

# THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

## By-Law No. 3828-2016

A BY-LAW TO REGULATE THE TIME, MANNER AND NATURE OF USE OF THE SUPPLY OF WATER FOR PROPERTIES SERVICED BY THE CORPORATION OF THE COUNTY OF PRINCE EDWARD MUNICIPAL DRINKING WATER SYSTEMS

WHEREAS the County of Prince Edward is responsible for the operation and management of the County's municipal drinking water systems;

AND WHEREAS the *Municipal Act, 2001*, Revised Statutes of Ontario Chapter 25, as amended, provides Council may pass such by-laws and make such regulations for the health, safety, and well-being of the inhabitants of the municipality;

WHEREAS the *Municipal Act, 2001*, Revised Statutes of Ontario Chapter 25, Section 425, as amended, provides that municipalities may pass By-Laws for the supply, control, shutting off and distribution of public utilities such as drinking water;

AND WHEREAS Council in the public interest deems it necessary and expedient to from time to time regulate the time, manner and nature of the use of the supply of water for properties serviced by the Corporation of the County of Prince Edward municipal drinking water systems;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF PRINCE EDWARD HEREBY ENACTS AS FOLLOWS:

### 1. DEFINITIONS

Definitions for the purpose of this By-Law:

- 1.1 "Corporation" shall mean the Corporation of the County of Prince Edward.
- 1.2 "Council" shall mean Municipal Council of the Corporation of the County of Prince Edward;
- 1.3 "Ontario Low Water Response Program" shall mean the Provincial program intended to monitor precipitation and streamflow data in the Province and provide a framework for responding to local low water levels conditions and administered locally by the Quinte Conservation Authority or the Low Water Response Team;
- 1.4 "Owner" shall mean and include the registered owner of a property, a lessee, tenant, mortgagee In possession or any person, organization or corporation, assessed tenant, occupant or any person having an interest whether equitable or legal in the land otherwise in charge of the property, acting as the authorized agent of the owner;

- 1.5 "Serviced" shall mean properties receiving drinking water distributed by the Corporation of the County of Prince Edward's municipal systems.
- 1.6 "Water" shall mean, for the purposes of this by-law, the supply of water from the County of Prince Edward's municipal system.
- 1.7 "Water Response Team" shall mean the subgroup assembled by Quinte Conservation Authority in response to a low water level condition as provided for in the Ontario Low Water Response Program;

## **2. WORDS AND PHRASES**

- 2.1 Where words and phrases used in this By-Law are defined in the *Municipal Act* but not defined by this By-Law, the definitions of the *Municipal Act* shall apply to such words and phrases.

## **3. WORD USAGE**

- 3.1 As used in the By-Law, words used in the present tense include the future, words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.
- 3.2 The headings and subheadings used in this By-Law shall be deemed to be inserted for convenience of reference.

## **4. RESTRICTION**

- 4.1 Where notice has been given by the County, or when a Level Three (3) condition is declared by the Water Response Team under the Ontario Low Water Response Program, no person shall,
  - 4.1.1 Permit, allow or cause to permit the outdoor use of water, such the watering or sprinkling of any lawn, garden, tree, shrub or other outdoor plant, vegetation or washing of any vehicle, driveway or building, from the Corporation of the County of Prince Edward drinking water system through a hose, pipe or other attachment at any time except in accordance with the provision of Section 5 and 6 of this By-Law;
  - 4.1.2 fill or top off a swimming pool at any time except in accordance with the provision of Section 5 and 6 of this By-Law;
  - 4.1.3 hinder or obstruct, or cause or procure to be hindered or obstructed the Corporation, or any of its officers, contractors, agents, servants or workers, in the exercise of any of the powers conferred by this By-Law;
  - 4.1.4 let off or discharge water so that the water runs wastefully;

- 4.1.5 being owners, tenants, lessees and occupants of any house, building or other place supplied with water from the waterworks, improperly waste the water or, without the consent of the Corporation, lend, sell, or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than the person's own or increase the supply of water agreed for;
- 4.1.6 alter any meter placed upon any service pipe or connected herewith, within or without any building or other place, so as to lessen or alter the amount of water registered; or
- 4.1.7 lay or cause to be laid any pipe or main to communicate with any pipe or main of the waterworks or in any way obtain or use the water without the consent of the Corporation;
- 4.1.8 Permit, allow or cause to permit the outdoor use of water, such the watering or sprinkling of any lawn, garden, tree, shrub or other outdoor plant, vegetation or washing of any vehicle, driveway or building from the Corporation of the County of Prince Edward drinking water system through a hose, pipe or other attachment at any time during the restricted period pursuant to Section 7 of the By-Law;

## **5. WATER SUPPLY REGULATIONS**

- 5.1 No person shall use water for the purpose of watering by hose, pipe or attachment at any time except as provided for hereunder:
  - 5.1.1 That all owners, tenants, lessees and occupants of any properties serviced by the Corporation of the County of Prince Edward drinking water system with municipal addresses of an even number shall be permitted to conduct outdoor watering and fill or top off a swimming pool on even calendar days of the month 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.
  - 5.1.2 That all owners, tenants, lessees and occupants of any properties serviced by the Corporation of the County of Prince Edward drinking water system with municipal addresses of an odd number shall be permitted to conduct outdoor watering and fill or top off a swimming pool on odd calendar days of the month 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.

## **6. EXCEPTIONS**

- 6.1 Notwithstanding Section 5, outdoor water use is permitted for the following:
  - 6.1.1 newly planted replacement sod, trees, ornamental shrubs and newer gardens while being installed and during the following 24 hours after the completion of installation;

- 6.1.2 lawns being treated with any pesticide, herbicide spray or fertilizer which requires water while being treated and during the next following 24 hours after the application;
- 6.1.3 newly laid sod on any property for a period of two weeks after the sod is first laid;
- 6.1.4 mixing of building materials, provided that the quantity and manner is reasonable;
- 6.1.5 for municipal operational purposes;
- 6.1.6 agricultural production and livestock watering purposes.

## **7, ADDITIONAL RESTRICTIONS**

- 7.1 The Chief Administrative Officer or his/her designate may invoke additional restrictive measures beyond those contained in this By-Law. Such additional restrictions shall be enforced under the authority of this By-Law.
- 7.2 In the event that any portion of the water works system is disabled, damaged, unable to function or for any other reason, the Chief Administrative Officer or his designate may, at his sole discretion, curtail the use of water and prescribe the manner in which water may be used.
- 7.3 Due to system operational conditions no person shall fill or top off a swimming pool at any time within the Peats Point and Ameliasburgh water supply systems;

## **8, REPEAL**

- 8.1 By-law 551-2000 is hereby repealed.

## **9. VALIDITY AND SEVERABILITY**

- 9.1 If any term or provision of this Bylaw or the application thereof to any person shall to any extent be held to be invalid or unenforceable by any court or tribunal having jurisdiction, the remainder of this Bylaw or the application of any provision of this Bylaw to all persons other than those to whom it was held to be invalid or enforceable, shall not be affected thereby and each term and provision of this Bylaw shall be separately valid and enforceable to the fullest extent permitted by law;
- 9.2 Whenever any reference is made in this By-Law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

## **10. PENALTIES**

- 10.1 Any person who contravenes any provision of this By-Law is guilty of an offence and the offence is hereby designated as a continuing offence.

10.2 A person convicted of an offence contrary to the provisions of this By-Law is liable to a fine of no less than \$500 and no more than \$10,000 for each day or part of a day on which the offence occurs or continues provided that the total daily fines for the continuing offence shall not exceed \$100,000.

**11. ENFORCEMENT**

11.1 This By-Law shall be enforced by a Municipal Law Enforcement Officer of the Corporation of the County of Prince Edward or any other officer appointed for the purposes of enforcing this By-Law.

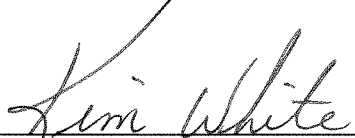
**12. SHORT TITLE**

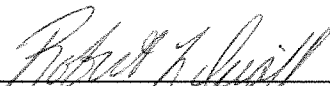
12.1 This By-Law shall be cited as the LOW WATER CONDITION WATER RESTRICTION BY-LAW (SERVICED AREAS).

**13. FORCE AND EFFECT**

13.1 This By-Law shall take effect and become in full force and effect pursuant to the provisions and regulations made under the *Municipal Act*, Revised Statutes of Ontario 2001, as amended.

Read a first, second and third time and finally passed this 11th day of August, 2016.

  
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Kim White, CLERK

  
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Robert L. Quaiff, MAYOR

