

THE DISTRICT OF BARRIERE

BYLAW NO. 39

A Bylaw to Prescribe Water Restrictions

WHEREAS the Council of the District of Barriere is empowered and authorized pursuant to the Local Government Act to regulate in relation to a service; and

WHEREAS Council deems it necessary and expedient to set regulations for the year round conversation of water.

NOW THEREFORE the Council of the District of Barriere, in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this bylaw:

“Bylaw Enforcement Officer” means a person appointed by Council to enforce District bylaws.

“Council” means Municipal Council of the District of Barriere.

“District” means the District of Barriere.

“Domestic Use” means the use of water for normal operation of a residential home or commercial business which also includes sanitation: fire protection; the watering of domestic animals and poultry; and the watering of a garden, lawn or landscaped area which combined are not to exceed one acre in size and which must be adjacent to or on the same property with any residential home or commercial business.

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

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

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

“Watering System” means a watering system which may include in ground automated or drip systems, hoses or sprinklers that supply domestic use water outdoors and which consumes less than 12 imperial gallons per minute and operates at less than 65 psi.

“Water Service Area” refers to all users of the District of Barriere water utility system located within the District of Barriere.

2. APPLICATION

- a) The restrictions and regulations outlined in this bylaw are applicable to everyone in the Water Service Area.

3. PROHIBITION

- a) No person shall use water provided from the District water system for any purpose other than domestic use as outlined in this bylaw.
- b) No person shall damage or allow the deterioration of any devise or mechanism through which water is piped or used for a domestic or commercial purpose, which will result in a waste of water.
- c) No person, being an Owner or Occupier of property in the Water Service Area, shall use water or cause water to be used contrary to the provisions of this bylaw in effect at the time of use.

4. BYLAW ENFORCEMENT OFFICER

- a) The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw be carried out.
- b) The Bylaw Enforcement Officer has the authority to enter at all reasonable times on any property that is subject to this bylaw to ascertain whether the requirements of this bylaw are being met or the regulations in this bylaw are being observed.
- c) For the purposes of this bylaw, the Bylaw Enforcement Officer means an RCMP Officer and any of the following District of Barriere staff:
 - Chief Administrative Officer
 - Bylaw Enforcement Officer
 - Senior Water Treatment Specialist
 - Water Technician 1
- d) No person shall unreasonably obstruct or prevent a Bylaw Enforcement Officer from carrying out his/her duties prescribed in this by-law.

5. DETERMINING RESTRICTIONS

- a) Notwithstanding any other provision of this bylaw it shall be lawful for the Council, when in their opinion, there is, or there is likely to be, a shortage of water, by resolution, to restrict or ration the use of water for all or any purposes by determining the applicable Water Conservation Stage further outlined in Section 7 of this bylaw. Such restriction or rationing shall continue until such time as the Council shall in their discretion, decide that sufficient water is available.

- b) In situations requiring immediate action, Council delegates the responsibility for determining, imposing and lifting the restrictions described in 5 a), to the Chief Administrative Officer.

6. NOTICE

- a) The District shall give notice or cause notice to be given of the applicable stage and when it takes effect. Such notice shall be published in a local newspaper.

7. WATER CONSERVATION STAGES

For the purposes of this bylaw, the Water Conservation Stages are as follows:

1. STAGE 1 – Year Round – Every Other Day Watering

- a) During Stage 1, no person shall use a watering system to water a lawn, garden, or landscaped area on a property with:
 - i) an even numbered address, except on even days of the calendar between the hours of 6:00am to 10:00am and 6:00pm to 10:00pm.
 - ii) an odd numbered address, except on odd days of the calendar, but excluding the 31st, between the hours of 6:00am to 10:00am and 6:00pm to 10:00pm.
- b) During Stage 1 a person may:
 - i) water trees, shrubs, flowers and vegetables on any day at any time if watering is done by hand-held container or a hose equipped with a shut-off nozzle;
 - ii) water newly planted trees, shrubs, flowers and vegetables by any method during installation and for the following 24 hours;
 - iii) water new sod or newly seeded lawn during the first 7 days after installation on any day but only during the prescribed Stage 1 watering hours;
 - iv) wash a vehicle with water using a hand held container or hose equipped with a shut-off nozzle;
 - v) wash sidewalks, driveways, parking lots or exterior building surfaces including windows using a hand held container or hose equipped with a shut-off nozzle; and,
 - vi) fill a swimming pool, wading pool, hot tub, garden pond or decorative fountain.

- c) During Stage 1 the following uses are exempted from the one acre size restriction included in the Domestic Use definition:
 - i) Public Schools properties
 - ii) District owned parks and playgrounds
- 2. STAGE 2 – Implemented in Times of Stress on the Water System – Hand Watering Only**
 - a) During Stage 2, no person shall
 - i) use a sprinkler or irrigation system to water a lawn, garden, trees, or shrubs;
 - ii) wash driveways, sidewalks, parking lots or exterior building surfaces.
 - b) During Stage 2 a person may:
 - i) water trees, shrubs, flowers and vegetables if watering is done by hand-held container or a hose equipped with a shut-off nozzle but only during the prescribed Stage 1 watering hours and days;
 - ii) water newly planted trees, shrubs, flowers and vegetables if watering is done by hand-held container or a hose equipped with a shut-off nozzle during installation and for the following 24 hours;
 - iii) wash a vehicle with water using a hand-held container or hose equipped with a shut-off nozzle and at commercial car washes;
 - iv) top up or add to a swimming pool, wading pool, hot tub, garden pond or decorative fountain.
- 3. STAGE 3 – For Extreme Situations – In Home Water Use Only**
 - a) During Stage 3, no person shall:
 - i) water lawns, gardens, trees or shrubs, including newly seeded or sodded lawns, newly seeded or planted gardens, trees or shrubs;
 - ii) fill or top up a swimming pool, hot tub or garden pond;
 - iii) wash a vehicle, except at a commercial car wash;
 - iv) wash sidewalks, driveways, parking lots or exterior building surfaces.

- b) During Stage 3 a person may:
 - i) operate a swimming pool, wading pool, hot tub, garden pond or decorative fountain provided it only uses re-circulated water.

8. SEVERANCE

- a) If any portion of this by-law is declared ultra vires by the Court of Competent Jurisdiction, that portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.

9. OFFENCES

- a) Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed. Each day that such violation is permitted to continue shall constitute a separate offence.
- b) Any person who violates any of the provisions of this by-law shall upon summary conviction be liable to a penalty of not more than \$2000 or a term or imprisonment not exceeding sixty days or to both.

10. CITATION

- a) This Bylaw may be cited for all purposes as the “**District of Barriere Water Restrictions Bylaw No. 39**”

Read for a first time this 7th day of September , 2010.

Read for a second time this 20th day of September , 2010.

Read for a third time this 20th day of September , 2010.

Adopted this 21st day of September , 2010.

Original signed by Mike Fennell
Mike Fennell, Mayor

Original signed by Colleen Hannigan
Colleen Hannigan, CAO