

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2002-105

Consolidated on June 7, 2006.

Passed by Council on July 23, 2002.

Amendments:

- |                    |               |                                       |
|--------------------|---------------|---------------------------------------|
| 1) By-law 2003-92  | June 10, 2003 | Article 2.07 (c) and Article 2.03 (d) |
| 2) By-law 2003-107 | July 15, 2003 | Article 2.14                          |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

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THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2002 - 105

<p>A BY-LAW TO PROVIDE DELEGATION TO THE DIRECTOR OF ENGINEERING AND PUBLIC WORKS FOR THE REGULATION OF WATER USE IN KAWARTHA LAKES</p>
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**Recitals**

1. In dry spells, the City may experience water shortages in some areas of Kawartha Lakes, especially where groundwater supplies are under stress.
2. In some other areas of Kawartha Lakes, pumping capability problems in the water treatment systems may occur.
3. Water restrictions are necessary from time to time, but are often weather-dependent, and may be required on a relatively short notice. It is prudent to delegate Council's authority to restrict water use to the Director in order to permit appropriate controls to be implemented on a timely basis.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2002-105.**

Article 1.00: Definitions and Interpretation
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- 1.01 **Definitions**: Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
- (a) **"By-law"** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
  - (b) **"City"** means The Corporation of the City of Kawartha Lakes.
  - (c) **"Clerk"** means the person within the administration of the City which fulfils the function of the City Clerk as required by the *Municipal Act*.
  - (d) **"Council"** means the elected municipal council for the City.
  - (e) **"Director"** means the Director of Engineering and Public Works of the City.
  - (f) **"Municipal Address"** means, in urban and semi-urban areas of Kawartha Lakes, the street number to which mail is delivered to a property. In rural areas of Kawartha Lakes, the Municipal Address is the number assigned to the property for the purposes of emergency response.
  - (g) **"Municipal Property"** means any property owned or occupied by the City.
  - (h) **"Phase One Controls"** means the controls outlined in Section 2.03 of this By-law.
  - (i) **"Phase Two Controls"** means the controls outlined in Section 2.07 of this By-law.

1.02 **Interpretation Rules**:

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

- (b) References to items in the plural include the singular, as applicable.
  - (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.
- 1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

Article 2.00: Two Phases of Water Control & Delegation to Director
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- 2.01 **Phase One:** Signs that water supply problems are evident include:
- (a) well water levels are starting to drop below seasonal levels;
  - (b) pump running times are longer than normal;
  - (c) dry weather is predicted; and
  - (d) water demand is higher than normal.
- 2.02 **Delegation for Phase One:** Where the Director observes one or more of the signs set out in Section 2.01, he or she may prescribe Phase One Controls.
- 2.03 **Phase One Controls:** Where the Director has declared that Phase One controls should be implemented, this Section applies.
- (a) It is an offence for a person who owns or occupies property with an odd-numbered Municipal Address to water, or to cause, permit or allow to be watered, the lawns, flower beds, gardens, trees or shrubs at that property on a day which is identified on the calendar with an even number.
  - (b) It is an offence for a person who owns or occupies property with an even-numbered Municipal Address to water, or to cause, permit or allow to be watered, the lawns, flower beds, gardens, trees or shrubs at that property on a day which is identified on the calendar with an odd number.
  - (c) It is an offence for any person to water the lawns, flower beds, gardens, trees or shrubs of any property at any time of day other than between:
    - (i) six (6:00 a.m.) o'clock in the morning and nine (9:00 a.m.) o'clock in the morning, or
    - (ii) seven (7:00 p.m.) o'clock in the evening and ten (10:00 p.m.) o'clock in the evening.
  - (d) It is an offence for a person to fill or to top-up any privately owned swimming pool. (2003-92, effective June 10/03)
- 2.04 **Phase Two:** Signs that water supply problems occur include:
- (a) well water levels are consistently lowering;
  - (b) pumps are running for excessive periods;
  - (c) dry weather continues to be predicted; and
  - (d) water demand continues to be well above normal.
- 2.05 **Delegation for Phase Two:** Where the Director observes one or more of the signs set out in Section 2.04, he or she may prescribe Phase Two Controls.
- 2.06 **Exemptions from Phase One Controls:** The following are exempt from compliance with Phase One Controls:
- (a) Municipal Property (which is governed by Article 3.00 of this By-law);
  - (b) The watering of flower beds, gardens, trees or shrubs on any property by hand; and
  - (c) Commercial facilities that rely on water for their operations (including, for example: car washes, tree and plant nurseries, etc.).
- 2.07 **Phase Two Controls:** Where the Director has declared that Phase Two controls should be implemented, this Section applies.
- (a) It is an offence for a person to water the lawns, flowerbeds, gardens, trees or shrubs of any property.
  - (b) It is an offence for a person to wash a vehicle.
  - (c) (2003-92, effective June 10, 2003)

- 2.08 **Exemptions from Phase Two Controls:** The following are exempt from compliance with Phase Two Controls:
- (a) Municipal Property (which is governed by Article 3:00 of this By-law);
  - (b) The watering of flower beds, gardens, trees or shrubs on any property by hand;
  - (c) The watering of lawns, flower beds, gardens, trees or shrubs on any property by any method, provided the plants have been in situ for thirty (30) days or less;
  - (d) Commercial facilities that rely on water for their operations (including, for example: car washes, tree and plant nurseries, etc.); and
  - (e) The topping-up of large swimming pools in order to maintain pumping/filtration capability and to comply with health and safety requirements.
- 2.09 **Application of the By-law:** This By-law applies to all properties within Kawartha Lakes, that are connected to a municipal water supply.
- 2.10 **Application of the Controls:** The Director may declare controls under either Section 2.02 or 2.05 to all of Kawartha Lakes, or to any portion of Kawartha Lakes, as the circumstances warrant. The notification prescribed by Section 2.12 shall indicate the geographic area in which the controls apply.
- 2.11 **Lifting of the Controls:** Where the Director has declared controls under either Section 2.02 or 2.05, he or she shall monitor the situation, using the criteria set out in Section 2.01 or 2.04, as applicable. As soon as the criteria listed in Section 2.04 discontinue, the Director shall either declare that the Phase Two Controls are lifted completely, or that they are down graded to Phase One Controls, as circumstances warrant. As soon as the criteria listed in Section 2.01 discontinue, the Director shall declare that the Phase Two Controls are lifted.
- 2.12 **Publication of the Controls:** Where the Director has declared, lifted, or downgraded controls in accordance with this By-law, he or she shall cause notification to be made to the affected property owners as follows:
- (a) where the number of occupied properties affected is 50 or less, by notice directly to the occupants of the occupied properties by mail or hand delivery, and by notice to the owners of vacant properties by mail and by posting of notice in the local municipal service centre;
  - (b) where the number of occupied properties affected is more than 50, by advertisement in the local media, and by posting of notice in the local municipal service centre;
  - (c) where the geographic area is the entirety of Kawartha Lakes, by advertisement in all local newspapers and other media, and by posting of notice in all local municipal service centers; and
  - (d) in all cases, by publication on the City's website at [www.city.kawarthalakes.on.ca](http://www.city.kawarthalakes.on.ca).
- 2.13 **Minimum:** Notification requirements in Section 2.12 are minimums. The Director may choose to expand notification in any case at his or her discretion.
- 2.14 Notwithstanding the Phase One and Phase Two controls, any water user located on an un-metered municipal water supply system is prohibited from using municipal water to fill a swimming pool at any time.

(2003-107, effective July 15/03)

Article 3.00: Municipal Property
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- 3.01 **Flower Beds & Shrubs:** Where either Phase One or Phase Two Controls have been implemented, the flower beds and shrubs on Municipal Property must be watered (by any method) at reduced levels, as agreed to between the Director and the Director of Client & Community Services.
- 3.02 **Sports Fields:** Where either Phase One or Phase Two Controls have been implemented, sports fields on Municipal Property may be watered, on a case-by-case basis, as directed by the Director.

Article 4.00: Enforcement
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- 4.01 **Enforcement:** This By-law may be enforced by municipal law enforcement officers, any Police Service with jurisdiction, or other persons appointed by Council for the purpose.
- 4.02 **Penalties:** Every person who commits an offence pursuant to this By-law is liable, upon conviction, to the penalties prescribed in the *Provincial Offences Act*.
- 4.03 **Multiple Offences:** The conviction of an offender for the breach of any provision of this By-law shall not operate as a bar to a prosecution against the same offender upon any subsequent or continued breach of any provision of this By-law.

Article 5.00: Repeals & Effective Date
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- 5.01 **Repeals:** The following by-laws are repealed:

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| (a) By-law No. 12-84 of | The Corporation of the Township of Fenelon      |
| (b) By-law 92-18 of     | The Corporation of the Village of Fenelon Falls |
| (c) By-law 95-12 of     | The Corporation of the Township of Manvers      |
| (d) By-law 1999-2 of    | The Corporation of the Village of Omemee        |

- 5.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 23<sup>rd</sup> day of July, 2002.

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Mayor

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Clerk