

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW No. 2007-18

BEING a by-law to regulate the supply and use of water within the serviced area of the Township of South Stormont.

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WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Municipal Act, 2001*, c.25, Section 11 (2) permits municipal corporations to pass by-laws for the regulation of public utilities and systems that provide water services to the public;

AND WHEREAS Council deems it expedient to regulate the outdoor use of water in order to promote water conservation, and to ensure a continued and abundant supply of water within the serviced area of the Township of South Stormont.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

**Section 1 Definitions:**

For the purposes of this by-law, the following definitions shall apply:

- 1.1 “Chief Administrative Officer” means the Chief Administrative Officer for the Township of South Stormont.
- 1.2 “Council” means Council of the Township of South Stormont.
- 1.3 “person” includes a natural individual, corporation, association, or partnership.
- 1.4 “Township” means the serviced areas within the boundaries of the Township of South Stormont.
- 1.5 “Public Works Manager” means the Public Works Manager for the Township of South Stormont or designate.
- 1.6 “Watering Day” means even numbered addresses may use water outdoors only on even numbered days of the month and odd numbered addresses may use water outdoors only on odd numbered days of the month.

**Section 2 Authority**

- 2.1 This by-law shall be administered and enforced by the By-law Enforcement Officer, the Public Works Manager or designate.
- 2.2 The Public Works Manager may, by public announcement, in the event of a water shortage, impose such further temporary water conservation restrictions as required, for as long as necessary, to adequately conserve the water supply.

**Section 3 Standard Watering Restrictions**

- 3.1 No person with an even numbered address may use water for landscape and irrigation purposes on odd numbered days of the month.

- 3.2 No person with an odd numbered address may use water for landscape and irrigation purposes on even numbered days of the month.
- 3.3 No person shall water new trees or shrubs unless during installation and the 24 hours following planting.
- 3.4 No person shall water new sod or seed every day outside a two week period following planting, watering between the hours of 6:00 p.m. and 10:00 a.m.
- 3.5 No person shall fill/refill a backyard residential pool outside the hours of 6:00 a.m. and 6:00 p.m..
- 3.6 No person shall use, or permit to use, municipal water for landscape irrigation or the filling/refilling of swimming pools except as follows:
- (a) A person may water flowers, shrubs, trees or vegetables on days other than and including their designated Watering Day, provided the watering is done using a hand-held container;
  - (b) Commercial Garden Nurseries and Commercial car washes and car dealerships conducting business in the Township may use municipal water for the purpose of conducting business;
  - (c) All public recreational parks, if failure to water will result in a permanent loss of plant material or adversely affect public safety, may use municipal water as deemed necessary;
  - (d) Other uses as identified by the Public Works Manager or designate may use municipal water as deemed necessary from time to time.
- 3.2 The conditions for use of municipal water of the Township shall be in place all year round.

#### **Section 4 Outdoor Water Use Ban**

- 4.1 Where so ordered by the Public Works Manager or designate, in accordance with section 2.2, no person or owner or occupant of property within the Township shall use municipal water outdoors from a hose, pipe, sprinkler, or permanent irrigation system, for any purpose whatsoever. There are no exemptions applicable to a full outdoor water use ban.

#### **Section 5 Fire Protection Use**

- 5.1 Notwithstanding Section 3 of this by-law, the provisions related to any Outdoor Water Use Ban do not apply to municipal fire fighters where water is required for fire protection purposes.

#### **Section 6 Enforcement**

- 6.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine as provided for under the Provincial Offences Act.
- 6.2 In addition to all other sanctions and remedies provided in this by-law, a certified Water Operator for the Township, at the direction of the Public Works Manger, may enter on private property and into structures at any reasonable time pursuant to S. 435 of the *Municipal Act, 2001*, to turn off or restrict the supply of water to any person, owner or occupant of property who fails to abide by the restrictions as set out in this by-law.

- 6.3 The Township may recover all costs of such entry and enforcement against the person, owner or occupant of the property by action or by adding the costs to the tax roll and collecting them in the same manner as taxes, as authorized in S. 446 of the *Municipal Act, 2001*.

**Section 7 General Provisions**

- 7.1 This By-law shall be referred to as the “Outdoor Water Conservation By-law.”
- 7.2 That this By-law shall come into full force and effect immediately upon final passage.

READ and passed in open Council, signed and sealed this 28<sup>th</sup> day of March, 2007.

Bryan McGillis

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Mayor

Betty de Haan

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Clerk