

Village of Duchess

BYLAW 511-23

WATER CONSERVATION BYLAW



VILLAGE OF DUCHESS

BEING A BYLAW OF THE VILLAGE OF DUCHESS IN THE PROVINCE OF ALBERTA TO GOVERN WATER USE AND WATER CONSERVATION MEASURES DURING EVENTS OF WATER SHORTAGE

WHEREAS the Municipal Council for Village of Duchess deems it advisable and necessary to make provisions for the conservation and restriction of the use of water and for the protection of the supply of water;

AND WHEREAS pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, and amendments made thereto, the Council is authorized to pass bylaws for municipal purposes respecting services provided by or on behalf of the County, as well as to enforce those bylaws.

NOW THEREFORE the Council for Village of Duchess, duly assembled, enacts as follows:

Section 1 – Short Title

1.0 This bylaw may be cited as the “Village of Duchess Water Use and Conservation Bylaw”.

Section 2 – Definitions

2.0 **“CAO”** means the Chief Administrative Officer for the Village of Duchess.

“Officer” means any individual(s) designated and appointed from time to time by the County for administration and enforcement of this bylaw and shall include a person designated as a Peace Officer appointed by the Province of Alberta, a Bylaw officer, and any member of the Royal Canadian Mounted Police.

“Non-Essential Water Use” means the use of water that does not have any health or safety impacts, is not required by regulation, or is not required for municipal purposes, and includes but is not limited to:

- Washing of vehicles
- Washing/pressure washing of streets, sidewalks, parking lots and other paved areas or building exteriors, unless necessary for maintaining public sanitation/safety.
- Irrigation of lawns, trees, athletic fields, and ornamental plants (including through timed or programmed sprinkler systems).
- Filling of recreational or decorative fountains, swimming pools, hot tubs, or
- Public recreation facilities (skating, curling, pools, etc.).
- Water for construction purposes, such as grading and compacting.
- Any other uses deemed non-essential by the CAO on an event specific basis, given the severity and specific circumstances of the specific event.

“Outdoor Water Use” means the use of water outside of the building by customers, occupants and/or owners for the purpose of:

- i) Filling of outdoor pools, hot tubs or similar uses;
- ii) washing of vehicles, driveways, sidewalks or garage floors;
- iii) filling of any fountains, ponds, or other decorative features;
- iv) washing of exterior windows, siding or stucco on buildings;
- v) conducting any other outdoor water activity similar in nature to the foregoing.

“Person” means any individual, corporation, society, association, partnership, or firm.

2.5 **“Vehicle”** means a device in or by which someone travels, or something is carried on or conveyed including but not limited to cars, trucks, tractors, trailers, recreational Vehicles, all-terrain Vehicles (ATVs) and motorcycles.

2.6 **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A 2000, Chapter P-34, and amendments made thereto, and any regulations made thereunder.

2.7 **“Water Restriction”** means the applicable restriction on water use imposed by the CAO (Level 1, 2 or Level 3) as described in Schedule “A”.

Section 3 – Water Conservation and Restriction Strategies

3.0 The determination as to when to declare a water shortage shall be solely at the discretion of the CAO upon:

Consultation with the Newell Regional Service Corporation, as the supplier of water services to the Village of Duchess and/ or
consultation with the Eastern Irrigation District or
consultation with the Director of Emergency Management, and/or the Fire Chief or their designate, or
consultation with the Public Works Foreman or their designate.

These actions may become effective immediately and are at the CAO’s discretion, having regard to factors including the raw water reservoir or potable water reservoir levels or the reliable raw water withdrawal rate. That may include, without limitation, determining whether the reliable raw water withdrawal rate that feeds the potable water system drops below:

The system wide average annual daily raw water demand for a significant period,
the flow rate needed to adequately replenish the raw water reservoir in a timely manner, or
any other flow associated with a critical water system issue that necessitates Water Restrictions.

3.1 When the CAO has declared a state of water shortage:

3.1.1 The CAO may impose a Level 1, Level 2 or Level 3 Water Restriction as set out in Schedule “A”.

3.1.2 The CAO shall not be required to impose levels of restriction in successive stages but may proceed to impose any level of restriction the CAO has determined is warranted in the circumstances.

The Village shall provide notice of the state of water shortage and the Water Restriction imposed through whatever media sources the CAO or designate determines sufficient and may include but not be limited to, signage, website, social media, and bulk media notification, and/or radio/television/newspaper.

When the CAO has imposed a Level 2 or Level 3 Water Restriction, no Person shall use Village supplied water contrary to the restriction as set out in Schedule "A".

The state of Water Restriction once imposed shall remain in effect until the CAO declares that the risk to the overall water supply has improved to an acceptable level and the Water Restriction has ended.

Regardless of any Water Restriction in effect, water conservation measures will be promoted by encouraging the following conservation activities including, but not limited to:

- Flushing toilets only as required for solids.
- Not running partial loads in washing or dishwashing machines.
- Curtailment of all non-essential maintenance operations that require large volumes of water for recreational swimming pools, or other high water use recreation facilities.
- Refraining from non-essential maintenance operations (those that do not impact public health and safety).

Exceptions:

3.1.3 The CAO, at his/her discretion, may grant exceptions to the water use restrictions. Examples may include but are not limited to health and safety, critical commercial activities.

3.1.4 Water that a Person can establish is not supplied by the Village is not subject to these restrictions. Examples of alternate water supplies include, but are not limited to, rain barrels filled by natural precipitation, private wells, or water purchase from other sources other than Village supplied water.

Section 4 – Wasting Water

4.0 All consumers or Persons are prohibited from wasting water.

No consumer will allow potable water to run off the property as a result of water uses including but not limited to law or over watering, broken irrigation, or infrastructure washing of surfaces, such that there is:

4.1.1 a stream running into a street or swale for an excessive distance from the edge of the parcel;

4.1.2 a stream of water running into a street or swale and directly into a catch basin; or

4.1.3 a stream or spray or water running into or discharge into a street or a sidewalk.

Section 5 – Enforcement

5.0 A Person who violates any section of this Bylaw is guilty of an offense and liable, upon summary conviction, to a fine as set out in section 6 of this Bylaw.

5.1 An Officer who has reasonable grounds to believe a contravention of this Bylaw has occurred or is occurring is authorized and empowered to:

5.1.1 Issue a verbal and/or written warning to the Person violating this Bylaw; and/or

5.1.2 Issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act to the Person violating this Bylaw, with or without having issued any such warning.

5.2 If a Violation Ticket is issued in respect of an offense, the Violation Ticket may:

5.2.1 Provide that the Person who committed the offense may, without a specified period of time, pay a specified penalty as listed in Section 6 of this Bylaw; or

5.2.2 Require a Person to appear in court without the alternative of making a voluntary payment.

Section 6 – Penalties

6.0 A 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 as outlined below.

LEVEL	1 st OFFENSE	2 nd OFFENSE	3 rd OFFENSE
1	N/A	N/A	N/A
2	\$100.00	\$250.00	\$ 800.00
3	\$250.00	\$800.00	\$1,500.00
Wasting Water	\$100.00	\$250.00	\$ 800.00

In addition to any penalty which may be imposed under this Bylaw, the Village may seek a court order granting relief in the nature of an injunction or any other order necessary to enforce compliance (including pursuant to Part 13 of the Municipal Government Act).

NOW THEREFORE THE COUNCIL ENACTS AS FOLLOWS:

Effective Date

This Bylaw shall take effect at the date of the final passing thereof:

Read a first time this 23rd day of October 2023.

Read a second time this 20th day of November 2023.

Read a third and final time this 20th day of November 2023.

DEPUTY MAYOR
Deborah Reid-Mickler

CHIEF ADMINISTRATIVE OFFICER
Yvonne Cosh

SCHEDULE A

Level 1

All Outdoor Water Use is permitted as follows:

- Watering of lawns, gardens, trees, and shrubs may only occur during the following hours:
6:00 A.M. – 9:00 A.M. or
7:00 P.M – 12: 00 A.M.

Level 2

Mandatory Watering Restrictions

All Outdoor Water Use including watering lawns, non-commercial washing of Vehicles, sidewalks, pads, exteriors of building, filling of hot tubs/Jacuzzis, recreational use of sprinklers and like water toys, is restricted to the following schedule:

Monday, Thursdays, and Sundays

Watering may occur only during the following hours:

- 6:00 A.M. – 9:00 A.M. or
7:00 P.M. – 10:00 P.M.

- Flowerbeds and vegetable gardens may be watered by hand, during prescribed times, using a watering can or a hose with a nozzle trigger shut off to restrict water flow.
- Requests for site and condition specific irrigation scheduling for commercial or industrial operations using a metered irrigation system may be approved in writing by the CAO.
- Requests for water conservation exemption permits for newly seeded lawns or freshly planted sod may be applied for at the Village Office.

Level 3

Emergency Water Restrictions

- All Outdoor Water Use and Non-Essential Water Use is strictly prohibited.
- Bulk water will shut down except for County residents that use the water for household needs.