

By-law Number 79 -2003

of

The Corporation of the City of Brantford

Being a By-law of the Corporation of the City of Brantford to regulate water usage for lawn and gardens within the City of Brantford.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD
HEREBY ENACTS AS FOLLOWS:

1. The City of Brantford Municipal Code is amended by adding hereto the attached Chapter 648.
2. This By-law shall come into effect immediately.

READ A FIRST TIME: MAY 5, 2003

READ A SECOND TIME: MAY 5, 2003

PASSED: MAY 5, 2003

Mayor

Clerk

Chapter 648
Water Conservation

Chapter Index

Article 1
Interpretation

648.1.1 City – Defined

“City” means the Corporation of the City of Brantford.

648.1.2 City Water Supply System – Defined

“City water supply system” means the water production and distribution system owned and operated by the City and the words “City water” and “water” have a corresponding meaning.

648.1.3 Commissioner – Defined

“Commissioner” means the Commissioner of Engineering, Public works and Parks and Recreation and his authorized person.

648.1.4 Established Lawn – Defined

“Established lawn” means any lawn planted for longer than thirty days.

648.1.5 Level I Drought Condition – Defined

“Level I drought condition” means the condition when the flow in the Grand River is less than 70% of lowest average summer month flow as defined in the Province of Ontario Low Water Response Plan.

648.1.6 Level II Drought Condition – Defined

“Level II drought condition” means the condition when the flow in the Grand River is less than 50% of lowest average summer month flow as defined in the Ontario Low Water Response Plan.

648.1.7 Level III Drought Condition – Defined

“Level III drought condition” means the condition when the flow in the Grand River is less than 30% of lowest average summer month flow as defined in the Ontario Low Water Response Plan.

648.1.8 New Lawn – Defined

“New lawn” means any lawn that is installed within the last 30 days.

648.1.9 Nursery – Defined

“Nursery” means a business in which vegetables, fruit, shrubs, flowers or bulbs and related items are grown for sale, for wholesale or market.

648.1.10 Owner – Defined

“Owner” means all persons shown by the records in the Registry Office of the Registry Division of Brant Number 2, to be the owner in fee simple of the lot and shall include all persons shown as the owner in the latest Assessment Roll returned to the City of Brantford.

648.1.11 Treated Lawn – Defined

“Treated lawn” means a lawn or portion of lawn that has been treated with any pesticide, herbicide, spray or fertilizer.

648.1.12 Water Device – Defined

“Water device” means any device, including a hose, hose bib, pipe, sprinkler, in-ground or above ground irrigation system or a hand held vessel not connected to a hose, that is connected to the City water supply system.

**Article 2
General Provisions**

648.2.1 Every person who is a property owner or an occupant who receives water from the City water supply shall comply with all provisions of this bylaw.

**Article 3
General Prohibitions**

648.3.1 No person shall use City water contrary to the provisions of this bylaw.

648.3.2 No person shall waste water outside a building. The following activities are considered a wasting of water and include but are not limited to the following:

- a. Use of water for the purpose of irrigation during a rainstorm.
- b. Allow puddling or run off of irrigation water.
- c. Allow irrigation water to be sprayed onto a paved surface such as sidewalks, driveways, roadways, curbs or gutters.
- d. Washing of vehicles with a hose not equipped with a shut off valve at the discharge end of the hose.

**Article 4
Watering Restrictions**

648.4.1 Time Restrictions

- a. Lawn and garden watering restrictions shall be applicable in the months of June, July and August.
- b. No person shall water any lawn, garden, tree, shrub or other outdoor plant, except between the hours of 7.00 a.m. and 9.00 a.m. and between the hours of 7.00 p.m. and 9 p.m.
- c. Properties with municipal addresses having odd numbers may sprinkle or water within the designated times only on odd-numbered calendar days.

- d. Properties with municipal addresses having even numbers may sprinkle or water within the designated times only on even-numbered calendar days.
- e. Watering of municipal parks, sports fields, municipal horticultural areas, traffic islands and other city properties shall be restricted to alternate days from 11 p.m. to 7 a.m.
- f. Watering of golf courses shall be restricted to alternate days from 11 p.m. to 7 a.m.

648.4.2 Watering Ban

The lawn and garden watering ban shall be applicable at any time in a year when:

- a. the Grand River Conservation Authority (GRCA) declares a Level III Drought Condition, or
- b. for any reason when the water levels in the finished water storage reservoirs drops below 40 percent and the water cannot be replenished, a lawn and garden-watering ban may be issued at the discretion of the Commissioner.

648.4.3 In the event that a watering ban is declared, the following activities are considered to be banned and include but are not limited to the following:

- a. watering of any new or established lawn, treated or untreated lawn, municipal parks or traffic islands at any time using any means whatsoever
- b. watering of vegetable, fruit or flower gardens, plant, tree or shrub located outside a building
- c. use any water for recreational purposes such as spray pads, swimming pools, garden ponds or decorative fountains
- d. use of water for washing of any vehicle on any property that is within a "Residential" Zone of the City of Brantford Comprehensive Zoning Bylaw.
- e. washing down of outside areas such as boulevards, driveways, parking lots, sidewalks or patios using water, unless failure to do so would lead to damage or unsafe conditions.

Article 5 Special Permits

648.5.1 A Special Permit [referred to as "Permit"] may be issued by the Commissioner allowing watering at other times, if reasonable justification is provided.

- 648.5.2 A Permit shall not be issued to increase the number of days or hours set out in this by-law.
- 648.5.3 To obtain the Permit, the owner or tenant of a property must submit a request to the City's Customer Service Division.
- 648.5.4 Unless specified, the Permit will be valid only in the year it is issued.
- 648.5.5 Any Permit issued is not transferable to any new owner or occupant of the same premises or different premises.
- 648.5.6 In any event of non-compliance with any condition of the Permit, the Commissioner may revoke the permit issued under this bylaw.
- 648.5.7 Any condition in the Permit may be revised by the City if deemed necessary.

Article 6 Exemptions

- 648.6.1 Use of City water for irrigation purposes at commercial establishments such as nurseries, sod farms, and lawn/garden facilities are exempt from the requirements of this bylaw.
- 648.6.2 Newly laid lawns and planted gardens that are less than one month old, and lawns being treated with any pesticide, herbicide spray or fertilizer which requires water while being treated and during the next following 24 hours after the application are exempt from the watering restrictions but not from the watering ban.

Article 7 Registration of Private Wells

- 648.7.1 All customers who receive City water and who have a private well system connected to the irrigation system must call the City Customer Service Division and register as a well water user.

Article 8 Enforcement

- 648.8.2 Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction thereof, is liable to pay a penalty recoverable under the provisions of the Provincial Offences Act. and may also result in City water services being disconnected.