

TOWN OF ALTONA
BY-LAW 1795/2021

Being a by-law of the Town of Altona for the purpose of placing outdoor water use restrictions within the Town of Altona, to be known as the "Water Conservation By-law".

WHEREAS Section 232(1) of The Municipal Act, C.C.S.M., Cap. M225 (the "Act") states in part that:

232(1) "A Council may pass by-laws for municipal purposes respecting the following matters:

(a) the safety, health, protection and well-being of people, and the safety and protection of property...

(o) the enforcement of by-laws."

AND WHEREAS it is deemed expedient and in the best interests of the Town of Altona to provide restrictions to ensure the safety and reliability of the Altona Water Utility for all residents and businesses within the Town of Altona.

NOW THEREFORE the Town of Altona, in Council duly assembled, enacts as follows:

1. **THAT** in the event that the Public Works Manager believes there is a reason to restrict water usage, the Public Works Manager may declare an Outdoor Water Use Restriction.
2. The declaration of an Outdoor Water Use Restriction by the Public Works Manager may apply to:
 - (a) the entire Town;
 - (b) specific zone(s) or geographic area(s) of the Town; or

TOWN OF ALTONA
BY-LAW 1795/2021

(c) other specific locations as defined by the Public Works Manager.

3. In the event there is reason to declare an Outdoor Water Use Restriction, the Public Works Manager may declare such restriction effective immediately.

4. In the event of a declaration of an Outdoor Water Use Restriction made pursuant to this Section, the Public Works Manager:

(a) shall determine that the Outdoor Water Use Restriction is a Stage One, Stage Two, Stage Three or Stage Four Outdoor Water Use Restriction, and the permitted activities shall be those reference in Schedule "A" to this by-law;

(b) shall cause public notice indicating the stage of Outdoor Water Use Restriction and the date such restrictions came or will come into effect to be given in any one or more of the following manners:

- i. Town of Altona media release;
- ii. notice on the Town of Altona website, social media channels and through its resident notification system;
- iii. circulation of flyers; or
- iv. signage.

(c) may declare different stages of Outdoor Water Use Restrictions in different areas;

(d) shall, if changing the areas of application or stages of restrictions in any area or lifting a declaration of Outdoor Water Use Restrictions, cause a public notice to be given in the manner described in subsection (b); and

(e) shall, after determining that the reason or reasons to require

TOWN OF ALTONA
BY-LAW 1795/2021

restricted water usage has sufficiently abated, declare an end to an Outdoor Water Use Restriction and shall cause public notice of such declaration to be given in the manner described in subsection (b).

5. When an Outdoor Water Use Restriction is in effect, no Owner or Occupier of a parcel or premises shall allow the use of water supplied through the Town Water System for any activity or application prohibited in the following stage of restrictions in Schedule "A" to this by-law:
 - (a) Stage 1;
 - (b) Stage 2;
 - (c) Stage 3; or
 - (d) Stage 4.

6. Without limiting the generality of this by-law, the activities permitted in Schedule "A" shall apply to outdoor use of water supplied through the Town Water System may be updated through resolution of Council as needed.

Enforcement

7. This by-Law may be enforced pursuant to the Administrative Penalty Scheme By-law 1760/2018 and in accordance with the Municipal By-law Enforcement Act.

8. Where a member of the Altona Police Service believes that a Person has contravened any provision of this by-law, the Police Officer may issue a penalty notice against the person.

9. Where there is a specified administrative penalty listed for an offence in Schedule "B" to this by-law, that amount is the specified penalty for the offence.

10. The penalty notice may be delivered in one of the following

TOWN OF ALTONA
BY-LAW 1795/2021


manners:

- (a) where the Owner or Occupier of the parcel or premises is an individual, by leaving a copy with the individual, in which case service is effective immediately;
 - (b) where the Owner or Occupier of the Parcel or Premises is a corporation, by leaving a copy with an officer, director or agent of the corporation, or with a person at any place of business of the corporation who appears to be in control or management of the place of business, in which case service is effective immediately;
 - (c) by regular mail to the last known address of the parcel or premises provided to the Town of Altona Public Water System, in which case service is effective seven (7) calendar days after the letter was sent.
11. The levying and payment of any administrative penalty as provided in this by-law shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw.
12. Notwithstanding the provisions of this section, any Person who contravenes any provision of this by-law may forfeit the right to be supplied with water from the Town Water System.


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**TOWN OF ALTONA
BY-LAW 1795/2021**

DONE AND PASSED in Council at The Town of Altona in the Province of Manitoba this 13th day of July, A.D. 2021.



Mayor



Chief Administrative Officer

Read a first time this 22nd day of June, A.D. 2021.

Read a second time this 13th day of July, A.D. 2021.

Read a third time this 13th day of July, A.D. 2021.

**TOWN OF ALTONA
BY-LAW 1795/2021**

**Schedule "A"
OUTDOOR WATER USE RESTRICTIONS
(FOR POTABLE WATER SUPPLIED THROUGH THE TOWN WATER SYSTEM)**

Activity	Stage 1	Stage 2	Stage 3	Stage 4
Washing sidewalks, walkways, driveways, exterior building surfaces or other outdoor surfaces	Permitted	Voluntary reduction	Not permitted, except for child care facilities, food and beverage establishments, animal care facilities where required by health and safety regulations	Not permitted, except for child care facilities, food and beverage establishments, animal care facilities where required by health and safety regulations
Manual exterior window washing	Permitted	Permitted	Not permitted, except for licensed cleaning services	Not permitted, except for licensed cleaning services
Watering of lawns	Even property number on even-numbered days and odd property number on odd-numbered days	Even property number on Saturdays and odd property number on Sundays	Not permitted	Not permitted
Watering of new grass plantings with reasonable evidence of recent installation (sod within 21 days, seed within 45 days)	Permitted	Even property number on even-numbered days and odd property number on odd-numbered days	Even property number on Saturdays and odd property number on Sundays	Not permitted

**TOWN OF ALTONA
BY-LAW 1795/2021**

**Schedule "A" (continued)
OUTDOOR WATER USE RESTRICTIONS
(FOR POTABLE WATER SUPPLIED THROUGH THE TOWN WATER SYSTEM)**

Activity	Stage 1	Stage 2	Stage 3	Stage 4
Watering of gardens	Permitted	Permitted	Even property number on even-numbered days and odd property number on odd-numbered days	Even property number on Saturdays and odd property number on Sundays
Watering of flowers, trees and shrubs	Permitted	Even property number on even-numbered days and odd property number on odd-numbered days	Even property number on Saturdays and odd property number on Sundays	Not permitted
Pesticide or fertilizer application	Permitted	Voluntary reduction	Not permitted, except when authorized by Public Works Manager	Not permitted, except when authorized by Public Works Manager
Washing of vehicles	Permitted	Voluntary reduction	Not permitted at private residence, commercial car washes only	Not permitted, except for vehicles subject to health and safety regulations
Filling of fountains and other decorative features	Permitted	Voluntary reduction	Not permitted	Not permitted

**TOWN OF ALTONA
BY-LAW 1795/2021**

**Schedule "A" (continued)
OUTDOOR WATER USE RESTRICTIONS
(FOR POTABLE WATER SUPPLIED THROUGH THE TOWN WATER SYSTEM)**

Activity	Stage 1	Stage 2	Stage 3	Stage 4
Filling of hot tubs, swimming and wading pools	Permitted	Voluntary reduction	Not permitted	Not permitted
Water use for construction purposes, including grading, compaction and dust control	Permitted	Voluntary reduction	Voluntary reduction	Not permitted, except when authorized by Public Works Manager
Outdoor ice making	Permitted	Voluntary reduction	Not permitted, except when authorized by Public Works Manager	Not permitted, except when authorized by Public Works Manager
Hydrant and sewer main flushing	Permitted	Voluntary reduction	Not permitted, except when authorized by Public Works Manager	Not permitted, except when authorized by Public Works Manager
Street cleaning	Permitted	Voluntary reduction	Not permitted, except when authorized by Public Works Manager	Not permitted, except when authorized by Public Works Manager

**TOWN OF ALTONA
BY-LAW 1795/2021**

Schedule "B"

PENALTIES FOR WATER USE RESTRICTION RELATED OFFENCES

Provision of By-Law No. 1795/2021	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
Section 5	Using the water supplied through the Town Water System for a prohibited activity or application, 1st offense within 12 months	\$100.00	\$50.00
Section 5	Using the water supplied through the Town Water System for a prohibited activity or application, 2nd offense within 12 months	\$250.00	\$125.00
Section 5	Using the water supplied through the Town Water System for a prohibited activity or application, 3rd offense within 12 months	\$500.00	\$250.00
Section 5	Using the water supplied through the Town Water System for a prohibited activity or application, 4 th and each subsequent offense within 12 months	\$1,000.00	\$500.00