

BY-LAW NO. XX-2020**A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO REGULATE THE TIME, MANNER, EXTENT AND NATURE OF THE SUPPLY OF WATER WITHIN THE SERVICED AREA OF THE TOWN OF CARLETON PLACE, AND TO REPEAL BY-LAW 19-2002.**

WHEREAS Sections 8, 9 and 10 of the *Municipal Act, 2001* (S.O. 2001, c.25), authorize a municipality to pass by-laws that are necessary or desirable for municipal purposes and, in particular, respecting economic, social and environmental well-being of the municipality; health, well-being and safety of persons; services and things that the municipality is authorized to provide; and protection of persons and property, including consumer protection; and

WHEREAS Section 5(3) of the *Municipal Act, 2001* (S.O. 2001, c.25) authorizes that municipal powers, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

WHEREAS Section 11(1) of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4); and

WHEREAS Section 11(2) of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that a lower-tier municipality may pass by-laws respecting the health, safety and well-being of persons; and

WHEREAS Section 128 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council is or could become or cause public nuisances; and

WHEREAS Section 436 of the *Municipal Act, 2001* (S.O. 2001, c.25) states that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law of the municipality is being contravened; and

WHEREAS Section 444 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that where a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity. 2006, c. 32, Sched. A, s. 184; and

WHEREAS Section 445 of the *Municipal Act, 2001* (S.O. 2001, c.25) provides that where a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the

person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention. 2006, c. 32, Sched. A, s. 184; 2009, c. 33, Sched. 21, s. 6 (38).

WHEREAS Section 446 of the *Municipal Act, 2001* (S.O. 2001, c.25) permits a municipality to enact a by-law to require that a matter or thing be done by a person and in default, the matter or thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes; and

WHEREAS the Corporation of the Town of Carleton Place deems it necessary and desirable to regulate the consumption and 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 Corporation of the Town of Carleton Place;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place hereby enacts as follows:

1 DEFINITIONS

- 1.1 **Calendar Day** means one day commencing at 12:00 a.m. and ending at 11:59 p.m. local time.
- 1.2 **Clerk** means the Clerk for the Town of Carleton Place.
- 1.3 **Corporation** means the Corporation of the Town of Carleton Place.
- 1.4 **Council** means the elected Council for the Town of Carleton Place.
- 1.5 **Director** means the Director of Public Works for the Town of Carleton Place or his/her designate.
- 1.6 **Hose** means a device used for conveying water.
- 1.7 **Landscaping** shall mean new installation of garden plants, grass, sod, and trees which would require water to ensure survival of the newly installed items.
- 1.8 **Municipal Address** means the numbered address designated for that location by the Clerk.
- 1.9 **Municipality** means the Corporation of the Town of Carleton Place.
- 1.10 **Officer** means By-law Enforcement Officer appointed by the Corporation of the Town of Carleton Place, or an Ontario Provincial Police officer.

- 1.11 **Owner** includes; the person for the time being, managing or receiving the rent of/or as shown on the assessment roll, on the land or premises in connection with which the word is used, whether on his/her own account or as agent or trustee of any person, or who would so receive the rent if such land and premises were let.
- 1.12 **Person** means an individual, association, partnership, corporation, municipality, provincial or federal agency or any agent or employee thereof.
- 1.13 **Pipe** means any long tube used to convey liquids.
- 1.14 **Property** means any house, building, structure, dwelling unit, or place.
- 1.15 **Public Works Employee** means someone employed by the Public Works Department to carry out assigned duties within the municipality.
- 1.16 **Spray and sprinkle** means to scatter drops of water.
- 1.17 **Sprinkler** means a device that scatters drops of water.
- 1.18 **Town** means the Corporation of the Town of Carleton Place.
- 1.19 **Yard** means lawn, gardens, grass, plots, boulevards, grounds or lands of any description.
- 1.20 **Water or watering** means the act of wetting or soaking with water, by means of sprinklers, hoses, pipes, etc. (this includes methods like irrigating, sprinkling, spraying). The examples listed are included in the definition, but the definition is not limited to the examples listed above.

2 INTERPRETATION

- 2.1 In this by-law “may” shall be construed as permissive.
- 2.2 In this by-law “shall” shall be construed as imperative.

3 STANDARD WATERING RESTRICTIONS

- 3.1 No person shall water a yard using water from the Town’s water supply system between May 1st each year and September 30th of the same year, unless otherwise specified in this by-law.

- 3.2 No person shall use water originating from any property with an even-numbered municipal address to water a yard, except on even-numbered calendar days when the water is supplied by the Town's water supply system.
- 3.3 No person shall use water originating from any property with an odd-numbered municipal address to water a yard, except on odd-numbered calendar days, when the water is supplied by the Town's water supply system.
- 3.4 Each property not designated by a municipal address and served by the Town's water supply system, shall receive a designation of either an even-numbered or odd-numbered municipal address from the Clerk.

4 PERMITTED HOURS OF WATERING

- 4.1 No person shall water a yard, except between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 8:00 p.m. and 11:00 p.m. on their permitted days, as specified in Section 3, when the water is supplied by the Town's water supply system.

5 EXEMPTIONS

- 5.1 Any person installing a significant amount of new landscaping shall be entitled to use water for the newly installed landscaping each calendar day during any part of the day for a period of 21 days from the initial date of installation of the landscaping.
- 5.2 Significant amounts of landscaping shall be determined at the discretion of the By-law Enforcement Officer on duty at the time of the occurrence or inquiry.
- 5.3 Municipal staff, or contractors directed by municipal staff shall be exempt from the restrictions provided in this by-law while watering municipal property.
- 5.4 Those properties that are not on the Town's water supply system and that are listed on Appendix A shall be exempt from any of the restrictions in this by-law.

6 WATERING BAN

- 6.1 The Director of Public Works or his/her designate, when deemed appropriate, may further restrict or place a complete ban prohibiting the watering of yards which shall remain in effect until otherwise directed by the Municipality.

- 6.2 No person shall water a yard with water supplied by the Town's water supply system that would be in contravention of further restrictions or a ban imposed by the Municipality.

7 STAGED RESTRICTIONS

- 7.1 Notwithstanding Sections 5 and 6 of this by-law, in the event the Director of Public Works or his/her designate gives notice to the Town that a reduction in water use is necessary, the following staged restrictions shall apply:

7.1.1 Stage 1 Outdoor Water Use Advisory

All persons or owners or occupants of property within the Town are requested to voluntarily refrain from using municipal water from a hose, pipe, sprinkler or permanent irrigation system for the purpose of:

- i) Watering lawns and gardens.
- ii) Washing vehicles, recreational vehicles, sidewalks, patios, decks, windows or driveways.
- iii) Filling swimming pools.

7.1.2 Stage 2 Outdoor Water Use Ban

No person or owner or occupant of property within the Town shall use municipal water from a hose, pipe, sprinkler, or permanent irrigation system for the purpose of:

- i) Watering lawns and gardens
- ii) Washing vehicles, recreational vehicles, sidewalks, patios, decks, windows or driveways.
- iii) Filling of swimming pools

7.1.3 Stage 3 Outdoor Water Use Ban

No person, or owner or occupant of property within the Town shall use municipal water from a hose, pipe, sprinkler, or permanent irrigation system for any purpose whatsoever.

8 GENERAL EXEMPTIONS UNDER STAGED RESTRICTIONS

8.1 Notwithstanding Section 7 of this by-law, the following exemptions apply to a Stage 1 Outdoor Water Use Advisory or a Stage 2 Outdoor Water Use Ban:

8.1.1 A person may water flowers, shrubs, trees or vegetables on days other than and including their designated water day provided the watering is done using a hand-held container during the hours of 5:00 a.m. and 8:00 a.m. and 8:00 p.m. and 11:00 p.m.

8.1.2 A person may water new trees or shrubs during installation and for 24 hours following planting. Any subsequent watering must comply with the provisions of this by-law.

8.1.3 A person may water new sod or seed for up to 21 days following planting and sodding during the hours of 5:00 a.m. and 8:00 a.m. and 8:00 p.m. and 11:00 p.m.

8.1.4 A person may fill a backyard residential pool strictly for maintaining the integrity of the filtering system during the hours of 5:00 a.m. and 8:00 a.m. and 8:00 p.m. and 11:00 p.m.

9 EXEMPTED OPERATIONS UNDER STAGED RESTRICTIONS

9.1 Notwithstanding Sections 7 and 8 of this by-law, the provisions related to a Stage 2 Outdoor Water Use Ban do not apply to persons, owners or operations of property in the Town who own, operate or carry on the following operations, which rely on the steady supply and use of water:

9.1.1 Nurseries;

9.1.2 Outdoor playing fields, if failure to water will result in a permanent loss of plant material or adversely affect public safety;

9.1.3 Washing exterior building surface, including windows, parking lots, driveways or sidewalks prior to the application of a product such as paint, preservative, stucco, or the preparation of a surface prior to paving or rejoining of bricks, or if required by law to comply with health and safety regulations;

9.1.4 Commercial car washes and vehicle dealerships;

9.1.5 Town-operated recreational facilities and municipality-maintained vegetation;

9.1.6 Commercial or industrial facilities utilizing timed irrigation systems will be

permitted to operate between 12:00 a.m. and 6:00 a.m. on a once per week basis of no longer than a two-hour span;

9.1.7 Other users as identified by the Town from time to time.

10 CONNECTIONS

- 10.1 No person shall water from more than one (1) connection supplied by the Town's water supply system at any one time.

11 ENTRY ONTO PRIVATE PROPERTY

- 11.1 A By-law Enforcement Officer, employee of the Public Works Department or any person acting under the Officer's instructions may without a warrant enter onto any property to investigate and or correct a violation of this by-law during the hours of one-half hour before sunrise to one-half hour after sunset on any day to determine whether the property conforms to the standards prescribed in this by-law.
- 11.2 The Officer, Public Works employee or any other person acting under his or her instructions shall not enter any room or place used as a dwelling without the consent of the occupant.
- 11.3 An Officer shall, upon request, show proper identification to the owner or occupier of the property being inspected.

12 NOTICE OF VIOLATION

- 12.1 The Officer shall issue a notice of violation to the owner(s) or occupants responsible for said property that does not conform to the standards of this by-law.
- 12.2 The Officer shall cause a notice of violation to be placed in the mailbox, left in or on the door or given to an occupant of the property which does not conform to the standards prescribed by this by-law. The placard shall state the particulars of the non-conformity.
- 12.3 When it cannot be determined who caused the violation of this by-law, any person who appears over the age of 18 years residing on the property may be issued a provincial offence notice for any violations observed at a property where the violation has taken place.

13 PENALTIES AND ENFORCEMENT

- 13.1 The Corporation of the Town of Carleton Place may appoint By-law Enforcement Officers and such other staff to carry out the administration and enforcement of this by-law.
- 13.2 Interpretation and application of the terms and definitions of this by-law shall be determined at the discretion of the By-law Enforcement Officer.
- 13.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer, any Public Works employee in the performance of their duties or anyone acting under the Officer's instructions while in the exercise of a power or the performance of a duty under this by-law.
- 13.4 No one shall give false information to an Officer.
- 13.5 Any second or greater violation of any section of this by-law may have a set water usage fee and an administration fee added to the water bill or tax roll of the property whether the owner of the property resides at the property where the violation occurred.
- 13.6 Any person who contravenes any of the provisions of this by-law and the procedures with respect thereto is guilty of an offence and the enforcement and the penalty imposed thereunder shall be subject to the provisions of the *Provincial Offences Act*, R. S.O. 1990, Chapter P .53 and amendments thereto, and the penalty for the commission of any such offence shall be provided for in the said *Provincial Offences Act*.
- 13.7 This by-law shall be enforced by a By-law Enforcement Officer and/or an Officer with the Ontario Provincial Police force having jurisdiction within the Town and a member of on-duty Town Public Works staff.

14 VALIDITY

- 14.1 Where a provision of this by-law conflicts with the provisions of another by-law in force in the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public prevails.
- 14.2 Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.
- 14.3 This by-law shall not take effect until an order regarding set fines has been approved by the appropriate Judge of the Ontario Court of Justice.

15 SHORT TITLE

15.1 This By-law may be referred to as the *Watering By-law*.

16 REPEAL OF BY-LAW

16.1 By-law 19-2002 and amendments thereto regulating the consumption of water during certain times of the year shall be hereby repealed.

READ A FIRST TIME, SECOND TIME, THIRD TIME AND FINALLY PASSED
THIS ____ DAY OF _____, 2020.

Doug Black, Mayor

Stacey Blair, Clerk

APPENDIX A

RESIDENTIAL PROPERTIES ON TAX ROLL NOT ON SEWER AND WATER IN THE TOWN OF CARLETON PLACE

| CIVIC NUMBER | STREET |
|---------------------|-----------------|
| 72 | Albert Street |
| 142 | Arthur Street |
| 19 | Boundary Road |
| 29 | Boundary Road |
| 49 | Boundary Road |
| 59 | Boundary Road |
| 166 | Boyd Street |
| 355 | Bridge Street |
| 437 | Bridge Street |
| 447 | Bridge Street |
| 455 | Bridge Street |
| 489 | Bridge Street |
| 503 | Bridge Street |
| 507 | Bridge Street |
| 515 | Bridge Street |
| 516 | Bridge Street |
| 349 | Carleton Street |
| 354 | Carleton Street |
| 359 | Carleton Street |
| 357 | Edmund Street |
| 361 | Edmund Street |
| 269 | Franktown Road |
| 285 | Franktown Road |
| 293 | Franktown Road |
| 301 | Franktown Road |
| 307-309 | Franktown Road |
| 325 | Franktown Road |
| 347 | Franktown Road |
| 349 | Franktown Road |
| 359 | Franktown Road |
| 385 | Franktown Road |
| 400 | Franktown Road |
| 223 | Henry Street |
| 374 | High Street |
| 377 | High Street |

| | |
|-----|------------------|
| 386 | High Street |
| 400 | High Street |
| 190 | Joseph Street |
| 198 | Joseph Street |
| 254 | Lake Ave. West |
| 292 | Lake Ave. West |
| 308 | Lake Ave. West |
| 366 | Lake Ave. West |
| 384 | Lake Ave. West |
| 388 | Lake Ave. West |
| 252 | Lansdowne Avenue |
| 71 | Lisgar Street |
| 225 | Napoleon Street |
| 230 | Napoleon Street |
| 234 | Napoleon Street |
| 240 | Napoleon Street |
| 252 | Napoleon Street |
| 260 | Napoleon Street |
| 265 | Napoleon Street |
| 266 | Napoleon Street |
| 276 | Napoleon Street |
| 280 | Napoleon Street |
| 295 | Napoleon Street |
| 298 | Napoleon Street |
| 315 | Napoleon Street |
| 342 | Napoleon Street |
| 345 | Napoleon Street |
| 346 | Napoleon Street |
| 350 | Napoleon Street |
| 352 | Napoleon Street |
| 354 | Napoleon Street |
| 356 | Napoleon Street |
| 194 | Sarah Street |
| 200 | Sarah Street |
| 204 | Sarah Street |
| 228 | Sarah Street |
| 414 | Thomas Street |
| 442 | Thomas Street |
| 458 | Thomas Street |
| 467 | Thomas Street |
| 473 | Thomas Street |
| 494 | Thomas Street |
| 495 | Thomas Street |
| 504 | Thomas Street |
| 505 | Thomas Street |
| 156 | Townline West |

| | |
|---------|----------------|
| 265 | Townline West |
| 302 | Townline West |
| 314 | William Street |
| 318-322 | William Street |
| 320 | William Street |
| 395 | William Street |

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