

**REGIONAL DISTRICT OF NANAIMO**

**COMMITTEE OF THE WHOLE  
TUESDAY, JANUARY 11, 2005  
(immediately following the Special Board meeting)**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

- 4                    **Don Cameron**, re Park Proposal for the Mount Arrowsmith Massif.

**MINUTES**

- 5-13                Minutes of the Committee of the Whole meeting held Tuesday, November 9, 2004, and the Special Committee of the Whole meetings held November 16 and November 30, 2004.

**COMMUNICATIONS/CORRESPONDENCE**

**BUSINESS ARISING FROM THE MINUTES**

***COMMUNITY SERVICES***

**RECREATION & PARKS**

- 14-18              Electoral Area 'A' Recreation Services Study – Project Advisory Committee.

**REGIONAL GROWTH MANAGEMENT**

- 19-26              State of Sustainability Project – Selection of Sustainability Indicators.

***CORPORATE SERVICES***

***DEVELOPMENT SERVICES***

**EMERGENCY SERVICES**

- 27-33              Emergency Measures Bylaw No. 1416.

**PLANNING**

- 34-43              Board of Variance Policy – Planning Services Fees and Charges Amendment Bylaw No. 1259.01 and Board of Variance Amendment Bylaw No. 1260.01.

- 44-52              Moved-on Buildings in the Regional District of Nanaimo.

## *ENVIRONMENTAL SERVICES*

### **UTILITIES**

- 53-92 Water and Sewer Connection Fee Amendments – Bylaw No.'s 524.14, 619.10, 700.11, 726.11, 727.11, 764.14, 815.09, 886.08, 1097.06, 1334.02, 1172.04, 1383.01, 765.12, 1241.04, 422.14, 1237.04.
- 93-194 Water Local Service Areas – Water Restriction Bylaw Amendments – Bylaw No.'s 1345.01, 1343.01, 1346.01, 1350.01, 1344.01, 1349.01, 1348.01, 1347.01, 1342.01, 1341.01, 1340.01, 1384.01.

### **COMMISSION, ADVISORY & SELECT COMMITTEE**

#### **Electoral Area 'B' Parks & Open Space Advisory Committee.**

- 195-198 Minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held November 8, 2004. (for information)

#### **Regional Parks Plan Review Select Committee.**

- 199-202 Minutes of the Regional Parks Plan Review Select Committee meetings held November 17 and December 15, 2004. (for information)

#### **District 69 Recreation Commission.**

- 203-205 Minutes of the District 69 Recreation Commission meeting held December 16, 2004. (for information)

#### **Intergovernmental Advisory Committee.**

- 206-207 Minutes of the Intergovernmental Advisory Committee meeting held December 14, 2004. (for information)

#### **Transit Business Plan Update Select Committee.**

- 208-209 Minutes of the Transit Business Plan Update Select Committee meeting held December 16, 2004. (for information)

- 210-217 *That the Regional District request that the City of Nanaimo allow for the relocation of the downtown Nanaimo transit exchange in 2005 to the west side of Wallace Street between Wentworth and Fitzwilliam as outlined in the staff report and that staff prepare a Terms of Reference for a study on transit exchange and service delivery options for the longer term for downtown Nanaimo.*

#### ***Verbal Reports As Available:***

Arrowsmith Water Project Management Committee  
Deep Bay Harbour Authority  
District 69 Recreation Commission  
Island Corridor Foundation

Mt. Arrowsmith Biosphere Foundation  
Municipal Finance Authority  
Municipal Insurance Association  
North Island 911 Corporation  
RDN Emergency Planning Committee  
Regional Library Board  
Regional Transportation Advisory Committee  
Treaty Advisory Committee  
Vancouver Island Biosphere Foundation  
Vancouver Island Health Authority – Project Building Committee  
Vancouver Island Health Authority – Joint Capital Planning Committee

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**BOARD INFORMATION** (Separate enclosure on blue paper)

**ADJOURNMENT**

**IN CAMERA**



Alpine Club of Canada, Vancouver Island Section  
Mt Arrowsmith Park Initiative  
1232 Bewdley Ave, Victoria, BC, V9A 5N3  
Tel: 250 889 2480 Email: arrowsmith@cameronsoftware.com

Don Cameron  
Peter Rothermel  
Alpine Club of Canada  
Federation of Mountain Clubs of BC  
(250) 889 2480

Mr. Tom Osborne  
Manager, Recreation and Parks, Regional District of Nanaimo  
Oceanside Place, 830 West Island Highway  
Parksville, BC. V9P 2X4

Dec 20, 2004

Mr. Osborne,

We are writing this letter to request an agenda item at the RDN board of directors meeting on January 11<sup>th</sup>, 2005. We have prepared a 10 minute presentation on a park proposal for the Mount Arrowsmith massif. In this presentation we will have:

- a brief description of the proposed park area,
- the intended uses of the proposed park,
- the ecological, social and economic benefits,
- integration of this initiative with the RDN parks plan for 2005-2015,
- steps for moving forward with the RDN to make the proposed park a reality.

If you can please contact Don Cameron at 250 889 2480 to confirm this agenda item it will be greatly appreciated.

Thank you

Don Cameron



Federation of Mountain Clubs of British Columbia  
P.O. Box 19673, Vancouver, BC V5T 4E7  
Tel. 604 873-6096, Fax. 604 872-4088  
fmcbc@moutainclubs.bc.ca  
www.mountainclubs.bc.ca

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, NOVEMBER 9, 2004, AT 7:00 PM  
IN THE RDN BOARD CHAMBERS

**Present:**

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director R. Cantelon	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
N. Connelly	General Manager of Community Services
J. Finnie	General Manager of Environmental Services
T. Osborne	Manager of Recreation & Parks
N. Tonn	Recording Secretary

**DELEGATIONS**

**Ron Tanasichuk, Nanaimo Area Land Trust, re Request for a Renewal of Contract Services for 2005.**

Mr. Tanasichuk summarized the services provided to the Regional District of Nanaimo in the past year in the areas of land acquisition and protection, conservation covenants, voluntary stewardship education and promotion, habitat inventory and restoration projects and operating a stewardship resource centre. Directors were provided a copy of the summary and NALT's budget forecast for 2004 to 2005 and asked for funding in the amount of \$30,000 as a contribution from the Regional District in 2005.

**Greg Gow, re Section 57 of the Community Charter – Contravention of Bylaw – 2765 Benson View Road – Area D.**

Mr. Gow was not in attendance.

MOVED Director Bartram, SECONDED Director C. Haime, that two late delegations be permitted to address the Committee.

CARRIED

**Hermoine Hicks, re Public Participation on the Transit Select Committee.**

Ms. Hicks was not in attendance.

**Mike Minter, re Relocating the Bus Exchange.**

Mr. Minter raised his concerns with the proposed Front Street plan for the bus exchange and presented an alternate proposal which would possibly see a consolidation of all public transportation to a central "hub" in the downtown area.

**MINUTES**

MOVED Director Sherry, SECONDED Director Cantelon, that the minutes of the regular Committee of the Whole meeting held October 12, 2004 be adopted.

CARRIED

**COMMUNITY SERVICES**

**RECREATION & PARKS**

**Electoral Area 'H' Parks & Open Space Advisory Committee.**

MOVED Director Bartram, SECONDED Director D. Haime, that the Terms of Reference for the Electoral Area 'H' Parks and Open Space Advisory Committee be approved.

CARRIED

**Park Use Regulation Bylaw No. 1399.**

MOVED Director McNabb, SECONDED Director Holdom,:

1. That the "Regional District of Nanaimo Park Use Regulation Bylaw No. 1399, 2004" be given three readings.
2. That the "Regional District of Nanaimo Park Use Regulation Bylaw No. 1399, 2004" having received three readings be adopted.

MOVED Director Longmuir, SECONDED Director Westbrook, that the minimum fines noted as \$50.00 in Schedule 'D' of Bylaw No. 1399 be raised to \$100.00.

DEFEATED

The question was called on the main motion.

The motion CARRIED.

**Electoral Area 'A' Recreation Services Study.**

MOVED Director Kreiberg, SECONDED Director Hamilton, that the Terms of Reference for a project proposal to undertake a Recreation Services Study for Electoral Area 'A' be approved, and that \$20,000 be raised from Electoral Area 'A' in 2005 to conduct the survey, prepare a report and if necessary, provide for a referendum question in conjunction with the 2005 local government elections.

CARRIED

**Drinking Water Protection Action Plan.**

MOVED Director Bartram, SECONDED Director Cantelon,:

1. That the Drinking Water Protection Action Plan be received.

2. That staff be requested to do a survey of other drinking water protection initiatives around Canada that could help Electoral Areas deal with drinking water protection issues brought up by their residents during the Drinking Water Protection Workshop, to be discussed at the next Ideas & Updates Board meeting.

CARRIED

**Green Buildings Project.**

MOVED Director Holdom, SECONDED Director Bartram, that the Terms of Reference for a Green Buildings Project be approved, and forwarded for consideration as part of the 2005 annual budget process.

CARRIED

**CORPORATE SERVICES**

**FINANCE**

**Operating Results to September 30, 2004.**

MOVED Director Cantelon, SECONDED Director Westbroek, that the summary report of financial results from operations to September 30, 2004 be received for information.

CARRIED

**FIRE PROTECTION**

**Fire Services Agreement with the Bow Horn Bay Volunteer Fire Department.**

MOVED Director Bartram, SECONDED Director McNabb, that the Chair and General Manager, Corporate Services, be authorized to execute a service agreement with the Bow Horn Bay Volunteer Fire Department as presented.

CARRIED

**Bow Horn Bay Fire Protection Service Regulatory Bylaws No. 1401 and 1402.**

MOVED Director Bartram, SECONDED Director McNabb,:

1. That "Bow Horn Bay Volunteer Fire Department Operations Bylaw No. 1401, 2004" be introduced for first three readings.
2. That "Bow Horn Bay Volunteer Fire Department Operations Bylaw No. 1401, 2004" having received three readings, be adopted.
3. That "Bow Horn Bay Fire Protection Service Regulation Bylaw No. 1402, 2004" be introduced for first three readings.
4. That "Bow Horn Bay Fire Protection Service Regulation Bylaw No. 1402, 2004" having received three readings, be adopted.

CARRIED

**DEVELOPMENT SERVICES**

**BUILDING INSPECTION**

**Section 57 of the Community Charter – Contravention of Bylaw – Infractions.**

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

It was noted that the following contraventions have been resolved:

- (a) Lot 177, Section 31, Plan 17658, Gabriola Island, Nanaimo Land District, 1459 Barrett Road, Electoral Area 'B', owned by W. Moe;
- (b) Lot 87, Section 2, Plan 2223, Gabriola Island, Nanaimo Land District, 2540 Coho Drive, Electoral Area 'B', owned by K. Dent.

MOVED Director Hamilton, SECONDED Director Kreiberg, that a notice be filed against the titles of the properties listed, pursuant to Section 57 of the *Community Charter* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 15, Sections 9 and 10, Range 4, Plan 36191, Mountain Land District, 2765 Benson View Road, Electoral Area 'D', owned by G. and L. Gow;
- (b) Lot 21, Block 1, District Lot 9, Plan 15370, Newcastle Land District, 965 Surfside Drive, Electoral Area 'G', owned by K. Schmidt.

CARRIED

### **ENVIRONMENTAL SERVICES**

#### **LIQUID WASTE**

##### **Water and Wastewater Innovative Technologies.**

MOVED Director Sherry, SECONDED Director Westbrook, that staff be directed to stay abreast of new technologies that may be used to improve effluent quality and reduce water use and that these technologies be considered when making servicing decisions.

CARRIED

##### **Pump and Haul Local Service Area Amendment Bylaw No. 975.38 – Gallagher Way – Area B.**

MOVED Director Lund, SECONDED Director Sherry,:

1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw No. 975 be amended to include Lot 85, DL 32, Gabriola Island, Nanaimo Land District, Plan 21586 (Gallagher Way, Area B).
2. That "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.38, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

#### **SOLID WASTE**

##### **Regional Landfill Post Closure Implementation Plan.**

MOVED Director Sherry, SECONDED Director Biggemann, that the Board approve the Regional Landfill post closure implementation plan for submission to the Ministry of Water, Land and Air Protection.

CARRIED

##### **Landfill Gas Utilization Update.**

MOVED Director Sherry, SECONDED Director Longmuir, that the update on plans to utilize landfill gas (LFG) collected at the Regional Landfill be received for information.

CARRIED



**COMMISSION, ADVISORY & SELECT COMMITTEE**

**Electoral Area 'A' Parks & Green Spaces Advisory Committee.**

MOVED Director Kreiberg, SECONDED Director Cantelon, that the minutes of the Electoral Area 'A' Parks & Green Spaces Advisory Committee meeting held September 16, 2004 be received for information.

CARRIED

**Electoral Area 'B' Parks & Open Space Advisory Committee.**

MOVED Director Lund, SECONDED Director Tyndall, that the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held September 13, 2004 be received for information.

CARRIED

**Nanoose Bay Parks & Open Space Advisory Committee.**

MOVED Director Bibby, SECONDED Director Hamilton, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held October 4, 2004 be received for information.

CARRIED

**Regional Parks Plan Review Select Committee.**

MOVED Director Bartram, SECONDED Director C. Haime, that the minutes of the Regional Parks Plan Review Select Committee meeting held October 13, 2004 be received for information.

CARRIED

**District 69 Recreation Commission.**

MOVED Director Bartram, SECONDED Director Westbrook, that the minutes of the District 69 Recreation Commission meeting held October 21, 2004 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Longmuir, that the recommendations from the District 69 Recreation Commission Grants Committee be approved as follows:

Community Grants:

Bowser Tennis Club – resurfacing courts	\$	2,500
Coombs Halloween Candy Walk	\$	1,000
Errington War Memorial Hall – washroom upgrade, old hall repairs	\$	7,250
Oceanside Community Arts Council – musical recitals	\$	700
Oceanside Lyrics Ensemble	\$	800
Parksville and District Association for Community Living	\$	870
Parksville Special Olympics	\$	700
Ravensong Masters Swim Club	\$	1,300

Youth Grants:

Deep Bay Yacht Club	\$	2,500
District 69 Family Resource Association	\$	2,190
KSS Music Program – Parents Committee – purchase bass instrument	\$	750
Vancouver Island Adrenalin Games	\$	800

CARRIED

**Intergovernmental Advisory Committee.**

MOVED Director Sherry, SECONDED Director Biggemann, that the minutes of the Intergovernmental Advisory Committee meeting held October 21, 2004 be received for information.

CARRIED

**Regional Growth Monitoring Advisory Committee/State of Sustainability Project.**

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held October 6 and October 27, 2004 be received for information.

CARRIED

**Transit Business Plan Update Select Committee.**

MOVED Director Cantelon, SECONDED Director Holdom, that the minutes of the Transit Business Plan Update Select Committee meeting held October 28, 2004 be received for information.

CARRIED

MOVED Director Cantelon, SECONDED Director D. Haime, that a letter be sent to the Premier that the Province consider for their 2005 budget, the allocation of surplus funds for additional funding to transit for the Nanaimo Regional transit system and others in the BC Transit Municipal Systems program.

CARRIED

**IN CAMERA**

MOVED Director Sherry, SECONDED Director McNabb, that pursuant to Section 90(1) (g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to legal matters.

**ADJOURNMENT**

MOVED Director Sherry, SECONDED Director McNabb, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 7:53 PM

**RISE AND REPORT**

**Vancouver Island Corridor.**

MOVED Director Cantelon, SECONDED Director C. Haime, that \$2,000 be sent to the Capital Regional District to offset expenses in the assessment of the Island Corridor Foundation's business plan.

CARRIED

**ADJOURNMENT**

MOVED Director Sherry, SECONDED Director McNabb, that this meeting terminate.

TIME: 8:27 PM

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CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, NOVEMBER 16, 2004, AT 7:00 PM  
IN THE RDN BOARD CHAMBERS

**Present:**

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
N. Connelly	General Manager of Community Services
B. Lapham	General Manager of Development Services
J. Finnie	General Manager of Environmental Services
N. Avery	Manager of Financial Services

**PRESENTATION**

**2005 Annual Budget Review.**

The Administrator reviewed the Board Strategic Plan and updated the Board on the progress being made in achieving the objectives of the Plan. The Manager of Financial Services and the General Manager of Corporate Services provided an overview to the contents of the Budget binders.

The General Manager of Development Services presented the 2005 Business Plan, key activities and budget impacts for the building inspection, community planning, bylaw enforcement & emergency planning budgets.

The General Manager of Environmental Services presented the 2005 Business Plan, key activities and budget impacts for the liquid waste, solid waste, engineering and water utilities budgets.

**ADJOURNMENT**

MOVED Director Sherry, SECONDED Director Hamilton, that this meeting terminate.

CARRIED

TIME: 8:45 PM

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CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, NOVEMBER 30, 2004, AT 7:00 PM  
IN THE RDN BOARD CHAMBERS

**Present:**

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director J. Manhas	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
N. Connelly	General Manager of Community Services
B. Lapham	General Manager of Development Services
J. Finnie	General Manager of Environmental Services
N. Avery	Manager of Financial Services
N. Tonn	Recording Secretary

**PRESENTATION**

**Chuck Rowe, Vancouver Island Health Authority, re Hospital District budget.**

Mr. Rowe presented an update to the proposed requirements of the Vancouver Island Health Authority for the 2005 budget and provided Board members with a summary of the formula used by the VIHA to utilize any budget funds for their highest priority project and equipment requirements.

**CORRESPONDENCE**

**Chuck Rowe, Vancouver Island Health Authority, re NRGH Phase II Perinatal Project.**

MOVED Director McNabb, SECONDED Director Sherry, that the correspondence from the Vancouver Island Health Authority with respect to the Nanaimo Regional General Hospital perinatal project, be received.

CARRIED

**HOSPITAL**

**2005 Provisional Hospital District Budget.**

MOVED Director Westbrook, SECONDED Director D. Haime, that this item be referred back to staff to allow review of new financial figures provided by VIHA and provide a report to the next Board meeting.

CARRIED

**PRESENTATION**

**2005 Annual Budget.**

The Administrator reviewed the budget process as regulated by the *Local Government Act* and informed Board members of the opportunity to make any necessary adjustments to the 2005 annual budget prior to its approval deadline of March 31, 2005.

The General Manager of Community Services presented the 2005 Business Plan, key activities and budget impacts for the recreation, regional and community parks, regional growth management and transit budgets.

MOVED Director Holdom, SECONDED Director Cantelon, that the financial request from NALT be brought forward for consideration in the Regional Parks budget.

CARRIED

MOVED Director Longmuir, SECONDED Director Westbrook, that \$7,500 support for 4 years for Citizen Builders, a youth link partnership, be included as part of the District 69 Recreation Coordinating budget.

CARRIED

MOVED Director Holdom, SECONDED Director Bartram, that the green buildings project funding in the amount of \$20,000 be included as part of the Regional Growth Management budget.

CARRIED

The General Manager of Corporate Services presented the 2005 Business Plan, key activities and budget impacts for the administration, public safety, fire services and fiscal services budgets.

**IN CAMERA**

MOVED Director Westbrook, SECONDED Director Sherry, that pursuant to Section 90(1) (g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to legal matters.

CARRIED

**ADJOURNMENT**

MOVED Director Westbrook, SECONDED Director Sherry, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 8:34 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO		
JAN - 4 2005		
CHAIR		GMCms
	r	GMCrS
CAO		GMDs
		GMES
Call		

**MEMORANDUM**

**TO:** Neil Connelly  
Manager of Recreation and Parks

**DATE:** January 4, 2005

**FROM:** Tom Osborne  
Manager of Recreation and Parks

**FILE:**

**SUBJECT:** Electoral Area 'A' Recreation Services Study – Project Advisory Committee

**PURPOSE**

To amend Terms of Reference for the Recreation Services Study for Electoral Area 'A' to include a project advisory committee.

**BACKGROUND**

At the November 23, 2004 Regional Board Meeting a staff report regarding implementing a Recreation Services Study for Electoral Area 'A' was received and the following resolution was approved:

*MOVED Director Kreiberg, SECONDED Director D. Haime, that the Terms of Reference for a project proposal to undertake a Recreation Services Study for Electoral Area 'A' be approved, and that \$20,000 be raised from Electoral Area 'A' in 2005 to conduct the survey, prepare a report and if necessary, provide for a referendum question in conjunction with the 2005 local government elections.*

The approved Terms of Reference provided for a formal survey of Electoral Area 'A' residents to be conducted in the spring of 2005 to assess the level of local recreation needs and demands and to gauge the level of support for funding more direct community based recreation services. Services of a professional survey agency with expertise in public recreation will be retained to develop and conduct the survey.

Upon the completion of the survey, the Regional Board will receive a report on the survey's findings and at that point could consider options to establish a local recreation function for Electoral Area 'A'. The consideration of the creation of a new service would require that electorate consent be obtained through a referendum. The referendum could be held at the same time as the local government elections scheduled for November 2005.

The Director from Electoral Area 'A' has now requested that the Terms of Reference be amended to include an appointed Electoral Area 'A' Recreation Services Study Project Advisory Committee. The Project Management Team will consult with the Advisory Committee throughout the three phases of the study. Postings for the Advisory Committee will be advertised in late January 2005 and appointed in early March 2005.

The attached terms of reference have been amended to include the Advisory Committee and the project scheduled has been revised accordingly.

**ALTERNATIVES**

1. That the Terms of Reference for the Recreation Services Study for Electoral Area 'A' be amended to include a Project Advisory Committee.
2. That the Terms of Reference for the Recreation Services Study for Electoral Area 'A' not be amended.

**FINANCIAL IMPLICATIONS**

There are minimal financial implications for the inclusion of the Project Advisory Committee other than cost for a public hall to conduct meetings.

**PUBLIC IMPLICATIONS**


The appointed Project Advisory Committee will be made up of representatives of residents from Electoral Area 'A'.

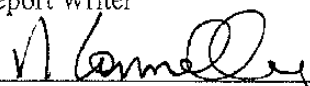
**SUMMARY**


On November 23, 2004 the Regional Board approved the Terms of Reference for the Recreation Services Study for Electoral Area 'A'. The Electoral Area Director has now requested that the Terms of Reference be amended to include a Project Advisory Committee. The Project Management Team will consult with the Committee throughout the three phases of the study. Postings for the Advisory Committee will be advertised in late January 2005 and appointed in early March 2005. The revised Terms of Reference are attached in Appendix 1.

**RECOMMENDATION:**

That the Terms of Reference for the Recreation Services Study for Electoral Area 'A' be amended to include a Project Advisory Committee as provided for in Appendix 1.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**COMMENTS:**

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA 'A' RECREATION SERVICES STUDY  
PROJECT TERMS OF REFERENCE  
(Revised December 2004)**

**INTRODUCTION AND PROJECT OVERVIEW**

The Regional District of Nanaimo (RDN) is undertaking the preparation of a Recreation Services Survey for Electoral Area 'A', an electoral area that includes the communities of Cedar, South Wellington and Cassidy. The population of the area based on the 2001 census statistics is 6,423. The Recreation Services Study is required to gauge public support from residents of the Electoral Area on the provision of localized recreation services, financial resources for recreation services, service delivery alternatives, and a needs assessment regarding recreation services for children, youth and adults.

**SCOPE OF WORK**

The project will be broken down into two phases with the option to proceed to a third phase.

**Phase 1 – Public Survey**

- Conduct a mail out survey through a retained consulting firm that specializes in recreation services surveys and the development of recreation services master plans.
- The survey will be a statistically valid, random sample survey to be mailed out to residents in Electoral Area 'A'.
- The survey will solicit feed back and gauge opinions on various topics relating to the provision of recreation and parks services.
- The survey will determine what recreation services are currently being used by Electoral Area 'A' residents.
- The survey will determine the community needs, interests, and priorities regarding the provision of recreation services for children, youth and adults in Electoral Area 'A'.
- The survey will determine parks and recreation facility needs in the community to include playgrounds, trails, parks, sport fields and facilities for children, youth and adults.
- The survey will determine support for alternative recreation service delivery systems such as funding through non-profit recreation societies to provide local recreation services.
- The survey will determine level of support for funding local recreation through taxation.
- The survey will determine Electoral Area support of the existing agreement with the City of Nanaimo to access municipal recreation and parks services.



## **Phase 2 – Report on Survey Findings**

A report will be presented to the Regional Board on the findings of the survey and will provide options on the provision of recreation services to Electoral Area 'A'.

Should the Regional Board determine there is sufficient public support for localized recreation services for the Electoral Area 'A', a new recreation service function would be required and Phase 3 would be implemented.

## **Phase 3 – Referendum**

Service delivery options will be provided with recommendations to the Regional Board. Based on the selected option, a referendum question will be developed to ask residents of Electoral Area 'A' if they support the creation of a new recreation service area for Electoral Area 'A'. The referendum will be held during the local government elections in November 2005 to request electoral consent for the formation of a new recreation service area.

## **BUDGET**

The costs of conducting the recreation services survey and holding a referendum for a new service will be funded by Electoral Area 'A' in 2005. Consulting services for a recreation survey and report for Electoral Area 'A' have been estimated to cost \$15,000 and the costs of adding a referendum question to the local government elections in November 2005 at \$5,000. The costs otherwise to hold a separate referendum for a single question is estimated at \$10,000.

## **SCHEDULE**

- November 9, 2004 – Project Terms of Reference received by the Committee of the Whole.
- November 23, 2004 – Terms of Reference endorsed by the Regional Board.
- February 2005 – Request for Proposals issued to secure a consulting company to conduct the public survey.
- February 2005 – Advertise for applicants for the Electoral Area 'A' Recreation Services Study Project Advisory Committee
- March 2005 – Consulting Company to conduct public survey retained.
- March 2005 – Appointments made for the Electoral Area 'A' Recreation Services Study Project Advisory Committee
- April – May 2005 – Public survey conducted.
- July 2005 – Survey finding presented to the Regional Board.

*If required:*

- August – September 2005 – Recreation Service delivery options developed and proposed and associated costs considered by the Electoral Area Director and Regional Board
- October 2005 – Development of referendum question for the formation of an Electoral Area 'A' Recreation Services Function
- November 2005 – Referendum held

## **PROJECT MANAGEMENT**

The project will be managed by the RDN Recreation and Parks Department staff including the Manager of Recreation and Parks and the Recreation Program Supervisor. A consultant will be hired to carry out the survey and to complete the report in consultation with staff, the Electoral Area 'A' Director and the Project Advisory Committee.

## **PROJECT ADVISORY COMMITTEE**

### **Purpose**

The Committee will advise and provide information to the Project Management Team throughout the three phases of the Electoral Area 'A' Recreation Services Study.

### **Membership**

1. The Electoral Area 'A' Recreation Services Study Project Advisory Committee will be appointed by the Regional Board as follows:
  - the Electoral Area 'A' Director
  - the Electoral Area 'A' appointee to the City of Nanaimo Parks, Recreation and Culture Commission
  - an appointee from the Electoral Area 'A' Parks and Greenspace Advisory Committee, and
  - up to two Members at Large who are residents of Electoral Area 'A'.
2. The Committee will consist of a maximum of five members. The Committee may operate without all positions being occupied. A quorum shall consist of three members.

### **Procedures**

1. The Electoral Area 'A' Director will be appointed as Chair
2. The Committee will meet as required throughout the three phases of the study.
3. Minutes of Committee meetings will be forwarded to the Regional District Board for information.

### **Responsibilities**

The Committee will make recommendations and provide advice to the Project Management Team throughout the three phases of the project to gauge public support from residents of the Electoral Area on the provision of localized recreation services, financial resources for recreation services, service delivery alternatives, and a needs assessment regarding recreation services for children, youth and adults.

### **Reporting and Authority**

In the provision of their services to Electoral Area 'A' Recreation Services Study Project Advisory Committee, Committee members have a responsibility to act in the best interests of their community and within the policies and guidelines established by the Regional District.



REGIONAL DISTRICT OF NANAIMO	
JAN -4 2005	
CHAIR	GMCMS
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# MEMORANDUM

**TO:** Neil Connelly  
General Manager, Community Services

**DATE:** January 4, 2005

**FROM:** Christina Thomas  
Senior Planner, Community Services

**FILE:** 6780 30

**SUBJECT:** STATE OF SUSTAINABILITY PROJECT – SELECTION OF SUSTAINABILITY INDICATORS

## PURPOSE

The purpose of this report is to obtain direction regarding the selection of sustainability indicators.

## BACKGROUND

Recommendations are provided regarding sustainability indicators<sup>1</sup> to be used in the development of a report about the sustainability of the region (*see Attachment 1*) for Board decision, pursuant to the Board-approved State of Sustainability Project Description.

The selection of sustainability indicators is the second of seven components of the State of Sustainability Project. The Project is being conducted to assess the region’s progress towards sustainability, to make residents aware of the region’s progress towards sustainability, and to provide more and better opportunities to involve residents of the region in that assessment. The seven Project components are: [1] a public event to discuss what sustainability means in the context of the Nanaimo region<sup>2</sup>; [2] review, refinement and confirmation of a set of indicators or measures of sustainability; [3] a report that documents the sustainability of the Nanaimo region, based on the chosen sustainability indicators; [4] a public event to discuss the results of that report; [5] a report that provides ideas about how the sustainability of the region can be improved; [6] the development and implementation of a regional sustainability awards program; and [7] citizen committee involvement in the first six deliverables.

The recommended sustainability indicators are the result of consultation with the Regional Growth Monitoring Advisory Committee (RGMAC) between June 24, 2004 and December 8, 2004<sup>3</sup>, and research conducted by Westland Resource Group on behalf of the RDN.

<sup>1</sup> Sustainability indicators are useful tools to track progress toward sustainability goals, report on key social, economic, environmental and trends, and promote dialogue that will improve decision-making and facilitate action toward a more sustainable region. Indicators are not decisive measurements or solutions in and of themselves, but they can reflect certain trends and help identify areas where progress is being made, or where more change is required.

<sup>2</sup> The Sustainability Workshop was conducted on Saturday, April 3, 2004. The Board received a report that documents this workshop at its July 2004 meeting.

<sup>3</sup> The RGMAC provided input into the sustainability indicators research process at the following meetings conducted in 2004: June 24, July 21, August 18, September 1 and 8, October 6 and December 8.

The RGMAC provided input into the development of sustainability indicators by:

- developing a set of 29 characteristics of a sustainable region (based on participant feedback at the April 3<sup>rd</sup> Sustainability Workshop and consideration of sustainability literature);
- brainstorming potential indicators for consideration for each the 29 characteristics of a sustainable region (resulting in a list of 200+ indicators),
- providing direction regarding the criteria to be used to evaluate the 200+ possible indicators and reduce the possible indicators to a manageable and appropriate sized indicator set, and
- reviewing and providing comments regarding research about the fit between the possible sustainability indicators and the agreed upon criteria for sustainability indicators.

Westland Resource Group assisted in the development of recommendations regarding sustainability indicators for the region by:

- developing criteria to be used to evaluate the 200+ possible indicators and discussing the criteria with the RGMAC,
- conducting the research necessary to evaluate the RGMAC's 200+ possible sustainability indicators using the RGMAC-endorsed criteria (this research involved consultation with the Intergovernmental Advisory Committee and other technical experts, plus discussions with providers of data for the indicators);
- writing a report that documents the results of the research and presenting it to the RGMAC;
- delivering a PowerPoint presentation to the RGMAC that documents the results of the research and discussing potential modifications to the research recommendations.

Westland Resource Group's work resulted in the classification of the 200+ sustainability indicators into four categories:

- Tier 1: Optimum Indicators Recommended for Inclusion in Sustainability Report;
- Tier 2: Suitable Indicators: Not Recommended But Could Be Used to Replace Tier 1 Indicators As Required;
- Tier 3: Indicators Not Recommended Because They Fail To Meet Sufficient Criteria or Were Replaced by Tier 1 or Tier 2 Indicators; and
- Tier 4: Indicators Recommended to Be Considered for Future Data Collection Programs.

The consultant recommends that the indicators classified as Tier 1 be used to prepare the report about the sustainability of the region, that a groundwater specialist be retained to provide advice regarding what should be measured to obtain an understanding about the state of groundwater resources in the region (a Tier 4 indicator), and that a representative survey of residents be conducted to collect information about the institutional leadership and management characteristics identified by the RGMAC (Tier 4 indicators). The report, "State of Sustainability Project: Sustainability Indicators Selection," prepared by Westland Resource Group, provides a detailed examination of the recommended sustainability indicators, the method that the recommendations were developed, and the reasons for the recommendations. Copies of the report are available for viewing at the RDN Administrative office.

### ***RGMAC Position***

On December 8, 2004 the RGMAC considered Westland Resource Group's report and recommendations regarding sustainability indicators, and took the following position:

*The RGMAC realizes that both the financial and human resources available for this work are limited and wishes to report to the Committee of the Whole and the Board that, given the resources available, the indicators classified as Tier 1 by Westland Resource Group should be used as a starting point to develop the report about the sustainability of the region, that 'population growth' and the 'growth rate of income' should also be included*

*as indicators, and that the work should be enhanced by obtaining information about trends in available data on wells for groundwater wells in the region from a groundwater specialist and by obtaining resident feedback about aspects related to institutional leadership and management through a survey. The RGMAC also would like to consider further work on a limited number of other indicators not included in Tier 1 at a future date as they reflect well the sustainability concerns of the community but are not easily measured.*

The RGMAC position is the same as Alternative 2 presented in this report. The minutes for the Dec. 8<sup>th</sup> RGMAC meeting are available for reference in the section of the January 2005 Committee of the Whole agenda titled, “Scheduled Standing, Advisory Standing and Select Committee Reports”.

### ***Next Steps***

After the Board makes a decision about the sustainability indicators to be used in the development of the report about the sustainability of the region, work will be undertaken to collect and analyze data for each of the sustainability indicators and to develop a report using that data to ‘tell the story’ about the sustainability of the region. This is a time-intensive assignment, and it is anticipated that most of the work will be done in-house in the first eight months of 2005. There is a small budgetary allowance to retain the services of a consultant to provide some assistance with this work. As a part of this work, staff will be consulting with the RGMAC on a regular basis to obtain input about the key conclusions that should be drawn about the sustainability of the region based on the sustainability indicator data, and how this information should be communicated in the report.

It is anticipated that two reports will be developed based on the sustainability indicator data: [1] a comprehensive report intended primarily for use by the RDN Board and member municipality councils, their support staff and interested residents, and [2] a short summary report published in a format similar to the Regional Perspectives newsletter intended to be appealing to most residents in the region, to be distributed to every household in the region. (The short summary report is also intended to provide information about the second public event to be conducted in February 2006 as a part of the State of Sustainability Project). October 2005 is the anticipated completion date for the comprehensive report, and early January 2006 is the anticipated completion date for the short summary report.

### **ALTERNATIVES**

1. Direct staff to use the sustainability indicators listed in Attachment 1 (i.e. the Tier 1 indicators) to prepare a report about the sustainability of the region and obtain information about what should be measured to assess the state of groundwater resources (a Tier 4 indicator), to the extent possible with existing resources.
2. Pursuant to the Regional Growth Monitoring Advisory Committee position, direct staff to use the sustainability indicators listed in Attachment 1 (i.e. the Tier 1 indicators) to prepare a report about the sustainability of the region, and approve the following additional work:
  - a. Retain the services of a groundwater specialist for the purpose of obtaining information about what should be measured to assess the state of groundwater resources in the region (a Tier 4 indicator);
  - b. Conduct a survey of residents to obtain feedback about aspects related to institutional leadership and management (Tier 4 indicators).

3. Direct staff to provide additional information about specific identified issues prior to making a decision about sustainability indicators.

## **FINANCIAL IMPLICATIONS**

### **Alternative 1**

The sustainability indicators listed in Attachment 1 provide the best fit with the Regional Growth Management Services 2005 budget. Staff resources will be required to obtain the indicator data from numerous data sources, process the data, produce graphical materials to illustrate the data, analyze the data, and develop written material about the key messages communicated by the data. It is estimated that each indicator will require three or four days of work, not including required support from GIS staff. It is possible that staff may discover that there are insufficient resources and or time available to pursue all of these indicators, given other work program commitments and the amount of resources available for consulting assistance. Consequently, there may be an inability to address all of these indicators in the report about the sustainability of the region.

### **Alternative 2**

The sustainability indicators listed in Attachment 2 cannot be accommodated within the current Regional Growth Management Services 2005 budget. It is estimated that a minimum of an additional \$26,000 would need to be added to the Regional Growth Management Services 2005 budget.

Staff discussed with a local hydrogeologist the estimated cost to retain the services of a groundwater specialist to provide advice about what should be measured to assess the state of groundwater resources in the region. The hydrogeologist estimates that it would cost a minimum of approximately \$1,000 to provide recommendations regarding the selection of groundwater monitoring wells for which existing data should be obtained (i.e. to identify a selection of representative monitoring well locations that will provide a proper spatial distribution and address the four main aquifers in the region, as opposed to collecting all available data for all groundwater monitoring wells), and a minimum of approximately \$5,000 to collect and interpret the data from the selected groundwater monitoring wells, assuming the work is undertaken by a professional with a high degree of knowledge about the local hydrogeology and local data sources. Professional expertise is required to interpret the data because the interpretation of groundwater data is not straightforward. Climatic information needs to be combined with groundwater information in order to separate climatic influences from anthropogenic influences. Also, seasonal variations in water levels need to be analyzed in light of aquifer conditions. An allocation of \$5,000 would be required in each future year that the RDN wishes to report about this matter.

It is estimated that a minimum of an additional \$20,000 would be required to conduct a representative survey to obtain resident feedback about aspects related to institutional leadership and management (e.g. residents' awareness about sustainability, residents' perceptions regarding government actions to improve sustainability, residents' satisfaction with government initiatives to involve them in sustainability decision making, resident support for sustainability, etc). Staff time would also be required to secure consulting services to conduct the survey, to provide direction regarding the content of the survey, to manage the consulting contract work, and to analyze and incorporate the survey results into the sustainability report.

### **Alternative 3**

Unknown.

## GROWTH MANAGEMENT IMPLICATIONS

A report that provides an analysis of the data for the sustainability indicators referenced in Alternative 1 will create a picture of progress towards sustainability in the Regional District of Nanaimo, the overall purpose of "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309, 2003". A report that provides an analysis of the data for the sustainability indicators referenced in Alternative 2 will create a more complete picture of progress towards regional sustainability. Sustainability reports prepared based on both alternatives will build on and enhance previous monitoring work done by the RDN, and provide information that may be considered by the public, technical experts and elected officials in the consideration of future refinements to the Regional Growth Strategy.

## SUMMARY

Recommendations are provided regarding sustainability indicators to be used in the development of a report about the sustainability of the region (*see Attachment 1*) for Board decision, pursuant to the Board-approved State of Sustainability Project Description. The recommendations are the product of consultation with the RGMAC and research conducted by Westland Resource Group on behalf of the RDN.

## RECOMMENDATION

That staff be directed to use the sustainability indicators listed in Attachment 1 (i.e. the Tier 1 indicators) to prepare a report about the sustainability of the region and obtain information about what should be measured to assess the state of groundwater resources, to the extent possible with existing resources.




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Report Writer



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General Manager Concurrence



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CAO Concurrence

## ATTACHMENT 1 INDICATORS TO BE USED TO DEVELOP REPORT ABOUT THE SUSTAINABILITY OF THE REGION

The indicators referred to as “Tier 1” in this report (and the Westland Resource Group report) are organized by the characteristics of sustainability developed by the RGMAC. The lettering that precedes each indicator (e.g. I-E1) corresponds to the classification of each indicator by Westland Resource Group in their report (i.e. into tiers 1-4, and into the categories of environment, resource, community function, social or economic). It should be noted that the wording of the characteristics may be adjusted prior to incorporation into the report about the sustainability of the region.

### Environmental Capital

1. There is a safe, sufficient supply of water for all living beings and uses in the RDN.
  - 1-E1 *Water quality in selected lakes and rivers*
  - 1-R1 *Domestic water consumption trends (total and per capita)*
2. Ecosystems are healthy and productive, and important ecological features are protected.
  - 1-E5 *Amount of land and water courses protected (nature park or DPA designation) by type*
  - 1-CF8 *Area of active and nature parkland for every 1000 residents*
3. The air is clean and safe to breathe, and greenhouse gases are minimized (Note: all indicators are not greenhouse gases).
  - 1-E3 *Ground level ozone*
  - 1-E4 *PM<sub>2.5</sub>*
4. All natural resources are conserved and renewable resources are available in perpetuity.
  - 1-E4 *Current and projected age class distribution for Arrowsmith Timber Supply Area*
  - 1-R2 *Area of private & Crown forestry land*
  - 1-R3 *Change in amount of ALR land*
  - 1-R4 *Sustainable farming practices*
  - 1-R5 *Proportion of farmland in crops*
  - 1-R6 *Number of farms reporting sale of organic crops*
5. Energy requirements are reduced, and/or energy is obtained in ways that minimize negative impacts on the environment.
  - 1-R8 *Amount of electricity and gas consumed, total and per capital*
  - 1-CF3 *Mode of transportation to work (and location of work)*
  - 1-CF4 *Number of bus rides per capita per year*
  - 1-CF5 *Number of residents (households) within walking distance of services*
  - 1-CF6 *Number of residents inside urban boundaries living within 400 metres of a bus route*
  - 1-CF7 *Vehicle ownership –total and per household*
6. Land and resources are efficiently used, and negative impacts of land use and development are minimized.
  - 1-CF1 *Population growth and density, and amount of land in designated growth areas and in areas not designated for growth*
  - 1-R6 *Amount of land outside of urban boundaries or designated industrial areas with subdivision minima of less than 4 or 10 ha*
7. Waste is minimized, treated and disposed of using environmentally sound methods.
  - 1-R9 *Amount of waste to landfill per capita, amount of waste diverted from landfill in tones, and amount recycled per resident*



- 1-R10 *Quality of biosolids from wastewater treatment plants*

### **Social Capital**

1. Residents are healthy, and healthcare services and facilities are available when they are needed.
  - 1-S1 *Percent healthy birth weight (percent low birth weight)*
  - 1-S2 *Life expectancy at birth*
  - 1-S3 *Motor vehicle accident rates*
  - 1-S4 *Teen pregnancy rate*
2. Residents are educated or trained so that they are qualified for employment.
  - 1-S5 *Education attainment levels*
3. A wide variety of employment opportunities exist, and residents are employed.
  - 1-EC2 *Employment by class of occupation*
  - 1-EC7 *Unemployment rate and duration*
4. Poverty is minimized, and residents can meet their basic needs.
  - 1-Ec3 *Average annual income compared to cost of living*
  - 1-Ec4 *Change in number of households below low income cut off*
5. Housing is affordable, and a variety of different types and sizes of housing is available to accommodate the current and projected demographics of the region.
  - 1-S6 *Number of applicants on wait list for subsidized housing compared to number of housing units available*
  - 1-CF2 *Percent of residents in core housing need*
6. The need for travel is minimized, and necessary trips do not rely on private motor vehicles.
  - 1-CF3 *Mode of transportation to work (and location of work)*
  - 1-CF4 *Number of bus rides per capita per year*
  - 1-CF5 *Number of residents (households) within walking distance of services*
  - 1-CF6 *Number of residents inside urban boundaries living within 400 metres of a bus route*
  - 1-CF7 *Vehicle ownership – total and per household*
7. The region is a safe place to live, and residents care for and respect each other.
  - 1-S7 *Crime rate by crime type*
8. There are a variety of opportunities for people of all ages and abilities to interact with each other and nature (e.g. arts, cultural, spiritual, recreational) and cultural and historical attributes that are important to the region are acknowledged, celebrated and preserved
  - 1-S8 *Number of, and participation in, recreational and cultural programs offered by local government and post secondary institutions*
  - 1-S9 *Participation in federal, provincial and local elections*
  - 1-CF8 *Area of active and nature park land for every 1000 residents*

### **Economic Capital**

1. Positive economic growth
  - 1-Ec3 *Average annual income compared to cost of living (over time this indicator will also track growth rate of income)*
  - 1-Ec6 *Number of business formations and bankruptcies*
2. The tax system favours sustainable, environmentally responsible economic activities.
  - 1-Ec1 *Taxes paid by residents and businesses*

3. The economy is characterized by a diversity of different types and sizes of businesses and services.
  - *1-Ec5 Personal income from top three industries as a proportion of total personal income in region, and personal income by industry*
4. A wide variety of employment opportunities exist, and residents are employed.
  - *1-Ec2 Employment by class of occupation*
  - *1-Ec7 Unemployment rate and duration*
  - *1-Ec4 Change in number of households below low income cut off*
5. Residents have training (i.e. knowledge/skills) that qualifies them for employment.
  - *1-S5 Education attainment levels*
6. The urban core areas of the region are characterized by their vitality.
  - *1-CF9 Percentage of square footage of retail inside and outside urban boundaries*
  - *1-CF1 Population density and amount of land in urban cores, designated growth areas, rural-resource areas*
7. Regional consumption of products and services produced in the region in economically viable ways is maximized.
  - *1-Ec8 Economic health of agriculture*
8. There is an effective system of conveying goods and services within the region, and between the region and other regions
  - *1-CF3 Mode of transportation to work (and location of work)*
9. Energy requirements are reduced, and or energy costs are minimized.
  - *1-R8 Amount of electricity and gas consumed, total and per capital*

### **Institutional Leadership and Management**

1. The RDN has strategies in place to achieve regional sustainability, it implements the strategies, and it regularly updates the strategies to respond to new information and science related to sustainability.
2. The RDN and its citizens are knowledgeable about sustainability, and continually seek to update and expand their sustainability knowledge.
3. Citizens and organizations (governmental and non-governmental) with roles and responsibilities related to the sustainability of the RDN participate in the formulation, implementation, monitoring and review of RDN sustainability policy.
4. The RDN facilitates and achieves a sustainability vision for the region that is shared by its residents and the organizations (governmental and non-governmental) that have roles and responsibilities related to the sustainability vision, and citizens and organizations (governmental and non-governmental) take responsibility to help achieve the shared sustainability vision.
5. The RDN practices sustainability in its operations.



REGIONAL DISTRICT OF NANAIMO	
JAN - 4 2005	
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MEMORANDUM

TO: Robert Lapham  
General Manager, Development Services

DATE: January 4, 2005

FROM: Jani Thomas  
Protective Services Coordinator

FILE: 7130-01

SUBJECT: Regional District of Nanaimo Emergency Measures Bylaw No. 1416, 2005

PURPOSE

To consider replacing the existing "Bylaw To Establish The Operation And Administration Of The Regional District of Nanaimo Emergency Program Extended Service" with a new Emergency Measures Bylaw that is consistent with the new British Columbia Emergency Management System (BCERMS) standards and responds to the new provisions of Bill 54, 2004.

BACKGROUND

"Regional District of Nanaimo Emergency Programs Regulatory Bylaw No. 953, 1995" was adopted in 1995 to initiate the emergency preparedness program for the Regional District of Nanaimo. The bylaw established how the emergency preparedness program would operate for the RDN electoral areas. The program allowed for the preparation of an Emergency Plan, established an Emergency Planning Committee and allowed for agreements between related emergency response agencies and neighbouring local authorities and jurisdictions. However, as a result of new legislation and the changes to the standards now delineated in the (BCERMS), the scope of the bylaw does not capture all of the powers and responsibilities the Regional District of Nanaimo, should have in the case of an emergency or disaster or adequately clarify decision-making authority based on the functional structure of the Board and administration.

While various Acts empower a local authority in an emergency or disaster, the new legislation and BCERMS model now applicable throughout British Columbia suggest that the Board's duties, responsibilities and powers be clearly delineated a bylaw. Should the draft Bylaw No. 1416 (see Attachment No. 1) be adopted, to replace Bylaw No. 953, the Regional District of Nanaimo will have proven due diligence in keeping the regulatory bylaw current and clear.

ALTERNATIVES

1. To not adopt a new bylaw.
2. To introduce and give 3 readings to Bylaw No. 1416, 2005.

## EMERGENCY PREPAREDNESS IMPLICATIONS

Adoption of proposed Bylaw No. 1416 would support the Regional District of Nanaimo Emergency Preparedness Program by ensuring the regulatory bylaw is current and reflects responsibilities, roles and certain powers in an emergency or disaster. This step is concurrent with the Program goal of ensuring that all documents, bylaws, mutual aid and emergency management agreements are reviewed and updated as necessary.

## LEGAL IMPLICATIONS

While the Regional District of Nanaimo has had establishing and operating bylaws in place for an Emergency Plan since 1995, much has changed in Emergency Management in British Columbia since that time. Bill 54 requires Regional Districts to have, maintain, and be capable of implementing an emergency plan. Having a current bylaw that reflects the legal responsibilities and extraordinary powers granted under various provincial acts in one document ensures that actions taken during an emergency or disaster will indicate due diligence on the part of the Regional District of Nanaimo.

## PUBLIC CONSULTATION IMPLICATIONS

Bylaws are public documents, and it would be of benefit to have the roles and responsibilities of the Regional District of Nanaimo delineated. The RDN website, Protective Services page, has information regarding other jurisdictions that have a part in overall emergency management.

## VOTING

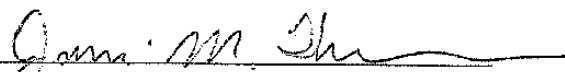
All Directors – one vote.

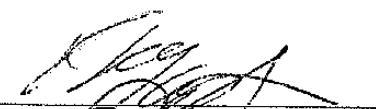
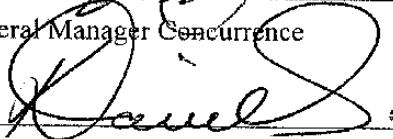
## SUMMARY/CONCLUSIONS

The newly proposed Emergency Measures Bylaw is similar to those recently established in other Regional Districts, and reflects, in part, the recommended content by the Provincial Emergency Program. The Bylaw outlines the responsibilities, duties and powers of the Board, committees and certain elected officials and indicate how and when these powers are invoked in an emergency. Jurisdictional responsibility is made clear, as are the processes by which certain orders and declarations are initiated and terminated in accordance with the *Emergency Program Act*.

## RECOMMENDATIONS

1. That this report be received for information;
2. That "Regional District of Nanaimo Emergency Measures Bylaw No. 1416, 2005" be introduced, and given three readings.

  
Report Writer

  
General Manager Concurrence  
  
CAO Concurrence

COMMENTS:

## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1416

#### A BYLAW TO ESTABLISH THE OPERATION AND ADMINISTRATION OF THE REGIONAL DISTRICT OF NANAIMO EMERGENCY PROGRAM EXTENDED SERVICE

A. WHEREAS the Board of the Regional District of Nanaimo has adopted "Regional District of Nanaimo Emergency Program Extended Service Establishing Bylaw No. 952, 1995", which established an extended service for emergency programs under the *Emergency Program Act*,

B. AND WHEREAS the Board of the Regional District of Nanaimo wishes to provide a comprehensive management program to prepare for, respond to and recover from emergencies and disasters;

C. NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled enacts as follows:

1. Citation

This bylaw may be cited as the "Regional District of Nanaimo Emergency Measures Bylaw No. 1416, 2005.

2. Interpretation

- a) This bylaw shall be construed in accordance with the *Emergency Program Act*, RSBC 1996 Chapter 111 and all Regulations made thereunder.
- b) "*Act*" means the "*Emergency Program Act*";
- c) "*Board*" means the Board of Directors of the Regional District of Nanaimo Board;
- d) "*Board Chairperson*" means that member of the Regional District of Nanaimo Board who is the lawful head of the Board, or their alternate;
- e) "*Committee Chairperson*" means the electoral area director appointed to the Emergency Preparedness Standing Committee, or their alternate;
- f) "*Declaration of a state of local emergency*" means a declaration of the Board or the Board Chairperson or alternate that an emergency exists or is imminent in the Regional District of Nanaimo;
- g) "*Disaster*" means a calamity that:
  - i) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
  - ii) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;
- h) "*Emergency*" means a present or imminent event that:
  - i) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
  - ii) requires prompt coordination of action or special regulation of persons or property, to protect the health, safety or welfare of people to limit damage to property;
- i) "*The RDN Electoral Area Emergency Management Organization*" means the Emergency Executive Committee and includes those persons appointed and the heads of functional departments or their designates as determined by the Board which are charged with emergency preparedness, response and recovery measures.

- j) "*Emergency Planning Standing Committee*" means the Electoral Area Director or Alternate Electoral Area Director as appointed by the Board, Emergency Coordinator or alternate and senior representatives of related emergency management organizations that make recommendations to the Board with respect to the emergency planning and preparedness program.
- k) "*Regional District of Nanaimo Emergency Coordinator*" means the person that has responsibility for jurisdictional emergency management.
- l) "*Regional District of Nanaimo Electoral Areas*" means all of the lands within the Electoral Area boundaries.

3. Administration

- a) An Emergency Executive Committee is hereby established as the emergency management organization for the Regional District of Nanaimo Electoral Areas and shall consist of the following:
  - i) Board Chairperson or alternate;
  - ii) Emergency Planning Standing Committee Chair or alternate;
  - iii) Regional District of Nanaimo Chief Executive Officer or alternate;
  - iv) Emergency Coordinator or alternate;
  - v) Heads of selected functional Regional District of Nanaimo departments or their alternates;
  - vi) Other members that the Board may determine necessary.
- b) The Regional District of Nanaimo Emergency Executive Committee shall prepare and present to the Regional District of Nanaimo Board, for review and approval, plans respecting the preparation for, response to and recovery from emergencies and disasters, which include:
  - i) a periodic review and updating of plans and procedures for that review;
  - ii) a program of emergency response exercise;
  - iii) a training program;
  - iv) procedures by which physical and financial emergency resources or assistance may be obtained;
  - v) procedures by which emergency plans are to be implemented;
  - vi) warning procedures to those persons who may be harmed or suffer loss in an emergency or impending disaster;
  - vii) procedures to coordinate the provision of food, clothing, shelter, transportation and medical service to victims of emergencies and disasters, whether that provision is made from within or outside of the Regional District of Nanaimo; and
  - viii) procedures to establish the priorities for restoring essential services provided by the Regional District of Nanaimo, or recommend priorities to other service providers, that are interrupted during an emergency or disaster.

- c) Subject to the approval of the Regional District of Nanaimo Board, the Emergency Executive Committee may:
    - i) make and amend its terms of reference, policies and procedures;
    - ii) enter into agreements with regional districts or other municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery; and
    - iii) enter into agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services.
  - d) An Emergency Coordinator and an alternate shall be appointed by the Regional District of Nanaimo Board to facilitate emergency preparedness, response and recovery measures.
  - e) The Emergency Coordinator or alternate shall:
    - i) Organize and act as the coordinator of the Emergency Planning Standing Committee;
    - ii) Advise the Emergency Executive Committee on all matters relating to the Plan;
    - iii) is authorized to publish, and maintain the Plan and to coordinate the development and involvement of emergency response organizations in the Plan;
    - iv) is authorized to establish and maintain in accordance with the Plan, an organization capable of implementing the Plan;
    - v) is authorized to perform such activities as are required to assist the Provincial Emergency Program in the areas of training, research and analysis in relation to emergency and disaster activities;
    - vi) is authorized to perform such other duties as may be assigned in writing by the Regional District of Nanaimo Board;
    - vii) is authorized to make recommendations to the Regional District of Nanaimo Board for grants-in-aid to any emergency response organizations requiring assistance;
    - viii) is authorized to use any land or equipment or chattels belonging to the Board to further the Plan; and
    - ix) must comply with any orders of the Minister under the *Emergency Program Act*.
4. Powers, Duties and Responsibilities of the Regional District of Nanaimo
- a) The Regional District of Nanaimo Board, or the Board Chairperson, or the Chief Administrative Officer, or the Emergency Coordinator, may, whether or not a state of local emergency has been declared, cause the Plan to be implemented.
  - b) The Regional District of Nanaimo Board by Bylaw or resolution, or the Board Chairperson by order, may declare a state of local emergency when the extraordinary power or authority enabled by Section 12 of the *Emergency Program Act* is required to effectively deal with an emergency or disaster in any part of the Regional District of Nanaimo Electoral Areas.

- c) Upon a 'declaration of a state of local emergency' being made, the Regional District of Nanaimo Board or the Board Chairperson shall:
- i) Forward a copy of the declaration to the Minister, and
  - ii) Cause the details of the declaration to be published by a means of communication that the Board or Board Chairperson considers most likely to make the contents of the declaration known to the majority of the population of the affected area,
  - iii) After a declaration of a state of emergency is made under Section 4.b) in respect of all or any part of the Regional District of Nanaimo Electoral Areas, and for the duration of the state of emergency, the Board or Board Chairperson may do any or all acts considered necessary and implement procedures that the Board or Board Chairperson and the Emergency Executive Committee considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster, including any or all of the following:
    - .1 Acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
    - .2 Authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;
    - .3 Control or prohibit travel to or from any part of the Regional District of Nanaimo Electoral Areas;
    - .4 Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in the Regional District of Nanaimo Electoral Areas;
    - .5 Cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the Regional District of Nanaimo Electoral Areas that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
    - .6 Authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by the Board or Board Chairperson to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
    - .7 Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Board or Board Chairperson to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
    - .8 Construct works considered by the Board or Board Chairperson to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;
    - .9 Procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of the Regional District of Nanaimo Electoral Areas for the duration of the local state of emergency; and



- .10 Authorize the Emergency Coordinator or any member of the Emergency Executive Committee to exercise, in any part of the Regional District of Nanaimo Electoral Areas affected by a declaration of a local state of emergency, those specific powers enabled in Section 4 and assumed by the Regional District of Nanaimo Board or Board Chairperson.
- d) The Regional District of Nanaimo Board or Board Chairperson must, when of the opinion that an emergency no longer exists in the Regional District of Nanaimo Electoral Areas to which a declaration of local state of emergency was made:
- i) Cancel the declaration of a state of local emergency in relation to that part;
  - ii) By bylaw or resolution, if cancellation is effected by the Regional District of Nanaimo Board, or
  - iii) By order, if the cancellation is effected by the Regional District of Nanaimo Board Chairperson; and
  - iv) Promptly notify the Minister of the cancellation of the declaration of a state of local emergency.
5. Liability
- a) As enabled by the *Act*, no person, including, without limitation, the Regional District of Nanaimo Board, the Regional District of Nanaimo Board Chairperson, members of the Regional District of Nanaimo emergency management organization, employees of the Regional District of Nanaimo, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:
- i) The person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this Bylaw, unless, in doing or omitting to do the act, the person was grossly negligent, or
  - ii) Any acts done or omitted to be done by one or more of the persons who were, under this bylaw, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

6. Repeal

"Regional District of Nanaimo Emergency Programs Regulatory Bylaw No. 953, 1995". is hereby repealed.

Introduced and read three times this 11<sup>th</sup> day of January 2005.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Chair

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General Manager, Corporate Services



REGIONAL DISTRICT OF NANAIMO			
JAN - 4 2005			
CHAIR		GMCMS	
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CAO		GMS	
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**MEMORANDUM**

**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** December 31, 2004

**FROM:** Jason Llewellyn  
Manager, Community Planning

**FILE:** 3730 00 BOV

**SUBJECT: Board of Variance Policy**

**PURPOSE**

To propose a policy regarding the Board of Variance (BOV), and associated amendments to the "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002" and the "Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002."

**BACKGROUND**

At the October 12<sup>th</sup>, 2004 meeting of the Committee of the Whole, the Committee passed the following resolution:

*The Board of Variance Policy attached to the staff report as Schedule 1 be deferred until staff comes forward with an assessment of fees and charges and a review of the notification procedures as compared to the development variance permit process.*

The policy has also been amended based upon recent experience involving a BOV ruling on a matter previously dealt with in a development permit issued by the Regional District Board. This report provides the requested assessment, an amended policy for Board consideration, and the associated Bylaw amendments to implement the proposed policy.

**Overview of the Board of Variance**

Where a local government has adopted a land use bylaw, it must also establish a Board of Variance (BOV) by bylaw. That bylaw must also set out the procedures to be followed by the local government and BOV in receiving and considering applications, and providing notice. The BOV consists of three members appointed by the Regional District of Nanaimo (RDN) Board. Members are appointed for a 3-year term however, the local government may rescind an appointment to the BOV at any time. The BOV members appoint a Chairperson among themselves.

Applications for BOV appeals are made by owners of the subject property or their authorized agent to the local government. The BOV is authorized to consider two types of applications:

1. Applications requesting a "minor variance" from persons who allege they are caused "undue hardship" by:
  - enforcement of the land use bylaw regulation concerning the siting, size or dimension of a building or the siting of a manufactured home;

- enforcement of subdivision servicing requirements related to water, sewage and drainage services in areas zoned for agricultural or industrial use; or
  - the prohibition on structural alterations or additions to a building or structure while a "non-conforming use" is continued in all or part of it; or
2. Appeals from persons who allege that the Building Inspector made an error in determining the amount of damage to a building, which is, in whole or part, a "non-conforming use". If a building or structure, which is non-conforming to a bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the Building Inspector (Subsection 911(7) of the *Local Government Act* the repair or reconstruction of that building or structure may not occur). The BOV may set aside the decision of the Building Inspector on the extent of damage, and make its own determination.

The decision-making authority of the BOV is independent and separate from the RDN Board. No appointed or elected RDN official can sit as a member of the BOV. RDN staff, committees, or the Board may provide information, opinions, or recommendations to the BOV on particular applications, however, they cannot direct the BOV on jurisdiction or whether an appeal should be granted or denied.

#### **Limitations on Authority**

The BOV cannot approve a variance or exemption to a bylaw that:

- a. is in conflict with a Section 219 Covenant registered on title;
- b. is in conflict with Section 27 of the *Local government Act*;
- c. deals with a matter covered in a land use contract;
- d. deals with a matter covered in a:
  - Development Permit
  - Development Variance Permit
  - Temporary Use Permit
- e. deals with a designated flood plain.

The BOV cannot approve a variance or exemption to a bylaw that, in the opinion of the BOV,

- a. results in inappropriate development of the site;
- b. adversely affects the natural environment;
- c. substantially affects the use and enjoyment of adjacent land;
- d. varies permitted uses and densities under the applicable bylaw; or
- e. defeats the intent of the bylaw.

In each case it is up to the BOV to consider the above issues and make their own determination regarding the impact of the proposed variance. The BOV cannot place conditions on its approval, other than a condition that a building be started and completed within certain time period.

The BOV cannot establish predetermined criterion for denial of an application. For example the BOV cannot establish a policy that all setback variance requests for a reduction in setback of over 50% are not "minor variances." The Courts have determined that the BOV must consider each application on its specific circumstances and merits.

#### **Undue Hardship**

In order to grant a "minor variance" the BOV must find that the enforcement of a bylaw requirement would cause the applicant "undue hardship". What constitutes an "undue hardship" is not defined, and is entirely up to the BOV to determine given the individual merits of each case. Based on past Court decisions it can be argued that the cost of complying with a bylaw cannot, by itself, constitute "undue

hardship.” However, this is a determination the BOV must make. It is important to note that the BOV is not required to identify, explain, or justify in their rulings the hardship that they found.

The decision of the BOV on “undue hardship” cases is final. Procedural or jurisdictional matters may be challenged in a court of law but a challenge on the basis that a decision was not reasonable, or not justified will not be considered by the Courts. The correctness of BOV decisions on appeals regarding the Building Inspectors decision on extent of damage can be appealed to the Supreme Court of British Columbia and that decision may be further appealed to a higher court by either the applicant or the Regional District of Nanaimo.

### Minor Variance

The *Local Government Act* states that the BOV may "order that a *minor variance* be permitted from the requirements of the Bylaw". Therefore, the BOV must find that a variance is minor prior to granting that variance. What constitutes a "*minor variance*" is not defined, and is entirely up to the BOV to determine given the individual merits of each case.

### ALTERNATIVES

1. Receive this report for information, consider the proposed policy, and adopt the policy and amendment Bylaws.
2. Not support the policy and provide no opinion or comment to the BOV.

### IMPLICATIONS

#### Regional District Board or Board of Variance

As can be seen in the tables below there is a significant difference in the use of the BOV by jurisdiction. The extent of use of the Board of Variance is largely dependant upon the public’s awareness of the Board of Variance as an option, and the extent to which the local government informs the public that the BOV is an option. It may be that some local governments tend to only advise potential applicants of the development variance permit option.

#### Regional District of Nanaimo Board of Variance Data

The following tables show the number of BOV applications processed by regional districts on Vancouver Island, and the city and towns in the Regional District of Nanaimo (excluding Lantzville).

Number of Board of Variance Applications by Regional District over Last Three Years

	Alberni-Clayquot Regional District	Comox-Strathcoma Regional District	Capital Regional District	Cowichan Valley Regional District	Regional District of Nanaimo
2002	0	3	24	1	30
2003	0	3	11	0	30
2004	0	0	8	0	31

Number of Board of Variance Applications by Town or City

	Nanaimo	Parksville	Qualicum Beach
2002	36	0	0
2003	47	0	2
2004	46	1	5

2004 data is as of September 1st, 2004

**Board of Variance Jurisdiction**

The RDN Board and the BOV have overlapping jurisdiction in a number of areas, with both bodies having independent authority to vary certain bylaw requirements. Applicants are free to choose whether they make application to the RDN Board for a development variance permit, or the BOV for a “minor variance” where there is “undue hardship.” Staff may advise potential applicants of the criterion they are required to meet in order to have their application successfully considered by the BOV.

If any of the following jurisdictional limitations apply staff should inform potential applicants that the BOV is not in a position to approve their application, and staff should recommend that a BOV application not be made.

- a variance may not be in conflict with a Section 219 Covenant registered on title;
- a variance may not be in conflict with Section 27 of the *Heritage Conservation Act*;
- a variance may not deal with a matter covered in a land use contract;
- a variance may not deal with a matter covered in a development permit or temporary use permit
- a variance may not deal with a designated flood plain.

Staff shall also advise potential applicants that the application must meet the following requirements, in the opinion of the BOV, or it cannot be supported by the BOV.

- a variance must be considered “minor”;
- complying with the regulation must cause “undue hardship”;
- use and density can not be varied;
- the variance shall not result in the inappropriate development of the site;
- the variance shall not adversely affect the natural environment;
- the variance shall not substantially affect the use and enjoyment of adjacent land; and
- the variance shall not defeat the intent of the bylaw.

In support of the application process the BOV requires the appropriate information to properly consider the above criterion. Otherwise it may approve applications for which it has no jurisdiction, or has implications that are more appropriately dealt with by the elected local government Board or Council. Given the autonomy of the BOV and the finality of their decisions, it is important that they have the necessary information.

To ensure that the BOV does not approve variances outside of its jurisdiction the proposed policy requires staff to review all applications before they are provided to the BOV. The staff review shall identify, for consideration by the BOV, when the jurisdiction of the BOV may be in question. Staff has reviewed the policy with the BOV and they agree with the need for a staff review of applications to identify any jurisdiction issues.

**Notice Requirements**

The public notice requirements for the Board of Variance and the RDN for a Development Variance Permit (DVP) are provided below. The notice requirements are similar for the two processes; however, the RDN is required to deliver notices to a larger area earlier in the process.

	<b>notice delivery distance</b>	<b>time of delivery</b>
<b>RDN DVP</b>	Owners and tenants of land within 50 metres	10 days prior to RDN Board
<b>BOV</b>	Owners and tenants of adjacent land	7 days prior to BOV

The *Local Government Act* requires the BOV to provide notice regarding a hardship application to:

*"all owners and tenants in occupation of land that is the subject of the application and the land that is adjacent to land that is the subject of the application."*

Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002 further requires that notice is sent "not less than 7 calendar days prior to the date of the hearing." The RDN can increase the notice that the BOV is required to provide by amending Bylaw No. 1260. It is expected that increased notice shall have a marginal impact on the time and cost to process applications through the BOV. The proposed fee increase shall offset the increased costs.

To ensure that public input required by the BOV is the same as that required by the RDN, the Board of Variance Policy has been amended to state that the processes should be the same. An amendment bylaw to Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002 to increase the BOV notice requirements is also proposed for Board consideration. Should the Board support the policy with the fee increase, it is recommended that the Board also approve the amendment Bylaw at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings.

**Fees**

The Fee's required for BOV and DVP applications in different jurisdictions are outlined in the following table. Typically, the fee for processing a BOV application is less than that required for a DVP from a local government. However, it is noted that the Comox – Strathcona Regional District, and the Cowichan Valley Regional District have equalized their fees.

	Board of Variance Fee	Local government fee for DVP
RDN	\$150	\$400
CSRD	Residential uses - \$380 Other - \$590	Residential uses - \$380 / Other - \$590
CVRD	\$300	\$300
Courtenay	\$200	Residential - \$500 / Sign bylaw - \$200 Extension - \$400 / Other - \$650
Nanaimo	\$100	Residential - \$500 / Other - \$700
Ladysmith	n/a	\$150 to \$500 based on construction value
Parksville	\$100	\$750 plus \$1/m <sup>2</sup> of GFA to max of \$10,000
Qualicum Beach	\$100	\$300
Saanich	\$200	\$475

To ensure the recovery of the average costs of processing a BOV application and to ensure that reduced fees are not a factor in the decision whether to apply for a DVP or a variance from the BOV, the Board of Variance Policy has been amended to state that the fee for the BOV shall be equal to the application fee for a Development Variance Permit.

An amendment Bylaw to Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002, to increase the BOV fees to \$400, is also proposed for Board consideration. Should the Board support the policy with the fee increase it is recommended that the Board also approve the amendment Bylaw at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings.

## SUMMARY/CONCLUSIONS

At the October 12<sup>th</sup>, 2004 meeting of the Committee of the Whole the Committee passed the following resolution:

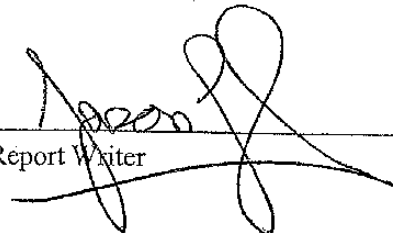
*The Board of Variance Policy attached to the staff report as Schedule 1 be deferred until staff comes forward with an assessment of fees and charges and a review of the notification procedures as compared to the development variance permit process.*

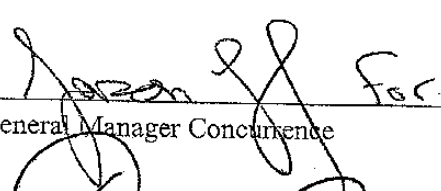
This report provides the requested assessment and an amended policy for Board consideration.

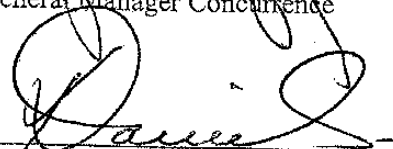
The draft Board of Variance Policy has been designed to ensure that the application fee and the public input required by the BOV are kept the same as that required by the RDN. The draft policy also deals with the issue of jurisdiction. If the Board approves the policy, the proposed amendment bylaw to Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002 to increase the BOV notice requirements, and an amendment bylaw to Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002 to increase the BOV application fee, are recommended for approval.

## RECOMMENDATIONS

1. That the staff report on a Board of Variance Policy be received for information.
2. That the Board of Variance Policy attached to this report as Schedule 1 be approved.
3. That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005" be given three readings.
4. That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005" be adopted.
5. That "Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005" be given three readings.
6. That "Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005" be adopted.

  
Report Writer

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:

Schedule 1

**REGIONAL DISTRICT OF NANAIMO**  
**POLICY**

SUBJECT:	RDN Board of Variance: Opportunities for staff support, RDN recommendations and comments	POLICY NO:	CROSS REF.:
EFFECTIVE DATE:	APPROVED BY:		
REVISION DATE:	PAGE	1	OF 2

**PURPOSE**

**1. Scope**

This document has the following two purposes:

- a. To provide the opinion of the Board of the Regional District of Nanaimo to the Board of Variance for consideration by the Board of Variance.
- b. To provide direction to Regional District of Nanaimo staff regarding fees, public notice, and the provision of information to the Board of Variance for its consideration.

**2. Fees and Public Notice**

- a. The fee for the Board of Variance shall be equal to the application fee for a Development Variance Permit.
- b. The public notice provided by the Board of Variance shall be the same as that provided by the Regional District for a Development Variance Permit.

**3. Development Services Review and Comment on Applications**

All Board of Variance applications shall be reviewed by Regional District of Nanaimo staff to answer the following questions and provide the following comment, when appropriate. The information shall be forwarded to the Board of Variance, with the application, for their consideration.

- a. **If an application is approved would the approval be in conflict with a Section 219 covenant registered on title?**

If there is a conflict the conflict shall be explained and the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

- b. **Is the subject property in a development permit area?**

If the subject property is in a development permit area and a development permit has **not** been issued staff shall provide the development permit area guidelines to the Board of Variance and recommend that the Board of Variance consider whether the variance would be better considered as part of the more comprehensive development permit approval process.



**c. Has a development permit been issued for the subject property?**

If a development permit has been issued a copy of the development permit, and an evaluation of whether the application deals with a matter that is covered in the development permit, shall be provided to the Board of Variance. If the application deals with a matter that is covered in the development permit the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

**d. Has a development variance permit been issued for the subject property?**

If a development variance permit has been issued for the property a copy of the development variance permit, and an evaluation of whether the application deals with a matter that is covered in the development variance permit, shall be provided to the Board of Variance. If the application deals with a matter that is covered in the development variance permit the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

**e. Does the application deal with a variance that was the subject of a development variance permit refused by the Regional District of Nanaimo Board?**

If the application deals with a variance that was the subject of a development variance permit refused by the Regional District of Nanaimo Board staff shall provide the staff report(s) for the development variance permit to the Board of Variance for consideration.

**f. Does the application deal with a flood plain specification under Section 910 (2) of the Local Government Act?**

If the application deals with a flood plain specification under Section 910 (2) of the *Local Government Act* the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

**g. Does the application apply to a property for which an authorization for alterations is required under Part 27 (Heritage Conservation) of the Local Government Act (if yes – provide details)?**

If the application applies to a property for which an authorization for alterations is required under Part 27 of the Local Government Act the Board of Variance shall be advised to deny the application as it does not have jurisdiction to approve the application.

**h. Does the application apply to a bylaw infraction that is the subject of enforcement action by the Regional District of Nanaimo?**

If the application applies to a bylaw infraction that is the subject of enforcement action by the Regional District of Nanaimo the Board of Variance shall be advised of the nature and history of the enforcement action for consideration.

**i. Does the application involve a variance that exceeds 40% of the Bylaw requirement?**

If the application is for a variance that exceed 40% of the Bylaw requirement the Board of Variance should be advised that the Regional District of Nanaimo does not consider this to be a minor variance.

**Attachment No. 2**

**Bylaw No. 1259.01 and Bylaw No. 1260.01**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1259.01**

**A Bylaw to Amend Regional District of Nanaimo  
Planning Services Fees and Charges Bylaw No. 1259, 2002**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002," is hereby amended as follows:

**Part 5 – Planning Related Services, Section 4** is hereby amended by replacing the existing text with the following text:

The fee for a Board of Variance application shall be \$400.00

- B. This Bylaw may be cited as "Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.01, 2005".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2005.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1260.01

#### A Bylaw to Amend Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

A. "Regional District of Nanaimo Board of Variance Bylaw No. 1260," is hereby amended as follows:

1. **Part 5 – Notice of Appeal, Section 2** is hereby amended by replacing the existing text with the following text:

Prior to the processing of a Board of Variance appeal, the applicant shall pay to the Regional District the amount set out in the "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002.

2. **Part 5 – Notice of Appeal, Section 3** is hereby amended by replacing the existing text with the following text:

Upon receipt of a Notice of Appeal by the Secretary of the Board of Variance and determination of the hearing date, the Secretary shall, not less than 10 calendar days prior to the date of the hearing, give notice of the hearing by way of registered mail or otherwise to:

- a. the members of the Board of Variance;
- b. the appellant;
- c. the Regional District of Nanaimo Development Services Department;
- d. the registered owners, as shown in the last revised assessment roll, and all tenants in occupation of the property under appeal and the land within 50 metres of the land that is the subject of the application.

3. **Part 7 – Decision, Section 2** is hereby amended by replacing the existing text with the following text:

The Secretary of the Board of Variance shall, within 10 days of the decision, send by registered mail, or otherwise, the written decision of the Board of Variance to the appellant, all persons who made representation at the hearing, and the Regional District of Nanaimo Development Services Department.

B. This Bylaw may be cited as "Regional District of Nanaimo Board of Variance Amendment Bylaw No. 1260.01, 2005".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 2005.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

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**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** January 6, 2005

**FROM:** Jason Llewellyn  
Manager of Community Planning

**FILE NO:** 6970-20-MOBU

**SUBJECT:** **Moved-on Buildings in the Regional District of Nanaimo**

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### PURPOSE

To propose amendments to Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001 regarding the regulation of "moved on buildings."

### BACKGROUND

At the September 28<sup>th</sup>, 2004 Regular Board Meeting the following motion was passed.

*That staff be instructed to review Bylaw No. 1250 with consideration being given to:*

1. *Mr. Speller's presentation.*
2. *Procedures in other jurisdictions.*
3. *Code considerations.*
4. *Effects on neighbouring property values and other considerations staff may deem relevant.*

This motion followed a delegation by a member of the public who asked the Board to reconsider Bylaw No. 1250 with respect to its impact on moved-on buildings. Mr. Speller's presentation to the Board is attached to this report as *Attachment 1*.

The following are the regulations regarding moved-on buildings contained in Building Regulation and Fees Bylaw No. 1250, 2001.

#### **18. MOVED ON BUILDINGS**

- (1) *No person shall move or cause to be moved any building into the Regional District, or from one parcel to another in the Regional District without first obtaining a Permit to carry out such move and to site the building on the parcel to which it is to be moved.*
- (2) *Within a residential zone of the applicable land use regulation, no building intended for residential purposes shall be moved onto a parcel within the Regional District subject to the provisions of the Bylaw from any source, location or parcel unless:*
  - (a) *the building was completed under a Building Permit as issued by the Regional District of Nanaimo as a dwelling unit;*
  - (b) *the assessed value of the building above its foundation is \$60,000.00 or greater as determined by the BC Assessment Authority or an appraisal at the cost to the applicant by an accredited appraiser (A.A.C.I.);*

(c) *the floor area of the building is 75 m<sup>2</sup> or greater;*

*except that these provisions do not apply to a certified factory built house that meets or exceed the CAN/CSA Z240 MH Series M86 Standard and the CSA A-277 - M1990.*

(3) *The following conditions apply to all moved on buildings in respect of which an application has been made:*

(a) *the application for a Permit to move shall be accompanied by detailed plans and specifications of the proposed relocation and rehabilitation of the building and by a standby irrevocable letter of credit without an expiry date or a certified cheque in the amount of ONE THOUSAND (\$1,000.00) DOLLARS payable to Regional District in addition to fees in Schedule 'B' & 'C';*

(b) *the letter of credit may be drawn upon by the Regional District in an amount sufficient to complete the work specified in the plans submitted if the work is not completed in its entirety within 24 months from the date of issuance of the Permit to locate, or the building has been occupied, and the deposit or the balance thereof (if any) remaining in the hands of the Regional District shall be returned to the depositor after an Occupancy Permit in respect of the work has been issued.*

It is noted that these regulations apply only in areas where Building Inspection service is provided. In areas where Building Inspection is not provided there are no Regional District regulations dealing specifically with moved-on buildings.

#### **ALTERNATIVES**

1. To direct staff to prepare, for board consideration, an amendment to Bylaw No. 1250 to accommodate the acceptance of moved-on buildings in the RDN.
2. To maintain the status quo with respect to moved-on buildings in the RDN.

#### **OTHER JURISDICTIONS**

Table 1 identifies the regulations that address the potential impact of moved-on buildings on neighbourhoods for a number of jurisdictions on Vancouver Island. Comox does not allow buildings older than 5 years to be moved into their jurisdiction, Ladysmith does not allow buildings older than 15 years to be moved into their jurisdiction, and Parksville does not allow any moved-on buildings from outside of their jurisdiction. These regulations, like Section 18. (2) a) of Bylaw 1250, serve to significantly limit, or prohibit, the ability to move buildings into those areas, thereby avoiding the neighbourhood compatibility issue. All other local governments surveyed either have no regulations, or attempt to ensure neighbourhood compatibility by requiring the value of the moved-on building to equal that of property in the area.

As noted, Comox does not allow buildings older than 5 years to be moved into their jurisdiction, Ladysmith does not allow buildings older than 15 years to be moved into their jurisdiction, and Parksville does not allow any moved-on buildings from outside of their jurisdiction. These regulations, like Section 18. (2) a) of Bylaw 1250, serve to significantly limit, or prohibit, the ability to move buildings into those areas, thereby avoiding the problem of confirming conformity to the Building Code. Other local governments surveyed require the applicant to demonstrate that the building, and the manner in which it

is placed on the new lot, is in adequate compliance to the Building Code. Typically, this would require certification by a professional engineer.

**TABLE 1  
 MOVED ON BUILDINGS – OTHER JURISDICTIONS**

local government	area compatibility requirements	site improvement security	other restrictions of note
ACRD	none	None	
CSRD	none	None	
CVRD	none	None	
RDN & Lantzville	-Assessed value above foundation is \$60,000 min. -Min floor area of 75 m <sup>2</sup>		Building must have original building permit from RDN
Comox	Council approval required	None	No moving of buildings older than 5 years
Courtenay	-372 m <sup>2</sup> max floor area -min. building value of \$592/m <sup>2</sup>	None	
N. Cowichan	Appraised value is 100% of average assessed value of residences within 61 m.	None	
Cumberland	none	None	
Duncan	Appraised value is 100% of average assessed value of the 10 closest properties	\$1000	
Ladysmith	150% of average assessed values	\$5,000 bond for work	No moving of buildings older than 15 years
Lake Cowichan	Appraised value is 100% of average assessed value of residences within 61 m.	5% of appraised value	
Langford	none	None	
Nanaimo	Assessed value is 125% of average assessed values of dwellings within 50 m.	\$2000	
Oak Bay	none	None	
Parksville	Assessed value is 125% of the average assessed value of buildings within 100 m.	\$1000	No buildings allowed from outside Parksville
Powell River	Appraised value is 100% of average assessed value		Min 6 m width
Qualicum Beach	Appraised value is 100% of average assessed value of the 10 closest properties	\$2000	
Saanich	Appraised value is 100% of average assessed value of 8 lowest assessments of the 10 closest properties.	None	
Sidney	none	None	
Vancouver	none	None	

## IMPLICATIONS

### *Neighbourhood Compatibility*

For the purpose of this report a “moved-on” building is a building that was constructed as a permanent dwelling at one location, and is to be moved to another permanent location. A modular or manufactured home is not a moved-on building.

In general terms the “recycling” or “re-use” of existing buildings is a positive activity provided that the potential negative implications are adequately addressed. Moved-on buildings may serve to increase the diversity and affordability of housing stock in the region. It also provides an opportunity to re-use what may be a perfectly good house from being destroyed and wasted.

A key issue that must be considered when dealing with the issue of moved-on buildings is the compatibility of the building to the existing neighbourhood. Moved-on buildings have the potential to be of a size, design, and condition that is out of character with the neighbourhood to which they are proposed to be moved. There is no authority for local governments to regulate the form and character of individual single-family residential lots. Therefore, neighbourhood compatibility issues are a potential concern with any proposed new dwelling, whether built in place or moved-on. However, the potential for an “inappropriate” dwelling is significantly greater with a moved on building.

Sections 18. (2) a), b), and c) of Bylaw No. 1250 limit the types of buildings that may be moved into the areas of the RDN that are subject to Building Inspection Services (excluding Gabriola Island). Section 18. (2) a) has the most significant impact as it serves to prohibit the moving of residential dwellings into the Regional District. Only a handful of permits are issued each year to move a house from one area of the RDN to another.

Sections 18. (2) b) and c) seldom come into play as buildings smaller than 75 m<sup>2</sup> with a cost less than \$60,000 are rarely proposed for relocation.

### *Building Code And Safety*

The primary purpose of the Building Regulation and Fees Bylaw, seeks to reduce contraventions of the Building Code to protect public health and safety. When dealing with moved on buildings, the building inspectors have no simple way to inspect the manner in which the building has been constructed, or whether it meets the appropriate health and safety standards. Sections 18. (2) a) dealt with this situation by only accepting residential buildings that were completed under a Building Permit issued by the Regional District of Nanaimo as a dwelling unit.

Even if an engineer is hired by an applicant to certify the condition of a moved-on building, that engineer can rarely comment on issues beyond the structural integrity of the building. The building compliance to the code with respect to items such as insulation, wiring, plumbing, or vapour barriers, remains unknown.

### *Alternative Regulation For Consideration*

Section 18. (2) a) of Bylaw No. 1250 is being criticized as overly prohibitive, and the RDN is being asked to consider adopting more permissive regulations to protect the character of existing neighbourhoods and deal with moved-on buildings compliance to the Building Code. If the Board wished to accommodate a greater number of moved-on buildings, despite their potential for negative

impacts, staff propose that Section 18. (2) of Bylaw 1250 be replaced with regulations that require the following:

- Applicant must provide plans showing building siting, landscaping, paving, and other site improvements proposed.
- The proposed developed lot as shown on the above noted plans must appraise at a value greater than 125% of the average assessed value of the developed properties within 100 metres.
- Security in the amount of 5% of the appraised value of the property, plus the cost of landscaping, shall be provided to ensure the site is developed according to the plans provided, and according to the Building Permit issued.
- The proposed dwelling shall have a minimum floor area of 100 square metres.
- The applicant must demonstrate that the building, and the manner in which it is placed on the new lot, is in adequate compliance to the Building Code, through the use of a professional engineer.

If the Board directs that Regional District of Nanaimo Building Regulation and Fees Bylaw No. 1250, 2001 be amended as discussed above, staff would undertake to prepare an amendment bylaw proposing a re-worded Section 18 for Board consideration.

#### VOTING

All Directors – one vote each.

#### SUMMARY

Staff was instructed to review Bylaw No. 1250 with consideration being given to:

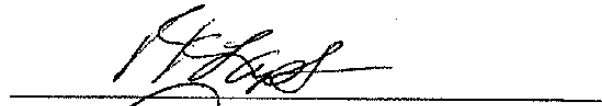
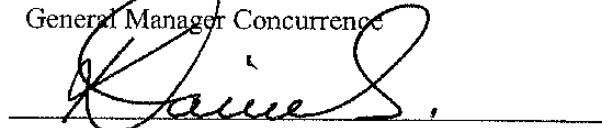
1. Mr. Speller's presentation
2. Procedures in other jurisdictions.
3. Code considerations.
4. Effects on neighbouring property values and other considerations staff may deem relevant.

Based on staff's evaluation of the issues it is recommended that the Board consider accommodating greater numbers of moved on buildings, and consider amending Section 18. (2) of Bylaw No. 1250 to facilitate this in a manner that protects public health and safety, and community standards as addressed by the regulations proposed in this report.

#### RECOMMENDATION

That, should the Committee wish to accommodate greater numbers of moved-on buildings in building inspection areas, staff be directed to prepare an amendment to Bylaw No. 1250 for consideration by the Board, that includes the amended regulations as outlined in the staff report.

  
Report Writer

  
General Manager Concurrence  
  
CAO Concurrence

COMMENTS:



ATTACHMENT 1

Ladies and gentlemen of the Board --- thank you for allowing me this time.

I am here to appeal bylaw # 1250---section 18, Moved on buildings.

My name is Douglas Speller. Although living in Victoria for most of my life, I was born in Nanaimo. In the late 1940's and early 1950's, my father and mother were grocery store owners; my father built the first mall, if you could call it that. It consisted of a hardware store, a drug store and of course a grocery store, on the corner of Townsite and Bechin Rds. My father was one of the founding members of the Nanaimo water board, and a Harewood volunteer Fire Dept. member.

My childhood was spent at a summer cottage at Nanoose. When my parents retired, the cottage was moved off to an area in Beachcomber where it then became a summer home for my older sister's family. My parents built a new home there in 1973; next door Flo and Kemp Brunt did the same thing. Their cottage was moved up the road and is still in use by other people. Kemp Brunt was a prominent and respected Nanaimo business man, and had a house designed and built on the lot next door to us.

Which leads me to this summer, when Flo and Kemp's daughter Shirley Kosich informed me that the house would be available to me if I wished to move it off the lot, or it would be demolished to make way for Shirley's new home.

I have owned a lot at Driftwood Beach Estates since I was 19 years old, hoping to always be able to return to the place of my youth. The property at Driftwood is approximately 3 km. along Northwest Bay Rd., making moving the house relatively simple. I was very excited about the prospects of moving this fabulous home to my lot. Purchased in 1973, the lot and the house, built in 1973, seemed to me a perfect match. Life was great—until I went to apply for a building permit. I was told about bylaw 1250 which speaks to moved on buildings. Section 18-2-A, which relates to buildings completed under a building permit issued by RDN.

The RDN did not begin a building inspection system until 1974.

Ladies and gentlemen, I have lived in Victoria for 25 years in a 1954 house. The prospect of purchasing a home built in 1973 and moving it to my lot was a dream come true.

I work as a gas inspector for the newly formed B. C. Safety Authority. My job for the last 13 years has been to enforce the gas safety act and regulations under B149 code. I am not an inspector who has all the answers, but day to day young gas fitters ask for - , or challenge code rules. If I can't explain the reason for the code, it's appealable. I ask the same.

I cannot find reason in this bylaw that should prevent affordable retirement housing being obtained! This bylaw was enacted to prevent what no neighbourhood would want, then, now, or ever: the influx of unacceptable construction standards, unacceptable housing appearance, or unacceptable whole neighbourhoods. I would be remiss in not acknowledging these logical reasons for not allowing moved on houses. However, times change, and what is happening now is the destruction of quality homes for the reconstruction of more valuable homes---- a result of the influx to paradise.

This home is a beautiful home, of which I have pictures, and architects scale drawings; I also have pictures of homes in the area to which I want to relocate this home. You can see for yourselves the suitability of this house.

I have presented you with a problem, but I will also propose a solution. Code 18- section 2A speaks to our problem. I suggest amending the code to add sections following 2C as follows:-

2D-- The building be inspected and endorsed by an engineer prior to relocating.

2E-- The building be inspected and endorsed by an engineer post relocating.

2F-- New architect's drawings must accompany an application for building permit showing all side elevation drawings.

→ 2G-- The building must suit the neighbourhood to which it would be relocated.

Ladies and gentlemen, I have presented the problem and suggested a solution. The obtaining of an engineer's stamp will eliminate liability for the RDN. This is a common occurrence in today's inspection system. I ask that it be adopted here.

Thank you for hearing me tonight.



REGIONAL DISTRICT OF NANAIMO		
DEC - 6 2004		
CHAIR	GMCrS	
CAO	GMDS	
MCrS	GMES	

**MEMORANDUM**

**TO:** John Finnie, P. Eng.  
General Manager of Environmental Services

**DATE:**

November 29, 2004

**FROM:** Mike Donnelly  
Manager of Utilities

**FILE:**

5500-22-01  
and 5500-20-01

**SUBJECT:** Water and Sewer Connection Fee Amendments

**PURPOSE**

To present for Board consideration proposed water and sewer specified area connection fee amendments.

**BACKGROUND**

The water and sewer specified area rates bylaws for all service areas have been reviewed. New connection fees are proposed to ensure costs are recovered for service installations.

Water and sewer connection fees are in place to recover the cost of establishing a service to a property. They are structured to recognize the manpower, equipment, and materials required to install a service. Connection fees on most systems were last updated in 1992. Currently the fees in place do not recover the costs associated with an average service connection. Below is a table that outlines the current average costs and proposed new fees to install a service at the property line. The table also recommends new fees for "All Other Connections." These are connections where the service was not installed to the property line and must be connected at the service main.

WATER		SEWER	
Hardware	\$ 275.00	Hardware	\$ 45.00
Materials	\$ 25.00	Materials	\$ 25.00
Labour	\$ 60.00	Labour	\$ 30.00
Travel time	\$ 30.00	Travel time	\$ 30.00
Equipment	\$ 160.00	Equipment	\$ 160.00
Sub Total	\$ 550.00	Sub Total	\$ 290.00
Admin. 5%	\$ 27.50	Admin. 5%	\$ 14.50
<b>Total</b>	<b>\$ 577.50</b>	<b>Total</b>	<b>\$ 304.50</b>

The table below shows the current connection fees in place and the proposed changes to those fees. The proposed fee structure reflects the costs as outlined above.

Other jurisdictions were contacted in order to compare rates for both services. The fees range from a low \$100 per water connection and \$25 for sewer in Ladysmith to \$750 for each service in the Town of Qualicum Beach. A number of jurisdictions noted that they are currently considering increasing their rates as they did not reflect the actual cost to provide the service connections.

## **ALTERNATIVES**

1. Approve the proposed increases in water and sewer connection fees as outlined in Attachment 1.
2. To stage the increases over two years.

## **FINANCIAL IMPLICATIONS**

The increase in connection fees for both water and sewer systems will correctly reflect the costs associated with providing those connections. The result will be less reliance on the operational budgets to accommodate those costs.

## **CITIZEN IMPLICATIONS**

Properties requiring connections will be required to pay on average \$330 more for their water connection than they do at present, and an additional \$150 for their sewer connection. These proposed rates are more representative of the actual cost of providing service connections.

## **SUMMARY/CONCLUSIONS**

The water and sewer regulations and rates bylaws have been reviewed. It is proposed that both the water and sewer connection fees be increased.

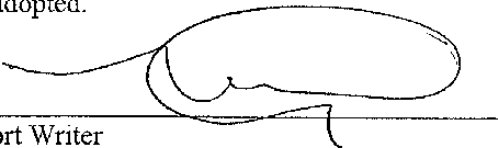
The water and sewer connection fee increases are proposed to reflect actual installation costs which have not been reviewed in most water & sewer local service areas since 1992.

## **RECOMMENDATIONS**

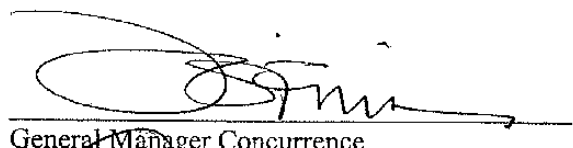
1. That Regional District of Nanaimo, "Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2004" be introduced for three readings.
2. That Regional District of Nanaimo, "Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2004", having received three readings be adopted.
3. That Regional District of Nanaimo "French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2004" be introduced for three readings.
4. That Regional District of Nanaimo, "French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2004", having received three reading be adopted.

5. That Regional District of Nanaimo, "Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2004" be introduced for three readings.
6. That Regional District of Nanaimo, "Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2004", having received three readings be adopted.
7. That Regional District of Nanaimo, "Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2004" be introduced for three readings.
8. That Regional District of Nanaimo, "Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2004", having received three reading be adopted.
9. That Regional District of Nanaimo, "Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2004" be introduced for three readings.
10. That Regional District of Nanaimo, "Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2004", having received three readings be adopted.
11. That Regional District of Nanaimo, "Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2004" be introduced for three readings.
12. That Regional District of Nanaimo, "Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2004", having received three readings be adopted.
13. That Regional District of Nanaimo, "West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2004" be introduced for three readings.
14. That Regional District of Nanaimo, "West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2004", having received three readings be adopted.
15. That Regional District of Nanaimo, "Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2004" be introduced for three readings.
16. That Regional District of Nanaimo, "Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2004", having received three readings be adopted.
17. That Regional District of Nanaimo, "Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2004" be introduced for three readings.
18. That Regional District of Nanaimo, "Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2004", having received three readings be adopted.
19. That Regional District of Nanaimo, "Driftwood Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1334.02, 2004" be introduced for three readings.
20. That Regional District of Nanaimo, "Driftwood Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1334.02, 2004", having received three readings be adopted.
21. That Regional District of Nanaimo, "San Pareil Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1172.04, 2004" be introduced for three readings.

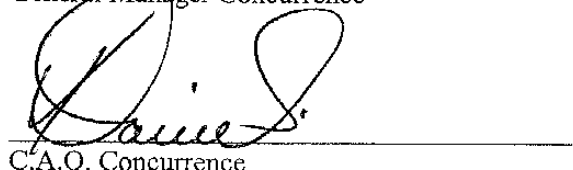
22. That Regional District of Nanaimo, "San Pareil Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1172.04, 2004", having received three readings be adopted.
23. That Regional District of Nanaimo, "Englishman River Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1383.01, 2004" be introduced for three readings.
24. That Regional District of Nanaimo, "Englishman River Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1383.01, 2004", having received three readings be adopted.
25. That Regional District of Nanaimo, "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2004" be introduced for three readings.
26. That Regional District of Nanaimo, "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2004", having received three readings be adopted.
27. That Regional District of Nanaimo, "Surfside Sewer User Rates and Regulations Amendment Bylaw No. 1241.04, 2004" be introduced for three readings.
28. That Regional District of Nanaimo, "Surfside Sewer User Rates and Regulations Amendment Bylaw No. 1241.04, 2004", having received three readings be adopted.
29. That Regional District of Nanaimo, "French Creek Sewer User Rates and Regulations Amendment Bylaw No. 422.14, 2004" be introduced for three readings.
30. That Regional District of Nanaimo, "French Creek Sewer User Rates and Regulations Amendment Bylaw No. 422.14, 2004", having received three readings be adopted.
31. That Regional District of Nanaimo, "Electoral Area "A" (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2004", be introduced for three readings.
32. That Regional District of Nanaimo, "Electoral Area "A" (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2004", having received three readings be adopted.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:



### Attachment 1

<b>WATER SERVICES</b>				
<b>Service Area</b>	<b>Existing Connection Fee</b>		<b>Proposed Connection Fee</b>	
	Up to 25 mm Dia.	All Other Connections	Up to 25 mm Dia.	All Other Connections
Madrona	\$250	\$750	<b>\$580</b>	<b>\$1000 minimum with actual cost charged to applicant.</b>
French Creek	\$250	\$750		
Surfside	\$250	\$750		
Arbutus Park	\$250	\$750		
Decourcey	\$250	\$750		
Fairwinds	\$250	\$750		
Madrona	\$250	\$750		
Nanoose	\$250	\$750		
West Bay	\$250	\$750		
Wall Beach	\$250	\$750		
Driftwood	\$250	At Cost		
San Pareil	\$250	\$750		
Englishman River	\$350	At Cost		

<b>SEWER SERVICES</b>				
<b>Service Area</b>	<b>Existing Connection Fee</b>		<b>Proposed Connection Fee</b>	
	Up to 25 mm Dia.	All Other Connections	Up to 25 mm Dia.	All Other Connections
Fairwinds	\$156		<b>\$300</b>	
Surfside	\$150			
French Creek	\$156			
McMillan Rd. School	\$250			

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 524.14**

**A BYLAW TO AMEND REGIONAL DISTRICT OF  
NANAIMO NANOOSE WATER SUPPLY  
SPECIFIED AREA REGULATIONS AND  
RATES BYLAW NO. 524, 1980**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 524 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited as "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.14, 2004".

Introduced and read three time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

## NANOOSE WATER USER RATES

### 1. Domestic Water Rates

- (a) Private connections where one connection serves one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (c) Services without a meter:

\$1.30 per day per unit for residential units without a meter.
- (d) Minimum rate is \$0.24 per day.

### 2. Connection Charges

- (a) To existing servicing connections \$ 580.00
- (b) To new service connections \$ 1,000.00
- (Applicant to pay any additional costs)

- 3. **Reconnection** to any water service disconnected pursuant to this bylaw \$ 100.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 619.10**

**A BYLAW TO AMEND FRENCH CREEK WATER  
SUPPLY SPECIFIED AREA REGULATIONS AND  
RATES BYLAW NO. 619, 1983**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 619 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.10, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

## FRENCH CREEK WATER USER RATES

### 1. Domestic Water Rates

- (a) Private connections where one connection serves one unit:
  - i) For the first 0.9 cubic meters per day, \$0.34 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$0.64 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$.99 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Apartments, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
  - i) For the first 0.9 cubic meters per day, \$0.34 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$0.64 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$.99 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (c) Services without a meter:

\$1.03 per day per unit for residential units without a meter.
- (d) Minimum rate is \$ .15 cents per day

### 2. Connection Charges

- (a) To existing servicing connections \$ 580.00
- (b) To new service connections \$ 1,000.00  
(Applicant to pay any additional costs)

- 3. **Reconnection** to any water service  
disconnected pursuant to this bylaw \$ 100.00

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 700.11

A BYLAW TO AMEND THE REGIONAL DISTRICT OF  
NANAIMO SURFSIDE PROPERTIES SPECIFIED AREA  
WATER REGULATIONS AND RATES BYLAW NO. 700, 1986

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 700 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.11, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### **SURFSIDE PROPERTIES WATER USER RATES**

#### **1. Domestic Water Rates**

- (a) Private connections where one connection serves one unit:
  - i) For the first 0.9 cubic meters per day, \$0.34 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$0.64 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$.99 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Apartments, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
  - i) For the first 0.9 cubic meters per day, \$0.34 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$0.64 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$.99 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (c) Services without a meter:

\$1.03 per day per unit for residential units without a meter.
- (d) Minimum rate is \$ .15 cents per day

#### **2. Connection Charges**

- (a) To existing servicing connections \$ 580.00
- (b) To new service connections \$ 1,000.00  
(Applicant to pay any additional costs)

- 3. **Reconnection** to any water service disconnected pursuant to this bylaw \$ 100.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 726.11**

**A BYLAW TO AMEND REGIONAL DISTRICT OF  
NANAIMO ARBUTUS PARK ESTATES WATER SUPPLY  
SPECIFIED AREA REGULATIONS AND RATES  
BYLAW NO. 726, 1987**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 726 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited as "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.11, 2004".

Introduced and read three time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES



\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

## ARBUTUS PARK ESTATES WATER USER RATES

### 1. Domestic Water Rates

- (a) Private connections where one connection serves one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (c) Services without a meter:  
\$1.30 per day per unit for residential units without a meter.
- (d) Minimum rate is \$0.24 per day.

### 2. Connection Charges

- (a) To existing servicing connections \$ 580.00
- (b) To new service connections \$ 1,000.00  
(Applicant to pay any additional costs)

- 3. **Reconnection** to any water service disconnected pursuant to this bylaw \$ 100.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 727.11**

**A BYLAW TO AMEND REGIONAL DISTRICT OF  
NANAIMO MADRONA WATER SUPPLY SPECIFIED  
AREA REGULATIONS AND RATES BYLAW NO. 727, 1987**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 727 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited as "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.11, 2004".

Introduced and read three time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

## MADRONA WATER USER RATES

### 1. Domestic Water Rates

- (a) Private connections where one connection serves one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (c) Services without a meter:  
\$1.30 per day per unit for residential units without a meter.
- (d) Minimum rate is \$0.24 per day.

### 2. Connection Charges

- (a) To existing servicing connections \$ 580.00
- (b) To new service connections \$ 1,000.00

- 3. **Reconnection** to any water service disconnected pursuant to this bylaw \$ 100.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 764.14**

**A BYLAW TO AMEND REGIONAL DISTRICT OF  
NANAIMO FAIRWINDS WATER SUPPLY  
SPECIFIED AREA REGULATIONS AND RATES  
BYLAW NO. 764, 1989**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 764 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited as "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.14, 2004".

Introduced and read three time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

### FAIRWINDS WATER USER RATES

1. (a) Private connections where one connection serves one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day; \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day; \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day; \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meters.
- (c) \$1.30 per day per unit for residential units without a meter.
- (d) Minimum rate is \$0.24 per day.
- (e) Schools – As per (b) above plus \$65.00 per billing period.
- (f) Commercial and Recreational Units – As per (b) above.
- (g) Unmetered fire lines, \$53.10 per billing period.

Residential units are billed 2 times per year and all other users are billed 4 times per year.

#### 2. **Connection Charges**

- |   |             |
|---|-------------|
| (a) To existing servicing connections                                     | \$ 580.00   |
| (b) To new service connections<br>(Applicant to pay any additional costs) | \$ 1,000.00 |

- |   |           |
|---|-----------|
| 3. <b>Reconnection</b> to any water service disconnected pursuant to this bylaw | \$ 100.00 |
|---|-----------|

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 815.09**

**A BYLAW TO AMEND REGIONAL DISTRICT OF  
NANAIMO WEST BAY ESTATES WATER SUPPLY  
WATER REGULATIONS AND RATES BYLAW**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 815 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited as "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.09, 2004".

Introduced and read three time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

## WEST BAY ESTATES WATER USER RATES

### 1. Domestic Water Rates

- (a) Private connections where one connection serves one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (c) Services without a meter:

\$1.30 per day per unit for residential units without a meter.
- (d) Minimum rate is \$0.24 per day.

### 2. Connection Charges

- (a) To existing servicing connections \$ 580.00
- (b) To new service connections \$ 1,000.00  
(Applicant to pay any additional costs)

- 3. **Reconnection** to any water service disconnected pursuant to this bylaw \$ 100.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 886.08**

**A BYLAW TO AMEND REGIONAL DISTRICT OF  
NANAIMO WALL BEACH WATER SUPPLY LOCAL  
SERVICE AREA RATES BYLAW NO. 886, 1993**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 886 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited as "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.08, 2004".

Introduced and read three time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES



\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

## WALL BEACH WATER USER RATES

### 1. Domestic Water Rates

- (a) Private connections where one connection serves one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.98 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (c) Services without a meter:

\$0.71 per day per unit per for residential units without a meter.
- (d) Minimum rate is \$130.00 per billing period.

### 2. Connection Charges

- (a) To existing servicing connections \$ 580.00
- (b) To new service connections \$ 1,000.00  
(Applicant to pay any additional costs)

- 3. **Reconnection** to any water service disconnected pursuant to this bylaw \$ 100.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1097.06**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO  
DECOURCEY WATER SUPPLY LOCAL SERVICE AREA  
REGULATIONS AND RATES BYLAW NO. 1097, 1998**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'A' of Bylaw No. 1097 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited as "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.06, 2004".

Introduced and read three time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### DECOURCEY WATER USER RATES

#### 1. Domestic Water Rates

- (a) Where a Consumer Supply Line serves a single dwelling unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (b) Where a Consumer Supply Line supplies an apartment, condominium, duplex or other development servicing more than one unit:
  - i) Up to 0.9 cubic meters per day, \$0.53 per cubic meter.
  - ii) From 0.901 to 2.0 cubic meters per day, \$1.06 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.59 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$1.94 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.30 per cubic meter.
- (c) Despite Subsections (a) and (b), in the case of a residential dwelling unit in respect of which metered readings are, for any reason, not available, \$1.69 per day per dwelling unit.
- (d) Minimum rate is \$0.24 per day.

#### 2. Connection Charges

- (a) To existing servicing connections \$ 580.00
- (b) To new service connections \$ 1,000.00

- 3. **Reconnection** to any water service disconnected pursuant to this bylaw \$ 100.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1334.02**

**A BYLAW TO AMEND THE USER RATES IN THE DRIFTWOOD  
WATER SUPPLY SERVICE AREA**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'A' of Bylaw No. 1334, 2003 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Driftwood Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1334.02, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

## WATER RATES

### 1. Domestic Water Rates

- (a) Private connections where one connection serves one unit.
  - i) Up to 1 cubic meter per day, \$0.56 per cubic meter.
  - ii) From 1.01 to 2.0 cubic meters per day, \$1.12 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.68 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$2.25 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.80 per cubic meter.
- (b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit.
  - i) Up to 1 cubic meter per day, \$0.56 per cubic meter.
  - ii) From 1.01 to 2.0 cubic meters per day, \$1.12 per cubic meter.
  - iii) From 2.01 to 3.0 cubic meters per day, \$1.68 per cubic meter.
  - iv) From 3.01 to 4.0 cubic meters per day, \$2.25 per cubic meter.
  - v) Over 4.01 cubic meters per day, \$2.80 per cubic meter.
- (c) Services without a meter.  
\$1.68 per day per unit for residential units without a meter.
- (d) Minimum rate is \$0.29 per day.

### 2. Connection Charges

- (a) To existing service connections \$ 580.00
- (b) To new service connections \$ 1,000.00  
(Applicant to pay any additional costs)

- 3. **Reconnection** to any water service  
disconnected pursuant to this bylaw \$ 100.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1172.04**

**A BYLAW TO AMEND REGIONAL DISTRICT  
OF NANAIMO SAN PAREIL WATER SUPPLY  
LOCAL SERVICE AREA RATES AND  
REGULATIONS BYLAW NO. 1172, 1999**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'A' of Bylaw No. 1172 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw is substituted therefore.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.04, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20-\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

### SAN PAREIL WATER USER RATES

#### 1. Domestic Water Rates

- (a) Where a Consumer Supply Line serves a single dwelling unit:

For the first 1.00 cubic meters per day, \$0.55 per cubic meter or imperial gallon equivalent.

From 1.01 to 2.0 cubic meters per day, \$1.10 per cubic meter or imperial gallon equivalent.

From 2.01 to 3.00 cubic meters per day, \$1.65 per cubic meter or imperial gallon equivalent.

From 3.01 to 4.00 cubic meters per day, \$2.20 per cubic meter or imperial gallon equivalent.

Over 4.01 cubic meters per day, \$2.75 per cubic meter or imperial gallon equivalent.

- (b) Apartments, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:

For the first 1.00 cubic meters per day, \$0.55 per cubic meter or imperial gallon equivalent.

From 1.01 to 2.0 cubic meters per day, \$1.10 per cubic meter or imperial gallon equivalent.

From 2.01 to 3.00 cubic meters per day, \$1.65 per cubic meter or imperial gallon equivalent.

From 3.01 to 4.00 cubic meters per day, \$2.20 per cubic meter or imperial gallon equivalent.

Over 4.01 cubic meters per day, \$2.75 per cubic meter or imperial gallon equivalent.

- (c) Minimum rate per single dwelling unit shall be.

\$27.90 per month (30 days).

#### 2. Connection Charges

- |   |             |
|---|-------------|
| (a) To existing service connections                                       | \$ 580.00   |
| (b) To new service connections<br>(Applicant to pay any additional costs) | \$ 1,000.00 |

- |   |           |
|---|-----------|
| 3. <b>Reconnection</b> to any water service disconnected pursuant to this bylaw | \$ 100.00 |
|---|-----------|

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1383.01**

**A BYLAW TO AMEND ENGLISHMAN RIVER  
COMMUNITY WATER SUPPLY SERVICE  
AREA RATES AND REGULATIONS  
BYLAW NO. 1383, 2004**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'A' of Bylaw No. 1383 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited as "Englishman River Community Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1383.01, 2004".

Introduced and read three time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES



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Chairperson

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General Manager, Corporate Services

## ENGLISHMAN RIVER COMMUNITY WATER USER RATES

### 1. Domestic Water Rates

(a) Private connections where one connection serves one unit:

- i) Up to 1.0 cubic meters per day, \$1.06 per cubic meter.
- ii) From 1.01 to 2.0 cubic meters per day, \$1.37 per cubic meter.
- iii) From 2.01 to 3.0 cubic meters per day, \$1.87 per cubic meter.
- iv) From 3.01 to 4.0 cubic meters per day, \$2.80 per cubic meter.
- v) Over 4.01 cubic meters per day, \$4.00 per cubic meter.

(b) Apartments, Duplexes, Condominiums, Suites or Strata Title Units where one connection serves more than one unit:

- i) Up to 1.0 cubic meters per day, \$1.06 per cubic meter.
- ii) From 1.01 to 2.0 cubic meters per day, \$1.37 per cubic meter.
- iii) From 2.01 to 3.0 cubic meters per day, \$1.87 per cubic meter.
- iv) From 3.01 to 4.0 cubic meters per day, \$2.80 per cubic meter.
- v) Over 4.01 cubic meters per day, \$4.00 per cubic meter.

(c) Minimum rate is \$0.82 per day.

### 2. Connection Charges

(a) To existing servicing connections	\$ 580.00
(b) To new service connections (Applicant to pay any additional costs)	\$ 1,000.00

3. <b>Reconnection</b> to any water service disconnected pursuant to this bylaw	\$ 100.00
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**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 765.12**

**A BYLAW TO AMEND THE FAIRWINDS  
SEWERAGE FACILITIES SPECIFIED AREA  
RATES BYLAW NO. 765**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 765 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw is substituted therefore.
2. Schedule 'C' of Bylaw No. 765 is hereby repealed and Schedule 'C' attached hereto and forming part of this bylaw is substituted therefore.
3. This bylaw may be cited for all purposes as the "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.12, 2004".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

**FAIRWINDS SEWERAGE FACILITIES USER RATES**

<b>Classification</b>	<b>Annual Rate</b>
(a) Private Residential –	
Single Family Dwelling   Up to 12 fixtures	\$    72.30
Each additional fixture	\$     6.05
(b) Apartments, Condominiums, Duplexes, Hotels, Suites or Strata Title Units – per unit	\$    72.30
(c) Campground (see item (d) for restrooms or laundry facilities) – per space with sewer connection	\$    72.30
(d) Commercial	
(i) General, per group of fixtures	\$    86.60
(ii) Laundry, Laundromat or Dry Cleaners – per washer	\$    43.30
(e) Sani-dump – per vehicle connection	\$  433.00
(f) Swimming pool	\$    54.20
(g) <b>Department of National Defense</b>	
By Agreement.	

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Chairperson

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General Manager, Corporate Services

**FAIRWINDS SEWERAGE FACILITIES  
SERVICE CONNECTION CHARGES**

(a)	Connection Fee	\$ 300.00
(b)	Capital Charge	\$ 8,250.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1241.04**

**A BYLAW TO AMEND THE SURFSIDE  
SEWER USER RATES AND REGULATIONS  
BYLAW NO. 1241**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedules 'C' and 'D' of Bylaw 1241 are hereby repealed and Schedules 'C' and 'D' attached to and forming a part of this bylaw are substituted therefore.
2. This bylaw may be cited for all purposes as "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.04, 2004".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

**SCHEDULE 'C'**  
**SERVICE CONNECTION FEES**

The following Service Connection fee to defray the cost of laying a Sewer Connection shall be paid in accordance with Section 18.1 of the bylaw:

(a)	Connection Fee	\$ 300.00
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**NOTE:**

These connection fees are for work within the road right-of-way. Further costs to physically connect the sewer from the property line to the home are at the expense of the property owner.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

**SCHEDULE 'D'**

[Section 19.1]

**USER CHARGE**

[if applicable]

1. Billing and Payment:

- (a) Annual sewer rates as invoiced by the Regional District are due and payable on presentation. A ten (10%) percent discount will be applied if payment of all outstanding charges in effect from time to time is received on or before the discount date shown on the invoice.
- (b) Amounts unpaid on the 31<sup>st</sup> of December in any year shall be deemed to be taxes in arrears and will be transferred to property taxes as prescribed under Section 797.2 of the *Local Government Act*.
- (c) All payments received will be applied firstly against arrears and then to current balances.

2. Rates Payable:

(a) User Charge:

<b>Classification</b>	<b>Annual Rate</b>
(a) Single Family Residence - up to 12 fixtures	\$ 136.55
- each additional fixture	\$ 11.35
(b) Apartments, Suites or Duplex - Each Unit	\$ 136.55
(c) Cafes and Restaurants – for each group of plumbing fixtures	\$ 136.55
(d) Garage or Service Station	\$ 136.55
(e) Store or Business Premises – for each group of plumbing fixtures	\$ 136.55
(f) Mobile Homes (whether situated in a mobile Home park or not) – per unit	\$ 136.55
(g) Office Building – for each group of plumbing fixtures	\$ 136.55
(h) Churches and Public Halls – for each group of plumbing fixtures	\$ 82.00
(i) Licenses Premises – for each group of plumbing fixtures	\$ 136.55
(j) Motels – per unit – including residential managers' or owners' units	\$ 1.05
(k) Hotels – per room	\$ 1.05
(l) Camping – for each group of plumbing fixtures	\$ 1.05
- for each space with a sewer connection	\$ 1.05
(m) Marinas – for each group of plumbing fixtures	\$ 136.55
(n) Laundry, Laundromat or Dry Cleaners – per washer	\$ 77.85
(o) Sani Dump (per connection)	\$ 424.55
(p) Swimming Pool	\$ 102.40

3. Connection Fee \$300.00

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 422.14**

**A BYLAW TO AMEND THE REGIONAL  
DISTRICT OF NANAIMO FRENCH CREEK  
SEWER RATES AND REGULATION BYLAW  
NO. 422**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedules 'A' and 'A-1' of Bylaw No. 422 are hereby repealed and Schedules 'A' and 'A-1' attached hereto and forming part of this bylaw are substituted therefore.
2. This bylaw may be cited for all purposes as the "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.14, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES



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Chairperson

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General Manager, Corporate Services

### FRENCH CREEK SEWER USER RATES

Classification	Annual Rate
(a) Single Family Residence - up to 12 fixtures	\$ 151.60
- each additional fixture	\$ 12.65
(b) Apartments, Suites or Duplex - Each Unit	\$ 151.60
(c) Cafes and Restaurants - for each group of plumbing fixtures	\$ 151.60
(d) Garage or Service Station	\$ 151.60
(e) Store or Business Premises - for each group of plumbing fixtures	\$ 151.60
(f) Mobile Homes (whether situated in a mobile Home park or not) - per unit	\$ 151.60
(g) Office Buildings - for each group of plumbing fixtures	\$ 151.60
(h) Churches and Public Halls - for each group of plumbing fixtures	\$ 91.80
(i) Licensed Premises - for each group of plumbing fixtures	\$ 151.60
(j) Motels - per unit – including residential manager's or owner's unit	\$ 151.60
(k) Hotels – per room	\$ 151.60
(l) Camping - for each group of plumbing fixtures	\$ 151.60
- for each space with a sewer connection	\$ 39.00
(m) Marinas – for each group of plumbing fixtures	\$ 151.60
(n) Laundry, Laundromat or Dry Cleaners – per washer	\$ 70.40
(o) Schools - per connection	\$ 291.75
- plus for each group of plumbing fixtures	\$ 113.70
(p) Swimming Pool	\$ 113.70

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Chairperson

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Secretary

### FRENCH CREEK SEWER SERVICE CONNECTION CHARGES

- |     |                         |    |         |
|-----|-------------------------|----|---------|
| (a) | 4" Connection           | \$ | 300.00  |
| (b) | 6" Connection or Larger |    | At Cost |

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1237.04**

**A BYLAW TO AMEND THE RATES IN ELECTORAL AREA 'A'  
(MACMILLAN ROAD SCHOOL SITE) SEWER LOCAL SERVICE AREA  
RATES AND REGULATIONS BYLAW NO. 1237**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Schedule 'B' of Bylaw No. 1237 is hereby repealed and Schedule 'B' attached hereto and forming part of this bylaw, is substituted therefore.
2. This bylaw may be cited for all purposes as the "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.04, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Reconsidered and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

**1. Connection Fees**

Up to 4" Connection \$300.00

**2. Sewer User Rates**

**Classification**

**Annual Rate**

Single Family Dwelling

\$49.90 per unit

Business Premises

\$49.90 per Single Family Dwelling unit equivalent

Institutional Facilities

\$49.90 per Single Family Dwelling unit equivalent



REGIONAL DISTRICT OF NANAIMO			
DEC - 6 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

**MEMORANDUM**

**TO:** John Finnie, P. Eng.  
General Manager of Environmental Services

**DATE:** November 30, 2004

**FROM:** Mike Donnelly  
Manager of Utilities

**FILE:** 5500-22-10

**SUBJECT:** Water Local Service Areas - Water Restriction Bylaw Amendments

**PURPOSE**

To present proposed amendments to the RDN water local service area bylaws restricting outdoor water use to support initiatives regarding water conservation, resource sustainability and drinking water protection.

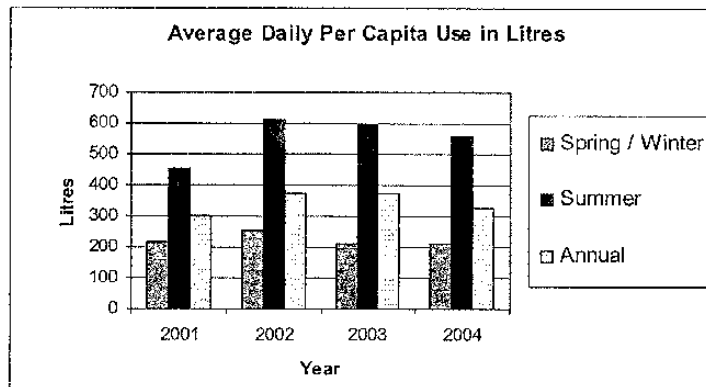
**BACKGROUND**

All RDN water supply service areas incorporate bylaws designed to restrict outdoor water use during the spring and summer peak period. As part of those bylaws there are four stages of restrictions that can be used as demands on the water systems increase. The bylaws restrict lawn sprinkling hours for the most part but also include restrictions for washing sidewalks and driveways, washing cars or boats, use of decorative fountains and filling residential swimming pools. In the past, restrictions have been imposed as required during spring and summer months.

Watering restrictions are an important component in the long term management strategy for a sustainable resource. Conservation of the resource is key, as the water systems rely on groundwater it is important to be prudent in our use to preserve the viability of the groundwater sources. Over pumping of groundwater may lead to temporary or long term localized aquifer stressing and can also result in an increase in unwanted mineral constituents such as iron and manganese. Heavy demand during the spring and summer months increase pumping times on all systems with some pumps operating in excess of 20 hours per day as opposed to 4 hours per day during the low demand period of the year. This results in excessive wear on pumping components which increases the costs for pump replacement and well maintenance. Costs also increase for treatment of the water prior to distribution to the users.

Further costs are incurred with respect to capital expenditures as any new facilities must be constructed to accommodate the high peak period consumption. As all water systems must be built to supply water to meet peak demand, any efforts to reduce that peak demand will have a long term impact on infrastructure costs.

Beginning in 2002 and continuing into 2004, the Province of BC has been experiencing drier than normal conditions through spring and summer. While the latter part of August and part of September 2004 were wetter than normal, the months from May to July experienced less rain than normal. With the higher temperatures occurring earlier in the spring the snow melt is over sooner leaving less water available to recharge rivers, streams and groundwater. The result of this changed weather pattern can be seen in the water use during this period. The table below shows the increased consumption spanning the years from 2001 to 2004. It can be seen that the summer peak water use has been significantly higher over the last three years of drier weather when compared to 2001, which did not experience such hot, dry weather.



The table illustrates the increased peak period consumption since 2001. The reduction in consumption in the summer of 2004 was a direct result of watering restrictions being imposed over the entire summer period. This was not done in the previous three years.

The Environmental Services 2005 Business Plan identifies reduction in summer water consumption as a program initiative. As the table above illustrates, the summer peak consumption per capita in 2004, even after the reduction achieved in response to watering restrictions being put in place, was 29% higher than the 2001 summer peak period. The increased consumption levels may show the significant effect high water demand landscaping and associated sprinkler systems have on water use.

A number of actions have been put in place to assist in reducing the summer peak demand to 2001 levels. For 2005, plans are underway to improve public information related to water consumption. The RDN Utilities Department web page is being redesigned to focus the water conservation message and to provide useable information to assist residents in lowering annual consumption. The provisional budgets for the Utilities Department include a Water Smart program that would engage one or two students trained in water conservation disseminating information on key areas to reduce water consumption including lawn and garden irrigation systems, leak checks and providing low flush toilet information. The Board has supported requesting the Ministry of Community, Aboriginal and Women's Services to include the RDN in the next update of the Provincial Building Code requiring the installation of low flush toilets in new and renovated buildings.

The most significant tools in place to reduce peak demand are the bylaws to restrict water use. Many communities in the province and across Canada institute forms of watering restrictions every summer and some throughout the year. These restrictions assist in reducing the peak demands on the water supply. In the RDN, watering restrictions (except for Stage 1 which are automatic) are normally introduced as

required depending on weather conditions. Applying restrictions in this manner is cumbersome making it difficult to notify the public in a comprehensive way when restrictions are imposed. It also leaves the public with the view that watering restrictions may or may not be imposed depending on the weather. As it is necessary to reduce overall annual use especially in the summer peak period it is important that the public understands the need for continuous attention to their water consumption habits.

As part of the development of the proposed amendments the watering restrictions for both the City of Parksville and the Town of Qualicum Beach were reviewed to explore the possibility of making the restrictions consistent in all jurisdictions. The approach in watering restriction levels, their application and the water source and availability of supply differs in each area making this approach difficult.

The proposed watering restriction bylaw changes are in response to the increased levels of water consumption all water systems have experienced. Consumption has increased due to weather conditions, increased use of high water demand landscaping and associated irrigation systems. The current and proposed watering restrictions are shown in attachment 1 of this report.

## **ALTERNATIVES**

### **Alternative 1**

- Water Conservation Level 1 in effect during April, May, September and October.
- Water Conservation Level 2 in effect during June, July and August
- Water Conservation Level 3 invoked as required by the Manager of Utilities.

### **Alternative 2**

- Water Conservation Level 1 in effect during April, May, September and October.
- Water Conservation Level 2 in effect during June and July
- Water Conservation Level 3 in effect for August.

### **Alternative 3**

Maintain current levels of restrictions.

## **FINANCIAL IMPLICATIONS**

There are no immediate financial implications with respect to the proposed modifications. Long term reductions in use will result in savings in the operation of the pumping, treatment and distribution systems should water consumption be reduced. As well, long term capital expenditures for projects such as the Arrowsmith Water System may be delayed with the reduction in peak period consumption.

The resulting reduction in revenues that would result from reduced peak consumption has been taken into account in the 2005 preliminary budgets for each of the water local service areas.

## **CITIZEN IMPLICATIONS**

Watering restriction modifications will be more restrictive for the public. Reduced ability to water at the existing levels may incur a negative response from some members of the public. However, the reductions proposed will not curtail the normal enjoyment of residential yards or gardens. With the proper use of water there is no reason that lawns and gardens cannot thrive. Information supplied by the Utilities Department in this respect will assist the public in making the changes required in water use.

The bylaws for each water system will continue to carry prohibitions for non-compliance that will be administered by bylaw staff. Proposals for the strengthening of the Municipal Ticketing authority is scheduled to come to the Board in early 2005 which will give bylaw staff the ticketing authority required to follow up on non-compliance water use issues.

Information on the changes to the bylaw would be included in the updated Utilities Department web site in the new year and in the Spring issue of Regional Perspectives. Notices to water local service area residents and resident associations will also be considered. The anticipated start date for the restrictions would be April 1<sup>st</sup> of 2005 which would allow adequate time for public education initiatives.

## **SUMMARY/CONCLUSIONS**

The water restrictions bylaws for the water local service areas have been reviewed and modifications have been proposed that include standard implementation times for the restrictions.

The increased consumption we have seen in the district resulting from warmer, dryer summers and increased irrigation requirements for high demand landscaping has created a significant increase in water consumption. The annual use of watering restrictions coupled with standard implementation dates will assist in the goal of reducing per capita consumption throughout the spring and summer months.

The benefits of reducing high per capita consumption include reduced operational costs and the ability to defer implementation of capital projects that would otherwise be required to meet the higher peak period consumption.

The difference between Alternative 1 and Alternative 2 is mandatory Water Conservation Level 3 restrictions in August. Staff will monitor the effectiveness of the proposed restrictions under Alternative 1 and, if required, bring forward future recommendations that would see August included as shown in Alternative 2.

Staff is recommending that the water local service area bylaws restricting outdoor water use be amended in accordance with Alternative 1 above and as outlined in the attached "*Schedule "A" Restrictions*".

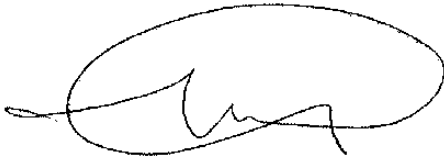
## **RECOMMENDATIONS**

1. That Regional District of Nanaimo, "Nanoose Water Uses Restrictions Amendment Bylaw No. 1345.01, 2004" be introduced for three readings.
2. That Regional District of Nanaimo, "Nanoose Water Uses Restrictions Amendment Bylaw No. 1345.01, 2004", having received three readings be adopted.

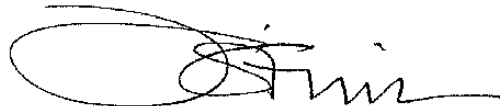


3. That Regional District of Nanaimo, "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2004" be introduced for three readings.
4. That Regional District of Nanaimo, "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2004", having received three reading be adopted.
5. That Regional District of Nanaimo, "Surfside Properties Water Uses Restrictions Amendment Bylaw No. 1346.01, 2004" be introduced for three readings.
6. That Regional District of Nanaimo, "Surfside Properties Water Uses Restrictions Amendment Bylaw No. 1346.01, 2004", having received three readings be adopted.
7. That Regional District of Nanaimo, "Arbutus Park Estates Water Uses Restrictions Amendment Bylaw No. 1350.01, 2004" be introduced for three readings.
8. That Regional District of Nanaimo, "Arbutus Park Estates Water Uses Restrictions Amendment Bylaw No. 1350.01, 2004", having received three reading be adopted.
9. That Regional District of Nanaimo, "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2004" be introduced for three readings.
10. That Regional District of Nanaimo, "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2004", having received three readings be adopted.
11. That Regional District of Nanaimo, "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2004" be introduced for three readings.
12. That Regional District of Nanaimo, "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2004", having received three readings be adopted.
13. That Regional District of Nanaimo, "West Bay Estates Water Uses Restrictions Amendment Bylaw No. 1348.01, 2004" be introduced for three readings.
14. That Regional District of Nanaimo, "West Bay Estates Water Uses Restrictions Amendment Bylaw No. 1348.01, 2004", having received three readings be adopted.
15. That Regional District of Nanaimo, "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2004" be introduced for three readings.
16. That Regional District of Nanaimo, "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2004", having received three readings be adopted.
17. That Regional District of Nanaimo, "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2004" be introduced for three readings.
18. That Regional District of Nanaimo, "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2004", having received three readings be adopted.

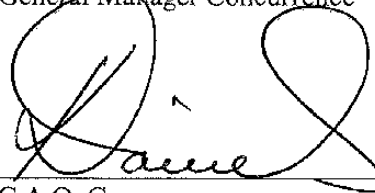
19. That Regional District of Nanaimo, "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2004" be introduced for three readings.
20. That Regional District of Nanaimo, "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2004", having received three readings be adopted.
21. That Regional District of Nanaimo, "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2004" be introduced for three readings.
22. That Regional District of Nanaimo, "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2004", having received three readings be adopted.
23. That Regional District of Nanaimo, "Englishman River Water Uses Restrictions Amendment Bylaw No. 1384.01, 2004" be introduced for three readings.
24. That Regional District of Nanaimo, "Englishman River Water Uses Restrictions Amendment Bylaw No. 1384.01, 2004", having received three readings be adopted.



Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1345.01**

**A BYLAW TO RESTRICT WATER USE  
IN THE NANOOSE WATER  
SUPPLY SERVICE AREA**

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 482, the Regional District has established, within Electoral Area 'E' of the Regional District, the Nanoose Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

**1. Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the Nanoose water local service area established under RDN Bylaw No. 482.

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

**3. Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

**4. Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

**5. Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

**6. Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "Nanoose Water Uses Restrictions Amendment Bylaw No. 1343.01, 2004".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
  - (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
  - (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
  - (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.
4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1343.01

A BYLAW TO RESTRICT WATER USE  
IN THE FRENCH CREEK WATER  
SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 874, the Regional District has established, within Electoral Area 'G' of the Regional District, the French Creek Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

**“Micro-irrigation or Drip-irrigation System”** means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

**“Notice”** means the Notice given under Section 4 of this bylaw.

**“Occupier”** has the same meaning as in the *Local Government Act*.

**“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.

**“RDN”** means the Regional District of Nanaimo.

**“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.

**“Vehicle”** means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

**“Water Conservation Level”** means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

**“Water System”** means a water supply system operated by the RDN within the French Creek water local service area established under RDN Bylaw No. 874.

**“Water Use Restrictions”** means the restriction prescribed by Schedule ‘A’ of this bylaw.

**“Water Days”** means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "French Creek Water Uses Restrictions Amendment Bylaw No. 1343.01, 2004".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
- (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
- (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1346.01

A BYLAW TO RESTRICT WATER USE  
IN THE SURFSIDE PROPERTIES  
WATER SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 694, the Regional District has established, within Electoral Area 'G' of the Regional District, the Surfside Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

**“Micro-irrigation or Drip-irrigation System”** means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

**“Notice”** means the Notice given under Section 4 of this bylaw.

**“Occupier”** has the same meaning as in the *Local Government Act*.

**“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.

**“RDN”** means the Regional District of Nanaimo.

**“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.

**“Vehicle”** means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

**“Water Conservation Level”** means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

**“Water System”** means a water supply system operated by the RDN within the Surfside water local service area established under RDN Bylaw No. 694.

**“Water Use Restrictions”** means the restriction prescribed by Schedule ‘A’ of this bylaw.

**“Water Days”** means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
  - c) An RDN 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.
  - d) 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.
3. **Determining Restrictions**
- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
  - b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
  - c) Water Conservation Level 3 restrictions will only be imposed if required.
  - d) Water Conservation Level 4 restrictions will only be imposed if required.
  - e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.
4. **Notice**
- The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.
5. **Water Conservation Levels**
- In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.
6. **Water Use Restrictions**
- For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "Surfside Water Uses Restrictions Amendment Bylaw No. 1346.01, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an address numbered 1008 or lower except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an address numbered greater than 1008 except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an address numbered 1008 or lower except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an address number greater than 1008 except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an address numbered 1008 or lower except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an address numbered greater than 1008 except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
  - (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
  - (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
  - (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.
4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1350.01

A BYLAW TO RESTRICT WATER USE  
IN THE ARBUTUS PARK WATER  
SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 930, the Regional District has established, within Electoral Area 'E' of the Regional District, the Arbutus Park Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the Arbutus Park water local service area established under RDN Bylaw No. 930.

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "Arbutus Park Water Uses Restrictions Amendment Bylaw No. 1343.01, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**  
April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**  
June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
- (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
- (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1344.01

A BYLAW TO RESTRICT WATER USE  
IN THE MADRONA WATER  
SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 788, the Regional District has established, within Electoral Area 'E' of the Regional District, the Madrona Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the Madrona water local service area established under RDN Bylaw No. 788.

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level 1 restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "Madrona Water Uses Restrictions Amendment Bylaw No. 1344.01, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
- (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
- (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1349.01

A BYLAW TO RESTRICT WATER USE  
IN THE FAIRWINDS WATER  
SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 1288, the Regional District has established, within Electoral Area 'E' of the Regional District, the Fairwinds Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the Fairwinds water local service area established under RDN Bylaw No. 1288.

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "Fairwinds Water Uses Restrictions Amendment Bylaw No. 1349.01, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### **SCHEDULE 'A'**

**1. WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

**2. WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

**3. WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
- (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
- (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1348.01

A BYLAW TO RESTRICT WATER USE  
IN THE WEST BAY WATER  
SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 929, the Regional District has established, within Electoral Area 'E' of the Regional District, the West Bay Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule ‘C’ as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the West Bay water local service area established under RDN Bylaw No. 929.

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "West Bay Water Uses Restrictions Amendment Bylaw No. 1348.01, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'A'

### 1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

### 2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

### 3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
- (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
- (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1347.01

A BYLAW TO RESTRICT WATER USE  
IN THE WALL BEACH WATER  
SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 867, the Regional District has established, within Electoral Area 'E' of the Regional District, the Wall Beach Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the Wall Beach water local service area established under RDN Bylaw No. 867.

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "Wall Beach Water Uses Restrictions Amendment Bylaw No. 1347.01, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### **SCHEDULE 'A'**

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
- (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
- (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1342.01

A BYLAW TO RESTRICT WATER USE  
IN THE DECOURCEY PROPERTIES  
WATER SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 1096, the Regional District has established, within Electoral Area 'G' of the Regional District, the Decourcey Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule ‘C’ as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the Decourcey water local service area established under RDN Bylaw No. 1096.

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "Decourcey Water Uses Restrictions Amendment Bylaw No. 1342.01, 2004".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an address on Pylades except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an address on Bissel or Ingram except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an address on Pylades except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an address on Bissel or Ingram except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an address on Pylades except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an address on Bissel or Ingram except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
  - (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
  - (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
  - (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.
4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'B'

### PERMITS

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:
  - Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;
  - Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1341.01

A BYLAW TO RESTRICT WATER USE  
IN THE DRIFTWOOD WATER  
SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 1255, the Regional District has established, within Electoral Area 'E' of the Regional District, the Driftwood Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the Driftwood water local service area established under RDN Bylaw No. 1255

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

**9. Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

**10. Effective Date**

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

**11. Citation**

This bylaw may be cited for all purposes as the "Driftwood Water Uses Restrictions Amendment Bylaw No. 1341.01, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1** -- Every Other Day Watering

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2** -- Twice Per Week Watering

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3** -- Once Per Week Watering

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
- (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
- (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1340.01

A BYLAW TO RESTRICT WATER USE  
IN THE SAN PAREIL WATER  
SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 1170, the Regional District has established, within Electoral Area 'G' of the Regional District, the San Pareil Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

**"Appliance"** means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

**"Board"** means the Board of the Regional District of Nanaimo.

**"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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

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

**"Fill"** means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

**"General Manager"** means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

**"Manager of Utilities"** means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Micro-irrigation or Drip-irrigation System**” means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

“**Notice**” means the Notice given under Section 4 of this bylaw.

“**Occupier**” has the same meaning as in the *Local Government Act*.

“**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.

“**RDN**” means the Regional District of Nanaimo.

“**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.

“**Vehicle**” means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

“**Water Conservation Level**” means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

“**Water System**” means a water supply system operated by the RDN within the San Pareil water local service area established under RDN Bylaw No. 1170.

“**Water Use Restrictions**” means the restriction prescribed by Schedule ‘A’ of this bylaw.

“**Water Days**” means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "San Pareil Water Uses Restrictions Amendment Bylaw No. 1340.01, 2004".

Introduced and read three times this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**

April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**

June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
  - (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
  - (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
  - (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.
4. **WATER CONSERVATION LEVEL 4** – Comprehensive Watering Ban

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'C'**

### **EXEMPTIONS AND SPECIAL CASES**

#### **1. ALL USERS**

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1384.01

A BYLAW TO RESTRICT WATER USE  
IN THE ENGLISHMAN RIVER COMMUNITY  
WATER SUPPLY SERVICE AREA

WHEREAS pursuant to Regional District of Nanaimo Bylaw No. 1354, the Regional District has established, within Electoral Area 'G' of the Regional District, the Englishman River Community Water Local Service Area, for the supply, treatment, conveyance, storage and distribution of water;

AND WHEREAS pursuant to Section 796(1) of the *Local Government Act*, the Regional District may regulate in relation to the operation of a service;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. **Definitions**

In this bylaw:

“**Appliance**” means a device or mechanism, other than that owned and operated by the Regional District of Nanaimo in or through which water is piped or used for a domestic or commercial purpose.

“**Board**” means the Board of the Regional District of Nanaimo.

“**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 by or contracted by the Regional District of Nanaimo to enforce this bylaw.

“**Exempted Person**” means an Owner or Occupier of property identified in Schedule 'C' as exempt from one or more of the regulations under this bylaw.

“**Fill**” means fill more than 15% of the total capacity of a residential swimming pool, wading pool, hot tub, garden pond or decorative fountain with water.

“**General Manager**” means the General Manager of the Regional District of Nanaimo Environmental Services Department or alternate.

“**Manager of Utilities**” means the Manager of Utilities of the Regional District of Nanaimo Environmental Services Department or alternate.

**“Micro-irrigation or Drip-irrigation System”** means a system using irrigation components which consume less than 90 litres (20 gallons) per hour and operate at less than 17,578 kg/sq metre (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.

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

**“Notice”** means the Notice given under Section 4 of this bylaw.

**“Occupier”** has the same meaning as in the *Local Government Act*.

**“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.

**“RDN”** means the Regional District of Nanaimo.

**“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.

**“Vehicle”** means a device, except boats and seaplanes 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 RDN directly or indirectly to an Owner or Occupier.

**“Water Conservation Level”** means the Water Conservation Levels 1, 2, 3 and 4 of water use restrictions prescribed by Schedule ‘A’ of this bylaw.

**“Water System”** means a water supply system operated by the RDN within the Englishman River Community water local service area established under RDN Bylaw No. 1354.

**“Water Use Restrictions”** means the restriction prescribed by Schedule ‘A’ of this bylaw.

**“Water Days”** means those days during which watering is permitted in Schedule ‘A’ of this bylaw.

## 2. **Prohibitions and Inspection**

- a) No person shall damage or allow the deterioration of any appliance that will result in a waste of Water.

- b) No person, being an Owner or Occupier of property that is connected to or serviced by a Water System, shall use Water or cause Water to be used contrary to the Water Use Restrictions that are in effect at the time of use.
- c) An RDN 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.
- d) 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.

3. **Determining Restrictions**

- a) Water Conservation Level 1 restrictions will automatically be in effect for the months of April, May, September and October in any year.
- b) Water Conservation Level 2 restrictions will automatically be in effect for the months of June, July and August in any year.
- c) Water Conservation Level 3 restrictions will only be imposed if required.
- d) Water Conservation Level 4 restrictions will only be imposed if required.
- e) Notwithstanding the application of Water Conservation Level restrictions pursuant to Section 3(a, b & c) of this bylaw, the Manager of Utilities shall recommend higher Water Conservation Levels as required.

4. **Notice**

The Manager of Utilities shall give notice or cause notice to be given to persons within the service area of the applicable Water Conservation Level and when it takes effect. Such Notice shall be advertised in a Newspaper and posted on the RDN web site.

5. **Water Conservation Levels**

In making its determination under Section 3, the Manager of Utilities shall consider, but shall not be bound by, well levels, pumping hours, system pressures and reservoir levels.

6. **Water Use Restrictions**

For the purpose of this bylaw, the Water Use Restrictions for each Water Conservation Level are prescribed in Schedule 'A' to 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.**

A person who contravenes this bylaw commits an offence and is subject to a fine of \$50 for a first offence, \$150 for a second offence and \$300 for a third offence, plus costs in accordance with the *Offence Act*.

9. **Permits, Exemption and Special Cases**

- a) The RDN 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 Persons and Permit holders are exempted from Section 2(b) to the extent permitted by Schedule 'C' and the conditions of the Permit where applicable.

10. **Effective Date**

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

11. **Citation**

This bylaw may be cited for all purposes as the "Englishman River Community Water Uses Restrictions Amendment Bylaw No. 1384.01, 2004".

Introduced and read three times this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

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General Manager, Corporate Services

### SCHEDULE 'A'

1. **WATER CONSERVATION LEVEL 1 – Every Other Day Watering**  
April, May, September and October

During the months of April, May, September and October, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address except on even numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm;
  - ii. an odd numbered address except on odd numbered days between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

2. **WATER CONSERVATION LEVEL 2 – Twice Per Week Watering**  
June, July and August

For the months of June, July and August, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday and Saturday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address except on Thursday and Sunday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

3. **WATER CONSERVATION LEVEL 3 – Once Per Week Watering**

If the Manager of Utilities gives notice that a reduction in water use is necessary requiring Water Conservation Level 3 Restrictions, no person shall:

- (a) use a sprinkler to water a lawn or garden growing on a property with
  - i. an even numbered address, except on Wednesday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm; and
  - ii. an odd numbered address, except on Thursday between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.

- (b) wash sidewalks or driveways at any time using a hose.
- (c) wash a vehicle or boat except by using a hand-held container or hose equipped with a shutoff device.
- (d) operate or cause the operation of decorative fountains which do not use re-circulated Water.
- (e) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.

4. **WATER CONSERVATION LEVEL 4 – Comprehensive Watering Ban**

If the Manager of Utilities gives Notice that a reduction in Water use is necessary requiring Water Conservation Level 4 restrictions, no person shall:

- (a) water lawns or boulevards at any time including newly seeded or sodded lawns.
- (b) use a hose to wash exterior building surfaces including windows, parking lots, driveways or sidewalks.
- (c) operate or cause the operation of decorative fountains which do not use recirculated Water.
- (d) water trees, shrubs, flowers or vegetables except by:
  - i. hand using a hose with a shut-off device, by hand-held container.
  - ii. Micro-irrigation or drip-irrigation system between the hours of 6:00 am to 10:00 am and 6:00 pm to 10:00 pm.
- (e) wash a Vehicle or Boat.
- (f) fill a residential swimming pool, wading pools, garden ponds or decorative fountains.



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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **PERMITS**

1. A person who has installed a new lawn, either newly seeded or new sod, may apply to the Regional District of Nanaimo Utilities Department for a permit which will allow the new lawn to be sprinkled outside of permitted days, but within restricted hours. The permit shall be conspicuously displayed at the premises for which it was issued.
2. New sod or newly seeded lawn may be sprinkled for 14 days after installation, 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 Water Conservation Level 3 or 4 restrictions.

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Chairperson

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General Manager, Corporate Services

## SCHEDULE 'C'

### EXEMPTIONS AND SPECIAL CASES

#### 1. ALL USERS

A person may:

- a) water flowers, shrubs, trees or vegetables on days other than and including their assigned Water Conservation Level 1, 2 or 3 Watering days, providing Watering is done by hand using a hose with a shut-off nozzle or hand-held container.
- b) water new trees and shrubs during installation and for the following 24 hours. Afterwards watering must comply with Water Conservation Level restrictions.
- c) Use micro-irrigation or drip-irrigation systems during:  
  
Water Conservation Levels 1, 2 and 3 to water trees, shrubs, flowers or vegetables at any time;  
  
Water Conservation Level 3 to water lawns, boulevards and playing fields on any day at any time but no more than once per week. Watering must take place during applicable restricted hours unless watering during these hours is not otherwise possible.
- d) wash 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.

## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE AREA 'B' PARKS AND OPEN SPACE ADVISORY COMMITTEE REGULAR MEETING HELD ON MONDAY, NOVEMBER 8, 2004 AT 7:00 PM WOMEN'S INSTITUTE HALL, GABRIOLA ISLAND

#### In Attendance

Don McLaughlin  
Randy Young  
Chairman Ron Holmes

Michael McCrae  
Carol Boyce  
Director Gail Lund

Kerry Marcus  
Marylyn Beaubien

#### Absent

Jacqueline Cecil Sears

#### Staff

Joan Michel

#### Observers

Judith Graham

Terry Hanna

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Chairman R. Holmes called the meeting to order at 7:00 pm. Committee members introduced themselves and all welcomed new member Marylyn Beaubien.

#### ADOPTION OF AGENDA

MOVED R. Young, SECONDED M. McCrae, that the Agenda be adopted.

CARRIED

#### DELEGATIONS AND PRESENTATIONS

None.

#### APPROVAL OF MINUTES

MOVED C. Boyce, SECONDED D. McLaughlin, that the Minutes of the June 29, 2004 Area 'B' Parks and Open Space Advisory Committee (POSAC) Regular Meeting be approved. Minutes of the September 13, 2004 POSAC meeting, at which quorum was not obtained, were circulated for information (attached).

CARRIED

#### BUSINESS ARISING FROM MINUTES

##### Disk Golf Proposal

M. McCrae reported that he wishes to consult further within the community before presenting a proposal to the POSAC. This business item will now be set aside until a proposal is forthcoming.

##### Trail Connector between Regional and Community Parks

Further to an October 28<sup>th</sup> meeting on-site and involving B. Wylie of the Ministry of Transportation (MoT), R. Holmes and J. Michel, a safe location for the crossing of Taylor Bay Road in the vicinity of the entrance to Descanso Bay Regional Park (DBRP) has been identified. This crossing will address movement between Cox Community Park and the Regional Park. R. Holmes will work with Gabriola Land and Trails Trust (GaLTT) volunteers to flag a short piece of trail on the community park side to the Taylor Bay Road crossing location. As to crossing Taylor Bay Road, MoT will not consider any kind of controlled crossing there, e.g., crosswalk, because traffic volumes and posted speed are not great enough and because MoT's experience is that designated crosswalks can lead to more accidents than they prevent. J. Michel will pursue the erection

of signage along Taylor Bay Road that alerts motorists to the presence of the trail and the possibility of people crossing the road. As well, GaLTT volunteers will flag a new trail parallel to Taylor Bay Road that will connect the new entrance trail to the proposed parking area west of McConvey Road. In the Regional Park, Park Operator J. Demler is brushing a trail from the meadow up the hillside to the corner of the regional park where McConvey meets Taylor Bay, across from Cox Community Park.

## COMMUNICATIONS AND CORRESPONDENCE

### Barb Meyers Memorial Proposal

J. Michel reported that the Coast Realty staff who are pursuing a memorial have not yet concluded on a proposal for submission to the POSAC.

## BUSINESS ARISING FROM DELEGATIONS, COMMUNICATIONS AND CORRESPONDENCE

None.

## REPORTS

### Beach Accesses (BAs)

- R. Young provided an update on recent BA development work; his summer 2004 report distributed at the unofficial September POSAC meeting was circulated again. R. Young continues to distribute the parks and BA map to volunteers as an incentive to help out and the maps are much appreciated.
- J. Michel listed the accesses requiring some survey (#27 Easthom Rd, #43 Shaw Rd, #52 Rowan Way, #47 Islands View Dr, #62 Page's Marina, #35 Cherie Lane, and #22 Taylor View Rd) and reported that she had approached G. Smithies for an estimate.
- G. Lund inquired of R. Young whether more could get involved with the production of concrete markers. R. Young will make his form available for copy.
- J. Michel reported on the parking lot upgrade at #38 Narrows Road and discussion followed on DFO's posting of a notice there that driving on the foreshore is prohibited under *The Fisheries Act*. J. Michel is pursuing formal recognition of the foreshore as usable for boat launching involving vehicles and will be going to tender on the parking lot upgrade in two weeks.

### Community Parks (CPs)

- J. Michel showed members the new CP signs being erected at Hummingbird, Joyce Lockwood and Malaspina Galleries. Existing volunteer signs will not be taken down.
- Statistics on CPs per capita by electoral area and percentage of electoral area in parks were circulated for information of members. Electoral Area 'B' has the most parkland of all electoral areas, which reflects the community's initiative in borrowing to acquire Cox CP.
- J. Michel reported on the results of the geotechnical assessment of the Malaspina Galleries that has resulted in closure of the trail above and underneath the sandstone formation. She also noted that new interpretive signage is planned to better describe and explain the famous landmark and speak to its long cultural history. J. Lobb, RDN Parks Technician, will be working with the Gabriola Museum on the signage.
- Tree falling and dead wood clearing has now been completed in Blue Heron and Decourcey Parks in response to the Fire Chief's concerns about fire risk.
- An appropriate location to site the proposed new driveway entrance to the planned parking area at Cox CP opposite the entrance to McConvey Rd was determined on-site by MoT in late October.
- J. Belobaba, RDN Parks Assistant, will be available to work with GaLTT volunteers on properly assessing development of the new trail to the parking area from the southeast corner of the CP.

- Regarding the Cox CP boardwalk, J. Michel reported that after an on-site visit by the engineer, the floating foundation option was eliminated because the muck has too high a sand content. The engineer is now recommending a simple 'pile' approach involving the pounding in of long stretches of pipe with a bobcat. Development is now to occur in 2005. R. Holmes emphasized that this project needs to be finished.

#### Volunteer Appreciation Certificates

J. Michel requested assistance with this project, particularly the taking of photographs, the printing and framing of certificates, and their timely delivery to the honoured volunteers.

#### Memorial Benches in Community Parks and at Beach Accesses

A general approach to people wishing to donate benches was discussed. It was agreed that \$1,000 would be charged for the RDN to purchase and install a donated bench, donors would be responsible for the production and maintenance of any plaque, and all requests would be vetted through the POSAC in order to confirm the suitability of location. J. Michel will develop a formal set of guidelines and present them to Committee members at the next meeting.

#### Gabriola Land and Trails Trust (GaLTT)

K. Marcus, GaLTT President, reported that GaLTT's first Annual General Meeting was held November 7<sup>th</sup> and approximately 70 people signed up as members. Also, GaLTT received some very generous initial donations from local businesses.

#### Director's Update

Director Lund reported that the Islands Trust Fund has now made an application to the Province for a free crown grant on the UREP parcel. She also noted that the new RDN Park Use Regulation Bylaw 1399 will be receiving final examination by the RDN Board this month and, assuming it is approved, the existing Gabriola Park Use Bylaw will be repealed. Director Lund led the Committee in formally thanking J. Cecil Sears, D. McLaughlin and M. McCrae, whose terms on the POSAC expire at the end of 2004, for their valuable work on the Committee. She encouraged them all to consider reapplying for another term.

### **NEW BUSINESS**

#### Undeveloped Road Allowances

R. Holmes proposed that the POSAC undertake an inventory of undeveloped road allowances, similar to that conducted for the beach accesses. These road allowances offer much potential for trail. R. Young, leader of the Beach Access Working Group, will assist in the undertaking and help organize the inventory. RDN mapping is able to show the undeveloped stretches on the parks and trails map. J. Michel will find out the status of the east end of McDonald Road.

#### Parks and Trails Map

J. Michel presented a plan (attached) for the production of three map layers that will help with RDN and POSAC work as well as inform the public of park, trail and beach access resources on Gabriola. It was agreed that she should move forward with production.

#### Lions Club

C. Boyce alerted that the Lions Club were expressing some interest in fundraising for a picnic shelter at Descanso Bay Regional Park. J. Michel to follow-up.

### **COMMITTEE ROUND TABLE**

Deferred.

**NEXT MEETING**

The next meeting will be held at 7 pm on Monday, January 10, 2004 at the Women's Institute Hall.

**IN CAMERA**

MOVED G. Lund, SECONDED M. McCrae, that pursuant to Section 242.2 (I)(e) of *The Local Government Act*, the Committee proceed to an In Camera meeting to consider the acquisition of land. CARRIED

**ADJOURNMENT**

MOVED G. Lund, SECONDED M. McCrae, that the regular meeting be adjourned to allow for an In Camera meeting. CARRIED

**TIME** 8:45 PM

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R. Holmes  
Chairman

## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE REGIONAL PARKS PLAN REVIEW SELECT COMMITTEE MEETING HELD ON WEDNESDAY NOVEMBER 17, 2004, AT 12 NOON IN THE RDN COMMITTEE ROOM

#### Present:

Director L. McNabb	Chairperson
Director H. Kreiberg	Electoral Area 'A'
Director J. Stanhope	Electoral Area 'G'
Director D. Bartram	Electoral Area 'H'

#### Also In Attendance:

N. Connelly	General Manager of Community Services
T. Osborne	Manager of Recreation and Parks
Jeff Ainge	Parks Supervisor
H. Rueggeberg	Lanarc Consultants Ltd.
D. Backhouse	Lanarc Consultants Ltd.

#### CALL TO ORDER

The meeting was called to order at 12:10 pm.

#### ADOPTION OF MINUTES

Moved Director Stanhope, Seconded Director Kreiberg that the minutes of the Regional Parks Plan Select Committee held on October 13, 2005 be approved.

CARRIED

#### PROJECT UPDATE

Ms. Rueggeberg gave an overview of the project to date, which included completion of meetings with key stakeholder groups (with the exception of the South Island Woodlot Association), and completing the analysis of the survey responses. Planning is underway for the next phase of outreach, namely two public Open Houses slated for December 1<sup>st</sup> and 2<sup>nd</sup>.

#### CONCEPT MAP

Three maps were presented for the Select Committee's information. Two maps made use of the new RDN mapping software, which enables contour and relief shading to be added to maps. The third map showed the various proposed priority acquisition locations.

#### KEY ELEMENTS OF THE PLAN

Ms. Rueggeberg reviewed components of the Draft Plan that will be presented at the December public meetings. The elements include providing analysis of the 145 public survey responses, the proposed Vision and Goal statements, Regional Park and Trail classifications, a gap analysis, comparison of acquisition priorities between the 1995 Plan and that proposed with this review, and Park and Trail development priorities. The Committee requested minor changes to some of the elements.

## **INITIAL RESOURCE FINDINGS**

Based on discussions with staff and stakeholders, and on the public survey responses, Ms. Rueggeberg presented a preliminary breakdown of current funding and expenditures for the Regional Parks & Trails function. The many development projects that could occur over the ten-year life of the Plan were also presented with estimated funding requirements noted. The need for a major bridge program was discussed, as was funding for partnerships and volunteer coordination.

## **PUBLIC MEETINGS**

The dates and locations of the December Open Houses were confirmed as December 1<sup>st</sup> at the Oceanside Place - Multipurpose Room and on December 2<sup>nd</sup> at the Nanaimo Aquatic Centre - Room A. Doors will open at 6.30pm, with a presentation commencing at 7.00pm and question and answers to follow.

## **NEXT PHASE OF PROJECT**

Ms. Rueggeberg outlined the next steps of the process following the Open Houses. These entail completing the draft Plan and distributing it for review by key stakeholders, partners, and the public. A draft will be provided to the Select Committee prior to the December 15 meeting. Following review by the Select Committee and others, the draft will be revised as per comments received and Select Committee direction. The revised Plan will be presented to the Select Committee for the January 19, 2005 meeting.

## **OTHER BUSINESS**

Director Kreiberg raised the question of responding to the lengthy submission received from the Western Canada Wilderness Committee (WCWC). The Committee discussed the wide-reaching components of the submission. In general the Committee felt the Regional Parks Plan Review process was sound and that other regulatory or discretionary means were able to provide protection mechanisms outside of parks designations, and that the Plan review will proceed as intended. Ms. Rueggeberg advised she would respond to WCWC.

The Chair complemented Ms. Rueggeberg on progress to date.

## **NEXT MEETING**

Select Committee meetings are scheduled for December 15, 2004 and January 19, 2005. All meetings will be held between 12:00 noon and 3:00 pm in the RDN Committee Room.

## **ADJOURNMENT**

The meeting was adjourned at 1.55 pm.

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L. McNabb  
Chair



## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE REGIONAL PARKS PLAN REVIEW SELECT COMMITTEE MEETING HELD ON WEDNESDAY DECEMBER 15, 2004 AT 12 NOON IN THE RDN COMMITTEE ROOM

#### Present:

Director L. McNabb	Chairperson
Director H. Kreiberg	Electoral Area 'A'
Director J. Stanhope	Electoral Area 'G'
Director D. Bartram	Electoral Area 'H'

#### Also In Attendance:

N. Connelly	General Manager of Community Services
T. Osborne	Manager of Recreation and Parks
J. Ainge	Parks Supervisor
H. Rueggeberg	Lanarc Consultants Ltd.
D. Backhouse	Lanarc Consultants Ltd.

#### CALL TO ORDER

The meeting was called to order at 12:10 pm.

#### ADOPTION OF MINUTES

Moved Director Stanhope, Seconded Director Bartram that the minutes of the Regional Parks Plan Select Committee held on November 17, 2004 be approved. CARRIED

#### PROJECT UPDATE

Ms. Rueggeberg provided a revised schedule proposing new reporting dates for completion of the project. To allow for additional public review of the *draft* Plan it is proposed to make the *draft* Plan available from late December through the month of January 2005. February 2005 will see the consultants revising the *draft* based on stakeholder, public and Select Committee feedback, with presentation to the Committee of the Whole slated for March 8, 2005. The previously scheduled January 19, 2005 Select Committee Meeting is moved to February 9, 2005 with the adoption of the final plan slated for at the March 22, 2005 Regional Board meeting.

#### DEVELOPMENTS BASED ON PUBLIC FEEDBACK AT DECEMBER OPEN HOUSES

Ms. Rueggeberg provided a written summary of comments expressed by participants at the two December open houses. Approximately 60 people attended over the two nights, in addition to consultants, staff and Select Committee members. Key discussion items included:

- The implications of including municipal funding in the acquisition/capital budget. It was agreed the Plan should allow flexibility in discussing funding options, including municipal contributions and many other means of raising money for parkland acquisition and capital projects over and above the funding through electoral area tax requisitions. A staff report will be done in 2005 on options of amending the Regional Parks function to include municipal members as full participants.
- It was acknowledged that the intended focus of the plan review process was on operations and maintenance however the majority of feedback has steered the process toward continued acquisitions. The issue of Crown land and the Province's active program to divest itself of land concerned many at

the open houses. The Plan will recommend working with Land & Water BC to identify Park interests on Crown holdings.

- The ability to involve the development community in Regional Park acquisition by way of cash or land dedications was discussed.

MOVED Director Stanhope, SECONDED Director Bartram that staff explore the opportunities for implementing a Regional Park Development Cost Charge program. CARRIED

### REVIEW OF DRAFT PLAN

There was general discussion on a number of items, including:

- Acknowledging First Nations lands within the Plan area;
- Making the distinction between the RDN Community and Regional Parks more obvious, showing the links and shared resources in the two functions, including a flow diagram to show the relationships and competition for staff time;
- Including support for some level of park status along the French Creek corridor, whether that be by way of Community Park, trail or Regional Park;
- Pulling the preliminary 10-year budget information from the Plan and retaining it for reference during annual budget discussions; and,
- Explaining ways for personal involvement in fundraising, and how the Regional District is able to leverage funds for large land acquisitions.

### OTHER BUSINESS

The Committee agreed to the revised schedule. Staff will work to distribute the *draft* Plan as widely as possible and make it available in hard copy and as a download from the RDN website. There was discussion as to how to fund the RDN's portion of a Top Bridge Trail bridge project should government Infrastructure Grant money become available.

The need for a formal committee to champion Regional Parks at the Board level as well as in the public realm, what form it would take, and whether to refer to it in the Plan was raised for discussion.

MOVED Director Bartram, SECONDED Director Stanhope that the Board Chair and Deputy Chair discuss the need for and benefits of a Regional Parks Committee and report back to the Select Committee. CARRIED

Members of the Select Committee complimented Ms. Rueggeberg on the quality of the *draft* Plan.

### NEXT MEETING

The next Select Committee meeting is scheduled for February 9, 2005. It will be held between 12:00 noon and 3:00 pm in the RDN Committee Room. Please note the revised date.

### ADJOURNMENT

The meeting was adjourned at 1.45 pm.

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L. McNabb, Chair

## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE DISTRICT 69 RECREATION COMMISSION REGULAR MEETING HELD ON THURSDAY, DECEMBER 16, 2004 AT 2:00PM AT OCEANSIDE PLACE

#### Attendance:

Frank Van Eynde  
Craig Young

Eve Flynn  
Chris Burger

Dave Bartram

#### Staff:

Tom Osborne

Marilynn Newsted, Recording Secretary

#### Absent:

Jack Wilson

Reg Nosworthy

Patti Biro

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#### CALL TO ORDER

- 1 Chair Van Eynde called the meeting to order at 2:10 pm.

#### MINUTES

- 3 MOVED Commissioner Bartram, SECONDED Commissioner Flynn, that the Minutes of the District 69 Recreation Commission Regular Meeting held on November 18, 2004, be approved.  
CARRIED

#### COMMUNICATIONS/CORRESPONDENCE

- 4 MOVED Commissioner Flynn, SECONDED Commissioner Young, that the correspondence from Parksville Curling Club from T. Osborne re: Licensed Lounge, Parksville Curling Club from T. Osborne re: Facility Improvements, Parksville Curling Club to T. Osborne re: Licensed Lounge, 2010 Olympic/Paralympic Winter Games re: Live Sites Program and the late correspondence from Craig Young re: Resignation from District 69 Recreation Commission, be received.  
CARRIED

#### FUNCTION REPORTS

- 5 Mr. Osborne presented the Function Reports for the Ravensong Aquatic Centre, Oceanside Place, Recreation Coordinating and Community and Regional Parks including the following highlights:
  - Advertising revenues at Oceanside Place for 2004 have exceeded expectations bringing in a total of \$26,000, of which the arena function will receive 50%, Oceanside Minor Hockey 20%, Parksville Generals 20% and the Sandy Shores Figure Skating Club 10%.
  - The second annual Winter Wonderland will run December 19<sup>th</sup> to 26<sup>th</sup> on the Victor Kraatz Arena and The Oceanside Pond. Three free skate sessions will also be offered through the Christmas season. They will be held December 21<sup>st</sup>, from 5:30 pm to 7:00 pm compliments

of Pepsi Cola Canada Ltd, December 22<sup>nd</sup>, from 5:30 pm to 7:00 pm compliments of Tim Hortons and December 23<sup>rd</sup> from 7:15 pm to 9:15 pm compliments of Quality Foods.

- Mr. Osborne reported the RDN's official Mark (aka Trade Mark) applications have been received and approved for "Oceanside Place" and "The Oceanside Pond".
- Mr. Osborne reported staff had met to review the Financial Access Program. After review staff felt the system was not being abused by the Community, the program had sufficient control procedures in place while it still remained accessible to the public. The FAP program will be increased by 2% reflecting the Consumer Price Index (CPI) in the New Year, which will bring the maximum amount of funding to \$102 per person per year. The CPI will be applied annually to the amount available through FAP.
- Mr. Osborne announced Tracy Durocher has accepted the position of permanent full-time Programmer with the Recreation Coordinating Function. Tracy will begin her new position in January 2005.
- Mr. Osborne reported a Tree Canada Foundation grant in the amount of \$3,270 for trees that have been received for the Nanoose Place landscape project.
- The Regional Parks and Trails *Draft* Plan first draft should be available by the end of December. Public review of the *draft* document will take place during the month of January and the adoption of the revised plan is scheduled for March 22, 2005.

MOVED Commissioner Bartram, SECONDED Commissioner Burger, that the Function Reports be received. CARRIED

#### **BUSINESS ARISING FROM DELEGATIONS**

- 6      MOVED Commissioner Bartram, SECONDED Commissioner Burger, that Craig Young's resignation from the District 69 Recreation Commission be accepted. CARRIED

#### **COMMISSIONER ROUND TABLE**

- 7      Commissioner Burger reported the Beach Fest Society has donated \$25,000 to the City of Parksville for the construction of the planned walkway in the Community Park.

Commissioner Flynn reported the Words On Wheels Bus received the Minister's Award for School Board Innovation. She also noted District 69 schools will be closed for Christmas vacation as of Friday, December 17, 2004, and will be reopened Tuesday, January 4, 2005.

Commissioner Van Eynde announced Electoral Area 'E' Director Pauline Bibby has resigned.

Commissioner Young reported Area 'G' Parks may possibly receive a donation of three acres of Crown land for park purposes. He noted residents were concerned as a portion of the acreage was swamp area.

**ADJOURNMENT**

MOVED Commissioner Flynn, SECONDED Commissioner Young, that pursuant to Section 90(1)(g) of the Community Charter the Commission proceed to an In Camera Meeting to consider a legal matter. Meeting adjourned at 2.43 pm. CARRIED

**NEXT MEETING**

The next meeting will be held Thursday, January 20, 2005, at Oceanside Place, in Multipurpose Room 1, at 2:00pm.

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Frank Van Eynde, Chair

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**Minutes for the Meeting held:  
Tuesday, December 14, 2004 @ 1:30 PM  
Regional District of Nanaimo – Conference Room  
6300 Hammond Bay Road, Nanaimo, BC**

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Present:

Andrew Tucker	Nanaimo
Cheryl Wirsz	Parksville
Paul Butler	Qualicum Beach
Ian Howat	Lantzville
Neil Connelly	RDN
Christina Thomas	RDN
Bob Lapham	RDN
Brent Mueller	MCAWS

1. **Call to order.**

N. Connelly called the meeting to order at 1:30 PM.

2. **Minutes from Previous Meetings**

The minutes from the previous meetings (Nov.25/04 11:00 AM & 1:30 PM) were approved as presented.

3. **Old Business**

**a) *Urban Containment & Fringe Area Management Implementation Agreement Review***

B. Mueller facilitated discussion related to the Urban Containment and Fringe Area Management Implementation Agreement Review.

B. Mueller summarized project progress made at the November 25, 2004 IAC meeting. It was noted that at this meeting participants had agreed to a prioritization and categorization of issues to be addressed in the Review, and agreed that the criteria for Urban Containment Boundary changes should include three components: the land should not be in the Agriculture Land Reserve, there should be a documented community need (as determined by the jurisdiction making the request), and the change should respect the eight Regional Growth Strategy goals.

B. Mueller requested confirmation regarding the record of the November 25, 2004 meeting. Participants requested clarification regarding several items in the record and agreed that the record was accurate.

A. Tucker requested that opportunity be provided to discuss the process for considering changes to the Urban Containment Boundary. C. Thomas suggested that this be added as a new issue between the issues "criteria for Urban Containment Boundary (UCB) changes" and "land use inside UCB". Participants agreed with this approach.

Participants reviewed the draft criteria for UCB changes prepared by RDN staff based on IAC November 25, 2004 meeting direction. Participants discussed a variety of options for fine-tuning the criteria, and requested staff to provide some additional alternatives for discussion at the next meeting.

Participants discussed whether the Urban Containment and Fringe Area Management Implementation Agreement should include direction regarding the definition of the level/type of development that should be inside the Urban Containment Boundary. Participants decided that the

) Agreement does not need to include this type of direction because there is sufficient direction in the Regional Growth Strategy.

Participants discussed the process for making changes to the UCB, and decided that there are no issues related to the process.

4. **New Business**

None

5. **Next Meetings**

The next meetings were set for January 13<sup>th</sup> and 27<sup>th</sup>, February 8<sup>th</sup>, and March 10<sup>th</sup>. It is anticipated that the Regional Context Statement to be contained in the Town of Qualicum Beach's new official community plan will be considered at the January 13<sup>th</sup> meeting, that possible requests from the City of Nanaimo to change the UCB will be considered at the March 10<sup>th</sup> meeting, that the City of Parksville Regional Context Statement will be considered for continued acceptance at one of these meetings, and that the review of the Urban Containment and Fringe Area Management Implementation Agreement will be a priority topic of discussion at all of the meetings.

6. **Adjournment.**

The meeting was adjourned at approximately 4:00 PM.

) 

Chair, N. Connelly

## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE TRANSIT BUSINESS PLAN UPDATE SELECT COMMITTEE MEETING HELD ON THURSDAY, DECEMBER 16, 2004, AT 12 NOON IN THE RDN COMMITTEE ROOM

#### Present:

Director T. Krall	Chairperson
Director B. Holdom	City of Nanaimo
Director J. Stanhope	Electoral Area G
Director T. Westbrook	Town of Qualicum Beach

#### Also In Attendance:

N. Connelly	General Manager, Community Services
R. Henry	Manager, Transportation Services
B. Clemens	City of Nanaimo
T. Moscrip	City of Nanaimo
G. Hanson	Nanaimo Downtown Partnership

#### Regrets:

Director R. Cantelon	City of Nanaimo
Director D. Haime	Electoral Area D

#### CALL TO ORDER

The meeting was called to order at 12:15 pm.

#### MINUTES

MOVED by Director Westbrook, SECONDED by Director Holdom, that the minutes of the Transit Business Plan Update Select Committee meetings held October 28th and November 18, 2004 be received.  
CARRIED

#### ADMINISTRATION

##### Downtown Nanaimo Transit Exchange Relocation Review

Director Krall queried staff on the progress to date, given the requirement to submit a plan for downtown Nanaimo transit by 1 Feb 2005. N. Connelly summarized the report and reiterated the importance of downtown Nanaimo as an exchange and transfer point for riders to proceed within the City and elsewhere in the system. He advised of discussions with stakeholders on downtown exchange options, including site locations for consideration, as well as short and long-term approaches. Based on consultations with key staff at the City of Nanaimo and the Downtown Partnership Association, the recommended short-term approach is to relocate the downtown transit exchange to the west side of Wallace Street, between Wentworth and Fitzwilliam. Costs for engineered drawings, site preparation and public participation will be cost-shared with BC Transit.

Tom Moscrip confirmed the technical feasibility of this proposal, and noted additional work that may be required in terms of the right-turn off Fitzwilliam onto Selby Street. George Hanson noted that this site makes the most sense in terms of an interim solution for downtown transit, noting that the proposed new site is in area where there is under-utilized parking and where there is not a lot of commercial activity.



Discussions with local businesses and the Downtown Partnership will commence in the second week of January 2005.

A discussion followed on the longer-term requirement to find a more permanent solution for future downtown transit requirements. As contained in the report, the recommendation is to conduct a detailed study in 2005 to effectively plan for a long-term downtown transit approach. In this context, staff would prepare a study Terms of Reference (TOR) on transit exchange and service delivery options for the longer term. Costs for this work will be shared with BC Transit.

MOVED by Director Holdom, SECONDED by Director Stanhope, that the Regional District request that the City of Nanaimo allow for the relocation of the downtown Nanaimo transit exchange in 2005 to the west side of Wallace Street between Wentworth and Fitzwilliam as outlined in the staff report and that staff prepare a Terms of Reference for a study on transit exchange and service delivery options for the longer term for downtown Nanaimo. CARRIED

#### ADJOURNMENT

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The meeting was adjourned at 1:12 pm with a motion MOVED by Director Stanhope, SECONDED by Director Westbroek, that pursuant to Section 90(1)(c) of the Community Charter the Committee proceed to an In Camera meeting to consider items relative to employee relations. CARRIED

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T. Krall, Chair

**TO:** N. Connelly  
General Manager of Community Services

**DATE:** December 6, 2004

**FROM:** R. Henry  
Transportation Services Manager

**FILE:** 8620-36

**SUBJECT:** Downtown Nanaimo Transit Exchange Relocation Review

**PURPOSE**

To report on progress to date on the review of the downtown Nanaimo transit exchange and to provide for arrangements for an alternative site in 2005 and for a study to examine longer term options.

**BACKGROUND**

At the Committee meeting on November 18, 2004, staff were directed to report on progress on the relocation options for the downtown transit exchange. This was based on the requirement to have a plan in place by February 1, 2005. Given the referendum decision to proceed with the downtown revitalization project, it has been confirmed that the Gordon Street transit exchange site will be needed for the new Nanaimo Convention Centre. City staff have indicated that the Regional District will need to vacate the Gordon Street site as of May 1, 2005 as the City plans to commence demolition of the existing buildings on the Conference centre site.

**Existing Downtown Service**

Current service for downtown Nanaimo is centralized at the Gordon Street transit exchange. The following table, based on ridership counts in March 2004, compares ridership arrival and departures, as well as transfers between the three major transit exchanges:

Transit Exchange	Arrivals per day	Departures per day	Transfer %
Gordon St	1391	1659	36.8
Woodgrove Centre	1196	781	21.6
Country Club Mall	561	829	33.5

This illustrates the relative importance of the Gordon Street Exchange both in terms of ridership and as a transfer point to other areas of the City and points south, west and north. On a typical weekday, 1,391 riders arrive and 1,659 depart at the Gordon Street transit, for a daily total of 3,050. In comparison, total arrival/departure ridership is under 2,000 at Woodgrove and under 1,400 at Country Club. In addition, the Gordon Street Exchange is the principal transfer point in the system: 36.8% of all transfers in the system are facilitated at this site.

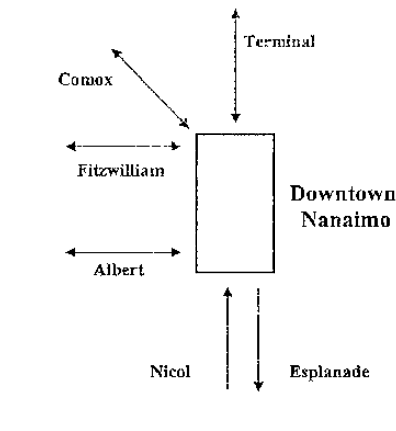
The following diagram depicts the flow of bus traffic into and out of the downtown area along six key roadways. There are eight bus routes that serve the area including the 56 Fairview/Harewood combo

evening service. At peak travel times, there are up to 10 buses in the downtown area, a bus for each route, with two additional buses laying over.

## Downtown Nanaimo Transit Service Routes

### Routes

1. Downtown /Woodgrove
2. Hammond Bay
3. Hospital
5. Fairview
6. Harewood
9. North/South
44. Malaspina



### **Review of Downtown Exchange Options**

At the November 18<sup>th</sup> Committee meeting, three alternate downtown transit options were discussed; specifically a flow-through model with layover spaces outside downtown, a flow-through model with no layover spaces, and a new downtown exchange site. Broad impacts of each concept were reviewed, including associated effects on ridership, revenues, costs, and public safety.

Option 1: Flow-through service with layover spaces in the downtown core. This model would provide for a number of different on street bus stop locations to take the place of an exchange site. There would be a requirement to layover 10 buses at a number of on-street locations. These layovers would retain schedule integrity with the rest of the system and allow customers to transfer between routes. Issues related to this model would include inconvenience for customers due to the distance to connecting buses, losses to downtown on-street parking, traffic flow and congestion issues, passenger safety (e.g. crossing streets to make a connection), and extra time to facilitate transfers of mobility challenged riders, potentially reducing transit efficiencies in the process.

Option 2: Flow-through service with no layover spaces in the downtown core. Based on a “stop and go” concept, buses would transit through downtown on a continuous basis. In this model, buses would need to layover on five major routes before entering downtown to facilitate downtown connections and passenger transfers, and to line-up with the rest of the system. Associated issues include the loss of running and revenue time, increased mileage (estimated at 49,000 km per year) and fuel costs (\$16,000), increased traffic flow due to buses continuously looping in the downtown area, inconvenience for customers to make connections, passenger safety (e.g. crossing streets to make a connection) and extra time to facilitate transfers of mobility challenged riders, potentially reducing transit efficiencies in the process.

Option 3: New downtown exchange site. This model would provide a service comparable to the current model in effect, based on either an on or off-street application. It would serve riders in an effective manner by providing a centralized location to facilitate transfers and to line-up with the rest of the system.

Issues include the potential loss of parking spaces, business impacts in proximity to the new site and transit ways, roadway factors, security of the area, and potential traffic conflicts and passenger safety.

### **Site Review**

Subsequent to the November 18<sup>th</sup> Committee meeting, Department staff met with City Engineering staff and the Managing Director of the Downtown Partnership Association to review options. The focus of discussions was to review viable least-cost options to best serve the public interest; the prime objective being to retain and increase ridership to and from the downtown area. Given the inefficiencies and costs to the transit system and to passenger convenience of the flow through transit approach in the downtown area, as well as the need to vacate the Gordon Street Exchange by May 1, 2005, it was considered appropriate to focus on option 3 above (i.e. new downtown exchange site) in terms of a short-term approach. In this context, the following sites were reviewed: (refer to Attachment # 1)

1. Partial on-street site bordering the rear parking lot at Port Place Mall and Front Street. Combination of City roadway and private property.
2. Off-street sites on the east side of Front Street. Identified as a possible site for a larger multi-transportation centre. Private land.
3. Off-street site along west side of Terminal Avenue, across from Port Place Mall. Private land.
4. Off-street site at the north east corner of Terminal Avenue and Front Street. Private land.
5. On-street site off Terminal Avenue at the entrance to Port Place and next to Wendy's.
6. Off-street sites in the area of Milton and Hecate Streets on private land.
7. Off-street City parking lots at Franklyn and Wesley Streets, and Wallace and Wentworth Streets.
8. Off-street site at Harewood Mall on private land.
9. Off-street site at the Greyhound / Howard-Johnston site on private land.
10. On-street (or cordoned-off with the roadway closed) site in front of City Hall along both sides of Wallace Street.
11. Off-street site on the back part of the Telus property (400 Fitzwilliam), contained within Richards, Wentworth and Wallace. Private land.
12. On-street site on the west side of Wallace Street, between Wentworth and Fitzwilliam.

### **Short and Long-Term Approaches**

A short-term approach will address the imminent requirement to re-route transit traffic in downtown Nanaimo, pending the planning for a longer term transit approach to service the downtown area for years to come.

During discussions, a short-term approach was considered in light of the associated factors (time, money) and complexities (public participation, study, strategic planning) to finalize and develop a site within a limited time period. In this context, a review of all potential transit sites was conducted. Site #12 (i.e. west side of Wallace Street, between Wentworth and Fitzwilliam) was selected as a suitable exchange

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site. As illustrated in Attachment #2, four buses would layover along the west side of Wallace Street; with the provision for two buses to layover on the south side of Wentworth, and two buses would layover on Wallace St., across from Gold Automotive. The existing bus stops in front of City Hall and along Wallace at Campbell would be removed.

This on-street exchange would meet basic system requirements, and is in desirable location near the City centre to service points downtown and to facilitate transfers to other points in the City. In addition, this location should provide a reasonable buffer zone from construction inconveniences (traffic, noise, etc) during the downtown revitalization project in the City centre. Staff are currently working out an amended transit schedule to service the downtown area, with the site at the west side of Wallace Street as the new transit exchange. As illustrated in Attachment # 3, the new routing would allow for full coverage of the downtown area using Wallace Street, Bastion Street and Front Street. This would provide ready access to key bus stops in the downtown core. There will also be a requirement to loop four buses from Fitzwilliam, to Selby, Wentworth and then onto Wallace Street in order facilitate connections and to line-up buses at the new exchange site.

The Managing Director of the Nanaimo Downtown Partnership Association confirmed preliminary acceptance of this site as a suitable short-term site for consideration. In addition, City Engineering staff confirmed the feasibility of this approach. In addition, they have confirmed they intend to give this project priority to assist the RDN to meet the February 1, 2005 deadline.

To process this approach, Departmental Staff will need to secure the services of a professional engineer to evaluate the detailed functionality of the proposal, identify any roadway issues, and provide construction drawings that detail any changes required. The engineer would also prepare presentation drawings for public presentations. In addition, the work will include a review of impacts to the existing streets and on street parking stalls as well as a review of the new proposed right turn arrangements at Fitzwilliam and Selby.

In order to effectively plan for a long-term downtown transit approach, it will be necessary to conduct a detailed study. In this context, staff would prepare a Terms of Reference (TOR) for a study on a transit exchange and service delivery options for the longer term for downtown Nanaimo. The study could assess the suitability of the Wallace Street site as a long term exchange location and all other issues related to downtown transit.

## **ALTERNATIVES**

1. Pursue the Wallace Street site as a short-term location for a new transit exchange and develop a Terms of Reference for a detailed study to develop a longer-term approach to meet transit requirements for the downtown area.
2. Direct staff to review and report on an alternative transit exchange location site for 2005 and to develop a study Terms of Reference accordingly.

## **FINANCIAL IMPLICATIONS**

1. For the short-term approach, total costs to relocate transit operations from the present site to the new location are estimated at \$30,000. This would include \$15,000 for the production of engineered drawings and specifications, \$10,000 for the relocation of bus shelters and sidewalk and site modifications and \$5,000 for advertising and public information, including new schedules. Based on BC Transit's cost share funding, the net cost to the RDN would be approximately \$17,400. Cost sharing of engineered drawings will be contained within the 2004/5 Annual Operating Agreement (AOA) between the District and BC Transit, currently under amendment. Other cost sharing will be factored within the 2005/6 AOA.

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For the long-term approach, costs would be developed as part of the study TOR process, for consideration at a future meeting. BC Transit has also advised that funding assistance would be available to assist with a downtown transit service and exchange location study.

2. For an alternate transit exchange site, details would need to be provided as part of a subsequent staff report. Costs would vary depending upon the site and would be impacted by lease or acquisition arrangements, road and sidewalk adjustments and other factors.

## PUBLIC CONSULTATION IMPLICATIONS

For the short-term approach, it will be necessary to work closely with the Downtown Partnership Association to ensure that businesses affected by route changes and bus traffic are advised of the impacts well in advance of the changes. In addition, it will be necessary to provide local citizens and bus riders the opportunity to engage in the public information process. A plan for consultation with the public with respect to this short-term approach will be developed as site arrangements are finalized.

For the long-term approach, it will be necessary to extensively engage the public and various stakeholders during the study phase, as well as subsequent planning and implementation stages. Specific public consultation requirements for the study phase will be contained in the Terms of Reference.

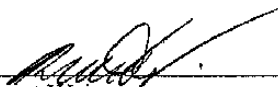
## CONCLUSIONS

The imminent loss of the Gordon Street Transit Exchange has necessitated the requirement to re-locate to another location in the vicinity of downtown in order to meet ridership demands. The site identified in the report (west side of Wallace Street, between Wentworth and Fitzwilliam) is recommended as a suitable site both from an engineering and transit efficiency context. Before further planning work for a relocation of the exchange to this area is undertaken, it is necessary to confirm its suitability with the City of Nanaimo. In order to implement longer-term arrangements for downtown transit, it will also be necessary to conduct a detailed strategic-level study in 2005.

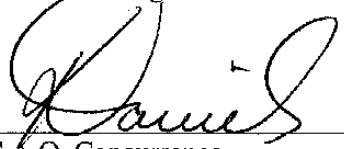
## RECOMMENDATIONS

1. That the Regional District request that the City of Nanaimo allow for the relocation of the downtown Nanaimo transit exchange in 2005 to the west side of Wallace Street, between Wentworth and Fitzwilliam as outlined in the staff report.

2. That staff prepare a Terms of Reference for a study on transit exchange and service delivery options for the longer term for downtown Nanaimo.

  
\_\_\_\_\_  
Report Writer

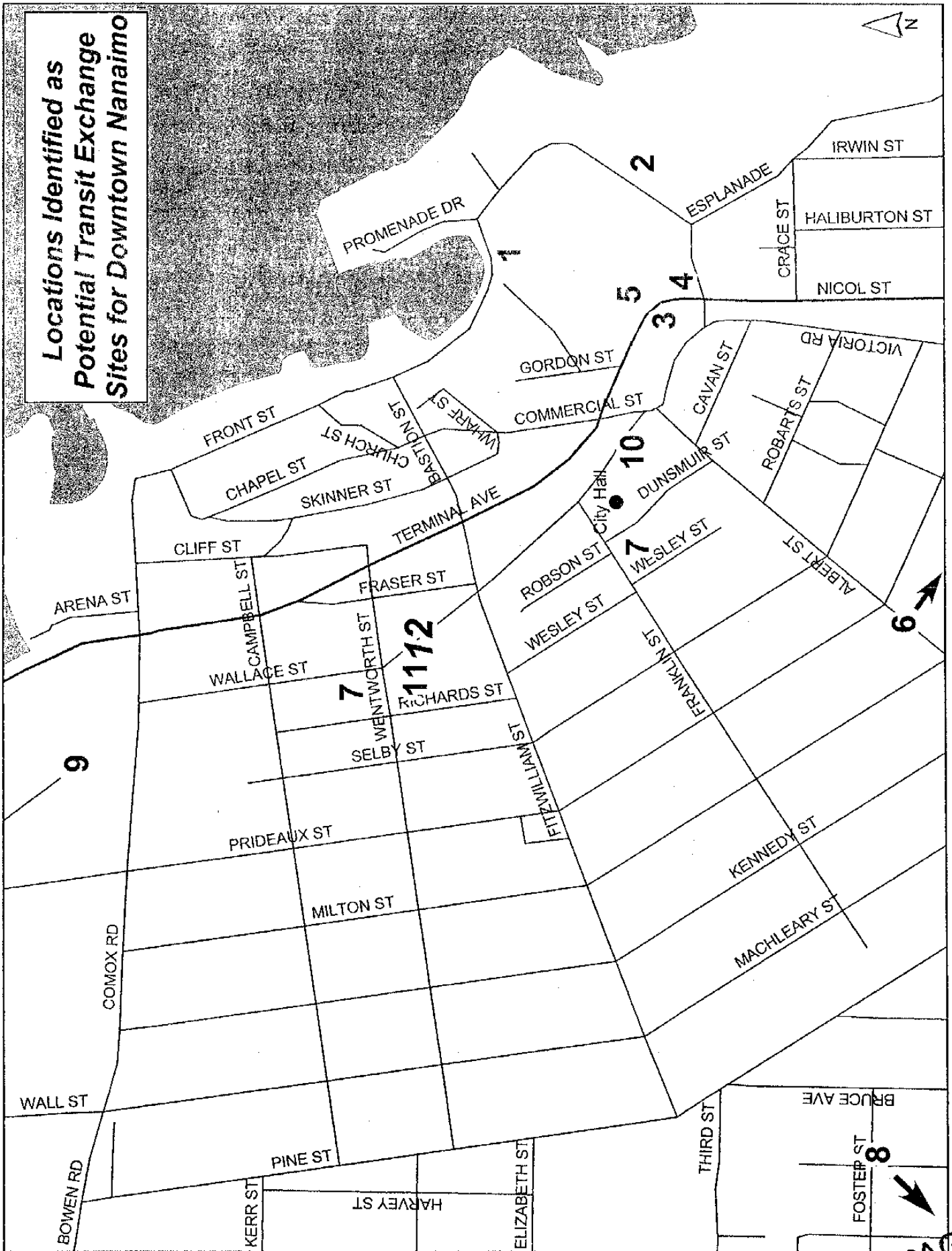
  
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General Manager Concurrence

  
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C.A.O. Concurrence

COMMENTS:

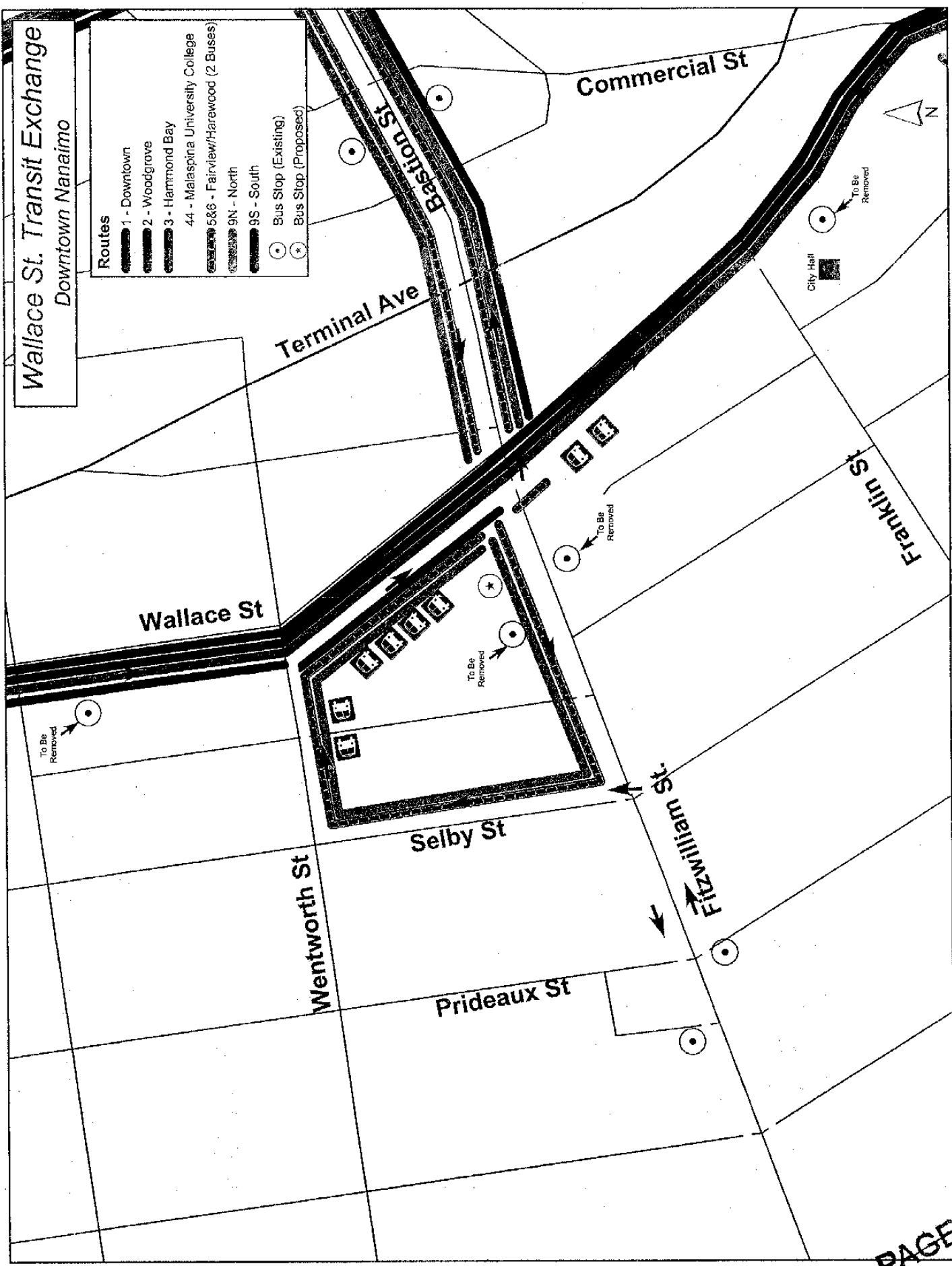
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**Locations Identified as Potential Transit Exchange Sites for Downtown Nanaimo**



**Wallace St. Transit Exchange**  
Downtown Nanaimo

- Routes**
- 1 - Downtown
  - 2 - Woodgrove
  - 3 - Hammond Bay
  - 44 - Malaspina University College
  - 5&6 - Fairview/Harewood (2 Busses)
  - 9N - North
  - 9S - South
- Bus Stop (Existing)  
 Bus Stop (Proposed)







# Wallace St. Transit Exchange Downtown Nanaimo

**Routes**

- 1 - Downtown
- 2 - Woodgrove
- 3 - Hammond Bay
- 44 - Malaspina University College
- 58&6 - Fairview/Harewood (2 Buses)
- 9N - North
- 9S - South

 Bus Stop (Existing)  
 Bus Stop (Proposed)

