

Subject: Comox Valley Water Conservation Bylaw Enforcement	
Branch: Engineering Services	
Department: Bylaw Enforcement and Water Services	Policy Reference: 340-50

Purpose:

To describe the Comox Valley Regional District’s (CVRD) general approach to enforcement of Bylaw No. 129 being “Comox Valley Water Conservation Bylaw 2010”, including how bylaw enforcement investigations are prioritized.

Scope:

This policy applies to the enforcement of Bylaw No. 129 being “Comox Valley Water Conservation Bylaw 2010” on behalf of the Comox Valley Water System.

Guiding Principles:

The Comox Valley Water Conservation Bylaw has been enacted by the CVRD, under the regulatory authority of the *Community Charter* and the *Local Government Act* in order to preserve the health and quality of life for citizens and ensure critical potable water services are maintained. The guiding principles include:

- Authorized by law
- Timely response to inquiries and complaints
- Confidentiality
- Impartial and procedurally fair
- Consistent
- In the public interest

Policy:

The primary goal in dealing with contraventions of Bylaw No. 129 being “Comox Valley Water Conservation Bylaw 2010” is to achieve voluntary compliance through communication and education. This enforcement philosophy seeks voluntary bylaw compliance with education being the first step. Ticketing is generally seen as a tool to be used only where cooperation and compliance cannot reasonably be achieved. However, the CVRD recognizes that enforcement based on education is not appropriate in all circumstances. More direct enforcement approaches, including immediate ticketing, may occur in situations such as:

- environmental or human health, safety or security is at risk;
- enforcement follows a widespread public education campaign;
- the Comox Valley Water Committee or Comox Valley Regional District Board has prioritized direct enforcement to address a specific issue or type of issue;
- where there has been a history of repeated offences regarding the same or similar violations;
- where the offender knows or reasonably ought to know his or her conduct contravenes the CVRD’s water conservation bylaw.

The Comox Valley Regional District recognizes that with limited resources it is not possible to proactively monitor all areas of the community and pursue full compliance in every case.

Cross Jurisdictional Issues

The restrictions and regulations provided in Bylaw No. 129 are applicable to all Comox Valley Water System users which includes the Corporation of the City of Courtenay, the Town of Comox and Electoral Areas A (Baynes Sound – Denman/Hornby Islands), B (Lazo North) and C (Puntledge – Black Creek).

Bylaw compliance officers, as appointed or contracted by the Board or a Council of the municipality, have 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.

General Procedures- Complaints

All bylaw enforcement complaints, with the exception of those that identify high priority contraventions, must be submitted in writing before they will be considered for investigation. All complaints must include complete contact information for the complainant (name, address and telephone number). It is also noted that bylaw compliance officers and/or contractors also undertake patrols of neighborhoods and businesses to ensure compliance with applicable regulations.

The Comox Valley Regional District will generally not respond to anonymous complaints. All complaints are documented and managed in accordance with the CVRD's Records Classification and Retention Schedule. Information regarding the complainant is kept confidential and is generally protected under the *Freedom of Information and Protection of Privacy Act*. Situations in which complainant information or offender enforcement history may be disclosed include:

- if required by Court Order, warrant or other similar judicial or quasi-judicial process;
- if required as part of the disclosure process in the event of a prosecution or civil proceedings; and
- if the person to whom the personal information pertains consents to the disclosure.

Enforcement Priorities – Stage 1-3 Water Restrictions

During Water Restriction Stages 1 through 3, investigation and enforcement efforts are typically proactive and initiated by bylaw compliance officers and/or contractors, whose focus is on patrolling neighborhoods and businesses to provide education on water conservation and ensure compliance with applicable regulations. Violations of the bylaw and responses to complaints are generally prioritized as follows:

High Priority

Multiple medium priority violations or a bylaw violation likely to result in considerable water use and/or cause health and/or safety issues and/or negatively impact the community or the environment.

Medium Priority

A bylaw violation with the potential to result in considerable water use and/or cause health and/or safety issues and/or negatively impact the community or the environment.

Low Priority

A bylaw violation that is unlikely to result in considerable water use and/or cause health or safety issues or negatively impact the community or the environment.

Enforcement Priorities – Stage 4 Water Restrictions

During Stage 4 Water Restrictions enforcement efforts are proactive to ensure an adequate supply of drinking water for human consumption, hygiene, use in firefighting and other essential needs. Violations will be investigated and enforced as soon as possible given the availability of staff and/or contractors and the urgent need for conservation of water. Prior warnings or education may not be appropriate or practical. Enforcement efforts are generally prioritized as follows:

High Priority

- Non-residential commercial users that are determined, by a review of water consumption data over the most recent 12 month period, to have used above 1,500 cubic metres annually.
- Violations likely to cause health and/or safety issues and/or negatively impact the community or the environment.

Medium Priority

- Non-residential commercial users that are determined, by review of water consumption data over the most recent 12 month period, to have used between 750 and 1,500 cubic metres annually.
- Violations with the potential to cause health and/or safety issues and/or negatively impact the community or the environment.

Low Priority

- Non-residential commercial users that are determined, by review of water consumption data over the most recent 12 month period, to have used below 750 cubic metres.
- Violations respecting residential water use.
- Violations unlikely to cause health and/or safety issues and/or negatively impact the community or the environment.

Approval History

Policy adopted:	July 14, 2020
Policy amended:	If necessary