

BYLAW NO. 371/03

**BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF MACKENZIE NO. 23
IN THE PROVINCE OF ALBERTA**

A BYLAW RESPECTING THE RATIONING OF WATER

WHEREAS pursuant to the provisions of the Municipal Government Act, Council may pass bylaws for municipal purposes relating to the health and welfare of people and the protection of people and property; services provided by or on behalf of the Municipality; and public utilities, and

WHEREAS the Municipal District of Mackenzie No. 23 Council has constructed and operates a water supply system, and

WHEREAS Council for the Municipal District of Mackenzie No. 23 deems it advisable and necessary to make provisions for the restriction of the use of water and for the protection of the supply of water,

NOW THEREFORE, pursuant to the authority conferred upon it by the Municipal Government Act, R.S.A. 2000, c.M-26, as amended, or as repealed and replaced from time to time, the Council of the Municipal District of Mackenzie No. 23 duly assembled, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as the "Water Rationing Bylaw"

DEFINITIONS

2. In this bylaw, unless the context otherwise requires,
 - a) **"Bylaw"** includes all Schedules appended hereto.
 - b) **"Bylaw Enforcement Officer"** means a Person appointed as a Bylaw Enforcement Officer by Council to do any act or perform any duties under this Bylaw, and includes a member of the Royal Canadian Mounted Police and, when authorized, a special constable.

- c) **“Bulk Water Fill Station”** means any treated or raw water fill station whether owned by the municipality or private industry (business) where water is in the Hamlets of Fort Vermilion, La Crete, and Zama.
- d) **“Emergency Services”** means fire departments, hospital and ambulance services.
- e) **“Level of Restriction”** means a stage of response to a water supply shortage as set out in Schedule “A”.
- f) **“Violation Ticket”** means a summons violation ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended, or repealed and replaced from time to time, and the regulations thereunder.

RESTRICTING WATER SUPPLY

- 3. Where the Chief Administrative Officer (CAO) or designate determines it necessary to impose restrictions on the amount of water used in one or all the hamlets within the municipality, the CAO may declare a state of water shortage.
- 4. When the CAO has declared a state of water shortage pursuant to Section 3 of this Bylaw:
 - (a) The CAO may impose a Level of Restriction as set out in Schedule “A” of this Bylaw.
 - (b) Notwithstanding Section 4(a), 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 due to the prevailing condition of the water supply.

- (c) Where the CAO determines it necessary to do so, the CAO may impose different levels of restrictions for each hamlet within the municipality.

NOTICE

- 5. When a level of restriction has been imposed pursuant to this bylaw, the municipality shall advertise and provide notice of the level of restriction in effect by any one or more of the following means:
 - (a) Notification in monthly accounts provided for water services; or
 - (b) Notification of account holders by separate mailing; or
 - (c) Advertisement in a newspaper of general circulation in the area of the municipality to which the restrictions apply; or
 - (d) Announcement via local radio station, and or local community television channel.

as well as by any other method as may be required in Schedule "A" for the level of restriction in place.

EXCEPTIONS

- 6. Unless otherwise expressly ordered by resolution of Council, the provisions of Sections 3 and 4 of this bylaw shall not apply to emergency services, extended care facilities, schools, disabled care facilities, group-homes, and where a reduction in the supply of water may have an adverse impact on public health and safety.

CONTRAVENTION

- 7. (a) Where the CAO, Bylaw Enforcement Officer, or other Person charged with the enforcement of this Bylaw, has reasonable grounds to believe a contravention of this Bylaw has occurred or is occurring, the CAO, Bylaw Enforcement Officer, or other Person charged with the enforcement of the Bylaw, may issue a Violation Ticket to the Person violating the Bylaw, pursuant to Part 3 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended, or repealed and replaced from time to time, and the Regulations thereunder.

- (b) A Violation Ticket issued pursuant to this section shall be served by the following means:
- (i) In the case of a defendant who is an individual, by delivering it personally to the defendant or, when the defendant cannot be conveniently found, by leaving it for the defendant at his residence with a person on the premises who appears to be at least eighteen (18) years of age;
 - (ii) In the case of a defendant that is a corporation other than a Municipality or Metis Settlement,
 - (1) by sending it single-registered mail to the registered office of the corporation, or
 - (2) by delivering it personally to the manager, secretary or other executive officer of the corporation or a person apparently in charge of a branch office of the corporation at an address held by the corporation to be its address;
 - (3) or by any other means required by the Provincial Offences Procedure Act.

INJUNCTION

8. Where a contravention of this bylaw is of a continuing nature, in addition to the issuance of a Violation Ticket, the municipality may seek an Order of Court granting an injunction or any order necessary to enforce compliance, and shall be entitled to add the cost of such action to the utility bill for the person contravening this bylaw.

PENALTIES

9. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule "B".
10. This bylaw repeals and replaces Bylaw 292/01 and all amendments made thereto.
11. That this bylaw shall come into force and take effect upon receiving third and final reading thereof.

First reading given on the 9th day of December, 2003.

"B. Neufeld" (signed)
Bill Neufeld, Reeve

"B. Spurgeon" (signed)
Barbara Spurgeon,
Executive Assistant

Second Reading given on the 9th day of December, 2003.

"B. Neufeld" (signed)
Bill Neufeld, Reeve

"B. Spurgeon" (signed)
Barbara Spurgeon,
Executive Assistant

Third Reading and Assent given on the 27th day of January, 2004.

"B. Neufeld" (signed)
Bill Neufeld, Reeve

"B. Spurgeon" (signed)
Barbara Spurgeon,
Executive Assistant

BYLAW NO. 371/03

WATER RATIONING BYLAW

SCHEDULE "A"

LEVEL OF RESTRICTIONS

STAGE 1

When treatment plant hours of operation exceed twenty (20) hours per day, for four (4) consecutive days, the CAO may order the imposition of the following:

Information

Public Awareness Campaign: may include advisory of potential water shortage by local radio broadcast and/or news release, and education programs regarding water conservation measures.

Restrictions

None

STAGE 2

Information

When water treatment plant hours of operation exceed twenty-two (22) hours per day for two (2) consecutive days, the CAO may order the imposition of one or more of the following:

Restrictions

1. Discontinue sale of bulk treated and raw water, with the exception of water for domestic use, at treated water fill stations in the affected hamlet.
2. Distribution system pressure to be reduced by 10 psi.
3. Outside water use shall be restricted to the hours of 6:00 a.m. to 8:00 a.m., and 9:00 p.m. to 11:00 p.m., and restricted to the following days:

Even Addresses: Even Days of the Month

Odd Addresses: Odd Days of the Month

5. Outside hand watering may be restricted.

STAGE 3

When the CAO determines the available supply of water is such that customer demand has exceeded the capability of the treatment plant recovery process, the CAO may order the imposition of the following:

Information

Notice in accordance with this bylaw, and posted notices at closed fill stations informing customers of nearest available water source.

Restrictions

1. Closure of all bulk water fill stations, for both the treated and raw water.
2. Reduction of distribution system pressure by 20 psi. from original pressure zone.
3. Complete ban on outside water use.

BYLAW NO. 371/03

WATER RATIONING BYLAW

SCHEDULE "B"

SCHEDULE OF FINES

Stage 2	Water used for anything other than domestic use.	1 st offence \$250.00 2 nd offence \$500.00 3 rd and subsequent \$1,500.00
Stage 2	Outside water used outside of this bylaw schedule.	1 st offence \$250.00 2 nd offence \$500.00 3 rd and subsequent \$1,500.00
Stage 3	Outside water used when complete water ban is in effect.	1 st offence \$500.00 2 nd offence \$1,000.00 3 rd and subsequent \$2,000.00