

MUNICIPALITY OF LEAMINGTON

BY-LAW 426-03

Being a by-law to regulate the external use of water from the municipal water distribution system

WHEREAS The Corporation of the Municipality of Leamington owns and operates a potable water distribution system which is a public utility within the meaning of Section 1 of the Municipal Act, 2001;

AND WHEREAS Section 11 of the said Act provides that the Council may pass by-laws within specific spheres of jurisdiction including public utilities;

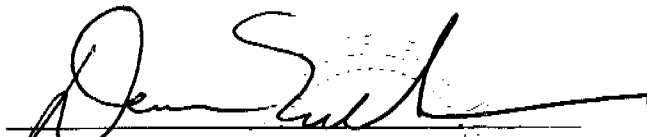
AND WHEREAS the Council deems it necessary to regulate the external use of water from its water distribution system.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON ENACTS AS FOLLOWS:


1. The purpose of this by-law is to help ensure that the municipal potable water distribution system has sufficient water to provide the essential needs of the municipal water users, including fire protection, medical health, sanitation and personal drinking uses.
2. In this by-law:
 - (a) "Clerk" means the Clerk of The Corporation of the Municipality of Leamington;
 - (b) "Council" means the Council for The Corporation of the Municipality of Leamington;
 - (c) "Mayor" means the Mayor of The Corporation of the Municipality of Leamington;
 - (d) "Water System" means the municipal potable water distribution system.
3. During the months of May, June, July, August and September of each year, no person shall take or use water from the Water System or permit water from the Water System to be taken or used for the purpose of watering or irrigating any lawn or garden except as follows:
 - (a) On even calendar dates, between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 6:00 p.m. and 11:59 p.m., at only those municipal addresses ending with the numbers 0, 2, 4, 6 or 8;
 - (b) On odd calendar dates, between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 6:00 p.m. and 11:59 p.m., at only those municipal addresses ending with the numbers 1, 3, 5, 7 or 9.
4. Notwithstanding Section 3, during the months of May, June, July, August and September, the Mayor is authorized to declare in effect any regulations which the Mayor deems advisable to limit the external use of water from the Water System and this authority includes the right to ban completely the external use of water from the Water System.

5. Notice to the public of any regulation declared pursuant to Section 4, shall be given immediately in a manner determined by, and at the sole discretion of, the Mayor.
6. Upon notice to the public being given of the regulation declared pursuant to Section 4, no person shall take or use water from the Water System or permit water from the Water System to be taken or used except in accordance with the provisions of such regulation.
7. A regulation declared pursuant to Section 4 shall remain in effect until either the Mayor declares that the regulation is no longer in effect or the Council, at a regular or special meeting, rescinds the declaration.
8. Upon application by a property owner, a permit which allows the watering of a newly seeded or newly sodded lawn may be issued by the Clerk upon the Clerk receiving satisfactory evidence that the lawn has been newly seeded or newly sodded within the same calendar year that the permit is to be issued.
9. Any lawn watering permit may be revoked or suspended by Council for any reason Council deems appropriate.
10. Any person who contravenes any provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine pursuant to the Provincial Offences Act, R.S.O. 1990 c.P.33, as amended.
11. By-Law 356-02 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED
THIS 26th DAY OF MAY, 2003.



DAVE WILKINSON
Mayor



BRIAN R. SWEET
Clerk

**THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON
BY-LAW 426-03.**

**BEING A BY-LAW TO REGULATE THE EXTERNAL USE OF WATER
FROM THE MUNICIPAL WATER DISTRIBUTION SYSTEM**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENSE	COLUMN 3 SET FINE (includes costs)
1.	Take water from Water System when prohibited	Section 3	\$100.00
2.	Permit water to be taken from Water System when prohibited	Section 3	\$100.00
3.	Take water from Water System contrary to Regulation	Section 6	\$100.00
4.	Permit water to be taken from Water System contrary to Regulation	Section 6	\$100.00

Penalty Provision for the offences indicated above is Section 10 of By-law No. 426-03 a certified copy of which has been filed.

By-Law 426-03
Lawn Watering

Contravening Procedures

Lawn/garden Watering By-Law Summary of Guidelines

Background:

- May to September inclusive – bylaw enforcement period;
- Even calendar dates ending in 0,2,4,6 or 8 may water between 5:00 a.m. to 8:00 a.m.; 6:00 p.m. to 11:59 p.m.;
- Odd calendar dates ending in 1,3,5,7 or 9 may water between 5:00 a.m. to 8:00 a.m.; 6:00 p.m. to 11:59 p.m.;

Administration:

The following questions are designed to aid the administrative staff in contravention issues – lawn/gardening by-law.

1. *Question:*

You receive a call from a resident advising that their neighbour is watering their lawn on a date, which does not reflect the by-law – how do you handle this situation?

- a) Firstly, and if possible establish an address, name and phone number of COMPLAINANT; and secondly the address of the resident in contravention of the watering by-law (in most cases the complainant will not give you their name and address – that is okay); thank complainant for their concern and advise that staff will follow-up, -- ask if they would like a response.
- b) Document time and location of complaint; resident in contravention of by-law and forward to Water Manager/Supervisor for follow-up (Note: if call is received at town hall please forward call to community services and staff will follow-up with water department).
- c) Community Services administration staff will contact water department and ask Manager/Supervisor to commence investigation.
- d) Water department representative will visit resident and speak to owner/occupant:
 - i) First time incident; resident is warned and given copy of by-law pamphlet; Water Department staff will verify resident if resident of

Union Water system, utilizing municipal system (not on well water, etc.);

- ii) Second occurrence; staff to request police authorities to issue a ticket as outlined in the by-law.
- e) Water department staff to advise Community Services Department of action taken; action to be recorded in log for future reference.

2. *Question:*

How does staff handle "after hours" situations?

- a) It should be noted that after 4:30 p.m. Water Services Department is closed and calls are forwarded to our "after hours" call centre 326-9212;
- b) The "after hours" call centre will receive complaints and will forward the complaint to the Leamington Police Department for investigation;
- c) The "after hours" call centre will document the complaint and forward a daily summary of complaints to the Community Services office for follow-up with Leamington Police Services – review action taken;
- d) Leamington Police Services when contacted by the municipal "after hours" call centre will visit the resident contravening the by-law. Resident will be given warning by the officer and advised that their name will be forwarded to the Leamington Water Department; -- if it is a second offence police may ticket them after status of violation has been confirmed.

Note: Some residents will phone directly to the police dispatch and/or Union Water System and lodge their complaint.

(a) During a normal work week period (Monday to Friday, 8:30 a.m. to 4:00 p.m.); the parties should contact the Community Services office and advise of the complaint;

(b) (i) During "after hours" Union Water System will contact Leamington Police Services and Step (d) will be followed;

(b) (ii) Leamington Dispatch will follow procedures of Step (d).

Lawn Watering Exemption to By-Law 426-03

Application Procedures:

- a) Applicant may request from either the clerk's department, municipal office at 38 Erie Street North or community services administrative office at 249 Sherk Street, an application for exemption from lawn watering (see attached). Applications may be picked up from either office between 8:30 a.m. and 4:00 p.m.; Monday to Friday. Applications may be e-mailed to the applicant.
- b) Applicants complete the said application form and return by either hand or e-mail to the Community Services administrative office. The municipal e-mail address is info@leamington.ca Should applications be returned to Town Hall, staff will forward information to the Community Services Department.
- c) Community Services administrative staff will forward application to the Water Department to investigate the request (verify that property has been recently sodded or seeded).
- d) Water Department designate – Superintendent/Supervisor, will acknowledge the application and sign the authorization section of the form if watering is permitted or advise Community Services if watering is not permitted.
- e) Community Services administration will advise the applicant; issue a “permit for exemption from Lawn Watering By-law 426-03” OR forward letter advising that said request has been denied.

For further information contact:

Community Services Department Staff
Manager of Water Services
Supervisor Water Services