

VILLAGE OF BARNWELL
BYLAW NO.02-24

**BEING A BYLAW OF THE VILLAGE OF BARNWELL, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF GOVERNING WATER USE AND WATER CONSERVATION
MEASURES DURING EVENTS OF WATER SHORTAGE WITHIN THE VILLAGE OF
BARNWELL.**

WHEREAS pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, and amendments made thereto, the Council is authorized to pass bylaws for municipal purposes respecting services provided by or on behalf of the Village, as well as to enforce those bylaws.

AND WHEREAS the Municipal Council for the Village of Barnwell deems it advisable and necessary to make provisions for the conservation and restriction of the use of water and for the protection of the supply of water;

NOW THEREFORE the Council of the Village of Barnwell in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0 NAME OF BYLAW

This Bylaw may be cited as the "Water Conservation Bylaw."

2.0 DEFINITIONS

In this Bylaw:

- | | |
|----------------------------------|---|
| Act | means the Municipal Government Act, R.S.A. 2000, C. M-26, any regulations thereunder, and any amendments or successor legislation thereto; |
| Address | refers to the number identifying a building, sometimes commonly referred to as "house number," though this number may also refer to commercial addresses. |
| Bylaw | means the Water Conservation Bylaw established by the Municipality; |
| Bylaw Enforcement Officer | means a person or persons appointed by the Chief Administrative Officer for the Village of Barnwell pursuant to the provisions of the <i>Municipal Government Act</i> , Sections 555(1) and 556(a) and (b); |

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Chief Administrative Officer	means the Chief Administrative Officer (CAO) for the Village, regardless of the specific title that may be conferred on the Officer by Council from time to time;
Council	means the entire elected body of officials for the Village of Barnwell and includes the Mayor;
Customer	means 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;
Municipality	means the Village of Barnwell;
Non-Essential Water Use	means the use of Water that does not have any health or safety impacts, is not required by regulation, and includes but is not limited to: <ul style="list-style-type: none">• Washing and/or pressure washing of vehicles, streets, sidewalks, parking lots and other paved areas or building exteriors, unless necessary for maintaining public sanitation and/or safety.• Irrigation of lawns, trees, fields, and ornamental plants (including through timed or programmed sprinkler systems).• Filling of decorative fountains, swimming pools, hot tubs, or similar recreational water toys.• Any other uses deemed non-essential by the CAO on an event specific basis, given the severity and specific circumstances of the specific event.
Peace Officer	means a Police Officer defined under the Police Act Chapter P-17 R.S.A. 2000, or a Community Peace Officer defined under the Peace Officer Act Chapter P-3.5. and includes a Bylaw Enforcement Officer.

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Outdoor Water Use	means the use of Water outside of the building by customers, occupants and/or owners for the purpose of: <ul style="list-style-type: none">• Filling of outdoor pools, hot tubs, or similar uses;• washing of vehicles, driveways, sidewalks, or garage floors;• filling of any fountains, ponds, or other decorative features;• washing of exterior windows, siding, or stucco on buildings;• watering of lawns, trees, fields, gardens, and ornamental plants (including through timed or programmed sprinkler systems);• conducting any other outdoor water activity similar in nature to the foregoing.
Person	means any individual, corporation, society, association, partnership, or firm.
Premises	means any land, building or part of a building supplied with Water by the Village of Barnwell's water distribution system.
SMRID 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 St. Mary's River Irrigation District ("SMRID") system who receives charges from the SMRID.
Vehicle	means a device in or by which someone travels, or something is carried on or conveyed including but not limited to cars, trucks, tractors, trailers, recreational vehicles, all-terrain vehicles (ATVs) and motorcycles.
Village	means the Village of Barnwell, a

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Municipal Corporation, in the Province of Alberta, or the geographical area contained within the boundaries of the Village of Barnwell, and/or serviced by the Village as the context may require;

Violation Ticket

means a ticket which is authorized by the *Municipal Government Act*, R.S.A. (2000), Chapter M-26 or under the *Provincial Offences Procedure Act*, R.S.A. (2000), Chapter P-34, issued under Part 2 or Part 3, for any bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer a summons;

Water

means potable and/or raw water supplied by the Village of Barnwell's water distribution system and/or Saint Mary's River Irrigation District ("SMRID") to a Premises within the Village, and water supplied by the Village of Barnwell's water distribution system to a Premises outside of the Village municipal boundaries.

Water Restriction

means the applicable restriction on Water use imposed by the CAO (Level I or Level II) or Counsel (Level III) as described in Schedule "A."

Water Station

means a Village of Barnwell truck loading station supplied for the purpose of providing potable water, with charges by the Village for providing this service.

3.0 SUPPLY AND MANAGEMENT

- 3.1 The Village of Barnwell presently provides water to all customers through either the Village water distribution system for water, or the Water Station. At times where drought conditions exist in Southern Alberta, or as otherwise determined by the CAO, that affect the overall water supply of the Village, the Village will undertake the following:
- 3.1.1 Assist all customers by providing information that will encourage water conservation;
 - 3.1.2 Encourage any commercial, industrial, or institutional customers to implement water conservation technologies; and

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- 3.1.3 Manage the overall supply of water in the Village in order to comply with requirements by all water suppliers and users in the region through regulation, restriction, or prohibiting the use of water as set out in this Bylaw, any amendments hereafter or by a resolution of Council, duly enacted, for specific water use restriction issues.

4.0 WATER CONSERVATION AND RESTRICTION STRATEGIES

- 4.1 The Village may restrict, regulate, or prohibit the amount of, usages, and/or hours during which Water may be used for any purpose other than for firefighting.
- 4.2 For the purposes of implementing Water Restrictions, odd and even addresses will refer to the “house number,” of the Premises not the street or avenue number. For example, the address 921-2 Avenue will be considered an odd numbered address as the “house number” ends with a one (1).
- 4.3 Water Restrictions may include limitations on the use of Water for any non-essential uses, including aesthetic or recreational purposes, as deemed necessary by the Village.
- 4.4 The CAO shall have the sole discretion to declare a water shortage and implement Levels I and II Water Restrictions upon having undertaken the following:
 - 4.4.1 Consultation with Alberta Environment as the Village’s water license holder or;
 - 4.4.2 Consultation with the St. Mary River Irrigation District as the supplier of water services to the Village and area or;
 - 4.4.3 Discussions with the Municipal District of Taber and/or the Town of Taber or;
 - 4.4.4 Discussions with Public Works or designate;
- 4.5 These actions may become effective immediately and are at the CAO’s discretion for Levels I and II Water Restrictions, having regard to factors including the raw water supply rate, the reservoir or potable water reservoir levels, or the reliable raw water withdrawal rate. That may include, without limitation, determining whether the reliable raw water consumption/withdrawal rate that feeds the potable water system drops below:
 - 4.5.1 The system wide average annual daily raw water demand for a significant period;
 - 4.5.2 the flow rate needed to adequately replenish the raw water reservoir in a timely manner, or;

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- 4.5.3 any other flow associated with a critical water system issue that necessitates Water Restrictions.
- 4.6 Council shall have the sole authority to restrict Water usage for the Village at Level III Emergency Mandatory Water Restrictions. A resolution of the Council shall be required to enact Level III Water Restrictions, and a rescinding resolution required to lift Level III Restrictions.
 - 4.6.1 Should Council enact Level III Restrictions while a Level I or II Restriction is in place, the resolution of Council will automatically override the existing level, and the Level III Restrictions shall take immediate effect upon the resolution being passed by majority vote of Council.
 - 4.6.2 Should Council rescind Level III Restrictions, but the CAO determines Level I or II Restrictions remain necessary, the CAO will enact an appropriate level at their discretion only after a rescinding resolution of Council is passed.
- 4.7 When the CAO has declared a state of Water shortage:
 - 4.7.1 The CAO may impose a Level I or Level II Water Restriction as set out in Schedule "A" provided the form in Schedule "B" is signed by the CAO.
 - 4.7.2 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 in the circumstances.
- 4.8 The Village shall provide notice of the state of Water shortage and the Water Restriction imposed through whatever media sources the CAO or designate determines sufficient and may include but not be limited to, signage, website, social media, direct mailing, and bulk media notification, and/or radio/television/newspaper.
- 4.9 When the CAO has imposed a Level I or Level II Water Restriction, no Person shall use Village supplied Water at any Premises, or SMRID Water at any premises located in the Village which is contrary to the restrictions as set out in Schedule "A."
- 4.10 The state of Water Restriction once imposed shall remain in effect until the CAO declares that the risk to the overall water supply has improved to an acceptable level and the Water Restriction has ended. The CAO shall rescind the Water Restriction using the form in Schedule "C."
- 4.11 An end to the Water Restriction will also be duly advertised to the public upon its termination.
- 4.12 Regardless of any Water Restriction in effect, Water conservation measures will be promoted during times of low water levels by encouraging conservation activities.

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5.0 EXCEPTIONS

- 5.1 For the purposes of this bylaw, municipal operations including (but not limited to) the use of Water in municipal facilities, municipal greenspaces, and other municipal services are exempted from Water Restrictions in order to maintain service levels to the community.
- 5.1.1 Notwithstanding the above, the Village of Barnwell will make efforts to either limit, reduce, or eliminate non-essential Water usage in municipal spaces and services wherever and whenever possible when Water Restrictions are put in place. What shall be deemed non-essential to municipal operations will be at the discretion of the CAO and implemented on a case-by-case basis in relation to any restrictions that may be imposed.
- 5.1.2 The CAO may also choose to enact municipal-specific water restrictions within various municipal spaces as deemed prudent for Water conservation up to and including ceasing any services the CAO deems necessary until such time that the CAO determines the restrictions are no longer necessary.
- 5.2 In the event of Water Restrictions, fire hydrant flushing by the Village of Barnwell will be allowed to occur to safeguard public health and safety.
- 5.2.1 Notwithstanding the above, during months whereby the Village of Barnwell is pulling water directly from the Chin Reservoir and the water level is not sufficient to engage the normal operation of the raw water pump house, fire hydrant flushing shall not occur.
- 5.3 Gardens cultivated exclusively for food consumption may be watered during Levels I and II Water Restrictions, subject to compliance with such restrictions contained therein, including limitations to times/dates for watering as outlined in the Water Restrictions or restrictions on how the garden can be watered (ie: hand watering for Level II). Gardens are not exempt from Level III restrictions.
- 5.4 The CAO, at their discretion, may grant exceptions to the Water use restrictions. Examples may include, but are not limited to, health and safety and critical commercial activities. What is deemed necessary for an exception shall be at the sole discretion of the CAO.
- 5.5 Any exceptions must be granted in writing directly from the CAO to the Person seeking an exception before the exception is allowed to be carried out.
- 5.5.1 If a Violation Ticket is issued before the written exception is granted by the CAO, the ticket will remain valid.
- 5.6 Any supply of water that a Person can establish is not Water supplied by the Village and/or SMRID is not subject to these restrictions. Examples of alternate water supplies include, but are not limited to, rain barrels filled by natural precipitation, private wells, or water purchased from sources other than Village supplied water.

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- 5.7 Should the Government of Alberta impose any water restrictions above that of the Village of Barnwell's restrictions, those shall take precedence.

6.0 WASTING WATER

- 6.1 No consumer will allow Water to run off the property as a result of Water uses including, but not limited to, lawn/property overwatering, broken irrigation, or infrastructure washing of surfaces, such that there is:
- 6.1.1 A stream running into a street or swale for an excessive distance from the edge of the parcel;
 - 6.1.2 A stream of Water running into a street or swale and directly into a catch basin; or
 - 6.1.3 A stream or spray of Water running into or discharging into a street or a sidewalk.
- 6.2 If a customer or other persons contravene 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 within the period indicated in Section 8 upon being invoiced, the Village may recover the expenses therefore with costs by action in Court. This expense will be in addition to any fines or penalties imposed for contravention of this Bylaw.

7.0 ENFORCEMENT

- 7.1 A Person who violates any section of this Bylaw is guilty of an offence and liable, upon summary conviction, to a fine as set out by this Bylaw.
- 7.2 A Peace Officer who has reasonable grounds to believe a contravention of this Bylaw has occurred or is occurring is authorized and empowered to:
- 7.2.1 Issue a verbal and/or written warning to the Person violating this Bylaw and/or;
 - 7.2.2 Issue a Violation Ticket pursuant the *Provincial Offences Procedures Act* to the Person violating this Bylaw, with or without having issued any such warning.
- 7.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- 7.3.1 Provide that the Person who has committed the offence may, within a specified period of time, pay a specified penalty as listed in Section 8 of this Bylaw; or
 - 7.3.2 Require a Person to appear in court without the alternative of making a voluntary payment.

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- 7.4 Where water is supplied by the Village to a Parcel outside the Village and a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- 7.4.1 Provide that the Person who has committed the offence may, within a specified period of time, pay a specified penalty as listed in Section 8 of this Bylaw; or
 - 7.4.2 Require a Person to appear in court without the alternative of making a voluntary payment; and
 - 7.4.3 The CEO may enforce either this Bylaw and/or the collection of the specified penalty by shutting off the water being supplied to the Parcel, or by action in any court of competent jurisdiction, or both; and
 - 7.4.4 When at any time the Water supplied by the Village is shut off for violating this Bylaw or, or non-payment of a specified penalty, a Water Service charge for reconnection as set out in the Utility Services Fees Policy 02-23 will be charged when the water supply is restarted. Water will not be restarted until the specified penalty and any applicable charges and fees are paid.

8.0 PENALTIES

- 8.1 A Person committing a breach of any of the provisions of this Bylaw, upon conviction of breach thereof, and shall be liable to penalty as outlined below:

LEVEL	1st Offence	2nd Offence	3rd Offence
I	N/A	N/A	N/A
II	\$100.00	\$250.00	\$800.00
III	\$250.00	\$800.00	\$1,500.00
Wasting Water	\$100.00	\$250.00	\$800.00

- 8.2 Any costs incurred by the Village as noted in Section 6 must be paid within thirty (30) days.
- 8.3 In addition to any penalty which may be imposed under this Bylaw, the Village may seek a court order granting relief in the nature of an injunction or any other order necessary to enforce compliance (including pursuant to Part 13 of the *Municipal Government Act*).

9.0 INTENTION OF VILLAGE COUNCIL

It is the intention of the Village Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Village Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

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10.0 RESCINDED OR AMENDED BYLAWS

Bylaw No. 2-01 is hereby repealed in its entirety.

11.0 EFFECTIVE DATE

This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

RES. Read a First Time this _____ day of _____, 2024.

RES. Read a Second Time this _____ day of _____, 2024.

RES. Read a Third Time and finally passed this _____ day
of _____, 2024.

VILLAGE OF BARNWELL

MAYOR

INTERIM CHIEF ADMINISTRATIVE OFFICER (C.A.O.)

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**Schedule “A”
Water Restrictions**

Level I

All outdoor Water use is permitted as follows:

Premises Addresses	May Only Use Water on the Following Days:
Odd numbered addresses (addresses ending in 1, 3, 5, 7, 9)	Tuesdays, Thursdays, Sundays
Even numbered addresses (addresses ending in 0, 2, 4, 6, 8)	Mondays, Wednesdays, Saturdays

Watering of lawns, gardens, trees, and shrubs may only occur during the following hours:
6:00 AM – 9:00 AM or 7:00 PM – 10:00 PM

Level II: Mandatory Watering Restrictions

All outdoor Water use including watering lawns, non-commercial washing of vehicles, sidewalks, pads, exteriors of buildings, filling of hot tubs/pools, recreational use of sprinklers and similar water toys, is restricted to the following schedule:

Premises Addresses	May Only Use Water on the Following Days:
Odd numbered addresses (addresses ending in 1, 3, 5, 7, 9)	Thursdays, Sundays
Even numbered addresses (addresses ending in 0, 2, 4, 6, 8)	Wednesdays, Saturdays

Watering may only occur during the following hours: 6:00 A.M. – 9:00 A.M. or 7:00 P.M. – 10:00 P.M.

Flowerbeds and vegetable gardens may be watered by hand, during prescribed times, using a watering can or a hose with a nozzle shutoff to restrict Water flow.

Requests for site and condition specific irrigation scheduling for commercial or industrial operations using a metered irrigation system may be approved in writing by the CAO. Written approval must be obtained prior to the excepted irrigation scheduling being implemented.

Requests for Water conservation exemption permits for newly seeded lawns or freshly planted sod may be applied for at the Village of Barnwell Office. Written exemptions may be granted by the CAO in writing.

Level III: Emergency Mandatory Water Restrictions

All outdoor Water uses, and non-essential Water use is strictly prohibited.

**Schedule “B”
Water Restrictions Form**

DECLARATION OF WATER RESTRICTIONS

WHEREAS low water levels exist in the Village of Barnwell due to _____,

THEREFORE, the Village of Barnwell deems it prudent to declare that **Water Restrictions** are hereby necessary within the municipal boundaries of the Village of Barnwell and for all users of Water supplied by the Village of Barnwell to conserve water.

The following Level of Water Restriction is hereby enacted:

Level	Enacted (initial of CAO):
Level I Restrictions	
Level II Restrictions	

Upon signature of the Chief Administrative Officer of the Village of Barnwell herewith, the Restrictions imposed upon the municipality and users of Water supplied by the Village of Barnwell are as designated within the Village of Barnwell Water Conservation Bylaw.

All restrictions and penalties therein are now in full force until such time that the restrictions are either elevated or removed.

Signature of Chief Administrative Officer: _____

Time: _____

Date: _____

**Schedule “C”
Cancellation of Water Restrictions**

CANCELLATION OF WATER RESTRICTIONS

WHEREAS low water levels in the Village of Barnwell are deemed to be at an acceptable level,

THEREFORE, the Village of Barnwell deems it prudent to declare that Water Restrictions are lifted within the municipal boundaries of the Village of Barnwell and for users of Water supplied by the Village of Barnwell as of the date of the signing of the Chief Administrative Officer's signature below.

Signature of Chief Administrative Officer: _____

Time: _____

Date: _____