

**THE MUNICIPALITY OF CENTRAL MANITOULIN
BY-LAW NUMBER 2013-23**

BEING A BY-LAW TO IMPOSE CONTROLS UPON THE OUTDOOR USE OF WATER.

AUTHORITY: Municipal Act, 2001, S.O. 2001, c.25, as amended, Sections 2, 9, and 11.

WHEREAS The Municipality of Central Manitoulin has constructed and now operates and maintains a water works distribution system and a sewage system in Village of Mindemoya;

AND WHEREAS under Section 2 of the Municipal Act, 2001 ("the Act") municipalities are given powers and duties for purposes which include managing and preserving the public assets of the municipality and fostering the current and future economic, social and environmental well-being of the municipality;

AND WHEREAS under Section 11 of the Act the Municipality may pass by-laws within the "public utilities" sphere of jurisdiction which includes water production, treatment and storage and water distribution;

AND WHEREAS Subsection 9(3) of the Act provides that a by-law under Section 11 respecting a matter may "regulate or prohibit respecting the matter".

NOW THEREFORE the Council of the Municipality of Central Manitoulin enacts as follows:

Part I - Definitions

1. In this By-Law:

- a. "hand-watering device" means a container that is not connected to a watering device, is used to apply water and is operated by muscular power only;
- b. CAO/Clerk means the Municipality's CAO/Clerk or his or her designate;
- c. "owner" means the occupant or the owner of the premises or their agent;
- d. "person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;
- e. "Municipality" means the Municipality of Central Manitoulin;
- f. "water" except as otherwise defined in this By-law, means water produced, treated or stored by the Municipality and obtained through a metered or non-metered water distribution system;
- g. "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.

Part II – Conservation Measures

2. **Level 1 (Careful Use) Restrictions on Water Use.**

- a. The Level 1 restrictions set out in Sections (2) of this Article shall be in effect in the geographic area of the Village of Mindemoya at all times upon the passing of this By-law.

- b. On any premises or on the road allowance immediately adjacent to and within the extension of property lines of premises, no owner shall permit any person to irrigate with a watering device and no person shall irrigate with a watering device any lawn, garden, tree, shrub, or other outdoor plant except on the applicable days provided below:
 - i. For all premises with even street numbers on even numbered calendar days;
 - ii. For all premises with odd street numbers on odd numbered calendar days.
- c. Section 2. b. i. ii. do not apply to newly planted sod or grass seed forming part of a lawn or newly planted lawn alternative while being installed and during the 24 hours

3. Level 2 (Limited Use) Restrictions on Water Use.

- a. The Level 2 restrictions set out in Sections (2) (3) of this Article shall be in effect in the geographic area of the Village of Mindemoya as determined by the Manager.
- b. No owner shall do or permit the activities listed in Section (3) below except on the applicable days provided herein and except between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 6:00 p.m. and 9:00 p.m. on the applicable days, that is:
 - i. For all premises with even street numbers on even numbered calendar days;
 - ii. For all premises with odd street numbers on odd numbered calendar days.
- c. Section 3. b. i. ii. does not apply to newly planted sod or grass seed forming part of a lawn or newly planted lawn alternative while being installed and during the 24 hours
- d. For purposes of Section (2) no owner shall carry out, engage in, or permit:
 - i. Cleaning with a watering device a vehicle parked on residential premises or on a road allowance immediately adjacent to and within the extension of the boundary lines of residential premises;
 - ii. Cleaning with water the exterior of a building or attachments thereto, a driveway or a walkway;
 - iii. Cleaning with water or filling with water any decorative fountain or any residential swimming pool, hot tub or garden pond;
 - iv. Wasting water when using it outdoors.
- e. No owner shall irrigate with water during a rainfall or permit any person to irrigate with water during a rainfall.
- f. The Manager shall give notice of his or her determination under Section (1) to the public by any one or more of the following means:
 - i. Publication of notice on the Municipal Website
 - ii. Any other means of giving notice that has a reasonable likelihood of coming to the attention of persons who are affected.

4. Level 3 (Restricted Use) Restrictions on Water Use.

- a. The Level 3 water supply prohibitions set out in Sections (2), (3), (4), (5) and (6) of this Article shall be in effect and shall cease to be in effect for the Village of Mindemoya when the service capability any water production well has declined to the point where the continued supply of sufficient water for the basic needs of the public is in jeopardy or when the permit to take water is in jeopardy of being exceeded as determined by the Manager.
- b. No owner shall permit any person to irrigate with water and no person shall irrigate with water 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.
- c. No owner shall permit any person to irrigate with water and no person shall irrigate with water any garden, tree, shrub or other outdoor plant.
- d. No person shall permit any person to clean with water and no person shall clean with water the exterior of a building or attachments thereto, a driveway or a walkway.
- e. No owner shall permit any person to clean with water and no person shall 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.
- f. No person shall permit and no person shall:
 - i. Operate a decorative fountain unless all water used is continuously recycled, or fill a decorative fountain;
 - ii. Clean with water or fill with water any decorative fountain or any residential swimming pool, hot tub, or garden pond; and
 - iii. Waste water when using it outdoors.
- g. The CAP/Clerk shall give notice of his or her determination under Section (1) to the public by any one or more of the following means:
 - i. Publication of notice in a local newspaper or newspapers;
 - ii. Posting of notice on the municipal Website and at various other locations, or
 - iii. Any other means of giving notice that has a reasonable likelihood of coming to the attention of persons who are affected.

5. Penalty

- a. Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000.00 exclusive of costs, for each offence, recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33

6. Administration and Enforcement

- a. The Municipal Offences Officer is responsible for the administration of this By-law.

- b. This By-law may be enforced by a municipal by-law enforcement officer or a provincial offences officer.
- c. In the event that water is being used on or from a premises contrary to the provisions of this By-law, the Municipality may shut off the supply of water to the premises upon giving verbal or other notice to any reasonably available person occupying the premises, or without notice if no one is reasonably available to give notice to. When the owner agrees to comply with the provisions of this By-law, the water supply to the premises shall be restored by the Municipality provided that the charge established by the Council of the Municipality from time to time for turning the supply of water back on is paid by the owner, and failing payment in whole or in part the Municipality may transfer the amount remaining unpaid to the Collector's Roll and collect the amount in the same manner as taxes and subject to the same interest and penalties as for taxes.
- d. If any section or sections of this By-law or parts of it are found by any court to be illegal or beyond the power of council to enact, such section or sections or parts of it shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ____ DAY OF _____, 2014.

Mayor – Gerry Strong

CAO/Clerk – Ruth Frawley

I, _____, Clerk of the Municipality of Central Manitoulin, do hereby certify that the foregoing is a true copy of By-Law # 2013-23, which was passed by the Municipality of Central Manitoulin Council on the ____ day of _____, 2014.

Clerk