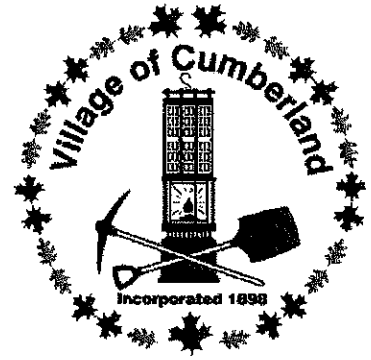


# NOTICE & AGENDA

21/2014/S



## The Corporation of the Village of Cumberland

Special Council Meeting  
August 25, 2014 at 5:30 p.m.  
Village Council Chambers

### 1. Approval of Agenda

1.1 Agenda for Special Council Meeting, August 25<sup>th</sup>, 2014.

***Recommend THAT Council approve the agenda for the special Council Meeting, August 25<sup>th</sup>, 2014.***

### 2. Reports

2.1 Stage 2 Water Use Restrictions

1

Prepared by Rob Crisfield, Manager of Operations

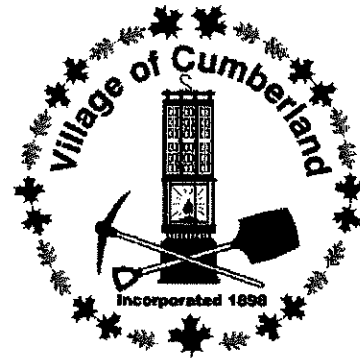
***i) Recommend THAT Council receives the Stage 2 Water Use Restrictions report.***

***ii) Recommend THAT Council approve implementation of Stage 2 water use restrictions commencing Tuesday September 2<sup>nd</sup> and remaining in effect until completion of the Steven's Lake Dam project.***

### 3. Adjournment

  
\_\_\_\_\_  
Deputy Corporate Officer  
August 22, 2014

# COUNCIL REPORT



REPORT DATE: August 22, 2014

MEETING DATE: August 25, 2014

TO: Mayor and Council

FROM: Rob Crisfield, Manager of Operations

SUBJECT: Stage 2 Water Use Restrictions

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## RECOMMENDATION

THAT Council receives the Stage 2 Water Use Restrictions report;

AND THAT Council approve implementation of Stage 2 water use restrictions commencing Tuesday September 2<sup>nd</sup> and remaining in effect until completion of the Stevens Lake Dam project.

## SUMMARY

Construction of the Stevens Lake Dam was to start the last week of August. Unfortunately the unusually dry year with little precipitation has increased fire danger on forest lands, causing a delay to the start of Stevens Lake Dam project. The dry weather combined with the loss of storage in the reservoir has prompted staff to recommend that Council approve implementation of Stage 2 water use restrictions as a precautionary measure.

## BACKGROUND

Following a pre-construction meeting held this week for the Stevens Lake Dam project, it is apparent that the project will be delayed due to a closure of all activities within Timberwest Lands. With this delay in the project and the reservoir water level having been lowered in anticipation of a Late August project start date, staff is recommending that as a precaution, Stage 2 water use restrictions be implemented. In accordance with the Village of Cumberland Water Conservation Bylaw, No. 807, 2005, Stage 2 Water Use Restrictions are as follows:

### **STAGE 2 - ONE DAY PER WEEK LAWN WATERING**

(1) *During Stage 2,*

(a) *no person shall use a Sprinkler to water a lawn growing on a property with*

(i) *an even numbered address, except on Wednesday between the hours of 4:00 a.m. to 10:00 am. and 7:00 p.m. to 10:00 p.m.;*

- (ii) *an odd numbered address, except on Thursday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;*
- (b) *no person shall use Water to wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces, except as necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repointing bricks, or if required by law to comply with health or safety regulations; and*
- (c) *a person may*
  - (i) *water trees, shrubs, flowers and vegetables on any day with a Sprinkler during the prescribed hours for Stage 2 lawn watering and on any day at any time if watering is done by hand-held container or a hose equipped with a shut-off nozzle;*
  - (ii) *water newly planted trees, shrubs, flowers and vegetables by any method during installation and for the following 24 hours;*
  - (iii) *use Micro-irrigation or Drip-irrigation systems to water trees, shrubs, flowers and vegetables at any time on any day;*
  - (iv) *water all weather playing fields at any time if failure to do so will result in a permanent loss of plant material; and*
  - (v) *wash a vehicle with using a hand held container or hose equipped with a shut-off nozzle and at car dealerships and commercial car washes.*

*(2) As exceptions to Stage 2 restrictions,*

- (a) *Owners or Occupiers of property who, by reason of physical or mental incapacity, are unable to water their property within the restricted days and times, may water their property on one day per week for a maximum of 9 hours per day;*
- (b) *Nurseries, Farms, turf farms and tree farms are exempted from the restrictions;*
- (c) *Public Authorities may water lawns and Boulevards on any day but no more than one day per week.*

These restrictions should remain in place until the completion of the project at which time staff will re-evaluate the Cumberland Creek surface water supply and determine if the stage 2 restrictions can be removed. This recommendation for removal will come before Council and require Council resolution.

If Council resolves to implement Stage 2 Water Use restriction, notice will be given to Cumberland residents in accordance with Section 6 of the Village of Cumberland Water Conservation Bylaw, No. 807, 2005.

**6 Notice**

- (1) *The CAO must give Notice or cause Notice to be given to persons within the Municipality of the applicable Stage determined under*

*Section 5(2) and its effective dates of commencement and termination when determined by the Council.*

- (2) *The Notice under subsection (1) must be given at least once*
  - (a) *before the commencement of the applicable Stage, and*
  - (b) *within a reasonable time after the resolution of the Council to terminate the Stage.*
- (3) *The Notice under this section must be published in a Newspaper and broadcast from a radio station, and may also be broadcast from a television station or cable television channel serving Cumberland and posted on the municipal web site.*

**FINANCIAL IMPLICATIONS**

None

**STRATEGIC OBJECTIVE**

None

**ATTACHMENTS**

Village of Cumberland Water Conservation Bylaw, No. 807, 2005

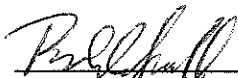
**CONCURRENCE**

None

**OPTIONS**

1. THAT Council approve implementation of Stage 2 water use restrictions commencing Tuesday September 2<sup>nd</sup> and remaining in effect until completion of the Stevens Lake Dam project.
2. Any other action deemed appropriate by Council.

Respectfully submitted,

  
\_\_\_\_\_  
Rob Crisfield  
Manager of Operations  
Village of Cumberland

  
\_\_\_\_\_  
Sundance Topham  
Chief Administrative Officer

# CORPORATION OF THE VILLAGE OF CUMBERLAND

## BYLAW NO. 807

### WATER CONSERVATION BYLAW

WHEREAS under Section 8 of the Community Charter a municipality may regulate in relation to a service;

NOW, THEREFORE, the Council of the Village of Cumberland follows:

#### 1. **Definitions**

In this bylaw:

"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.

"Council" means Council of the Village of Cumberland.

"Boat" means a vessel propelled on water by an engine, oars or sails.

"Boulevard" means that portion of any highway other than the paved, improved or main traveled roadway, driveway or sidewalk and includes any landscaped median.

"Bylaw Enforcement Officer" means a person appointed or contracted by the Council to enforce this bylaw.

"Council" means the Council of the Village of Cumberland.

"CAO" means the Chief Administrative Officer of the Village of Cumberland.

"Exempted Person" means an Owner or Occupier of property identified in Schedule "A" as exempt from one or more of the regulations under this bylaw.

"Farm" means a parcel of land classified as farmland for assessment and taxation purposes.

"Fill" means to fill completely with Water.

"Micro-irrigation or Drip-irrigation System" means a system using irrigation components which consume less than 20 gallons per hour and operate at less than 25 psi to deliver Water to the root zone of the plant material being irrigated, and includes spray emitter systems (Micro-Sprays), point source emitters and linear tape systems as defined in the BC Trickle Manual prepared and published by the BC Ministry of Agriculture and Food, Resource Management Branch (issue 1999), but does not include weeper or soaker hoses.

"Municipality" means the Village of Cumberland.

"Newspaper" has the same meaning as in the *Local Government Act*.

"Notice" means a Notice given under Section 6 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*.

"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.

"Owner" has the same meaning as in the *Local Government Act*.

"Permit" means a Permit issued under Section 9(1) of this bylaw.

"Public Authority" has the same meaning as defined in the *Local Government Act*.

"Restricted Hours" means those time periods during which watering is permitted in Schedule "A" of this bylaw.

"Sprinkler" means a hose connected or other sprinkler system but excludes a Micro-irrigation or Drip-irrigation system.

"Stage" means the Stages 1, 2 and 3 of Water Use Restrictions prescribed in Schedule "A" of this bylaw.

"Vehicle" means a device in, on or by which a person or thing is or may be transported or drawn on a highway.

"Village" means the Village of Cumberland.

"Water" means Water supplied by the Village directly or indirectly to an Owner or Occupier or the act of using or applying such Water.

"Water Use Restrictions" means the restrictions prescribed in Schedule "A" of this bylaw.

"Watering Days" means those days during which Watering is permitted in Schedule "A" of this bylaw.

## **2. Application**

The restrictions and regulations in this bylaw are applicable in the Village.

## **3. Prohibitions**

- (1) The prohibitions in subsections 3(2) and 3(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) the Over-Watering of plants or lawns.
- (4) 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.

## **4. Inspection**

A Bylaw Enforcement Officer has the authority 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.

## **5. Effective Dates of Stages and Restrictions**

- (1) Stage 1 and the Water Use Restrictions for Stage 1 prescribed in Schedule "A" are in effect in each year from May 1st to September 30th both inclusive, except as provided under subsection (2).
- (2) The Council, by resolution, may

- (a) amend the effective period of time for Stage 1, or
  - (b) terminate or bring into effect a Stage more restrictive than Stage 1 at any time of the year for any period of time.
- (3) The Stage determined under subsection (2) and the Water Use Restrictions prescribed under Schedule "A" for that Stage take effect on the commencement date stated in this bylaw or the Notice for that Stage and remain in effect until that Stage is terminated.
- (4) A Stage will remain in effect until it is terminated by resolution or otherwise under this bylaw, or until the a commencement of another Stage.

**6 Notice**

- (1) The CAO must give Notice or cause Notice to be given to persons within the Municipality of the applicable Stage determined under Section 5(2) and its effective dates of commencement and termination when determined by the Council.
- (2) The Notice under subsection (1) must be given at least once
- (a) before the commencement of the applicable Stage, and
  - (b) within a reasonable time after the resolution of the Council to terminate the Stage.
- (3) The Notice under this section must be published in a Newspaper and broadcast from a radio station, and may also be broadcast from a television station or cable television channel serving Cumberland and posted on the municipal web site.

**7 Determination Factors**

In making a determination under Section 5(2), the Council may consider, but shall not be bound by, the recommendation of the CAO. The CAO's recommendation will be upon consultation with the Public Works Foreman and in consideration of estimated water usage for the remainder of the effective dates of this bylaw.

**8 Water Use Restrictions**

The Water Use Restrictions for each Stage are prescribed in Schedule "A" to this bylaw and must be obeyed during the period that the applicable Stage is in effect under this bylaw.

**9 Permits, Exemptions and Special Cases**

- (1) The Village may issue Permits in the special cases and manner prescribed in Schedule "B"
- (2) Exemptions and special cases to the regulations in this bylaw are prescribed in Schedule "A"
- (3) Exempted Persons and Permit holders are exempted from Section 3 to the extent permitted by Schedule "A" and the conditions of the Permit where applicable.

**10 Schedules**

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

**11 Penalty**

- (1) A person who contravenes this bylaw commits an offence, is punishable in accordance with the Offence Act, and on conviction, in addition to the penalties prescribed under the Offence Act, is subject to the following minimum fines;
- (a) for an offence under section 3(3) of this bylaw, a minimum fine of \$100 plus costs if the offence is committed during Stage 1, \$200 plus costs if the offence is committed during Stage 2, \$300 plus costs if the offence is committed during Stage 3, and \$100 plus costs if the offence is committed when no Stage is in effect; and
  - (b) for an offence under section 3(4) of this bylaw, a minimum fine of \$50 plus costs for each offence under Stage 1, \$75 plus costs for each offence under Stage 2, and \$100 plus costs for each offence under Stage 3.

**12 Effective Date**

This bylaw shall take effect upon the date of its adoption.

**13 Bylaw Citation**

This Bylaw may be cited as "The Corporation of the Village of Cumberland Water Conservation Bylaw No. 807"

READ A FIRST TIME, this 16th day of May, 2005

READ A SECOND TIME, this 16th day of May, 2005.

READ A THIRD TIME, this 16th day of May, 2005.

ADOPTED this 6th day of June, 2005.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE ADMINISTRATOR

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 807 of the Village of Cumberland, cited as the "Corporation of the Village of Cumberland Water Conservation Bylaw No. 807, 2005", as adopted by the Village Council on the 6th day of June, 2005.

\_\_\_\_\_  
CORPORATE ADMINISTRATOR



**SCHEDULE "A"**  
to Bylaw No. 807

**OUTDOOR WATER USE RESTRICTION STAGES**

**1. STAGE 1 - TWO DAYS PER WEEK LAWN WATERING**

(1) During Stage 1,

- (a) no person shall use a Sprinkler to water a lawn growing on a property with
  - (i) an even numbered address, except on Wednesday and Saturday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.; and
  - (ii) an odd numbered address, except on Thursday and Sunday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.; and
- (b) a person may
  - (i) water trees, shrubs, flowers and vegetables on any day with a Sprinkler during the prescribed hours for Stage 1 lawn watering and on any day at any time if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
  - (ii) water newly planted trees, shrubs, flowers and vegetables by any method during installation and for the following 24 hours;
  - (iii) use Micro-irrigation or Drip-irrigation systems to Water trees, shrubs, flowers and vegetables at any time on any day;
  - (iv) under the authority of a Permit, water new sod on installation and during the first 21 days after installation, and water newly seeded lawns until growth is established or for 49 days after installation, whichever is less, but only during the prescribed Stage 1 lawn Watering hours;
  - (v) water all weather playing fields at any time if failure to do so will result in a permanent loss of plant material: and
  - (vi) wash a vehicle with Water using a hand held container or hose equipped with a shut-off nozzle and at car dealerships or commercial car washes.

(2) As exceptions to the Stage 1 restrictions,

- (a) Owners or Occupiers of property who, by reason of physical or mental incapacity, are unable to water their property within the restricted days and times, may water their property on any two days of the week for a maximum of 9 hours per day;
- (b) Nurseries, Farms, turf farms and tree farms are exempted from the restrictions'
- (c) Public Authorities may water lawns and Boulevards on any day but no more than two days per week; and

**2 STAGE 2 - ONE DAY PER WEEK LAWN WATERING**

- (1) During Stage 2,
- (a) no person shall use a Sprinkler to water a lawn growing on a property with
    - (i) an even numbered address, except on Wednesday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
    - (ii) an odd numbered address, except on Thursday between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
  - (b) no person shall use Water to wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces, except as necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repointing bricks, or if required by law to comply with health or safety regulations; and
  - (c) a person may
    - (i) water trees, shrubs, flowers and vegetables on any day with a Sprinkler during the prescribed hours for Stage 2 lawn watering and on any day at any time if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
    - (ii) water newly planted trees, shrubs, flowers and vegetables by any method during installation and for the following 24 hours;
    - (iii) use Micro-irrigation or Drip-irrigation systems to water trees, shrubs, flowers and vegetables at any time on any day;
    - (iv) water all weather playing fields at any time if failure to do so will result in a permanent loss of plant material; and
    - (v) wash a vehicle with using a hand held container or hose equipped with a shut-off nozzle and at car dealerships and commercial car washes.
- (2) As exceptions to Stage 2 restrictions,
- (a) Owners or Occupiers of property who, by reason of physical or mental incapacity, are unable to water their property within the restricted days and times, may water their property on one day per week for a maximum of 9 hours per day;
  - (b) Nurseries, Farms, turf farms and tree farms are exempted from the restrictions;
  - (c) Public Authorities may water lawns and Boulevards on any day but no more than one day per week; and

**3 STAGE 3 - NO LAWN WATERING**

- (1) During Stage 3,
- (a) no person shall
    - (i) water a lawn or Boulevard;
    - (ii) Fill a swimming pool, hot tub or garden pond;
    - (iii) Fill or operate a non re-circulating fountain at any time; or
    - (iv) wash a Vehicle or a Boat with water.
  - (b) a person may
    - (i) water trees, shrubs, flowers and vegetables on any day between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
    - (ii) water newly planted trees, shrubs, flowers and vegetables between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. only by hand-held container or a hose equipped with a shut-off nozzle during installation and during the following 24 hours after installation is completed;
    - (iii) use Micro-irrigation or Drip-irrigation systems to water trees, shrubs, flowers and vegetables on any day between the hours of 4:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m.;
    - (iv) water all weather playing fields at any time, but only if failure to do so will result in a permanent loss of plant material; and
    - (v) use Water to wash sidewalks, driveways or parking lots, exterior windows or exterior building surfaces, but only if necessary for applying a product such as paint, preservative and stucco, preparing a surface prior to paving or repointing bricks, or if required by law to comply with health or safety regulations.
- (2) As exceptions to the Stage 3 restrictions,
- (a) Nurseries, Farms, turf farms and tree farms are exempted from the restrictions;
  - (b) wading pools may be Filled with Water; and
  - (c) Vehicles and Boats may be washed with Water only at car dealerships and commercial car washes using less than 57 litres of Water per Vehicle wash or 50% recirculated Water as long as the total amount of Water, excluding recirculated Water, does not exceed 57 litres per Vehicle wash.

**SCHEDULE "B"**  
to Bylaw No. 807

**PERMITS**

1. During Stage 1, a person who has installed a new lawn, either newly seeded or new sod, may apply to the Village of Cumberland Municipal Office for a Permit, which will allow the new lawn to be Sprinkled with Water outside of permitted days, but within Restricted Hours. The Permit shall be conspicuously displayed at the premises for which it was issued.
2. The Village of Cumberland Municipal Office shall issue a Permit to an applicant pursuant to Section 1 upon payment to the Village of Cumberland of a fee in an amount determined by the Council.
3. New sod may be watered for 21 days after installation and newly seeded lawn may be watered 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.
4. Permits will not be issued or be valid during Stages 2 or 3 restrictions.