

**RESORT MUNICIPALITY OF WHISTLER
OUTDOOR POTABLE WATER USAGE BYLAW NO. 2179, 2018**

A BYLAW TO REGULATE THE USE OF OUTDOOR POTABLE WATER

WHEREAS Council wishes to conserve potable water and therefore regulate the use of potable water outdoors within the Resort of Municipality of Whistler in an effort to manage potable water demand, improve the efficiency of use and reduce consumption;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

SECTION 1.0: TITLE

1.1. This Bylaw may be cited for all purposes as “Outdoor Potable Water Usage Bylaw No. 2179, 2018”.

SECTION 2.0: GENERAL DEFINITIONS AND INTERPRETATION

2.1. In this Bylaw, the following terms shall have the following meanings:

“Automatic” means the irrigation system has a programmable controller attached to it such that a specific amount of water is distributed at a set time;

“By Hand” means to apply water by hand with a spray nozzle attached to a flexible hose with an outside diameter of no more than 25 mm, the spray nozzle must be equipped with a with a spring-loaded shut off valve;

“Drip Irrigation” means an automatic in-ground irrigation method that uses lower pressure and flow than traditional in-ground automatic systems (also known as “Micro Irrigation”);

“Fire Danger Rating” is a Provincial indicator of the risk of a wildfire starting;

“General Manager” means the Resort Municipality’s General Manager of Infrastructure Services;

“In-Ground Irrigation” means a buried-pipe irrigation system that distributes water through sprinkler heads;

“Irrigation” means the application or distribution of water to landscaping;

“Landscaping” means any activity that modifies the visible features of an area of land with plants. It includes hanging baskets, flower beds, lawns, fairways, fields or any other area consisting primarily of sod or turf, shrubs, trees, and vegetable/edible gardens;

“Low Head Drainage” means water draining out of an irrigation system after the system is turned off, that results from the installation of an irrigation system on a slope;

“Manual” means to apply water by hand or with a simple timer attached to a flexible hose with an outside diameter of no more than 25 mm with a spring-loaded automatic shut off;

“Municipal” or “Municipality” means the Resort Municipality of Whistler (RMOW);

“Overspray” means water that lands beyond the planted or target area;

“Parcel” means parcel of land within the Municipality;

“Person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

“Sensor Driven Automated Irrigation Systems” means programmable automatic in-ground irrigation systems that incorporate best landscaping practices and environmental data in order to determine optimal water use;

“Waste” means to purposelessly use water, such as but not limited to leaving a flowing hose unattended, leaving a broken irrigation head unattended, or oversaturation of a landscape; and

“Water” means potable water supplied by the Resort Municipality of Whistler.

SECTION 3.0: GENERAL

3.1. Attached to and hereby forming part of this Bylaw are the following schedules:

i. Schedule “A”: Outdoor Water Conservation Stages;

3.2. No person shall waste or allow to be wasted, water supplied by the Municipality.

3.3. No person shall use or cause or allow to be used water contrary to the Outdoor Water Conservation Stages as set out in Schedule “A”.

3.4. Overspray resulting from the effect of wind or an act of vandalism shall not be considered an offence.

SECTION 4.0: ENFORCEMENT

4.1. Municipal Infrastructure Services staff are authorized to enter on any parcel at all reasonable times to ascertain whether the regulations and directions of this Bylaw are being observed.

4.2. The Municipal Bylaw Officer staff are authorized to enter on any parcel at all reasonable times to ascertain whether the regulations and directions of this Bylaw are being observed.

4.3. Every person who violates or fails to comply with a provision of this Bylaw, or an order, direction or notice given under this Bylaw, commits an offence and is liable on summary conviction to a fine per the “Bylaw Notice Enforcement Bylaw No. 2174”.

4.4. Each day during which an offence under this Bylaw continues is a new and separate offence.

SECTION 5.0: DELEGATION OF AUTHORITY

5.1. The General Manager and those designated to act on behalf of the General Manager, are hereby authorized to determine the applicable Water Conservation Stage, provide notice of Schedule “A”: Outdoor Water Conservation Stages, or extend exemption durations.

SECTION 6.0: NOTICE OF WATER CONSERVATION STAGE

6.1. The General Manager may issue a notice conserving the use of water as set out in Schedule “A”, Outdoor Water Conservation Stages, attached hereto and forming part of this Bylaw.

6.2. As Per 6.1, notice shall be considered sufficiently given if published or circulated within the Municipality via standard methods of communication which may include one or all of the following communication methods: the Municipal website, printed media, social media, and local radio broadcasting.

6.3. Except in emergency circumstances, the Municipality shall provide notice of an impending Stage increase at least one (1) week prior to enforcement commencing.

SECTION 7.0: NEW LANDSCAPING PERMITS

7.1. A person who has installed new (never been installed or a repair of more than 50 per cent of existing landscaping may) apply to the Municipality for an irrigation permit that will allow the landscaping to be irrigated outside of permitted timelines outlined in Schedule "A". Permits indicating the use of sensor driven automated irrigation systems will be prioritized.

7.2. A permit shall be conspicuously displayed at the premises for which it is issued.

7.3. After expiration of a permit, the permit may be extended by the General Manager.

7.4. Permits will be issued at the discretion of the General Manager during Water Conservation Stage 2.

7.5. Permits will not be issued or be valid during Water Conservation Stages 3 or 4.

SECTION 8.0: FIRE DANGER RATING AND CONSTRUCTION

8.1. Some construction activities are restricted when the Fire Danger Rating is High or Extreme. A person whose property is under construction during such times may apply to the Municipality for an Interface Construction Restriction Exemption form in order to mitigate those activities.

8.2. Tree removal is restricted when the Fire Danger Rating is High or Extreme. A person whose property requires tree removal during such times may apply to the Municipality for an Interface Construction Restriction Exemption Form – Tree Service Companies in order to mitigate this activity.

8.3. An exemption form shall be conspicuously displayed at the premises for which it is issued.

8.4. After expiration of an exemption, the exemption form may be extended by the Fire Chief in consultation with the General Manager.

8.5. Exemption forms will not be issued or be valid during Water Conservation Stages 3 or 4.

SECTION 9.0: EXEMPTIONS FROM WATER CONSERVATION STAGES

9.1. The following are exempt from the Schedule "A": Outdoor Water Conservation Stages 1 and 2.

- i. Edible/ vegetable gardens;
- ii. A person that uses water to facilitate normal business activities related to health and safety such as but not limited to:
 - a) Cleaning, including cleaning of motorized and non-motorized equipment; and
 - b) Dust control.
- iii. A person that uses water to facilitate normal business activities such as but not limited to car washing and detailing, power washing, window washing;
- iv. Fire hydrant testing;
- v. Irrigation of the following public facilities if failure to do so will result in permanent loss of turf:
 - a) Meadow Park Sports Fields;

- b) Myrtle Phillip School Sports Field;
- c) Whistler High School Sports Field;
- d) Spring Creek School Sports Field; and
- e) Whistler Olympic Plaza Lawn.
- vi. Nurseries; and
- vii. Sampling at and flushing of water mains as required.

9.2. For Schedule "A": Outdoor Water Conservation Stage 3, the General Manager will recommend to Council whether or not the following are exempt with the exception of items iv) and vii) which are exempt:

- i. Edible/ vegetable gardens;
- ii. A person that uses water to facilitate normal business activities related to health and safety such as but not limited to:
 - a) Cleaning, including cleaning of motorized and non-motorized equipment;
 - b) Dust control.
- iii. A person that uses water to facilitate normal business activities such as but not limited to car washing and detailing, power washing and window washing;
- iv. Fire hydrant testing;
- v. Irrigation of the following public facilities if failure to do so will result in permanent loss of turf:
 - a) Meadow Park Sports Field;
 - b) Myrtle Phillip School Sports Fields;
 - c) Whistler High School Sports Field;
 - d) Spring Creek School Sports Field.
 - e) Whistler Olympic Plaza Lawn
- vi. Nurseries; and
- vii. Sampling at and flushing of water mains as required.

9.3. The following are exempt from the Schedule "A": Outdoor Water Conservation Stage 4:

- i. Fire hydrant testing;
- ii. Sampling at and flushing of water mains as required.

SECTION 10.0: SEVERABILITY

10.1. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then 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.

SECTION 11.0: REPEAL

11.1. The Resort Municipality of Whistler "Water Use Regulation Bylaw No. 1538, 2001" as amended, is repealed.

Given FIRST, SECOND and THIRD READINGS this 10th day of April, 2018.

ADOPTED by Council on this 24th day of April, 2018.

Nancy Wilhelm-Morden,
Mayor

Brooke Browning,
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of the
"Outdoor Water Usage Bylaw No. 2179, 2018".

Brooke Browning,
Municipal Clerk

SCHEDULE A – OUTDOOR POTABLE WATER CONSERVATION STAGES

CATEGORIES	STAGE 1 Year Round	STAGE 2 As Determined Enforced	STAGE 3 As Determined Voluntary	STAGE 4 As Determined Enforced
	Allowable times:	Allowable times:	Allowable times:	Allowable times:
Operating Drinking Water Fountains	Any Day Any Time	Any Day Any Time	Any Day Any Time	Any Day Any Time
Watering Edible/vegetable gardens <i>Any irrigation method</i>	Any Day Any Time	Any Day Any Time	Any Day Any Time	NOT PERMITTED
Watering Lawns, Trees, Shrubs and Flower Beds <i>By Hand/Manual</i>	Any Day Between 8 PM and 10 AM	Monday, Wednesday and Saturday Only Between 8 PM and 10AM	Wednesday and Saturday Only Between 8 PM and 10 AM	NOT PERMITTED
Watering Lawns, Trees, Shrubs and Flower Beds <i>Automatic In-Ground Irrigation</i>	Any Day Between 10 PM and 7 AM	Any Day Between 10 PM and 7 AM	Tuesday and Thursday Only Between 10 PM and 7 AM	NOT PERMITTED
Watering Lawns, Trees, Shrubs and Flower Beds <i>Automatic Drip Irrigation</i>	Any Day Any Time	Any Day Any Time	Any Day Between 10 PM and 7 AM	NOT PERMITTED
Watering New Landscaping and Repairs	Any Day Any Time	ONLY With Permit	NOT PERMITTED	NOT PERMITTED
Watering Decorative Hanging Baskets/Containers <i>Manual/Drip Irrigation</i>	Any Day Any Time	Any Day Any Time	Any Day Between 10 PM and 7 AM	NOT PERMITTED
Washing Vehicles, Boats, Motorized Equipment	Any Day Any Time	Any Day Any Time	NOT PERMITTED	NOT PERMITTED

CATEGORIES	STAGE 1 Year Round	STAGE 2 As Determined Enforced	STAGE 3 As Determined Voluntary	STAGE 4 As Determined Enforced
Washing Non-motorized bikes	Any Day Any Time	Any Day Any Time	NOT PERMITTED	NOT PERMITTED
Washing Hardscapes, Sidewalks, Roofs or any Outdoor Surfaces	Any Day Any Time Only With Low Volume, High Pressure Devices	Any Time but not on weekends and only as necessary for applying paint/similar product or preparing a surface prior to paving	Any Time but not on weekends and only as necessary for applying paint/similar product or preparing a surface prior to paving	NOT PERMITTED
Filling Residential Hot Tubs and Pools	Any Day Any Time	ONLY to comply with Health and Safety Laws	NOT PERMITTED	NOT PERMITTED
Filling Hotel/Multi-family/Commercial Hot Tubs and Pools	Any Day Any Time	ONLY to comply with Health and Safety Laws	NOT PERMITTED	NOT PERMITTED
Filling Decorative Fountains and Pools	Any Day Any Time	Any Time, but not on weekends	NOT PERMITTED	NOT PERMITTED
Operating Outdoor Showers and Water Parks	Any Day Any Time Only With Automatic Shut Off Valves	ONLY to comply with Health and Safety Laws	NOT PERMITTED	NOT PERMITTED
Testing Irrigation Systems for Broken Heads/Hoses	Any Day Any Time	Any Day Any Time	NOT PERMITTED	NOT PERMITTED