



***WATER USE RESTRICTION
BYLAW NO. 7784***

EFFECTIVE DATE – SEPTEMBER 13, 2004

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>DATE OF ADOPTION</u>	<u>EFFECTIVE DATE</u> (If different from Date of Adoption)
Bylaw 8637	January 10, 2011	February 9, 2011
Bylaw 8766	July 11, 2011	

CITY OF RICHMOND
WATER USE RESTRICTION
BYLAW NO. 7784

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Water Use Restriction Bylaw No. 7784

The Council of the City of Richmond enacts as follows:

PART ONE: DECLARATION AND ANNOUNCEMENT OF RESTRICTION STAGES

1.1 Declaration of Restriction Stages

- 1.1.1 The **Commissioner** may, by letter to the **General Manager, Engineering and Public Works**, declare that the Greater Vancouver Water District has activated a **restriction stage**.
- 1.1.2 If the **Commissioner** makes a declaration under subsection 1.1.1, the **restriction stage** described in the declaration comes into force in the **City** seventy-two hours after the **Commissioner** or the **General Manager, Engineering & Public Works** makes a **public announcement** of the declaration.
- 1.1.3 When a **restriction stage** comes into force under this section, any **restriction stage** that had been in force, if any, ceases to be in force.
- 1.1.4 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 1.1.2.

PART TWO: RESTRICTION STAGES

2.1 Stage 1 Restrictions

- 2.1.1 Subject to the provisions of section 2.5, when **Stage 1 Restrictions** are in force, a **person** must not:
 - (a) **water** lawns or operate a lawn sprinkler, except in accordance with the following:
 - (i) on **residential lots**:
 - (A) with even-numbered addresses, on Monday, Wednesday and Saturday between 4:00 a.m. and 9:00 a.m.; and

- (B) with odd-numbered addresses, on Tuesday, Thursday and Sunday between 4:00 a.m. and 9:00 a.m.; and
- (ii) on **non-residential lots**:
 - (A) with even-numbered addresses, on Monday and Wednesday between 1:00 a.m. and 6:00 a.m., and Friday between 4:00 a.m. and 9:00 a.m.;
 - (B) with odd-numbered addresses, on Tuesday and Thursday between 1:00 a.m. and 6:00 a.m., and Friday between 4:00 a.m. and 9:00 a.m.;
- (b) use a hose providing **water** to wash boats or motor vehicles, unless the hose is equipped with an **automatic shut-off device**; or
- (c) perform hydrant flushing, except unscheduled flushing required for safety or public health reasons.

2.2 Stage 2 Restrictions

2.2.1 Subject to the provisions of section 2.6, when **Stage 2 Restrictions** are in force, a **person** must not:

- (a) **water lawns** or operate a lawn sprinkler, except in accordance with the following:
 - (i) on **residential lots**:
 - (A) with even-numbered addresses, on Monday between 4:00 a.m. and 9:00 a.m.; and
 - (B) with odd-numbered addresses, on Thursday between 4:00 a.m. and 9:00 a.m.; and
 - (ii) on **non-residential lots**:
 - (A) with even-numbered addresses, on Wednesday between 1:00 a.m. and 6:00 a.m.; and
 - (B) with odd-numbered addresses, on Tuesday between 1:00 a.m. and 6:00 a.m.;
- (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**; or
- (c) operate ornamental fountains; or
- (d) perform hydrant flushing, except unscheduled flushing required for safety or public health reasons.

2.3 Stage 3 Restrictions

2.3.1 Subject to the provisions of section 2.7, when **Stage 3 Restrictions** are in force, a **person** must not:

- (a) **water**:
 - (i) any lawn or operate a lawn sprinkler; or
 - (ii) flower gardens, vegetable gardens, decorative planters, shrubs or trees, unless such **watering** is carried out by hand with a container or a hose equipped with an **automatic shut-off device** or using a drip irrigation system, 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 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;
- (c) **water** as prohibited in clauses (b), (c) and (d) of subsection 2.2.1; or
- (d) use **water** to fill or re-fill garden ponds, ornamental fountains, hot-tubs, or swimming pools.

2.4 Stage 4 Restrictions

2.4.1 Subject to the provisions of section 2.8, when **Stage 4 Restrictions** are in force, a **person** must not:

- (a) **water** as prohibited in:
 - (i) clauses (c) and (d) of subsection 2.2.1; and
 - (ii) clauses (b), (d), and (e) of subsection 2.3.1;
- (b) **water**, or engage in **drip irrigation** 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; or
 - (vi) outdoor tracks;
- (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 a **water play park** or water slide; or
- (f) operate a car wash.

2.4.2 For greater certainty, the provisions of subsection 2.4.1 apply to all areas of:

- (a) **commercial** nurseries and produce farms;
- (b) turf farms;
- (c) golf courses;
- (d) sports playing fields; and
- (e) school yards.

2.4.3 Subject to the provisions of section 2.8, when **Stage 4 Restrictions** are in force, the **City** will:

- (a) close all outdoor pools operated by the **City**;
- (b) shut down all faucets in **City** parks and public places, except drinking fountains with an **automatic shut-off device**; and
- (c) not winterize outdoor pools.”

2.5 Exceptions to Water Use Restrictions – Stage 1

2.5.1 The **Stage 1 Restrictions** specified in subsections 2.1.1 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**;
- (b) **watering**:
 - (i) public sports playing fields;
 - (ii) school yards;
 - (iii) turf at turf farms;
 - (iv) artificial turf or outdoor race tracks where **watering** is required for dust control or safety;
 - (v) flower gardens, vegetable gardens, decorative planters, shrubs or trees; and
 - (vi) the playing surface of golf courses; and
 - (vii) **City** parks;
- (c) **commercial** car washes; or
- (d) use of **water** to fill or re-fill a garden pond, hot-tub, swimming pool or **water play park**.

2.6 Exceptions to Water Use Restrictions – Stage 2

2.6.1 The **Stage 2 Restrictions** specified in subsection 2.2.1 do not apply to:

- (a) a **person** who **waters** lawns or landscaping at premises pursuant to a permit issued under subsection 3.1.3, provided the **person** is and has been at all times in compliance with the permit;
- (b) **watering**:
 - (i) as permitted in clauses (b)(i) through (v), (c) and (d) of subsection 2.5.1; and
 - (ii) the tee-off areas and putting greens of golf courses; and
- (c) water play parks with user-activated switches.

2.7 Exceptions to Water Use Restrictions – Stage 3

2.7.1 The **Stage 3 Restrictions** specified in subsection 2.3.1 do not apply to **watering**:

- (a) as permitted in clauses (b)(i) through (iv) and (c) of subsection 2.5.1.;
- (b) flowers and vegetables at commercial gardens;
- (c) **water play parks** with user-activated switches; and
- (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.

2.8 Time Limit for Water Use Restrictions

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

2.8.2 At any time before or after September 30th of any year, the **Commissioner** may, by letter to the **General Manager, Engineering & Public Works** declare that notwithstanding subsection 2.8.1, a **Restriction Stage** will remain in force or come into force after September 30th.

PART THREE: PERMITS

3.1 Permits for New Lawns or Landscaping

3.1.1 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 **General Manager, Engineering & Public Works** 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.

3.1.2 An application for a **permit** must be accompanied by an application fee in the amount set from time to time in the Consolidated Fees Bylaw No. 8636.

3.1.3 The **General Manager, Engineering & Public Works**, upon being satisfied that an applicant qualifies under section 3.1.1, may issue a **permit** to the applicant.

3.1.4 Notwithstanding **Stage 1 Restrictions** or **Stage 2 Restrictions**, 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**.

- 3.1.5 A **permit** does not exempt the holder from **Stage 3 Restrictions** or **Stage 4 Restrictions**.
- 3.1.6 A **permit** must be affixed to a post facing the street serving the premises, beside the principal driveway from the street to the premises.
- 3.1.7 A **permit** expires and is of no force or effect 21 days after the date of its issue, unless extended under subsection 3.1.7.
- 3.1.8 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 3.1.3.

PART FOUR: DELEGATION OF AUTHORITY

4.1 Delegation of Authority of General Manager, Engineering & Public Works

- 4.1.1 The **General Manger, Engineering & Public Works** may delegate some or all of his or her powers and duties under this bylaw.

PART FIVE: INTERPRETATION

- 5.1 In this bylaw, unless the context otherwise requires:

AUTOMATIC SHUT-OFF DEVICE	means a device that is spring-loaded and shuts off the supply of water automatically unless hand pressure is applied to allow the supply of water.
CITY	means the City of Richmond.
COMMERCIAL	means for profit or gain.
COMMISSIONER	means the Commissioner of the Greater Vancouver Water District.
COUNCIL	means the Council of the City .
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.

GENERAL MANAGER, ENGINEERING & PUBLIC WORKS	means the person appointed by Council to the position of General Manager, Engineering & Public Works and includes a person to whom the General Manager, Engineering & Public Works has delegated authority under this bylaw.
NON-RESIDENTIAL LOT	means a parcel of land used for commercial, industrial, agricultural or mixed use purposes, including without limitation where a residential use is included on the same parcel as a commercial, industrial or agriculture use
PERMIT	means a permit issued under Part 3 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: <ul style="list-style-type: none"> (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.
RESIDENTIAL LOT	means a parcel of land used solely for residential purposes.
RESTRICTION STAGE	means restrictions on water use imposed by the Commissioner , specifically the stages of restrictions specified in Part Two of this bylaw.
STAGE 1 RESTRICTIONS	means the restrictions on water use specified in section 2.1 of this bylaw.
STAGE 2 RESTRICTIONS	means the restrictions on water use specified in section 2.2 of this bylaw.
STAGE 3 RESTRICTIONS	means the restrictions on water use specified in section 2.3 of this bylaw.

STAGE 4 RESTRICTIONS	means the restrictions on water use specified in section 2.4 of this bylaw.
WATER	used as a noun, means water supplied directly or indirectly by Greater Vancouver Water District or the City of Richmond, 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 an outdoor recreational facility, owned or operated by the City , which incorporates water play features, including wading pools and spray parks.

PART SIX: OFFENCES AND PENALTIES

- 6.1 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 bylaw or applicable 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 is liable on summary conviction, to the penalties provided in section 6.2, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.
- 6.2 Upon conviction pursuant to the *Offence Act* for an offence against this bylaw, the offender is liable to the following fines:
- (a) for a first conviction, not less than \$3,000 and not more than \$10,000;
 - (b) for a second or subsequent conviction, not less than \$5,000 and not more than \$10,000.
- 6.3 In a prosecution under this bylaw, the onus of establishing an exemption under sections 2.5, 2.6 or 2.7 lies on the **person** claiming the exemption.
- 6.4 A violation of the provisions identified in this bylaw, except the **Stage 4 Restrictions** set-out in section 2.4, shall result in liability for penalties and late

payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*.

- 6.5 A violation of the provisions identified in this bylaw, except the **Stage 4 Restrictions** set-out in section 2.4, shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*.
- 6.6 A violation of the **Stage 4 Restrictions** identified in section 2.4 of this bylaw shall be subject to the penalty and procedures established in the *Municipal Ticket Information Authorization Bylaw No. 7321*.

PART SEVEN: PREVIOUS BYLAW REPEAL

- 7.1 Water Restrictions Bylaw No. 6085 (adopted May 25, 1993); and Amendment Bylaw No. 6767 (adopted June 9, 1997), are repealed.

PART EIGHT: SEVERABILITY & CITATION

- 8.1 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.
- 8.2 This bylaw is cited as “**Water Use Restriction Bylaw No. 7784**”.

PART NINE: FEES BYLAW

- 9.1 The Consolidated Fees Bylaw No. 8636, as may be amended from time to time, applies to this bylaw.