



THE CORPORATION OF THE CITY OF FERNIE

Regular Meeting held at

6:30 pm on July 9, 2024

Fernie Senior Citizens Drop-In Centre, 562 3 Avenue, Fernie, BC

Webinar ID: 850 1679 0612

<https://us02web.zoom.us/j/85016790612>

AGENDA

Page

1. **Land Acknowledgement**

We acknowledge that the City of Fernie is located within Qukin?amak?is, the unceded traditional territory of Yaqit ?a-knuq?i't. We recognize that we live and work within their vast lands.

?akanuxunik are from Yaqit ?a-knuq?i't and are members of the Ktunaxa speaking peoples of British Columbia, Idaho and Montana.

2. **Call to Order**

3. **Approval of Agenda and Late Items**

(subject to section 3.3.3.)

4. **Adoption of Minutes of previous meeting(s) of Council**

5 - 9

4.1. Minutes of the Regular Meeting held June 25, 2024.

STAFF RECOMMENDATION:

THAT the minutes of the June 25, 2024 Regular Council Meeting be adopted.

[2024-06-25 Regular Meeting Minutes](#)

5. **Public Participation Period**

Presiding Member to invite the public in attendance or participating electronically who wish to comment on items listed on the meeting agenda in accordance with section 3.7.3 of the Procedure Bylaw to address Council except:

- *Speakers must not address Council regarding a matter for which a*

public hearing must be held or has been held pursuant to the Local Government Act, prior to Council's consideration of the matter or adoption of the bylaw

- *Speakers must not address Council regarding a permit for which public notice must be given or has been given pursuant to the Local Government Act, prior to Council's consideration of issuance of the permit.*
- *A speaker may only address Council for a maximum of 3 minutes.*

6. Committee of the Whole

10 - 14

- 6.1. Request for Letter of Support and Funding for the Rural Community Immigration Pilot - Fernie Chamber of Commerce
[Delegation Application - Fernie Chamber of Commerce](#)
[Request for Letter of Support and Funding - Fernie Chamber of Commerce](#)
[Draft Letter of Support - As provided by Fernie Chamber of Commerce](#)

7. Items Arising from Committee of the Whole

8. Consideration of bylaws and issuance of permits arising from public hearings or public notice periods

9. Petitions, Delegations, and Other Presentations

10. Bylaws

15 - 110

- 10.1. Water Works Bylaw No. 2485, 2023 and Water Conservation and Regulation Bylaw No. 2518, 2024. Report from the Director of Corporate Administration Services.

STAFF RECOMMENDATION:

THAT Council rescind third reading of Water Works Bylaw No. 2485, 2023.

STAFF RECOMMENDATION:

THAT Water Works Bylaw No. 2485, 2023, as amended, be given third reading.

STAFF RECOMMENDATION:

THAT Council rescind third reading of Water Conservation and Regulation Bylaw No. 2518, 2024.

STAFF RECOMMENDATION:

THAT Water Conservation and Regulation Bylaw No. 2518, 2024, as amended, be given third reading.

[2024-07-09 RFD Water Works and Water Conservation Bylaws](#)

[Water Works Bylaw No. 2485, 2023 Track Changes](#)

[Water Conservation and Regulation Bylaw No. 2518, 2024 Track Changes](#)

[Water Works Bylaw No. 2485, 2023](#)

[Water Conservation and Regulation Bylaw No. 2518, 2024](#)

[Municipal Ticket Information Bylaw No. 2041, Amendment Bylaw No. 2519, 2024](#)

[Water Connection and User Charge Bylaw No. 1594, Amendment Bylaw No. 2520, 2024](#)

[2024-06-11 RFD Water Works and Water Conservation Bylaws](#)

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- 10.2. Official Community Plan Bylaw No. 2231, Amendment Bylaw No. 2521, 2024 and Zoning Bylaw No. 1750, Amendment Bylaw No. 2522, 2024. Report from the Manager of Planning.

STAFF RECOMMENDATION:

THAT Official Community Plan Bylaw No. 2231, Amendment Bylaw No. 2521, 2024 be given third reading.

STAFF RECOMMENDATION:

THAT Zoning Bylaw No. 1750, Amendment Bylaw No. 2522, 2024 be given third reading.

[2024-07-09 RFD Old Firehall OCP and Zoning Amendment](#)

[Bylaw No. 2521](#)

[Bylaw No. 2522](#)

[Council Package, Dated June 11, 2024](#)

11. Business

127 - 130

- 11.1. Bossio Road and Oliverio Place Subdivision - Letter of Credit Indemnity. Report from the Acting Manager of Engineering.

STAFF RECOMMENDATION:

THAT Council direct the Corporate Officer to provide a Letter of Indemnity for the Bossio Road and Oliverio Place subdivision.

[2024-07-09 RFD - Bossio Road and Oliverio Place Subdivision - Letter of Credit Indemnity](#)

[Letter of Indemnity Bossio Rd. Oliverio Pl. Subdivision](#)

12. Notice of Motion

13. Other Business

14. Correspondence

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- 14.1. Annual General Meeting - Municipal Insurance Association of British Columbia

[AGM - Municipal Insurance Association of BC](#)

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- 14.2. Pincher Creek Parade - Pincher Creek Chamber of Commerce
[Pincher Creek Parade - Pincher Creek Chamber of Commerce](#)

15. Reports from Council Members

16. In Camera

- 16.1. Resolution to Close

STAFF RECOMMENDATION:

THAT the meeting be closed to the public pursuant to Section 90(1)(c) and 90(1)(e) of the Community Charter, as the subject matter being considered at this time relates to:

- *labour relations or other employee relations*
- *the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality*

17. Adjournment

Council Strategic Objectives:

[Council Strategic Plan](#)

THE CORPORATION OF THE CITY OF FERNIE

Minutes of a Regular Meeting held at 6:30 PM on June 25, 2024 in the Fernie Senior Citizens Drop-In Centre, 562 3 Avenue, Fernie, BC.

Elected Officials

Mayor N. Milligan
Councillor K. Hamilton
Councillor T. Audia Kelly
Councillor T. Nixon
Councillor H. Ramadass
Councillor T. Shoesmith

Council Appointment

Youth Councillor Annis

Appointed Staff

A. Baird, Acting Manager of Engineering
M. Boronowski, Chief Administrative Officer
B. Burditt, Director of Financial Services
M. Daniel, Corporate Officer
D. Haeusler, Director of Engineering & Public Works
J. McConnell, Director of Corporate Services
B. Morgan, Director of Fire & Emergency Services
L. Rhodes, Manager of Communications

LAND ACKNOWLEDGEMENT

CALL TO ORDER

Mayor Milligan called the meeting to order at 6:31 pm.

APPROVAL OF AGENDA AND LATE ITEMS

RC-24-96 Moved
Seconded

THAT the agenda be amended to remove Items 10.2, 10.3, 10.4 and 10.5; and

THAT the agenda be adopted as amended.

CARRIED

ADOPTION OF MINUTES OF PREVIOUS MEETING(S) OF COUNCIL

RC-24-4.1

Minutes of the Regular Meeting held June 11, 2024.

RC-24-97 Moved
Seconded

THAT the minutes of the June 11, 2024 Regular Council Meeting be adopted.

CARRIED

Minutes of a Regular Meeting held June 25, 2024

BYLAWS

RC-24-10.1

Adoption of Subdivision and Development Servicing Bylaw No. 2514, 2024.

RC-24-98

Moved

Seconded

THAT Subdivision and Development Servicing Bylaw No. 2514, 2024, be adopted.

CARRIED

BUSINESS

RC-24-11.1

2023 Statement of Financial Information. Report from the Director of Finance.

The Director of Finance presented the 2023 Statement of Financial Information and answered Council inquiries.

RC-24-99

Moved

Seconded

THAT the 2023 Statement of Financial Information be approved for filing with the Ministry of Municipal Affairs and Housing; and

THAT the Mayor and Director of Finance be authorized to execute all documents related to the 2023 Statement of Financial Information report.

CARRIED

RC-24-11.2

2023 Annual Municipal Report and Annual General Meeting to receive submissions and questions from the public. Report from the Chief Administrative Officer.

The Chief Administrative Officer presented the 2023 Annual Municipal Report and answered Council inquiries.

Mayor Milligan opened the floor to receive submissions and questions from the public.

RC-24-100

Moved

Seconded

THAT Council approve the 2023 Annual Municipal Report.

CARRIED

Minutes of a Regular Meeting held June 25, 2024

RC-24-11.3

City of Fernie Investment Policy. Report from the Director of Finance. The Director of Finance presented the proposed City of Fernie Investment Policy and answered Council inquiries.

RC-24-101 Moved
Seconded

THAT City of Fernie Investment Policy CP-2024-001 be amended in Section 12.0 to read "benchmark rates of return shall be the Municipal Finance Association's Indicative Lending Rate, for that calendar year; and

THAT Council approve the City of Fernie Investment Policy CP-2024-001, as amended.

CARRIED

RC-24-102 Moved
Seconded

THAT Council direct staff to implement an annual review process of policy CP-2024-001.

CARRIED

OTHER BUSINESS

RC-24-13.1

Councillor Shoesmith - Notice of Motion
Canada Day

Be it resolved that the City of Fernie officially resume calling July first Canada Day and resume observing all the rituals that identify, celebrate, and respect the symbols of confederation. Understanding that being inclusive, diverse and unified is an intrinsic property of our nation, and that we aren't here to reinvent what it means to be Canadian, but to unify and commemorate the nation that we are and have been.

Councillor Shoesmith spoke to the proposed resolution and Council discussed the motion proposed.

RC-24-103 Moved
Seconded

THAT this Item be brought back to a future meeting for further discussion.

CARRIED

0

RC-24-13.2

Councillor Ramadass - Notice of Motion
Fire Hall

Be it resolved that the total capital outlay for the proposed firehall be no more than \$12 million. Recognizing that there has been progress with pre work; be it also resolved that the staff revert to the first principles of having a utilitarian firehall that fits the needs of the City while keeping the protective services personnel safe and operational. If this means reducing scope, size, and amenities to fit the above budget, that the council direct the staff to plan for the same. Recognition also be given that a future satellite firehall maybe built to increase capacity of the city's fire services.

Councillor Ramadass spoke to the proposed resolution and Council discussed the motion proposed.

The Chief Administrative Officer, Director of Engineering and Public Works and Director of Fire and Emergency Services answered Council inquiries regarding the Fire Hall project.

RC-24-104 Moved
Seconded

Be it resolved that the total capital outlay for the proposed firehall be no more than \$12 million. Recognizing that there has been progress with pre work; be it also resolved that the staff revert to the first principles of having a utilitarian firehall that fits the needs of the City while keeping the protective services personnel safe and operational. If this means reducing scope, size, and amenities to fit the above budget, that the council direct the staff to plan for the same. Recognition also be given that a future satellite firehall maybe built to increase capacity of the city's fire services.

DEFEATED

Opposed: Councillor Hamilton, Councillor Nixon, Mayor Milligan

CORRESPONDENCE

RC-24-14.1

Request for Support - Community Futures East Kootenay

RC-24-105 Moved
Seconded

THAT Council provide a letter of support for the Community Futures East Kootenays Grant Application.

CARRIED

Minutes of a Regular Meeting held June 25, 2024

ADJOURNMENT

Mayor Milligan adjourned the meeting at 8:32 pm.

Nic Milligan, Mayor

Meredith Daniel, Corporate
Officer

I hereby certify the foregoing to be the correct
Minutes of a Regular Meeting
held June 25, 2024



City of Fernie – Delegation Application

APPLICANT NAME & CONTACT INFORMATION			
Name: Wendy McDougall			
Address: 102 Commerce Road			
Phone: 250-423-6868		Email: wendy@ferniechamber.com	
Name of Presenter(s): Wendy McDougall			
ORGANIZATION INFORMATION (IF APPLICABLE)			
Name: Fernie Chamber of Commerce			
Phone: "		Email: "	
MEETING INFORMATION			
☒ Request for Funding	☒ Request for Letter of Support	☐ Information Only	☐ Other
Preferred Appearance Date: July 9, 2024			
Give a brief description of the purpose of your presentation including any specific requests for Council: (Provide additional attachment if necessary)			
Request for funding for the Rural Community Immigration Pilot Program (RCIP)			
Audio/Visual Presentation: ☐ YES ☐ NO			
All presentation materials must be received in PDF or PowerPoint format by cityhall@fernie.ca by 12 pm on the Wednesday preceding the presentation. No digital presentations will be accepted at the meeting			
Applicant Signature: [Signature]		Date: June 27, 2024	

Completed forms should be emailed to cityhall@fernie.ca or dropped off at City Hall, 501 3rd Avenue.

PLEASE NOTE: Council and Committee of the Whole meetings are public meetings. Personal information contained on this form is collected under the Local Government Act and in accordance with the Freedom of Information and Protection of Privacy Act, and will be used only for the purpose of processing the application. The applicant, in the process of submitting or authorizing this application, hereby recognizes and accepts that **parts of this material will become available to the public as part of the application, review and approval process, as well as be included in the public agenda package.**

June XX, 2024

Dear Mayor and Council,

Subject: Request for Support and Funding for the Rural Community Immigration Pilot (RCIP)

Contingent on receiving the required level of funding and your support, The Fernie Chamber of Commerce is submitting a joint application for the 5-Year Rural Community Immigration Pilot (RCIP). This program is offered by Immigration, Refugees and Citizenship Canada (IRCC) and aims to address the unique labor market demands of rural and small communities across Canada by offering an **accelerated pathway to permanent residency**. RCIP is an opportunity to help local businesses find the workers they need and keep individuals who are already in the community.

Only 15 communities across Canada will be selected for this pilot. Therefore, seven communities in the East Kootenays have united to submit a joint application, supporting each other in our shared goal of addressing workforce shortages. To enhance our chances of success, we are applying regionally with: Cranbrook, Creston, Kimberley, Golden, Columbia Valley (including Invermere, Radium, Canal Flats), and Revelstoke. These communities are committed and actively gathering the necessary letters of support and proof of funding for the application due on **July 16th**.

While this is a promising opportunity for our region, the Federal Government has provided no funding to deliver this pilot project and due to the short timeline, there is no opportunity to apply for grant funding. We are requesting your support of this vital program and to contribute financially. **We are looking for \$30,000 per year for a five-year term from each of the participating communities.** These funds will support the required staffing and associated costs. These staff will assist employers in understanding how to access & navigate the program, and make sure the necessary supports are in place with partners as applicants are successful in the process. Some of the participating East Kootenay communities have already received confirmation of funding from their municipalities, while all are requesting and anticipating receiving funding.

The Fernie Chamber of Commerce sees this as a huge opportunity for our business community and is committed to supporting it financially. We are also seeking funding from larger organizations that support the overall business community, as well as individual businesses. However, it is proving very difficult to get individual businesses to commit financially because it does not guarantee recommendations for their staff directly. Therefore, it is preferential to access local government and large organization funding.

Local businesses in tourism, hospitality, food & beverage, and cleaning have shared that while they use programs like LMIA and BC PNP, these are often lengthy, costly, and uncertain. The RCIP would provide a more efficient and cost-effective pathway to bring and retain workers in our community long-term, accelerating them immediately to Permanent Residence.

We have heard loud and clear that many of the seasonal workforce in the community would like to stay long term, but many cannot see a pathway to permanent residence, and ultimately Citizenship. This results in increased staff turnover, and costs to businesses of re-hiring and training a higher number of staff than necessary.

Moreover, facilitating the integration of newcomers into Fernie aligns with our values of **inclusivity and diversity** and your strategic priority of fostering a Liveable Community, and values of Kindness, Forward Thinking, Resilience, and Leadership. It enriches our culture, fosters social cohesion, and strengthens community resilience. By welcoming individuals and families who are committed to making Fernie their home, we ensure that our community remains vibrant and dynamic for generations to come.

From an **economic development** perspective, the benefits of supporting this immigration pilot program are multifold. It will bolster local businesses, attract investment, and enhance our reputation as an attractive destination for talent both nationally and internationally. Furthermore, it aligns with broader regional development goals by contributing to a balanced and sustainable economic growth trajectory. In the most recent Elk Valley Business Retention & Expansion Report, 49% of businesses indicated employee recruitment had been a problem, and 29% of businesses said employee retention had been an issue. 33% of businesses who experienced retention issues cited the transient population as an underlying issue, only ranking behind cost of living & housing. Of the 59% of businesses who intended to expand, a lack of skilled staff was cited as the number one barrier at 40% of those businesses.

Background

RCIP is built on the success of the Rural Northern Immigration Pilot (RNIP) that has been running for the past four years in 11 communities, including a number of West Kootenay communities. It is coming to an end in August 2024, with the introduction of this new pilot program, but we can learn from the positive impact this program has made on employers in the West Kootenay communities.

The benefits observed from the West Kootenays' participation in a similar pilot program are compelling:

- 650 jobs were filled over 4 years, with 31% in Food & Beverage, 12% in Healthcare, and 9% in Retail.
- 1,196 individuals received community recommendations for permanent residency (650 skilled workers and 546 spouses/dependents).
- 256 unique employers utilized the pilot.
- 90% of participants still live in the region after receiving permanent residency.
- 57% of applicants were Selkirk College graduates.
- Only 9% of applicants were located overseas, underscoring that this program helps retain local residents.

This is a unique opportunity to directly support local businesses through workforce and staffing and build a stronger community together. The Chamber of Commerce is strongly in favour of applying for this pilot project as it ties directly to supporting workforce which is a strategic priority and important aspect of a resort municipality.

If we do not secure funding for the application, we will not be considered for the program and will be excluded for the next 5 years, while neighboring communities may benefit if their application is successful without us. It is conceivable that seasonal workers will choose to go to those communities (Kimberley, Golden, Revelstoke etc) if a clear pathway to Permanent Residence exists. There are many examples of people who selected the West Kootenays because of the previous pilot program.

We kindly request the City of Fernie to consider the following options:

1. Provide funding and support for the RCIP (most ideal)
2. Offer a letter of support for the RCIP (minimum requirement for the application)

Please do not hesitate to reach out to myself or our Chair, Antony McElwee, if you have any questions or require further information. Antony's cell number is 403 689 7245 or email is antony.mcelwee@hays.com

Thank you for your consideration.

Yours sincerely,

Wendy McDougall, Executive Director
Fernie Chamber of Commerce
Wendy@ferniecechamber.com

July XX, 2024

Wendy McDougall Executive Director
Fernie Chamber of Commerce
102 Commerce Road
Fernie, BC
V0B 1M5

Subject: Letter of Support for the East Kootenay Immigration Pilot Program Application

On behalf of the City of Fernie Mayor and Council, I am writing to express our strong support for the East Kootenay Immigration Pilot Program. This initiative, led by Immigration, Refugees and Citizenship Canada's (IRCC) is aimed at assisting newcomers in finding employment opportunities and applying for permanent residence in the East Kootenay region. This initiative holds immense promise for our communities by addressing crucial labor market needs while fostering long-term integration and economic growth.

Our community has experienced firsthand the challenges of meeting local labor market demands, especially in sectors critical to our economic growth and sustainability. The East Kootenay Immigration Pilot Program is specifically designed to address these challenges by attracting and retaining skilled workers who can contribute to our vibrant community. By extending the benefits of economic immigration to communities outside of large metropolitan centers, this program tailored to our specific needs is a timely and essential step towards overcoming these challenges and supports the economic and social growth of rural areas like Fernie.

OPTIONAL: To demonstrate our commitment, the City of Fernie pledges a financial contribution up to \$[XX,XXX] to support the implementation and coordination of the East Kootenay Pilot Program.

Thank you for your attention to this important matter. Please do not hesitate to contact us for further information or to discuss this letter of support in more detail.

Yours sincerely,

Nic Milligan

Mayor

REQUEST FOR DECISION (RFD)

Date: July 9, 2024
To: Mayor Milligan and Members of Council
From: Jeff McConnell, Director of Corporate Administration Services
Subject: Water Works and Water Conservation Bylaws

RECOMMENDATION

THAT Council rescind third reading of *Water Works Bylaw No. 2485, 2023*.

AND

THAT Council approve the amendments to *Water Works Bylaw No. 2485, 2023* as shown in the Bylaw as attached to this agenda.

AND

THAT *Water Works Bylaw No. 2485, 2023* be given third reading as amended.

AND

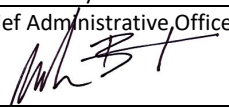
THAT Council rescind third reading of *Water Conservation and Regulation Bylaw No. 2518, 2024*.

AND

THAT Council approve the amendments to *Water Conservation and Regulation Bylaw No. 2518, 2024* as shown in the Bylaw as attached to this agenda.

AND

THAT *Water Conservation and Regulation Bylaw No. 2518, 2024*, be given third reading as amended.

Reviewed by:			
Chief Administrative Officer 	Corporate Officer	Director of Finance	Other:

PURPOSE

This report is provided to Council to indicate the changes that are being sought to the *Water Works Bylaw No. 2485, 2023* and *Water Conservation Bylaw No. 2518, 2024* which were provided 1st, 2nd and 3rd Readings at a Regular Meeting of Council.

BACKGROUND

At the June 11, 2024, Regular Meeting of Council, the Director of Engineering and Public Works presented a suite of Bylaws including:

1. *Water Works Bylaw No. 2485, 2023*
2. *Water Conservation and Regulation Bylaw No. 2518, 2024*
3. *Municipal Ticket Information Bylaw No. 2041, Amendment Bylaw. No. 2519, 2024*
4. *Water Connection and User Charge Bylaw No. 1594, Amendment Bylaw No. 2520, 2024*

After the meeting the Corporate Administration Services team identified that some of the recommended edits to *Water Works Bylaw No. 2485, 2023* and *Water Conservation Bylaw No. 2518, 2024* were not incorporated into the copies that were presented to Council and provided three readings.

In the *Water Works Bylaw No. 2485, 2023* the amendments are primarily either clerical or for clarification. They include:

- Properly naming the “*Water Connection and User Charge Bylaw*” throughout the document.
- Properly naming the “*Subdivision & Development Servicing Bylaw*” throughout the document.
- Properly naming the “*Building Bylaw*”.
- Properly naming the “*Municipal Ticket Information Bylaw*”
- Properly naming Provincial Legislation.
- Changing “CAO” to “Chief Administrative Officer” in the definition of “Director”.
- Clarifying the language in Section 1.6 re “Service of Notice”.
- Changing “property owner” to “owner of the Premises” in Section 1.7 for consistency.
- Identifying the applicable Bylaws related to section 2.6.2 to include the *Water Connection and User Charge Bylaw* and *Subdivision & Development Servicing Bylaw*.
- Changing “once through” to “non-recirculating” in section 3.8 for consistency.
- Correcting numbering in Section 3.
- Correcting numbering in Section 5. Strengthening the language in Section 5.1.3 confirming the Customer is responsible if they depend on a certain quantity or standard of water for their needs.
- Adding clarifying language in Section 5.5.
- Clarifying the language in Section 5.10 (c) regarding operation of Bleeder Valves.
- Renumbering of Part 7 to Part 6.

In the *Water Conservation Bylaw No. 2518, 2024* the amendments include:

- Amending the wording in Section 8.1 removing reference to Section 8.3.
- Inserting the word “only” in Sections 8.1 (a), 9.3 (a) and 10.3 (a) to strengthen enforceability of the bylaw sections.
- Clarified the language regarding permitted days, time and lengths of time one can water in Sections 8. (a) and (b), 9.3 (a) and (b), and 10.3 (a).
- Added “general car washing” to exemptions under 8.2 (e).
- Removed the “washing of vehicles” section from 9.3 (a) and created its own section in 9.4 (e).
- Changed Sections 10.2 and 11.2 to be consistent with Section 9.2 to read Stage Regulations “may” be implemented not “shall” be implemented when the conditions arise.
- Renumbered the sections in Part IX Section 11.
- Amended Section 11.5 to be clear the exemption in that section applies to Stage 4 Regulations.
- Removed Schedule B regarding the “Notice Requirements”. The Bylaw indicates in Section 5.2 that the Notice shall substantially contain the information set out in the Bylaw. The Schedule is not required to meet that standard.
- Removed the “Permit” form from the Bylaw.

INTERNAL CIRCULATION

The Report has been reviewed by the Chief Administrative Officer and the Director of Engineering and Public Works.

LEGAL/STATUTORY AUTHORITY

The Community Charter grants the city the authority to provide services for community benefit, provide stewardship of public assets and foster economic, social and environmental well-being of its community.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS

Council may, by resolution, rescind Third Reading, approve the amendments and provide Third Reading to the amended Bylaws.

COMPLIANCE WITH CORPORATE STRATEGIES & POLICIES

NA

FINANCIAL/BUDGETARY CONSIDERATIONS

NA

PERSONNEL IMPLICATIONS

NA

COMMUNICATION CONSIDERATIONS

The communications plan referenced in the Director of Engineering and Public Works report to Council on June 11, 2024, will be implemented upon adoption of the Bylaws.

OPTIONS

Council may:

- 1) Rescind Third Reading of the Bylaws, approve the amendments by resolution, and provide Third Reading to the amended Bylaws.
- 2) Direct Staff otherwise.

Staff is recommending Option 1.

CONCLUSION

If Council rescinds Third Reading, approves the amendments, and moves Third Reading of the Bylaw, then all four Bylaws will be brought back for adoption at the earliest possible date.

Respectfully submitted,

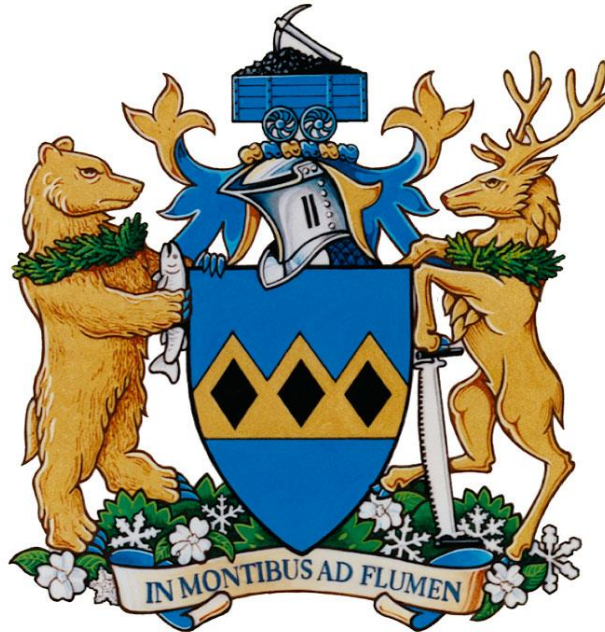


Jeff McConnell, Director of Corporate Services

Attachments:

1. Water Works Bylaw No. 2485, 2023 Track Changes
2. Water Conservation and Regulation Bylaw No. 2518, 2024 Track Changes
3. Water Works Bylaw No. 2485, 2023
4. Water Conservation and Regulation Bylaw No. 2518, 2024
5. Municipal Ticket Information Bylaw No. 2041, Amendment Bylaw No. 2519, 2024
6. Water Connection and User Charge Bylaw No. 1594, Amendment Bylaw No. 2520, 2024
7. 2024-06-11 RFD Water Works and Water Conservation Bylaws

**THE CORPORATION OF THE CITY OF FERNIE
BRITISH COLUMBIA**



**WATER WORKS BYLAW
NO. 2485, 2023**

This Bylaw is enacted under
the authority of
The Corporation of The City of Fernie

WATER WORKS BYLAW NO. 2485, 2023

A Bylaw to ensure the safety, security, charges and conditions for the supply of water by the City of Fernie.

WHEREAS the Municipal Council of the Corporation of the City of Fernie has the authority to regulate, the municipal water system, including the conservation of water supplied by the municipal water system in relation to buildings pursuant to the *Community Charter*.

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie, in open meeting assembled, enacts as follows:

PART 1 INTERPRETATION AND ADMINISTRATION

1.1 This Bylaw may be cited for all purposes as the “Water Works Bylaw No. 2485, 2023.”

Interpretation

1.2 In this Bylaw:

“AT COST” means all associated costs related to the completion of the task incurred by the municipality;

“AUTOMATIC SHUT-OFF DEVICE” means a device attached to a water hose that shuts off the supply of water automatically unless hand pressure is applied to operate the device;

“BACKFLOW” means a flow of water or other liquid, gas or solid from any source in a backward or reverse direction into the water system, caused either by back pressure or back siphonage;

“BACKFLOW PREVENTER” means an assembly, device or method used to prevent backflow from entering the water system;

“BACKFLOW PREVENTION ASSEMBLY” means a backflow preventer assembled as a unit that includes shutoff valves and test cock(s);

“BLEEDER VALVE” means a device that maintains a small flow of water into a property to maintain water flow and reduce the risk of the water line freezing.

“BYLAW OFFICER” means any employee appointed as a Bylaw Officer of the City;

"BUILDING SITE" means Premises containing:

- (a) a building under construction and not previously occupied, or
- (b) an existing building being renovated where the estimated value of the construction is more than the greater of \$95,000 or 100% of the building's latest assessed value according to the records of the British Columbia Assessment Authority;

“CERTIFIED BACKFLOW ASSEMBLY TESTER” means a person who holds current certification by the BC Water and Waste Association (BCWWA) as a Certified Backflow Assembly Tester;

“CITY” means The Corporation of The City of Fernie;

"COLLECTOR" means the Director of Finance of the City or their delegate;

"COMBINED SERVICE" or "COMBINED SERVICE PIPE" respectively means the service or the Service Pipe that is intended to supply water for fire protection combined with normal use;

“CROSS CONNECTION” means any actual or potential connection between a water system and any drain, piping, device, fixture, fitting, container, or appliance which may allow non-potable water, used water, wastewater or any solids, chemical, liquid, gas or other substance to enter the water system;

"CURB STOP" means the City-owned valve on a Service Pipe located on a City street or lane or within an easement at or near the Customer's property line, or easement line;

"CUSTOMER" means the owner of real property or an agent acting on behalf of the owner.

“DIRECTOR” means the employee appointed by the CAO Chief Administrative Officer for the City as the Director responsible for Public Works and/or Engineering or their delegate;

"DUAL SERVICE" means a Service Pipe which branches on private property to provide two service connections, one of which is a metered line and the other of which is a fire line;

"DWELLING UNIT" means one or more rooms constituting a unit of living accommodation used or intended to be used for living and sleeping purposes;

"EMERGENCY ONCE THROUGH COOLING EQUIPMENT" means once through cooling equipment that is not normally operated and is only activated in accordance with this bylaw and with the permission of the Engineer, in the event of a sudden, unforeseen failure of an otherwise properly designed, operated and maintained primary cooling system;

"ENGINEER" means the City Engineer or their delegate;

"FIRE LINE" means a pipe that is intended for the purpose of providing a stand-by supply of water for fire protection purposes;

"FIRE SERVICE PIPE" means that portion of a fire line that is a Service Pipe;

"FIXTURE ISOLATION" means a method of preventing backflow from a fixture or appliance into the water system by installing a backflow preventer in compliance with this Bylaw;

"FOREIGN SUBSTANCE" means any substance other than municipal water;

"HIGH HEALTH HAZARD" means that the potential backflow from a particular fixture or Premises is capable of causing contamination to the water system that could result in illness or death;

"INSPECTORS" means those persons designated by the City to carry out the necessary inspections for the enforcement of this Bylaw;

"INTERCONNECTED SERVICE PIPE" means two City water services connected on private property, one of which is deemed to be a fire line;

"LANEWAY HOUSE" means a detached one-family dwelling constructed in the rear yard of a Parcel on which is situated another one-family dwelling or one-family dwelling with secondary suite;

"LOW HEALTH HAZARD" means that the potential backflow from a particular fixture or Premises is capable of causing pollution in the water system that could result in discoloration or an unusual smell or taste, but is unlikely to cause illness or death;

"MAINTENANCE ONCE THROUGH COOLING EQUIPMENT" means once through cooling equipment that is not normally operated and is only activated in accordance with this bylaw and with the permission of the Engineer, to temporarily supplement or replace the primary cooling system during scheduled maintenance on the primary cooling system;

“NON-RECIRCULATING LIQUID RING PUMP” means a vacuum pump that uses water to cool the pump or to create a seal and recirculates less than 60% of the water that passes through the pump;

"NORMAL USE" means the use of water for normal residential, commercial, or industrial purposes; excluding fire protection or other uses which the Collector or Engineer deem special or extraordinary;

“ONCE THROUGH COOLING EQUIPMENT” means equipment that produces a cooling effect by transfer of heat to water that is only circulated once through the equipment and is then discharged; some examples are commercial and industrial air conditioners, refrigerators, freezers, coolers and ice machines;

“PARCEL” means the smallest unit which land is designated under the Land Title Act or the Strata Property Act as a separate and distinct parcel on a legally recorded plan or description deposited in the Land Title Office, but does not include a highway right-of-way or portion thereof;

"PREMISES" means a Parcel not owned by the City;

“PREMISES ISOLATION” means a method of preventing backflow from a Premises into the water system by installing a backflow preventer in compliance with this Bylaw;

“PRESSURE REDUCING VALVE (PRV)” means a type of safety valve used to control or limit the pressure in a system;

"PRIVATE SERVICE PIPE" means the pipe and appurtenant fittings intended to distribute water within the Premises and connected to the Service Pipe;

“SEASONAL PROPERTY” a property that is not lived in continuously throughout the year and may be empty for periods of time.

"SERVICE PIPE" means the City-owned pipe and appurtenant fittings, either on a street or within an easement, intended to carry water from the City's water main to the farthest downstream City-installed fitting, with City ownership extending to the downstream face of the City fitting, such face to be located, unless otherwise approved by the Engineer pursuant to the municipality's Subdivision Servicing Bylaw.

"SHUT DOWN" means a temporary interruption to service by a shut-off and turn-on of a Service Pipe;

“TAMPER and TAMPERING” means in order to cause damage or make unauthorized alterations;

"UNIT" means 2,831.6 liters of water;

"WATER" means treated drinking water supplied directly or indirectly by the city;

"WATER SYSTEM" means a piping system which contains drinking water and includes the City's water system and a private water system;

Authority

- 1.3 The Collector, Director, Bylaw Officer and Engineer may administer the provisions of this Bylaw.

Power of Entry and Inspection

- 1.4.1 The Collector, Director, Bylaw Officer and Engineer and their delegates may, subject to S. 16 of the Community Charter.
- (a) enter any Premises at any reasonable time for the purpose of administering or enforcing this Bylaw; or
 - (b) inspect any part of any Premises, expose piping and do tests on any piping or fixtures on the Premises, to determine compliance with this Bylaw.
- 1.4.2 Any person who obstructs, limits, or interferes with the Collector, Director, Engineer or Bylaw Officer from performing their duties pursuant to this bylaw may be subject to the penalties as set out in Part 7 of this Bylaw.

Notice of Contravention

- 1.5 If, in the opinion of the Director, Collector, Engineer, or Bylaw Officer or the Engineer, a person is contravening the provisions of this Bylaw, the Collector or the Engineer may issue a notice requiring that the contravention cease by the date specified in the notice.

Service of Notice

- 1.6 A notice issued in accordance with this Bylaw is deemed to have been received:
- (a) four days after mailing, if sent by ordinary prepaid mail to ~~Premises to the~~ owner's address as it appears on the records of the British Columbia Assessment Authority for the Premises;

(b) upon delivery, if delivered by hand to the Customer ~~or other person~~.

Remedies for Non-compliance

1.7 If a person fails to comply with a notice issued pursuant to this Bylaw, the Director, Bylaw Officer, Collector or Engineer may:

(a) shut off the water supply to any part of the Premises, and bill the costs to the ~~property owner~~ of the Premises in accordance with Schedule B;

(b) reduce the water supply to the Premises to a maximum flow of one litre per minute, until the necessary repairs have been completed, and bill the costs to the ~~property owner~~ of the Premises in accordance with Schedule B; or

(c) carry out such repairs, either on or off the Premises as, in the opinion of the Engineer or qualified designate, are necessary to repair any defective apparatus, fitting or fixture, or to prevent or eliminate excessive noise, pressure surges, or damage to the City's water system, and bill the costs to the ~~property owner~~ of the Premises in accordance with Schedule B.

Insertion of Costs on Tax Roll

1.8 If the Collector or Engineer takes steps to reduce or shut off water service, or carry out repairs pursuant to this Bylaw, the costs so incurred, if unpaid by December 31st in the year such costs were billed, shall be deemed to be taxes in arrears and may be collected in the same manner and with the same remedies as property taxes pursuant to S. 258 of the *Community Charter*, SBC 2003, C. 26.

PART 2 ESTABLISHMENT AND DISCONTINUANCE OF SERVICE

Connection to Service

- 2.1 The installation of a Private Service Pipe service to the City's water system, or a connection to an existing Service Pipe must be in accordance with the ~~Consolidated~~ *Water Connection and User Charge Bylaw No. 1594, 1992* as amended or replaced from time to time, and *Subdivision & Development Bylaws No. 1727, 1998*, as amended, or replaced from time to time

Application for Connection to Existing Service Pipe

- 2.2 A Customer who wishes to reconnect to an existing Service Pipe:
- (a) must submit an application in a form satisfactory to the Engineer, and;
 - (b) must submit the applicable fees in accordance with the ~~Consolidated~~ *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended.

Reconnection for Building Sites

- 2.3 The Engineer may approve reconnection to an existing Service Pipe to provide water service to a premise that is a building site, if the existing Service Pipe:
- (c) measures no more than 50 mm in diameter and is no more than 24 years old; or
 - (d) measures more than 50 mm in diameter, is no more than 50 years old, and is made of cement-lined ductile iron.

Reconnection for Premises other than Building Sites

- 2.4 The Engineer may approve reconnection to an existing Service Pipe to provide water service to a premise that is not a building site, if, in the opinion of the Engineer, such a reconnection would be effective and sound given the size and condition of the existing Service Pipe.

Reconnection Fees

- 2.5 A person applying for reconnection to an existing service must pay fees and charges in accordance with ~~Consolidated~~ *Water Connection and User Charge Bylaw No. 1594, 1992* as amended.

Location of Service Pipe

- 2.6.1 The location of a Service Pipe shall be at the discretion of the Engineer in accordance with the *Subdivision & Development* ~~Bylaws~~ *Servicing Bylaw* No. 1727, 1998, as amended, or its replacement.
- 2.6.2 If a Customer requests a Service Pipe location other than that proposed by the Engineer, *Water Connection and User Charge Bylaw No. 1594, 1992 or Subdivision & Development Servicing Bylaw No. 1727, 1998* ~~and bylaw~~, and if the Engineer approves such location, the Customer shall pay any additional connection fees.

Permitted Connection Device

- 2.7 The connection between a Private Service Pipe and a Service Pipe must be in accordance with the *Subdivision & Development* ~~Bylaws~~ *Servicing Bylaw* No. 1727, ~~1998 as~~ *1998as* amended, or its replacement.

Prohibited Connection Devices

- 2.8 A person must not use a wedge action restraint, tie rods, restrained coupling or similar device capable of transferring pressure or force, to connect a Private Service Pipe to a Service Pipe.

Type and Arrangement of Service Pipes

- 2.9.1 Applications for and installation of a tie-in by a Private Service Pipe to a water main shall be in accordance with the *Subdivision & Development* ~~Bylaws~~ *Servicing Bylaw* No. 1727, 1998, as amended, or its replacement.
- 2.9.2 If the Engineer considers the size or number requested to be improper for the flows and use desired, the Engineer may require that the application be amended accordingly.

Temporary Water Service During Construction

- 2.10 An owner or contractor who requires a temporary water service for construction of a dwelling with an existing water service shall make application to the Engineer for such

temporary water service and shall pay the fees in accordance with SCHEDULE A of this bylaw.

Discontinuing Water Service

- 2.11 A Customer may discontinue service in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended, or its replacement.

PART 3 RESPONSIBILITIES OF THE CUSTOMER OR OTHER PERSONS

Obligation to Maintain Plumbing

- 3.1 A Customer must maintain pipes, fittings, pressure-reducing valves (PRVs), meter chambers, meter supports and fixtures servicing or located on their Premises in proper repair and free from leakage at their sole cost and expense.

Requirement to Protect City Curb-stop

- 3.2 A Customer must not damage or permit damage to any curb-stop on or servicing the Customer's property.

Access to City Curb-stop

- 3.3 A Customer or other person must provide unobstructed access to any curb-stop located on their Premises that controls the water supply to the Customer's or other person's Premises.

Access for Inspection

- 3.4 A Customer or other person must allow the Collector, the Engineer, or any person authorized to act on behalf of the Collector or the Engineer, to enter any Premises in accordance with the *Community Charter*, SBC 2003, C. 26 for the purpose of administering or enforcing this Bylaw.

Prohibition Against Sale and Certain Uses

- 3.5 A Customer or other person must not, without first having obtained a permit to do so from the Engineer:
- (a) sell, convey or transport or permit, suffer or allow the sale, conveyance or transport of water beyond the property line of the Premises to which water service is provided;

- (b) use or permit, suffer or allow the use of water to power machinery;
- (c) use water from a fire hydrant;
- (d) bottle ~~Municipal~~ water from the City's water system for the purposes of export or re-sale.

Prohibition Against Using Water in Non-Recirculating Applications

- 3.6 A Customer or other person must not use, or permit, suffer or allow the use of water in the following non-recirculating uses, equipment, or systems:
- (a) thermal conditioning of building surfaces or roofs, or ancillary use of water to supplement building mechanical systems or equipment, excepting emergency fire protection of buildings; or
 - (b) use of water for melting or thawing, excepting food preparation applications.

Prohibition Against Connecting to Non-Recirculating Applications

- 3.7 A Customer or other person must not connect, or permit, suffer or allow connection to the City's water system to any of the following non-recirculating uses, equipment, or systems:
- (a) cooling equipment;
 - (b) venturi-type flow-through vacuum generators or aspirators in which running water is used solely for the venturi effect;
 - (c) non-recirculating liquid ring pumps; or
 - (d) non-recirculating wet-hood scrubbers.

Disconnection of Non-Recirculating Applications

- 3.8 All non-recirculating uses, equipment and systems listed in section 3.6 and 3.7 of this bylaw must be disconnected from the City's water system by January 1, 2025, except that:
- (a) emergency ~~once-through~~non-recirculating cooling equipment and maintenance ~~once-through~~non-recirculating cooling equipment may be operated with approval of the Engineer or Director; and

- (b) uses, equipment and systems in a building for which a demolition permit has been issued before January 1, 2020.

Defective Apparatus, Fitting or Fixture

3.109 A Customer or other person must not connect, or permit, suffer or allow connection to the City's water works system of any apparatus, fitting or fixture that, in the opinion of the Engineer, causes or is likely to cause:

- (a) excessive noise;
- (b) pressure surges;
- (c) damage to a private water system; or
- (d) damage to the City's water system.

Tampering with the City's Facilities

3.110 A person shall not tamper with or operate the City's water system, including but not limited to any pipe, by-pass, curb-stop, hydrant or any other part of the City's water system, except as authorized by the Engineer or the Collector.

PART 4 CROSS CONNECTION CONTROL

Prohibition Against Cross Connection

4.1 A person shall not create, permit, suffer or allow a cross connection, unless the cross connection is protected in compliance with the provisions of the Bylaw and ~~the municipal Building Bylaw-~~ No. 1946, 2003, or any replacement thereto.

Responsibilities of Customer

4.2 A Customer must notify the Engineer promptly upon discovery of a ~~cross connection~~ Cross Connection.

PART 5 OPERATION AND INSPECTION

Pressure, Supply and Quality

- 5.1.1 The City does not guarantee pressure nor continuous supply of water, nor accept responsibility at any time for the maintenance of pressure on its lines nor for increases or decreases in pressure.
- 5.1.2 The City reserves the right at any time, without notice, to change a water service for the purposes of making repairs, extensions, alterations or improvements, and to increase or reduce pressure.
- 5.1.3 Customers depending on a continuous and uninterrupted supply of water or having processes or equipment that require a particular standard of water shall ~~provide such be~~ responsible for providing their own emergency storage, over-size piping, pumps, tanks, filters, pressure regulators, check valves, additional Private Service Pipes, or other means for a continuous and adequate supply of water suitable for their requirements.
- 5.1.4 The City Engineer or Collector may refuse to turn on a water service to Premise if there are outstanding infractions of this bylaw.

Removal, relocation or alteration of City-owned water facilities

- 5.2 Unless otherwise provided for in this Bylaw, a person who applies to the City for removal, relocation or alteration of City water facilities, including curb-stops, chambers, hydrants or other fittings, must:
 - (a) obtain the consent of the Engineer to the proposed removal, relocation or alteration; and
 - (b) reimburse the City for any costs of such removal, relocation, or alteration in accordance with the provisions of section 5.3 by the City.

Work Done

- 5.3 If any work is required by the City to a water system servicing Premises, all such costs and charges for so doing shall be in accordance with the ~~Consolidated~~ *Water Connection and User Charge Bylaw No. 1594, 1997*, as amended, or its replacement.

Replacement of Old Service Pipes

- 5.4 If a Service Pipe has deteriorated and is leaking, the City will, at a Customer's request, investigate to determine if the City Service Pipe needs replacing or repair and take such actions as may be deemed appropriate by the Engineer.

Ownership of Service Pipes

- 5.5 Every Service Pipe and appurtenant fittings thereof, except Private Service Pipes, shall remain the property of the City.

Ownership of Private Service Pipes

- 5.6.1 Every Private Service Pipe, whether on Premises or on the street, shall remain the property of the Customer and the Customer shall be responsible for its maintenance, repair or replacement.
- 5.6.2 If, in the installation, maintenance or removal of any Private Service Pipe, it is necessary for any person to enter onto or excavate in a road, sidewalk or highway, that person shall, prior to such entry or performing such work, obtain such permissions or permits as may be required and perform any such work in a manner as approved by the Engineer. and shall pay any fees or charges.

Shutdown or Service Request

- 5.87 The fee for a shutdown or service request shall be in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended, or its replacement.

Frozen Service Pipes

- 5.98.1 If there is a risk of service pipes freezing, the Engineer may:
- (a) carry out an investigation to determine the location and condition of the service pipes; and
 - (b) if the service pipes are frozen on private/customer lands, order the customer to pay the costs of the investigation in accordance with section 5.3.
- 5.98.2 In the event of a frozen pipe on private property, the customer is responsible for thawing the line and the associated costs.

5.98.3 No person shall use direct electrical current or introduce any foreign substance into the water service line for the purpose of thawing or attempting to thaw a frozen water service line without prior approval from the Engineer.

Frozen Water Service – Bleeder Valve

5.109 In the event of frozen pipes on private property, the customer must pay the cost of any investigation by the Engineer on an “at cost basis” in accordance with Section 5.3.

(a) The Engineer may require installation ~~in the event of a bleeder valve~~ Bleeder Valve by the Customer in the following situations, including but not limited to:

- I. The water line has frozen previously at the property, or
- II. The property is suspected of being a ‘seasonal property’ when water is not being used daily, creating flow, or
- III. Other items contribute to the risk of a water line freezing.

(b) The cost of the installation shall be borne by the Owner of the Premises ~~owner~~ in accordance with Section 5.3

(c) Bleeder Valves ~~will~~ shall be operated by the Customer and may only be turned on no earlier than October 31st and must be turned off by May 1st ~~each the following year by the customer.~~

PART ~~76~~ OFFENCES AND PENALTIES

Violation of Bylaw

~~76~~.1 Any person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits an act or thing to be done in contravention or violation of this Bylaw, or fails to do anything required by this Bylaw, commits an offence, and shall be liable upon conviction:

- a) to a fine of not more than Fifty Thousand (\$50,000.00) dollars if prosecuted pursuant to the provisions of the *Offence Act, R.S.B.C. 1996, c. 338*; or
- b) a fine imposed pursuant to the *Municipal Ticket Information Bylaw* No. 2041, 2006 as amended from time to time

~~76.2~~ In addition to any fine imposed, the City may seek reimbursement for the cost of any prosecution, and seek any other penalty or order be imposed pursuant to the *Community Charter* SBC 2003 or *Offence Act* RSBC 1995, as amended from time to time.

~~76.3~~ If an offence continues for more than one day, each day that the offence continues constitutes a separate and distinct offence.

~~76.4~~ Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City by law.

Enforcement

~~The 6.5.1~~ The City designates this Bylaw as a Bylaw that may be enforced by Bylaw Enforcement Officers, the Chief Administrative Officer, or their designates, and R.C.M.P. Officers by means of a ticket in the form prescribed for that purpose by the *Community Charter* SBC 2003.

~~Any 6.5.2~~ Any person designated as a Bylaw Enforcement Officer pursuant to the *Municipal Ticket Information Bylaw* No. 2041, 2006, as amended, is hereby authorized and empowered to enforce the provisions of this Bylaw.

Bylaw Effective Date and Grace Period

~~76.6~~ This Bylaw shall come into force immediately upon adoption; however, financial penalties will take effect two (2) months after the date of the final ~~passing hereof.~~ adoption of this Bylaw.

READINGS AND ADOPTION

READ A FIRST TIME this 11th day of June, 2024.

READ A SECOND TIME this 11th day of June, 2024.

READ A THIRD TIME this 11th day of June, 2024.

THIRD READING rescinded this _____ day of July, 2024.

READ A THIRD TIME as amended this _____ day of July, 2024.

ADOPTED this Click or tap here to enter text. day of Click or tap here to enter text., Click or tap here to enter text..

Mayor

Corporate Officer

I hereby certify the foregoing to be the original Bylaw No. 2485, 2023

**PART 8
SCHEDULES**

The following schedules are listed and included in and form part of this Bylaw:

SCHEDULE A - Charges for Temporary Water Service During Construction

SCHEDULE B - Miscellaneous Fees and Charges

**SCHEDULE A
Charges for Temporary Water Service During Construction**

Reduced rates for the first six (6) months of construction from water on request, additional fees for water on apply separately.

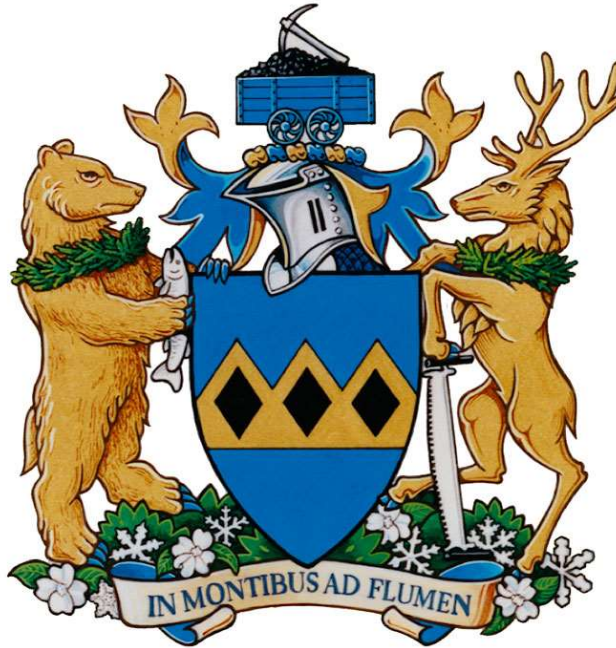
Zero (0) to six (6) months	60% of the regular utility rates
Six (6) months or more	100% of the regular utility rates

**SCHEDULE B
Miscellaneous Fees and Charges**

Miscellaneous water information requests (per hour)	At cost (Section 5.3)
City Crew call out fee (regular working hours - Mon-Fri 7am-4pm) (per hour or portion thereof)	At cost (Section 5.3)
City Crew call out fee (outside regular working hours) (per hour or portion thereof – Collective Agreement Overtime Rates Apply)	At cost (Section 5.3)
Frozen pipe thawing	At cost (Section 5.3)

Column 1	Column 2	Column 3	
		1 st Offence	2nd + Subsequent Offences
Obstruction of Entry or Inspection	1.4.2 3.4 5.7	100	200
Unconforming Connection	2.1	100	200
Prohibited Connection Device	2.8	100	200
Failure to maintain plumbing	3.1	100	200
Failure to protect Curb Stop	3.2	100	200
Obstructed Curb Stop	3.3	100	200
Prohibited Sale and Use (of Water)	3.5	100	200
Use of Non-recirculating Appliance	3. ~~7~~ <u>6</u>	100	200
Connection of Non-recirculating Appliance	3. ~~8~~ <u>7</u>	100	200
Failure to disconnect Non-recirculating Appliance	3. ~~9~~ <u>8</u>	100	200
Defective Apparatus, Fitting or Fixture	3. ~~10~~ <u>9</u>	100	200
Tampering with City Facilities	3. ~~11~~ <u>10</u>	250	500
Unauthorized Hydrant Use	3. ~~11~~ <u>10</u> 3.5 (~~etc~~)	2000	3000
Cross Connection	4.1	1000	2000
Failure to notify of Cross Connection	4.2	500	1000
Un-Approved Street excavation	5.6.2	1000	3000

**THE CORPORATION OF THE CITY OF FERNIE
BRITISH COLUMBIA**



**WATER CONSERVATION AND
REGULATION BYLAW
NO. 2518, 2024**

WATER CONSERVATION AND REGULATION BYLAW NO. 2518, 2024

WHEREAS pursuant to the provisions of the *Community Charter*, the Mayor and Council of the Corporation of the City of Fernie (the “Council”) may by Bylaw, regulate, prohibit and impose requirements with respect to municipal services, including a system for water distribution;

AND WHEREAS Council wishes to regulate the use of water during periods of drought and water capacity and infrastructure limitations;

NOW THEREFORE the Council of the Corporation of the City of Fernie, in open meeting assembled, enacts as follows:

PART I – GENERAL PROVISIONS

1. TITLE

- 1.1 This bylaw may be cited, for all purposes, as the “Water Conservation and Regulation Bylaw No. 2518, 2024”.

2. INTERPRETATION AND APPLICATIONS

Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and any reference to gender shall not be limited to the masculine or feminine

Headings

- 2.2 The headings given to the parts and sections in this Bylaw are for convenience and reference only, and do not form a part of this Bylaw and are not to be used for the interpretation.

Severability

- 2.3 If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed, and the severance shall not affect the validity of the remainder of this Bylaw.

3. DEFINITIONS

- 3.1 In this Bylaw, the expressions as defined by the *Local Government Act*, the *Community Charter*, and the *Interpretation Act* and regulations shall apply.
- 3.2 If there is any inconsistency between the terms defined herein and any other enactment, the more restrictive definitions shall prevail.
- 3.3 In this Bylaw:

Automatic Irrigation System	means an irrigation system that mechanically or electrically shuts-off without human action.
Automatic Shut-Off Device	means a device attached to a water hose that shuts off the supply of water without human intervention within 60 minutes or unless hand pressure is applied to allow the flow of water.
Boulevard	means the area other than a sidewalk between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line
Bylaw Enforcement Officer(s)	means a person appointed to that position by the Council or the person acting in that capacity on their behalf.
Chief Administrative Officer	means the employee appointed to that position for the City pursuant to section 147 of the <i>Community Charter</i> or the person acting in that capacity on their behalf.
City	means The Corporation of the City of Fernie.
City Capital Project	means any project funded by the City.
Commercial Car Wash	means any commercial facility for the

washing of vehicles available to the public.

Commercial Landscape Companies

means a company, with a valid and subsisting business licence issued by the City that designs, plants, installs or provides maintenance of gardens and other landscape projects.

Council

means the Mayor and Council of The Corporation of the City of Fernie.

Corporate Officer

means the employee appointed to the position of Director of Corporate Administration Services or Corporate Officer pursuant to Section 148 of the *Community Charter* with the responsibility for corporate administration, or their designate

Director of Engineering and Public Works

means, the person appointed as the Director of Engineering and Public Works by Council, or other person acting in that capacity or their designate or Manager of Public Works or their designate.

Drip Irrigation

means an irrigation system using irrigation components which consume less than 20 gallons (91 litres) per hour and operate at less than 25 PSI (172 kPa) to deliver water directly to the root zone of the plant being irrigated.

Essential Services

means the provision of potable drinking water making provision for adequate water reserves for fire suppression.

Fairy Creek Reservoir

means the primary spring water reservoir and supply of the City.

James White Wells

means the secondary well water supply for the City located in the James White park of the City

Lawns

means an area of lands where grass is intentionally or permitted to be grown including lands owned privately or by a

governmental authority, including the City, and boulevards, whether or not the grass is newly planted.

New Lawns

means a Lawn that is newly established either by seeding or the laying of new sod or turf for a period of 21 days that does not have an established root system.

New Tree

means a Tree that is newly planted for a period of 21 days that does not have an established root system.

Outdoor Water Use

means the outdoor use of City supplied water.

Outdoor Water Use Regulation Stage(s)

means Stage 1, 2, 3, and 4 Outdoor Water Use Regulations as set out in this Bylaw.

Permit

means a Permit issued under Section 6.

Playing Field

means a field located on non-residential premises, owned by the City or School District No. 5, that is designed and maintained to be played upon, or that is used for sporting activities, including but not limited to soccer, football, lacrosse, rugby, baseball/softball or similar activities, but does not include lawns or golf course used by the public.

Public Announcement

means one or more advertisements or public announcements in any one of:

- a. a radio broadcast from a station that broadcasts to the City;
- b. a newspaper or other publication that has general circulation in the City;
- c. the City's website;
- d. the City's social media.

Sprinkler

means a device that distributes water for the purpose of irrigation and includes both automatic and non-automatic devices.

Stage 1 Regulations	means the regulations on Outdoor Water Use described in Part VI - OUTDOOR WATER USE REGULATION; STAGE 1
Stage 2 Regulations	means the regulations on Outdoor Water Use described in Part VII - OUTDOOR WATER USE REGULATION; STAGE 2
Stage 3 Regulations	means the regulations on Outdoor Water Use described in Part VIII - OUTDOOR WATER USE REGULATION; STAGE 3
Stage 4 Regulations	means the regulations on Outdoor Water Use described in Part IX - OUTDOOR WATER USE REGULATION; STAGE 4
Tree	means a perennial plant having a single and usually elongated main stem.
Water and Watering	If the context so requires their use as a verb means the application or distribution of water to lands, Lawns, Trees or other vegetation by any means, including but not limited to hoses, Sprinklers, or Drip Irrigation.

- 3.4 A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

PART II – DELEGATION AND AUTHORITIES

4. DELEGATION

Council delegates the powers of Council as follows to:

- 4.1 The Director of Engineering and Public Works is hereby delegated the authority to:
- (a) administer the provisions of this Bylaw;
 - (b) declare that the City has activated an Outdoor Water Use Regulation Stage;
 - (c) approve the turning off of water to properties; for violation of

- regulations with respect to Watering, Outdoor Water Use as set out in this Bylaw, or
- (d) any other violation of any of the provisions of this Bylaw; and enter upon any residential or non-residential property in order to inspect and determine whether all regulations, prohibitions and requirements under this Bylaw, or
 - (e) a Permit issued under this Bylaw, are being met or ascertain whether a default or violation has occurred.
- 4.2 The Director of Engineering and Public Works is authorized to:
- (a) Issue Permits; and
 - (b) Issue notices or orders.
- 4.3 The Bylaw Enforcement Officers is hereby delegated the authority to :
- (a) issue Bylaw notices and Municipal Ticket Information for violations of this Bylaw; and
 - (b) enter upon any residential or non-residential property in order to inspect and determine whether all regulations, prohibitions and requirements under this Bylaw, or a Permit issued under this Bylaw, are being met or ascertain whether a default or violation has occurred.

PART III – DECLARATION AND ANNOUNCEMENT OF OUTDOOR WATER USE REGULATION STAGES

5. DECLARATION AND ANNOUNCEMENT

- 5.1 The Director of Engineering and Public Works may, for the purpose of reducing water usage in response to a decrease in the water level of Fairy Creek Reservoir, or as a result of a Provincial Drought Level/Conditions, or demand exceeding the City's water source's capacity or infrastructure, issue an order to stop, suspend, or regulate the hours/days for Outdoor Water Use in the form of Stage 1, Stage 2, Stage 3, or Stage 4 Outdoor Water Use Regulation Stages, and:
- (a) The Director of Engineering and Public Works may, by letter to the Corporate Officer or Chief Administrative Officer, declare that the City has activated an Outdoor Water Use Regulation Stage; and
 - (b) If the Director of Engineering and Public Works makes a declaration under section (a), the Outdoor Water Use Regulation Stage described in the declaration comes into force in the City 48 hours for Stage 2, and 24 hours for Stages 3 and 4, after the Director of Engineering and Public Works, Corporate Officer or Chief Administrative Officer, or
-

their designate publishes Public Announcement of the declaration.

- (c) When an Outdoor Water Use Regulation Stage comes into force under this section, an Outdoor Water Use Regulation Stage that had been in force, if any, ceases to be in force.

5.2 Stage 1 Regulation is in force from March 1st to October 15th of any year without prior declaration of the Director of Engineering and Public Works or announcement under section 5.1., and remains in effect unless a Stage 2, 3 or 4 Regulation is declared to be in effect.

- (a) If the Director of Engineering and Public Works declares that the City has declared Stage 2 Regulations are in effect, a Public Announcement is sufficient for the purposes of paragraph 5.1(b) that substantially contains the information set out in this Bylaw ~~in Schedule B~~.
- (b) If the Director of Engineering and Public Works declares that the City has activated Stage 3 Regulations, a Public Announcement is sufficient for the purposes of paragraph 5.1(b) that substantially contains the information set out in this Bylaw.
- (c) If the Director of Engineering and Public Works declares that the City has activated Stage 4 Regulations, a Public Announcement is sufficient for the purposes of paragraph 5.1(b) that substantially contains the information set out in this Bylaw.

5.3 If at any time a declaration of emergency the Director of Engineering and Public Works may deem it to be in the public interest, they may direct that any and all water usage, except essential services, be further reduced or curtailed until such time as the Director of Engineering and Public Works deems it advisable to restore any or all of the services.

PART IV – PERMITS

6. PERMITS

6.1 A person who has planted New Lawns or New Tree on the outdoor portion of a premises may apply to the Director of Engineering and Public Works, or designate, for a Permit authorizing the person to Water the New Lawns or New Tree when Stage 1 Regulations or Stage 2 Regulations are in force, at times specified in the Permit, at the premises described in the Permit, during the currency of the Permit. Any Permits issued when Stage 3 Regulations or Stage 4 Regulations are in force will not be valid.

- 6.2 The Director of Engineering and Public Works, or designate, upon being satisfied, acting reasonably, that an applicant qualifies under section 6.1, shall issue a Permit to the applicant upon payment of a fee in the amount set out in Schedule A.
- 6.3 A Permit issued under section 6.2 shall be affixed to a post or stake facing the street serving the premises, beside the principal driveway so that it is visible from the street.
- 6.4 A Permit issued under section 6.2 shall expire and be of no force or effect 21 days after the date of its issue unless an extension has been issued under section 6.5 or in the event that Stage 3 or Stage 4 Regulations are declared to be in effect.
- 6.5 Before or after the expiration of a Permit issued under section 6.2 a person may apply for one extension of the Permit on the same terms and conditions under section 6.2. Such an extension shall end on or before 21 days from the date of issue of the initial Permit.

PART V – GENERAL OUTDOOR WATER USE REGULATIONS

- 7.1 The Outdoor Water Use Regulation Stages set out in this Bylaw do not apply to a person using water obtained from alternative water sources not connected to or utilizing City supplied water, including but not limited to rain barrels or other surface water catchment devices.

General prohibition against wasting water

- 7.2 A person must not waste water, or suffer, permit or allow the waste of water at anytime. Without limiting the generality of the foregoing, a person must not waste water, or suffer, permit or allow waste of water at any time by:
- (a) the free discharge or flow of water from premises, on or into a sanitary sewer, watercourse, storm drain, street or adjacent premises, excepting a may be run off from permitted watering;
 - (b) leaking of water from appliances, devices, machines, equipment, systems, ponds, fountains or water features;
 - (c) the use of ponds, waterways, water features, fountains, hot tubs or swimming pools, which do not have a water recirculation device;
 - (d) the use of an irrigation system which leaks or applies water to an impervious surface; or
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- (e) the use of a water hose which is not equipped with an Automatic Shut-Off Device unless under direct control of an individual.

PART VI – OUTDOOR WATER USE REGULATION; STAGE 1

Stage 1 Regulations

- 8.1 ~~Except as otherwise provided in section 8.3, Unless otherwise provided in this Bylaw, -~~when Stage 1 Regulations are in effect, from March 1 to October 31 of each year:
 - (a) a person may only water a Lawn, including any Boulevards adjacent to the premises:
 - ~~ii.i.~~ on Monday, Thursday, and Saturday for even numbered properties;
 - ~~iii.ii.~~ on Tuesday, Friday, and Sunday for odd numbered properties, and
 - ~~iv.iii.~~ will be permitted for a maximum of 2 hours per day on the days noted, between the hours of 5:00 a.m. to 10:00 a.m. or 8:00 p.m. to 11:00 p.m. on the permitted days.
 - (b) ~~subject to Section 8.2(a)-~~a person may only water trees, shrubs, flowers, and plants:
 - i. on Monday, Thursday, and Saturday for even numbered properties;
 - ii. on Tuesday, Friday, and Sunday for odd numbered properties, and
 - ~~i.iii.~~ at residential premises between 5:00 a.m. and 10:00 a.m., or 8:00 p.m. to 11:00 p.m.
 - iv. at non-residential premises between 1:00 a.m. and 9:00 a.m.
 - ~~ii.v.~~ for a maximum of 2 hours per day.

Exemptions from Stage 1 Regulations

- 8.2 The provisions of Sections 8.1 do not apply:
 - (a) to a person watering a New Lawn or New Tree in compliance with a water use Permit issued under this bylaw;
 - (b) to a person watering a vegetable garden or edible plants; or
 - (c) to a person watering concrete for curing purposes;

- (d) to City operations for maintenance purposes;
- (e) Commercial Car Washes [and general car washing](#);
- (f) Commercial Landscape Companies, in compliance with a Permit issued under this Bylaw; or
- (g) City parks, Playing Fields, and greenspaces.

PART VII – OUTDOOR WATER USE REGULATION: STAGE 2

- 9.1 Unless otherwise provided in this Bylaw, when Stage 2 Regulations are in effect, a person must comply with the Outdoor Water Use Regulation Stages in this Part.

Stage 2 Regulations

- 9.2 Stage 2 Regulations may be implemented when:

- (a) the Fairy Creek Reservoir level is below 90% capacity, adjusting for standard fluctuations or
- (b) Fairy Creek tributaries are reducing to a volume of 50% of freshet flows or
- (c) Water demand is exceeding the capacity of the Fairy Creek Reservoir or James White Well water sources to replenish within a period of 24 hours.

- 9.3 Except as otherwise provided in section 9.4, when Stage 2 Regulations are in effect:

- (a) a person may [only](#) water a Lawn, including any Boulevards adjacent to the premises:
 - i. on Monday and Thursday only for even numbered properties;
 - ii. on Tuesdays and Friday only for odd numbered properties;
 - ~~iii.~~ [Washing of vehicles is permitted with an Automatic Shut-Off Device only, and only during the hours from 5:00 a.m. to 10:00 a.m. or from 8:00 p.m. to 11:00 p.m.; and](#)
 - ~~iv.~~ [iii. for a maximum of 2 hours per day between the hours of 5:00 a.m. to 10:00 a.m. or 8:00 p.m. to 11:00 p.m. on the permitted days on permitted days, for a maximum of](#)

~~2 hours per day, will be from 5:00 a.m. to 10:00 a.m. or from 8:00 p.m. to 11:00 p.m.~~

- (b) ~~subject to Section 9.3(a)~~ a person may only water trees, shrubs, flowers and plants:
- i. on Monday and Thursday only for even numbered properties;
 - ii. on Tuesdays and Fridays only for odd numbered properties;
 - ~~i.iii.~~ at residential premises between 5:00 a.m. and 8:00 a.m.; and
 - iv. at non-residential premises between 1:00 a.m. and 9:00 a.m.
 - ~~ii.v.~~ for a maximum of 2 hours per day.
- (c) a person must not wash an impermeable outdoor surface except:
- i. for health or safety reasons;
 - ii. to prepare a surface for painting, sealing, or similar treatment; or
 - iii. if the washing is carried out by a commercial cleaning operation for aesthetic purposes;
- (d) a person must not fill, refill or add water to an aesthetic water feature.
- ~~(d)~~
- (e) Washing of vehicles is permitted with an Automatic Shut-Off Device only, and only during the hours from 5:00 a.m. to 10:00 a.m. or from 8:00 p.m. to 11:00 p.m.

Exemptions from Stage 2 Regulations

- 9.4 The provisions of Section 9.3 do not apply to:
- (a) a person watering a New Lawn or New Tree in compliance with a Permit issued under this Bylaw;
 - (b) a person watering a vegetable garden or edible plants;
 - (c) a person watering concrete for curing purposes;
 - (d) City operations for maintenance purposes;
 - (e) Commercial Car Washes;
 - (f) Commercial Landscape Companies, in compliance with a Permit issued under this Bylaw; or
-

- (g) City parks, Playing Fields and greenspaces.

PART VIII – OUTDOOR WATER REGULATION: STAGE 3

- 10.1 Unless otherwise provided in this Bylaw, when Stage 3 Regulations are in effect, a person must comply with the Outdoor Water Use Regulation Stages in this Part.

Stage 3 Regulations

- 10.2 Stage 3 Regulations ~~shall~~ may be implemented when:

- (a) the Fairy Creek Reservoir level has reached a level below 80% of capacity, adjusting for standard fluctuations; or
- (b) if the Fairy Creek Reservoir's tributaries are not replenishing the Fairy Creek Reservoir and parallel streams are dry; or
- (c) Water demand is exceeding the capacity of the Fairy Creek Reservoir or James White Well water sources and infrastructure damage may occur by reason of reduced water flows.

- 10.3 Except as otherwise provided in section 10.4, when Stage 3 Regulations are in effect:

- (a) a person may only water:
 - i. with an Automatic Shut-Off Device only for the purpose of watering gardens, trees, and shrubs ~~is permitted~~ on Thursdays only for even numbered properties and Tuesdays for odd numbered properties;
 - ii. ~~on permitted days for a maximum of 1 hour per day~~ will be from 6:00am to 8:00am or 8:00pm to 10:00pm, ~~for a maximum of 1 hour per day on permitted days.~~
 - iii. Permits authorizing the use of water for New Lawns and New Trees are suspended ~~and are no longer valid as long as Stage 3 regulations are in effect.~~
- (b) a person must not water or wash an impermeable outdoor surface except:
 - i. for health or safety reasons;

- ii. to prepare a surface for painting, sealing, or similar treatment.
- (c) a person must not fill, refill, or add water to a pond, water feature, hot tub or pool.
- (d) No filling of water trucks from a City water system connection.
- (e) Notification of Outdoor Water Use Regulation Stages will be provided by Public Announcement.

Exemptions from Stage 3 Regulations

- 10.4 The provisions of Section 10.3 do not apply to:
- (a) Commercial Landscape Companies that have purchased trees and sod for installation prior to the implementation of Stage 3 Regulations, will be exempt from Stage 3 Regulations upon proof that the purchase was completed before the Stage 3 Regulations came into effect;
 - (b) a person watering a vegetable garden or edible plants;
 - (c) Commercial Car Washes;
 - (d) Commercial Landscape Companies, in compliance with a Permit issued under this Bylaw;
 - (e) Water trucks working on a City Capital Project;
 - (f) the City of Fernie Spray Park for the purpose of a cooling facility during heat events;
 - (g) the City Aquatics Center in order to maintain public health and safety;
 - (h) a person watering concrete for curing purposes;
 - (i) to City operations for maintenance purposes; or
 - (j) City Playing Fields.

PART IX– OUTDOOR WATER REGULATION; STAGE 4

- 11.1 Unless otherwise provided in this Bylaw, when Stage 4 Regulations are in effect, a person must comply with the provisions of the Outdoor Water Use Regulation Stage in Section 11.32.
- 11.2 Stage 4 Regulation ~~shall~~may be implemented when:

- (a) the Fairy Creek Reservoir level has reached a level below 70% of capacity, adjusting for standard fluctuations; or
- (b) if the Fairy Creek Reservoir's tributaries are not replenishing the Fairy Creek Reservoir and parallel streams are dry; or
- (c) Water demand is continually exceeding the capacity of the Fairy Creek Reservoir or James White Well water sources and infrastructure damage may occur by reason of reduced water flows.

11.3 When Stage 4 Regulations are in force, no person shall:

- (a) Water:
 - i. Lawns whether New Lawns, or otherwise;
 - ii. flowers or flower gardens, decorative planters, shrubs or trees; or
 - iii. school yards, Playing Fields.
- (b) use a hose providing water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-Off Device, and the purpose of washing is to maintain visibility of lights or license plates, or the ability to see through windows, or is otherwise required for the safe operation of the boat or motor vehicle;
- (c) use a hose or pressure washer providing water to wash sidewalks, driveways, walls, roofs or other outdoor surfaces, unless the hose is equipped with an Automatic Shut-Off Device, and the washing has been ordered by a regulatory authority;
- (d) supply water to ornamental fountains or water features;
- (e) operate a water play park;
- (f) use water to fill or re-fill residential and commercial ponds, hot tubs, pools or spas;
- (g) use water for the requirements associated with infrastructure improvement or repair projects;
- (h) operate a car wash, whether or not it is an indoor car wash; or
- (i) use water from a hose providing water unless the hose is equipped with an Automatic Shut-Off Device and where the engaged activity is not prohibited in paragraphs 11.32 (a) through (h) of this part.

11.4 For greater certainty, Section 11.24 and 11.32 applies to all areas of:

- (a) turf farms and nurseries;
- (b) cemeteries;

- (c) concrete or asphalt plants;
- (d) water bottling facilities connected to the City water system;
- (e) hydroponic facilities connected to the City water system;
- (f) golf courses connected to City water system; and
- (g) Vegetable or food-producing gardens.

Exemptions from Stage 4 Regulations

11.5 Commercial Landscape Companies that have purchased trees and sod for installation prior to the implementation of Stage 3 Regulations, will be exempt from Stage [34](#) Regulations upon proof that the purchase was completed before the Stage 3 Regulations came into effect.

11.6 The provisions of Section 11.[23](#) and [11.4](#) do not apply to essential City maintenance operations.

~~11.8~~[11.7](#) Except for sections 11.[54](#) and 11.[65](#), there are no exemptions from Stage 4 Regulations.

PART X - ENFORCEMENT AND PENALTIES

Violation of Bylaw

12.1 Any person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits an act or thing to be done in contravention or violation of this Bylaw, or fails to do anything required by this Bylaw, commits an offence, and shall be liable upon conviction:

- a) to a fine of not more than Fifty Thousand (\$50,000.00) dollars or
- b) a fine imposed under the Municipal Ticket Information Bylaw, as amended from time to time.

12.2 In addition to any fine imposed, City may seek reimbursement for the cost of any prosecution, and seek any other penalty or order be imposed pursuant to the *Community Charter* or *Offence Act* as amended from time to time.

12.3 If an offence continues for more than one day, each day that the offence continues constitutes a separate and distinct offence.

12.4 Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City by law.

Enforcement

12.5 The City designates this Bylaw as a Bylaw that may be enforced by Bylaw Enforcement Officers, the Chief Administrative Officer, or their delegates, and R.C.M.P. Officers by means of a ticket in the form prescribed for that purpose by the *Community Charter*.

12.6 Any person designated as a Bylaw Enforcement Officer pursuant to the Municipal Ticket Information Bylaw as amended from time to time is hereby authorized and empowered to enforce the provisions of this Bylaw.

No Obstruction

12.7 A person must not obstruct the Director of Engineering and Public Works, or a Bylaw Enforcement Officer in the performance of their duties, or refuse to comply or delay in complying with any direction by such officer.

Bylaw Notices and Tickets

12.8 A person must not remove any Bylaw Notice, ticket or warning affixed or placed at a real property for the enforcement of this Bylaw unless that person is the owner, occupant, or operator of that real property or other person to whom the Bylaw Notice is addressed.

Right of Entry

12.9 The Director of Engineering and Public Works or Bylaw Enforcement Officer may enter any premises at any reasonable time for the purpose of administering or enforcing this Bylaw as per Section 16 of the *Community Charter*.

Responsibility of Owner

12.10 The Owner of a residential or non-residential Property is responsible to pay fees and charges imposed under a bylaw of the City in relation to the requirements of this Bylaw and with respect to any work done or services provided to that Real Property.

PART XI – SCHEDULES

13.1 The following Schedules form part of this Bylaw:

a) Schedule A – Permit Fees

~~b) Schedule B – Public Notice~~

PART XII - EFFECTIVE DATE

This bylaw comes into effect upon adoption.

Read a first time this 11th day of June 2024.

Read a second time this 11th day of June 2024.

Read a third time this 11th day of June 2024.

Third Reading rescinded this day of July, 2024.

Read a third time -as amended this day of July, 2024.

Adopted this this day of 2024.

Mayor

Corporate Officer

I hereby certify the foregoing to be
the original Bylaw No. 2518, 2024

**SCHEDULE A -
PERMIT FEES**

Water Use Permit	Zone	Application Fee
New Lawn or Tree	Low and Medium Density Residential	\$25.00
New Lawn or Tree	High Density Residential	\$50.00
New Lawn or Tree	Commercial, Industrial, or Institutional	\$100.00

**SCHEDULE B -
PUBLIC NOTICE**

Public notice for Stage 1 must include the following:

The City of Fernie is issuing a notice that Outdoor Water Use Stage 1 Watering Restrictions are in effect as of March 1st, in accordance with *Water Conservation and Regulation Bylaw 2518, 2024*. Stage 1 Watering Restrictions limit watering to three days per week, a maximum of two hours per day, plus additional restrictions. For further details visit:

— www.fernie.ca

— Call City Hall at 205-423-6817

— Email_operations@fernie.ca

Public notice for Stage 2 must include the following:

The City of Fernie is issuing a notice that Outdoor Water Use Stage 2 Watering Restrictions are in effect as of [DATE AND TIME], in accordance with *Water Conservation and Regulation Bylaw 2518, 2024*. Stage 2 Watering Restrictions limit watering to two days per week, a maximum of two hours per day, plus additional restrictions. For further details visit:

— www.fernie.ca

— Call City Hall at 205-423-6817

— Email_operations@fernie.ca

Public notice for Stage 3 must include the following:

The City of Fernie is issuing a notice that Outdoor Water Use Stage 3 Watering Restrictions are in effect as of [DATE AND TIME], in accordance with *Water Conservation and Regulation Bylaw 2518, 2024*. Stage 3 Watering Restrictions limit watering to one day per week, a maximum of one hour per day, plus additional restrictions. For further details visit:

— www.fernie.ca

— Call City Hall at 205-423-6817

— Email_operations@fernie.ca

Public notice for Stage 4 must include the following:

The City of Fernie is issuing a notice that Outdoor Water Use Stage 4 Watering Restrictions are in effect as of [DATE AND TIME], in accordance with *Water Conservation and Regulation Bylaw 2518, 2024*. Watering of lawns, trees, and gardens is not permitted, plus additional restrictions. For further details visit:

- www.fernie.ca
- Call City Hall at 205-423-6817
- Email operations@fernie.ca

MTI Bylaw

~~Water Conservation and Regulation Bylaw No.2518, 2024~~

Column 1	Column 2	Column 3
~~Waste of Water (1st Offence)~~	~~7.2~~	~~\$250.00~~
~~Waste of Water (2nd Offence)~~	~~7.2~~	~~\$350.00~~
~~Waste of Water (3rd Offence)~~	~~7.2~~	~~\$500.00~~
~~Violate Water Use Regulation Stage 1 (1st Offence)~~	~~8.2~~	~~\$100.00~~
~~Violate Water Use Regulation Stage 1 (2nd Offence)~~	~~8.2~~	~~\$200.00~~
~~Violate Water Use Regulation Stage 1 (3rd Offence)~~	~~8.2~~	~~\$500.00~~
~~Violate Water Use Regulation Stage 2 (1st Offence)~~	~~9.3~~	~~\$100.00~~
~~Violate Water Use Regulation Stage 2 (2nd Offence)~~	~~9.3~~	~~\$200.00~~
~~Violate Water Use Regulation Stage 2 (3rd Offence)~~	~~9.3~~	~~\$500.00~~
~~Violate Water Use Regulation Stage 3 (1st Offence)~~	~~10.3~~	~~\$100.00~~
~~Violate Water Use Regulation Stage 3 (2nd Offence)~~	~~10.3~~	~~\$200.00~~
~~Violate Water Use Regulation Stage 3 (3rd Offence)~~	~~10.3~~	~~\$500.00~~
~~Violate Water Use Regulation Stage 4 (1st Offence)~~	~~11.2~~	~~\$500.00~~
~~Violate Water Use Regulation Stage 4 (2nd Offence)~~	~~11.2~~	~~\$1000.00~~



Application for Outdoor Water Use Exception Permit

Submit completed application to operations@fernie.ca, or City Hall. NOTE: PERMIT IS VALID FOR 3 WEEKS (21 DAYS)

PROPERTY INFORMATION:

Registered Owner:		Parcel Identification (PID):
Address:		Postal Code:
Phone:	Cell:	Email:
Representative Name:	Signature:	Date:

LANDSCAPING COMPANY:

Name:		Municipality and Business Licence Number:
Address:		Postal Code:
Phone:	Cell:	Email:
Representative Name:	Signature:	Date:

REASON FOR REQUEST & WATERING PARTICULARS:

☐ Seed	☐ Sod	☐ Other (Explain):
Indicate size of area to be watered: _____ feet by _____ feet		

Personal information contained on this form is collected under the *Local Government Act* and in accordance with the *Freedom of Information and Protection of Privacy Act* and will be used only for the purpose of processing the application. For questions or additional information pertaining to your personal information, contact City Hall at 250.423.6817.

The permit will be issued on terms and conditions established by the Water Conservation and Regulation Bylaw No. 2518, 2024, as amended from time to time. This permit is no longer valid in Outdoor Water Use Regulation Stages 3 and 4, at the discretion of the City of Fernie.

Office Use Only	Signature of Staff:	Date Approved:
	Start Date:	Date of Expiry:
	Specifications of Permit Below: THERE WILL BE NO WATERING PERMITTED ON WEDNESDAYS	
	Hours of watering: ☐ Daily within restricted hours _____ 5:00 a.m. to 10:00 a.m. _____ 8:00 p.m. to 11:00 p.m.	
	☐ Low and Medium Density Residential	Fee: \$25.00
☐ High Density Residential	Fee: \$50.00	
☐ Commercial, Industrial, or Institutional	Fee: \$100.00	

Outdoor Water Use Exception Permit (May, 2024)

THE CITY OF FERNIE
Engineering & Public Works Department

Phone: (250)423.6817
Facsimile: (250)423.3034
501 3rd Ave, Fernie, BC V0B 1M0

WWW.FERNIE.CA

THE CORPORATION OF THE CITY OF FERNIE
BRITISH COLUMBIA



WATER WORKS BYLAW
NO. 2485, 2023

This Bylaw is enacted under
the authority of
The Corporation of The City of Fernie

WATER WORKS BYLAW NO. 2485, 2023

A Bylaw to ensure the safety, security, charges and conditions for the supply of water by the City of Fernie.

WHEREAS the Municipal Council of the Corporation of the City of Fernie has the authority to regulate, the municipal water system, including the conservation of water supplied by the municipal water system in relation to buildings pursuant to the *Community Charter*.

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie, in open meeting assembled, enacts as follows:

PART 1 INTERPRETATION AND ADMINISTRATION

1.1 This Bylaw may be cited for all purposes as the “Water Works Bylaw No. 2485, 2023.”

Interpretation

1.2 In this Bylaw:

“AT COST” means all associated costs related to the completion of the task incurred by the municipality;

“AUTOMATIC SHUT-OFF DEVICE” means a device attached to a water hose that shuts off the supply of water automatically unless hand pressure is applied to operate the device;

“BACKFLOW” means a flow of water or other liquid, gas or solid from any source in a backward or reverse direction into the water system, caused either by back pressure or back siphonage;

“BACKFLOW PREVENTER” means an assembly, device or method used to prevent backflow from entering the water system;

“BACKFLOW PREVENTION ASSEMBLY” means a backflow preventer assembled as a unit that includes shutoff valves and test cock(s);

“BLEEDER VALVE” means a device that maintains a small flow of water into a property to maintain water flow and reduce the risk of the water line freezing.

“BYLAW OFFICER” means any employee appointed as a Bylaw Officer of the City;

"BUILDING SITE" means Premises containing:

- (a) a building under construction and not previously occupied, or
- (b) an existing building being renovated where the estimated value of the construction is more than the greater of \$95,000 or 100% of the building's latest assessed value according to the records of the British Columbia Assessment Authority;

“CERTIFIED BACKFLOW ASSEMBLY TESTER” means a person who holds current certification by the BC Water and Waste Association (BCWWA) as a Certified Backflow Assembly Tester;

“CITY” means The Corporation of The City of Fernie;

"COLLECTOR" means the Director of Finance of the City or their delegate;

"COMBINED SERVICE" or "COMBINED SERVICE PIPE" respectively means the service or the Service Pipe that is intended to supply water for fire protection combined with normal use;

“CROSS CONNECTION” means any actual or potential connection between a water system and any drain, piping, device, fixture, fitting, container, or appliance which may allow non-potable water, used water, wastewater or any solids, chemical, liquid, gas or other substance to enter the water system;

"CURB STOP" means the City-owned valve on a Service Pipe located on a City street or lane or within an easement at or near the Customer's property line, or easement line;

"CUSTOMER" means the owner of real property or an agent acting on behalf of the owner.

“DIRECTOR” means the employee appointed by the Chief Administrative Officer for the City as the Director responsible for Public Works and/or Engineering or their delegate;

"DUAL SERVICE" means a Service Pipe which branches on private property to provide two service connections, one of which is a metered line and the other of which is a fire line;

"DWELLING UNIT" means one or more rooms constituting a unit of living accommodation used or intended to be used for living and sleeping purposes;

“EMERGENCY ONCE THROUGH COOLING EQUIPMENT” means once through cooling equipment that is not normally operated and is only activated in accordance with this bylaw and with the permission of the Engineer, in the event of a sudden, unforeseen failure of an otherwise properly designed, operated and maintained primary cooling system;

"ENGINEER" means the City Engineer or their delegate;

"FIRE LINE" means a pipe that is intended for the purpose of providing a stand-by supply of water for fire protection purposes;

"FIRE SERVICE PIPE" means that portion of a fire line that is a Service Pipe;

“FIXTURE ISOLATION” means a method of preventing backflow from a fixture or appliance into the water system by installing a backflow preventer in compliance with this Bylaw;

“FOREIGN SUBSTANCE” means any substance other than municipal water;

“HIGH HEALTH HAZARD” means that the potential backflow from a particular fixture or Premises is capable of causing contamination to the water system that could result in illness or death;

"INSPECTORS" means those persons designated by the City to carry out the necessary inspections for the enforcement of this Bylaw;

“INTERCONNECTED SERVICE PIPE” means two City water services connected on private property, one of which is deemed to be a fire line;

“LANEWAY HOUSE” means a detached one-family dwelling constructed in the rear yard of a Parcel on which is situated another one-family dwelling or one-family dwelling with secondary suite;

“LOW HEALTH HAZARD” means that the potential backflow from a particular fixture or Premises is capable of causing pollution in the water system that could result in discoloration or an unusual smell or taste, but is unlikely to cause illness or death;

“MAINTENANCE ONCE THROUGH COOLING EQUIPMENT” means once through cooling equipment that is not normally operated and is only activated in accordance with this bylaw and with the permission of the Engineer, to temporarily supplement or replace the primary cooling system during scheduled maintenance on the primary cooling system;

“NON-RECIRCULATING LIQUID RING PUMP” means a vacuum pump that uses water to cool the pump or to create a seal and recirculates less than 60% of the water that passes through the pump;

"NORMAL USE" means the use of water for normal residential, commercial, or industrial purposes; excluding fire protection or other uses which the Collector or Engineer deem special or extraordinary;

“ONCE THROUGH COOLING EQUIPMENT” means equipment that produces a cooling effect by transfer of heat to water that is only circulated once through the equipment and is then discharged; some examples are commercial and industrial air conditioners, refrigerators, freezers, coolers and ice machines;

“PARCEL” means the smallest unit which land is designated under the Land Title Act or the Strata Property Act as a separate and distinct parcel on a legally recorded plan or description deposited in the Land Title Office, but does not include a highway right-of-way or portion thereof;

"PREMISES" means a Parcel not owned by the City;

“PREMISES ISOLATION” means a method of preventing backflow from a Premises into the water system by installing a backflow preventer in compliance with this Bylaw;

“PRESSURE REDUCING VALVE (PRV)” means a type of safety valve used to control or limit the pressure in a system;

"PRIVATE SERVICE PIPE" means the pipe and appurtenant fittings intended to distribute water within the Premises and connected to the Service Pipe;

“SEASONAL PROPERTY” a property that is not lived in continuously throughout the year and may be empty for periods of time.

"SERVICE PIPE" means the City-owned pipe and appurtenant fittings, either on a street or within an easement, intended to carry water from the City's water main to the farthest downstream City-installed fitting, with City ownership extending to the downstream face of the City fitting, such face to be located, unless otherwise approved by the Engineer pursuant to the municipality's Subdivision Servicing Bylaw.

"SHUT DOWN" means a temporary interruption to service by a shut-off and turn-on of a Service Pipe;

“TAMPER and TAMPERING” means in order to cause damage or make unauthorized alterations;

"UNIT" means 2,831.6 liters of water;

"WATER" means treated drinking water supplied directly or indirectly by the city;

"WATER SYSTEM" means a piping system which contains drinking water and includes the City's water system and a private water system;

Authority

- 1.3 The Collector, Director, Bylaw Officer and Engineer may administer the provisions of this Bylaw.

Power of Entry and Inspection

- 1.4.1 The Collector, Director, Bylaw Officer and Engineer and their delegates may, subject to S. 16 of the Community Charter.
- (a) enter any Premises at any reasonable time for the purpose of administering or enforcing this Bylaw; or
 - (b) inspect any part of any Premises, expose piping and do tests on any piping or fixtures on the Premises, to determine compliance with this Bylaw.
- 1.4.2 Any person who obstructs, limits, or interferes with the Collector, Director, Engineer or Bylaw Officer from performing their duties pursuant to this bylaw may be subject to the penalties as set out in Part 7 of this Bylaw.

Notice of Contravention

- 1.5 If, in the opinion of the Director, Collector, Engineer, or Bylaw Officer or the Engineer, a person is contravening the provisions of this Bylaw, the Collector or the Engineer may issue a notice requiring that the contravention cease by the date specified in the notice.

Service of Notice

- 1.6 A notice issued in accordance with this Bylaw is deemed to have been received:
- (a) four days after mailing, if sent by ordinary prepaid mail to the owner's address as it appears on the records of the British Columbia Assessment Authority for the Premises;

(b) upon delivery, if delivered by hand to the Customer.

Remedies for Non-compliance

1.7 If a person fails to comply with a notice issued pursuant to this Bylaw, the Director, Bylaw Officer, Collector or Engineer may:

(a) shut off the water supply to any part of the Premises, and bill the costs to the owner of the Premises in accordance with Schedule B;

(b) reduce the water supply to the Premises to a maximum flow of one litre per minute, until the necessary repairs have been completed, and bill the costs to the owner of the Premises in accordance with Schedule B; or

(c) carry out such repairs, either on or off the Premises as, in the opinion of the Engineer or qualified designate, are necessary to repair any defective apparatus, fitting or fixture, or to prevent or eliminate excessive noise, pressure surges, or damage to the City's water system, and bill the costs to the owner of the Premises in accordance with Schedule B.

Insertion of Costs on Tax Roll

1.8 If the Collector or Engineer takes steps to reduce or shut off water service, or carry out repairs pursuant to this Bylaw, the costs so incurred, if unpaid by December 31st in the year such costs were billed, shall be deemed to be taxes in arrears and may be collected in the same manner and with the same remedies as property taxes pursuant to S. 258 of the *Community Charter*, SBC 2003, C. 26.

PART 2

ESTABLISHMENT AND DISCONTINUANCE OF SERVICE

Connection to Service

- 2.1 The installation of a Private Service Pipe service to the City's water system, or a connection to an existing Service Pipe must be in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992* as amended or replaced from time to time, and *Subdivision & Development Bylaws No. 1727, 1998*, as amended, or replaced from time to time

Application for Connection to Existing Service Pipe

- 2.2 A Customer who wishes to reconnect to an existing Service Pipe:
- (a) must submit an application in a form satisfactory to the Engineer, and;
 - (b) must submit the applicable fees in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended.

Reconnection for Building Sites

- 2.3 The Engineer may approve reconnection to an existing Service Pipe to provide water service to a premise that is a building site, if the existing Service Pipe:
- (c) measures no more than 50 mm in diameter and is no more than 24 years old; or
 - (d) measures more than 50 mm in diameter, is no more than 50 years old, and is made of cement-lined ductile iron.

Reconnection for Premises other than Building Sites

- 2.4 The Engineer may approve reconnection to an existing Service Pipe to provide water service to a premise that is not a building site, if, in the opinion of the Engineer, such a reconnection would be effective and sound given the size and condition of the existing Service Pipe.

Reconnection Fees

- 2.5 A person applying for reconnection to an existing service must pay fees and charges in accordance with *Water Connection and User Charge Bylaw No. 1594, 1992* as amended.

Location of Service Pipe

- 2.6.1 The location of a Service Pipe shall be at the discretion of the Engineer in accordance with the *Subdivision & Development Servicing Bylaw No. 1727, 1998*, as amended, or its replacement.
- 2.6.2 If a Customer requests a Service Pipe location other than that proposed by the Engineer, *Water Connection and User Charge Bylaw No. 1594, 1992* or *Subdivision & Development Servicing Bylaw No. 1727, 1998*, and if the Engineer approves such location, the Customer shall pay any additional connection fees.

Permitted Connection Device

- 2.7 The connection between a Private Service Pipe and a Service Pipe must be in accordance with the *Subdivision & Development Servicing Bylaw No. 1727, 1998* as amended, or its replacement.

Prohibited Connection Devices

- 2.8 A person must not use a wedge action restraint, tie rods, restrained coupling or similar device capable of transferring pressure or force, to connect a Private Service Pipe to a Service Pipe.

Type and Arrangement of Service Pipes

- 2.9.1 Applications for and installation of a tie-in by a Private Service Pipe to a water main shall be in accordance with the *Subdivision & Development Servicing Bylaw No. 1727, 1998*, as amended, or its replacement.
- 2.9.2 If the Engineer considers the size or number requested to be improper for the flows and use desired, the Engineer may require that the application be amended accordingly.

Temporary Water Service During Construction

- 2.10 An owner or contractor who requires a temporary water service for construction of a dwelling with an existing water service shall make application to the Engineer for such temporary water service and shall pay the fees in accordance with SCHEDULE A of this bylaw.

Discontinuing Water Service

- 2.11 A Customer may discontinue service in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended, or its replacement.

PART 3

RESPONSIBILITIES OF THE CUSTOMER OR OTHER PERSONS

Obligation to Maintain Plumbing

- 3.1 A Customer must maintain pipes, fittings, pressure-reducing valves (PRVs), meter chambers, meter supports and fixtures servicing or located on their Premises in proper repair and free from leakage at their sole cost and expense.

Requirement to Protect City Curb-stop

- 3.2 A Customer must not damage or permit damage to any curb-stop on or servicing the Customer's property.

Access to City Curb-stop

- 3.3 A Customer or other person must provide unobstructed access to any curb-stop located on their Premises that controls the water supply to the Customer's or other person's Premises.

Access for Inspection

- 3.4 A Customer or other person must allow the Collector, the Engineer, or any person authorized to act on behalf of the Collector or the Engineer, to enter any Premises in accordance with the *Community Charter*, SBC 2003, C. 26 for the purpose of administering or enforcing this Bylaw.

Prohibition Against Sale and Certain Uses

- 3.5 A Customer or other person must not, without first having obtained a permit to do so from the Engineer:
- (a) sell, convey or transport or permit, suffer or allow the sale, conveyance or transport of water beyond the property line of the Premises to which water service is provided;
 - (b) use or permit, suffer or allow the use of water to power machinery;

- (c) use water from a fire hydrant;
- (d) bottle water from the City's water system for the purposes of export or re-sale.

Prohibition Against Using Water in Non-Recirculating Applications

- 3.6 A Customer or other person must not use, or permit, suffer or allow the use of water in the following non-recirculating uses, equipment, or systems:
- (a) thermal conditioning of building surfaces or roofs, or ancillary use of water to supplement building mechanical systems or equipment, excepting emergency fire protection of buildings; or
 - (b) use of water for melting or thawing, excepting food preparation applications.

Prohibition Against Connecting to Non-Recirculating Applications

- 3.7 A Customer or other person must not connect, or permit, suffer or allow connection to the City's water system to any of the following non-recirculating uses, equipment, or systems:
- (a) cooling equipment;
 - (b) venturi-type flow-through vacuum generators or aspirators in which running water is used solely for the venturi effect;
 - (c) non-recirculating liquid ring pumps; or
 - (d) non-recirculating wet-hood scrubbers.

Disconnection of Non-Recirculating Applications

- 3.8 All non-recirculating uses, equipment and systems listed in section 3.6 and 3.7 of this bylaw must be disconnected from the City's water system by January 1, 2025, except that:
- (a) emergency non-recirculating cooling equipment and maintenance non-recirculating cooling equipment may be operated with approval of the Engineer or Director; and
 - (b) uses, equipment and systems in a building for which a demolition permit has been issued before January 1, 2020.

Defective Apparatus, Fitting or Fixture

- 3.9 A Customer or other person must not connect, or permit, suffer or allow connection to the City's water works system of any apparatus, fitting or fixture that, in the opinion of the Engineer, causes or is likely to cause:
- (a) excessive noise;
 - (b) pressure surges;
 - (c) damage to a private water system; or
 - (d) damage to the City's water system.

Tampering with the City's Facilities

- 3.10 A person shall not tamper with or operate the City's water system, including but not limited to any pipe, by-pass, curb-stop, hydrant or any other part of the City's water system, except as authorized by the Engineer or the Collector.

PART 4 CROSS CONNECTION CONTROL

Prohibition Against Cross Connection

- 4.1 A person shall not create, permit, suffer or allow a cross connection, unless the cross connection is protected in compliance with the provisions of the Bylaw and *Building Bylaw No. 1946, 2003*, or any replacement thereto.

Responsibilities of Customer

- 4.2 A Customer must notify the Engineer promptly upon discovery of a Cross Connection.

PART 5 OPERATION AND INSPECTION

Pressure, Supply and Quality

- 5.1.1 The City does not guarantee pressure nor continuous supply of water, nor accept responsibility at any time for the maintenance of pressure on its lines nor for increases or decreases in pressure.
- 5.1.2 The City reserves the right at any time, without notice, to change a water service for the purposes of making repairs, extensions, alterations or improvements, and to increase or reduce pressure.
- 5.1.3 Customers depending on a continuous and uninterrupted supply of water or having processes or equipment that require a particular standard of water shall be responsible for providing their own emergency storage, over-size piping, pumps, tanks, filters, pressure regulators, check valves, additional Private Service Pipes, or other means for a continuous and adequate supply of water suitable for their requirements.
- 5.1.4 The City Engineer or Collector may refuse to turn on a water service to Premise if there are outstanding infractions of this bylaw.

Removal, relocation or alteration of City-owned water facilities

- 5.2 Unless otherwise provided for in this Bylaw, a person who applies to the City for removal, relocation or alteration of City water facilities, including curb-stops, chambers, hydrants or other fittings, must:
 - (a) obtain the consent of the Engineer to the proposed removal, relocation or alteration; and
 - (b) reimburse the City for any costs of such removal, relocation, or alteration in accordance with the provisions of section 5.3 by the City.

Work Done

- 5.3 If any work is required by the City to a water system servicing Premises, all such costs and charges for so doing shall be in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1997*, as amended, or its replacement.

Replacement of Old Service Pipes

- 5.4 If a Service Pipe has deteriorated and is leaking, the City will, at a Customer's request, investigate to determine if the City Service Pipe needs replacing or repair and take such actions as may be deemed appropriate by the Engineer.

Ownership of Service Pipes

- 5.5 Every Service Pipe and appurtenant fittings thereof, except Private Service Pipes, shall remain the property of the City.

Ownership of Private Service Pipes

- 5.6.1 Every Private Service Pipe, whether on Premises or on the street, shall remain the property of the Customer and the Customer shall be responsible for its maintenance, repair or replacement.
- 5.6.2 If, in the installation, maintenance or removal of any Private Service Pipe, it is necessary for any person to enter onto or excavate in a road, sidewalk or highway, that person shall, prior to such entry or performing such work, obtain such permissions or permits as may be required and perform any such work in a manner as approved by the Engineer. and shall pay any fees or charges.

Shutdown or Service Request

- 5.7 The fee for a shutdown or service request shall be in accordance with the *Water Connection and User Charge Bylaw No. 1594, 1992*, as amended, or its replacement.

Frozen Service Pipes

- 5.8.1 If there is a risk of service pipes freezing, the Engineer may:
- (a) carry out an investigation to determine the location and condition of the service pipes; and
 - (b) if the service pipes are frozen on private/customer lands, order the customer to pay the costs of the investigation in accordance with section 5.3.
- 5.8.2 In the event of a frozen pipe on private property, the customer is responsible for thawing the line and the associated costs.

- 5.8.3 No person shall use direct electrical current or introduce any foreign substance into the water service line for the purpose of thawing or attempting to thaw a frozen water service line without prior approval from the Engineer.

Frozen Water Service – Bleeder Valve

- 5.9 In the event of frozen pipes on private property, the customer must pay the cost of any investigation by the Engineer on an “at cost basis” in accordance with Section 5.3.

- (a) The Engineer may require installation of a Bleeder Valve by the Customer in the following situations, including but not limited to:

- I. The water line has frozen previously at the property, or
- II. The property is suspected of being a ‘seasonal property’ when water is not being used daily, creating flow, or
- III. Other items contribute to the risk of a water line freezing.

- (b) The cost of the installation shall be borne by the Owner of the Premises in accordance with Section 5.3

- (c) Bleeder Valves shall be operated by the Customer and may only be turned on no earlier than October 31st and must be turned off by May 1st the following year.

PART 6 OFFENCES AND PENALTIES

Violation of Bylaw

- 6.1 Any person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits an act or thing to be done in contravention or violation of this Bylaw, or fails to do anything required by this Bylaw, commits an offence, and shall be liable upon conviction:
- a) to a fine of not more than Fifty Thousand (\$50,000.00) dollars if prosecuted pursuant to the provisions of the *Offence Act, R.S.B.C. 1996, c. 338*; or
 - b) a fine imposed pursuant to the *Municipal Ticket Information Bylaw No. 2041, 2006* as amended from time to time

- 6.2 In addition to any fine imposed, the City may seek reimbursement for the cost of any prosecution, and seek any other penalty or order be imposed pursuant to the *Community Charter SBC 2003* or *Offence Act RSBC 1995*, as amended from time to time.
- 6.3 If an offence continues for more than one day, each day that the offence continues constitutes a separate and distinct offence.
- 6.4 Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City by law.

Enforcement

6.5.1 The City designates this Bylaw as a Bylaw that may be enforced by Bylaw Enforcement Officers, the Chief Administrative Officer, or their designates, and R.C.M.P. Officers by means of a ticket in the form prescribed for that purpose by the *Community Charter SBC 2003*.

6.5.2 Any person designated as a Bylaw Enforcement Officer pursuant to the *Municipal Ticket Information Bylaw No. 2041, 2006*, as amended, is hereby authorized and empowered to enforce the provisions of this Bylaw.

Bylaw Effective Date and Grace Period

- 6.6 This Bylaw shall come into force immediately upon adoption; however, financial penalties will take effect two (2) months after the date of the final adoption of this Bylaw.

READINGS AND ADOPTION

READ A FIRST TIME this 11th day of June, 2024.

READ A SECOND TIME this 11th day of June, 2024.

READ A THIRD TIME this 11th day of June, 2024.

THIRD READING rescinded this day of July, 2024.

READ A THIRD TIME as amended this day of July, 2024.

ADOPTED this [Click or tap here to enter text.](#) day of [Click or tap here to enter text.](#), [Click or tap here to enter text.](#)

Mayor

Corporate Officer

I hereby certify the foregoing to be the
original Bylaw No. 2485, 2023

**PART 8
SCHEDULES**

The following schedules are listed and included in and form part of this Bylaw:

SCHEDULE A - Charges for Temporary Water Service During Construction

SCHEDULE B - Miscellaneous Fees and Charges

**SCHEDULE A
Charges for Temporary Water Service During Construction**

Reduced rates for the first six (6) months of construction from water on request, additional fees for water on apply separately.

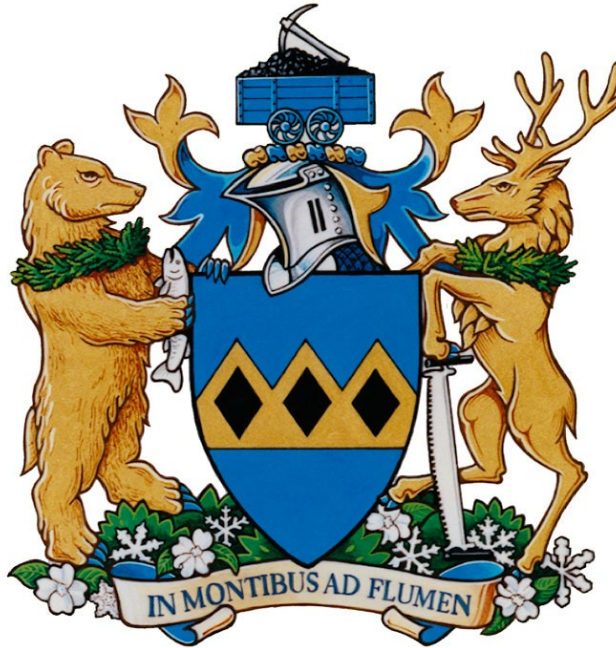
Zero (0) to six (6) months	60% of the regular utility rates
Six (6) months or more	100% of the regular utility rates

**SCHEDULE B
Miscellaneous Fees and Charges**

Miscellaneous water information requests (per hour)	At cost (Section 5.3)
City Crew call out fee (regular working hours - Mon-Fri 7am-4pm) (per hour or portion thereof)	At cost (Section 5.3)
City Crew call out fee (outside regular working hours) (per hour or portion thereof – Collective Agreement Overtime Rates Apply)	At cost (Section 5.3)
Frozen pipe thawing	At cost (Section 5.3)

Column 1	Column 2	Column 3	
		1st Offence	2nd + Subsequent Offences
Obstruction of Entry or Inspection	1.4.2 3.4 5.7	100	200
Unconforming Connection	2.1	100	200
Prohibited Connection Device	2.8	100	200
Failure to maintain plumbing	3.1	100	200
Failure to protect Curb Stop	3.2	100	200
Obstructed Curb Stop	3.3	100	200
Prohibited Sale and Use (of Water)	3.5	100	200
Use of Non-recirculating Appliance	3.6	100	200
Connection of Non-recirculating Appliance	3.7	100	200
Failure to disconnect Non-recirculating Appliance	3.8	100	200
Defective Apparatus, Fitting or Fixture	3.9	100	200
Tampering with City Facilities	3.10	250	500
Unauthorized Hydrant Use	3.10 3.5 (c)	2000	3000
Cross Connection	4.1	1000	2000
Failure to notify of Cross Connection	4.2	500	1000
Un-Approved Street excavation	5.6.2	1000	3000

**THE CORPORATION OF THE CITY OF FERNIE
BRITISH COLUMBIA**



**WATER CONSERVATION AND
REGULATION BYLAW
NO. 2518, 2024**

WATER CONSERVATION AND REGULATION BYLAW NO. 2518, 2024

WHEREAS pursuant to the provisions of the *Community Charter*, the Mayor and Council of the Corporation of the City of Fernie (the “Council”) may by Bylaw, regulate, prohibit and impose requirements with respect to municipal services, including a system for water distribution;

AND WHEREAS Council wishes to regulate the use of water during periods of drought and water capacity and infrastructure limitations;

NOW THEREFORE the Council of the Corporation of the City of Fernie, in open meeting assembled, enacts as follows:

PART I – GENERAL PROVISIONS

1. TITLE

- 1.1 This bylaw may be cited, for all purposes, as the “Water Conservation and Regulation Bylaw No. 2518, 2024”.

2. INTERPRETATION AND APPLICATIONS

Interpretation

- 2.1 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and any reference to gender shall not be limited to the masculine or feminine

Headings

- 2.2 The headings given to the parts and sections in this Bylaw are for convenience and reference only, and do not form a part of this Bylaw and are not to be used for the interpretation.

Severability

- 2.3 If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed, and the severance shall not affect the validity of the remainder of this Bylaw.

3. DEFINITIONS

3.1 In this Bylaw, the expressions as defined by the *Local Government Act*, the *Community Charter*, and the *Interpretation Act* and regulations shall apply.

3.2 If there is any inconsistency between the terms defined herein and any other enactment, the more restrictive definitions shall prevail.

3.3 In this Bylaw:

Automatic Irrigation System

means an irrigation system that mechanically or electrically shuts-off without human action.

Automatic Shut-Off Device

means a device attached to a water hose that shuts off the supply of water without human intervention within 60 minutes or unless hand pressure is applied to allow the flow of water.

Boulevard

means the area other than a sidewalk between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line

Bylaw Enforcement Officer(s)

means a person appointed to that position by the Council or the person acting in that capacity on their behalf.

Chief Administrative Officer

means the employee appointed to that position for the City pursuant to section 147 of the *Community Charter* or the person acting in that capacity on their behalf.

City

means The Corporation of the City of Fernie.

City Capital Project

means any project funded by the City.

Commercial Car Wash

means any commercial facility for the washing of vehicles available to the public.

Commercial Landscape Companies	means a company, with a valid and subsisting business licence issued by the City that designs, plants, installs or provides maintenance of gardens and other landscape projects.
Council	means the Mayor and Council of The Corporation of the City of Fernie.
Corporate Officer	means the employee appointed to the position of Director of Corporate Administration Services or Corporate Officer pursuant to Section 148 of the <i>Community Charter</i> with the responsibility for corporate administration, or their designate
Director of Engineering and Public Works	means, the person appointed as the Director of Engineering and Public Works by Council, or other person acting in that capacity or their designate or Manager of Public Works or their designate.
Drip Irrigation	means an irrigation system using irrigation components which consume less than 20 gallons (91 litres) per hour and operate at less than 25 PSI (172 kPa) to deliver water directly to the root zone of the plant being irrigated.
Essential Services	means the provision of potable drinking water making provision for adequate water reserves for fire suppression.
Fairy Creek Reservoir	means the primary spring water reservoir and supply of the City.
James White Wells	means the secondary well water supply for the City located in the James White park of the City
Lawns	means an area of lands where grass is intentionally or permitted to be grown including lands owned privately or by a governmental authority, including the

City, and boulevards, whether or not the grass is newly planted.

New Lawns

means a Lawn that is newly established either by seeding or the laying of new sod or turf for a period of 21 days that does not have an established root system.

New Tree

means a Tree that is newly planted for a period of 21 days that does not have an established root system.

Outdoor Water Use

means the outdoor use of City supplied water.

Outdoor Water Use Regulation Stage(s)

means Stage 1, 2, 3, and 4 Outdoor Water Use Regulations as set out in this Bylaw.

Permit

means a Permit issued under Section 6.

Playing Field

means a field located on non-residential premises, owned by the City or School District No. 5, that is designed and maintained to be played upon, or that is used for sporting activities, including but not limited to soccer, football, lacrosse, rugby, baseball/softball or similar activities, but does not include lawns or golf course used by the public.

Public Announcement

means one or more advertisements or public announcements in any one of:

- a. a radio broadcast from a station that broadcasts to the City;
- b. a newspaper or other publication that has general circulation in the City;
- c. the City's website;
- d. the City's social media.

Sprinkler

means a device that distributes water for the purpose of irrigation and includes both automatic and non-automatic devices.

Stage 1 Regulations	means the regulations on Outdoor Water Use described in Part VI - OUTDOOR WATER USE REGULATION; STAGE 1
Stage 2 Regulations	means the regulations on Outdoor Water Use described in Part VII - OUTDOOR WATER USE REGULATION; STAGE 2
Stage 3 Regulations	means the regulations on Outdoor Water Use described in Part VIII - OUTDOOR WATER USE REGULATION; STAGE 3
Stage 4 Regulations	means the regulations on Outdoor Water Use described in Part IX - OUTDOOR WATER USE REGULATION; STAGE 4
Tree	means a perennial plant having a single and usually elongated main stem.
Water and Watering	If the context so requires their use as a verb means the application or distribution of water to lands, Lawns, Trees or other vegetation by any means, including but not limited to hoses, Sprinklers, or Drip Irrigation.

- 3.4 A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

PART II – DELEGATION AND AUTHORITIES

4. DELEGATION

Council delegates the powers of Council as follows to:

- 4.1 The Director of Engineering and Public Works is hereby delegated the authority to:
- (a) administer the provisions of this Bylaw;
 - (b) declare that the City has activated an Outdoor Water Use Regulation Stage;
 - (c) approve the turning off of water to properties; for violation of

regulations with respect to Watering, Outdoor Water Use as set out in this Bylaw, or

- (d) any other violation of any of the provisions of this Bylaw; and enter upon any residential or non-residential property in order to inspect and determine whether all regulations, prohibitions and requirements under this Bylaw, or
- (e) a Permit issued under this Bylaw, are being met or ascertain whether a default or violation has occurred.

4.2 The Director of Engineering and Public Works is authorized to:

- (a) Issue Permits; and
- (b) Issue notices or orders.

4.3 The Bylaw Enforcement Officers is hereby delegated the authority to :

- (a) issue Bylaw notices and Municipal Ticket Information for violations of this Bylaw; and
- (b) enter upon any residential or non-residential property in order to inspect and determine whether all regulations, prohibitions and requirements under this Bylaw, or a Permit issued under this Bylaw, are being met or ascertain whether a default or violation has occurred.

PART III – DECLARATION AND ANNOUNCEMENT OF OUTDOOR WATER USE REGULATION STAGES

5. DECLARATION AND ANNOUNCEMENT

5.1 The Director of Engineering and Public Works may, for the purpose of reducing water usage in response to a decrease in the water level of Fairy Creek Reservoir, or as a result of a Provincial Drought Level/Conditions, or demand exceeding the City's water source's capacity or infrastructure, issue an order to stop, suspend, or regulate the hours/days for Outdoor Water Use in the form of Stage 1, Stage 2, Stage 3, or Stage 4 Outdoor Water Use Regulation Stages, and:

- (a) The Director of Engineering and Public Works may, by letter to the Corporate Officer or Chief Administrative Officer, declare that the City has activated an Outdoor Water Use Regulation Stage; and
- (b) If the Director of Engineering and Public Works makes a declaration under section (a), the Outdoor Water Use Regulation Stage described in the declaration comes into force in the City 48 hours for Stage 2, and 24 hours for Stages 3 and 4, after the Director of Engineering and Public Works, Corporate Officer or Chief Administrative Officer, or

their designate publishes Public Announcement of the declaration.

- (c) When an Outdoor Water Use Regulation Stage comes into force under this section, an Outdoor Water Use Regulation Stage that had been in force, if any, ceases to be in force.

5.2 Stage 1 Regulation is in force from March 1st to October 15th of any year without prior declaration of the Director of Engineering and Public Works or announcement under section 5.1., and remains in effect unless a Stage 2, 3 or 4 Regulation is declared to be in effect.

- (a) If the Director of Engineering and Public Works declares that the City has declared Stage 2 Regulations are in effect, a Public Announcement is sufficient for the purposes of paragraph 5.1(b) that substantially contains the information set out in this Bylaw.
- (b) If the Director of Engineering and Public Works declares that the City has activated Stage 3 Regulations, a Public Announcement is sufficient for the purposes of paragraph 5.1(b) that substantially contains the information set out in this Bylaw.
- (c) If the Director of Engineering and Public Works declares that the City has activated Stage 4 Regulations, a Public Announcement is sufficient for the purposes of paragraph 5.1(b) that substantially contains the information set out in this Bylaw.

5.3 If at any time a declaration of emergency the Director of Engineering and Public Works may deem it to be in the public interest, they may direct that any and all water usage, except essential services, be further reduced or curtailed until such time as the Director of Engineering and Public Works deems it advisable to restore any or all of the services.

PART IV – PERMITS

6. PERMITS

6.1 A person who has planted New Lawns or New Tree on the outdoor portion of a premises may apply to the Director of Engineering and Public Works, or designate, for a Permit authorizing the person to Water the New Lawns or New Tree when Stage 1 Regulations or Stage 2 Regulations are in force, at times specified in the Permit, at the premises described in the Permit, during the currency of the Permit. Any Permits issued when Stage 3 Regulations or Stage 4 Regulations are in force will not be valid.

- 6.2 The Director of Engineering and Public Works, or designate, upon being satisfied, acting reasonably, that an applicant qualifies under section 6.1, shall issue a Permit to the applicant upon payment of a fee in the amount set out in Schedule A.
- 6.3 A Permit issued under section 6.2 shall be affixed to a post or stake facing the street serving the premises, beside the principal driveway so that it is visible from the street.
- 6.4 A Permit issued under section 6.2 shall expire and be of no force or effect 21 days after the date of its issue unless an extension has been issued under section 6.5 or in the event that Stage 3 or Stage 4 Regulations are declared to be in effect.
- 6.5 Before or after the expiration of a Permit issued under section 6.2 a person may apply for one extension of the Permit on the same terms and conditions under section 6.2. Such an extension shall end on or before 21 days from the date of issue of the initial Permit.

PART V – GENERAL OUTDOOR WATER USE REGULATIONS

- 7.1 The Outdoor Water Use Regulation Stages set out in this Bylaw do not apply to a person using water obtained from alternative water sources not connected to or utilizing City supplied water, including but not limited to rain barrels or other surface water catchment devices.

General prohibition against wasting water

- 7.2 A person must not waste water, or suffer, permit or allow the waste of water at anytime. Without limiting the generality of the foregoing, a person must not waste water, or suffer, permit or allow waste of water at any time by:
- (a) the free discharge or flow of water from premises, on or into a sanitary sewer, watercourse, storm drain, street or adjacent premises, excepting a may be run off from permitted watering;
 - (b) leaking of water from appliances, devices, machines, equipment, systems, ponds, fountains or water features;
 - (c) the use of ponds, waterways, water features, fountains, hot tubs or swimming pools, which do not have a water recirculation device;
 - (d) the use of an irrigation system which leaks or applies water to an impervious surface; or
-

- (e) the use of a water hose which is not equipped with an Automatic Shut-Off Device unless under direct control of an individual.

PART VI – OUTDOOR WATER USE REGULATION; STAGE 1

Stage 1 Regulations

8.1 Unless otherwise provided in this Bylaw, when Stage 1 Regulations are in effect, from March 1 to October 31 of each year:

- (a) a person may only water a Lawn, including any Boulevards adjacent to the premises:
 - i. on Monday, Thursday, and Saturday for even numbered properties;
 - ii. on Tuesday, Friday, and Sunday for odd numbered properties, and
 - iii. for a maximum of 2 hours per day between the hours of 5:00 a.m. to 10:00 a.m. or 8:00 p.m. to 11:00 p.m. on the permitted days.
- (b) a person may only water trees, shrubs, flowers, and plants:
 - i. on Monday, Thursday, and Saturday for even numbered properties;
 - ii. on Tuesday, Friday, and Sunday for odd numbered properties, and
 - iii. at residential premises between 5:00 a.m. and 10:00 a.m., or 8:00 p.m. to 11:00 p.m.
 - iv. at non-residential premises between 1:00 a.m. and 9:00 a.m.
 - v. for a maximum of 2 hours per day.

Exemptions from Stage 1 Regulations

8.2 The provisions of Sections 8.1 do not apply:

- (a) to a person watering a New Lawn or New Tree in compliance with a water use Permit issued under this bylaw;
 - (b) to a person watering a vegetable garden or edible plants; or
 - (c) to a person watering concrete for curing purposes;
 - (d) to City operations for maintenance purposes;
 - (e) Commercial Car Washes and general car washing;
 - (f) Commercial Landscape Companies, in compliance with a
-

- Permit issued under this Bylaw; or
- (g) City parks, Playing Fields, and greenspaces.

PART VII – OUTDOOR WATER USE REGULATION; STAGE 2

- 9.1 Unless otherwise provided in this Bylaw, when Stage 2 Regulations are in effect, a person must comply with the Outdoor Water Use Regulation Stages in this Part.

Stage 2 Regulations

- 9.2 Stage 2 Regulations may be implemented when:
- (a) the Fairy Creek Reservoir level is below 90% capacity, adjusting for standard fluctuations or
 - (b) Fairy Creek tributaries are reducing to a volume of 50% of freshet flows or
 - (c) Water demand is exceeding the capacity of the Fairy Creek Reservoir or James White Well water sources to replenish within a period of 24 hours.
- 9.3 Except as otherwise provided in section 9.4, when Stage 2 Regulations are in effect:
- (a) a person may only water a Lawn, including any Boulevards adjacent to the premises:
 - i. on Monday and Thursday only for even numbered properties;
 - ii. on Tuesday and Friday only for odd numbered properties;
 - iii. for a maximum of 2 hours per day between the hours of 5:00 a.m. to 10:00 a.m. or 8:00 p.m. to 11:00 p.m. on the permitted days.
 - (b) a person may only water trees, shrubs, flowers and plants:
 - i. on Monday and Thursday only for even numbered properties;
 - ii. on Tuesdays and Fridays only for odd numbered properties;
-

- iii. at residential premises between 5:00 a.m. and 8:00 a.m.; and
 - iv. at non-residential premises between 1:00 a.m. and 9:00 a.m.
 - v. for a maximum of 2 hours per day.
- (c) a person must not wash an impermeable outdoor surface except:
 - i. for health or safety reasons;
 - ii. to prepare a surface for painting, sealing, or similar treatment; or
 - iii. if the washing is carried out by a commercial cleaning operation for aesthetic purposes;
- (d) a person must not fill, refill or add water to an aesthetic water feature.
- (e) Washing of vehicles is permitted with an Automatic Shut-Off Device only, and only during the hours from 5:00 a.m. to 10:00 a.m. or from 8:00 p.m. to 11:00 p.m.

Exemptions from Stage 2 Regulations

- 9.4 The provisions of Section 9.3 do not apply to:
- (a) a person watering a New Lawn or New Tree in compliance with a Permit issued under this Bylaw;
 - (b) a person watering a vegetable garden or edible plants;
 - (c) a person watering concrete for curing purposes;
 - (d) City operations for maintenance purposes;
 - (e) Commercial Car Washes;
 - (f) Commercial Landscape Companies, in compliance with a Permit issued under this Bylaw; or
 - (g) City parks, Playing Fields and greenspaces.

PART VIII – OUTDOOR WATER REGULATION; STAGE 3

- 10.1 Unless otherwise provided in this Bylaw, when Stage 3 Regulations are in effect, a person must comply with the Outdoor Water Use Regulation Stages in this Part.

Stage 3 Regulations

10.2 Stage 3 Regulations may be implemented when:

- (a) the Fairy Creek Reservoir level has reached a level below 80% of capacity, adjusting for standard fluctuations; or
- (b) if the Fairy Creek Reservoir's tributaries are not replenishing the Fairy Creek Reservoir and parallel streams are dry; or
- (c) Water demand is exceeding the capacity of the Fairy Creek Reservoir or James White Well water sources and infrastructure damage may occur by reason of reduced water flows.

10.3 Except as otherwise provided in section 10.4, when Stage 3 Regulations are in effect:

- (a) a person may only water:
 - i. with an Automatic Shut-Off Device only for the purpose of watering gardens, trees, and shrubs on Thursdays only for even numbered properties and Tuesdays for odd numbered properties;
 - ii. for a maximum of 1 hour per day from 6:00am to 8:00am or 8:00pm to 10:00pm, on permitted days.
 - iii. Permits authorizing the use of water for New Lawns and New Trees are suspended as long as Stage 3 regulations are in effect.
- (b) a person must not water or wash an impermeable outdoor surface except:
 - i. for health or safety reasons;
 - ii. to prepare a surface for painting, sealing, or similar treatment.
- (c) a person must not fill, refill, or add water to a pond, water feature, hot tub or pool.
- (d) No filling of water trucks from a City water system connection.
- (e) Notification of Outdoor Water Use Regulation Stages will be provided by Public Announcement.

Exemptions from Stage 3 Regulations

10.4 The provisions of Section 10.3 do not apply to:

- (a) Commercial Landscape Companies that have purchased trees and sod for installation prior to the implementation of Stage 3 Regulations, will be exempt from Stage 3 Regulations upon proof that the purchase was completed before the Stage 3 Regulations came into effect;
- (b) a person watering a vegetable garden or edible plants;
- (c) Commercial Car Washes;
- (d) Commercial Landscape Companies, in compliance with a Permit issued under this Bylaw;
- (e) Water trucks working on a City Capital Project;
- (f) the City of Fernie Spray Park for the purpose of a cooling facility during heat events;
- (g) the City Aquatics Center in order to maintain public health and safety;
- (h) a person watering concrete for curing purposes;
- (i) to City operations for maintenance purposes; or
- (j) City Playing Fields.

PART IX– OUTDOOR WATER REGULATION; STAGE 4

11.1 Unless otherwise provided in this Bylaw, when Stage 4 Regulations are in effect, a person must comply with the provisions of the Outdoor Water Use Regulation Stage in Section 11.3.

11.2 Stage 4 Regulation may be implemented when:

- (a) the Fairy Creek Reservoir level has reached a level below 70% of capacity, adjusting for standard fluctuations; or
- (b) if the Fairy Creek Reservoir's tributaries are not replenishing the Fairy Creek Reservoir and parallel streams are dry; or
- (c) Water demand is continually exceeding the capacity of the Fairy Creek Reservoir or James White Well water sources and infrastructure damage may occur by reason of reduced water flows.

11.3 When Stage 4 Regulations are in force, no person shall:

- (a) Water:
 - i. Lawns whether New Lawns, or otherwise;
 - ii. flowers or flower gardens, decorative planters, shrubs or trees; or
 - iii. school yards, Playing Fields.
- (b) use a hose providing water to wash boats or motor vehicles, unless the hose is equipped with an Automatic Shut-Off Device, and the purpose of washing is to maintain visibility of lights or license plates, or the ability to see through windows, or is otherwise required for the safe operation of the boat or motor vehicle;
- (c) use a hose or pressure washer providing water to wash sidewalks, driveways, walls, roofs or other outdoor surfaces, unless the hose is equipped with an Automatic Shut-Off Device, and the washing has been ordered by a regulatory authority;
- (d) supply water to ornamental fountains or water features;
- (e) operate a water play park;
- (f) use water to fill or re-fill residential and commercial ponds, hot tubs, pools or spas;
- (g) use water for the requirements associated with infrastructure improvement or repair projects;
- (h) operate a car wash, whether or not it is an indoor car wash; or
- (i) use water from a hose providing water unless the hose is equipped with an Automatic Shut-Off Device and where the engaged activity is not prohibited in paragraphs 11.3 (a) through (h) of this part.

11.4 For greater certainty, Section 11.2 and 11.3 applies to all areas of:

- (a) turf farms and nurseries;
- (b) cemeteries;
- (c) concrete or asphalt plants;
- (d) water bottling facilities connected to the City water system;
- (e) hydroponic facilities connected to the City water system;
- (f) golf courses connected to City water system; and
- (g) Vegetable or food-producing gardens.

Exemptions from Stage 4 Regulations

11.5 Commercial Landscape Companies that have purchased trees and

sod for installation prior to the implementation of Stage 3 Regulations, will be exempt from Stage 4 Regulations upon proof that the purchase was completed before the Stage 3 Regulations came into effect.

- 11.6 The provisions of Section 11.3 and 11.4 do not apply to essential City maintenance operations.
- 11.7 Except for sections 11.5 and 11.6, there are no exemptions from Stage 4 Regulations.

PART X - ENFORCEMENT AND PENALTIES

Violation of Bylaw

- 12.1 Any person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits an act or thing to be done in contravention or violation of this Bylaw, or fails to do anything required by this Bylaw, commits an offence, and shall be liable upon conviction:
 - a) to a fine of not more than Fifty Thousand (\$50,000.00) dollars or
 - b) a fine imposed under the Municipal Ticket Information Bylaw, as amended from time to time.
- 12.2 In addition to any fine imposed, City may seek reimbursement for the cost of any prosecution, and seek any other penalty or order be imposed pursuant to the *Community Charter* or *Offence Act* as amended from time to time.
- 12.3 If an offence continues for more than one day, each day that the offence continues constitutes a separate and distinct offence.
- 12.4 Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City by law.

Enforcement

- 12.5 The City designates this Bylaw as a Bylaw that may be enforced by Bylaw Enforcement Officers, the Chief Administrative Officer, or their delegates, and R.C.M.P. Officers by means of a ticket in the form prescribed for that purpose by the *Community Charter*.
- 12.6 Any person designated as a Bylaw Enforcement Officer pursuant to the Municipal Ticket Information Bylaw as amended from time to time is hereby authorized and empowered to enforce the provisions of this Bylaw.

No Obstruction

12.7 A person must not obstruct the Director of Engineering and Public Works, or a Bylaw Enforcement Officer in the performance of their duties, or refuse to comply or delay in complying with any direction by such officer.

Bylaw Notices and Tickets

12.8 A person must not remove any Bylaw Notice, ticket or warning affixed or placed at a real property for the enforcement of this Bylaw unless that person is the owner, occupant, or operator of that real property or other person to whom the Bylaw Notice is addressed.

Right of Entry

12.9 The Director of Engineering and Public Works or Bylaw Enforcement Officer may enter any premises at any reasonable time for the purpose of administering or enforcing this Bylaw as per Section 16 of the *Community Charter*.

Responsibility of Owner

12.10 The Owner of a residential or non-residential Property is responsible to pay fees and charges imposed under a bylaw of the City in relation to the requirements of this Bylaw and with respect to any work done or services provided to that Real Property.

PART XI – SCHEDULES

13.1 The following Schedules form part of this Bylaw:

- a) Schedule A – Permit Fees

PART XII - EFFECTIVE DATE

This bylaw comes into effect upon adoption.

Read a first time this 11th day of June 2024.

Read a second time this 11th day of June 2024.

Read a third time this 11th day of June 2024.

Third Reading rescinded this day of July, 2024.

Read a third time as amended this day of July, 2024.

Adopted this this day of 2024.

Mayor

Corporate Officer

I hereby certify the foregoing to be
the original Bylaw No. 2518, 2024

SCHEDULE A -
PERMIT FEES

Water Use Permit	Zone	Application Fee
New Lawn or Tree	Low and Medium Density Residential	\$25.00
New Lawn or Tree	High Density Residential	\$50.00
New Lawn or Tree	Commercial, Industrial, or Institutional	\$100.00

THE CORPORATION OF THE CITY OF FERNIE

BYLAW NO. 2519

A Bylaw to amend Municipal Ticket Information Bylaw No. 2041, as amended

WHEREAS the City of Fernie has adopted Municipal Ticket Information Bylaw No. 2041;

AND WHEREAS Council has deemed it desirable to amend Municipal Ticket Information Bylaw No.2041, as amended;

NOW THEREFORE, the Municipal Council of the City of Fernie, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the “Municipal Ticket Information Bylaw No. 2041, Amendment Bylaw No. 2519, 2024.”
2. That Municipal Ticket Information Bylaw No. 2041, as amended, be further amended as follows:
 - a. Adding the following sections to Schedule 1, under Column 1 Designated Bylaws and Column 2 Designated Bylaw Enforcement Officers:

Column 1 Designated Bylaws	Column 2 Designate Bylaw Enforcement Officers
Water Works Bylaw No. 2485 (Refer to Appendix 19 hereto)	Bylaw Enforcement Officer Director of Engineer & Public Works Manager of Public Works
Water Conservation & Regulation Bylaw No.2518, 2024 (Refer to Appendix 20 hereto)	Bylaw Enforcement Officer Director of Engineer & Public Works Manager of Public Works

- - b. That the following chart, Appendix 19 Water Works Bylaw No.2485, 2023, is added to the bylaw following Appendix 18.

Appendix 19
Water Works Bylaw No.2485, 2023

Column 1	Column 2	Column 3	
		1st Offence	2nd + Subsequent Offences
Obstruction of Entry or Inspection	1.4.2 3.4 5.7	100	200
Unconforming Connection	2.1	100	200
Prohibited Connection Device	2.8	100	200
Failure to maintain plumbing	3.1	100	200
Failure to protect Curb Stop	3.2	100	200
Obstructed Curb Stop	3.3	100	200
Prohibited Sale and Use (of Water)	3.5	100	200
Use of Non-recirculating Appliance	3.7	100	200
Connection of Non-recirculating Appliance	3.8	100	200
Failure to disconnect Non-recirculating Appliance	3.9	100	200
Defective Apparatus, Fitting or Fixture	3.10	100	200
Tampering with City Facilities	3.11	250	500
Unauthorized Hydrant Use	3.11 3.5 (d)	2000	3000
Cross Connection	4.1	1000	2000
Failure to notify of Cross Connection	4.2	500	1000
Un-Approved Street excavation	5.6.2	1000	3000

- c. That the following chart, Appendix 20 Water Conservation and Regulation Bylaw No.2518, 2024 is added to the bylaw, following Appendix 19.

Appendix 20
Water Conservation and Regulation Bylaw No.2518, 2024

Column 1	Column 2	Column 3
Waste of Water (1st Offence)	7.2	\$250.00
Waste of Water (2nd Offence)	7.2	\$350.00
Waste of Water (3rd Offence)	7.2	\$500.00
Violate Water Use Regulation Stage 1 (1st Offence)	8.2	\$100.00
Violate Water Use Regulation Stage 1 (2nd Offence)	8.2	\$200.00
Violate Water Use Regulation Stage 1 (3rd Offence)	8.2	\$500.00
Violate Water Use Regulation Stage 2 (1st Offence)	9.3	\$100.00
Violate Water Use Regulation Stage 2 (2nd Offence)	9.3	\$200.00
Violate Water Use Regulation Stage 2 (3rd Offence)	9.3	\$500.00
Violate Water Use Regulation Stage 3 (1st Offence)	10.3	\$100.00

Violate Water Use Regulation Stage 3 (2nd Offence)	10.3	\$200.00
Violate Water Use Regulation Stage 3 (3rd Offence)	10.3	\$500.00
Violate Water Use Regulation Stage 4 (1 st Offence)	11.2	\$500.00
Violate Water Use Regulation Stage 4 (2 nd Offence)	11.2	\$1000.00

3. If any part, section, sentence, clause, phrase or word of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.

READ A FIRST TIME this

READ A SECOND TIME this

READ A THIRD TIME this

ADOPTED this

Mayor

Corporate Officer

I hereby certify the foregoing to be the original Bylaw No. 2519.

THE CORPORATION OF THE CITY OF FERNIE

BYLAW NO. 2520

A Bylaw to amend Water Connection and User Charge Bylaw No. 1594 (as amended)

WHEREAS the City of Fernie has adopted Water Connection and User Charge Bylaw No.1594;

AND WHEREAS Council has deemed it desirable to amend the Water Connection and User Charge Bylaw No. 1594, as amended;

NOW THEREFORE, the Municipal Council of the City of Fernie, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as “Water Connection and User Charge Bylaw No. 1594, Amendment Bylaw No.2520, 2024”.
2. That the Water Connection and User Charge Bylaw No. 1594, as amended, be further amended as follows:
 - By deleting Section 13 Frozen Services in its entirety and subsequent sections of the bylaw be renumbered accordingly.

READ A FIRST TIME this

READ A SECOND TIME this

READ A THIRD TIME this

ADOPTED this

Mayor

Corporate Officer

I hereby certify the foregoing to be the original Bylaw No. 2520.

REQUEST FOR DECISION (RFD)

Date: June 11, 2024
 To: Mayor Milligan and Members of Council
 From: Dustin Haeusler ASCT, Director of Engineering and Public Works
 Subject: Water Works and Water Conservation Bylaws

RECOMMENDATION

THAT Council provide *Water Works Bylaw No. 2485, 2023*, 1st, 2nd, and 3rd reading.

AND

THAT Council provide *Water Conservation and Regulation Bylaw No. 2518, 2024*, 1st, 2nd, and 3rd reading.

AND

THAT Council provide *Municipal Ticket Information Bylaw No.2041, Amendment Bylaw No. 2519, 2024* 1st, 2nd, and 3rd reading.

AND

THAT Council provide *Water Connection and User Charge Bylaw No.1594, Amendment Bylaw No.2520* 1st, 2nd and 3rd reading.

PURPOSE

This report provides Council with the consideration of advancing the Water Works Bylaw and the Water Conservation and Regulation Bylaw previously discussed as upcoming priorities.

The implementation of these two foundational Bylaws are essential to the safe management of this critical resource and infrastructure. The Water Works Bylaw is a standard bylaw found in many communities, and the Water Conservation and Regulation Bylaw is becoming more relevant as communities adapt to modern water conservation programs and efforts.

Reviewed by:			
Chief Administrative Officer 	Director of Corporate Administration Services 	Director of Finance 	Other:

Staff are recommending these be advanced as components in our overall drinking water management program.

BACKGROUND

On June 13th, 2023 Council made the resolution:

THAT Council direct staff to advance Water Works Bylaw No. 2485, 2023 to a future Council meeting.

Staff had been developing the supporting communications on the Water Works Bylaw and waiting for the capacity to execute a communications program ahead of returning for readings.

Staff monitoring the snowpack conditions this winter into spring identified a possible significant drought season for the 2024 summer, possibly more severe than the 2023 season. Additionally, the Province of BC has indicated that snowpack province-wide is at 57% of the average, as indicated in the *Snow Survey and Water Supply Bulletin* (attached).

The decision to accelerate the Water Conservation and Regulation Bylaw 2518, 2024, was made based on these leading indicators and the lessons learned from the 2023 dry summer season. Combined with the Provincial Drought This provided an opportunity to align the bylaws to work in tandem and execute communications programs together ahead of final readings.

The Public Works Department has relied on *voluntary* water restrictions and adherence to best practices regarding interaction with the water system infrastructure.

The 2023 summer encountered extended dry spells following June rains; during these dry events, when rain occurs, it can create significant turbid events at Fairy Creek that last weeks where turbidity is out of acceptable parameters. Additionally, extended heat waves can alter the water quality into a turbid event without a rain event. This scenario occurred last summer, and the City implemented its voluntary water restrictions due to a series of turbidity events that forced the system to switch to its backup water source, James White Wells.

These wells have a limited capacity, and during dry spells, community demand frequently surpasses their capacity. One of the projects approved in the 2024 budget by Council, is looking into increasing the capacity of these wells from 150L/s to 200L/s. This project may help with capacity, but results are not determined at this time. Regardless, the Water Conservation and Regulation Bylaw covers other elements of good water governance.

Luckily, the community voluntarily reduced its water use, and lengthened Boil Water Notices (BWN) were avoided. However, the community did experience a Water Quality Advisory (WQA) starting on April 12, 2023, due to elevated selenium levels beyond BC Drinking Water Guidelines at the James White Wells, forcing our reliance on turbid water from Fairy Creek. This was not related to a demand/capacity issue, but is a scenario covered in the Water Conservation and Regulation Bylaw.

Later in the summer (while operating from the wells), the monitoring of the well pump run times indicated that the margins were slim between total capacity and community demand. This was

verified by reporting on the pump run-times. We found there were periods where the pump did not shut off on multiple consecutive days, from roughly 8 am-10 pm, and the reservoir was not filling but water was maintaining a lower-than-typical level.

This indicates that demand was outpacing capacity of the wells. In this scenario, should we face further reduced reservoir levels, the system may have to be forced to put the more turbid water from Fairy Creek into the system and issue a WQA or BWN.

Notably these are not short-term advisories, as following proper protocol regulated by our Drinking Water Officer it would take at a minimum two weeks following turbidity dropping to acceptable levels to rescind these notices through a sampling program.

Monitoring water source quality, managing source switchover during turbidity events, and sampling to remove a WQA or BWN take significant employee time. Avoiding the issuance of WQA or BWN keeps employee time on maintenance tasks and not daily monitoring of at-risk infrastructure.

Another element to consider is the toll running a pump for multiple days on end has on the life expectancy of the equipment during extreme heat events. Running these pumps for 12 plus hours per day during extreme heat events will reduce the life expectancy of the pumps.

This conservation bylaw will help City Staff ensure the community has safe potable water, reduce WQA and BWN days throughout the year, and ensure adequate fire flow and pressures for community safety and protection.

DISCUSSION

Water Conservation and Regulation Bylaw

Staff has developed the Bylaw being proposed partially on the Cranbrook Bylaw foundation. Recently (April 2023), revisions were made to that bylaw following implementation in the 2023 summer, incorporating changes based on lessons learned. City of Fernie Staff has consulted with Cranbrook Staff to ensure the lessons learned in Cranbrook appropriate for translation into the Fernie bylaw have been applied appropriately to our local context.

The foundation of the Bylaw is staged outdoor watering restrictions and wasting water restrictions. Triggers to a declaration of a stage are below (or a combination of):

1. Dates (specific to Stage 1 only)
2. Fairy Creek Reservoir level
3. Reduced flows at creeks near the Fairy Creek source (through visual monitoring)
4. Demand exceeding capacity (at Fairy Creek OR James White Wells)
5. Provincial area drought declarations

A high-level outline of the staged restrictions is below:

	Stage 1	Stage 2	Stage 3	Stage 4
When	Mar 1 to Oct 15	When declared. (reservoir 90%, tributaries 50%, demand exceeding capacity)	When declared (reservoir 80%, tributaries dry, demand risking infrastructure damage)	When declared. (reservoir 70%, tributaries dry, demand risking infrastructure damage)
Watering Days & limits	3 days per week (2 hours max)	2 days per week (2 hours max)	1 day per week (1 hour max)	Very Limited
Lawn Watering times	5 am – 10 am 8 pm – 11 pm	5 am – 10 am 8 pm – 11 pm	Not Permitted	Not Permitted
New Lawn or trees (with Permit)	Daily 5 am – 10 am 8 pm – 11 pm	Daily 5 am – 10 am 8 pm – 11 pm	Not Permitted	Not Permitted
Tree Shrub watering times	5 am – 10 am (residential) 1am – 9 am (non-residential)	5 am – 8 am (residential) 1am – 9 am (non-residential)	Not Permitted	Not Permitted
Exemptions	new lawn and tree (with permit), gardens, curing concrete, city operations, car washes, landscapers with permits, City parks, playing fields	new lawn and tree (with permit), gardens, curing concrete, city operations, car washes, landscapers with permits, City parks, playing fields	Vegetable garden, car washes. Landscapers with permit (prior to stage 3), city operations, COF spray park as cooling facility, curing concrete, Playing Fields	Landscapers with permit (prior to stage 3), essential city operations

Based on recent years' data, the City will typically experience Stages 1 and 2 annually. Stages 3 and 4 indicate a more severe situation on one (or more) of the triggers indicated above, and thus more severe restrictions are warranted. There have been events in the past where the voluntary watering restrictions that the City has issued (similar to Stage 2) have been sufficient to avoid a WQA, BWN or infrastructure damage but reliance on voluntary restrictions is not sufficient going forward.

Other Notable Elements of the Water Conservation Bylaw

Timing of declaration

Stage 1 is in effect from March 1st to October 15th of each year, unless extended due to triggers identified previously. Stage 2 has a 48-hour lead time to implementation of the stage as typically there is more indication time that an issue is arising. Stages 3 and 4 are more severe, and the lead time has been set at 24 hours to ensure a quick response to a declining situation (drought, public safety, or infrastructure damage).

Captured Water

Water captured for use by a resident or business through barrels from eavestrough or other methods does not fall under the regulations of this bylaw; the Bylaw only regulates supplied municipal water by the City.

New Lawn/Tree Permits

Managed by the Operations Department digitally, this will allow residents or contractors to water a newly seeded lawn, turf, or tree/shrub daily (within watering windows) for 21 days in Stage 1 or 2. Watering into Stages 3 and 4 *only* if proof of purchase is before the Stage 3 implementation date. Fees are charged to cover administration expenses incurred by the City managing the permit program. Should a resident or business wish to water a new lawn or tree within the stage restrictions a permit is not needed, only if they wish to water outside of the relevant Stage watering parameters. The permit will be required to be displayed on the property line to inform City Staff and other public of the watering outside of permitted windows. The proposed permit document and related fees are attached in the appendix and below:

Water Use Permit	Zone	Application Fee
New Lawn or Tree	Low and Medium Density Residential	\$25.00
New Lawn or Tree	High Density Residential	\$50.00
New Lawn or Tree	Commercial, Industrial, or Institutional	\$100.00

Wasting Water Prohibitions

The Water Conservation Bylaw details more extensive wasting water prohibitions, addressing various poor practices related to water conservation, such as managing runoff, leaking features, non-re-circulating devices, and irrigation watering impermeable surfaces, to name a few.

The *Water Works Bylaw* has wording removed from the last version Council would have seen in June 2023. Wasting water and generalized water restriction wording is more fitting in the *Water Conservation and Regulation Bylaw*, the modified Bylaw is the attachment to this Report.

Vegetables or Food-Producing Gardens

This element was discussed internally by staff and with many departments as well as during the legal review. The conclusion of the internal discussions was that it seemed reasonable to allow the watering of gardens that produce food into Stage 3. However, the severity of the triggers needed for Stage 4 would indicate that the City is reducing water usage to potable water and life safety elements such as required fire flows and pressures, and at that point, no watering in gardens would be allowed.

During the legal review, the exception of a food-producing garden in Stages 1-3 may lead to a loophole where a person is watering a garden and a lawn (nearby conveniently) in violation of

the Bylaw. Staff were unable to cleanly separate the terms and will have to work with Bylaw going forward to determine the line between compliance and mis-use of that exemption.

Playing Fields and City Properties

City Staff discussed the internal need for watering on sports fields. Critically identified that exceptions should be in place for stages 1 through 3 specifically for playing fields owned by the City and other agencies such as School District 5. Staff also discussed the importance of leading by example on watering restrictions for other City owned properties. Modifications were made in the Bylaw to accommodate these issues.

Enforcement and Fines

The Director of Engineering, Manager of Public Works, and Bylaw Services can enforce the bylaw. Fines (detailed below) are tiered to reflect both the severity of the water use regulation stage and the number of offenses. This tiered approach generally matches with Cranbrook and other municipalities application of fines related to water use regulations.

MTI Bylaw Fees

Column 1	Column 2	Column 3
WATER CONSERVATION AND REGULATION BYLAW NO. 2518, 2022	SECTION	FINE
Waste of Water (1st Offence)	7.2	\$250.00
Waste of Water (2nd Offence)	7.2	\$350.00
Waste of Water (3rd Offence)	7.2	\$500.00
Violate Water Use Regulation Stage 1 (1st Offence)	8.2	\$100.00
Violate Water Use Regulation Stage 1 (2nd Offence)	8.2	\$200.00
Violate Water Use Regulation Stage 1 (3rd Offence)	8.2	\$500.00
Violate Water Use Regulation Stage 2 (1st Offence)	9.3	\$100.00
Violate Water Use Regulation Stage 2 (2nd Offence)	9.3	\$200.00
Violate Water Use Regulation Stage 2 (3rd Offence)	9.3	\$500.00
Violate Water Use Regulation Stage 3 (1st Offence)	10.3	\$100.00
Violate Water Use Regulation Stage 3 (2nd Offence)	10.3	\$200.00
Violate Water Use Regulation Stage 3 (3rd Offence)	10.3	\$500.00
Violate Water Use Regulation Stage 4 (1 st Offence)	11.2	\$500.00
Violate Water Use Regulation Stage 4 (2 nd Offence)	11.2	\$1000.00

Water Works Bylaw

Communication, as actioned by Council were being prepared however due to forecasted drought conditions staff reprioritized the the acceleration of this Bylaw to ensure access to reliable potable water and fire-fighting flows are maintained.

Other Related Items

Bulk Water

Currently, the City does not have a bulk water fill station. This creates problems as the service has experienced scope creep, and the expectation in the community is that the City offers bulk water from the hydrant located near the Operations yard. In previous years, when watering restrictions have been issued by the City and ceased offering bulk water, there has been pushback from the construction community, and Staff has received calls about hydrants being opened elsewhere in the City when bulk water requests are denied by City Staff. Additionally,

the current \$60/day charge is not sufficient to cover the administration, repairs and production of potable water. These issues will need to be discussed and a service level set at a future date by Council and City Staff.

For the reasons above, Staff is recommending a severe fine for tampering with a hydrant to ensure this critical life safety equipment is not compromised and is available when required by the Fire Department. Setting this fine at a high level will ensure the fine is not viewed as a cost to access water without City authorization.

Golf Course

As opposed to other municipalities, including Cranbrook, the City of Fernie has a golf course connected to treated municipal drinking water for irrigation.

Within the bylaw being proposed, the restrictions on use at the Golf Course are not yet significant, with the primary restriction is Stage 4, restricting all lawn watering . This will have an impact on the golf course as at stage 4 no outdoor lawn watering will be permitted whatsoever.

Future revisions of the bylaw may need more detail on restrictions for golf courses in Stages 2 and 3. However, this was not in the scope of this project, keeping with the timeline for development ahead of any issues this summer, and recognizing opportunities for collaborative approaches to water conservation between the Golf Course and City will take time to discuss, explore, and implement.

Staff has been in communication with the golf course when implementing the voluntary water restriction in past years, the Golf course has adjusted their watering to reduce timeframes. Staff have met with the Fernie golf course Manager and discussed the incoming bylaws and potential impacts on the business. The primary watering times for the golf course are roughly 9 pm to 9 am, as they water zone-by-zone.

Further discussions with the Manager and board will be required to identify opportunities to address the use of treated water and thus the impact on the municipal drinking water system.

INTERNAL CIRCULATION

The Report has been reviewed by the CAO, Corporate Officer, Director of Finance, and Manager of Communications.

LEGAL/STATUTORY AUTHORITY

The Community Charter grants the city the authority to provide services for community benefit, provide stewardship of public assets and foster economic, social and environmental well-being of it's community.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS

Council may, by bylaw, regulate prohibit and impose requirements in relation to municipal services

COMPLIANCE WITH CORPORATE STRATEGIES & POLICIES

The *Water Works* and *Water Conservation and Regulation* Bylaws align closely with the Council's strategic objectives, particularly in the areas of *Quality Services*, *Liveable Community*, and *Resilience*.

By ensuring dependable and sustainable water services, these bylaws help meet the community's needs during drought conditions, thus supporting the objective of providing reliable and high-quality services. These bylaws address environmental challenges, making the community more adaptable to climate variability and reinforcing the Council's commitment to sustainability. Additionally, the bylaws improve the city's resilience by proactively managing water resources and infrastructure and implementing conservation measures, which ensure a more stable and reliable water supply. This proactive approach reduces the reliance on emergency and voluntary measures and protects the long-term viability of water infrastructure.

Overall, these bylaws support the Council's vision of fostering a respectful, responsible, and resilient community through quality services and organizational excellence.

FINANCIAL/BUDGETARY CONSIDERATIONS

Fees collected for the administration of the new lawn and tree permit can be used to offset clerk time.

The staff has allotted \$5,000 from the Water Operational budget to support the development, printing, and delivery of educational materials for the new Water Conservation and Regulation Bylaw.

Staff time worth approximately \$5,000 has been spent in the development of this bylaw, and this cost is an example of the allocations that are done at year-end from our general taxation expense pool to the water expense pool.

PERSONNEL IMPLICATIONS

The Communication Manager will be executing and managing the communications package for the Bylaws. Having communications for both bylaws in tandem will enable the most efficient use of limited staff capacity to manage the remainder of these projects. Bylaw Enforcement Services will be impacted for involvement on education and enforcement, however this is a recurring issue and what will be supportive following adoption is updated bylaws and penalties to enable appropriate responses to the waste of treated water.

COMMUNICATION CONSIDERATIONS

Staff are developing a communications plan and supporting education material for the roll out of the new Water Conservation and Regulation Bylaw.

An online engagement page on Let's Talk Fernie has been prepared and if the Bylaws are adopted an education campaign will be launched and information will be delivered via all of the City's channels and through direct mail and outreach with community partners and local media to support the rollout of the new Water Works and Water Conservation and Regulation Bylaws.

OPTIONS

- 1) THAT Council give readings and action Staff to execute the communications elements noted above.
- 2) THAT Council direct Staff otherwise

Staff is recommending Option 1.

CONCLUSION

The *Water Works Bylaw* is a missing foundational bylaw that allows staff to manage the city's infrastructure. It's standards and regulations align with industry practices and our strategic goals for good water governance.

The *Water Conservation and Regulation Bylaw* is needed to aid in the regulation of the water system as the City experiences droughts and limitations on water source quality, capacity, and city infrastructure.

Together, these two bylaws represent significant advancements in tools required to appropriately safeguard clean and sustainable drinking water for the community.

Respectfully submitted,



Dustin Haeusler ASCT, Director of Engineering and Public Works

Attachments:

1. [Attachment 1 - 2023-06-13 RFD Water Works Bylaw No.2485, 2023](#)
2. [Attachment 2 - Water Works Bylaw 2485 2023](#)
3. [Attachment 3 - Water Conservation and Regulation Bylaw 2518 2024](#)
4. [Attachment 4 - Municipal Ticket Information Bylaw 2041, Amendment Bylaw. No 2519, 2024](#)
5. [Attachment 5 - Water Connection and User Charge Bylaw No.1594, Amendment Bylaw. No. 2520, 2024](#)
6. [Attachment 6 - Outdoor_Water_Use_Exception_Permit_COF](#)
7. [Attachment 7 - Snow Survey and Water Supply Bulletin – May 15th, 2024](#)
8. [Attachment 8 - Conditions on Permit- City of Fernie](#)

REQUEST FOR DECISION (RFD)

Date: July 9, 2024
To: Mayor Milligan and Members of Council
From: Derek Cimolini, Manager of Planning
Subject: Official Community Plan and Zoning Bylaw Amendments for Old Fernie Firehall –
692 3rd Avenue

RECOMMENDATION

THAT Council give Official Community Plan Bylaw No. 2231, Amendment Bylaw No. 2521, 2024 third reading and,

THAT Council give Zoning Bylaw No. 1750, Amendment Bylaw No. 2522, 2024 third reading.

PURPOSE

The purpose of this report is to assist Council on making a decision regarding amending the Official Community Plan (OCP) Bylaw and Zoning Bylaw to allow for the eventual redevelopment of 692 – 3rd Avenue (The Old Fernie Firehall site) into a mixed-use commercial and residential rental development.

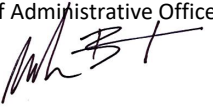
BACKGROUND

Council provided first and second readings to Bylaw No. 2521 and Bylaw No. 2522 on June 11, 2024 and directed administration to schedule a Public Hearing, which was scheduled and held on Tuesday, July 9, 2024 at 6:30pm.

A detailed discussion and analysis of the application was included in the report presented at the first and second reading on June 11, 2024 (Attachment 1).

INTERNAL CIRCULATION

The project has been circulated internally from the initiation of the disposition process. Overall, staff supports redevelopment of the property. However, it should be noted that the Old Firehall is currently being used as a City of Fernie storage facility and an alternative location will need to be found to relocate the equipment and goods.

Reviewed by:			
Chief Administrative Officer 	Corporate Officer 	Director of Finance 	Director of Planning 

LEGAL/STATUTORY AUTHORITY

Official Community Plan Legislation

Section 472 of the *Local Government Act* permits a local government, to adopt by bylaw, an Official Community Plan. The power to amend a bylaw is embedded in Section 137 of the *Community Charter*. Furthermore, the City of Fernie has adopted Land Use Application, Procedures and Fees Bylaw No. 1706, pursuant to Section 460 of the *Local Government Act*, to define procedures under which an owner of land may apply for an amendment to a bylaw.

Zoning Bylaw Legislation

Section 479 of the *Local Government Act* (LGA) states that a local government may, by bylaw, regulate (pertaining to the subject bylaw): the use of land, buildings and other structures and the density of the use of land. Furthermore, the same section of the LGA lays out how the local government can go about changing these regulations. The power to amend a bylaw is embedded in Section 137 of the *Community Charter*.

Section 464 of the LGA pertains to the requirement for a public hearing before adopting a bylaw.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS

The statutory procedural requirements that are required before Council may consider adopting an OCP bylaw or Zoning bylaw are outlined under Sections 464 to 466 and 475 of the *Local Government Act* and include the requirement for a public hearing with public notice prior to adoption of the bylaws. Once Council has held a public hearing, they may proceed to consideration of third reading and adoption of the bylaws.

Section 475 of the *Local Government Act*

Section 475 of the *Local Government Act* stipulates that when a local government proposes to amend an Official Community Plan (OCP) that one or more opportunities as deemed appropriate must be provided for consultation with persons, organizations and authorities it considers will be affected and it must consider whether the opportunities for consultation should be early and ongoing. Consultation under Section 475 is in addition to the legislative requirement for a public hearing.

Section 475(2)(b) of the *Local Government Act* also specifically requires that the local government consider whether the board of the adjacent regional district, the council of an adjacent municipality, First Nations, and agencies of the Federal or Provincial governments should be consulted. Staff can confirm that on the week of June 3rd, 2024, referrals were sent to School District 5, The Fernie Academy, the Conseil Scolaire Francophone de la Colombie-Britannique, the Regional District of East Kootenay, the Ktunaxa Nation Council and Yaq̓it ᑭa·knuq̓i 'it (Tobacco Plains Band).

Land Use Application, Procedures and Fees Bylaw No. 1706

The City of Fernie has adopted Land Use Application, Procedures and Fees Bylaw No. 1706, pursuant to Section 460 of the *Local Government Act*, to define procedures under which an owner of land may apply for an amendment to a bylaw.

Land Use Application Procedures and Fees Bylaw No. 1706 sets out procedures to amend the Zoning Bylaw. Under Section 6 of Bylaw No. 1706, Council has three options to consider:

1. Approve an application to amend Zoning Bylaw No. 1750 and proceeding with the amendment bylaw; or
2. Reject the application or;
3. Request that the applicant provide additional information prior to making a decision.

COMPLIANCE WITH CORPORATE STRATEGIES & POLICIES

COUNCIL'S STRATEGIC PRIORITIES

The amendment to the Zoning Bylaw and the Official Community Plan to change the zoning designation from P1 – Public Institutional to C1 – Retail Commercial and the land-use designation from Institutional to Historic Downtown, as well as the disposition of 692 3rd Avenue, is consistent with the Council's objective of creating a liveable community and is supported by the goals in Council's Strategic Plan.

OFFICIAL COMMUNITY PLAN (GENERAL HOUSING POLICIES)

The subject lot is designated Institutional by Schedule 'B' Land Use Designations of the OCP. The proposed rezoning from P1– Public Institutional to C1 – Retail Commercial is not consistent with the Institutional designation policies. However, in addition to rezoning the land, amending the land use designation from Institutional to Historic Downtown is consistent with and supported by the following policies contained in the City of Fernie Official Community Plan.

The OCP supports increasing housing opportunities and maximizing the utility of existing infrastructure in Maintown. The OCP further states that the "City of Fernie supports and encourages compact and complete development and neighbourhoods, a range of affordable housing options, and a diversity of housing types to suit a variety of individual and family needs".

A detailed review of the application's compliance with corporate strategies and policies can be found in the report presented to Council at first and second reading on June 11, 2024.

FINANCIAL/BUDGETARY CONSIDERATIONS

The value of the property is under investigation by a land appraiser as part of the municipal lands acquisition and disposition procedure. If the old firehall property is designated to be a commercial / residential property, its value may increase. However, depending on the method of disposal (EVFS proposed a 99-year lease), there may be no direct financial benefit to the city in disposing of the lands. Further, it should be noted that there would be some taxation benefits to the city should this property be redeveloped.

PERSONNEL IMPLICATIONS

Undertaking the process of an OCP amendment and rezoning for the subject property has typical personnel implications for an application of this type. Typically, the City would collect a \$1500.00 fee to offset staff time associated with the process, however, in this case, no fee was collected as the OCP and zoning amendment was City-initiated as part of the partnership with EVFS.

The following staff members are typically involved in a Zoning and OCP Amendment application:

1. *Municipal clerk* – collects payment and application at the front desk.
2. *Planning coordinator* – reviews application for completeness, assigns file number and inputs into Action Tracker.
3. *Planner* – reviews the application in relation to applicable bylaws and discusses with *Director* and/or *Manager of Planning* to ensure proposal meets the goals of the Official Community Plan. A referral is then sent out internally to other departments such as Engineering and externally to other stakeholders to gather feedback. The staff report is then drafted and reviewed by Leadership.
4. *Council* – reviews the application and considers first and second reading.
If given first and second reading, the following implications occur:
5. *Planner* – coordinates with Municipal clerk to advertise in the Free Press.
6. *Planner and Deputy Clerk* – draft and finalize Bylaw.
7. *Planner, Planning Coordinator and Bylaw* – public notice documents are created, mailed, and delivered to all properties within 100m.
8. *Council* – hosts a public hearing and considers giving third reading and then if applicable, adoption.
9. *GIS Tech* – updates Zoning map and Schedule ‘B’ of the OCP to reflect the change.
10. *Deputy Clerk* – If there is also a text amendment, update the Consolidated Zoning Bylaw and the Official Community Plan.

EXTERNAL AGENCY/PUBLIC COMMENTS

A Public Hearing was scheduled and held on Tuesday, July 9, 2024 at 6:30pm to receive public input.

COMMUNICATION CONSIDERATIONS

Communications for the project are being worked on by staff. Press releases from the City and EVFS have been circulated through traditional and social media outlets. Further, Early and Ongoing Consultation and a Public Hearing apply to this application as per the *Local Government Act* noted in the Legal and Statutory Procedural Requirements section above.

OPTIONS

1. That Bylaw No. 2521 and Bylaw No. 2522 be given third reading.
2. That Council defeat Bylaw No. 2521 and Bylaw No. 2522.
3. That Council request more information regarding Bylaw No. 2521 and Bylaw No. 2522.

CONCLUSION

In conclusion, the proposed OCP land use change and zoning amendment to allow for the development of the Old Firehall into a commercial / rental residential mixed-use building is consistent with Council's previous expressed support for the project. It is a required step to move the proposal, or any other similar project on the property, forward. Staff recommends Option 1, above.

Respectfully submitted,

Derek Cimolini
Manager of Planning

Attachments:

1. Bylaw No. 2521
2. Bylaw No. 2522
3. Council Package, Dated June 11, 2024
4. Public Input Report (if public input is received)

**THE CORPORATION OF THE CITY OF FERNIE
BYLAW NO. 2521**

A Bylaw to amend Official Community Plan Bylaw No. 2231

WHEREAS the Council of the City of Fernie has adopted the City of Fernie Official Community Plan Bylaw No. 2231;

AND WHEREAS Council has deemed it desirable to amend the text of Bylaw No. 2231, as amended.

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie in open meeting assembled enacts as follows:

1. This Bylaw may be cited as “*Official Community Plan Bylaw No. 2231, Amendment Bylaw No. 2521, 2024*”.
2. That Official Community Plan Bylaw No. 2231, Schedule B be amended as follows:
 - i. By amending the land use designation of Lot 11 Block 18 District Lot 4580 Kootenay District Plan 734 and Lot 12 Block 18 District Lot 4580 Kootenay District Plan 734 from Institutional to Historic Downtown.

Read a first time on the 11th day of June 2024.

Read a second time on the 11th day of June 2024.

Notice given in accordance with the *Local Government Act* by way of posting on the Public Notice Posting Places on the 25th day of June 2024 and by publication in the Free Press on the 27th day of June, 2024 and on the 4th day of July, 2024.

Public Hearing was held on the ___ day of ___, 2024.

Read a third time on the ___ day of ___, 2024.

Adopted this ____ day of _____, 2024.

MAYOR

CORPORATE OFFICER

I hereby certify the foregoing to be the original
Bylaw No. 2521.

THE CORPORATION OF THE CITY OF FERNIE
BYLAW NO. 2522
A Bylaw to amend Zoning Bylaw No. 1750

WHEREAS the Council of the City of Fernie has adopted the City of Fernie Zoning Bylaw No. 1750;

AND WHEREAS Council has deemed it desirable to rezone certain lands and that the Zoning Map referred to as Schedule “A” of Zoning Bylaw No. 1750 be amended accordingly:

Location: 692 3rd Avenue

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie in open meeting assembled enacts as follows:

1. This Bylaw may be cited as “*Zoning Bylaw No. 1750, Amendment Bylaw No. 2522, 2024*”.
2. That Zoning Bylaw No. 1750, Schedule A be amended as follows:
 - i. By amending the zoning designation of Lot 11 Block 18 District Lot 4580 Kootenay District Plan 734 and Lot 12 Block 18 District Lot 4580 Kootenay District Plan 734 from P1 – Public Institutional to C1 – Retail Commercial.

Read the first time on the 11th day of June 2024.

Read a second time on the 11th day of June 2024.

Notice given in accordance with the *Local Government Act* by way of posting on the Public Notice Posting Places on the 25th day of June 2024 and by publication in the Free Press on the 27th day of June, 2024 and on the 4th day of July, 2024.

Public Hearing held by Council on the ____ day of ____ 2024.

Read a third time on the ____ day of ____ 2024.

Approved by the Ministry of Transportation and Infrastructure, pursuant to the *Transportation Act*, on the ____ day of _____, 2024.

Minister of Transportation and Infrastructure

Adopted this ____ day of ____ 2024.

MAYOR

CORPORATE OFFICER

I hereby certify the foregoing to be the original Bylaw No. 2522.

REQUEST FOR DECISION (RFD)

Date: June 11, 2024

To: Mayor Milligan and Members of Council

From: Derek Cimolini, Manager of Planning

Subject: Official Community Plan and Zoning Bylaw Amendments for Old Fernie Firehall – 692 3rd Avenue

RECOMMENDATION

THAT Council approve the application to amend Schedule B of City of Fernie Official Community Plan Bylaw No. 2231 to change the land use designation of 692 – 3rd Avenue from ***Institutional*** to ***Historic Downtown***; and

THAT Council give first and second readings to Bylaw 2521 to amend Schedule B of City of Fernie Official Community Plan Bylaw No. 2231 to change the land use designation of 692 – 3rd Avenue from ***Institutional*** to ***Historic Downtown***; and

THAT Council approve the application to amend Schedule A of City of Fernie Zoning Bylaw No. 1750 to change the zoning designation of 692 – 3rd Avenue from ***P1 – Public Institutional*** to ***C1 – Retail Commercial***; and

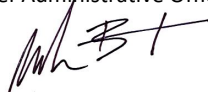
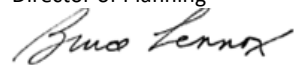
THAT Council give first and second readings to Bylaw 2522 to amend Schedule A of City of Fernie Zoning Bylaw No. 1750 to change the zoning designation of 692 – 3rd Avenue from ***P1 – Public Institutional*** to ***C1 – Retail Commercial***.

PURPOSE

The purpose of this Staff Report is to assist Council on making a decision regarding amending the Official Community Plan (OCP) Bylaw and Zoning Bylaw to allow for the eventual redevelopment of 692 – 3rd Avenue (The Old Fernie Firehall site) into a mixed-use commercial and residential rental development.

BACKGROUND

The Elk Valley Family Society (EVFS) are proposing that the City dispose of the Old Firehall Property in the form of a long-term lease to construct a mixed-use (commercial and residential)

Reviewed by:			
Chief Administrative Officer 	Director of Corporate Administration Services 	Director of Finance 	Director of Planning 



development. The proposed disposition followed the City's Municipal Lands Disposition and Acquisition Policy as it came via a letter to Council via Corporate Administration. The subject development is currently proposed to have commercial units on the ground floor, with 44 residential units on the upper floors. The residential units would be a mix of market and below-market rental with varying bedroom counts.

On September 12, 2023, Council resolved to support the proposed project, stating in a letter to EVFS:

The Corporation of the City of Fernie (the "City") is supportive of advancing the project proposed by the Elk Valley Family Society (EVFS). The proposal aligns with Council and City priorities of advancing both Affordable Housing and Employment Lands.

The property currently has a land use designation of Institutional and has a zoning designation of P1 – Public Institutional. These designations would only allow for the property to be redeveloped into a public facility (for example, a City of Fernie or Provincial building). Although this process has been initiated by EVFS, any type of commercial / residential redevelopment of the property would require a land use change and rezoning to better fit within Council's Strategic Priorities, and meet the criteria set-out in the Lands Acquisition and Disposition Policy.

Further details on the history of the building and the process thus far with EVFS are contained in the Council Package (Attachment 3).

INTERNAL CIRCULATION

The project has been circulated internally from the initiation of the disposition process. Overall, Staff supports redevelopment of the property. However, it should be noted that the Old Firehall is currently being used as a City of Fernie storage facility, freeing up space at the Operations Facility to allow for the operations of a temporary firehall while the City undertakes the process of developing a new firehall.

LEGAL/STATUTORY AUTHORITY

Official Community Plan Legislation

Section 472 of the *Local Government Act* permits a local government, to adopt by bylaw, an Official Community Plan. The power to amend a bylaw is embedded in Section 137 of the Community Charter. Furthermore, the City of Fernie has adopted Land Use Application,

Procedures and Fees Bylaw No. 1706, pursuant to Section 460 of the Local Government Act to define procedures under which an owner of land may apply for an amendment to a bylaw.

Zoning Bylaw Legislation

Section 479 of the Local Government Act (LGA) states that a local government may, by bylaw, regulate (pertaining to the subject bylaw): the use of land, buildings and other structures and the density of the use of land. Furthermore, the same section of the LGA lays out how the local government can go about changing these regulations. The power to amend a bylaw is embedded in Section 137 of the Community Charter.

Section 464 of the LGA pertains to the requirement for a public hearing before adopting a bylaw.

If Council gives the Bylaw first and second reading and gives Staff direction to move forward, the procedures set out in the Local Government Act will be followed.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS

The statutory procedural requirements that are required before Council may consider adopting an OCP bylaw or Zoning bylaw are outlined under Sections 464 to 466 and 475 of the Local Government Act and include the requirement for a public hearing with public notice prior to adoption of the bylaws. In this case, if Council gives first and second reading to the subject bylaw, Staff will advertise and schedule the public hearing and collect input from the public to present to Council at the public hearing.

Section 475 of the Local Government Act

Section 475 of the Local Government Act stipulates that when a local government proposes to amend an Official Community Plan (OCP) that one or more opportunities as deemed appropriate must be provided for consultation with persons, organizations and authorities it considers will be affected and it must consider whether the opportunities for consultation should be early and ongoing. Consultation under Section 475 is in addition to the legislative requirement for a public hearing.

Section 475(2)(b) of the Local Government Act also specifically requires that the local government consider whether the board of the adjacent Regional District, the council of an adjacent municipality, First Nations, and agencies of the Federal or Provincial governments should be consulted. Staff can confirm that on the week of June 3rd, 2024, referrals were sent to School District 5, The Fernie Academy, the Conseil Scolaire Francophone de la Colombie-Britannique, the Regional District of East Kootenay, the Ktunaxa Nation Council and Yaqit ʔa·knuqʔi 'it (Tobacco Plains Band).

Land Use Application, Procedures and Fees Bylaw No. 1706

The City of Fernie has adopted Land Use Application, Procedures and Fees Bylaw No. 1706, pursuant to Section 460 of the Local Government Act to define procedures under which an owner of land may apply for an amendment to a bylaw.

Land Use Application Procedures and Fees Bylaw No. 1706 sets out procedures to amend the Zoning Bylaw. Under Section 6 of Bylaw No. 1706, Council has three options to consider:

1. Approve an application to amend Zoning Bylaw No. 1750 and proceeding with the amendment bylaw;
2. Reject the application or;
3. Request that the applicant provide additional information prior to making a decision.

COMPLIANCE WITH CORPORATE STRATEGIES & POLICIES

COUNCIL'S STRATEGIC PRIORITIES

The amendment to the Zoning Bylaw and the Official Community Plan to change the zoning designation from P1 – Public Institutional to C1 – Retail Commercial and the land-use designation from Institutional to Historic Downtown as well as the disposition of 692 3rd Avenue is consistent with the Council's objective of creating a liveable community and is supported by the following goals in Council's Strategic Plan:

- Housing and Childcare – Support families' quality of life by increasing access to affordable housing and childcare by leveraging underdeveloped city-owned lands, existing and new facilities to create additional childcare space and non-market housing.
- Housing Diversity – Increase the diversity of housing options and support for individuals at every stage of life by creating infill development and contributing towards complete neighbourhoods by increasing the number of services within walking distance.
- Community Services – Contribute to improved quality of life in Fernie by developing relationships, partnerships, and community capacity to deliver extended services by leveraging existing city assets.

MUNICIPAL LANDS ACQUISITION AND DISPOSITION POLICY

The proposed Zoning Bylaw and Official Community Plan amendment and the disposition of 692 3rd Avenue is consistent with the Municipal Lands Acquisition and Disposition Policy which is a comprehensive framework that is intended to foster accountability and transparency, consistency with strategic objectives, sustainability and resiliency, and social and cultural responsibility. As the disposition of the lands is for the development of a mixed-use project, it will contribute towards advancing the City's strategic priorities of affordable housing and employment lands. Further to this, mixed-use and infill development contributes towards sustainability principles which address social, cultural, economic and environmental challenges such as providing a diversity of housing types, locating dwelling units within walking distance to services and increasing density in areas with existing infrastructure.

OFFICIAL COMMUNITY PLAN (GENERAL HOUSING POLICIES)

The subject lot is designated Institutional by Schedule 'B', Land Use Designations, of the OCP. The proposed rezoning from P1– Public Institutional to C1 – Retail Commercial is not consistent with the Institutional designation Policies. However, in addition to rezoning the land, amending the land use designation from Institutional to Historic Downtown is consistent with and supported by the following policies contained in the City of Fernie Official Community Plan:

1-A Housing

- 1-A.1 Encourage a spectrum of residential dwelling types, locations and densities in order to accommodate various socio-economic groups, age groups, and lifestyles in Fernie.
- 1-A.2 Ensure new developments are connected to Fernie's pedestrian, cycling and trail networks.
- 1-A.4 Support Infill and redevelopment throughout the City, locating housing close to existing services, in accordance with each neighbourhood plan.
- 1-A.5 Encourage and support more diverse housing stock in each neighbourhood to meet priority need for seniors, low-income families, young families and people with disabilities.
- 1-A.7 Work towards increasing the overall density of housing in the existing urban area as a means to optimize the City's investments in infrastructure and as a means to reduce service delivery costs.

1-A.1 Affordable Housing

- 1-A.1.1 Encourage a variety of residential dwelling types in order to accommodate the different socio-economic groups, age groups, and lifestyles in Fernie.
- 1-A.1.8 Waive or reduce the application and notification fees for rezoning for affordable housing developments.

1-C.2 Maintown

- 1-C.2.1 Encourage the construction of mixed-use development that places commercial uses on the ground floor and residential units on the floors above in the Historic Downtown (Maintown) area.
- 1-C.2.2 Support the development of additional housing for seniors and affordable and rental housing options for young families in Maintown.
- 1-C.2.4 Encourage higher density in Maintown South to create development in closer proximity to the Historic Downtown.

9-A Managing Development – General Policies

- 9-A.1 Promote the efficient use of land, provide greater transportation choices, reduce public servicing costs and achieve environmental benefits through compact development.
- 9-A.2 Support the development of compact neighbourhoods that enable convenient and close access from home to an appropriate mix of jobs, shopping, amenities and daily needs.
- 9-A.3 Ensure the efficient use and financial viability of existing and planned investment in public infrastructure.
- 9-A.6 Promote and support development of a wide range of housing options for all income levels and needs.

FINANCIAL/BUDGETARY CONSIDERATIONS

The value of the property is under investigation by a land appraiser as part of the Municipal Lands Acquisition and Disposition procedure. If the Old Firehall property is designated to be a commercial / residential property, its value may increase. However, depending on the method of disposal (EVFS proposed a 99-year lease), there may be no direct financial benefit to the City in disposing of the lands. Further, it should be noted that there would be some taxation benefits to the City should this property be redeveloped.

Similar parcels of land in the downtown area generate an average of ~ \$30,000 per year.

PERSONNEL IMPLICATIONS

Undertaking the process of an OCP amendment and rezoning for the subject property has typical personnel implications for an application of this type. Typically, the City would collect a \$1500.00 fee to offset staff time associated with the process, however, in this case, no fee was collected, as the OCP and zoning amendment was City-initiated as part of the partnership with EVFS.

The following staff members are typically involved in a Zoning and OCP Amendment application:

1. *Municipal clerk* – collects payment and application at the front desk.
2. *Planning coordinator* – reviews application for completeness, assigns file number and inputs into Action Tracker.
3. *Planner* – reviews the application in relation to applicable bylaws and discusses with *Director* and/or *Manager of Planning* to ensure proposal meets the goals of the Official Community Plan. A referral is then sent out internally to other departments such as Engineering and externally to other stakeholders to gather feedback. The staff report is then drafted and reviewed by Leadership.
4. *Council* – reviews the application and considers first and second reading.
If given first and second reading, the following implications occur:

5. *Planner* – coordinates with Municipal clerk to advertise in the Free Press.
6. *Planner and Deputy Clerk* – draft and finalize Bylaw.
7. *Planner, Planning Coordinator and Bylaw* – public notice documents are created, mailed, and delivered to all properties within 100m.
8. *Council* – hosts a public hearing and considers giving third reading and then if applicable, adoption.
9. *GIS Tech* – updates Zoning map and Schedule ‘B’ of the OCP to reflect the change.
10. *Deputy Clerk* – If there is also a text amendment, update the Consolidated Zoning Bylaw and the Official Community Plan.

EXTERNAL AGENCY/PUBLIC COMMENTS

At the time that this Staff Report was written, there were no comments to report, however, through the Early and Ongoing Consultation and Public Hearing processes, staff anticipate robust input, which will be reported back to Council at a later date.

COMMUNICATION CONSIDERATIONS

Communications for the project are being worked on by Staff – Press releases from the City and EVFS have been circulated through traditional and social media outlets. Further, Early and Ongoing Consultation and a Public Hearing apply to this application.

OPTIONS

- 1) That Council approve the applications and give the bylaws first and second readings.
- 2) That Council deny the applications and not give the bylaws first and second readings.
- 3) That Council ask Staff to provide more information before making a decision.

CONCLUSION

In conclusion, the proposed OCP land use change and zoning amendment to allow for the development of the Old Firehall into a commercial / rental residential mixed-use building is consistent with Council’s previous expressed support for the project. It is a required step to move the proposal (or any other similar project on the property) forward. Staff recommends Option 1, above.

Respectfully submitted,

Derek Cimolini
Manager of Planning

Attachments:

1. Bylaw 2521
2. Bylaw 2522
3. Council Package, Dated September 12, 2023

THE CORPORATION OF THE CITY OF FERNIE
BYLAW NO. 2521

A Bylaw to amend Official Community Plan Bylaw No. 2231

WHEREAS the Council of the City of Fernie has adopted the City of Fernie Official Community Plan Bylaw No. 2231;

AND WHEREAS Council has deemed it desirable to amend the text of Bylaw No. 2231, as amended.

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie in open meeting assembled enacts as follows:

1. This Bylaw may be cited as “*Official Community Plan Bylaw No. 2231, Amendment Bylaw No. 2521, 2024*”.
2. That Official Community Plan Bylaw No. 2231, Schedule B be amended as follows:
 - i. By amending the land use designation of Lot 11 Block 18 District Lot 4580 Kootenay District Plan 734 and Lot 12 Block 18 District Lot 4580 Kootenay District Plan 734 from Institutional to C1 – Historic Downtown.

Read a first time on the ____ day of ____ 2024.

Read a second time on the ____ day of ____ 2024.

Notice given in accordance with the *Local Government Act* by way of posting on the Public Notice Posting Places on the ____ day of ____ 2024 and by publication in the Free Press on the ____ day of ____, 2024 and on the ____ day of ____, 2024.

Public Hearing was held on the ____ day of ____, 2024.

Read a third time on the ____ day of ____, 2024.

Adopted this ____ day of _____, 2024.

MAYOR

CORPORATE OFFICER

I hereby certify the foregoing to be the original
Bylaw No. 2521.

THE CORPORATION OF THE CITY OF FERNIE
BYLAW NO. 2522
A Bylaw to amend Zoning Bylaw No. 1750

WHEREAS the Council of the City of Fernie has adopted the City of Fernie Zoning Bylaw No. 1750;

AND WHEREAS Council has deemed it desirable to rezone certain lands and that the Zoning Map referred to as Schedule “A” of Zoning Bylaw No. 1750 be amended accordingly:

Location: 692 3rd Avenue

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie in open meeting assembled enacts as follows:

1. This Bylaw may be cited as “*Zoning Bylaw No. 1750, Amendment Bylaw No. 2522, 2024*”.
2. That Zoning Bylaw No. 1750, Schedule A be amended as follows:
 - i. By amending the zoning designation of Lot 11 Block 18 District Lot 4580 Kootenay District Plan 734 and Lot 12 Block 18 District Lot 4580 Kootenay District Plan 734 from P1 – Public Institutional to C1 – Retail Commercial.

Read a first time on the ____ day of ____ 2024.

Read a second time on the ____ day of ____ 2024.

Notice given in accordance with the *Local Government Act* by way of posting on the Public Notice Posting Places on the ____ day of ____ 2024 and by publication in the Free Press on the ____ day of ____, 2024 and on the ____ day of ____, 2024.

Public Hearing held by Council on the ____ day of ____ 2024.

Read a third time on the ____ day of ____ 2024.

Approved by the Ministry of Transportation and Infrastructure, pursuant to the *Transportation Act*, on the ____ day of ____, 2024.

Minister of Transportation and Infrastructure

Adopted this ____ day of ____ 2024.

MAYOR

CORPORATE OFFICER

I hereby certify the foregoing to be the original
Bylaw No. 2522.

REQUEST FOR DECISION (RFD)

Date: July 9, 2024
 To: Mayor Milligan and Members of Council
 From: Andrew Baird, Acting Manager of Engineering
 Subject: Bossio Road and Oliverio Place Subdivision - Letter of Credit Indemnity

RECOMMENDATION

THAT Council direct the Corporate Officer to provide a Letter of Indemnity for the Bossio Road and Oliverio Place subdivision.

PURPOSE

This report provides council with a background regarding the Bossio Road and Oliverio Place subdivision, and a recommended resolution to address a requirement for closing out securities following final inspection.

BACKGROUND

The Bossio Road and Oliverio Place subdivision began work in 2018. Construction was completed 2020 and the final maintenance period for this development ended in 2023. The Engineering department completed a review to confirm acceptable condition of the road works and utilities and following this final inspection, the maintenance security, in this case was in the form of two (2) Letters of Credit, were returned to the Developer's bank (Scotiabank) on October 26, 2023.

Following receipt of the returned Letters of Credit, Scotiabank informed the City that they had received copies, not the original documents. To Formally close the file, Scotiabank requires original documents, or a letter of indemnity. Staff have since conducted a thorough search but have been unable to locate the originals. As a result, Scotiabank has requested that the City sign and return a Letter of Indemnity close out the file.

Staff have consulted with legal counsel and are comfortable with the recommendation.

Reviewed by:			
Chief Administrative Officer 	Corporate Officer 	Director of Finance 	Other: 

INTERNAL CIRCULATION

This report has been reviewed by CAO, Director of Corporate Administration Services, Director of Finance and the Director of Engineering and Public Works.

LEGAL/STATUTORY AUTHORITY

Council has the authority to direct signing the attached letter of indemnity under its fundamental powers of Section 8 of the *Community Charter*.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS

Council may direct the Corporate Officer to sign the attached document by resolution.

COMPLIANCE WITH CORPORATE STRATEGIES & POLICIES

N/A

FINANCIAL/BUDGETARY CONSIDERATIONS

N/A

PERSONNEL IMPLICATIONS

N/A

EXTERNAL AGENCY/PUBLIC COMMENTS

N/A

COMMUNICATION CONSIDERATIONS

N/A

OPTIONS

1. That Council Direct the Corporate Officer to provide a Letter of Indemnity for the Bossio Road and Oliverio Place Subdivision.
2. That Council direct staff otherwise.

CONCLUSION

Staff communicated with the developer regarding the end of their maintenance period in 2023. Staff have also been in communication with Scotiabank regarding the return of Letters of Credit and attached letter of indemnity. Having been unable to find the Original Letters of Credit, staff are recommending Option 1.

Respectfully submitted,

Andrew Baird, P.Eng., Acting Manager of Engineering

Attachments:

1. Letter of Indemnity – Bossio Road and Oliverio Place Subdivision

July 9, 2024

The Bank of Nova Scotia

Toronto Trade Service Center
4th Floor, 1 St. Clair Avenue East
Toronto, Ontario M4T 1Z3

Dear Sirs/Mesdames:

RE: Standby Letter of Credit No. OSB32601VAN in the amount of \$16,300.00 and OSB32602VAN in the amount of \$85,000.00 issued by The Bank of Nova Scotia ("**Scotiabank**") in favour of The Corporation of the City of Fernie (the "**Beneficiary**") (the "**Letter of Credit**")

The Beneficiary hereby requests and agrees as follows:

1. The Beneficiary requests cancellation of the Letter of Credit.
2. The Beneficiary represents and warrants as follows:
 - the Beneficiary has lost the Letter of Credit;
 - the Beneficiary has not transferred or assigned any of its rights, title, or interest in or to the Letter of Credit; and
 - this request and indemnity agreement has been duly signed by the Beneficiary's authorized signatory(ies).
3. In consideration of Scotiabank's acceptance of this request and cancellation of the Letter of Credit:
 - if the Letter of Credit is found, the Beneficiary will promptly return it to Scotiabank;
 - from and after this date, the Beneficiary will make no claims under the Letter of Credit; and
 - the Beneficiary will indemnify and save Scotiabank harmless from and against all losses, liability, damages, demands, costs, charges, expenses (including legal fees and other professional expenses) suffered or incurred by Scotiabank in connection with: (a) Scotiabank's reliance on the Beneficiary's representations and warranties herein, (b) Scotiabank's acceptance of the Beneficiary's request herein and cancelling the Letter of Credit without return of the original, and (c) any claim made by a third party in relation to the Letter of Credit.

This request and indemnity agreement is governed by the laws of the Province of British Columbia and federal laws of Canada applicable therein. The Beneficiary irrevocably attorns to the non-exclusive jurisdiction of the courts of British Columbia, Canada with respect to any dispute or claim arising from or relating to this request and indemnity agreement

The Corporation of the City of Fernie

Name:
Title: Corporate Officer
Telephone: 250 – 423 - 6817

The Municipal Insurance Association of BC's (MIABC's) 37th Annual General Meeting (AGM) is scheduled to take place on Tuesday, September 17th in Vancouver in conjunction with the UBCM Convention. Each member's council (or board as the case may be) decides who will act as the voting delegate on behalf of the member at the AGM. At the AGM, voting delegates will:

- Hear reports from the MIABC Board Chair and Committee Chairs
- Vote on resolutions
- Elect Board Directors

In accordance with Article 6.13 of the Reciprocal Insurance Exchange Agreement (RIEA), the following voting delegate and two alternates have been registered with the MIABC to vote your interests at this year's AGM. If you would like to change the delegate and/or alternates, please forward a resolution of your Council/Board directing these changes to miunes@miabc.org no later than Monday, August 2, 2024. The voting delegate's duties include:

- Reviewing resolutions
- Gathering feedback from their council or board
- Attending the AGM

Every year, several weeks before the MIABC's Annual General Meeting (AGM), we send voting delegates a copy of the AGM booklet. This booklet provides background information and details on the resolutions to be voted on at the meeting. The resolutions concern the terms of our property and liability insurance programs and our governing document, the Reciprocal Insurance Exchange Agreement. This year the AGM Booklet with future voting information will be distributed on Tuesday, August 16th, 2024.

Voting Delegate: Mayor Nic Milligan
Email address: nic.milligan@fernie.ca

Alternate #1: Councillor Troy Nixon
Email address: troy.nixon@fernie.ca

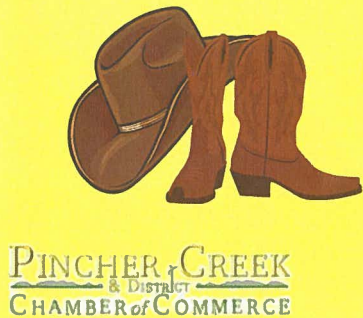
Alternate #2:
Email address:

Best Regards,



Claudia Chan (She/Her/Hers)
Manager of Digital Strategy and Technology
Tel: 604.449.6345 | Fax: 604.683.6244 | cchan@miabc.org

Municipal Insurance Association of B.C.
200 - 429 West 2nd Ave.
Vancouver, BC V5Y 1E3
www.miabc.org

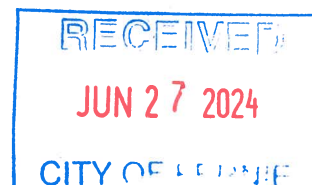


"FROZEN IN TIME"



June 17, 2024

RE: Pincher Creek Parade



The Town of Pincher Creek Mayor and Council cordially invites you to enter your float and/or have a Council representative(s) participate in the 2024 parade on August 17th. We Look forward to an exciting event this year.

The Parade staging area is located at Canyon Elementary School, 408 Victoria Crescent, located at the west end of Main Street. Parade assembly starts at 9:00 a.m., judging at 10:00 a.m. and the parade will begin at 11:00 a.m.

Immediately following the parade, the Town of Pincher Creek will host a dignitary Luncheon at the Kootenai Brown Pioneer Village (1037 Beverly McLachlin Drive) for all visiting Mayors, Councillors, dignitaries, and their guests.

We are requesting your RSVP by August 9th at 403-627-4322 or email rec@pinchercreek.ca

For safety reasons, we kindly request that there is no candy thrown from your float or vehicle. We suggest if you would like to give out candy that you are accompanied by walkers who can hand out candy from the street. We thank you for adhering to these guidelines.

If you have any questions, please feel free to contact the Town of Pincher Creek. We look forward to your participation and hope you enjoy the day.

Best Regards,

Rhonda Oczkowski
403 627 4322
rec@pinchercreek.ca



TOWN OF PINCHER CREEK
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