

The Corporation of the Township of Guelph/Eramosa

By-law Number 95/2015

A By-law to prescribe outside water use restrictions within the Township of Guelph/Eramosa and to Repeal By-law No. 81/2007

WHEREAS the Corporation of the Township of Guelph/Eramosa has established a municipal water supply serving the Township of Guelph/Eramosa and this water supply relies heavily upon the use of groundwater; and

WHEREAS the Corporation of the Township of Guelph/Eramosa wishes to establish outside water use restrictions in an effort to balance water demand with available water supply; and

WHEREAS the Province developed the Ontario Low Water Response Plan (2001) as a strategy to deal with low water conditions in Ontario and the Ontario Low Water Response (OLWR) was published in March, 2010 by the Ontario Ministry of Natural Resources, Ontario Ministry of the Environment, Ontario Ministry of Agriculture, Food and Rural Affairs, Ontario Ministry of Municipal Affairs and Housing, Ontario Ministry of Research and Innovation, Association of Municipalities of Ontario and Conservation Ontario; and

WHEREAS the OLWR sets out three levels of low water conditions based on stream flow and precipitation indicators, and suggested and mandatory responses at each level in terms of reducing water use; and

WHEREAS the OLWR provides for Watershed-Based Water Response Teams (WRT) consisting of local water users and local and provincial water managers to coordinate local activities; and

WHEREAS the Corporation of the Township of Guelph/Eramosa wishes to incorporate the water use strategy set out in the OLWR as part of Low Water Response Team (LWRT) for the Grand River Watershed; and

WHEREAS Section 10 of the *Municipal Act, 2001, S.O. 2001, c. 25*, provides that a Municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality; and

WHEREAS Section 11(3) of the *Municipal Act, 2001, S.O. 2001, c. 25* provides that a lower tier municipality may pass by-laws respecting public utilities;

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

1. GENERAL APPLICATION CLAUSE

- (a) This By-law applies at all times to the outside use of water supplied by the Municipal Water Supply.
- (b) No Occupant of a premise shall permit outside water use on such premises supplied by Municipal Water Supply, except as permitted by this By-law.

2. DEFINITIONS

For the purpose of this By-law, the following terms shall have the meanings set out below:

- (a) **“Critical Water Period”** means any period of time during which the Director of Public Works or his/her designate is of the opinion that the level of available water is not at a sufficient level, or may become at an insufficient level, to maintain domestic, commercial and firefighting requirements.
- (b) **“Hand Watering Device”** means a container that is not connected to a Watering Device, used to apply water and is operated by muscular power only and is capable of holding not more than 4.6 litres (approximately 1 gallon) of water.
- (c) **“Highway”** - shall have the meaning as set out in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended from time to time, or any successor thereof.
- (d) **“Inspector”** has the meaning ascribed under Section 10 herein.
- (e) **“LWRT”** means the Low Water Reponse Team or Grand River Water Response Team.
- (f) **“Municipal Water Supply”** means the water supply and distribution system owned and operated by the Township and consisting of various water sources, including groundwater wells and the infrastructure necessary to collect, treat, and distribute this water directly to customers.
- (g) **“Director of Public Works”** means the person designated by the Township as such or his/her designee.
- (h) **“New Lawn”** means any seeded or sodded lawn or boulevard up to and including thirty (30) days after the installation or seeding.
- (i) **“OLWR”** means the Ontario Low Water Response .
- (j) **“Occupant”** means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee in relation to particular land or premises, who is either a registered owner, tenant, occupant or any person having an interest, whether equitable or legal, in the land or premises.
- (k) **“Residential Zoned Property”** means property that is zoned Residential pursuant to the Township Zoning By-law 57/1999, as amended from time to time, or any successor thereof.
- (l) **“Program Level Zero”, “Program Level One”, “Program Level Two”, and “Program Level Three”** have the meaning ascribed to those terms in Section 5.
- (m) **“Sports Field”** means a grassed playing area designed, equipped, and used exclusively for the conducting of organized, multi-player sporting events and practices.
- (n) **“Township”** means the Corporation of the Township of Guelph/Eramosa.
- (o) **“Vehicle”** means a motor vehicle or vehicle as defined under the *Highway Traffic Act* and includes a boat, trailer or other vessel.

- (p) **“Watering Device”** means a watering device including, but 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.
- (q) **“Water Storage Capacity”** means the percent volume of treated water held in storage sufficient to maintain domestic, commercial and firefighting, as determined by the Manager of Public Works.

3. CRITICAL WATER PERIOD

- (a) The Director of Public Works shall determine when a Critical Water Period exists within the Township of Guelph/Eramosa.
- (b) The Director of Public Works shall determine the program level in effect at any given time and location within the Township. When making his/her determination, the Director of Public Works shall have regard to any one or more of the following:
 - i. program level guidelines set out by the LWRT,
 - ii. sufficient Water Storage Capacity of individual urban water systems.
- (c) When a Critical Water Period exists, the water use restrictions set out in Section 6 of this By-law shall be in effect for any one or more of the Township’s water systems. Such restrictions may vary within the Township in accordance with the criteria established under this By-law.
- (d) The decision of the Director of Public Works to prohibit such water use during a Critical Water Period shall remain in effect until such time as the Director of Public Works rescinds such prohibition.

4. NOTIFICATION

- (a) The Director of Public Works shall give notice of outside water use restrictions by any one or more of the following means:
 - i. publication of notice in a local newspaper or newspapers;
 - ii. announcements giving notice on radio or television;
 - iii. publication on Township website;
 - iv. delivery of notice to affected premises; or
 - v. any other means of giving notice that has a reasonable likelihood of coming to the attention of any Occupant who is affected.
- (b) The outside use water restrictions set out in this By-law for each program level shall come into effect at 12:01 a.m. on the day following the date notice was given.

5. PROGRAM LEVELS

- (a) The following program levels will apply to outside water use restrictions, based on the criteria set out below:
 - i. **Level Zero** - Outside use Program Level Zero shall be in effect so long as:
 - 1. the stream flow and precipitation levels are such that they exceed the level one guidelines set out in the OLWR; and
 - 2. Water Storage Capacity exceeds 70%

- ii. **Level One** - Outside use Program Level One shall be determined to exist:
 - 1. in accordance with the guidelines set out in the OLWR level one; or
 - 2. when the Water Storage Capacity is less than or equal to 70% but greater than 65%.
 - iii. **Level Two** - Outside use Program Level Two shall be determined in accordance with any one or more of the following:
 - 1. OLWR level two condition;
 - 2. when the Water Storage Capacity is less than or equal to 65% but greater than 55%; or
 - 3. pumping at greater than 80% capacity for individual urban water systems only.
 - iv. **Level Three** - Outside use Program Level Three shall be determined in accordance with any one or more of the following:
 - 1. OLWR level three condition;
 - 2. when the Water Storage Capacity is less than or equal to 55%; or
 - 3. pumping at greater than 90% capacity individual urban water systems only.
- (b) All measurements to determine Water Storage Capacity shall be determined by the Director in accordance with Township practices.

6. PROGRAM LEVEL RESTRICTIONS

Part A: Level Zero - No Wasting of Municipal Water

- (a) No Occupant shall at any time:
 - 1. during a rainstorm permit a Watering Device to run water for the purpose of irrigation;
 - 2. permit water to pool on or around or run off from any lawn, boulevard, sports field, tree, shrub, flower, vegetable plant, or other outside plant;
 - 3. permit water to be directed onto a paved surface, including driveways, pathways, sidewalks, curbs, gutters, or roadways, during the irrigation of any lawn, boulevard, sports field, tree, shrub, flower, vegetable plant, or other outside plant;
 - 4. operate or cause to operate a decorative fountain or garden pond without water circulation;
 - 5. wash a vehicle or the outside of a building with the use of a hose not equipped with a shut-off valve at the discharge end of the hose;
 - 6. use flowing water instead of dry sweeping to remove loose debris from a driveway on Residential Zoned Property, unless failure to do so would cause permanent damage or lead to an unsafe condition.

Part B: Level One – Careful Use

This Part shall apply during Program Level One and shall include Program Level Zero restrictions as they pertain to the wasting of Municipal water. The restrictions as described are voluntary guidelines.

(a) Alternate Day with Time Restrictions

No Occupant shall water any lawn or boulevard, with a Watering Device except:

1. 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 even numbered calendar days of premises with an even numbered municipal address ;
2. 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 odd numbered calendar days of premises with an odd numbered municipal address.

(b) Vehicle Washing

No Occupant shall wash any Vehicle located on Residential Zoned Property, or on any portions of the Highway adjacent to any Residential Zoned Property, except in accordance with the following:

1. washing conducted at even-numbered municipal addresses may be performed 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. only on even numbered calendar days; and
2. washing conducted at odd-numbered municipal addresses may be performed 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. only on odd numbered calendar days.

Part C: Level Two – Limited Use

This Part, including restrictions with respect to wasting municipal waters shall apply during **Program Level Two**. Level Two restrictions are mandatory and enforceable as per the provisions as outlined in this by-law.

(a) Alternate Day with Time Restrictions

No Occupant shall water any lawn or boulevard, with a Watering Device, except for:

1. premises with an even numbered municipal address, 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 even numbered calendar days;
2. premises with an odd numbered municipal address, 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 odd numbered calendar days.

(b) No Occupant shall water any outdoor plant, flower, tree, shrub or garden, except with a “Hand Watering Device”

(b) **Washing Ban**

No Occupant shall wash any Vehicle located on Residential Zoned Property, or on any portions of the Highway or boulevard adjacent to any Residential Zoned Property.

Part D: Level Three - Reduce and Stop Non-Essential Uses

This part shall apply during **Program Level Three**

Watering and Washing Bans

- (a) No Occupant shall irrigate with water, or permit any person to irrigate with water, using a Watering Device, Hand Watering Device or any other means, any lawn, boulevard or Sports Field at any time.
- (b) No Occupant shall wash any Vehicle located on Residential Zoned Property, or on any portion of the Highway or boulevard adjacent to any Residential Zoned Property.
- (c) No Occupant shall use water to supply a sprinkler or splash pad for recreational use.
- (d) No Occupant shall use water to fill any outside swimming pool, wading pool, outside hot tub, decorative fountain, or garden pond.
- (e) No Occupant shall water any outdoor plant, flower, tree, shrub or garden with a "Hand Watering Device" except for:
 - 1. premises with an even numbered municipal address, 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 even numbered calendar days;
 - 2. premises with an odd numbered municipal address, 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 odd numbered calendar days.

7. NEW LAWN PERMIT

This Section shall apply in **Program Level One to Three**.

- (a) When outside water use restrictions are at Program Level Two or higher, the Occupant of any premises who intends to install a New Lawn may apply to the Director of Public Works for a New Lawn permit. Irrigation of a New Lawn shall begin on the "Effective Date" and end on the "Expiry Date" set out on the face of the permit. Watering shall be allowed only in accordance with the following:
 - 1. on the "Effective Date", water without time restrictions;
 - 2. from the first day after the "Effective Date" to and including the eighth day after the "Effective Date", water 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.; and
 - 3. from the ninth day after the "Effective Date" to and including the eighteenth day after the "Effective Date", water every third day 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.; and

4. thereafter, until the "Expiry Date", water every fifth day 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.
- (c) Any Occupant applying for a New Lawn permit shall agree to pay the Township an administrative fee prior to the issuance of the permit established under the Township's Rates and Fees By-law from time to time.
- (d) A New Lawn permit issued pursuant to this By-law is transferable to any new Occupant of the premises for which it was issued.

8. EXEMPTIONS

- (a) Notwithstanding any other provision of this By-law, water may be used to supply a Municipal recreational sprinkler or splash pad for recreational use at any time up to and including Program Level Two, provided that no Occupant shall permit the operation of a sprinkler or splash pad while it is not in use for recreational purposes.
- (b) Notwithstanding any other provision of this By-law, recreational sports fields (Municipal or otherwise as approved by the Director of Public Works) with solid set in-ground irrigation systems may be watered at any time up to and including Program Level Two.
- (c) Notwithstanding any other provision of this By-law, water may be used to fill any outside swimming pool, wading pool, outside hot tub, decorative fountain, or garden pond on any day at any time during Program Level One and Program Level Two.
- (d) Notwithstanding any other provision of this By-law, water may be used to top up any outside residential swimming pool, hot tub or garden pond on the designated days and times set out in Program Level Two.
- (e) Sections 6B(b), 6C(b) and 6D(b) of this By-law does not apply to a business engaged in washing a Vehicle for a fee where such business is located in accordance with the Township Zoning By-Law, as amended from time to time or any successor thereof.

9. INTERPRETATION

In the event of conflict between the two or more provisions of this By-law that are applicable at the same time, the provision that is most restrictive of water use shall apply.

10. ENFORCEMENT AND INSPECTION

- (a) This By-Law shall be enforced by the Director of Public Works and the Township By-law Enforcement Officer or such other person or persons as the Council may by By-Law appoint and all such persons shall be considered an Inspector under this By-Law.
- (b) An Inspector under this By-Law:
 1. has the power to enter upon and examine any lands or premises, other than a dwelling, at any reasonable time or times, for the purposes of determining compliance with this By-law; and
 2. may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this By-Law;

3. No Occupant shall hinder, disturb or obstruct an Inspector in carrying out their duties under this by-law.

11. PENALTY

- (a) Every Occupant who:
 1. contravenes any provision of this By-Law or of a permit issued pursuant to this By-law;
 2. hinders, disturbs or obstructs any Inspector in carrying out their duties under this By-Law;

is guilty of an offence and upon conviction is subject to a penalty as provided under the Provincial Offences Act R.S.O. 1990, c.P.33, as amended from time to time, or any successor thereof. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.

- (b) Schedule 'A' to this By-Law outlines the short form wording and optional set fines for offences under this By-law.
- (c) A contravention of any provision of this By-law, in addition to such other penalties prescribed by this By-law, may result in a reduction or stopping by the Township of the supply of municipal water to a premise. This reduction or stopping will remain in effect until the Manager of Public Works is satisfied that the Occupant has complied with all applicable sections of this By-law.

12. REPEAL OF BY-LAW

This By-law shall come into force upon receiving the short form wording and set fines established by the Ministry of the Attorney General and will thereafter repeal Township By-Law No. 55/2003.

READ three times and finally passed
this **21st** day of **December, 2015**.

Chris White, Mayor

Meaghen Reid, Clerk

**Schedule "A" to
By-law No. 95/2015**

The Corporation of the Township of Guelph/Eramosa

**Short Form Wording and Schedule of Set Fines for Offences Under
Part 1 Provincial Offences Act, R.S.O. 1990, c.P.33
and
By-law No. 95/2015 being a By-law to Prescribe
Outside Water Use Restrictions within Township of
Guelph/Eramosa and to Repeal By-law No. 81/2007.**

Item	COLUMN 1 Description of Offence (Short Form Wording)	COLUMN 2 By-law Section Creating Offence	COLUMN 3 Set Fine (plus costs of \$5.00)
1	Waste Municipal Water Supply	6A(a)	\$75.00
2	Water Contrary to Alternate Day/Time Restrictions Program Level 2	6C(b)	\$100.00
3	Wash Vehicle When Prohibited Program Level 2	6C(c)	\$100.00
4	Irrigate when Prohibited Program Level 3	6D(a)	\$130.00
5	Irrigate with Hand Watering Device When Prohibited Program level 3	6D(b)	\$130.00
6	Wash Vehicle when Prohibited Program level 3	6D(c)	\$130.00
7	Supply Water for Sprinkler or Splash Pad when Prohibited Program level 3	6D(d)	\$130.00
8	Fill Pool, Tub, Pond or Fountain with Water when Prohibited Program level 3	6D(e)	\$130.00
9	Contravene Watering Permit Regulations	7	\$130.00
10	Hinder, Disturb, Obstruct an Inspector Carrying out Duties	10(b)3	\$130.00

Note: The Penalty provision for the offences listed above is Section 11 of By-law No. 95/2015 and Section 61 the Provincial Offences Act, R.S.O. 1990, c.P.33.