

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO GOVERN WATER USE AND WATER CONSERVATION MEASURES DURING EVENTS OF WATER SHORTAGE

WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, a municipal council has authority to govern and the authority to pass bylaws respecting the municipality, including services provided by or on behalf of the municipality;

AND WHEREAS the Council of the Town of Diamond Valley deems it advisable and necessary to make provisions for the conservation and restriction of the use of water and for the protection of the supply of water;

THEREFORE, BE IT RESOLVED THAT the Council of the Town of Diamond Valley, duly assembled in Council Chambers in Diamond Valley, Alberta, enacts as follows:

1.0 TITLE

1.1. This bylaw may be cited as the "Water Use and Conservation Bylaw".

2.0 INTERPRETATION AND DEFINITIONS

2.1. In this bylaw and any schedules to this bylaw, the following terms, phrases, words and their derivations shall have the following meanings:

- 2.1.a) **CAO** means the Chief Administrative Officer of the Town of Diamond Valley.
- 2.1.b) **Council** means the duly elected Council of the Town of Diamond Valley.
- 2.1.c) **Diamond Valley Officer** means any individual(s) designated and appointed from time to time by the Town of Diamond Valley for administration and enforcement of this bylaw and shall include a Person designated as a Bylaw Enforcement Officer, a Peace Officer appointed by the Province of Alberta, and any member of the Royal Canadian Mounted Police.
- 2.1.d) **Non-Essential Water Use** means the use of water that does not have any health or safety impacts, is not required by regulation or is not required by the Town for municipal purposes, and includes but is not limited to:
 - i) washing or pressure washing streets, sidewalks, parking lots and other paved areas, or building exteriors, unless necessary for maintaining public sanitation or public safety;
 - ii) filling of recreational or decorative fountains, swimming pools, hot tubs or recreational facilities (skating, curling, pools, etc.);
 - iii) water for construction purposes, such as grading and compacting;
 - iv) any other uses deemed non-essential by the Chief Administrative Officer on an event-specific basis, given the severity and specific circumstances of the specific event.
- 2.1.e) **Outdoor Water Use** means the use of water outside of the building by customers, occupants and/or owners for the purposes of:
 - i) filling of outdoor pools, hot tubs or similar uses;
 - ii) washing of vehicles, driveways, sidewalks or garage floors (the Town of Diamond Valley recommends the use of phosphate-free detergents);
 - iii) filling of any fountains, ponds, or other decorative features;

- iv) recreational use of sprinklers, water toys and wading pools;
- v) washing of exterior windows, siding or stucco on buildings; and
- vi) conducting any other outdoor water activity similar in nature to the foregoing.

2.1.f) **Person** means any individual, corporation, society, association, partnership or firm.

2.1.g) **Town** means the municipality of the Town of Diamond Valley in the Province of Alberta, or where the context so requires, its municipal boundaries.

2.1.h) **Vehicle** means 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 (ATVs) and motorcycles.

2.1.i) **Violation Ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, Chapter P-34, and amendments made thereto, and any Regulations made thereunder.

2.1.j) **Water Restriction** means the applicable restriction on water use imposed by the CAO, as described in Schedule "A".

2.2. The headings in this bylaw do not form part of this bylaw and shall not affect its interpretation.

2.3. Any references in this bylaw to any Statutes are to the *Province of Alberta Statutes* as amended or replaced from time to time and any amendments thereto.

2.4. Within the text of this Bylaw:

- 2.4.a) use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
- 2.4.b) use of the singular shall include the plural and the plural shall include the singular as the context requires.

2.5. The word 'may' when used in this bylaw shall be construed as permissive and empowering, and the word 'shall' when used in this bylaw shall be construed as imperative.

3.0 Water Conservation and Restriction Strategies

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

- 3.1.a) consultation with the Sheep River Regional Utility Corporation, as the supplier of water services, or
- 3.1.b) consultation with the senior management team, the Director of Emergency Management, or the Fire Chief.

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 of time, or
- 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.

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

- 3.2.a) The CAO may impose a Mandatory Water Conservation (Level 2) or Emergency Water Restriction (Level 3) as set out in Schedule "A".
- 3.2.b) 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.

3.3. The Town shall provide notice of the state of water shortage and the Water Restriction imposed through whatever media sources the CAO or designate determines sufficient and may include but not be limited to, signage, website, social media and bulk mail notification, and/or local radio/television/newspapers.

3.4. When the CAO has imposed a Mandatory Water Conservation (Level 2) or Emergency Water Restriction (Level 3), no Person shall use Town-supplied water contrary to the restriction as set out in Schedule "A". This shall apply equally to all regional customers outside the Town limits, unless alternative arrangements are made between the regional customer and the Town.

3.5. 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.

3.6. Regardless of any Water Restriction in effect, water conservation measures will be promoted by encouraging the following conservation activities including, but not limited to:

- Flushing toilets only as required for solids.
- Not running partial loads in washing or dishwashing machines.
- Curtailment of all non-essential maintenance operations that require large volumes of water for recreational swimming pools, or other high-water use recreational facilities.
- Refraining from non-essential maintenance operations (those that do not impact public health and safety).

3.7. Exceptions:

3.7.a) The CAO, at their discretion, may grant exceptions to the water use restrictions. Examples may include, but are not limited to; Community Gardens, health and safety, and critical commercial activities.

3.7.b) Water that a Person can establish is not supplied by the Town is not subject to these restrictions. Examples of alternate water supplies include, but are not limited to, rain barrels filled by natural precipitation, private wells, or water purchased from sources other than Town-supplied water.

4.0 Wasting Water

4.1. All consumers or Persons are prohibited from wasting water.

4.2. No consumer or Person will allow potable water to run off the property as a result of water uses including, but not limited to, over-watering of lawns, trees/shrubs or gardens or broken irrigation.

While washing of vehicles or surfaces is permitted, unless excepted by the issuance of Emergency Water Restrictions (Level 3), the continuous or excessive use of water for these purposes would be considered wasteful. The use of a spring-loaded trigger spray nozzle is recommended to prevent such waste.

5.0 Enforcement

- 5.1. A Person who violates any section of this Bylaw is guilty of an offence and liable, upon summary conviction, to a fine as set out in section 6 of this Bylaw.
- 5.2. A Diamond Valley Officer who has reasonable grounds to believe a contravention of this Bylaw has occurred or is occurring is authorized and empowered to:
 - 5.2.a) Issue a verbal and/or written warning to the Person violating this Bylaw; and/or
 - 5.2.b) Issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedures Act* to the Person violating this Bylaw, with or without having issued any such warning.
- 5.3. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - 5.3.a) Provide that the Person who committed the offence may, within a specified period of time, pay a specified penalty as listed in section 6 of this Bylaw; or
 - 5.3.b) Require a Person to appear in court without the alternative of making a voluntary payment.

6.0 Penalties

- 6.1. A Person committing a breach of any of the provisions of this Bylaw, upon conviction of breach thereof, shall be liable to a penalty as outlined below.

	1 ST OFFENCE	2 ND OFFENCE	3 RD OFFENCE
Non-compliance with Seasonal Watering Schedule	N/A	N/A	N/A
Non-compliance with Mandatory Water Conservation Schedule (<i>Level 2, Schedule "A"</i>)	\$100.00	\$250.00	\$800.00
Non-compliance with Emergency Water Restrictions (<i>Level 3, Schedule "A"</i>)	\$250.00	\$800.00	\$1,500.00
4.2 Wasting Water	\$100.00	\$250.00	\$800.00

7.0 Enforcement - Part 13 of *Municipal Government Act*

7.1 In addition to any penalty which may be imposed under this Bylaw, the Town may seek a court order granting relief in the nature of an injunction or any other order necessary to enforce compliance (including pursuant to Part 13 of the *Municipal Government Act*).

8.0 GENERAL PROVISIONS AND COMING INTO FORCE

8.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition shall not be affected and shall remain in force and effect.

4.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.

4.3 In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment shall prevail to the extent of the conflict.

4.4 This bylaw repeals Turner Valley Bylaw No. 21-1117 in its entirety and all amendments thereto and repeals Black Diamond Bylaw 18-06 in its entirety and all amendments thereto.

4.5 This bylaw shall come into force and effect on the date of third and final reading.

READ A FIRST TIME on the 3rd day of May, 2023

READ A SECOND TIME on the 7th day of June, 2023

READ A THIRD AND FINAL TIME on the 7th day of June, 2023


Mayor
Chief Administrative Officer

SCHEDULE 'A'

Seasonal Watering (Level 1)

All Outdoor Water Use is permitted. The recommended schedule for lawn watering is as follows:

Recommended hours for watering lawns, on the days noted below, are:

6:00 am to 9:00 am, or
7:00 pm to 11:00 pm, or
2:00 am to 5:00 am, for automatic irrigation systems.

Use the last number of your civic address (odd or even) to determine your watering days.

Odd numbered addresses (ending in 1,3,5,7,9) may water on:

Tuesdays, Thursdays, Sundays

Even numbered addresses (ending in 0,2,4,6,8) may water on:

Mondays, Wednesdays, Saturdays

Mandatory Water Conservation (Level 2)

All Outdoor Water Use is permitted. Watering of lawns, trees and shrubs, is restricted to the following schedule:

Watering may occur on prescribed days, only during the following hours:

6:00 am to 9:00 am, or
7:00 pm to 11:00 pm, or
2:00 am to 5:00 am, for automatic irrigation systems.

Odd numbered addresses (ending in 1,3,5,7,9) may water on:

Thursdays, Sundays

Even numbered addresses (ending in 0,2,4,6,8) may water on:

Wednesdays, Saturdays

Hand watering may be done at any time when using a watering container or a hose with a spring-loaded trigger spray nozzle to water flower beds, vegetable gardens, or for newly planted trees or shrubs until they are established.

Requests 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.

Requests for water restriction exemption permits, for newly seeded lawns or freshly planted sod, may be applied for at the Municipal Office.

Emergency Water Restrictions (Level 3)

All Outdoor Water Use, watering of lawns, trees and shrubs, and Non-essential Water Use is strictly prohibited.

Vegetable gardens may be hand-watered at any time when using a watering container or a hose with a spring-loaded trigger spray nozzle.

