

BYLAW NO. 1009

A BYLAW OF THE TOWN OF MILK RIVER, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONSERVATION OF WATER.

WHEREAS pursuant to the provisions of the Municipal Government Act, Statutes of Alberta, RSA2000 and amendments thereto, Council may pass a Bylaw for the provision and regulation of a water utility within the Town of Milk River.

WHEREAS Council deems it appropriate to prepare a water conservation Bylaw that requires the water be conserved and utilized in an efficient manner with the provisions of this Bylaw.

WHEREAS Council deems it appropriate to partner with the Village of Coutts to ensure a consistent approach to water conservation.

NOW THEREFORE the Council of the Town of Milk River, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be referred to as the "Water Conservation Bylaw."

PURPOSE AND DEFINITIONS

2. The purpose of this Bylaw is to promote the efficient use of water in the community and reduce water waste.
3. Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
4. Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw or any requirement of any lawful permit, order, or license.
5. In this Bylaw:
 - a. "Bulk Water Station" means the facility for the sale of potable water on a bulk basis.
 - b. "CAO" means Chief Administrative Officer who is appointed to the position and title by Council and includes any person appointed by the CAO to act as his/her designate.
 - c. "Consumer" means any person or corporation whose property is connected to the water system or any Lessee or occupant of such property or person who obtains water from any Town owned hydrant or stand pipe.
 - d. "Non-Residential Water Use" means a service supplied to a premise principally used to conduct a profession, business, trade, industry, occupation, or employment, and includes institutional uses and apartment buildings.
 - e. "Peace Officer" means a person employed for the purpose of preserving and maintaining the public peace.

- f. "Residential Water Use" means a service supplied to a premise that is used primarily for domestic purposes including but not limited to single-family dwellings, multi-family dwellings, mobile homes, and condominium developments.

WATER USE RESTRICTIONS

6. In the event that the CAO believes there may be a shortage of water, the CAO may regulate the distribution and use of water from the Water Treatment Plant to all consumers or any of them, including the times of day when the use of water may be allowed or prohibited.
7. Subject to other sections of this Bylaw, no person may use municipally supplied water from a hose, pipe, sprinkler, or permanent water irrigation system for the purpose of watering lawns except between the hours of 7:00pm and 12:00pm (noon).
8. In the event there is a reason to declare an increase in water conservation level, the CAO may declare such restriction effective immediately.
9. Any consumer outside of municipal boundaries will be required to implement the same or similar water conservation measures as required by the Town residents subject to CAO approval.
10. The CAO will cause public notice indicating the level of water conservation and the date that level came or will come into effect to be given by any of the following means:
 - a. Website
 - b. Television advertisement
 - c. Circulation of a flyer
 - d. Radio announcement
 - e. Any other method and deemed necessary
11. Each municipality retains the right to create procedures and/or regulations regarding water restrictions pursuant to this Bylaw, enforceable by the municipality or a Peace Officer and are subject to change at the discretion of the CAO from time to time without warning.
12. The declaration of a water use restriction may apply to the entire municipality, specific zones or geographic areas or other specific locations as defined by the CAO
13. In the event of an emergency such as, but not limited to, a fire, water line break, water plant critical component failure, etc., the municipality may implement such conservation measures as deemed necessary for the duration of the emergency.
14. It is encouraged that all residents wash vehicles and recreational vehicles on grass lawns to further ensure the conservation of water.
15. The CAO may enact any of the following levels of water conservation measures depending on the projected or actual severity of the event:
 - a. Level 1 Water Restrictions
 - i. All outdoor water use, including watering lawns, washing cars, sidewalks, pads, exterior of buildings is permitted. However, using the last number of your address (odd or even) determines which days you may water your own lawn according the following schedule. ODD numbered addresses may use

water for these purposes on Tuesdays, Thursdays, and Sundays. EVEN numbered addresses may use water for these purposes on Mondays, Wednesdays, and Saturdays.

ii. Bulk water sales hours of operation are limited or suspended completely.

b. Level 2 Water Restrictions

i. All non-essential water use is prohibited (eg.: washing cars, sidewalks, pads, exterior of buildings and watering lawns, etc.)

ii. Bulk water sales are prohibited.

iii. All non-residential users of water will be requested to reduce hours of operation to contribute to the conservation of water.

c. Level 3 Water Restrictions

i. All non-essential water use is prohibited (eg.: washing cars, sidewalks, pads, exterior of buildings, and watering lawns, etc.)

ii. Bulk water sales are prohibited.

iii. All non-essential users of water will be required to reduce or cease hours of operation.

EXEMPTIONS

16. The following circumstances are exempt from the restrictions noted under this Bylaw:

a. Watering of flower beds, gardens, shrubs, and trees by watering can is permitted at any time.

b. Watering by drip irrigation is permitted at any time.

c. Sprinklers and like water toys may be used for recreational purposes as long as people are present and using the sprinkler for a recreational use **(only exempt from Level 1 Water Restrictions)**.

d. Newly laid sod and seeding lawns may be watered in any manner until the first cut only, or as would be deemed reasonable by a Peace Officer.

17. At any time, a written request may be made to the CAP requesting an exemption to the water restriction in place. Exemptions will only be made for extraordinary/emergency situations. The request must include:

a. Location of request

b. Reason for waiver

c. Duration of requested waiver

OFFENCE

18. Any person who contravenes the Bylaw is guilty of an offence.

19. Every day during which a contravention continues is deemed to be a separate offence.

FINES, PENALTIES AND ENFORCEMENT

20. Any employee of the municipality may enter upon any parcel of land, suspected of violating water use restrictions, and require the occupant of the such parcel to

discontinue such non-compliance or, if the occupant is not available, the employee may turn off the source of such non-compliance.

21. In the event that the employee is not able to shut off the source of the non-compliance, the supply of water to any parcel may be temporarily discontinued, and the owner shall be liable to pay a reconnection fee in addition to the fine that may be applied.
22. In addition to fines and penalties, which may be issued under this Bylaw, the Town may seek an Order of Court granting an injunction or any other order necessary to enforce compliance. The Town will seek full recovery of such legal costs either through the court system or by placing the cost of such action on the person(s) or corporations tax or utility account.
23. Any person who commits an offence under this Bylaw is liable to pay fines for each contravention of any provision of this Bylaw:
 - i. 1st offence: \$100
 - ii. 2nd offence: \$250
 - iii. 3rd and subsequent offences: \$500

24. Bylaw No. 999 is hereby repealed.

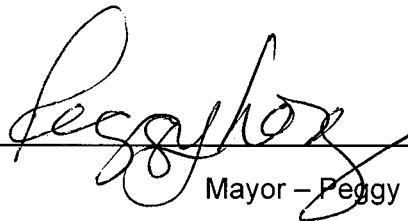
This Bylaw comes into force on the day it is finally passed.

Received First Reading this 9th day of April, 2018.

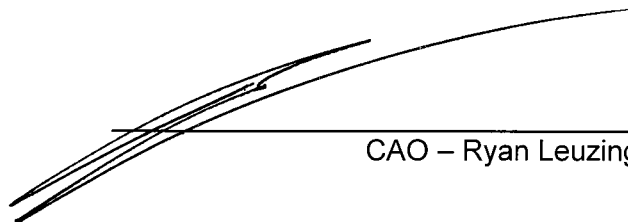
Received Second Reading this 9th day of April, 2018.

Received Third and Final Reading this 14th day of May, 2018.

Signed by the Mayor and the Chief Administrative Officer this 14th day of May, 2018.



Mayor – Peggy Losey



CAO – Ryan Leuzinger