



**BYLAW NO. 08-2024
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF RESTRICTING WATER USE ON A FAIR AND EQUITABLE BASIS DURING PERIODS OF WATER SHORTAGES AND EMERGENCIES.

WHEREAS, pursuant to Section 7(a) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, a Council may pass bylaws for the Municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments, a Council may pass bylaws for the Municipal purposes with respect to the enforcement of Bylaws made under the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, or any other enactment;

AND WHEREAS, pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments provides that a Council of a Municipality may in a Bylaw regulate or prohibit and may provide for a system of licenses, permits, or approvals including establishing fees for such licences, permits and approvals;

AND WHEREAS, The Council of the Town of Smoky Lake has determined that it is appropriate to establish a system for restricting water use during shortages and emergencies within the Town of Smoky Lake;

NOW THEREFORE the Council of the Town of Smoky Lake, in the Province of Alberta, duly assembled, enacts as follows:

1. BYLAW TITLE

1.1 This Bylaw may be cited as the "Water Restriction Bylaw".

2. DEFINITIONS

For the purposes of this Bylaw, the following words will have the meaning assigned when capitalized:

- 2.1 "Act" means the *Municipal Government Act*, RSA 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.2 "Bulk Water Station" is a coin-operated/credit card-operated facility, located in the Municipality for the sale of potable water on a bulk basis to Bulk Water Consumers.
- 2.3 "Bylaw Enforcement Officer" means a bylaw enforcement officer appointed by the Town of Smoky Lake, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, as amended;
- 2.4 "CAO" is the Chief Administrative Officer of the Town of Smoky Lake or designate.

- 2.5 "Commission" is the Highway 28/63 Regional Water Services Commission under the *Act*, which supplies treated potable water to the Town of Smoky Lake.
- 2.6 "Consumer" is any individual, body corporate, municipality, commission under the *Act*, an incorporated association, or any other entity howsoever designated or constituted that owns or leases Property that is connected to the Town's water system or that otherwise obtains treated potable water supplied by the Commission.
- 2.7 "Council" means the Council of the Town of Smoky Lake;
- 2.8 "Directive" means an order issued under this Bylaw as prescribed in Schedule "B".
- 2.9 "Peace Officer" means:
- a) A member of the Royal Canadian Mounted Police;
 - b) A Community Peace Officer where that person's appointment as a Community Peace Officer that person is empowered to carry out the duties of a Peace Officer.
- 2.10 "Property" means any lands, buildings, structures, or premises, or any personal property located thereupon, within the municipal boundaries of the Town.
- 2.11 "Town" means Town of Smoky Lake.
- 2.12 "Violation Ticket" is a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, P-34, as amended or repealed and replaced from time to time.

3. WATER RESTRICTION STRATEGIES

- 3.1 At times when drought conditions exist in the Smoky Lake Region, or as otherwise determined by the Commission which conditions affect the overall water supply, the Town may:
- 3.2.1 promote public messaging that encourages water conservation.
 - 3.2.2 manage the overall supply of water as prescribed in Schedule "B" Water Restriction Demand Measure Chart.
- 3.2 At times when drought conditions exist in the Smoky Lake Region, or as otherwise determined by the Commission which conditions affect the overall water supply, the Town may make Directives as prescribed in Schedule "B" restricting and/or prohibiting specified uses of treated potable water and the wasting water in the Town either:
- 3.3.1 by all Consumers;
 - 3.3.2 by any particular class of Consumers;
 - 3.3.3 throughout that portion of the Town that is serviced by the Commission;
 - 3.3.4 in any particular geographic area or areas of the Town; and
 - 3.3.5 the supply of water to any particular Property.

The Directive may specify that such restricted and prohibited uses of water shall apply during such hours of any day of the week, and/or on a rotational schedule basis as may be

specified in the Directive.

The Directive must be made on a fair and equitable regional basis unless it is in response to a request from the Commission or the Town who requires an immediate supply of treated potable water to address a localized emergency situation or a localized water shortage condition, and generally being of a short-term nature.

3.3 The CAO is hereby delegated the authority to implement the requirements set out in this Bylaw or in a Water Supply Agreement, any new directions provided by the Commission and any amendments to directions provided under this Bylaw or in a Water Supply Agreement, to ensure compliance with the restriction or prohibition of water usage within the Town.

3.4 The Municipality shall promptly cause notification of water restriction Directives to be communicated to locally affected Consumers:

3.5.1 by any means determined to be appropriate by the Town to reach as many affected local Consumers as reasonably possible.

3.5.2 Such notification shall include relevant information to adequately inform locally affected Consumers of restrictions and prohibitions upon the use of water in accordance with the current Directive.

3.5 No Consumer shall use or waste water supplied from any or all of: the Water Transfer Station, a Commission owned water transmission line/reservoir, the Town's water distribution system/reservoir, a Bulk Water Station or any other connection to the water supply from the Commission in contravention of the terms of any Directive made by the Town under this section.

3.6 The restrictions of water usage may include restrictions and prohibitions on the use of water for aesthetic purposes.

3.7 The restrictions may include restrictions and prohibitions on all outdoor uses, including, but not limited to, watering lawns and gardens according to Schedule "B" attached hereto and forming part of this Bylaw.

4. WASTING WATER

4.1 All Consumers are prohibited from wasting water when a Directive restricting the supply of water has been issued.

4.2 In determining if an activity constitutes wasting water in Section 5.1, consideration will be given to any of the following:

4.2.1 The volume of water reasonably required to perform the activity undertaken;

4.2.2 The length of time that water has been allowed to run;

- 4.2.3 The degree of control exercised over the flow of water;
- 4.2.4 The purpose for which the water is being put;
- 4.2.5 The degree of restriction on water consumption presently in place; and
- 4.2.6 The existence of any other factors reasonably suggesting that waste of water is occurring or has occurred.

5. ORDER TO REMEDY

- 5.1 Pursuant to the *Municipal Government Act*, if a designated officer believes, on reasonable grounds, that a person is contravening this bylaw, the designated officer may, by written order require any person responsible for the contravention to remedy it.
- 5.2 The order may:
 - 5.2.1 direct a person to stop doing something, or to change the way in which the person was doing it;
 - 5.2.2 direct a person to take any action or measures necessary to remedy the contravention of this Bylaw and if necessary to prevent a re-occurrence of the contravention;
 - 5.2.3 state a time within which the person must comply with the directions;
 - 5.2.4 state that if the person does not comply with the directions within a specified time, the Town will take the necessary actions or measures required to remedy the contravention, at the expense of the person.
- 5.3 Pursuant to the *Municipal Government Act*, the expenses and cost of an action or measure taken by the Town under this section are an amount owing to the Town by the person who contravened the bylaw.
- 5.4 Pursuant to the *Municipal Government Act*, Council may add the following amounts to the tax roll of a parcel of land unpaid:
 - 5.4.1 expenses and costs referred to in the *Municipal Government Act*, if the Owner of the property contravened the bylaw and the contravention occurred on all or part of the property.
- 5.5 A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- 5.6 An order issued pursuant to this section may be served:
 - 5.6.1 in the case of an individual:
 - i) by delivering it personally to the individual;
 - ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age;

- iii) by registered mail addressed to the individual at their apparent place of residence or to any address for the individual on the tax roll of the Town; or
- iv) by posting it to the door of a building or in any conspicuous place on the property, and service is affected on the day of posting; and

5.6.2 in the case of a corporation:

- i) by delivering personally to any director or officer of the corporation;
- ii) by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation; or
- iii) by registered mail addressed to the registered office of the corporation.

6. OBSTRUCTION

6.1 A person shall not obstruct or hinder any person in the exercise of performance of the person's powers pursuant to this Bylaw.

7. GENERAL

7.1 Without restricting any other power, duty, or function granted by this Bylaw, the CAO, any Peace Officer, or any Bylaw Enforcement Officer may:

- 7.1.1 carry out any inspection to determine compliance with this Bylaw, or take any steps or carry out any action required to enforce this Bylaw, unless otherwise stated in other enactment;
- 7.1.2 take any steps or carry out any actions required to remedy a contravention of this Bylaw, unless otherwise stated in another enactment; or
- 7.1.3 establish investigation and enforcement procedures with respect to property.

8. APPEAL PROCEDURE

8.1 A person who received a written order under this bylaw may request Council to review the order by delivering a written request on a completed form attached to their written notice, to the CAO within fourteen (14) days of the date the order is received. The order shall be deemed received within five (5) days of mailing.

8.2 After reviewing the order, Council may confirm, vary, substitute, or cancel the order.

9. OFFENCE

9.1 A person who contravenes any provision of this bylaw is guilty of an offence.

10. OFFENCES & PENALTIES

- 10.1 A person who is guilty of an offence is liable, upon summary of conviction, to a specified penalty for that offence as set out in Schedule "A".
- 10.2 Notwithstanding Section 10.1 of this bylaw, any person who commits a second or subsequent offence under this bylaw within ONE (1) year of committing a first offence under this bylaw, is liable upon summary conviction to the fine as set out in the "2nd Offence" column or "3rd Offence" column of Schedule "A".
- 10.3 Under no circumstances shall a person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

11. VIOLATION TAGS

- 11.1 A Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable ground to believe has contravened any provision of this Bylaw.
- 11.2 A Violation Tag may be served:
- 11.2.1 in the case of an individual:
- i) by delivering it personally to the individual;
 - ii) by leaving it for the individual at the apparent place of residence with someone who appears to be at least 18 years of age; or
 - iii) by mail addressed to the individual at the apparent place of residence to any address for the individual on the tax roll of the Town; and
- 11.2.2 in the case of a corporation:
- i) by delivering it personally to any director or officer of the corporation;
 - ii) by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation; or
 - iii) by mail addressed to the registered office of the corporation.
- 11.3 A Violation Tag issued pursuant to this bylaw shall be in a form approved by the CAO and shall state:
- 11.3.1 the name of the person to whom the Violation Tag is issued;
- 11.3.2 a description of the property upon which the offence has been committed, if applicable;
- 11.3.3 a description of the offence and the applicable Bylaw section;
- 11.3.4 the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
- 11.3.5 the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
- 11.3.6 any other information as may be required by the CAO.

- 11.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag.
- 11.5 Nothing in this Bylaw shall prevent a Peace Officer or Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

12. VIOLATION TICKETS

- 12.1 In those cases where a Violation Tag has been issued, and if the penalty is not paid within the prescribed time period, a Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 12.2 Notwithstanding the foregoing provision of this bylaw, a Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 12.3 A Violation Ticket issued with respect to a contravention of this bylaw shall be served on the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

13. SEVERABILITY

- 13.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be served and all other provisions of Bylaw shall remain in force and effect.

14. EFFECTIVE DATE

- 14.1 This Bylaw shall come into force and effect on third and final reading.

READ a FIRST time this 8TH Day of April 2024.

READ a SECOND time this 8TH Day of April 2024.

READ a THIRD and FINAL time this 8TH Day of April 2024.

READ a THIRD and FINAL time with the UNANIMOUS CONSENT OF ALL COUNCILLORS this 8TH Day of April 2024.

Amy Cherniwchan
Mayor

Dawn Phillips
Chief Administrative Officer

Schedule "A"

Penalties

Offence	Amount
1 st Offence	\$100.00
2 nd Offence	\$200.00
3 rd Offence	\$500.00

**Schedule “B”
Water Restriction Demand Measure Chart**

1. Demand A: Ban on municipal operations

- Municipalities suspend all non-essential potable water use:
 - ✓ Water main flushing
 - ✓ Sewer main flushing
 - ✓ Parks watering
 - ✓ Firefighting training that uses water
 - ✓ Street cleaning (sweeping and flushing)
 - ✓ Irrigation
 - ✓ Fleet vehicle washing
 - ✓ Spray decks (unless in recirculation mode with appropriate signage)
 - ✓ Other non-essential water use that can be deferred for a three-day period (non-essential use is defined by all water not used for human consumption)

2. Demand B: Ban on municipal operations and voluntary water restrictions for the public

- Municipalities suspend all non-essential potable water use:
 - ✓ Water main flushing
 - ✓ Sewer main flushing
 - ✓ Parks watering
 - ✓ Firefighting training that uses water
 - ✓ Street cleaning (sweeping and flushing)
 - ✓ Irrigation
 - ✓ Fleet vehicle washing
 - ✓ Spray decks (unless in recirculation mode with appropriate signage)
 - ✓ Hydrant meter usage
 - ✓ Private development and infrastructure commissioning
 - ✓ Private development (commercial contract) flushing
 - ✓ Water quality investigation
 - ✓ Post voluntary water ban signage at Truck Fills
 - ✓ Municipalities notify Customers of the voluntary water restrictions:
 - ✓ Suggest that residents follow an alternate day lawn watering schedule
 - ✓ Avoid washing vehicles, driveways and home exteriors
 - ✓ Avoid filling a jacuzzi, hot tub or swimming pool
 - ✓ Encourage wise water use) e.g. short showers instead of baths, turn off tap while brushing teeth or shaving, delay doing laundry, hand wash dishes, rain barrel use etc.)
 - ✓ Request commercial customers implement management measures where applicable.
- Measure B is not applicable to:
 - ✓ Residential water necessities such as drinking, cooking, bathing, toilet, dishwashing
 - ✓ Businesses that depend on water to deliver a product or service, for example: commercial car washes, market gardens, greenhouses, commercial farm contractors, golf course greens.
 - ✓ Residential water necessities including new lawns and gardens when failure to apply water may destroy greenery and customers who have added high nitrogen fertilizer to lawns.

3. Demand C: Ban on municipal operations and mandatory water ban - ENFORCED.

- Municipalities suspend all non-essential potable water use:
 - ✓ Water main flushing
 - ✓ Sewer main flushing
 - ✓ Parks watering
 - ✓ Firefighting training that uses water
 - ✓ Street cleaning (sweeping and flushing)
 - ✓ Irrigation
 - ✓ Fleet vehicle washing
 - ✓ Spray decks (unless in recirculation mode with appropriate signage)
 - ✓ Hydrant meter usage

- ✓ Private development and infrastructure commissioning
- ✓ Private development (commercial contract) flushing
- ✓ Water quality investigation
- ✓ Water quality flushing
- ✓ Shut down Truck Fills if potable water reservoirs are under 40% capacity
- ✓ Operation of all water features/fountains
- ✓ Pool filling
- ✓ Post voluntary water ban signage at Truck Fills
- Municipalities notify Customers of the mandatory water restrictions and explain how to comply:
 - ✓ Invoke mandatory water reduction.
 - ✓ Inform residents to follow a lawn watering schedule.
 - ✓ If the situation worsens enact a total ban on lawn watering
 - ✓ No washing vehicles, driveways, and home exteriors
 - ✓ No filling Jacuzzi, hot tubs, or swimming pools
 - ✓ Request commercial customers implement management measures where applicable.
 - ✓ Encourage wise water use) e.g. short showers instead of baths, turn off tap while brushing teeth or shaving, delay doing laundry, hand wash dishes, rain barrel use etc.)
- Measure C is not applicable to:
 - ✓ The agricultural industry using water to deliver a product or services that is life sustaining (greenhouses or food manufacturers) and facing significant financial losses. This does not include car washes and laundromats which are included in the mandatory ban.
 - ✓ Any business that must use water to meet health code standards such as restaurants, schools and hospitals.