

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 8th day of May, 2018.

Mayor

Town Manager

Read a first time 8th day of May, 2018

Read a second time 8th day of May, 2018

Read a third time 8th day of May, 2018

Schedule A – Outdoor Water Use Restrictions

| Activity | Application Method | Application By | Stage One (No Restrictions) | Stage Two (Odds / Evens) | Stage Three (Handheld Watering) | Stage Four (Water Ban) |
|--|--|---|-----------------------------|---|--|------------------------|
| Watering of lawns, gardens, trees and shrubs | Irrigation with hose connected sprinkler | All Customers except | Allowed | Even Property Number on Even-Numbered Days and Odd Property Number on Odd-Numbered Days | Not Allowed | Not Allowed |
| | | The Town of Niverville Operations | Allowed | Allowed | Not Allowed | Not Allowed |
| Watering of gardens, trees and shrubs (lawns excluded) | Spring-loaded type nozzles with automatic shut-off connected to hose | All Customers | Allowed | Allowed | Allowed | Not Allowed |
| | Hand-held container (ie: watering can, bucket) | All Customers | Allowed | Allowed | Allowed | Not Allowed |
| Watering of New Grass Plantings (sod or seed) with reasonable evidence of recent installation: <i>sod within 21 days seed within 45 days</i> | Any | All Customers | Allowed | Allowed | Allowed | Not Allowed |
| Watering of plants for commercial sale | Any | Nurseries, garden centers, turf tree farms and market gardens and community gardens | Allowed | Allowed | Allowed | Allowed |
| Pesticide or fertilizer application that requires the use of potable water | Any | All Customers | Allowed | Allowed | Not Allowed except with permission from the Operations Manager | Not Allowed |
| Testing of Irrigation systems | Not Applicable | All Customers | Allowed | Allowed | Not Allowed | Not Allowed |
| Wash down sidewalks, walkways, driveways, exterior building | Any | All Customers except: | Allowed | Allowed | Not Allowed | Not Allowed |
| | Any | Child care facilities, Food and Beverage | Allowed | Allowed | Allowed | Allowed |

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| surfaces or other outdoor surfaces | | establishments Kennels or animal care facilities where required by health and safety regulations | | | | |
| Manual, exterior window washing | Any | All Customers except: | Allowed | Allowed | Allowed | Not Allowed |
| | | Licensed Cleaning Services | Allowed | Allowed | Allowed | Allowed |
| Washing of vehicles outdoors | Any | All Customers except | Allowed | Allowed | Not Allowed | Not Allowed |
| | Any | Vehicles subject to health and safety regulations | Allowed | Allowed | Allowed | Allowed |
| Filling of Fountains and other Decorative Features | Any | All Customers | Allowed | Allowed | Not Allowed | Not Allowed |
| Filling of outdoor hot tubs, swimming and wading pools | Any | All Customers | Allowed | Allowed | Not Allowed except with permission from Operations Manager | Not Allowed |
| Water use for construction purposes including grading, compaction and dust control | Any | All Customers | Allowed | Allowed | Allowed | Not Allowed except with permission from Operations Manager |
| Outdoor snow or ice making | Any | All Customers | Allowed | Allowed | Not Allowed, except with permission from Operations Manager | Not Allowed, except with permission from Operations Manager |
| Watering of livestock | Any | Farm Operations | Allowed | Allowed | Allowed | Allowed |
| Essential hydrant and main flushing | Not Applicable | The Town of Niverville Operations | Allowed | Allowed | Allowed | Allowed |
| Essential street cleaning and bridge washing | 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.