CITY OF WINKLER

BY-LAW NO. 2268-21

Being a by-law of the **CITY OF WINKLER** for the purpose of placing water use restriction measures within the **CITY OF WINKLER**.

WHEREAS Subsection 232(1) of The Municipal Act, C.C.S.M., Cap. M225 (the "Act") states in part that:

"A Council may pass by-laws for municipal purposes respecting the following matters:
(a) the safety, health, protection and well-being of people, and the safety and protection of property…
(o) the enforcement of by-laws."

AND WHEREAS it is deemed expedient and in the best interests of the **CITY OF WINKLER** to provide restrictions to ensure the safety and reliability of the **CITY OF WINKLER** Water Utility for all residents and businesses within the **CITY OF WINKLER**.

THE CITY OF WINKLER, in Council assembled, enacts as follows:

1. For the purposes of this by-law the Designated Officer for the City of Winkler shall be the Mayor, City Manager, or Director of Planning & Engineering.

2. (1) In the event that the CITY OF WINKLER'S Designated Officer believes there is a reason to restrict water usage based on the Canada Drought Monitor Indicator, Winkler Aquifer Levels, or Water Service Capacity limits; the Designated Officer may declare a water use restriction.

   (2) The declaration of a water use restriction may apply to:

      (a) the entire **City of Winkler**;

      (b) specific zone(s) or geographic area(s) of the **City of Winkler**; or

      (c) other specific locations as defined by the Designated Officer.

   (3) In the event there is reason to declare a water use restriction, the Designated Officer may declare such restriction effective immediately.

   (4) In the event of a declaration of a water use restriction made pursuant to this Section, the Designated Officer:

      (a) shall determine that the water use restriction is a Stage One, Stage Two, Stage Three or Stage Four water use restriction, and the permitted activities shall be those referenced in Schedule "A" to this Bylaw;

      (b) shall cause public notice indicating the stage of water use restriction and the date such restrictions came or will come into effect to be given in any one or more of the following manners:

         (i) **CITY OF WINKLER** press release;

         (ii) notice on The **CITY OF WINKLER** web-site; or

         (iii) circulation of flyers; or

         (iv) social media; or

         (iv) signage;

      (c) may declare different stages of Water Use Restrictions in different areas;

(d) shall, if changing the areas of application or stages of restrictions in any area or lifting a declaration of Water Use Restrictions, cause a public notice to be given in the manner described in subsection (b); and

(e) shall, after determining that the reason or reasons to require restricted water usage has sufficiently abated, declare an end to a Water Use Restriction and shall cause public notice of such declaration to be given in the manner described in subsection (b).

(5) When a Water Use Restriction is in effect, no Owner or Occupier of a Parcel or Premises shall allow the use of water supplied through the City Water System for any activity or application prohibited in the following stage of restrictions in Schedule "A" to this Bylaw:

(a) Stage 1 – Normal;

(b) Stage 2 - Moderate;

(c) Stage 3 - Severe; or

(d) Stage 4 – Extreme.

(6) Without limiting the generality of this bylaw, the activities permitted in Schedule "A" shall apply to all use of municipally produced or purchased water for the purposes of supply.

ENFORCEMENT

3. (1) Where a Bylaw Enforcement Officer believes that a Person has contravened any provision of this Bylaw, the Bylaw Enforcement Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the Bylaw Enforcement By-Law (2174-17).

(2) Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the specified penalty for the offence.

(3) The levying and payment of any fine for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this Bylaw or any other bylaw.

(4) Notwithstanding the provisions of this Section, any Person who contravenes any provision of this Bylaw may forfeit the right to be supplied with water from the Water System.

DONE AND PASSED by Council of the **CITY OF WINKLER** duly assembled on the 10th day of August, 2021.

Mayor

City Manager

Read a first time 27th day of July, 2021
Read a second time 10th day of August, 2021
Read a third time 10th day of August, 2021

SCHEDULE A

	Normal Conditions	Moderate Stage	Severe Stage	Extreme Stage
Targeted Water Use Reduction	**0-5%**	**10%**	**25%**	**40%**
Component	**Action**	**Action**	**Action**	**Action**
City Decision Indicators	**Aquifer Levels > 25 percentile**	**Canada Drought Monitor ≥ D2; or Aquifer Levels ≤ 25 percentile**	**Canada Drought Monitor ≥ D3; or Aquifer Levels ≤ 10 percentile; or Water supply service disruption**	**Canada Drought Monitor ≥ D4; or Aquifer Levels ≤ 10 percentile for 3months; or Water supply shortage**
Residential	No Restrictions	Voluntary reduction	Voluntary Indoor Reductions No spraying/pressure washing driveways, decks or buildings	Voluntary Indoor Reductions No spraying/pressure washing driveways, decks or buildings
Commercial/Industrial (Indoor Use)	No Restrictions Water Recycling Systems Encouraged	Voluntary reduction	Essential Operations Only	Essential Operations Only Mandatory restriction to 80% of past water consumption
New or Existing Yard Watering (hose connected sprinkler)	Permitted: Odd property number – Monday, Wednesday, Saturday Even property number – Tuesday, Thursday, Sunday Rain/Reuse Water Catchment Encouraged	Mandatory: Odd property number – Saturday Even property number – Sunday Institutional zones - Thursday	Not Permitted with City Supply	Not Permitted with City Supply or non-potable
Landscaping (ie. tree/shrubs/flowers)	No Restriction Rain/Reuse Water Catchment Encouraged	Mandatory: Odd property number – Monday, Wednesday, Saturday Even property number – Tuesday, Thursday, Sunday Rain/Reuse Water Catchment Encouraged	Mandatory: Odd Property number – Saturday Even Property number – Sunday Institutional Zones – Thursday Rain/Reuse Water Catchment Encouraged	Not Permitted with City Supply Rain/Reuse Water Catchment Encouraged
Vegetable Garden Watering	No Restriction Rain/Reuse Water Catchment Encouraged	No Restriction Rain/Reuse Water Catchment Encouraged	Mandatory: Odd property number – Wednesday, Saturday Even property number – Thursday, Sunday No restriction on non-potable supplies	Mandatory: Odd property number – Saturday Even property number – Sunday
Outdoor Leisure Uses	No Restriction	Voluntary reduction Pool covers recommended	No pool filling No activities resulting in spraying water	No Pool Filling No activities resulting in spraying water
Vehicle Washing	No Restriction	No vehicle washing resulting in water draining or splashing onto city streets or ROW	Not permitted at private residence Commercial car washes only	Not permitted at private residence Commercial car washes only or 20% reduction in use from past consumption
Agriculture	No Restrictions	Voluntary reductions	Mandatory use of non-potable	Mandatory use of non-potable sources
Construction	Metered use of potable water (City Authorized) (No restriction of non-potable)	Metered Use of potable water (City Authorized) (No restriction of non-potable)	Metered Use of potable water (City Authorized) No restriction of non-potable	Not permitted with City potable supply
City Operations (Utilities, Public Works, Fire, Community Services)	No Restriction	General: Scheduled & Essential Uses Permitted Restrictions: All Sport Fields & Facility Lawn Watering: 1 Day per Week Watering New Tree/Shrub Plantings: Monday, Wednesday, Friday Community Services: Alternating spray park operation	General: Essential Uses Permitted Restrictions: All Sport Fields & Facility Lawn Watering: Not Permitted with City Potable Supply Watering New Tree/Shrub Plantings: non-potable only Utilities: No Hydrant Flushing, unless required by Regulations Potable water fill station: reduced hours of operation MWF 07:00 to 16:00 Fire: no fire drills with City potable supply Community Services: No spray park operations	General: Essential Uses Only Restrictions: All Sport Fields & Facility Lawn Watering: Not Permitted with City Supply Watering New Tree/Shrub Plantings: Not Permitted with City Supply (potable or non-potable) Utilities: No Hydrant Flushing, unless required by Regulations Potable water fill station operated by appointment only Fire: no fire drills with City potable supply Community Services: No spray park operations No pool filling
Lodging/Restaurant	No Restriction	Voluntary Signage of Drought Stage and Ideas to Conserve Water	Signage of Drought Stage and Ideas to Conserve Water Restaurants: Only serve water when asked	Signage of Drought Stage and Ideas to Conserve Water Restaurants: Only serve water when asked

SCHEDULE B

Enforcement shall follow the stages as per Schedule “A”.

This schedule may be updated from time to time and changes would be reflected in the CITY OF WINKLER’s Fees and Charges Bylaw.

Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-law for which no other penalty is herein provided.

is guilty of an offense and liable on summary conviction, for each offense, to a fine not exceeding Five Hundred Dollars ($500.00) and costs on conviction, or to imprisonment for a term not exceeding thirty (30) days, or to both such a fine and such an imprisonment and the person is also liable to an action at law, at the suit of the City, to make good any damage done by the person.

Where the contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offense for each day that it continues.

The above fines and penalties shall be in addition to any replacement and/or repair costs which the person has caused the Water Utility to suffer due to the person violating any of the provisions of this by-law.