

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW # 608

A BYLAW TO REGULATE THE MUNICIPAL WATER SERVICE

WHEREAS sections 8 and 12 of the *Community Charter* authorize Council to regulate municipal services, and

WHEREAS Council deems it in the best interest of the community's long-term water security to encourage water conservation, and

WHEREAS Council has initiated a public education program and a water meter pilot program to determine community response and acceptance of water conservation methodologies, and

WHEREAS the community has expressed a strong preference for public education and voluntary water conservation over water metering;

NOW THEREFORE, the Council of the Village of Montrose, in open meeting assembled, ENACTS AS FOLLOWS:

SHORT TITLE

1. (1) This Bylaw may be cited as the "**WATER SERVICE REGULATIONS BYLAW**".

DEFINITIONS

2. (1) In this Bylaw, unless the context otherwise indicates:

"Administration" shall mean the Administrator or the Deputy Clerk appointed by Council, or an employee of the Village appointed to act on their behalf;

"Committee" shall mean the Community Water Conservation Committee established under the terms of this Bylaw;

"Council" means the Council of the Village of Montrose;

"Officer" shall mean the Bylaw Enforcement Officer or the Public Works Foreman appointed by Council, or an employee of the Village appointed to act on their behalf;

"Owner" means the registered owner of a property, or a tenant of a property, or an agent of either the registered owner or the tenant of a property;

"Resident" shall mean a resident of the Village of Montrose;

"Village" shall mean the Village of Montrose.

REGULATIONS – WATER CONSERVATION

3. (1) The following water uses shall be prohibited on any day between the hours of 9:00 a.m. and 6:00 p.m. during the month of May, June, July, August and September:
 - (a) washing vehicles with a running hose (does not include washing vehicles from a water bucket);
 - (b) operating lawn or garden watering devices, including but not limited to automatic or manual sprinklers and soaker hoses (does not include manual garden watering with watering cans).
- (2) Notwithstanding the limitations established in this section:
 - (a) lawn and garden watering on all properties east of 5th Street shall be prohibited at any time on odd days during the months of May, June, July, August and September;
 - (b) lawn and garden watering on all properties west of 5th Street shall be prohibited at any time on even days during the months of May, June, July, August and September;

- (c) lawn and garden watering shall be prohibited throughout the Village on July 31 and August 31.
- 4. (1) If a property owner requires an exemption from the water conservation measures established in this Bylaw, such owner shall submit a written request to Council stating the time, duration, and reason for the exemption requested.
- (2) Council may, by resolution and at its sole discretion, grant an exemption from the water conservation measures established in this Bylaw. A resolution approving an exemption shall state the duration and purpose of the exemption.
- 5. (1) The municipal spray park located in Montrose Park shall be exempt from the water conservation measures established in this Bylaw.

REGULATIONS – GENERAL

- 6. (1) Automatic sprinkling systems installed after the adoption of this Bylaw shall be fitted with a rain sensing device.
- (2) All underground sprinkling systems shall be equipped with a backflow preventing device.
- (3) All underground sprinkling systems shall be connected to the water system at a point inside the principal residence of the property.

COMMUNITY WATER CONSERVATION COMMITTEE

- 7. (1) The objective of the watering regulation enforcement provisions is to achieve compliance with watering regulations through education and, where education fails, through enforced compliance.
- 8. (1) Council shall, by resolution, on or before the first day of May in each year appoint:
 - (a) one resident to serve as Chair of the Committee;
 - (b) one resident to serve as Vice-Chair of the Committee; and
 - (c) one resident to serve as Member of the Committee.

for a term of six months.

- 9. (1) The Chair, or in the absence the Vice-Chair of the Committee shall call a meeting of the Committee within five days of being notified by the Administration that a matter has been referred to the Committee.
- (2) Two members of the Committee shall constitute a quorum.
- (3) The Administration shall attend all Committee meetings and record the proceedings of the Committee hearings in the form prescribed in schedule 'A' attached to and forming part of this Bylaw.
- (4) Hearings of the Committee shall be held in the Village Office and shall be open to the public.
- 10. (1) The Committee shall hear the presentation from an owner requested to show cause pursuant to the water conservation regulations of this Bylaw.
- (2) The Committee may, in addition to the presentation made by the owner or the owner's agent, consider prior Warnings issued to the owner, and minutes of prior Show Cause Hearing involving the Owner held during a period not to exceed thirty-six (36) months from the date of a Show Cause Hearing.
- (3) If an owner who has been requested to attend a hearing of the Committee fails to attend or fails to be represented at such hearing, the Committee shall make a recommendation to Council *in absentia*.

ENFORCEMENT – WATER CONSERVATION REGULATIONS

- 11. (1) When an Officer observes water being used on a property in contravention of the water conservation regulations of this Bylaw, the Officer shall issue a

First Warning to the Owner in the form prescribed in schedule 'B' attached to and forming part of this Bylaw.

- (2) When an Officer observes water being used on a property in contravention of the water conservation regulations of this Bylaw, and a First Warning pursuant to this section has been issued to the Owner within the preceeding six (6) months, the Officer shall issue a Second Warning to the Owner in the form prescribed in schedule 'C' attached to and forming part of this Bylaw.
 - (3) When an Officer observes water being used on a property in contravention of the water conservation regulations of this Bylaw, and a Second Warning pursuant to this section has been issued to the Owner within the preceeding eighteen (18) months, the Officer shall issue a Show Cause Hearing Notice to the Owner in the form prescribed in schedule 'D' attached to and forming part of this Bylaw.
 - (4) The Officer shall report all Warnings and all Show Cause Hearing Notices issued to the Administration not later than on the next regular business day following the date of issue to the Administration.
 - (5) The Administration shall notify the Committee Chair immediately on receipt of a Show Cause Hearing Notice.
12. (1) The Committee Chair shall call a meeting of the Committee for a Hearing to be held not later than seven (7) days following the date of issue of a Show Cause Hearing Notice.
- (2) When Council receives a recommendation from the Community Water Conservation Committee to initiate enforcement action against an owner found to have contravened the water conservation regulations of this Bylaw, Council may seek the assistance of the Supreme Court of British Columbia to enforce compliance with the Bylaw.

ENFORCEMENT - GENERAL

13. (1) A person who contravenes a regulation, section, or subsection established in this Bylaw commits an offence and may be subjected to such bylaw enforcement measures as are authorized in Part 8 of the *Community Charter*.

ENACTMENT

14. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME	this 15 th day of March, 2004
READ A SECOND TIME	this 6 th day of April, 2004
READ A THIRD TIME	this 6 th day of April, 2004
RECONSIDERED AND FINALLY ADOPTED	this 20 th day of April, 2004

Mayor

Village Clerk

Certified a true copy of Bylaw # 608, as adopted

Village Clerk

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW # 608

SCHEDULE 'A'

COMMUNITY WATER CONSERVATION COMMITTEE

MINUTES OF HEARING

(date)

CALL TO ORDER: (time)
PROPERTY OWNER: (name)
ADDRESS: (address of the property)
OFFENSE: (description of the water regulation offense)
RECORD: (record of notices and committee appearances relating to this property over the past 36 months)
PRESENT: COMMITTEE MEMBERS: (names)
PROPERTY OWNER: (name)
PROPERTY OWNER'S AGENT: (name)
PRESENTATION: (property owner's explanation)
DELIBERATIONS: (summary statement of the Committee's deliberations)
DECISION: The Committee determined that:
a) water regulations were breached without reasonable justification;
b) water regulations were breached with reasonable justification;
RECOMMENDATION: The Committee recommends/does not recommend that Council initiate enforcement action.
ADJOURNMENT: (time)

Recording Secretary

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW # 608

SCHEDULE 'B'

**COMMUNITY WATER CONSERVATION
WATER SERVICE BYLAW INFRACTION
FIRST WARNING**

PROPERTY ADDRESS: (address of the property)

OWNER: (name of registered owner)

INFRACTION: (description of the water regulation infraction)

TIME OF INFRACTION: (time of the infraction)

Water conservation is a community priority. Please take notice of the water conservation regulations printed on the reverse side of this notice.

Repeated infractions may result in the municipality seeking an enforcement order.

Thank you for your understanding and cooperation.

Date of Issue

Notice delivered / Posted on location

Bylaw Enforcement Officer/Public Works Foreman

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW # 608

SCHEDULE 'C'

COMMUNITY WATER CONSERVATION

WATER SERVICE BYLAW INFRACTION

SECOND WARNING

PROPERTY ADDRESS: (address of the property)

OWNER: (name of registered owner)

INFRACTION: (description of the water regulation infraction)

TIME OF INFRACTION: (time of the infraction)

Water conservation is a community priority. Please take notice of the water conservation regulations printed on the reverse side of this notice.

This is the second water regulation infraction warning issued. A further infraction may result in a Show Cause Hearing and the municipality seeking an enforcement order.

Thank you for your understanding and cooperation.

Date of Issue

Notice delivered / Posted on location

Bylaw Enforcement Officer/Public Works Foreman

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW # 608

SCHEDULE 'D'

COMMUNITY WATER CONSERVATION

**WATER SERVICE BYLAW INFRACTION
SHOW CAUSE HEARING NOTICE**

OWNER: (name of registered owner)

PROPERTY ADDRESS: (address of the property)

INFRACTION: Two prior warnings concerning water conservation regulations under Bylaw #608 have been issued, and the following third infraction has been observed:

DATE & TIME
OF INFRACTION: (date and time of the infraction)

You are herewith requested to attend a "show cause hearing" before the Montrose Community Water Conservation Committee at the date, time, and location indicated below to show cause why Montrose Village Council should not initiate legal proceedings against you to enforce compliance with the Water Service Regulations Bylaw.

If you are unable to attend you may appoint an agent to represent you at the hearing. If you fail to attend, or if you fail to make arrangements to be represented by an agent, the Montrose Community Water Conservation Committee may make a recommendation to Council concerning enforcement action in your absence.

DATE OF HEARING: (day, date, time)

LOCATION OF
HEARING: Montrose Village Office, 565 – 11th Avenue, Montrose

Administrator / Deputy Clerk