

**THE CORPORATION OF THE TOWN OF RICHMOND HILL****BY-LAW NO. 94-11****A BY-LAW TO ENACT RULES AND REGULATIONS COVERING THE MAINTENANCE, CONSTRUCTION AND OPERATION OF THE WATERWORKS AND WASTEWATER SYSTEM IN THE TOWN OF RICHMOND HILL AND TO REPEAL BY-LAW NO. 2-06**

**WHEREAS** pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 11(2), as amended, the Town Of Richmond Hill (hereafter referred to as the Town) is assigned non-exclusive jurisdiction over water distribution within the Town;

**AND WHEREAS** the Town operates and maintains a municipal waterworks and wastewater system within its municipal boundaries;

**AND WHEREAS** the Council of the Town deems it expedient to make certain rules and regulations concerning the said waterworks and wastewater system, in accordance with the *Municipal Act, 2001*;

**AND WHEREAS** pursuant to Section 80 of the *Municipal Act, 2001*, 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, wire, machinery, equipment and other works; to inspect, install, repair, replace or alter a public utility Meter and for such purposes, to shut off or reduce the supply of the public utility to the land; and, if a customer discontinues the use of a public utility on land or the municipality lawfully decides to cease supplying the public utility to land, to shut off the supply of the public utility; remove any property of the municipality or determine whether the public utility has been or is being unlawfully used;

**AND WHEREAS** pursuant to Section 398 of the *Municipal Act, 2001*, The treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes: In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.

**NOW THEREFORE THE COUNCIL OF THE TOWN OF RICHMOND HILL ENACTS AS FOLLOWS:**

**TABLE OF CONTENTS**

1. DEFINITIONS .....3

2. DUTIES OF ENGINEER.....4

3. DUTIES OF THE TREASURER.....4

4. APPOINTMENT OF OTHER OFFICERS.....5

5. RULES AND REGULATIONS .....5

6. WATER SHUT OFF FOR EMERGENCIES .....5

7. RIGHTS OF ENTRY TO PRIVATE PROPERTY .....5

8. UNAUTHORIZED OPERATION OR INTERFERENCE OF WATERWORKS .....5

9. UNAUTHORIZED INTERFERENCE WITH METER.....6

10. INSTALLATION OF WATER SERVICES.....6

11. INSPECTION OF WATER SERVICE.....7

12. MAINTENANCE OF WATER SERVICES.....7

13. PRIVATE WATER SERVICES.....7

14. WATER SUPPLY FOR BUILDING PURPOSES.....8

15. NOTICE FOR INSPECTION.....8

16. WATER FOR FIRE EXTINCTION.....8

17. USE OF WATER FROM FIRE HYDRANTS.....9

18. MAINTENANCE OF PRIVATE WATER SERVICES.....9

19. WATER SUPPLY.....9

20. CONNECTIONS TO WATER SERVICES OR PRIVATE WATER SERVICES.....9

21. PROTECTION FROM CONTAMINATION.....9

22. RANGE BOILERS.....10

23. WATER COOLED AIR CONDITIONING SYSTEMS.....11

24. WATER METER INSTALLATION.....11

25. METER REPAIRS AND MAINTENANCE.....11

26. WATER AND WASTEWATER BILLING.....12

27. FINAL BILLING.....13

28. METER TESTING.....14

29. COLLECTIONS.....14

30. DISCONTINUANCE OF USE OF WATER.....15

31. DISCONNECTION OF WATER SERVICE.....15

32. RESPONSIBILITIES OF PROPERTY OWNER.....15

33. PROHIBITIONS UNDER THIS BY-LAW.....15

34. VIOLATION OF PROVISIONS IN THIS BY-LAW.....16

35. TRANSITIONAL MEASURES.....17

## 1. DEFINITIONS

(1) In this By-law:

- (a) "Automatic Meter Reading Device" shall mean the device installed at a separate location from the water Meter and used to record the consumption reading of the Meter.
- (b) "Building" shall mean a structure supplied with water by the Town of Richmond Hill
- (c) "Chief Building Official" shall mean the Chief Building Official of the Corporation of the Town of Richmond Hill or his delegate(s).
- (d) "Condominium" shall mean all residential or non-residential properties with more than one unit and each unit may be separately owned.
- (e) "Contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work authorized by the Owner or the Town to install or maintain watermains, service watermains, water Meters, services, hydrants and other appurtenances.
- (f) "Council" shall mean the Council of the Corporation of the Town of Richmond Hill.
- (g) "Cross Connection" shall mean any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the Waterworks Distribution System . Includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.
- (h) "Customer" shall mean any person who takes water from the Town or receives water related services from the Town.
- (i) "Developer" shall mean the Builder, Owner or party specifically named in a Development Agreement or in a Subdivision Agreement.
- (j) "Emergency" shall mean a situation or impending situation that could cause damage to persons or property.
- (k) "Engineer" shall mean the Commissioner of Environmental and Infrastructure Services and/or Commissioner of Community Services for the Town of Richmond Hill or his delegate(s).
- (l) "Meter" shall mean the water Meter and all equipment, cabling and Automatic Meter Reading Devices supplied and owned by the Town, however, funded, to measure the quantity of water used by the Customer for billing purposes .
- (m) "Meter Chamber" shall mean any exterior chamber or pit approved by the Engineer and maintained by the Owner for the purpose of containing a water Meter.
- (n) "Meter Services" shall mean all services relating to the installation, inspection, maintenance, repair, replacement, testing and reading of the Meter.
- (o) "Property" includes both public and private lands, building, structures, boats, vehicles, railway cars or mobile homes located in the Town and which may be entitled to a Water Service.
- (p) "Occupant" shall include any lessee, tenant, inmate, Owner, the agent of a lessee, tenant or Owner, or any person in possession of a property.
- (q) "Owner" shall include any person 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 or a guardian.
- (r) "Plumbing System" shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately before and after the Meter.
- (s) "Potable Water" shall mean water that is fit for human consumption.
- (t) "Private Water Service" shall mean a pipe connected to a Water Service and installed on private property for the purpose of supplying any property in the Town with water.

- (u) "Shut-off Valve" shall mean the valve on the Water Service owned and used by the Town to shut off or turn on the water supply from the Town's Waterworks Distribution System to any property by way of the Private Water Service.
- (v) "Tariff of Fees By-Law" shall mean the Town's.
- (w) "Town" shall mean the Corporation of the Town of Richmond Hill and its employees.
- (x) "Treasurer" shall mean the Treasurer of the Corporation of The Town of Richmond Hill or his delegate(s).
- (y) "Unit" shall mean a residential, commercial or industrial establishment which is separated or is capable of being separated from another establishment on the assessment roll.
- (z) "Wastewater Rate" shall mean a charge for the operation and maintenance of the Wastewater System and the purchase of wastewater services applied to the Metered usage of water and shall include a charge for depreciation, deferred maintenance, or a reserve fund for any such purpose permitted by By-law as deemed expedient by Council. The rate may include a charge for the capital cost of the Wastewater System and alterations or extensions to it which includes a debt charge but does not include charges imposed under the Municipal Act, 2001 for Local Improvements.
- (aa) "Water" shall mean potable water supplied by the Town.
  - (aa)"Watermain" shall mean every water pipe, except services and portions of Private Water Services as herein defined, installed on the public road allowance or on any other land upon which the Town has obtained easements.
  - (bb)"Water Service" shall mean the pipe and fittings owned by the Town which conveys potable water from a Water Distribution System established by the Town and situated between the connection on a watermain and the street line.
  - (cc)"Waterworks Distribution System" shall mean any works for the collection, supply and distribution of water, or any part of any such works, but does not include plumbing to which the Building Code Act, 1997, or any amendments thereto apply.
  - (dd)"Wastewater System" shall mean the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines, and installations and other works designated for the collection and transmission of domestic, commercial and/or industrial wastewater and includes lands appropriated for such usage but does not include plumbing to which the Building Code Act, 1997, or any amendments thereto apply.

## **2. DUTIES OF ENGINEER**

- (1) For the purpose of this By-law the Engineer's duties shall be:
  - (a) To generally operate, manage and supervise the Waterworks Distribution System and the Wastewater System owned by the Town of Richmond Hill.
  - (b) To enforce the provisions of this By-law other than those dealing with Meter Services and the billing and collection of water and wastewater related charges.
  - (c) To perform such other duties as may from time to time be given to him by the Council.

## **3. DUTIES OF THE TREASURER**

- (1) For the purpose of this By-law the Treasurer's duties shall be:
  - (a) To generally operate, manage and supervise Meter Services and the billing and collection of water and wastewater related charges.
  - (b) To enforce the provisions of this By-law relating to Meter Services and billing and collection of water and wastewater charges.
  - (c) To perform such other duties as may from time to time be given to him by Council.

#### **4. APPOINTMENT OF OTHER OFFICERS**

- (1) The Council may from time to time appoint or engage other officers or members of the Town as and when it is deemed necessary by the Council to do so.

#### **5. RULES AND REGULATIONS**

- (1) The rules and regulations set out in this By-law shall govern and regulate the operation of the Waterworks Distribution System in the Town and the supply of water by the Town.
- (2) Every such Owner by applying for or accepting a supply of water from the Town shall be deemed to have expressed his consent to be bound by the said rules and regulations.

#### **6. WATER SHUT OFF FOR EMERGENCIES**

- (1) The Engineer may, in the case of an emergency, or if he has knowledge of a substantial defect in the Private Water Service or if he has reason to believe that the water supplied does not meet the Water Quality Standards, shut off or reduce the water supply to a property and the Town shall not be liable for any damages of any kind which result therefrom.
- (2) Where practicable, the Town will provide reasonable notice of such shut off or reduction of water supply.
- (3) The Engineer will turn on the water supply once it has been satisfied that the reason for the shut off has been rectified.

#### **7. RIGHTS OF ENTRY TO PRIVATE PROPERTY**

- (1) Except in the case of emergency, the Engineer, Town or their Contractors shall give reasonable notice prior to entering any property.
- (2) The Engineer, Town and their Contractors shall be given free access, at all reasonable hours upon identifying himself, to all parts of every property to which the water is supplied, for the purpose of the installation, inspection, alteration or maintenance of the Meter and for the connection, inspection, alteration, maintenance or disconnection of any fixtures, connections, service pipes or wires and any other works relating to the supply of water or for the use of water on such property.
- (3) The Engineer may, upon reasonable notice, shut off the water supply for any necessary inspection, installation, construction, alterations, maintenance or disconnection of the Meter or Water Service and the Town shall not be liable for any damages whatsoever caused by the shutting off or the reduction of supply of water.
- (4) Where access is not provided, the Town may shut off the supply of water to the property until such time as the access is provided and the maintenance rate for turning water on and off as specified in the Tariff of Fees By-Law shall be applied to the account.
- (5) For the purpose of subsection 7(4), prior to shutting off the water the Town shall:
  - (a) Issue the Owner at least one written notice allowing a minimum of fourteen (14) calendar days to provide access during normal business hours or as otherwise acceptable to the Engineer or Town Contractor.
  - (b) Post a notice in a conspicuous place at the property notifying the Occupants of the date of shut off for not providing access to the property. A charge as specified in the Tariff of Fees By-law shall be applied to the account for posting this notice.

#### **8. UNAUTHORIZED OPERATION OR INTERFERENCE OF WATERWORKS**

- (1) No person other than a person authorized by the Town for that purpose shall open or close a valve in the Waterworks Distribution System, or remove, tamper with or in any way interfere with any valve, hydrant, gate, water Meter, structure, watermain or Water Service in the Waterworks Distribution System.
- (2) All shut-off valves must be left clear and accessible at all times so that the water in the Water Service pipe and Private Water Service may be turned off or on as may be found necessary by the Engineer.

## 9. UNAUTHORIZED INTERFERENCE WITH METER

- (1) No person, except a person authorized by the Town for that purpose, shall be permitted to open, or in any way whatsoever to 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.
- (2) Should any person change, tamper with, remove, or otherwise interfere, in any way whatsoever, with any water Meter placed in any building, the Engineer may forthwith, upon providing reasonable notice, shut off the water from such building or property, and the water shall not be turned on to such building or property without the express consent of the Engineer. A maintenance fee for turning water on and off as specified in the Tariff of Fees By-Law shall be applied to the account along with a fee for tampering as specified in the Tariff of Fees By-Law.

## 10. INSTALLATION OF WATER SERVICES

- (1) All persons applying for the installation of a new Water Service from the Town shall first make written application to the Engineer, showing the several and various purposes for which water is required, and shall sign the form or agreement provided by the Town.
- (2) The application and agreement shall be signed by the Owner of the building to be supplied with water, or by his agent, duly authorized in writing.
- (3) In order that a uniform rate shall be charged for the installation of Water Service a fixed rate shall be established by Council which shall be the equivalent to the cost of the installation calculated as if the watermains in the Town were laid in the centre of the streets.
- (4) At the time of application for a supply of water the person shall pay to the Treasurer the charge for installing the necessary Water Service as specified in the Tariff of Fees Bylaw.
- (5) Persons making application for the installation of Water Services for which a sum is not specified in the Tariff of Fees By-law, shall at the time of application, deposit with the Treasurer a sum of money estimated by the Engineer to be the cost of providing such Water Services.
- (6) The Engineer shall have authority to approve or deny any application for the installation of Water Services.
- (7) If for any reason the Engineer does not approve of an application, the applicant may apply to Council for consideration and the decision of Council shall be final.
- (8) Where approval is granted by the Engineer of the Council for the installation of a Water Service, it shall be installed upon such terms and conditions as the Engineer or Council may deem necessary.
- (9) Not more than one building shall be supplied from a single Water Service unless approved by the Engineer.
- (10) A separate curb stop shall be installed for each building in every case.
- (11) Where a building occupies the frontage of a lot and one or more buildings are located in the rear of the said front building, all such buildings shall be supplied from one Water Service provided that all said buildings belong to one Owner.
- (12) After an application has been approved by the Engineer and the payments referred to in the preceding sections have been made to the Treasurer, the Engineer shall install the necessary Water Services.
- (13) Water Services shall be installed only by persons employed by the Engineer or designated by him, except in new land development projects where agreements with the Town require the Developer or Subdivider to complete such works.
- (14) All Water Services located on public or 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 Town's standards shall be applied and shall prevail.
- (15) All Water Services less than 100mm in internal diameter shall be of seamless copper tubing.

- (16) All such pipe and fitting used for Water Services shall be of such weight and other specifications as the Engineer may direct. The minimum diameter of a new Water Services shall be 20mm.
- (17) Where the necessary Water Services and Private Water Services have already been installed, the cost of such installation is fully paid, the Owner shall make an application to the Treasurer for the supply of water to the building.

## **11. INSPECTION OF WATER SERVICE**

- (1) All Water Service pipes and appurtenances installed, including those required by a Town Subdivision or Development Agreement must be inspected by the Town as specified in the Town's standards, the charge for such inspections shall be as specified in the Tariff of Fees By-law.

## **12. MAINTENANCE OF WATER SERVICES**

- (1) The cost of maintaining Water Services and of keeping the same in repair shall be paid by the Town.
- (2) Except in the case of an emergency, when making repairs or constructing new work in connection with the Waterworks Distribution System, the Engineer, upon reasonable notice may shut off the water from any consumer and keep it shut off as long as may be necessary and the Corporation shall not be liable for any resulting damage.
- (3) The Town agrees to use reasonable diligence in providing a regular and uninterrupted supply of water, but does not guarantee a constant service or the maintenance of unvaried pressure or supply of water and is not liable for any damages suffered by any Customer caused by the breaking of any Water Service pipe or attachment, or for shutting off of water to repair watermains or to tap watermains.

## **13. PRIVATE WATER SERVICES**

- (1) All Private Water Services shall be installed by the Owners of the property for which such Private Water Services are required, or their agents.
- (2) The Plumbing System shall be designed so that all water used on such property shall pass through the Meter.
- (3) In all cases sufficient space shall be allowed on the horizontal pipe for installation of the Meter.
- (4) Every Meter and Automatic Meter Reading Device shall be placed in such location as the Engineer may direct.
- (5) The Meter and Automatic Meter Reading Device for all services shall be supplied and installed by the Town unless otherwise provided by agreement, and shall remain the property of the Town, however funded.
- (6) All Private Water Services 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 Town's standards shall be applied and shall prevail.
- (7) Private Water Services shall be properly laid and graded with a fall to an inlet valve and waste cock placed in the floor in the cellar, basement or other convenient place so that all pipes within the building may be emptied by closing the shut off valve, opening the waste cock and opening the faucet at the highest point therein and allowing air to enter the said pipe.
- (8) In any buildings to where there is no basement or cellar the inlet valve and waste cock shall be placed so that it is protected from frost and so that the pipes may be conveniently drained and the pipes shall be carried to or near the centre of the building or to an unexposed part previous to being carried upward.
- (9) All damage to the Meter due to frost, poor workmanship, carelessness or any other reason shall be the responsibility of the Owner and shall be repaired and paid for by the Owner of the subject property.
- (10) Where a Meter cannot conveniently be placed inside a building the Meter for such property shall be placed in a Meter chamber, the location and construction of which shall be specified and approved by the Engineer.

#### **14. WATER SUPPLY FOR BUILDING PURPOSES**

- (1) Builders requiring water for building purposes shall make a separate application for each building to be erected and shall furnish the Engineer with all information required by him.
- (2) The builder shall pay to the Treasurer the Temporary Water Charge as specified in the Tariff of Fees By-law.
- (3) A permit for the use of water for building purposes shall be valid from the date the building permit until the date the Meter is installed or for a period of up to six months whichever comes first.

#### **15. NOTICE FOR INSPECTION**

- (1) The Chief Building Official shall be notified by the Owner of the property when a Private Water Service has been laid and is ready for inspection.
- (2) This shall in no way be interpreted as an approval from any other authority having jurisdiction over these works.
- (3) All works shall be left uncovered and convenient for examination until inspected and approved.
- (4) The inspection shall be made within two working days after receipt of notice provided notice is provided prior to twelve o'clock noon.
- (5) When the soil is of such nature that it cannot be left open for two days, the inspection shall be made forthwith.
- (6) No water supply shall be turned on until the work is inspected and approved by the Chief Building Official.
- (7) Newly constructed property shall not be occupied prior to the Private Water Service installation inspection and approval by the Chief Building Official.

#### **16. WATER FOR FIRE EXTINCTION**

- (1) Equipment installed solely for the automatic extinction of fires in buildings may, with the approval of the Engineer, be attached to watermains provided that such equipment is entirely disconnected from water pipes used for any other purpose, and water supplied through such equipment is used solely for the purpose of fire extinction.
- (2) All such equipment must be provided with a suitable valve outside the building and under the exclusive control of the Town.
- (3) The Town may require a fire-rated Meter of approved specifications to be installed and maintained by the Owner, lessee or agent.
- (4) 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.

#### **17. USE OF WATER FROM FIRE HYDRANTS**

- (1) Except for water used for fire extinction, any other use of a Town's fire hydrant for water supply must be approved by the Engineer and must be Metered by a hydrant Meter supplied by the Town.
- (2) Authorized use of water from a fire hydrant shall be charged on a consumption basis at the rate specified in the Tariff of Fees By-Law.
- (3) No person other than a person authorized by the Engineer for that purpose shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant.



## **18. MAINTENANCE OF PRIVATE WATER SERVICES**

- (1) The Owner of any property into which a Private Water Service is laid shall maintain in proper working order and good repair, at its own expense, the Private Water Services, Plumbing System and all its fixtures and appurtenances.
- (2) The Owner shall be responsible for maintaining in proper working order and good repair, the inlet valve before the Meter.
- (3) Any and all defects to the Private Water Service and Meter chambers shall be repaired by the Owner of the property being serviced.
- (4) In accordance with Section 6(1), should the Town become aware of any substantial defect, the Town at its discretion may turn off the water supply to the property. The Town will turn on the water supply once it has been satisfied that the defect has been rectified. The turning on of the water supply is subject to the rates as specified in the Tariff of Fees By-Law

## **19. WATER SUPPLY**

- (1) When the necessary Water Services and Private Water Services have been completely installed to the satisfaction of the Engineer and in compliance with the provisions of this By-law and the payments required by this By-law have been made to the Treasurer, the Engineer shall turn on the water for supply to the property.
- (2) No person supplied with water by the Town shall be entitled to use such water for any purpose other than those stated in the application.

## **20. CONNECTIONS TO WATER SERVICES OR PRIVATE WATER SERVICES**

- (1) No person shall make any connection or connections whatsoever to any Water Service or Private Water Service without the written consent of the Engineer.
- (2) The Owner of the property on which an unlawful connection has been made shall pay the water and wastewater rates as estimated by the Town in addition to being liable for any other penalty provided by this By-law or any other legislation.
- (3) No person shall under any circumstances connect any faucet, tap, hydrant or appliance of any kind whatsoever to any Water Service or Private Water Service so as to use water which has not passed through the Meter except as provided in Section 10 – Installation of Water Services.

## **21. PROTECTION FROM CONTAMINATION**

- (1) 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 Waterworks Distribution System. The means for “protection from contamination” shall be in accordance with the requirements of the Ontario Building Code Act, 1997, as amended from time to time.
- (2) Any person authorized by the Town for the purpose of inspecting cross connections shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other property to which any Water Service is supplied.
- (3) Notwithstanding the provisions of this section and Section 6 of this By-law, where a risk of possible immediate contamination of the Waterworks Distribution System exists in the opinion of the Engineer or an approved authority, the Engineer may:
  - (a) Immediately shut off the Water Service or services to the property and issue an order to correct the deficiency or eliminate the threat.
  - (b) 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 Engineer may then shut off the Water Service or services.

- (4) The water supply shall not be restored until the Engineer or Chief Building Official has inspected the property and private water systems.
- (5) If a condition is found to exist which is contrary to this section, the Town shall immediately carry out an inspection and shall issue such order or orders to the Customer as may be required to obtain compliance with this section.
- (6) Notwithstanding the provisions of this section, where a risk of possible contamination of the Waterworks Distribution System exists in the opinion of the Engineer or an approved authority, a Customer shall, upon notice from the Town, install on his/her Private Water Service a cross connection control device.
- (7) Cross connection control or backflow prevention devices, when required by the Engineer, shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64.1094 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", as amended from time to time.
- (8) 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 Town, by qualified personnel to carry out such tests to demonstrate that the device is in good working condition. The Customer shall submit a report to the Engineer on 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 property, 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 license number.
- (9) If a Customer fails to have a cross connection control device tested, the Town 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 Engineer may shut off the Water Services until the cross connection control device has been tested and approved as required by this section.
- (10) When the results of a cross connection control device test shows 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 Engineer may shut off the Water Service until such repair or replacement has been made.
- (11) No person shall without the permission of the Engineer remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation notwithstanding the fact that the applicable provincial regulation has been rescinded.

## **22. RANGE BOILERS**

- (1) In all cases where range or steam boilers are supplied with water the Town shall not be liable for any damage which may result to any person or property or equipment from shutting off the water from any watermain or service pipe for any purpose whatever or from the reduction or fluctuation of water pressure, notwithstanding that no prior notice was given.
- (2) All service pipe connections to boilers shall have cross connection control devices fixed to prevent water escaping back into the watermains and suitable relief valves to relieve excess pressure.

## **23. WATER COOLED AIR CONDITIONING SYSTEMS**

- (1) No person shall use any water supplied by the Town in any air-conditioning installation whatsoever except only in those air-conditioning installations where water is only used for make-up purposes and none is permitted to run to waste.
- (2) Any business operation requiring cooling, climitization or air-conditioning on a year-round basis as an integral part of their operation may use water cooled air-conditioning systems as long as the said system or systems do not exceed 5-ton capacity, and that no cooling water runs to waste.

## 24. WATER METER INSTALLATION

- (1) All water supplied to each building through a Private Water Service shall be separately Metered and have remote reading devices installed for collecting Meter reads.
- (2) Not more than one Meter shall be placed in each commercial building, industrial building, condominium, apartment house or other structure.
- (3) The cost of installing Meters including the cost of such Meter, shall be prepaid by the Owner before the Meter is installed and the Meter shall remain the property of the Town.
- (4) All Meters shall be furnished and installed by the Town or their Contractors before the properties are occupied.
- (5) If a request is made to the Town to install a water Meter and the plumbing has not been completed in accordance with Ontario Provincial Standard (OPS), a Plumbing Not Ready charge in the amount specified in the Tariff of Fees By-law shall be applied.
- (6) If the standard remote reading device cannot be installed, for any reason, the Owner shall pay for a radio frequency reading device or be subject to an annual charge as set out in the Tariff and Fees By-law for taking a Meter read directly from the Meter. If the Owner chooses to have the Meter read on an annual basis, quarterly bills between annual Meter readings shall be based on reads called in by Owner or consumption estimated by the Town.
- (7) If a Meter is stolen from a property during construction, a new Meter shall be installed upon request and the cost of the supply and installation shall be added to the water account.
- (8) If an Owner does not respond to requests made by the Town to install a Meter the water supply may be turned off until such time as the Owner makes suitable arrangements to have the Meter installed. A Maintenance charge set out in the Tariff of Fees By-law shall be applied to the water account for turning the water off and on.

## 25. METER REPAIRS AND MAINTENANCE

- (1) The entire cost of maintaining and repairing Meters shall be paid for by the Town unless such Meter is damaged by the carelessness or neglect of the Owner or Occupant of the property on which such Meter is installed and in that event the Owner of the property shall pay to the Town the cost of making the necessary repair to such Meter.
- (2) If an Owner does not respond to requests made by the Town to gain access to the Meter for any reason, the water supply may be turned off until such time as the Owner makes suitable arrangements to have the Meter inspected, repaired or installed. A Maintenance charge specified in the Tariff of Fees By-law shall be applied to the water account for turning the water off and on.
- (3) If, in the opinion of the Town, or their Contractor, the condition of the Private Water Service and inlet 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 Private Water Service and inlet valves, the Town may require the Owner or Occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the Meter.
- (4) If, upon notification, the Owner does not comply with the Town's request to make repairs in accordance with section 25(3), 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 Owner shall pay the maintenance rate for turning water off and on as specified in the Tariff of Fees By-law. Town shall not be held responsible for any damages to the Owner's property arising from such work.
- (5) Any missed appointments for Meter inspections, repairs, maintenance, or testing shall be charged a fee as specified in the Tariff of Fee By-law.
- (6) If an Owner requests that a Meter be installed, replaced, relocated, upsized or downsized, the cost of the supply and/or install of that Meter shall be the responsibility of the Owner. Such cost shall be paid prior to the Meter being installed or relocated in the amount specified in the Tariff of Fees By-law. No credit value shall be granted for the Meter being removed.
- (7) If an Owner requests that the Meter be serviced and there is no indication of malfunction a Service Call Fee as specified in the Tariff of Fee By-law shall be applied to the water account.

- (8) Any leaks that may develop at the water Meter or its couplings must be reported immediately to the Town.
- (9) If an Owner reports that a Meter or its couplings are leaking and it is either not leaking or leaking from the Private Water Service or Plumbing System, a Service Call Fee as specified in the Tariff of Fee By-law shall be applied to the water account.
- (10) The Town's service technicians are not permitted, licensed or insured to perform service work on the Private Water Service or Plumbing System other than the water Meter and its couplings.

## **26. WATER AND WASTEWATER BILLING**

- (1) The water and wastewater usage charges payable pursuant to this By-law are based on Metered water consumption at the rates specified in the Tariff of Fees By-law and may be changed by Council from time to time.
- (2) All water passing through a Meter shall be charged for whether used or wasted.
- (3) The reading of the Meter register shall be the sole evidence of the quantity of water supplied to a Property unless the Meter is proven to be defective through a Meter test conducted by the Town.
- (4) Where a property is supplied with Town water but is not connected to the Wastewater System, no wastewater rates will be applied to the Metered water consumption.
- (5) It shall be the Owner's responsibility to notify the Town that they are not connected to the Wastewater System. Once notified and confirmed by inspection by the Engineer, subsequent billings will be charged using the water rates only. There will be no retroactive adjustments of billings issued prior to such notification.
- (6) Where a property receives wastewater services but is not supplied with Town water, the flat rate wastewater usage charge shall be billed and no water usage charge will be applied.
- (7) If a property is occupied prior to a Meter being installed, the Owner shall be retroactively charged for water and wastewater services at the flat rate specified in the Tariff of Fees By-law back to the date of occupancy as determined by the Treasurer and the decision of the Treasurer shall be final.
- (8) Where a property receives water and/or wastewater services but does not have a water Meter, a flat rate water and/or wastewater usage charge as set out in Tariff of Fees Bylaw shall be billed. Such ongoing condition must be with the consent of the Engineer.
- (9) The flat rate amount so billed may be retroactively adjusted upward by the Treasurer should the subsequent Metered consumption indicate higher water usage than that utilized to determine the flat rate charges.
- (10) If a Meter fails to register or a read is not collected for any other reason, the Customer shall be charged on the basis of a reasonable estimate as determined by the Town derived from previous consumption at the property where available.
- (11) If full payment is made on or before the due date stated on the bill, an early payment discount in the amount specified in the Tariff of Fees By-law will be granted.
- (12) If water is supplied to more than one party through a single Meter, the account for the water and wastewater supply shall be paid by the Owner of the property.
- (13) If the Town has made a billing calculation error, the account may be retroactively recalculated for a period not exceeding one year from the date of detection with resulting credits or charges being applied to the water account.
- (14) If water and wastewater charges are added or require adjustment as a result of the provisions of this By-law not being met, the charges may be readjusted retroactively to the date at which is determined, in the opinion of the Treasurer, that the provisions were violated and the decision of the Treasurer shall be final.
- (15) The Treasurer has the authority to apply an administrative credit where it is determined that the staff failed to execute the standard procedures or failed to do so in a timely manner where the Town's actions are determined to have contributed to the extent of water wastage to recognize the Town's responsibility.

- (16) If water is supplied to only one party in a property, and the Owner requests that the Occupant be billed directly, the Town will do so as a convenience to the Owner under the following conditions:
- (a) The Owner assumes full responsibility for all charges applied to the account for the provision of water and wastewater services in the event that the Occupant fails to pay.
  - (b) An Tenant Billing Application must be completed and signed by the Owner and returned to the Town.
  - (c) Upon notice to the Owner, the Town may at any time and for any reason discontinue billing the Occupant and bill the owner directly for the water and wastewater charges of the Occupant.

## **27. FINAL BILLING**

- (1) When a Customer proposes to vacate the property supplied by water he shall request a final reading and billing at least five days before vacating the property to permit the reading of the Meter.
- (2) If a request for a final bill is received during a period between Meter readings, the billing shall be based on the quantity of water used to the time of the final reading of the Meter.
- (3) The charge at the next regular billing shall be calculated on the quantity of water used during the remaining part of the billing period from the time of occupancy.
- (4) If such notice is not received by the Town, the consumption will continue to be billed in accordance with the regular billing schedule and it shall be the responsibility of the Owner or their agent, to allocate the charges between themselves and the previous Owner or Occupant.
- (5) Neither Ownership nor occupancy changes shall be made retroactively.
- (6) An Owner or their agent, may request a certificate from the Treasurer showing the amount of water and wastewater charges, if any, charged against any property at any time.
- (7) Any Owner or Occupant who commences to occupy property supplied with water and wastewater service shall forthwith notify the Treasurer so a new account can be created. At the discretion of the Town, either the last regular Meter reading or a read taken within five (5) days of notification will be used as the final/opening read.
- (8) All Ownership and occupancy changes shall be subject to a New Account Fee in the amount specified in the Tariff of Fees By-law.
- (9) The New Account Fee does not apply to builders unless the property is occupied by the builder.
- (10) If the final billing of the previous Occupant remains outstanding, such charges are a lien on the land and shall be transferred to the property tax account in accordance with the provisions of the Municipal Act, 2001.

## **28. METER TESTING**

- (1) A Meter not exceeding 20mm in size may be removed and tested by the Town upon request. A fee equivalent to the supply and install charge for the Meter and the Meter testing charge as specified in the Tariff and Fees By-law shall be applied to the water account.
- (2) Meters exceeding 20mm in size may be tested upon request, on site, if possible, a fee in an amount estimated by the Treasurer to represent the cost of testing. The actual amount charged shall be the cost of the Meter test plus twenty (20) percent.
- (3) Meters exceeding 20mm in size that cannot be tested on site may be tested upon request. The actual amount charged shall be the cost of supply and install of the Meter and the cost of the Meter test plus twenty (20) percent.
- (4) If Meter test results indicate that the Meter is found to register correctly, or that it does not exceed the American Water Works Association (AWWA) standard by three percent or more in favour of the Town, the actual cost of replacing and testing of the Meter shall be paid by the person requesting that such Meter be removed and tested.

- (5) If Meter test results indicate that the Meter is found to register in excess of three percent over the AWWA standard in favour of the Town, the deposit shall be returned and a credit shall be applied to the water account to represent the excess billed over three percent for the previous billing period only.
- (6) No reduction shall be made which will reduce the water and wastewater charges for the prior billing period below the average level of consumption for that property.
- (7) No such reduction shall be made when the Owner or Occupant of the building has not complied with the provisions of this By-law.
- (8) The fee for testing a water meter may be waived at the discretion of the Treasurer.

## **29. COLLECTIONS**

- (1) A service charge shall be applied in accordance with the Tariff of Fees By-law, if a payment is dishonoured by the bank for any reason.
- (2) Subject to any credit applied pursuant to section 26(15), all fees and charges relating to the supply of water and wastewater services or for any other expenses, fees or charges provided for in this By-law shall be paid by the Owner or Occupant of the property.
- (3) If the fees and charges for any reason are not paid by the Owner or Occupant, the municipality may transfer all the charges to the property tax roll for non payment.
- (4) Prior to transferring the charges to the property tax roll for non-payment the Town shall;
  - (a) Issue a final notice at least fourteen (14) days following the due date. If the property is tenanted, a notice shall be sent to the Owner.
  - (b) If the charges remain unpaid, transfer the charges to the property tax roll twenty one (21) days from the issuance of the final notice. If the property is tenanted, a notice shall also be sent to Owner. All transferred balances shall be charged an administration fee as specified in the Tariff of Fees By-Law. The fee may be waived at the discretion of the Treasurer.
- (5) If water is supplied to more than one party through a single Meter, the account for the water and wastewater supply shall be paid by the Owner of the property and in the case of non-payment, the water charges may be transferred to the property tax roll for that property equally to all property owners.
- (6) Whenever water has been turned off for purposes of repair or construction or for any other necessary or proper purpose, no person will be permitted to turn it on again who is not duly authorized to do so by the Engineer.
- (7) All fees charged under this By-law that are added to the tax roll have priority lien status pursuant to O. Reg. 581/06 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended.

## **30. DISCONTINUANCE OF USE OF WATER**

- (1) Any Customer wishing to discontinue the use of water supplied from the Town's Waterworks Distribution System, must give notice thereof at the Treasurer's office, or the water and wastewater charges will continue to be calculated in accordance with this Bylaw, until such notice is given or until the water is turned off.

## **31. DISCONNECTION OF WATER SERVICE**

- (1) The Water Service must be disconnected at the watermain by the Town or their Contractor, the watermain plugged, and the curb box and rod removed at the Owner's expense. All work must be inspected by the Town, and the charge for such work and inspection is as specified in the Tariff of Fees By-law.

### **32. RESPONSIBILITIES OF PROPERTY OWNER**

- (1) It is the Owner's responsibility to ensure that all Meters, fixtures and pipes of every kind used in connection with the supply of water are readily accessible and free from obstruction at all times.
- (2) It is the Owner's responsibility to maintain in proper working order and good repair, at its own expense, the Private Water Services, Plumbing System, inlet valve and all its fixtures and appurtenances.
- (3) All Private Water Service 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.
- (4) The Owner shall be responsible for the water loss caused by a leak in the Private Water Service and/or Private Water Service and the charge for such water loss shall be determined by the Engineer, shall be paid by the Owner upon demand by the Town, and the Town shall not be held responsible for any damages arising from such leakage.
- (5) When any property is left vacant or without heat, it is the Owner's responsibility to shut off the water supply from within the property and to drain the piping therein.
- (6) The Owner or Occupant may apply in writing to the Town 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 specified in the Tariff and Fees By-Law.
- (7) When any property left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, neither the Owner nor Occupant shall have a claim against the Town.
- (8) Should the Engineer become aware of such leaking or burst pipes, the Engineer shall turn off the shut-off valve, and the water supply shall not be turned on until the Engineer, in his/her discretion, shall consider it advisable. The Owner shall pay for this service at the rate as specified in the Tariff and Fees By-Law.
- (9) Thawing out frozen Private Water Services shall be the Owner's responsibility and expense. Where any employee of the Town 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 Town by reason of such work.

### **33. PROHIBITIONS UNDER THIS BY-LAW**

- (1) No person shall:
  - (a) willfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Town or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this By-law.
  - (b) tamper with or otherwise interfere, in any way whatsoever, with any water Meter placed in any building.
  - (c) willfully let off or discharge water so that the water runs waste or useless out of the works.
  - (d) being an Owner or Occupant or other supplied with water from the Waterworks Distribution System, improperly waste the water or, without the consent of the Town, 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.
  - (e) without lawful authority, willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction.
  - (f) throw or deposit any injurious or offensive matter into the water, Waterworks Distribution System or Wastewater System, or upon the ice if the water is frozen, or in any way foul the water or commit any willful damage or injury to the works, pipes or water, or encourage the same to be done.
  - (g) willfully 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.
  - (h) lay or cause to be laid any pipe or watermain to connect with any pipe or watermain of the Waterworks, or in any way obtain or use the water without the consent of the Engineer.

### 34. VIOLATION OF PROVISIONS IN THIS BY-LAW

- (1) The Engineer may, at all reasonable time, enter and inspect a property to determine whether there is any unlawful use of the Waterworks Distribution System By-law.
- (2) All water used on property within the Town, except water used for fire fighting purposes, or water authorized by the engineer, for construction or other purposes, shall pass through the Meter supplied by the Town for use upon such property, and in addition to whatever other remedies the Town may have by law in respect to infringement of this By-law, the Town may, upon ascertaining that water has been unlawfully used Meter and forthwith, without notice, shut off and stop the supply of water.
- (3) The Engineer may turn off the water with or without notice to any persons who shall fail to comply with the provisions of the Municipal Act, 2001 or this By-law in any respect, other than the payment of charges.
- (4) The water shall not be turned on again until all provisions of this By-law are complied with and Water on and off charge specified in the Tariff of Fees By-law has been paid to the Treasurer.
- (5) Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.
- (6) 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 imposed on the person convicted.
- (7) Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any Waterworks Distribution System or to any Waterworks plant, machinery, fitting or appurtenance thereof is liable to the Town therefore.
- (8) Every person who willfully or maliciously damages or causes or knowingly suffers to be damaged any water Meter, Water Service or any appurtenances belonging to the Town or willfully 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 Town, and for any expenses of repairing or replacing the water Meter, Water Service or any appurtenances and double the value of the surplus water so consumed, all of which is recoverable under the Provincial Offences Act.
- (9) Every person who willfully removes, destroys, damages, fraudulently alters or in any way injures any Meter, Water Service or any appurtenances or thing belonging to the Town is guilty of an offence and on conviction is liable to a fine, to the use of the Town, and is also liable for all damages occasioned thereby, which are recoverable under the Provincial Offences Act.
- (10) Each day that a person contravenes any provision of this By-Law, constitutes a separate offence.

### 35. TRANSITIONAL MEASURES

- (1) That By-law No. 2-06 be repealed.
- (2) This By-law shall come into force on the day of the final passing thereof.

**READ A FIRST AND SECOND TIME THIS 12<sup>th</sup> DAY OF DECEMBER, 2011.**

**READ A THIRD TIME AND PASSED THIS 12<sup>th</sup> DAY OF DECEMBER, 2011.**

  
\_\_\_\_\_  
**MAYOR**      Dave Barrow  
Mayor

  
\_\_\_\_\_  
**TOWN CLERK**