

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW NO. 2005-55

**A By-law to regulate the supply and use of water
within the serviced area of the Town of Midland**

WHEREAS the provisions of Section 11 (2) of the *Municipal Act*, 2001, S.O. 2001 c.25, as amended, permit municipal corporations to pass By-laws for the regulation of public utilities and systems that provide water services to the public;

AND WHEREAS, the Council of The Corporation of the Town of Midland deems it expedient to regulate the outdoor use of water in order to promote water conservation, and to ensure a continued and abundant supply of water within the serviced area of the Town of Midland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND ENACTS AND BE IT ENACTED AS FOLLOWS:

Section 1 Definitions:

For the purposes of this by-law, the following definitions shall apply:

1.1 Chief Administrative Officer

“Chief Administrative Officer” means the Chief Administrative Officer for the Town of Midland.

1.2 Mayor

“Mayor” means the Mayor for the Town of Midland.

1.3 Person

“person” includes a natural individual, corporation, association, or partnership.

1.4 Town

“Town” means the serviced area within the boundaries of the Town of Midland.

1.5 Town Engineer

“Town Engineer” means the General Manager of Public Works for the Town of Midland or designate.

1.6 Watering Day

“Watering Day” means even numbered addresses may use water outdoors only on even numbered days of the month and odd numbered addresses may use water outdoors only on odd numbered days of the month.

Section 2 Standard Watering Restrictions

2.1 No person shall use municipal water from a fire hydrant. This restriction shall not apply to a municipal fire fighter where water is required for fire protection purposes.

2.2 No person shall use municipal water of the Town from a hose, pipe, sprinkler or permanent irrigation system for the purpose of watering any lawn, garden, or the washing of sidewalks, driveways, patios and decks or the filling of swimming pools except as follows:

- (a) An even numbered address may use water outdoors only on even numbered days of the month;
- (b) An odd numbered address may use water outdoors only on odd numbered days of the month;
- (c) Outdoor water use will only be permitted between the hours of 5:00 a.m. and 10:00 a.m. and 7:00 p.m. and 9:00 p.m.;
- (d) A person may water new trees or shrubs during installation and for 24 hours following planting. Any subsequent watering must comply with the provisions of this By-law;
- (e) A person shall obtain and display an authorization placard, in a format as set out in Appendix 'A' attached hereto and forming part of this by-law, issued by the Town, to permit watering of new sod or seed every day for up to one month following planting, and be restricted to watering during the hours of 5:00 a.m. and 10:00 a.m. and 7:00 p.m. and 9:00 p.m.

2.3 The conditions for use of municipal water of the Town shall be in place all year round.

Section 3 Outdoor Water Use Advisory and Bans

3.1 Notwithstanding Section 2 of this by-law, in the event the Mayor, in consultation with the Chief Administrative Officer and the Town Engineer, deems it necessary that an advisory or ban in water use be implemented, notice shall be issued on the Town's web site and through all available local media (radio and newspapers).

The advisory and bans are as follows:

(1) Outdoor Water Use Advisory

All persons or owners or occupants of property within the Town are requested to voluntarily refrain from using municipal water from a hose, pipe, sprinkler, or permanent irrigation system for the purpose of:

- (a) Watering lawns and gardens;
- (b) Washing vehicles, sidewalks, patios, decks, windows, or driveways;
- (c) Filling swimming pools.

(2) Partial Outdoor Water Use Ban

No person or owner or occupant of property within the Town, subject to the exemptions listed in Section 4, shall use municipal water from a hose, pipe, sprinkler, or permanent irrigation system for the purpose of:

- (a) Watering lawns and gardens;
- (b) Washing vehicles, sidewalks, patios, decks, windows, or driveways;
- (c) Filling swimming pools.

(3) Full Outdoor Water Use Ban

No person or owner or occupant of property within the Town shall use municipal water outdoors from a hose, pipe, sprinkler, or permanent irrigation system, for any purpose whatsoever. There are no exemptions applicable to a full outdoor water use ban.

Section 4 Exemptions under Outdoor Water Use Advisory or a Partial Outdoor Water Use Ban

4.1 Notwithstanding subsections 3(1) and (2) of this by-law, the following exemptions apply to an Outdoor Water Use Advisory or a Partial Outdoor Water Use Ban.

- (a) A person may water flowers, shrubs, trees or vegetables on days other than and including their designated Watering Day, provided the watering is done using a hand-held container;
- (b) A person may water new trees or shrubs during installation and for 24 hours following planting. Any subsequent watering must comply with the provisions of this By-law;
- (c) A person shall obtain and display an authorization placard, in a format as set out in Appendix 'A' attached hereto and forming part of this by-law, issued by the Town, to permit watering of new sod or seed every day for up to one month following planting, and be restricted to watering during the hours of 5:00 a.m. and 10:00 a.m. and 7:00 p.m. and 9:00 p.m.;
- (d) A person may refill a backyard residential pool for maintaining the integrity of the filtering system during the hours of 5:00 a.m. and 10:00 a.m. and 7:00 p.m. and 9:00 p.m.;
- (e) Commercial Garden Nurseries conducting business in the Town;
- (f) All weather playing fields, if failure to water will result in a permanent loss of plant material or adversely affect public safety;
- (g) Washing exterior building surfaces, including windows, parking lots, driveways, or sidewalks prior to the application of a product such as paint, preservative, stucco, or

the preparation of a surface prior to paving or rejoining of bricks, or if required by law to comply with health and safety regulations;

- (h) Commercial car washes and car dealerships;
- (i) Commercial or industrial facilities utilizing timed irrigation systems will be permitted to operate on a once per week basis for no longer than a two hour span between 12:00 a.m. and 6:00 a.m.;
- (j) Other users as identified by the Town from time to time.

Section 5 Fire Protection Use

5.1 Notwithstanding subsections 3(1), (2) and (3) of this by-law, the provisions related to any Outdoor Water Use Advisory or a Partial or Full Outdoor Water Use Ban do not apply to municipal fire fighters where water is required for fire protection purposes.

Section 6 Enforcement

6.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine as provided for under the *Provincial Offences Act*.

6.2 In addition to all other sanctions and remedies provided in this by-law, a certified Water Operator for the Town, at the direction of the Town Engineer, may enter on private property and into structures at any reasonable time pursuant to S. 427 of the *Municipal Act, 2001*, S.O. 2001, to turn off or restrict the supply of water to any person, owner or occupant of property who fails to abide by the restrictions as set out in this by-law, and the Town may recover all costs of such entry and enforcement against the person, owner or occupant of the property by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

Section 7 General Provisions

7.1 This By-law shall be referred to as the “Outdoor Water Conservation By-law.”

7.2 That this By-law shall come into full force and effect immediately upon final passage.

By-law read a first, second and third time and finally passed at a meeting of the Open Council held this twenty-fifth day of July, 2005.

Mayor

Clerk



TOWN OF MIDLAND

NEW SOD OR SEED LAWN WATERING

AUTHORIZATION

(Pursuant To By-law No. 2005-55)

Authorization Granted to: Name of Property Owner Authorization #YEAR-XXX

Is hereby permitted to water the newly placed sod or seed, for up to one month from the date of issue herein, during the hours of 5:00 a.m. and 10:00 a.m. and 7:00 p.m. and 9:00 p.m. at:

**street address of property
Midland, ON**

Issue Date: **Month day, Year**

Signed _____
By-law Enforcement Officer

THIS AUTHORIZATION CARD MUST BE DISPLAYED PROMINENTLY ON SITE FOR THE DURATION OF THE WATERING AUTHORIZATION AND AVAILABLE FOR INSPECTION BY MUNICIPAL PERSONNEL.

.....
Extract from By-law #2005-55:

- 1. A person shall obtain and display an authorization placard, ..., issued by the Town, to permit watering of new sod or seed every day for up to one month following planting, and be restricted to watering during the hours of 5:00 .m. and 10:00 a.m. and 7:00 p.n. and 9:00 p.m.*

It is understood and agreed that, should a 'Full Outdoor Water Use Ban' be declared, the permission granted under this authorization would immediately become null and void.

I hereby acknowledge receipt of the said terms and conditions of the above Application and agree to abide by all terms and conditions of this Authorization.

Date of Application

Signature of Applicant