

# PROPOSED

EC2024-0665  
ATTACHMENT 2

## BYLAW NUMBER 28M2024

### BEING A BYLAW OF THE CITY OF CALGARY TO AMEND BYLAW 40M2006 THE WATER UTILITY BYLAW

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**WHEREAS** Council has considered report EC2024-0665 and deems it necessary to amend Bylaw 40M2006, the Water Utility Bylaw;

#### **NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. Bylaw 40M2006, the Water Utility Bylaw, as amended, is hereby further amended.
2. In section 2(1), subsections (gg) and (hh) are deleted and the following is substituted:

“(gg) “Tier One Water Managed Site” means a site for which watering is applied through a system approved by the Director, Water Services in accordance with section 20.1 of this Bylaw;

(hh) “Tier Two Water Managed Site” means a site for which watering is applied through a system approved by the Director, Water Services in accordance with section 20.1 of this Bylaw;”.

3. The following is added after section 19 as section 19.1:

#### “OUTDOOR WATERING SCHEDULE

##### **Declaration of Outdoor Watering Schedule**

- 19.1. (1) The Director, Water Services is authorized to declare an outdoor watering schedule as set out in Schedule “D.1” to apply in the City based on one or more of the following criteria:
  - (a) to respond to drought conditions; or
  - (b) to reduce demands on the Water System when there is an anticipated or actual period of increased usage.
- (2) In the event there is reason to declare an outdoor watering schedule, the Director, Water Services may declare such schedule effective immediately.
- (3) When an outdoor watering schedule is declared, Potable Water usage restrictions set out in Schedule “D.1” are in effect.

##### **Notice of Outdoor Watering Schedule**

- (4) In the event of a declaration of an outdoor watering schedule made pursuant to this section, the Director, Water Services:

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- (a) shall cause public notice indicating the outdoor watering schedule and the date such schedule came or will come into effect to be given in any one or more of the following manners:
  - (i) City of Calgary press release;
  - (ii) notice on The City of Calgary website;
  - (iii) advertising in one or both major daily newspapers in circulation in the City;
  - (iv) circulation of flyers; or
  - (v) signage; and
- (b) shall, after determining that the reason or reasons to require reduced outdoor Potable Water usage has sufficiently abated, declare an end to an outdoor watering schedule and shall cause public notice of such declaration to be given in the manner described in subsection (a).

### Prohibition

- (5) When an outdoor watering schedule is declared, an Owner or Occupier of a Parcel or Premises must not allow the use of Potable Water supplied through the Water System for any activity or application prohibited in Schedule "D.1".
  - (6) The declaration of an outdoor watering schedule under this section is no longer in effect upon the declaration of an outdoor water use restriction under section 20."
4. Section 20 is deleted in its entirety, and the following is substituted as sections 20 and 20.1:

### "OUTDOOR WATER USE RESTRICTIONS

#### Declaration of Restrictions

20. (1) In the event that the Director, Water Services believes there is a reason to require reduced Potable Water usage, the Director, Water Services may declare an outdoor water use restriction.
- (2) The declaration of an outdoor water use restriction by the Director, Water Services may apply to:
- (a) the entire City;
  - (b) specific zones or geographic areas of the City; or

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- (c) other specific locations as defined by the Director, Water Services.
- (3) In the event there is reason to declare an outdoor water use restriction, the Director, Water Services may declare such restriction effective immediately.

### Notice of Restrictions

- (4) In the event of a declaration of an outdoor water use restriction made pursuant to this section, the Director, Water Services:
- (a) shall determine that the outdoor water use restriction is a Stage One (Low risk to water supply), Stage Two (Moderate risk to water supply), Stage Three (High risk to water supply) or Stage Four (Severe risk to water supply) outdoor water use restriction, and the permitted activities shall be those referenced in Schedule “E” to this Bylaw;
  - (b) shall cause public notice indicating the stage of outdoor water use restriction and the date such restrictions came or will come into effect to be given in any one or more of the following manners:
    - (i) City of Calgary press release;
    - (ii) notice on The City of Calgary website;
    - (iii) advertising in one or both major daily newspapers in circulation in the City;
    - (iv) circulation of flyers; or
    - (v) signage;
  - (c) may declare different stages of outdoor water use restrictions in different areas.
  - (d) shall, if changing the areas of application or stages of restrictions in any area or lifting a declaration of outdoor water use restrictions, cause a public notice to be given in a manner described in subsection (b); and
  - (e) shall, after determining that the reason or reasons to require reduced water usage has sufficiently abated, declare an end to an outdoor water use restriction and shall cause public notice of such declaration to be given in a manner described in subsection (b).

### Prohibition

- (5) When an outdoor water use restriction is in effect, an Owner or Occupier of a Parcel or Premises must not allow the use of Potable Water supplied

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through the Water System for any activity or application prohibited in the following stage of restrictions in Schedule “E” to this Bylaw:

- (a) Stage One (Low risk to water supply);
  - (b) Stage Two (Moderate risk to water supply);
  - (c) Stage Three (High risk to water supply); or
  - (d) Stage Four (Severe risk to water supply).
- (6) Where an outdoor water use restriction is in effect, the activities permitted in Schedule “E” shall only apply to core business operations and shall not apply to landscaping activities which are not a core function of a specific business or enterprise.

### Permitted Activities During Restrictions

- (7) Despite Schedules “D.1” or “E”, at any stage of an outdoor water restriction, the following activities are permitted:
- (a) Potable Water use for washing down sidewalks, walkways, driveways, exterior building surfaces or other outdoor surfaces, where necessary to comply with health and safety requirements; and
  - (b) Potable Water use to apply pesticides where required by the Weed Control Act, RSA 2000, c. W-5, or other legislation governing the control of invasive species.
- (8) In section 20(7) above, “health and safety requirements” means:
- (a) washing away bodily fluids (such as urine, excrement and vomit) subject to the requirements of the Stormwater Bylaw 37M2005; or
  - (b) washing required by Occupational Health and Safety legislation and regulations.

### WATER MANAGED SITES PROGRAM

- 20.1 (1) The Director, Water Services is authorized to establish a water managed sites program for Customers that use automatic irrigation systems that meet water efficiency standards including:
- (a) setting the form and content of applications to the program;
  - (b) establishing standards that must be met for water efficiency including form and types of irrigation auditing, performance reporting, and establishing standards for Tier One and Tier Two Customers;

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- (c) rejecting applicants that do not meet program requirements and issuing certificates to Customers accepted into the program; and
  - (d) establishing policies and procedures implementing the program.
- (2) The Director, Water Services may issue certificates under the water managed sites program accepting a Customer as either:
- (a) a Tier One Water Managed Site; or
  - (b) a Tier Two Water Managed Site.

### Outdoor Watering Schedule and Outdoor Water Use Restrictions – Certificate Holders

- (3) When an outdoor watering schedule or outdoor water use restriction is in effect, an Owner or Occupier of a Parcel or Premises who holds a valid and subsisting certificate as a Tier One or Tier Two Water Managed System may use Potable Water supplied through the Water System in accordance with the requirements in Schedules “D.1” and “E” for either Tier One or Tier Two certificate holders as applicable.”.

5. In **Schedule “B” -- OFFENCES: SPECIFIED PENALTIES**, after the following:

<b><u>SECTION NUMBER</u></b>		<b><u>SPECIFIED PENALTY</u></b>
“18(1)(c)	Allow spray or stream of Potable Water to run into street or sidewalk or parcel	\$200”

the following is added under the headings indicated:

<b><u>SECTION NUMBER</u></b>		<b><u>SPECIFIED PENALTY</u></b>
“19.1(5)	Outdoor use of water contrary to the outdoor watering schedule	\$400”.

6. After **Schedule “D” – COLLECTION AND CUT-OFF FEES**, the following is added as Schedule “D.1”:

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**“SCHEDULE “D.1” – OUTDOOR WATERING SCHEDULE**

	<b>Activity</b>	<b>Application Method</b>	<b>Application By</b>	<b>Outdoor Watering Schedule</b>
1.	Watering of lawns	Any	All Customers except those listed below	Only two days per week to a maximum of 3 hours per day between the hours of 2000h and 1000h
		Irrigation by Water Managed Site (automatic irrigation system)	Tier One or Two Certificate Holders	Allowed
2.	Watering of gardens, trees, and shrubs (lawns excluded)	Irrigation with sprinkler, connected to a hose or automatic irrigation system	All Customers except those listed below	Only two days per week to a maximum of 3 hours per day between the hours of 2000h and 1000h
			Tier One or Two Certificate Holders – Irrigation by Water Managed Sites	Allowed
		Spring-loaded type nozzles and drip irrigation with automatic shut-off connected to hose	All Customers	Allowed
		Hand-held container (i.e., watering can, bucket)	All Customers	Allowed
3.	Watering of new grass (sod or seed) <i>Seed within 21 days</i> <i>Sod within 45 days</i>	Any	All Customers	Allowed
4.	Watering of new trees and shrubs during establishment period (5 years)	Any	All Customers	Allowed
5.	Watering of plants for commercial sale	Any	Nurseries, garden centers, turf and tree farms and market gardens	Allowed
6.	Testing and auditing of irrigation systems	Not Applicable	All Customers	Allowed”.

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7. Schedule “E” – OUTDOOR WATER USE RESTRICTIONS is deleted in its entirety and the following is substituted:

**“SCHEDULE “E” – OUTDOOR CITY POTABLE WATER USE RESTRICTIONS**

	Activity	Application Method	Application By	Stage One Low risk to water supply	Stage Two Moderate risk to water supply	Stage Three High risk to water supply	Stage Four Severe risk to water supply
1.	Watering of lawns	Any	All Customers except those listed below	Only one day per week to a maximum of <b>2 hours per day</b> between the hours of 2000h and 1000h (based on a Schedule as determined by the Director, Water Services)	Only one day per week to a maximum of <b>1 hour per day</b> between the hours of 2000h and 1000h (based on a Schedule as determined by the Director, Water Services)	Not Allowed	Not Allowed
			City of Calgary Operations	Not Allowed	Not Allowed	Not Allowed	Not Allowed
		Irrigation by a Tier One Water Managed Site	Tier One Certificate holders	Allowed  Must reduce watering programs by 10%	Allowed  Must reduce watering programs by 20%	Allowed  Must reduce watering programs by 30%	Not Allowed
		Irrigation by a Tier Two Water Managed Site	Tier Two Certificate holders	Allowed  Must reduce watering programs by 15%	Allowed  Must reduce watering programs by 25%	Allowed  Must reduce watering programs by 35%	Not Allowed
2.	Watering of gardens, trees and shrubs (lawns excluded)	Irrigation with sprinkler, connected to a hose or automatic irrigation system	All Customers except those listed below.	Only one day per week to a maximum of <b>2 hours per day</b> between the hours of 2000h and 1000h (based on a	Only one day per week to a maximum of <b>1 hour per day</b> between the hours of 2000h and 1000h (based on a	Not Allowed	Not Allowed

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	Activity	Application Method	Application By	Stage One Low risk to water supply	Stage Two Moderate risk to water supply	Stage Three High risk to water supply	Stage Four Severe risk to water supply
				Schedule as determined by the Director, Water Services)	Schedule as determined by the Director, Water Services)		
			Tier One Certificate holders – Irrigation by Water Managed Sites	Allowed  Must reduce watering programs by 10%	Allowed  Must reduce watering programs by 20%	Allowed  Must reduce watering programs by 30%	Not Allowed
			Tier Two Certificate holders – Irrigation by Water Managed Sites	Allowed  Must reduce watering programs by 15%	Allowed  Must reduce watering programs by 25%	Allowed  Must reduce watering programs by 35%	Not Allowed
		Spring-loaded type nozzles or drip irrigation with automatic shut-off connected to hose	All Customers	Allowed	Allowed	Not Allowed	Not Allowed
		Hand-held container (i.e., watering can, bucket)	All Customers	Allowed	Allowed	Allowed	Not Allowed
3.	Watering of New Grass (sod or seed) <i>Sod within 21 days</i> <i>Seed within 45 days</i>	Irrigation with sprinkler, connected to a hose or automatic irrigation system	All Customers except those listed below	Allowed	Allowed	Not Allowed	Not Allowed
			Tier One Certificate holders – Irrigation by Water Managed Sites	Allowed  Must reduce watering programs by 10%	Allowed  Must reduce watering programs by 20%	Allowed  Must reduce watering programs by 30%	Not Allowed
			Tier Two Certificate holders – Irrigation by Water Managed Sites	Allowed.  Must reduce watering programs by 15%	Allowed.  Must reduce watering programs by 25%	Allowed.  Must reduce watering programs by 35%	



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	Activity	Application Method	Application By	Stage One Low risk to water supply	Stage Two Moderate risk to water supply	Stage Three High risk to water supply	Stage Four Severe risk to water supply
		Spring-loaded type nozzles or drip irrigation with automatic shut-off connected to hose and hand-held containers	All Customers	Allowed	Allowed	Allowed	Not Allowed
4.	Watering of new trees and shrubs during establishment period (5 years)	Irrigation with sprinkler, connected to a hose or automatic irrigation system	All Customers except those listed below	Allowed	Allowed	Not Allowed	Not Allowed
			Tier One Certificate holders – Irrigation by Water Managed Sites	Allowed Must reduce watering programs by 10%	Allowed Must reduce watering programs by 20%.	Allowed Must reduce watering programs by 30%	Not Allowed
			Tier Two Certificate holders – Irrigation by Water Managed Sites	Allowed. Must reduce watering programs by 15%	Allowed Must reduce watering programs by 25%	Allowed Must reduce watering programs by 35%	Not Allowed
		Spring-loaded type nozzles or drip irrigation with automatic shut-off connected to hose and hand-held containers	All Customers	Allowed	Allowed	Allowed	Not Allowed
5.	Watering of plants for commercial sale	Any	Nurseries, garden centers, turf and tree farms and market gardens	Allowed	Allowed	Allowed	Not Allowed
6.	Testing and auditing of Irrigation systems	Not applicable	All Customers	Allowed	Allowed	Not Allowed	Not Allowed
			Tier One and Two Certificate Holders and Applicants to the Water Managed Sites Program undergoing Irrigation Auditing	Allowed	Allowed	Allowed	Not Allowed

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	<b>Activity</b>	<b>Application Method</b>	<b>Application By</b>	<b>Stage One Low risk to water supply</b>	<b>Stage Two Moderate risk to water supply</b>	<b>Stage Three High risk to water supply</b>	<b>Stage Four Severe risk to water supply</b>
7.	Water use on Integrated Pest Management Test Sites	Any	City of Calgary Operations at Pest Management Test Sites	Allowed	Allowed	Not Allowed	Not Allowed
8.	Wash down sidewalks, walkways, and driveways for any reason other than those permitted by section 20(7)	Any	All Customers	Not Allowed	Not Allowed	Not Allowed	Not Allowed
9.	Washing exterior building surfaces, including windows	Any	All Customers	Allowed	Allowed	Not Allowed	Not Allowed
10.	Washing of vehicles outdoors, subject to the Stormwater Bylaw 37M2005	Spring-loaded type nozzles with automatic shut-off connected to hose and hand-held containers	All Customers	Allowed	Allowed	Not Allowed	Not Allowed
			Vehicles subject to washing requirements under environmental or health and safety regulations	Allowed	Allowed	Allowed	Allowed
11.	Filling of Fountains and other Decorative Features	Any	All Customers	Not Allowed	Not Allowed	Not Allowed	Not Allowed
12.	Filling of outdoor hot tubs, swimming and wading pools	Any	All Customers	Allowed	Allowed	Not Allowed except with permission from the Director, Water Services	Not Allowed except with permission from the Director, Water Services
13.	Water use for construction or renovation purposes	Any	All Customers	Allowed	Allowed	Allowed	Not Allowed except with permission from the Director, Water Services
14.	Outdoor snow or ice making	Any	All Customers	Allowed	Allowed	Not Allowed except with permission	Not Allowed, except with permission from the

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	<b>Activity</b>	<b>Application Method</b>	<b>Application By</b>	<b>Stage One Low risk to water supply</b>	<b>Stage Two Moderate risk to water supply</b>	<b>Stage Three High risk to water supply</b>	<b>Stage Four Severe risk to water supply</b>
						from the Director, Water Services	Director, Water Services
15.	Watering of livestock	Any	Farm Operations	Allowed	Allowed	Allowed	Allowed
16.	Essential hydrant and main flushing	Any	The City of Calgary Operations	Allowed	Allowed	Allowed	Allowed
17.	Essential street, bridge and transit infrastructure cleaning and washing	Any	The City of Calgary Operations	Allowed	Allowed	Allowed	Allowed".

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8. This Bylaw comes into effect on the day that it is passed.

READ A FIRST TIME ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_