 RESTRICTION STAGES

Stage 1 restrictions

- 5.1 Subject to section 5.2, when stage 1 restrictions are in force and effect, a person must not:
- (a) water lawns at a residential address, except:
 - (i) at even numbered addresses, on Monday, Wednesday and Saturday, from 4:00 a.m. to 9:00 a.m., and
 - (ii) at odd numbered addresses, on Tuesday, Thursday and Sunday, from 4:00 a.m. to 9:00 a.m.;
 - (b) water lawns at a non-residential address, except:
 - (i) on Friday from 4:00 a.m. to 9:00 a.m.,
 - (ii) at even numbered addresses, on Monday and Wednesday, from 1:00 a.m. to 6:00 a.m., and
 - (iii) at odd numbered addresses, on Tuesday and Thursday, from 1:00 a.m. to 6:00 a.m.; or
 - (c) use a hose to wash boats or motor vehicles, unless the hose has an automatic shut-off device.

Non-application of stage 1 restrictions

- 5.2 Section 5.1 does not apply to:
- (a) a person who waters lawns or landscaping at land described in a permit if the person is and has been at all times in compliance with the permit;
 - (b) a person who waters:
 - (i) public sports playing fields,
 - (ii) school yards,
 - (iii) playing surface of golf courses,

- (iv) turf at a turf farms,
 - (v) artificial turf or outdoor race tracks where watering is necessary for dust control or safety, or
 - (vi) flower gardens, vegetable gardens, decorative planters, shrubs, or trees; or
- (c) a person who owns or operates a commercial car wash.

Stage 2 restrictions

5.3 Subject to section 5.4, when stage 2 restrictions are in force and effect, a person must not:

- (a) water lawns at a residential address, except:
 - (i) at even numbered addresses, on Monday from 4:00 a.m. to 9:00 a.m., and
 - (ii) at odd numbered addresses, on Thursdays from 4:00 a.m. to 9:00 a.m.;
- (b) water lawns at a non residential address, except:
 - (i) at even numbered addresses, on Wednesday, between 1:00 a.m. and 6:00 a.m., and
 - (ii) at odd numbered addresses, on Tuesday, between 1:00 a.m. and 6:00 a.m.;
- (c) use a hose providing water to wash boats or motor vehicles, unless the hose has an automatic shut-off device;
- (d) use a hose providing water to wash sidewalks, driveways, walls, roofs, or other outdoor surfaces, unless the hose has 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;
 - (iii) aesthetic cleaning by a commercial cleaning service; or
- (e) operate ornamental fountains.

Non-application of stage 2 restrictions

5.4 Section 5.3 does not apply to:

- (a) a person who waters lawns or landscaping at land described in a permit, if the person is and has been at all times in compliance with the permit;
- (b) a person who waters:
 - (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, or
 - (vii) flower gardens, vegetable gardens, decorative planters, shrubs or trees;
- (c) a person who owns or operates a commercial car wash; or
- (d) a person who operates a commercial cleaning service and uses water for aesthetic cleaning purposes.

Stage 3 restrictions

5.5 Subject to section 5.6, when stage 3 restrictions are in force and effect, a person must not:

- (a) water:
 - (i) lawns, or
 - (ii) flower gardens, vegetable gardens, decorative planters, shrubs or trees, unless a person carries out such watering by hand with hoses equipped with automatic shut-off devices, and not using sprinklers or soaker hoses;
- (b) use a hose providing water to wash boats or motor vehicles, unless the hose has 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 has 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 has an automatic shut- off device.

Non-application of stage 3 restrictions

5.6 Section 5.5 does not apply to:

- (a) a person who waters:
 - (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) a person who operates a commercial car wash.

Stage 4 restrictions

5.7 When stage 4 restrictions are in force, a person must not:

- (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,
 - (vii) golf courses,
 - (viii) turf farms,
 - (ix) sports playing fields, or
 - (x) school yards;
- (b) use a hose providing water to wash boats or motor vehicles, unless the hose has 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 has an automatic shut-off device, and a regulatory authority has ordered the washing;
 - (e) operate ornamental fountains;
 - (f) operate water play parks or water slides;
 - (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 has an automatic shut-off device; or
 - (i) operate a car wash.

SECTION 6 ENFORCEMENT

Offences under By-law

6.1 A person who:

- (a) violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this by-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply with a notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with a notice given under any provision of this by-law;

is guilty of an offence against this by-law, and liable to the penalties imposed under this Section 6.

Fine for offence

6.2 Every person who commits an offence against this By-law is liable to a fine of not more than \$10,000.00 and not less than \$250.00 for each offence except for failing to comply with a notice given under this By-law in which case the fine is to be not less than \$500.00.

Fine for continuing offence

6.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.

Onus re exemption

6.4 In a prosecution under this By-law, the onus of establishing an exemption under section 5.2, 5.4, or 5.6 lies on the person claiming the exemption.

**SECTION 7
MISCELLANEOUS**

Repeal

7.1 Council repeals Water Rationing By-law No. 7109.

Force and effect

7.2 This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this 22nd day of July, 2004

(Signed) _____ "Larry Campbell"
Mayor

(Signed) _____ "Syd Baxter"
Clerk

Schedule A

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RS-1 District
RS-1A District
RS-1B District
RS-2 District RS-3 and RS-3A Districts
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RS-5 District
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