

CITY OF PORT COQUITLAM

DRINKING WATER CONSERVATION PLAN BYLAW, 2018

Bylaw No. 4045

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw may be cited as the “Drinking Water Conservation Plan Bylaw, 2018, No. 4045.

2. REPEAL

City of Port Coquitlam Water Shortage Response Plan Bylaw, 2011, No. 3768, as amended, is repealed.

3. INTERPRETATION

3.1 Schedule “A” contains definitions of words used in this Bylaw.

3.2 Schedules “A” and “B” are attached to this Bylaw and form part of this Bylaw.

3.3 Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, SBC 2003, Local Government Act, RSBC 2015, and Interpretation Act, RSBC 1996.*

3.4 A reference in this Bylaw to a statute refers to a statute of the Province of British Columbia, and a reference to any statute, regulation, or bylaw refers to that enactment, as amended or replaced from time to time.

3.5 Words in the singular include the plural, and gender specific terms include all genders and corporations.

3.6 Headings in this Bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of this Bylaw.

3.7 A decision by a court that any part of this Bylaw is illegal, void, or unenforceable severs that part from this Bylaw, and does not affect the validity of the remainder of this Bylaw.

3.8 The Director of Engineering and Public Works may delegate some or all of their powers and duties under this Bylaw.

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4. DECLARATION AND ANNOUNCEMENT OF RESTRICTION STAGES

- 4.1 a) The Commissioner may, by letter to the Corporate Officer, 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 the City of Port Coquitlam seventy-two hours after the Commissioner or the Corporate Officer 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.
- 4.2 If no Restriction Stage is in force on May 1 of any year, Stage 1 Restrictions come into force on that date without prior declaration of the Commissioner or announcement under section 4.3.
- 4.3 a) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 1 Restrictions, a public announcement by the Corporate Officer or the Commissioner is sufficient for the purposes of paragraph 4.1(b), if it contains substantially the information set out in Schedule B, Section 2.
- b) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 2 Restrictions, a public announcement by the Corporate Officer or the Commissioner is sufficient for the purposes of paragraph 4.1(b), if it contains substantially the information set out in Schedule B, Section 3.
- c) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 3 Restrictions, a public announcement by the Corporate Officer or the Commissioner is sufficient for the purposes of paragraph 4.1(b) if it contains substantially the information set out in Schedule B, Section 4.
- d) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 4 Restrictions, a public announcement by the Corporate Officer or the Commissioner is sufficient for the purposes of paragraph 4.1(b), if it contains substantially the information set out in Schedule B, Section 5.
- 4.4 a) No Restriction Stage will remain in force after October 15 of any year, unless the Commissioner makes a declaration under this section.
- b) At any time before or after October 15 of any year the Commissioner may, by letter to the Corporate Officer, declare that notwithstanding subsection 4.4(a), a Restriction Stage will remain in force or come into force after October 15.
- c) Subsections 4.1(b), 4.1(c) and section 4.3 apply to a declaration made

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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 15 will remain in force until further declaration of the Commissioner.

- d) The Commissioner may make one or more declarations under this section.

5. SERVICE WITHHELD FOR NON-COMPLIANCE WITH BYLAW

- 5.1 The Director of Engineering and Public Works may withhold the water service from any person, company or corporation who has violated any of the provisions of this Bylaw, or any conditions imposed by or pursuant to this Bylaw.
- 5.2 Where the water service is withheld for noncompliance with the terms and conditions of this Bylaw as per section 5.1, the Director of Engineering and Public Works shall not permit a reconnection for any person, company or corporation until in receipt of the service charge for both the disconnection and subsequent reconnection of the water service, as outlined in the City's current Fees and Charges Bylaw, as may be amended from time to time.

6. PERMITS

- 6.1 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 and Public Works, with proof of purchase, 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, at times specified in the permit, at the premises described in the permit, during the currency of the permit. A permit does not exempt the holder from Stage 3 Restrictions or Stage 4 Restrictions.
- 6.2 The Director of Engineering and Public Works, upon being satisfied that an applicant qualifies under section 6.1, shall issue a Sprinkling Permit to the applicant. The Sprinkling Permit application fee is listed in the City's Fees and Charges Bylaw, 2015, No. 3892.
- 6.3 A Permit issued under section 6.2 shall be affixed to a post facing the street serving the premises, beside the principal driveway from the street to the premises.
- 6.4 A Permit issued under section 6.2 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 6.5.
- 6.5 Before or after the expiration of a Permit issued under section 6.2, a person may apply for one extension of the Permit on the same terms and conditions as may be imposed under section 6.2. Such an extension shall end on or before 42 days from the date of the issue of the Permit under section 6.2.

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- 6.6 A Person who wishes to treat their lawn with nematodes in order to control the Chafer Beetle may apply, with proof of purchase, to the Director of Engineering and Public Works for a Permit authorizing the person to water the nematode treated lawn when Stage 1 or 2 Restrictions are in force, for a 21-day period falling within May 1 - October 15, at the premises described in the Permit. Permits issued in Stage 1 or 2 remain in effect until permit expires. No new Permits will be issued during Stage 3 or 4 Restrictions.
- 6.7 The Director of Engineering and Public Works, upon being satisfied that an applicant qualifies under section 6.6, shall issue a Sprinkling Permit and shall waive the cost for the Sprinkling Permit.
- 6.8 A Permit issued under section 6.6 shall be affixed to a post facing the street serving the premises, beside the principal driveway from the street to the premises.
- 6.9 Applications and permits under this section will be in the form prepared by the Director of Engineering and Public Works, which may change from time to time.

7. OFFENCES, PENALTIES AND ENFORCEMENT

- 7.1 A violation of a provision of this Bylaw will result in liability for penalties and late payment amounts established in the City's *Bylaw Notice Enforcement Bylaw, No. 3814, 2013* and *Ticket Information Utilization Bylaw, 1992, No. 2743*.
- 7.2 A violation of any of the provisions identified in this Bylaw will be subject to the procedures, restrictions, limits, obligations, and rights established in the City's current *Bylaw Notice Enforcement Bylaw*, in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, C. 60*.
- 7.3 A person who contravenes, violates, or fails to comply with any provision of this Bylaw is deemed to have committed an offence under this Bylaw, and is liable on summary conviction to a fine not exceeding \$10,000.00 for each offence.
- 7.4 Each violation of this Bylaw will constitute a separate offence.
- 7.5 If a Bylaw Enforcement Officer has determined that a person has violated a provision of this Bylaw, that person must, when requested by the Bylaw Enforcement Officer, provide their name and address to the officer.
- 7.6 Where a prosecution is commenced against a commercial entity pursuant to section 7.2(b) for an offence committed while Stage 4 restrictions are in effect, upon conviction that Person shall be liable to pay a fine of not less than \$5,000.
- 7.7 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

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day or part thereof in respect of which the offence occurs or continues.

- 7.8 In a prosecution under this Bylaw, the onus of establishing an exemption lies on the Person claiming the exemption.

READ A FIRST TIME this	10 th day of	April, 2018
READ A SECOND TIME this	10 th day of	April, 2018
READ A THIRD TIME this	10 th day of	April, 2018
ADOPTED THIS	24 th day of	April, 2018

Greg Moore
Mayor

Gabryel Joseph
Corporate Officer

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SCHEDULE "A"

DEFINITIONS

In this Bylaw:

"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.

Commissioner means the Commissioner of the Greater Vancouver Water District.

"commercial vehicle washing" means commercial vehicle washing services offered to the public for a fee, but excludes car dealerships, fleet vehicle washing facilities and charity car washes.

"Corporate Officer" means the City of Port Coquitlam's Corporate Officer or designate.

"Director of Engineering and Public Works" means the Director of Engineering and Public Works for the City of Port Coquitlam, duly appointed by the City of Port Coquitlam Council and shall include their duly authorized designate;

"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.

"lawn" means a cultivated area surrounding or adjacent to a building that is covered by grass, turf, or a ground covering plant such as clover, including areas such as boulevards, parks, school yards and cemeteries, but excludes golf courses, soil based playing field, and sand based playing fields.

"permit" means a permit issued under Part 6.

"person" does not include a municipality, a regional district, the provincial government, or anybody 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 City of Port Coquitlam;
- (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 of Port Coquitlam at least once per week.

"Restriction Stage" means Stage 1 Restrictions, Stage 2 Restrictions, Stage 3 Restrictions, or Stage 4 Restrictions.

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“sand-based playing field” means a playing field that is constructed with a highly permeable sand-based root zone typically 30-40 centimeters deep over a drainage system with drain pipes bedded in gravel, and is designed and maintained to be playable year-round.

“service” includes but is not restricted to both the supply of water delivered in any manner to any person, company or corporation and all pipes, taps, valves, connections and facilities used for the purpose of such supply of water.

“soil-based playing field” means a playing field that is covered with grass, sod or turf that is designed and maintained to be played upon, or is used for sporting or other community events and activities, but does not include lawns, golf courses, or sand-based playing fields.

“sprinkling permit” means a permit issued by the City of Port Coquitlam allowing for watering to occur differently than allowed in any restrictions.

“Stage 1 Restrictions” means the restrictions on Water use described in sections 2.1 of Schedule B.

“Stage 2 Restrictions” means the restrictions on Water use described in sections 3.1 of Schedule B.

“Stage 3 Restrictions” means the restrictions on Water use described in sections 4.1 of Schedule B.

“Stage 4 Restrictions” means the restrictions on Water use described in sections 5.1 of Schedule B.

“water” used as a noun means water supplied directly or indirectly by Greater Vancouver Water District or the City of Port Coquitlam, whether or not mixed with rain water, gray water or recycled water.

“water” and “watering” used as a verb, mean the application or distribution of water (used as a noun) to lands or plants.

“Water Management Plan” means a plan proposed by the owner or operator of a golf course, soil-based playing field, sand-based field and approved by the City of Port Coquitlam. The plan sets out terms such as water use targets during the different stages of the watering restrictions to reduce water use, reporting requirements for the owner or operator.

“water play park” means a recreational facility that is primarily out of doors, that includes sprays pools, wading pools, spray parks, splash pads, and water slides.

“water restriction announcement” means a Stage 1 Announcement, Stage 2 Announcement, a Stage 3 Announcement or a Stage 4 Announcement.

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SCHEDULE "B"

1. GENERAL RESTRICTIONS THAT APPLY FOR ALL STAGES

- 1.1 All hoses must have an automatic shut-off device.
- 1.2 Water must not unnecessarily run off on impermeable surfaces, such as driveways, curbs, pathways, or gutters when watering lawns and plants.
- 1.3 Artificial playing turf and outdoor tracks must not be watered, except for a health or safety reasons.
- 1.4 Hoses and taps must not run unnecessarily.
- 1.5 Irrigation systems must not be faulty, leaking or misdirected.
- 1.6 Flushing water mains is prohibited, except where a significant health or safety concern is identified.

2. STAGE 1 RESTRICTIONS

2.1 When Stage 1 Restrictions are in force, no person shall:

a) Water lawns, except:

- (i) at residential premises with even numbered civic addresses, on Wednesdays and Saturdays, between the hours of 4:00 a.m. and 9:00 a.m.;
- (ii) at residential premises with odd numbered civic addresses, on Thursdays and Sundays between the hours of 4:00 a.m. and 9:00 a.m.;
- (iii) at non-residential and government/school/parks premises with even numbered civic addresses, on Mondays between the hours of 1:00 a.m. and 6:00 a.m., and Fridays between the hours of 4:00 a.m. and 9:00 a.m.; and
- (iv) at non-residential and government/school/parks premises with odd numbered civic addresses, on Tuesdays between the hours of 1:00 a.m. and 6:00 a.m., and Fridays between the hours of 4:00 a.m. and 9:00 a.m.

b) Water trees, shrubs, and flowers, excluding edible plants, except:

- (i) on any day from 4 a.m. to 9 a.m. for residential users, if using a sprinkler, or on any day at any time using a handheld hose, soaker hose, water container or drip irrigation;
- (ii) on any day from 1am to 9am for non-residential and government/school/parks if using a sprinkler or on any day at any

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time if using a handheld hose, soaker hose, water container, or drip irrigation.

- c) Water soil-based playing fields, except:
 - (i) on any day from 7:00 p.m. to 9:00 a.m., or
 - (ii) watering newly over-seeded fields if in compliance with a Sprinkling Permit and/or operating under an approved Water Management Plan.
- d) Water sand-based playing fields, except:
 - (i) on any day from 7:00 p.m. to 9:00 a.m., or
 - (ii) watering newly over-seeded fields if in compliance with a Sprinkling Permit and/or operating under an approved Water Management Plan.

3. STAGE 2 RESTRICTIONS

3.1 When Stage 2 Restrictions are in force, no person shall:

- a) Water lawns, except:
 - (i) at residential premises with even numbered civic addresses on Wednesdays between the hours of 4:00 a.m. and 9:00 a.m.;
 - (ii) at residential premises with odd numbered civic addresses on Thursdays between the hours of 4:00 a.m. and 9:00 a.m.;
 - (iii) at non-residential and government/school/parks premises with even numbered civic addresses on Mondays between the hours of 1:00 a.m. and 6:00 a.m.;
 - (iv) at non-residential and government/school/parks premises with odd numbered civic addresses on Tuesdays between the hours of 1:00 a.m. and 6:00 a.m.
- b) Water trees, shrubs, and flowers excluding edible plants, except:
 - (i) on any day from 4:00 a.m. to 9:00 a.m. for residential users if using a sprinkler or on any day at any time using a handheld hose, soaker hose, water container, or drip irrigation, or,
 - (ii) on any day from 1:00 a.m. to 9:00 a.m. for non-residential and government/school/parks if using a sprinkler or on any day at any time if using a handheld hose, soaker hose, water container, or drip irrigation.

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- c) Water soil based playing fields, except:
 - (i) on no more than 4 days in a 7-day period from 7:00 p.m. to 9:00 a.m., or,
 - (ii) watering newly over-seeded fields if in compliance with a Sprinkling Permit and/or operating under an approved Water Management Plan
- d) Water sand-based playing fields, except:
 - (i) on any day from the hours of 7pm to 9am, or
 - (ii) watering newly over-seeded fields if in compliance with a Sprinkling Permit and/or operating under an approved Water Management Plan.
- e) Water to wash impermeable surfaces such as sidewalks, driveways, walls, roofs or other outdoor surfaces, except if:
 - (i) aesthetic cleaning by a commercial cleaning operation, preparing a surface for painting, sealing or similar treatment; or
 - (ii) for health or safety of any person; or
 - (iii) to prevent or control fires;
- f) Fill or top off aesthetic water features or ornamental fountains.
- g) Operate water play parks and pools, except, water play parks with user activated switches.
- h) Water golf course fairways, except:
 - (i) anytime on any one day in a 7-day period, or
 - (ii) if operating under an approved Water Management Plan.

4. STAGE 3 RESTRICTIONS

4.1 When Stage 3 Restrictions are in force, no person shall:

- a) Water lawns (unless a previously-approved lawn sprinkling exemption permit can remain valid).
- b) Water trees, shrubs, and flowers, excluding edible plants, except if using a handheld hose, water container, or drip irrigation.
- c) Water soil-based playing fields, except:

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- (i) no more than 3 days in a 7-day from 7:00 p.m. to 9:00 a.m., or
 - (ii) watering newly over-seeded fields if in compliance with a Sprinkling Permit and/or operating under an approved Water Management Plan.
- d) Water sand-based playing fields, except:
 - (i) not more than 5 days in a 7-day period from 7pm to 9am, or
 - (ii) watering newly over-seeded fields if in compliance with a Sprinkling Permit and/or operating under an approved Water Management Plan.
- e) Use water to wash vehicles and/or boats except to clean windows, lights, mirrors, license plates and boat engines for safety using a handheld hose or water container.
- f) Use water to wash impermeable surfaces, such as sidewalks, driveways, walls, roofs or other outdoor surfaces, except if:
 - (i) by a commercial cleaning operation to preparing a surface for painting, sealing, or similar treatment,
 - (ii) for the health or safety of any person, or
 - (iii) to prevent or control fires.
- g) Use water to fill or top off aesthetic water features or ornamental fountains.
- h) Use water to fill or re-fill pools and hot tubs except for pools and hot tubs with a permit to operate in accordance with health authorities having jurisdiction over pool and hot tub regulation.
- i) Water golf course fairways except if operating under an approved Water Management Plan
- j) Use water for commercial vehicle washing, except, if
 - (i) A facility that installed an automatic vehicle wash system before November 1, 2017, is operating on a basic wash and cycle only, or,
 - (ii) A facility that installed an automatic vehicle wash system after November 1, 2017 is operating using a water recycling system that achieves a minimum 60% water recovery rate over the full wash cycle, or,

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- (iii) A hand wash and self-service facility, is operating using high-pressure wands or brushes that achieve a maximum flow rate of 11.4 litres per minute.
- k) Operate water play parks except water play parks with user-activated switches.

5. STAGE 4 RESTRICTIONS

5.1 When Stage 4 Restrictions are in force, no person shall:

- a) Water lawns (all sprinkling permits are invalidated).
- b) Water trees, shrubs, and flowers including edible plants.
- c) Use water to wash vehicles and/or boats except to clean windows, light, mirrors, license plates, and boat engines for safety using a handheld hose or water container.
- d) Use water to wash impermeable surfaces except if ordered by a regulatory authority having jurisdiction for health or safety reason.
- e) Use water to fill or refill aesthetic water features;
- f) Use water to fill or re-fill pools and hot tubs.
- h) Water golf courses.
- i) Operate a water play park.
- j) Use water for soil based and/or sand based playing fields.
- k) Operate a commercial car wash.

5.2 For greater certainty, section 5.1 of Schedule “B” applies to all areas of:

- a) Residential;
- b) Non-residential;
- c) Governments / Schools / Parks;