

**Bylaw 1001/2024**  
**Water Conservation Bylaw**



			<i>Year/Month/Day</i>
<b>Resolutions</b>	xxx/202x	<b>Effective Date</b>	2024/
<b>Related Bylaws</b>	.....		.....
<b>Lead Role</b>	.....		.....

**A BYLAW OF THE TOWN OF DEVON TO PROVIDE PROVISIONS REGARDING WATER CONSERVATION**

**WHEREAS** pursuant to the provisions of the Municipal Government Act, Statutes of Alberta 2000, chapter M-26 as amended, a Council may pass bylaws respecting the services provided by or on behalf of the municipality and public utilities and to enforce those bylaws in order to protect and secure the Town’s water supply.

**NOW THEREFORE** the Municipal Council of the Town of Devon in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. Title**

This Bylaw may be called the “Water Conservation Bylaw”

**2. Definitions:**

2.1 **“Acts of God”** including, but without restricting the generality thereof, lightning, earthquakes, storms, landslides, floods, fires, washouts etc.

2.2 **“Bulk Water Station”** The Town of Devon bulk water station located at 21 Exploration Drive

2.3 **“Chief Administrative Officer”** means the person duly appointed by Council; and may be referred to as "the CAO" in this bylaw.

2.4 **“Customer”** is any person or persons, corporation, any other municipal corporation, the Government of Alberta or the Government of Canada whose property is connected to the water system or any Lessee or occupant of such property.

2.5 **“Essential Water Use”** The use of water necessary for firefighting and basic health and safety requirements of town residents

2.6 **“Heavy Water Users”** any water user that utilizes more than 150 cubic metres of water a month is deemed to be a Heavy Water User.

2.7 **“Industrial User”** is a service supplied to a premise principally used to conduct a profession, business, trade, industry, occupation or employment, and also includes institutional bulk water uses

2.8 “**Non-essential Water Use**” Any water use that is not required to meet basic health and safety requirements of town residents

2.9 “**Non-essential Water Use Ban**” Banning the use of non-essential water subject to penalties and enforcement

2.10 “**Peace Officer**” has the same meaning as in the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto. This includes a Town of Devon Community Peace Officer, as well as Bylaw Officer duly appointed by the Town of Devon Council

2.11 “**Residential User**” Also called Domestic Use. Single- family and multi-family dwellings water use for ordinary domestic purposes (ie. cooking and cleaning) and includes outdoor water use such as lawn watering

2.12 “**Violation Ticket**” means the same as in the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto

### 3. **Emergency Water Conservation Strategy**

3.1 Based on all known & predictable knowledge & information, the Manager of Treatment Plants or supervisor in consultation with operational staff will make the decision to meet with the Manager of Operations or his/her representative and the Town CAO or his/her authorized officer to make the decision to cut back water demand and implement some or all of the water restrictions as per this bylaw.

### 4. **Water Restrictions**

4.1 The Town of Devon recognizes that there may be times when conditions or other factors that severely limit the ability to supply water for consumption while maintaining fire flow reserve and essential services. During these times when water reserves are reduced and nearing the level allotted for fire flow reserve and it is projected that an adequate water supply cannot be maintained for the immediate future, steps will be taken to limit the amount of water consumption within the community.

In order to maintain minimal water service to its internal customers during these times of water shortages the following water restrictions could be undertaken:

### 5. **Definition of Level 1 Water Shortage**

5.1 **Level 1 Water Shortage:** If the reservoir is **BELOW** 80 % capacity **AND** one of the following is occurring:

- 5.1.1 Continuing drought conditions contribute to lower river levels enough that pumping river water is severely impeded, and the quantity of water production is significantly reduced.
- 5.1.2 The plant is unable to produce water due to mechanical or process failure.
- 5.1.3 Extreme river conditions slows down or impedes treatment enough that production cannot keep up to demands from the reservoir.
- 5.1.4 There is a mechanical or process failure at the reservoir affecting water distribution.

5.2 In order to maintain minimal water service to its internal customers during these times of water shortages, the following water restrictions will be undertaken:

5.2.1 **Devon Operational Water Usage** – operational water usage will be stopped for hydrant flushing, water main flushing, vehicle and equipment washing, trees, parks and open spaces watering, pool filling, rink flooding, fire fighter training and any other non-essential water use. This may be authorized by the General Manager of Planning and Operations or designate.

5.2.2 **Residential and Business Water Use**- Information will be posted on the Town's webpage and social media accounts regarding the importance of practicing water conservation and limiting non-essential water use, especially lawn watering, informing that increased levels of water shortages will mean increased restrictions and penalties for non-compliance. It is at this level that residents will be asked to water lawn's following the Town's recommendation that odd house number water on odd days and even house numbers water on even days between the hours of 7pm-9am on a voluntary basis.

## 6. Definition of Level 2 Water Shortage

6.1 **Level 2 Water Shortage:** If the reservoir is **BELOW** 70% capacity **AND** one of the following is occurring:

- 6.1.1 Continuing drought conditions contribute to lower river levels enough that pumping river water is severely impeded and water production is significantly reduced.
- 6.1.2 The plant is unable to produce water due to mechanical or process failure.
- 6.1.3 Extreme river conditions slows down or impedes treatment enough that production cannot keep up to demands from the reservoir.
- 6.1.4 There is a mechanical or process failure at the reservoir affecting water distribution.

6.2 In order to maintain minimal water service to its internal customers during these times of water shortages, the **following additional water restrictions** will be undertaken:

6.2.1 **Town operated Bulk Water Station** – The bulk water station will be closed until adequate water supply can be maintained. This may be authorized by the Director of Public Works & Land Services or designate.

6.2.2 **Water Spray Park**- Water will be shut off until adequate water supply can be maintained. This may be authorized by the General Manager of Planning and Operations or designate.

6.2.3 **Residential and Business Water Use**- Signs will be placed on the corners of key intersections in Devon informing residents and businesses of water restriction in effect. This includes the specified restriction or complete stoppage of residential lawn watering subject to penalties. When time allows, a notice will be placed in the local newspaper. Notices will be placed on the Town website and social media pages. This

may be authorized by the CAO after consulting with General Manager of Planning and Operations or designate.

- 6.2.4 General Manager of Planning and Operations or his/her designate will contact Devon Research Centre authorities on the same
- 6.2.5 Lawn water restrictions such as odd/even addresses on odd/even dates are now enforced with penalties.
- 6.2.6 General Manager of Planning and Operations or his/her designate will put signs at Bulk Water Station to limit water usage only for residential purposes.
- 6.2.7 Non-Essential Water Ban in Effect

## 7. Definition of Level 3 Water Shortage

7.1 **Level 3 Water Shortage:** If the reservoir is **BELOW** 60% capacity **AND** one of the following is occurring:

- 7.1.1 Continuing drought conditions contribute to lower river levels enough that pumping river water is severely impeded, and water production is significantly reduced.
- 7.1.2 The plant is unable to produce water due to mechanical or process failure.
- 7.1.3 Extreme river conditions slows down treatment enough that production cannot keep up to demands from the reservoir.
- 7.1.4 There is a mechanical or process failure at the reservoir affecting water distribution.

7.2 In order to maintain minimal water service to its internal customers during these times of water shortages, the **following additional water restrictions** will be undertaken:

- 7.2.1 **Heavy Water User-** Every effort will be made to communicate with the town's heavy water users/businesses and as a last resort in extreme emergency water shortage situations will be shut down by the Town CAO in conjunction with the General Manger of Planning and Operations.
- 7.2.2 **Privately operated Bulk Water Station(s)** – Water will be shut off at the service valve to the property. Where practicable, business owners will be informed before hand. This may be authorized by the CAO or his designated officer.
- 7.2.3 **Town operated Bulk Water Station** – The bulk water station will be closed until adequate water supply can be maintained. This may be authorized by the General Manger of Planning and Operations or designate.
- 7.2.4 **Non-Essential Water Ban is in Effect** and the town's webpage, social media accounts and signage will be monitored and updated highlighting the increased need for conservation and the enforcement of penalties.
- 7.2.5 **Increase** focus of peace officers to water conservation offences.

## 8. LOSS REVENUE

8.1 The Town of Devon will not provide any type of compensation for loss of income, loss of profit, mental anguish, physical discomfort or any such like matter as a result of failure to supply water unless it is proven through appropriate due process that the Town of Devon was negligent in their duties to maintain an appropriate supply of water.

## 9. POWERS OF PEACE OFFICERS AND PROSECUTION

### 9.1 General Penalty Provisions

- 9.1.1 Any person that contravenes any provision of this Bylaw is guilty of an offence.
- 9.1.2 Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00, and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.
- 9.1.3 Without restricting the generality of Section 601(2), the fine amounts established for use on Violation Tickets if a voluntary payment option is offered are as set out in Schedule "A".

### 9.2 Municipal Violation Tags and Violation Tickets

- 9.2.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Violation Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.2.2 A Municipal Violation Tag may be served:
  - a. personally to the accused; or
  - b. mailed to the address of the owner as registered with the Town of Devon
- 9.2.3 The Municipal Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - a. the name of the person to whom the Municipal Violation Tag is issued, if known;
  - b. a description of the offence and the applicable Bylaw section;
  - c. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - d. that the penalty shall be paid on or prior to the prescribed due date in order to avoid prosecution;
  - e. and any other information as may be required by the Chief Administrative Officer.
- 9.2.4 Where a contravention of this Bylaw is of a continuing nature, further Municipal Violation Tags may be issued by a Peace Officer.
- 9.2.5 A person to whom a Municipal Violation Tag has been issued may pay the penalty specified on the Municipal Violation Tag and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- 9.2.6 Where a Municipal Violation Tag has been issued and the penalty specified on the Municipal Violation Tag is not paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto.

- 9.2.7 Notwithstanding Section 9.2.6, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.2.8 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto.
- 9.2.9 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- a. specify the fine amount established by this Bylaw for the offence in Schedule "A";  
or
  - b. require a person to appear in court without the alternative of making a voluntary payment.
- 9.2.10 A person who commits an offence may:
- a. if a Violation Ticket is issued in respect of the offence; and
  - b. if a Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment equal to the specified fine.
- 9.2.11 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000 Chapter P-34 and amendments thereto, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.
- 9.3 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.
- 9.4 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
- 9.5 A person shall not obstruct or hinder any person in the exercise of performance of the person's powers pursuant to this Bylaw.
- 9.6 If any section or part of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.
- 9.7 All fees and charges related to this bylaw are located in the Fees and Charges Bylaw.

This Bylaw shall come into force and effect upon it receiving third reading by the Council.

**READ A FIRST TIME IN COUNCIL THIS** 25<sup>th</sup> day of March, 2024

**READ A SECOND TIME THIS** XX day of XX, 2024

**READ A THIRD AND FINAL TIME THIS** XX day of XX, 2024

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Jeff Craddock, Mayor

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Corey Levasseur, Chief Administrative Officer

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