



**TOWN OF BOW ISLAND
BYLAW 2024:08
WATER CONSERVATION BYLAW**

A BYLAW OF THE TOWN OF BOW ISLAND TO GOVERN WATER USE AND WATER CONSERVATION MEASURES.

WHEREAS the Municipal Council for the Town of Bow Island deems it advisable and necessary to make provisions for the restriction of the use of water and for the protection of the supply of water; and

WHEREAS the Town of Bow Island as outlined in the Municipal Government Act, RSA 2000, c M-26, and any amendments thereto, is authorized to pass bylaws for municipal purposes respecting services provided by or on behalf of the municipality, as well as to enforce those bylaws; and

WHEREAS the Town of Bow Island has a license to draw water No. 12798 – (Priority 1956-10-05-01 and 1982-06-22-02) from St. Mary's River through the works of St. Mary's River Irrigation District, and

AND WHEREAS the Council of the Town of Bow Island, in the Province of Alberta, deem it proper and expedient to introduce regulations, controls and management of water usage within the corporate limits of the Town of Bow Island.

NOW THEREFORE THE TOWN OF BOW ISLAND IN COUNCIL DULY ASSEMBLED ENACTS AS FOLLOWS:

This Bylaw may be cited as “**The Water Conservation Bylaw**” and will be taken to apply within the corporate limits of the Town of Bow Island.

DEFINITIONS

1. “**Chief Administrative Officer (CAO)**” means the Chief Administrative Officer of the Town of Bow Island, in the Province of Alberta, as appointed by resolution of Council.
2. “**Council**” means the Municipal Council of the Town of Bow Island, in the Province of Alberta.
3. “**Outside Customer**” means a customer that uses Water for any purposes, and who services property outside the Town boundaries, or any other use outside the Town boundaries.
4. “**All Customers**” means all Town Customers.
5. “**Parks**” refers to any area of the Town designated to be a park, or where the Town maintains grassed or gardened areas.
6. “**Peace Officer**” means any individual(s) designated and appointed from time to time by the Town for administration and enforcement of this Bylaw and shall include a person designated as a Peace Officer appointed by the Province of Alberta, and any member of the Royal Canadian Police (RCMP).



7. **“Person”** means any individual, corporation, society, association, partnership or firm.
8. **“Premise”** means residential, business or institutional building or facility occupied by someone associated with that residence, business or institutional building or facility on that property.
9. **“Property”** means a residential, commercial business, industrial or institutional property, which is owned or occupied for the purpose associated with each residence, business or institution on the property, and will include any property that is vacant, but which is used for residential, business or institutional purposes.
10. **“Time”** whenever **“Time”** is referred to in the Bylaw it will mean either Mountain Standard Time or Mountain Daylight Savings Time, whichever is proclaimed to be in effect in the Province of Alberta.
11. **“Town”** means the Town of Bow Island in the Province of Alberta.
12. **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and amendments made thereto, and any regulations made thereunder.
13. **“Water”** means any type of water supplied by any means and includes but is not limited to potable Water through either the distribution system or the Water Station and raw Water supplied by either the distribution system or any other process.
14. **“Water Restriction”** means the applicable restriction, regulation, or prohibition on water use imposed by Council or the CAO
15. **“Water Station”** means a facility for supplying potable water to the water storage tanks of trailers or to other potable water containers.
16. **“Wasting Water”** means using water in a way that is contrary to this Bylaw.

SUPPLY AND MANAGEMENT

17. The Town of Bow Island presently provides Water to all Customers through either the Town Water distribution system or the Water Station. Implementation of this bylaw could come into effect at any time because of:
 - Drought Conditions
 - Infrastructure Repairs
 - Unexpected failure of a major water system component resulting in a sudden shortage of water supply capabilities; or
 - Other unpredictable events.

AUTHORITY OF COUNCIL

18. Council may by resolution, at a regular or special Council meeting, declare this Bylaw to be in effect and declare the appropriate Water Restriction and date to take effect.

AUTHORITY OF THE CAO

19. The CAO is hereby delegated the authority to declare this Bylaw to be in effect and declare the appropriate Stage of Restriction, affected properties, and date to take



effect in the case of an emergency event such as, but not limited to, infrastructure repairs, unexpected failure of a major water system component, and other unpredictable events.

20. The CAO is hereby delegated the authority to enforce the requirements set out in this Bylaw, any new directions provided by Council, and any amendments to directions provided under this Bylaw, to ensure compliance with the use of Water provided by the Town.

REGULATED, RESTRICTED OR PROHIBITED USE

21. The Town may restrict, regulate, or prohibit how Water may be used for any purpose other than for firefighting.

22. Water Restrictions may include the regulation, restriction, or prohibition of the use of Water supplied by the Town for outside Customers by any method including but not limited to restricting amounts supplied on an ongoing basis, closing off the Water supply during certain times of the day, or totally prohibiting the use of Water by permanent closure of Water supply valves for extended periods of time. Water Restrictions may regulate or prohibit the hours during which water may be used for any purpose other than firefighting.

23. Water Restrictions may regulate or prohibit the use of water for aesthetic reasons.

24. Water Restrictions may regulate or prohibit the watering of lawns, yards, gardens, school grounds, parks and open areas, washing outdoors, hand watering, use of sprinklers, filling of outdoor pools and hot tubs, filling of decorative features, water use for construction, and water used for commercial and agricultural purposes.

BYLAW CONTRAVENTION

25. Where the Town has reasonable grounds to believe a contravention of this Bylaw has occurred or is occurring (an "Offence"), the Town through the Peace Officer or designate may:

- Issue a Violation Ticket to the Person violating this Bylaw.

26. A Violation Ticket issued pursuant to this section shall be served by the following means:

- Delivery (by hand or by mail) of the Violation Ticket to the residence of the Person violating this bylaw or the Policy, and/or to the registered owner of the property, which is in violation of this Bylaw, as applicable.

27. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- Specify the fine amount established by the Bylaw for the offence; or
- Require a person to appear in court without the alternative of making a voluntary payment.

28. A person who commits an offence may make a voluntary payment equal to the specified fine, if:

- A Violation Ticket is issued in respect of the offence; and



- The Violation Ticket specifies the fine amount established by this Bylaw for the offence.

29. For the purposes of this Bylaw, a subsequent conviction means a conviction for an offence for which the offence occurs after the date of conviction of an earlier offence under this Bylaw.

WASTING WATER

30. All customers or persons are prohibited from wasting water when the provisions of this Bylaw are in effect.

31. The Peace Officer may act under the Water Conservation Bylaw if a customer or person is found to be wasting water. In determining if an activity constitutes wasting water, consideration will be given to the following:

- The volume of water reasonably required to perform the activity undertaken;
- The length of time that water has been allowed to run;
- The degree of control exercised over the flow of water;
- The purpose to which the water is being used;
- The Water Restriction presently in place;
- The existence of any other factors reasonably suggesting that the wasting of water is occurring or has occurred; and
- Special circumstances where the consumer or person can show to the satisfaction of the Peace Officer that the use of water was necessary.

ESSENTIAL WATER USE

32. The provisions of this Bylaw shall not apply to internal critical uses by emergency services, hospitals, extended care facilities, schools, disable care facilities, and group homes, where a reduction in the supply of water may have an adverse impact of public health and safety.

33. Restrictions shall not apply to the following Commercial uses that depend on water to deliver a product or service unless restricted by Council resolution:

- Commercial car washes
- Greenhouses and Market Gardens
- Drinking water delivery services
- Public Swimming Pools
- Restaurants/ Food establishments



PENALTIES

34. A person committing a breach of any of the provisions of this bylaw, upon conviction of breach thereof, may forfeit the right to be supplied with water, and shall be liable to penalty as outlined below.

	1 st Offence	2 nd Offence
Wasting Water	\$500	\$1,000

35. In addition to any penalty which may be imposed under this Bylaw, the Town may seek a court order granting relief in an injunction or any other order necessary to enforce compliance (including pursuant to Part 13 of the Municipal Government Act).

36. That if any provision of this bylaw is deemed invalid, then such provision shall be severed, and the remaining bylaw shall be maintained.

37. Bylaw 2002:06 and Bylaw 2002:12 are hereby rescinded in their entirety.

READ a first time this 13th day of May 2024.

READ a second time this 27th day of May 2024.

READ a third time this 27th day of May 2024.

PASSED and SIGNED this 27th day of May 2024.

MAYOR

CAO