

Report

Date August 17, 2022
Subject Waterworks Amendment Bylaw No. 3874 for first three readings

File:

PURPOSE

To revise Waterworks Amendment Bylaw No. 3866, 2022 by using plain language to maximize the public's understanding of the information contained in the Bylaw and to edit the regulations related to new lawns.

BACKGROUND

On May 4, 2022 Council gave first three readings to Waterworks Amendment Bylaw No. 3866, 2022 (Attachment 1). The Bylaw was scheduled to come back for adoption on June 15, 2022, following the release of the Water Supply Report, however, the Bylaw was removed from the agenda so that it could be revised.

DISCUSSION

As previously mentioned, this bylaw revision (Attachment 2) is intended to improve the wording and amend the regulation for watering new lawns, as the intent was to permit watering for up to 2 hours each day as identified in the permit. There have not been any changes to the substance of the original bylaw, with the exception of changes to subsections 17(8) to (10) of Bylaw 3866 in relation to new lawns. The changes to the original bylaw, Waterworks Amendment Bylaw No. 3866, 2022, as at third reading, (Attachment 1) to those in the revised version, Waterworks Amendment Bylaw No. 3874, 2022, (Attachment 2) are described in the tables below.

Changes to Section 2 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
1 "sprinkler" means a conventional irrigation system, a sprinkler system, or a hose connected to a sprinkler, but excludes a hand-operated hose equipped with a shut-off nozzle or a micro-irrigation or drip-irrigation system;	1 "micro-drip irrigation" means an irrigation method that saves water by allowing water to drip slowly to the roots of plants, either to the soil surface or directly onto the root zone, through a network of valves, pipes, or tubes that uses less than 20 gallons per hour at less than 25 psi. A weeper hose, which slowly emits water through very small holes, is considered micro irrigation or drip irrigation. A soaker hose, which emits water as a spray stream, is not considered micro irrigation or drip irrigation;	The definition for micro-drip irrigation was updated from the definition contained in Waterworks Bylaw No. 3620 so that it was consistent with the changes contained in the revision.

Changes to Section 2 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
	" sprinkler " means a conventional irrigation system, a sprinkler system, or a hose connected to a sprinkler, but excludes a hand-operated hose equipped with a shut-off nozzle or a micro-irrigation or drip-irrigation system;	
Changes to Section 4 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
17(1) Stage 1 water conservation measures are in effect from May 1 through October 31 each year.		No change.
17(2) The Director of Engineering must determine when stage 1 water conservation measures are insufficient for effective water conservation and may authorize stage 2, stage 3, or stage 4 water conservation measures.		No change.
17(3) A person must not use a sprinkler to water a lawn, vegetable garden, fruit trees, ornamental trees, shrubs, or flower gardens, except between the hours of 7:00 p.m. and 9:00 a.m. for a maximum of 2 hours per day,	17(3) A person shall only use a sprinkler to water a lawn, vegetable garden, fruit trees, ornamental trees, shrubs, or flower gardens between the hours of 7:00 p.m. in the evening and 9:00 a.m. the following morning for a maximum of 2 hours per day, as follows:	Worded so that it is clear when a person may water. No change to bullets (a) and (b).
17(4) A person must not use a sprinkler to water a lawn, vegetable garden, fruit trees, ornamental trees, shrubs, flower gardens, at any time during stage 3 and stage 4.		No change required as this is a blanket restriction.
17(5) A person must not hand water or use micro-drip irrigation on vegetable gardens, or fruit trees, except between the hours of 7:00 p.m. and 9:00 a.m.	17(5) A person shall only hand water or use micro-drip irrigation on vegetable gardens, or fruit trees between the hours of 7:00 p.m. in the evening and 9:00 a.m. the following morning as follows:	Worded so that it is clear when a person may water. No change to bullets (a) and (b).
17(6) A person must not hand water or use micro-drip irrigation on ornamental trees, shrubs, or flower gardens, except between the hours of 7:00 p.m. and 9:00 a.m.	17(6) A person shall only hand water or use micro-drip irrigation on ornamental trees, shrubs, or flower gardens between the hours of 7:00 p.m. in the evening and 9:00 a.m. the following morning as follows:	Worded so that it is clear when a person may water. No change to bullets (a) and (b).

Changes to Section 4 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
17(7) A person must not hand water or use micro-drip irrigation on lawns, except between the hours of 7:00 p.m. and 9:00 a.m.	17(7) Despite subsection (3) above, a person may hand water or use micro-drip irrigation on lawns between the hours of 7:00 p.m. in the evening and 9:00 a.m. the following morning as follows:	Worded so that it is clear when a person may water. No change to bullets (a) and (b).
17(8) A person must not use a sprinkler on new lawns, except between the hours of 7:00 p.m. and 9:00 a.m. for a maximum of 2 hours per day (a) for even numbered addresses on (i) Wednesdays and Saturdays during stage 1, unless an irrigation permit has been obtained for additional watering, in accordance with section 20 of this Bylaw (b) for odd numbered addresses on (i) Thursdays and Sundays during stage 1, unless an irrigation permit has been obtained for additional watering, in accordance with section 20 of this Bylaw.	17(8) Despite subsection (3) above, a person shall be permitted to use a sprinkler on new lawns between the hours of 7:00 p.m. in the evening and 9:00 a.m. the following morning as follows: (a) for a maximum of 2 hours per day during stage 1; or, (b) for a maximum of 1 hour per day during stage 2 and stage 3, subject to the person obtaining an irrigation permit for additional watering in accordance with section 20 of this Bylaw.	Revision reflects original intent to permit individuals to water a new lawn on a daily basis as long as they have obtained a permit in advance and removes any perceived conflict with lawn watering restrictions in previous subsections.
17(9) A person must not use a sprinkler on new lawns, except between the hours of 7:00 p.m. and 9:00 a.m. for a maximum of 1 hour per day, on any day during stage 2 and stage 3, with a valid irrigation permit, obtained in accordance with section 20 of this Bylaw.		This clause was removed as it is covered in subsection (8).
17(10) A person must not hand water or use micro-drip irrigation on new lawns, except between the hours of 7:00 p.m. and 9:00 a.m. (a) for a maximum of 2 hours per day during stage 1 (b) for a maximum of 1 hour per day during stage 2 (c) for a maximum of 1 hour per day during stage 3, unless an irrigation permit has been obtained for additional watering, in accordance with section 20 of this Bylaw.	17(9) Despite subsections (4) above, a person shall be permitted to hand water or use micro-drip irrigation on new lawns between the hours of 7:00 p.m. in the evening and 9:00 a.m. the following morning as follows: (a) for a maximum of 2 hours per day during stage 1; or, (b) for a maximum of 1 hour per day during stage 2; or, (c) for a maximum of 1 hour per day during stage 3, subject to the irrigation permit for additional watering being issued in accordance with section 20 of this Bylaw.	Additional language was added to remove any conflict for watering new lawns.

Changes to Section 4 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
<p>17(11) A person must not:</p> <ul style="list-style-type: none"> (a) fill a swimming pool or hot tub during stage 3, and stage 4, except for the purpose of topping up the swimming pool or hot tub (b) wash a vehicle or boat during stage 3, except for the purpose of applying paint, or for flushing salt water out of the motor of a boat (c) wash a vehicle or boat during stage 4 (d) wash a house, fence, deck, driveway or sidewalk during stage 2, and stage 3, except for the purpose of preparing to: apply paints or preservatives, or to pour concrete (c) wash a house, fence, deck, driveway or sidewalk during stage 4 	<p>17(10) A person shall only:</p> <ul style="list-style-type: none"> (a) fill a swimming pool or hot tub during stage 1 and stage 2; or, (b) fill a swimming pool or hot tub during stage 3 and stage 4 for the purpose of topping up the swimming pool or hot tub; or (c) wash a vehicle or boat during stage 1 and stage 2; or, (d) wash a vehicle or boat during stage 3 for the purpose of applying paint or preservatives; or (e) wash a house, driveway or sidewalk during stage 1; or, (f) wash a house, driveway or sidewalk during stage 2 and stage 3 for the purpose of preparing to apply paints or preservatives, or to pour concrete. 	<p>Subsection (11) was split into 3 subsections (10-12) so that it is clearer what a person can and cannot do during stages 1-4.</p>
	<p>17(11) A person must not hand water or use micro-drip irrigation on lawns at any time during stage 3 or stage 4.</p>	
	<p>17(12) During stage 4, a person must not:</p> <ul style="list-style-type: none"> (a) use a sprinkler to water a new lawn; or, (b) hand water or use micro-drip irrigation on a new lawn; or, (c) wash a vehicle or boat during; or (d) wash a house, deck, driveway, or sidewalk. 	
	<p>17(13) Schedule 1 (Water Restrictions Table) is included in and forms part of this Bylaw.</p>	<p>For the public's convenience a water restrictions table has been added to the Bylaw.</p>
Changes to Section 5 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
<p>18(1) The Municipality must notify a consumer of a prohibition or limitation imposed on the use of water in accordance with this Bylaw.</p>	<p>18(1) The Municipality shall notify a consumer of a prohibition or limitation imposed on the use of water in accordance with this Bylaw</p>	<p>Changed must to shall.</p>

Changes to Section 7 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
19(1) Section 17 does not apply, unless ordered otherwise by Council, to the following: (a) school and municipal playing fields (b) municipal employees in the course of their duties (c) municipal property	19(1) Despite section 17 of this Bylaw (a) the Municipality is exempt from the sprinkling restrictions under section 17 and may water any lawn, tree, shrub, garden, or planter on municipal lands; and (b) School District 79 is exempt from the sprinkling restrictions under section 17 and may water sport fields unless ordered otherwise by resolution of Council.	Wording was amended to ensure clarity and appropriate legal language used.
19(2) Section 17 (11)(b) does not apply during stage 3, unless ordered otherwise by Council, to commercial enterprises that require water use to facilitate normal business activities, including power washing, window washing, car dealerships, and commercial car wash businesses.	19(2) Despite sections 17 (10)(b) and 17 (10)(c), Council may authorize, by resolution, during stage 3, that a commercial enterprise be exempt from the restriction under section 17(10)(b) if that commercial enterprise requires water use to facilitate normal business activities, including power washing, window washing, car dealerships, and commercial car wash businesses.	Combines 19(2) and 19(3) into a single clause. Clarifies intent and ensures that necessary legal language is contained in the subsection.
19(3) Section 17 (11)(d) does not apply during stage 2 and stage 3, unless ordered otherwise by Council, to commercial enterprises that require water use to facilitate normal business activities, including power washing, window washing, and commercial car wash businesses.		
Changes to Section 8 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
20(1) A consumer must apply to the Municipality for an irrigation permit to use a sprinkler on a new lawn, in accordance with the terms of the irrigation permit, when stage 1 water conservation measures are in effect, and additional watering is required.	20(1) A person must apply to the Municipality for an irrigation permit when additional watering is required during stage 1 to: (a) use a sprinkler on a new lawn when water conservation measures are in effect; or, (b) hand water or to use micro-drip irrigation on a new lawn during stage 3, in accordance with the terms of the irrigation permit. No new irrigation permits will be issued during stage 2 or stage 3.	Language was expanded so that it is clear the permits can only be applied for during stage 1.

Changes to Section 8 of Bylaw 3866:		
Wording in Original Bylaw No. 3866	Wording in Revised Bylaw No. 3874	Comments
20(2) A consumer must apply to the Municipality for an irrigation permit to use a sprinkler on a new lawn, in accordance with the terms of the irrigation permit, before stage 2 water conservation measures are in effect, and additional watering is required.		Included under subsection 20(1).
20(3) A consumer must apply to the Municipality for an irrigation permit to hand water or to use micro-drip irrigation on a new lawn, in accordance with the terms of the permit, when stage 3 water conservation measures are in effect, and additional watering is required.		Included under subsection 20(1).
20(4) An applicant must pay the Municipality the permit fee set out in the Fees and Charges Bylaw.	20(2) An applicant must pay the Municipality the irrigation permit fee set out in the Fees and Charges Bylaw.	Added irrigation so that it is clear which fee is to be charged under the Fees and Charges Bylaw.

OPTIONS

1. **(Recommended Option)** Abandon original bylaw and give revised bylaw first three readings.

THAT Council:

- (1) Abandon Waterworks Amendment Bylaw No. 3866, 2022; and
- (2) Give first, second and third readings to Waterworks Amendment Bylaw No. 3874, 2022.

2. Refer the staff report and Bylaws No. 3866 and No. 3874 to Committee of the Whole for further discussion on what is and what is not permitted during each of the four water conservation stages.

THAT Council refer the July 20, 2022 report from the Manager of Legislative Services and Waterworks Amendment Bylaws No. 3866 and No. 3874 to the Committee of the Whole for further discussion.

IMPLICATIONS

Referral to Committee of the Whole will cause further delays in the adoption of the bylaw amendment. See the [May 4, 2022 report from the Director of Engineering](#) for more information regarding financial, environmental and social implications, and inconsistencies with current programs and policies.

RECOMMENDATION

1. THAT Council abandons Waterworks Amendment Bylaw No. 3866, 2022.
2. THAT Council gives first, second and third readings to Waterworks Amendment Bylaw No. 3874, 2022.

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Approved to be forwarded to Council:



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Attachment(s):

- (1) Waterworks Amendment Bylaw No. 3866, 2022 as at third reading
- (2) Waterworks Amendment Bylaw No. 3874, 2022