

**BYLAW 18-06
TOWN OF BLACK DIAMOND**

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

WHEREAS the Municipal Council for the Town of Black Diamond 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;

AND WHEREAS the Town of Black Diamond as outlined in the Municipal Government Act, R.S.A. 2000, Chapter M-26, and amendments made thereto, is authorized to pass bylaws for municipal purposes respecting services provided by or on behalf of the municipality, as well as to enforce those bylaws;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF BLACK DIAMOND, DULY ASSEMBLED, ENACTS AS FOLLOWS:

Section 1 – Short Title

- 1.0 This bylaw may be cited as the Town of Black Diamond Water Use and Conservation Bylaw.

Section 2 - Definitions

- 2.0 **“CAO”** means the Chief Administrative Officer of the Town of Black Diamond.
- 2.1 **“Black Diamond Officer”** means any individual(s) designated and appointed from time to time by the Town of Black Diamond 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.
- 2.2 **“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:
- Washing of Vehicles.
 - Washing/pressure washing of streets, sidewalks, parking lots and other paved areas or building exteriors, unless necessary for maintaining public sanitation/safety.
 - Irrigation of lawns, trees, athletic fields and ornamental plants (including through timed or programmed sprinkler systems).
 - Filling of recreational or decorative fountains, swimming pools, hot tubs, or public recreational facilities (skating, curling, pools, etc.).
 - Water for construction purposes, such as grading and compacting.
 - 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.

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- 2.3 **“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;
 - iii) filling of any fountains, ponds, or other decorative features;
 - iv) washing of exterior windows, siding or stucco on buildings;
 - v) conducting any other outdoor water activity similar in nature to the foregoing.
- 2.4 **“Person”** means any individual, corporation, society, association, partnership or firm.
- 2.5 **“Town”** means the Town of Black Diamond.
- 2.6 **“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.
- 2.7 **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and amendments made thereto, and any Regulations made there under.
- 2.8 **“Water Restriction”** means the applicable restriction on water use imposed by the CAO (Level II or Level III,) as described in Schedule “A”.

Section 3 – Water Conservation and Restriction Strategies:

- 3.0 The determination as to when to declare a water shortage shall be solely at the discretion of the CAO upon:
- Consultation with the Sheep River Regional Utility Corporation, as the supplier of water services, or
 - consultation with the Town of Turner Valley CAO; or
 - consultation with the Director of Emergency Management, and/or the Fire Chief or their designates, or
 - consultation with the Town of Black Diamond Public Works Manager or their designate.

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,
- The flow rate needed to adequately replenish the raw water reservoir in a timely manner, or

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- Any other flow associated with a critical water system issue that necessitates Water Restrictions.
- 3.1 When the CAO has declared a state of water shortage:
- 3.1.1 The CAO may impose a Level II or III Water Restriction as set out in Schedule “A”.
- 3.1.2 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.
- 3.2 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 Level II or Level III Water Restriction, 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:
- 3.7.1 The CAO, at his/her discretion, may grant exception to the water use restrictions. Examples may include but not limited to Community Gardens, health and safety, critical commercial activities.
- 3.7.2 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.

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Section 4 – Wasting Water

- 4.0 All consumers or Persons are prohibited from wasting water.
- 4.1 No consumer will allow potable water to run off the property as a result of water uses including but not limited to lawn or over watering, broken irrigation, or infrastructure washing of surfaces, such that there is:
 - 4.1.1 A stream running into a street or swale for an excessive distance from the edge of the parcel;
 - 4.1.2 a stream of water running into a street or swale and directly into a catch basin; or
 - 4.1.3 a stream or spray of water running into or discharge into a street or sidewalk.

Section 5 – Enforcement

- 5.0 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.
- 5.1 A Black Diamond Officer who has reasonable grounds to believe a contravention of this Bylaw has occurred or is occurring is authorized and empowered to:
 - 5.1.1 Issue a verbal and/or written warning to the Person violating this Bylaw; and/or
 - 5.1.2 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.
- 5.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - 5.2.1 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
 - 5.2.2 Require a Person to appear in court without the alternative of making a voluntary payment.

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Section 6 -Penalties

6.0 A Person committing a breach of any of the provisions of this Bylaw, upon conviction of breach thereof, may forfeit the right to be supplied with water, and shall be liable to penalty as outlined below.

LEVEL	1ST OFFENCE	2ND OFFENCE	3RD OFFENCE
I	N/A	N/A	N/A
II	\$100.00	\$250.00	\$800.00
III	\$250.00	\$800.00	\$1,500.00
Wasting Water	\$100.00	\$250.00	\$800.00

Section 7 - Enforcement Part 13 of Municipal Government Act

7.0 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).

Bylaw 14-14 is hereby rescinded.

This Bylaw shall take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 18th day of July A.D. 2018.

READ A SECOND TIME this 18th day of July A.D. 2018.

READ A THIRD AND FINAL TIME this 1st day of August A.D. 2018.

Original Signed
MAYOR

Original Signed
LEGISLATIVE SERVICES MANAGER

August 1, 2018
Date signed

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Schedule A

Level I

All Outdoor Water Use is permitted as follows:

Odd numbered addresses may water lawns: (Addresses ending in 1,3,5,7,9)
Tuesdays, Thursdays, Sundays

Even numbered addresses may water lawns: (Addresses ending in 0,2,4,6,8)
Mondays, Wednesdays, Saturdays

Watering of lawns, gardens, trees and shrubs may occur only during the following hours:

6:00 AM - 9:00 AM or
7:00 PM - 10:00 PM

Level II

Mandatory Water Restrictions

All Outdoor Water Use including watering lawns, non-commercial washing of Vehicles, sidewalks, pads, exteriors of building, filling of hot tubs/Jacuzzis, recreational use of sprinklers and like water toys, is restricted to the following schedule:

Odd numbered addresses may water lawns: Thursdays, Sundays

Even numbered addresses may water lawns: Wednesdays, Saturdays

Watering may occur only during the following hours:

6:00 AM - 9:00 AM or
7:00 PM - 10:00 PM

Flowerbeds and vegetable gardens may be watered by hand, during prescribed times, using a watering can or a hose with a nozzle trigger shut off to restrict water flow.

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 conservation exemption permit for newly seeded lawns or freshly planted sod may be applied for at the Municipal Office.

Level III

Emergency Water Restrictions

All Outdoor Water Use and Non-Essential Water Use is strictly prohibited.