

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NUMBER 1688

A Bylaw to Prescribe Water Use Regulations

This is a consolidated bylaw prepared by the Corporation of the District of Peachland for convenience only. The Corporation does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.

Amended by: Bylaw No. 1830, Adopted on May 22, 2007
Bylaw No. 1932, Adopted on June 22, 2010
Bylaw No. 2397, Adopted on February 27, 2024

The Council of the Corporation of the District of Peachland, in open meeting assembled,
HEREBY ENACTS AS FOLLOWS:

PURPOSE

The purpose of this Bylaw is to assist in the protection, preservation and maintenance of the water supply to users at all times by implementing water-use restrictions during times of limited supply. These restrictions are staged in accordance with the severity of supply limitations, and are generally applied to the use of sprinkler systems, whether automatic or manual. The use of hand-held watering devices with shut-off valves and the use of micro-irrigation or drip-irrigation systems is restricted only during the most severe of supply conditions.

1. **Definitions:**

In this Bylaw:

“agricultural” means a farm orchard or vineyard;

“appliance” means a device or mechanism, other than that owned and operated by the Municipality, in or through which water is piped or used for a domestic or commercial purpose;

“boulevard” means that portion of any highway other than the paved, improved or main travelled roadway, driveway or sidewalk, and includes any landscaped median;

“bylaw enforcement officer” means a person or persons appointed by Council to enforce this Bylaw;

“Council” means the Council of the District of Peachland;

“Director of Operations” means the person appointed by council as the Director of Operations for the District;

“District” means the District of Peachland;

“exempted user” means an owner or occupier of property identified in Schedule “C” as exempt from one or more of the regulations under this Bylaw;

“farm” means a parcel of land classified as farm land for assessment and taxation purposes;

“micro-irrigation or drip-irrigation system” means a system using irrigation components that consume less than 20 gallons per hour (**90 liters per hour**) and operate at less than 25 psi (**172 kilopascals**) to deliver water to the root zone of the plant material being irrigated;

“Municipality” means the District of Peachland;

“**newspaper**” has the same meaning as in the *Local Government Act*;

“**notice**” means a notice given under section 5 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 *Local Government Act*;

“**orchard**” means a parcel of land classified as orchard (farm land) for assessment and taxation purposes;

“**owner**” has the same meaning as in the *Local Government Act*;

“**permit**” means a permit issued under Section 9(a) of this Bylaw;

“**public sector entity**” means federal and provincial government agencies, municipalities, school districts, universities, colleges and other schools;

“**restricted hours**” means **those hours during which watering is permitted by Schedule ‘A’ of this Bylaw**;

“**sprinkler**” means 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;

“**stage**” means the stages 1, 2, 3 **and 4** of water use restrictions prescribed by Schedule “A” of this Bylaw;

“**vehicle**” means a device, except a boat or a seaplane, in, on or by which a person or thing is or may be transported or drawn, except a device designed to be moved by human power;

“**water**” means water supplied by the District directly or indirectly to an owner or occupier;

“**water use restrictions**” means the restrictions prescribed by Schedule “A” of this Bylaw;

“**watering days**” means those days during which watering is permitted by Schedule “A” of this Bylaw.

2. **Prohibition**

- (a) No person, being an owner or occupier of property in the Municipality, shall use water or cause water to be used contrary to the provisions of this Bylaw in effect at the time of use.
- (b) 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 or over-watering plants or lawns.
- (c) No person, being an owner or occupier of property in the Municipality, shall damage or allow the deterioration of any appliance on that property which will result in a waste of water.

3. **Inspection**

A bylaw enforcement officer is authorized to enter at all reasonable times 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.

4. **Determining Restrictions**

The Director of Operations, or designate, shall determine the applicable stage of restriction up to and including Stage 2. The Council, by resolution, shall determine restriction levels of Stage 3 or 4.

5. **Notice**

The Director of Operations shall give notice or cause notice to be given to persons within the Municipality of the applicable stage and when it takes effect and that notice shall be published in a newspaper.

6. **Water Use Restrictions**

For the purposes of this Bylaw, the water use restrictions for each stage are prescribed in Schedule "A" of this Bylaw.

7. **Schedules**

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

8. **Penalty**

The District may turn off the supply of water to any person in default of the requirements of this Bylaw. The person in default shall not be entitled to receive any further water from the District until such person has remedied the default. It shall be unlawful for any person whose water has been turned off pursuant to this section, to turn such water on again, or take any water from the District's works until such time as the District authorizes the service to be restored. The turning on/off of a water service shall be at the sole discretion of the District. The charge for turning off a water service for which a person has not complied with the provisions of this Bylaw shall be Seventy-Five Dollars (\$75.00); and the charge for turning on a water service which has been turned off due to a person not complying with provisions of this Bylaw shall be Seventy-Five Dollars (\$75.00.)

9. **Effective Date**

This Bylaw shall take effect upon the date of its adoption by the Council.

10. **Permits, Exemptions, and Special Cases**

- (a) The District may issue permits in the special cases and manner prescribed in Schedule "B".
- (b) Exemptions and special cases to the regulations in this Bylaw are prescribed in Schedule "C".
- (c) Exempted users and permit holders are exempted from Section 2(a) to the extent permitted by Schedule "C" and the conditions of the permit, where applicable.

11. **Citation**

This Bylaw may be cited as "Water Use Restrictions Bylaw Number 1688, 2003."

READ A FIRST TIME, this 24th day of June, 2003.

READ A SECOND TIME, this 24th day of June, 2003.

READ A THIRD TIME, this 24th day of June, 2003.

FINALLY RECONSIDERED AND ADOPTED, this 22nd day of July, 2003.

(Original signed by Mayor & Clerk)

Mayor

Municipal Clerk

Dated at Peachland, B.C.
This 23rd day of July, 2003.

SCHEDULE "A"**OUTDOOR WATER USE RESTRICTION STAGES****1. STAGE 1 – ALTERNATE DAYS WATERING**

If the Director of Operations gives notice that, in accordance with a Council resolution, a reduction in water use is necessary requiring Stage 1 restrictions, the following shall apply:

(a) Days of Watering:

Sprinkling is only permitted at residential, commercial and other non-agricultural properties as follows:

- **Even numbered addresses:** Watering is only permitted on **Even Calendar Days**
- **Odd numbered addresses:** Watering is only permitted on **Odd Calendar Days**

(b) Automatically Controlled Underground Sprinkling Systems (Residential and Commercial):

Properties equipped with an automated time clock sprinkler system may only sprinkle between the hours of 12:00 midnight to 6:00 a.m. on the days permitted by the sprinkling regulations as described above.

(c) Manually Controlled Sprinklers (Residential and Commercial):

Properties equipped with only manually controlled sprinkling systems, including those attached to outside taps, may only operate from 6:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 11:00 p.m. on the days permitted by the sprinkling regulations as described above.

(d) Sprinkling is not permitted between the hours of 10:00 a.m. and 7:00 p.m. during any day at any time of the year.

Only one ½" (9mm) diameter outlet (outside tap) may be used at one time for sprinkling, and further, it is not permissible to use an open pipe or hose for irrigating purposes.

Under certain situations, such as drought conditions, protection of works and the efficiency of the system as a whole, and whereby determined by the District, additional stages for regulations may be imposed, and are in effect until determined by Council.

2. STAGE 2 – TWICE A WEEK WATERING

If the Director of Operations gives notice that, in accordance with a Council resolution, a reduction in water use is necessary requiring stage 2 restrictions, the following shall apply:

(a) Days of Watering:

Sprinkling is only permitted at residential, commercial and other non-agricultural properties as follows:

- **Even numbered addresses:** Watering is only permitted on **Saturdays and Tuesdays**
- **Odd numbered addresses:** Watering is only permitted on **Sundays and Wednesdays**

(b) **Automatically Controlled Underground Sprinkling Systems (Residential and Commercial):**

Properties equipped with an automated time clock sprinkler system may only sprinkle between the hours of 12:00 midnight to 6:00 a.m. on the days permitted by the sprinkling regulations as described above.

(c) **Manually Controlled Sprinklers (Residential and Commercial):**

Properties equipped with only manually controlled sprinkling systems, including those attached to outside taps, may only operate from 6:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 1:00 p.m. on the days permitted by the sprinkling regulations as described above.

3. STAGE 3 – ONCE A WEEK WATERING

If the Director of Operations gives notice that, in accordance with a Council resolution, a reduction in water use is necessary requiring stage 3 restrictions, the following shall apply:

(a) **Days of Watering:**

Sprinkling is only permitted at residential, commercial and other non-agricultural properties as follows:

- **Even numbered addresses:** Watering is only permitted on **Saturdays**

- **Odd numbered addresses:** Watering is only permitted on **Sundays**

(b) **Automatically Controlled Underground Sprinkling Systems (Residential and Commercial):**

Properties equipped with an automated time clock sprinkler system may only sprinkle between the hours of 12:00 midnight to 6:00 a.m. on the day permitted by the sprinkling regulations as described above.

(c) **Manually Controlled Sprinklers (Residential and Commercial):**

Properties equipped with only manually controlled sprinkling systems, including those attached to outside taps, may only operate from 6:00 a.m. to 10:00 a.m. and from 7:00 p.m. to 11:00 p.m. on the day permitted by the sprinkling regulations as described above.

(d) **No person shall:**

- fill a swimming pool, hot tub, garden pond or decorative fountain at any time; or
- wash a vehicle or a boat with water

4. STAGE 4 – NO OUTDOOR WATERING

If the Director of Operations gives notice that, in accordance with a Council resolution, a reduction in water use is necessary requiring Stage 4 restrictions, the following shall apply:

a) **No person shall use water outdoors for any purpose.**

SCHEDULE "B"

PERMITS

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the District Office for a permit, in the form set out in this Bylaw, which will allow the new lawn to be sprinkled outside of watering days, but within restricted hours.
2. A permit issued under Section 1 of this Schedule shall be conspicuously displayed at the premises for which it was issued.
3. New sod may be sprinkled for 21 days after installation, and newly seeded lawn may be sprinkled 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.
3. After expiration of a permit issued under Section 1, a person may apply for and may obtain subsequent permits under Section 1.
4. Permits will not be issued or be valid during Stage 3 or Stage 4 restrictions.

SCHEDULE "C"

EXEMPTIONS AND SPECIAL CASES

1. EXEMPTED USERS

1.1 During Stage 1 and Stage 2 water restrictions the provisions of Schedule "A" shall not apply to persons who own, operate or carry on the following operations or activities that rely on the steady supply and use of water:

- (a) nurseries;
- (b) farms;
- (c) orchards;
- (d) vineyards;
- (e) washing exterior building surfaces including windows, parking lots, driveways or sidewalks prior to the application of a product such as paint, preservative, stucco or preparation of a surface prior to paving or repainting of bricks or if required by law to comply with health and safety regulations.

1.2 During Stage 2 and Stage 3 restrictions, persons who own, operate or carry out operations or activities listed in Section 1.1 above are subject to Stage 1 water restrictions. Persons listed in Section 1.1 may apply for a permit to water outside the Stage 1 water restrictions, in the form set out in this Bylaw.

2. NEW TREES AND SHRUBS

A person may water new trees and shrubs during installation and for the following 24 hours, but after that 24-hour period, watering must comply with stage 1, 2, 3 or 4 water use restrictions.

3. PUBLIC SECTOR

Public sector entities may during:

- (a) Stage 1, water lawns, boulevards and playing fields on any day at any time;
- (b) Stages 2, 3 and 4, water lawns, boulevards and playing fields at any time, but no more often than every second day.

WATER USE PERMIT

Issued to: _____
Name

Address

For: _____ new lawn seed

_____ new lawn sod

Valid from: _____ to _____

**This Permit allows the holder to sprinkle on a daily basis
Between the hours of 6:00 a.m. to 10:00 a.m.
And 7:00 p.m. to 11:00 p.m. ONLY
For the period as specified above**

For: Exempted Users listed in Schedule "C"

Valid from: _____ to _____

Conditions: _____

District of Peachland

This Permit is to be displayed at the premises for which it was issued.

WATER USE PERMIT

Issued to: _____
Name

Address

For: _____ new lawn seed

_____ new lawn sod

Valid from: _____ to _____

**This Permit allows the holder to sprinkle on a daily basis
Between the hours of 6:00 a.m. to 11:00 a.m.
And 6:00 p.m. to 12:00 midnight ONLY
For the period as specified above**

District of Peachland

This Permit is to be displayed at the premises for which it was issued.