

THE CORPORATION OF THE TOWN OF ESSEX

BY-LAW # 485

BEING A BY-LAW TO REGULATE THE EXTERNAL USE OF WATER FROM THE MUNICIPAL WATER DISTRIBUTION SYSTEMS

WHEREAS, The Corporation of the Town of Essex owns and operates potable water distribution systems, namely the Union Water Supply System and the Harrow and Colchester South Water Distribution System which are public utilities within the meaning of Section 1 of the Municipal Act, 2001;

AND WHEREAS, The Corporation of the Town of Essex purchases potable water from the Amherstburg Water Distribution System which is a public utility within the meaning of Section 1 of the Municipal Act, 2001;

AND WHEREAS, Section 11 of the said Act provides that the Council may pass By-Laws within the spheres of jurisdiction including public utilities;

AND WHEREAS, the Council deems it necessary to regulate the external use of water from the water distribution systems for its' residential customers.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ESSEX ENACTS AS FOLLOWS:

1. The purpose of the By-Law is to help ensure that all municipal potable water distribution systems have sufficient water to provide the essential needs of the municipal water users, including fire protection, medical health, sanitation and personal drinking uses.
2. In this By-Law:
 - "Clerk" means the Clerk of the Corporation of the Town of Essex.
 - "Council" means the Council of the Corporation of the Town of Essex.
 - "Mayor" means the Mayor of the Corporation of the Town of Essex.
 - "Water System" means all municipal potable water distribution systems servicing the Town of Essex, namely the Union Water Supply System, the Harrow and Colchester South Water Distribution System and the Amherstburg Water Distribution System.
3. During the months of May, June, July, August and September of each year, no person shall take or use water from the Water System or permit water from the Water System to be taken or used for the purpose of watering or irrigating any lawn or garden except as follows:
 - (a) On even calendar dates, between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 6:00 p.m. and 11:59 p.m. at only those municipal addresses ending with the numbers 0,2,4,6 or 8;
 - (b) On odd calendar dates, between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 6:00 p.m. and 11:59 p.m. at only those municipal addresses ending with the numbers 1,3,5,7 or 9.
4. Notwithstanding Section 3, during the months of May, June, July, August and September, the majority of the members of Council are authorized to declare in effect any regulation which Council deems advisable to limit external use of water from the Water System and this authority includes the right to ban completely the external use of water from the Water System.
5. Notice to the public of any regulation declared pursuant to Section 4 shall be given in a manner determined by and at the sole discretion the majority of the members of Council.
6. Upon notice to the public being given of the regulation declared pursuant to Section 4, no person shall take or use water from the Water System or permit water from the Water System to be taken or used except in accordance with the provisions of such regulation.
7. A regulation declared pursuant to Section 4 shall remain in effect until either the Mayor declares that the regulation is no longer in effect or the Council, at a regular or special meeting, rescinds the declaration.
8. Upon application by a property owner, a permit which allows the watering of newly seeded or newly sodded lawn may be issued by the Clerk upon the Clerk receiving satisfactory evidence that the lawn has been newly seeded or newly sodded within the same calendar year that the permit is to be issued.
9. Any lawn-watering permit may be revoked or suspended by Council for any reason Council deems appropriate.
10. Any person who contravenes any provisions of this By-Law is guilty of an offence and , upon conviction, is subject to a fine pursuant to the Provincial Offences Act R.S.O. c. P.33 as amended.

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11. Duly appointed employees of the Corporation of the Town of Essex, as well as any member of the Essex Police Service, are authorized to carry out the provisions of this By-Law.

12. Any By-Law inconsistent with this By-Law is hereby repealed.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS 21st DAY OF May, 2003.



Mayor

Clerk

ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 485 of The Town of Essex, attached hereto is the set fine including costs, for those offences. This Order is to take effect August 6, 2003.

Dated at London this 6th day of August, 2003.



Alexander M. Graham
Regional Senior Justice
West Region

**Part 1 Provincial Offences Act
THE CORPORATION OF THE TOWN OF ESSEX
BY-LAW #485**

**BEING A BY-LAW TO REGULATE THE EXTERNAL USE
OF WATER FROM THE
MUNICIPAL WATER DISTRIBUTION SYSTEMS**

COLUMN 1	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (includes costs)
ITEM	SHORT FORM WORDING	
1.	Take water from Water System when prohibited	\$100.00
2.	Permit water to be taken from Water System when prohibited	\$100.00
3.	Take water from Water System contrary to Regulation	\$100.00
4.	Permit water to be taken from Water System contrary to Regulation	\$100.00

Penalty provisions for the offences indicated above is Section 10 of By-Law #485, a certified copy of which has been filed.