

THE CORPORATION OF THE TOWN OF MONO

BYLAW NUMBER 2014 - 35

BEING A BYLAW TO ENACT RULES AND REGULATIONS FOR THE MAINTENANCE, OPERATION, EXPANSION AND USE OF MUNICIPAL WATER SYSTEMS IN THE TOWN OF MONO AND TO SET OUT WATER SERVICE RATES CHARGED BY THE CORPORATION OF THE TOWN OF MONO FOR WATER SUPPLIED FROM THE MUNICIPAL WATER SYSTEM(S).

WHEREAS, The Municipal Act, 2001, S.O. 2001, c. 25 distributes powers to the Municipality, which powers provide that the Municipality may regulate the production, treatment and distribution of water within the Municipality;

AND WHEREAS the Corporation of the Town of Mono has constructed and/or assumed ownership of the water works system in the municipality to supply water to consumers and owners within the Town of Mono;

AND WHEREAS Section 391 of the Municipal Act, S.O., 2001 provides for the passing of bylaws imposing fees or charges on any class of persons; for services or activities provided or done by or on behalf of the Municipality;

AND WHEREAS Section 398 of the Municipal Act, S.O. 2001 provides that fees and charges imposed by a Municipality may be added to the tax roll for the following property in the local Municipality and collected in the same manner as Municipal taxes;

THE COUNCIL of the Corporation of the Town of Mono deems it expedient and desirable to make certain rules and regulations for the operation, maintenance and use of the water system.

1. DEFINITIONS IN THIS BYLAW

- 1.01 “*Backflow Preventer*” means a mechanical assembly, device, or method that has been specifically designed and installed to prevent a backflow into a drinking water system.
- 1.02 “*Chief Building Official*” means the Chief Building Official of the County of Dufferin or his or her designate.
- 1.03 “*Consumer*” means, as the context requires, the applicant for water supply, the owner or occupant of the premises receiving water supply, as the case may be, and the person to whom invoices are sent for water supplied to a premises.
- 1.04 “*Council*” shall mean the Municipal Council of The Corporation of the Town of Mono.
- 1.05 “*Cross Connection*” means an actual or potential connection between any part of a Drinking Water System and any other environment containing other substances which allows or has the potential to allow a Foreign Substance to enter a Drinking Water System. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices or any other temporary or permanent connecting arrangements through which a Backflow may occur are considered to be Cross Connections.
- 1.06 “*Director of Public Works*” means the Director of Public Works of The Municipality of the Town of Mono.
- 1.07 “*Dwelling*” means a building occupied or capable of being occupied as the home or residence of one or more persons. This definition includes any accessory apartment constructed therein.

- 1.08 “*Inspector*” means any person duly authorized by the Municipality to perform inspections under this bylaw.
- 1.09 “*Municipal Water System*” means the pipes, fixtures and other appurtenances used for the purpose of supplying premises in the Municipality with water, which are owned and assumed by the Municipality. The Municipal Water System includes all Municipally owned water mains, laterals to the limit of the municipal right of way abutting private property and all curbstops.
- 1.10 “*Municipality*” means The Corporation of the Town of Mono.
- 1.11 “*Operator*” means any person duly authorized by the Municipality to perform maintenance, operate valves or curbstops or turn on hydrants connected to the Municipal Water System.
- 1.12 “*Owner*” means the registered owner of a premises supplied with water from the Municipal Water System.
- 1.13 “*Premises*” means the property being supplied or to be supplied with water and includes a portion of a multiple occupancy premises which is supplied separately.
- 1.14 “*Private Water System*” means the pipes and fixtures used for the purpose of supplying any premises in the Municipality with water from the limit of the Municipal Water System to the premises so supplied.
- 1.15 “*Treasurer*” means the Treasurer of the Municipality.

2. GENERAL PROVISIONS

- 2.01 The Director of Public Works or delegate shall enforce the provisions of this bylaw related to the Municipal Water System.
- 2.02 The Chief Building Official shall have the following duties under this bylaw:
- a) to enforce the provisions of this bylaw relating to Private Water Services;
 - b) to supervise and inspect all construction related to Private Water Services;
 - c) to perform other duties as designated by Council.
- 2.03 For the purpose of the administration of this bylaw, an Inspector may, upon production of identification enter in or upon any land or Premises, except for any place or room actually used as a dwelling, at any time without a warrant and carry out such inspections as may be necessary, and access such plumbing and/or Private Water System by way of excavation, or such other means as the Inspector may deem expedient, on those lands or Premises as is necessary for the purposes of inspection.
- 2.04 Except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, an Inspector shall not enter any place or room actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.
- 2.05 The rules and regulations set out in this bylaw shall be considered to form part of the contract for the supply of water between the Municipality and each Consumer and every such Consumer, by applying for or accepting a supply of water from the Municipality, shall be deemed to have consented to be bound by the provisions of this bylaw.

3. LIABILITY

- 3.01 The Municipality does not guarantee a constant supply of water and shall not be liable for any damages resulting from the water service being shut off for any reason, including but not limited to mechanical failure, electrical failure, repairs or expansion of the system.
- 3.02 The Municipality retains the right to shut off any portion of the Municipal Water System without prior notice, for as long a time as the Municipality may deem necessary, for the purpose of repairing or expanding the Municipal Water System or any portion thereof.
- 3.03 The Municipality's maintenance responsibilities shall be limited to the Municipal Water System. The Municipality shall not be responsible for blockages or other problems in any Private Water System. If the location of a blockage is unknown prior to excavation, and if the Municipality or its forces excavates and/or investigates and determines that the source of any problem is located within a Private Water System or other private property, then the Municipality's expenses in undertaking such excavation and/or investigation shall be paid by the Owner of such Private Water System or other private property.

4. USE OF THE MUNICIPAL WATER SYSTEM

- 4.01 No person shall be supplied by water from the Municipal Water System without first acknowledging his or her obligations to the Municipality. The Consumer shall attend, prior to connecting any Premises to the Municipal Water System, at the office of the Municipality to submit a water connection application in the form attached hereto as Schedule "B", together with such fees and/or deposits as may be required.
- 4.02 No person shall turn on or turn off any water valve, curbstop or fire hydrant forming part of the Municipal Water System.
- 4.03 No person shall waste, dispose of, rent, give away or allow to be carried away any water supplied by the Municipal Water System.
- 4.04 The Municipality may, at any time, in its absolute discretion restrict the use of water supplied by the Municipality for the watering of outdoor plants, shrubs, trees, flowers, vegetables or grass, or any use other than for strictly domestic household purposes.
- 4.05 No person shall use water from the Municipal Water System for any heat exchanger system and no person shall connect any such system or similar equipment to the Municipal Water System.
- 4.06 No person other than the Director of Public Works or his or her designate shall be permitted to open, operate, interfere with or take water from a fire hydrant unless such fire hydrant is being used for fire fighting purposes or maintenance flushing.

5. WATER CONSERVATION

- 5.01 All new homes in plans of subdivision and any new home which is proposed to be connected to the Municipal Water System, shall have permanently installed, at all locations, water saving fixtures meeting the following minimum specifications:
- a) Shower head - 1.9 to 11 (litres per minute) variable output
 - b) Toilet - 6.0 litres per flush maximum
 - c) Water efficient dishwashers
 - d) Water efficient clothes washers
 - e) Aerated faucets

6. WATER CONNECTION

- 6.01 No Premises shall be connected to the Municipal Water System without the Owner first acknowledging his or her obligations to the Municipality. The Consumer shall attend, prior to connecting any Premises to the Municipal Water System, at the office of the Municipality to submit a water connection application in the form attached hereto as Schedule "B", together with such fees and/or deposits as may be required. At the discretion of the Municipality, some fees may be deferred until the proposed connection is ready to be turned on.
- 6.02 No person shall connect any Premises to the Municipal Water System without having obtained the written consent of the Director of Public Works or his designate.
- 6.03 No person shall use water drawn from the Municipal Water System for any purpose other than as shown on the approved application for the relevant connection to the Municipal Water System.
- 6.04 The Owner of any Premises to which an unlawful connection has been made shall be responsible for the payment of all water rates and charges which would have been payable in respect of such connection had the same been lawfully made, in addition to being liable for any other penalty provided.
- 6.05 Where an application to connect to the Municipal Water System requires extension of any water main or other component(s) of the Municipal Water System, the Municipality or its agents shall install any such works at the Owner's expense. The cost involved in such extension, including necessary appurtenances (e.g. backflow/ expansion tanks) shall be estimated by the Municipality and the estimated cost shall be prepaid to the Municipality by the Owner prior to Municipal forces commencing the work. If the actual costs of installing the water service exceed the Municipality's estimate, the Owner shall pay the difference prior to the water being turned on.
- 6.06 No person, other than a contractor approved by the Municipality shall install that portion of a Private Water Service that connects directly to the Municipal Water System.
- 6.07 No person shall install a connection to the Municipal Water System without a water meter complete with RAF technology and a backflow preventer. Meter size and specifications shall conform to current standards set by the Municipality. In the case of non-residential premises, an Inspector and/or the Director of Public works shall determine the size of the meter that is required.
- 6.08 No premises shall be connected to the Municipal Water System without a water meter complete with RAF technology and a backflow preventer. At the Municipality's discretion, failure to comply with this requirement may result in the water service being shut off and not being turned on again until this requirement is complied with and all applicable charges paid by the owner.
- 6.09 The construction of Private Water Services shall conform to current Municipal specifications. Such specifications shall be obtained from Municipal staff on approval of an application for connection to the Municipal Water System.
- 6.10 All Private Water Systems shall have space and fittings available for the installation of a water meter in accordance with the requirements of this bylaw.
- 6.11 All Private Water Services shall be inspected and tested for leakage by or at the direction of the Inspector prior to backfilling.
- 6.12 Every Consumer shall maintain his or her Private Water Service and notify the Town of any water meter issues.

- 6.13 Unless approval in writing is obtained from the Municipality, each dwelling shall have no more than one metered service.
- 6.14 Any Consumer wishing to discontinue the use of water supplied by the Municipality must give notice in writing to the Treasurer at least 30 days in advance of the requested date of discontinuance. Failure to provide the required notice shall result in the charges continuing. Following any such discontinuance of water supply from the Municipal Water System, the water shall not be turned on until all accounts have been paid up to date.
- 6.15 Any Consumer wishing to have the water turned off or on for any purpose must pay a fee for each event as set out in Schedule "A" to this bylaw to defray the cost of such undertaking.
- 6.16 In the event that any Consumer or the Owner of any Premises fails to comply with this bylaw in any respect, at the Municipality's discretion, the supply of water to that Consumer or Premises may be turned off and may not be turned on until all the provisions of this bylaw are complied with and an amount as set out in Schedule "A" to this bylaw is paid to the Treasurer to defray the cost of such undertaking.
- 6.17 Failure to pay water rates when they become due shall be deemed to be a failure to comply with the provisions of this bylaw.
- 6.18 A Delinquent Account Record shall be kept at the Municipal office.
- 6.19 Any person may receive a "Certificate of Account" from the Treasurer showing all outstanding accounts for water service, upon payment of the required fee as set out in Schedule "A" of this bylaw.
- 6.20 No person shall connect, cause to be connected or allow to remain connected, any piping, fixture fitting, container appliance, or internal system in a manner which may allow any foreign substance to enter the Municipal Water System.

7. ENFORCEMENT AND PENALTIES

- 7.01 Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not more than \$5,000 for the first offence and \$10,000 for any subsequent offence.

8. WATER SERVICE RATE

- 8.01 A water service rate is hereby imposed upon Consumers of Municipal water. Such water service rate is used to pay for operational improvements, repair, and maintenance of the Municipal Water System, which may include a charge for depreciation, deferred maintenance and a reserve fund for any such purpose.
- 8.02 The water service rate shall be charged against each Consumer as set out in Schedule "A" of this bylaw. Water flows for a Premises shall be determined by an approved water meter at such Premises. Invoices for water services may be combined with invoices for wastewater services or such other Municipal services as the Treasurer sees fit.
- 8.03 Payment of all water service rates imposed by the Municipality shall be the sole responsibility of the Owner of the Premises.
- 8.04 Unless an Owner requests otherwise in writing, the Municipality shall direct all invoices for charges under this bylaw to the Owner's most recent address on file with the Municipality. Each Owner shall be obligated to notify the Municipality forthwith of any change of mailing address.

- 8.05 Charges shall be due as billed. Any charges not paid within 21 days of the date of the invoice for the same shall be deemed to be in default. A penalty for non-payment of any charge, or any portion thereof shall be imposed in the amount of 1.25% (15% annually) on the first day of default and on the first day of each calendar month thereafter in which the default continues.
- 8.06 All payments received by the Municipality shall be applied to the earliest unpaid charge for the Owner or Premises.
- 8.07 Customers in default shall be sent an overdue notice as a reminder of the outstanding account. Should the account, together with applicable interest, remain unpaid fourteen (14) days after the overdue notice is mailed, the Treasurer may deliver a notice of disconnection to the Owner and/or to the Premises, advising that unless payment is received within 48 hours, the water service to the Premises will be shut off or disconnected and no further water will be supplied to the Premises until all outstanding payments have been made.
- 8.08 Accounts in default for 90 days or more shall have the default amount added to the property tax roll and the default amount collected in the same manner as property taxes, under the authority of the Municipal Act, S.O. 2001.
- 8.09 Service charges as set out in Schedule "A" of this bylaw shall be paid for connecting, shutting off or turning on any Wastewater service. Such service charges shall be paid by the Consumer requesting or requiring the service.
- 8.10 As a condition of connection to the Municipal Water System, the Municipality may require any Consumer to post a reasonable security at the discretion of the Treasurer for the payment of water charges.

9. BYLAW REVIEW

- 9.01 This bylaw shall be reviewed from time to time in order to ensure the financial integrity of the waterworks system of the Municipality.

10. BYLAW REPEAL

- 10.01 Bylaw Number 2005-42 is hereby repealed.

11. EFFECTIVE DATE

- 11.01 This bylaw shall come into effect on the day it is passed.

12. SHORT NAME

- 12.01 This Bylaw may be referred to as the "Water Bylaw".

BYLAW GIVEN THE NECESSARY READING AND PASSED IN OPEN COUNCIL
THIS 9th DAY OF SEPTEMBER, 2014.

Original signed by:

**John Creelman, Mayor
Fred Simpson, Clerk**

SCHEDULE "A" TO BYLAW NUMBER 2014 - 35

WATER RATES

1. The 2014 water service rates for all premises with a water meter shall be as follows:

<u>Cubic metres per year</u>	<u>Charge per cubic metre</u>
1-350	\$1.95
351-500	\$2.29
501-650	\$2.48
651-800	\$2.63
801-1000	\$2.80
1001 and over	\$2.95

The above rates shall be indexed by the Treasurer as of January 1st of each year in accordance with the Consumer Price Index as determined by statistics Canada.

2. Water service rates for premises without a water meter or a non-functional water meter shall be one hundred twenty (\$120) dollars per month flat charge.
3. In addition to the charges in Section 1 of this Schedule, a flat rate of five dollars (\$5) per month per household connected to the Municipal Water System shall apply to cover maintenance costs.
4. The service charge for turning a water service off and on again during regular business hours at the request of an owner for maintenance or for any other purpose shall be sixty dollars (\$60).
5. The fee for turning off and turning on a service, due to arrears, shall be sixty dollars (\$60) for each attendance to turn off or to turn on the service.
6. The fee to rectify an illegal water turn-on shall be all administrative and labour costs related to the event. In no case shall this fee be less than one hundred dollars (\$100).
7. For any requests to turn on or turn off the water service after normal business hours, the charge shall be fifty dollars (\$50) plus all labour costs. In no case shall this fee be less than one hundred and twenty dollars (\$120).
8. The fee for inspecting and/or testing a private water service, prior to backfilling, shall be fifty dollars (\$50) per site visit.
9. The installation and service charge for a 5/8" x 3/4" standard water meter shall be one thousand dollars (\$1,000) per meter.
10. A deposit of one thousand dollars (\$1,000) in addition to the aforesaid meter installation and service charge, shall be paid to the Treasurer by the Owner of the lot at the time application is made for a building permit to erect, construct or alter a building which will be serviced by municipal water, to ensure that the required meter is installed and that adequate provision is made during the installation of the plumbing in the building to accommodate the installation of the meter. The deposit shall be refundable upon completion of the installation of the meter, less any costs incurred by the Town.
11. In the event that a building permit is not required, the one thousand dollar (\$1,000) meter deposit shall be paid upon submission of a connection application.
12. For each new connection to the Municipal Water System a capital reserve contribution of two thousand dollars (\$2,000).

- 13.** For each new connection to the Municipal Water System, a capital upgrade fee of \$2,723.87 (this is the September 2014 amount, which shall be indexed by 6% annually on December 10th of each year) shall be paid as a cash contribution to the reserve fund.
- 14.** Where an Owner requests a larger water meter than the Town's standard, all labour, administrative and material costs associated with the provision and installation of the requested meter shall be borne by the Owner. The costs of such provision and installation shall be estimated by the Municipality and the estimated amount shall be prepaid by the Owner to the Municipality prior to Municipal forces commencing the work. If the actual cost of providing and installing the meter exceeds the Municipality's estimate, the Owner shall pay the difference prior to the water being turned on.
- 15.** Where the replacement of a water meter is required due to the damage, removal or any fault of the Consumer, the Consumer all labour, administrative and material costs associated with the provision and installation of a new meter shall be borne by the Consumer. The costs of such provision and installation shall be estimated by the Municipality and the estimated amount shall be prepaid by the Owner to the Municipality prior to Municipal forces commencing the work. If the actual cost of providing and installing the meter exceeds the Municipality's estimate, the Owner shall pay the difference prior to the water being turned on.
- 16.** The fee for testing or replacing a meter at the request of an Owner or Consumer shall be one hundred dollars (\$100). This fee will be refunded should it be determined that the meter is faulty by reason of manufacturer's defect or worn out through normal use.
- 17.** The fee for transfer of an account or starting a new account shall be twenty-five dollars (\$25).
- 18.** The fee for interim or final readings shall be twenty-five dollars (\$25) for each reading.
- 19.** The fee for a dishonoured cheque shall be twenty-five dollars (\$25).
- 20.** The fee for a certificate of the Treasurer concerning the status of a premises' or user's account shall be twenty-five dollars (\$25) per certificate.
- 21.** The Municipality reserves the right to negotiate all water service fees charges with any commercial or industrial Consumer or any other person whose water usage differs or is expected to differ from that of an ordinary residential consumer.
- 22.** When determining the amount of security deposit to be paid by a Consumer, a reasonable security for the payment of water charges may be deemed to be the equivalent of three months estimated or actual billing, whichever is greater.

SCHEDULE "B" TO BYLAW NUMBER 2014 - 35

**CORPORATION OF THE TOWN OF MONO
347209 Mono Centre Road
Mono, Ontario L9W 6S3, Phone: (519) 941-3599**

WATER CONNECTION APPLICATION

Name:	
Address:	
Email:	Phone:
Water Connection Charge	\$2,000.00
Water System Capital Upgrade Charge	\$2,569.69 *
Water Meter and Installation	\$1,000.00
Inspection Fee (\$50.00 per inspection)	
TOTAL (Minimum)	\$5,569.69
* As of September 2014, indexed by 6% every December 10 th .	

Property sketch - please mark:

- | | |
|---------------------------------|---|
| i) Arrow indicating North | v) Distance of connection from side lot lines |
| ii) Driveway location | vi) Location of connection to house |
| iii) Road and house location | vii) Location of other utilities: (Hydro, cable, gas,
phone) |
| iv) Distance from road to house | |

Please call the Public Works Department at 519-941-3599 ext. 228 for inspection of service lines prior to backfilling.

I, the undersigned, acknowledge and agree that I have read and understood all of the provisions of the Town's Water Bylaw 2014-35. I hereby agree to be bound by all or the provisions, rules and requirements set out in that bylaw.

Applicant's
Signature:

Approved by:

For the Corporation of the Town of Mono