

TOWN OF HIGH RIVER
ALBERTA
BYLAW NO. 4212/2008

Being a Bylaw of the Town of High River in the Province of Alberta, pursuant to The Municipal Government Act, being Chapter M-26, RSA 2000.

WHEREAS the Municipal Council of the Town of High River requires that water be conserved and utilized in an efficient manner in accordance with the provisions of this by-law.

NOW THEREFORE the Council of the Town of High River enacts as follows

Section I NAME

The By-law will be referred to as the "Town of High River Water Conservation Bylaw"

Section II DEFINITIONS

1. "COMMERCIAL WATER USE" A service supplied to a premise principally used to conduct a profession, business, trade, industry, occupation or employment, and also includes institutional uses and apartment buildings;
2. "CONSUMER" means any person or persons, corporation, any other municipal corporation, the Government of Alberta or the Government of Canada whose property is connected to the water system or any Lessee or occupant of such property or any person who obtains water from any TOWN owned hydrant or stand pipe;
3. "DIRECTOR" means the Town of High River Director of Engineering and Environmental Services or that person's designate;
4. "NEW LAWN(S)" means newly laid sod or newly planted grass seed;
5. "PEACE OFFICER" means a member of the Royal Canadian Mounted Police, or a Community Peace Officer or a By-law Enforcement Officer of the Town of High River;
6. "PERMIT" allows watering of NEW LAWNS for a specific period of time; conditions for NEW LAWN watering permits are defined in the water conservation procedures and/or regulations;
7. "POTABLE WATER" means water which originates from a source or tap connected to a Town water service;
8. "RESIDENTIAL WATER USE" A service supplied to a premise that is used primarily for domestic purposes including but not limited to, single family dwellings, multi-family dwellings (excluding apartment buildings), mobile home parks, and condominium developments.
9. "TOWN" means the corporation of the Town of High River or the area contained within the boundaries thereof, as the context requires.
10. "VIOLATION TICKET" means a summons violation ticket issued pursuant to the Provincial Offences Procedure Act, as amended from time to time.

Section III INTERPRETATION

1. Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
2. Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

Section IV WATER CONSERVATION

1. In the event, that the DIRECTOR believes there may be a shortage of water, the DIRECTOR may regulate the distribution and use of water from the Water Treatment Plant to all CONSUMERS or any of them, including the

times of day when the use of water may be allowed or prohibited. This regulation will be based upon, but not limited to: the condition of the aquifers and wells utilized by the TOWN, well and other water-use licensing, fire-supply requirements, environmental sustainability and resource protection, water quality standards, and infrastructure limitations.

2. In the event there is reason to declare an increase in water conservation level, the DIRECTOR may declare such restriction effective immediately.
3. In the event of a declaration of an increased water conservation level made pursuant to this By-law,
 - a. Any CONSUMER outside TOWN boundaries will be required to implement the same or similar water conservation measures as required of TOWN residents subject to DIRECTOR approval, excluding Cargill Foods.
 - b. Cargill Foods will be required to reduce their water consumption according to the agreement/contract between the TOWN and Cargill.
 - c. the DIRECTOR will cause public notice indicating the level of water conservation and the date that level came or will come into effect to be given by the following means; signage and one or more of the following;
 - i. in the local newspaper(s);
 - ii. circulation of flyers;
 - iii. on the TOWN website; or
 - iv. announcement via local radio station(s);
4. The TOWN retains the right to create procedures and/or regulations regarding water restrictions pursuant to this Bylaw, enforceable by the TOWN or a PEACE OFFICER, and are subject to change at the discretion of the DIRECTOR from time to time without warning.
5. In the event of an emergency such as, but not limited to, a fire, water line break, water plant critical component failure, well failure or other critical component failure etc. the TOWN may implement such conservation measures, as deemed necessary for the duration of the emergency.

Section V

PERMITS

1. A PERMIT will be required under the conditions of the water conservation procedures and/or regulations.
2. Applications for NEW LAWN watering PERMITS will be made in writing.
3. NEW LAWN watering PERMITS may be issued at the TOWN upon inspection and approval of the site by the TOWN.
4. NEW LAWN watering PERMITS will be valid for a maximum of three (3) weeks.
5. The specified penalty payable in respect of a contravention of this Bylaw is the amount shown in Rate Schedule "A" of the current TOWN Rate Bylaw in respect to that provision.

Section VI

WASTING WATER

All CONSUMERS or persons are prohibited from wasting water.

1. No CONSUMER will allow POTABLE WATER to run off the property as a result of water uses including but not limited to lawn over watering, broken irrigation, or washing of surfaces, such that there is:
 - (a) a stream running into a street or swale for a distance of 30 metres or more from the edge of the parcel;
 - (b) a stream of water running into a street or swale and directly into a catch basin; or
 - (c) a stream or spray of water running into or falling onto a street or sidewalk.
2. Notwithstanding the prohibitions in Section VI 1, the DIRECTOR may authorize the discharge of POTABLE WATER onto a street or sidewalk for the purposes of:

- (a) health and safety;
 - (b) the construction, repair and maintenance of infrastructure, including the flushing of water mains, hydrant leads and water service connections;
 - (c) preventing the freezing of water mains, hydrant leads and water service connections;
 - (d) conducting water flow tests;
 - (e) construction and repair and testing of permanently installed irrigation systems;
 - (f) firefighting or firefighting training programs; or
 - (g) other purposes deemed necessary by the DIRECTOR from time to time.
3. Any CONSUMER or person who in the opinion of a PEACE OFFICER charged with the enforcement of this By-law, wastes water supplied by the TOWN will be guilty of an offence under this By-law. In determining if an activity constitutes wasting water, consideration will be given to the following:
- (a) The volume reasonably required to perform the activity taken;
 - (b) The length of time that water has been allowed to run;
 - (c) The degree of control exercised over the flow of water;
 - (d) The degree of restriction on water consumption presently in place; and
 - (e) The existence of any other factors reasonably suggesting that waste of water is occurring or has occurred.

Section VII

LOW FLOW PLUMBING FIXTURES

Low flow plumbing fixtures are encouraged as a conservation measure for existing residential and commercial CONSUMERS.

1. For the purposes of this section, Low Flow Plumbing Fixtures are defined as:
 - (a) toilets having a total water usage of no greater than 1.6 US gallons or 6.0 litres per flush;
 - (b) urinals having a total water usage of no greater than 1.0 US gallons or 3.8 litres per flush, but does not include urinals which flush automatically after a period of elapsed time, regardless of the amount of water usage per flush;
 - (c) showerheads having a rate of water flow no greater than 2.5 US gallons or 9.5 litres per minute;
 - (d) lavatory basin and kitchen sink faucets having a rate of water flow no greater than 2.2 US gallons or 8.3 litres per minute; and
 - (e) public restroom faucets having a total water flow of no greater than 0.5 US gallons or 1.8 litres per minute.
2. Subsection 1. (c) will not be interpreted to prevent the installation of more than one valve in a shower stall or bathroom.
3. Every Person responsible for the construction of:
 - (a) new residential construction, regardless of the number of dwelling units contained in a structure;
 - (b) new industrial, commercial and institutional construction; and
 - (c) any renovation project regarding a residential, industrial, commercial or institutional structure that requires a plumbing permit;must ensure that all plumbing fixtures installed in that construction or renovation are Low Flow Plumbing Fixtures, as they are defined in this Section.
4. Water will not be used for any air conditioning or any other means of cooling subject to a written approval from the DIRECTOR.

Section VIII

PENALTIES

1. A CONSUMER or person committing a breach of any of the provisions of this By-law, upon conviction of the breach there-of, may forfeit the right to be supplied with water, and will be liable per incident of violation of the provisions of this bylaw to penalty not exceeding eight hundred dollars (\$800.00), in the case of RESIDENTIAL WATER USE and ten thousand dollars (\$10,000.00) in the case of a commercial or industrial water CONSUMER.
2. Where a PEACE OFFICER has reason to believe that any person(s) or corporation is committing or has committed a breach of the provisions of this

Bylaw, the PEACE OFFICER is hereby authorized and empowered to serve that person(s) or corporation with a "VIOLATION TICKET pursuant to the Offences Procedure Act, as amended from time to time.

Section IX FINES

Fines established for the purpose of payments of tag issued pursuant to this By-law are contained within the current TOWN Rate Bylaw (Schedule A).

In the case of non-payment of the aforementioned fines, the offending resident may forfeit their right to be supplied with water until such time that the fine is settled.

Section X CONTINUING OFFENCES

In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

Section XI ENFORCEMENT

In addition to fines and penalties, which may be issued under this By-law, the TOWN may seek an Order of Court granting an injunction or any other order necessary to enforce compliance. The TOWN will seek full recovery of such legal costs either through the court system or by placing the cost of such action on the person(s) or corporation's tax or utilities bill.

Section XII RESCIND

Bylaw # 4028/2002 as amended is hereby rescinded.

Section XIII ENACTMENT

This By-law will come into full force and effect upon Third and Final Reading thereof.

READ THE FIRST TIME THIS ___ DAY OF _____ A.D. 2008

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF CORPORATE SERVICES

READ A SECOND TIME THIS ___ DAY OF _____ A.D. 2008

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF CORPORATE SERVICES

READ A THIRD AND FINAL TIME, AS AMENDED THIS ___ DAY OF ____ A.D. 2008

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
DIRECTOR OF CORPORATE SERVICES