

**THE CORPORATION OF THE TOWNSHIP OF ESSA
BY-LAW NO. 2011 - 56**

**A By-law to regulate the use of water supplied by the Municipal
Water System and to repeal By-law 2005-84.**

WHEREAS the Corporation of the Township of Essa maintains and operates certain waterworks in the Township; and

WHEREAS the Council of the Township of Essa deems it expedient to regulate and conserve the use of the various municipal water systems to ensure a continued and abundant water supply for the purposes of fire fighting and domestic use, including during peak demand times; and

WHEREAS Section 12 of the *Public Utilities Act*, R.S.O. 1990, Chapter P. 52 authorizes a Municipality to regulate the distribution and use of water supplied by a Municipal waterworks system;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

1. DEFINITIONS

"Council" means the Council of The Corporation of The Township of Essa.

"Domestic Use" means water that is provided to households and businesses for cooking, cleaning, drinking, and other uses inside and outside the home or business.

"Fire Fighting Purposes" means water provided from the municipal water system for the purposes of fire fighting, emergency response and public safety.

"Municipal Law Enforcement Officer" means the Municipal Law Enforcement Officer appointed by Council to uphold the By-laws of the Township of Essa.

"Municipal Waterworks" means water that is provided through the municipal drinking water infrastructure system and to which homes and businesses are connected.

"Outdoor Watering" means using municipal water from a hose, pipe, sprinkler or permanent irrigation system for the purposes of watering a lawn, trees, shrubs, flowers or gardens, washing vehicles, sidewalks, patios, decks, windows or driveways, recreation use or filling swimming pools, wading pools, outside hot tubs and decorative fountains or garden ponds.

2. COMPLIANCE

All users connected to the municipal water system shall comply with the following regulations;

- a) Water restrictions will be in effect from May 15th to September 30th in each and every year.

- b) Even numbered properties are permitted to water on even calendar numbered days only between the hours of 7:00 p.m. and 11:00 p.m.
- c) Odd numbered properties are permitted to water on odd numbered calendar days only between the hours of 7:00 p.m. and 11:00 p.m.
- d) Notwithstanding clauses 2 a) to c), the Township reserves the right to further restrict outdoor watering should the need arise. The Manager of Public Works or his designate may declare an outdoor watering ban and to suspend all outdoor watering as necessary to maintain a safe supply of water. No person shall water during an outdoor watering ban.

3. EXEMPTIONS

The following regulations are exempt from Restricted Times:

- a) Sod should be placed after September 1st of each year, unless placement is authorized at other times by the Municipality. Owners of newly seeded and/or sodded lawns, upon written request to the Manager of Public Works, showing including proof of installation, may be permitted to water their lawn for seven (7) consecutive days regardless of the day designated under these Water Restrictions. All charges for the use and supply of water will be charged at the normal rate.
- b) Owners of properties which have been sprayed for insects in accordance with Ontario Regulation 63/09 made under the *Pesticides Act*, upon written request and proof of such spraying to the Manager of Public Works, may be permitted to water their lawn for seven (7) consecutive days regardless of day designation under these Water Restrictions. All charges for the use and supply of water will be charged at the normal rate.
- c) Municipal property and vehicles are exempt from restricted times due to the emergency nature of their service.

4. OFFENCE

No person shall:

- a) water or sprinkle, or cause or permit the watering or sprinkling of any lawn, garden, tree, shrub or other outdoor plant in the Township of Essa through a hose, pipe or other attachment at any time except in accordance with the provision of Section 2 of this By-law;
- b) wilfully hinder or interrupt or cause or procure to be hindered or interrupted 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;
- c) wilfully let off or discharge water so that the water runs waste or useless out of the works;

- d) who being a tenant, occupant, or inmate of any house, building or other place supplied with water from the municipal waterworks, improperly waste the water or, without the consent of the corporation, 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 take any and benefit other than the person's own or increases the supply of water agreed for;
- e) wilfully alter any 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; or
- f) lay or cause to be laid any pipe or main to communicate with any pipe or main of the municipal waterworks, or in any way obtain or use the water without the consent of the corporation;
- g) water or sprinkle, or cause or permit the watering or sprinkling of any lawn, garden, tree, shrub or other outdoor plant, wading pool, swimming pool, outdoor hot tub, decorative fountain, garden pond, driveway, sidewalk, patio, or vehicle in the Township of Essa, through a hose, pipe or other attachment at any time during a restricted period pursuant to Section 2 of the By-law;
- h) water or sprinkle, or cause or permit the watering or sprinkling of any lawn, garden, tree, shrub or other outdoor plant, wading pool, swimming pool, outdoor hot tub, decorative fountain, garden pond, driveway, sidewalk, patio, or vehicle in the Township of Essa, through a hose, pipe or other attachment at any time during an emergency restricted period or watering ban pursuant to Section 2 of the By-law.

5. ENFORCEMENT AND PENALTY

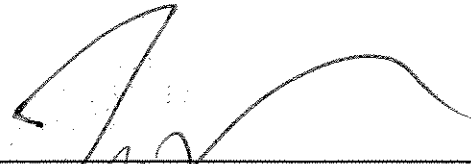
- a) Every person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a penalty pursuant to the *Provincial Offences Act*.
- b) Each new day of a continuing offence will be considered a new offence and punishable for each day the violation continues.
- c) The Court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.

6. GENERAL PROVISIONS

- a) The provisions and restrictions contained herein do not apply to residents using a well on their property for the purposes of watering. In such cases, residents should be prepared to demonstrate that they are using a private well for watering rather than municipally provided water. Furthermore, residents shall demonstrate that private wells are not interconnected to the municipal water supply system. It is an offence to interconnect private supply with municipal water.

- b) If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
- c) Where the context permits, words importing the singular also include more than one person, party or thing of the same kind.
- d) The word "may" shall be construed as permissive and the word "shall" shall be construed as imperative.
- e) The short form title of this By-law shall be the Watering Restrictions By-law.
- f) That By-law 2005-84 is hereby repealed.
- g) That this By-law will come into force and have effect upon the date of final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this 21st day of September, 2011.



Terry Dowdall, Mayor



Bonnie Sander, Clerk

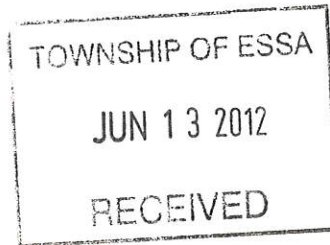
THE HONOURABLE GREGORY REGIS
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL EAST REGION

50 EAGLE STREET WEST
NEWMARKET, ONTARIO L3Y 6B1



L'HONORABLE GREGORY REGIS
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU CENTRE-EST

50, RUE EAGLE OUEST
NEWMARKET (ONTARIO) L3Y 6B1
TELEPHONE/TÉLÉPHONE (905) 853-4890
FAX/TÉLÉCOPIEUR (905) 853-4891



May 24th, 2012.

Corporation of the Township of Essa
5786 County Road 21
Utopia, Ontario
L0M 1T0

Attention: Mark Beauchamp
Municipal Law Enforcement Officer

Dear Mr. Beauchamp:

Re: Set Fines – Part I
The Corporation of the Township of Essa

Enclosed herewith please find a copy of the Order and a copy of the schedule of set fines for the By-law No. 2011-56.

The setting of the fines does not constitute my approval of the short form of the wording used to describe the offences.

I have forwarded a copy of the Order and the schedule of the set fines to the POA Court in Barrie, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in blue ink, appearing to be 'G. Regis'.

Gregory Regis
Regional Senior Justice
Central East Region

/clm


Enclosures

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2011-56 for the Corporation of the Township of Essa, attached hereto is the set fine for those offences. This Order is to take effect May 24th, 2012.

DATED at Newmarket this 24th
day of May, 2012.



Gregory Regis
Regional Senior Justice
Central East Region

Township of Essa
Watering Restrictions By-law
By-law 2011-56
Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Even numbered property – watering beyond restricted hours	2(b)	\$100.00
2.	Odd numbered property – watering beyond restricted hours	2(c)	\$100.00
3.	Even numbered property – watering on opposing days	2(b)	\$100.00
4.	Odd numbered property – watering on opposing days	2(c)	\$100.00
5.	Watering during a water ban	2(d)	\$200.00

The penalty provision for By-law 2011-56 is under Section 5, Enforcement and Penalty. A Certified copy is attached.