

The following is a consolidated copy of the Union Bay Water Conservation Bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
840	Union Bay Water Conservation Bylaw No. 840, 2024	December 10, 2024	To regulate water use in the Union Bay Water Local Service Area

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COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 840

A bylaw to regulate water use in the Union Bay Water Local Service Area

WHEREAS the Union Bay Improvement District provided a service of water supply under the authority of the *Local Government Act* and the improvement district's Letters Patent;

AND WHEREAS Order in Council No. 221 was issued by the Lieutenant Governor in Council on April 6, 2021 ordering the transfer of obligations from the Union Bay Improvement District to the Comox Valley Regional District and the Union Bay Water Local Service Area was established as a Comox Valley Regional District service by the conversion effective July 1, 2021;

AND WHEREAS under section 335 of the *Local Government Act* a regional district may regulate in relation to a service;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Definitions

1. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

All-weather playing field means a publicly accessible planted sports field;

Appliance means a device or mechanism, other than that owned and operated by the regional district, in or through which water is piped or used for a domestic or commercial purpose;

Board means the board of the Comox Valley Regional District;

Boat means a vessel propelled on water by an engine, oars or sails;

Boulevard means that portion of any highway other than the paved, improved or main traveled roadway, driveway or sidewalk and includes any landscaped median;

Bylaw compliance officer means a person appointed or contracted by the board or a council of the local government to enforce this bylaw

Commercial property means a property on which an income is derived from the use of the property.

CVRD means the Comox Valley Regional District;

Electoral area service area means the portions of Electoral Area A that are within the service area created by:

- (a) Bylaw No. 660 being “Union Bay Water Service Establishment Bylaw No. 660, 2021”

Exempted person means an owner or occupier of a property identified in Schedule A as exempt from one or more of the regulations under this bylaw;

Farm means one or more parcels of land classified as farmland for assessment and taxation purposes;

Fill means to completely fill with water;

General manager means any one of the officers of the CVRD, the senior manager of water/wastewater services or the manager of water services;

Local Government means the Comox Valley Regional District;

Micro-irrigation or drip-irrigation system means a system using irrigation components which consume less than 91 litres (20 gallons) per hour and operate at less than 172 kilopascal (25 pounds per square inch) 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 Irrigation 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;

Notice means a notice given under section 6 of this bylaw;

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 *Community Charter*;

Operational officers means a group of persons comprised of one (1) of each of the following:

- (a) the chief administrative officer, general manager of engineering services, or senior manager of water/wastewater services of the CVRD;

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 *Community Charter*;

Permit means a permit issued under section 9(1) of this bylaw;

Restricted hours means those time periods during which watering is permitted in Schedule A of this bylaw;

Sprinkler means a hose-connected or other sprinkler system but excludes a micro-irrigation or drip-irrigation system;

Spillway means a passage for surplus water from a dam;

Spillway invert means the lowest part of the passage or channel in which water flows in a spillway;

Stages means stages 1, 2, 3 or 4 of the water use restrictions as prescribed in Schedule A of this bylaw;

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 CVRD 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 bylaw; and

Watering days means those days during which watering is permitted in Schedule A of this bylaw.

Application

2. The restrictions and regulations in this bylaw are applicable in all areas of the Union Bay Water Local Service Area.

Prohibitions

3.
 - (1) The prohibitions in subsections (2), (3) and (4) 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 an increase in water use.
 - (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 allowing a tap or hose to run water unnecessarily and over-watering plants or lawns.
 - (4) No person shall apply water intended for irrigation to an impervious surface such as a street, parking lot, sidewalk or driveway.

- (5) No person, being an owner or occupier of property in the electoral area service area, shall use water or cause water to be used contrary to the restrictions in effect at the time pursuant to Schedule A of this bylaw.

Inspection

4. The general manager or a bylaw compliance officer has the authority to enter, at all reasonable times and in a reasonable manner and after taking reasonable steps to give notice, on any property that is subject to this bylaw to ascertain whether the requirements of this bylaw are being met or the regulations in this bylaw are being observed.

Effective Dates of Stages and Restrictions

5. (1) Stage 1 and the water use restrictions for stage 1 prescribed in Schedule A are in effect May 1 of the year or when the water level of Langley Lake is equivalent to or below the elevation of the spillway invert, except as provided under subsection (4).
- (2) Stage 2 and the water restrictions for stage 2 prescribed in Schedule A are in effect July 1 of the year or when the water level of Langley Lake drops to or below 0.64 metres from the spillway invert elevation, except as provided under subsection (4).
- (3) Stage 3 and the water use restrictions for stage 3 prescribed in Schedule A are in effect when the level of Langley Lake drops to or below 1.22 metres from the spillway invert elevation, except as provided under subsection (4).
- (4) The operational officers, by written determination and based on the determination factors specified in section 7, may
 - (a) Amend the effective period of time for stages 1, 2, 3 or 4 water use restrictions, or
 - (b) Terminate or bring into effect water use restrictions up to and including stage 4 at any time of the year for any period of time.
- (5) In the event of system failure which limits the delivery of water at normal volumes, the chief administrative officer or general manager of the CVRD may implement water restrictions as necessary to maintain the water system.
- (6) The stage determined under section 7 and the water use restrictions prescribed under Schedule A for that stage take effect on the commencement date stated in the notice for that stage and remain in effect until that stage is terminated.

- (7) A stage will remain in effect until it is terminated under this bylaw or until the commencement of another stage.

Notice

6. (1) An operational officer of the CVRD must give notice or cause notice to be given to persons within the electoral area service area of the applicable stage determined under section 5 and its effective dates of commencement and termination.
- (2) The notice under subsection (1) must be given at least once
 - (a) Before the commencement of a more restrictive stage
- (3) The notice under this section must be posted on the CVRD web site.
- (4) In the event of the commencement of a more restrictive stage due to system failure as described under section 5(5), notices will be given immediately to other persons in consideration of the expected duration of the event, as required.

Determination Factors

7. (1) In making a determination under section 5(4) the operational officers may consider:
 - (a) Forecasts of available water supply from Langley Lake;
 - (b) Operational restrictions on system capacity with respect to the usage of Langley Lake;
 - (c) The need to reduce peak demands on the water system; and
 - (d) Operational factors which limit the ability to supply normal water capacity.

Water Use Restrictions

8. (1) The water use restrictions for each stage are prescribed in Schedule A to this bylaw and must be obeyed during the period that the applicable stage is in effect under this bylaw.
- (2) The water use restrictions for each stage apply to both indoor and outdoor water use.
- (3) The water use restrictions for each stage do not apply to the use of rain water, grey water, any forms of recycled water, or other sources of water outside the Union Bay Water System.

Permits, Exemptions, and Special Cases

9. (1) The CVRD may issue permits for the installation of a new lawn in special cases and manner prescribed in Schedule B.
- (2) Exemptions and special cases to the regulations in this bylaw 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.

Schedules

10. Schedules A and B of this bylaw form part of and are enforceable in the same manner as this bylaw.

Penalty

11. (1) Any person who contravenes a provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
 - (a) on summary conviction is liable to a fine of not less than \$100 and subject to the maximum fines under the *Local Government Act* and the *Offence Act*; or
 - (b) on conviction of a ticket offence under the ticketing bylaw, is liable for the fine imposed under that bylaw.
- (2) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

Liability

12. Nothing in this bylaw shall be interpreted as imposing any duty on the CVRD to provide a continuous supply of water to any person or premises and it is a condition of supply of water that the CVRD is not liable for any injury, damage, or loss, including economic loss, to any person or property:
 - (a) Arising or occurring from the use of water from the system;
 - (b) Resulting from a failure of water supply to any consumer; or
 - (c) Resulting from any impurity, lack of pressure, increased supply pressure, or other condition affecting water supplied by the system.

Severability

13. If any provision of this bylaw is held to be invalid by a court, the provision may be severed from this bylaw and such invalidity does not affect the validity of the remaining portions of this bylaw.

Repeal

14. Union Bay Improvement District Bylaw No. 194 being "Water Conservation and Drought Management Bylaw No. 194, 2005" and any amendments hereto are hereby repealed.

Citation

15. This Bylaw No. 840 may be cited for all purposes as "Union Bay Water Conservation Bylaw No. 840, 2024."

SCHEDULE A

WATER USE RESTRICTION STAGES

STAGE 1 WATER USE RESTRICTIONS

Stage 1 is intended to raise public awareness of potential drought, prevent drinking water wastage and ensure all water users employ efficient and effective practices.

User	Water Use	Restriction
RESIDENTIAL AND NON-RESIDENTIAL	Watering lawns with a sprinkler	<ul style="list-style-type: none"> • Even-numbered civic addresses may only water between the hours of 5:00 am and 8:00 am and 7:00 pm and 10:00 pm on Tuesdays, Thursdays and Saturdays. • Odd-numbered addresses may only water between the hours of 5:00 am and 8:00 am and 7:00 pm and 10:00 pm on Wednesdays, Fridays and Sundays.
	Watering of new grass plantings (sod or seed) with reasonable evidence of recent installation (sod within 21 days, seed within 45 days)	<ul style="list-style-type: none"> • At any time if watering is done by a hand-held hose equipped with an automatic shut-off nozzle. • Under the authority of a permit, water with a sprinkler between the hours of 5:00 am and 8:00 am and 7:00 pm and 10:00 pm.
	Watering trees, shrubs, flowers, and vegetables	<ul style="list-style-type: none"> • Even-numbered civic addresses may only water using a sprinkler between the hours of 5:00 am and 8:00 am and 7:00 pm and 10:00 pm on Tuesdays, Thursdays and Saturdays. • Odd-numbered addresses may only water using a sprinkler between the hours of 5:00 am and 8:00 am and 7:00 pm and 10:00 pm on Wednesdays, Fridays and Sundays. • Any day at any time if using micro-irrigation or drip-irrigation system, hand-held container or a hand-held hose equipped with an automatic shut-off nozzle.

		<ul style="list-style-type: none"> Any day and time and using any method during installation and for the following 24 hours.
	Washing sidewalks, driveways, parking lots, and exterior windows and building surfaces	<ul style="list-style-type: none"> On any day at any time if using a hand-held container, or hand-held hose or pressure washer equipped with an automatic shut-off nozzle.
	Washing vehicles and boats	<ul style="list-style-type: none"> On any day at any time if using a hand-held container, or hand-held hose or pressure washer equipped with an automatic shut-off nozzle, or at car dealerships or commercial car washes.
LOCAL GOVERNMENT	Watering parks, ornamental lawns and grassed boulevards with a sprinkler	<ul style="list-style-type: none"> Only water between the hours of 11:00 pm and 7:00 am on even-numbered days for even-numbered civic addresses and odd-numbered days for odd-numbered civic addresses.
	Water all weather playing fields	<ul style="list-style-type: none"> At any time using any method if failure to do so will result in a permanent loss of plant material.

Exceptions to Stage 1 Water Use Restrictions

	<ul style="list-style-type: none"> Owners or occupiers of property who, by reason of physical or mental incapacity, and where such incapacity has been documented by a medical practitioner, are unable to water their property within the restricted days and times, may water their property on any three days of the week for a maximum of six hours per day.
	<ul style="list-style-type: none"> Nurseries, farms, turf farms, and tree farms.
	<ul style="list-style-type: none"> Local government water parks and pools.
	<ul style="list-style-type: none"> Owners or operators of golf courses may water trees, shrubs, flowers, and vegetables grown on golf courses any day at any time if using micro-irrigation or drip-irrigation system, hand-held container or a hand-held hose equipped with an automatic shut-off nozzle or by any method during installation and for the following 24 hours. In addition, fairways, golf greens and tees may be watered on any day if failure to do so will result in permanent loss of plant material.

	<ul style="list-style-type: none"> • Owners or operators of strata properties grouped under a single civic address may water: <ul style="list-style-type: none"> - lawn, trees, shrubs, flowers and vegetables in private areas based on their unit number instead of the civic address. Odd and even unit numbers determine watering days in accordance with stage 1 date and time restrictions for residential and non-residential users. - lawn, trees, shrubs, flowers and vegetables in common areas or private areas with group unit irrigation controls between the hours of 5:00 am and 8:00 am and 7:00 pm and 10:00 pm on Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays and Sundays as long as no more than half the area is watered on any single day.
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SCHEDULE A (continued)

STAGE 2 WATER USE RESTRICTIONS

Stage 2 restrictions provide further conservation measures for drinking water in response to low water supply conditions or in prolonged, moderate drought conditions. These restrictions are designed to conserve enough drinking water to avoid or delay moving to stage 3 as long as possible.

User	Water Use	Restriction
RESIDENTIAL AND NON-RESIDENTIAL	Watering lawns with a sprinkler	<ul style="list-style-type: none"> • Even-numbered civic addresses may only water between the hours of 6:00 am and 8:00 am and 8:00 pm and 10:00 pm on Tuesdays and Saturdays. • Odd-numbered addresses may only water between the hours of 6:00 am and 8:00 am and 8:00 pm and 10:00 pm on Wednesdays and Sundays.
	Watering of new grass plantings (sod or seed) with reasonable evidence of recent installation (sod within 21 days, seed within 49 days)	<ul style="list-style-type: none"> • At any time if watering is done by a hand-held hose equipped with an automatic shut-off nozzle. • Under the authority of a permit, water with a sprinkler between the hours of 6:00 am and 8:00 am and 8:00 pm and 10:00 pm.
	Watering trees, shrubs, flowers, and vegetables	<ul style="list-style-type: none"> • Even-numbered civic addresses may only water using a sprinkler between the hours of 6:00 am and 8:00 am and 8:00 pm and 10:00 pm on Tuesdays and Saturdays. • Odd-numbered addresses may only water using a sprinkler between the hours of 6:00 am and 8:00 am and 8:00 pm and 10:00 pm on Wednesdays and Sundays. • Any day at any time if using micro-irrigation or drip-irrigation system, hand-held container or a hand-held hose equipped with an automatic shut-off nozzle.

		<ul style="list-style-type: none"> Any day and time and using any method during installation and for the following 24 hours.
	Washing sidewalks, driveways and parking lots	<ul style="list-style-type: none"> Prohibited 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.
	Washing exterior windows and building surfaces	<ul style="list-style-type: none"> On any day at any time if using a hand-held container, or hand-held hose or pressure washer equipped with an automatic shut-off nozzle.
	Washing vehicles and boats	<ul style="list-style-type: none"> On any day at any time if using a hand-held container, or hand-held hose or pressure washer equipped with an automatic shut-off nozzle, or at car dealerships and commercial car washes.
LOCAL GOVERNMENT	Watering parks, ornamental lawns and grassed boulevards with a sprinkler	<ul style="list-style-type: none"> Only water between the hours of 11:00 pm and 7:00 am on even numbered days for even-numbered civic addresses and odd numbered days for odd-numbered civic addresses.
	Water all weather playing fields	<ul style="list-style-type: none"> At any time using any method if failure to do so will result in a permanent loss of plant material.
Exceptions to Stage 2 Water Use Restrictions		
	<ul style="list-style-type: none"> Owners or occupiers of property who, by reason of physical or mental incapacity, and where such incapacity has been documented by a medical practitioner, 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 four hours per day. 	
	<ul style="list-style-type: none"> Nurseries, farms, turf farms, and tree farms. 	
	<ul style="list-style-type: none"> Local government water parks and pools. 	
	<ul style="list-style-type: none"> Owners and operators of commercial window washing or pressure washing companies may use water but only as part of their normal business operations. 	

	<ul style="list-style-type: none"> • Owners or operators of golf courses may water: <ul style="list-style-type: none"> - fairways at any time on not more than two days per week; - trees, shrubs, flowers, and vegetables grown on golf courses in accordance with stage 2 date and time restrictions for residential and non-residential users; and - golf greens and tees on any day if failure to do so will result in permanent loss of plant material.
	<ul style="list-style-type: none"> • Owners or operators of strata properties grouped under a single civic address may water: <ul style="list-style-type: none"> - lawn, trees, shrubs, flowers and vegetables in private areas based on their unit number instead of the civic address. Odd and even unit numbers determine watering days in accordance with stage 2 date and time restrictions for residential and non-residential users. - lawn, trees, shrubs, flowers and vegetables in common areas or private areas with group unit irrigation controls between the hours of 6:00 am and 8:00 am and 8:00 pm and 10:00 pm on Tuesdays, Wednesdays, Saturdays and Sundays as long as no more than half the area is watered on any single day.

SCHEDULE A (continued)

STAGE 3 WATER USE RESTRICTIONS

Stage 3 restrictions implement stricter water conservation measures to maintain water supply during significant drought conditions or other water shortage.

In addition to the following water restrictions, further measures may be implemented under this stage, if necessary, to maintain supplies during a period of critical water shortage.

User	Water Use	Restriction
RESIDENTIAL AND NON-RESIDENTIAL	Watering lawns with a sprinkler	<ul style="list-style-type: none"> Prohibited.
	Watering of new grass plantings (sod or seed)	<ul style="list-style-type: none"> Prohibited. All local government permits issued for lawn watering are invalidated.
	Watering trees, shrubs, flowers, and vegetables	<ul style="list-style-type: none"> Any day at any time if watering is done using micro-irrigation or drip-irrigation systems or by hand-held container or a hand-held hose equipped with an automatic shut-off nozzle.
	Watering newly planted trees, shrubs, flowers, and vegetables	<ul style="list-style-type: none"> At any time during the following 24 hours after installation using a hand-held container or a hand-held hose equipped with an automatic shut-off nozzle.
	Washing sidewalks, driveways, parking lots, and exterior windows and building surfaces	<ul style="list-style-type: none"> Prohibited 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.
	Washing vehicles and boats	<ul style="list-style-type: none"> Prohibited except: <ul style="list-style-type: none"> to clean windows, lights, mirrors, licence plates, and engines for safety. at car dealerships and commercial car washes using less than 205 litres of water per vehicle wash or 50 percent recirculated water as long as the total amount of water, excluding recirculated

		<p>water, does not exceed 205 litres per vehicle wash.</p> <ul style="list-style-type: none"> Prohibited except wading pools less than 200 centimeters in diameter may be filled with water up to a maximum depth of 30 centimeters.
	<p>Fill or add water to a swimming pool, hot tub, garden pond or operate a decorative fountain</p>	
<p>LOCAL GOVERNMENT</p>	<p>Watering parks, ornamental lawns and grassed boulevards with a sprinkler</p>	<ul style="list-style-type: none"> Only water between the hours of 11:00 pm and 7:00 am on even-numbered days for even-numbered addresses and odd numbered days for odd-numbered addresses.
	<p>Water all weather playing fields</p>	<ul style="list-style-type: none"> At any time using any method if failure to do so will result in a permanent loss of plant material.
<p>Exceptions to Stage 3 Water Use Restrictions</p>		
	<ul style="list-style-type: none"> Owners or occupiers of property who, by reason of physical or mental incapacity, and where such incapacity has been documented by a medical practitioner, are unable to water their trees, shrubs, flowers or vegetables by hand, may water their trees, shrubs, flowers or vegetables on any two days of the week for a maximum of four hours per day. 	
	<ul style="list-style-type: none"> Nurseries, farms, turf farms, and tree farms. 	
	<ul style="list-style-type: none"> Local government water parks and pools. 	
	<ul style="list-style-type: none"> Owners and operators of commercial window washing companies may use water but only as part of their normal business operations and only using a hand-held container. 	
	<ul style="list-style-type: none"> Owners or operators of golf courses may water: <ul style="list-style-type: none"> fairways at any time on not more than one day per week; trees, shrubs, flowers, and vegetables grown on golf courses in accordance with stage 3 date and time restrictions for non-residential users; and golf greens and tees on any day if failure to do so will result in permanent loss of plant material. 	

SCHEDULE A (continued)

STAGE 4 WATER USE RESTRICTIONS

Stage 4 restrictions are implemented when no spare water is available. Severe water restrictions limit indoor and outdoor water uses as much as possible and are intended to maintain critical supply.

Stage 4 is activated based on the rare occurrence of a significant emergency, such as an earthquake, flood, wild land and interface fire, severe weather, or a prolonged power outage that causes significant impacts to the water system infrastructure.

In addition to the following water restrictions, further measures may be implemented under this stage, if necessary, to maintain community health.

User	Water Use	Restriction
RESIDENTIAL /NON-RESIDENTIAL/ LOCAL GOVERNMENT	All water uses	<ul style="list-style-type: none"> • Prohibited except for human and animal consumption, hygiene, safety, food and beverage preparation, use in firefighting, and by order of a regulatory authority having jurisdiction for health or safety. • For clarity, the following water uses are specifically prohibited unless required for health, safety or sanitary purposes: <ul style="list-style-type: none"> - watering lawns, gardens, plants and trees - washing motor vehicles, boats and other recreational vehicles - washing outdoor surfaces or exterior windows or building surfaces - filling or topping off of pools, hot tubs, ponds or fountains - mixing concrete - mechanical services - spa services - manufacturing processes - operating local government outdoor water parks and pools

		<ul style="list-style-type: none"> - irrigating golf courses and other public and/or school district property • Where reasonably possible, swimming pools, hot tubs, fountains and ponds should be drained for health and safety purposes and such water used for irrigation.
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Exceptions to Stage 4 Water Use Restrictions		
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	<ul style="list-style-type: none"> • Irrigating local government all-weather playing fields. • Local government water main and hydrant maintenance, but only for unscheduled safety or public health reasons. • Farm and agricultural operations, but only for livestock drinking purposes and for no other purpose. • Spot cleaning of vehicles and boats with a sponge and bucket for health and safety reasons (windows, lights, license plates, etc.). • Cleaning outdoor surfaces but only when required by law to comply with health or safety regulations, or to comply with an order of a regulatory authority having jurisdiction, such as WorkSafeBC or a public health inspector. 	
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SCHEDULE B**PERMITS**

1. During Stage 1 and 2, a person/resident in the service area who has installed a new lawn, either newly seeded or new sod, may apply to the Comox Valley Regional District for a permit (a "new lawn permit"), which will allow the new lawn to be sprinkled with water outside of permitted days, but within the restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. The Comox Valley Regional District may issue a permit to an applicant pursuant to section 1 and 2 upon payment to the Comox Valley Regional District of a fee in the amount of \$30.00.
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 Stage 3 or 4 restrictions.
5. Permits for lawn sprinkling in the service area shall include:
 - (a) The name of the applicant
 - (b) The street address of the property for which the permit is issued
 - (c) The date the permit was issued and expires
 - (d) Whether the permit is for new sod or newly seeded lawn
 - (e) The date the new sod or seed was installed