

MUNICIPALITY OF THE COUNTY OF KINGS

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BY-LAW # 107

WATER CONSERVATION BY-LAW

SUBTITLE

A By-law to regulate the consumption of water in accordance with the Municipality's Source Water Protection Plans.

PREAMBLE & ENACTMENT

WHEREAS the Municipality owns and operates a water utility (hereinafter called "the Water Utility"), pursuant to the provisions of the *Public Utilities Act* serving the Village of Greenwood and Sandy Court in the Village of Aylesford;

AND WHEREAS the Municipality is required through regulations enabled under the *Environment Act* to implement a Source Water Protection Plan to ensure the long term sustainability of the ground water source supplying the Municipal Water Utilities;

AND WHEREAS the Municipality desires to enact a by-law to temporarily limit water consumption that is not required to support public health and safety in times of high demand to satisfy regulatory or operational requirements;

BE IT ENACTED by the Council of the Municipality as follows:

PART 1: TITLE

This By-law may be cited as the "Water Conservation By-law" for the Municipality of the County of Kings and shall apply to the area serviced by the Water Utility.

PART 2: INTERPRETATION AND SCOPE

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated, and words used in the plural shall include the singular.

PART 3: DEFINITIONS

3.1 AESTHETIC CLEANING means the use of water for cleaning when it is not for a health or safety reason.

- 3.2 AESTHETIC WATER FEATURE means a fountain, pond, or other water feature that primarily serves an aesthetic purpose. It does not include ponds that contain fish.
- 3.3 AUTOMATIC SHUT-OFF DEVICE means a device attached to a water hose that shuts off the supply of water automatically unless hand pressure is applied to operate the device.
- 3.4 COMMERCIAL CLEANING OPERATION means a company, partnership or person that offers commercial cleaning services, including pressure washing, window cleaning and other similar building cleaning services, to the public for a fee.
- 3.5 COMMERCIAL VEHICLE WASHING means commercial vehicle washing services offered to the public for a fee, but excludes car dealerships, fleet vehicle washing facilities, and charity car washes.
- 3.6 COUNCIL means the Council of the Municipality.
- 3.7 DRIP IRRIGATION means an irrigation system that delivers water directly to the root zone of the plant at a low flow rate through individual emission points (emitters) using droplets of water and excludes sprinkler irrigation systems, micro-spray systems, misting systems, and soaker hoses.
- 3.8 EDIBLE PLANT means a plant grown for the purpose of human consumption.
- 3.9 ENGINEER means the Director of Engineering and Public Works, Lands, and Parks of the Municipality or their designee.
- 3.10 GOLF COURSE means the greens, tee areas, and fairways that are designed and maintained as playing surfaces for golf, but does not include rough areas or lawns that are not maintained as playing surfaces.
- 3.11 IMPERMEABLE SURFACE means a material added to the surface of the ground, or on the exterior of a building or structure that is impermeable to water, including but not limited to glass, wood, concrete, asphalt, paving stones and other similar materials.
- 3.12 INSTITUTIONAL USERS means the Municipality, the Village of Greenwood, Village of Aylesford, Nova Scotia Department of Community Services, and Canadian Forces Base Greenwood.
- 3.13 LAWN means a cultivated area surrounding or adjacent to a building that is covered by grass, turf, or a ground cover plant such as clover, including areas such as boulevards, parks, school yards and cemeteries, but excluding golf courses, soil-based playing fields, and sand-based playing fields.

- 3.14 MUNICIPALITY means the Municipality of the County of Kings.
- 3.15 NEW LAWN means a Lawn that is newly established either by seeding or laying of new sod or turf.
- 3.16 NON- RESIDENTIAL USERS means one of the following that is connected to the Water Utility:
- a residential building that contains three or more residential units; or
 - a building being used for commercial, institutional, or industrial purposes but excluding buildings being used by organizations listed in 3.12.
- 3.17 OWNER as it refers to the owner of the property includes:
- a part owner, joint owner, tenant in common or joint tenant of the whole or any part or parcel of land or a building;
 - In the case of the absence or incapacity of the Person having title to the lot or building, a trustee, an executor, an administrator, a guardian, an agent, a mortgagee in possession or other Person having the care or control of any lot or building; and
 - in the absence of proof to the contrary, the Person assessed for the taxes on the parcel of land or building.
- 3.18 PERMIT means a permit issued under Part 6 of the By-law.
- 3.19 PERSON includes a corporation and the heirs, executors, administrators or other legal representatives of a Person, but specifically excludes the Municipality.
- 3.20 PUBLIC ANNOUNCEMENT means an advertisement or public service announcement in any of following mediums:
- a television or radio broadcast from a station that broadcasts to the area;
 - a newspaper or other publication intended for general circulation, including one that is distributed without charge to the reader that contains news and advertising, and is distributed within the area at least once per week; and
 - other methods as prescribed in a communication plan approved by Policy of Council.
- 3.21 RESIDENTIAL USERS means one of the following that is connected to the Water Utility:
- a dwelling containing one residential unit, including a mini-home or a mobile home but excluding recreational vehicles; or
 - a residential building that contains two residential units, which is divided vertically by a wall extending ground to roof and which is separated by open space from other buildings, and each residential unit has an independent entrance.
- 3.22 RESTRICTIONS means restrictions upon the use of water as prescribed in this By-law.

- 3.23 SAND-BASED PLAYING FIELD means a playing field that is constructed with a highly permeable sand-based root zone typically 30 to 40 centimetres deep over a drainage system with drain pipes bedded in gravel, and is designed and maintained to be playable year-round.
- 3.24 SOAKER HOSE means a garden hose or pipe with small holes that allows water to seep into the ground to the roots of plants, discharging water through the entire length of its porous surface.
- 3.25 SOIL-BASED PLAYING FIELD means a playing field that is covered with grass, sod or turf that is designed and maintained to be played upon, or that is used for sporting or other community events and activities, but does not include lawns, golf courses, or sand-based playing fields.
- 3.26 WATER used as a noun means Water supplied directly or indirectly by Municipal Utilities, whether or not mixed with rain Water, gray Water or recycled Water.
- 3.27 WATER used as a verb, and "Watering" or "Watered", mean the application or distribution of Water (used as a noun) to lands or plants but does not include Drip Irrigation.
- 3.28 WATER MANAGEMENT PLAN means a plan proposed by the owner or operator of a golf course, soil-based playing field, and sand-based playing field operators and approved by the Municipality. The plan sets out terms such as water use targets during the different stages of conservation, restrictions to reduce water use, and reporting requirements for the owner or operator.
- 3.29 WATER PLAY PARK means a recreational facility that is primarily outdoors, including spray pools and wading pools, spray parks, splash pads, and water slides.
- 3.30 WATERING LAWN means applying water to a lawn with any device or tool including but not limited to a sprinkler, hose, mister, or drip irrigation.
- 3.31 WATER SYSTEM means a water system; consisting of the source, structures, pipes, hydrants, meters, service laterals, devices, equipment or other things used, or intended, for the collection, transportation, pumping or treatment of water.

PART 4: IMPLEMENTATION OF WATER USE RESTRICTIONS

- 4.1 Level 1 Restrictions, as defined in Schedule "A" of this By-law, shall be in effect within all areas serviced by the Water Utility from May 15 to October 15 each year. The Engineer may suspend Stage 1 Restrictions, and rescind same, if, in the

Engineer's opinion, there has been higher than average rainfall amounts and that a suspension will not adversely impact the Utility.

4.2 Level 2 and Level 3 Restrictions

- a) The Engineer may activate Level 2 Restrictions, as defined in Schedule "B" of this By-law, if, in the Engineer's opinion, there are moderate drought conditions or other water shortages where further limitations to water usage that is not required to support public health and safety is warranted due to maintain appropriate Water Utility operations.
- b) The Engineer may activate Level 3 Restrictions, as defined in Schedule "C" of this By-law, if, in the Engineer's opinion, there are conditions where water usage that is not required to support public health and safety could adversely impact the Water Utility, including, but not limited to, the following:
 - i. Severe drought conditions or other water shortage;
 - ii. Significant emergency situation (e.g., earthquake, wildfires, flood, severe weather);
 - iii. Prolonged regional power outage; or
 - iv. Significant damage to critical Utility infrastructure.
- c) The Engineer may extend any Level 2 or Level 3 Restrictions if, in the Engineer's opinion, such Restrictions are still required.
- d) The Engineer may suspend or rescind any Level 2 or Level 3 if such action will not adversely impact the Water Utility.

4.3 The Municipality, in its absolute discretion, is authorized to impose at any time any other water use regulation, which it deems advisable to, including but not limited to:

- a) Further limit the hours of Water use;
- b) Suspend any approved Water Permits; or
- c) Ban all external use of Water.

4.4 When any Restrictions have been activated or extended all Persons must ensure that:

- a) All hoses have an automatic shut-off device;
- b) Water does not unnecessarily run off on impermeable surfaces such as driveways, curbs, pathways, or gutters when watering lawns and plants;
- c) Artificial playing turf and outdoor tracks are not watered except for a health or safety reason;
- d) Hoses and taps do not run unnecessarily; and
- e) Irrigation systems are not faulty, leaking, or misdirected.

4.5 Public Announcements

- a) The Engineer shall make a Public Announcement when either:

- i. Level 1 Restrictions have been suspended; or
 - ii. Any Level 2 or Level 3 Restrictions has been activated, extended, or deactivated.
 - b) Public Announcements will include:
 - i. Date the Restriction was activated, extended, or deactivated;
 - ii. Information on the Restrictions activated, extended, or deactivated; and
 - iii. Other information that the Engineer deems necessary for implementation of any applicable aspects of this By-law.
- 4.6 Following a Public Announcement for the activation or extension of any Restrictions, no Person shall use Water except in accordance with the restrictions in force at the time.

PART 5: WATER MANAGEMENT VARIANCE

- 5.1 The Owner of a Golf Course, Soil-Based Playing Field, or a Sand-Based Playing Field may apply in writing to the Engineer for a Water Management Variance to have their water usage regulated by a Water Management Plan. A variance is valid for up to three (3) years from the date of approval, inclusive of that date.
- 5.2 The Owner or his/her agent shall submit an application for a Water Management Variance. The application shall be in the form prescribed by the Engineer, including a Water Management Plan as prescribed in Section 5.3. A Water Management Variance Application Fee, as set out by Policy of Council, shall be submitted with the application. An application is not complete until all supporting documentation and all fees required by Policy of Council are received by the Engineer. Within 30 business days of receipt of a complete application, the Engineer shall approve the application if it complies with this By-law. If the application is refused, the Engineer shall inform the applicant, in writing, of the reason(s) for the refusal.
- 5.3 A Water Management Plan shall, at a minimum, contain the following information to the satisfaction of the Engineer:
- a) Map of the property subject to the Water Management Plan showing property boundary, areas to be Watered, connections to the Water System;
 - b) Other sources of water at the subject property;
 - c) Water consumption rates between May 1 and October 15 of the previous 3 years;
 - d) Proposed volume of Water to be consumed from May 1 to October 15 of each year for the term of the Water Management Variance;
 - e) Measures that the Owner will use during the term of the Water Management Variance to conserve Water and to reduce the use of Water;
 - f) Schedule for Watering specified areas within the operation for each Restrictions Stage, except Stage 3;

- g) Reporting of actual Water use to the Engineer not less than once per month when Level 1 Restrictions are in force, and not less than once every two weeks when Level 2 Restrictions are in force; and
 - h) Any other information, commitments, conditions or restrictions the Engineer may require.
- 5.4 The Engineer may terminate or suspend a Water Management Variance by notifying the Owner or his/her agent in writing at least five business days before the termination or suspension date.
- 5.5 All Water Management Variances shall be suspended when the Engineer activates Level 3 Restrictions or when the Municipality exercises its authority to impose further restrictions under Section 4.3. The suspension will terminate when the applicable restriction is deactivated.
- 5.6 An Owner may terminate a Water Management Variance by notifying the Engineer in writing on the date specified in the written termination or the date on which the Engineer receives the written termination, whichever is later.
- 5.7 An Owner may apply, in the same manner prescribed in Section 5.2, to modify an approved Water Management Variance.

PART 6: WATERING PERMIT

- 6.1 A Person who installs a new Lawn, either by seeding or by placing sod or turf or wishes to apply nematodes to an existing lawn may apply in writing to the Engineer for a Watering Permit authorizing the applicant to Water when Level 1 Restrictions or Level 2 Restrictions are in force. A permit is valid for twenty-one (21) calendar days from the date of approval, inclusive of that date and specific to that property civic number. The applicant may apply for a one-time twenty-one (21) calendar day extension, except for Watering Permits issued for nematode application.
- 6.2 All applications for a permit or an extension shall be in the form prescribed by the Engineer. A Watering Permit Application Fee, as set out by Policy of Council, shall be submitted with the application. An application is not complete until all supporting documentation and all fees required by Policy of Council are received by the Engineer. Within five (5) business days of receipt of a complete application, the Engineer shall approve the application if it complies with this By-law. If the application is refused, the Engineer shall inform the applicant, in writing, of the reason(s) for the refusal.
- 6.3 The Engineer shall not approve any applications under Part 6 while a Level 3 Restriction is in effect; or when the Municipality has imposed further restrictions under Section 4.3.
- 6.4 All Watering Permits shall be suspended when the Engineer activates a Level

3 Restriction; or when the Municipality exercises its authority to impose further restrictions under Section 4.3. The suspension will terminate when the applicable restriction is deactivated.

6.5 A Person who has been issued a Watering Permit must fix the Watering Permit to a post on the premises facing the street, beside the principal driveway so that it is visible from the street.

6.6 The Engineer may revoke a Permit issued under this section for any reason.

PART 7: OFFENCES AND PENALTIES

Any Person who contravenes any section of this By-law shall be guilty of an offence and shall be liable on conviction to a penalty of not less than \$275 and not more than \$10,000.00 and each day during which any violation, contravention or breach shall continue shall be deemed as a separate offence.

PART 8: MUNICIPALITY EXEMPTION

Notwithstanding the activation of any stage of water restrictions, the Municipality may use water and is exempt from the water restrictions applicable to that stage, where use of water is needed to carry out activities needed for protecting public health and safety.

PART 9: SEVERABILITY

If any portion of this By-law is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the By-law is deemed valid.

PART 10: EFFECTIVE DATE

This By-law comes into force and effect on the 5th day of May 2020.

SCHEDULE “A” – Level 1 Restrictions

| Water Usage | | Restrictions | |
|---|--|---|--|
| Residential Users | | | |
| Watering lawns | | Daily use only 4am to 9am and 4pm to 9pm (local time) | |
| Watering new lawns or lawns being treated for invasive species. | | <ol style="list-style-type: none"> 1. Daily use only from 4am to 9am and from 4pm to 9pm (local time) 2. Additional hours by Watering Permit only | |
| Watering trees, shrubs, and flowers excluding edible plants | | <ol style="list-style-type: none"> 1. Daily from 4am to 9am and from 4pm to 9pm (local time) if using a sprinkler 2. Daily if using a handheld hose, soaker hose, water container, or drip irrigation | |

| Water Usage | | Restrictions | |
|--|--|---|--|
| Non-Residential Users | | | |
| Watering lawns | | Daily use only from 4am to 9am and from 4 pm to 9pm (local time) | |
| Watering new lawns or lawns being treated for invasive species | | By Watering Permit only | |
| Watering trees, shrubs, and flowers excluding edible plants | | <ol style="list-style-type: none"> 1. Daily use only from 4am to 9am and from 4pm to 9pm (local time) if using a sprinkler 2. Daily use only if using a handheld hose, soaker hose, water container, or drip irrigation | |

| Water Usage | | Restrictions | |
|--|--|---|--|
| Institutional Users | | | |
| Watering lawns and grass boulevards | | Daily from 4am to 9am and from 4 pm to 9pm (local time) | |
| Watering new lawns or lawns being treated for invasive species | | By Watering Permit only | |
| Watering trees, shrubs, and flowers excluding edible plants | | <ol style="list-style-type: none"> 1. Daily use only from 1am to 9am (local time) if using a sprinkler 2. Daily use only if using a handheld hose, soaker hose, water container, or drip irrigation | |
| Watering Soil-based or Sand-based playing fields | | <ol style="list-style-type: none"> 1. Daily from 7pm to 9am (local time) 2. Additional hours only for newly overseeded field by Watering Permit or per approved Water Management Plan. | |

SCHEDULE “B” – LEVEL 2 RESTRICTIONS

| Water Usage | | Restrictions | |
|---|--|---|--|
| Residential Users | | | |
| Watering lawns | | From 4am to 9am and 4 pm to 9pm (local time) as follows: 1. Even-numbered civic addresses: Wednesdays and Saturdays only 2. Odd-numbered civic addresses: Thursdays and Sundays only | |
| Watering new lawns or lawns being treated for invasive species. | | By Watering Permit only | |
| Watering trees, shrubs, and flowers excluding edible plants | | 1. Daily use only from 4am to 9am (local time) if using a sprinkler 2. Daily use only if using a handheld hose, soaker hose, water container, or drip irrigation | |
| Washing impermeable surfaces | | Only permitted for: 1. Washing a surface for health or safety reasons; 2. Preparing a surface for painting or similar treatment; or 3. Aesthetic cleaning by a commercial cleaning company | |
| Filling aesthetic water features | | Prohibited | |

| Water Usage | | Restrictions | |
|--|--|---|--|
| Non-Residential Users | | | |
| Watering lawns | | From 1am to 6am (local time) as follows: 1. Even-numbered civic addresses: Mondays only 2. Odd-numbered civic addresses: Tuesdays only | |
| Watering new lawns or lawns being treated for invasive species | | By Watering Permit only | |
| Watering trees, shrubs, and flowers excluding edible plants | | 1. Daily use only from 1am to 9am (local time) if using a sprinkler 2. Daily use only if using a handheld hose, soaker hose, water container, or drip irrigation | |
| Watering Golf Courses | | 1. Fairway Watering is permitted anytime once per 7-day period; or 2. Per approved Water Management Plan | |

| | |
|----------------------------------|--|
| Washing impermeable surfaces | Use only permitted for: 1. Washing a surface for health or safety reasons; 2. Preparing a surface for painting or similar treatment; or 3. Aesthetic cleaning by a commercial cleaning company |
| Filling aesthetic water features | Prohibited |

SCHEDULE “B” – LEVEL 2 RESTRICTIONS (CONTINUED)

| Water Usage | Restrictions |
|--|---|
| Institutional Users | |
| Watering lawns and grass boulevards | From 1am to 6am (local time) as follows: 1. Even-numbered civic addresses: Mondays only 2. Odd-numbered civic addresses: Tuesdays only |
| Watering new lawns or lawns being treated for invasive species | By Watering Permit only |
| Watering trees, shrubs, and flowers excluding edible plants | 1. Daily use only from 1am to 9am (local time) if using a sprinkler 2. Daily use only if using a handheld hose, soaker hose, water container, or drip irrigation |
| Watering Soil-based playing fields | No more than 4 days in a 7-day period from 7pm to 9am unless Watering; 1. Newly overseeded field per approved Watering Permit; or 2. Per approved Water Management Plan |
| Watering Sand-based playing fields | Daily use only from 7pm to 9am unless Watering; 1. Newly overseeded field per approved Watering Permit; or 2. Per approved Water Management Plan |
| Operating water play parks and pools | Prohibited except for: 1. Water play parks with user-activated switches; or 2. Daily use only from 4 pm to 8pm (local time) when a Heat Advisory is in effect |
| Filling aesthetic water features | Prohibited |

SCHEDULE "C" – LEVEL 3 RESTRICTIONS

| Water Usage | Restrictions |
|---|---|
| Residential Users | |
| Watering lawns | Prohibited |
| Watering new lawns or lawns being treated for invasive species. | <ol style="list-style-type: none"> 1. Watering Permits issued prior to Level 3 Restrictions coming into force will remain in effect until permit expires. Extensions shall not be approved while Level 3 Restrictions are in effect. 2. No new Watering Permits shall be issued |
| Watering trees, shrubs, and flowers excluding edible plants | <ol style="list-style-type: none"> 1. Use of sprinklers or soaker hoses is prohibited 2. Daily use only if using a handheld hose, water container, or drip irrigation |
| Washing impermeable surfaces | <p>Only permitted for:</p> <ol style="list-style-type: none"> 1. Washing a surface for health or safety reasons; or 2. Preparing a surface for painting or similar treatment. |
| Filling aesthetic water features | Prohibited |
| Filling pools and hot tubs | Prohibited |
| Washing Vehicles and boats | Prohibited except to clean windows, lights, mirrors, license plates, and boat engines for safety purposes |

SCHEDULE "C" – LEVEL 3 RESTRICTIONS (CONTINUED)

| Water Use | Restrictions |
|--|--|
| Non-Residential Users | |
| Watering lawns | Prohibited |
| Watering new lawns or lawns being treated for invasive species | <ol style="list-style-type: none"> 1. Watering Permits issued prior to Level 3 Restrictions coming into force will remain in effect until permit expires. Extensions shall not be approved while Level 3 Restrictions are in effect. 2. No new Watering Permits shall be issued |
| Watering trees, shrubs, and flowers excluding edible plants | <ol style="list-style-type: none"> 1. Use of sprinklers or soaker hoses is prohibited 2. Daily use only if using a handheld hose, water container, or drip irrigation |
| Watering Golf Courses | Prohibited except by approved Water Management Plan |
| Washing impermeable surfaces | Only permitted for: <ol style="list-style-type: none"> 1. Washing a surface for health or safety reasons; or 2. Preparing a surface for painting or similar treatment. |
| Filling aesthetic water features | Prohibited |
| Filling pools and hot tubs | Only in accordance with applicable health and safety regulatory requirements |
| Washing Vehicles and boats | Prohibited except to clean windows, lights, mirrors, license plates, and boat engines for safety purposes |
| Commercial Vehicle Washing Facilities (with automatic washing systems) | <ol style="list-style-type: none"> 1. Facilities with system installed prior to November 1, 2017 only permitted to operate on basic wash and rinse cycle. 2. Facilities with system installed on or after November 1, 2017, only permitted if using water recycling system that achieves minimum 60% water recovery over full wash cycle |
| Commercial Vehicle Washing Facilities (Hand Wash and Self-Service Facility) | Only permitted when using high pressure wands or brushes with maximum flow rate of 11.4 litres per minute |

SCHEDULE "C" – LEVEL 3 RESTRICTIONS (CONTINUED)

| Water Use | Restrictions |
|--|--|
| Institutional Users | |
| Watering lawns and grass boulevards | Prohibited |
| Watering new lawns or lawns being treated for invasive species | <ol style="list-style-type: none"> 1. Watering Permits issued prior to Level 3 Restrictions coming into force will remain in effect until permit expires. Extensions shall not be approved while Level 3 Restrictions are in effect. 2. No new Watering Permits shall be issued. |
| Watering trees, shrubs, and flowers | <ol style="list-style-type: none"> 1. Use of sprinklers or soaker hoses is prohibited 2. Daily use only if using a handheld hose, water container, or drip irrigation |
| Watering Soil-based playing fields | <p>No more than 3 days in a 7-day period from 7pm to 9am unless Watering:</p> <ol style="list-style-type: none"> 1. Newly overseeded fields per approved Watering Permit; or 2. Per approved Water Management Plan |
| Watering Sand-based playing fields | <p>No more than 5 days in a 7-day period from 7pm to 9am unless Watering:</p> <ol style="list-style-type: none"> 1. Newly overseeded field per approved Watering Permit; or 2. Per approved Water Management Plan |
| Operating water play parks and pools | <p>Prohibited except for:</p> <ol style="list-style-type: none"> 1. Water play parks with user- activated switches; or 2. Daily from 6pm to 9pm (local time) when a Heat Advisory is in effect |
| Filling aesthetic water features | Prohibited |
| Filling pools and hot tubs | Only in accordance with applicable health and safety regulatory requirements |
| Washing Vehicles and boats | Prohibited except to clean windows, lights, mirrors, license plates, and boat engines for safety purposes |