

**BYLAW NO. 119/2005**

**BEING A BYLAW OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31  
TO AUTHORIZE THE ENACTMENT OF WATER USE RESTRICTIONS  
WITHIN THE M.D. OWNED AND OPERATED WATER SYSTEMS**

**WHEREAS** the Council of The M.D. of Foothills No. 31 requires that water be conserved and utilized in an efficient manner in accordance to the provisions of this bylaw.

**NOW THEREFORE** pursuant to the provisions of the Municipal Government Act, being Chapter M-26, R.S.A. 2000, and amendments thereto, the Council of the Municipal District of Foothills No. 31 in the Province of Alberta, enacts as follows:

Section I      Name  
                    The bylaw shall be referred to as the M.D. of Foothills No. 31 Water Conservation Bylaw.

Section II      Definitions

1. Water System means the M.D. owned and operated water systems located in the hamlets of Aldersyde and Silvertip development, Blackie, Cayley and all services located within the M.D of Foothills No. 31, serviced by the pipeline from High River to Aldersyde.
2. Consumer means any person or persons, corporation, any other municipal corporation, the Government of Alberta or the Government of Canada whose property is connected to the water system or any Lessee or occupant of such property or any person who obtains water from the M.D. owned hydrant or stand pipe.
3. New Lawn (s) means newly laid sod or newly planted grass seed.
4. Peace Officer - As defined by the Provincial Offences Procedure Act.
5. Commercial Water Use - A service supplied to a premise principally used to conduct a profession, business, trade, industry, occupation or employment including institutional uses and apartment buildings.
6. Residential Water Use - A service supplied to a premise that is used primarily for domestic purposes including but not limited to a, single family dwellings, multi family dwellings (excluding apartment buildings), mobile home parks and condominium developments.
7. Outdoor watering - Watering of grass with a sprinkler device.
8. Hand watering - Watering with a hand held device.

Section III     Water Conservation Strategies

Outdoor watering will be limited from April 15 to October 15 between the hours of 6 AM to 9:00 AM and 7 P.M. to 10 P.M. as follows:

1. Odd-numbered addressed properties shall be limited to lawn watering on Sunday, Tuesday and Friday.
2. Even-numbered addressed properties shall be limited to lawn watering on Monday, Thursday and Saturday.  
Only one watering device allowed at one time.  
Hand watering is permitted anytime (including washing of vehicles) if the device is equipped with a shut-off valve.  
Open hoses are not permitted.  
Underground and night sprinkling with a timer are permitted from 11 P.M. to 7 A.M. every day.

### Stage I

If the water reservoir levels fall below those specified in schedule "B" Table 1 for any water system for a period of time exceeding one (1) week, and/or the requirements outlined in Table 2 are not met for water supply, the following additional water conservation measures will be implemented:

1. Odd-numbered addressed properties shall be limited to lawn watering on Sunday and Friday.
2. Even-numbered addressed properties shall be limited to lawn watering on Monday and Saturday.
3. Hand watering (including washing of vehicles) will be limited to the hours of 6 A.M. to 9:00 AM and 7:00 PM to 10:00 PM daily.

### Stage II

If the water reservoir levels fall below those specified in schedule "B" for any water system for a period of time exceeding two (2) weeks, and/or the requirements outlined in Table 2 are not met for water supply, the following additional water conservation measures will be implemented:

1. Odd-numbered addressed properties shall be limited to lawn watering on Sunday only.
2. Even-numbered addressed properties shall be limited to lawn watering on Saturday only.
3. Hand watering (including washing of vehicles) will be limited to the hours of 7:00 PM to 10:00 PM daily.
4. Affected Bulk fill station(s) will be closed on Saturday, Sunday and Monday.
5. Swimming pools shall not be filled.

### Stage III

If the water reservoir levels fall below those specified in schedule "B" for any water system for any time, and/or the requirements outlined in Table 2 are not met for water supply, the following additional water conservation measures will be implemented:

1. All outdoor and hand watering (including washing of vehicles) will be banned including underground and nighttime timer sprinkling.
2. Affected Bulk fill station(s) will be closed.
3. Swimming pools shall not be filled.
4. Complete shut down of water to all commercial users.
5. All customers will be asked to conserve water as much as possible.

In the event of an emergency such as, but not limited to, a fire, water line break, plant equipment failure, well failure or other equipment failure etc. the M.D. may implement such conservation measures, as deemed necessary for the duration of the emergency.

All water conservation measures listed above will remain in effect until the water plant reservoir capacities are returned to normal levels as outlined in attachment.

#### Section IV Permits

1. Persons in possession of a watering permit for new lawns are exempt from stage I and II.
2. Applications for new lawn watering permits shall be made in writing.
3. No new lawn watering permit shall be issued if water conservation stages I, II or III are in effect.
4. New lawn watering permits may be issued at the M.D. Office upon inspection and approval of the site by the M.D.
5. New lawn watering permits shall be valid for a maximum three (3) weeks.
6. New lawn watering permits shall become null and void if a Stage III level is reached.

#### Section V Wasting Water

All consumers or persons are prohibited from wasting water.

1. Any consumer or person who in the opinion of a Peace Officer charged with the enforcement of this bylaw, wastes water supplied by the M.D. shall be guilty of an offence under this bylaw. In determining if an activity constitutes wasting water, consideration shall be given to the following:
  - a) the volume of the water reasonably required to perform the activity undertaken;
  - b) the length of time the water has been allowed to run;
  - c) the degree of control exercised over the flow of water;
  - d) the purpose of the water use;
  - e) the degree of restriction on water consumption in place;
  - f) the existence of any other factors reasonably suggesting that waste of water is or has occurred; and
  - g) the volume of water exceeding that specified in a bi-monthly period in attached Schedule "C".

#### Section VI New Construction

All new residential and commercial construction and/or renovations within the M.D. of Foothills No. 31 connecting to the M.D. water systems commencing after the adoption of this bylaw shall be subject to the following:

1. All toilets shall use no more than 6 litres (1.6 US gallons) of water per flush.
2. All urinals shall use no more than 3.8 litres (1.0 US gallons) of water per flush.
3. All shower heads must be rated not to exceed 11 litres per minute (2.9 US gallons per minute) at a pressure of 75 pounds per square inch.
4. Basin aerators are also required.
5. All commercial and industrial installations to have back-flow devices installed which are to be tested upon installation, after relocation, after repairs and at least annually at the owner's expense.

#### Section VII Exceptions

Council may by resolution choose to exempt certain water users from the provisions of all or portions of this bylaw.

Section VIII Penalties

1. A consumer or 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 not exceeding one thousand dollars (\$1,000), in the case of a residential user and ten thousand dollars (\$10,000), in the case of a commercial water user, per incident of violation of the provisions of this bylaw.
2. Violation ticket means a summons violation ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, as amended or repealed and replaced from time to time.
3. Where a peace officer has reason to believe that any consumer is committing, or has committed, a breach of any provision of this bylaw, that Peace Officer is hereby authorized and empowered to serve that consumer with a violation ticket pursuant to Part 2 of the Provincial Offences Procedure Act, as amended or repealed and replaced from time to time.

Section IX Fines

Fines established for the purposes of voluntary payments of tag issued pursuant to this bylaw are contained within Schedule "A" of this bylaw.

In the case of non-payment of the aforementioned fines, the offending consumer shall forfeit their right to be supplied with water until such time that the fine is settled. Reconnection fees for a water service shut-off will apply as outlined in Bylaw 135-99.

Section X Enforcement

In addition to the fines, which may be issued under this bylaw, the M.D. may seek an Order of Court granting an injunction or any other Order necessary to enforce compliance. The M.D. will seek recovery of such legal costs either through the court system or placing the costs of such action on the customer's utility bill.

Section IX This bylaw shall have effect on the date of its third reading.

First Reading: July 21, 2005

---

REEVE

---

MUNICIPAL MANAGER

Second Reading: November 3, 2005

---

REEVE

---

MUNICIPAL MANAGER

Third Reading: November 3, 2005

---

REEVE

---

MUNICIPAL MANAGER

## SCHEDULE 'A'

### Fines

#### Residential

1 <sup>st</sup> Offence	\$100.00 per offence
2 <sup>nd</sup> Offence within 3 years of previous violation ticket issuance	\$250.00 per offence
3 <sup>rd</sup> Offence within 3 years of previous violation ticket issuance	\$800.00 per offence

#### Commercial

1 <sup>st</sup> Offence	\$ 1,000.00 per offence
2 <sup>nd</sup> Offence within 3 years of previous violation ticket issuance	\$ 3,000.00 per offence
3 <sup>rd</sup> Offence within 3 years of previous violation ticket issuance	\$10,000.00 per offence

**SCHEDULE 'B'**

Table 1: Treated water supply

Location	Treated Water Storage Levels		
	Full Capacity cubic meters	Stage I/II cubic meters	Stage III cubic meters
Aldersyde	315	254	190
Blackie	675	539	325
Cayley	760	561	568

Table 2: Raw water supply

Location	Raw Water Storage Levels/Supply		
	Full Capacity cubic meters	Stage II cubic meters	Stage III cubic meters
Aldersyde	High River Supply	Note 1	Note 1
Blackie	Aquifer	Note 2	Note 2
Cayley, April 15	61,000	<14,000 m3 on Apr. 15	<11,000 m3 on Apr. 15
Cayley, Oct 1	61,000	<30,000 m3 on Oct. 1	<25,000 m3 on Oct. 1

*Note 1: Aldersyde water conservation measures to follow Town of High River Conservation measures.*

M.D of Foothills No. 31 Stage I = Town of High River Bylaw Section III, 2.

M.D of Foothills No. 31 Stage II = Town of High River Bylaw Section III, 3.

M.D of Foothills No. 31 Stage III = Town of High River Bylaw Section III, 4.

*Note 2: Blackie measures to be based on significant static water level drop in supply and observation wells. To be accessed on a case by case basis.*

**SCHEDULE 'C'**

Volume of water reasonably allocated to each residence bi-monthly - 8,000 Imperial Gallons