



CORPORATION OF THE
DISTRICT OF TOFINO

**District of Tofino Water Use and Conservation Bylaw No.
1224, 2016**

Effective Date – July 19, 2016

DISTRICT OF TOFINO

BYLAW NO. 1224, 2016

A bylaw to establish Water Use and Conservation Conditions

WHEREAS under *Community Charter* and the *Local Government Act* a council may, by bylaw regulate in relation to a service;

AND WHEREAS the Council of the District of Tofino wishes to establish the regulations respecting use and conservation of water;

NOW THEREFORE the Council of the District of Tofino, in open meeting, enacts as follows:

1. Name

The name of this Bylaw for citation purposes is "District of Tofino Water Use and Conservation Bylaw No. 1224, 2016."

2. Definitions

In this Bylaw:

Act means an Act of the British Columbia Legislature, whether referred to as a statute or by any other name, and includes the *Community Charter* and *Local Government Act*;

Council means the District of Tofino Council;

District means the Corporation of the District of Tofino;

Enforcement Officer means any person employed by the District as a Bylaw Enforcement Officer, any other person appointed by Council to enforce this Bylaw, or any member of the Royal Canadian Mounted Police;

Fill means to add more than 15% of the total volume of a hot tub;

Newspaper means a publication or local periodical that contains items of news and advertising;

Notice means a Notice given under Section 8 of this Bylaw;

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.

Restricted Hours means those time periods during which watering is permitted in Schedule 'A' of this Bylaw;

Sprinkler means a device with perforations through which water issues from a connected hose but excludes a micro-irrigation or drip-irrigation system;

Stage means the Stages 1, 2, 3, and 4 of the Water Use Conservation Stages prescribed in Schedule 'A' of this Bylaw;

Staged Conservation Restrictions means the limitations prescribed in Schedule 'A' of this Bylaw;

Water means water supplied by the municipality directly or indirectly to an owner or occupier or the act of using or applying such water;

Water Use Conservation means the limitations prescribed in Schedule 'A' of this Bylaw.

3. Application

This Bylaw applies to the use of water provided by the District of Tofino water utility and is in effect at all times throughout the District.

4. Enforcement

- (1) An Enforcement Officer is authorized and empowered to inspect, compel and require that all regulations and provisions in this Bylaw are adhered to.
- (2) An Enforcement Officer may enter onto any property that is subject to this Bylaw for the purpose of ascertaining if this Bylaw is being complied with.

5. Prohibitions

- (1) The prohibitions in subsections 5(2) and 5(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) over-watering of landscaped areas, gardens or lawns to the point of saturation and run-off to other areas.
- (4) No person, being an owner or occupier of property in the District, shall use water or cause water to be used contrary to the provisions of this Bylaw in effect at the time of use.

6. Staged Conservation Restrictions

- (1) Stage 1 of the Water Use Conservation Stages prescribed in Schedule 'A' is implemented between May 1 and October 1 unless other Stages take effect in the interim. Staged conservation restrictions apply to all users in all sectors.
- (2) The Manager of Public Works and Engineering and the Chief Administrative Officer are authorized to implement Stages 2, 3 or 4 as prescribed in Schedule 'A' to this Bylaw as a means of further reducing water consumption and conserving the District's water supply. Provisions of Stages 2, 3 or 4 become effective after notice is given subject to the provisions in Section 8.

7. Exemptions

- (1) Lawns, gardens, trees and landscaped areas that have been planted in the 90 days prior to the implementation of Stage 2 are not subject to Stage 2 restrictions and may be watered as though Stage 1 is in effect.
- (2) For clarity, there are no exemptions to restrictions during Stage 3 or 4.

8. Notice

Notice of the implementation of restrictions pursuant to Stages 2 or 3 as described in Schedule 'A' to this Bylaw shall be made by posting to the District website or by publication in a newspaper not less than 48 hours prior to the commencement of the restrictions.

The implementation of Stage 4 restrictions is effective immediately upon the notice being posted.

9. Severability

If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of the Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

10. Repeal

"District of Tofino Water Conservation Bylaw No. 1093, 2009" is hereby repealed.

11. Effective Date

This Bylaw shall come into force and effect on July 19, 2016.

READ A FIRST TIME on June 28, 2016

READ A SECOND TIME on June 28, 2016

READ A THIRD TIME on June 28, 2016

ADOPTED on July 19, 2016

Josie Osborne, Mayor

Robert MacPherson, Corporate Officer

Schedule 'A'

District of Tofino Water Use and Conservation Bylaw No. 1224, 2016

Water Use Conservation Stages

During Stage 1:

Watering of lawns, gardens, trees and landscaped areas is restricted to use of a hand-held hose with an automatic shut-off mechanism, hand-held canister, or use of a sprinkler or a drip irrigation system:

- (1) Odd numbered civic addresses may water on Monday and Thursday between the hours of 6:00 a.m. to 9:00 a.m. and 7:00 p.m. and 10:00 p.m.; and
- (2) Even numbered civic addresses may water on Tuesday and Friday between the hours of 6:00 a.m. and 9:00 a.m. and 7:00 p.m. and 10:00 p.m.

All other outdoor uses of water may only be undertaken with the use of containers or a hand-held hose with an automatic shut-off mechanism.

During Stage 2:

Outdoor watering of lawns, gardens, trees and landscaped areas is prohibited except for the watering of food plants by hand-held hose with an automatic shut-off mechanism or hand-held canister as follows:

- (1) Odd numbered civic addresses may water on Monday and Thursday between the hours of 6:00 a.m. to 9:00 a.m. and 7:00 p.m. and 10:00 p.m.; and
- (2) Even numbered civic addresses may water on Tuesday and Friday between the hours of 6:00 a.m. and 9:00 a.m. and 7:00 p.m. and 10:00 p.m.

All other outdoor use of water is prohibited except to the minimum extent to remove salt water and provide basic hygienic cleaning.

For clarity, filling or refilling of hot tubs is prohibited.

During Stage 3:

All outdoor use of water is prohibited.

During Stage 4:

All outdoor use of water is prohibited.

Indoor use of water is restricted to drinking purposes and use for sanitation purposes.