

**CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA**

BYLAW NO. 02-01

A BYLAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA, TO REGULATE AND PROHIBIT WATER USAGE WITHIN THE VILLAGE

WHEREAS, pursuant to Section 7 of the Municipal Government Act, Chapter M-26.1, of the Statutes of Alberta, 1994, and any amendments thereto, a council may pass a Bylaw respecting the services provided by or on behalf of the municipality, including public utilities; and

WHEREAS, pursuant to Section 8 of the Municipal Government Act a Council may pass a Bylaw to regulate or prohibit; and

WHEREAS, the Council of the Village of Barnwell, in the Province of Alberta, deems it proper and expedient to introduce regulations, controls and management of water usage within the corporate limits of the Village of Barnwell.

NOW, THEREFORE the Council of the Village of Barnwell hereby enacts as follows:

A. TITLE

This Bylaw shall be cited as the "Water Conservation Bylaw" and will apply to all Village of Barnwell residents and other users of the Village of Barnwell water distribution system.

B. DEFINITIONS

In this Bylaw unless the context otherwise requires, the interpretation set out in the following subsections shall be used:

1. **"Administrator"** shall mean the Chief Administrative Officer of the Village of Barnwell, as appointed by Council.
2. **"Bylaw Enforcement Officer"** shall mean the person employed and authorized by the Village of Barnwell to enforce the Bylaws of the Village of Barnwell.
3. **"Customer"** shall mean a residential, commercial, industrial or institutional customer that uses Water for any purpose from the Village of Barnwell's water distribution system with charges from the Village of Barnwell for providing the service.
4. **"Council"** shall mean the Municipal Council of the Village of Barnwell in the Province of Alberta.

**VILLAGE OF BARNWELL
BYLAW NO. 2-01 CONT'D.**

5. **“Farm Service Station”** shall mean the Village of Barnwell truck loading station supplied for the purpose of providing potable water, with charges by the Village for providing this service.
6. **“TID Users”** shall mean a residential, commercial, industrial, or institutional customer within the corporate limits of the Village of Barnwell that uses raw water for any purpose from the Taber Irrigation District Distribution system who receives charges from the Taber Irrigation District.
7. **“Village”** shall mean the Village of Barnwell in the Province of Alberta.
8. **“Water”** shall mean any type of water supplied by any means, and includes but is not limited to potable water through either the Village of Barnwell distribution system or the Farm Service station and raw water supplied by either the distribution system or any other process.

C. PURPOSE

The purpose of the Bylaw is to allow the Council of the Village of Barnwell to manage, regulate and provide restrictions for the use of Water within the limits of the Village of Barnwell during periods of restricted supply of raw water in Southern Alberta, or for other reasons as determined by Council.

D. CUSTOMER SERVICE AREAS

For the purpose of the Bylaw, the Village Customer Service Areas will be defined as per Schedule 'A' , attached to and forming part of this bylaw.

E. SUPPLY AND MANAGEMENT

All customers and TID users are provided with water from, but not limited to The Village of Barnwell water distribution system, the Farms Service Station or the Taber Irrigation raw water distribution system. At times where drought conditions exist in Southern Alberta, or as otherwise determined by Council, that affect the overall Water supply of the Village, the Village will undertake the following:

1. Assist All Customers by providing information that will encourage Water conservation
2. Manage the overall supply of Water in the Village in order to comply with the requirements by all Water suppliers and users in the region through regulation, restriction or prohibiting the use of Water as set out in the Bylaw, any amendments hereafter or by a resolution of Council, duly enacted, for specific Water use restriction issues.

**VILLAGE OF BARNWELL
BYLAW NO. 2-01 CONT'D.**

F. AUTHORITY OF THE ADMINISTRATOR

The Administrator is hereby delegated the authority to enforce the requirements set out in the Bylaw, any new directions provided by Council, and any amendments to directions provided under this Bylaw, to ensure compliance with the use of Water by all customers, farms service and TID Users.

G. REGULATED, RESTRICTED, OR PROHIBITED USE

Council, by a resolution enacted in a duly assembled meeting of Council, may approve the requirement for the implementation of the following regulations, restrictions or the prohibitions of the use of Water supplied by the Village, or may approve any new ones, including amendments to these regulations, restrictions or prohibitions of this Bylaw:

1. that Zone 1 be permitted to water lawns and gardens on Monday
2. that Zone 2 be permitted to water lawns and gardens on Tuesday
3. that Zone 3 be permitted to water lawns and gardens on Wednesday
4. that Zone 4 be permitted to water lawns and gardens on Thursday
5. that Zone 5 be permitted to water lawns and gardens on Friday
6. that any customers may by oral or written request to the Administrator and approval at the discretion of the Administrator, forfeit their Zone watering day and be permitted to water lawns and gardens on Saturday
7. that TID Users be permitted to water lawns and gardens only one day per week at a schedule suitable to their user group, and that a copy of that schedule be submitted to the Administrator
8. Council may also regulate, restrict or prohibit the use of Water supplied by the Village for Farm Service Station users or any other Outside Customers by any method including but not limited to restricting amounts supplied on an ongoing basis, closing off the Water supply during certain times of the day or totally prohibiting use of Water by permanent closure of water supply valves for extended periods of time.
9. Council may also regulate, restrict or prohibit any or all Customers who are also TID users from the use of water supplied by the Village distribution system for the purpose of watering lawns and gardens.
10. The Village may cause notices to be published with Utility Billings; or in a newspaper of general circulation in the Village and the Village may give notice by other additional means declaring restriction upon the use of Water for the purpose of conserving and saving water.
11. The Village may include restrictions for the use of water for aesthetic purposes.

H. BYLAW CONTRAVENTION

1. Any person who commits a breach of any of the provisions of this Bylaw will upon summary conviction before a Court of competent jurisdiction be liable to a fine as provided below, exclusive of costs, and in case of nonpayment of the fine and costs imposed, to imprisonment of a period

**VILLAGE OF BARNWELL
BYLAW NO. 2-01 CONT'D.**

not exceeding six (6) months unless such fine and costs including the cost of committal are sooner paid.

2. If any person contravenes any Section of this Bylaw, which incurs costs to the Village for repairs or replacement, then the repairs or replacement may be done by the Village at the expense of the person in contravention of this Bylaw. If the person in contravention does not pay such expenses promptly upon being invoiced, the Village may recover the expenses thereof with costs by action in any Court of competent jurisdiction. This expense will be in addition to any fines or penalties imposed for contravention of this Bylaw.
3. Any person who contravenes this Bylaw may also forfeit the right to be supplied with Water, and will be guilty of an offense and liable to a fine as follows:
 - a) for a first offense, a fine of two hundred and fifty dollars (\$250.00), and may forfeit the right to be supplied with Water at the discretion of the Administrator, and
 - b) for a second offense, a fine of five hundred dollars (\$500.00), and will forfeit the right to be supplied with Water for a length of time to be determined by the Administrator, and
 - c) for any subsequent offense, a fine of one thousand dollars (\$1,000.00), and will forfeit the right to be supplied with Water for a length of time to be determined by the Administrator.

I. POWER OF BYLAW ENFORCEMENT OFFICER

1. The Village of Barnwell Bylaw Enforcement Officer is hereby authorized to enforce the provisions of this Bylaw.
2. A notice, having printed wording approved by the Administrator, may be issued by the Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw, and the said notice will require forfeiture and payment of the appropriate fine specified in **Section H** to such officials as the Administrator may designate.
3. A notice, will be deemed to be sufficiently served if served personally on the accused, or if mailed to the address of the Registered Owner of the premise or property concerned, or the person concerned.
4. Upon production of the notice within seven (7) days from the date of service thereof together with the payment prescribed in **Section H** to an official designated by the Administrator to receive such payment, an official receipt for the payment will be issued and subject to the provisions of Section 5 of this section, such payment will be accepted in lieu of

**VILLAGE OF BARNWELL
BYLAW NO. 2-01 CONT'D.**

prosecution.

5. If the person upon whom any such notice is served fails to pay the required sum within the time limit of Twenty-Two (22) consecutive days, the provisions of the Section for acceptance of payment in lieu of prosecution does not apply.
6. If a person has been prosecuted for the offence named in the Notice and has been convicted of such offence, then the fine imposed will not be less than the original amount indicated on the notice or five hundred dollars \$500.00, whichever is greater.
7. Nothing in this Section contained will prevent any person from defending a charge of committing a breach of the Bylaw or prevent any Bylaw Enforcement Officer or other person from laying any information and complaint against any other person whether or not such other persons has made a payment under the provision of Sections H.1 and H.2 for a breach of any of the provisions of this Bylaw.


J. EFFECTIVE DATE

This bylaw shall come into force and effect on the final date of passing thereof.


READ A FIRST TIME THIS 24th DAY OF APRIL, 2001.

READ A SECOND TIME THIS 24th DAY OF APRIL, 2001.

BY UNANIMOUS CONSENT, READ A THIRD TIME AND FINALLY PASSED THIS 24th DAY OF APRIL 2001.



MAYOR



ADMINISTRATOR

VILLAGE OF BARNWELL
BYLAW NO. 2-01 CONT'D.

SCHEDULE 'A'

Approx.

Zone 1 = 23 + Heritage PK.

Zone 2 = 23 + Church

Zone 3 = 29

Zone 4 = 21 + Willow Park

Zone 5 = 24

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consists of all non colored area

