

**CORPORATION OF THE TOWN OF PETAWAWA**

**BY-LAW # 293/04**

**BEING A BY-LAW TO REGULATE THE TIME, MANNER AND NATURE OF THE USE OF THE SUPPLY OF WATER IN THE TOWN OF PETAWAWA.**

**WHEREAS** Section 12 of the *Public Utilities Act*, R.S.O. 1990, c. P.52, municipalities may pass by-laws for regulating the time, manner, extent and nature of use of the water supplied by the Town water works system;

**AND WHEREAS** Section 130 of the *Municipal Act*, 2001, S.O. 2001, c. 25 provides that a municipality may pass by-laws for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** the Council of the Corporation of the Town of Petawawa deems it necessary and desirable to control the consumption and use of water;

**NOW THEREFORE** the Council of the Corporation of the Town of Petawawa hereby enacts the following:

**SHORT TITLE  
WATERING BY-LAW**

**1. Application**

This by-law shall apply to all persons being an owner, tenant, occupant, servant or employee of any house, dwelling unit, building or any other such place or structure having its potable water supplied by the Town of Petawawa water works system.

**2. Water - waste**

No person shall willfully let off or discharge water so that the water runs waste or useless out of the Town water system. For the purpose of this by-law, wasting water generally includes but is not restricted to one of the following:

- (a) permitting water to pool or run-off any lawn, garden, or other outside plants;
- (b) directing water onto a paved surface, including driveways, sidewalks or roadways during irrigation;
- (c) operating a fountain or pond without re-circulating the water;
- (d) washing any vehicle or the outside of a building with the use of a hose not equipped with a shut-off nozzle; and/or
- (e) use of flowing water instead of dry sweeping to remove loose debris from a residential driveway, walkway or sidewalk;

**3. Water appliance – damage**

No person shall damage or allow the deterioration of any appliance that will result in a waste of water

**4. Watering Restrictions – days – times - permitted**

No person shall water or sprinkle, or cause or permit the watering or sprinkling of any lawn, garden, tree, shrub or other outdoor plant in the Town of Petawawa through a hose, pipe, sprinklers or permanent irrigation system connected to the municipal water system except under the following conditions:

- a. Even numbered addresses shall be permitted to water between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. and 9:00 p.m. on even numbered days of the month; and
- b. Odd numbered addresses shall be permitted to water between the hours of 6:00 a.m. and 9:00

a.m. and 6:00 p.m. and 9:00 p.m. on odd numbered days of the month.

**5. Special Circumstances – watering ban**

In the event that any portion of the water works system is disabled, damaged, unable to function, or for any other reason, Council may, at its sole discretion, curtail the use of water and prescribe the manner in which water may be used.

**6. Exemptions - public**

Any person may:

- a) water their lawn from a water source other than the municipal water supply system at any time;
- b) water newly laid sod or grass seed at any time for a period not to exceed fourteen (14) days from the date the sod or seed was installed. Notification must be made to the municipal offices advising of the new sod or seed and proposed watering; and
- c) water newly planted trees, ornamental shrubs and flower or vegetable gardens while being installed and during the following 24 hours after the completion of installation;

**7. Exemptions – municipal property**

The provisions of this by-law shall not apply to water usage on municipal property or at the behest of municipal endeavors.

**8. Exemptions – metered properties**

The provisions of this by-law shall not apply to any place or building having its potable water regulated by means of a water meter and who remit the cost of water used to the Municipality.

**9. Enforcement**

This by-law shall be administered and enforced by the Municipal Law Enforcement Officer;

**10. Fine – Penalty for contravention**

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to any penalty as provided for in the *Provincial Offences Act*. Every such penalty shall be recoverable under the *Provincial Offences Act*.

**11. Separation**

If any Court of competent jurisdiction finds that any of the provisions of this By-law is ultra vires of the jurisdiction of Council to pass or is invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-law.

**12. Repeal**

The by-laws of the former Corporation of the Township of Petawawa and the Village of Petawawa pertaining to the residential use of water enacted prior to the passing of this By-law and including the by-law listed below are hereby repealed:

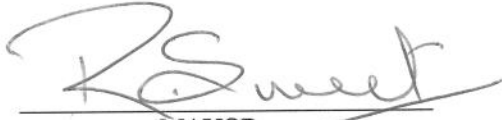
Township of Petawawa By-law 1364/95.

**13. Effective date**

This By-law shall come into force and take effect upon the date of the final passing thereof.

Read a first and second time this 21<sup>st</sup> day of June, 2004.

Read a third time and passed this 21<sup>st</sup> day of June, 2004.

  
MAYOR

  
CLERK

THE HONOURABLE BRUCE E. MACPHEE  
REGIONAL SENIOR JUSTICE  
EAST REGION  
ONTARIO COURT OF JUSTICE

COURT HOUSE  
161 ELGIN STREET, 6<sup>TH</sup> FLOOR  
OTTAWA, ONTARIO  
K2P 2L1



L'HONORABLE BRUCE E. MACPHEE  
JUGE PRINCIPAL RÉGIONAL  
RÉGION DE L'EST  
COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE  
161, RUE ELGIN, 6<sup>E</sup> ÉTAGE  
OTTAWA (ONTARIO)  
K2P 2L1

TELEPHONE / TÉLÉPHONE (613) 239-1520  
FAX / TÉLÉCOPIEUR (613) 239-1572

July 23, 2004

Mr. David Newton  
Municipal Law Enforcement Officer  
Town of Petawawa  
1111 Victoria Street  
Petawawa, Ontario  
K8H 2E6

Dear Mr. Newton,

**Re: *Set Fines - Provincial Offences Act – Part I  
Town of Petawawa***

Enclosed herewith is a copy of an Order and a copy of the schedules of set fines for By-law Nos. 279/2004 and 293/2004, the By-laws indicated in the schedules.

The setting of the fines does not constitute my approval of the validity of the By-laws or of the short form of wording used to describe the offences.

I have forwarded the original Order and the schedules of the set fines to the Honourable Mr. Justice S.G. Radley-Walters in Pembroke, together with a certified copy of the By-laws.

Yours truly,

A handwritten signature in blue ink, appearing to read 'B. MacPhee', written over a horizontal line.

Bruce E. MacPhee  
Regional Senior Justice

Enclosures

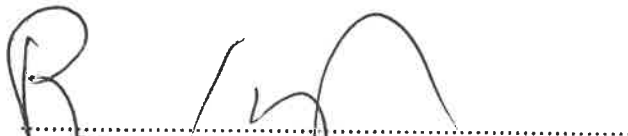


**PROVINCIAL OFFENCES ACT**

**Part I**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law Nos. 279-2004 and 293-2004 of the **Town of Petawawa** attached hereto are the set fines, including costs, for those offences. This Order is to take effect July 23, 2004.

Dated at Ottawa this 23<sup>rd</sup> day of July 2004.



Bruce E. MacPhee, Regional Senior Justice  
Ontario Court of Justice  
East Region

SET FINE SCHEDULE  
 TOWN OF PETAWAWA -- BY-LAW 293/04

PART I PROVINCIAL OFFENCES ACT  
 TITLE: WATERING BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE (INCLUDING COSTS)
1	Waste water - permit to pool/run off	Section 2 (a)	\$50.00
2	Waste water -- direct onto paved surface	Section 2 (b)	\$50.00
3	Waste water -- operate fountain/pond -- no re-circulation	Section 2 (c)	\$50.00
4	Waste water -- use hose -- no shut off nozzle	Section 2 (d)	\$50.00
5	Waste water -- wash driveway/sidewalk/walkway	Section 2 (e)	\$50.00
6	Watering Restriction -- unauthorized time	Section 4	\$50.00
7	Watering Restriction -- unauthorized day	Section 4	\$50.00

*Note: The penalty provision for the offence indicated above is section 10 of by-law no. 293/04, a certified true copy of which has been filed.*