

**TOWN OF NIVERVILLE**

**BY-LAW NO. 797-18**

Being a by-law of the Town of Niverville for the purpose of placing outdoor water restrictions within the Town of Niverville.

**WHEREAS** Subsection 232(1) of The Municipal Act, C.C.S.M., Cap. M225 (the "Act") states in part that:

"A Council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property...
- (o) the enforcement of by-laws."

**AND WHEREAS** it is deemed expedient and in the best interests of the Town of Niverville to provide restrictions to ensure the safety and reliability of the Niverville Water Utility for all residents and businesses within the Town of Niverville.

**THE TOWN OF NIVERVILLE**, in Council assembled, enacts as follows:

1. (1) In the event that the Operations Manager believes there is a reason to restrict water usage, the Operations Manager may declare an outdoor water use restriction.

(2) The declaration of an outdoor water use restriction by the Operations Manager may apply to:

- (a) the entire Town;
- (b) specific zone(s) or geographic area(s) of the Town; or
- (c) other specific locations as defined by the Operations Manager.

(3) In the event there is reason to declare an outdoor water use restriction, the Operations Manager may declare such restriction effective immediately.

(4) In the event of a declaration of an outdoor water use restriction made pursuant to this Section, the Operations Manager:

(a) shall determine that the outdoor water use restriction is a Stage One, Stage Two, Stage Three or Stage Four outdoor water use restriction, and the permitted activities shall be those referenced in Schedule "A" to this Bylaw;

(b) shall cause public notice indicating the stage of outdoor water use restriction and the date such restrictions came or will come into effect to be given in any one or more of the following manners:

- (i) Town of Niverville press release;
- (ii) notice on The Town of Niverville web-site;

(iii) circulation of flyers; or

(iv) signage;

(c) may declare different stages of Outdoor Water Use Restrictions in different areas;

(d) shall, if changing the areas of application or stages of restrictions in any area or lifting a declaration of Outdoor Water Use Restrictions, cause a public notice to be given in the manner described in subsection (b); and

(e) shall, after determining that the reason or reasons to require restricted water usage has sufficiently abated, declare an end to an Outdoor Water Use Restriction and shall cause public notice of such declaration to be given in the manner described in subsection (b).

(5) When an Outdoor Water Use Restriction is in effect, no Owner or Occupier of a Parcel or Premises shall allow the use of water supplied through the Town Water System for any activity or application prohibited in the following stage of restrictions in Schedule "A" to this Bylaw:

(a) Stage 1;

(b) Stage 2;

(c) Stage 3; or

(d) Stage 4.

(6) Without limiting the generality of this bylaw, the activities permitted in Schedule "A" shall apply to all outdoor use of municipally produced water and may be updated through resolution of Council as needed.

#### **ENFORCEMENT**

2. (1) Where a Bylaw Enforcement Officer believes that a Person has contravened any provision of this Bylaw, the Bylaw Enforcement Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the Bylaw Enforcement Act (778-17).

(2) Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the specified penalty for the offence.

(3) Notwithstanding the specified penalties set out in Schedule "B" to this Bylaw:

(a) if a Person is convicted twice of the same provision of this bylaw within a twelve (12) month period,

(i) the specified penalty for the second conviction shall be twice the amount of the specified penalty as set out in Schedule "B"; and

(b) if a Person is convicted three or more times of the same provision of this Bylaw within a twelve (12) month period,

(i) the specified penalty for the third and subsequent convictions shall be three times the amount of the specified penalty as set out in Schedule "B".

(4) The levying and payment of any fine for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw.

(5) Notwithstanding the provisions of this Section, any Person who contravenes any provision of this Bylaw may forfeit the right to be supplied with water from the Water System.

**DONE AND PASSED** by Council of the Town of Niverville duly assembled on the 8<sup>th</sup> day of May, 2018.

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Mayor

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Town Manager

Read a first time 8<sup>th</sup> day of May, 2018

Read a second time 8<sup>th</sup> day of May, 2018

Read a third time 8<sup>th</sup> day of May, 2018

### Schedule A – Outdoor Water Use Restrictions

Activity	Application Method	Application By	Stage One	Stage Two	Stage Three	Stage Four
<b>Watering of lawns, gardens, trees and shrubs</b>	Irrigation with hose connected sprinkler	All Customers except	One day per week to a maximum of <b>2 hours per day</b> within the hours of 0400h to 0700h, 0900h to 1100h or 1900h to 2200h (based on a Schedule as determined the Operations Manager)	One day per week to a maximum of <b>1 hour per day</b> within the hours of 0400h to 0700h, 0900h to 1100h or 1900h to 2200h (based on a Schedule as determined the Director, Water Resources)	Not Allowed	Not Allowed
		The Town of Niverville Operations	Not Allowed	Not Allowed	Not Allowed	Not Allowed
<b>Watering of gardens, trees and shrubs (lawns excluded)</b>	Spring-loaded type nozzles with automatic shut-off connected to hose	All Customers	Allowed	Allowed	Not Allowed	Not Allowed
	Hand-held container (ie: watering can, bucket)	All Customers	Allowed	Allowed	Allowed	Not Allowed
<b>Watering of New Grass Plantings (sod or seed) with reasonable evidence of recent installation: sod within 21 days seed within 45 days</b>	Any	All Customers	Allowed	Allowed	Allowed	Not Allowed
<b>Watering of plants for commercial sale</b>	Any	Nurseries, garden centers, turf tree farms and market gardens and community gardens	Allowed	Allowed	Allowed	Allowed
<b>Pesticide or fertilizer application that</b>	Any	All Customers	Not Allowed except with permission	Not Allowed except with permission	Not Allowed	Not Allowed

<b>requires the use of potable water</b>			from the Operations Manager	from the Operations Manager		
<b>Testing of Irrigation systems</b>	Not Applicable	All Customers	Not Allowed	Not Allowed	Not Allowed	Not Allowed
<b>Wash down sidewalks, walkways, driveways, exterior building surfaces or other outdoor surfaces</b>	Any	All Customers except:	Not Allowed	Not Allowed	Not Allowed	Not Allowed
	Any	Child care facilities, Food and Beverage establishments Kennels or animal care facilities where required by health and safety regulations	Allowed	Allowed	Allowed	Allowed
<b>Manual, exterior window washing</b>	Any	All Customers except:	Not Allowed	Not Allowed	Not Allowed	Not Allowed
		Licensed Cleaning Services	Allowed	Allowed	Allowed	Allowed
<b>Washing of vehicles outdoors</b>	Any	All Customers except	Not Allowed	Not Allowed	Not Allowed	Not Allowed
	Any	Vehicles subject to health and safety regulations	Allowed	Allowed	Allowed	Allowed
<b>Filling of Fountains and other Decorative Features</b>	Any	All Customers	Not Allowed	Not Allowed	Not Allowed	Not Allowed
<b>Filing of outdoor hot tubs, swimming and wading pools</b>	Any	All Customers	Allowed	Allowed	Not Allowed except with permission from Operations Manager	Not Allowed, except with permission from Operations Manager
<b>Water use for construction purposes including grading, compaction and dust control</b>	Any	All Customers	Allowed	Allowed	Allowed	Not Allowed
<b>Outdoor snow or ice making</b>	Any	All Customers	Allowed	Allowed	Not Allowed, except with permission from Operations Manager	Not Allowed, except with permission from Operations Manager
<b>Watering of livestock</b>	Any	Farm Operations	Allowed	Allowed	Allowed	Allowed
<b>Essential hydrant and main flushing</b>	Not Applicable	The Town of	Allowed	Allowed	Allowed	Allowed

		Niverville Operations				
<b>Essential street cleaning and bridge washing</b>	Any	The Town of Niverville Operations	Allowed	Allowed	Allowed	Allowed

### **Schedule B – Offences Specified Penalties**

Enforcement shall follow the stages as per Schedule “A”. A new contravention is deemed to happen each day that the restrictions are broken.

This schedule may be updated from time to time and changes would be reflected on the Town of Niverville’s Fees & Fines schedule.