

**TOWN OF ANNAPOLIS ROYAL
WATER CONSERVATION BY-LAW**

WHEREAS under Section 120A of the *Municipal Government Act*, a Town may regulate in relation to services provided by, or on behalf of, a Town;

AND WHEREAS under section 796.2 of the *Municipal Government Act* the Annapolis Royal Water Utility has authority to regulate water use ;

AND WHEREAS the Town of Annapolis Royal has established a water distribution service in the following participating area of the Municipality of the County of Annapolis:

Lequille

That portion of the County as shown in Schedule C.

NOW, THEREFORE, the Town of Annapolis Royal enacts as follows:

1. Definitions

In this by-law:

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

“Utility” means Town of Annapolis Royal Water Utility.

“Boat” means a vessel propelled on water by an engine, oars or sails.

“By-law Enforcement Officer” means a person appointed or contracted by the Water Utility or the Council of the Town of Annapolis Royal to enforce this by-law.

“Town” means Town of Annapolis Royal.

“Exempted Person” means an Owner or Occupier of property identified in Schedule “A” as exempt from one or more of the regulations under this by-law.

“Fill” means to fill completely with water.

“Superintendent” means the Superintendent of Public Works.

“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, and includes spray emitter systems (Micro-Sprays), point source emitters and linear tape systems as defined in the BC Trickle Manual prepared and published by the BC Ministry of Agriculture and Food, Resource Management Branch (issue 1999), but does not include weeper or soaker hoses.

“Newspaper” has the same meaning as in the *Municipal Government Act*.

“Notice” means a Notice given under Section 6 of this by-law.

“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 *Municipal Government Act*.

“Over-Watering” means to Water in a manner that saturates the lawn, Boulevard or landscaped area being watered and results in Water spreading onto areas beyond them.

“Owner” has the same meaning as in the *Municipal Government Act*.

“Permit” means a Permit issued under Section 9(1) of this by-law.

“Public Authority” has the same meaning as defined in the *Municipal Government Act*.

“Restricted Hours” means those time periods during which watering is permitted in Schedule “A” of this by-law.

“Sprinkler” means a hose connected or other sprinkler system but excludes a Micro-irrigation or Drip-irrigation system.

“Stage” means the Stages 1, 2 and 3 of Water Use Restrictions prescribed in Schedule “A” of this By-law.

“Vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway.

“Water” means water supplied by the Town of Annapolis Royal directly or indirectly to an Owner or Occupier or the act of using or applying such water.

“Water Use Restrictions” means the restrictions prescribed in Schedule “A” of this by-law.

“Watering Days” means those days during which Watering is permitted in Schedule “A” of this By-law.

2. Application

The restrictions and regulations in this by-law are applicable in the Town of Annapolis Royal.

3. Prohibitions

(1) The prohibitions in subsections 3(2) and 3(3) are in force at all times of the year.

(2) No person shall damage or allow the deterioration of any Appliance so as to result in a waste of water.

(3) 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:

(a) allowing a tap or hose to run water unnecessarily, and

(b) the over-watering of plants or lawns.

(4) No person, being an Owner or Occupier of property in the Town, shall use water or cause water to be used contrary to the provisions of this by-law in effect at the time of use.

4. Inspection

A By-law Enforcement Officer has the authority to enter at all reasonable times on any property that is subject to this by-law to ascertain whether the requirements of this by-law are being met or the regulations in this by-law are being observed.

5. Effective Dates of Stages and Restrictions

(1) Stage 1 and the Water Use Restrictions for Stage 1 prescribed in Schedule “A” are in effect in each year from May 1st to September 30th both inclusive, except as provided under subsection (2).

(2) The Utility, by resolution, may

(a) amend the effective period of time for Stage 1, or

(b) terminate or bring into effect a Stage more restrictive than Stage 1 at any time of the year for any period of time.

(3) The Stage determined under subsection (2) and the Water Use Restrictions prescribed under Schedule “A” for that Stage take effect on the commencement date stated in this by-law or the Notice for that Stage and remain in effect until that Stage is terminated.

(4) A Stage will remain in effect until it is terminated by resolution or otherwise under this By-law, or until the commencement of another Stage.

6. Notice

(1) The General Manager must give Notice or cause Notice to be given to persons within the Municipality of the applicable Stage determined under Section 5(2) and its effective dates of commencement and termination when determined by the Commission.

(2) The Notice under subsection (1) must be given at least once

(a) before the commencement of the applicable Stage, and

(b) within a reasonable time after the resolution of the Commission to terminate the Stage.

(3) The Notice under this section must be published in a Newspaper and broadcast from a radio station, and may also be broadcast from a television station or cable television

channel serving the Capital Regional District and posted on the TOWN OF ANNAPOLIS ROYAL web site.

7. Determination Factors

In making a determination under Section 5(2), the Commission may consider, but shall not be bound by, whether or not a greater than 80% probability exists that during that calendar year, the volume of Water in the Sooke Lake Reservoir and the Goldstream Reservoirs will exceed in total 20.5 million cubic metres, or 20% of total storage (16 million cubic metres in the Sooke Lake Reservoir and 4.5 million cubic metres in the Goldstream Reservoirs).

8. Water Use Restrictions

The Water Use Restrictions for each Stage are prescribed in Schedule "A" to this by-law and must be obeyed during the period that the applicable Stage is in effect under this by-law.

9. Permits, Exemptions and Special Cases

(1) The Town of Annapolis Royal may issue Permits in the special cases and manner prescribed in Schedule "B".

(2) Exemptions and special cases to the regulations in this by-law are prescribed in Schedule "A".

(3) Exempted Persons and Permit holders are exempted from Section 3 to the extent permitted by Schedule "A" and the conditions of the Permit where applicable.

10. Schedules

Schedules "A", "B" and "C" of this by-law form part of and are enforceable in the same manner as this by-law.

11. Penalty

(1) A person who contravenes this by-law commits an offence, is punishable in accordance with the Offence Act, and on conviction, in addition to the penalties prescribed under the Offence Act, is subject to the following minimum fines:

(a) for an offence under section 3(3) of this by-law, a minimum fine of \$100 plus costs if the offence is committed during Stage 1, \$200 plus costs if the offence is committed during Stage 2, \$300 plus costs if the offence is committed during Stage 3, and \$100 plus costs if the offence is committed when no Stage is in effect; and

(b) for an offence under section 3(4) of this by-law, a minimum fine of \$50 plus costs for each offence under Stage 1, \$75 plus costs for each offence under Stage 2, and \$100 plus costs for each offence under Stage 3.

This by-law shall take effect upon the date of publication.

Jane DeWolfe, Mayor

Amery Boyer, CAO

This is to certify that the foregoing is a true copy of a by-law passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held the *X day of* , 2008.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this X.

FIRST READING:	
ANOTICE OF INTENT@ PUBLICATION:	
SECOND READING:	
MINISTERIAL APPROVAL: Minister of Environment	
DATE OF PUBLISHING:	
FORWARDED TO THE MINISTER	
FORWARDED TO WEBSITE	

SCHEDULE "A"
OUTDOOR WATER USE RESTRICTION STAGES

1. STAGE 1 – TWO DAYS PER WEEK LAWN WATERING

(1) During Stage 1,

- (a) no person shall use a Sprinkler to water a lawn growing on a property with
 - (i) an even numbered address, except on Wednesday and Saturday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.; and
 - (ii) an odd numbered address, except on Thursday and Sunday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.; and
- (b) a person may
 - (i) water trees, shrubs, flowers and vegetables on any day with a Sprinkler during the prescribed hours for Stage 1 lawn watering and on any day at any time if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
 - (ii) water newly planted trees, shrubs, flowers and vegetables by any method during installation and for the following 24 hours;
 - (iii) use Micro-irrigation or Drip- irrigation systems to Water trees, shrubs, flowers and vegetables at any time on any day;
 - (iv) under the authority of a Permit, water new sod on installation and during the first 21 days after installation, and water newly seeded lawns until growth is established or for 49 days after installation, whichever is less, but only during the prescribed Stage 1 lawn Watering hours;
 - (v) water all weather playing fields at any time if failure to do so will result in a permanent loss of plant material; and
 - (vi) wash a vehicle with Water using a hand held container or hose equipped with a shut-off nozzle and at car dealerships or commercial car washes.

(2) As exceptions to the Stage 1 restrictions,

- (a) Owners or Occupiers of property who, by reason of physical or mental incapacity, are unable to water their property within the restricted days and times, may water their property on any two days of the week for a maximum of 9 hours per day;
- (b) Nurseries, Farms, turf farms and tree farms are exempted from the restrictions;
- (c) Public Authorities may water lawns and Boulevards on any day but no more than two days per week; and
- (d) owners or operators of golf courses may water
 - (i) fairways at any time on any day;
 - (ii) trees, shrubs, flowers and vegetables grown on golf courses in accordance with Section 1(1) (b) (i), (ii) and (iii) of this Schedule; and
 - (iii) golf greens and tees on any day if failure to do so will result in permanent loss of plant material.

2. STAGE 2 – ONE DAY PER WEEK LAWN WATERING

(1) During Stage 2,

- (a) no person shall use a Sprinkler to water a lawn growing on a property with
 - (i) an even numbered address, except on Wednesday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
 - (ii) an odd numbered address, except on Thursday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
- (b) no person shall use Water to wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces, except as necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repointing bricks, or

if required by law to comply with health or safety regulations; and

(c) a person may

- (i) water trees, shrubs, flowers and vegetables on any day with a Sprinkler during the prescribed hours for Stage 2 lawn watering and on any day at any time if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
- (ii) water newly planted trees, shrubs, flowers and vegetables by any method during installation and for the following 24 hours;
- (iii) use Micro-irrigation or Drip- irrigation systems to water trees, shrubs, flowers and vegetables at any time on any day;
- (iv) water all weather playing fields at any time if failure to do so will result in a permanent loss of plant material; and
- (v) wash a vehicle with Water using a hand held container or hose equipped with a shut-off nozzle and at car dealerships and commercial car washes.

(2) As exceptions to Stage 2 restrictions,

- (a) Owners or Occupiers of property who, by reason of physical or mental incapacity, are unable to water their property within the restricted days and times, may water their property on one day per week for a maximum of 9 hours per day;
- (b) Nurseries, Farms, turf farms and tree farms are exempted from the restrictions;
- (c) Public Authorities may water lawns and Boulevards on any day but no more than one day per week; and
- (d) owners or operators of golf courses may water
 - (i) fairways at any time on not more than two days per week;
 - (ii) trees, shrubs, flowers and vegetables grown on golf courses in accordance with Section 2(1) (c) (i), (ii) and (iii) of this Schedule; and
 - (iii) golf greens and tees on any day if failure to do so will result in permanent loss of plant material;

3. STAGE 3 – NO LAWN WATERING

(1) During Stage 3,

(a) no person shall

- (i) water a lawn or Boulevard;
- (ii) Fill a swimming pool, hot tub or garden pond;
- (iii) Fill or operate a decorative fountain at any time; or
- (iv) wash a Vehicle or a Boat with Water.

(b) a person may

- (i) water trees, shrubs, flowers and vegetables on any day between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
- (ii) water newly planted trees, shrubs, flowers and vegetables between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. only by hand-held container or a hose equipped with a shut-off nozzle during installation and during the following 24 hours after installation is completed;
- (iii) use Micro-irrigation or Drip- irrigation systems to water trees, shrubs, flowers and vegetables on any day between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
- (iv) water all weather playing fields at any time, but only if failure to do so will result in a permanent loss of plant material; and
- (v) use water to wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces, but only if necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repointing

bricks, or if required by law to comply with health or safety regulations.

(2) As exceptions to the Stage 3 restrictions,

(a) Nurseries, Farms, turf farms and tree farms are exempted from the restrictions;

(b) owners or operators of golf courses may water

(i) fairways at any time on not more than one day per week;

(ii) trees, shrubs, flowers and vegetables grown on golf courses in accordance with Section 3(1) (b) (i), (ii) and (iii) of this Schedule; and

(iv) golf greens and tees on any day if failure to do so will result in permanent loss of plant material;

(c) wading pools may be Filled with Water; and

(d) Vehicles and Boats may be washed with Water only at car dealerships and commercial car washes using less than 57 litres of Water per Vehicle wash or 50% recirculated water as long as the total amount of water, excluding recirculated water, does not exceed 57 litres per vehicle wash.

SCHEDULE "B"
PERMITS

1. During Stage 1, a person who has installed a new lawn, either newly seeded or new sod, may apply to the Water Utility for a Permit, which will allow the new lawn to be Sprinkled with Water outside of permitted days, but within Restricted Hours. The Permit shall be conspicuously displayed at the premises for which it was issued.
2. The Water Utility shall issue a Permit to an applicant pursuant to Section 1 upon payment to the Water Utility of a fee in an amount determined by the Utility.
3. New sod may be watered for 21 days after installation and newly seeded lawn may be watered 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. Permits will not be issued or be valid during Stages 2 or 3 restrictions.