

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

WHEREAS a single-tier municipality may pass by laws respecting public utilities, including water production, treatment, storage, and distribution. Municipal Act 2001, C.25, s.10

AND WHEREAS a public utility is defined as a system providing water services to the public. Municipal Act 2001, c.25, s1 (1)

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 water purveyor'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,

(a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment, and other works used to supply a public utility or

(b) to inspect, install, repair, replace or alter a public utility meter

Municipal Act 2001, c.25, s.80 (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, s.80 (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, s.81 (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 sewage 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, c.25, s.81 (2)

AND WHEREAS a municipality may recover all fees and charges payable despite shutting off the supply of the public utility. Municipal Act 2001, c.25, s.81 (4)

AND WHEREAS the municipality may allocate the available public utility among its consumers if the supply of a public utility to a municipality is interrupted or reduced. Municipal Act 2001, c.25, s.82 (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 for supply of the public utility or for extending public utility to land. Municipal Act 2001, c.25, s.83

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, s.391 (1)

AND WHEREAS fees and charges imposed by a municipality on a person constitutes a debt of the person to the municipality. Municipal Act 2001, c.25 s.398 (1)

AND WHEREAS the treasurer of a municipality may add fees and charges imposed by the municipality to the tax roll for the following property in the municipality and collect them in the same manner as municipal taxes. Municipal Act 2001, c.25, s.398 (2)

AND WHEREAS the Municipal Council is desirous of a by-law making connection to the municipal water system mandatory in order to ensure a safe, consistent, and economical water supply.

NOW THEREFORE the Corporation of the Municipality of the Village of Burk's Falls enacts as follows:

BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS

Short Title

This by-law may be referred to as the Water By-law.

Part 1
DEFINITIONS

1. In this by-law:
 - a) **"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.
 - b) **"By-law Enforcement Officer"** - a person appointed by the Municipality to enforce the by-laws of the Corporation of the Municipality of the Village of Burk's Falls.
 - c) **"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.
 - d) **"Council"** - the Municipal Council of the Municipality of the Village of Burk's Falls.
 - e) **"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, would 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.
 - f) **"Cross Connection Control Device"** - a mechanical valve which when connected to a Water Service Pipe prevents a Cross Connection, in accordance with the *Ontario Building Code Act*, as amended or replaced, including all regulations thereto, as revised from time to time, and "CAN/CSA-B64 SERIES-11, Backflow preventers and vacuum breakers
 - g) **"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 from the Municipality and shall include an "occupant" and "owner" as defined in this by-law.
 - h) **"Developer"** - the owner or party specifically named in a Development Agreement or in a Subdivision Agreement.
 - i) **"Director"** - the Public Works Foreman or designate for the Municipality of the Village of Burk's Falls.
 - j) **"Domestic water use"** - drinking water used for such things as drinking, preparing food, bathing, washing clothes, washing dishes, etc. As well as all water used for residential, commercial, industrial, and institutional purposes.
 - k) **"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.
 - l) **"Engineer"** – The Municipality of the Village of Burk's Falls' authorized Engineering representative.
 - m) **"External use of water"** - the use of water for any purpose outside the walls of any building located at a municipal address.

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

- n) **"Main"** - every water pipe, except services and portions of private mains as herein defined, installed on the public road allowance or on any other land upon which the Municipality has obtained easements.
- o) **"Meter"** - the water meter and appurtenance (including Encoder Receiver Transmitter) supplied and owned by the Municipality to measure the quantity of water used by the customer.
- p) **"Meter pit"** - any exterior chamber or pit approved by the director for the purpose of containing a water meter.
- q) **"Minimum charge"** - the charge applied to any premises with pipes connecting it to the Municipal water system even if no water is used.
- r) **"Multiple unit building"** - a single building, served by a private water service, and containing two or more dwelling units or other units not served by an individual water service pipe.
- s) **"Municipal Act"** - the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced.
- t) **"Municipal address"** - a building or buildings identified by a number.
- u) **"Municipality"** - the Corporation of the Municipality of the Village of Burk's Falls.
- v) **"Occupant"** - any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise or dwelling unit.
- w) **"Officer"** - a By-law Enforcement Officer, Building Inspector or Chief Building Official as appointed or authorized by the Council of the Municipality to enforce this By-law and/or any "provincial offences officer" as defined in the *Provincial Offences Act*.
- x) **"Owner"** - any person who or any 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.
- y) **"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.
- z) **"Potable water"** - water that is fit for human consumption also known as drinking water.
- aa) **"Premises"** - any house, tenement, building, or both, in, through, or past which water service pipes run.
- bb) **"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.
- cc) **"Property"** - a parcel of land that has a unique roll number, which has a dwelling or building. In the case of a condominium, it will be the cumulating of parcels of land that form the condo site.
- dd) **"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.
- ee) **"Service extension"** - the portion of a Water Service Pipe from the property line to the Meter location, or for a fire service to the inside of the exterior wall of a structure, i.e. an extension of a Service Stub.
- ff) **"Service Line"** - the portion of a water service pipe from a main to the property line, which will always include one control valve.

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

- gg) **"Shut-off valve"** - the valve on the water service or private main owned and used by the Municipality to shut off or turn on the water supply from the Municipality's waterworks distribution system to any premises.
- hh) **"Single detached residence"** - a single dwelling, which is freestanding, separate and detached from other main buildings or main structures, including a split-level dwelling.
- ii) **"Street number"** - an urban street address or a rural 9-1-1 number.
- jj) **"Subdivider"**- the owner or party specifically named in a Subdivision Agreement or a Development Agreement.
- kk) **"Wastewater"**- water that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products, sewage. i.e. water which is not potable.
- ll) **"Water"** - potable water supplied by the Municipality.
- mm) **"Water distribution system"** - mains with connections to feeder mains, feeder mains within subdivision lands, private mains, Water Service Pipes, fire hydrants, and shut-off valves and all other appurtenances thereto.
- nn) **"Water related services"** - shall include but not be limited to those items set out under the heading "Miscellaneous Charges" in Schedule "A" of this by-law.
- oo) **"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.
- pp) **"Waterworks"** - any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, owned and operated by the Municipality, but does not include any Service Extension, Private Main or Plumbing System to which the Ontario *Building Code Act, as amended or replaced, including all regulations thereto, as revised from time to time.*

**PART 2
CONNECTION AND APPLICATION FOR WATER SERVICE**

2.1. Required connection to Municipal water

The owner of a building located on land within the Village of Burk's Falls fronting a Main or on land abutting a street or alley through which access to a Main is available, shall connect the Building to the Waterworks of the Municipality. Should a developed Property have a Service Line as of the date of this By-law, the Owner will be required to be connect to Municipal water within two years of receiving notice from the Municipality.

2.2. Notification requirements by the Municipality

A Notice may be sent to the owner of each building not connected to the water works. The owner shall make the connection within the required timeline. After the sending of the Notice and the timeline for connection has expired and the building has not been connected the property would be subject to fines.

2.3. Notice shall include

The notice herein provided for shall:

- a) Be made by registered post to the owner's last known address
- b) Make reference to this by-law
- c) Advise the owner of the date on which the timeline herein before referred to expires
- d) Advise the owner that if the owner fails to make the Connection as required, the property would be subject to fines.

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

2.4. Disconnection of alternative water supply

Upon completion of the connection, the Owner shall use the municipal water provided through the waterworks to the residence for all domestic use within the said building and the other alternative water supply shall cease to be used for domestic purposes. The alternative water supply may continue to be used for external purposes providing the water does not enter the municipal sanitary sewer or potable water system.

2.5. No Exemptions from water servicing

All properties within the Village of Burk's Falls fronting or adjacent to a watermain must be connected as per section 2.1.

2.6. Single Service

From the date of this by-law each Property shall have a single service and a single meter installed.

**PART 3
WATER RATES AND CHARGES**

3.1. Application for water supply

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 supply of Water. The Owner shall be governed by the requirements of this by-law.

3.2. Water measured by meters

The Water used on all Premises in the Municipality shall be charged for as indicated by the Meter on each respective property at rates shown in the Water and Sewer Rates and Charges By-law as amended or replaced. All water used shall pass through a Meter. All Water passing through a Meter will be charged for, whether used or wasted.

3.3. Meter reading and billing

As of the date of this By-law, Meters will be billed to the property owner. For freehold condos where sub metering has been permitted by the Director, the master meter will be sent to Condominium Corporation and sub metering will be billed to individual unit holders by Condominium Corporation. For multi-unit rental properties with approved sub metering agreement, all billings will be sent to the property owner. Meters may be read and accounts 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 delivered or sent by regular mail to the premises supplied or, where electronic communications have been authorized by the Customer, by electronic mail to the Customer's last known email address. Where the Customer has authorized electronic communications, it is the sole responsibility of the Customer to notify the Municipality of any changes to the Customer's email address.

3.4. Owner Responsibility

It is the responsibility of the Owner of the Premises to pay all bills for Water on the Owner's Premises are paid by the due date. Such charges have priority lien status and may be collected in accordance with the *Municipal Act, 2001*, as amended or replaced, and will be added to the tax roll against the property in respect of which the Water Service was supplied.

3.5. 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 Water and Sewer Rates and Charges By-law, will be assessed to the account, and, seven (7) days after that date, an overdue notice will be sent by regular mail reminding the customer of the outstanding account. An overdue notice may be sent by regular mail to the Premises supplied or, where electronic communications have been authorized by the Customer, by electronic mail to the email address provided by the customer. When statements are issued for overdue accounts, a fee for statements, as indicated in the Municipality's Water

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

and Sewer Rates and Charges By-law, as amended, or replaced, shall be applied to the overdue account. A notice including the outstanding amount may also be sent to the Owner of the Premise.

3.6. Not Connected Fee – payment

A Premise that is located within the Village of Burk's Falls fronting a Main or on land abutting a street or alley through which access to the Main is available, will be required to pay the minimum billing fee as per the Water Rates and Charges By-law until such time that the Premise becomes connected. This fee may be added to Premise's Municipal Tax Bill.

3.7. Application and connection charges payment prior to installation

The Owner or their agent shall apply to the Municipality for a water service and before the service is installed, shall pay the applicable charges as detailed in the Water and Sewer Rates and Charges By-law as amended or replaced.

3.8. Installation - payment required

Connection to the Waterworks shall not be scheduled or commenced in any way until the application required by section 3.1. of this by-law has been approved by the Municipality and all applicable application and connection charges required by section 3.7 of this by-law, have been paid.

3.9. Disconnection – charge

Where it is necessary to shut off the Water on request of the owner (for repairs or demolition), there will be a disconnection charge as detailed in the water and wastewater fees and charges By-law. When it has been necessary for a notice of disconnection to be delivered pursuant to section 3.5 of this by-law and disconnection occurs, a disconnection charge as set out in the Municipality's Water and Sewer Rates and Charges By-law, as amended, or replaced, shall be applied to the overdue account.

3.10. Non-payment - water shut off – lien

If the customer at any premises omits, neglects, or refuses to pay any bill rendered, whether for Water Service Pipe, Meter, service charge or any other monies to which the Municipality 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. The Municipality shall provide reasonable notice of the proposed shut off to the Owners and Occupants of the Premises of the date upon which the Municipality intends to shut off or restrict the supply of Water if payment is not received, in accordance with section 3.8 of this by-law. 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.

3.11. Notice – Water Shut Off

Before shutting off or restricting the supply of Water pursuant to section 3.9 of this by-law, the Municipality shall provide reasonable notice to the Owners and Occupants of the Premises, as shown on the last returned assessment roll of the Municipality, of the date upon which the Municipality intends to shut off or restrict the supply of Water to the Premises,

- (a) by personal service;
- (b) by registered mail; or
- (c) by posting a copy of the notice on the Premises in a conspicuous place.

3.12. Water On (Reconnection) – charge

Where it has been necessary to reconnect/turn on the supply of Water as requested by the owner (i.e. after a repair) or full payment has been received after a disconnection as a result of non-payment, a reconnection charge as indicated in the Water and Sewer Rates and Charges By-law, as amended or replaced, will be levied against the delinquent account, in addition to the applicable Disconnection

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

charge. The Water supply will not be restored until all outstanding amounts plus an administration charge for reconnection as indicated in the Municipality's Water and Sewer Rates and Charges By-law, as amended, or replaced, have been paid, by cash or certified cheque.

3.13. Temporary removal & reinstallation of meter – charge

When the owner requests a temporary removal of the Meter from the Owner's Premises, for any reason, the Meter removal and reinstallation charge, as indicated in the Water and Sewer Rates and Charges By-law.

3.14. Minimum monthly charge - who payable by

The minimum monthly charge for providing and maintaining water supply to a property is applicable for every water Meter owned and read by the Municipality. In instances when the occupant of a Premise terminates his account with the Municipality, subsequent monthly charges shall be rendered to the owner of the Premise. Any outstanding charges owed by a tenant (occupant) if uncollectable by the Municipality shall be charged to the owner of the property.

3.15. Meter testing charge

The charge for testing the accuracy of a water meter is indicated in the Water and Sewer Rates and Charges By-law and is explained in section 6.24 of Part 6 of this by-law.

3.16. Change of Occupancy – Charge

At the time of a change of occupancy, an administrative charge as indicated in the Municipality's Water and Sewer Rates and Charges By-law, as amended, or replaced, will be levied by the Municipality to the new Customer to cover the cost of administrative work, and said charge will be included on the first billing to the new Customer.

3.17. Outstanding Fees and Charges

Any fee or charge owing pursuant to this by-law has priority lien status and may be collected in accordance with the *Municipal Act, 2001*, as amended or replaced, and may be added to the tax roll in like manner of taxes, against the property in respect of which the Water Service was supplied.

**PART 4
OPERATION OF WATERWORKS**

4.1. Conditions on water supply

The Municipality agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of Water, 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 Customers, Owners or Occupants, caused by the breaking of any Water Service Pipe or attachment, or by the shutting off of Water to repair, extend or to tap Mains, or by any other temporary disruption of Water Service of any kind.

4.2. Authority for Water Supply

The Municipality 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 serving the Municipality of the Village of Burk's Falls, to establish whether and the terms upon which municipalities or persons outside the Municipality of the Village of Burk's Falls may be allowed to connect to the said waterworks as consumers, and the rates to be charged for Water delivered to such Customers.

4.3. Unauthorized operation of fire hydrants – Offence

No person shall operate a fire hydrant, except for Municipality personnel who are working and who are approved by the Director and authorized under the Safe Drinking Water Act, 2002, CHAPTER 32, as amended or replaced, or who are firefighting

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

4.4. Unauthorized operation or interference with Water Distribution System – Offence

No person other than a person authorized by the Director for that purpose 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.

4.5. Unauthorized Use of Water from Hydrants- Offence

Except for Water used for firefighting and system maintenance, any other use of a Municipal fire hydrant for Water supply is prohibited.

4.6. Improper use of water from fire service – Offence

Any water supplied or made available for any land or building for purposes of protection of property or persons from fire or for preventing fires or the spreading of fires shall not be used for any other purpose.

4.7. Improper Use of Water – Offence

No person shall, without the consent of the Municipality, lend, sell, or dispose of 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 or benefit other than his own.

4.8. Unauthorized Interference with Waterworks – Offence

No person, other than a person authorized by the Director for that purpose, shall remove, damage, tamper with or in any way whatsoever interfere with the Waterworks, including but not limited to any Waterworks facilities, equipment, machinery, fittings, or appurtenances.

4.9. Contamination of Water, Water Distribution System or Waterworks – Offence

No person shall throw or deposit any injurious or offensive matter into the Water, Water Distribution System or Waterworks, or in any way foul the Water, or expose the Water, Water Distribution System or Waterworks to contamination of any kind.

4.10. Unauthorized Operation of Valve – Offence

No person, other than a person authorized by the Director for that purpose, shall open or close a valve in the Water Distribution System, including a valve on a Private Main.

4.11. Obstruct the Municipality – Offence

No person shall 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 power conferred by this by-law.

4.12. Obstruct Free and Clear Access – Offence

No person shall obstruct the free access to any hydrant, Shut-Off Valve, Meter, Water Service Pipe, Cross Connection, Cross Connection Control Device, backflow prevention device, Private Main or Main, or any pipes, connections, seals, fixtures, chambers, stopcocks, valves or other appurtenances used in connection with a hydrant, Shut-Off Valve, Meter, Water Service Pipe, Cross Connection, Cross Connection Control Device, backflow prevention device, Private Main or Main.

**PART 5
WATER SERVICE PIPES**

5.1. Installation - by Municipality - by contractor

All Water Service Pipes shall be installed to the property line by the Municipality or by its designated Contractors, except in new land development projects where agreements with the Municipality require the developer or subdivider to complete such work. The Municipality may, at its sole discretion, prohibit any Contractor from performing work on the Water Distribution System.

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

5.2. Installation - to Municipal specifications

All Water Service Pipes and Private Mains located within Municipal Property shall be constructed according to the Municipality's Waterworks Design and Construction Standards as amended from time to time. All Water Service Pipes 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

The installation of the Water Service Pipe connection will not be scheduled or commenced in any way until the customer has met the requirements of this by-law, including but not limited to the application requirements. And said connection to a water main system shall, in every case, be performed by the Municipality or its designated contractor.

5.4. Installation Charge

All costs for the installation of Water Service Pipes, Mains, and Water Distribution System will be at the cost of the owner unless specifically agreed to by the Municipality. All costs for Time, Equipment and Materials will be billed according to the water and wastewater fees and charges By-law as amended or replaced.

5.5. Installation - alteration - approval by Municipality

For any new water service pipe or private main installation, or alteration of existing water service pipes or private mains, the Owner must apply to the Municipality for approval, for such work as specified in the Municipality's standard contract documents and the Municipality's specifications.

5.6. Installation inspection by Municipality

All water service pipes and appurtenances installed, including those required by a Municipal Subdivision or Development Agreement, must be inspected by the Municipality or persons authorized by the Municipality for inspection as specified in the Municipality's standard contract documents and the Municipality's specifications. The charge for such inspection is as specified in the Municipality's Water and Sewer Rates and Charges By-law, as amended or replaced.

5.7. Installation - access for inspection

The Municipality and persons authorized by the Municipality for inspection shall be, at all times, entitled to enter any Premises for the purposes of examining pipes, connections seals and fixtures which are used in connection with the Water Service Pipe and/or Mains or Private mains.

5.8. Installation - Angle Valves and Seals

At the discretion of the Director, all new Water Service Pipes may have an angle valve installed and sealed by the Municipality as soon as the Water Service Pipe is installed into the Building envelop. The Owner is responsible for ensuring the Municipality is notified of the date that the Water Service Pipe servicing the Owner's Premises is installed and for providing the Municipality with unrestricted access to the Owner's Premises for the purposes of installing the angle valve.

5.9. No Removal - Seals on Angle Valves

The Owner is responsible for ensuring that the seal installed on an angle valve pursuant to section 5.8 of this by-law, remains intact and is not removed. Where a seal on an angle valve is removed, damaged, tampered with, or in any way interfered with, the Municipality may, in its sole discretion:

- a) further proceedings against the Owner under the *Provincial Offences Act*, as amended or replaced for contravention of this by-law; and/or

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

- b) require the Owner to pay the Minimum Charge or metered consumption, in accordance with the Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced, dating back to the date the seal was installed.

5.10. Seal Reinstallation - Fee

Where a seal on an angle valve is removed, damaged, tampered with, or in any way interfered with, the Owner shall pay to the Municipality a seal reinstallation fee in accordance with the Municipality's Water and Sewer Rates and Charges By-law, as amended or replaced.

5.11. Water Use before Meter Installation – Offence

No water is to be used from a water service before the installation of a meter. On new services, no valves or other fittings are to be installed on the service before a Meter is installed. Also, the service valve is to remain in the closed position. Should any valve and fitting be found to be installed or the service valve in the open position before the meter is installed, it will be considered water theft. The owner of the property may be required to pay the Not Connected Fee as per the Water Sewer and Rates and Charges By-law as amended from time to time starting from the installation date of the water service and/or a fine as contemplated in the fines table as Unmetered Water at the discretion of the Director or designate. Additional fines may also be imposed as deemed appropriate by the Director.

5.12. Removal of service

The Water Service Pipe must be disconnected at the Main or Private Main, as the case may be, by the Municipality at the Owner's sole risk and expense. Upon disconnection of a Water Service Pipe, the Main or Private Main shall be plugged, and the curb box and rod shall be removed, at the Owner's sole risk and expense. All work must be inspected by the Municipality, and the charge for such inspection is as indicated in the Municipality's Water and Sewer Rates and Charges By-law, as amended, or replaced.

5.13. Maintenance of service stub – Municipality

The water service stub shall be maintained by the Municipality at the expense of the Municipality.

5.14. Maintenance of service extension and private main – owner

Any and all defects to the Water Service Extension, Private Main, and Meter Pits, shall be repaired by the owner of the property being serviced. The repair must be inspected by the Municipality with inspection charges applied as set out in Schedule B of By-law 04-2022. Should the Municipality become aware of any such defect, and upon written notification to the owner, the said defect is not repaired, within seven (7) days of the date of the notification or within such time as the director may deem necessary, then the Municipality may turn off the water supply to the property. If the Municipality is ordered to restore the water supply, then the Municipality may repair the defective Service Extension, Private Main or Meter Pit and charge the cost to the Owner and collect such cost according to 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.

5.15. Operation of shut-off valve

No person, other than persons authorized by the Director for that purpose shall be permitted to operate the Shut-off valve to any Premises.

5.16. Access to shut-off valves

All shut-off valves shall 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.

5.17. 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

BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS

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, 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.

5.18. Responsibility - vacant and unheated premises

When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. 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 Water and Sewer Rates and Charges By -law.

5.19. Responsibility - water damage

When any premises left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and/or its contents from a leaking or burst water pipe, the owner or the occupant shall have no claim against the Municipality. Should the Director become aware of such leaking or burst pipes, the Director shall turn off the shut-off valve, and the water supply shall not be turned on until the Director, in his/her discretion, shall consider it advisable and all applicable fees are collected. Disconnection and reconnection charges shall apply as set out in Schedule B of By-law 04-2022.

5.20. Responsibility for frozen pipes - Municipality – owner

Thawing out frozen water service stubs shall be the Municipality's responsibility providing the problem is located in the municipal road allowance. Thawing out frozen private service extensions and water mains located on private property shall be the owner's responsibility. 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 the owner shall have no claim against the Municipality by reason of such work.

5.21. Responsibility for Hydrant Maintenance

Any hydrant situated within the road allowance is the property of the Municipality and shall be maintained by it; Municipality owned hydrants located on private property shall be maintained by the Municipality. 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, with written proof of said maintenance provided to the Municipality annually or as required. If the Municipality maintains a hydrant on private property, applicable fees shall be applied, as set out in Schedule B of By-law 04-2022.

5.22. Renewal of service - Municipality – owner

The Municipality shall renew Service Lines on public property at its expense and to its specifications when:

- a) piping is deemed by the Director to be beyond repair.
- 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. Replacement piping shall conform to the specifications of the Municipality. Replacement pipe shall be the same size as existing or the minimum size for the area. If an owner requests a larger size, the owner shall pay the difference in material cost.

5.23. Access - removal - inspection – fittings

Where an Owner discontinues the use of the water service, or the Municipality lawfully refuses to continue any longer to supply it, the Director may, at all reasonable times, enter the premises in or upon which the consumer was supplied with the water service, for disconnecting the supply of the water service or for making an inspection from time to time to determine whether the water service has

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the Municipality in or upon the premises, and may remove the same therefrom, doing no unnecessary damage.

**PART 6
WATER METERS**

6.1. Water to be metered - remedy for violation

All water supplied to a Premises within the Municipality of the Village of Burk's Falls, except water used for firefighting purposes 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 by law 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, shut off and stop the supply of water and apply fines as set out in Schedule B of By-law 04-2022.

6.2. Property Line Meter

Property line meters shall be installed in an approved chamber/pit when the distance from the property line to the building is greater than 30 meters or if there are multiple units.

6.3. Property Line Meter – Notification requirements by the Municipality

If a property does not have a Property Line Meter, the Municipality may provide notice to have one installed within 2 years. The owner shall make the connection within the required timeline. After the sending of the notice, and the timeline for connection has expired the property would be subject to fines. The property line meter must be installed and/or inspected by the Municipality with appropriate fees applied.

6.4. Notice shall include

The notice herein provided for shall:

- a) Be made by registered post to the owner's last known address;
- b) Make reference to this by-law;
- c) Advise the owner of the date on which the timeline herein before referred to expires;
- d) Advise the owner that if the owner fails to make the Connection as required, the property would be subject to fines and/or disconnection of service.

6.5. Supply - installation - ownership – replacement

The owner shall pay all applicable Meter connection and installation charges as indicated in the Water and Sewer Rates and Charges By-law before the Municipality will supply the owner with a meter and the meter must be installed prior to occupancy of the 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.

6.6. Installation - maintenance – repair- replacement – access

The Municipality may shut off or restrict the supply of water to a property if the Municipality requires access to the property to install, replace, repair, replace or inspect a water meter and associated reading equipment. Any person authorized by the Municipality for that purpose has free access, at all reasonable times, and upon notice given as set out in section 6.7 of this by-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting, repairing, replacing altering, disconnecting, or performing any other work or test that the Municipality deems necessary on any Meter.

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

6.7. Notice required – access

Before shutting off or restricting the supply of Water pursuant to section 6.9 of this by-law or applying fines, the Municipality shall, by personal service, registered mail or by posting notice on the Premises in a conspicuous place, provide the Owners and Occupants of the Premises, as shown on the last returned assessment roll of the Municipality, with a notice of the date, which in no case shall be less than fourteen (14) days from the date the notice is personally served, mailed, or posted, as the case may be, upon which the Municipality intends to shut off or restrict the supply of Water, if access to the Premises and/or Meter is not provided.

6.8. Access – Offence

If free and clear access to a Premises or Meter is not provided in accordance with section 6.6 of this by-law, the Municipality may, at its discretion apply fines and/or shut off or restrict the supply of Water to the Premises, in accordance with this by-law, until such time as free and clear access to the Premises and/or Meter is provided.

6.9. Restoration of water supply - as soon as practicable

If the Municipality has shut off or restricted the supply of water under section 6.8 of this by-law, the Municipality shall restore the supply of water as soon as practicable after obtaining access to the property.

6.10. Charges - meters - owner to pay

All charges for any of the work and services mentioned in sections 6.5 and 6.6 of this by-law will be determined by the Director as indicated in the Water and Sewer Rates and Charges By-law and will be paid in full by the Owner or the Customer, as the case may.

6.11. Every building metered - director's discretion

Each property shall have a single Service and Meter. At the sole discretion of the Director, sub-metering of internal units may be permitted. Should the Municipality allow for this type of installation an additional sub-metering fee would be charged as described in the Water and Sewer Rates and Charges By-law.

6.12. Installation to Municipality Specifications

All Meters and associated equipment supplied by the Municipality shall be installed to conform to the specifications of the Municipality and sealed.

6.13. No Removal - Seals on Meters

The Owner is responsible for ensuring that any seal installed on a Meter pursuant to section 5.8 of this by-law, remains intact and is not removed. Where a seal on a Meter is removed, damaged, tampered with, or in any way interfered with, the Municipality may, at its sole discretion commence further proceedings against the Owner under the *Provincial Offences Act*, as amended or replaced for contravention of this by-law.

6.14. Seal Reinstallation - Fee

Where a seal installed on a Meter is removed, damaged tampered with, or in any way interfered with, the Owner shall pay to the Municipality a seal reinstallation fee as indicated in the Municipality's Water and Sewer Rates and Charges By-law, as amended, or replaced.

6.15. Meter location - director to consent to change

The location of a Meter, once installed to the specifications of the Municipality, shall not be changed by any person except with the consent of the Director.

6.16. Private meters - owner responsible

The Municipality will not supply, install, inspect, or read private water meters, nor will the Municipality bill consumption on private water meters. Water supply pipes to private meters must be connected to the Owner's plumbing after the Municipality's Meter for Reading meter – access

The Municipality and persons authorized by the Municipality for that purpose shall

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

be allowed access to the Premises and be provided free and clear access to the meter 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 forty-eight hours 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 and or apply fines.

6.17. Valve maintenance - responsibility of owner

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

6.18. Leaks must be reported

Any leaks that may develop at the Meter or its couplings must be reported immediately to the Municipality. The Municipality is not liable for damages caused by such leaks.

6.19. Interference with meter not permitted

No person, except a person authorized by the Municipality for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any Meter, metering equipment 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, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building, the Director may forthwith, without any notice, shut off the water to such building or premises, apply fines and the water shall not be again turned on to such building or premises without the express consent of the Director, and applicable disconnection and reconnection fees are paid in full.

6.20. Owner responsible to repair piping

If, in the opinion of the Director, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the 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, the Director 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'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.

6.21. Non-functioning meter - amount of water estimated

If, for any cause, any meter is found to not be malfunctioning, then the amount of water to be charged for shall be estimated on the average reading for the previous six (6) months, when the meter was working properly, and the charge for the water for the period during which the meter was not working properly shall be based thereon.

6.22. Meter testing for customer - deposit – conditions

Any Customer may, upon written application to the Municipality, have the 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 Water and Sewer Rates and Charges 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 in accordance with Section 4.2.8 of ANSI/AWWA C700 and AWWA Manual M6, Water Meters-Selection, Installation, Testing and Maintenance, 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 as per the Municipality's Water and Sewer Rates and Charges By-law. 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

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

thirty (30) days prior to such testing of the meter, plus the customer's deposit for the test.

6.23. 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 six (6) months.

In the event that the water meter has been in place for a period exceeding the Municipality's standard, the water and sewer charge if applicable will be based on the following calculation:

Total consumption/ Number of years meter in service to determine yearly differential consumption.

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

**PART 7
CROSS CONNECTIONS AND BACKFLOW PREVENTION**

7.1. 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, wastewater, non-potable water, or any other liquid, chemical or substance to enter the water works distribution system. In summary, "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act*, as amended or replaced, including all regulations thereto, as revised from time to time.

7.2. Cross Connection Control Device – Installation

All industrial, commercial, or institutional and multi residential buildings must install a cross connection control device. Property owners who do not have a cross connection control device installed at the date of this By-law, will be required to have one installed within one (1) year of receiving notice from the Municipality.

7.3. 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.

7.4. 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 and apply fines until such time as the access is provided.

7.5. Order to install cross connection device

If a condition is found to exist which is contrary to section 7.1. 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 7.1 of this by-law within 30 days.

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

7.6. Failure to install - notice - water shut-off

If the customer to whom the Municipality has issued an order fails to comply with that order, the director, 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 may then shut off the water service or services and apply fines; or
- b) Without prior notice, shut off the water service or services and apply fines.

7.7. Additional device on service

Notwithstanding sections 7.2, of this by-law, where a risk of possible contamination of the water works distribution system exists in the opinion of the Director or an approved authority, a customer shall, on notice from the Municipality, install on his/her water service pipe 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.

7.8. 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 "CAN/CSA-B64. 10-11 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", as amended from time to time.

7.9. 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 with Backflow Prevention Tester Certification 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 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.

7.10. Failure to test device - notification - water shut-off

If an Owner fails to have a cross connection control device tested, the Director 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 may shut off the water service, apply fines and/or restrict access to the sanitary sewer service until the Cross Connection Control Device has been tested and approved as required by section 7.8 of this by-law.

7.11. Repair - replacement - by customer

When the results of a test referred to in section 7.9 of this by-law show that a cross connection control device is not in good working condition, the customer shall immediately notify the Municipality in writing and 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 may apply fines, shut off the water service and/or restrict access to sanitary sewer service until such repair or replacement has been made.

7.12. Removal of device - permission by Municipality

No person shall without the permission of the Municipality remove, damage, tamper with or in any way whatsoever interfere any cross connection control or backflow prevention devices.

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

**PART 8
WATER CONSERVATION**

8.1. Regulations - use of water May 1st to September 15th

For the purpose of limiting the consumption of water as necessary during extremely dry summer seasons the following schedule may be applied when directed by Council:

- a) During the period from May 1st to September 15th in each year, the external use of municipal water is permitted:
 - i. on even calendar dates at only those municipal addresses ending with numbers 0, 2, 4, 6, 8;
 - ii. on odd calendar dates at only those municipal addresses ending with numbers 1, 3, 5, 7, 9.
- b) The Director is hereby authorized to place further watering and Water use restrictions where it is deemed necessary.
- c) Consumption of water shall be enforced as required.

8.2. External Water – Regulation – Exemptions

The following exemptions are permitted:

- a) Newly sodded or seeded lawns of less than 15 days may be watered daily.

8.3. Enforcement – Water Conservation

Officers or Persons authorized by the Director are authorized to shut off the supply of Water to any Premises, upon reasonable notice to the Owners and Occupants, where the Owners or Occupants of the Premises do not adhere to the watering and Water use restriction issued for the area, and that the Water may be reconnected where the Officer is satisfied that the Owners or Occupants will begin to adhere to the restriction. If reconnection is completed, a fee shall apply as indicated in the Municipality's Fee and Charges By-law, as amended, or replaced.

**PART 9
PROHIBITIONS**

9.1. Prohibitions under this by-law

No person shall;

- a) construct or connect any Water Service Pipe or Private Main to the Waterworks, or in any way obtain or use Water without the consent of the Municipality;
- b) fail to disconnect an alternate Water supply upon connecting to the Waterworks;
- c) 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;
- d) damage, tamper with, or in any way whatsoever interfere with, the Waterworks;
- e) damage, tamper with, or in any way whatsoever interfere with, the Water Distribution System;
- f) without lawful authority wilfully operate, open, or close any valve in the Water Distribution System, including a valve on a Private Main;
- g) without the consent of the Municipality, increase the supply of Water to a Premises;

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

- h) without lawful authority operate a fire hydrant or use water from a fire hydrant;
- i) without lawful authority use Water supplied for the purpose of preventing fires or for the purpose of protecting a property or persons from fire;
- j) fail to notify the Municipality of installation of a new Water Service Pipe;
- k) remove, damage, tamper with, or in any way whatsoever interfere with, seals installed on an angle valve;
- l) without lawful authority operate a Shut-Off Valve;
- m) remove, damage, tamper with, or in any way whatsoever interfere with, seals installed on a Meter;
- n) remove, relocate, damage, tamper with, or in any way whatsoever interfere with, a Meter;
- o) disconnect either the inlet or outlet valve of a Meter servicing any Building without the approval of the Director;
- p) alter any Meter placed upon any Water Service Pipe or connected therewith, within or without any Building or other place, so as to lessen or alter the amount of Water registered;
- q) connect, cause to be connected, or allow to remain connected to the Water Distribution System any piping, fixture, fitting, container, or appliance, in a manner which under any circumstances may allow Water, Wastewater, non-potable water or any other liquid chemical or substance to enter the Water Distribution System;
- r) expose the Water Distribution System to contamination;
- s) throw or deposit any injurious or offensive matter into the Water, Water Distribution System or Waterworks, or in any way foul the Water or encourage the same to be done;
- t) remove, fail to repair, damage, tamper with, or in any way whatsoever interfere with a Cross Connection Control Device or backflow prevention device;
- u) improperly waste Water or wilfully discharge Water so that the water runs to waste or of no use out of the Waterworks,
- v) use water externally during the period May 1 to September 15th except in accordance with the requirements set out in Part 9 of this by-law;
- w) obstruct the free access to any hydrant, Shut-Off Valve, Meter, Water Service Pipe, Cross Connection, Cross Connection Control Device, backflow prevention device, Private Main or Main, or any pipes, connections, seals, fixtures, chambers, stopcocks, valves or other appurtenances used in connection with a hydrant, Shut-Off Valve, Meter, Water Service Pipe, Cross Connection, Cross Connection Control Device, backflow prevention device, Private Main or Main; or
- x) 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 power conferred by this by-law.
- y) Use water that has not passed through a Meter that has been installed by the Municipality.

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

- z). Failure to install water service, water meter, reading equipment or cross connection prevention device.

**PART 10
ENFORCEMENT**

10.1. Enforcement-Officer

The provisions of this by-law may be enforced by an Officer. All Officers are provincial offences officers within the meaning of section 1(1) of the *Provincial Offences Act*, as amended or replaced.

10.2. Contravention – Part 1 Proceedings

Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction under proceedings initiated under Part I of the *Provincial Offences Act*, as amended, or replaced, is liable to a fine as provided for in the *Provincial Offences Act*, as amended or replaced and as set out in Schedule "A" Set Fines.

10.3. Contravention - Part III Proceedings - Person

Any person, other than a corporation, who contravenes any provision of this by-law is guilty of an offence and upon conviction under proceedings initiated under Part III of the *Provincial Offences Act*, as amended, or replaced, is liable to the Municipality for a fine of not more than \$10,000.00 for a first offence and not more than \$25,000.00 for any subsequent offence under this by-law.

10.4. Contravention Part III Proceedings – Corporation

Any corporation who contravenes any provision of this by-law is guilty of an offence and upon conviction under proceedings initiated under Part III of the *Provincial Offences Act*, as amended, or replaced, is liable to the Municipality for a fine of not more than \$50,000.00 for a first offence and not more than \$100,000.00 for any subsequent offence under this by-law.

10.5. 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.

10.6. Damage – Cost of Repair

Where in the opinion of the Director a person is contravening the provisions of this by-law and has damaged municipal property, the Director may, upon written notice to the person causing the damage, order the damage to be repaired to the municipality's satisfaction. All expenses incurred by the Municipality for these actions shall be reimbursed to the Municipality by the person causing the damage to the municipal property. For greater certainty, the costs of the municipality for these actions forms an obligation debt to the municipality pursuant to section 446 of the *Municipal Act, 2001* and the municipality may enforce the debt under any power available to it including but not limited to adding the debt to the tax roll in a like manner to taxes.

**PART 11
ENACTMENT**

11.1. 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.

11.2. Repeals

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

BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS

11.3. Commencement

This by-law shall come into full force and take effect on the date of its final passage
in Open Council.

AS READ A FIRST AND SECOND AND THIRD AND FINALLY PASSED THIS 22 DAY
OF FEBRUARY 2022.



Mayor, Cathy Still

SEAL



Clerk, Nicky Kunkel

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN
THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS**

SCHEDULE 'A'

**Set Fine Schedule – Part 1 Provincial Offences Act
By-law 03-2022**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Unauthorized connection to Waterworks	Section 9.1(a)	\$500.00
2.	Fail to disconnect alternate water source	Section 9.1(b)	\$500.00
3.	Improper use of Water	Section 9.1(c)	\$500.00
4.	Tamper with Waterworks	Section 9.1 (d)	\$500.00
5.	Tamper with Water Distribution System	Section 9.1 (e)	\$500.00
6.	Unauthorized operation of valve	Section 9.1 (f)	\$500.00
7.	Unauthorized Increase of Water supply	Section 9.1 (g)	\$500.00
8.	Unauthorized operation of hydrant	Section 9.1 (h)	\$500.00
9.	Unauthorized use of Water supplied for fire purposes	Section 9.1 (i)	\$500.00
10.	Fail to notify of new installation	Section 9.1 (j)	\$500.00
11.	Interfere with seal on valve	Section 9.1 (k)	\$500.00
12.	Unauthorized operation of Shut-off Valve	Section 9.1 (l)	\$500.00
13.	Interfere with seal on Meter	Section 9.1 (m)	\$500.00
14.	Interfere with Meter	Section 9.1 (n)	\$500.00
15.	Disconnect Meter	Section 9.1 (o)	\$500.00
16.	Alter Meter	Section 9.1 (p)	\$500.00
17.	Connection causing substance to enter Water Distribution System	Section 9.1 (q)	\$500.00
18.	Expose Water Distribution System to contamination	Section 9.1 (r)	\$500.00
19.	Foul Water	Section 9.1 (s)	\$500.00
20.	Removal of Device	Section 9.1 (t)	\$500.00
21.	Waste Water	Section 9.1 (u)	\$500.00
22.	Water outside when prohibited	Section 9.1 (v)	\$250.00
23.	Obstruct free access	Section 9.1 (w)	\$500.00
24.	Obstruct an Officer or agent	Section 9.1 (x)	\$500.00
25.	Unmetered Water	Section 9.1 (y)	\$500.00
26.	Failure to Install	Section 9.1 (z)	\$500.00