



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2005-67

A BY-LAW TO REGULATE THE SUPPLY AND USE OF WATER WITHIN THE SERVICED AREA OF THE CORPORATION OF THE TOWN OF NEWMARKET.

WHEREAS the provisions of Section 11 (2) of the *Municipal Act*, 2001, S.O. 2001 c.25, as amended, permit municipal corporations to pass By-laws for the regulation of public utilities and systems that provide water services to the public;

AND WHEREAS, the Council of The Corporation of the Town of Newmarket deems it expedient to regulate the outdoor use of water in order to promote water conservation, and to ensure a continued and abundant supply of water within the serviced area of the Town of Newmarket.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

Section 1 - Definitions:

1.1 Director

"Director" means the Director of Public Works and Environmental Services for the Town of Newmarket or designate.

1.2 Person

"person" includes a natural individual, corporation, association, or partnership.

1.3 Town

"Town" means the Corporation of the Town of Newmarket

Section 2 - Standard Watering Restrictions:

2.1 No person shall use municipal water of the Town from a hose, pipe, sprinkler or permanent irrigation system for the purpose of watering any lawn, garden, or the washing of vehicles, sidewalks, driveways, patios, decks and windows or the filling of swimming pools except as follows:

- (a) An even numbered address may use water outdoors only on even numbered days of the month;
- (b) An odd numbered address may use water outdoors only on odd numbered days of the month;
- (c) Outdoor water use will only be permitted between the hours of 6:00 am and 10 am and 6 pm and 10 pm;
- (d) That these conditions be in place all year round.

Section 3 – Stage 1 Advisory and Stage 2 and Stage 3 Bans

3.1 Notwithstanding Section 2 of this by-law, in the event the Director in consultation with the Corporation of the Regional Municipality of York gives notice to the Town that a reduction in water use is necessary, the following staged restrictions shall apply:

(1) **Stage 1 Outdoor Water Use Advisory**

All persons or owners or occupants of property within the Town are requested to voluntarily refrain from using municipal water from a hose, pipe, sprinkler, or permanent irrigation system for the purpose of:

- (a) Watering lawns and gardens;
- (b) Washing vehicles, boards, recreation vehicles, sidewalks, patios, decks, windows, or driveways;
- (c) Filling swimming pools.

(2) **Stage 2 Outdoor Water Use Ban**

No person or owner or occupant of property within the Town shall use municipal water from a hose, pipe, sprinkler, or permanent irrigation system for the purpose of:

- (a) Watering lawns and gardens;
- (b) Washing vehicles, sidewalks, patios, decks, windows, or driveways;
- (c) Filling swimming pools.

(3) **Stage 3 Outdoor Water Use Ban**

No person or owner or occupant of property within the Town shall use municipal water from a hose, pipe, sprinkler, or permanent irrigation system for any purpose whatsoever.

Section 4 – General Exemptions under a Stage 1 Advisory or a Stage 2 Outdoor Water Use Ban

4.1 Notwithstanding subsections 3(1) and (2) of this by-law, the following exemptions apply to a Stage 1 Advisory or a Stage 2 Outdoor Water Use Ban.

- (a) A person may water flowers, shrubs, trees or vegetables on days other than and including their designated Watering Day, provided the watering is done using a hand-held container during the hours of 6:00 a.m. and 10:00 a.m. and 6:00 p.m. and 10:00 p.m.
- (b) A person may water new trees or shrubs during installation and for 24 hours following planting. Any subsequent watering must comply with the provisions of this By-law.
- (c) A person may water new sod or seed for up to one month following planting during the hours of 6:00 a.m. and 10:00 a.m. and 6:00 p.m. and 10:00 p.m.
- (d) A person may refill a backyard residential pool for maintaining the integrity of the filtering system during the hours of 6:00 a.m. and 10:00 a.m. and 6:00 p.m. and 10:00 p.m.

Section 5 – Exempted Operations under a Stage 2 Outdoor Water Use Ban

5.1 Notwithstanding subsections 3(1) and (2) of this by-law, the provisions related to a Stage 2 – Outdoor Water Use Ban do not apply to persons, owners or occupants of property in the Town who own, operate or carry on the following operations, which rely on the steady supply and use of water:

- (a) Nurseries
- (b) All weather playing fields, if failure to water will result in a permanent loss of plant material or adversely affect public safety

- (c) Washing exterior building surfaces, including windows, parking lots, driveways, or sidewalks prior to the application of a product such as paint, preservative, stucco, or the preparation of a surface prior to paving or rejoining of bricks, or if required by law to comply with health and safety regulations
- (d) Commercial car washes and car dealerships
- (e) Town operated recreational facilities
- (f) Commercial or industrial facilities utilizing timed irrigation systems will be permitted to operate between 12:00a.m. and 6:00a.m. on a once per week basis for no longer than a two hour span
- (g) Other users as identified by the Town from time to time

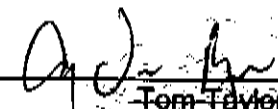
Section 6- Enforcement

- 6.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to a fine as provided for under the *Provincial Offences Act*.
- 6.2 In addition to all other sanctions and remedies provided in this by-law, the Director of Public Works and Environmental Services or designate and any Provincial Offences Officer may enter on private property and into structures at any reasonable time pursuant to s. 427 of the *Municipal Act, 2001, s.o. 2001*, to turn off or restrict the supply of water to any person, owner or occupant of property who fails to abide by the restrictions as set out in this by-law, and the Town may recover all costs of such entry and enforcement against the person, owner or occupant of the property by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

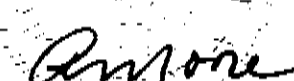
Section 7 – General Provisions

- 7.1 This By-law shall be referred to as the "Outdoor Water Conservation By-law."
- 7.2 This By-law shall come into force and effect 30 days after the date of enactment;
- 7.3 And upon this By-law coming into full force and effect By-law 1994-33 shall be deemed repealed.

ENACTED THIS 13TH DAY OF JUNE, 2005.



 Tom Taylor, Mayor
 ACTING MAYOR VAN BINKEN



 Anita Moore, Town Clerk