

## VILLAGE OF PEMBERTON

### BYLAW No. 792, 2015

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Being a bylaw to regulate the use of water within the Village of Pemberton.

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**WHEREAS** Section 8 of Part 2 of the *Community Charter* authorizes Council to enact bylaws that regulate, prohibit and impose requirements in relation to a municipal service;

**AND WHEREAS** Council has established a community water distribution service and wishes to regulate the outdoor use of that service;

**NOW THEREFORE**, the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS**:

1. **CITATION**

This Bylaw may be cited as “Village of Pemberton Outdoor Water Use Regulation Bylaw No. 792, 2015.”

2. **DEFINITIONS**

In this bylaw:

“**Even numbered days**” means even numbered days of the calendar month;

“**Garden Hose**” means a flexible hose with an outside diameter of no more than 1 inch;

“**In-Ground Irrigation System**” means an irrigation system where pipes are buried underground and sprinkler heads are spaced at chosen intervals to deliver Village water and timers are used to turn Village water on and off automatically;

“**Level One**”, “**Level Two**”, “**Level Three**” and “**Level Four**” refers to periods of time where water restrictions are in effect as established in section 4 of this Bylaw;

“**Newspaper**” means a publication that contains news and advertising and is distributed at least weekly in the Village of Pemberton;

“**Odd numbered days**” means odd numbered days of the calendar month.

“**Sprinkle**” or “**sprinkling**” means the application or distribution of water to lawns, golf or other recreational fairways, fields, or any area consisting primarily of sod or turf, by a Garden Hose or other device for scattering or spraying water, but does not include watering by way of soaker hoses, drip irrigation or micro-irrigation systems or the application of water to flower beds and vegetable gardens;

**“Village Official”** means a duly authorized representative of the Village of Pemberton as appointed by the Chief Administrative Officer to administer the bylaw;

**“Village”** means Village of Pemberton;

**“Water”** means water supplied by the Village.

### **3. PROHIBITION**

No person shall, between June 1<sup>st</sup> and September 30<sup>th</sup> inclusive in every year, use Water outdoors or cause, suffer or allow the use of Water outdoors except in compliance with this bylaw.

### **4. SPRINKLING RESTRICTIONS**

#### **Level One Restrictions:**

**4.1** Subject to further restrictions in subsections 4.2, 4.3 and 4.4, during the period from June 1<sup>st</sup> through September 30<sup>th</sup> of each year, Level One restrictions are in effect and the use of Water outdoors is restricted as follows:

- (a) No person shall sprinkle or cause, suffer or allow sprinkling, except:
  - i) at premises with an even-numbered civic address, on any even numbered days; and
  - ii) at premises with an odd numbered civic addresses, or with no civic address, on odd numbered days.
  
- (b) No person shall water outdoors by way of an In-Ground Irrigation System, or cause, suffer or allow watering by that System, except as follows:
  - (i) at premises with an even-numbered civic address, from 10:00 p.m. on any even numbered day until 4:00 a.m. of the day following that day; and
  - (ii) at premises with an odd-numbered civic address, or with no civic address, from 10:00 p.m. on any on any odd numbered day until 4:00 a.m. of the day following that day.

## **Level Two Restrictions**

**4.2** During any period which has been declared by the Village Official as being a Level Two restriction period, the use of Water outdoors is restricted as follows:

- (a) No person shall sprinkle or cause, suffer or allow sprinkling except:
  - i) at premises with an even numbered civic address, on Thursdays and Sundays between the hours of 4:00 a.m. and 9:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m.; and
  - ii) at premises with an odd- numbered civic addresses, or with no civic address, on Wednesdays and Saturdays between the hours of 4:00 a.m. and 9:00 a.m. or between the hours of 7:00 p.m. and 10:00 p.m.
- (b) No person shall water outdoors by way of an In-Ground Irrigation System, or cause, suffer or allow watering by that system, except on days permitted under paragraph (a), and then only between the hours of 10:00 p.m. of a permitted day and 4:00 a.m. of the day following that day.

## **Level Three Restrictions**

**4.3** During any period which has been declared by the Village Official as being a Level Three restriction period, the use of Water outdoors is restricted as follows:

- (a) No person shall sprinkle or allow sprinkling except as follows:
  - i) at premises with an even-numbered civic address, only on Thursday, and then only:
    - a) between the hours of 4:00 a.m. and 9:00 a.m.; **or**
    - b) between the hours of 7:00 p.m. and 10:00 p.m.; and
  - ii) at premises with an odd-numbered civic address, or with no civic address, only on Wednesday, and then only:
    - a) between the hours of 4:00 a.m. and 9:00 a.m.; **or**
    - b) between the hours of 7:00 p.m. and 10:00 p.m.
- (b) No person shall water outdoors by way of an In-Ground Irrigation System, or cause, suffer or allow watering by that System, except on days permitted by paragraph (a), and then only between the hours of 10:00 p.m. on the permitted day and 4:00 a.m. on the following that day.
- (c) No person shall use a Garden Hose:

- (i) to wash sidewalks, driveways, roofs or other outdoor surfaces; or
- (ii) to wash motor vehicles unless the hose is equipped with a shut off device that is spring loaded and operated by hand pressure.

#### **Level Four Restrictions**

4.4 During any period which has been declared by the Village Official as being a Level Four restriction period, the use of Water outdoors is restricted as follows:

(a) No person shall, at any time:

- (i) sprinkle or cause, suffer or allow sprinkling;
- (ii) water outdoors by way of an In-Ground Irrigation System, or cause, suffer or allow watering by that System;
- (iii) Use a Garden Hose or pressure washing device to wash sidewalks, driveways, roofs or other outdoor surfaces; or
- (iv) Use a garden hose to wash motor vehicles unless the hose is equipped with a shut-off device that is spring loaded and operated by hand pressure.

### **5. DELEGATION**

5.1 The Village Official may:

- (a) determine if and when further reduction in Water use is required beyond the Level One restrictions for Water conservation reasons and establish by declaration periods of time for Level Two, Level Three and Level Four Water restrictions as he or she considers necessary for appropriate conservation of Water;
- (b) require the implementation of further water use reductions by written order, and after the notification prescribed in Section 6; and
- (c) issue a permit applied for under this Bylaw, and impose terms, conditions and requirements on the permit as he or she considers necessary or appropriate in the circumstances for the conservation of Water.

5.2 In making a decision under subsection 5.1, the primary consideration will be the appropriate conservation of Water and impacts on infrastructure in all circumstances affecting the Water supply and infrastructure system, and the Village Official may take into account relevant precipitation and weather patterns, geological or other natural conditions, the maximum daily flow of

water from the Village Water supply and distribution system projections of usage, and any other factors that reasonably could impact the available supply of Water over a particular time period.

- 5.3 The Village Official shall advise Council of the issuance of any orders establishing Level 3 or Level 4 restrictions.

## **6. NOTICES**

- 6.1 Notices of Water Restriction declarations under Sections 4.2, 4.3 and 4.4 of this bylaw shall be given by an announcement made on behalf of the Village through publication in a newspaper and notices posted at the Village Notice Boards, not less than forty-eight (48) hours prior to the commencement or revocation of restrictions under the order.

## **7. PERMITS**

- 7.1 A person, owner or occupant of a parcel may apply to the Village Official for a permit that allows for sprinkling on the premises despite a period of water restrictions:
- (a) a new lawn, either by replacing sod or by seeding;
  - (b) who has installed new landscaping on a substantial part of the outdoor portion of a premises.
- 7.2 The Village Official may require the applicant for a permit to produce such information as he or she considers relevant in the circumstances, and taking into account the potential impact of the proposed activity on the Water supply, may refuse, suspend, modify or cancel a permit if the activity occurs during a Level Two or higher water restriction period or otherwise would, in the Village Official's opinion, adversely affect Water conservation in the circumstances.
- 7.3 A permit issued under Section 7.2 shall be conspicuously displayed at the premises for which it was issued
- 7.4 A permit may be issued for up to ninety (90) days.
- 7.5 Before the expiration of a permit issued under section 7.2, a person may apply for and obtain one (1) extension only of the permit.

## **8. EXEMPTIONS**

- 8.1 Sections 4.3 (c) and 4.4 (iii) do not apply to outdoor areas which are required to be cleaned or watered so as to comply with health, fire or safety regulations or directives.
- 8.2 The provisions of 4.1, 4.2, 4.3 and 4.4 do not apply to the following:
- a) golf Courses holding a valid and subsisting licence from the Village;
  - b) sports fields;
  - c) parks;
  - d) public gardens (Community Garden);
  - e) farm operations within the meaning of the *Farm Practices Protection (Right to Farm) Act* in agricultural land reserve and other areas where farm uses are permitted;
  - f) private, non-commercial vegetable gardens;
  - g) a commercial nursery; or
  - h) turf & sod within public road rights of way.

## **9. OFFENSE AND PENALTY**

- 9.1 This Bylaw may be enforced by the Village Official, a bylaw enforcement officer, or another person designated by the Chief Administrative Officer.
- 9.2 Every person who contravenes any provision of this bylaw, or who causes, permits, suffers or allows any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this Bylaw, commits an offence against this bylaw and upon conviction of an offence, shall be liable to:
- a) pay a fine established in the Village of Pemberton Municipal Ticket Utilization Bylaw, as amended from time to time; or
  - b) if proceedings are brought under the Offence Act, pay a fine and/or penalty of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed.
- 9.3 Each day that an offence against this bylaw continues amounts to a separate and distinct offence.

## **10. SCHEDULES**

The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

- Schedule "A" – Permit Fees
- Schedule "B" – Fines

## **11. SEVERABILITY**

If any section, subsection, clause or phrase of this bylaw is held to be invalid for any reason by a court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

**READ A FIRST TIME** this 7<sup>th</sup> day of July, 2015.

**READ A SECOND TIME** this 7<sup>th</sup> day of July, 2015.

**READ A THIRD TIME** this 7<sup>th</sup> day of July, 2015.

**ADOPTED** this 21<sup>st</sup> day of July, 2015.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

## Schedule A – Permit Fees

Section 7 b – Sprinkling Permit	\$30.00
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## Schedule B – Fines

### Outdoor Water Use Regulations Bylaw No. 792, 2015

### FINE

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#### **Section: 4.1**

Level One – First Offence	\$100.00
Level One – Second Offence	\$200.00
Level One – Third Offence	\$300.00

#### **Section 4.2**

Level Two – First Offence	\$100.00
Level Two – Second Offence	\$200.00
Level Two – Third Offence	\$300.00

#### **Section 4.3**

Level Three – First Offence	\$100.00
Level Three – Second Offence	\$200.00
Level Three – Third Offence	\$300.00

#### **Section 4.4**

Level Four – First Offence	\$250.00
Level Four – Second Offence	\$500.00
Level Four – Third Offence	\$1,000.00