

**Corporation of the Town of Minto
By-law No. 2017-06**

**To provide for the Regulation of Water Supply
and Water and Sewer Billing in the Town of Minto**

WHEREAS a lower-tier municipality may pass by-laws respecting public utilities, including water production, treatment, storage and distribution where Counties are not assigned exclusive jurisdiction. Municipal Act 2001, C.25, s11

AND WHEREAS connections to potable water systems shall be designed and installed so that non potable water or substances that may render the water non potable cannot enter the system. Building Code Act 1992 – O.Reg 305/06 7.6.2.1 (1)

AND WHEREAS in situations where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valving arrangement for the meter installation shall be according to the municipality's requirements. Building Code Act, 1992-O. Reg. 305/06 7.6.1.3 (5)

AND WHEREAS a municipality may, at reasonable times, enter on land, to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply a public utility or to inspect, install, repair, replace or alter a public utility meter. Municipal Act 2001, c.25, s80 (1)

AND WHEREAS a municipality, after reasonable notice is given, may shut off or reduce the supply of the public utility to the land. Municipal Act 2001, c.25, s80 (2)

AND WHEREAS a municipality, after reasonable notice is given, may shut off the supply of a public utility by the municipality to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue. Municipal Act 2001, c.25, s81(1) and (3)

AND WHEREAS a municipality may shut off the supply of water to land if the fees or charges payable by the owners or occupants of the land in respect of a waste water system are overdue and the fees or charges are based on the fees payable for the supply of water to the land. Municipal Act 2001, c25, s81 (2)

AND WHEREAS a municipality may, as condition of supplying or continuing to supply a public utility, require reasonable security be given for the payment of fees and charges to supply the public utility or for extending public utility to land. Municipal Act 2001, c25, s83

AND WHEREAS a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it (Municipal Act 2001, c.25, s391.1), and may recover all fees and charges payable despite shutting off the supply of the public utility under the Municipal Act 2001, c.25, s81 (4)

AND WHEREAS fees and charges imposed by a municipality on a person constitutes a debt to the municipality, and the municipal treasurer may add such fees and charges imposed to the tax roll for a property in the municipality and collect them in the same manner as municipal taxes. Municipal Act 2001, c.25, s398 (1)(2)

NOW THEREFORE the Council of the Town of Minto hereby enacts as follows:

1.0 SHORT TITLE

This By-law may be cited as the "Water By-law."

2.0 DEFINITIONS

As used in this bylaw, the following terms shall have the meanings indicated:

Auxiliary water supply - When applied to any premises means any water supply on or available to the premises other than the primary potable water supply for the premises.

Backflow - The flowing back of or reversal of the normal direction of flow of water.

Backflow prevention device - A device that prevents backflow certified to be in compliance with the applicable CSA Standard.

Building - Any structure with a pressurized water supply used or intended for supporting or sheltering any use or occupancy with the land and premises appurtenant thereto, and shall include a dwelling as defined in this by-law.

By-law Enforcement Officer - A person appointed by the Municipality to enforce the by-laws of the Town of Minto.

Base charge - The charge applied to any premises with pipes connecting it to the Municipal water system even if no water is used.

Contractor - A person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Municipality to install or maintain mains, service mains, services, hydrants and other appurtenances.

Cross connection - Any temporary, permanent or potential water connection between any part of a potable water system and any environment containing other substances in a manner, which, under any circumstances, could allow such substances to enter the potable water system. Other such substances include, but are not limited to, gases, liquid or solids such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter, which may change the colour or add odour to the water. Such connections would include and not be limited to swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

Cross Connection Control Survey Form - A form acceptable to the Town containing information related to the types of cross connections and the method of protecting those cross connections within any building or structure. The form must also contain owner and contact information for the property.

CSA Standard - The document entitled B64.10-07/B64.10.1-07 Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers published in 2007 by the Canadian Standards Association, or any successor thereof;

Customer - Any person who enters into a verbal or written contract with the Municipality to take water from the Municipality or to receive water related services including but not be limited to those items set out under the heading "Miscellaneous Charges" in Municipality's Fee By-law, and shall include an "occupant" and "owner" as defined in this by-law.

Developer - The owner or party specifically named in a Development Agreement or in a Subdivision Agreement related to water works installation.

Director - Is defined as the Public Works Director for the Town of Minto and may include assigns thereto.

Dwelling - Any building, trailer or other covering or structure, the whole or any portion of which has been used, is used or intended for use or is capable of being used for the purpose of human habitation with the land and premises appurtenant thereto.

External use - The use of water for any purpose outside the walls of any building located at a municipal address.

Hazard - In the case of a **minor hazard** is any cross connection or potential cross connection that constitutes only a nuisance, with no possibility of any health hazard, and in the case of a **moderate hazard** means any minor hazard that has a low probability of becoming a severe hazard, while a **severe hazard** means any cross connection or potential cross connection involving any substance that could be a danger to health.

Income Producing Residential Rental Property - A property where the owner registered on title is different than the occupant and/or where a property is assessed for commercial or industrial purposes.

Leak - An unintentional water loss caused by broken and/or malfunctioning plumbing fixtures and/or pipes within a residence or building. A leak occurs when there is a failure of the plumbing system to do what it was designed to do.

Main - Every water pipe installed on a public road allowance or on any other land upon which the Municipality has obtained an easement, except services and portions of private mains as herein defined.

Meter - The water meter supplied and owned by the Municipality to measure the quantity of water used by the customer.

Meter pit - Any exterior chamber or pit approved by the Director or designate for the purpose of containing a water meter.

Multiple unit building - One building, served by a water service lateral, and containing two or more living or other units each of which are not served by an individual water service pipe.

Municipal address - The property identifier number and street name assigned to a building or buildings.

Municipality - Shall mean the Town of Minto.

Not-for-profit: An organization incorporated under the Ontario Corporations Act to carry on activities for the benefit of the community without the purpose of personal gain or profit for its members and the corporation.

Occupant - Any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise.

Owner - Any person, firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.

Plumbing system - The system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately after the meter.

Potable water - Water fit for human consumption.

Premises - Any house, tenement, building, lot, or part of a lot, or both, in, through, or past which water service pipes run.

Premise isolation – The physical separation of water located within a building or structure from the Town's water supply.

Private main - A pipe connected to a main and installed on private property and from which more than one service and/or hydrant lateral are connected.

Property - Any land within the Town of Minto and includes all buildings or structures.

Qualified person – A person who is employed by a company licensed as a tester of backflow prevention devices.

Remote read-out unit - The device installed at a separate location from the water meter and used to record the consumption reading of the meter.

Service extension - That portion of a water service pipe located between the property line and the meter location, or for a fire service to the inside of the exterior wall of a structure, ie. an extension of a service stub.

Service stub – That portion of a water service pipe located between a main and the property line, and which will always include one control or shut off valve.

Sewage Fee - Fees or charges collected to operate waste water collection and treatment facilities in the same manner and authority under this bylaw as a water fee.

Shut-off valve - A fitting owned by the Municipality and connected to a water service stub or private main in order to shut off or turn on the water supply from the Municipality's waterworks distribution system to any premises.

Single detached residence –A single dwelling, which is freestanding, separate and detached from other main buildings or main structures, including a split-level dwelling situated on a separate lot, block or property but does not include a mobile home.

Town - The Corporation of the Town of Minto including its employees, servants and agents.

Unoccupied - A dwelling and/or building in which persons are absent from the property for a time period of seventy-two (72) hours or more, due to such matters as vacations, prolonged illness or similar reason.

Vacant - Regardless of the presence of furnishings, a dwelling and/or building vacated by the persons who once occupied it with no intent to return. A newly constructed dwelling and/or building is considered to be vacant after completion but before occupants move in. A dwelling and/or building is also vacant when the occupants move out and before any new occupant moves in.

Waste water - Water that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products such as sewage or other chemical or organic material resulting from its use.

Water - Potable water supplied by the Municipality.

Water Fee - Fees and charges collected to operate water treatment, supply and distribution systems collected under the authority of this bylaw and other applicable legislation.

Water distribution system - The connections to feeder mains, feeder mains within subdivision lands, private mains, services, fire hydrants, and shut-off valves and all other appurtenances thereto which constitute a system for treating and distributing water.

Water service pipe - The pipe and fittings that convey potable water from a connection on a main or private main to the meter location, or for a fire service to the inside of the exterior wall of a structure.

Waterworks - Any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the *Building Code Act, 1997* applies, or any amendments thereto apply.

PART 1.0: APPLICATION AND CONNECTION FOR WATER SERVICE

1.1 Required connection to Municipal water

No person shall own or occupy any building fronting on a street containing a water main, or on land abutting a street, right-of-way, easement or alley through which access to a water main is available, without an approved connection from that building's plumbing system to the waterworks of the Municipality unless expressly exempted pursuant to the provisions of this by-law.

1.2 Notification requirements connection by the Municipality

- (a) Where a building is not connected to municipal water pursuant to Section 1.1, the Town shall send notice by registered mail to the assessed owner of each building stating that connection is required within 90 days from the date notice is issued, such notice to be mailed to the owner's last known address outlined in the updated municipal tax roll.
- (b) Following the expiration of the 90 day notice period, if the owner fails to make the connection as required by the notice, the Municipality has the right to enter upon the applicants lands following not less than 24 hours additional notice, and upon gaining access may modify the owners lands, building, structures and plumbing system to connect the building to the water system at the owner's expense, and to recover the expenses by action or in like manner as municipal taxes.
- (c) Notice under Section 1.2 (a) shall include reference to this by-law, advise the owner of the date on which the three month period hereinbefore referred to expires, and state that if the owner fails to make the required connection the municipality has the right with no less than 24 hours further notice to enter and modify the owner's lands and building to make said connection at the owner's expense and to recover the expense by action or in like manner as municipal taxes.

1.3 Disconnection of alternative water supply

Where the Municipality makes a connection to the water system pursuant to this by-law, the owner shall use the municipal water provided for all domestic and potable uses within the said building, and shall immediately disconnect any existing water supply source not owned by the Municipality and cease to be used for domestic and potable purposes.

1.4 Notice requirements failure to disconnect alternate supply

Where an owner fails to comply with Section 1.3 of this bylaw the Municipality may disconnect any alternate supply at the owner's sole cost and expense so long as notice provisions outlined in section 1.2 are met, and without limiting the generality of the foregoing the Municipality may issue notice of required connection to the municipal services and notice of required disconnection from an alternate water supply at the same time so that only one 90 day period applies to the required action under section 1.1 and 1.3.

1.5 Limited Exemption from water servicing cost existing building

The owner of a building existing as of the date of passing of this by-law that is not connected to the municipal water system, who has been paying to the Town the required water fee as if the building was connected, may be exempt the cost of installing a service stub and shut off valve from the main to the lot line at the Town's sole discretion, but the said owner shall be required to pay all other costs to connect including installing the service extension, water meter and other modifications to the buildings plumbing system.

1.6 Application and connection charges payment prior to installation

- (a) No person shall connect to the municipal water system unless the owner or their authorized agent has submitted the required application for water service to the Municipality, paid applicable charges as detailed in the Town's Fees and Charges By-law, and verified that a suitably sized service stub and shut off valve has been installed by the Municipality.
- (b) In addition to paying the cost to install the service extension and water meter, the owner or agent shall pay any additional municipal connection charges depending on cost of the infrastructure in place and installation agreements, or if the Town's standard in-fill lot service installation for a one inch water service is not met.
- (c) Additional municipal connection charges may include such items as increased road work if the watermain to be connected is located on the opposite side of the road or is excessively deep, or there are fees outlined in a site plan or subdivision agreement signed between the Municipality and the original developer of the lands.

1.7 Tap In/Installation - payment required

The installation of the water service will not be scheduled or commenced in any way until the application and payment have been confirmed. Water fees will commence and shall be owed to the Municipality as per the Fees and Charges By-law immediately upon the installation of the water meter.

1.8 Disconnection/Reconnection of service – payment

No owner shall disconnect and/or reconnect a water service for water supply to a premise without prior approval from the Municipality as well as paying the applicable charge for disconnecting or reconnecting the meter for such service from the water distribution system as indicated in the Municipality's Fees and Charges By-law.

PART 2: WATER AND SEWER RATES AND CHARGES

2.1 Application for water supply

No owner shall use, or permit the use, of municipal water supplied to a premise except in compliance with the requirements of this by-law and all other applicable by-laws and codes of the Municipality. Before the initial supply of water or any subsequent reconnection to any premises in the Municipality, the owner shall make application to the Municipality for the same, and the owner shall be governed by the requirements of this by-law.

2.2 Water measured by cubic meters

Water consumed on premises in the Municipality shall be measured through an approved meter installed in each respective property according to standards set in this by-law and other applicable bylaws and codes. In addition to flat fees, distribution or other charges that may apply, Water fees shall be calculated by applying the rate set in the Municipality's Fees and Charges By-law to the flow measured by the Municipality through the approved meter. All water passing through a meter will be charged for, whether used or wasted.

2.3 Sewage measure by cubic meters

In addition to flat fees, distribution or other charges that may apply, Sewage discharged from a premise into the Municipal waste water collection system shall be measured based on the flow of water through the water meter as outlined in Section 2.2. Sewage fees shall be calculated by applying the rate set in the Municipality's Fees and Charges By-law to the flow of water through the approved meter. All water passing through the water meter shall be used to calculate sewage fees as provided for in this section, whether used or discharged.

2.4 Meter reading and billing

Water meters may be read and accounts be rendered monthly, bi-monthly or on any other basis at the discretion of the Municipality. The bill shall be deemed to be served upon the customer if it is given at the municipal office or other location, delivered in person or sent by

regular mail to the premises supplied. The Municipality may develop at its sole discretion an alternate or electronic billing system in which case a bill shall be deemed to be served if sent by electronic means including email, text or other such means at the discretion of the Municipality acting reasonably.

2.5 Late payment charge and overdue notice

When an account is not paid by the due date stated on the bill, a late payment charge, as indicated in the Municipality's Fee By-law, will be assessed to the account, and, within seven (7) days after that date, an overdue notice will be sent by regular mail reminding the customer of the outstanding account.

2.6 Notice of disconnection

If an account is not paid within sixty (60) days after the mailing of the overdue notice, the municipality may shut off the supply of water by providing forty-eight (48) hours minimum notice to the owners and occupants of the land by personal service or prepaid mail, or by posting notice on the land in a conspicuous place, and if the notice is given by prepaid mail the forty-eight hour period shall commence on the third day after the date of the mailing.

2.7 Collection – Renters

Where the owner has agreed the water and sewer bill be charged directly to the renter, if the account has not been paid in two (2) consecutive billings, the Municipality shall bill the owner the outstanding charges. Further non-payment will result in the Municipality taking action under Section 2.7.

2.8 Non-payment - water shut off - lien

If an owner of a premises omits, neglects or refuses to pay any bill rendered, whether for water service pipes, meter, service charge or any other monies to which the Town may be entitled in respect of water services to such premises, the Municipality may, at its discretion, shut off or reduce the flow of the water to the premises by providing reasonable notice of the proposed shut off to the owners and occupants of the land by personal service or prepaid mail, or by posting the notice on the land in a conspicuous place. Such charges have priority lien status, and may be collected in accordance with the Municipal Act, 2001, as amended, and may be added to the tax roll against the property in respect of which the water service was supplied.

2.9 Reconnection - charge

Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as indicated in the Municipality's Fee By-law will be levied against the delinquent account, in addition to the applicable collection charge. Utility accounts where the service is disconnected will continue to receive billings with any incurred interest or penalties on any arrears outstanding, as per the Municipalities Fees and Charges By-law where applicable. The service will not be reconnected until all outstanding amounts plus an administration charge for reconnection as indicated in the Municipality's Fee By-law have been paid by cash, certified cheque, debit or online payment.

2.10 Temporary removal & reinstallation of meter - charge

When the owner requests a temporary removal of the water meter from their premises, for any reason, the meter removal and reinstallation charge will be applied, as indicated in the Municipality's Fees and Charges By-law.

2.11 Infrastructure Lifecycle Reserve Fund

The Municipality shall cause to be prepared. Approved and made public A Water and Waste Water Financial Plan as required by Regulation 453/07 or subsequent legislation as the case may, such plan to provide for creation of an Infrastructure Lifecycle Reserve Fund to be used to fund water and wastewater infrastructure upgrades and expansion.

2.12 Service installation charge

All water service pipes, except those to lands being developed under a Municipal development or subdivision agreement wherein the main is installed, may be installed on an actual cost basis at the owner's expense, including tapping of the watermain, the water service connection materials and all related labour costs.

2.13 Meter testing charge

The charge for testing the accuracy of a water meter is indicated in the Municipality's Fee By-law and is explained in Part 10 of this by-law.

PART 3: SECURITY DEPOSITS

3.1 Deposit is security for payment

Whenever an application is made by an owner or agent for supply of water, the Municipality may, at its discretion, require the customer to make a deposit of such sum of money as it may consider advisable before providing any water to the premises. Said deposit shall be security for payment for water fees that may be incurred.

3.2 Deposit applied as payment

Where the Municipality has taken a security deposit as per Section 3.1, the amount can be applied as payment for water fees at the discretion of the Town until a good payment history is established or an account is closed.

3.3 Non Payment of Security Deposit

Non-payment of a security deposit will be subject to the standard collection procedures including disconnection of water services.

PART 4: OPERATION OF WATERWORKS

4.1 Conditions on water supply

The Municipality shall operate and maintain its drinking water systems with a level of care, diligence and skill, and members of Council, staff, and agents shall act with honesty, competency and with integrity when protecting the safety of drinking water users. The Municipality shall endeavour to provide a regular and uninterrupted supply of water and maintain water quality consistent with Provincial legislation, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water and is not liable for damages to the customer caused by the breaking of any water service pipe or attachment, or for shutting off of water to repair or to tap mains.

4.2 Authority for Water Supply

The Town of Minto in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all waterworks facilities and equipment within its boundaries, to establish terms upon which municipalities or persons outside the boundaries of Minto may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers.

4.3 Unauthorized operation of fire hydrants - offence

No person shall operate a fire hydrant except as authorized under the Safe Drinking Water Act, 2002 or subsequent legislation or regulation.

4.4 Unauthorized operation or interference - offence

No person shall open or close a valve in the water works distribution system, including private mains, or remove, tamper with or in any way interfere with any valve, water meter, structure, watermain or water service in the water works distribution system, including private mains other than a person authorized by the Director or designate for that purpose.

4.5 Use of water from hydrants

No person shall use water from a fire hydrant except for water used for fire-fighting, system maintenance, or a use approved in writing by the Director of Public Works.

4.6 Improper use of water from fire service - offence

No person shall use water supplied within any land or building for fire protection or prevention for any purpose except sprinkler systems, splitters, private hydrants or similar.

PART 5: WATER SERVICES

5.1 Installation - by Municipality - by contractor

Water service pipes shall be installed according to municipal engineering standards by the Municipality except the under the following circumstances:

- (a) By contractors approved in writing by the Municipality and engaged by the owner for the purposes of such installation.
- (b) Service installation pursuant to a site plan agreement or subdivision agreement with the Municipality which authorize the owner or developer to complete such work.

But in no case shall a water service pipe be connected to a water system without inspection by Town staff or staff of its registered professional consulting engineering firm.

5.2 Installation - to Municipal specifications

All water service pipes located on Municipal road allowances, easements, right-of-way or Town properties, including private mains that are part of the water distribution system shall be constructed according to the Town's Engineering Design Standards. All service extensions and private mains located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good engineering practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent, the Municipality's specifications shall be applied and shall prevail.

5.3 Connection to main – prior application

No person shall schedule or commence in any way the installation of the water service pipe connection except in accordance with the requirements of this by-law.

5.4 Installation - alteration - approval by Municipality

No person shall install or alter a new water service pipe or private main, or alter an existing water service pipes or private mains without approval from the Municipality for such work as specified in the Municipality's standard documents.

5.5 Installation inspection by Municipality

No person shall install a water service pipe, connect to the municipal water system, or use water from an installed water service pipe or appurtenances, including those required by a Municipal Subdivision or Development Agreement, unless said installation has been inspected by the Municipality or persons authorized by the Municipality for inspection as specified in the Municipality's standard documents, and the charge for such inspection as specified in the Municipality's Fees and Charges By-law has been paid.

5.6 Installation - access for inspection

Town employees licensed to complete inspections, licensed employees of the Town's registered professional consulting engineer and other qualified licensed persons authorized in writing by the Municipality for inspection shall be, at all times acting reasonably and with proper identification, entitled to enter any premises for the purposes of examining pipes, connections and fixtures which are used in connection with the water service pipe and/or service main.

5.7 Disconnection of service

No person shall cut off water service without disconnecting the water service pipe at the watermain or curb stop, plugging the watermain, and removing and capping the curb box as

per the direction of the Director or designate. All work must be inspected at the owner's expense by the Municipality, and the charge for such inspection is as indicated in the Municipality's Fees and Charges By-law.

5.8 Maintenance of service stub - Municipality

The water service stub shall be maintained at the sole cost and expense of the Municipality.

5.9 Maintenance of service extension and private main - owner

Any and all defects to a water service extension, private main and meter pits shall be repaired by the owner of the property being serviced. Should the Municipality become aware of any such defect, and such defect is not repaired within seven (7) days written notification by the Town to the owner, or within such time as the Director or designate may deem necessary, then the Municipality may turn off the water supply to the property. The Municipality will not restore water supply unless the defective water service pipe is repaired by the owner, and in a case where the Municipality at its sole discretion enters upon the lands to repair such a defect the cost of the repair shall be charged to the owner and collected by the Municipality according to applicable law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The Municipality shall not be held responsible for the cost of restoration.

5.10 Operation of shut-off valve

No person shall be permitted to operate the shut-off valve to any premises, other than persons authorized by the Director or designate for that purpose.

5.11 Access to shut-off valves

All shut-off valves must be left clear and accessible at all times so that the water in the water service pipe and private mains may be turned off or on as may be found necessary by the Director or designate.

5.12 Responsibility for protection, water loss, damage

All water service extensions to and including the meter shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main and the charge for such water loss shall be determined by the Director or designate, shall be paid by the owner upon demand by the Municipality, and the Municipality shall not be held responsible for any damages arising from such leakage.

5.13 Responsibility - vacant and unheated premises

No person shall leave premises vacant or without heat without shutting off the water supply from within the premises, draining the water plumbing system therein to prevent damage to the municipal water system and notifying the Municipality. The owner or occupant may apply in writing to the Municipality to have the shut-off valve turned off to stop water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate as indicated in the Municipality's Fee By-law.

5.14 Responsibility - water damage

When any premises left vacant, unattended or without heat and the water supply has not been shut off, the Municipality shall not be responsible, and the owner shall have no claim against the Town, for any damage to the premises and its contents from a leaking or burst water pipe,. Should the Director or designate become aware of such leaking or burst pipes, the Director or designate shall turn off the shut-off valve, and the water supply shall not be turned on until the Director or designate, in his/her discretion, shall consider it advisable and the owner pays all costs associated with restoring water service.

5.15 Responsibility for frozen pipes - Municipality - owner

The Municipality at its sole cost and expense shall thaw out frozen water service stubs from

the main to the shut-off, while the owner shall be responsible for thawing out frozen service extensions and private mains from the shut off to the meter location, or for a fire service to the inside of the exterior wall of a structure. Where any employee of the Municipality assists the owner in the thawing of frozen pipes on the owner's property, all such assistance work will be considered to be at the owner's risk and cost, and the owner shall have no claim against the Municipality by reason of such work.

5.16 Responsibility for Hydrant Maintenance

Any hydrants situated within a public road allowance, or municipally owned hydrants on private lands by agreement, are the property of the Municipality and shall be maintained at the Town's sole cost and expense. Hydrants owned and paid for by any persons other than the Municipality shall be maintained by such persons through a written agreement with a qualified hydrant maintenance company. The Town shall have no responsibility or liability to maintain any such hydrant not owned by the Municipality.

5.17 Renewal of service - Municipality - owner

The Municipality shall renew or replace water service stubs on public property at its expense and to its specifications when:

- (a) piping is deemed by the Director or designate to be beyond repair; and
- (b) the existing pipe material is substantially composed of lead and supplies a single detached residence provided the owner is prepared to replace the service extension before the Municipality replaces the service stub.

All replacement piping shall conform to the specifications of the Municipality, and shall be the same size as the existing service or the minimum size service required for the area. Where an owner requests a larger size, the owner shall pay the difference in material cost.

5.18 Access - removal - inspection - fittings

Where a consumer discontinues the use of the water service, or the Municipality lawfully refuses to continue any longer to supply it, the Director or designate may acting reasonably enter the premises for which water has been supplied for the following reasons:

- (a) to disconnect the supply of the water service
- (b) making an inspection from time to time to determine whether the water service has been or is being unlawfully used; or
- (c) to remove without unnecessary damage any fittings, machines, apparatus, meters, pipes or other things being the property of the Municipality in or upon the premises..

PART 6: WATER METERS

6.1 Water to be metered - remedy for violation

All water supplied by the municipality and used on premises within the Municipality, except water used for fire fighting purposes, or water authorized in writing by the Director or designate, shall pass through the meter supplied by the Municipality for use upon such premises, and in addition to whatever other remedies the Municipality may have in respect to infringement of this by-law, the Municipality may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shall shut off and stop the supply of water.

6.2 Supply - installation - ownership - replacement

The owner shall pay the water service charge as indicated in the Municipality's Fee By-law before the Municipality will supply the owner with a meter, and the meter must be installed prior to occupancy of any building. The meter shall remain the exclusive property of the Municipality and may be removed as and when the Municipality may see fit, upon the same being replaced by another meter, or for any reason, which the Municipality may, in its discretion, deem sufficient.

6.3 Installation - maintenance - repair - access

The Municipality may shut off or restrict the supply of water to any property if the Town

requires access to the property to install, replace, repair or inspect a water meter and the remote read out unit. Any licensed person authorized in writing by the Municipality to shut off or restrict the supply of water to any property shall be permitted access to that property, at all reasonable times, and upon notice given as set out in section 6.4 of this by-law. Access shall be provided to the Town's licensed person to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.

6.4 Notice required - access

Before shutting off or restricting the supply of water to any property for maintenance purposes, the Municipality shall provide the following minimum notice:

- (a) 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 Municipality with written notice describing the date upon which the Municipality intends to shut off or restrict the supply of water to the property after ten days if access cannot be obtained before that date; or
- (b) posting a copy of the notice described in clause (a) is securely attached to the property in a conspicuous place a minimum ten days prior to shutting off or restricting water supply.

6.5 No shut off - reasonable effort - gain access

The Municipality may shut off or restrict the supply of water so long as it has made reasonable efforts to get access to the property and has complied with minimum notice provisions of section 6.4:

- (a) the day the last notice under part (a) of section 6.4 of this by-law was personally served;
- (b) the day the last notice under part (a) of section 6.4 of this by-law was mailed; and
- (c) the day a copy of the notice was attached under part (b) of section 6.4 of this by-law.

6.6 Restoration of water supply - as soon as practicable

If the Municipality shuts off or restricts the supply of water under section 6.3 of this by-law, the Municipality shall restore the supply of water as soon as practicable after obtaining access to the property.

6.7 Charges - meters - owner to pay

All charges for any of the work and services mentioned in sections 6.3 and 6.6 of this by-law will be determined by the Director or designate as indicated in the Municipality's Fee By-law and will be paid in full by the owner or the customer, as the case may.

6.8 Every building metered - Director or designates discretion

The Municipality will supply every separate building on a lot requiring municipal water with a separate water meter. The Director may permit multiple unit buildings to have separate meters for each unit under the following conditions:

- (a) The owner pays the full cost of any additional meters to be supplied to a multiple unit building on a lot beyond the one supplied by the Town; and
- (b) All water meters can be reasonably located within a common service room or area easily accessible for maintenance purposes.

Additional water meters supplied by the Municipality may only be installed with written approval of the Director or designate. In the event the units are not separately metered, per unit charges may apply per each unit as set out in Municipality's Fee By-law.

6.9 Installation to Municipality Specifications

No person shall permit to be installed, install or use any water meters unless it is supplied

by the Municipality and installed to conform to the specifications of the Municipality by a qualified licensed person.

6.10 Meter location – Director or designate to consent to change

No person may relocate or move to a different location or re-install a water meter installed in accordance with this by-law except without the written consent and inspection by the Director or designate.

6.11 Private meters - owner responsible

The Municipality will not supply, install, inspect or read private water meters, nor will the Municipality bill consumption read by a private water meter. No person shall install or permit installation of privately owned water meter to be connected to a water service stub or a water service, but may be connected to the owner's plumbing system within the home with a valid municipal permit after the Municipality's meter.

6.12 Reading meter - access

The Municipality and persons authorized by the Municipality for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the discretion of the Municipality. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Municipality, the Municipality may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.

6.13 Valve maintenance - responsibility of owner

The owner shall be responsible for maintaining, in good working order, the inlet valve to the meter, the remote read out unit and the outlet and by-pass valves for all meters, and shall ensure that such valving is accessible.

6.14 Leaks must be reported

No person shall be permitted to use or consume municipal water where there are leaks at the water meter or its couplings unless such leaks are reported immediately to the Municipality. The Municipality is not liable for damages caused by such leaks.

6.15 Interference with meter not permitted - offense

No person shall be permitted to open, or in any way whatsoever tamper with any water meter, 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 meter. Any person who changes, tampers with or otherwise interferes, in any way whatsoever, with the function of any water meter placed in any building, is guilty of an offense and upon conviction would be subject to any penalty section within this bylaw. In addition to a charge being laid under this bylaw by the Municipality, the Director or designate may forthwith, without any notice, shut off the water to such building or premises, and the water shall not be again turned on to such building or premises without correction of the tampering or interference to the satisfaction of and with the express consent of the Director or designate.

6.16 Owner responsible to repair piping

If, in the sole discretion of the Director or designate or person(s) authorized by the Municipality, the condition of the water service pipe and/or valves and of the plumbing system is such that a meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, and plumbing system the Director or designate may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Director or designate's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Municipality shall not be held responsible for any damages to the owner's property arising from such work.

6.17 Non-functioning meter - amount of water estimated

Where any meter is found to not be working properly for any reason, then the amount of water to be charged for shall be estimated on the average monthly reading for the previous twelve (12) months, when the meter was working properly, or, if a suitable monthly average is not available, the amount of water to be charged shall be estimated on a daily average when the meter is working properly.

6.18 Meter testing for customer - deposit - conditions

Any customer may, upon written application to the Municipality, have the water meter and the remote read out unit at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meter and the remote read out units as set out in the Municipality's Fee By-law. If the meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the Municipality when tested at a flow rate of one gallon (4.54 litres) per minute, the customer's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the meter will be paid for in full by the customer. If the meter is found, when tested to register in excess of three per cent (3%), a refund will be made to the customer equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the meter, plus the customer's deposit for the test.

6.19 Meter reading supersedes remote device reading

Where the water meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the read-out device, the Municipality will consider the reading at the meter to be correct, and will adjust and correct the customer's account accordingly. Should there be a discrepancy between the reading at the meter register and the remote read out device which results in a corresponding significant additional consumption charge, then the aforementioned additional charge may be paid by a mutually agreed upon repayment schedule within a payment period not to exceed twenty-four (24) months.

In the event that the water meter has been in place and not working accurately for a prolonged period of time at the sole discretion of the Director or designate the water and wastewater charge if applicable will be based on the following calculation:

Total consumption divided by Number of years meter in service equals= yearly differential consumption.

The yearly differential consumption would apply for the water and wastewater rate schedule per the last five years. In the event that the owner has not occupied a premises for a five-year period, then the differential would be prorated based on the actual occupancy period.

PART 7: WATER LEAK ADJUSTMENT

7.1 General eligibility

- (a) Residential, not-for-profits and institutional customers who experience a leak that results in consumption a minimum of two times their average monthly bill may be eligible for a reduction in the amount owing where the excess consumption occurred due to an unexpected failure, leak, or other such mishap within the plumbing system of the premises which in the sole discretion of the Director was accidental and could not be foreseen, results in water being consumed but not otherwise used by the customer, and has been immediately upon discovery by the customer been remedied.
- (b) A reduction under this section shall not apply to any water leaks in the water service pipe, or to commercial, industrial and income producing residential rental property owners. No person may claim relief under this section without completing the Water Leak Adjustment Request Form.

- (c) Water Leak Adjustment Procedure provides limited financial relief to eligible customers to address abnormally high water and wastewater bills associated with plumbing failures. Though the customer is responsible to repair leaks on service plumbing, the Municipality recognizes that a high water/wastewater bill resulting from an unintentional water leak can present financial hardship to a customer. This procedure is an opportunity to educate consumers about the impact of water leaks while partially mitigating the financial impact of the increased water consumption.

7.2 Required Steps

- a) An adjustment may occur only after all leaks have been repaired and verified with an actual water meter read by the Municipality. Obtaining an actual meter reading may be necessary, within a minimum of two weeks, to verify whether Leaks have been repaired and usage has returned to normal.
- b) Reasonable efforts (including hiring a plumber) to locate the Leak and initiate repairs must be taken by or on behalf of the customer within 120 calendar days after of the initial notification of increased water usage is provided to the customer by the Municipality wither in the water billing demonstrating higher than historical average consumption, or a written notice or courtesy phone call delivered to the owner or occupant outlining the potential of a leak. The Municipality is not obligated to provide any more notice of a potential leak except that afforded in a water bill and the water user shall be responsible for initiating the process of obtaining relief.
- c) The customer must complete in full the Water Leak Adjustment Request Form and provide documentation of repairs made prior to being approved for an adjustment within 120 calendar days after the date of final repair(s).
- d) There is no extension of the due date or the time for paying water and/or wastewater bills because of a pending adjustment request. Customers are advised to pay the entire amount due with the normal payment period or enter into payment arrangements for the excessive amount in order to remain in good standing on all current billings. Reimbursements will only occur when an adjustment request is granted, and may incur interest incurred on payments.

7.3 Water/Wastewater – conditions of leak adjustment

- a) Leak adjustments are at the discretion of the Director and are intended to be granted once during the period a customer obtains water at any one premises.
- b) Adjustments will only be for a maximum adjustment period of 240 calendar days (120 calendar days prior and 120 calendar days after the initial notification of the increased water usage provided to the customer.
- c) Water usage must exceed monthly usage by two times (200%) the average usage over a similar period from the previous year. If insufficient history is available for the user, meter readings obtained prior to the leak for which an adjustment is requested and after the leak has been corrected will be used to determine normal usage for the adjustment calculation.
- d) The formula for calculating a leak adjustment shall be as follows:
Total amount owing for water/sewer payments during the leak period
(-) minus average monthly usage (determined as per 7.3 (a) or (b) (X) times the applicable water and sewer rate prorated during the leak period
(-) minus administrative charges payable monthly as per fees and charges by-law
(-) minus monthly unit charges if applicable
(-) minus tap in, service fees, late charges where applicable
(=) equals the total calculated leak adjustment.
The Total Calculated Leak Adjustments for not-for-profits and institutional customers shall be capped at \$5,000 (maximum combined water and wastewater adjustment). There is no adjustment cap for residential customers.
- e) Leak adjustments are at the discretion of the Director and will not be granted if usage above the customer's average monthly consumption is due to watering sod, gardening, filling swimming pools, spas or whirlpools, washing vehicles, sump pumps with water powered back up and similar use of water knowingly by the customer;

Water loss due to theft, vandalism, construction damage or a leak caused by a third party from whom the customer is able to recover costs is the responsibility of the customer. In the case of theft the Municipality will attempt to recover water use costs if possible where a charge is laid for which the Town is participating.

- f) Where a dwelling and/or building is Unoccupied and/or Vacant for 72 hours or more, customers have the responsibility to ensure the dwelling's condition does not contribute to a failure of the plumbing system including but not limited to ensure heating is maintained. The Director may not approve a leak adjustment for a plumbing maintenance issue in an unoccupied or vacant dwelling where it is determined that heating was not maintained or other maintenance was not conducted. For extended absences, it is recommended customers consider shutting off the water supply (except where water is used for heating) and draining all the pipes and appliances.
- g) Water users shall be responsible for monitoring water consumption by reading their own meter from time to time with a view to correcting any leaks before excessive billing becomes a problem. The Municipality will identify potential leak or heavy usage periods on the water user's bill as a courtesy only and is under no obligation to follow up or advise the customer during the billing period that a leak is apparent with their system. Immediately upon determining a leak is present, the owner or water user shall take action as soon as practical to correct the problem, and any leak adjustment may be reduced or eliminated at the discretion of the Director if the water user, owner or tenant as the case may be does not take such immediate actions to correct a leak.

PART 8: CROSS CONNECTIONS AND BACKFLOW PREVENTION

8.1 Protection from Contamination

No person shall connect, cause to be connected, or allow to remain connected to the waterworks distribution system any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, waste water, non-potable water, or any other liquid, chemical or substance to enter the water works distribution system. In summary, "protection from contamination" shall be provided in accordance with the requirements of the *Ontario Building Code Act, 1997*, and its regulations.

8.2 Inspection for cross connections - access

Any person authorized by the Municipality for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any water service pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any water service pipe, wire, rod or cross connection within or outside the building.

8.3 Access to be provided on written notice

Where access is not provided, a written notice by the Municipality will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the Municipality may, at its discretion, shut off the supply of water to the premises until such time as the access is provided. Where in the opinion of the Director access to a cross connection is needed to protect public health and safety, access may be requested with less than fourteen (14) days' notice but no less than 48 hours' notice.

8.4 Order to install control device

If a condition is found to exist which is contrary to section 8.1 of this by-law, the Municipality shall immediately carry out an inspection and shall issue such order or orders to the customer as may be required to obtain compliance with section 8.1 of this by-law.

8.5 Failure to install - notice - water shut-off

If the customer to whom the Municipality has issued an order to comply with cross

connection requirements fails to comply with that order, the Director or designate, at his/her discretion, may:

- (a) Give notice to the customer to correct the fault, at his/her expense, within a specified time period and, if the notice is not complied with, the Director or designate may then shut off the water service or services; or
- (b) Without prior notice, shut off the water service or services.

8.6 Additional device on service

Notwithstanding sections 8.1, 8.4 and 8.5 of this by-law, where a risk of possible contamination of the water works distribution system exists in the opinion of the Director or designate or an approved authority, a customer shall, on notice from the Municipality, install on a water service pipe at his/her sole cost and expense a cross connection control device, approved by the Municipality, in addition to any cross connection control devices installed in the customer's water system at the source of potential contamination.

8.7 Installation to required standards

Cross connection control or backflow prevention devices, when required by the Municipality, shall be installed in accordance with the Ontario Building Code and "Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices"- As amended from time to time

8.8 Inspection and testing - paid by customer

All cross connection control devices shall be inspected and tested at the expense of the customer, upon installation, and thereafter annually, or more often if required by the Municipality, by personnel approved by the Municipality to carry out such tests to demonstrate that the device is in good working condition. The customer shall submit a report on a form approved by the Director or designate of any or all tests performed on a cross connection control device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self employed) or the name of his employer and the tester's licence number.

8.9 Failure to test device - notification - water shut-off

If a customer fails to have a cross connection control device tested, the Director or designate or approved authority may notify the customer that the cross connection control device must be tested within four (4) days of the customer receiving the notice. If the customer fails to have the device tested within the time allowed, the Director or designate may shut off the water service or water services until the cross connection control device has been tested and approved as required by section 8.8 of this by-law.

8.10 Repair - replacement - by customer

When the results of a test referred to in section 9.8 of this by-law show that a cross connection control device is not in good working condition, the customer shall make repairs or replace the device within four (4) days. If a customer fails to repair or replace the device within the time allowed, the Director or designate may shut off the water service until such repair or replacement has been made.

8.11 Removal of device - permission by Municipality

No person shall remove any cross connection control or backflow prevention device installed as a requirement of provincial legislation without written permission of the Municipality notwithstanding that applicable provincial regulation may have been rescinded.

8.12 Installation of Backflow Prevention Devices

Every person installing a backflow prevention device shall ensure such device:

- a) is installed according to manufacturer's specifications and the requirements of the applicable CSA Standard; for reference purposes see Schedule "B".

- b) is located in such a manner so that in the event of backflow the device prevents contamination of the Town's water supply and any other potable water systems;
- c) is located, when installed in respect of premise isolation, within a maximum of 3.0 metres downstream of the water meter, except where circumstances require the device to be installed upstream of the water meter and such location is to the satisfaction of the Town;
- d) is installed in respect of premise isolation, all piping between the water meter and such device is clearly labelled "no connection permitted";
- e) where installed in respect of source or zone isolation that all piping between the point of contamination and the point at which the device is located is clearly labelled "non-potable water".

Every owner of property upon which a backflow prevention device is installed shall ensure that such device is in proper working order at all times.

8.13 Testing of Devices

- a) Every owner who has a backflow prevention device located on his or her property shall ensure that:
 - i. such device is tested by a qualified person when it is first installed and annually thereafter, when requested by the Town, and also when it is cleaned, repaired, overhauled or relocated;
 - ii. a test report is provided to the Town within 14 days of the test being conducted;
 - iii. in the event that such device is malfunctioning or otherwise not in proper working order, the device is immediately repaired or replaced; and
 - iv. in the event that the water supply to the device cannot be shut down in order to facilitate annual testing, a by-pass shall be installed around the device with a suitable backflow prevention device installed in the by-pass to allow for annual testing of both devices.

- b) Every person who tests a backflow prevention device shall carry out such testing in accordance with this by-law, the CSA Standard and all applicable legislation and comply with the following:
 - i. provide a legible test report to the owner in respect of such test;
 - ii. upon completing such test, complete and affix a test tag to the device or immediately adjacent to the device on the piping connected thereto; and
 - iii. upon finding that such a device is malfunctioning or otherwise not in proper working order, immediately notify in writing the owner of the premise and the Town of such condition.

PART 9: INSPECTIONS

9.1 Access at Reasonable Times

The Town may, at any reasonable time, enter onto any property, building or structure to inspect for compliance with any section of this by-law so long as required notice is given. When carrying out an inspection pursuant to this Section the Town may:

- (a) require production for inspection all documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

9.2 Failure to Comply with this By-law

Where an owner does not comply with any provision of this by-law the Town may:

- (a) order the owner to comply with the by-law requirements, and in so doing, shall provide reasonable particulars of the owner's non-compliance and prescribe the time period for compliance with such Order;
- (b) shut off the water supply to the property or any portion thereof until such time as all

provisions of this by-law are met.

- (c) pursue a charge under the applicable enforcement provisions included in this bylaw; or
- (d) take any other remedy deemed necessary by the Municipality and is compliant with applicable law, municipal codes and other legislation.

PART 10: WATER CONSERVATION

10.1 Reference to other bylaws

The Municipality shall encourage conservation of water by ensuring compliance with this bylaw, By-law Number 99-46 and/or subsequent bylaws related to water conservation.

PART 11: TEMPORARY SERVICE LINE or FROZEN SERVICE LINE

11.1 Refer to The Municipality's Policy

The Municipality shall address temporary services and frozen lines in accordance with the terms of this bylaw and the applicable policy of the Town with a view to ensuring fair and reasonable access to water

PART 12: PROHIBITIONS

12.1 Prohibitions under this by-law

No person shall:

- (a) wilfully hinder, obstruct or interrupt, or cause or procure to be hindered or interrupted, the Municipality or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;
- (b) wilfully waste or discharge water so that the water runs useless out of the works;
- (c) being a customer, tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, improperly waste water or, without the consent of the Municipality, 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 his own or increase the supply of water agreed for;
- (d) without lawful authority wilfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, chamber or pipe.
- (e) introduce, throw or deposit any injurious or offensive matter into the water or waterworks, 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 connect with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the Municipality;
- (h) use any water outside the water distribution system contrary to this bylaw and applicable municipal policies and procedures;
- (i) operate a fire hydrant except as authorized by the Municipality;
- (j) tamper with water distribution systems;
- (k) disconnect or reconnect to the Town water system without required approvals of the Municipality;
- (l) expose water system to contamination of any kind including neglecting to install a back flow prevention device;
- (m) improperly install a back flow prevention device in accordance with applicable standards and codes;
- (n) remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation
- (o) disconnect either the inlet or outlet of a water meter servicing any building without the approval of the Director or designate

- (p) fail to disconnect an alternate water supply upon connecting to municipal water distribution services;
- (q) fail to comply with any other requirement of this bylaw including but not limited to paying applicable fees and charges, obtaining all written permissions and approvals, providing access for testing, and monitoring as needed, maintaining and repairing and similar requirements designed to ensure a safe and reliable water system.

PART 13: ENFORCEMENT

13.1 Contravention

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act and as set out in Schedule "A" Set Fines.

13.2 Continuation – repetition – prohibited – by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty on the person convicted.

13.3 Offence - additional - damage to waterworks

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks plant, machinery, fitting or appurtenance thereof is liable to the Municipality therefore.

13.4 Offence - additional - wilful damage

Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, lamp, lustre, water service pipe, conduit, wire, rod or water fitting belonging to the Municipality or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and for any expenses of repairing or replacing the water meter, lamp, lustre, water service pipe, conduit, wire, rod or fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*, as amended.

13.5 Offence - additional - injuring waterworks

Every person who wilfully removes, destroys, damages, fraudulently alters or in any way injures any water service pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the Municipality is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*, as amended.

13.6 Validity and Severability

In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

PART 14: BY-LAWS REPEALED

All by-laws, or provisions or any other by-law inconsistent with this by-law, are hereby repealed.

PART 15: EFFECTIVE DATE

This by-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second, third time and passed in open Council this 24th of January, 2017.



Mayor George A. Bridge



C.A.O. Clerk Bill White