

The Corporation of the Township of Centre Wellington

By-law 2024-66

A By-law to Promote Outdoor Water Conservation

Whereas Section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, hereinafter referred to as “*the Act*” authorizes a municipality to delegate its powers and duties under *the Act* and to delegate legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;

And Whereas Section 11 (2) and 11 (3) of *the Act* permits a municipality to pass By-laws regarding the regulation of public utilities and systems that provide water services to the public;

And Whereas Section 151 (5) of *the Act*, provides that a municipality may establish a system of permits with respect to any activity, matter or thing for which a By-law may be passed under section 11 of *the Act* as if it were a system of permits with respect to a business;

And Whereas Section 391 (1) of *the Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

And Whereas Section 425 (1) of *the Act* authorizes a municipality to pass By-laws providing that a person who contravenes a By-law of a municipality passed under *the Act* is guilty of an offence;

And Whereas Section 429 (1) of *the Act* provides that a municipality may establish a system of fines for a By-law passed under *the Act*;

And Whereas Section 436 of *the Act* provides that a municipality has power to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law;

And Whereas Section 431 of *the Act* authorizes that where any By-law of a municipality under *the Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention;

And Whereas Sections 444 and 445 of *the Act* authorize a municipality to make orders to discontinue, or to correct, the contravention of a By-law;

And Whereas the Council of the Corporation of the Township of Centre Wellington deems it expedient to regulate the outdoor use of water in order to conserve and maintain an adequate supply of water within the serviced area of the Township;

Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:

1. Short Title

1.1 The short title of this By-law is the “Outdoor Water Use Conservation By-law”.

2. Definitions

2.1 In this By-law:

“**Applicant**” means a person who files an application for a permit and includes a permit holder as the context requires;

“**Clerk**” means the Clerk for the Township or any person designated by the Clerk;

“**Date of Service**” means the date service is deemed in effect in accordance with the provisions of this By-law;

“**Decorative Garden**” includes plants, flowers, trees, shrubs, bushes and any other living thing that grows in the ground but does not include a food garden;

“Director” means the Managing Director of Infrastructure Services for the Township or any other person designated by the Managing Director of Infrastructure Services to carry out the powers and duties pursuant to this By-law;

“Fees and Charges By-law” means the Township By-law, adopted from time to time, for imposing fees and charges with respect to various services and activities provided;

“Food Garden” means plants, herbs, flowers, trees, shrubs and bushes grown for the purpose of producing food for human consumption;

“GRCA LWRP” means the Grand River Conservation Authority’s Low Water Response Program;

“Hand Watering Device” means a container that is not connected to a watering device, is used to apply water, and is operated by muscular power only;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Irrigation System” means a system of supplying land with water by artificial canals, ditches or pipes and includes an in-ground, above-ground or drip irrigation systems;

“Lawn” means an area containing grass, seed, sod, groundcover or any other type of greenery;

“New Sod” means the placing of seed or sod on property;

“Officer” means a police officer, municipal law enforcement officer, or any other person appointed by By-law to enforce the provisions of this By-law;

“Outdoor” includes areas not enclosed by a roof and walls, and, for greater certainty, it does not include an area within a greenhouse or garage with a door;

“Owner” includes the registered owner of the property or any person in charge, management or control of such property and includes as the context requires an applicant;

“Permit” means a current valid permit issued pursuant to this By-law;

“Permit holder” means a person who has been issued a permit and includes as the context requires:

- (a) the officers, directors, employees, contractors and agents of the permit holder;
- (b) the trustee, executors, administrators or other legal representative of the permit holder;
- (c) an owner;

“Person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“Program Level” means a condition based on the indicators in the GRCA LWRP as follows:

“Program Level One” means the condition when the requirements for Level I in the GRCA LWRP are satisfied;

“Program Level Two” means the condition when the requirements for Level II in the GRCA LWRP are satisfied; and

“Program Level Three” means the condition when the requirements for Level III in the GRCA LWRP are satisfied;

“Property” means a parcel of land which is capable of being legally conveyed or any part thereof;

“Recreational Sprinkler” means an outdoor water play sprinkler, sprinkler toys, inflatable sprinklers, slip and slides, splash pads and includes a sprinkler used for recreational purposes;

“**Township**” means the Corporation of the Township of Centre Wellington or the land within the geographic limits of the Corporation of the Township of Centre Wellington as the context requires;

“**Water**” or “**Watered**” or “**Watering**” means the use of water from the Township’s Water Supply System;

“**Watering Device**” includes, but is not limited to, a hose connected to a hose bib, pipe or sprinkler used to apply water but does not include a hand watering device;

“**Water Feature**” means a fountain, waterfall, pool, hot tub, and pond;

“**Water Supply System**” means the water supply and distribution system owned or operated by the Township, consisting of various water sources, including reservoirs, groundwater wells, fire hydrants, and water filling stations, and all infrastructure necessary to collect, treat and distribute water;

“**Yard**” includes a lawn, turf and decorative garden;

3. Application

3.1 This By-law shall apply throughout the whole of the Township.

3.2 The Director shall determine the water use restrictions to be followed by the Township taking into consideration declared program level changes.

4. Regulations, Restrictions and Prohibitions

4.1 No person shall water, permit or cause to be watered a yard except:

- (a) between the hours of 6:00 a.m. and 9:00 a.m.;
- (b) between the hours of 6:00 p.m. and 9:00 p.m.; and
- (c) on the following dates:
 - (i) for a property with an even numbered address on an even numbered date;
 - (ii) for a property with an odd numbered address on an odd numbered date.

4.2 Notwithstanding Section 4.1, a person may:

- (a) water a food garden;
- (b) use water for a recreational sprinkler;

at any time.

4.3 No person shall use, permit or cause to be used **water** for the washing of a vehicle, trailer, boat or the exterior of a building except:

- (a) between the hours of 6:00 a.m. and 9:00 a.m.;
- (b) between the hours of 6:00 p.m. and 9:00 p.m.; and
- (c) on the following dates:
 - (i) for a property with an even numbered address on an even numbered date;
 - (ii) for a property with an odd numbered address on an odd numbered date.

4.4 No person shall use, permit or cause to be used water to operate or maintain a water feature except:

- (a) between the hours of 6:00 a.m. and 9:00 a.m.;
- (b) between the hours of 6:00 p.m. and 9:00 p.m.; and
- (c) on the following dates:
 - (i) for a property with an even numbered address on an even numbered date;
 - (ii) for a property with an odd numbered address on an odd numbered date.

4.5 No person shall use, permit or cause to used water for the operation or maintenance of an irrigation system except:

- (a) between the hours of 12:00 a.m. and 6:00 a.m.; and
- (b) on the following dates:
 - (i) for a property with an even numbered address on an even numbered date;
 - (ii) for a property with an odd numbered address on an odd numbered date.

- 4.6 No person shall waste water, permit or cause water to be wasted through the following activities:
- (a) watering during rainfall;
 - (b) excessive watering that results in the ponding of water;
 - (c) the use of a watering device that is not equipped with a shut-off valve or shut-off nozzle;
 - (d) discharging or placing of water on a highway;
 - (e) watering a driveway.
- 4.7 No person shall install, construct, operate or maintain or permit to be installed, constructed, operated or maintained a water feature on property other than a water feature that uses recirculated water.
- 4.8 No person shall install an irrigation system using water unless such system has been approved in writing by the Director and is equipped with the appropriate backflow prevention device.
- 4.9 Where a permit is required, no person shall water or cause to be watered a lawn other than in accordance with the terms and conditions of a permit.
- 4.10 Notwithstanding any other provision of this By-law, no person shall fail to comply with the program level restrictions as declared by the Director from time to time as outlined on Schedule "A" of this By-law, or with any other restrictions declared by the Director.
- 4.11 No person shall alter or modify or permit the alteration or modification of a permit.
- 4.12 No person shall use or attempt to use a permit issued to another person.
- 4.13 Every person who makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Township is guilty of an offence.
- 4.14 No person shall fail to comply with an Order.
- 4.15 No person shall fail to display a permit in accordance with the provisions of this By-law.

5. Delegated Authority

- 5.1 The Director is hereby delegated authority to:
- (a) administer this By-law and prepare all notices, forms, orders and any other document necessary for the administration of this by-law including the keeping of records;
 - (b) issue a permit in accordance with the provisions of this By-law and where the applicant meets all the requirements of this By-law;
 - (c) impose additional terms and conditions that in the opinion of the Director are reasonable, revoke or refuse to issue a permit, taking into consideration the grounds provided for in Section 11 of this By-law;
 - (d) to implement and issue notice of program level restrictions as outlined on Schedule "A" of this By-law;
 - (e) to implement and issue notice of any other outdoor use of water restrictions including prohibiting the use of outdoor use of water, as the Director considers advisable to conserve and protect the Township's Water Supply System.
- 5.2 Where a title to a position identified in this By-law no longer exists or is modified, the powers and duties may be exercised by a person deemed to have the responsibilities of the original position until such time as an amending By-law is adopted by Council.
- 5.3 Council is of the opinion that the powers delegated in this By-law are of a minor nature.

6. Permits

- 6.1 A permit shall be issued by the Director upon the requirements of this By-law being met.
- 6.2 A person making an application for a permit shall be at least eighteen (18) years of age.

- 6.3 A new sod permit automatically expires and becomes null and void upon the Director declaring program level two or program level three restrictions in effect.
- 6.4 A date and time shift permit automatically expires and becomes null and void upon the Director declaring program level three restrictions in effect.
- 6.5 A fee for a permit issued by the Township is non-refundable.
- 6.6 A permit is not transferable.
- 6.7 A permit holder shall display a permit in a conspicuous place on the property to which the permit applies visible to the public at all times.
- 6.8 A permit holder shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the same manner and to the same extent as though the permit holder did the act(s) or omission(s).
- 6.9 Any record required by this By-law shall be produced by the permit holder upon request of an Officer.

7. New Sod – Application for a Permit

- 7.1 A person may make application prior to or within thirty (30) days of installing a lawn for a new sod permit to water a lawn on dates and times other than the dates and times permitted in this By-law.
- 7.2 A new sod permit issued pursuant to this By-law is valid for seven (7) days from the date the permit is issued.
- 7.3 A person making an application for a new sod permit shall submit:
 - (a) a complete application in the form provided by the Township;
 - (b) the required new sod permit fee; and
 - (c) any other documents as may be required by the Director.

8. Date and Time Shift – Application for a Permit

- 8.1 An owner of a property may make application for a date and time shift permit to water a yard on dates and times other than the dates and times permitted in this By-law.
- 8.2 A date and time shift permit issued pursuant to this By-law is valid for a period of time not exceeding six (6) months from the date the permit issued.
- 8.3 A person making an application for a date and time shift permit shall submit:
 - (a) a complete application in the form provided by the Township;
 - (b) the required date and time shift permit fee; and
 - (c) any other documents as may be required by the Director.

9. Permit – Terms and Conditions

- 9.1 A permit holder is subject to the terms and conditions set out in this By-law and any terms and conditions imposed by the Director.
- 9.2 A permit holder shall display a permit in a conspicuous place on the property subject to the permit visible to the public at all times.
- 9.3 A permit holder shall not water or cause or permit watering other than in accordance with dates and times specified in the permit.

10. Permit – Administrative Suspensions

- 10.1 An administrative suspension of a permit shall be imposed for fourteen (14) days if the Director is satisfied that the continuation of the activity poses an immediate danger or risk to the Township's Water Supply System, or in accordance with Section 11. Before any suspension is imposed, the Director shall provide the permit holder with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
- 10.2 An administrative suspension imposed under Section 10.1 may be imposed on such conditions as the Director considers appropriate.

11. Permit – Grounds - Additional Terms and Conditions, Refusal, Revocation or Suspension

- 11.1 An applicant is entitled to a permit upon meeting the requirements of this By-law except where:
- (a) the past or present conduct of any person, including any partner, the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the person will not carry on or engage in the activity in respect of which the application is made in accordance with the law or with honesty or integrity;
 - (b) the applicant has past breaches or contraventions of any law or any provision of this By-law or any other municipal By-law or Provincial or Federal Statute associated with the carrying on of such activity;
 - (c) the applicant has failed to pay an administrative penalty imposed by the Township or a fine or fines imposed by a Court for a conviction or a breach of this or any other Township By-law or provincial offence;
 - (d) the applicant has failed to comply with any term, condition or direction of the Officer or has failed to permit any investigation or inspection by the Officer;
 - (e) the applicant has failed to comply with this By-law, an Order issued in accordance with this By-law, an Order pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, a permit, or the terms and conditions of a permit;
 - (f) the issuing of a permit would be contrary to the public interest with respect to conserving and maintaining an adequate supply of water within the serviced area of the Township;
 - (g) the applicant has submitted an application or other documents to the Township containing false statements, incorrect, incomplete, or misleading information; or
 - (h) the applicant is carrying on or engaging in activities that are, or will be, if the applicant is issued a permit, in contravention of this By-law, or any other applicable law.
- 11.2 The Director may revoke, suspend or refuse to issue a permit, where the applicant would not be entitled to a permit on any grounds set out in this By-law.
- 11.3 Where the application for a permit has been deemed incomplete, revoked, suspended or cancelled, the fees paid by the applicant, in respect of the application for a permit, shall not be refunded.
- 11.4 Where a permit has been revoked, suspended, or cancelled the permit holder shall return the permit to the Director within two (2) days of service of the notice of the decision.
- 11.5 When a revoked, suspended, or cancelled permit has not been returned, an Officer may enter upon the property excluding entry into a dwelling unit for the purpose of receiving, taking or removing the said permit.

12. Service

- 12.1 A document, notice, decision or Order issued in accordance with this By-law, shall be served using one or more of the following methods of service noted in Column A below and is deemed served on the date noted in Column B below:

Column A Method of Service	Column B Deemed Date of Service
Personal	Date personally delivered to Person to whom it is addressed
Posted in a conspicuous place on the property	Date posted on the property
Fax/Email	Date fax/email is sent to the Person's last known fax/email address
Regular/Registered Mail	Five (5) days after the date of mailing to the Person's last known mailing address

12.2 For the purposes of this By-law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the Township as may be required by a form, practice or policy under this By-law or the mailing address and contact information that appears in the Township's municipal tax assessment records.

12.3 Where service is effected by multiple methods, the date of service shall be on the earliest applicable date.

13. Orders and Remedial Action

13.1 If an Officer has reasonable grounds to believe that a contravention of this By-law has occurred or the terms and conditions of a permit have not been complied with, the Officer may make an Order requiring the person to:

- (a) discontinue the contravening activity,
- (b) do or take any action to correct the contravention.

13.2 An Order under Section 13.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention; and
- (b) the location of the property on which the contravention occurred; and
- (c) either:
 - (i) in the case of an Order under Section 13.1 (a), the date by which there must be compliance with the Order; or
 - (ii) in the case of an Order under Section 13.1 (b), the action to be done and the date by which the action must be done.

13.3 An Order made under this By-law shall be served to:

- (a) the person the Officer believes contravened this By-law; and
- (b) such other persons affected by the Order as the Officer making the Order determines.

14. Enforcement and Penalty Provisions

14.1 The enforcement of this By-law shall be conducted by an Officer.

14.2 An Officer may enter on lands at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- (a) the By-law is complied with;
- (b) a Permit, or the terms and conditions of a Permit are complied with;
- (c) a direction or Order of the Township pursuant to the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, or made under this By-law is complied with; or
- (d) an Order pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, is complied with.

- 14.3 For the purposes of an inspection under this By-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 14.4 All documents and records shall be kept in a good and business-like manner for review by the Officer at their request.
- 14.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 14.6 Every person who contravenes any provision of this By-law, including failing to comply with an Order issued pursuant to this By-law, or an Order issued pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001*, as amended, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, and the *Municipal Act, 2001, S.O. 2001*, as amended.
- 14.7 Any person who is charged with an offence under this By-law or an Order issued pursuant to this By-law, or an Order issued pursuant to Section 431 of the *Municipal Act, 2001, S.O. 2001*, as amended, or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the *Municipal Act, 2001, S.O. 2001*, as amended, to the following:
- (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 14.8 Every person who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 14.9 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 14.10 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 14.11 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 14.12 If a person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

15. Fees

- 15.1. The fee for a permit shall be as prescribed in the Township's Fees and Charges By-law.
- 15.2 The fee for a permit is payable upon submission of an application.

16. Severability

- 16.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Township that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

17. Singular and Plural Use


17.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural, where applicable.

18. Amendments and Repeal


18.1 That By-law 2006-080 is hereby amended by deleting Sections 9.1, 9.3 and Section 10.1 (i).

18.2 That By-law 99-55 is hereby repealed.

Read a first, second and third time and finally passed this 28th day of October, 2024.



Mayor – Shawn Waters



Clerk – Kerri O'Kane

Schedule A
By-law 2024-66
Program Level Restrictions

1. Program Level Two

- 1.1 Where the Director has declared program level two use of water restrictions to be in effect, no person shall water or permit or cause to be watered a yard:
- (a) between the hours of 6:00 a.m. and 9:00 a.m.;
 - (b) between the hours of 6:00 p.m. and 9:00 p.m.; and
 - (c) on a Saturday or Sunday:
 - (i) for a property with an even numbered address on an even numbered date;
 - (ii) for a property with an odd numbered address on an odd numbered date.
- 1.2 Where the Director has declared program level two use of water restrictions to be in effect, no person shall wash or cause to be washed a vehicle, trailer, boat or the exterior of a building with a watering device.
- 1.3 Where the Director has declared program level two use of water restrictions to be in effect, no person shall water, permit or cause to be watered a food garden with a watering device except:
- (a) between the hours of 6:00 a.m. and 9:00 a.m.;
 - (b) between the hours of 6:00 p.m. and 9:00 p.m.; and
 - (c) on a Saturday or Sunday:
 - (i) for a property with an even numbered address on an even numbered date;
 - (ii) for a property with an odd numbered address on an odd numbered date.
- 1.4 No person shall use, permit or cause to be used water to operate or maintain a water feature except:
- (a) between the hours of 6:00 a.m. and 9:00 a.m.;
 - (b) between the hours of 6:00 p.m. and 9:00 p.m.; and
 - (c) on a Saturday or Sunday:
 - (i) for a property with an even numbered address on an even numbered date;
 - (ii) for a property with an odd numbered address on an odd numbered date.
- 1.5 No person shall use, permit or cause to be used water for a recreational sprinkler except:
- (a) on a Saturday or Sunday:
 - (i) for a property with an even numbered address on an even numbered date;
 - (ii) for a property with an odd numbered address on an odd numbered date.
- 1.6 Where the Director has declared program level two use of water restrictions to be in effect, no person shall use, permit or cause to used water for the operation or maintenance of an irrigation system.

2. Program Level Three

- 2.1 Where the Director has declared program level three use of water restrictions to be in effect, no person shall water or permit or cause to be watered a yard.
- 2.2 Where the Director has declared program level three use of water restrictions to be in effect, no person shall wash or cause to be washed a vehicle, trailer, boat, or the exterior of a building.
- 2.3 Where the Director has declared program level three use of water restrictions to be in effect, no person shall water, permit or cause to be watered a food garden except with a hand watering device.
- 2.4 Where the Director has declared program level three use of water restrictions to be in effect, no person shall use, permit or cause to be used water:
- (a) for a recreational sprinkler;
 - (b) to operate or maintain a water feature;
 - (c) for the operation or maintenance of an irrigation system.

