

THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON

BY-LAW NO. 947-13

ENTITLED a by-law respecting water works in the Township of Stirling-Rawdon.

WHEREAS Section 11 of The Municipal Act, R.S.O. 2001, c. 25, as amended authorizes Council to pass by-laws to regulate Public Utilities including a public water system and to regulate the supply, distribution and use of the water, including the restricting of certain types of uses in order to preserve adequate supplies for essential purposes including domestic use and firefighting purposes, and to prevent the practice of frauds upon the Township with the water so supplied.

AND WHEREAS The Corporation of the Township of Stirling-Rawdon (the "Township") owns, operates, through a contract with the Ontario Clean Water Agency and maintains the Stirling Water System Facility;

AND WHEREAS it is deemed desirable and expedient to pass a by-law respecting said water works owned and operated by or for the Township to ensure that there is a continued supply of water to those persons to whom water is supplied from such water works.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON HEREBY ENACTS AS FOLLOWS:

1. Definitions:

- 1.1 "Applicant" shall mean a land or property owner or agent acting on behalf of a land or property owner.
- 1.2 "Council" shall mean the Council of the Corporation of the Township of Stirling-Rawdon.
- 1.3 "Officer" shall mean any person designated by the Corporation of the Township of Stirling-Rawdon as By-law Enforcement Officer and shall include but not be limited to the following: Public Works Operator In Charge, Public Works Manager. etc.
- 1.4 "Ontario Clean Water Agency" (OCWA) shall mean the agency under contract with the Township and designated as the Overall Responsible Operator for the municipal Waterworks.
- 1.5 "Overall Responsible Operator" (ORO) shall mean a licensed operator under contract with the Township to administer and operate the municipal waterworks system in accordance with all municipal, provincial and federal legislation.
- 1.6 "Public Works Manager" shall mean the Public Works Manager of the Township of Stirling-Rawdon and/or designate.
- 1.7 "Stirling Water System Facility" shall mean the well building located at 93 Elizabeth Street, four (4) municipal wells, treatment facilities, distribution mains and water storage facility in the former Village of Stirling.
- 1.8 "Township" shall mean The Corporation of the Township of Stirling-Rawdon.
- 1.9 "Treasurer" shall mean the Treasurer of the Corporation of the Township of Stirling-Rawdon.
- 1.10 "Waterworks" shall mean all water treatment, distribution, storage and pumping systems now or in the future owned and operated by or for the Township and located in Ward 2, former Village of Stirling.

2. Authority

- 2.1 Council shall be the authority responsible for the operation of the Water Works, including the setting of rates, the engaging of employees, the payment of accounts and all other things necessary for the successful operation of the Water Works.

3. Requirement to Connect

- 3.1 The owner or occupant of every lot or parcel of land which is built upon that derives an immediate benefit from the construction of a watermain along the street abutting such lot or parcel of land shall, within six months of the Township giving notice, connect the lot or parcel to the watermain at the owner's expense.
- 3.2 The owner shall pay all costs for constructing laterals and connections to the watermains and such work shall be done in accordance with the provisions of this by-law.
- 3.3 No cross connection between any other water supply system and the Water Works shall be permitted.

4. Application for Water Service

- 4.1 Water service will be introduced into buildings or lots and water will be turned on for premises where services have already been installed only upon the written request of the owner thereof or his duly authorized agent in writing.
- 4.2 In every case in which there is a change of ownership of premises supplied with water, the new owner shall notify the Township of the change of ownership.
- 4.3 An application for the supply of water shall be made on a form to be provided by the Township and the applicant shall furnish such information as Council shall request.
- 4.4 The owner of the land shall agree to pay for the water supplied on such basis as Council may determine.
- 4.5 A Water Service Permit for water services and connections to watermains including upgrades to an existing water service, if changing size and/or location, shall be secured from the Public Works Manager or designate under the advice of the ORO before any work is undertaken and all work shall be carried out strictly in accordance with such terms and conditions as maybe set out in the permit application.
- 4.6 All applicable fees associated with the application for a water service, such as service permit fees, inspection fees and deposits, or any other fees set by Council by resolution from time to time must be paid prior to the installation. The water service permit fee and the inspection fee are non-refundable.
- 4.7 The applicant shall be responsible for any costs associated with inspections by Township employees or designate.
- 4.8 No work may be done on either the installation or the repair of watermains and services without the approval of the Township.
- 4.9 The receipt of an approved water permit does not eliminate the applicant's responsibilities for any other applicable permits or authorizations.

5. Installation of Water Services

- 5.1 Where a service pipe enters the building a "stop and drain cock" shall be placed immediately inside the cellar or basement wall, so that there is a ready means of closing off the water in order to carry out repairs to the service pipes inside the building. Said "stop and drain cock" is also a convenient means of closing off the water in the building when the building is vacant thereby protecting the

pipes and fittings against frost during the winter months.

- 5.2 The service pipe shall be laid down from the watermain to the curb stop by the Township or by a contractor approved by the Township. The service pipe from the curb stop to the building shall be laid by a contractor hired by the owner.
 - 5.3 Where a new water connection is permitted along a trunk watermain and water pressure exceeds 100 psi, the owner will be responsible for obtaining a pressure reducing valve. The owner will be responsible for the installation and maintenance as per manufacturer's recommendations, which will be provided with the pressure reducing valve.
 - 5.4 The Owner shall pay on demand all costs for laying a service pipe from the watermain, for constructing water services and connecting to the watermain and for all other expenses necessary or incurred to serve an applicant or property, and if not so paid, may be collected in the same manner as water rates.
 - 5.5 All new services and /or replacements in whole or in part, of existing services shall be constructed in such manner, size and material and grade and with such appurtenances as the Public Works Manager or designate under the advice of the ORO shall require, and no such services shall under any circumstances be closed or backfilled until examined, tested and approved in writing by the Superintendent or designate. In the situation where the applicant wishes to connect to a service previously provided to the property line, and the service is no longer as per current Township standards, the Township will be responsible to upgrade the service from the watermain as per current specifications at the direction of the Public Works Manager under the advice of the ORO.
 - 5.6 Testing where required shall be at the expense of the permit applicant.
 - 5.7 All plumbing and pipe work on private property shall be installed in accordance with Part 7, (Plumbing) of the Ontario Building Code, the Ontario Provincial Standard Specifications and Township standards. Should there be conflicts between standards and codes, the direction of the CBO shall be final.
 - 5.8 Bedding material and location of pipes shall be in accordance with standards established by the Public Works Manager.
 - 5.9 The Public Works Manager and ORO or designate shall, from time to time, during the progress of the laying and construction of all services, inspect the same, and may revoke the permit and order the work of construction to be stopped if the work done or the material used is not as required by him/her and by this by-law.
 - 5.10 No person shall damage or injure any services connecting with any watermain.
6. Maintenance by Township
- 6.1 No person shall injure, break or remove any portion of any valve, curb stop, hydrant, meter, backflow prevention units or any part of any watermain or obstruct the flow of water in any part of the system, unless approved in writing by the Public Works Manager under the advice of the ORO or designate.
 - 6.2 All watermains and services connected thereto from the main up to and including the connection and shut-off valve at the street-line shall be repaired and kept in order at the expense of the Township.
 - 6.3 Where a water service on private property is jointly owned and such service requires servicing and/or repairs, the Township may after giving adequate notice to the owners by personal delivery or by registered mail, repair the service(s) and levy the cost on the taxes of the owners of the service(s).

7. Maintenance By Consumers

- 7.1 Every person taking water must at his own expense keep his service pipe or pipes, from the curb stop to the interior face of the outer wall of the building and all appliances and fixtures connected therewith, in good order and condition.
- 7.2 Any damage or leak or other maintenance of the service pipes from the curb stop to the building shall be forthwith repaired by the owner or occupant of the building to the satisfaction of the Township, and in default of his so doing, whether notified or not the Township may enter upon the land where the service pipe is and repair the same and charge the cost thereof to the owner or occupant of the premises and the same may be collected in the same manner as water rates.
- 7.3 Should the said pipes, appliances and fixtures get out of repair and not be forthwith repaired it shall be lawful for the Township to refuse to continue the supply of water until such repairs have been affected.

8. Inspections

- 8.1 Water pipes, fittings, etc. must be inspected, tested and approved by an authorized agent of the Township before regular water service commences.
- 8.2 The officers or employees of the Township shall be at all times entitled to enter any premises for the purpose of examining pipes, connections and fixtures which are used in connection with the water service. The location of a meter, once installed to the approval of the Township, shall not be changed by any person except with the written consent of the Township.
- 8.3 All service pipes and connections shall be inspected by an authorized officer or employee of the Township prior to backfilling and when back-filled such service pipes and connections shall be properly protected from frost at the expense of the owner of the property for which such services are supplied and shall be so protected from all damage whether by frost or otherwise and the owner of each building shall be responsible for the due protection of such service pipes, and in the case of leakage such owner shall be responsible for the loss occasioned by such leak and the charge for such water so leaking shall be determined by the Public Works Manager and the cost thereof shall be paid by the owner forthwith upon demand and such owner shall be responsible for all damage arising from such leakage.
- 8.4 Inspection of water service to new buildings will be performed by the Township Building Department, whereas inspection of water service to existing buildings will be performed by the Township Public Works Department. All inspections will require written approval before work is continued.

9. New Connections through Development or Extension of Services

- 9.1 All mains and services which are laid or installed in public streets shall become the property of the Township.
- 9.2 Where mains and services are installed by a developer, all the works shall be supervised by the Township and legal agreements will be required prior to the commencement of the installation stating that the Township will become the owners of the installation on their completion. The Township requires detailed drawings of the proposed work and construction shall not proceed until the drawings are approved by the Township's Public Works Manager / Engineer or designate and a Ministry of Environment certificate of approval is issued.
- 9.3 All new watermains are to be disinfected as per the Ministry of Environment Procedure for disinfection of Drinking Water in Ontario, as amended, and the disinfection procedure must produce acceptable bacteriological results as per Ontario Regulation 170/03, as amended. The Township must be satisfied that the water meets provincial drinking water bacteriological requirements before allowing connection to existing water distribution systems.
- 9.4 New service connections to existing watermains shall be made by the Township

or an approved contractor and all applicable fees for the connection such as service permit fees, inspection fees, and deposits, or any other fees as set by Council by resolution from time to time must be paid prior to the installation.

10. Water Shut Off Notices

- 10.1 If a watermain shutdown is necessary in order to conduct work under articles 4, 6, and/or 8 of this by-law and where line consumers will be affected, the applicant for the work will be responsible for notifying all affected consumers of a potential loss of water supply in a format approved in writing by the Public Works Manager. The notice must be clearly printed, with the date of shutdown, duration and contact number for any questions, and delivered 24 hours in advance minimum to all affected properties.
- 10.2 Water shut downs will only be allowed with the Public Works Manager's approval under the advice of the ORO.

11. Meters, Backflow Preventers, Pressure Reducing Valves and Service Fixtures

- 11.1 The requirement for a back flow prevention device on new buildings shall be as per the latest editions of the Ontario Building Code and Guide for Plumbing. In addition, a backflow prevention device, is required for all new commercial, industrial or institutional premises. This shall exclude domestic hot water heaters as a source of over pressure overflow. Those devices must be regularly maintained at the cost of the owner and maintenance records available for inspection by Township employees, as required.
- 11.2 Contractor's installation includes the installation of the water meter, pre-wiring of meter remote, backflow preventer (where applicable) and pressure reducing valve (where applicable).
- 11.3 The location of the remote receptacle assembly will be based on the following considerations:
 - 11.3.1 Proximity to the meter and telephone line;
 - 11.3.2 Location where the cable entry hole can be drilled within the proximity of the meter installation;
 - 11.3.3 Location of other meters (electric and gas);
 - 11.3.4 Reasonable customer preferences; and
 - 11.3.5 Ability to read multiple meters from a common location.
- 11.4 Water meters shall be purchased through the Township for new construction at a fee as set from time to time by resolution of Council shall be collected by the Township.
- 11.5 Backflow preventers shall be purchased through the Township or by the owner for new construction. Backflow preventers purchased by the owner shall be approved by the Township.
- 11.6 All meters, meter remotes, pressure reducing valves and backflow preventers shall be accessible to the officers of the Township at all times and shall not be covered except where permission or authority had been given in writing by an authorized employee of the Township.
- 11.7 In the event that a meter, meter remote, pressure reducing valve or backflow preventer is not accessible, it shall be made accessible at the cost of the property owner.
- 11.8 Every separate building supplied with water, with the exception of private garages attached to any residence, shall be furnished with a separate service and meter/remote, and in the case of duplex houses and other buildings with more

than a single family unit there shall be a separate service and meter/remote for each single family unit.

- 11.9 Similarly, each unit within a multiple commercial and industrial building must be furnished with a separate meter, remote and backflow preventer.
- 11.10 Every property owner shall be liable for the safety and care of the water meter and all other service equipment placed on his property, and will be charged for all damage thereto, whether occasioned by frost, hot water, blows or injury from any other cause, and for the loss of the meter or other service equipment if the same be removed from his premises without the consent of the Township whether stolen or otherwise, and the cost of every such meter or other equipment, or of repairing or replacing the same, shall be payable to the Township on demand and in default of payment, the Township may, in addition to all other remedies which it may have by law collect same, and until paid all such charges shall be and remain a lien upon the lands in respect to which they were incurred.
- 11.11 Every property owner shall be responsible for the installation of a new meter or other service equipment, including service pipes when damages, as detailed in clause 11.10 of this by-law, occur.
- 11.12 No person, except an officer or employee of the Township, shall be permitted to open, or in any way howsoever, tamper with any water meter, remote, service, curb stop or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such service or meter nor should any person change, tamper with or otherwise interfere with the water without any notice, shut off the water from such buildings, or premises, without the express consent of the Township.
- 11.13 In case any premises be left vacant or without heat, the property owner or occupant thereof shall give notice to the Township and any occupant or property owner who leaves his premises vacant, without heat, without notice to the Township shall be subject to the penalties of these conditions.
- 11.14 When such building is left vacant, with or without notice, the Township may turn off the water, and such water shall not be again turned on until the Township, in its discretion, shall consider it advisable.
- 11.15 Ownership of the meter will vest in the Township.

12. Water for Building Purposes

- 12.1 An application for water use during construction shall be made on the prescribed form to the Township Building Department at the time of procuring a building permit.
- 12.2 The charge for such supply of water shall be based upon a rate for a reasonable quantity of water as determined by Council by resolution from time to time and subject to such penalties for waste or extravagance as the Council may elect and such a charge shall be paid to the Treasurer.
- 12.3 Water for building purposes shall only be taken from completed and Township approved water service to the site. The termination at the service must not allow any backflow conditions into the distribution system and be controlled by a suitable valve.
- 12.4 The Township can revoke this supply at any time if abused, and no refund will be provided.

13. Turning on Water

- 13.1 No person other than a Public Works Department employee or designate employed by the Township shall be permitted to turn on or shut off water by means of the street shut-off from any premises. This will be strictly enforced and anyone who contravenes will be charged under Section 22 of this By-Law.

- 13.2 A diagram showing the installed service, as constructed, must be submitted by the applicant using schedule C of this by-law after the installation has been completed and before the Township turns on the water.

14. Use of Water

- 14.1 It shall not be lawful to use the supply of water for hydraulic elevators or motors, water driven appliances, whether operated wholly or in part by water, or for air conditioning except where a special agreement has been entered into with Council.
- 14.2 Council may at any time restrict the hours when water may be used for, including but not limited to, watering or sprinkling, by hose or pipe connections, lawns, gardens, grass plots, boulevards or grounds of any description, car washing and filling of pools.

15. Hydrants

- 15.1 No person shall at any time open or use water from any public hydrant except a licensed water distribution operator employed by the Township. The members of the Fire Department under the direction of an officer shall be considered as licensed operators for the purpose of opening hydrants only.
- 15.2 The Fire Department will advise the Public Works Manager in writing before the end of the next working day if any hydrant has been operated by the Fire Department.

16. Shut Off

- 16.1 That a fee of \$125.00 per time in excess of two times per year, be charged to the consumer to shut-off water during normal working hours.
- 16.2 That a fee of \$125.00 per time be charged to the consumer to shut-off water after normal working hours (i.e. after 3:30 p.m. daily and on weekends and holidays).
- 16.3 Council shall have the right to shut off water from the premise of any person guilty of a breach or non-compliance with this by-law or because of waste, breakage or defects in the pipes or fixtures and not turn on the water again until the penalty or fine imposed has been paid and/or until satisfactory evidence is received that the necessary repairs have been made.

17. No Liability for Non-Supply

- 17.1 Council agrees to use reasonable diligence in providing a regular and uninterrupted supply of water consistently meeting quality and standards as defined in the Provincial Drinking Water Regulation, O.Reg. 170/03, as amended, but does not guarantee a constant supply or pressure, and will not be liable in damages to the consumer or third parties for any results arising from the failure of the water supply quantity or any fluctuations thereof.

18. Water Supply Interruptions

- 18.1 Subject to the notice requirements set out in sections 9, 20 and 21 of this by-law, the water supply may be interrupted for cleaning and/or repairing mains or pipes, or for effecting repairs to the machinery, pumps or any part of the Water Works.
- 18.2 The Township will not be liable in case of damage to boilers, fittings or other property by reason of any such shutoff of the water.
- 18.3 All steam and hot water plants, or installations shall be fitted with all necessary appliances as may be requisite for the purpose of safeguarding such plants and installations, and the property in connection therewith, in case of any such shut-off.

19. Meter Chambers

- 19.1 Where the Township deems the construction of a frost-proof chamber(s) is necessary to house Township's water meter(s), it shall give notice in writing accordingly mailed to the consumer by registered mail and the consumer shall forthwith provide a drained frost-proof chamber(s). The plans and specifications of which shall be subject to the approval of the Township.
- 19.2 The cost of providing and maintaining such a frost-proof chamber(s) readily accessible at all times shall be at the expense of the consumer.
- 19.3 The water meter or meters shall be provided by and remain the property of the Township but shall be at the risk of the consumer. The consumer assumes the cost of the water meter purchase.
- 19.4 The Township shall be entitled to shut off all water services without further notice at the expiry of six months from the date of the aforesaid written notice to the consumer, whether received by the consumer or not, unless an approved frost-proof chamber or chamber(s) has (have) been provided by that date and shutting off water shall not preclude any and all other remedies

20. Access

- 20.1 The authorized officers, employees and agents of the Township shall, when carrying out Township business, have, at all reasonable hours, free and unimpeded access to the buildings and premises of a consumer for the purpose of installing, examining, repairing or moving meters, readers, seals, pipes and other material and appliances and for the inspection of all consumer appliances, services and pipes and to remain as long as may be necessary to carry out the requirements of this by-law and to determine whether or not the provisions thereof are being fully observed.

21. Heavy Consumption

- 21.1 When, in the opinion of the Township, the quantity of water consumed or likely to be consumed in a relatively short time by any consumer is such as to require special facilities, the Township shall give notice in writing, accordingly mailed to the consumer by registered mail and the consumer shall forthwith provide a private overhead or underground reservoir of a capacity which in the opinion of the Township is sufficient to supply the consumer's short time requirements. In areas susceptible to low pressure, a booster pump will be required at the consumer's expense.
- 21.2 Plans and specifications of such reservoir and all piping thereof and connections thereto shall be subject to the approval of the Township in addition to such other approval as may be required.
- 21.3 The cost of providing and maintaining such reservoir and all piping and connections thereto shall be at the expense of the consumer.
- 21.4 The Township shall be entitled to shut off all water without further notice at the expiry of six months from the date of the aforesaid written notice to the consumer whether such notice was received by the consumer or not unless an approved reservoir has been provided by that date and shutting off water shall not preclude any and all other remedies available to the Township by by-law or statute.

22. Restrictions on Use of Water

- 22.1 In the case of an emergency or any condition requiring repairs to any municipal sewer or water system, the Township may shut off or restrict the supply of water to a property.
- 22.2 Before shutting off or restricting the supply of water, the Township shall, except in the case of an emergency:

22.2.1 by personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the Township with a notice of the date upon which the Township intends to shut off or restrict the supply of water if access to the property is not obtained before that date; or

22.2.2 ensure that a copy of the notice described in clause 22.2.1 is securely attached to the property in a conspicuous place.

22.3 If the Township has shut off or restricted the supply of water under Section 22.1 the Township shall restore the supply of water as soon as practicable after the repairs have been completed.

22.4 When a water shortage problem exists or is expected, Council may prohibit the use of water for lawn and garden watering purposes, car washing, pool filling or the taking of water from all or any of the Water Works for other than domestic use by the owner or occupant of the land to which the water is supplied, or for firefighting purposes.

23. Penalty

23.1 Any person who contravenes this by-law is guilty of an offence and upon conviction is liable to such fine or penalty as may be recoverable pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, chapter P. 33 as amended.

23.2 In the event any Court of competent jurisdiction should adjudge that any section or sections of this by-law may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the by-law and the remainder of the by-law shall stand and be enforceable to the same extent as if the offending section or sections had not been included therein.

24. By-law Conflicts

24.1 That by-law no. 320-03 and by-law no. 886-12 be hereby repealed.

24.2 In the event of any conflict between the provisions of this and any other by-law, the provisions of this by-law prevail.

25. Short Title

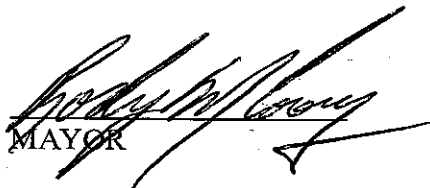
25.1 This By-law may be referred to as the "Water Works By-law".

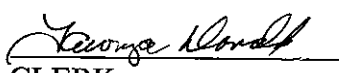
26. Effective Date

26.1 This by-law shall come into force and take effect upon its passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS

4 DAY OF *February*, 2013.


MAYOR


DEPUTY - CLERK