

CITY OF BURNABY

BYLAW NO. 11841

A BYLAW to establish water shortage restrictions

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY WATERWORKS REGULATION BYLAW 1953, AMENDMENT BYLAW 2004.**
2. Section 11.1 of Burnaby Waterworks Regulation Bylaw 1953 is repealed and the following substituted therefor:

“11.1 Schedule “B” to this Bylaw and all of the provisions thereof and appendices thereto are deemed to form a part of this Bylaw.”
3. Schedule “B” of the said Bylaw is repealed and Schedule “B” annexed hereto is substituted therefor.
4. Section 38 of the said Bylaw is repealed and the following substituted therefor:

“38. Every person who contravenes or violates any of the provisions for this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, commits an offence and is liable upon conviction to the penalties provided for in the *Offence Act.*”
5. Section 42 of the said Bylaw is repealed.

Read a first time this 22ND day of NOVEMBER 2004

Read a second time this 22ND day of NOVEMBER 2004

Read a third time this 22ND day of NOVEMBER 2004

Reconsidered and adopted this 29TH day of NOVEMBER 2004

MAYOR

CLERK

SCHEDULE "B"

WATER SHORTAGE RESTRICTIONS

PART 1: DEFINITIONS AND INTERPRETATION

1.1 In this Schedule:

- (a) "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;
- (b) "City" means the City of Burnaby;
- (c) "Commissioner" means the Commissioner of the Greater Vancouver Water District;
- (d) "Director Engineering" means the Director Engineering for the City and his or her designate;
- (e) "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;
- (f) "Lawns" includes grass growing at cemeteries;
- (g) "Permit" means a permit issued under Part 3 of this Schedule;
- (h) "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;
- (i) "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;
 - (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 at least once per week;
- (j) "Restriction Stage" means Stage 1 Restrictions, Stage 2 Restrictions, Stage 3 Restrictions, or Stage 4 Restrictions;
- (k) "Stage 1 Restrictions" means the restrictions on Water use described in sections 1.1 and 1.2 of Appendix 1;
- (l) "Stage 2 Restrictions" means the restrictions on Water use described in sections 2.1 and 2.2 of Appendix 1;
- (m) "Stage 3 Restrictions" means the restrictions on Water use described in sections 3.1 and 3.2 of Appendix 1;
- (n) "Stage 4 Restrictions" means the restrictions on Water use described in sections 4.1 and 4.2 of Appendix 1;
- (o) "Water" used as a noun means water supplied directly or indirectly by Greater Vancouver Water District or the City, whether or not mixed with rain water, gray water or recycled water;
- (p) "Water" used as a verb, and "Watering", 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";

- (q) "Water Play Park" means a recreational facility that is primarily out of doors, that includes water slides longer than 10 meters;
- (r) "Water Restriction Announcement" means a Stage 1 Announcement, Stage 2 Announcement, a Stage 3 Announcement or a Stage 4 Announcement.

1.2 The appendices to this Schedule are integral parts of this Schedule and this Bylaw.

1.3 The City Clerk and the Director Engineering or either of them may delegate some or all of their powers and duties provided for in this Schedule.

PART 2: DECLARATION AND ANNOUNCEMENT OF RESTRICTION STAGES

- 2.1
- (a) The Commissioner may, by letter to the City Clerk, 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 seventy-two hours after the Commissioner or the City Clerk 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.

2.2 If no Restriction Stage is in force on June 1st of any year, Stage 1 Restrictions come into force on that date without prior declaration of the Commissioner or announcement under section 2.3.

- 2.3
- (a) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 1 Restrictions, a Public Announcement by the City Clerk or the Commissioner is sufficient for the purposes of subsection 2.1(b) if it contains substantially the information set out in Appendix "2".
 - (b) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 2 Restrictions, a Public Announcement by the City Clerk or the Commissioner is sufficient for the purposes of subsection 2.1(b) if it contains substantially the information set out in Appendix "3".
 - (c) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 3 Restrictions, a Public Announcement by the City Clerk or the Commissioner is sufficient for the purposes of subsection 2.1(b) if it contains substantially the information set out in Appendix "4".
 - (d) If the Commissioner declares that the Greater Vancouver Water District has activated Stage 4 Restrictions, a Public Announcement by the City Clerk or the Commissioner is sufficient for the purposes of subsection 2.1(b) if it contains substantially the information set out in Appendix "5".

2.4 (a) No Restriction Stage remains in force after September 30th of any year, unless the Commissioner makes a declaration under this section.

- (b) At any time before or after September 30th of any year the Commissioner may, by letter to the City Clerk, declare that notwithstanding subsection (a), a Restriction Stage will remain in force or come into force after September 30th.
 - (c) Subsections 2.1(b) and 2.1(c) and section 2.3 apply to a declaration made 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 September 30th will remain in force until further declaration of the Commissioner.
 - (d) The Commissioner may make one or more declarations under this section.
- 2.5
- (a) If at any time the Director Engineering deems it to be in the public interest, he or she may direct that any and all less essential services be further reduced or curtailed until such time as he or she deems it advisable to restore any or all of the services.
 - (b) The Director Engineering may impose restrictions under paragraph 2.5(a) in any part of the City or all of the City as he or she deems advisable.
 - (c) Any such restrictions will come into force in the City seventy-two hours after the City Clerk makes a Public Announcement of the restriction.
 - (d) No person will act contrary to the restrictions imposed by the Director Engineering pursuant to paragraph 2.5(a).

PART 3: PERMITS

- 3.1 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 Engineering 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.
- 3.2 The Director Engineering, upon being satisfied that an applicant qualifies under section 3.1, shall issue a Permit in the form approved by the Director Engineering to the applicant upon payment of a fee in the amount of \$50.00.
- 3.3 A Permit issued under section 3.2 shall be affixed to a post facing the street serving the premises, beside the principal driveway from the street to the premises.
- 3.4 A Permit issued under section 3.2 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 3.5.
- 3.5 Before or after the expiration of a Permit issued under section 3.2 a Person may apply for one extension of the Permit on the same terms and conditions as may be imposed under section 3.2. Such an extension shall end on or before 42 days from the date of the issue of the Permit under section 3.2.

APPENDIX 1: RESTRICTION STAGES

PART 1: STAGE 1 RESTRICTIONS

- 1.1 Subject to section 1.2 of this Appendix, when Stage 1 Restrictions are in force, no Person shall:
- (a) Water Lawns, except:
 - (i) at premises with even numbered civic addresses, on Wednesdays and Saturdays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.; and
 - (ii) at premises with odd numbered civic addresses, on Thursdays and Sundays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.;
 - (b) use a hose providing Water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-off Device.
- 1.2 Section 1.2 of this Appendix does not apply to:
- (a) a Person who Waters Lawns or landscaping at premises described in a valid and subsisting Permit, provided the Person is and has been at all times in compliance with the Permit;
 - (b) Watering:
 - (i) public sports playing fields;
 - (ii) school yards;
 - (iii) the playing surfaces of golf courses;
 - (iv) turf at turf farms;
 - (v) artificial turf or outdoor race tracks where watering is required for dust control or safety;
 - (vi) flower gardens, vegetable gardens, decorative planters, shrubs or trees;
 - (c) commercial car washes.

PART 2: STAGE 2 RESTRICTIONS

- 2.1 Subject to section 2.2 of this Appendix, when Stage 2 Restrictions are in force, no Person shall:
- (a) Water Lawns, except:
 - (i) at premises with even numbered civic addresses, on Wednesdays and Saturdays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.; and
 - (ii) at premises with odd numbered civic addresses, on Thursdays and Sundays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.;
 - (b) use a hose providing Water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-off Device;

- (c) 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 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; or
- (d) operate ornamental fountains.

2.2 Section 2.1 of this Appendix does not apply to:

- (a) a Person who Waters Lawns or landscaping at premises described in a valid and subsisting Permit, provided the Person is and has been at all times in compliance with the Permit;
- (b) Watering:
 - (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;
 - (vii) flower gardens, vegetable gardens, decorative planters, shrubs or trees;
- (c) commercial car washes.

PART 3: STAGE 3 RESTRICTIONS

3.1 Subject to section 3.1 of this Appendix, when Stage 3 Restrictions are in force, no Person shall:

- (a) Water:
 - (i) Lawns; or
 - (ii) flower gardens, vegetable gardens, decorative planters, shrubs or trees, unless such Watering is carried by hand with hoses equipped with Automatic Shut-off Devices, and is not carried out using sprinklers or soaker hoses;
- (b) 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 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 is equipped with 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 and 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 is equipped with an Automatic Shut-off Device.

3.2 Section 3.1 of this Appendix does not apply to:

- (a) Watering:
 - (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
- (c) commercial car washes.

PART 4: STAGE 4 RESTRICTIONS

4.1 Subject to section 4.2 of this Appendix, when Stage 4 Restrictions are in force, no Person shall:

- (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;
- (b) 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 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) 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 is equipped with an Automatic Shut-off Device, and the washing has been ordered by a regulatory authority;
- (e) operate ornamental fountains;
- (f) operate a Water Play Park or water slide;
- (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 is equipped with an Automatic Shut-off Device; or

- (i) operate a car wash.

4.2 For greater certainty, section 4.2 of this Appendix applies to all areas of:

- (a) golf courses;
- (b) turf farms;
- (c) sports playing fields; and
- (d) school yards.

APPENDIX 2: INFORMATION FOR PUBLIC ANNOUNCEMENT OF STAGE 1 RESTRICTIONS

A Public Announcement of Stage 1 Restrictions is sufficient for the purposes of section 2.3 of this Schedule if it includes substantially the following information:

- , That lawn sprinkling is allowed only from 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 10:00 p.m.
- , That even-numbered addresses, may sprinkle only on Wednesdays and Saturdays, and that odd-numbered addresses may sprinkle on Thursdays and Sundays
- , That these sprinkling regulations apply only to lawns, and not to gardens, shrubs, trees and flower beds
- , That when washing a boat or motor vehicle other than at commercial car wash, water hoses must be equipped with an automatic shut-off device (eg. a nozzle that shuts off automatically unless hand pressure is applied).

APPENDIX 3: INFORMATION FOR PUBLIC ANNOUNCEMENT OF STAGE 2 RESTRICTIONS

A Public Announcement of Stage 2 Restrictions is sufficient for the purposes of section 2.3 of this Schedule if it includes substantially the following information:

- , That lawn sprinkling is allowed only from 4:00 a.m. to 9:00 a.m. and 7:00 p.m. to 10:00 p.m.
- , That even-numbered addresses, may sprinkle only on Wednesdays, and that odd-numbered addresses may sprinkle on Thursdays
- , That these sprinkling regulations apply only to lawns, and not to gardens, shrubs, trees and flower beds
- , That hosing or pressure washing of outdoor surfaces is only allowable for health, safety or preparing a surface for painting, sealing, or similar treatment
- , That decorative fountains must be shut down
- , That when washing a boat or motor vehicle other than at commercial car wash, water hoses must be equipped with an automatic shut-off device (eg. a nozzle that shuts off automatically unless hand pressure is applied).

APPENDIX 4: INFORMATION FOR PUBLIC ANNOUNCEMENT OF STAGE 3 RESTRICTIONS

A Public Announcement of Stage 3 Restrictions is sufficient for the purposes of section 2.3 of this Schedule if it includes substantially the following information:

- , That lawn sprinkling is not allowed by homes or businesses
- , That residential and most commercial gardens, shrubs, trees and flower beds may only be watered by hand, by containers or drip irrigation
- , That 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
- , That decorative fountains must be shut down
- , That hand washing of vehicles is restricted to features required for safety (windows, lights, licences)
- , That refilling of private, commercial and public swimming pools is prohibited
- , That when washing a boat or motor vehicle other than at commercial car wash, water hoses must be equipped with an automatic shut-off device (eg. a nozzle that shuts off automatically unless hand pressure is applied).

APPENDIX 5: INFORMATION FOR PUBLIC ANNOUNCEMENT OF STAGE 4 RESTRICTIONS

A Public Announcement of Stage 4 Restrictions is sufficient for the purposes of section 2.3 of this Schedule if it includes substantially the following information:

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