

Corporation of the Town of Minto

By-law No. 2017-066

To permit the Overall Responsible Operator to establish water restrictions in any municipal water system within the Town of Minto to prohibit non-essential water use

WHEREAS a lower-tier municipality may pass by-laws respecting public utilities, including water production, treatment, storage and distribution where Counties are not assigned exclusive jurisdiction. Municipal Act 2001, C.25, s11

AND WHEREAS a municipality may, at reasonable times, enter on land, to which it supplies a public utility, to determine whether the public utility has been or is being lawfully used. Municipal Act 2001, c.25, s80 (3)

NOW THEREFORE the Council of the Town of Minto hereby enacts as follows:

1.0 SHORT TITLE

This By-law may be cited as the “Water Restrictions By-law” which is a by-law to restrict or prohibit non-essential use of municipal water during a defined period identified herein.

2.0 RESTRICTIONS

a) The Town's Licensed Overall Responsible Operator appointed under the Safe Drinking Water Act and associated regulations, at his or her sole discretion, may establish a period during which water restrictions shall be in place in one or more municipal water distribution system within the Town, which without limiting the generality of the foregoing may include the following conditions:

- (i) During periods of prolonged drought where the Overall Responsible Operator has concerns with water supply to users for consumption, essential services and other regular operations for which users require water;
- (ii) System maintenance or main breaks where water supply must be directed, disconnected or interrupted to the point where non-essential water use may impact water supply to users for consumption, essential services and other regular operations for which users require water;
- (iii) During emergencies of any kind such as fires, floods, or other catastrophes that may impact water supply to users for consumption, essential services and other regular operations for which users require water; and
- (iv) Any other situation that may arise which the Overall Responsible Operator is concerned that non-essential water use may impact water supply to users for consumption, essential services and other regular operations for which users require water.

b) Where the Overall Responsible Operator establishes a period when water restrictions are to apply notice shall be given on the municipality's website, by social media as available, media release and any other means by which the Overall Responsible Operator deems necessary to communicate the need for water restrictions. Where water restrictions may be for a prolonged period advertisement in a local paper may be placed.

c) Where a period when water restrictions are to be in place has been identified by the Overall Responsible Operator or his or her designate, no person shall use any water supplied in the municipal system for non-essential purposes which shall be any purpose

except for consumption, essential services and other regular operations for which users require water.

d) Without limiting the generality of Section 2.0 c) no person shall use water during a water restriction period for non-essential purposes including taking bulk water for business use, spraying, sprinkling, streaming, leaking or otherwise applying water supplied from a municipal water distribution system through a hose or other attachment to a street, driveway, lawn, garden, vehicle, equipment or similar, and filling a pool, hot tub, pond or other recreational or cosmetic containment device, or any similar such purpose.

e) No person shall use the municipal water system at any time to fill a recreational pool or pond in the Minto Pines Water System whether or not a restriction period has been establish by the Overall Responsible Operator.

f) Whether or not a water restriction period is in effect or not, no person shall apply municipal water to a lawn, garden or flowers except by means of a hand held sprinkler except however a newly seeded or sodded lawn which may be watered using a mechanical sprinkler between the hours of 6:00 p.m. and 11:00 p.m.

g) Even where the Overall Responsible Operator has not established a period when water restrictions apply, watering of lawns, flowers and gardens is recommended between the hours of 6:00 p.m. to 9:00 a.m. including newly seeded or sodded lawns.

3.0 ENFORCEMENT

a) Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a set fine as provided for in the Provincial Offences Act and as set out in Schedule “A” Set Fines.

b) The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty on the person convicted.

4.0 VALIDITY, SEVERABILITY AND REPEAL

a) In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

b) All by-laws, or provisions or any other by-law inconsistent with this by-law, are hereby repealed including but not limited to By-law 99-46.

c) The Mayor and Clerk are hereby instructed to execute this by-law and affix the corporate seal thereto

This by-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second, third time and passed in open Council this 24th of January, 2017.

Mayor George A. Bridge

C.A.O. Clerk Bill White

TOWN OF MINTO

BY-LAW NUMBER 2017-066

WATER RESTICTIONS BY-LAW

SCHEDULE “A”

**Part I Provincial Offences Act
Set Fines**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Use municipal water for non-essential purposes during water restrictions	Section 2.0 (c)	\$200.00
2.	Taking bulk water for business purposes or non-essential purposes during water restrictions	Section 2.0 (d)	\$200.00
3.	Filling a pool or pond at any time in the Minto Pines Water System	Section 2.0 (e)	\$200.00
4.	Applying water to lawn, garden or flowers other than with a hand held sprinkler	Section 2.0 (f)	\$100.00
5.	Applying water to newly seeded sodded lawn outside hours of 6:00 p.m. and 11:00 p.m.	Section 2.0 (f)	\$100.00