



The Corporation of the Town of Orangeville

By-law Number 2024-040

A by-law to regulate the use of water for lawn and garden watering within the Town of Orangeville

Whereas the Municipal Act, S.O. 2001, c.25, S.11, authorizes a municipality to pass by-laws respecting matters within the jurisdiction of public utilities;

Whereas The Town of Orangeville relies solely on groundwater for its drinking water system and in order to conserve and maintain an adequate supply of water, the Town of Orangeville deems it necessary to regulate the use of water for lawn and garden watering.

Now therefore be it resolved that the Council for The Corporation of the Town of Orangeville hereby enacts as follows:

1. Short Title

This by-law shall be known as the "Lawn Watering By-law"

2. Definitions

For the purpose of this by-law:

"hand watering device" means a container that is not connected to a watering device, is used to apply water, and is operated by muscular power only.

"lot" means a parcel of land which is capable of being legally conveyed;

"officer" means a police officer, municipal law enforcement officer, or any other person appointed by by-law to enforce the provisions of this By-law;

"owner" means any person, firm or corporation having control over property to which this By-law applies and includes the owner registered on the title of the property and any occupant of any building or structure located on such property.

“person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“water”, except otherwise defined in this by-law, means water produced, treated, stored, and distributed through the Town’s drinking water system.

“watering device” includes, but is not limited to, a hose connected to a hose bib, pipe, sprinkler, in-ground, or above ground irrigation system or drip irrigation system used to apply water but does not include a hand watering device.

“yard” includes lawns, outdoor grass, turf, plants, flowers, trees, shrubs or gardens;

3. Regulations and Restrictions

The following regulations and restrictions shall apply on a continuous basis within the Town limits:

- 3.1 No **person** shall **water** or permit to be watered any **yard** through the use of a **watering device** connected through the Town’s drinking **water** system except between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m. and only in accordance with the time limits set out in section 3.2.
- 3.2 In addition to the requirements of section 3.1, no **person** shall **water** or permit to be watered any **yard** except as provided:

Municipal address ending in the following numbers:

- (a) 0 or 1 shall **water** only on Mondays
 - (b) 2 or 3 shall **water** only on Tuesdays
 - (c) 4 or 5 shall **water** only on Wednesdays
 - (d) 6 or 7 shall **water** only on Thursdays
 - (e) 8 or 9 shall **water** only on Fridays
- 3.3 No **person** shall **water** or permit **water** to run onto roads, driveways, walkways, sidewalks, patios, or any other area where it is wasted.
 - 3.4 The following watering activities are exempt from section 3.1 and 3.2 of this by-law:
 - a) An **owner/developer** shall be permitted to **water** newly planted sod for no longer than three (3) hours within a 24-hour period after the sod is put down.
 - b) A **person** shall be permitted to **water** a **yard** at any time provided they are using a hand **watering device** or where the **water** is not sourced from the Town’s drinking water supply.
 - c) A person shall be permitted to water any yard for which a permit is obtained

from the General Manager of Infrastructure Services or their delegate.

- d) A person operating or maintaining newly planted trees, a nursery, a farm, a turf or tree farm, a vegetable garden, a park, a playing field, a public garden and/or public hanging baskets shall be exempt from the provisions of section 3.1 and 3.2 only where failure to water would result in a permanent loss of plant material.

3.5 Notwithstanding the provisions in sections 3 the General Manager, Infrastructure Services or designate to act in his/her absence may declare a **water** supply emergency and further restrict or suspend all lawn and garden watering. At the end of the emergency, the provisions of this by-law shall resume.

3.6 If a **water** supply emergency is declared pursuant to Section 3.5 of this by-law, the following watering restrictions shall be imposed as part of the declaration of the **water** supply emergency:

- a) All watering including, swimming pool filling, and the washing of vehicles at locations, other than at places of business which provide automatic or hand-held car washing facilities, is suspended.
- b) All lawn watering is suspended.
- c) Gardens may be watered provided that the **person** is physically holding a **hand watering device** or water is not sourced from the Town's drinking **water** supply.

3.7 The enforcement of this By-law shall be conducted by an **Officer**, the General Manager Infrastructure Services or their designate.

4. Orders

4.1 If an **Officer** has reasonable grounds to believe that a contravention of this By-law has not been complied with, the **Officer** may make an Order requiring the **person** who contravened this By-law or who caused or permitted the contravention to occur to:

- a) Discontinue the contravening activity; and/or
- b) Do work or take action to correct the contravention.

4.2 An Order under section 4.1 shall set out:

- a) Reasonable particulars of the contravention adequate to identify the contravention;
- b) The location of the premise on which the contravention occurred; and
- c) Either:
 - i) in the case of an Order under section 4.1 (a), the date by which there must be compliance with the Order; or

- ii) in the case of an Order under section 4.1 (b), the action to be done and the date by which the action must be done.

4.3 An Order made under this By-law may be served personally, ordinary mail to the last known address or by email transmission to:

- a) The **person** the **Officer** believes contravened this By-law; and
- b) Such other **persons** affected by the Order as the **Officer** making the Order determines.

4.4 An Order may be posted on site.

4.5 An Order sent by ordinary mail, shall be deemed to have been served on the seventh (7th) day after the date of mailing, or if sent by registered mail, shall be deemed to have been served on the fifth (5th) day after the date of mailing, or on the date of personal service, or on the date of email transmission.

4.6 An **Officer** who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the premise and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.

5. Enforcement and Penalty Provisions

5.1 This by-law shall apply to the **owner** of property.

5.2 The enforcement of this By-law shall be conducted by an **Officer**.

5.3 An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law or an Order issued pursuant to this By-law is complied with.

5.4 Every **person** who contravenes any provision of this By-law, including failing to comply with an Order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and the Municipal Act, as amended.

5.5 Any **person** who is charged with an offence under this By-law or an Order issued pursuant to this By-law or every director or **Officer** of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the Municipal Act, as amended, to the following:

- a) On a first offence, to a fine not more than \$50,000.00; and
- b) On a second offence and each subsequent offence, to a fine of not more than \$100,000.00; and

- c) In the case of a continuing offence, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000.00 per day for every day in contravention and the total of all daily fines for the offence is not limited to \$100,000.00.
- 5.6 Every **person** who is issued a Part 1 offence notice or summons upon conviction is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 5.7 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 5.8 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 5.9 If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.
- 6. Severability**
Should any section or subsection of the by-law or any part or parts thereof be found by law to be illegal or beyond the power of the Council to enact, such section or subsection or part or parts thereof shall be deemed to be severable so that the remainder of this by-law is separate and therefore enacted as such.
- 7. Repealing Section**
By-law 21-2005 is hereby repealed.
- 8. Effective Date**
This by-law shall come into full force and take effect on June 3, 2024.

Read three times and finally passed this 3rd day of June, 2024.



Lisa Post, Mayor



Raylene Martell, Town Clerk