



ADMINISTRATIVE REPORT

Report Date: April 6, 2016
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Meeting Date: May 3, 2016

TO: Vancouver City Council

FROM: General Manager of Engineering Services, in consultation with the Director of Legal Services

SUBJECT: Water By-law Amendments for 2016 Peak Season

RECOMMENDATION

- A. THAT Council approve amendments to the Water Shortage Response By-law #8912 to align with changes to the regional Water Shortage Response Plan recently adopted by the Greater Vancouver Water District.
- B. THAT Council approve amendments to the Waterworks By-law #4848 to clarify customer definitions, prevent water wastage and encourage compliance with water restrictions.
- C. THAT Council instruct the Director of Legal Services to bring forward for enactment amendments to the Waterworks By-law and the Water Shortage Response By-law, generally as set out in Appendices A and B.

REPORT SUMMARY

Ahead of a comprehensive update of the regional Water Shortage Response Plan (WSRP) by the Metro Vancouver for the spring of 2017, the Metro Vancouver Board has approved minor updates to the existing WSRP to provide clarification to support consistent interpretation for the 2016 peak season.

This report details the supporting By-law changes required to reflect these changes and recommends housekeeping changes to the Waterworks By-law #4848 for clauses protecting the water system and preventing water wastage.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

In June 2004, Council approved the Water Shortage Response By-law #8912 to provide the City with the ability to enforce restrictions during water shortages.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

The regional Water Shortage Response Plan (WSRP, GVRWD, 2003) was prepared as a tool to preserve regional storage capacity during the peak outdoor watering season and in the event of water shortages due to unforeseen emergency situations at any time of the year. The WSRP is implemented by each member municipality through individual municipal by-laws that allow for the enforcement of the restrictions. The WSRP is intended to manage discretionary uses of water in a manner which minimizes the impact on residents and does not impose unnecessary economic hardships on businesses.

Strategic Analysis

Metro Vancouver is currently undergoing an update of the regional Water Shortage Response Plan (WSRP) to incorporate lessons learned from the drought conditions experienced in 2015. Member municipalities, including Vancouver, are actively participating in the review and consultation program to produce an updated plan in time for the 2017 summer season. Consultation with interested parties such as representatives from various customer sectors of water use (industrial, commercial, institutional) and the general public will occur through to the end of this year.

As an interim measure, Metro Vancouver has approved minor updates for the 2016 season to provide clarification and to support consistent interpretation of the current Water Shortage Response Plan. The motivation for these amendments is to address feedback received by Metro Vancouver regarding the length of the peak season and equitability of the various stages of the current WSRP.

The updates for 2016 include:

- 1) Activating Stage 1 lawn sprinkling restrictions starting 15 days earlier and ending 15 days later to align better with actual water use patterns across the region. Stage 1 restrictions would be effective May 15 through to October 15,
- 2) Amending Stage 2 to allow water to be used by commercial cleaning services for aesthetic cleaning, and
- 3) Amending Stage 3 to allow previously issued lawn sprinkling exemption permits to remain valid.

Rationale for Interim 2016 changes

Extending Stage 1 Window

Based on historical monthly demands, outdoor water use increases in May and tails off in October. A mid-May start date corresponds with the start of growing season in Vancouver and which point many automated irrigation systems are programmed.

Starting Stage 1 restrictions 15 days earlier and extending 15 days later in the fall will help to encourage water efficient behaviours at a time when watering practices are being established for the season and will remain consistent to the end of the growing season, assuming that no further escalation beyond stage 1 is necessary.

Amending Stage 2 to allow for commercial pressure washing

Metro Vancouver has clarified the WSRP to allow commercial pressure washing for aesthetic cleaning services in Stage 2. During the 2015 drought conditions, the region and the City received feedback regarding economic hardships by pressure washing and window cleaning businesses. These specific business activities were prohibited from using water during Stage 2 of the Plan despite the fact that water use for other aesthetic water uses such as washing cars and boats was allowed. Allowing water to be used by commercial cleaning services for aesthetic cleaning in Stage 2, as an interim measure for 2016, would be consistent and equitable with other businesses allowed to operate at this stage.

Amending Stage 3 to allow sprinkling exemption permits

Metro Vancouver has amended Stage 3 restrictions to allow sprinkling exemption permits issued in Stage 2 to continue being valid in Stage 3 until the permit expires. The rationale provided was to prevent the public's loss of investment in new turf or nematode treatment for the purpose of reducing the spread of the European Chafer Beetle infestation. Water use can be constrained by each municipality by controlling permit parameters such as the permit duration, expiry, and allowable sprinkling times.

Metro Vancouver Process for Updating Water Shortage Response Plan

Metro Vancouver's timeline for the Update of the Water Shortage Response Plan is as follows:

- Technical review work - March 2016
- Drafting the new Plan - Summer 2016
- Consultation Program - September 2016
- Plan Presented to the GVWD Board - November
- Plan Implementation - Winter 2016/Spring 2017

City of Vancouver representatives participating in this process will be helping Metro Vancouver determine water use restrictions for each of the escalating Shortage Stages.

The water uses that will be restricted for each Shortage stage will consider the discretionary nature of the use, the overall water savings associated with a ban, as well as potential economic hardships on businesses.

The associated By-law updates are as generally set out in Appendix A.

By-law amendments support compliance with water restrictions

Several housekeeping amendments are required in the Waterworks By-law 4848 to clarify customer definitions to protect the water system from contamination, prevent water wastage and encourage compliance with water restrictions. The required amendments are as generally set out in Appendix B.

Implications/Related Issues/Risk (if applicable)

Legal

The amendments to the Water Shortage Response By-law #8912 and Waterworks By-law are contained in Appendix A and B, respectively.

CONCLUSION

This report identifies By-law changes to keep Vancouver aligned with Metro Vancouver's interim changes to the Water Shortage Response Plan for the 2016 season. Further, minor housekeeping amendments are recommended for the Waterworks By-law #4848.

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**A By-law to amend Water Shortage Response By-law No. 8912
regarding changes to the regional water shortage response plan**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Water Shortage Response By-law.

2. In section 2.6 , Council strikes out:

“ • hosing or pressure washing of outdoor surfaces is only allowable for health, safety or preparing a surface for painting, sealing, or similar treatment”

and substitutes:

“ •hosing or pressure washing of outdoor surfaces is only allowable for health, safety, to prepare a surface for painting, sealing, or similar treatment, or aesthetic cleaning by commercial cleaning services”

3. In sections 2.9, 2.10 and 2.11, Council strikes out “September 30” wherever it appears and substitutes “October 15”.

4. After section 2.12, Council adds:

“Power of entry

2.13 The city engineer and any person authorized to act on behalf of the city engineer is authorized to enter on to any land or premises at any reasonable time for the purpose of administering or enforcing this by-law and inspecting any water-pipe, meter, appliance or fixture upon such land or premises.

Obligation of the owner

2.14 An owner must allow the city engineer, or any person authorized to act on behalf of the city engineer, to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law.”

5. Council strikes all of section 4 and inserts in its place the following:

**"SECTION 4
PERMITS**

Application for permit to water new lawn

- 4.1 An owner or occupier of real property who has installed a new lawn, either by placing sod or turf or by seeding, or new landscaping on a substantial part of a parcel of land that includes improvements may apply to the city engineer for a permit authorizing that person to water the new lawn or new landscaping when stage 1 restrictions or stage 2 restrictions are in force and effect.

Application for permit to water lawn for nematode treatment

- 4.2 An owner or occupier of real property who has purchased a nematode lawn treatment for that real property may apply to the city engineer for a permit authorizing that person to water the lawn when stage 1 restrictions or stage 2 restrictions are in force and effect.

Form of application

- 4.3 Every application for a permit under 4.1 or 4.2 must be in the form prescribed by the city engineer.

Issuance of permit to water new lawn

- 4.4 If the city engineer is satisfied that an applicant qualifies under section 4.1, and if the applicant pays to the city a fee of \$35.31, the city engineer must issue a permit in the form prescribed by the city engineer.

Issuance of permit to water lawn for nematode treatment

- 4.5 If an applicant under section 4.2 supplies the city engineer with proof of purchase of a nematode lawn treatment, and the applicant pays to the city a fee of \$10.00, then the city engineer may issue a permit unless water supply issues support a refusal of the permit.

Conditions of permit

- 4.6 A permit holder may water a new lawn or new landscaping on the land described in the permit only at the times specified in the permit, and only while the permit has force and effect, and the city engineer is authorized to impose permit conditions related to safety, timing and volume of water used, as the city engineer deems appropriate.

Posting of permit

- 4.7 A permit holder must affix an exemption notice in the form prescribed by the city engineer to a post facing the street serving the land described in the permit, beside the principal driveway from the street to the land.

Extension of permit

- 4.8 Before or after expiry of a permit applied for under section 4.1, but in no case less than 14 days after the issuance of the permit, a person may apply for one extension of the permit on the same terms and conditions as may be imposed under section 4.6 for 42 days from the date of the issue of the permit.

Expiry of permit

- 4.9 A permit is to expire and have no further force or effect 21 days after the date of its issue or, if the city engineer has granted an extension under section 4.8, 42 days after the date of its issue.

Effect of stage 4 restrictions

- 4.10 A permit issued under section 4.1 or 4.2 does not exempt the permit holder from compliance with stage 4 restrictions."

6. In Section 5, Council:

(a) in section 5.3 (d):

- (i) at the end of subsection (d)(ii), strikes out "or"; and
- (ii) after subsection (d)(ii), adds:

"(iii) aesthetic cleaning by a commercial cleaning service; or"

(b) in section 5.4(b):

- (i) at the end of subsection (b)(vii), strikes out "or";
- (ii) at the end of subsection (c), strikes out "." and substitutes "; or"; and
- (iii) after subsection (c) adds:

"(d) a person who operates a commercial cleaning service and uses water for aesthetic cleaning purposes."

