

## BYLAW NO. 1108/10

A BYLAW OF LACOMBE COUNTY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF RESTRICTING WATER USE ON A FAIR AND EQUITABLE BASIS DURING PERIODS OF WATER SHORTAGES, AND RESTRICTING WATER USE SO THAT WATER IS AVAILABLE FOR EMERGENCY PURPOSES

NOW THEREFORE the Council of Lacombe County in the Province of Alberta, duly assembled, hereby enacts the following:

### 1. TITLE

1.1 This Bylaw shall be cited as the Lacombe County Water Restriction Bylaw.

### 2. INTERPRETATION

In this Bylaw, capitalized words shall have the following meanings:

2.1 "*Act*" means the *Municipal Government Act*, RSA 2000, c. M-26, as amended or repealed and replaced from time to time.

2.2 "Bulk Water Consumers" is anyone who purchases water from a Bulk Water Station.

2.3 "Bulk Water Station" is a coin-operated/credit card operated facility, located in the Municipality for the sale of potable water on a bulk basis to Bulk Water Consumers.

2.4 "CAO" is the Chief Administrative Officer of the Town of Stettler.

2.5 "Commission" is one of the following applicable regional water commissions under the *Act*, that obtains treated potable water from the Water Treatment Plant and supplies water to the Municipality:

2.5.1 Shirley McClellan Regional Water Services Commission, or

2.5.2 Highway 12/21 Water Services Commission

2.6 "Consumer" is any individual, body corporate, municipality, commission under the *Act*, an incorporated association or any other entity howsoever designated or are constituted that owns or leases Property that is connected to the Municipality's water system or that otherwise obtains treated potable water produced at the Water Treatment Plant.

2.7 "Designated Officer" has that meaning as ascribed thereto in Section 6.1 of this Bylaw.

2.8 "Directive" means an order issued under this Bylaw in accordance with the *Act*.

2.9 "Municipality" means Lacombe County

2.10 "New Lawn(s)" is newly laid sod or newly planted grass seed.

2.11 "Non-Residential Water Use" is a service supplied to a Property principally used to conduct a profession, business, trade, industry, farming operation (not including a residential water use), occupation or employment, and also includes institutional uses, and apartment buildings/condominiums.

2.12 "Peace Officer" means:

2.12.1 a Peace Officer, within the meaning of the *Peace Officer Act*, SA 2006, c. P-3.5, as amended or repealed and replaced from time to time;

2.12.2 a Police Officer, within the meaning of the *Police Act*, RSA 2000, c. P-17, as amended or repealed and replaced from time to time; or

2.12.3 a bylaw enforcement officer, as this term is used in the *Act*.

2.13 "Private Property" means land either owned or leased by a person, group, corporation or such other entity, not a governmental body.

- 2.14 "Property" means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of the Municipality.
- 2.15 "Residential Water Use" is a service supplied to a Private Property 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 (excluding apartment style condominiums).
- 2.16 "Stettler" means the Town of Stettler.
- 2.17 "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.
- 2.18 "Water Supply Agreement" is the applicable regional water supply agreement between a Commission/Water Transfer Station and Stettler.
- 2.19 "Water Transfer Station" is the primary water holding structure designed to allow for the effective operations of the Commission's regional water system and Stettler's water system. It is owned by the Shirley McClellan Regional Water Services Commission, is located on the west side of Stettler, and obtains treated potable water directly from the Water Treatment Plant.
- 2.20 "Water Treatment Plant" is that water treatment plant owned and/or operated by Stettler, for the purpose of removing undesirable chemicals, materials, and biological contaminants from raw water.

### 3. WATER RESTRICTION STRATEGIES

- 3.1 The Water Treatment Plant presently produces treated potable water for all Commissions and all Consumers that is delivered to Consumers through any or all of: the Water Transfer Station, a Commission owned water transmission line/reservoir, a municipality's water distribution system/reservoir, a Bulk Water Station or any other connection to the Water Treatment Plant.
- 3.2 At times where drought conditions exist in East Central Alberta, or as otherwise determined by Stettler which conditions affect the overall water supply that Stettler can distribute to all Commissions and Consumers, including the Municipality, Stettler may undertake the following:
- 3.2.1 assist all Commissions and Consumers by providing information that encourages Water conservation; or
- 3.2.2 manage the overall supply of water produced by the Water Treatment Plant in order to comply with the requirements by all water Commissions and Consumers in the region.
- 3.3 After considering the measurement criteria as set forth in Schedule "C" herein, Stettler may, but is not obligated to, at any time make Directives restricting and/or prohibiting specified uses of treated potable water and the wasting water in the municipality either:
- 3.3.1 by all Consumers;
- 3.3.2 by any particular class of Consumers;
- 3.3.3 throughout that portion of the Municipality that is serviced by the Highway 12/21 Regional Water Services Commission;
- 3.3.4 in any particular geographic area or areas of the Municipality; and
- 3.3.5 the supply of water to any particular Property.

The Directive may specify that such restricted and prohibited uses of water shall apply during such hours of any day of the week, and/or on a rotational schedule basis as may be specified in the Directive. For guidance, Stettler may, but is not obligated to, make any level of water restrictions as contained in Schedule "B" hereto.

The Directive must be made on a fair and equitable regional basis unless it is in response to a requested from a Commission, a municipality, or Stettler who require an immediate supply of treated potable water produced by the Water Treatment Plant to address a localized emergency situation or a localized water shortage condition, and generally being of a short term nature. For guidance, when an emergency or water shortage condition exists, protocols and procedures set out in the Regional Water Communication Policy shall be followed.

3.4 The CAO is hereby delegated the authority to implement the requirements set out in this Bylaw or in a Water Supply Agreement, any new directions provided by the Municipality or a Commission and any amendments to directions provided under this Bylaw or in a Water Supply Agreement, to ensure compliance with the restriction or prohibition of water usage within the Municipality. In the event that the CAO is unable to exercise the authority granted herein, the Municipality delegates the authority to the CAO to select a designate to implement the requirements as set out in this Bylaw or in a Water Supply Agreement, any new directions provided by the Municipality or a Commission and any amendments to directions provided under this Bylaw or in a Water Supply Agreement.

3.5 The Municipality shall promptly cause notification of water restriction Directives to be communicated to locally affected Consumers:

3.5.1 by any means determined to be appropriate by the Municipality to reach as many affected local Consumers as reasonably possible.

Such notification shall include relevant information to adequately inform locally affected Consumers of restrictions and prohibitions upon the use of water in accordance with the current Directive.

3.6 No Consumer shall use or waste water supplied from any or all of: the Water Transfer Station, a Commission owned water transmission line/reservoir, the Municipality's water distribution system/reservoir, a Bulk Water Station or any other connection to the Water Treatment Plant in contravention of the terms of any Directive made by Stettler under this section.

3.7 The restrictions of water usage may include restrictions and prohibitions on the use of water for aesthetic purposes.

3.8 The restrictions may include restrictions and prohibitions on all outdoor uses, including, but not limited to, watering lawns and gardens according to Schedule "B" attached hereto and forming part of this Bylaw.

#### 4. **PERMITS**

4.1 Consumers who obtain a valid New Lawn permit shall be exempt from a Directive herein, in accordance with the terms of this permit.

4.2 New Lawn watering permits may be issued by the Municipality upon inspection and approval of the site by the Municipality, and may contain water use conditions as determined by the Municipality to limit the amount, duration, and timing of water use that is allowed on the site.

4.3 New Lawn watering permits will be valid for a maximum of six (6) weeks, which thereafter, the Consumer must fully comply with all Directives in effect at the time.

#### 5. **WASTING WATER**

5.1 All Consumers are prohibited from wasting water when a Directive restricting the supply of water has been issued.

5.2 In determining if an activity constitutes wasting water in Section 5.1, consideration will be given to any of 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. ENFORCEMENT

- 6.1 For the purposes of inspections and enforcement of the provisions of this Bylaw, a bylaw enforcement officer, as well as a designated officer in accordance with the *Act* are Designated Officers of the Municipality.
- 6.2 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter in or upon any Private Property, in accordance with Section 542 of the *Act*, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Act*, or other statute.
- 6.3 When exercising his authority to enter onto Private Property for inspection or enforcement under Section 5.1, a Designated Officer shall provide the owner or occupant of the Property with reasonable notice as required by the *Act*.
- 6.4 Where a Designated Officer determines that a contravention of this Bylaw is occurring or is about to occur, he may issue an Order pursuant to section 545 of the *Act* to the owner or occupant of the Private Property upon which all or a part of the contravention is occurring or about to occur, to a Consumer responsible for the contravention who is not the owner or occupant of the Private Property, or to any or all of them.
- 6.5 An Order issued by a Designated Officer under Section 6.3 shall:
  - 6.5.1 identify the person or persons to whom it is issued;
  - 6.5.2 identify the nature of the unauthorized or prohibited water usage;
  - 6.5.3 direct the person to take any action or measures necessary to remedy the unauthorized or restricted water usage, which may include the cessation of the provision of water to the Private Property;
  - 6.5.4 state the time within which the person must comply with the Order;
  - 6.5.5 state that if the person does not comply with the Order in the specified time, the Municipality may take action or measures at the expense of the person; and
  - 6.5.6 notify the Owner of the right to apply by written notice for a review of the Order by the Council.
- 6.6 An Order under this Bylaw is deemed to be served on the person who it is addressed when the Order has been:
  - 6.6.1 in the case of an individual, delivered personally to the individual, or left for the individual at his or her residence with a person on the premises who appears to at least eighteen (18) years of age;
  - 6.6.2 upon confirmation of receipt of the Order by the person to whom it is addressed by registered mail;
  - 6.6.3 in the case of a partnership or corporation, by registered mail or personal deliver to either the registered office or business address of the partnership or corporation; or
  - 6.6.4 in the event that the Municipality is unsuccessful in its attempts to serve the Order pursuant to subsections (a), (b) or (c) above, a Designated Officer may post a copy of the Order in a conspicuous place on the Property referred to in the Order, when the Designated Officer has reason to believe

that the person to whom the Order is addressed is evading service, and that there is no other reasonable means of service available.

- 6.7 No person to whom an Order has been issued shall fail to comply with the requirements of that Order within the time limits imposed.
- 6.8 A person who receives a written Order under this part may request a review of the Order by written notice within fourteen (14) days of the day on which the Order is received. Upon reviewing the Order, the Council of the Municipality may confirm, vary, substitute or cancel the Order.
- 6.9 A person affected by the decision of Council under Section 6.8 may appeal to the Court of Queen's Bench on the grounds permitted under Section 548(1) of the Act, within the time period set out in Section 548(1.1) of the Act.
- 6.10 The application for appeal must state the reasons for the appeal.
- 6.11 The expenses and costs of any action or measure taken by the Municipality under this Bylaw, including the costs and expenses of legal advice provided in relation to any inspection under, or enforcement of this Bylaw, are an amount owing to the Municipality by the person in contravention of the Bylaw.
- 6.12 The expenses and costs incurred by the Municipality in the enforcement of this Bylaw may be collected as a civil debt or, if applicable, by adding the costs and expenses to the tax roll for property owned by the person to whom the Order is issued, where the contravention has occurred on all or a part of that property.
- 6.13 In addition to the herein remedies or in substitution thereof, the Municipality, in its sole discretion, upon learning of a Consumer's violation of this Bylaw, may:
  - 6.13.1 issue a warning to the Consumer of a violation of this Bylaw; or
  - 6.13.2 issue a Violation Ticket pursuant to Section 8 of this Bylaw; or
  - 6.13.3 disconnect the supply of water to the Consumer or otherwise cease the supply of water to the property of the Consumer; and
  - 6.13.4 in addition to 6.13.1, 6.13.2 or 6.13.3, add a surcharge to the Consumer's water account, if applicable, in an amount as the Municipality determines to be sufficient to reimburse the cost incurred by the Municipality in the inspection of the Consumer's waste of water and/or violation of the Directive.

## 7. OFFENCES AND PENALTIES

- 7.1 Regardless of whether an Order or a Directive has been issued pursuant to this Bylaw, any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to the specified penalty for that offence as set out on Schedule "A" herein.
- 7.2 Under no circumstances shall any person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

## 8. VIOLATION TICKETS

- 8.1 The Peace Officer or a Designated Officer is hereby authorized and empowered to issue a Violation Ticket to any person whom the Peace Officer or Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 8.2 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 8.3 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offences as set out in Schedule "A".

8.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of a specified penalty.

9. **GENERAL**

9.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained and deemed valid.

9.2 Evidence that a person is either the owner or leaseholder of Property or Private Property that has not complied with this Bylaw is prima facie proof that the person has violated the terms of this Bylaw.

9.3 The Municipality is not liable for not taking an action on or in respect of any violation of this Bylaw, and in no event that any such inaction be deemed or interpreted as an authorization of a breach or an acknowledgment that the breach is acceptable under this Bylaw.

9.4 This Bylaw shall come into full force and effect on the day that it is finally passed by Council by giving it third and final reading and it is signed in accordance with the Act.

10. **EFFECTIVE DATES**

10.1 This Bylaw shall take effect on the day of final passing thereof.

Received first and second readings, and by unanimous consent of the Councillors present, a third reading and finally passed this 25<sup>th</sup> day of February, 2010.



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Reeve



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County Commissioner

**Lacombe County  
Bylaw No.**

**SCHEDULE "A"**

Offense	Amount
1 <sup>st</sup> Offense	\$100.00
2 <sup>nd</sup> Offense	\$250.00
3 <sup>rd</sup> Offense	\$800.00

**Lacombe County  
Bylaw No.**

**SCHEDULE "B"**

**LEVEL 1:**

Using the last number of your address (odd or even) determines which days you may water your lawn:

Odd numbered addresses may only water lawns on Thursday and Sundays and even numbered addresses may only water lawns on Wednesdays and Saturdays, as long as the watering of lawns only occur during the hours 6:00 am to 9:00 am and 7:00 pm to 11:00 pm.

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. Sprinklers and like water toys may be used for recreational purposes by children as long as children are present during use; includes children's pools (capacity not more than 1000 litres).

Any other enhanced water use restrictions or prohibitions imposed by the Municipality.

Requests for site and condition specific irrigation scheduling for commercial or industrial operations using metered irrigation systems may be approved by the Municipality's Public Works Department.

**LEVEL 2:**

All outdoor water use is prohibited, including, but not limited to, watering of lawns, washing cars, washing sidewalks, washing pads, washing exteriors of buildings and the recreational use of sprinklers and like water toys/pools.

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.

Any other enhanced water use restrictions or prohibitions imposed by the Municipality.

Requests for site and condition specific irrigation scheduling for commercial or Industrial operations using metered irrigation systems may be approved by the Municipality's Public Works Department.

**LEVEL 3:**

All outdoor water use is prohibited, including, but not limited to, watering of lawns, washing cars, washing sidewalks, washing pads, washing exteriors of buildings and the recreational use of sprinklers and like water toys/pools.

Notwithstanding this, flowerbeds and vegetable gardens may be watered by hand, at anytime, using a watering can or a hose with a nozzle with a trigger shutoff to restrict water flow.

Local residential customers are requested to voluntarily reduce domestic/household water consumption.

Local non-residential customers are requested to voluntarily reduce water consumption.

All bulk water sales are suspended, unless for residential use.

Any other enhanced water use restrictions or prohibitions imposed by the Municipality.

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 Municipality's Public Works Department.



**SCHEDULE B** (continued)

**LEVEL 4**

All outdoor water use is prohibited. Residential and non-residential use is controlled through district flow restrictions (reduced pressures subject to Fire Services review and approval). Relevant provisions in Water Supply Agreements will determine the amount of water that is available to Commissions, municipalities and Consumers throughout the region under the circumstances at that time.

Local residential customers are requested to voluntarily reduce domestic/household water consumption and may receive limited or interrupted water supply as determined by the Municipality given water volumes allocated regionally.

Local non-residential customers are requested to voluntarily reduce water consumption and may receive limited or interrupted water supply as determined by the Municipality given water volumes allocated regionally.

All bulk water sales are suspended, unless for residential use.

Any other enhanced water use restrictions or prohibitions imposed by the Municipality.

**Lacombe County  
Bylaw No.**

**SCHEDULE "C"**

**INDICATORS**

Stettler has three levels of determining the need for water use restriction or demand management.

**1. Measure "A" Indicator**

Measure "A" may be invoked by Stettler when the forecast of the demand for water is predicted that within the next 10 days, the volume of water in the reservoirs that are used to provide the Municipality with water will be below 35% of the available storage volumes.

When a Measure "A" Indicator has been reached, Stettler may invoke the Level 1 water use restrictions and prohibitions, as set forth in Schedule "B" hereto.

**2. Measure "B" Indicator**

Measure "B" may be invoked by Stettler when the forecast of the demand for water is predicted that within the next 5 days, the volume of water in the reservoirs that are used to provide the Municipality with water will be below 35% of the available storage volumes.

When a Measure "B" Indicator has been reached Stettler may invoke the Level 2 water use restrictions and prohibitions, as set forth in Schedule "B" hereto.

**3. Measure "C" Indicator**

Measure "C" may be invoked by Stettler when the forecast of the demand for water is predicted that within the next 5 days, the volume of water in the reservoirs that are used to provide the Municipality with water will be below a predetermined target, which target is set by Stettler, after consulting with its regional Commission partners who are involved in the supply of water to the Municipality.

When a Measure "C" Indicator has been reached Stettler may invoke the Level 3 water use restrictions and prohibitions, as set forth in Schedule "B" hereto. Should invocation of the Level 3 water use restrictions and prohibitions not result in the volume of water to reach the appropriate target volumes, as predetermined, Stettler may further invoke the Level 4 water use restrictions and prohibitions, as set forth in Schedule "B" hereto.

**Demand Management Measures Termination**

The invocation of the water use restrictions and prohibitions, as determined herein, may be repealed, in the sole discretion of Stettler, when Stettler deems it is appropriate. Stettler may use whatever criteria it feels is necessary, but may consider the measurement of reservoir storage volumes when they are above 65% of the total available storage at 7:00 AM and the demand forecast predicts that the reservoir volumes will be above 90% of the available volumes within the 10 day forecast period or that the water system will be in a stable position.