



# WATER CONSERVATION BYLAW

## THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

### BYLAW 875-2024

#### BYLAW TO GOVERN WATER USE DURING WATER SHORTAGE

Being a Bylaw of the Town of Fox Creek in the Province of Alberta to govern water use and water conservation.

**WHEREAS**, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 AND amendments thereto, provides that a Council of a Municipality may pass Bylaws for Municipal purposes respecting services by or on behalf of the municipally, as well as to enforce those bylaws in the Town of Fox Creek; and

**WHEREAS**, the Municipal Council for the Town of Fox Creek deems it advisable and necessary to make provisions for the use of water and protection of the supply of water; and

**NOW THEREFORE**, the Council of the Town of Fox Creek duly assembled enacts as follows:

#### SECTION 1 – SHORT TITLE

1.0 This bylaw may be cited as the “Water Conservation Bylaw”.

#### SECTION 2 – DEFINITIONS

**CAO** – shall mean the Chief Administrative Officer for the Town of Fox Creek or their designate.

**COUNCIL** – shall mean the duly elected Council of the Town of Fox Creek

**NON-ESSENTIAL WATER USE** – shall mean 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 Vehicles (this will include commercial car washes).
- 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.

**OFFICER** – shall mean any individual(s) designated and appointed from time to time by the town for administration and enforcement of this bylaw and shall include a person designated as a Peace Officer appointed by the Province of Alberta, and any member of the Royal Canadian Mounted Police.

**OUTDOOR WATER USE** – shall mean the use of water outside of the building by customers, occupants, and/or owners for the purpose of:

- Filling of outdoor pools, hot tubs or similar uses;
- Washing of vehicles, driveways, sidewalks or garage floors;
- Filling of any fountains, ponds, or other decorative features;
- Conducting any other outdoor water activity similar in nature to the foregoing.

**PERSON** – shall mean any individual, corporation, society, association, partnership or firm.

**TOWN** – shall mean the Town of Fox Creek



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**VEHICLE** – shall mean 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, and motorcycles.

**VIOLATION TICKET** – shall mean 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 there under.

### SECTION 3 – RESTRICTING WATER SUPPLIES

3.0 Where the CAO determines it necessary to impose restrictions on the amount of water used within the Town of Fox Creek, the CAO may declare a “state of water shortage”.

3.1 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.

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

3.2.1 The CAO may impose levels of restrictions on water use depending upon the severity at that given time.

3.2.2 The levels of restrictions shall be:

**STAGE 1:** All outdoor water use is permitted as follows:

Odd numbered addresses may use water: (Addresses ending in 1,3,5,7,9) Tuesdays, Thursdays and Sundays.

Even numbered addresses may use water: (Addresses ending in 0,2,4,6,8) Mondays, Wednesdays and Saturdays.

Water of lawns, gardens, trees and shrubs may only occur during the following hours:

6:00 AM – 9:00 AM or

7:00 PM – 10:00 PM

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.

Request 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.

Request for water conservation exemption permits for newly seeded lawns or freshly planted sod may be applied for at the Town Office.

**STAGE 2:** All non-essential water use is prohibited.

**STAGE 3:** Emergency Measures – this stage would be implemented if there was a Water Treatment Plant or Water Distribution system failure or a serious water shortage.

3.2.3 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.

3.3 Exceptions

3.3.1 The CAO, at their discretion, may grant exception to the water use restrictions. Examples may include but is not limited to health and safety or critical commercial activities.

3.3.2 Water that a Person can establish is not supplied by the Town is not subject to these restrictions.



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### SECTION 4 – WATER CONSERVATION AND RESTRICTION STRATEGIES

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

4.0.1 Consultation with the Fire Chief and/or their designate.

4.0.2 Consultation with the Director of Operations and the Utility Supervisor 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.

4.0.3 The town will assist all consumers in conserving water by providing information that will encourage conservation and will encourage residential, commercial, industrial and institutional consumers to implement water conservation technology.

4.0.4 The town will provide notice of the state of water shortage and the Water Restriction imposed through whatever media sources the CAO determines sufficient and may include but not be limited to, signage, website, social media, video signs and bulk notification.

4.0.5 Bulk Water Sales – Bulk Water Sales will be discontinued when a stage 2 restriction is implemented, until such time that the water levels of the Town are no longer at risk and the water restriction has been lifted.

4.0.6 Manage the overall supply of water in the Town in order to comply with the requirements of all water storage facilities and of all consumers in the region through regulation, restriction, and/or prohibiting the use of water by Bylaw.

### SECTION 5 – ENFORCEMENT

5.0 In addition to the fines which may be issued under this Bylaw, the Town may seek an Order of Court granting an injunction or any other order necessary to enforce compliance. The Town may seek full recovery of such legal costs either through the court system or by placing the costs of such action on the customer's utility bill or property tax.

### SECTION 6 – CONTRAVENTION

6.0 Where the Town has reasonable ground to believe a contravention of this Bylaw or the Policy has occurred or is occurring (an "offence"), the Town through the Community Peace Officer or designate or RCMP may:

6.0.1 Issue a verbal and/or written warning to the Person(s) violating this By-law or the Policy; and/or

6.0.2 Issue a Violation Ticket to the Person violating this By-law or the policy.

6.1 A Violation Ticket issued pursuant to this section shall be served by the following means:



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- 6.1.1 Delivery (by hand or by registered mail) of the violation Ticket to the residence of the person violating this By-law or policy, and/or to the registered owner of the property which is in violation of this By-law or the policy, as applicable.
- 6.2 If a Violation Ticket is issued with the respect to an offence, the Violation Ticket may:
  - 6.2.1 Specify the fine amount established by this By-law for the offence; or
  - 6.2.2 Require a person to appear in court without the alternative of making a voluntary payment.
- 6.3 A person who commits an offence may make a voluntary payment equal to the specified fine, if:
  - 6.3.1 A Violation Ticket is issued with respect to the offence; and
  - 6.3.2 The Violation Ticket specifies the fine amount established by this policy for the offence.
- 6.4 For the purposes of this bylaw, a subsequent conviction means a conviction for an offence for which the offence occurs after the date of conviction of an earlier offence under this By-law.

## SECTION 7 – PENALTIES

- 7.0 A consumer or person committing a breach of any of the provisions of this Bylaw, upon conviction or breach thereof, may forfeit the right to be supplied with water, and shall be liable to a penalty as outlined:
  - 7.0.1 Schedule 1, in the case of a residential water user; and
  - 7.0.2 Schedule 2, in the case of a commercial, industrial or institutional water user

## SECTION 8 – REPEAL AND EFFECTIVE DATE

- 8.0 Bylaw 701-2011 is repealed upon this bylaw passing and coming into full force and effect.
- 8.1 This Bylaw 875-2024 is passed and comes into full force and effect when it receives third and final reading and is signed following the Municipal Government Act.

READ A FIRST TIME THIS 13<sup>th</sup> DAY OF MAY, 2024

READ A SECOND TIME THIS 13<sup>TH</sup> DAY OF MAY, 2024

READ A THIRD AND FINAL TIME THIS 13<sup>TH</sup> DAY OF MAY, 2024

Sheila Gilmour

Mayor

Kristen Milne

Chief Administrative Officer



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## SCHEDULE 1

### Residential Property – Penalties

|         | Description  | 1 <sup>st</sup> Offence | Subsequent Offence |
|---------|--|-------------------------|--------------------|
| Stage 1 | Outside watering is used on incorrect days when odd/even water conservation measures are implemented.                | \$100.00                | \$250.00           |
| Stage 2 | Outside watering is used when a complete water ban for outside use is implemented under the authority of this Bylaw. | \$500.00                | \$1000.00          |
| Stage 3 | Emergency measures that are in place are violated  | \$1000.00               | \$2000.00          |

## SCHEDULE 2

### Commercial, Industrial or Institutional Property – Penalties

|         | Description   | 1 <sup>st</sup> Offence | Subsequent Offence |
|---------|---|-------------------------|--------------------|
| Stage 1 | Outside watering is used on incorrect days when odd/even water conservation measures are implemented.                 | \$1000.00               | \$2500.00          |
| Stage 2 | Outside watering is used when a complete water ban for outside use is implemented under the authority of this By-law. | \$5000.00               | \$10,000.00        |
| Stage 3 | Emergency measures that are in place are violated   | \$10,000.00             | \$10,000.00        |