

THE CORPORATION OF THE TOWNSHIP OF HAMILTON

BY-LAW NO. 2004-28

**BEING A BY-LAW TO REGULATE WATER USAGE FOR
THE INHABITANTS WITHIN THE TOWNSHIP OF HAMILTON**

WHEREAS The Corporation of the Township of Hamilton is empowered, pursuant to The Public Utilities Act, to establish prices and rates for the use of water supplied from Creighton Heights Water Supply System and Camborne Water Supply System, and

WHEREAS in order to secure to the inhabitants of the Township continued and abundant supply of pure and wholesome water the Corporation of the Township of Hamilton desires to limit the consumption of water supplied from Creighton Heights Water Supply System and Camborne Water Supply System during the months of June, July and August; and

WHEREAS The Corporation of the Township of Hamilton may at other times, deem it necessary to impose other restrictions upon the consumption of water supplied from Creighton Heights Water Supply System and Camborne Water Supply System;

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of the Township of Hamilton ENACTS as follows:

THAT the distribution and use of water in the Township of Hamilton shall be regulated as follows:

1. DEFINITIONS

- 1.1 For the purpose of this By-Law, the following terms shall have the meanings set out below:
- a) "Township of Hamilton" means The Corporation of the Township of Hamilton.
 - b) "Commissioner" means the Commissioner of Public Works, or his or her designate.
 - c) "Municipal Water Supply" means the water supply and distribution system owned and operated by The Corporation of the Township of Hamilton, including the infrastructure necessary to collect, treat, and distribute the water, and the words "Township water" and "water" have a corresponding meaning.
 - d) "Water Storage Capacity" - means the percent of volume of treated water held in storage in Municipal reservoirs, as determined by the Commissioner.
 - e) "Building" means a structure supplied with water by the Township of Hamilton.
 - f) "Owner" - means any person having control over the portion of the premises under consideration, and without limiting the foregoing, includes the registered owner of the premises, the owner of premises of the last revised assessment role held by the Township of Hamilton and the person to whom water charges for the premises are billed by the Township of Hamilton.
 - g) "Lawn" - means any grassed area.
 - h) "Treated Lawn" - means that portion of a lawn or boulevard which has been treated with pesticide, herbicide or fertilizer.
 - i) "New Lawn" - means a lawn, boulevard, or portion thereof, up to and including thirty days after the installation of new sod or seed, on which more than fifty percent (50%) of the area consists of new growth.

2. GENERAL PROVISIONS

- 2.1 Every person who is a property owner or an occupant who receives water from the Township of Hamilton shall comply with all provisions of this By-Law.

3. GENERAL PROHIBITIONS

- 3.1 No person shall use Township water contrary to the provisions of this By-law.
- 3.2 No person shall waste water outside a building. The following activities are considered wasting of water and include but are not limited to the following:
- a) Use of water for the purpose of irrigation during a rainstorm.
 - b) Allow puddling or run off of Irrigation water.
 - c) Allow irrigation water to be sprayed onto a paved surface such as sidewalks, driveways, roadways, curbs or gutters.
 - d) Washing of vehicles with a hose not equipped with a shut off valve at the discharge end of the hose.

4. WATERING RESTRICTIONS

4.1 Time Restrictions

- a) Lawn and garden watering restrictions shall be applicable in the months of June, July and August.
- b) No person shall water any lawn, garden, tree, shrub or other outdoor plant except between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 9:00 p.m. Alternatively, watering from 3:00 a.m. to 7:00 a.m. is permitted, however residents who choose to water between 3:00 a.m. and 7:00 a.m. are not permitted to water between 7:00 a.m. and 9:00 a.m. or 7:00 p.m. and 9:00 p.m.
- c) Properties with Municipal addresses having odd numbers may sprinkle or water within the designated times only on odd-numbered calendar days.
- d) Properties with Municipal addresses having even numbers may sprinkle or water within the designated times only on even-numbered calendar days.

4.2 Watering Ban

- a) The lawn and garden watering ban shall be applicable at any time in a year when the water levels in the finished water storage reservoirs drops below 40 percent (40%) and the water cannot be replenished. A lawn and garden-watering ban may be issued at the discretion of the Commissioner.

4.3 In the event that a watering ban is declared, the following activities using water from the Municipal water supply are considered to be banned and include but are not limited to the following:

- a) watering of any new or established lawn, treated or untreated lawn, Municipal parks or traffic islands at any time using any means whatsoever,
- b) watering of vegetable, fruit or flower gardens, plant, tree or shrub located outside a building,
- c) use any water for recreational purposes such as spray pads, swimming pools, garden ponds or decorative fountains,

- d) use of water for washing of any vehicle on any property that is within a "Residential" Zone of the Township of Hamilton Zoning By-law; and
 - e) washing down of outside areas such as boulevards, driveways, parking lots, sidewalks or patios using water, unless failure to do so would lead to damage or unsafe conditions.
- 4.4 The Commissioner, in consultation with the Chief Administrative Officer, is hereby authorized, at any time, to make further regulations to restrict the external use of water and this authority includes the power to ban completely the external use of water.

5. SPECIAL PERMITS

- 5.1 A Special Permit, referred to as "Permit", may be issued by the Commissioner allowing watering at other times, if reasonable justification is provided.
- 5.2 A Permit shall not be issued to increase the number of days or hours set out in this By-law.
- 5.3 To obtain the Permit, the owner or tenant of a property must submit a request to the Township Municipal Office.
- 5.4 Unless specified, the Permit will be valid only in the year it is issued.
- 5.5 Any Permit issued is not transferable to any new owner or occupant of the same premises or different premises.
- 5.6 In any event of non-compliance with any condition of the Permit, the Commissioner may revoke the Permit issued under this By-law.
- 5.7 Any condition in the Permit may be revised by the Township if deemed necessary.

6.0 EXEMPTIONS

- 6.1 Use of Township water for irrigation purposes at commercial establishments such as nurseries, sod farms, and lawn/garden facilities are exempt from the requirements of this By-law.
- 6.2 Newly laid lawns and planted gardens that are less than one month old, and lawns being treated with any pesticide, herbicide spray or fertilizer which requires water while being treated and during the next following twenty-four (24) hours after the application are exempt from the watering restrictions but not from the watering ban.
- 6.3 Use of hand-held watering vessels are exempt from the requirements of this By-law.
- 6.4 Watering of planter pots, patio planters, hanging planters and similar equipment or devices, are exempt from the requirements of this By-law.

7. REGISTRATION OF PRIVATE WELLS


- 7.1 All customers who receive Township water and who have a private well system connected to the irrigation system must call the Township Municipal Office and register as a well water user.

8.0 ENFORCEMENT

- 8.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction thereof, shall be liable to pay a penalty recoverable under the provisions of the Provincial Offences Act.
- 8.2 Upon contravention of this By-law, a documented verbal warning will be given to the owner or the occupant of the property.
- 8.3 Upon a second contravention of this By-law, a written warning will be given to the owner or the occupant of the property.
- 8.4 Upon any further contraventions of this By-law, a penalty in the amount of \$50.00 will be imposed (upon the water account of the property in contravention), once for each day in breach of the provisions of this By-law.

THAT this By-law shall come into force and take effect at 12.01 a.m. on June 2, 2004.

This By-Law given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 01st day of June, 2004.


MAYOR


CLERK

