

**THE CORPORATION OF THE DISTRICT OF SUMMERLAND
BYLAW NUMBER 2000-170
A BYLAW TO PRESCRIBE WATER RESTRICTIONS**

***CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAW 2000-179 (June 1, 2004)***

WHEREAS the **Council** of the Corporation of the **District** of Summerland operates a municipal service providing domestic and irrigation water to properties within the District of Summerland;

AND WHEREAS the **Council** of the Corporation of the **District** of Summerland may, by bylaw regulate and impose requirements on the use of water from this municipal service;

AND WHEREAS the **Council** of the Corporation of the **District** of Summerland may wish to restrict water usage to ensure an adequate supply;

NOW THEREFORE, The Municipal **Council** of the Corporation of the **District** of Summerland, in open meeting assembled, enacts as follows:

1. Definitions

In this bylaw:

“**Address**” means the civic house number assigned to a property by the **District** of Summerland.

“**Appliance**” means a device or mechanism, other than that owned and operated by the **Municipality** in or through which **water** is piped or used for a domestic or commercial purpose.

“**Council**” means Municipal **Council** of the **District** of Summerland.

“**Boulevard**” means that portion of any highway other than the paved, improved or main travelled roadway, driveway or sidewalk and includes any landscaped median.

“**Bylaw Enforcement Officer**” means a person appointed by **Council** to enforce this bylaw.

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

“**Daily Consumption Limit**” means the maximum daily **water** consumption established by the **Council**.

“**Exempted Person**” means an **Owner** or **Occupier** of property identified in Schedule “C” as exempt from one or more of the regulations under this bylaw.

“**Farm**” means a parcel of land classified as farmland for assessment and taxation purposes.

“**Fill**” means **fill** more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with **Water**.

“**Director of Works & Utilities**” means the person appointed by **Council** as the **Director of Works & Utilities** or his designate.

“**Micro-irrigation or Drip-Irrigation System**” means a system using irrigation components which consume less than 20 gallons per hour and operate at less than 25 psi to deliver **water** to the root zone of the plant material being irrigated.

“**Municipality**” means the **District** of Summerland.

“**Newspaper**” has the same meaning as in the *Community Charter*.

“**Notice**” means a **Notice** given under Section 4 of this bylaw.

“**Nursery**” means a business in which flowers, plants, trees or shrubs are grown or displayed for sale.

“**Occupier**” has the same meaning as in the *Community Charter*.

“**Owner**” has the same meaning as in the *Community Charter*.

“**Permit**” means a **Permit** issued under Section 11(a) of this bylaw.

“**Public Sector Entity**” means federal and provincial government agencies, municipalities, school **Districts**, universities, colleges and other schools.

“**Restricted Hours**” means those time periods during which watering is permitted in Schedule “A” of this bylaw.

“**Sprinkler**” means a hose connected or other **sprinkler** system but excludes a micro-irrigation or drip-irrigation system.

“**Stage**” means the **Stages** 1, 2, 3, and 4 of **Water Use Restrictions** prescribed by Schedule “A” of this bylaw.

“**Vehicle**” means a device, except boats and seaplanes in, on or by which a person or thing is or may be transported or drawn, except a device designed to be moved by human power.

“**Water**” means **water** supplied by the **District** directly or indirectly to an **Owner** or **Occupier**.

“**Water Use Restrictions**” means the restrictions prescribed by Schedule “A” of this bylaw.

“**Watering Days**” means those days during which watering is permitted in Schedule “A” of this bylaw.

2. Prohibition and Inspection

- (a) No person shall damage or allow the deterioration of any **appliance** which will result in a waste of **water**.
- (b) No person, being an **Owner** or **Occupier** of property in the **Municipality**, shall use **water** or cause **water** to be used contrary to the provisions of this bylaw in effect at the time of use.
- (c) A **District Bylaw Enforcement Officer** has the authority to enter at all reasonable times on any property that is subject to this bylaw to ascertain whether the requirements of this bylaw are being met or the regulations in this bylaw are being observed.
- (d) No person shall waste **water** by using more **water** than is required to provide a service, produce a product or complete a task, including but not limited to allowing a tap or hose to run **water** unnecessarily and over-watering plants or lawns.

3. Determining Restrictions

- (a) The **District Council**, by resolution, shall determine the applicable **Stage** and when it takes effect.

4. Notice

- (a) The **Director of Works and Utilities** shall cause **Notice** to be given to persons within the

Municipality of the applicable **Stage**. Such **Notice** shall be broadcast from a radio station, and/or television station or cable television channel serving the **District** of Summerland and be published in a **Newspaper**.

5. Water Use Restrictions

- (a) For the purposes of this bylaw, the **Water Use Restrictions** for each **Stage** are prescribed in Schedule “A” of this bylaw.
- (b) When **Stage 2** or **3 Water Use Restrictions** have been imposed under this bylaw, no person shall use a sprinkler to water lawns, trees or shrubs at any time between the hours of 9:00 a.m. and 6:00 p.m.

6. Schedules

- (a) Schedules “A” “B” and “C” of this bylaw form part of and are enforceable in the same manner as this bylaw.

7. Penalty

- (a) A person who contravenes this bylaw commits an offence and is subject to a minimum fine of \$50 plus costs in accordance with the Offence Act.

8. Effective Date

- (a) This bylaw shall take effect upon the date of its adoption.

9. Permits, Exemptions and Special Cases

- (a) The **District** may issue **permits** in the special cases and manner prescribed in Schedule “B”.
- (b) Exemptions and special cases to the regulations in this bylaw are prescribed in Schedule “C”.
- (c) **Exempted Persons** and **Permit** holders are exempted from Section 2(c) to the extent **permitted** by Schedule “C” and the conditions of the **Permit** where applicable.

10. Repeal

Water Use Restrictions Bylaw 2000-087, together with all amendments is hereby repealed.

11. Citation

This Bylaw may be cited for all purposes as “Water Use Restrictions Bylaw No. 2000-170.”

Read a first, second and third time this 22nd day of March, 2004.

Adopted by the Municipal Council of the District of Summerland this 13th day of April, 2004.

‘Tom Johnston’
Mayor

'Gillian Matthews'

Clerk

SCHEDULE "A"

OUTDOOR WATER USE RESTRICTION STAGES

1. STAGE 1 – THREE TIMES A WEEK WATERING

Odd
Numbered
address

(a) If the **Director of Works & Utilities** gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 1** restrictions, no person with an odd numbered **address** shall use a **Sprinkler to water** a lawn, trees, and shrubs unless it is a Saturday, Monday or Thursday.

Even
Numbered
Address

(b) If the **Director of Works & Utilities** gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 1** restrictions, no person with an even numbered **address** shall use a **Sprinkler to water** a lawn, trees, and shrubs unless it is a Sunday, Tuesday or Friday.

2. STAGE 2 – TWICE A WEEK WATERING

Bylaw 2000-179 amended paragraphs (a) and (b) on May 31, 2004 as follows:

Odd
Numbered
Address

(a) If the **Director of Works & Utilities** gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 2** restrictions, no person with an odd numbered **address** shall use a **Sprinkler to water** a lawn, trees, and shrubs unless it is a Saturday or Tuesday before 9:00 a.m. or after 6:00 p.m.

Even
Numbered
Address

(b) If the **Director of Works & Utilities** gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 2** restrictions, no person with an even numbered **address** shall use a **Sprinkler to water** a lawn, trees, and shrubs unless it is a Sunday or Thursday before 9:00 a.m. or after 6:00 p.m.

Trees,
shrubs,
flowers and
vegetables

(c) If the **Director of Works & Utilities** gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 2** restrictions a person may use **Micro-irrigation, a Drip-Irrigation System,** or a hose equipped with a shut-off nozzle to **water** trees, shrubs, flowers or vegetables on any day.

3. STAGE 3 – ONCE A WEEK WATERING

Odd
Numbered
Address

(a) If the **Director of Works & Utilities** gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 3** restrictions, no person with an odd numbered **address** shall use a **Sprinkler to water** a lawn, trees, and shrubs unless it is a Saturday before 9:00 a.m. or after 6:00 p.m.

Even
Numbered
Address

(b) If the **Director of Works & Utilities** gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 3** restrictions, no person with an even numbered **address** shall use a **Sprinkler to water** a lawn, trees, and shrubs unless it is a Sunday before 9:00 a.m. or after 6:00 p.m..

Trees,
shrubs,
flowers and
vegetables

(c) If the **Director of Works & Utilities** gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 3** restrictions, a person may use **Micro-irrigation, a Drip-Irrigation System,** or a hose equipped with a shut-off nozzle to **water** trees, shrubs, flowers or vegetables on any day.

Driveways,
Vehicles,
and
Fountains

- (d) During **Stage 3** restrictions no person shall:
 - (i) use a hose to wash sidewalks or driveways;
 - (ii) wash a **Vehicle** or boat except by using a hand-held container or hose equipped with a shutoff device; or
 - (iii) operate or cause the operation of decorative fountains which do not use recirculated **water**.

4. STAGE 4 - COMPLETE LAWN WATERING BAN

No Lawn
Watering

- (a) If the Director of Works and Utilities gives **Notice** that, in accordance with a **Council** Resolution, a reduction in **water** use is necessary requiring **Stage 4** restrictions, no person shall **water** lawns or **Boulevards** at any time, including newly seeded or sodded lawns.

No exterior
washing

- (b) During **Stage 4** restrictions, no person shall use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.

Fountains,
vehicles,
swimming
pools and
fountains

- (c) During **Stage 4** restrictions, no person shall
 - (i) operate or cause the operation of decorative fountains which do not use recirculated **water**;
 - (ii) wash a **vehicle** or boat except in a commercial car wash; or
 - (iii) **fill** residential swimming pools, wading pools, hot tubs, garden ponds, or decorative fountains.

Trees,
shrubs,
flowers or
vegetables

- (d) During **Stage 4** restrictions, no person shall **water** trees, shrubs, flowers or vegetables except by hand using a hose with a shut-off device, by hand-held container, or with a **Micro-irrigation** or **Drip-Irrigation System**.

Irrigation
Water

- (e) During **Stage 4** no person shall use irrigation **water** as defined in the District of Summerland Water Rates and Regulations Bylaw 2358, as amended, in excess of the amounts authorized by resolution of **Council**.

SCHEDULE "B"**PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the **District Water** Department for a **permit** which will allow the new lawn to be sprinkled outside of **permitted** days, but within **Restricted Hours**. The **permit** shall be conspicuously displayed at the premises for which it was issued.
2. The **District Water** Department shall issue a **permit** to an applicant pursuant to Section 1.
3. New sod may be sprinkled for 21 days after installation and newly seeded lawn may be sprinkled until growth is established or for 49 days after installation, whichever is less, provided a **permit** pursuant to Section 1 has been issued for the premises at which the new lawn has been installed.
4. After expiration of a **permit** issued under Section 1. a person may apply for and may obtain subsequent **permits** under Section 1.
5. **Permits** will not be issued or be valid during **Stage 4** restrictions.

SCHEDULE "C"

EXEMPTIONS AND SPECIAL CASES

1. EXEMPTED USERS

Except as provided for in **Stage 4 Water Use Restrictions**, the provisions of Schedule "A" shall not apply to persons who own, operate or carry on the following operations or activities which rely on the steady supply and use of **Water**:

- (a) nurseries
- (b) **farms**
- (c) all weather playing fields if failure to **water** will result in a permanent loss of plant material.
- (d) washing exterior building surfaces including windows, parking lots, driveways or sidewalks prior to the application of a product such as paint, preservative, stucco or preparation of a surface prior to paving or repointing of bricks or if required by law to comply with health and safety regulations.
- (e) wash a boat or seaplane if failure to do so will cause permanent damage.

2. ALL USERS

A person may:

- (a) **Water** flowers, shrubs, trees, or vegetables on days other than, and including, their assigned **Stage 1, 2, 3, or Stage 4 Watering Days**, providing watering is done by hand using a hose with a shut-off nozzle or a hand-held container.
- (b) **Water** new trees and shrubs during installation and for the following 24 hours. Afterwards **watering** must comply with **Stage 1, 2, 3, or 4 Water Use Restrictions**.

3. PUBLIC SECTOR

- (a) The public sector shall restrict the use of sprinklers to water lawn, trees, and shrubs to the same number of days per week permitted in the applicable **Water Use Restrictions Stage**, but shall be permitted to choose the days of the week they water.

- (b) The municipal Water Park shall be restricted to the following waster usage:

- Stage 1 Water Use Restrictions:** No reduction in operations.
- Stage 2 Water Use Restrictions:** Volume of water used to be reduced by 25% and hours of operation restricted to 12 noon to 5:00 p.m.
- Stage 3 Water Use Restrictions:** Volume of water used to be reduced by 50% and hours of operation restricted to 12 noon to 5:00 p.m.
- Stage 4 Water Use Restrictions:** Water Park to be shut down.