

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2002 - 31

**BEING A BY-LAW OF
THE RURAL MUNICIPALITY OF EAST ST. PAUL
TO REGULATE THE SPRINKLING OF WATER**

WHEREAS The Municipal Act, S.M. 1996, c. 58 Cap. M225 provides in part as follows:

“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;....
- (l) public utilities;...
- (o) the enforcement of by-laws.

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division:

- (a) regulate or prohibit....
- (c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;
- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
- (e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
 - (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or comply with a term or condition or with the by-law or for any other reason specified in the by-law, and....

233 A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of....

(d) Activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds odours, unsightly property, fumes and vibrations.

250(1) A municipality is a corporation and, subject to this Act, has the rights and is subject to the liabilities of a corporation and may exercise its powers for municipal purposes.

250(2) Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

(a)

(b)

(c) acquire, establish, maintain and operate services, facilities and utilities;

252(1) A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including

(a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;

(b) providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and

(c) discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.”

WHEREAS Council of the Rural Municipality of East St. Paul deems it expedient and in the best interest of the public of the Rural Municipality of East St. Paul to regulate the sprinkling of water;

NOW, THEREFORE, the Council of the Rural Municipality of East St. Paul IN OPEN SESSION DULY ASSEMBLED enacts as follows:

1.0 Definitions

1.1 Municipality – Means the Rural Municipality of East St. Paul.

1.2 Person – Means any individual, firm, partnership, association, corporation, company or organization of any kind.

1.3 Premises – Means all land and premises within the Municipality which is used as a residence and/or for commercial activity;

1.4 Sprinkle or Sprinkling – Means the application or distribution of water on lawns or boulevards by sprinkling or spraying but does not include the method known as “drip irrigation”, i.e., supplying water to plants through capillary tubing at a rate of a few drops a minute as and when required.

2.0 Empowerment –

The Superintendent of Public Works for the Municipality is hereby authorized to impose restrictions to regulate the use of water for non-essential purposes and, where he deems appropriate, may issue permits to relax restrictions in specific circumstances. These restrictions shall only apply to residents on the Municipality’s Water Supply.

3.0 Prohibition

3.1 Between the last Saturday of May and September 30th in each year, no person shall sprinkle or allow sprinkling except in compliance with the provision of this By-law.

4.0 Sprinkling Restrictions Stage I

4.1 No person shall sprinkle or allow sprinkling except at Premises:

- (a) with even numbered civic addresses on Wednesdays, Fridays and Sundays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.; and
- (b) with odd numbered civic addresses on Tuesdays, Thursdays and Saturdays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.

4.2 Sprinkling Restrictions Stage II

If the Public Works Superintendent for the Municipality notifies the Chief Administrative Officer of the Municipality that a reduction in water use is necessary requiring Stage II restrictions, no person shall:

- (a) sprinkle or allow sprinkling except at Premises:
 - (i) with even numbered civic addresses on Wednesdays and Sundays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.;
 - (ii) with odd numbered civic addresses on Tuesdays and Fridays between the hours of 4:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.
- (b) wash down or hose sidewalks or driveways or other outdoor surfaces at any time;
- (c) wash motor vehicles with a hose unless the hose is equipped with a shut off device that is spring loaded and operates by using hand pressure.

4.3 Sprinkling Restrictions Stage III

If the Superintendent of Public Works for the Municipality notifies the Chief Administrative Officer of the Municipality that a reduction in water use is necessary requiring Stage III restrictions, no person shall:

- (a) sprinkling or allow sprinkling at any time;
- (b) wash down or hose sidewalks or driveways or other outdoor surfaces at any time;
- (c) at any time water or spray any trees, shrubs, flowers, or vegetables (except for larger gardens where hand watering is impractical) or wash motor vehicles with a hose unless such spraying, watering or washing is done by way of a hand held container or hose equipped with a shut off device that is spring loaded and operates by using hand pressure.

- 4.4 The provisions of Section 4.1 and 4.3 inclusive do not apply to a person who has a valid and subsisting permit issued under Section 6.1 or to the class of water users exempted in Section 7.1, and the provisions of paragraphs 4.2(b) and 4.3(b) do not apply to restaurants or other commercial eating establishments which may be required by law to clean outdoor areas to comply with health standards.

5.0 Notice

5.1 Sufficient notice of the restrictions set out in Section 4 of this By-law or in any change or revocation thereof shall be deemed to have been given by an announcement made on behalf of the Municipality through one publication in a newspaper having circulation in the Municipality or in the form of a newsletter not less than 72 hours prior to the commencement, change or revocation of the restrictions.

6.0 Permits

6.1 A person who has installed a new lawn, either by placing sod or turf or by seeding, or who has installed new landscaping on a substantial part of the outdoor portion of a Premises may apply to the Municipality for a permit which will entitle the permittee to sprinkle outside the restricted times.

6.2 The Municipality shall issue a permit to an applicant pursuant to Section 6.1 upon payment to the Municipality of a fee in the amount of \$30.00 for a single family dwelling unit and in an amount determined by Council for a multi-family dwelling unit or commercial Premises.

6.3 A permit issued under Section 6.1 shall be valid for period of 21 days after the date of its issue and shall be conspicuously displayed at the Premises for which it was issued.

6.4 After the expiration of a permit issued under Section 6.1 a person may apply for and obtain only one subsequent renewal of the permit for the same Premises in any one calendar year for a fee under Section 6.2.

7.0 Exemptions

7.1 The provisions of Section 4.1 to 4.3 inclusive shall not apply to the following class of water users which rely upon the steady supply and use of water:

- (a) licensed nurseries;
- (b) licensed golf courses and driving ranges;
- (c) playing fields and public gardens owned by the Municipality where failure to water would result in permanent loss, will be exempt but on a very selective basis as the need arises;
- (d) for dust control if safety or sanitary concerns exist or for compaction during construction if no reasonable alternative exists.

8.0 Penalty

8.1 Any person found guilty of any breach of any of the provisions of this By-law shall, on summary conviction, be liable to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Five Hundred (\$500.00) Dollars in addition to costs for each offence.

8.2 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of separate offence for each day that it continues.

9.0 Existing By-laws

9.1 This By-law is supplementary to the Municipality's By-law No. 96-20 as amended by By-laws No. 96-43, 97-15 and 99-11 and any conflict shall be governed by the provisions of this By-law.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul in Open session assembled at East St. Paul, in Manitoba, this 18th day of December, 2002.

Original signed by Deputy Reeve Lawrence
Morris
Reeve

Original signed by Jerome Mauws
Chief Administrative Officer

Read a first time the 4th day of December, 2002.

Read a second time the 18th day of December, 2002.

Read a third time the 18th day of December, 2002.