



## **BYLAW NO. 1811**

### **WATER RESTRICTION BYLAW**

*A Bylaw to regulate water use*

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**WHEREAS** Section 8 of the *Community Charter*, authorizes the Council of the Town of Smithers to regulate a municipal service and water is a municipal service provided by the Town;

**NOW THEREFORE** be it resolved that the Council for the Town of Smithers in open meeting assembled, enacts as follows:

**1. CITATION:**

This Bylaw may be cited for all purposes as "Bylaw No. 1811 – Water Restriction Bylaw", and comes into effect on the date of adoption.

**2. ADMINISTRATIVE PROVISION:**

2.1 If any portion of this bylaw is found invalid by a court of competent jurisdiction, it shall be severed and the severance shall not affect the validity of the remainder of the bylaw.

2.2 The schedule to this bylaw is an integral part of this bylaw.

**3. DEFINITIONS:**

**"Automatic Shut Off Device"** means a device attached to a water hose that is spring loaded and shuts off supply of water automatically unless hand pressure is applied to allow the supply of water.

**"Director"** means the Director of Works and Operations or Bylaw Enforcement Officer for the Town of Smithers, or designate.

**"Lawns"** includes, but is not limited to, grass growing in cemeteries and grassed boulevards".

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**“New Lawn”** means an installed Lawn either by newly placed sod, turf or grass seed.

**“Non-Residential”** means the occupancy or use of a building, or part thereof, which is not used as a Dwelling Unit as defined in the Town of Smithers Zoning Bylaw No.1403.

**“Person”** does not include a municipality, a regional district, the provincial government, or anybody appointed or created under an enactment of Canada or British Columbia.

**“Public Announcement”** means one or more advertisements or public service announcements in any one of:

1. A radio broadcast from a station that broadcasts to the Town of Smithers; or
2. 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 Town of Smithers at least once per week; or
3. Website and social media postings.

**“Residential”** means the occupancy or use of a building, or part thereof, as a dwelling unit as defined in the Town of Smithers Zoning Bylaw. Cases of mixed use as defined in the Town of Smithers Zoning Bylaw No.1403 are considered Residential.

**“Restriction Stage”** means Stage 1 Restrictions and Stage 2 Restrictions.

**“Stage 1 Restrictions”** means the restrictions on water use described in Sections 1 and 2 of Schedule “A”.

**“Stage 2 Restrictions”** means the restrictions on water use described in Sections 3 and 4 of Schedule “A”.

**“Town”** means the Corporation of the Town of Smithers or the geographical area within the municipal boundaries thereof as the context may require.

**“Town Water Supply”** means the Town of Smithers water supply and distribution system.

**“Water”** used as a noun means water supplied directly or indirectly by the Town of Smithers.

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**“Water”** used as a verb, and **“Watering”**, means the application or distribution of water (used as a noun) to lands or plants but does not include the method known as “drip irrigation”.

**“Water Restriction Announcement”** means a Stage 1 announcement or Stage 2 announcement.

**“Water Restriction Exemption”** means the following are exempt from Stage 1 and Stage 2 water restrictions:

1. Residents not on Town Water Supply.
2. New lawn installations.

#### **4. ANNOUNCEMENTS OF RESTRICTION STAGES:**

- 4.1 If a Restriction Stage is declared to be activated, the Restriction Stage described in the declaration comes into force in the Town of Smithers after a Public Announcement of the declaration has been made.
- 4.2 When a Restriction Stage comes into force under Section 4.1, a Restriction Stage that has been in force, if any, ceases to be in force.
- 4.3 If no Restriction Stage is in force on April 15th of any year, Stage 1 Restrictions come into force on that date without prior declaration or announcement under Section 4.1.
- 4.4 If Stage 1 Restrictions are declared to be activated, a Public Announcement by the Director of Works and Operations is sufficient for the purposes of Section 4.1 if it contains substantially the information set out in Schedule “A”.
- 4.5 If Stage 2 Restrictions are declared to be activated, a Public Announcement by the Director of Works and Operations is sufficient for the purposes of Section 4.1 if it contains substantially the information set out in Schedule “A”.
- 4.6 No Restriction Stage remains in force after October 31st of any year, unless a declaration is made under this part by the Town.

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### 5. DUTY TO COMPLY:

#### DELIVERY

- 5.1 An order shall be sufficiently delivered if:
- a) It has been left with the Person to whom it is directed;
  - b) Mailed by registered mail to the owner at the address as it appears on the records of Assessment Authority of British Columbia;
  - c) A copy of the order has been posted at the affected premises.

#### ENFORCEMENT

- 5.2 A Person who violates or contravenes any of the provisions of this bylaw, or allows any act that violates or contravenes this bylaw, commits an offence.
- 5.3 A prosecution under this bylaw may be commenced by:
- a) Proceedings under Division 3 of Part 8, of the *Community Charter*;
  - b) Prosecution of the offence in accordance with the *Offence Act*.
- 5.4 An offence under this bylaw, and each day the violations is caused or allowed to continue, shall constitute a separate offence, and is punishable according to the *Offence Act*.
- 5.5 The Director is authorized to enter onto a property at any reasonable time, to ascertain whether the requirements of this bylaw are being met.

#### PENALTY

- 5.6 Each offence, under summary conviction, shall be liable to a penalty up to \$5000.00 and not less than \$100.00, plus the cost of prosecution for each offence.

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READ A FIRST TIME THIS 13TH DAY OF JUNE, 2017.

READ A SECOND TIME THIS 13TH DAY OF JUNE, 2017.

READ A THIRD TIME THIS 27<sup>TH</sup> DAY OF JUNE, 2017.

ADOPTED THIS 11<sup>TH</sup> DAY OF JULY, 2017.

The Corporate Seal of the Town of Smithers  
was hereto affixed in the presence of

  
Taylor Bachrach  
Mayor

  
Anne Yanciw  
Chief Administrative Officer

**CERTIFIED A TRUE AND CORRECT  
COPY** of Bylaw No.1811, cited as "Bylaw  
No. 1811- Water Restriction Bylaw"

  
Dianna Plouffe  
Corporate Officer

# SCHEDULE "A" TO BYLAW NO. 1811

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## STAGE 1 RESTRICTIONS

1. Subject to Section 2 of this Schedule, when **Stage 1** Restrictions are in force, it is unlawful to:
  - 1.1 Water Lawns, except:
    - a) For Residential premises with even numbered civic addresses, on even numbered days of the month; and
    - b) For Residential premises with odd numbered civic addresses, on odd numbered days of the month.
  - 1.2 Use a hose providing water, unless the hose is equipped with an Automatic Shut-off Device.
2. Section 1 of this Schedule does not apply to:
  - 2.1 Residents not on the Town's water supply and distribution system.
  - 2.2 Watering:
    - a) Public sports playing fields and parks;
    - b) School yards;
    - c) Golf courses;
    - d) Nurseries, farms, turf farms, tree farms;
    - e) Where watering is required for dust control or safety; or
    - f) Flower gardens, vegetable gardens, shrubs or trees.
    - g) New lawns.
  - 2.3 Commercial car washes.

# SCHEDULE "A" TO BYLAW NO. 1811

## STAGE 2 RESTRICTIONS

3. Subject to Section 4 of this schedule, when **Stage 2** Restrictions are in force, it is unlawful to:
  - 3.1 Water:
    - a) Lawns;
    - b) Flower gardens, vegetable gardens; or
    - c) Decorative planters, shrubs, or trees unless such watering is carried out by hand with a hose equipped with an Automatic Shut-off Device, and is not carried out using sprinklers or soaker hoses;
  - 3.2 Use a hose providing water, unless the hose is equipped with an Automatic Shut-off Device;
  - 3.3 Use a hose providing water to wash sidewalks, driveways, or other outdoor surfaces, unless the hose is equipped with an Automatic Shut-off Device, the work is performed commercially, and the purpose of washing the surface is:
    - a) To prepare a surface for painting, sealing or similar treatment; or
    - b) To prevent or control fires.
  - 3.4 Operate ornamental fountains;
  - 3.5 Use water to fill or re-fill garden ponds, ornamental fountains, hot-tubs, or swimming pools;
4. Section 3 of this schedule does not apply to:
  - 4.1 Residents not on the Town's water supply and distribution system.
  - 4.2 Watering:
    - a) Nurseries, farms;
    - b) Public sports playing fields;
    - c) School yards;
    - d) Vegetables at commercial vegetable gardens; or
    - e) Gravel roads or lanes if such watering is required for dust control or public safety.
  - 4.3 Commercial car washes.