

**THE CORPORATION OF THE TOWN OF MARATHON**

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**BY-LAW NO. 1560**

A by-law to amend By-Law No. 1208, being a by-law to regulate the time, manner, extent and nature of the supply of water in the Town of Marathon.

WHEREAS Section 8 of the Municipal Act, S.O. 2001, c. 25, as amended, states that the powers of a municipality under this or any other Act shall be interpreted broadly as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 10 (1) states that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON HEREBY ENACTS AS FOLLOWS:

1. No person, who being an owner, tenant, occupant, inmate, servant, agent or employee of any house, dwelling unit, building, or other place or structure, supplied from the Town of Marathon water supply system shall use, *permit or cause to permit the use* of water from the said system to water or sprinkle by hose, pipe, or any other connection, lawns, gardens, grass, plots, boulevards or grounds of any description *or for any other external use*, between the first day of March, each year and the thirtieth day of November, of the same year, save and except as hereinafter provided;
  - a) Each person, who being an owner, tenant, occupant, inmate, servant, agent or employee of any house, dwelling unit, building, or other place or structure, designated by an even-numbered municipal address, by the Town of Marathon, may water or sprinkle by hose, pipe or any other connection, lawns, gardens, grass, plots, boulevards on grounds of any description *or for any other external use* on even-numbered calendar days *during permitted water use hours* only,
  - b) Each person, who being an owner, tenant, occupant, inmate, servant, agent or employee of any house, dwelling unit, building, or other place or structure, designated by an odd-numbered municipal address, by the Town of Marathon, may water or sprinkle by hose, pipe or any other connection, lawns, gardens, grass, plots, boulevards or grounds of any description *or for any other external use* on odd-numbered calendar days *during permitted water use hours* only.
2. The term "*Works and Operations Manager*", *or designate*, shall be construed to mean that person appointed by Council to manage and superintend the construction, maintenance and operation of the waterworks of the Town of Marathon.
3. The term "Calendar Day" shall be construed to mean one day commencing at 00:00 hours and ending at 23:59:59 hours, local time.
4. When, in the opinion of the *Works and Operations Manager or designate*, water is available, he/she may authorize its use for filling swimming pools and reservoirs. At no time will this purpose be allowed to interfere with the normal domestic operation of the system and no binding contracts may be made to supply water for this purpose.

A meter for this purpose will be required and water will be charged on the basis of the rates applicable at that time. The Town of Marathon will also charge any other fees for labour, equipment, material and administration as may be applicable at that time.

5. a) *The Mayor or Chief Administrative Officer of the Town of Marathon or their designates, may in consultation with the Works and Operations Manager declare at any time and for such time and manner as deemed necessary, in order to secure for the inhabitants a continued supply of pure and wholesome water, a prohibition of the use of water from the said system for all external water usage or any other usage;*
- i) *The Mayor or Chief Administrative Officer of The Corporation of the Town of Marathon or their designates, upon application, may exempt such persons or businesses from any provisions of this by-law for such times and manner as deemed necessary.*
- ii) *A “prohibited period” or a “period of prohibition” shall be deemed to be any period of time in which external water usage is not permitted or authorized by this by-law.*
- b) No person, who being an owner, tenant, occupant, inmate, servant, agent or employee of any house, dwelling unit, building or other place or structure, supplied from the Town of Marathon water supply system shall **use, permit or cause to permit the use** of water from the said system to water or sprinkle by hose, pipe, or any other connection lawns, gardens, grass, plots, boulevards or grounds of any description **or for any other external use** during the period of prohibition.
6. No person, who being an owner, tenant occupant, inmate, servant, agent or employee, **or any other person**, shall:
- a) wilfully hinder or interrupt, or cause or procure to be hindered or interrupt the Town of Marathon, or any of its officers, contractors, agents, servants, or workers, in the exercise of any of their duties with respect to the supply of water within the Town;
- b) willfully let off or discharge water so that the water runs waste, or useless;
- c) improperly waste the water, or without the covenant of the Town of Marathon, lend, sell, or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than the person's own or increase the supply of water agreed for;
- d) without lawful authority, wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock, chamber, pipe or hydrant - chamber, by placing on it any building material, rubbish, or other obstruction;
- e) throw or deposit any injurious, noisome, or offensive matter into the water or water works, or in any way foul the water, or commit any wilful damage, or injury to the works, pipes, or water, or encourage the same to be done;
- f) wilfully alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered;
- g) lay or cause to be laid any pipe or main to communicate with any pipe or main of the water works, or in any way obtain or use the water without the consent of the Town.
7. For the purpose of Section 6 above, those persons with lawful authority shall be the "Works **and Operations Manager**", and the "Emergency Services Manager", **or their designates**.

8. The term "Emergency Services Manager" shall be construed to mean that person appointed by Council to manage the Emergency Services Department of the Town of Marathon.
9. *For the purposes of this by-law, the term "external use" shall be broadly defined as the discharge of water referred to in Section 1, which is not wholly contained within any building, shed, structure or device and includes water released onto or into the natural environment, surrounding any said building, shed, structure or device.*
10. a) *The term "water use hours" shall mean the three (3) consecutive morning hours from 6:00 a.m. to 9:00 a.m. and again in the evening; the three (3) consecutive hours from 6:00 p.m. to 9:00 p.m. of the same day, both periods being on the permissible day of watering set out in Section 1.*
- b) *Notwithstanding 10 a), water use hours may be rescinded or varied pursuant to Section 5 of this by-law.*
11. No person shall install or use or cause to be installed or used a water source heating or air conditioning system which uses water supplied from the Town of Marathon's water supply system for its operation.
12. a) *Any person who contravenes any of the provisions of this by-law is guilty of an offence and is subject to such fines and penalties authorized pursuant to the Municipal Act, S.O., 2001, c.25, as amended.*
- b) *For the purpose of establishing a system of fines, as set out in Subsection 429 (2) of the Municipal Act, the following applies:*
- i) *where the offence of prohibited watering occurs on a property and is:*
- (1) *uninterrupted, and*
  - (2) *from one device or appliance, and*
  - (3) *at one fixed location, and*
  - (4) *continues for more than one (1) hour,*
- it shall be deemed to be a continuing offence, and the minimum fine for each hour of prohibited watering shall be \$100 dollars per hour.*
- ii) *where the offence of prohibited watering occurs on a property and is;*
- (1) *interrupted or intermittent during the period, or*
  - (2) *emanates from multiple fixtures or devices, or*
  - (3) *occurs at multiple locations on the property, or*
  - (4) *resumes after being instructed by any Town employee, officers, contractors, agents, servants, or workers, to cease watering,*
- each event, location, device/fixture or failure to comply with instructions shall be considered multiple offences and each offence shall have a minimum fine of \$250.00 each, per day.*
- iii) *where a person or business has been previously convicted for the same offence, the minimum fine for each subsequent offence shall be \$500.00 for a second conviction. Third and subsequent convictions shall add \$1,000.00 per conviction as minimum fine additions to other penalties available.*

*iv) where any person or business has contravened this by-law and has gained any economic advantage as a result, then, in addition to the regular fines as specified, a special fine may be imposed to eliminate or reduce any economic advantage.*

13. ***That By-Law No. 1208 be and is hereby amended.***

14. This by-law shall come into effect on the final day of its passing.

READ A FIRST AND SECOND TIME THIS 28<sup>TH</sup> DAY OF MAY, 2007.

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Mayor

(SEAL)

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Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 28<sup>TH</sup> DAY OF MAY, 2007.

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Mayor

(SEAL)

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Clerk