

CITY OF BURNABY

BYLAW NO. 12100

A BYLAW to amend Burnaby Waterworks
Regulation Bylaw 1953

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY WATERWORKS REGULATION BYLAW 1953, AMENDMENT BYLAW 2006.**
2. Schedule "B" of Burnaby Waterworks Regulation Bylaw 1953 is repealed and Schedule "B" annexed hereto is substituted therefor.

Read a first time this 19TH day of JUNE 2006

Read a second time this 19TH day of JUNE 2006

Read a third time this 19TH day of JUNE 2006

Reconsidered and adopted this 26TH day of JUNE 2006


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 the delivery end of 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 Grater 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) “Landscaping” includes groundcovers that may be used to replace Lawns in whole or in part;
- (g) “Lawns” includes grass growing at cemeteries;
- (h) “Permit” means a permit issued under Part 3 of this Schedule;
- (i) “Person” does not include a regional district, the provincial government, any provincial or federal governmental authority, or, except to the extent that the provisions of this Schedule specifically apply to it or to its property or the context otherwise requires a municipality;
- (j) “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;
- (k) “Restriction Stage” means Stage 1 Restrictions, Stage 2 Restrictions, Stage 3 Restrictions, or Stage 4 Restrictions;
- (l) “Stage 1 Restrictions” means the restrictions on Water use described in sections 1.1 and 1.2 of Appendix 1;

- (m) “Stage 2 Restrictions” means the restrictions on Water use described in sections 2.1 and 2.2 of Appendix 1;
- (n) “Stage 3 Restrictions” means the restrictions on Water use described in sections 3.1 and 3.2 of Appendix 1
- (o) “Stage 4 Restrictions” means the restrictions on Water use described in sections 4.1 and 4.2 of Appendix 1;
- (p) “Water” used as a noun means water supplied directly or indirectly by Greater Vancouver Water District (GVWD) or the City, but does not include rainwater, gray water, any form of recycled water, or water supplied from a source other than GVWD or the City;
- (q) “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”;
- (r) “Water Play Park” means a recreational facility that is primarily out of doors, that includes water slides longer than 10 meters;
- (s) “Water Restrictions Announcement” means a Stage 1 Announcement, Stage 2 Announcement, Stage 3 Announcement or a Stage 4 Announcement;
- (t) “Water Use Plan” means a Water Use Plan approved by the Director Engineering under Part 4.

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, or who is undertaking a pest management program on a Lawn, may apply to the Director Engineering for a Permit authorizing the Person to Water the Lawn or 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.

PART 4: WATER USE PLANS FOR GOLF COURSES AND MUNICIPAL PARK FEATURES

- 4.1 A golf course operator may apply in writing to the Director Engineering for approval of a Water Use Plan stipulating:
 - (a) the volume of Water historically consumed by the golf course operation from the first day of June to the last day of September of each year;
 - (b) the volume of Water to be consumed by the golf course operation from June 1st to September 30th of each year under the proposed Water Use Plan;
 - (c) the measures to be followed by the golf course operation to conserve Water and to reduce the use of Water;
 - (d) the schedule of Watering specified areas within the golf course operation for each of Restrictions Stages 1-3;
 - (e) that the golf course will report its actual water use to the Director Engineering not less than once per month when Stage 1 Restrictions or Stage 2 Restrictions are in force, and not less than once every two weeks when Stage 3 Restrictions are in force;
 - (f) such other information or commitments, conditions or restrictions as the Director Engineering may require.

The Director Engineering may accept estimates of Water volumes and may waive or vary any of the foregoing.

- 4.2 The Director Engineering may approve a proposed Water Use Plan in whole or in part, and may amend the proposed Water Use Plan, or add such other or further commitments, conditions and restrictions as the Director Engineering considers advisable.

- 4.3 If the golf course operator consents to adopt a Water Use Plan approved by the Director Engineering it shall signify such consent in writing, specifying the date on which the golf course operator will adopt the Water Use Plan, in which case the Water Use Plan shall come into force for that golf course on the later of the date specified in the notice of consent, or the date on which the Director Engineering receives the written notice of consent.
- 4.4 If the golf course operator does not consent to adopt the Water Use Plan approved by the Director Engineering, the Water Use Plan shall be of no force or effect.
- 4.5 If a Water Use Plan is in force for a golf course operation, the golf course operator shall comply with all conditions and restrictions set out in the Water Use Plan.
- 4.6 The Director Engineering may terminate or suspend a Water Use Plan by notifying the golf course operator in writing at least seven days before the termination date.
- 4.7 A golf course operator may terminate a Water Use Plan by notifying the Director Engineering in writing, in which case the Water Use Plan is terminated on the later of the date specified in the notice, or the date on which the Director Engineering receives the notice.
- 4.8 The Director Parks, Recreation and Cultural Services for the City (the "Director Parks") may apply in writing to the Director Engineering for approval of a Water Use Plan for a municipal park feature, in which case sections 4.1 to 4.7 shall apply with all references to "golf course" being deemed to be references to "municipal park feature" and all references to "golf course operator" being deemed to be references to "Director Parks".

**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 1.1 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) municipal parks;
 - (iv) the playing surfaces of golf courses;
 - (v) turf at turf farms;
 - (vi) artificial turf or outdoor races 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 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 only 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 only 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;
- (d) operate ornamental fountains with Water; or
- (e) operate a Water Play Park, unless it is equipped with user-activated switches.

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) municipal parks;
 - (iv) the tee-off areas and putting greens of golf courses;
 - (v) turf at turf farms;
 - (vi) flowers or vegetables at commercial vegetable or flower gardens;
 - (vii) artificial turf or outdoor race tracks where watering is required for dust control or safety;
 - (viii) 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 or by a container, 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 with Water;
- (e) use Water to fill or re-fill garden ponds, hot-tubs, or residential swimming pools;
- (f) use a hose providing Water for any other purpose unless it is for health or safety reasons and the hose is equipped with an Automatic Shut-off Device; or
- (g) operate a Water Play Park, unless it is equipped with user-activated switches.

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
- (b) commercial car washes.

PART 4: STAGE 4 RESTRICTIONS

4.1 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 with Water;
- (f) operate a Water Play Park or water slide;
- (g) use Water to fill or re-fill garden ponds, hot-tubs, or any swimming pools other than indoor municipal swimming pools;
- (h) use Water from a hose providing Water for any other purpose unless it is for health or safety reasons and the hose is equipped with an Automatic Shut-off Device; or
- (i) operate a commercial car wash.

4.2 For greater certainty, section 4.1 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 of the purpose 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 only 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 of the purpose 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 only 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 ornamental fountains must be shut down unless using recycled water

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).

That Water Play Parks can only be operated if they are equipped with user-activated switches.

APPENDIX 4
INFORMATION FOR PUBLIC ANNOUNCEMENT
OF STAGE 3 RESTRICTIONS

A Public Announcement of Stage 3 Restrictions is sufficient of the purpose 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, public and commercial gardens, shrubs, trees and flower beds may only be watered by hand with hoses equipped with Automatic Shut-off Devices or containers

That pressure washing is only allowed for health, safety or preparing a surface for painting, sealing, or similar treatment

That ornamental fountains must be shut down unless using recycled water

That hand washing of vehicles is restricted to features required for safety (windows, lights, licences)

That refilling of garden ponds, residential swimming pools, and hot-tubs 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.

That Water Play Parks can only be operated if they are equipped with user-activated switches.

**APPENDIX 5
INFORMATION FOR PUBLIC ANNOUNCEMENT
OF STAGE 4 RESTRICTIONS**

A Public Announcement of Stage 4 Restrictions is sufficient of the purpose 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 all forms of Watering and 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 ornamental fountains must be shut down unless using recycled water

That refilling of garden ponds, hot tubs, and all swimming pools, other than indoor municipal swimming pools, is prohibited

That the operation of Water Play Parks is prohibited.