

PROPERTY MAINTENANCE

Chapter 1000 LAWN - WATERING - RESTRICTIONS - WATER USE

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- 1000.5.1 By-law - previous

WHEREAS section 82 of the *Municipal Act, 2001* authorizes a municipality to pass a by-law to allocate the supply of a public utility where the supply of the public utility is interrupted or reduced;

AND WHEREAS the Town of Richmond Hill deems it advisable to enact a by-law to place restrictions on the use of water during the period June 15 to September 30 every year;

AND WHEREAS Council at its meeting of April 7, 2008 adopted the recommendation of Committee of the Whole at its meeting of March 31, 2008 in SREPW.08.038 to amend Chapter 1000 (Lawn - Watering - Restrictions - Water Use) of the Town of Richmond Hill Municipal Code.

Article 1
INTERPRETATION

1000.1.1 Household use - defined

“household use” means the use of municipally supplied water for use in a bathroom, kitchen, or laundry room in a residential home.

1000.1.2 Municipal Act - defined

“Municipal Act” means the *Municipal Act, 2001* S.O. 2001, c. 25, as amended.

1000.1.3 Owner - defined

“owner” means:

- (a) the registered owner(s) of the land as shown in the records of the Land Registry Office; or

- (b) where the land is included in a description registered under the *Condominium Act, 1998*, S.O. 1998, c. 19, as amended, the board of directors of the condominium corporation.

1000.1.4 Person - defined

“person” means an individual, owner, tenant, lessee, association, firm, partnership, corporation, trust, incorporated company, corporation created under the *Condominium Act, 1998*, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**Article 2
GENERAL PROVISIONS**

1000.2.1 Water use - restrictions - set out

The use of municipally supplied water for the purpose of watering lawns and other outdoor uses by hose or pipe at any time between June 15 and September 30, in every year, with the exception as provided in Sections 1000.2.2 through 1000.2.5 inclusive is prohibited.

**Article 3
LAWN USE RESTRICTIONS**

1000.3.1 Even numbered addresses - days - times - permitted

Between June 15 and September 30 in each year, no person, with an even numbered address on an even day of the month, shall water or permit the watering of lawns except for a maximum of four hours between the hours of midnight and 6:00 a.m. or between 7:00 p.m. and 10:00 p.m., except during a total ban of water use.

1000.3.2 Odd numbered addresses - days - times - permitted

Between June 15 and September 30 in each year, no person, with an odd numbered address on an odd numbered day of the month shall water, or permit the watering of lawns except for a maximum of four hours between the hours of midnight and 6:00 a.m. or between 7:00 p.m. and 10:00 p.m., except during a total ban on water use.

1000.3.3 Commercial - industrial - institutional - properties

The provisions of Sections 1000.2.2 and 1000.2.3 shall apply to all owners, tenants and lessees of commercial, industrial and institutional properties, and watering of lawns shall be permitted for four hours only between the hours of midnight and 6:00 a.m. for such properties, except during a total ban on water use.

1000.3.4 Exemption - newly laid sod

The provisions of this Chapter shall not apply to newly laid sod for a period of one month after the sod is first laid.

1000.3.5 Total ban - extreme drought condition

In cases of extreme drought conditions when reservoir levels become critically low, a total ban will be imposed at the discretion of the Commissioner of Engineering and Public Works, and while a total ban is in effect, no person shall use a hose or pipe to water lawns, flower beds, gardens, wash cars or driveway, or to top up swimming pools or for any other purpose except household use.

1000.3.6 Exemption - application - automatic systems

All owners of residential, commercial, industrial and institutional properties within the Town of Richmond Hill equipped with automatic lawn sprinkler systems installed prior to July 20, 1998 that are not capable of complying with this Chapter may apply for an exemption and the Commissioner of Engineering and Public Works may grant such exemption under delegated authority.

Article 4 ENFORCEMENT

1000.4.1 Contravention

Any person who contravenes any provision of this Chapter is guilty of an offence.

1000.4.2 Continuing and multiple offences

- (a) Pursuant to clause 429 (2) (a) of the *Municipal Act* all contraventions of this Chapter are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this Chapter.
- (b) For the purpose of this Chapter, an offence is a second or subsequent offence, if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

1000.4.3 Fines

On conviction of an offence under this Chapter a person is liable to a fine in accordance with section 429 of the *Municipal Act* and the following rules made pursuant to section 429 of the *Municipal Act*:

- (a) the minimum fine for any offence is \$300;
- (b) the maximum fine for an offence as set out in subsections (c) and (d) below does not apply to special fines as provided for in Section 1000.3.4;

- (c) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$300 and the maximum fine shall be \$10,000. The total of all daily fines for the offence is not limited to \$100,000; and
- (d) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$300 and the maximum fine shall be \$10,000. The total of all fines for each included offence is not limited to \$100,000.

1000.4.4 Special fines

On conviction of an offence under this Chapter a person is, in addition to the fine provided for in Section 1000.3.3, liable to a special fine in accordance with clause 429 (2) (d) of the *Municipal Act*. The amount of the special fine will be the minimum fine as provided for in Section 1000.3.3 of this Chapter to which maybe added the amount of economic advantage or gain that person has obtained or can obtain from the contravention of this Chapter. Pursuant to subsection 429 (3), par. 1 of the *Municipal Act* a special fine may exceed \$100,000.

1000.4.5 Additional remedy

If this Chapter is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by the Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

1000.4.6 Presumption

If a contravention of this Chapter occurs, the contravention is presumed to have been committed by the owner of the land on which the contravention has occurred unless otherwise proven by the owner.

**Article 5
REPEAL**

1000.5.1 By-law - previous

By-law 157-05 is hereby repealed. By-law 39-08, 7 April, 2008.