

The Corporation of the City of Pembroke

By-law Number 2012-61

A By-law to regulate the time, manner and nature of the use of the supply of water for properties serviced by the Pembroke Drinking Water System

Whereas the City of Pembroke is responsible for the operation and management of the Pembroke Drinking Water System;

And Whereas pursuant to Section 10(2) 6, 7 of the Municipal Act, 2001, Revised Statutes of Ontario Chapter 25, as amended, provides 'Every Council may pass such by-laws and make such regulations for the health, safety and well-being of the inhabitants of the municipality in matters not specifically provided by this Act and for governing the conduct of its members as may be deemed expedient and are not contrary to law;

Whereas the Municipal Act, 2001, Revised Statutes of Ontario Chapter 25, Section 425, as amended, provides that municipalities may pass By-Laws for providing that any person who contravenes any By-law, passed under the authority of this Act, is guilty of an offence;

And Whereas Council in the public interest deem it necessary and expedient to regulate the time, manner and nature of the use of the supply of water for properties serviced by the Pembroke Drinking Water System of the Corporation of the City of Pembroke enact this By-Law;

Now Therefore the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. Definitions

Definitions for the purpose of this By-law:

- 1.1 "Corporation" shall mean the Corporation of the City of Pembroke
- 1.2 "Council" shall mean Municipal Council of the Corporation of the City of Pembroke.
- 1.3 "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;
- 1.4 "Serviced" shall mean properties receiving Drinking Water produced by the Corporation of the City of Pembroke.

2. Words and Phrases

- 2.1 Where words and phrases used in this By-law are defined in the Municipal Act and the Public Utilities Act but not defined in this By-law, the definitions in the Public Utilities 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. Offence

- 4.1 No Person shall,

- 4.1.1 water or sprinkle, or cause or permit the watering or sprinkling of any lawn, garden, tree, shrub or other outdoor plant from the Pembroke Drinking Water System through a hose, pipe or other attachment at any time except in accordance with the provision of Sections 5 and 6 or this By-Law;
- 4.1.2 willfully hinder or interrupt, or cause or procure to be hindered or interrupted the Corporation, or any of its officer, contractors, agents, servants or workers, in the exercise of any of the powers conferred by this By-law;
- 4.1.3 willfully let off or discharge water so that the water runs wastefully or useless out of the works;
- 4.1.4 being a tenant occupant, 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;
- 4.1.5 wilfully 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
- 4.1.6 lay or muse 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
- 4.1.7 water or sprinkle, or cause or permit the watering or sprinkling of any lawn, garden, tree, shrub or other outdoor plant from the Pembroke Drinking Water System through a hose, pipe or other attachment at any time during a restricted period pursuant to Section 7 of the By-Law;
- 4.1.8 water or sprinkle, or cause or permit the water or sprinkling of any lawn, garden, tree, shrub or other outdoor plant from the Pembroke Drinking Water System through a hose, pipe or other attachment at any time during an emergency restricted period pursuant to Section 7 of the By-Law.

5. Water Supply Regulations

- 5.1 That in order to ensure the continues supply of water Council does hereby prohibit the use of municipally supplied water for the purpose of watering by hose, pipe or attachment at any time between May 15th and September 15th in every year except as provided for hereunder:
 - 5.1.1 That all owners, tenants and lessees of any properties serviced by the Pembroke Drinking Water System with municipal addresses of an even number shall be permitted to water on even calendar days of the month between the hours of 6:00 a.m. and 10:00 a.m. and 6:00 p.m. and 10:00 p.m.
 - 5.1.2 That all owners, tenants and lessees of any properties serviced by the Pembroke Drinking Water System with municipal addresses of an odd number shall be permitted to water on odd calendar days of the month between the hours of 6:00 a.m. and 10:00 a.m. and 6:00 p.m. and 10:00 p.m.

6. Exceptions

- 6.1 Notwithstanding Section 5, watering is permitted for the following :
 - 6.1.1 newly planted sod replacements, 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 newly installed swimming pools or pool liner repairs which require water while completing pool installation or repair.

7. Additional Restrictions

7.1 In the event of drought conditions, Council by resolution or the Chief Administrative Officer if time is of the essence, may invoke additional restrictive measures beyond these contained in this By-law. Such additional restrictions shall be enforced under the authority of this By-law.

8. Conflicting Legislation

8.1 Where there is any conflict between the provisions of this By-Law and the provisions of the Municipal Act, as amended, the provisions of the Municipal Act shall prevail to the extent of the conflict.

9. Validity and Severability

9.1 It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-Law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the By-Law as a whole or part thereof and all other sections of the By-Law shall be deemed to be separate and independent therefrom and enacted as such;

9.2 Whenever any reference is made in this By-Law to a statute of the Legislation of the Province on Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

10. Schedules

10.1 That Schedule "A" attached hereto shall form part of this By-Law.

11. Penalties

11.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence and is liable, to the fine or penalties set in Schedule "A" of this By-Law and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.

11.2 The conviction of an offender upon the breach of any provisions of the By-Law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision and the Judge may convict any offender repeatedly for continued or subsequent breaches of the By-law, and the provisions of the Municipal Act, Revised Statutes of Ontario 2001, Chap. 25, Section 429, as amended from time to time, shall further apply to any continued or repeated breach of this By-Law. Each day shall constitute a separate offense under this By-Law.

12. Enforcement

12.1 This By-Law shall be enforced by a Municipal Law Enforcement Officer of the City of Pembroke or any other officer appointed for the purposes of enforcing this By-Law.

13. Short Title

13.1 This By-Law shall be cited as the Water Restriction By-Law.

14. Force and Effect

14.1 This By-Law shall take effect and become in full force and effect upon the day of third reading and passage thereof.

15. Repeal

15.1 That By-law 2012-53 and any other by-law inconsistent with the provisions contained in this by-law are hereby repealed.

Read a First and Second Time this 18th day of September 2012.

Mayor

Chief Administrative Officer/Clerk

Read a Third time and passed this 18th day of September 2012.

Mayor

Chief Administrative Officer/Clerk

By-law Number 2012-61 – Schedule “A”

Regulate the time, manner and nature of the use of the supply of water for properties by the Pembroke Drinking Water System

| Item | Column 1 – Short Form Wording | Column 2 – Provision creating or defining offence | Column 3 – Set Fine |
|-------------|---|--|----------------------------|
| 1 | Interrupts any officer, contractors, agents or servants in exercise of duty | 4.1.2 | \$125.00 |
| 2 | Improperly wastes water | 4.1.3 | \$125.00 |
| 3 | Lends, sells or disposes of water without permission | 4.1.4 | \$125.00 |
| 4 | Permits water to be taken or carried away | 4.1.4 | \$125.00 |
| 5 | Alters any meter | 4.1.5 | \$125.00 |
| 6 | Lays pipe without permission | 4.1.6 | \$125.00 |
| 7 | Waters when Prohibited | 4.1.1 | \$150.00 |
| 8 | Waters during Additional Restrictions | 4.1.7 | \$150.00 |