

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW NO. 2696

A BYLAW TO PROVIDE FOR REGULATIONS GOVERNING OUTDOOR WATER USE WITHIN THE CITY OF ROSSLAND.

WHEREAS the *Community Charter* a Council may, by Bylaw, establish and regulate a service to all or part of the City;

AND WHEREAS Council wishes to conserve potable water and therefore regulate the use of potable water outdoors within the City of Rossland to manage potable water demand, improve the efficiency of use and reduce consumption;

NOW THEREFORE the Council of the City of Rossland, in open meeting assembled, hereby **ENACTS AS FOLLOWS:**

1. CITATION

This Bylaw may be cited for all purposes as "Outdoor Water Use Regulation Bylaw No. 2696, 2019".

2. DEFINITIONS

In this Bylaw, the following terms shall have the following meanings:

"Automatic" means the irrigation system has a programmable controller attached to it such that a specific amount of water is distributed at a set time;

"By Hand" means to apply water by hand with a spray nozzle attached to a flexible hose with an outside diameter of no more than 25 mm, the spray nozzle must be equipped with a with a spring- loaded shut off valve;

"Bylaw Enforcement Officer" means the person(s) duly appointed as such to enforce City Bylaws;

"Drip Irrigation" means an automatic in-ground irrigation method that uses lower pressure and flow than traditional in-ground automatic systems (also known as "Micro Irrigation");

"Fire Danger Rating" is a Provincial indicator of the risk of a wildfire starting;

“In-Ground Irrigation” means a buried-pipe irrigation system that distributes water through sprinkler heads;

“Irrigation” means the application or distribution of water to landscaping;

“Landscaping” means any activity that modifies the visible features of an area of land with plants. It includes hanging baskets, flower beds, lawns, fairways, fields or any other area consisting primarily of sod or turf, shrubs, trees, and vegetable/edible gardens;

“Low Head Drainage” means water draining out of an irrigation system after the system is turned off, that results from the installation of an irrigation system on a slope;

“Manual” means to apply water by hand or with a simple timer attached to a flexible hose with an outside diameter of no more than 25 mm with a spring-loaded automatic shut off;

“Municipal” or “Municipality” means the City of Rossland;

“Municipal Officer” means the City’s Chief Administration Officer, Manager of Operations or any designated staff member;

“Overspray” means water that lands beyond the planted or target area;

“Parcel” means parcel of land within the Municipality;

“Permit” means a Permit issued under Section 7 (iv) of this Bylaw;

“Person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

“Sensor Driven Automated Irrigation Systems” means programmable automatic in-ground irrigation systems that incorporate best landscaping practices and environmental data in order to determine optimal water use;

“Waste” means to purposelessly use water, such as but not limited to leaving a flowing hose unattended, leaving a broken irrigation head unattended, or oversaturation of a landscape; and

“Water” means potable water supplied by the City of Rossland.

SECTION 3.0: GENERAL

- 3.1 Schedule "A": Outdoor Water Use Restriction Stages is attached to and hereby forming part of this Bylaw.
- 3.2 No person shall waste or allow to be wasted, water supplied by the Municipality.
- 3.3 No person shall use or allow water use contrary to the Outdoor Water Use Restrictions as set out in Schedule "A".
- 3.4 Overspray resulting from the effect of wind or an act of vandalism shall not be considered an offense.

SECTION 4.0: ENFORCEMENT AND PENALTIES

- 4.1 Designated Municipal staff are authorized to enter on any parcel at all reasonable times to ascertain whether the regulations and directions of this Bylaw are being observed.
- 4.2 The Municipal Bylaw Officer staff are authorized to enter on any parcel at all reasonable times to ascertain whether the regulations and directions of this Bylaw are being observed.
- 4.3 Any person who violates any provision of this Bylaw shall be deemed to have committed an offence against this Bylaw and shall be liable;
- 4.4 The fine for violating any provision of this Bylaw shall be one hundred dollars (\$100) for each offence and shall be liable to a fine or penalty not exceeding two-thousand five-hundred (\$2,500).
- 4.5 Each day during which an offence under this Bylaw continues is a new and separate offence.

SECTION 5.0: DELEGATION OF AUTHORITY

- 5.1 The Municipal Officer and those designated to act on behalf of the Municipal Officer, are hereby authorized to determine the applicable Water Restriction Stage, provide notice of Schedule "A": Outdoor Water Restriction Stages, or extend exemption durations.

SECTION 6.0: NOTICE OF WATER RESTRICTION STAGE

- 6.1 The Municipal Officer may issue a notice conserving the use of water as set out in Schedule "A", Outdoor Water Restriction Stages, attached hereto and forming part of this Bylaw.

- 6.2 As Per 6.1, notice shall be considered sufficiently given if published or circulated within the City via standard methods of communication which may include one or all of the following communication methods: Municipal website, printed media, social media, and local radio broadcasting.
- 6.3 Except in emergency circumstances, the Municipality shall provide notice of an impending Stage increase at least one (1) week prior to enforcement commencing.

SECTION 7.0: EXEMPTIONS FROM OUTDOOR WATER USE RESTRICTION STAGES

- 7.1 The following are exempt from the Schedule "A": Outdoor Water Use Restriction Stages:
 - i. A person that uses water to facilitate normal business activities related to health and safety;
 - ii. Sampling at and flushing of water mains and/or operational activities related to City infrastructure as required.
 - iii. A person can apply for an exemption permit upon submitting an application that clearly states the reason(s) to which an exemption is required, the period of time the exemption shall last and any other details that support the need for an exemption. During Stages 1 & 2 Water Restrictions, permit applications will be forwarded to a Municipal Officer for review and decision. During Stages 3 & 4 Water Restrictions, permit applications will be forwarded to Council and upon a resolution of Council be granted or denied.

SECTION 8.0: SEVERABILITY

- 8.1 If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

SECTION 9.0: REPEAL

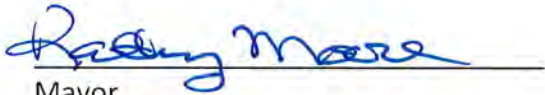
- 9.1 The City of Rossland "Water Service Amendment Bylaw No. 2173(2), 2002" is repealed.

ENACTMENT

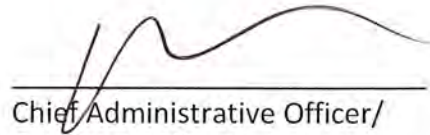
This Bylaw shall come into force and effect upon adoption of this bylaw.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
FINALLY ADOPTED

this 15th day of April, 2019
this 6th day of May, 2019
this 6th day of May, 2019
this 22nd day of May, 2019



Mayor



Chief Administrative Officer/
Corporate Officer

THE CORPORATION OF THE CITY OF ROSSLAND
 BYLAW NO. 2696
 SCHEDULE A – OUTDOOR WATER USE RESTRICTION STAGES

STAGE		1	2	3	4
Implementation		Year Round	Main Reservoir <0.5m below capacity	Main Reservoir <1.0m below capacity	Main Reservoir <1.5m below capacity
Purpose		Allowable Watering Methods and Times			
		Alternate Day Watering based on Residential Odd/Even House #	Alternate Day Watering based on Residential Odd/Even House #	Lawn Sprinkling Ban	All outside watering prohibited
Residential	Edible/vegetable gardens and fruit trees for personal use or Livestock permitted in Rural Use Zones	No restrictions but conservation encouraged	No restrictions but conservation encouraged	No restrictions but conservation encouraged	Not Permitted except for watering livestock and minimal crop maintenance
	Lawns	ONLY between 7AM – 9AM 7PM – 9PM	ONLY between 8AM – 9AM 8PM – 9PM	Not Permitted	Not Permitted
	Trees, shrubs & flower beds	ONLY between 7AM – 9AM 7PM – 9PM	*By Hand ONLY between 8AM – 9AM 8PM – 9PM	Drip or Micro Irrigation ONLY between 7PM – 9PM 7AM – 9AM	Not Permitted
	Decorative hanging baskets/containers	ONLY between 4AM – 6AM 9PM – 11PM	ONLY between 8AM – 9AM 8PM – 9PM	*By Hand ONLY between 7AM – 9AM 7PM – 9PM	Not Permitted
	New landscaping & repairs	ONLY between 4AM – 6AM 9PM – 11PM	ONLY between 8AM – 9AM 8PM – 9PM	Not Permitted	Not Permitted
	Vehicles, boats, bicycles & motorized equipment	ONLY between 7AM – 9AM 7PM – 9PM	*By Hand ONLY between 8AM – 9AM 8PM – 9PM	Washing by Hand and only for Health and Safety Purposes ONLY	Not Permitted
	Hardscapes, sidewalks, roofs or any outdoor surfaces	ONLY between 7AM – 9AM 7PM – 9PM	ONLY between 8AM – 9AM 8PM – 9PM	Not Permitted	Not Permitted
	Residential hot tubs & pools	ONLY between 7AM – 9AM 7PM – 9PM	Only to comply with Health and Safety Laws	Not Permitted	Not Permitted

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SCHEDULE A – OUTDOOR WATER USE RESTRICTION STAGES – CONTINUED

STAGE		1	2	3	4
Implementation		Year Round	Main Reservoir <0.5m below capacity	Main Reservoir <1.0m below capacity	Main Reservoir <1.5m below capacity
Purpose		Allowable Watering Methods and Times			
		Alternate Day Watering based on Residential Odd/Even House #	Alternate Day Watering based on Residential Odd/Even House #	Lawn Sprinkling Ban	All outside watering prohibited
Public/Institution	Filling decorative fountains & pools	ONLY between 7AM – 9AM 7PM – 9PM	ONLY between 8AM – 9AM 8PM – 9PM	Not Permitted	Not Permitted
	Fields/Open Spaces/Parks	Only between 10PM – 5AM	Only between 10PM – 5AM (Alternate Days based on Address)	Only between 12AM – 3AM (Alternate Days based on Address)	Not Permitted
Commercial	Edible/vegetable gardens/fruit orchards/livestock for commercial or farm to market purposes	No restrictions but conservation encouraged	No restrictions but conservation encouraged	No restrictions but conservation encouraged	Not Permitted except for watering livestock and minimal crop maintenance
	Hotel/multi-family/commercial hot tubs & pools	No restrictions but conservation encouraged	ONLY between 7PM – 9PM	Only to comply with Health and Safety Laws	Not Permitted
	Golf Courses	Limit irrigation of Fairways to 5 times per week and avoid irrigation between 10AM – 7PM	Reduce watering of greens and tees. Fairway watering limited to 3 times per week between 7PM – 10AM	No watering permitted for fairways. Minimal watering only for tees and greens	Not Permitted
	Water Intensive Commercial Water Use - i.e. (but not limited to) car washing, window washing etc.	No restrictions but conservation encouraged	No restrictions but conservation encouraged	Only to comply with Health and Safety Laws	Not Permitted