



The Corporation of the Municipality of Highlands East

By-law # 2021-46

Being a By-law to Establish, Maintain and to Regulate Municipal Water Usage within the Municipality of Highlands East

Whereas Section 11 of the Municipal Act, 2001, S.O. c. 25, as amended, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of public utilities, which includes a system that is used to provide water services for the public;

And Whereas Section 9 (1) of the Municipal Act, 2001, S.O. c. 25, as amended, provides that Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

And Whereas Section 425 (1) of the Municipal Act, 2001, S.O. c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this act is guilty of an offence; and whereas Section 429 provides that a municipality may establish a system of fines for offences under a by-law;

And Whereas Section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto enables the councils of local municipalities to establish a system of administrative penalties and whereas Section 434. 2 establishes an administrative penalty constitutes a debt of the person which may be added to the tax roll;

And Whereas Section 436 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law, direction, order or condition of an order under Section 431 has been complied with;

And Whereas the use of the Highlands East Municipal Water System for outside watering may, from time to time, place heavy demands on the water supply so as to reduce the security of the supply;

And Whereas the Council of The Municipality of Highlands East deems it expedient to regulate and conserve the use of the municipal water system to ensure a continued and abundant water supply for the purposes of firefighting and domestic use, including during peak demand times;



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Now therefore the Council of the Municipality of Highlands East hereby enacts the following:

1.1 Short Title

1.2 The short title of this By-law is the “Municipal Water Usage By-law”

2.0 Definitions

In this By-law:

2.1 **Building:** shall mean a structure supplied with water by the Municipal Water Distribution System.

2.2 **Council:** means the Council of The Corporation of The Municipality of Highlands East.

2.3 **Exemption Permit:** shall mean written approval having been granted by the Supervisor authorizing the permit holder to water as set out in accordance with the terms and conditions set out in the permit.

2.4 **External Use of Water:** means the use of water for any purpose outside the walls of any building located at a municipal address, within the Water Service Area.

2.5 **Occupant:** means any lessee, tenant, Owner, the agent of a lessee, tenant or Owner, or any Person in possession of a Premise.

2.6 **Officer:** means a person appointed by Council as a Municipal Law Enforcement Officer, a Police Officer, or other individual duly appointed to enforce this By-law.

2.7 **Owner:** means the registered owner of the land and includes a trustee acting on behalf of the registered owner, the estate of the registered owner and a Person with a leasehold interest in the land.



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- 2.8 **Operating Authority:** means the Environmental Department for the Corporation of the Municipality of Highlands East; including its Supervisor, operators, agents and inspectors.
- 2.9 **Person:** means and shall include an individual human being, an individual company, partnership, corporation or limited company.
- 2.10 **Premises:** includes lands, buildings, structures or any parts thereof.
- 2.11 **Supervisor:** means the Supervisor for the Environmental Department for the Municipality of Highlands East.
- 2.12 **Water or Watering:** shall mean the use of municipal water outside of any Premise for purposes such as, but not limited to, the use of a sprinkler or sprinkler system, hand held hose, pipe or other attachment, watering of lawns, gardens or other vegetation, washing of vehicles, patios, decks, windows, or driveways, or for other recreation or non-household purpose.
- 2.13 **Water Distribution System:** means the municipally owned water system, including wells, pumps, reservoirs, and pipe distribution network, and shall include but not limited to any works for the collection, production treatment, storage, supply or distribution of water, or any part of any such works.
- 2.14 **Water Meter:** means a device supplied by the Municipality to measure the quantity or rate of water flowing through a pipe that is used to supply a building.
- 2.15 **Water Service Area:** means the Cardiff Town Site, Dyno Estates and Bicroft Heights areas of Highlands East that are connected to and supplied by the Water Distribution System.
- 3.0 General Restrictions**
- 3.1 The restrictions outlined in sections of this By-law shall apply from June 1st to September 1st annually.



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- 3.2 No Person shall fill a privately owned swimming pool from the municipal Water Distribution System without having first received prior written approval in the form of an Exemption Permit, issued by the Operating Authority.
- 3.3 The Operating Authority, in its absolute discretion, is authorized to impose at any time any other water use restrictions which it deems advisable to further limit the external use of water. These restrictions may include, but are not limited to, the right to further limit the hours of external water use on permitted days and to ban completely the external use of water at any time.
- 3.4 Following the notice issued by the Operating Authority of an additional water use restriction, such as a water ban, no Person shall use water except in accordance with the provisions of such restriction.
- 4.0 Watering – Restricted**
- 4.1 No Person shall use Municipal Water for the purposes of outdoor watering except as follows:
- a) Even numbered municipal addresses may use water outdoors only on even numbered days of the month;
 - b) Odd numbered municipal addresses may use water outdoors only on odd numbered days of the month;
 - c) Outdoor water use will **only** be permitted between the hours of 7:00 p.m. to 9:00 p.m. on a permitted watering day;



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- d) No Person shall water outside of the permitted times within the Water Service Area.

5.0 Exceptions

5.1 The provisions contained in Section 4.0 of this By-law shall not apply to:

- a) A Person using water from a water source other than the Municipal Water Distribution System, for outdoor watering;
- b) Municipal property, vehicles, municipally operated recreational facilities and for all other municipal operations, as required;
- c) A property where an Exemption Permit has been issued and is valid;
- d) Other users as identified by the Municipality from time to time.

6.0 Exemption Permit Request

6.1 The Operating Authority Supervisor or their designate may, upon their sole discretion, exempt any property or portion thereof from Section 4.0 by issuing an Exemption Permit.

- a) Any Person requesting an Exemption Permit must submit a written request to the Supervisor a minimum of seven (7) calendar days prior to watering;
- b) The submission request must include the Owner's name, address and contact number, reason for the request, and the anticipated date(s) and time(s) of water usage.

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- c) The Supervisor or their designate, may, approve, deny or approve with conditions any written exemption request.
- d) Any Exemption Permit granted shall be posted in a conspicuous place on the property for which the Exemption Permit applies; and shall be strictly adhered to.
- e) If at any time the conditions of the Exemption Permit are not being met, the Supervisor or their designate may revoke the permit.

7.0 Prohibitions

7.1 No Person shall:

- a) let off or discharge water so that the water runs waste or useless out of the works;
- b) improperly waste the water or, without the consent of the Municipality, 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 his own or increase the supply of water agreed for;
- c) without lawful authority open or close any valve or hydrant;
- d) obstruct the free access to any hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- e) throw or deposit any injurious or offensive matter into the water or waterworks, or upon the ice if the water is frozen, or in any way foul the water or commit any damage or injury to the works, pipes or water, or encourage the same to be done;



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- f) alter any water meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered;
- g) lay or cause to be laid any pipe or water main to connect with any pipe or water main of the water distribution system, or in any way obtain or use the water without the consent of the Operating Authority;
- h) use or permit the use of water externally except in accordance with the regulations specifically set out in this By-law and any other regulation imposed by the Operating Authority.

8.0 Administration and Enforcement

- 8.1 This By-law shall be administered by the Environmental Department Supervisor, or their designate.
- 8.2 This By-law shall be enforced by an Officer or such Person or Persons as Council may appoint under Municipal By-law.
- 8.3 An Officer or Person designated by Council, who enters land or Premises to enforce this By-law may take with him or her such other Person as he or she considers advisable to assist.

9.0 Powers of Entry – Inspection of Property

- 9.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipality of Highlands East Officer, operator, contractor, agent, or employee in the performance of their duties conferred by this By-law.



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- 9.2 The Operating Authority or any Person designated under this By-law may, at reasonable times enter onto any land on which the Municipality supplies water for the following purposes:
- a) to install, inspect, repair, alter, or disconnect the service pipe or wire, machinery, equipment and other works used to supply water to the building or land;
 - b) to inspect, install, repair, replace or alter a water meter; or
 - c) to determine if a condition of this By-law, order or any permit issued under this By-law are being complied with.

10.0 Offence & Penalty Provisions

- 10.1 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P. 33, as amended.
- 10.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

11.0 Administrative Penalties

- 11.1 An Officer who finds that a Person has contravened any provision of this By-law may issue a penalty notice addressed to that Person.
- 11.2 Any Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 11.3 shall be liable to pay to the Municipality an administrative penalty in the amount of \$100.00 dollars.



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- 11.3 The penalty notice shall be delivered personally to the Owner or mailed by prepaid registered first class mail to the address of the Owner as shown on the last revised assessment roll.
- 11.4 The above mentioned notice shall be deemed to have been served seven (7) days from the date of mailing.
- 11.5 Every notice issued shall identify the involved property; the particulars of the contravention; the amount of the administrative penalty; information respecting the process by which the Person may exercise the Person's right to request a review of the administrative penalty; and, a statement advising that an administrative penalty will, unless modified or rescinded pursuant to the review process, constitute a debt to the Municipality.
- 11.6 A Person may appeal an administrative penalty to the Municipality of Highlands East Council.
- 11.7 An administrative penalty that is deemed to be affirmed constitutes a debt to the Municipality of each Person to whom or to which the penalty notice was given.
- 11.8 An administrative penalty that is not paid within ninety (90) days may be added to the tax roll of the property to which it applies and collected in the same manner as taxes.
- 12.0 Service of Documents**
- 12.1 The Municipality may serve any document under this By-law, including but not limited to a penalty notice, to the Person named on the notice, by prepaid registered first class mail having addressed the document to the Person's last known address.



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12.2 Service by registered mail under subsection 12.1 shall be deemed to have been made on the seventh (7th) day after the day of mailing.

12.3 A Person's last known address includes the address provided by the Person to the Municipality as identified in the property tax roll file.

13.0 Validity and Severability

13.1 Should any section, sub-section, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of any other provision of this By-law or of the By-law as a whole.

14.0 Implementation

14.1 This By-law shall come into full force and effect after approval.

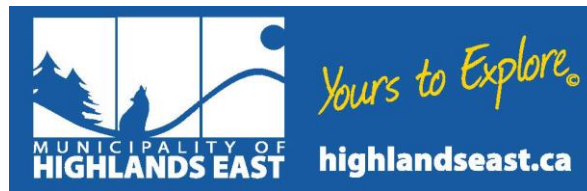
15.0 Repeal

15.1 By-law No. 2013-39 is hereby repealed

**Enacted, Approved and Signed with the Corporate Seal attached hereto, this 11th
day of May, 2021.**

Dave Burton, Mayor

Robyn Rogers, Municipal Clerk



**The Corporation of the Municipality of Highlands East
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Part 1 Provincial Offences Act – Schedule “A”

By-law 2021-46: Municipal Water Usage By-law

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Fill Private Pool without Permit	Section 3.2	\$250.00
2.	Water during additional Restriction	Section 3.4	\$250.00
3.	External use of Water – Prohibited Day (Even)	Section 4.1 (a)	\$250.00
4.	External use of Water – Prohibited Day (Odd)	Section 4.1 (b)	\$250.00
5.	External Watering when Prohibited	Section 4.1 (d)	\$250.00
6.	Discharge of Water	Section 7.1 (a)	\$250.00
7.	Improperly Waste Water	Section 7.1 (b)	\$250.00
8.	Lending, selling or disposing of Water without consent	Section 7.1 (b)	\$250.00
9.	Open/Close Hydrant or Valve without authorization	Section 7.1 (c)	\$500.00
10.	Obstruct access to Hydrant or part thereof	Section 7.1 (d)	\$250.00
11.	Throw, deposit any injurious or offensive matter into water works	Section 7.1 (e)	\$500.00
12.	Alter any Meter	Section 7.1 (f)	\$500.00
13.	Lay or cause to be laid any pipe or main to communicated with any part of the Water Distribution System without consent	Section 7.1 (g)	\$500.00
14.	Hinder, Obstruct or Interrupt Officer or Municipal Employees in the exercise of duties	Section 9.1	\$500.00

NOTE: the general penalty provision for the offences listed above is section 10.1 of the Bylaw 2021-46, a certified copy of which has been filed.