



Water Conservation Measures

Bylaw No. 1064, 2015

Amended by:

Comprehensive Fees and Charges Bylaw No. 1094, 2017

CONSOLIDATED FOR CONVENIENCE ONLY



DISTRICT OF HOUSTON
WATER CONSERVATION MEASURES
BYLAW NO. 1064, 2015

A bylaw to establish procedures and regulations for the conservation and use of water supplied through the District of Houston water system.

WHEREAS the Council of the District of Houston deems it necessary, from time to time, to declare various stages for the conservation and use of water supplied through the District of Houston water system;

NOW THEREFORE the Council of the District of Houston, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1: INTERPRETATION

1.0 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.

“**District**” means the District of Houston.

“**Commercial**” means for profit or gain.

“**Council**” means the Council of the District of Houston.

“**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 Engineering**” means the person appointed to the position of Director of Engineering & Development Services or their alternate from time to time.

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“**Fees & Charges Bylaw**” means *Comprehensive Fees and Charges Bylaw No. 1094, 2017* including any amendments thereto.

“**Permit**” means a permit issued under Part 4 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:

- (i) a radio broadcast from a station that broadcasts to the District;
- (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 District at least once per week;
- (iii) an information flyer delivered through Canada Post; or
- (iv) the District’s website at www.houston.ca.

“Water Conservation” means conservation of water use imposed by **Measure Stages** by Council, specifically the stages of restrictions specified in Part Three of this bylaw.

“**Stage 1 Measures**” means the conservation of water use specified in section 3.0 of this bylaw.

“**Stage 2 Measures**” means the conservation of water use specified in section 3.1 of this bylaw.

“**Stage 3 Measures**” means the conservation of water use specified in section 3.2 of this bylaw.

“**Stage 4 Measures**” means the conservation of water use specified in section 3.3 and 3.4 of this bylaw.

“**Water**” used as a noun, means water supplied directly or indirectly by the District of Houston 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 2: DECLARATION AND ANNOUNCEMENT OF WATER CONSERVATION MEASURES

- 2.0 The Council of the District of Houston may declare that the District has activated a water conservation stage.
- 2.1 If the Council makes a declaration under subsection 2.0, the water conservation stage described in the declaration comes into force in the District boundaries forty-eight (48) hours after a public announcement of the declaration is made.
- 2.2 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.
- 2.3 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 2.1.

PART 3: WATER CONSERVATION MEASURE STAGES

Stage 1 Water Conservation Measures

- 3.0 Subject to the provisions of section 3.5, when Stage 1 measures are in force, a person must not:
- (a) water lawns, except as follows:
- EAST OF BUCK CREEK: (example: Butler Avenue)
MAY water on even calendar days between the hours of 6:00 am to 10:00 am and 7:00 pm to 10:00 pm ONLY
- WEST OF BUCK CREEK: (example: Mountainview Drive)
MAY water on odd calendar days between the hours of 6:00 am to 10:00 am and 7:00 pm to 10:00 pm ONLY; or
- (b) use a hose providing water to wash boats or motor vehicles, unless the hose is equipped with an automatic shut-off device.

Stage 2 Water Conservation Measures

- 3.1 Subject to the provisions of section 3.5, when Stage 2 Water Conservation Measures are in force, a person must not:
- (a) water lawns, except as follows:
 - EAST OF BUCK CREEK: (example: Butler Avenue)
MAY water on even calendar days between the hours of 6:00 am to 10:00 am and 7:00 pm to 10:00 pm ONLY
 - WEST OF BUCK CREEK: (example: Mountainview Drive)
MAY water on odd calendar days between the hours of 6:00 am to 10:00 am and 7:00 pm to 10:00 pm ONLY; or
 - (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.

Stage 3 Water Conservation Measures

- 3.2 Subject to the provisions of section 3.6, when Stage 3 Water Conservation Measures are in force, a person must not:
- (c) 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;
 - (d) operate a privately owned water play park or privately owned water slide;
 - (e) 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;
 - (f) use water to fill or re-fill garden ponds, ornamental fountains, privately owned hot-tubs, or privately owned swimming pools;
 - (g) use a hose providing water unless the hose is equipped with an automatic shut-off device; or
 - (h) operate a lawn sprinkler using water for play.

Stage 4 Water Conservation Measures

- 3.3 When Stage 4 Water Conservation Measures are in force, a person must not:
- (a) water, or engage in drip irrigation of:
 - (i) lawns or landscaping, whether newly planted or otherwise; or
 - (ii) flower or vegetable gardens; decorative planters; shrubs or trees; artificial turf; or outdoor tracks;
 - (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 washing has been ordered by a regulatory authority; or
 - (c) haul bulk water for non-potable use.
- 3.4. For greater certainty, the provisions of section 3.3 apply to all areas of:
- (a) commercial nurseries and produce farms; turf farms; golf courses; sports playing fields; and school yards.

Exceptions to Water Conservation Measures – Stages 1 and 2

- 3.5 The Stage 1 and Stage 2 Water Conservation Measures specified in subsections 3.0 and 3.1 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; or
 - (b) watering:
 - (i) public sports playing fields; school yards; turf at turf farms; artificial turf or outdoor race tracks where watering is required for dust control or safety;
 - (ii) flower gardens, vegetable gardens, decorative planters, shrubs or trees; or
 - (iii) the playing surface of golf courses.

Exceptions to Water Conservation Measures – Stage 3

- 3.6 The Stage 3 Water Conservation Measures specified in section 3.2 do not apply to watering:
- (a) as permitted in clauses (b) (i) through (iii) of subsection 3.5;
 - (b) flowers or produce at commercial nurseries or produce farms;
 - (c) trees at tree farms; or
 - (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.

Time Limit for Water Conservation Measures

- 3.7 No Water Conservation Measures Stage remains in force after October 31th of any year, unless the Council makes a declaration under this section.
- 3.8 At any time before or after October 31th of any year, the Council may, by resolution declare that notwithstanding subsection 3.6, a Water Conservation Measures Stage will remain in force or come into force after October 30th.

PART 4: PERMITS

Permits for New Lawns or Landscaping

- 4.0 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 for a permit authorizing the person to water the new lawn and new landscaping when Stage 1, Stage 2 or Stage 3 Water Conservation Measures are in force.
- BL109** 4.1 An application for a permit must be accompanied by an application fee **as set out under the Fees & Charges Bylaw.**
- 4.2 The Director of Engineering, upon being satisfied that an applicant qualifies under section 4.0, may issue a permit to the applicant.
- 4.3 Notwithstanding Stage 1, Stage 2 or Stage 3 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.
- 4.4 A permit does not exempt the holder from Stage 4 Water Conservation Measures.
- 4.5 A permit must be displayed on the premises so as to be clearly visible from the street and must be removed immediately upon expiry.
- 4.6 A permit expires and is of no force or effect 21 days after the date of its issue, unless extended under subsection 4.7.
- 4.7 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 4.2.

PART 5: DELEGATION OF AUTHORITY

- 5.0 Council delegates their powers and duties under this bylaw to the Director of Engineering and the Bylaw Enforcement Officer, with the exception of sections 2.0 and 3.8.

PART 6: OFFENCES AND PENALTIES

6.0 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 applicable bylaw or 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, and is liable on summary conviction, to the penalties provided in section 6.1, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

6.1 Subject to Section 6.0, the offender is liable to the following fines:

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

6.2 In a prosecution under this bylaw, the onus of establishing an exemption under sections 3.5 and 3.6 lies on the person claiming the exemption.

6.3 This bylaw is designated pursuant to Section 264 of the *Community Charter*, as a bylaw enforceable by means of a ticket in the form prescribed in the *Community Charter Bylaw Enforcement Ticket Regulation, B.C. Reg 425/2003*.

PART 7: SEVERABILITY

7.0 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.

PART 8: CITATION

8.0 This Bylaw may be cited for all purposes as "**Water Conservation Measures Bylaw No. 1064, 2015**".

READ A FIRST TIME	6 th	DAY OF	January	, 2015
READ A SECOND TIME	6 th	DAY OF	January	, 2015
READ A THIRD TIME	6 th	DAY OF	January	, 2015
ADOPTED THIS	20 th	DAY OF	January	, 2015

SHANE BRIENEN,
MAYOR

LINDSAY BLAIR
CORPORATE SERVICES OFFICER