

**THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE**

BY-LAW NO. 933 - 2016

*A By-law to enact rules and regulations for the maintenance
and operation of a Municipal waterworks distribution system
serving the lands within Registered Plan 169*

WHEREAS:

1. The Corporation of the Municipality of Oliver Paipoonge has constructed and now operates and maintains a waterworks distribution system to service lands within Registered Plan 169.
2. The Council of the said Municipality deems it expedient to make certain rules and regulations for the operation of the said waterworks distribution system

NOW THEREFORE the Council of The Corporation of the Municipality of Oliver Paipoonge enacts as follows:

1. Definitions

In this By-law:

- a) "cross connection" means any temporary or permanent water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that has the potential to change the water quality in the waterworks distribution system;
- b) "CSA" means Canadian Standards Association;
- c) "double service water pipes" means the water service pipes that service two or more premises;
- d) "Municipality" means The Corporation of the Municipality of Oliver Paipoonge; and in the geographic sense the lands within its limits;
- e) "Operating Authority" means the person, Corporation, firm or agency authorized by the Municipality to manage the Waterwork distribution systems and includes his, her or its delegates;
- f) "premises" means any house, building, lot or part of a lot, or both in, through or past which water service pipes run;
- g) "road allowance" means land dedicated to the Municipality or the Province of Ontario for a public highway;
- h) "street line" means the boundary of a property adjoining a road allowance;
- i) "temporary water supply connection" means a water supply pipe which is installed for a specific short-term purpose;
- j) "water" means potable water that is fit for human consumption;
- k) "water service connection" means that part of a water service pipe from the municipal water main to the street line, including the shut off valve, which supplies water to a premises.

- l) “water service pipe” means a water pipes which conducts water from the water service connection to a premises and
- m) “waterworks distribution system” means the water mains and appurtenances, the works and the equipment under the jurisdiction of the Municipality for the supply or distribution of water or any part of such system.

2. Administration

- 1. The administration of the waterworks distribution system shall be under the jurisdiction of the Operating Authority.

3. Application for Water Service Connections and Disconnections

- 1. Before water is supplied to any premises the intended user shall make application to the Municipality.
- 2. The user shall be liable to pay for the water supplied and for related services and facilities at the rates and at the times established by the Council of the Municipality from time to time.
- 3. The user shall pay to the Municipality the charge for the water service connection and the Municipality shall, at the expense of the user, furnish labour and materials necessary for the installation of the water service connection.
- 4. Where the user discontinues the use of a water service connection for water supply to a premises the user shall pay to the Municipality the charge for disconnecting such service connection from the waterworks distribution system. The applicant for the permit to demolish a premises shall be required to make application and pay the charge for disconnecting such service connection prior to the issuance of any permit.
- 5. (a) Where an existing building is substantially demolished, the existing water service connection shall be disconnected at the water main at the expense of the user. The applicant for the permit to construct the replacement building shall be required to make application and pay for the installation of a new water service pipe on public property between the water main and the private property line.

(b) for the purposes of this subsection, an existing building is substantially demolished when more then 20% of the exterior walls of the first storey above grade are removed whether or not they are subsequently replaced.
- 6. The user may apply for the installation of a temporary water supply connection to supply water to a premises during the construction phase of a building. The user shall pay for the installation to and disconnection from the waterworks distribution system.

4. Mandatory Connection

- 1. The owner of every dwelling or other main building along the line of supply shall connect such building to the line and maintain such connection at all times unless the building is demolished.
- 2. (a) Subject to Clause 4.2 (b), a dwelling or other main building along the line of supply that is not connected to the line on the date of the passing of this By-law is exempt from subsection 4.1.

(b) The exemption under Clause 4.2(a) expires on the date that a dwelling or other main building becomes connected to the line.

5. Installation of Water Service Pipes

1. Water service pipes on private property shall be installed pursuant to a plumbing permit issued for such purpose by the Municipality. The installation on private property shall be in accordance with Part 7 of the Building Code as may be amended from time to time.
2. All water service connections shall be installed by the Municipality or by contractors engaged by the Municipality for the purpose of such installations with the exception of land development projects where the subdivision agreement requires the developer to complete the work.
3. Double service water pipes are not permitted in any circumstances.
4. The minimum size water service connection shall be 20 mm in diameter or as determined from time to time by the Operating Authority.
5. Water service pipes located on private property shall be constructed of a material which complies with the Building Code as may be amended from time to time.
6. The Municipality will have sole jurisdiction over all water pipes, lines and facilities located on road allowances or Municipal easements.
7. All service pipes shall be protected from frost with minimum earth cover of 1.5 metres.

6. Cross Connections and Backflow Prevention

1. No person shall connect, cause to be connected, or permit any piping, fixture, fitting, container or appliance, to remain connected to the waterworks distribution system in a manner which under any circumstances, may allow non-potable water, waste water, or any other liquid, chemical or substance to enter the waterworks distribution system.
2. Where any liquid, chemical or substance has entered the waterworks distribution system, the Operating Authority may immediately carry out an inspection and may issue such order or orders to the user as may be required to obtain compliance with subsection 9.1.
3. If the user to whom the Operating Authority has issued an order fails to comply with the order issued under subsection 9.2, the Operating Authority at his or her discretion, may discontinue the water supply without prior notice.
4. Notwithstanding subsections 9.1, 9.2 and 9.3 where in the opinion of the Operating Authority, a risk of possible contamination of the waterworks distribution system exists, a user shall, on notice from the Operating Authority, install on the water service at the source of potential contamination a cross connection control device, approved by the Municipality, in addition to any cross connection control devices installed in the user's water system.
5. All cross connection control or backflow prevention devices shall be selected, installed and maintained in accordance with CSA Standard B64.10-07.B64.101-07
6. All cross connection control devices shall, at the expense of the user, be inspected and tested, by persons qualified to carry out such test, to demonstrate that the device is in good working condition upon installation, and thereafter annually, or more often if required by the Municipality. The user shall submit a report on a form approved by the Municipality on any or all tests performed on the cross connection control device

within 30 days of a test. A record shall also be displayed on or adjacent to the cross connection control device, on which record the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, the test date, the tester's initials, the tester's name or the name of his or her employer and the tester's licence number.

7. When the results of a test referred to in subsection 9.2 indicate that a cross connection control device is not in good working condition, the user shall make repairs or replace the device within 24 hours.
8. If a user fails to have a cross connection control device tested, the Operating Authority may notify the user that the cross connection control device must be tested within 24 hours of the user receiving the notice.
9. If a user fails to have a cross connection control device tested when required by the Operating Authority, the Operating Authority may discontinue the water supply until the cross control connection device has been tested and approved as required by subsection 9.6.
10. The Operating Authority shall be allowed access, upon reasonable notice, to any premises that are connected to the waterworks distribution system for the purpose of performing an inspection to locate possible cross connections.
11. Where the user does not provide access referred to in subsection 9.10, the Operating Authority may issue a written notice to the user requiring that access be provided. If access is not provided within a reasonable time as determined in the discretion of the Operating Authority, the Operating Authority may, discontinue the water supply to the premises until such time as the access is provided.

7. Inspection of Water Service Pipes

1. All water service pipes and appurtenances installed by the user shall comply with the Building Code, as may be amended from time to time, and must be inspected by the Municipality before such installations are covered with backfill. The user shall apply for a plumbing permit from the Municipality for any new water service pipe installation or alteration of existing water service pipes.
2. Subject to the provisions of the Municipal Act, the Municipality shall, at all times, be entitled to enter any premises or private property for the purposes of examining pipes, connections and fixtures which are used in conjunction with the water service connection.

8. Maintenance of Water Service Pipes

1. The user shall keep water service pipes in good repair and working order. In default thereof, the Municipality may discontinue the water supply.
2. The user shall properly protect all water service pipes to a premises from frost and shall be responsible for any damage. The user shall also be responsible for any water loss occasioned by a leak in the water service pipe and the charge for such water shall be determined by the Municipality. The cost thereof, shall be paid by the user upon demand by the Municipality and the Municipality will not be responsible for any damages resulting from such leakage.
3. Where any premises are left vacant or without heat, it is the user's responsibility to shut off the water supply from within the premises and to drain the piping therein. The user may apply to the Municipality to have the shut off valve turned off to stop the water supply. The shut off valve will be turned on only at the user's request and in the user's presence.

4. Where the water supply has not been shut off and premises which have been left vacant or without heat suffer damage to it or its contents from a leaking or burst water pipe, the user shall have no claim against the Municipality. Should the Municipality become aware of such leaking or burst pipes, the Municipality shall turn off the shut off valve and the water supply shall not be turned on until the Municipality in its discretion considers advisable.
5. All service boxes, valve boxes and valve chambers shall be left clear and accessible at all times.
6. The Municipality shall maintain the water service connections at the Municipality's expense.
7. Where the user has requested an inspection by means of an excavation of an existing water service, the user shall deposit a sum of money with the Municipality, the amount of which shall be established by the Council of the Municipality from time to time. If upon inspection a structural problem is found with the water service connection, the deposit will be refunded.
8. The user shall be responsible for thawing frozen water service pipes. Where the Municipality, at the request of the user, assists in thawing out frozen water service pipes at the premises of the user, the assistance shall be provided solely at the user's risk and the user shall have no claim whatsoever against the Municipality by reason of such assistance and shall compensate the Municipality for any such expense it may incur in providing such assistance.

9. Operation of Waterworks Distribution System

1. No person except the Operating Authority shall open or close or cause or permit to be opened or closed any valve in the waterworks system, or remove, tamper with or in any way interfere or cause or permit to be removed, tampered with or interfered with any valve, water meter, hydrant, structure, water main, water service pipe or water service valve in the waterworks distribution system.
2. No person shall in any way conceal, interfere with, construct or maintain anything or cause or permit to be concealed or interfered with or constructed or maintained anything which has the effect of concealing or interfering with access to a fire hydrant
3. Fire hydrants shall be completely clear of all vegetation or obstructions within 2 metres from the outside edge of the hydrant. The fire hydrant shall be visible for a distance of 2 metres from any point within the public road allowance.
4. No person except under authority from the Chief of the Fire Department of the Municipality shall open or close or cause or permit to be opened or closed a fire hydrant or use or cause or permit the use of water from a fire hydrant from the waterworks distribution system.
5. No person shall draw water or cause or permit water to be drawn from a private fire protection system, except for fire protection purposes, or for fire protection related activities.
6. The Municipality may upon reasonable notice discontinue the water supply from the waterworks distribution system at any time for cleaning, repairing, replacing or connecting of mains and service pipes.
7. The Operating Authority may, without notice, temporarily discontinue the water supply to any premises where, in his or her opinion, the continuation of the water supply might be dangerous or cause damage to any person or property.

8. The Municipality will not be responsible in case of damage to boilers, fittings or other property or injury to persons by reason of any shut down of the water supply, even in cases where no notice is given by the Municipality
9. No two or more premises being supplied with water shall be so supplied from one service pipe beyond the street line, but each separate and distinct tenement or premises shall be supplied through a separate pipe provided with proper stop-cock for turning on and off the water.
10. No person shall make any connection or communications whatsoever with the Municipal waterworks system or connection directly or indirectly and whether on public or private property or otherwise wheresoever except with the consent of the Municipality.
11. No person being an owner, occupier, tenant or inmate of any house or premises supplied with water shall increase the consumption of water beyond that fixed by the rating of the premises or shall wrongfully, negligently, or improperly waste water.
12. The Municipality reserves the right to limit watering lawns on alternate calendar days ensure compliance with the Water Taking Permit authorized by the Ministry of the Environment.
13. No arrangements shall be made or continued for supplying water closets or urinals except self-closing valves and no contrivance shall be used that will prevent such self-closing valves from closing properly.
14. No person being a tenant, occupant or inmate of any house, building or other place supplied with water from the water-works shall lend, sell or dispose of the water, give away or permit the same to be carried or taken away, or use or supply it to the use or benefit of another, or for any reason other than his own use or benefit.
15. No person being an owner, occupier, tenant, or inmate of any house or premises supplied with water shall waste any water; and no person shall allow water to run or flow to prevent the same from freezing in the pipes; and should a greater quantity of water be used than in the opinion of the Operating Authority, is required, it may and shall be lawful for the Operating Authority to turn off or refuse to turn on the supply of water, and the same rent or rate shall be charged as if the water were being used on the premises.
16. In the event of any portion of the plant of the waterworks being disabled or being threatened with disablement or if for that a reason, the Operating Authority is of the opinion that the use of water from the waterworks should be curtailed, the Mayor may with the consent of the majority of the Council be proclamation direct that no person shall use any lawn sprinkler or other appliances for sprinkling or watering from the Municipal waterworks any lawn, boulevard, yard, garden or any pavement sidewalk roadway, and if in the opinion of the Operating Authority so appointed, the use of water should be further limited, the Mayor as above provided may be proclamation prescribe the manner in which water from the waterworks may be used, and such proclamation shall have upon the same force and effect as if such conditions in were contained in this by-law, and any person found guilty of any infraction of such provisions shall be liable to the penalties imposed by this by-law.

Offences and Penalties

17. Every person who
 - a) wilfully hinders or interrupts or causes or procures to be hindered or interrupted the Municipality, or any of its officers, contractors, agents, servants or workmen in the exercise of any of the powers conferred by this By-law, the *Municipal Act* or any other statute, Regulation of Authority;

- b) wilfully lets off or discharges water so that the water runs waste or useless out of the works;
- c) being an owner, tenant, occupant, or resident of any house, building or other place supplied with water from the waterworks, lends, sells or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another person;
- d) without lawful authority wilfully opens or closes any hydrant or obstructs the free access to any hydrant, the stop-cock, chamber, pipe or hydrant-chamber, by placing on it any building material, rubbish, or other obstructions;
- e) throws or deposits any injurious or offensive matter into the water or waterworks, or in any way fouls the water or commits any wilful damage, or injury to the works, pipes or water, or encourages the same to be done.
- f) lays or causes to be laid any pipe or main to connect with any pipe or main of the waterworks or in any way obtains or uses the water without the consent of the Municipality; or
- g) contravenes any other provision of this By-law,

is upon conviction liable to a fine or penalty as provided by the *Provincial Offences Act*.

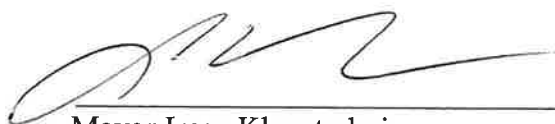
10. Repeal

By-law No. 351-2004 as amended is hereby repealed.

This by-law shall come into force on the date it is passed.

Enacted and passed this 27th of June, A.D. 2016, as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE



Mayor Lucy Kloosterhuis

Karen Caren, Acting Clerk