

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW NO. 2011/50

BEING A BY-LAW RESPECTING THE WATERING OF LAWNS, GARDENS OR OTHER OUTSIDE USE IN THE MUNICIPALITY OF WEST NIPISSING

WHEREAS the *Public Utilities Act, R.S.O. 1990, Chapter p. 52, as amended by: 1991 Chapter 15, s. 43; 1996, Chapter 1, Schedule M, s. 33* authorizes the Municipality to acquire, establish, maintain and operate a water distribution system;

AND WHEREAS the Council of the Municipality of West Nipissing deems it desirable and expedient to revise and amend its rules and regulations for the maintenance, operation and distribution of water and water services as it relates to lawn and garden watering and to other outside use of municipal water;

NOW THEREFORE THE COUNCIL FOR THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purposes of this by-law,

- 1.1 “**Clerk**” means the person within the administration of the Corporation, which fulfils the function of Municipal Clerk as required by the *Municipal Act*, for the Municipality of West Nipissing.
- 1.2 “**Council**” means the Council of the Municipality of West Nipissing.
- 1.3 “**Municipal Law Enforcement Officer**” means a member of the West Nipissing Police Services, or any other person appointed by the Council for the Municipality of West Nipissing, for the enforcement of municipal by-laws, including this By-law;
- 1.4 “**Municipal water**” shall mean water from the Water Distribution Systems within the Municipality of West Nipissing.
- 1.5 “**Municipality**” means the Municipality of West Nipissing.
- 1.6 “**Water Distribution Systems**” shall mean the distribution systems serving the residents of the Municipality of West Nipissing comprised of the former Town of Sturgeon Falls, Town of Cache Bay, Springer Township and the Township of Caldwell.
- 1.7 “**Corporation**” means the Corporation of the Municipality of West Nipissing.
- 1.8 “**Police Service**” means the West Nipissing Police Service or any Police Service in the Province of Ontario.

2. GENERAL

2.1 LAWN AND GARDEN WATERING AND OTHER OUTSIDE USES

No person shall use water from the municipal Water Distribution Systems for lawn and garden watering, or for other outside uses for water such as, but not limited to, washing vehicles, driveways etc. in the Municipality of West Nipissing during the months of June, July, August and September except as follows:

- a) The owner or occupant of a property bearing an even street number may use municipal water for lawn and garden watering or for other outside uses, only on even-numbered days of the month.

- b) The owner or occupant of a property bearing an odd street number may use municipal water for lawn and garden watering or for other outside uses, only on odd-numbered days of the month.

3. **PENALTIES**

- a) Every person who commits an offence under this By-law is, upon conviction, liable to the fines or other penalties as provided for in the *Provincial Offences Act*.
 - i) For the first contravention, every person who commits an offence under Sections 2.1 a) and 2.1 b) of this By-law, shall receive a warning by the Clerk or by such other person as designated by the Clerk to perform such duty.
 - ii) For the second contravention, every person who commits an offence under Sections 2.1 a) and 2.1 b) of this By-law, shall upon conviction, be liable to a fine of Three Hundred Dollars (\$300.00).
 - iii) Each day that the contravention of any of the provisions of this by-law shall continue, shall constitute a separate offence.
- b) i) For a third and any subsequent contravention, a person charged shall be summoned pursuant to Part III of the Provincial Offences Act and upon conviction, shall be subject to a fine of a maximum of \$2000.00.

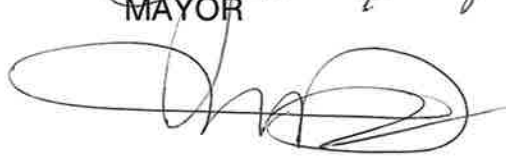
4. **ENFORCEMENT**

The provisions of this by-law shall be enforced by any Municipal Law Enforcement Officer for the Municipality of West Nipissing.

5. **REPEALS**

By-law 2002/55 is hereby repealed.

ENACTED AND PASSED THIS 12th DAY OF JULY, 2011 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.


MAYOR
CLERK

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

PART I - PROVINCIAL OFFENCES ACT

By-law 2011/50 Watering of lawns, gardens and other outside uses

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
	SHORT FORM WORDING	OFFENCE CREATING PROVISION	SET FINE
1	Watering lawn on day contrary to by-law	Sec. 2.1 a)	\$ 300.00
2	Watering garden on day contrary to by-law	Sec. 2.1 a)	\$ 300.00
3	Washing vehicles on day contrary to by-law	Sec. 2.1 a)	\$ 300.00
4	Washing driveway on day contrary to by-law	Sec. 2.1 a)	\$ 300.00
5	Outside use of water on day contrary to by-law	Sec. 2.1 a)	\$ 300.00

Note: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.