

COMMITTEE OF THE WHOLE JUNE 17, 2002

WATER BY-LAW CHANGES - OUTDOOR WATER USE

Recommendation

The Commissioner of Engineering and Public Works recommends By-law 331-88, as amended by By-law 42-93, be further amended as follows:

1. The hours of permitted outdoor watering be changed from between 4:00 a.m. and 6:00 a.m., and 6:30 p.m. and 9:30 p.m., to allow for permitted watering between the hours of 6:00 a.m. and 9:00 a.m. and 6:00 p.m. and 9:00 p.m.;
2. The effective date of implementing the water use restrictions concerning watering on odd / even days, based on house numbering, be changed from June 1 every year to May 15 every year;
3. That staged restrictions be implemented that would include the general provision of watering on odd/even days, an "Advisory" stage, and an "Outdoor Water Use Ban" stage;
4. Stage 1, would be an "Advisory" where residents would be requested to voluntarily refrain from using municipal water for:
 - Watering of lawns
 - Washing of vehicles, sidewalks, or driveways
 - Filling of swimming pools;
5. Stage 2, "Outdoor Water Use Ban" would prohibit the use of municipal water from a hose, pipe, sprinkler or irrigation system for:
 - Watering of lawns
 - Washing of vehicles, sidewalks or driveways
 - Filling of swimming pools;
6. That additional exemptions to the Stage 1 and Stage 2 be allowed for:
 - nurseries
 - new plants, shrubs and trees on the day of installation and for the next 24 hours
 - newly laid sod for a period of one month after installation
 - watering of sports/playing fields where failure to water would result in permanent loss of plant materials or result in unsafe field conditions
 - washing of exterior building surfaces, including windows, parking lots, driveways or sidewalks, prior to the application of a product such as paint, sealant etc. or the preparation of a surface prior to paving, re-pointing of bricks etc., or if required by law to comply with Health and Safety Regulations.
 - commercial car washes or car dealerships
 - municipal water play areas and swimming pools
 - other uses approved by the Commissioner of Engineering and Public Works;
7. That the maximum fine of three hundred dollars (\$300.00), be changed to allow for penalties up to five thousand dollars (\$5,000.00), being the maximum fine applicable under the Provincial Offences Act;
8. That Stage 3, "Outdoor Water Use Ban / Non-Essential Users", not be implemented until a full review of its implications has been undertaken; and,

9. That staff be authorized to make any other amendments or revisions to the by-law as necessitated by the adoption of these recommendations.

Purpose

To adopt changes to the existing outdoor water use by-law before the summer, that will bring the City's by-law more in line with those of the other area municipalities in the Region of York, and to provide a more consistent approach to water conservation on a region-wide basis.

Background - Analysis and Options

The Regional Municipality of York is requesting the various area municipalities to amend their water use by-laws so that a set of common standards can be maintained across the region to address water shortages during the summer months. These changes are outlined below.

1 Hours of Watering

It has been recommended that the hours for permitted watering be set at 6:00 a.m. to 10:00 a.m., and 6:00 p.m. to 10:00 p.m. to allow for a more consistent water conservation message to be delivered across the Region. The City's by-law currently permits watering between 4:00 a.m. and 6:00 a.m. and between 6:30 p.m. and 9:30 p.m. By adopting the changes put forward by the Region, the City would allow an additional 2 hours of watering times, which seems to run contrary to water conservation. As a compromise, it is recommended that the City's by-law be changed to reflect watering times of 6:00 a.m. – 9:00 a.m., and between 6:00 p.m. and 9:00 p.m.. With this change, residents will be able to water one additional hour in the morning, but the time periods will allow By-law Enforcement staff a better opportunity to monitor adherence to the by-law.

2 Effective Date of Restrictions

The current by-law restricts water use from June 1 to September 30 each year. Again, for a more consistent message, the Region recommends that the effective dates should be May 15 to September 30 of each year. This change should not have a serious impact on residents, as it only involves a two week period, and normally the demand for water use is not at its peak.

3 Staged Restrictions

Currently, there is nothing in the City's by-law that permits the City to further restrict the use of municipal water should a severe water shortage take place. The current by-law only restricts watering to specific times on odd/even numbered days, based on municipal address. In the event of a water shortage, the City currently does not have the authority to prohibit outdoor use of water for such things as watering of lawns and washing of cars etc..

The Region has recommended that by-laws be drafted to permit a staged approach to water use restrictions. In addition to the City's existing odd/even watering that is in effect during the summer months, there would be 3 further stages of restrictions.

Stage 1 would be an Advisory where residents would be requested to voluntarily refrain from using municipal water for:

- Watering of lawns
- Washing of vehicles, sidewalks, or driveways
- Filling of swimming pools

The advisory would be issued by the Region when either water storage reservoirs that are supplied from lake water cannot maintain 75% capacity, or, continuous operation of well pumping systems is required to meet demand in areas serviced by groundwater.

Stage 2 would be an Outdoor Water Use Ban, and would be enacted upon notification from the Region when water storage in reservoirs supplied by lake water cannot be maintained at 50%, or where water levels in storage tanks supplied by well water cannot be maintained at 65% capacity.

The ban would prohibit the use of municipal water from a hose, pipe, irrigation or sprinkler system, for the purposes of:

- Watering of lawns
- Washing of vehicles, sidewalks or driveways
- Filling of swimming pools

Stage 3 would be a “Non-essential Use Restriction”. This stage would be determined by the York Region Low Water Response Team, whenever Level 3 drought conditions exist. The York Region Low Water Response Team would consist of representatives from the Lake Simcoe Conservation Authority, Toronto and Region Conservation Authority, Ontario Ministry of Natural Resources, and staff from the area municipalities and the Region.

Non-essential user groups would be determined by the York Region Low Water Response Team, and would be required to submit water conservation plans for review by their respective municipalities, to ensure water use is restricted wherever possible.

4 Recommended Exemptions

Recommended exemptions to Stage 1 and Stage 2 would be for:

- nurseries
- new plants, shrubs and trees on the day of installation and for the next 24 hours
- newly laid sod for a period of one month after installation
- watering of sports/playing fields where failure to water would result in permanent loss of plant materials or result in unsafe field conditions
- washing of exterior building surfaces, including windows, parking lots, driveways or sidewalks, prior to the application of a product such as paint, sealant etc. or the preparation of a surface prior to paving, re-pointing of bricks etc., or if required by law to comply with Health and Safety Regulations.
- commercial car washes or car dealerships
- municipal water play areas and swimming pools
- any other uses approved by the Commissioner of Engineering and Public Works;

Any person would be permitted to water flowers, trees, shrubs, vegetables, etc. on any day, provided it is done using a hand held container.

5 General Concerns / Comments

The staged concept would allow for more restrictive water uses to coincide with decreased supply of water. During normal conditions, when water is in ample supply, residents will still be able to water their lawns and gardens on an even/odd day basis. When water becomes short in supply, the changes to the City’s by-law would require residents to use water wisely, and would allow the City’s By-law Enforcement staff to take a more pro-active role in enforcing water use restrictions.

Notwithstanding the above, it is recommended that the City not adopt the Region’s recommended Stage 3 at this time.

The review and approval of Water Use Reduction Plans would be a new area for the City to be involved with, and further discussions are necessary to determine:

- who would be deemed to be a “non-essential” user, and what criteria would be used to make such a determination
- the workload and staff resources that would be required to review the Water Use Reduction Plans
- the workload and staff resources that would be required to ensure compliance of Water Use Reductions Plans of “Non-Essential Users”

Until these determinations have been made, it is recommended that Stage 3 restrictions not be implemented at this time.

Conclusion

By adopting the general principles recommended by the Region to promote water conservation, the City will be able to make a valuable contribution to reducing water use this summer. In addition, the changes will go a long way to help standardize water conservation messages across the region.

Further changes to the outdoor water use by-law may be recommended in the future, pending further review of the implications of implementing Stage 3 of the Region’s recommendations.

By adopting these recommendations, staff will need to re-write sections of the by-law. As such, it is necessary to authorize staff to make the necessary revisions to the by-law as may be required.

Attachments

N/A

Report prepared by:

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Respectfully submitted,

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Commissioner of Engineering and Public Works

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