



## THE RURAL MUNICIPALITY OF MACDONALD

### BY-LAW NO. 12/23

BEING A BY-LAW OF THE RURAL MUNICIPALITY  
OF MACDONALD to restrict of outdoor water use within the Municipality.

WHEREAS subsections 232(1) and 232(2) of The Municipal Act provides in part as follows:

#### **Spheres of jurisdiction**

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

- a) the safety, health, protection and well-being of people and the safety and protection of property;
- o) the enforcement of by-laws.

AND WHEREAS it is deemed necessary, expedient and in the best interest of the Rural Municipality of Macdonald to provide restrictions to ensure the safety and reliability of the Macdonald Water Utility for all residents and businesses in the Municipality.

NOW THEREFORE, the Council of the Rural Municipality of Macdonald in meeting duly assembled, enacts as follows:

#### **Title**

1. This By-Law may be referred to as “The Restriction of Outdoor Water Use By-Law”.

#### **Definitions**

2. Unless otherwise expressly provided in this By-Law or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in *The Municipal Act*.

a. In this by-law,

**“Landscape Watering”** means the application of water from the Municipal Water System on lawns, boulevards and flower beds.

**“Garden Watering”** means the application of water from the Municipal Water System on food production areas.

#### **Prohibition**

3. In order to promote water conservation, between May 15<sup>th</sup> and September 30<sup>th</sup> in each year, the Municipality is in Stage I water restrictions indicated on Schedule A. Therefore, during this period no person shall landscape water except in compliance with the provision of this By-Law.

#### **Empowerment**

4. The Manager of Public Works for the Municipality is hereby authorized to impose Stage II, Stage III or Stage IV restrictions to regulate the use of water for non-essential purposes.

5. When an Outdoor Water Use Restriction is in effect, no Owner or Occupier of a Parcel or Premise shall allow the use of water supplied through the Municipal Water Utility for any activity or application prohibited in the following stage of restrictions in Schedule "A" to this By-Law:
  - a. Stage 1;
  - b. Stage 2;
  - c. Stage 3; or
  - d. Stage 4.
6. Without limiting the generality of this By-Law, the activities permitted in Schedule "A" to this By-Law shall apply to all outdoor use of Municipally produced water and may be updated through a resolution of Council as needed.

### **Exemptions**

7. The provisions of Stages 1, 2 and 3 shall not apply to the following water users which rely upon the steady supply and use of water:
  - a. A person who has received a watering permit under Section 9 of this By-Law;
  - b. watering of plants/trees at licensed nursery facilities;
  - c. licensed golf courses and driving ranges;
  - d. playing fields and public gardens owned by the Municipality where failure to water would result in permanent loss, will be exempt but on a very selective basis as the need arises; and
  - e. for dust control if safety or sanitary concerns exist or for compaction during construction if no reasonable alternative exists.
8. The provisions of Stages 1, 2, 3 and 4 shall not apply to the following water users which rely upon the steady supply and use of water:
  - a. Watering of plants/trees at licensed nursery facilities;
  - b. Washing down of exterior building surfaces or other outdoor surfaces of child care facilities, food and beverage establishments, kennels or animal care facilities where required by health and safety regulations;
  - c. Vehicle washing at commercial car washes;
  - d. Watering of livestock.

### **Permits**

9. A person who has installed a new lawn, either by placing sod or turf or by seeding, or who has installed new landscaping on a substantial part of the outdoor portion of a property may apply to the Municipality for a permit which will entitle the permittee to sprinkle outside the restricted days subject to the restricted hours.
10. The Municipality shall issue a permit to an applicant pursuant to section 11 upon payment of the fee set out in the Municipality's Fees and Charges By-Law.
11. A permit issued under section 9 shall be valid for a period of 21 days after the date of its issue and shall be conspicuously displayed at the property for which it was issued.
12. After the expiration of a permit issued under section 9, a person may apply for and obtain only one subsequent renewal of the permit for the

same property in any one calendar year for a fee as set out in the Municipality's Fees and Charges By-Law.

### **Notice of Change to Restrictions**

13. The Municipality will provide public notice of the implement/change or removal of an outdoor water use restrictions provided in Stages 1, 2, 3 and 4 of this By-Law. The notice will be provided in the following manners:
  - a. Posting of a notice on community bulletin boards;
  - b. Notice on the Municipal website;
  - c. Circulation of notices;
  - d. Electronic notification through All-Net Connect;
  - e. Community signage.

### **Enforcement**

14. The Municipality's Designated Officer or the By-Law Enforcement Officer may issue a notice in a form approved by the Municipality hereinafter referred to as an "Administrative Penalty Notice", to any person who has allegedly contravened any of the provisions of this by-law pursuant to the current Municipality By-Law Enforcement Act By-Law.

### **Penalties**

15. In the event that a recipient of an "Administrative Penalty Notice", for an offence, voluntarily makes payment at the Macdonald Municipal Office, will be provided with a receipt issued by the Municipality to the offender. No prosecution shall be proceeded with if the required penalty has been voluntarily paid within the time limit established.
16. A person who contravenes this By-Law is guilty of an offence and is liable for a penalty of not more than \$1000.00. A Response to the issued "Administrative Penalty Notice", payment or contestation, shall be made in accordance with directions provided on the issued "Administrative Penalty Notice". Voluntary payment of the set penalty under this by-law may also be made at the Macdonald Municipal Office. When permitted under Provincial Legislation, non-payment of fines may be accrued to the Vehicle Registration Licence fees for the vehicle identified in an "Administrative Penalty Notice" and paid for at the time of registration.
17. Where there is a specified penalty listed for an offence in the Municipal By-Law Enforcement Act By-law, that amount is the specified penalty for the offence.
  - a. Notwithstanding the specified penalties set out in Municipal By-Law Enforcement Act By-Law:
    - (i.) If a person is issued more than one Administrative Penalty Notice within the same calendar year, the second penalty notice shall be double the amount of the first penalty; and
    - (ii.) If a person is issued three or more Administrative Penalty Notices within the same calendar year, the third and subsequent Penalty Notices shall be three times the amount of the first Penalty Notice.

### **Transitional**

18. By-Law No. 9/22 be and is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 21<sup>st</sup> day of November A.D., 2023.

**THE RURAL MUNICIPALITY OF MACDONALD**

*Original Signed by*

*"B. Erb"*

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Brad Erb  
Reeve

*"D. Hrehirchuk"*

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Daryl Hrehirchuk, CMMA  
Chief Administrative Officer

*Read a First time this 7<sup>th</sup> day of November A.D., 2023*

*Read a Second time this 21<sup>st</sup> day of November A.D., 2023*

*Read a Third time this 21<sup>st</sup> day of November A.D., 2023*

Schedule A – Outdoor Water Use Restrictions

Activity	Application Method	Application By	Stage One	Stage Two	Stage Three	Stage Four
<b>Landscape Watering</b> Watering of lawns, boulevards, flowerbeds	Irrigation with hose connected sprinkler	All Customers	<b>Even Number Address:</b> Wednesday, Friday & Sunday and <b>Odd Number Address:</b> Tuesday, Thursday & Saturday between the hours of 4 a.m. to 8 am 8 pm to 12 am	<b>Even Number Address:</b> Wednesday & Sunday and <b>Odd Number Address:</b> Tuesday & Saturday between the hours of 4 a.m. to 8 am 8 pm to 12 am	Not Allowed	Not Allowed
<b>Garden Watering</b> of gardens, food production areas	Spring-loaded type nozzles with automatic shut-off connected to hose	All Customers	Allowed	<b>Even Number Address:</b> Wednesday & Sunday and <b>Odd Number Address:</b> Tuesday & Saturday	Not Allowed	Not Allowed
	Hand-held container (i.e.: watering can, bucket)	All Customers	Allowed	Allowed	Allowed	Not Allowed
<b>Watering of New Grass Plantings (sod or seed) with reasonable evidence of recent installation; sod within 21 days.</b>	Any	All Customers	Allowed	Allowed with permit	Allowed with permit	Not Allowed
<b>Watering of plants &amp; trees for commercial sale</b>	Any	Nurseries, garden centers, turf tree farms	Allowed	Allowed	Allowed	Allowed
<b>Pesticide or fertilizer application that requires the use of potable water</b>	Any	All Customers	Allowed	Allowed	Not Allowed	Not Allowed
<b>Testing of Irrigation Systems</b>	Not Applicable	All Customers	Allowed	Allowed	Not Allowed	Not Allowed
<b>Wash down sidewalks, walkways, driveways, exterior building surfaces or other outdoor surfaces</b>	Any	All Customers except:	Allowed	Allowed	Not Allowed	Not Allowed
		Childcare facilities, Food and Beverage establishments, Kennels or animal care facilities where required by health and safety regulations	Allowed	Allowed	Allowed	Allowed
<b>Manual, exterior window washing</b>	Any	All Customers except:	Allowed	Allowed	Allowed	Not Allowed
		Licensed Cleaning Services	Allowed	Allowed	Allowed	Allowed

Activity	Application Method	Application By	Stage One	Stage Two	Stage Three	Stage Four
Washing of Vehicles	Any	All Customers except:	Allowed	Allowed	Not Allowed	Not Allowed
		Vehicles subject to health and safety regulations	Allowed	Allowed	Allowed	Allowed
Vehicle Washing at Commercial Car Washes	Any		Allowed	Allowed	Allowed	Allowed
Golf Courses and Driving Ranges	Any		Allowed	Allowed	Allowed	Not Allowed
Watering of Livestock	Any		Allowed	Allowed	Allowed	Allowed
Filling of Hot tubs, Swimming pools, Wading pools	Any	All Customers except:	Allowed	Allowed	Allowed	Not Allowed
		Commercial	Allowed	Allowed	Allowed	Not Allowed