

# THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

## By-Law No. 3827-2016

A BY-LAW TO REGULATE THE TIME, MANNER AND NATURE OF USE OF THE SUPPLY OF WATER FROM PRIVATE WELLS, CISTERNS, LAKES AND IN BULK FORM FROM A MUNICIPAL DRINKING WATER SYSTEM DURING A LEVEL 3 LOW WATER CONDITION FOR PROPERTIES LOCATED IN THE COUNTY OF PRINCE EDWARD WHICH ARE NOT SERVICED BY THE CORPORATION OF THE COUNTY OF PRINCE EDWARD MUNICIPAL DRINKING WATER SYSTEMS

WHEREAS many of the County of Prince Edward's inhabitants obtain drinking water from private wells, cisterns, lakes or in bulk form from the municipal drinking water systems;

WHEREAS the supply of natural water is an interconnected system that can be negatively affected by a low water condition (drought) and affect the available supply of drinking water of all inhabitants of the municipality;

WHEREAS in the interest of protecting the health, safety, and well-being of the inhabitants of the municipality the Council deems it necessary to restrict the unnecessary or cosmetic use of the municipality's water resources;

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

AND WHEREAS Council in the public interest deems it necessary and expedient to regulate the time, manner and nature of the use of the supply of water for properties located within the County of Prince Edward during a Level Three (3) drought condition enacts this By-Law;

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 wells, cisterns, storage tanks, lakes, water bodies, streams or in bulk 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 in 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. RESTRICTIONS**

- 4.1 No person shall, when a Level Three (3) condition is declared by the Water Response Team under the Ontario Low Water Response Program,
  - 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, 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 or cause to be filled up or topped 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, improperly waste water or, without the consent of the Corporation, sell or dispose of the water;
- 4.1.6 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 at any time during the restricted period or times pursuant to Section 7 of the By-Law;

## **5. WATER SUPPLY REGULATIONS**

- 5.1 No person shall use water for the purpose of outdoor watering by hose, pipe or attachment at any time during a Level Three (3) drought condition except as provided for hereunder:
  - 5.1.1 all owners, tenants, lessees and occupants of any properties with municipal addresses of an even number shall be permitted to conduct outdoor water use and fill or top off a swimming pool only on even calendar days of the month between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 6:00 p.m. and 10:00 p.m.
  - 5.1.2 That all owners, tenants, lessees and occupants of any properties with municipal addresses of an odd number shall be permitted to conduct outdoor water use and fill or top off a swimming pool only on odd calendar days of the month between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 6:00 p.m. and 10:00 p.m.

## **6. EXCEPTIONS**

- 6.1 Notwithstanding Section 5, outdoor water use is permitted at any time 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 agricultural production and livestock watering purposes;
- 6.1.5 municipal firefighting purposes;
- 6.1.6 mixing of building materials, provided the quantity and manner is reasonable;
- 6.1.7 any holder of a valid Permit To Take Water issued by the Province pursuant to the *Ontario Water Resources Act*.

## **7. ADDITIONAL RESTRICTIONS**

- 7.1 The Chief Administrative Officer or his/her designate 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.
- 7.2 No person shall take, or permit the taking, of bulk water from Roblin Lake for transport to another area.

## **8. VALIDITY AND SEVERABILITY**

- 8.1 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;
- 8.2 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.

## **9. PENALTIES**

- 9.1 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.
- 9.2 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.

## **10. ENFORCEMENT**

- 10.1 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.

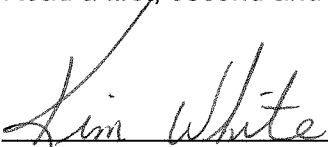
**11. SHORT TITLE**

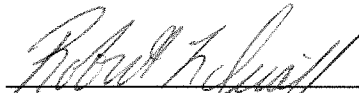
11.1 This By-Law shall be cited as the LOW WATER CONDITION WATER RESTRICTION BY-LAW (NON-MUNICIPAL WATER SERVICED AREAS).

**12. FORCE AND EFFECT**

12.1 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

