

Bylaw No. 4838, 2018

Consolidated with amendments in Bylaws: (1) 5185, 2022

NOTE: This is a consolidation for convenience purposes only and does not have the force of law.

A Bylaw to Provide for a Drinking Water Conservation Plan

WHEREAS:

- A. Pursuant to section 8 of the *Community Charter*, S.B.C., 2003, c 26, as amended, Council for the City of Coquitlam may, by bylaw, provide any service that Council considers necessary or desirable and may regulate, prohibit or impose requirements in relation to such service;
- B. The City, under the City of Coquitlam Water Distribution Bylaw No. 2973, 1995, has established and maintains a water distribution system and, in recognition of the need to provide an effective method of water conservation within the City, has agreed to cooperate with the Greater Vancouver Water District to regulate the use of water supplied by the water distribution system for purposes of outdoor uses, including landscape irrigation;

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw may be cited for all purposes as the “Drinking Water Conservation Plan Bylaw No. 4838, 2018”.

2. Repeal of Existing Bylaws

Water Shortage Response Plan Bylaw No. 3701, 2005 and all amendments thereto are hereby repealed in their entirety.

3. Definitions and Interpretation

3.1. In this Bylaw:

- a) “Automatic Shut-off Device” means a device attached to a water hose that shuts off the supply of water automatically unless hand pressure is applied to operate the device.
- b) “Automatic Watering” means the application of water using an automated water delivery system that requires only minimal human intervention or supervision and typically employs mechanical, electronic or other components and devices, including but not limited to timers, sensors, computers or mechanical appliances.

- c) “City” means the City of Coquitlam.
- d) “Commissioner” means the Commissioner of the Greater Vancouver Water District.
- e) “Drip Irrigation” means an irrigation system that delivers Water directly to the root zone of the plant at a low flow rate through individual emission points or emitters using droplets of Water, and excludes sprinkler irrigation systems, micro-spray systems, misting systems, and Soaker Hoses.
- f) “Edible Plant” means a plant grown for the purpose of human consumption.
- g) “Engineer” means the City’s General Manager of Engineering and Public Works or authorized City representatives.
- h) “Fees and Charges Bylaw” means the Fees and Charges Bylaw in place in the City as amended or replaced from time to time.
- i) “Golf Course” means the greens, tee areas and fairways that are designed and maintained as playing surfaces for golf, but does not include rough areas or lawn areas that are not maintained as playing surfaces.
- j) “Impermeable Surface” means a material added to the surface of the ground, or on the exterior of a building or structure, that is impermeable to water, including but not limited to glass, wood, concrete, asphalt, paving stones and other similar materials.
- k) “Lawn” means a cultivated area that is covered by grass, turf, or a ground cover plant such as clover, including areas such as boulevards, parks, school yards and cemeteries, but excluding Golf Courses, Soil-based Playing Fields and Sand-based Playing Fields.
- l) “Manual Watering” means the application of water using a device or tool that is manually held or operated by a human being, without automatic watering.
- m) “Nematodes” means a biological control targeting the European Chafer Beetle.
- n) “Non-residential Use” means all land use other than residential use as defined in City of Coquitlam Zoning Bylaw No. 3000, 1996, as amended, or any subsequent Zoning Bylaw adopted by the Council for the City.
- o) “Permit” means a permit issued under section 6 in a form approved by the Engineer.
- p) “Person” means an individual, a corporation, a partnership, a society, a municipality, a regional district, the provincial government, or any body appointed or created under an enactment of Canada or British Columbia.

- q) “Public Announcement” means an advertisement or public service announcement made in two or more of the following forms:
 - 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; or
 - iii) online social media, including the City website intended for circulation to residents within the City.
- r) “Restriction Stage” means Stage 1 Restrictions, Stage 2 Restrictions, Stage 3 Restrictions, or Stage 4 Restrictions.
- s) “Sand-based Playing Field” means a field constructed with a highly permeable sand-based root zone over a drainage system with drain pipes bedded in gravel, and is designed and maintained to be playable year-round.
- t) “Soaker Hose” means a garden hose or pipe with small holes that allow water to seep into the ground to the roots of plants, discharging water through the entire length of its porous surface.
- u) “Soil-based Playing Field” means a field covered with grass, sod or turf that is designed and maintained to be played upon, or is used for sporting or other community events and activities, but does not include Lawns, Golf Courses or Sand-based Playing Fields.
- v) “Stage 1 Restrictions” means the restrictions on Water use described in sections 1.1 and 1.2 of Schedule 1.
- w) “Stage 2 Restrictions” means the restrictions on Water use described in sections 2.1 and 2.2 of Schedule 1.
- x) “Stage 3 Restrictions” means the restrictions on Water use described in sections 3.1 and 3.2 of Schedule 1.
- y) “Stage 4 Restrictions” means the restrictions on Water use described in sections 4.1 of Schedule 1.
- z) “Street” includes a public road, highway, bridge, viaduct, alley, right-of-way, sidewalk, and multi-use pathway, and any other way normally open to the use of the public.
- aa) “Water” used as a verb, and “Watering”, mean the application or distribution of Water (used as a noun) to lands or plants with any device or tool and include both Automatic Watering and Manual Watering.

- bb) “Water” used as a verb, and “Watering”, mean the application or distribution of Water (used as a noun) to lands or plants with any device or tool, including but not limited to a sprinkler, hose, mister, or Drip Irrigation.
- cc) “Water Management Plan” means a plan proposed by the owner or operator of a Golf Course, Soil-based Playing Field, Sand-based Playing Field, cemetery or similar facility approved by the Engineer under section 5.
- dd) “Water Play Park” means a recreational facility that is primarily outdoors, where Water is designated for play, including spray pools and wading pools, spray parks, splash pads and water slides.

3.2. The schedule to this Bylaw is an integral part of this Bylaw.

3.3. The Engineer may delegate some or all of his or her powers and duties under this Bylaw.

4. Declaration and Announcement of Restriction Stages

- 4.1. If the Commissioner activates a Restriction Stage by declaration, the Restriction Stage described in the declaration comes into force in the City seventy-two hours after the City makes a Public Announcement of the declaration.
- 4.2. Stage 1 Restrictions will come into force on May 1st of each year without requirement of the Commissioner or the City to make a declaration or announcement.
- 4.3. Stage 1 Restrictions will remain in force until October 15th of each year unless declared otherwise by the Commissioner.
- 4.4. 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.
- 4.5. Stage 2 Restrictions, Stage 3 Restrictions and Stage 4 Restrictions may be deactivated by the Commissioner.

5. Water Management Plan

- 5.1. An owner or operator of a Golf Course, Soil-based Playing Field, Sand-based Playing Field, cemetery or similar facility may submit a proposed Water Management Plan to the Engineer for approval and include the following:
 - a) The historical Water demand from May 1st to October 15th of each year;
 - b) The reduction in Water demand from May 1st to October 15th of each year and for each Restriction Stage under the proposed Water Management Plan;

- c) The strategy and measures to be followed by the owner or operator to meet the proposed Water demand reductions;
 - d) Other information or commitments, conditions or restrictions as the Engineer may require.
- 5.2. The Engineer may approve a proposed Water Management Plan in whole or in part, amend the proposed Water Management Plan, or add such other or further commitments, conditions and restrictions as the Engineer considers advisable.
 - 5.3. If the owner or operator consents to adopt the Water Management Plan approved by the Engineer, it shall signify such consent in writing, specifying the date on which the Water Management Plan is adopted, in which case the Water Management Plan shall come into force on the later of the date specified in the notice of consent, or the date on which the Engineer receives the written notice of consent.
 - 5.4. If the owner or operator does not consent in writing to adopt the Water Management Plan approved by the Engineer, the Water Management Plan shall be of no force or effect.
 - 5.5. If a Water Management Plan is in force, the owner or operator shall comply with all conditions and restrictions set out in the Water Management Plan and the Water Management Plan shall supersede the Watering restrictions that would otherwise apply.
 - 5.6. The Engineer may terminate or suspend a Water Management Plan by notifying the owner or operator in writing at least seven days before the termination or suspension date.
 - 5.7. An owner or operator may terminate a Water Management Plan by notifying the Engineer in writing, in which case the Water Management Plan is terminated on the later of the date specified in the notice, or the date on which the Engineer receives the notice.

6. Permits

- 6.1. 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 Engineer for a Permit authorizing the Person to Water the new Lawn and new landscaping when Stage 1 Restrictions are in force, at times specified in the Permit, at the premises described in the Permit, during the currency of the Permit. A Person who has been issued a Permit prior to the activation of Stage 2 Restrictions may continue to Water the new Lawn or landscaping during the currency of the Permit, except that a person who has been issued a Permit shall not be allowed to Water the new Lawn or landscaping during Stage 3 Restrictions and Stage 4 Restrictions.
- 6.2. The Engineer, upon being satisfied that an applicant qualifies under section 6.1, may issue a Permit to the applicant upon payment of a fee prescribed in the Fees and Charges Bylaw.

- 6.3. A Permit issued under section 6.2 shall be displayed facing the Street serving the premises, beside the principal driveway from the Street to the premises.
- 6.4. A Permit issued under section 6.2 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 6.5.
- 6.5. Before or after the expiration of a Permit issued under section 6.2, a Person may apply for one extension of the Permit on the same terms and conditions as may be imposed under section 6.2. Such an extension shall end on or before 42 days from the date of the issue of the initial Permit under section 6.2.
- 6.6. A Person who wishes to treat their Lawn with Nematodes in order to control the European Chafer Beetle may apply to the Engineer for a Permit authorizing the Person to Water the Lawn when Stage 1 Restrictions are in force, at times specified in the Permit, at the premises described in the Permit, during the currency of the Permit. A Person who has been issued a Permit to Water their Lawn for treatment of Nematodes prior to the activation of Stage 2 Restrictions may continue to Water the Lawn during the currency of the Permit, except that a person who has been issued a Permit shall not be allowed to Water the Lawn during Stage 3 Restrictions and Stage 4 Restrictions.
- 6.7. The Engineer, upon being satisfied that an applicant qualifies under section 6.6, may issue a Permit to the applicant.
- 6.8. A Permit issued under section 6.7 shall be displayed facing the Street serving the premises, beside the principle driveway from the Street to the premises.
- 6.9. A Permit issued under section 6.7 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 6.10.
- 6.10. Before or after the expiration of a Permit issued under section 6.67, a Person may apply for one extension of the Permit on the same terms and conditions as may be imposed under section 6.7. Such an extension shall end on or before 42 days from the date of the issue of the initial Permit under section 6.7.
- 6.11. The Engineer may revoke a Permit issued under section 6.2 or 6.7 for any reason.

7. Enforcement

- 7.1. The following individuals have authority to enforce the provisions of this Bylaw:
 - a) Bylaw Inspectors;
 - b) Any member of the Engineering and Public Works Department of the City designated by the General Manager of Engineering and Public Works as Water

Conservation/Urban Wildlife Officers for the purpose of enforcing the provisions of this Bylaw;

- c) Special constables, officers or members of the Royal Canadian Mounted Police.

8. Fire Chief Authority

In any area within the City where the fire hazard rating has been set at “extreme” for a minimum of three consecutive days, the Fire Chief for the City may issue a notice to the public identifying some or all of those areas within the City as areas where certain Water restrictions otherwise imposed under this Bylaw will be suspended for the period specified in the notice thereby allowing property owners and occupants to take measures to reduce the fire hazard to their property by watering their Lawn and gardens. Notice under this section may be given by Public Announcement or, where applicable, notice delivered to properties within the area or areas affected.

9. Exemption for Health and Safety

Notwithstanding any provision of this Bylaw, the City may use Water during any Restriction Stage, and is exempt from any restrictions contained herein, for activities that the City determines are necessary for the purpose of protecting public health or safety.

10. Offences and Penalties

10.1. Every Person who violates any provision of this Bylaw, or who causes, permits or allows any act or thing to be done in violation of this Bylaw, or who neglects to do or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues is deemed to be a separate offence against this Bylaw.

10.2. Every Person who violates a provision of this Bylaw, or who causes, permits, or allows an act or thing to be done in violation of a provision of this Bylaw, or who neglects to do or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding the maximum set out in the *Offence Act*, as amended.

10.3. Any Person who is the registered owner, occupant, tenant, lessee or licensee of a property where a violation of this Bylaw occurs, or who appears to be the registered owner, occupant, tenant, lessee or licensee of a property where a violation of this Bylaw occurs and who was at the property at the time of the violation, is deemed to be a Person who has committed an offence as described in Section 10.1 and 10.2.

11. Severability

If any section, subsection, clause or phrase of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it will be deemed to be severed and the remainder of the Bylaw will remain valid and enforceable in accordance with its terms.

READ A FIRST TIME this 26th day of February, 2018

READ A SECOND TIME this 26th day of February, 2018

READ A THIRD TIME this 26th day of February, 2018

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 5th day of March, 2018.

_____ MAYOR

_____ CLERK

SCHEDULE 1**DRINKING WATER CONSERVATION PLAN RESTRICTION STAGES****Part 1: Stage 1 Restrictions**

1.1. Subject to section 1.2 of this Schedule, when Stage 1 Restrictions are in force, no Person shall:

1.1.1 Water a Lawn, except:

a) for properties zoned for residential use:

(1) with civic addresses ending in an even digit:

- i. when applying Automatic Watering on Saturdays between the hours of 5:00 a.m. and 7:00 a.m.;
- ii. when applying Manual Watering on Saturdays between the hours of 6:00 a.m. and 9:00 a.m.;

(2) with civic addresses ending in an odd digit:

- i. when applying Automatic Watering on Sundays between the hours of 5:00 a.m. and 7:00 a.m.;
- ii. when applying Manual Watering on Sundays between the hours of 6:00 a.m. and 9:00 a.m.;

b) for properties zoned for Non-residential Use or for combined Non-residential Use and residential use:

(1) with civic addresses ending in an even digit:

- i. when applying Automatic Watering on Mondays between the hours of 4:00 a.m. and 6:00 a.m.;
- ii. when applying Manual Watering on Mondays between the hours of 6:00 a.m. and 9:00 a.m.;

(2) with civic addresses ending in an odd digit:

- i. when applying Automatic Watering on Tuesdays between the hours of 4:00 a.m. and 6:00 a.m.;
- ii. when applying Manual Watering on Tuesdays between the hours of 6:00 a.m. and 9:00 a.m.;

1.1.2 Water trees, shrubs, decorative gardens and planters:

a) applying Automatic Watering on properties zoned for residential use outside of the hours of 5:00 a.m. to 9:00 a.m. on any day;

b) applying Automatic Watering on properties zoned for Non-residential Use or combined Non-residential Use and residential use outside of the hours of 4:00 a.m. to 9:00 a.m. on any day;

- 1.1.3 use a hose providing Water without an equipped Automatic Shut-off Device at any time for any purpose;
- 1.1.4 allow Automatic Watering systems to be broken, leaking or misdirected on Impermeable Surfaces;
- 1.1.5 Water Soil-based Playing Fields outside of the hours of 7:00 p.m. to 9:00 a.m. on any day, except if the purpose is to Water over-seeded fields or Watering is done under a Water Management Plan approved by the City; or
- 1.1.6 Water Sand-based Playing Fields outside of the hours of 7:00 p.m. to 9:00 a.m. on any day, except if the purpose is to Water over-seeded fields or Watering is done under a Water Management Plan approved by the City.

1.2. Section 1.1 of this Schedule does not apply to:

- 1.2.1 a Person who Waters a Lawn 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;
- 1.2.2 Watering of:
 - a) trees, shrubs, decorative gardens and planters if carried out by Manual Watering, or by Soaker Hose or Drip Irrigation;
 - b) Edible Plants; and
 - c) Golf Courses.

Part 2: Stage 2 Restrictions

2.1. Subject to section 2.2 of this Schedule, when Stage 2 Restrictions are in force, no Person shall:

2.1.1 Water a Lawn;

2.1.2 Water trees, shrubs, decorative gardens and planters:

- a) applying Automatic Watering on properties zoned for residential use outside of the hours of 5:00 a.m. to 9:00 a.m. on any day;
- b) applying Automatic Watering on properties zoned for Non-residential Use or combined Non-residential Use and residential use outside of the hours of 4:00 a.m. to 9:00 a.m. on any day;

2.1.3 use a hose providing Water without an equipped Automatic Shut-off Device at any time for any purpose;

2.1.4 allow Automatic Watering systems to be broken, leaking or misdirected on Impermeable Surfaces;

2.1.5 use a hose providing Water to wash outdoor Impermeable Surfaces, unless the hose is equipped with an Automatic Shut-off Device and:

- a) the purpose is to prepare the surface for painting or similar treatment;
- b) the purpose is for the health or safety of any Person, or to prevent or control fires; or
- c) washing of the surface is performed by a commercial cleaning service;

2.1.6 top-up or fill aesthetic water features with Water;

2.1.7 Water Soil-based Playing Fields over more than four days within a 7-day period and outside of the hours of 7:00 p.m. to 9:00 a.m., except if the purpose is to Water over-seeded fields or Watering is done under a Water Management Plan approved by the City;

2.1.8 Water Sand-based Playing Fields outside of the hours of 7:00 p.m. to 9:00 a.m. on any day, except if the purpose is to Water over-seeded fields or Watering is done under a Water Management Plan approved by the City;

2.1.9 Water fairways of Golf Courses over more than one day within a 7-day period, except if Watering is done in compliance with a Golf Course Water Management Plan; or

2.1.10 operate a Water Play Park unless it is equipped with user-activated switches.

2.2 Section 2.1 of this Schedule does not apply to:

2.2.1 a Person who Waters a Lawn 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;

2.2.2 Watering of:

- a) trees, shrubs, decorative gardens and planters if carried out by Manual Watering, or by Soaker Hose or Drip Irrigation; and
- b) Edible Plants.

Part 2: Stage 3 Restrictions

- 3.1 Subject to Section 3.2 of this Schedule when Stage 3 Restrictions are in force, no Person shall:
- 3.1.1 Water a Lawn;
 - 3.1.2 Water trees, shrubs, decorative gardens and planters, except:
 - a) if Watering is carried out by Manual Watering;
 - b) if Watering is carried out using Drip Irrigation;
 - 3.1.3 use a hose providing Water to wash boats or motor vehicles, unless the purpose of washing is to clean windows, lights, mirrors, license plates or boat engines for the purpose of safe operation;
 - 3.1.4 use a hose providing Water without an equipped Automatic Shut-off Device at any time for any purpose;
 - 3.1.5 allow Automatic Watering systems to be broken, leaking or misdirected on Impermeable Surfaces;
 - 3.1.6 use a hose providing Water to wash outdoor Impermeable Surfaces, unless the hose is equipped with an Automatic Shut-off Device and:
 - a) the purpose is to prepare the surface for painting or similar treatment;
 - b) the purpose is for the health or safety of any Person, or to prevent or control fires; or
 - c) washing of the surface is performed by a commercial cleaning service;
 - 3.1.7 top-up or fill aesthetic water features with Water;
 - 3.1.8 top-up or fill hot tubs or swimming pools with Water, unless the hot tub or swimming pool possesses a valid operating permit in compliance with the local health authority;
 - 3.1.9 operate a Water Play Park unless it is equipped with user-activated switches;
 - 3.1.10 Water fairways of Golf Courses, except if Watering is done in compliance with a Golf Course Water Management Plan;
 - 3.1.11 operate a commercial vehicle washing facility, except for:
 - a) facilities with an automatic vehicle wash system installed before November 1, 2017, and that operate on a basic wash and rinse cycle only;
 - b) facilities with an automatic vehicle wash system installed after November 1, 2017, and that operate on a water recycling system that achieves a minimum 60% water recovery rate over the full wash cycle;
 - c) hand wash and self-service facilities that operate using high-pressure wands or brushes that achieve a maximum flow rate of 11.4 litres per minute;

3.1.12 Water Soil-based Playing Fields over more than three days within a 7-day period and outside of the hours of 7:00 p.m. to 9:00 a.m., except if the purpose is to Water over-seeded fields or Watering is done under a Water Management Plan approved by the City; or

3.1.13 Water Sand-based Playing Fields over more than five days within a 7-day period and outside of the hours of 7:00 p.m. to 9:00 a.m., except if the purpose is to Water over-seeded fields or Watering is done under a Water Management Plan approved by the City.

3.2. Section 3.1 of this Schedule does not apply to the Watering of Edible Plants.

Part 4: Stage 4 Restrictions

4.1. When Stage 4 Restrictions are in force, no Person shall:

4.1.1 Water:

- a) a Lawn;
 - b) trees, shrubs, decorative gardens and planters;
 - c) Edible Plants;
 - d) Golf Courses; or
 - e) Soil-based Playing Fields or Sand-based Playing Fields.
- 4.1.2 use a hose providing Water to wash boats or motor vehicles, unless the purpose of washing is to clean windows, lights, mirrors, license plates or boat engines for the purpose of safe operation and the hose is equipped with an Automatic Shut-off Device;
- 4.1.3 use a hose providing Water to wash outdoor Impermeable Surfaces, except if ordered by a regulatory authority having jurisdiction for health and safety reasons and the hose is equipped with an Automatic Shut-off Device;
- 4.1.4 use a hose to provide Water without an equipped Automatic Shut-off Device;
- 4.1.5 allow Automatic Watering systems to be broken, leaking or misdirected on Impermeable Surfaces;
- 4.1.6 top-up or fill aesthetic water features with Water;
- 4.1.7 top-up or fill hot tubs or swimming pools including those possessing a valid operating permit in compliance with the local health authority;
- 4.1.8 operate Water Play Parks; or
- 4.1.9 operate commercial vehicle wash facilities.