

# THE CORPORATION OF THE VILLAGE OF ASHCROFT

## BYLAW NO. 799

---

Being a bylaw to provide for regulations of governing Water Conservation

---

Whereas pursuant to Section 8 of the *Community Charter* a Council may provide any service that the Council considers necessary or desirable; and

Whereas Council deems it necessary and expedient to set regulations for conservation of water;

Now therefore the Council of the Village of Ashcroft, in open meeting assembled, enacts as follows:

### 1. DEFINITIONS

For the purpose of this bylaw, unless the context otherwise requires:

**Address** means the civic house number assigned to a property by the Village of Ashcroft.

**Bylaw Enforcement Officer** means a person appointed by Council to enforce this bylaw.

**Council** means the Municipal Council of the Village of Ashcroft.

**Permit** means a permit issued by the Chief Administrative Officer, Public Works Foreman or Designate. (This permit is not for watering of lawns or gardens. It may be used for special events, construction requirements, etc.)

**Village** means the Village of Ashcroft.

**Watering System** means a watering system which may include in-ground automated or drip systems, hoses or sprinklers that supply domestic use water outdoors.

### 2. APPLICATION

The restrictions and regulations outlined in this bylaw are applicable to everyone who uses the Village of Ashcroft water system.

### 3. PROHIBITION

- a. No person shall use water for any purpose other than domestic use as outlined in this bylaw.
- b. No person shall damage or allow the deterioration of any device or mechanism through which water is piped or used for a domestic or commercial purposes, which will result in misuse or waste of water.
- c. No person shall draw water from any point in the Village of Ashcroft water distribution system to fill truck mounted tanks or vehicles or equipment constructed or equipped to carry or supply water without the prior written approval of the Public Works Foreman or Designate.
- d. No person, being an owner or occupier of property that is serviced by the Village of Ashcroft water system, shall use water or cause water to be used contrary to the provision of this bylaw in effect at the time of use.

- e. No person shall waste water by using more water than is required to provide a service, produce a product, or complete a task, including but not limited to allowing a tap or hose to run water unnecessarily and over-watering plants or lawns.

**4. BYLAW ENFORCEMENT OFFICER**

- a. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw be carried out.
- b. The Bylaw Enforcement Officer has the authority to enter at all reasonable times on any property that is subject to this bylaw to ascertain whether the requirements of this bylaw are being met or the regulations in this bylaw are being observed.
- c. For the purposes of this bylaw, the Bylaw Enforcement Officer means any of the following:
  - i. Chief Administrative Officer (CAO) of the Village of Ashcroft
  - ii. Chief Financial Officer of the Village of Ashcroft
  - iii. Bylaw Enforcement Officer of the Village of Ashcroft
  - iv. Public Works Foreman of the Village of Ashcroft
  - v. Building Inspector of the Village of Ashcroft
  - vi. Fire Chief of the Village of Ashcroft
  - vii. RCMP Officer

**5. DECLARATION OF CONSERVATION STAGES**

- a. The Council of the Village of Ashcroft may declare that the Village has activated a water conservation stage.
- b. If the Council makes a declaration under section 5(a), the water conservation stage described in the declaration comes into force in the Village after the Council, the CAO or the Public Works Foreman makes a public announcement of the declaration.
- c. When a water conservation stage comes into force under this section, any prior conservation stage that has been in force, if any, ceases to be in force.
- d. If no water conservation measures are in force on May 1<sup>st</sup> of any year, Stage 1 Water Conservation Measures automatically become effective on that date without prior declaration of the Council or announcement under section 5(b).
- e. No Water Conservation Measures Stage remains in force after September 30<sup>th</sup> of any year, unless Council makes a declaration of such.
- f. At any time before or after September 30<sup>th</sup> of any year, Council may declare that a Water Conservation Measure Stage will remain in force or come into force after September 30<sup>th</sup>.
- g. During a power-outage, all affected users of the outage are placed under Stage 4 Water Conservation. Affected users must take all steps to ensure that manual and automatic water systems are turned off.

## **WATER CONSERVATION MEASURES STAGES**

### **6. STAGE 1 WATER CONSERVATION MEASURES**

- a. During Stage 1 Water Conservation Measures, no person shall use a watering system to water a lawn, garden or landscaped area on a property except:
  - i. At premises with even numbered civic address, on even numbered calendar days between 6:00 am and 9:00 am as well as 8:00 pm and 11:00 pm for hose supplied sprinklers or between 12:00 am and 6:00 am for underground automated sprinkler systems.
  - ii. At premises with odd numbered civic addresses, on odd numbered calendar days between 6:00 am and 9:00 am as well as 8:00 pm and 11:00 pm for hose supplied sprinklers or between 12:00 am and 6:00 am for underground automated sprinkler systems.
- b. During Stage 1 Water Conservation Measures, the following uses are permitted:
  - i. Hand watering of flower gardens, vegetable gardens, decorative planters, shrubs or trees. Drip irrigation or micro sprinkler irrigation for watering flower gardens, vegetable gardens, decorative planters and shrubs or trees is also permitted.
  - ii. Use of hose to provide water to wash boats or motor vehicles, if the hose is equipped with an automatic shut off device.
  - iii. Watering of public sports fields, school yards, public parks and cemeteries.
  - iv. Filling and maintaining of private pools, spas, hot tubs and ponds.
  - v. Prevention or to control fires.
  - vi. For health and safety of any person.
  - vii. Water slide or sprinkler for the purpose of children's play.
  - viii. Uses authorized by a permit issued by the CAO, Public Works Foreman or Designate (Schedule 'B').

### **7. STAGE 2 WATER CONSERVATION MEASURES**

- a. During Stage 2 Water Conservation Measures, no person shall use a watering system to water a lawn, garden or landscaped area on a property except:
  - i. At premises with even numbered civic address, on Wednesdays and Saturdays between 6:00 am and 9:00 am as well as 8:00 pm and 11:00 pm for hose supplied sprinklers or between 12:00 am and 6:00 am for underground automated sprinkler systems.
  - ii. At premises with odd numbered civic addresses, on Thursdays and Sundays between 6:00 am and 9:00 am as well as 8:00 pm and 11:00 pm for hose supplied sprinklers or between 12:00 am and 6:00 am for underground automated sprinkler systems.

- b. During Stage 2 Water Conservation Measures, the following uses are permitted:
  - i. Hand watering of flower gardens, vegetable gardens, decorative planters, shrubs or trees. Drip irrigation or micro sprinkler irrigation for watering flower gardens, vegetable gardens, decorative planters and shrubs or trees is also permitted. Hand watering of lawns or grass is not permitted.
  - ii. Watering of public sports fields, school yards, public parks and cemeteries.
  - iii. Filling and maintaining of private pools, spas, hot tubs and ponds.
  - iv. Prevention or to control fires.
  - v. For health and safety of any person.
  - vi. Uses authorized by a permit issued by the CAO, Public Works Foreman or Designate (Schedule 'B').

**8. STAGE 3 WATER CONSERVATION MEASURES**

- a. During Stage 3 Water Conservation Measures, no one shall use hose supplied sprinklers or underground automated sprinkler systems to water a lawn, garden or landscaped area on a property.
- b. During Stage 3 Water Conservation Measures, the following uses are permitted:
  - i. Hand watering of flower gardens, vegetable gardens, decorative planters, shrubs or trees. Drip irrigation or micro sprinkler irrigation for watering flower gardens, vegetable gardens, decorative planters and shrubs or trees is also permitted. Hand watering of lawns or grass is not permitted.
  - ii. Prevention or control of fires.
  - iii. For health and safety of any person
  - iv. Uses authorized by a permit issued by the CAO, Public Works Foreman or Designate (Schedule 'B').

**9. STAGE 4 WATER CONSERVATION MEASURES**

- a. During Stage 4 Water Conservation Measures, no one shall use hose supplied sprinklers or underground automated sprinkler systems to water a lawn, garden or landscaped area on a property.
- b. During Stage 4 Water Conservation Measures, the following uses are permitted:
  - ii. Prevention or control of fires.
  - iii. For health and safety of any person
  - iv. Uses authorized by a permit issued by the CAO, Public Works Foreman or Designate (Schedule 'B').

**10. SPECIAL PERMISSION TO WATER**

Anyone requiring the use of a watering system for a purpose not consistent with the declared stage of Water Conservation Measures must submit an application, substantially in the form attached hereto as Schedule 'B', for any such use of a watering system. Such application must be approved prior to commencing use of the watering system. A Permit Fee of \$10.00 is payable upon submission of an application.

**11. USE OF FIRE HYDRANTS**

No person shall draw water from any fire hydrant or attach any apparatus to a fire hydrant without the prior written approval of the Village of Ashcroft Fire Chief or the Public Works foreman or their Designate.

**12. MUNICIPAL TICKET INFORMATION PROVISIONS**

- a. This bylaw is designated pursuant to Section 264 of the *Community Charter*, as a bylaw that may be enforced by means of a ticket in the form prescribed.
- b. Bylaw Enforcement Officers are designated to enforce this bylaw by means of a ticket pursuant to Section 264 of the *Community Charter*.
- c. The words or expressions listed in Schedule 'A' of this bylaw in the "Offence" column are authorized to be used on a ticket pursuant to Section 264(1)(c) of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the "Section" column. The amounts appearing in the "Fine" column are the fines set pursuant to Section 265 of the *Community Charter* for contravention of the respective section of this Bylaw appearing opposite in the section column.
- d. The Bylaw Enforcement Officer shall refer every disputed ticket to the Provincial Court for a hearing.

**13. FINES AND PENALTIES**

- a. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than ten thousand (\$10,000) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offence, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.
- b. If action is taken pursuant to this bylaw, expenses may be recovered, together with costs and interest, in the same manner as prescribed for municipal taxes.

**14. SEVERABILITY**

If any part, section, sub-section, clause or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

**15. CITATION**

This bylaw may be cited for all purposes as the Village of Ashcroft “Water Conservation Bylaw No. 799, 2015”.

**16. REPEAL**

The Village of Ashcroft “Sprinkling Regulation Bylaw No. 650, 1998” and “Ashcroft Sprinkling Regulation Amendment Bylaw No. 671, 1999” are hereby repealed.

READ A FIRST TIME THIS	26 <sup>th</sup>	DAY OF	October	, 2015
READ A SECOND TIME THIS	26 <sup>th</sup>	DAY OF	October	, 2015
READ A THIRD TIME THIS	26 <sup>th</sup>	DAY OF	October	, 2015
RECONSIDERED AND ADOPTED THIS		DAY OF		, 2015

---

John C. (Jack) Jeyes, Mayor

---

J. Michelle Allen, Chief Administrative Officer

Certified to be a true and correct copy of Bylaw No. 799 as adopted by Council.

---

J. Michelle Allen, Chief Administrative Officer

EA/kw

**WATER CONSERVATION BYLAW NO. 799, 2015**

**SCHEDULE 'A'**

<b>OFFENCE</b>	<b>FIRST OFFENCE FINE</b>	<b>SECOND OFFENCE FINE</b>	<b>THIRD &amp; SUBSEQUENT OFFENCES FINE</b>
Damage or deterioration of device resulting in waste of water	\$150.00	\$300.00	\$500.00
Unauthorized use of water	\$150.00	\$300.00	\$500.00
Waste of water by unnecessary use	\$150.00	\$300.00	\$500.00
Using a watering system outside permitted times	\$150.00	\$300.00	\$500.00
Using a watering system outside permitted days	\$150.00	\$300.00	\$500.00
Non-compliance with issued permit requirements	\$150.00	\$300.00	\$500.00
Unauthorized use of fire hydrant	\$300.00	\$300.00	\$1000.00

**WATER CONSERVATION BYLAW NO. 799, 2015**

**SCHEDULE 'B'**

**APPLICATION AND PERMIT FOR WATER USE**

\_\_\_\_\_  
*Applicant's Name*

\_\_\_\_\_  
*Owner's Name (if different)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone Number*

\_\_\_\_\_  
*Purpose of Request*

\_\_\_\_\_  
*Duration of requested water use*

I (we) hereby agree to be bound by the provisions of all applicable Village of Ashcroft bylaws; as well as to such additional conditions, restrictions, and regulations as may be imposed by the Village. I (we) agree to save and hold harmless the Village of Ashcroft from all liabilities that may arise from this permit.

The Permit Fee is \$10.00

\_\_\_\_\_  
*Applicant's Signature*

\_\_\_\_\_  
*Date of Application*

**For Official Use Only**

\_\_\_\_\_  
*Permitted uses and conditions:*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
*Approved by*

\_\_\_\_\_  
*Date Application Approved*