

BY-LAW NO. 7245

BEING A BY-LAW of The City of Brandon to provide for the establishment of provisions with respect to ensuring the conservation of potable water within the community to be known as the "Water Conservation By-law".

WHEREAS The City of Brandon is empowered by *The Municipal Act*, C.C.S.M., c.M225 to pass by-laws respecting the safety, health, protection and well-being of people, and to enhance the ability of the council to respond to present and future issues in the municipality;

AND WHEREAS *The Provincial Offences Act*, SM 2013, c.P160 establishes processes for prosecuting offences and *The Municipal By-law Enforcement Act*, S.M. 2013, c.M245 establishes an administrative penalty process for enforcing by-laws, whereby City Council enacted its Compliance By-law to establish a process to ensure enforcement of and compliance with City by-laws;

AND WHEREAS it is deemed expedient and in the public interest to establish provisions restricting the usage of water supplied by the City's waterworks system to ensure an adequate supply of potable water is available when the City's capacity to provide water is deemed to be diminished and to provide for related enforcement of such provisions;

NOW THEREFORE the Council of The City of Brandon duly assembled, enacts as follows:

1. **Purpose**

It is the purpose of this By-law to establish provisions with respect to protecting the supply of potable water available for use during times when the City's capacity to provide water is deemed to be diminished, to create a process for achieving compliance with such provisions, and to provide for enforcement of non-compliance.

2. **Definitions**

(a) Unless otherwise expressly provided 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 Legislative Standards By-law.

(b) In this By-law:

“**DIRECTOR**” means the Director of Utilities, or their authorized designate.

“**GROUND WATER**” means any source of water other than that provided by the Waterworks and includes water obtained through a well, sandpoint, or other means of drawing the water that has the potential to impact the City's source waters.

“**WATERWORKS**” means the City's waterworks system as defined in the Water and Wastewater Control By-law.

3. **Application**

This By-law applies to all users of water supplied by the Waterworks.

4. **Regulations**

The Director is authorized to create, update and discontinue Regulations supplemental to this By-law for the purpose of establishing rules and processes deemed necessary and appropriate. This authorization is not assignable and is at the sole discretion of the Director. Any Regulations created and in force must be posted on the City's website for access by the general public.

5. **Restrictions on Water Usage**

(a) All users of water supplied by the Waterworks shall comply with any restrictions and limitations established for the use of water in accordance with the provisions of this By-law, including any authorized Regulations.

(b) The Director, in creating the Regulations, will adopt a staged approach for introducing water conservation techniques.

(1) Stage 1, at a minimum, will introduce reduced days and hours of the day when non-essential use of water is permitted;

(2) Stage 2, at a minimum, will increase the restriction of the available times for non-essential use of water, and will introduce limits on the methods which may be used for dispensing the water;

(3) Stage 3, at a minimum, will restrict all non-essential uses of water, including groundwater use, and provide details on accepted water usage.

- (c) Non-essential use includes, but is not limited to, activities which are primarily for recreational use, those for ornamental use, those which generate an unnecessary amount of water run-off, and those which use an excessive amount of water in relation to the necessary outcome.
6. Technical Advisory Committee

(a) For the purposes of this By-law, a Technical Advisory Committee (the “Committee”) is established and is tasked with:

(1) providing guidance in the interpretation of technical components; and

(2) serving as an independent appeal body in resolution of conflict.

(b) The Committee so appointed consists of the City Engineer, the Director of Utilities, and the Emergency Coordinator.

(c) The City Manager has authority to appoint, in writing, any additional persons to the Committee as deemed necessary.

7. Compliance with Other Legislation

Nothing in this By-law reduces or eliminates the obligation of any person to comply with the requirements of statutes or regulations of the Manitoba Legislature, other City by-laws, or relevant codes.

8. Penalty Notice

Any person who contravenes, or does not comply, or improperly complies, or only partly complies with any provision of this By-law or related Regulation, commits an offence and is subject to penalty in accordance with the provisions of the Compliance By-law.

9. Repeal

By-law No. 4746/23/77 to restrict or prohibit the use of water from City watermains for watering of lawns or gardens is hereby repealed, and the repeal provisions set out in the Legislative Standards By-law apply.

10. Enactment

This By-law shall come into full force and take effect on the day following its passage.
- DONE AND PASSED by the Council of The City of Brandon duly assembled this 26th day of June, 2019.
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|-------------------------|------------------|---------------------|--------------|
| <u>“R. Chrest”</u> | | <u>“H. Ewasiuk”</u> | |
| MAYOR | | CITY CLERK | |
| Read a first time this | 4 th | day of | June , 2019. |
| Read a second time this | 17 th | day of | June , 2019. |
| Read a third time this | 26 th | day of | June , 2019. |
- I, Heather Coreen Ewasiuk, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No.7233.
- Original Signed By

H. Ewasiuk

H. Ewasiuk, City Clerk