

TOWN OF NANTON

BYLAW #1202/09

A BYLAW OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA TO PROVIDE TO REGULATE THE USE OF WATER

1. ENACTMENT:

- 1.1. NOW THEREFORE the Council of the Municipality of the Town of Nanton in the Province of Alberta duly assembled enacts as follows.

2. INTERPRETATION:

- 2.1. This Bylaw is cited as the Town of Nanton Water Conservation Bylaw.
- 2.2. "Bulk Water Consumers" is a person, firm or corporation who purchases water from the Bulk Water Station.
- 2.3. "Bulk Water Station" is the coin-operated facility, located at a portion of Lot 11, Block 4, Plan 4362I, for the sale of potable water on bulk basis.
- 2.4. "CAO" (Chief Administrative Officer) means that person appointed to the position and title by Council and includes any person appointed by the CAO to act as his/her appointee.
- 2.5. "Consumer" is any person or persons, corporation, any other municipal corporation, the Government of Alberta or the Government of Canada whose property is connected to the water system or any Lessee or occupant of such property or any person who obtains water from any Town owned hydrant or stand pipe.
- 2.6. New Lawn(s)" is newly laid sod or newly planted grass seed.
- 2.7. "Peace Officer" is a member of the Royal Canadian Mounted Police, or a Special Constable or a Municipal Enforcement Officer of the Town Nanton.
- 2.8. "Non-Residential Water Use" is a service supplied to a premise principally used to conduct a profession, business, trade, industry, occupation or employment, and also includes institutional uses and apartment buildings.
- 2.9. "Raw Water" is water that has not been processed via the Town of Nanton Water Treatment Plant.
- 2.10. "Residential Water Use" is a service supplied to a premise that is used primarily for domestic purposes including but not limited to, single-family dwellings, multi-family dwellings (excluding apartment buildings), mobile home parks, and condominium developments.
- 2.11. "Town" is the Municipality of the Town of Nanton, in the Province of Alberta.
- 2.12. "Violation Ticket" is a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, P-34, as amended or repealed and replaced from time to time.

3. WATER CONSERVATION & RESTRICTIONS STRATEGIES:

- 3.1. Schedule "B" of this Bylaw must be adhered to at all times (unless an order for water restriction is in place) for all Town of Nanton water consumers.

- 3.2. The Town or CAO may at any time make orders to conserve or restrict the use of water either by all consumers or by any particular class of consumers and either throughout the Town or in any particular area or areas of the Town. The order may specify that such use of water shall apply during such hours of any day of the week as may be specified in the order.
- 3.3. The CAO is hereby delegated the authority to implement the requirements set out in this bylaw, any new directions provided by Council, and any amendments to directions provided under this bylaw, to ensure compliance with the use of water provided by the Town.
- 3.4. The Town of Nanton presently provides Water to all consumers through either the Town water distribution system for potable or raw water, or the bulk water station. At times where drought conditions exist in southern Alberta, or as otherwise determined by Council, that affect the overall water supply of the Town, the Town will undertake the following:
 - 3.4.1. assist all consumers by providing information that will encourage water conservation,
 - 3.4.2. encourage commercial, industrial and institutional consumers to implement water conservation technology,
 - 3.4.3. manage the overall supply of water in the Town in order to comply with the requirements by all water suppliers and users in the region through regulation, restriction or prohibiting the use of water as set out in this Bylaw, any amendments hereafter or by a resolution of Council, duly enacted, for specific water use conservation or restriction issues.
- 3.5. The Town or CAO may restrict, regulate or prohibit the hours during which water may be used for any purpose other than for fire fighting.
- 3.6. The Town may cause notices to be published:
 - 3.6.1. in a newspaper of general circulation in the Town; or
 - 3.6.2. by notification included with the bi-monthly Utility billing;
 and the Town may give notice by other additional means declaring restriction upon the use of water for the purpose of conserving and saving water.
- 3.7. No person shall use any water from the water works system in contravention of the terms of any order made by the CAO under this section.
- 3.8. The conservation or restrictions may include the use of water for aesthetic purposes.
- 3.9. The conservation or restrictions may include the regulation, restriction or prohibition of the use of water supplied by the Town for consumers, raw water or bulk users, by any method including but not limited to restricting amounts supplied on an ongoing basis, closing off the water supply during certain times of the day, or totally prohibiting use of water by permanent closure of water supply valves for extended periods of time.
- 3.10. If Level II Emergency Water Restrictions is applied, a consultative Services Committee process between the Town of Nanton Public Works Services Committee and the major non-residential water consumers will be conducted to seek an agreement on reduction of water consumption.

4. PERMITS:

- 4.1. Residential consumers must possess a new lawn permit to be exempt from water conservations or restrictions by a Peace (enforcement) Officer.
- 4.2. Applications for new lawn watering permits must be made in writing.
- 4.3. New lawn watering permits may be issued at the Town Office upon inspection and approval of the site by the Town.

- 4.4. New lawn watering permits will be valid for a maximum of six (6) weeks.
- 4.5. New lawn watering permits immediately become null and void if a notice pursuant to paragraph 4.5 is published.

5. WASTING WATER:

- 5.1. All consumers or persons are prohibited from wasting water at any time.
- 5.2. Any consumer or person who in the opinion of a Peace Officer charged with the enforcement of this Bylaw, wastes water supplied by the Town will be guilty of an offense under this bylaw. In determining if an activity constitutes wasting water, consideration will be given to the following:
 - 5.2.1. The volume of water reasonably required to perform the activity undertaken;
 - 5.2.2. The length of time that water has been allowed to run;
 - 5.2.3. The degree of control exercised over the flow of water;
 - 5.2.4. The purpose to which the water is being put;
 - 5.2.5. The degree of restriction on water consumption presently in place; and
 - 5.2.6. The existence of any other factors reasonably suggesting that waste of water is occurring or has occurred.

6. EXCEPTIONS:

- 6.1. Council may by resolution, choose to exempt certain water users from provisions of all or portions of this Bylaw.

7. PENALTIES:

- 7.1. A consumer or person committing a breach of any of the provisions of this Bylaw, upon conviction of breach thereof, may forfeit the right to be supplied with water, and shall be liable to penalty not exceeding eight hundred dollars (\$800.00), in the case of a residential user and ten thousand dollars (\$10,000.00) in the case of a commercial or industrial water user, per incident of violation of the provisions of this bylaw.
- 7.2. Where a Peace Officer has reason to believe that any consumer is committing, or has committed, a breach of any provision of this Bylaw, that Peace Officer is hereby authorized and empowered to serve that consumer with a violation ticket pursuant to Part 2 of the Provincial Offences Procedure Act, as amended, or repealed and replaced from time to time.
- 7.3. Fines established for the purpose of voluntary payments of tag issued pursuant to this Bylaw are contained within Schedule "A" attached hereto.

8. ENFORCEMENT:

- 8.1. In addition to the fines, 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 costs of such action to the customers' utility bill.

9. EFFECTIVE DATES AND READINGS:

- 9.1. This bylaw is effective the date of the final passing thereof.
- 9.2. Bylaw #1125/03 is hereby repealed.
- 9.3. BYLAW #1202/09 IS HEREBY READ a first time this 2nd day of March, A.D., 2009.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

- 9.4. READ a second time this 6th day of April, A.D., 2009.
- 9.5. Upon unanimous consent of those present read a third and final time this 6th day of April, A.D., 2009.

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

Town of Nanton

Bylaw #1202/09 – Penalties

Schedule “A”

Offense	Amount
1 st Offense	\$100.00
2 nd Offense	\$250.00
3 rd Offense	\$800.00

Town of Nanton

Bylaw #1202/09 – Watering Emergency Restriction Schedule

Schedule “C”

EMERGENCY WATER RESTRICTIONS – LEVEL 1

All outdoor water use is prohibited (eg: washing cars, sidewalks, pads, exteriors of buildings **and lawns**).

Excepting:

Flowerbeds and vegetable gardens may be watered by hand, at anytime, using a watering can or a hose with a nozzle with a trigger shut off to restrict water flow. **Bulk water sales are suspended.**

Requests for site and condition specific watering by commercial or industrial operations using metered hand watering or continually monitored systems for the establishment and protection of new plant material, including trees, may be approved by the Town of Nanton Peace Officer or CAO.

EMERGENCY WATER RESTRICTIONS – LEVEL 2

All outdoor water use is prohibited. Household and non-residential use is controlled through district flow restrictions (reduced pressures subject to Fire Services review and approval).

Bulk water sales are suspended.
