

BY-LAW NUMBER 07-29

OF

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

**Being a By-Law to regulate and control the use of water outside of buildings.**

**WHEREAS** Section 10 and Section 11 of the Municipal Act R.S.O. 2001, C 25 as amended by C 32, Schedule A. S.8 as amended provides that a Municipal Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water and every other matter related to or connected therewith that may be necessary or proper to regulate in order to secure to the inhabitants of the Township of Clearview a continued and abundant supply of pure and wholesome water and to prevent the practicing of frauds upon the Township with regards to water so supplied.

**NOW THEREFORE BE IT RESOLVED THAT:**

**1. Introduction**

**1.1 Title and Scope**

1.1.1 This is a By-Law to regulate the use of water to ensure adequate water supply during peak periods. This By-Law will be known as the "Water Control By-Law" for the Corporation of the Township of Clearview.

**1.2 Validity and Severability**

1.2.1 Should any section, sub-section, clause, paragraph, or provision of this By-Law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provisions of this By-Law or the By-Law as a whole.

**1.3 Interpretation**

1.3.1 Words used in the singular shall have corresponding meanings when used in the plural.

1.3.2 "May" shall be construed as permissive.

1.3.3 "Shall" shall be construed as imperative.

**1.4 Force and Effect**

1.4.1 This By-Law shall come into force and take effect on the day that it receives the approval of the Council of the Township of Clearview.

**2. Definitions**

For the purpose of this By-Law, the following words shall have the meaning ascribed herein:

2.1 "Approved time period" means between the hours of 6:00 am and 9:00 am and between the hours of 6:00 pm and 9:00 pm in accordance with the following schedule of days

a) Even numbered properties on even numbered days of the month.

b) Odd numbered properties on odd numbered days of the month. – or-

c) Un-numbered properties on the north and west sides of the street on even numbered days of the month.

d) Un-numbered properties on the south and east sides of the street on odd numbered days of the month.

2.2 "Consumer" means any owner, occupant, lessee, tenant or any person or company purchasing water from the Township.

2.3 "Council" means the Council of the Corporation of the Township of Clearview.

- 2.4 **“Critical Water Period”** means any period of time during which the Director of Public Works or his/her designee is of the opinion that the level of available water is not at a sufficient level to maintain domestic, commercial and firefighting requirements.
- 2.5 **“Director of Public Works”** means the person designated by the Township as such or his/her designee.
- 2.6 **“Garden”** means a piece of ground for the growing of fruits, flowers and/or vegetables.
- 2.7 **“Owner”** includes: an assessed owner, tenant, occupant or any person having an interest, whether equitable or legal, in the land.
- 2.8 **“Person”** means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to who the context can apply according to the By-Law.
- 2.9 **“Vehicle”** means a motor vehicle or vehicle as defined under the Highway Traffic Act and includes a boat or other vessel.

### **3. Offences**

- 3.1 During the period from June 1 until August 31 of any year, no consumer shall use or allow any other person to use their supply for watering a lawn or garden or washing a vehicle, except during an approved time period.
- 3.2 No consumer shall use, or allow any other person to use more than one tap at any one time for the purpose of watering a lawn or garden and/or for the washing of a vehicle.
- 3.3 No consumer shall use, or allow any other person to use their water supply for the watering of a lawn or garden at the same time as the washing of a vehicle.
- 3.4 No consumer shall use or allow any other person to use their water supply outside a building or inside a building for the purpose of washing a vehicle during a Critical Water Period.
- 3.5 No consumer shall use or allow any other person to use their water supply for the purpose of watering a lawn or garden during a Critical Water Period.

### **4. Administration, Enforcement and Inspection:**

- 4.1 This By-Law shall be administered by the Director of Public Works of the Township or such other person or persons as Council may, by By-Law, appoint and all such persons shall be considered inspector under the terms of the By-Law.
- 4.2 This By-Law shall be enforced by the Director of Public Works, his/her designee and Municipal Law Enforcement Officer(s) or such other person or persons as the Council may by By-Law appoint and all such persons shall be considered inspector under this By-Law.
- 4.3 An inspector under this By-Law
- 4.3.1 Has the power to enter upon and examine any yards or buildings, other than a dwelling, a any reasonable time or times; and
- 4.3.2 May be accompanied by such other persons or persons, as they deem necessary to properly carry out their duties under this By-Law.

### **5. Penalty**

- 5.1 Every person who:
- a) hinders, disturbs or obstructs any Inspector in carrying out their duties under this By-Law, or:
  - b) Contravenes any provision of this By-Law

is guilty of an offence and, upon conviction, is subject to a penalty as provided under the Provincial Offences Act.

- 5.2 Schedule ‘A’ to this By-Law sets out set fines for Offences Section 3.1 to 3.5 and Section 5.1.

**6. Continuing Offence**

6.1 Each day that a situation as described in Sections 3.1 to 3.4 of this By-Law is allowed to continue shall constitute a separate offence under this By-Law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate find for each and every day that such situation has been allowed to continue.

**7. Corporations**

7.1 Every person and an officer director, employee or agent of a corporation charged with committing an offence under this By-Law is a party to the offence who:

- a) actually commits it; or
- b) Does or omits to do anything for the purposes of aiding any person to commit it, or
- c) Abets any person in committing it. Where two or more persons form an intention in common to carry out an unlawful purpose, and to assist each other therein, each of those who knew or ought to have known that the commission of an offence under this By-Law would be probable consequence of carrying out the common purpose is a party to the offence.

**8. Exemptions**

8.1 Section 3.1, as it relates to watering of lawns does not apply to a consumer who has applied to the Director of Public Works or his/her designee and has received an approval to waive the effect of this By-Law as it relates to watering of lawns in the event of a newly sodded lawn or newly seeded lawn.

8.2 An approval to waive the effect of this By-Law shall apply for a maximum of one (1) week.

8.3 Sections 3.1 to 3.4 do not apply to a business engaged in washing vehicles for a fee where such business is located in accordance with the Zoning By-Laws.

**9. Critical Water Periods:**

9.1 A Critical Water Period may be applied to all or any part of the Township at the discretion of the Director of Public Works.

9.2 Before coming into effect, a Critical Water Period shall be announced by

- a) publication in a local newspaper, -or-
- b) delivery of notice to the consumers affected.

9.3 At any time there is a Critical Water Period, the Director of Public Works or his/her designee may prohibit the use of water outside a building or inside a building for the purpose of washing a vehicle.


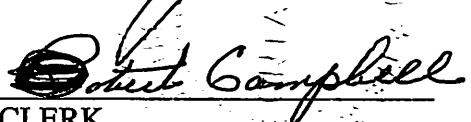
9.4 No consumer shall use or allow any other person to use their water supply for the purpose of watering a lawn or garden during a Critical Water Period.

9.5 The decision of the Director of Public Works or his/her designee to prohibit such water use during a Critical Water Period shall remain in effect until such time as the Director of Public Works or his/her designee rescinds such prohibition.

**10. Repeal of Previous By-Laws**

10.1 By-Law Number 96-17 and By-Law Number 02-11 are hereby repealed effective upon this By-Law taking effect.

By-Law Number 07-29 read a first, second and third time and finally passed this 14<sup>th</sup> day of May, 2007.

  
MAYOR  
  
CLERK

THE HONOURABLE JUSTICE JOHN ANDREW PAYNE  
REGIONAL SENIOR JUSTICE OF THE ONTARIO COURT OF JUSTICE  
CENTRAL EAST REGION



L'HONORABLE JUGE JOHN ANDREW PAYNE  
JUGE PRINCIPAL REGIONAL DE LA COUR DE L'ONTARIO  
RÉGION DU CENTRE-EST

50 EAGLE STREET, WEST  
NEWMARKET, ONTARIO L3Y 6B1

TELEPHONE/TELEPHONE (905) 853-4890  
FAX/TELECOPIER (905) 853-4891

July 12<sup>th</sup>, 2007

Mr. Philip Snape  
By-Law Enforcement Officer  
217 Gideon Street  
P.O. Box 200  
Stayner, Ontario  
L0M 1S0

Dear Mr. Snape,

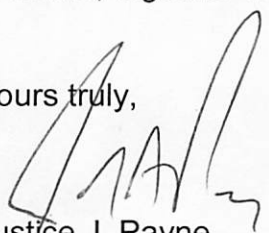
**Re: Set Fines – Part I**  
**The Corporation of the Township of Clearview**

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for the By-law – 07-29.

The setting of the fines does not constitute my approval of the short form of the wording used to describe the offences.

I have forwarded a copy of the Order and the schedule of the set fines to the POA Court in Barrie, together with a certified copy of the By-law.

Yours truly,

  
Justice J. Payne  
Regional Senior Justice  
Central East Region

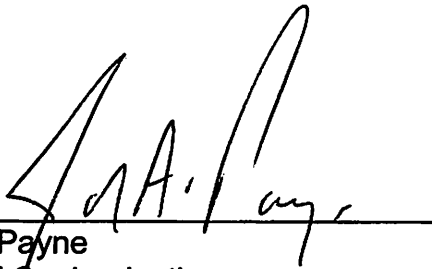
/bmw  
Enclosures

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 07-29, for the Corporation of the Township of Clearview, attached hereto is the set fine, for those offences. This Order is to take effect July 12<sup>th</sup>, 2007.

DATED at Newmarket this 12<sup>th</sup>  
day of July, 2007.



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John A. Payne  
Regional Senior Justice  
Central East Region

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW BY-LAW 07-29  
 A BY-LAW CONTROLLING WATER USAGE  
 PART 1 - PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Consumer use water except during approved time period	Section 3.1	\$75.00
2	Consumer allow use of water except during approved time period	Section 3.1	\$75.00
3	Consumer use more than one tap for watering a lawn or washing a vehicle.	Section 3.2	\$75.00
4	Consumer allow the use of more than one tap for watering a lawn or washing a vehicle	Section 3.2	\$75.00
5	Consumer use water for washing a vehicle and watering a lawn at the same time	Section 3.3	\$75.00
6	Consumer allow use of water for washing a vehicle and watering a lawn at the same time	Section 3.3	\$75.00
7	Consumer use water during a critical water period for washing a vehicle	Section 3.4	\$100.00
8	Consumer allow use of water during a critical water period for washing a vehicle	Section 3.4	\$100.00
9	Consumer use water during a critical water period for watering a lawn or garden	Section 3.5	\$100.00
10	Consumer allow use of water during a critical water period to water lawn or garden	Section 3.5	\$100.00

Note: The penalty provision for the offences as listed above is Section 5 of By-law 07-29, a certified copy of which has been filed