

BY-LAW NUMBER 07-069
OF
THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law Respecting the Conservation of Water

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 gives The Regional Municipality of Waterloo the power to pass by-laws respecting water production, treatment and storage;

AND WHEREAS section 8(3) of the *Municipal Act 2001*, S.O. 2001, c. 25 gives The Regional Municipality of Waterloo the power to regulate or prohibit activities respecting its jurisdiction over water production, treatment and storage;

NOW THEREFORE, the Council of The Regional Municipality of Waterloo hereby enacts as follows:

PART I - Definitions

1. In this By-law:

- (a) "Commissioner" means the Region's Commissioner of Transportation and Environmental Services or his or her designate and any successor position thereto;
- (b) "Council" means the Council of The Regional Municipality of Waterloo;
- (c) "hand-watering device" means a container that is not connected to a watering device, is used to apply water and is operated by muscular power only;
- (d) "OLWR" means Ontario Low Water Response;
- (e) "owner" means the occupant or the owner of premises or their agent;
- (f) "person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;
- (g) "Region" means The Regional Municipality of Waterloo;
- (h) "sports field" means an outdoor grassy area used for multi-participant sporting events and practices;
- (i) "water", except as otherwise defined in this By-law, means water produced, treated or stored by the Region and obtained through a metered water distribution system;
- (j) "water for essential uses" includes, but is not limited to, any water, whether or not produced, treated or stored by the Region and obtained through a metered water distribution system, for drinking and sanitation, health care, public institutions and public protection and safety (e.g. wastewater treatment, fire protection and schools) and basic ecological functions; and
- (k) "watering device" includes, but is not limited to, a hose bib, hose, pipe, sprinkler, in-ground or above-ground irrigation system or drip irrigation system used to apply water, but does not include a hand-watering device.

PART II – Conservation Measures

2. The water conservation measures as set out in this Part shall come into effect on the 31st day of May each year and shall cease to be in effect on the 30th day of September each year.
3. No owner shall permit any person to irrigate with a watering device and no person shall irrigate with a watering device any outdoor grass, turf or lawn except between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m., provided that the outdoor grass, turf or lawn is located on premises or on the road allowance immediately adjacent to and within the extension of property lines of premises with municipal addresses ending in the numbers:
 - (a) 0 or 1 may be irrigated within the designated times only on Mondays;
 - (b) 2 or 3 may be irrigated within the designated times only on Tuesdays;
 - (c) 4 or 5 may be irrigated within the designated times only on Wednesdays;
 - (d) 6 or 7 may be irrigated within the designated times only on Thursdays;
 - (e) 8 or 9 may be irrigated within the designated times only on Fridays.
4. No owner shall permit any person to irrigate with a watering device and no person shall irrigate with a watering device any outdoor plant, flower, tree, shrub or garden except:
 - (a) between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on even numbered calendar days if the outdoor plant, flower, tree, shrub or garden is located on premises or on the road allowance immediately adjacent to and within the extension of property lines of premises with a municipal address ending in an even number; or
 - (b) between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on odd numbered calendar days if the outdoor plant, flower, tree, shrub or garden is located on premises or on the road allowance immediately adjacent to and within the extension of property lines of premises with a municipal address ending in an odd number.
5. Notwithstanding section 3 of this By-law, irrigation with a watering device is permitted for the following:
 - (a) newly planted sod or grass or seed forming part of a lawn:
 - (i) at any time during the twenty-four (24) hours immediately after planting or seeding; and
 - (ii) immediately thereafter, on each of the six (6) consecutive calendar days between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m.; and
 - (iii) (A) immediately thereafter, during the further seven (7) consecutive calendar day period, between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on even numbered calendar days if the newly planted sod or grass or seed forming part of a lawn is located on premises or on the road allowance immediately adjacent to and within the extension of property lines of premises with a municipal address ending in an even number; or
 - (B) immediately thereafter, during the further seven (7) consecutive calendar day period, between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on odd numbered calendar days if the newly planted sod or grass or seed forming part of a lawn

is located on premises or on the road allowance immediately adjacent to and within the extension of property lines of premises with a municipal address ending in an odd number;

provided a sign, in the form as prescribed in Schedule "A" attached to this By-law, is posted at the entrance to the property in a location visible to all persons that sets out the date when the planting or seeding occurred.

- (b) outdoor grass, turf or lawn treated with any pesticide, herbicide or fertilizer that require irrigation while being treated and during the twenty-four (24) hours immediately following the treatment.
6. Notwithstanding sections 3 and 4 of this By-law, irrigation with a watering device is not prohibited or restricted when necessary for retail and wholesale nurseries, bowling greens or golf courses to continue to operate.
 7. No owner shall permit any person to clean with water and no person shall clean with water the exterior of a building, a driveway or a walkway.
 8. No owner shall permit any person to clean with a watering device and no person shall clean with a watering device any vehicle parked on residential premises or on the road allowance immediately adjacent to and within the extension of property lines of residential premises except:
 - (a) between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on even numbered calendar days if the vehicle is parked on residential premises or on the road allowance immediately adjacent to and within the extension of property lines of residential premises with a municipal address ending in an even number; or
 - (b) between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on odd numbered calendar days if the vehicle is parked on residential premises or on the road allowance immediately adjacent to and within the extension of property lines of residential premises with a municipal address ending in an odd number.
 9. No owner shall permit any person to top-up with a watering device and no person shall top-up with a watering device any permanent swimming pool on residential premises except:
 - (a) between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on even numbered calendar days if the permanent swimming pool is located on residential premises with a municipal address ending in an even number; or
 - (b) between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on odd numbered calendar days if the permanent swimming pool is located on residential premises with a municipal address ending in an odd number.
 10. No owner shall permit and no person shall:
 - (a) irrigate with water during a rainfall;
 - (b) irrigate with water a driveway, walkway or roadway;
 - (c) operate a decorative fountain without recycling any water used; or
 - (d) waste water when using it outdoors.

PART III – Emergency Provisions

11. The water supply emergency water-use restrictions as set out in this Part shall be in effect or shall cease to be in effect for any one or more of the Region's urban or settlement water systems as listed in Schedule "B" attached to this By-law as determined by the Commissioner.
12. When making his or her determination that the emergency provisions in this Part are in effect or are no longer in effect, the Commissioner shall have regard to the existence or likelihood of any one or more of the following:
 - (a) an OLWR Level III condition;
 - (b) a water storage capacity of less than 60% for urban water systems only; or
 - (c) pumping at greater than 90% capacity for settlement water systems only.
13. The Commissioner shall give notice of his or her determination under section 11 to the public by declaring his or her determination by any one or more of the following means:
 - (a) publication of notice in a local newspaper or newspapers;
 - (b) announcements giving notice on radio or television;
 - (c) delivery of notice to affected premises; or
 - (d) any other means of giving notice that has a reasonable likelihood of coming to the attention of persons who are affected.
14. No owner shall permit any person to irrigate with water and no person shall irrigate with water any sports fields with a watering device except between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. provided that sports fields located on premises with municipal addresses ending in the numbers:
 - (a) 0 or 1 may be irrigated within the designated times only on Mondays;
 - (b) 2 or 3 may be irrigated within the designated times only on Tuesdays;
 - (c) 4 or 5 may be irrigated within the designated times only on Wednesdays;
 - (d) 6 or 7 may be irrigated within the designated times only on Thursdays;
 - (e) 8 or 9 may be irrigated within the designated times only on Fridays.
15. No owner shall permit any person to irrigate with water and no person shall irrigate with water any outdoor grass, turf or lawn, including newly-planted sod or grass seed forming part of a lawn, newly-planted lawn alternative and lawns treated with any pesticide, herbicide or fertilizer.
16. No owner shall permit any person to irrigate with water and no person shall irrigate with water any outdoor garden, tree, shrub or other outdoor plant except with a hand-watering device.
17. Notwithstanding sections 15 and 16 of this By-law, irrigation with a watering device is not prohibited or restricted when necessary for retail and wholesale nurseries, bowling greens or golf courses to continue to operate, provided that no owner shall permit any person to irrigate with water and no person shall irrigate with water any part of a golf course other than the teeing grounds and the putting greens.
18. No owner shall permit any person to clean with water and no person shall clean with water the exterior of a building, a driveway or a walkway.

19. No owner shall permit any person to clean with water and no person shall clean with water a vehicle parked on residential premises or on the road allowance immediately adjacent to and within the extension of property lines of residential premises.
20. No owner shall permit and no person shall:
 - (a) irrigate with water during a rainfall;
 - (b) irrigate with water a driveway, walkway or roadway;
 - (c) operate a decorative fountain without recycling any water used;
 - (d) clean with water any decorative fountain or any residential swimming pools, hot tubs or garden ponds; or
 - (e) waste water when using it outdoors.
21. No owner shall permit any person to fill with water and no person shall fill with water any decorative fountain or any residential swimming pools, hot tubs or garden ponds.

PART IV – Permit

22. (a) Any person who is the registered owner of a property may apply to the Commissioner for a Permit and the Commissioner may grant a Permit to change the permitted day under section 3 of this By-law on which the registered owner or any other person may irrigate any outdoor grass, turf or lawn on the property with a watering device.
- (b) Applications for a Permit under subsection (a) of this section shall be in a form as prescribed by the Commissioner and shall be submitted to the Commissioner, in full, along with a fee as prescribed by by-law of Council.
- (c) When granting a Permit under subsection (a) of this section, the Commissioner shall change the day to either a Monday, Tuesday, Wednesday, Thursday or Friday but the Commissioner, shall ensure that no more than a net of three hundred additional properties are permitted to irrigate any outdoor grass, turf or lawn with a watering device on each of Monday, Tuesday, Wednesday, Thursday or Friday.
- (d) Each Permit granted under subsection (a) of this section shall expire on September 30th of the calendar year in which the Permit was granted.
- (e) Each person who is granted a Permit under subsection (a) of this section shall post the Permit at an entrance to the property for which the Permit is granted in a location visible to all persons. For the purposes of this subsection, a location may include any window or doorway near an entrance to the property and the Permit shall be posted for so long as the Permit is in effect.
- (f) Where a Permit is in effect pursuant to this section, the owner of the property for which the Permit has been granted shall not permit any person to irrigate with a watering device, and no person shall irrigate with a watering device, any outdoor grass, turf or lawn on the property or on the road allowance immediately adjacent to and within the extension of property lines of the property, except between the hours of 5:30 a.m. and 10:00 a.m. and between the hours of 7:00 p.m. and 11:00 p.m. on the day of the week stipulated in the Permit.

PART V - Regional Emergency Plan

23. When the Commissioner is satisfied that the availability of water for essential uses may not be ensured by the provisions in Part II or Part III of this By-law, he or she may recommend that the Region's Chief Administrative Officer implement the Regional Emergency Plan to ensure the availability of water for essential uses.

PART VI - Penalty

24. Every person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding five thousand dollars (\$5,000.00) exclusive of costs, for each offence, recoverable under the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

PART VII - Administration and Enforcement

25. The Commissioner is responsible for the administration of this By-law.
26. This By-law may be enforced by a municipal law enforcement officer or a police officer.
27. If any section or sections of this By-law or parts of it are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts of it shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.
28. This By-law may be cited as the "Water Conservation By-law".
29. This By-law comes into force on the 1st day of January 2008.
30. By-law 03-025 of The Regional Municipality of Waterloo, A By-law Respecting the Outdoor Use of Water and to Amend By-laws 33-90 and 38-92, as amended, with the exception of Section 30, shall be repealed effective on the coming into force of this By-law.
31. Despite Section 30, By-law 03-025 of The Regional Municipality of Waterloo, A By-law Respecting the Outdoor Use of Water and to Amend By-laws 33-90 and 38-92, as amended, shall continue to apply to proceedings in respect offences that occurred before its repeal.

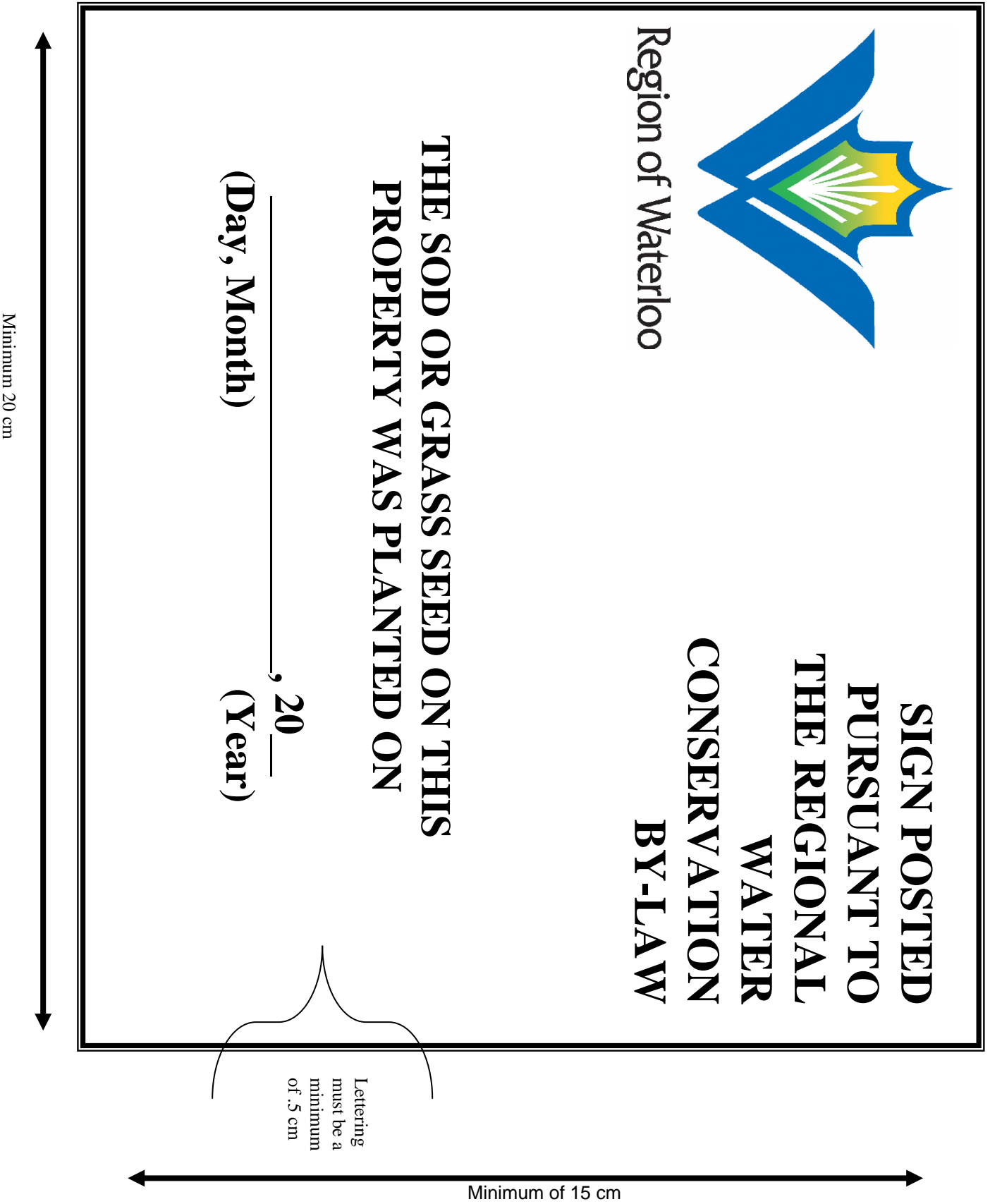
By-law read a first, second and third time and finally passed in the Council Chamber in The Regional Municipality of Waterloo this 12th day of December, 2007.


REGIONAL CLERK


REGIONAL CHAIR

SCHEDULE "A"

PRESCRIBED SIGN



1. Each sign to be made of water resistant material.

SCHEDULE "B"**THE REGIONAL MUNICIPALITY OF WATERLOO SETTLEMENT WATER
SYSTEMS**Integrated Urban Water System

Kitchener
Waterloo
Cambridge
Elmira
St. Jacobs
Breslau
Lloyd Brown (Orr's Lake)
Mannheim – Victoriaburg (Shingletown)

Settlement Systems

Ayr
Branchton Meadows
Roseville

Heidelberg - Hahn
Linwood
St. Clements
Wellesley

Baden
New Dundee
New Hamburg
St. Agatha
St. Agatha - (Sararas)
St. Agatha – (Swarzentruber)
Foxboro Green

Conestoga Golf Course
Conestoga Plains
Heidelberg - Huehn
Maryhill
Maryhill – Village Heights
West Montrose – Montrose Heights