

## **BY-LAW NO. XX-2021**

### **BEING A BY-LAW TO IMPOSE CONTROLS UPON THE OUTDOOR USE OF WATER FOR PROPERTIES SERVICED BY THE CORPORATION OF THE TOWN OF CARLETON PLACE'S WATER SYSTEM AND TO REPEAL BY-LAW 19-2002**

**WHEREAS** Section 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

**WHEREAS** Section 11 of the *Municipal Act*, authorizes municipalities to pass by-laws respecting matters within the sphere of jurisdiction of public utilities which includes water distribution; 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 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 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 by imposing controls upon the outdoor use of water for properties serviced by the Town of Carleton Place's water distribution system;

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

#### **1. DEFINITIONS**

The following definitions shall apply for the purposes of this By-law:

- 1.1. **Calendar Day** means one day commencing at 00:00 hours ending at 23:59 hours.
- 1.2. **Clerk** means the Clerk for the Town of Carleton Place.

- 1.3. **Council** means the appointed Council for the Town of Carleton Place.
- 1.4. **Corporation** mean the Corporation of the Town of Carleton Place.
- 1.5. **Director** means the Municipality's Director of Public Works or his or her designate.
- 1.6. **Hand-watering device** means a container that is not connected to the municipal water system, is used to apply water and is operated by muscular power only.
- 1.7. **Landscaping** means the new installation of garden plants, grass, sod, and trees which would require water to ensure survival of the newly installed items.
- 1.8. **Owner** means the occupant or the owner of the premises or their agent.
- 1.9. **Person** includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation.
- 1.10. **Municipality** means the Town of Carleton Place.
- 1.11. **Municipal Address** means the numbered address designated for that location by the Public Works Department.
- 1.12. **Water** except as otherwise defined in this By-law, means water produced, treated or stored by the Municipality and obtained through the municipal water distribution system;
- 1.13. **Watering device** includes, but is not limited to, a hose bib, hose, pipe, sprinkler, in-ground or above-ground irrigation system or drip irrigation system used to apply water but does not include a hand-watering device.
- 1.14. **Yard** means lawn, gardens, grass, plots, boulevards, grounds, or land of any description.

## **2. GENERAL REGULATIONS – PERMITTED DAYS AND HOURS OF WATERING**

- 2.1. No person shall water a yard using water from the Town of Carleton Place's water distribution system between the first day of May each year and the last day of September of the same year, unless otherwise specified in this By-law.
- 2.2. No owner shall permit any person to irrigate with a watering device on the road allowance or on any premises immediately adjacent to a road allowance and within the extension of property lines of premises.
- 2.3. No person shall irrigate with a watering device any lawn, garden, tree, shrub, or other outdoor plant except on the applicable days provided below between

the hours of 7:00 p.m. and 11:00 p.m.:

2.3.1 For all premises with even street numbers, on even-numbered calendar days;

2.3.2 For all premises with odd street numbers, on odd-numbered calendar days.

2.3.3 Each property not designated by a municipal address and served by the Corporation of the Town of Carleton Place water supply system, shall receive a designation of either an even-numbered or odd-numbered municipal address from the Public Works Department.

2.4. In accordance with Section 2.3, no person shall perform the following activities outside of the hours of 7:00 p.m. and 11:00 p.m.:

2.4.1. Cleaning the exterior of a building or attachments thereto, a driveway or a walkway with water;

2.4.2. Irrigating a driveway, walkway or roadway with water;

2.4.3. Wasting water when using it outdoors.

### **3. RAINFALL**

3.1. No owner shall irrigate with water during a rainfall or permit any person to irrigate with water during a rainfall.

### **4. CONNECTIONS**

4.1. No person shall water from more than one connection at any one time with water supplied by the Town of Carleton Place's water supply system.

### **5. EXEMPTIONS**

5.1. Any person may, from a water source other than the municipal water distribution system, use water externally.

5.2 Any person may irrigate with a watering device during the 24 hours following the completion of the installation, newly planted sod or grass seed forming part of a lawn or newly planted lawn alternative or significant amount of new landscaping as determined at the discretion of the Municipal By-law Enforcement Officer on duty and/or the Director of Public Works or their designate.

5.3 Any person may water newly planted sod or seed or significant amount of new landscaping on every calendar day between the hours of 7:00 p.m. and 11:00 p.m. for a period of three (3) weeks from the date of planting, provided that the

owner notifies the Town's Municipal Law Enforcement Services prior to beginning the watering.

5.4 Any person who is unable to water between the hours of 7:00 p.m. and 11:00 p.m. on their assigned days as outlined in Section 2.3 due to mitigating circumstances may be permitted to use water outdoors in accordance with this by-law between the hours of 5:00 a.m. and 8:00 a.m., provided that the owner requests and receives approval from the Town at least three (3) business days in advance of watering. In so doing, the owner agrees not to use water outdoors between the hours of 7:00 p.m. and 11:00 p.m.

5.5 Municipal facilities are often in use during evening hours and shall be permitted to water outside of permitted public hours.

5.6 Municipal forces are also permitted to water hanging baskets, planters and other beautification features as necessary during the day to keep the plants vibrant.

## **6 WATER SUPPLY PROHIBITIONS**

6.1 When the service capability of any water production facility or any water storage tower has declined to the point where the continued supply of sufficient water for the essential needs of the public is in jeopardy as determined by the Director of Public Works, the Director shall have the authority to prohibit the use of water supplied by the municipal waterworks throughout the entire system, or any part thereof, by declaring a non-essential water usage ban.

6.2 At all time during a declared non-essential water usage ban, no person shall use water originating from the municipal supply system to:

6.2.1 Irrigate any lawn, including newly planted sod or grass seed forming part of a lawn and newly planted lawn alternative, and lawns treated with any pesticide, herbicide or fertilizer;

6.2.2 Irrigate with water any garden, tree, shrub or other outdoor plant;

6.2.3 Clean with water the exterior of a building or attachments thereto, driveway or a walkway;

6.2.4 Clean with water a vehicle parked on residential premises or on the road allowance immediately adjacent to and within the extension of the boundary lines of residential premises;

6.2.5 Operate a decorative fountain unless all water used is continuously recycled;

6.2.6 Waste water when using it outdoors.

## **7 NOTIFICATION**

7.1 The Director of Public Works shall give notice of a non-essential water usage ban by any one or more of the following means:

- a. Posting the notice on the municipal website;
- b. Posting the notice on social media;
- c. Publication of notice in a local newspaper;
- d. Announcements giving notice on radio or television;
- e. Delivery of notice to affected premises, or
- f. Any other means of giving notice that has a reasonable likelihood of coming to the attention of persons who are affected.

## **8 ADMINISTRATION AND ENFORCEMENT**

8.1 This By-law may be enforced by a Municipal By-law Enforcement Officer or a Provincial Offences Officer.

8.2 Interpretation and application of the terms and definitions of this By-law shall be determined at the discretion of the Municipal By-law Enforcement Officer.

8.3 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.

## **9 SEVERABILITY**

9.1 Should any Section of this By-law, or parts of it, be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

## **10 PENALTY**

10.1 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.33 and amendments thereto, and the penalty for the commission of any such offence shall be provided for in the said *Provincial Offences Act*.

## **11 REPEAL**

11.1 By-law 19-2002, and any amendments thereto, are hereby repealed.

## **12 SHORT TITLE**

12.1 This By-law may be referred to as the Water Control By-law.

## **13 EFFECTIVE DATE**

13.1 This By-law shall come into full force and effect on the date of its passing.

READ A FIRST TIME, SECOND TIME AND THIRD TIME AND FINALLY PASSED  
THIS 23<sup>rd</sup> DAY OF MARCH, 2021.

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Doug Black, Mayor

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Stacey Blair, Clerk