

CITY OF MORDEN
WATER RESTRICTIONS
BYLAW NO. 10-2021

BEING a by-law of the City of Morden to regulate the usage of City of Morden-sourced water and the imposition of fines for unauthorized consumption.

WHEREAS Section 232(1) of the Municipal Act, C.C.S.M., c. M225 provides as follows:

232(1) A council may pass a by-law for municipal purposes respecting the following matters:

- (c) the safety, health, protection and well-being of people, and the safety and protection of property;
- (l) public utilities;
- (o) the enforcement of by-laws;

AND WHEREAS subsection 232(2) of the Act provides, in relevant part, as follows:

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;
- (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters.

AND WHEREAS subsection 236(1) of the Act provides, in relevant part, as follows:

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions;

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contravention of by-laws, including
 - (i) creating offenses,
 - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offense that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offense, or related to enforcing the by-law,
 - (iii) providing that an amount owing under subclause (i) may be collected in any manner in which a tax may be collected or enforced under this Act,
 - (iv) charging and collecting costs incurred in respect of acting under subclause (iv),

AND WHEREAS the City of Morden has established water use charges by a bylaw, which charges by the amount of usage in order to, among other things, encourage the efficient and economical use of water in the best interests of all users in the City;

AND WHEREAS the Council of the City of Morden deemed it necessary to implement the efficient and economical use of water by encouraging conservation practices and or by imposing water use restrictions in order to minimize the risks of shortages during conditions of drought, excessive water demand or reduced treated water production or distribution capacity;

NOW THEREFORE the Council of the City of Morden, enacts as follows:

Citation

1. This Bylaw may be cited for all purposes as "Water Restrictions Bylaw".

Application

2. This Bylaw applies to all Commercial, Industrial, Institutional and Residential Properties, which receive water from the City of Morden (City).

Interpretation

3. In this Bylaw:
 - (a) "**City**" means the City of Morden.
 - (b) "**Designated Officer**" means City Manager or an Officer of the City of Morden designated to administer this bylaw.
 - (c) "**Property**" includes parcels and lots, and portions thereof where one or more than one water connection exists, is required or has been requested and provided.
 - (d) "**Water Use Restrictions**" means the provisions identified in Schedule-A of this Bylaw.
 - (e) "**City Water System**" means Lake Minnewasta, Morden Water Treatment Plant and Water Distribution Network.

Prohibition

4. No person shall use water or cause water to be used contrary to the Water Use Restrictions outlined in this Bylaw in effect at the time of the use.

Declaration of Water Use Restrictions

5. The Designated Officer may at any time declare a water use restriction to mitigate the impact of drought or water shortage.
 - (a) When declaring a water use restriction, the Designated Officer may declare a stage Moderate, Severe or Extreme restriction. The applicable restrictions for each stage shall be those stated in Schedule "A" to this Bylaw.
 - (b) The Designated Officer may at any time terminate water use restriction or bring into effect a different stage of restriction. A stage will remain in effect until the Designated Officer terminates the stage or declares the commencement of another stage.
 - (c) The Designated Officer shall make a determination to declare or terminate a water restriction under sub-sections (a), (b), and (c), based on:
 - i. The water level in Lake Minnewasta;
 - ii. the current and anticipated water use demand in relation to the capacity of the water treatment plant or distribution system.
 - iii. operational factors which limit the City's ability to supply water.
6. After making a determination to declare or terminate a stage of water use restrictions under sections (a), (b), or (c), the Designated Officer shall cause a notice to be published ("Notice") by one or more of the following methods:
 - (a) City of Morden press release;
 - (b) Publication through:
 - (c) City of Morden website;
 - (d) radio broadcast;
 - (e) local newspaper; or
 - (f) The placement of signage in the City advising of the restrictions.
7. The commencement or termination date of the stage of water restriction shall be

the date stated in the Notice.

- (a) Notice shall be deemed to be given and to be served upon all Customers forty eight (48) hours after the Notice is first published or released.
8. In the event of a disaster, emergency, water contamination, severe water shortage, or Waterworks malfunction, the Designated Officer may impose any stage of water restriction or further restrictions not set out in Schedule "A", for the use of water for any purpose.
- (a) The Designated Officer may exempt Customers performing essential services from any restriction implemented under this section.
 - (b) The City Manager shall provide Notice of restrictions implemented under this section as soon as is reasonably practical. Notice shall be deemed to have occurred upon publication or release in accordance with section(6).
9. Water Use Restrictions under this bylaw do not apply to the use of rainwater, Gray Water, Recycled Water or other sources of water obtained from a source other than the City Water System.

Stages of Water Use Restriction

- 10. Stage "Normal" is in effect all year, except when either Stage "Moderate", "Severe" or "Extreme" is in effect further to the provisions of the Schedule-A of this Bylaw.

Water Use Restrictions During Different Stages

- 11. Water use restrictions for different drought stages shall be as provided in the Schedule-A of this bylaw.
- 12. Schedule-A can be amended from time to time by Council resolution.

Violation of Water Use Restrictions

- 13. Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of the bylaw, or who refuses, or omits or neglects to fulfill, observe, carry-out or perform any duty or obligation imposed by this bylaw shall be:
 - (a) Given a notice by the City advising the person of the violation for the first violation;
 - (b) liable on summary conviction to a fine not exceeding (\$500) for a second and each subsequent violation.
 - (c) For each day that a violation is permitted to exist, it shall constitute a separate offence.

DONE AND PASSED in open Council assembled on this 14th day of June A.D. 2021.

CITY OF MORDEN

<Original Signed By>

Brandon Burley

Mayor

<Original Signed By>

Nicole Enns

City Manager

Read a first time this	9 th	day of	June	A.D. 2021
Read a second time this	14 th	day of	June	A.D. 2021
Read a third time this	14 th	day of	June	A.D. 2021

City of Morden			
Schedule- A to Water Restrictions Bylaw			
Water Use Restriction Trigger	Water Restriction Stage	Water Use Restriction	
Upto 3' below full supply level (FSL) or Water use demand is less than 70% of water system capacity	Normal	Normal Conditions	
		Peak Water Use Reduction Target: 5%	
		Water Use Category	Recommended Action
		Residential/Commercial	No restriction
		Industrial	No restriction
		Landscape Watering	Voluntary Odd/Even watering
		Garden Watering (food production)	No restriction - voluntary reduction
		Other Outdoor/Leisure Uses	
		Vehicle Washing	No restriction
		Agriculture	No restriction
		Construction	No restriction
		Operations	No restriction
		New Plantings/Landscaping	No restriction
		Lodging/Restaurant	No restriction
Lake Level more than 3' below FSL to 5.5' Below FSL or Water use demand is more than 70% but less than 80% of water system capacity	Moderate	Moderate Drought Stage	
		Peak Water Use Reduction Target: 10%	
		Water Use Category	Recommended Action
		Residential/Commercial	Voluntary conservation request
		Industrial	Voluntary conservation request
		Landscape Watering	Mandatory Odd/Even schedule
		Garden Watering (food production)	Voluntary Odd/Even schedule
		Other Outdoor/Leisure Uses	
		Vehicle Washing	Voluntary reduction
		Agriculture	Voluntary conservation request
		Construction	Metered use
		Operations	Hydrant flushing only if necessary
		New Plantings/Landscaping	No restriction - watering restrictions apply
		Lodging/Restaurant	Voluntary signage/communication, voluntary serve water on request, voluntary laundry reduction
Lake Level more than 5.5' below FSL to 8.5' Below FSL or Water use demand is more than 80% but less than 90% of water system capacity	Severe	Severe Drought Stage	
		Peak Water Use Reduction Target: 25%	
		Water Use Category	Recommended Action
		Residential/Commercial	Voluntary conservation request
		Industrial	Non-essential operations not permitted
		Industrial: Water rich	Voluntary restriction of water consumption
		Lawn Watering	Mandatory complete restriction
		Garden Watering (food production)	Mandatory Odd/Even schedule Odd Numbers - Saturdays and Tuesdays
		Splash Pad/Pools	Splash Pad shall not be operated. No pool filling with City of Morden Source of water.
		Other Outdoor/Leisure Uses	Any activities which result in water spraying/draining onto a street or public right-of way are not permitted
		Vehicle Washing	Not permitted at private residences: commercial car washes only
		Agriculture	Spraying and Irrigation not permitted from City of Morden sources.
		Construction	Metered use - hours of operation may be reduced
		Operations	Regular Hydrant flushing not permitted, Restricted hydrant maintenance
New Plantings/Landscaping	Not Permitted if using City source of water		
Lodging/Restaurant	Voluntary signage/communication, mandatory serve water on request, voluntary laundry reduction		
		Extreme Drought Stage	
		Peak Water Use Reduction Target: 30% or greater	
		Water Use Category	Recommended Action
		Residential/Commercial	Voluntary conservation request

City of Morden			
Schedule- A to Water Restrictions Bylaw			
Water Use Restriction Trigger	Water Restriction Stage	Water Use Restriction	
Lake Level more than 8.5' below FSL or Water use demand is more than 90% of water system capacity	Extreme	Industrial	Non-essential operations not permitted, Mandatory restriction to 80% of past water consumption
		Industrial: Water rich	Mandatory restriction to 80% of past water consumption
		Lawn Watering	Mandatory complete restriction
		Garden Watering (food production)	Mandatory maximum 1 day per week schedule Only on the day of compost pickup
		Splash Pads/ Pools	Splash Pads shall not be operated. No pool filling.
		Other Outdoor/Leisure Uses	Any activities which result in water spraying/draining onto a street or public right-of way are not permitted
		Vehicle Washing	Not permitted at private residences. Mandatory reduction of hours of operation by 20% at commercial car washes
		Agriculture	Spraying and Irrigation not permitted from City of Morden sources. Livestock expansion not permitted
		Construction	Construction using City source of water not permitted
		Operations	Hydrant flushing not permitted
		New Plantings/Landscaping	Not Permitted if using City source of water
		Lodging/Restaurant	Mandatory signage/communication, restaurants mandatory serve water on request, voluntary laundry reduction