

**Attachment “A”**

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## BY-LAW 2019-XXX

A by-law to enact rules and regulations covering the construction, operation and maintenance of a Waterworks System within the serviced area of the City of Markham.

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**WHEREAS** The Corporation of the City of Markham (hereinafter referred to as the “City”) is a lower-tier municipality within the Regional Municipality of York in the Province of Ontario;

**AND WHEREAS** subsection 11(3) and (4) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended (hereinafter referred to as the “*Municipal Act*”), authorizes lower tier municipalities to pass by-laws respecting public utilities including systems that distribute Drinking Water;

**AND WHEREAS** the City has certain responsibilities for the distribution of Drinking Water within the jurisdiction of the City of Markham;

**AND WHEREAS** the City is deemed to be the “water purveyor” as defined in subsection 1.4.1.2 (1) (b) of the *Ontario Building Code*;

**AND WHEREAS** Part 7 of the *Ontario Building Code*, as amended, authorizes a municipality to regulate the connection of individual water services to a municipal potable water system;

**AND WHEREAS** subsection 7.6.1.3 (5) of the *Ontario Building Code* states that “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”;

**AND WHEREAS** subsection 80 (1) of the *Municipal Act*, authorizes a municipality, at reasonable times, to 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 the public utility; or
- (b) to inspect, install, repair, replace or alter a public utility meter.

**AND WHEREAS** subsection 80 (2) of the *Municipal Act* authorizes a municipality to shut off or reduce the supply of a public utility to the land for the purposes of subsection 80 (1);

**AND WHEREAS** subsections 81 (1) and (2) of the *Municipal Act* authorize a municipality to shut off the supply of a public utility to land if fees or charges payable by the Owners or Occupants of the land for the supply of the public utility are overdue, upon providing reasonable notice of the proposed shut off to the Owners and Occupants;

**AND WHEREAS** subsection 82 (1) of the *Municipal Act* provides that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to the land of any Person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce is given;

**AND WHEREAS** subsection 91 (9) of the *Municipal Act* authorizes a municipality to enter upon land to repair and maintain its public utilities;

**AND WHEREAS** the Council of the Corporation of the City of Markham deems it expedient to have water restrictions for certain classes of Property within the serviced area of the City of Markham;

**AND WHEREAS** subsection 391 (1) of the *Municipal Act* provides that a municipality may pass by-laws imposing fees or charges on Persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** subsection 398 (1) of the *Municipal Act* provides that fees and charges imposed by a municipality on a Person constitute a debt of the Person to the municipality;

**AND WHEREAS** subsection 398 (2) of the *Municipal Act* states that a municipality may add fees and charges to the Tax Roll of the Property to which the public utility is supplied and

collect them in the same manner as municipal taxes and such fees shall have priority lien status;

**AND WHEREAS** subsection 425 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing a Person who contravenes it is guilty of an offence and subsection 429 (1) authorizes the establishment of a system of fines for offences under a by-law of the municipality;

**AND WHEREAS** section 434.1 of the *Municipal Act* provides that a municipality may require a Person to pay an Administrative Penalty if the municipality is satisfied that a Person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

**AND WHEREAS** section 434.2 (1) of the *Municipal Act* provides that an Administrative Penalty imposed by a municipality on a Person constitutes a debt of the Person to the municipality;

**AND WHEREAS** sections 435 and 437 of the *Municipal Act* provides for conditions governing the power of entry of a municipality;

**AND WHEREAS** subsection 436 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law, direction or order of the municipality is being complied with;

**AND WHEREAS** section 444 of the *Municipal Act* authorizes a municipality to make an Order requiring the Person who contravened a by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the activity and any Person who contravenes such Order is guilty of an offence;

**AND WHEREAS** section 445 authorizes a municipality to make an Order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to do the work to correct the contravention;

**AND WHEREAS** section 446 authorizes a municipality to direct or require a Person to do a matter or thing and in default of it being done, the matter or thing shall be done at that Person's expense and the municipality may collect the costs from the Person required to do it by action or by adding the costs to the Tax Roll and collecting them in the same manner as municipal taxes;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:**

## **1. DEFINITIONS**

1.0 For the purpose of this By-law, the following definitions and interpretations shall govern:

- 1) “**Account**” means the record of Water consumption and all fees and charges relating to a Property;
- 2) “**Administrative Penalty**” means an administrative penalty established by the City By-law No. 2016-84, as amended;
- 3) “**Advanced Metering Infrastructure (AMI)**” means all aspects related to collection, transmission, storage and monitoring of consumption, diagnostic and status data from metering devices by an automatic two-way metering infrastructure including the related equipment, software and hardware as adopted by the City from time to time for the purposes of billing, data analysis and remote utility management;
- 4) “**AMPS By-law for Non-Parking Offences**” means the City By-law No. 2016-84, a by-law to implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended from time to time;
- 5) “**Applicable Law**” means any applicable federal, provincial or municipal laws, statutes, by-laws, rules, regulations, Orders, directives and codes including the *Ontario Building Code* and *Fire Code* as amended from time to time;
- 6) “**Applicant**” means any Person who makes an application under this By-law;

- 7) “**Automatic Meter Reading (AMR)**” means all aspects related to collection, transmission and storage of consumption data from metering devices by an automatic system including the related equipment, software and hardware as adopted by the City from time to time for the purposes of billing and data analysis;
- 8) “**AWWA Standards**” means the standards adopted by the American Water Works Association, as amended from time to time;
- 9) “**Back Charges**” means additional charges added to an Account to correct deficiencies, arising out of or in relation to a stopped Water Meter, illegal connections, Water Meter in by-pass, tampered Water Meter, opened by-pass valve, Water Meter Reversal, incorrect Water Meter conversion multiplier, non-sewer charges, and other applicable situations which may cause the City to lose water sale revenue because of improper use of Water, Water Meters or the Waterworks System;
- 10) “**Backflow**” means a flowing back of or reversal of the normal direction of flow of water, as defined by the *Ontario Building Code*, as amended;
- 11) “**Backflow Preventer**” means a device or method that prevents Backflow in a water distribution system, as defined by the *Ontario Building Code*, as amended;
- 12) “**Building**” means a structure as defined by subsection 1 (1) of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 13) “**Business Day**” means any working day, Monday to Friday inclusive, but excludes public holidays as defined in Part I of the *Employment Standards Act, 2000*, S.O. 2000, c.41, as amended;
- 14) “**Chief Building Official**” means the chief building official appointed by Council for the purpose of enforcement of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, or their designate;
- 15) “**City**” means the Corporation of the City of Markham and includes its employees, Municipal Law Enforcement Officers, and authorized agents and contractors retained to act on the City’s behalf ;
- 16) “**City Standards and Specifications**” means the City’s *Engineering Design Criteria, Engineering Standard Drawings and Municipal Inspection & Construction Guidelines*, as amended from time to time or any other document superseding or replacing it;
- 17) “**Consumer**” means any or all of the Owner, Occupier, Developer or Builder of a Property which is serviced by, connected to or uses the Waterworks System;
- 18) “**Continuing Offence**” means a Person can be charged with a separate offence for each day on which the offence was committed or continued;
- 19) “**Council**” means the Council of the Corporation of the City of Markham;
- 20) “**Developer or Builder**” means the Owner or Person who has entered into an agreement with the City for the purposes of permitting development or construction to occur on a Property or land, which includes but is not limited to subdivision and site plan agreements entered into pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13, as amended; or the Owner or Person to whom a building permit has been issued by the City pursuant to the *Building Code Act, 1992*, S.O.1992, c23, as amended;
- 21) “**Director of Engineering**” means the person designated as the Director for the Department of Engineering of the City or their designate;
- 22) “**Director of Environmental Services**” means the person designated as the Director for the Department of Environmental Services of the City or their designate;
- 23) “**Drinking Water**” means water intended for human consumption as defined by subsection 2 (1) of the *Safe Drinking Water Act, 2002*, c.32, as amended;
- 24) “**Fee By-law**” means the City By-law No.2002-276, a by-law to impose fees or charges for services or activities provided or done by the City, as amended from time to time;

- 25) “**Fire Chief**” means the person appointed by the Council and who is responsible for the delivery of fire protection services in the City pursuant to the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended, or their designate;
- 26) “**Fire Code**” means Ontario Regulation 213/07 of the Fire Protection and Prevention Act, 1997, S.O. c.4, as amended or any successor thereto;
- 27) “**Fire Protection System**” means an assembly of pipes, valves, appurtenances and fittings that conveys Water from the Private Fire Service Main to the private fire hydrants(s), the fire sprinkler system or the standpipe and hose system, or any combination of the foregoing in or outside the building;
- 28) “**ICI**” means industrial, commercial and institutional, including mixed use Buildings which contain at least one of an industrial, commercial or institutional use;
- 29) “**Infill Home**” means a new home built on a vacant lot, a severed lot or on a lot where an existing structure is demolished;
- 30) “**Irrigation System**” means fixed equipment, which includes sprinkler heads, piping and other components that are used primarily to apply Water to vegetation;
- 31) “**Licensing, Permit and Service Fees By-law**” means the City By-law No.2012-137, a by-law to establish licenses fees and to impose fees or charges on Persons for services or activities provided or done by or on behalf of the City, as amended from time to time;
- 32) “**Multiple Offence**” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law;
- 33) “**Multi-Residential**” includes apartment buildings, residential condominium buildings, and townhouse condominium blocks;
- 34) “**Municipal Law Enforcement Officer**” means an employee of the City who has been appointed to enforce the City By-laws or a member of the York Regional Police;
- 35) “**Occupancy Certificate or Occupancy Permit**” means documents issued by the Department of Building Standards of the City confirming a Building's compliance with prescribed standards set out in the *Ontario Building Code*;
- 36) “**Occupier**” or “**Occupant**” includes a Person residing on or in a Property; a Person entitled to the possession of the Property; a tenant or leaseholder; and, where that Person is a corporation, shall include the officers, directors and shareholders of that corporation;
- 37) “**Ontario Building Code**” means Ontario Regulation 332/12, of the *Building Code Act, 1992, S.O. c.23*, as amended or any successor thereto;
- 38) “**Ontario Drinking Water Quality Standards**” means Ontario Regulation 169/03 under *Safe Drinking Water Act, 2002, S.O.2000, c.32*, as amended or any successor thereto;
- 39) “**Order**” includes a Notice, Work Order, Order to Comply, and Order to Discontinue issued by the City;
- 40) “**Owner**” means a Person who is the registered owner of a Property or who has any right, title, estate, or interest in a Property, other than that of only an Occupant and, where that Person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any Person with authority or power over or control of that Property on the behalf of an Owner. An Owner includes a Developer or Builder;
- 41) “**Person**” means an individual, sole proprietorship, partnership, municipality, unincorporated association, unincorporated organization, corporation, trustee, heir, executor, administrator or other legal representative, Owner or Occupier of a Property, and includes an agent or employee of any of them;



- 42) “**Plumbing**” means a water system, drainage system and a venting system or parts thereof as defined in subsection 1 (1) of the *Building Code Act, 1992*, S.O.1992,c.23, as amended;
- 43) “**Private Fire Service Main**” means pipes, fittings and appurtenances that convey Water from the Water Service Connection for the purpose of fire protection or suppression only to all points in a fire protection or suppression system;
- 44) “**Private Water Meter**” means a Water Meter which is not owned, serviced or maintained by the City;
- 45) “**Private Water Service Pipe**” means the pipe and fittings owned by an Owner of Property that convey Water from the Water Service Connection to a Water Meter, or to the point where the pipe and fittings connected to the Water Service Connection enters a Building or structure if there is no Water Meter;
- 46) “**Private Water System**” means an assembly of pipes, fittings, valves, equipment and appurtenances owned by an Owner of Property that convey Water from the Private Water Service Pipe to Water supply outlets, fixtures, Plumbing appliances, devices and appurtenances and all other points downstream of the Water Meter or downstream of the point where the Private Water Service Pipe enters a Building or structure if there is no Water Meter;
- 47) “**Professional Engineer**” means an engineer experienced in municipal works, registered with the Association of Professional Engineers Ontario, possessing a current valid license to practice professional engineering as required by *the Professional Engineers Act, R.S.O.1990*, as amended or any successor thereto, and working for a consulting engineering company registered through a Certificate of Authorization to undertake engineering work;
- 48) “**Property**” means one house, one Building, one structure, one lot or block on a plan of subdivision or one parcel of land within the City which has a unique municipal address and is adjacent to the Waterworks System;
- 49) “**Qualified Person**” means an individual who holds a Drinking Water System Operator’s certificate under Ontario Regulation 128/04 (*Certification of Drinking Water System Operators and Water Quality Analysts*) of the *Safe Drinking Water Act, S.O.2002, c.32*, as amended or any successor thereto;
- 50) “**Remote Readout Unit**” means any device which is used to record or transmit the meter register reading of a Water Meter whether or not it is installed at a separate location from the Water Meter but does not include the Water Meter register;
- 51) “**Renovated Building**” means any Building or structure where the Plumbing or piping around or adjacent to a Water Meter is changed or altered after the Water Meter is installed;
- 52) “**Road Allowance**” means any right of way for the purpose of a road dedicated to the City or Regional Municipality of York;
- 53) “**Safe Drinking Water Act**” means the *Safe Drinking Water Act, S.O.2002, c.32*, as amended or any successor thereto
- 54) “**Single-Residential**” includes detached, linked, semi-detached houses and free hold townhouses, but excludes Multi-Residential uses;
- 55) “**Sprinkler Meter**” is a part of the Waterworks System and means any Water Meter which is installed separately for the purpose of metering water used by irrigation systems;
- 56) “**Street Line**” means the boundary of a Property abutting a Road Allowance;
- 57) “**Tax Roll**” means a listing of all taxable property in the City for a given year;
- 58) “**Temporary Water Service Connection**” means a water supply pipe which is installed for a specific short term purpose;
- 59) “**Treasurer**” means the Treasurer of the City or his/her designate;

- 60) “**Vacant**” means a vacant or an unoccupied Property regardless of the length of time the Property has been left unattended or not inhabited;
- 61) “**Valve Box**” is a part of the Waterworks System and means the vertical pipe and cap installed over an underground valve in the Waterworks System which allows the said valve to be operated from ground level;
- 62) “**Valve Chamber**” is a part of the Waterworks System and means the underground structure housing a valve in the Waterworks System which permits access to and operation of the said valve from ground level;
- 63) “**Water**” means Drinking Water;
- 64) “**Water Bill**” means the charge that is made to the Consumer for the City’s water and wastewater services which are billed by the City or any authorized agents acting on behalf of the City of Markham;
- 65) “**Watermain**” means a pipe forming part of the Waterworks System that conveys municipal Water supply to Water Service Connections;
- 66) “**Water Meter**” is a part of the Waterworks System and means the meter read, serviced, maintained or supplied by the City to measure the quantity of Water consumed at, in or upon a Property;
- 67) “**Water Meter Chamber**” is a part of the Waterworks System and means the underground structure housing a Water Meter which is located within three (3) meters of the Street Line;
- 68) “**Water Meter Replacement Program**” means an annual capital program implemented by the City to replace Water Meters at or near the end of their lifespan of approximately twenty (20) years. This proactive annual program reduces maintenance costs, and risks of water leaks at the meter, and provides an accurate measurement of Water consumed or wasted by the Consumer;
- 69) “**Water Rates**” includes “water rate” and “flat rate water charge” as set out in the Fee By-law;
- 70) “**Water Service Box**” is a part of the Waterworks System and means the vertical pipe and cap installed over the Water Shut Off Valve and stem on the Water Service Connection;
- 71) “**Water Service Connection**” is a part of the Waterworks System and means the pipes, fittings and appurtenances used for the purpose of supplying a Property in the City of Markham with Water from the Waterworks System and is located between the Street Line and the Watermain or between the Water Service Box and the Watermain;
- 72) “**Water Shut Off Valve**” is a part of the Waterworks System and means the valve on the Water Service Connection owned and used by the City to turn off or turn on the Water supply from the Waterworks System to any Property;
- 73) “**Water Use Restriction Order**” means a ban or other restrictions put into effect that restricts the outdoor use of Water;
- 74) “**Waterworks System**” means the municipal drinking water system which is owned and operated by the City licensed pursuant to the *Safe Drinking Water Act, S.O.2002, c.32*, as amended;
- 75) “**Waterworks User Fees**” means waterworks fees, charges and rates as set out in the Fee By-law, but not including Water Rates;
- 76) “**Well**” means an excavation or structure created in the ground by digging, driving, boring, or drilling to access groundwater;
- 77) “**Wells Regulation**” means Ontario Regulation 903 under *Ontario Water Resources Act, R.R.O. 1990*, as amended or any successor thereto;
- 78) “**Work**” means all construction, operation and maintenance activities related to the Waterworks System.

## 2 APPLICATION OF BY-LAW

- 2.0 This By-law shall apply to
- 2.0.0 Every Person using or drawing Water from the Waterworks System;
  - 2.0.1 The Owner or Occupier of every Property upon which Water is used, unless the Water being used is not supplied by the Waterworks System; and
  - 2.0.2 All Properties with a connection to the Waterworks System whether metered or not, and whether the connection is permanent or temporary.

## 3 ADMINISTRATION OF BY-LAW

### 3.0 Waterworks System Construction, Operation and Maintenance

- 3.0.0 The City shall be responsible for the construction, operation and maintenance of the Waterworks System in accordance with all Applicable Law including but not limited to the *Safe Drinking Water Act*.
- 3.0.1 The City shall become the operator of a water system that is built within the Road Allowance as part of a subdivision by a Developer or Builder with the approval of the City, once the water system has been put into service even if it has not yet been assumed by the City.
- 3.0.2 The City shall be responsible for the administration of the Waterworks System including Water Meter installation, Water Meter maintenance and testing, and Water Meter Replacement program.
- 3.0.3 The administration of the installation of new, renovated or altered Private Water Service Pipes, Private Fire Service Mains, Private Water Systems and appurtenances thereto, and Backflow Preventers on private Property is the responsibility of the City's Chief Building Official pursuant to the *Ontario Building Code*.
- 3.0.4 The City shall be authorized to inspect all existing Private Water Service Pipes, Private Fire Service Mains, Private Water Systems and appurtenances thereto, and Backflow Preventers located and installed on private Property.
- 3.0.5 Any Person who has undertaken or caused or permitted to be undertaken any construction or work, whether authorized or approved by the City or not, and which is located under, over, across or along any Watermain or other part of the Waterworks System shall be liable to the City for any damage caused by such construction or work. The Person shall notify the City immediately of any damage and the City will undertake the repair of any such damage and all costs for the repairs including but not limited to any overhead and administrative fees as set out in the Fee By-law, incurred by the City shall be the responsibility of such Person.
- 3.0.6 Conditions on Water Supply
  - a. The City agrees to use reasonable diligence in providing a regular and uninterrupted Water supply and quality of Water but does not guarantee:
    - i. a constant Water service; or
    - ii. the maintenance of unvaried Water pressure; or
    - iii. the maintenance of unvaried Water quality; or
    - iv. the maintenance of unvaried Water supply. and
  - b. The City shall not be liable to the Consumer or any Person for any damages, including but not limited to direct or consequential damages, in relation to the provision of Water as set out in 3.0.5(a), or caused by or arising out of the breaking of any Private Water Service Pipe or attachment, or any material buildup in a Private Water System, or arising from the shutting off of Water to repair, replace or install any

part of the Waterworks System including but not limited to Watermains or to tap Watermains.

### **3.1 Water Rates, Charges and Revenues Responsibilities**

- 3.1.0 The City shall be responsible for reading Water Meters and for the accounting, billing and collection of Waterworks User Fees and Water Rates charged in accordance with the Fee By-law.
- 3.1.1 The Water Rates, Waterworks User Fees and Back Charges shall be charged in accordance with the Fee By-law.
- 3.1.2 Water supplied by the City and measured by the Water Meter will be charged to the Consumer, regardless of whether the Water supplied is consumed or wasted.
- 3.1.3 Consumers shall be charged for and shall pay the amount due and owing as set out on their Water Bill for their Property based on the quantity of Water supplied by the City and in accordance with the Water Rates as set out in the Fee By-law.

### **3.2 By-law Administration and Enforcement**

- 3.2.0 The Director of Environmental Services shall be responsible for the administration and enforcement of this By-law, including prescribing the content of:
  - a. any forms,
  - b. the City Standards and Specifications, or
  - c. any other documents required under this By-law as amended or revised from time to time.
- 3.2.1 The Director of Environmental Services may authorize any programs or projects which may exempt Persons or Properties from the application of a specific provision or provisions of this By-law.

## **4 USE AND RECEIPT OF WATER**

- 4.0 No Person shall sell, dispose, or permit the sale or disposal of Water within the City without the prior written approval of the Director of Environmental Services.
- 4.1 No Person shall use, cause or permit Water to be used other than through a Water Service Connection to the Property at which the Water is supplied, except with the prior written approval of the Director of Environmental Services.
- 4.2 No Person shall obtain Water from the Waterworks System, without making an application to and being authorized by the Director of Environmental Services to do so and paying the appropriate charges, fees and Water Rates for it, except with the prior written approval of the Director of Environmental Services.

## **5 ESTABLISHMENT AND DISCONTINUANCE OF WATER SERVICE ACCOUNT**

### **5.0 Establishment of Water Service Account**

The supply of Water to a Property from the Waterworks System shall not be turned on until the following requirements have been completed to the satisfaction of the Director of Environmental Services:

- 5.0.0 A written application has been completed by the Owner or Developer and approved by the Director of Environmental Services indicating the purpose for which the Water is required;
- 5.0.1 The necessary Water Service Connection and Private Water Service Pipe have been installed and inspected by and are to the satisfaction of the Director of Environmental Services or the Director of Engineering;
- 5.0.2 The cost of such installations have been fully paid by Owner or Developer;
- 5.0.3 A Water Meter and all related wiring has been installed, tested and sealed to the satisfaction of the Director of Environmental Services; and

5.0.4 An Account has been created by the City or the City's authorized agent.

### 5.1 Discontinuance of Water Service Account

An Owner, may request that the Water supply to a Property from the Waterworks System be permanently discontinued. The Owner shall make such request in writing to the Director of Environmental Services. If the discontinuance request is approved by the Director of Environmental Services, the Account associated with that Property will be closed once the following requirements have been completed to the satisfaction of the Director of Environmental Services:

- 5.1.0 The Owner has prepaid in full all required fees for the permanent removal of the Water Meter and the Water turn off in the amounts set out in the Fee By-law;
- 5.1.1 The City has removed the Water Meter and turned off the Water supply at the Water Shut Off Valve of the Property;
- 5.1.2 The Owner has paid in full all Water Rates or other charges due and owing on such Account for the Property up to and until the Water has been turned off and the Water Meter has been removed by the City; and
- 5.1.3 The Owner has paid the Final Billing as required by section 12.3 of this By-law after the final Water Meter reading is taken and the Water Meter is removed by the City.

## 6 WATER SERVICE CONNECTIONS

### 6.0 Application for Water Service Connections

#### 6.0.0 All Water Service Connections require City Approval

No Person shall connect or permit a connection to the Waterworks System or alter or permit an alteration to an existing Water Service Connection without the prior approval of the Director of Environmental Services or the Director of Engineering and such connections shall be in full compliance with the requirements of this By-law.

#### 6.0.1 Application for Water Service Connection

Any Person who requires a new Water Service Connection or wishes to change or alter an existing Water Service Connection to the Waterworks System shall submit an application on the prescribed form and shall comply with the following requirements to the satisfaction of the Director of Environmental Services or the Director of Engineering:

- a. Detailed plans for the Water Service Connection shall be submitted to the satisfaction of the Director of Environmental Services or the Director of Engineering and in accordance with all requirements set out in the City Standards and Specifications;
- b. Where a Water Service Connection is to be installed as part of:
  - i. an unmetered fire line;
  - ii. for any use other than a Single-Residential Property; or
  - iii. where the proposed Water Service Connection is greater than twenty five (25) millimeters in diameter;

detailed design drawings of the proposed Water Service Connection or unmetered fire line, prepared and stamped by a Professional Engineer, shall be submitted to the satisfaction of the Director of Environmental Services or the Director of Engineering and in accordance with all requirements set out in the City Standards and Specifications;

- c. The Owner has signed the application certifying the completeness and accuracy of the information provided on the application and in the plans or drawings; and

- d. Payment has been made to the City of all applicable fees, deposits and charges, in the amounts as set out in the Fee By-law prior to the installation of the Water Service Connection by the City.

#### 6.0.2 Application refused by the City

The Director of Environmental Services or the Director of Engineering may refuse approval of an application for a Water Service Connection where, in the opinion of the Director of Environmental Services or the Director of Engineering,

- a. The City's Waterworks System may be adversely affected;
- b. There is insufficient Water supply available;
- c. There is insufficient Water allocation to service the Property;
- d. A Watermain is not adjacent to the Applicant's Property;
- e. The Property does not have frontage on a Road Allowance with a Watermain from which it can receive a Water Service Connection;
- f. The Property cannot receive a Water Service Connection through a public easement; or
- g. The Water Service Connection would contravene existing City By-laws or other Applicable Law.

#### 6.0.3 Temporary Water Service Connections

- a. An application for a temporary Water Service Connection shall comply with the permanent Water Service Connection application process set out in this By-law and sections 6.0.1 and 6.0.2 shall apply to both temporary and permanent Water Service Connection applications.
- b. Any temporary Water Service Connection approved by the Director of Environmental Services or Director of Engineering shall expire six (6) months from the date of approval. Prior to the expiration of the six (6) month period, the Applicant may apply to renew or extend the approval of the temporary Water Service Connection for an additional six (6) months subject to the approval of the Director of Environmental Services.
- c. Upon the expiration of the temporary Water Service Connection approved under this section, the City may turn off the Water supply to the Property. The Applicant shall be responsible for the proper disconnection of the Water Service Connection and the return of the Water Meter in accordance with City requirements.

#### 6.0.4 Water Service During Construction

A Developer or Builder requiring Water for construction purposes shall make a separate application for a Water Service Connection on the prescribed form or in accordance with any requirements prescribed by the Director of Environmental Services, to the City for each subdivision or site development proposed and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. Detailed plans shall be submitted to the satisfaction of the Director of Environmental Services illustrating the Water Service Connection point to the Waterworks System for the construction purposes;
- b. A tested Backflow Preventer shall be installed on the water pipe and after the Water Service Connection point to the Waterworks System to the satisfaction of the Director of Environmental Services and in accordance with City By-laws and Applicable Law;
- c. Payment has been made in full to the City for all construction Water fees, in the amount set out in the subdivision agreement or site plan agreement entered into with the City; and

- d. Payment has been made to the City of all applicable fees, deposits and charges, in the amount as set out in the Fee By-law prior to turn on or turn off of Water supply by the City.

## 6.1 **Installation of Water Service Connections**

### 6.1.0 Installation by the City

Upon the approval of an application by the Director of Environmental Services or the Director of Engineering submitted pursuant to section 6.0.1 or 6.0.3, a Water Service Connection shall be installed by the City, in accordance with the City Standards and Specifications, at the expense of the Owner, as specified in section 6.2 “Costs of Water Service Connections”.

### 6.1.1 Installation by the Owner

- a. Notwithstanding section 6.1.0, if an application has been approved by the Director of Environmental Services or the Director of Engineering pursuant to section 6.0.1 or 6.0.3, the Director of Environmental Services or the Director of Engineering may authorize an Owner, in writing, to install a Water Service Connection including any Watermain, at the Owner’s expense in the following circumstances and subject to the requirements set out in sections 6.1.1(b) to 6.1.1(d):
  - i. the Water Service Connection shall be installed within or as part of an unassumed subdivision;
  - ii. the Water Service Connection shall be installed in conjunction with the construction of new Watermain infrastructure related to the Owner’s project;
  - iii. the Water Service Connection shall be installed within the City’s approved easement;
  - iv. The Water Service Connection shall be a requirement of a site plan application process;
  - v. The existing Water Service Connection for an ICI or Multi-Residential Property is required to be replaced with a larger pipe size;
  - vi. The existing ICI or Multi-Residential Property requires a new Water Service Connection; or
  - vii. Any other circumstances that the Director of Environmental Services deems appropriate.
- b. The Owner shall enter into a written agreement with the City with respect to the installation of the Water Service Connection, any related Work, the payment of securities and the assumption of risk by the Owner in relation to same, on such terms and conditions as are acceptable to the Director of Environmental Services or the Director of Engineering and in a form that is satisfactory to the City Solicitor;
- c. The Owner shall construct the Water Service Connection in accordance with the City Standards and Specifications and any other terms and conditions as set out in the agreement referred to in section 6.1.1 (b); and
- d. The construction of the Water Service Connection by the Owner shall be inspected by and installed to the satisfaction of the Director of Environmental Services or the Director of Engineering and the Owner shall notify the Director of Environmental Services or the Director of Engineering that it is ready for inspection prior to the commencement of any backfilling or restoration of the Road Allowance or easement where the Water Service Connection has been installed.

### 6.1.2 Connection or Water Service Connection Installation rejected by the City

If a Person connects to the Waterworks System or installs a Water Service Connection in a manner other than as permitted by this By-law, the

Director of Environmental Services or the Director of Engineering may require the Owner to undertake the following, at the Owner's expense:

- a. Re-excavate the connection or Water Service Connection for the purpose of inspection and testing to the satisfaction of the Director of Environmental Services or the Director of Engineering;
- b. If required, reinstall the Water Service Connection or any associated Work to the satisfaction of the Director of Environmental Services or the Director of Engineering and in compliance with this By-law; or
- c. Disconnect the Water Service Connection which shall not be reinstalled or reconnected except with the prior written permission of the Director of Environmental Services or the Director of Engineering and in full compliance with the requirements of this By-law.

#### 6.1.3 Pre-installed Water Service Connections

- a. Where the Water Service Connection has been pre-installed by a Developer or Builder, or under the City's direction on lands assumed by the City, a building permit pursuant to the *Ontario Building Code* must be issued prior to the connection of the Private Water Service Pipe to the pre-installed Water Service Connection for each separate Water Service Connection.
- b. If a Water Service Connection or its appurtenance that was pre-installed as part of a plan of subdivision or a site development has been damaged, the Owner of the Property shall be responsible for all associated repair or replacement costs.

### 6.2 **Costs of Water Service Connections**

6.2.0 Upon the approval of an application for a Water Service Connection by the Director of Environmental Services or the Director of Engineering, the Director of Environmental Services or the Director of Engineering shall determine and advise the Owner of:

- a. All costs of providing such Water Service Connection, which include;
  - i. the City's contractor construction and contingency costs;
  - ii. the City's administrative costs to manage the construction work and conduct inspection for connecting the Private Service Pipe to the Water Service Connection in the amount as set out in the Fee By-law;
  - iii. the City's Water service fee for turning-on the Water to the Property in the amount as set out in the Fee By-law; and
- b. The conditions upon which such Water Service Connection shall be provided.

6.2.1 Prior to installation of the Water Service Connection by the City, the Owner shall pay to the City all costs as set out in section 6.2.0 (a) and comply with any such conditions provided in accordance with section 6.2.0 (b).

6.2.2 Notwithstanding sections 6.2.0 and 6.2.1, if the Water Service Connection is installed by the Owner in accordance with section 6.1.1 and such installation is accepted by the Director of Environmental Services or the Director of Engineering, the Owner shall only be required to pay the City's waterworks service fee, the service fee for turning on the Water supply to the Property and any other applicable fees set out in the Fee By-law.

### 6.3 **Water Service Operation and Maintenance – By the City**

6.3.0 No Person, except the Director of Environmental Services or those acting under his/her direction, shall open or close any water valve, fire hydrant, Water Valve Chamber, Watermain or any pipe, fixture or other part of the Waterworks System used for the Water supply or disturb, tamper or interfere with same in any manner whatsoever.



6.3.1 No Person, except the Director of Environmental Services or those acting under his/her direction, shall turn on /turn off or alter any Water Shut Off Valve.

6.3.2 The City is responsible for maintaining and repairing Water Service Connections between the Watermain and the Street Line or in the City's Road Allowance or easement.

#### 6.4 **Number of Water Service Connections**

6.4.0 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of a Water Service Connection that services more than one Property.

6.4.1 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of a Water Service Connection that services more than one Property even if those Properties are owned or occupied by the same Person.

6.4.2 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of more than one Water Service Connection for each Property.

6.4.3 For Property that is Multi-Residential or ICI, additional Water Service Connections and Water Meters may be permitted or required only with the prior approval of the Director of Environmental Services or Director of Engineering.

6.4.4 Dual Water Service Connections and Water Meters for a Property may be provided only for looping purposes to ensure Water supply redundancy or in accordance with the requirements under the *Ontario Building Code*.

#### 6.5 **Replacement of Water Service Connections**

6.5.0 If a new Water Service Connection has been approved to replace an existing Water Service Connection, the existing Water Service Connection shall be disconnected at the connection point to the Watermain and the existing Water Service Box shall be removed at the same time as the new Water Service Connection is installed.

6.5.1 The Owner shall pay all costs and fees associated with the disconnection of an existing Water Service Connection and the connection of new a Water Service Connection in the amount as set out in the Fee By-law.

#### 6.6 **Existing Water Service Connection or Pre-serviced Lot**

##### 6.6.0 Existing Water Service Connection to be turned off prior to demolition

An Owner who has received a permit to demolish a Property shall provide the Director of Environmental Services with a notice five (5) days in advance of the demolition and the Water Service Connection shall be turned off by the City at that Property's Water Shut Off Valve. The Owner shall pay the City's Water turn off service fee in the amount as set out in the Fee By-law.

##### 6.6.1 Existing Water Service Connection to be re-used

If the Owner is seeking to re-use the existing Water Service Connection, which previously serviced the Building, or use the installed Water Service Connection of a pre-serviced Property, the Owner shall make an application on the prescribed form to re-use the Water Service Connection and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. Detailed design drawings illustrating the location, size, material and condition of the existing Water Service Connection shall be submitted to the satisfaction of the Director of Environmental Services; and
- b. The Owner shall retain a Professional Engineer to perform the field inspection of the existing Water Service Connection and to provide the City with a report indicating whether the existing Water Service

Connection conforms to the City Standards and Specifications and confirming whether it can be re-used.

- c. The Director of Environmental Services may refuse the re-use of the existing Water Service Connection if it fails to conform to the City Standards and Specifications or if it is determined to be defective.

**6.6.2 Re-use of existing Water Service Connection not permitted**

The re-use of an existing Water Service Connection shall not be permitted, if the new proposed Private Water Service Pipe or a pre-serviced Property has a larger size than the existing Water Service Connection. The Owner shall apply for a new Water Service Connection as set out in sections 6.0.1 and 6.0.2 and pay for the costs of new Water Service Connection as set out in section 6.2.

**6.6.3 Existing Water Service Connection to be disconnected**

If the existing Water Service Connection is not re-used, or in the case of a pre-serviced Property where such connection will not be used for servicing the Property, the existing Water Service Connection shall be disconnected at the connection point to the City Watermain and the existing Water Service Box shall be removed at the time the new Water Service Connection for the Property is being installed. The Owner shall pay all costs and fees associated with the disconnection of the existing Water Service Connection in accordance with the Fee By-law.

**6.7 Private Water Service Pipes and Private Fire Service Mains**

**6.7.0 Installation by the Owner**

- a. All Private Water Service Pipes shall be installed by and at the expense of the Owner of the Building or Property for which such Water services are required. The Water Meter for all Water services shall be supplied by the City.
- b. The Private Water Service Pipes shall be installed in accordance with the site servicing design drawings approved by the City and the requirements of the *Ontario Building Code*.
- c. City's Inspection before turn on of the Water Supply

The Chief Building Official shall be notified by the Owner of the Property when a Private Water Service Pipe has been laid, and is ready for inspection. All works must be left uncovered and convenient for examination until inspected and approved. The Water supply shall not be turned on unless the work has been inspected and approved by the Chief Building Official.

**6.7.1 Private Fire Protection Systems in Buildings**

All Fire Protection Systems in a Building shall be constructed so as to provide exclusive access to the Fire Protection System to the City's Fire and Emergency Department in accordance with the *Ontario Building Code*.

**6.7.2 Private Water Service Pipe Sizes and Materials**

- a. All Private Water Service Pipes shall be of the same material and size as the Water Service Connection to which such Private Water Service Pipe is connected, and the pipes and fittings used for Private Water Service Pipes shall conform to the design and quality standards as prescribed by the City Standards and Specifications.

**b. Property Expansion/Renovation**

During a Property expansion or renovation, the installation of a new Private Water Service Pipe that has a larger size than the existing Water Service Connection and connecting it to the existing Water Service Connection shall not be permitted. The Owner shall apply for a new Water Service Connection as set out in section 6.0 with a size larger than or equal to the new Private Water Service Pipe. Once the new Water Service Connection is constructed, the new Private Water

Service Pipe can be connected to the new Water Service Connection. Meanwhile, the existing Water Service Connection shall be disconnected as set out in section 6.6.3.

6.7.3 Maintenance Responsibilities

Every Owner shall maintain their Private Water Service Pipe in proper working order and shall be responsible for undertaking any required repairs and maintenance to the Private Water Service Pipe, its fixtures and appurtenances at their own expense and in a prompt manner.

6.7.4 Investigation and Repair of Leakage on Private Water System

- a. Every Owner shall be responsible for investigating and determining the cause of any leak, defect or malfunction in the Private Water System serving the Owner's Property. The City is not responsible for locating any leaks for the Owner.
- b. Every Owner shall, at their own expense, repair any leak, defect or malfunction in, of or on the Private Water Service Pipe, Private Fire Service Main or private fire hydrant located on or servicing their Property which results in Water being consumed or lost before passing through the Water Meter, including but not limited to any leak, defect or malfunction related to valves, fittings or corroded piping, as soon as possible after becoming aware of any such leak, defect or malfunction. Every Owner shall pay the cost of Water consumed or lost as a result of such leak, defect or malfunction.
- c. In the event that an Owner fails or refuses to repair any and all leaks, defects or malfunctions in, of or on the Private Water Service Pipe, or Private Fire Service Main or private fire hydrant located on or servicing their Property which results in Water being consumed or lost before passing through the Water Meter, including any leak, defect or malfunction related to valves, fittings or corroded piping, the City may issue an Order to the Owner to do so.
- d. The Owner shall comply with such Order issued by the City pursuant to section 6.7.4 (c) and undertake any required works and repairs within five (5) Business Days of being served with the Order.
- e. If the Owner fails to comply with such Order of the City in accordance with sections 6.7.4 (c) and 6.7.4 (d), the City may make such repairs as the City deems necessary or appropriate and the Owner shall pay to the City the full cost of such work, inspection fees for each attendance at the Property by the City as well as any overhead and administrative fees in the amounts as set out in the Fee By-law.
- f. If the Owner fails to comply with such Order of the City in accordance with sections 6.7.4 (c) and 6.7.4 (d), the City reserves the right to turn off Water supply to the Property until the leaking Private Water Service Pipe or Private Fire Service Main or private fire hydrant is repaired.
- g. The Owner shall pay all costs related to the loss of Water. Where the Water loss has not been recorded by a Water Meter, Water consumption shall be estimated by the City according to the nature of the leak.
- h. The Owner of a Property shall grant the City access to the Property to confirm a leak and its location in the Private Water System through a leak survey, when the City determines it is necessary to conduct such an inspection.

6.8 **Frozen Water Service Connection/Private Water Pipes**

6.8.0 Every Owner shall ensure that all Private Water Service Pipes, the Private Water System, Private Fire Service Mains and Water Meter on their Property are protected from freezing.

6.8.1 An Owner of a Property shall be responsible for

- a. Thawing out a frozen Private Water Service Pipe, Private Water System, Private Fire Service Main or Water Meter;
- b. Any damage incurred in the event that any of the Private Water Service Pipe, Private Water System or Private Fire Service Main or Water Meter freezes; and
- c. Any Water loss or discharge which occurs as the result of a leak in a frozen Private Water Service Pipe, Private Water System, Private Fire Service Main or Water Meter.

6.8.2 The City shall be responsible for thawing out a frozen Water Service Connection up to the Water Service Box.

## 6.9 Vacant or unheated Properties

6.9.0 When any Property is left Vacant or where the temperature in a Building is allowed to drop to below five (5) degrees Celsius, the Owner or Occupant shall turn off the Water supply within the Property and drain the piping and Water Meter therein. The Owner or Occupant may make an application to the City to turn off the Water supply at the Water Service Box. The Water Shut Off Valve will be turned on only at the request of the Owner or Occupant and in their presence. The Owner or Occupant shall pay for these Water turn off/turn on service fees in the amounts as set out in the Fee By-law.

6.9.1 When any Property is left Vacant or where the temperature in a Building is allowed to drop to below five (5) degrees Celsius and the Water supply has not been turned off, and the Property suffers damage to it and its contents from a leaking, frozen or burst Water pipe or Water Meter, the Owner or Occupant shall have no claim for any such loss or damage against the City and the Owner or Occupant shall pay all applicable Waterworks User Fees in the amounts as set out in the Fee By-law and any further costs incurred by the City as a result. These costs may include the Water Meter replacement cost if the Water Meter is damaged.

6.9.2 Should the City become aware of such leaking or burst water pipes or Water Meter, the Director of Environmental Services may turn off the Water supply to the Property at the Water Service Box, and the Water supply shall not be turned on until the Director of Environmental Services, in his/her discretion, considers it safe and advisable to do so. The Owner or Occupant shall pay for these Water turn off/turn on service fees in the amounts as set out in the Fee By-law.

## 6.10 Tests and Disinfection

6.10.0 Water supply for ICI, and Multi-Residential Properties shall not be turned on until the Private Water Service Pipes, Private Water Systems, or Private Fire Service Mains have been inspected, pressure tested, flushed and satisfy the requirements of sections 6.10.1, 6.10.2 and 6.10.3 as they apply.

6.10.1 No Person shall connect or permit to be connected any Private Water Service Pipes, Private Water Systems or Private Fire Service Mains of a size equal to or greater than fifty (50) millimeters in diameter to a Water Service Connection until the Owner of the Property has complied with following requirements to the satisfaction of the Director of Environmental Services:

- a. Submission of a completed application on a form prescribed by the Director of Environmental Services.
- b. The Private Water Service Pipes, Private Water Systems or Private Fire Service Mains shall be disinfected under the supervision of a Professional Engineer qualified to perform such work, in accordance with the City Standards and Specifications and *Ontario Drinking Water Quality Standards* and at the expense of the Owner.
- c. After the Private Water Service Pipes, Private Water Systems or Private Fire Service Mains have been disinfected, Water samples shall

be taken and testing shall be conducted in accordance with the following :

- i. Water sampling, and transportation of the Water sample to the laboratory shall be conducted by a Qualified Person;
  - ii. analytical testing of the Water sample shall be conducted by an accredited laboratory which is licensed by the Ontario Ministry of the Environment, Conservation and Parks, or successor, for the provision of Drinking Water testing services; and
  - iii. a complete Water sample chain of custody shall be properly established from the taking and transportation of the Water sample through to the report of the test results; and
  - d. Prepare and submit to the City a report explaining the Water test results which shall be to the satisfaction of the Director of Environmental Services as set out in this By-law.
- 6.10.2 The Water supply to a Property requiring Water testing in accordance with section 6.10.1 shall not be turned on until the following documents are received by and are to the satisfaction of the Director of Environmental Services within forty-eight (48) hours of the receipt of the laboratory testing results:
- a. An original copy of the Water sampling laboratory analysis report indicating satisfactory disinfection and the associated chain of custody form;
  - b. A written verification of satisfactory disinfection by a Professional Engineer retained by the Owner; and
  - c. All documentation must be stamped, signed and sealed by the Owner's Professional Engineer.
- 6.10.3 All field disinfection, Water sampling, laboratory testing and analysis report preparation, and the Professional Engineer's verification as required by this By-law shall be done at the expense of the Owner.

## **7 WATER METER**

### **7.0 Water to Be Metered**

#### **7.0.0 Water to Be Metered**

- a. No Person shall use or permit the use of Water that has not passed through a Water Meter.
- b. Every Owner shall have a Water Meter installed and in use at their Property where such Property is supplied with Water by the City.
- c. All Water supplied to a Property through Private Water Service Pipes shall pass through a Water Meter and shall be charged to the Consumer at such rates as set out in the Fee By-law. All Water passing through the Water Meter will be charged for whether used or wasted.
- d. Sections 7.0.0 (a) and (b) and (c) shall not apply where:
  - i. Water is used by authorized City personnel acting in the course of their duties or by City authorized agents or contractors expressly acting within the scope of their contract;
  - ii. Water is used by the City for firefighting purposes;
  - iii. Water is used by Consumers at a Property serviced by the City on a "flat rate water charge" as of the date of the coming into force of this By-law;
  - iv. Water is used for construction purposes with the approval of the City in accordance with the provisions of this By-law; or
  - v. Where the use of un-metered Water is otherwise permitted by this By-law.

- e. All Water Service Connections to the Waterworks System are required to be metered. Any Owner of a residential unit who does not have a Water Meter installed shall pay the City a “flat rate water charge” as set out in the Fee By-law.
- f. Any existing Property serviced by the Waterworks System, on a “flat rate water charge”, is required to have a new Water Meter installed within one (1) year from the day the “flat rate water charges” started or the enactment of this By-law, whichever is earlier.
- g. If two or more Water Service Connections supply Water to a Property, each Water Service Connection shall be separately metered.
- h. Notwithstanding the issuance of any Occupancy Permit under the *Ontario Building Code*, no Person shall draw or use any Water until the Water Meter for the Property has been installed, inspected and sealed by and to the satisfaction of the Director of Environmental Services.

#### 7.0.1 Water Meters – City Property

All Water Meters including Remote Readout Units, wiring and AMR/AMI equipment that register Water supplied and billed by the City, are and shall remain the property of the City, although initially paid for by an Owner or Consumer, and shall be supplied, maintained and replaced by the City.

#### 7.0.2 Private Water Meters – Not the City’s Responsibility; not used for the City’s Water billing purposes

- a. Additional Private Water Meters required for the individual metering or internal private billing purposes within a Building or on a Property shall be installed by and at the expense of the Owner on the downstream side of the Water Meter.
- b. Consumption readings from Private Water Meters will not be recognized by the City for municipal billing purposes. The City is not responsible for any maintenance of Private Water Meters or any requested reconciliation arising from the use of Private Water Meters.

#### 7.0.3 Sprinkler Meter for Irrigation System

The Owner or Occupier of a Property with a Sprinkler Meter shall pay the City the Water turn on/turn off fee in the amounts as set out in the Fee By-law, for each attendance at the Property as requested by the Owner or Occupier.

### 7.1 **Water Meter Installation**

#### 7.1.0 Installation of Residential Water Meter

- a. No Person shall turn on or cause to turn on the Water supply to a Property or use or draw Water from the Waterworks System until a Water Meter has been installed at the Property and inspected and sealed by and to the satisfaction of the Director of Environmental Services.
- b. All Water Meters that have been installed at a Property, shall be inspected and sealed by and to the satisfaction of the Director of Environmental Services and all associated fees and charges for the Water Meter and any required inspection fees and other applicable fees in the amounts as set out in the Fee By-law must be paid in full prior to turning on the Water supply by the City.
- c. Notwithstanding the issuance of an Occupancy Permit under the *Ontario Building Code*, no Person shall occupy a Building prior to the installation of a Water Meter, nor shall any Person use or draw Water from the Waterworks System prior to the installation of the Water Meter. In the event that Water is used or drawn contrary to the above, the Owner shall pay the City a “flat rate water charge” as set out in the

Fee By-law from the time of issuance of the Occupancy Certificate to the time of installation of a Water Meter.

- d. In the case of an Infill Home:
  - i. The City shall send a notice to the Owner/Occupier advising the Owner/Occupier to submit a Water Meter Application and schedule an appointment for the installation a new Water Meter by the City or a City authorized third party agent within thirty (30) days upon receipt of such Notice;
  - ii. The notice shall be served:
    - (a) personally on the Occupier; and
    - (b) either personally on the Owner or mailed by regular mail to the last known address of the Owner according to the current assessment rolls.
  - iii. The Owner shall pay to the City the full cost of the installation of a Water Meter, and all applicable fees and charges in the amounts as set out in the Fee By-law.
- e. In the case of a Property subject to meter replacement or installation in accordance with the City's meter maintenance program or AMR/AMI program, the City may install such Water Meter, conduit and wire for Remote Readout Unit and AMR/AMI equipment at no expense to the Owner.

#### 7.1.1 Installation of ICI and Multi-Residential Water Meter

- a. An Owner shall install or cause to be installed a Water Meter in accordance with this By-law on the Owner's Property in a secure and accessible location a minimum five (5) Business Days prior to occupancy.
- b. An Owner shall install or cause to be installed all Plumbing and appurtenances related to the Water Meter, including conduit for wiring in accordance with the City Standards and Specifications and at the sole expense of the Owner.
- c. Notwithstanding any other provisions of this By-law, the wire and the Remote Readout Unit or AMR/AMI equipment shall be installed by the City prior to the Owner's occupancy of a new or Renovated Building or part thereof.
- d. Except as otherwise provided for in this By-law, no Person shall turn on or cause to be turned on the Water supply to a Property until the City has inspected and sealed the Water Meter installed at the Property as set out in this By-law.
- e. In the event that Water supply to a Property has been turned on prior to the City inspection and sealing of the Water Meter at the Property, the Director of Environmental Services reserves the right to turn off the supply of Water to the Property.
- f. To allow for proper flow of Water or maintenance of equipment or both, the City may require an Owner to install the proper valving arrangement in respect of the supply of Water to the Property in accordance with the City Standards and Specifications at the sole expense of the Owner.
- g. In the case of a Property subject to meter replacement or installation in accordance with the City's meter maintenance program or AMR/AMI program, the City may install such Water Meter, conduit and wire for Remote Readout Unit and AMR/AMI equipment at no expense to the Owner.

#### 7.1.2 Supply of Water Meter

Water Meters for new development shall be supplied by the City at the Owner's expense in accordance with the Fee By-law and the City Standards and Specifications.

7.1.3 Application for Water Meter – (Only for Infill Home, ICI and Multi-Residential Water Meter Application)

An Owner/Applicant of an Infill Home, ICI or Multi-Residential Property who requires a new Water Meter for a new or Renovated Building or who wishes to change the Water Meter size in an existing Building shall submit a completed Water Meter application on the prescribed form to the City and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. For ICI and Multi-Residential Water Meter applications only, the Owner/Applicant shall provide the City with:
  - i. calculated peak flow rate including consumption flow and fire flow, to be supplied and certified by a Professional Engineer, to pass through the Water Service Connection;
  - ii. type of business; and
  - iii. number of occupants or employees.
- b. The Owner/Applicant shall sign the application form and shall be responsible for the completeness and accuracy of all information provided with the application;
- c. The Owner shall pay the application fee at the time of submission of application; and
- d. All applicable Water Meter fees and charges in the amounts as set out in the Fee By-law must be received by the City prior to the application being processed.

7.1.4 Size of Water Meter

- a. Based on the information supplied by the Owner/Applicant in their application, the Director of Environmental Services shall determine the size of the Water Meter required for the Property.
- b. Unless approved by the Director of Environmental Services, the size of a residential Water Meter shall not be in excess of twenty-five (25) millimeters in diameter.

7.1.5 Water Meter Loss or Damage

- a. Other than damage caused by the City, every Owner shall be responsible for any loss or damage to a Water Meter including but not limited to damage caused by freezing.
- b. The Owner shall pay the City the costs for making the necessary repairs to or for the replacement of such Water Meter and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.1.6 Notification by Owner

The Owner shall immediately notify the Director of Environmental Services that the Property is ready for the installation of a Water Meter.

7.1.7 Provision for Installing a Water Meter

The Owner shall ensure that provision is made in the piping system of all existing, new and Renovated Buildings or structures for the installation of a Water Meter of the same diameter as the Private Water Service Pipe in accordance with the City Standards and Specifications.

7.1.8 Water Meter By-Pass Piping

- a. Every Owner shall install by-pass piping for Water Meter sizes greater than twenty-five (25) millimeters in diameter, and maintain same in good working order in accordance with the City Standards and Specifications and at the sole expense of the Owner.



- b. Once the by-pass piping has been installed by the Owner, the Owner shall immediately notify the Director of Environmental Services, and the City shall seal the by-pass valve in the closed position upon notification of its installation by the Owner. No Person shall, unless authorized by the Director of Environmental Services, open a by-pass valve or break its seal, or cause a by-pass valve to be opened or a seal to be broken, after it has been inspected and sealed by the City.
- c. Where the by-pass pipe or valves of a Property are not installed in accordance with the City Standards and Specifications, the City may Order the Owner to undertake the following work at the sole expense of the Owner:
  - i. To install a new or replace the Water Meter by-pass pipe or valves; and/or
  - ii. To remove any defective pipe or valves and install a new pipe or valves.
- d. An Owner shall comply with an Order made under section 7.1.8 (c) within thirty (30) days from receipt of the Order from the City.
- e. If an Owner fails to:
  - i. Supply, install or maintain the by-pass pipe and valves in proper working order in accordance with 7.1.8 (a); or
  - ii. Comply with an Order of the City made pursuant to this By-law within the time required,

The City may perform any work required by the Order including but not limited to supply, install, repair, replace or otherwise maintain the by-pass pipe and valves, as the City considers appropriate and the Owner shall pay to the City the full cost of the work, the inspection fee for each attendance at the Property, and all other applicable fees and charges in the amounts as set out in the Fee By-law.

- f. If a by-pass valve is opened or the seal is broken or damaged regardless of the cause:
  - i. the City shall close or seal the by-pass valve once it is discovered and monitor the Water consumption pattern for the Property for twelve (12) months after the by-pass valve is closed and re-sealed;
  - ii. the City will apply that Water consumption pattern as the base Water consumption for the Property and determine how long and how much Water consumption has been unbilled in accordance with the historic billing for the Property; and
  - iii. the City will Back Charge the Owner or Occupant of the Property for the Water consumed through the opened or seal-broken by-pass valve based on the Water Consumption pattern pursuant to subsection (ii) above for the duration as set out in section 7.3.2(g) and 7.3.2 (h) of this By-law. Back charges for ICI and Multi-Residential Property will be calculated based on the “water rate” and Single-Residential Property will be calculated based on the “flat rate water charge” as set out in the Fee By-law.

#### 7.1.9 Water Meter Chamber

- a. If the Director of Environmental Services is of the opinion that a Water Meter cannot be conveniently located inside a Building or structure in accordance with the City Standards and Specifications or where the City does not have access to the Water Meter, the Director of Environmental Services may require the Water Meter to be installed in a Water Meter Chamber constructed by the Owner in accordance with the City Standards and Specifications, at the sole expense of the Owner.

- b. All Water Meter Chambers shall be placed in a location approved by the Director of Environmental Services, prior to construction.
- c. No Person shall obstruct or permit the obstruction of a Water Meter Chamber and associated valves.
- d. No Person shall place shrubs, trees, or other landscaping within one and one half (1.5) meters of the outer perimeter of a Water Meter Chamber.
- e. The Owner shall keep all landscaping on his Property cut back and clear of a Water Meter Chamber and the access to a Water Meter Chamber.
- f. To facilitate the reading of a Water Meter, the City may require the Owner to:
  - i. Prepare the Water Meter Chamber cover for the installation of a chamber cover type Remote Readout Unit in accordance with the City Standards and Specifications at the sole expense of the Owner.
  - ii. If the City determines a chamber cover type Remote Readout Unit device is not appropriate for a location, the City may:
    - (a) Determine the appropriate type and location of the Remote Readout Unit and the Owner shall install such unit at the sole expense of the Owner according to the City Standards and Specifications; and
    - (b) Require the Owner to install a mounting post and plate to accommodate the Remote Readout Unit at the sole expense of the Owner.

## 7.2 Water Meter Inspection

### 7.2.0 Water Meter Inspection and Sealing

- a. Every Water Meter on a Property shall be inspected and sealed by the City at or about the time of installation or relocation. The Owner shall notify the City within forty-eight (48) hours of the installation or relocation of a Water Meter that it has been installed or relocated and is ready for inspection.
- b. The Owner or Occupier shall, within the time set out in a notice provided by the City, permit the City to have free, clear and unobstructed access to the Water Meter to inspect, test, read, repair, maintain, alter, disconnect, remove, replace or seal such Water Meter.
- c. In case of Water Meter inspection, testing, repair, replacement or maintenance, the City will provide reasonable notice to the Owner or Occupier when required by and in accordance with the *Municipal Act*.

### 7.2.1 Water Meter Access

- a. The Owner shall install or cause to be installed a Water Meter in a location that is in accordance with the City Standards and Specifications.
- b. The Water Meter shall be installed in or on a Property where it is convenient for the City to inspect, test, read, repair, maintain, alter, disconnect, remove, replace or seal such Water Meter. The location of a Water Meter shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- c. When requested by the City, an Owner or Occupier, as the case may be, shall remove any insulation or other obstructions or material from, on or around a Water Meter in order to provide the City with full, unobstructed access to the Water Meter. The Owner or Occupier shall be responsible for replacing any materials removed at their own expense.

- d. If access to the Water Meter is not free and clear of any and all obstructions, the City may issue an Order requiring the Owner or Occupier to remove all obstructions or materials and to provide free and clear access.
- e. If the Owner or Occupier fails to carry out the work as required by the City within thirty (30) days from receipt of the Order, then the City may perform all necessary work including the removal of any insulation or other obstructions or material blocking free and clear access to the Water Meter. The City shall not be liable for any loss or damage to the Owner's Property or loss or damage otherwise suffered by the Owner or Occupier arising from such work.
- f. The Owner or Occupier shall pay all costs incurred by the City for carrying out the work required as a result of the Owner or Occupier failing to comply with an Order to remove insulation or other material blocking the Water Meter. The Owner or Occupier shall also pay the inspection fee, if any, for each attendance at the Property by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.
- g. As part of an inspection, the City shall at all times be permitted to take photographs, including digital images, of any Plumbing, Water Meter, Private Meter, by-pass pipe and valves, inlet and outlet valves, Backflow Preventer, Private Water System, Private Water Service Pipe, Private Fire Service Main or Water Meter Chamber.
- h. The Owner or the Occupier shall, within the time set out in the City notice, permit the City to inspect the Private Water Service Pipe, Private Water System, Private Fire Service Main, or the inlet, outlet, flushing, drainage and by-pass valves on piping adjacent to or around the Water Meter.
- i. The Owner or the Occupier of a Property with a Water Meter not equipped with Remote Readout Unit shall, within the time set out in the City notice, permit the City to have free, clear and unobstructed access to the Water Meter for a visual Water Meter reading a minimum of two (2) times per calendar year.
- j. If the Owner or Occupier refuses to provide the City access to the Water Meter, the City may exercise Section 14 "Powers of Entry" as set out in this By-law.

#### 7.2.2 Water Meter Interference Prohibited

- a. No Person, except as authorized by the City, shall perform, permit or cause the tampering, un-sealing, reversal, or alteration of a Water Meter in any way which may interfere with the proper registration of the quantity of Water that passes through a Water Meter or ought to pass through a Water Meter.
- b. No Person shall connect any pipes or other appurtenances to direct flow from a Private Water Service Pipe upstream of a Water Meter or the by-pass pipe and valves.
- c. If the City determines that a seal on a Water Meter has been tampered with or is broken, or if any pipes or other appurtenances directing flow upstream of the Water Meter have been connected or installed, then the City will re-seal the Water Meter. The City will Back Charge the Owner or Occupier of the Property for the Water consumed through the tampered, broken, reversed or un-sealed Water Meter or through a pipe or other appurtenance directing flow upstream of the Water Meter, as estimated by the City and in accordance with section 7.3.2(h).

### 7.3 **Water Meter Maintenance**

#### 7.3.0 Maintenance of Water Meter Appurtenances and Piping

- a. Every Owner shall ensure that all valves are fitted with proper handles and that all valves to, from and around the Water Meter are installed and properly maintained in accordance with the City Standards and Specifications.
- b. Every Owner shall maintain all Plumbing including all piping, fittings and valves to and from and around a Water Meter in good working order and shall replace and repair them as necessary in accordance with the City Standards and Specifications. The Owner is not responsible for maintaining the Water Meter and/or the associated strainer.
- c. If the City determines that the condition of a Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves on piping adjacent to the Water Meter is such that the Water Meter cannot be properly or conveniently tested, calibrated or repaired in place or removed for the purpose of testing, replacing or repairing, the Owner shall, at his sole expense, repair or, if necessary, replace the Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves, as the case may be, to enable the City to test, calibrate, repair or remove the Water Meter.
- d. Where the City determines that a Private Water Service Pipe, Private Fire Service Main or Private Water System or valves on piping adjacent to the Water Meter requires repair or replacement in accordance with section 7.3.0(c), the City may issue an Order to the Owner to repair or replace the Private Water Service Pipe, Private Fire Service Main or Private Water System or valves, as the case may be, within thirty (30) days from the receipt of such Order, at the sole expense of the Owner. The Owner shall obtain a building permit from the City prior to the repair or replacement of the Private Water Service Pipe or Private Water System.
- e. If the Owner or his/her authorized agent does not carry out the Work as required within thirty (30) days from the receipt of the Order from the City, then the City may carry out the work and turn off the Water supply to the Property during the removal, replacement, repair, testing and calibration of the Water Meter. The City shall not be liable for any loss or damage to the Owner's Property, including but not limited to direct or consequential damages, or loss or damage otherwise suffered by the Owner or an Occupant arising from such work or the turn off or on of the Water supply.
- f. The Owner shall pay all costs incurred by the City for carrying out the work required under an Order and pursuant to section 7.3.0 (e), as a result of the Owner failing to make the necessary repair or replacement. The Owner shall also pay the inspection fee for each attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

#### 7.3.1 Maintenance of Chambers

- a. This section applies to all chambers including Water Meter Chambers and chambers for Sprinkler Meters if installed.
- b. Every Owner shall be responsible for maintaining, repairing and replacing any chamber, and for keeping it in a safe condition.
- c. Every Owner shall remove and dispose of all solid and liquid debris, waste and other materials which are non-essential to the proper functioning of the Water Meter or Sprinkler Meter and/or which may be hazardous, toxic, combustible or explosive in nature, both inside and above a chamber. The removal and disposal of such material is subject to all Applicable Law.
- d. Every Owner shall, upon receipt of a notice from the City requesting an inspection, provide the City with access, within the time set out in the City notice, to any chamber, or to permit the City to inspect, maintain, repair, replace or read the Water Meter or Sprinkler Meter.

- e. Pursuant to sections 7.3.1 (c) and (d), every Owner shall ensure that all solid and liquid material is removed from the chamber to allow access. If an Owner is unable to remove material from the chamber, within the time set out in the notice, the Owner shall notify the City no less than forty-eight (48) hours before the scheduled inspection or other purpose for which the access is required. In addition, the Owner shall at the same time, advise the City of a date and time, no more than five (5) Business Days later, when access will be provided.
- f. If an Owner fails to provide the City with access to a chamber in accordance with 7.3.1 (d), or 7.3.1 (e), the Owner shall pay the inspection fee for each subsequent attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

#### 7.3.2 Water Meter Accuracy

- a. Pursuant to this By-law, the testing, flow rates and procedures used to determine Water Meter (all types and sizes) accuracy will be in accordance with the current AWWA Standards.
- b. An Owner, upon written application to the City, on the prescribed form, may make a request to have the Water Meter at his/her Property tested by the City to determine if the Water Meter is over- registering. The Owner shall pay to the City the fee as set out in the Fee By-law for such testing.
- c. If a Water Meter is found to be over-registering the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards in favour of the City, the City shall credit the Owner's Account with an amount equal to the difference between the amount that had been billed and the amount that would have been billed had the Water Meter been recording consumption accurately. Such credit adjustment shall cover a period of no more than twenty-four (24) months and shall include the testing fee in the amounts as set out in the Fee By-law.
- d. Notwithstanding 7.3.2 (c) above, in the event that the Water Meter had been installed, replaced, or tested and calibrated within a twenty-four (24) month period prior to the accuracy test requested by the Owner, and if a Water Meter is found over-registering the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards in favour of the City, the City shall credit the Owner's Account with an amount equal to the difference between the excess amount billed from the time of the installation, replacement or testing and calibration, whichever is later, to the time of the accuracy test requested by the Owner.
- e. If a Water Meter is found to be over-registering by an amount less than or equal to the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards then no credit shall be applied to the Owner's Account. In addition, the Owner shall pay to the City all expenses incurred by the City in removing, replacing, flow monitoring or testing the Water Meter in the amounts as set out in the Fee By-law.
- f. Positive displacement type Water Meters up to and including fifty (50) millimetres in diameter shall be removed by the City and tested at an off-site location specified by the City. Compound, turbine, electromagnetic and fire service Water Meters equal and greater than fifty (50) millimetres in diameter shall, at the City's sole discretion, be tested either on site or at an off-site location specified by the City.
- g. If a Water Meter fails to register, the City will Back Charge the Owner a Water consumption fee based on previous metered consumption history for the period during which the Water Meter failed to register but for not more than twenty-four (24) months. Back charges for ICI

and Multi-Residential Property will be calculated based on the “water rate” and Single-Residential Property will be calculated based on the “flat rate water charge” as set out in the Fee By-law.

- h. Notwithstanding the forgoing, the City may Back Charge beyond the twenty-four (24) month period in those circumstances, as determined by the Director of Environmental Services to be appropriate, including but not limited to where the failure of the Water Meter to register arises as a result of a by-pass valve that is opened or a seal that has been broken contrary to section 7.1.8 of this By-law, or where a Water Meter has been reversed, tampered with, un-sealed or altered or if any pipes or other appurtenances directing flow upstream of the Water Meter have been connected or installed contrary to section 7.2.2 of this By-law.

### 7.3.3 Water Meter Relocation

- a. No Person shall relocate a Water Meter that has been installed on a Property to the satisfaction of the Director of Environmental Services without the prior written consent of the Director of Environmental Services.
- b. No Person shall disconnect a Water Meter for maintenance or repair without the prior written consent of the Director of Environmental Services.
- c. An Owner/Applicant may make an application, on the prescribed form to the Director of Environmental Services, to relocate a Water Meter on a Property. If the Water Meter relocation is approved by the Director of Environmental Services, the Owner/Applicant shall pay all costs associated with any relocation of the Water Meter including all applicable fees and charges in the amounts as set out in the Fee By-law.
- d. The Director of Environmental Services shall not approve the application for a Water Meter relocation if:
  - i. the application is incomplete;
  - ii. the prescribed fee is not paid; or
  - iii. the proposed relocation is not in accordance with the City Standards and Specifications with respect to the location of the Water Meter or otherwise.
- e. If the location of an installed Water Meter on a Property does not comply with the City Standards and Specifications, the City may issue an Order requiring the relocation of an installed Water Meter within thirty (30) days from the receipt of the Order from the City, at the sole cost of the Owner.
- f. All work undertaken and materials used to relocate a Water Meter shall conform to the City Standards and Specifications and comply with the requirements of the *Ontario Building Code*.
- g. If an Owner or his/her authorized agent fails to carry out the work as required by the City under 7.3.3 (e) within fifteen (15) days from the receipt of the Order from the City, then the City may carry out the Water Meter relocation and all necessary work required. The City shall not be liable for any loss or damage to the Owner’s Property or any loss or damage otherwise suffered by the Owner or any Occupant arising from such work.
- h. The Owner shall pay all costs incurred by the City for carrying out the work required as a result of the Owner failing to comply with an Order to relocate the Water Meter pursuant to section 7.3.3 (e). The Owner shall also pay the inspection fee for each attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

### 7.3.4 Water Meter Leaks

- a. Every Owner or Occupier shall immediately notify the City if any leaks develop at the Water Meter or its couplings.
- b. The City will repair the leaks at the Water Meter or its couplings at no charge to the Owner. The City shall not be liable for any damage or loss to the Owner's Property or any loss or damage suffered by the Owner or Occupant, including but not limited to direct or consequential damages, as a result of any such leaks at the Water Meter or its couplings.

#### 7.3.5 Water Meter Replacement

- a. A Water Meter will be scheduled for replacement when approaching the end of its lifecycle under the City's annual Water Meter Replacement Program.
- b. The City will send a notice to the Owner/Occupier advising the Owner/Occupier to schedule an appointment with the City or a City authorized third party agent to replace the Water Meter within thirty (30) days pursuant to the Water Meter Replacement Program. The Owner/Occupier shall provide the City or a City authorized third party agent access to the Water Meter in order to undertake the Water Meter replacement.
- c. The City may send a notice to the Owner/Occupier requiring the Owner/Occupier to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement at their Property.
- d. If an Owner/Occupier fails to comply with the City's notice to schedule an appointment with the City to replace the Water Meter, to provide access to the Water Meter, or to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement, the City may issue an Order requiring the Owner/Occupier to schedule the appointment with the City to replace the Water Meter, to provide access to the Water Meter or to repair or replace the Private Water Service Pipe or Private Water replacement prior to the City's Water Meter replacement at their Property.
- e. It is an offence when:
  - i. an Owner/Occupier, fails to comply with an Order to schedule an appointment with the City or a City authorized third party agent to replace the Water Meter;
  - ii. an Owner/Occupier, fails to comply with an Order to allow the City access to replace the Water Meter scheduled for replacement under the City's Water Meter Replacement Program; and/or;
  - iii. an Owner/Occupier, fails to comply with an Order to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement at their Property.

#### 7.4 **Water Meter Removal due to Building Demolition**

- 7.4.0 No Person shall demolish a Building or cause a Building to be demolished until the final Water Meter reading is obtained and the Water Meter and Remote Readout Unit are recovered by the City.
- 7.4.1 An Owner who has received a permit to demolish a Building shall notify the City in writing a minimum of five (5) Business Days in advance of the date on which the Water supply to the Property is no longer required. The Owner shall also make an appointment with the City to take a final Water Meter reading, remove the Water Meter and the Remote Readout Unit from the Property and turn off the Water supply at the Water Shut Off Valve.

- 7.4.2 The Owner shall pay the City the Water Meter removal cost in the amount as set out in the Fee By-law.
- 7.4.3 The Owner shall be present at the Property when the final Water Meter reading is taken, the Water Meter is removed and the Water supply is turned off at the Water Shut Off Valve.
- 7.4.4 In the event an Owner fails to attend at the Property and provide access to the City at the appointment time set under this By-law, the Owner shall pay the City the missed appointment fee in the amount as set out in the Fee By-law.
- 7.4.5 In the event an Owner fails to provide access to a Property prior to the demolition of a Building or structure on the Property, in accordance with this By-law, the Owner shall pay to the City an amount equal to the cost of a new Water Meter and Remote Readout Unit of the same type and size in accordance with the fees and charges set out in the Fee By-law. The Owner shall also pay the amount of Water consumption, from the last Water Meter reading date to the date of disconnection of the Private Water Service Pipe or Water Service Connection from the Waterworks System, as estimated by the City.
- 7.4.6 If the Director of Environmental Services determines that it is not necessary to recover a Water Meter from a Property to be demolished, then the City will notify the Owner in writing after receipt of the notice from the Owner to demolish a Building or structure. Upon receipt of the notice from the City and after the disconnection of the Private Water Service Pipe or Water Service Connection from the Waterworks System, an Owner may proceed with the demolition of the Building. In such case, the Owner shall be responsible for the removal and disposal of the Water Meter.

## 7.5 **Unmetered Fire Line**

- 7.5.0 An unmetered Water service line installed prior to the passage of this By-law for fire protection purposes and Water used to serve private fire hydrants, automatic sprinkler systems and standpipes may remain unmetered upon the request to and approval by the Director of Environmental Services.
- 7.5.1 An unmetered fire line shall be separate from a domestic Water service line. An unmetered fire line and a domestic Water service line may be combined within the Road Allowance or easement provided separation takes place within the public Road Allowance or easement and provided further that a valve is installed on each branch within the Road Allowance or easement so that each line can be isolated.
- 7.5.2 Where an unmetered fire line has been approved by the Director of Environmental Services pursuant to section 7.5.0, no Person shall take or use Water from the unmetered Water service line for any purpose other than fire protection or testing of the fire protection system unless prior written approval has been given by the Director of Environmental Services.

## 8 **WATER TURN OFF / TURN ON**

### 8.0 **Water Turn off by Request**

- 8.0.0 An Owner shall notify the Director of Environmental Services no less than forty-eight (48) hours in advance of the date on which the Owner requires the City to temporarily turn off the Water supply to a Property. If the Owner requires the Water supply to the Property to be turned off permanently then the Owner shall make the request in writing and provide the Director of Environmental Services with the written notification a minimum of fifteen (15) Business Days prior to the turn off date.
- 8.0.1 The Owner shall pay the City fees to turn off the Water supply to a Property either temporarily or permanently in accordance with the Fee By-law.



- 8.0.2 In the event that the Property is occupied by Occupants, the Owner shall also provide the Occupants with written notice of the Water turn off at the same time the Owner notifies the City in accordance with this By-law.
- 8.0.3 The Owner shall make an appointment with the City and the Owner or his/her authorized agent shall attend at the Property to ensure the City has access to the Property, Water Meter and the Water Shut Off Valve when the Water supply is being turned off.
- 8.0.4 In the event that an Owner or his/her authorized agent fails to attend at or provide the City access to the Property at the set appointment time, then the Owner shall pay the cost for the missed appointment in accordance with the Fee By-law.
- 8.0.5 In the case of an emergency requiring the Water to be turned off, the notice requirements in this By-law may be waived by the Director of Environmental Services.
- 8.0.6 No Person shall turn off the supply of Water to a Property at the Water Shut Off Valve, without the prior authorization of the Director of Environmental Services.

### **8.1 Water Turn on by Request**

- 8.1.0 An Owner shall notify the Director of Environmental Services no less than forty-eight (48) hours in advance of the date on which the Owner requires the City Water supply to the Property to be turned on.
- 8.1.1 The Owner shall pay the City fees to turn on the Water supply to a Property either temporarily or permanently in accordance with the provisions of the Fee By-law.
- 8.1.2 The Owner shall make an appointment with the City and the Owner or his/her agent shall attend at the Property to ensure the City has access to the Property, Water Meter and the Water Shut Off Valve when the Water supply is being turned on.
- 8.1.3 In the event that Owner or his/her authorized agent fails to attend at or provide the City access to the Property, at the appointment time set, then the Owner shall pay the cost for the missed appointment in accordance with the Fee By-law.
- 8.1.4 No Person shall turn on the supply of Water to a Property at the Water Shut Off Valve without the prior authorization of the Director of Environmental Services.

### **8.2 Water Turn off / Reduction of Water supply by the City**

- 8.2.0 The Director of Environmental Services may, as he/she deems appropriate, turn off or reduce the Water supply to a Property as follows:
  - a. Turn off the supply of Water if fees or charges payable by the Owners or Occupants of the Property for the supply of Water to the Property are overdue or in arrears, upon providing reasonable notice of the proposed turn off to the Owners and Occupants of the Property by personal service or prepaid mail or by posting the notice on the Property in a conspicuous place;
  - b. Turn off the Water if fees or charges payable by the Owners or Occupants of the Property in respect of a sewage system are overdue or are in arrears, and the fees and charges are based on the fees payable for the supply of Water to the Property, upon providing reasonable notice of the proposed turn off to the Owners and Occupants of the Property by personal service or prepaid mail or by posting the notice on the Property in a conspicuous place;
  - c. Turn off or reduce the supply of Water as a result of an emergency, including but not limited to a leak in a Private Water Service Pipe, a Private Fire Service Main, a private fire hydrant, a Water Meter, a Watermain, Water Service Connection or any part of the Waterworks

System if, in the circumstances, reasonable notice of the intention to interrupt or reduce the supply of Water is given;

- d. Turn off or reduce the supply of Water as result of a breakdown, repair or extension of the Waterworks System if, in the circumstances, reasonable notice of the intention to interrupt or reduce the supply of Water is given;
  - e. Turn off or reduce the supply of Water to a Property in order to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply Water, including but not limited to any part of the Waterworks System;
  - f. Turn off or reduce the supply of Water to a Property in order to inspect, install, repair, replace or alter a Water Meter, Remote Readout Unit, Water Meter Chamber, or any other meter used by the City to measure the quantity of Water consumed at or on a Property;
  - g. In the event that the Director of Environmental Services determines, in his/her sole discretion, that an immediate threat of contamination to any part of the Waterworks System exists that may endanger public health or safety, the City at its discretion, may without prior notice, discontinue the Water supply to any Property, for the purposes of preventing or containing any such threat of contamination in accordance with the *Safe Drinking Water Act*, 2002, S.O. 2002, c.32, as amended;
  - h. Turn off or reduce the supply of Water temporarily or permanently, at the request of the Owner and upon approval of the Director of Environmental Services pursuant to the provisions of this By-law; or
  - i. Turn off or reduce the supply of Water in accordance with any provision of this By-law or in accordance with the *Municipal Act* or all other Applicable Law.
- 8.2.1 If the Water supply to a Property has been turned off by the City, no Person shall turn on or use the Water supply or permit the Water supply to be turned on or used without the prior written approval of the Director of Environmental Services.
- 8.2.2 The City shall not be liable for damages or loss caused, including but not limited to direct or consequential damages, by the interruption or reduction of the amount of Water supplied to the land or Property of any Person as a result of an emergency or a breakdown, repair or extension of the Waterworks System if, in the circumstances, reasonable notice of the City's intention to interrupt or reduce the supply of Water is given.

## **9 FIRE HYDRANTS**

### **9.0 Public Fire Hydrants**

- 9.0.0 No Person shall at any time operate or take Water from a public fire hydrant except:
- a. a municipal fire fighter, where Water is required for fire protection or fire training purposes;
  - b. a Person who has written authorization from the Director of Environmental Services and in accordance with the terms and conditions of the written authorization;
  - c. a Person who is the holder of a hydrant permit issued under section 9.3 of this By-law; or
  - d. a water operator from the City's Environmental Services Department, or any successor.
- 9.0.1 No Person shall park an automobile, truck or vehicle of any description on a public road within a distance of three (3) meters of any public fire

hydrant measured along the curb line or along the shoulder of the roadway immediately adjacent to the public fire hydrant.

9.0.2 A driveway shall be constructed no closer than one and half (1.5) meters from a public fire hydrant.

9.0.3 Anti-tampering devices

Where anti-tampering devices are required to be installed on fire hydrants in new developments, the cost of purchasing, installing and maintaining such devices shall be borne by the Developer or Builder.

**9.1 Private Fire Hydrants**

9.1.0 No Person shall install a private fire hydrant unless the following requirements have been met to the satisfaction of the Director of Engineering:

- a. a complete application to install the private fire hydrant has been submitted on the prescribed form to the City;
- b. the type of the private fire hydrant to be installed is approved by the Director of Engineering;
- c. the manufacturer of the private fire hydrant to be installed is approved by the Director of Engineering; and
- d. a Building Permit for the installation of the private fire hydrant has been issued by the Chief Building Official.

9.1.1 The Director of Engineering may approve or reject applications for the installation of a private fire hydrant based on compliance with the requirements set out in the City Standards and Specifications.

**9.2 Fire Hydrant Flow Tests**

9.2.0 A Person may make an application to the Director of Environmental Services on the prescribed form requesting permission to conduct a public fire hydrant or a private fire hydrant flow test in order to determine the characteristics of the local Waterworks System.

9.2.1 A Person requesting a fire hydrant flow test shall pay to the City in advance of the test, all applicable fees and charges associated with the performance of the test in the amounts as set out in the Fee By-law.

9.2.2 The Person shall provide the Director of Environmental Services with a copy of the flow test results promptly upon the completion of the test. Such flow test results shall include the date, time, location and duration of the fire hydrant flow test.

**9.3 Fire Hydrant Permits**

9.3.0 A Person may make an application to the Director of Environmental Services on the prescribed form for a hydrant permit for the temporary supply of Water from a public fire hydrant.

9.3.1 The Director of Environmental Services may, by issuing a hydrant permit, authorize the use of a specified fire hydrant for the temporary supply of Water for a specified period of time and subject to specified conditions, including but not limited to the supervision of such use by the City. A hydrant permit may, at the discretion of the Director of Environmental Services, be suspended for any length of time.

9.3.2 If an application has been approved by the Director of Environmental Services and a hydrant permit has been issued, the City will provide and install a Backflow Preventer, a valve and a temporary hydrant meter on the public fire hydrant. Prior to the City's turn on of the Water supply at the hydrant, the Applicant shall provide the City with a security deposit as set out in the Fee By-law to ensure the safe return and proper working condition of the Backflow Preventer, temporary hydrant meter and valve supplied by the City and to cover against any potential damage that may be caused to the fire hydrant. The Applicant shall be responsible for

reimbursing the City for all costs associated with any damage caused, including but not limited to repair or replacement costs to the Backflow Preventer, temporary hydrant meter, valve or fire hydrant and any other damage arising out of or in relation to the fire hydrant, its use and/or the use of Water from the fire hydrant. The City may draw upon the security deposit provided to cover the costs of any such damage.

- 9.3.3 No Person shall remove or tamper with the supplied Backflow Preventer, valve and temporary hydrant meter installed on the public fire hydrant for the temporary supply of Water.
- 9.3.4 Water shall only be supplied from the public fire hydrant through the temporary hydrant meter. No Person shall connect to the public fire hydrant or take Water from the public fire hydrant except through the temporary hydrant meter installed by the City.
- 9.3.5 When the hydrant permit issued for the temporary use of the public fire hydrant has expired or its use is complete, the City will remove the Backflow Preventer, valve and temporary hydrant meter from the public fire hydrant and the Applicant shall pay the City for the following fees and charges at such rates and in the amounts as set out in the Fee By-law:
  - a. all Water consumption registered on the hydrant meter installed on the public fire hydrant;
  - b. the rental fee for using the public fire hydrant; and
  - c. the hydrant meter installation and removal by the City.

#### **9.4 Fire Hydrant Relocation**

##### **9.4.0 Application and Cost of Relocation**

- a. A Person may submit an application on the prescribed City form to the Director of Environmental Services for the relocation of a public fire hydrant.
- b. If the Director of Environmental Services approves the relocation of a public fire hydrant in accordance with the City Standards and Specifications, the Applicant shall pay all costs associated with and incurred by the City for the relocation of the fire hydrant. Prior to the commencement of any work by the City, the Applicant shall provide the funding in the form of a deposit, the amount of which to be determined by the Director of Environmental Services and which shall include a minimum of twenty percent (20%) contingency.

##### **9.4.1 Construction and Payment**

- a. Upon completion of the fire hydrant relocation, including surface restoration, the Director of Environmental Services shall determine the cost of the fire hydrant relocation, site restoration and the administrative fees. The Applicant shall pay for those actual costs and all applicable fees and charges in the amount as set out in the Fee By-law.
- b. In the event that the actual cost of the work is greater than the original deposit provided, the City shall issue an invoice to the Applicant detailing the difference between the actual cost and the deposit. The Applicant shall pay the outstanding balance by the due date stated on the invoice.
- c. In the event that the actual cost of the work is less than the original deposit provided, the City shall refund the difference between the actual cost and the deposit to the Applicant.

## **10 WATER USE RESTRICTION**

### **10.0 Lawn Watering Restriction**

- 10.0.0 No Person shall use or cause or permit the use of Water from the Waterworks System for the purpose of watering a lawn by hose, pipe,

sprinkler or permanent Irrigation System at any time between June 1st and September 30th in every year except as follows:

- a. All Owners or Occupants of residential properties with an even numbered municipal address shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on an even numbered day of the month.
- b. All Owners or Occupants of residential properties with an odd numbered municipal address shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on an odd numbered day of the month.
- c. All Owners or Occupants of residential properties shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on the 31<sup>st</sup> day of the month.
- d. The provision of sections 10.0.0 (a), 10.0.0 (b) and 10.0.0 (c) shall apply to all ICI Properties, and Multi-Residential buildings provided that watering shall be permitted for three (3) hours only between the hours of midnight (12:00 a.m.) and 6:00 a.m.

10.0.1 The lawn watering restriction set out in section 10.0.0, shall not apply to newly laid sod for a period of two (2) months after the sod is first laid.

#### 10.1 Water Use Restriction Order

10.1.0 The Director of Environmental Services may issue a Water Use Restriction Order in the event that the Director of Environmental Services determines:

- a. there is insufficient Water supply in the Waterworks System to maintain an appropriate volume of Water storage for the continued proper and safe operation of the Waterworks System; or
- b. there is insufficient Water pressure in the Waterworks System for firefighting purposes; or
- c. there is an upset or flow restriction caused by the maintenance activities of the Waterworks System.

10.1.1 The Director of Environmental Services will give reasonable notice to the public describing the circumstances associated with the issuance of a Water Use Restriction Order, the date on which it is to take effect and the conditions or restrictions of the Water use that would apply. Notice may be given by any means that, in the opinion of the Director of Environmental Services, is sufficient to provide reasonable notice to the public of the Water Use Restriction Order, which may include posting on the City's website.

10.1.2 No Person, shall use or cause or permit, the use of Water in contravention of the conditions set out in the Water Use Restriction Order issued by the Director of Environmental Services.

10.1.3 Once the situation that caused the issuance of the Water Use Restriction Order has been resolved or is no longer in effect, the Director of Environmental Services will withdraw the Water Use Restriction Order.

### 11 MISCELLANEOUS REQUIREMENTS

#### 11.0 Private Water Supply System

##### 11.0.0 Conversion from Private Well Supply to the Waterworks System

- a. If a residential Property is originally serviced by a private Well system and the Owner requests to convert it to the Waterworks System, the Owner shall make an application for a Water Service Connection for such conversion.
- b. The Water Service Connection application for such conversion shall conform to section 6.0 of this By-law.

- c. Upon the Director of Environmental Services or Director of Engineering's approval of an application for a Water Service Connection pursuant to section 6.0 and after the Water Service Connection has been installed, the City will not turn on the Water supply until the Owner has complied with the following conditions to the satisfaction of the Chief Building Official:
  - i. The original private Well connection shall be fully and properly disconnected from the Building to the satisfaction of the Chief Building Official ;
  - ii. A Water Meter has been installed on the Property by the City; and
  - iii. All disconnection and Plumbing Works have been fully inspected and approved by and are to the satisfaction of the Chief Building Official.
- d. After the conversion from a Private Well supply to the Waterworks System is complete in accordance with section 11.0.0 (c), the Owner shall comply with the following:
  - i. The original private Well system shall be properly abandoned and decommissioned in accordance with the Wells Regulation; and
  - ii. All documentation related to the Well abandonment and decommission shall be submitted to the Chief Building Official for review.

#### 11.0.1 Prohibition of New Private Well within Municipal Water Service Areas

- a. Where municipal Water Service Connections are available, the establishment of a new private Well or the replacement of an existing private Well used as a primary or auxiliary Water supply for any permanent Water use purpose is prohibited.
- b. Exemptions

Notwithstanding section 11.0.1 (a), a private Well may be permitted with the prior written approval of the Director of Environmental Services and subject to any conditions imposed by the Director of Environmental Services, including payment of any applicable fees, in the following circumstances:

- i. private Well which legally existed prior to the date of passing this By-law;
- ii. private Well used for watering grass in golf courses or for use in agriculture-designated farms, hobby farms, or demonstration farms applications;
- iii. private Well installed for the purpose of environmental site remediation, water monitoring or site dewatering;
- iv. private Well owned or operated by the City, or approved by the City and located on lands owned by the City; or
- v. Any such other private Well approved by the Director of Environmental Services.

#### 11.1 **Steam Boilers**

- 11.1.0 Where steam boilers are supplied with Water from the Waterworks System, the City shall not be liable for any damage, including but not limited to direct or consequential damages, which may result to any Person, Property or equipment that may arise from turning off the Water supply for any purpose whatsoever, even if notice is not given by the City prior to turning off the Water supply, or arising out of or related to an uneven Water pressure.

- 11.1.1 For all Water Service Connections to boilers, an Owner shall install Backflow Preventers and suitable relief valves or expansion tanks to relieve thermal expansion.

## 11.2 **Water-Cooled Air-Conditioning Systems**

- 11.2.0 No Person shall use any Water supplied by the City in any air-conditioning installation whatsoever, except only in those air-conditioning installations where Water is only used for make-up purposes and no Water is permitted to run to waste.
- 11.2.1 An exemption from section 11.2.0 may be permitted only in exceptional circumstances as approved by the Director of Environmental Services and shall be subject to any conditions imposed by the Director of Environmental Services.

## 12 **BILLINGS AND COLLECTION OF ACCOUNTS**

### 12.0 **Changes of occupancy and Consumer information must be reported**

- 12.0.0 The Owner of Property shall notify the City in writing of any change of occupancy to the Property and shall pay all applicable fees and charges for the change of occupancy.
- 12.0.1 The City may require a new Occupant or Consumer to complete and sign a Consumer information form.

### 12.1 **Non-Metered and Metered Accounts**

- 12.1.0 Non-metered Accounts shall be charged with the “flat rate water charge” as set out in the Fee By-law.
- 12.1.1 Metered Accounts shall be charged with the “water rate” as set out in the Fee By-law.

### 12.2 **Regular Billings**

- 12.2.0 Accounts shall be billed monthly, bi-monthly or on any other basis at the discretion of the Director of Environmental Services or Treasurer. The bill shall be deemed to be served upon the Consumer if it is delivered or sent by mail to the mailing addresses provided by the Consumer.
- 12.2.1 When Water Rates change through a billing period, the Water use charge shall be prorated for that billing period.

### 12.3 **Final Billings**

- 12.3.0 When a Consumer proposes to vacate any Property supplied by Water, the Consumer shall give notice to the City at least two (2) business days before vacating the Property to permit the reading of the Water Meter. If such notice is not given, then the Consumer may be billed for:
- a. an estimated bill; or
  - b. the amount calculated by the next Water Meter reading, whichever is the greatest.
- 12.3.1 Any Person who has moved into or is newly occupying a Building supplied with Water shall notify the City immediately so that the Water Meter may be read and so that the Account and records may be updated.

### 12.4 **Water Meter does not record properly or cannot be read – Estimated Consumption**

- 12.4.0 In the event of a Water Meter failing to record properly, or where the Remote Readout Unit is unable to obtain a reading, the Consumer shall pay the estimated Water consumption on the basis of a corresponding period in the immediately previous year.
- 12.4.1 Where the Consumer did not occupy the same Property for the corresponding period in the immediately previous year, then the Consumer shall pay the estimated Water consumption on the basis of a similar period in the current year.

- 12.4.2 Where section 12.4.0 and 12.4.1 do not apply, then the Consumer shall pay the applicable “flat rate water charge” as set out in the Fee By-law.

#### **12.5 Water Meters without Remote Readout Unit**

- 12.5.0 If it is not feasible to install a Remote Readout Unit to a Water Meter on a Property and the Owner obtained the approval of Director of Environmental Services to make Water Meter readings by themselves, the Owner or Occupant shall provide the Water Meter readings to the City at the agreed upon and required regular Water billing frequency.
- 12.5.1 If the Owner or Occupant fails to provide a Water Meter reading to the City within or by the required time, the Owner or Occupant shall pay for the estimated Water consumption on the basis of a corresponding period in the immediately previous year.
- 12.5.2 After two consecutive estimated Water consumptions, the Owner or Occupant shall provide the City with access to the Property to read the Water Meter. If the Owner or Occupant fails to provide the City access to read the Water Meter, then the Owner or Occupant shall pay for the Water consumption estimated at the discretion of the Director of Environmental Services.

#### **12.6 Charges for late payment**

When an Account is not paid by the due date stated on the bill, the Account is overdue and a late payment charge will be assessed to the Account.

#### **12.7 Notice of non-payment**

- 12.7.0 Where an Account remains unpaid thirty (30) days after the due date on the Water Bill, a final notice shall be sent out by the regular mail to the Consumer and Property Owner.
- 12.7.1 If the Account remains unpaid sixty (60) days after the due date on the Water Bill, the City may do any or all of the following:
- a. Turn off or reduce the Water supply to the Property;
  - b. Add the Water arrears to the Tax Roll of the Property and collect it in the same manner as municipal taxes; and/or
  - c. Use any other means or method to collect any unpaid or overdue Accounts available at law.

#### **12.8 Records of Non-payment**

- 12.8.0 The City shall keep records of unpaid or overdue Accounts. Such records shall include the street, number and location of the Property, and if the Water has been turned off for non-payment of Account balance. Records of non-payment kept by the City shall be for the information and protection of any Person or Persons intending to purchase any Property, and such Person or Persons who inquire with the City whether any Accounts of non-payment appear upon such records.
- 12.8.1 If no such Accounts appear, such Person may, upon the payment of a records search fee as set out in Fees By-law, receive a certificate from the City to that effect, but unless such certificate is issued, the City may collect any sums which may be subsequently discovered to have been due against such Property, but which were not discovered or had been omitted from the register at the time of search.
- 12.8.2 Sections 12.8.0 and 12.8.1 shall not preclude or stop the City from using any other means or method of collecting any unpaid or overdue Accounts available at law.

#### **12.9 Collection of non-payment from the Property Owner**

- 12.9.0 All fees charged for Water consumed or supplied to a Property, or fees, charges or expenses incurred for the replacement or repair of Private Water Service Pipes, Water Meters, fixtures and all other appliances connected to a Water Service Connection or the Waterworks System or for damage to



the same, shall be regarded as due and owing to the City from the Owner of the Property.

#### **12.10 Water Turn off or Reduction for Non-payment**

- 12.10.0 If an overdue Account cannot be collected from the Owner or the Occupant of the Property, the Director of Environmental Services may turn off or reduce Water supply to the Property. An application to turn on the Water supply to the Property will not be approved by the Director of Environmental Services notwithstanding that the Property may have changed ownership or occupancy, until such unpaid Account and other fees and charges owing have been paid in full to the City.
- 12.10.1 When Water is supplied to more than one party through a single Water Meter, the Account for the Water supply will be in the name of the Owner of the Property and the payment shall be the responsibility of the Owner. In case of an overdue Account, the Water may be turned off by the Director of Environmental Services for non-payment of an overdue Account by the Owner, notwithstanding that one or more of the parties have paid their proportion of the Account to the Owner or to any other party.
- 12.10.2 Prior to turning off the Water to a Property for non-payment of an overdue Account, the City shall provide reasonable notice of the proposed Water turn off to the Owner and Occupier of the Property by personal service, prepaid mail or by posting the notice on the Property in a conspicuous place.
- 12.10.3 When the Water has been turned off by the Director of Environmental Services for non-payment of an overdue Account, it will not be turned on until all outstanding Accounts and all applicable fees and charges for the Water turn off and turn on in the amounts as set out in the Fee By-law have been paid in full to the City.

#### **12.11 Water Arrears collected as a lien on Property**

- 12.11.0 Unpaid fees and charges for the supply of Water to a Property shall have priority lien status, and may be added to the Tax Roll of the Property to which the Water was supplied in accordance with the *Municipal Act*.
- 12.11.1 When the unpaid fees and charges are levied to a condominium Property where the Water supplied is measured and accounted for by a single bulk Water Meter, the unpaid Water fees and charges of a condominium corporation may be transferred to the Tax Rolls against the corporation's individual condominium units on a pro-rata basis equal to the proportions, expressed in percentages, allocated to the units, in which the unit owners are to contribute to the common expenses as set out in the declaration of the condominium corporation. The City Treasurer or designate may exempt units, in whole or in part, from their proportionate share of Water arrears where such units are directly supplied with metered Water.

### **13 CONTACT INFORMATION**

- 13.0 Every Owner of a Property where a Water Meter has been or is going to be installed shall provide the City with the following information:
  - 13.0.0 Legal name, address and current telephone number of the Owner;
  - 13.0.1 Legal name, address and current telephone number of the Occupant(s); and
  - 13.0.2 Where an Owner has appointed an authorized agent to act on their behalf, the Owner shall provide the name, address and current telephone number of the authorized agent.
- 13.1 In the event that there is a change in any of the information provided to the City pursuant to section 13.0, then an Owner shall provide the City with updated information in writing within five (5) Business Days from the date the change occurred.

**14 POWERS OF ENTRY**

- 14.0 No Person shall hinder, obstruct, or attempt to hinder or obstruct or to deny the City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* access to a Property for any purpose provided for in this By-law or pursuant to the *Municipal Act*.
- 14.1 Any Person who hinders or obstructs, or attempts to hinder or obstruct, or who denies access to the City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* shall be deemed to be in contravention of this By-law.
- 14.2 The City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* may enter onto land or Property to which Water is supplied by the City at any reasonable time in accordance with the requirements of this By-law and sections 79, 80, 435, 436, 437 and 438 of the *Municipal Act*, in order to:
- 14.2.0 Inspect, repair, alter or disconnect a service pipe or wire, machinery, equipment and other works used to supply Water;
- 14.2.1 Read, inspect, install, repair, replace, maintain, alter or remove a Water Meter, AMI or Remote Readout Unit;
- 14.2.2 Inspect a Backflow Preventer;
- 14.2.3 Turn off or reduce the Water supply;
- 14.2.4 When a Customer discontinues the use of Water or the City lawfully ceases supplying Water to the Property, to: turn off the Water; to remove any property of the City; and/or to determine whether Water has been, or is being, unlawfully used;
- 14.2.5 Inspect Water service leakage including Private Water Service Pipe or Private Fire Service Main or private fire hydrant;
- 14.2.6 Follow up on an Order issued under this By-law;
- 14.2.7 Follow up on an Order made under section 431 of the *Municipal Act*;
- 14.2.8 Carry out an inspection to determine compliance with the requirements or provisions of this By-law, or a direction or Order issued pursuant to this By-law;
- 14.2.9 Undertake remedial work in accordance with this By-law or the *Municipal Act*; and/or.
- 14.2.10 For any other purpose authorized by this By-law or the *Municipal Act*.
- 14.3 When exercising its power of entry under this By-law, the City will provide reasonable notice to the Owner or Occupier when required by and in accordance with sections 435 and 437 of the *Municipal Act*.
- 14.4 Where an inspection is conducted by a Municipal Law Enforcement Officer, City employee, or authorized agent, the City representative conducting the inspection may, in accordance with section 436 (2) of the *Municipal Act*:
- 14.4.0 Require the production for inspection of documents or things relevant to the inspection;
- 14.4.1 Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- 14.4.2 Require information from any person concerning a matter relating to the inspection; and
- 14.4.3 Alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

- 14.5 When the City has provided notice to exercise a power of entry when required by and in accordance with this By-law and the *Municipal Act*, and the Owner or Occupier has not provided access within the time set out in the City notice, the Owner or Occupier will be charged a “missed appointment or service refusal” fee in the amount as set out in the Fee By-law to compensate the City for costs incurred in attempting access and for each subsequent attempt.

## 15 ENFORCEMENT

- 15.0 The provisions of this By-law may be enforced by a Municipal Law Enforcement Officer or any other City staff authorized to do so by the Director of Environmental Services.
- 15.1 A Municipal Law Enforcement Officer who has reasonable grounds to believe that a Person has contravened any provision of this By-law may require that Person to provide their identification to the Officer.
- 15.2 Every Person who is required by a Municipal Law Enforcement Officer to provide identification under section 15.1 shall identify themselves to the Municipal Law Enforcement Officer and give their correct name, date of birth, and address, which shall constitute sufficient identification. Failure to provide sufficient identification shall constitute obstruction of the Municipal Law Enforcement Officer.

## 16 OFFENCES

- 16.0 Every Person who contravenes or fails to comply with any provision of this By-law or an Order or notice issued pursuant to this By-law is guilty of an offence.
- 16.1 Every Person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 16.2 No Person shall fail to comply with any conditions or term of any Order or notice issued under this By-law.
- 16.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Office or any person who is exercising a power or performing a duty under this By-law.
- 16.4 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a Continuing Offence for each day or part of a day that the contravention remains uncorrected.
- 16.5 If any Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a Continuing Offence for each day or part of a day that the Order is not complied with.
- 16.6 For purposes of this By-law, an offence is a second or subsequent offence if the act giving rises to the offence occurred after a conviction had been entered at an earlier date for the same offence.

## 17 PENALTY PROVISIONS

- 17.0 Every Person who is guilty of an offence under this By-law, upon conviction shall be subject to the following penalties established pursuant to the *Municipal Act*:
- 17.0.0 Upon first conviction, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Fifty Thousand Dollars (\$50,000.00).
- 17.0.1 Upon a second or subsequent conviction for the same offence, to a fine of not less than Four Hundred Dollars (\$400.00) and not more than One Hundred Thousand Dollars (\$100,000.00).
- 17.0.2 Upon conviction for a Continuing Offence, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence

continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).

- 17.0.3 Upon conviction of a Multiple Offence, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Ten Thousand Dollars (\$10,000.00) for each offence included in the Multiple Offence. The total of all fines for each included offence may exceed One Hundred Thousand Dollars (\$100,000.00).

#### 17.1 **Proceeds of Fines**

Pursuant to subsection 433 (1) of the *Municipal Act*, where a Person has been convicted of any offence under this By-law, every fine imposed for a contravention of this By-law belongs to the City.

#### 17.2 **Unpaid Fines**

Pursuant to subsection 441.1 of the *Municipal Act*, the Treasurer may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the Tax Roll for any Property in the local municipality for which all of the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

### 18 **ADMINISTRATIVE PENALTIES**

- 18.0 Instead of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, an Order, a Work Order, or any other order issued pursuant to this By-law, a Municipal Law Enforcement Officer may issue an Administrative Penalty to the Person who has contravened this By-law.
- 18.1 The Municipal Law Enforcement Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.
- 18.2 The amount of the Administrative Penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in the AMPS By-law for Non-Parking Offences, as amended, or any successor by-law.
- 18.3 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in the AMPS By-law for Non-Parking Offences, as amended, or any successor by-law.
- 18.4 An Administrative Penalty imposed on a Person pursuant to this By-law that is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the City and may be added to a Tax Roll and collected in the same manner as municipal taxes.

### 19 **GENERAL BY-LAW ENFORCEMENT POWERS**

#### 19.0 **Order to Discontinue Activity**

Pursuant to section 444 of the *Municipal Act*, the City may issue an Order requiring any Person, who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land or Property on which the contravention occurred to discontinue the contravening activity.

#### 19.1 **Work Order**

Pursuant to section 445 of the *Municipal Act*, the City may issue an Order requiring any Person, who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land or Property on which the contravention occurred to do the work to correct the contravention.

#### 19.2 **Remedial Action**

Wherever this By-law or an Order issued pursuant to this By-law directs or requires any work or thing to be done, in default of its being done by the Person directed or required to do it, such work or thing may be done by the City at the expense of the Person. Pursuant to section 446 of the *Municipal Act*, the City may recover all the

costs incurred in doing the work or thing from the Person directed or required to do it by action or by adding the costs to the Tax Roll and collecting them in the same manner as municipal taxes.

## **20 NOTICE/SERVICE**

- 20.0 Where an Order is issued or a notice is given by the City, unless otherwise provided for in this By-law, the Order or notice may be served:
- 20.0.0 personally on the Person to whom it is directed;
  - 20.0.1 mailed by regular mail to the last known address provided to the City of the Person to whom it is directed; or
  - 20.0.2 posted in a conspicuous place at the subject Property.
- 20.1 A Person is deemed to be in receipt of the Order or notice on the date it is served personally or posted at the subject Property and five (5) Business Days after the Order or notice is posted by mail to the last known address provided to the City. If no address for the Person has been provided, then the City will send the Order or notice by mail to the Property address identified on the Tax Rolls.

## **21 FEES**

### **21.0 Service Fees**

- 21.0.0 The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the City's Licensing, Permit and Service Fees By-law.
- 21.0.1 Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by a Municipal Law Enforcement Officer pursuant to the Licensing, Permit and Service Fees By-law.

### **21.1 Recovery of Costs**

Pursuant to section 446 of the *Municipal Act*, where the City, its employees or authorized agents have performed work required to bring the Property into compliance with the By-law, all expenses incurred by the City in doing the work as well as any related fees, shall be deemed to be a debt to the City and may be collected by action or the costs may be added to the Tax Roll for the Property and collected in the same manner as municipal taxes.

- 21.2 Fees and charges imposed on a Person pursuant to the Fee By-law, or the Licensing, Permit and Service Fees By-law, as may be amended from time to time, constitute a debt of the Person to the City. The Treasurer may add such fees and charges imposed by the City to the Tax Roll in accordance with the provisions of section 398(2) of the *Municipal Act* and collect them in the same manner as municipal taxes.

- 21.3 Any fees, charges and administrative costs associated with this By-law are non-refundable and are either set out in the Fee By-law or the Licensing, Permit and Service Fees By-law, as may be amended from time to time.

## **22 GENERAL PROVISIONS**

Where a timeframe is set out in this By-law for carrying out any action, the Director of Environmental Services may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Director of Environmental Services.

## **23 BY-LAW WORDING**

Unless the context requires otherwise, where a word importing the singular number is used in this By-law, such word shall include the plural and vice versa, and words importing one gender shall include all genders. The grammatical changes required to make the provisions of this By-law apply to individuals (male or female), sole proprietorships, partnerships, unincorporated associations, unincorporated organizations, corporations, trustees, heirs,

executors, administrators and other legal representatives where the context so requires shall be assumed as though in each case fully expressed.

**24 SEVERABILITY**

Notwithstanding that any section, or any part or parts thereof, of this By-law may be found by any court of law to be invalid, unenforceable or beyond the power of the Council to enact, it is the intention of Council that such section, or part or parts thereof, of this By-law shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and enacted as such.

**25 REPEAL**

By-law No.1602, By-law No.105-95 and By-law No.2012-242, as amended, are hereby repealed in their entirety.

**26 INTERPRETATION**

The provisions of Part VI of the *Legislation Act*, 2006, S.O.2006 c.21, Schedule F, shall apply to this By-law.

**27 SHORT TITLE**

This By-law may be referred to as the “Water Use By-law”.

**28 EFFECTIVE DATE**

This By-law comes into force and effect on the day it is passed.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23<sup>rd</sup> DAY OF APRIL, 2019.

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FRANK SCARPITTI, MAYOR

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KIMBERLEY KITTINGHAM, CITY  
CLERK