

TOWN OF MARKHAM
ONTARIO



BY-LAW 1602

**A BY-LAW TO ENACT RULES AND REGULATIONS COVERING THE
MAINTENANCE, CONSTRUCTION AND OPERATION OF A SYSTEM
OF WATER WORKS IN THE TOWNSHIP OF MARKHAM**

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to April 19, 2006)

As amended by:

By-law No. 1613 – October 15, 1956

By-law No. 1700 – May 12, 1958

By-law No. 1951 – May 22, 1962

By-law No. 2575 – May 19, 1970

By-law No. 68-72 – June 20, 1972

By-law No. 99-72 – September 26, 1972

By-law No. 87-76 – May 11, 1976
By-law No. 251-76 – November 23, 1976
By-law No. 93-78 – May 9, 1978
By-law No. 79-79 – March 27, 1979
By-law No. 147-79 – May 25, 1979
By-law No. 40-80 – February 26, 1980
By-law No. 182-82 – June 3, 1982
By-law 102-84 – March 27, 1984
By-law No. 159-85 – May 14, 1985
By-law 2001-263 – October 23, 2001
By-law 2002-11 – January 15, 2002
By-law 2002-171 – June 26, 2002
By-law 2002-279 – December 10, 2002

TOWNSHIP OF MARKHAM

BY-LAW NUMBER 1602

A by-law to enact rules and regulations covering the maintenance, construction and operation of a system of water works in the Township of Markham

WHEREAS the Corporation of the Township of Markham has assumed and now operates and maintains a system of waterworks;

AND WHEREAS the Council of the said Township deem it expedient to make certain rules and regulations concerning the said system of waterworks.

THEREFORE THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF MARKHAM ENACTS AS FOLLOWS:

Definitions

1. In this by-law:
 - a) “Corporation” shall mean the Corporation of the Township of Markham.
 - b) “Council” shall mean the Council of the Corporation of Markham.
 - c) “Meter” shall mean the meter installed under the provisions of this by-law for the purpose of measuring the water supplied by the Corporation to the premises in which such meter is installed.
 - d) “Private Water Service” shall mean the pipes and fixtures used for the purpose of supplying any premises in the Township with water from the system of water works established by the Corporation and situated between the street line in front of the premises so supplied and the meter.
 - e) “Superintendent” shall mean the Superintendent of the Township of Markham.
 - f) “Township” shall mean the Township of Markham.
 - g) “Treasurer” shall mean the Treasurer of the Township of Markham.
 - h) “Water Service” shall mean the pipes and fixtures used for the purpose of supplying any premises in the Township with water from the system of

water works established by the Corporation and situated between the water main and the limit of the street on which the premises so supplied front.

Duties of Superintendent

2. (1) The Council shall appoint an officer to be known as the Superintendent of the Water Works Department of the Township of Markham, whose duties shall be:
 - a) to generally supervise the said Water Works Department.
 - b) to enforce the provisions of this By-law.
 - c) to perform such other duties as may from time to time be given to him by the said Council.
- (2) The Superintendent shall hold office during the pleasure of Council.

Appointment of Other Officers

3. The Council may from time to time appoint or engage other officers or members of the Township Water Works Department as and when it is deemed necessary by the said Council so to do.

Rules Part of Contract

4. The rules and regulations set out in this by-law shall govern and regulate the operation of the system of water works in the Township and shall be considered to form a part of the contract between the Corporation and the owner or occupant of any house in the Township for a supply of water by the Corporation, and every such owner or occupant by applying for or accepting a supply of water from the Corporation shall be deemed to have expressed his consent to be bound by the said rules and regulations.
5. (1) All persons desiring a supply of water from the Corporation shall first make written application to the Superintendent, showing the several and various purposes for which water is required, and shall sign the form of agreement provided by the Township. Subject to sub-section 2 of this section, such application and agreement shall be signed by the Owner of the building to be supplied with water, or by his agent, duly authorized in writing.

- (2) Where the necessary water services and private water services have already been installed and the cost of such installation fully paid, and the premises for which the supply of water is required is occupied by the tenant, the application for a supply of water to said building may be signed by the occupant of such building.

General Rules

6.
 - (1) Forthwith after applying to the Superintendent for a supply of water the person so supplied shall pay to the Treasurer the charge for installing the necessary water services and the amount of the minimum water rate for the then one-quarter year. If the person so applying for water is a tenant of the residence concerned, he shall further pay a deposit of five dollars.
 - (2) In order that a uniform rate shall be charged for the installation of water services, a fixed rate shall be established by Council which shall be equivalent to the cost of installation calculated as if the water mains in the Township were laid in the centre of the streets, and the charges in effect at the passing of this by-law shall be those set out in Schedule "A" of this by-law. Such charges may be changed by the Council from time to time as may be deemed expedient by the Council so to do.
7.
 - (1) After the payments referred to in the next preceding section have been made to the Treasurer, the Superintendent shall install the necessary water services.
 - (2) Persons making application for the installing of water services other than the ordinary dwelling house services shall at the time of such application deposit with the Treasurer a sum of money estimated to be the cost of providing such water services, and, upon the receipt of such sum by the Treasurer, the Superintendent may, if he deems it expedient, install the necessary water services.
8. The Superintendent shall determine the size of the pipes and fittings to be connected to a water main and shall also determine the position in the street where the water services may be connected to any water main.
9.
 - (1) All water services up to and including two inches in internal diameter shall be of seamless copper tubing. All such pipe and fittings used for water services shall be of such weight and other specifications as the Superintendent may direct. The minimum diameter of water service shall normally be 5/8th inch.

- (2) Where a water service of greater than two inch internal diameter is required, then cast iron pipe as directed by the Superintendent shall be used.
10. Water services shall be installed only by persons employed by the Superintendent or designated by him.
11. The cost of maintaining water services between the water main and the street line and of keeping the same in repair shall be paid by the Corporation.
12. The Superintendent shall have authority to approve of any installation applied for. If for any reason the Superintendent does not approve of any application for water service, he may refuse such application and the applicant may have recourse by applying directly to the Council which may then approve or refuse the application. Where approval is granted by the Superintendent or the Council for the installation of a water service, it shall be installed upon such terms and conditions as the Superintendent or Council may deem necessary.
13. All water services shall be at least five feet below the finished grade of the street in which such services are laid, and shall be properly protected from frost.

Private Services

14.
 - (1) The owner of any building may request the Superintendent to install the necessary private water services at the time the water services for the same building are being installed, and the Superintendent may, if he deems it expedient, install such private water service upon the owner prepaying to the Treasurer the estimated cost of the installation of such private water service.
 - (2) In the event of the actual cost of the installation of such private water service exceeding the amount prepaid to the Treasurer, the person applying for such installation shall forthwith, after the completion of such installation, pay to the Treasurer the balance of such cost.
 - (3) Nothing in this section shall relieve the owner from the obligation of maintaining such private water service in accordance with the provisions of this by-law.
15. All private water services shall be of the same material as the water service to which such private water service is connected, and the pipes and fittings used for private water services shall conform in design and quality to the standards prescribed by the Superintendent.

16. Subject to the provisions of Section 14 of this by-law, all private water services shall be installed by the owners of the premises for which such private water services are required, or their agents. The water meter for all services shall be supplied by the Corporation.
17. Private water services shall be properly laid and graded with a fall to a stop and waste cock placed in the floor in the cellar or basement, or other convenient place so that all pipes within the building may be emptied by opening the faucet at the highest point therein and allowing air to enter the said pipes. In any buildings to which there is no basement, stop and waste cock shall be placed so that it is protected from frost, and so that the pipes may be conveniently drained. In all cases sufficient space and proper fittings shall be allowed on the horizontal pipe for the installation of the meter.

(Amended by By-law No. 79-79)

18. Private water service pipes in buildings shall be located in the parts thereof best protected from frosts. No private water service pipes shall be placed back of plaster on outside walls. In buildings where there is no cellar, the pipes shall be carried to or near the centre of the building or to an unexposed part previous to being carried upward. In all exposed situations the service pipes and fixtures shall be properly wrapped with felt or other non-conducting substance, and surrounded by a box packed also with non-conducting substance, if necessary, to protect said service pipes from freezing. It shall be the duty of the plumber employed by the owner or agent to protect from frost all work done by him. All damage due to frost, poor workmanship, carelessness or any other reason shall be the responsibility of the owner and shall be repaired and paid for by the owner of the premises concerned.

Notice for Inspection

19. The Superintendent of Waterworks shall be notified by the owner of the premises when private water service has been laid, and is ready for inspection. All works must be left uncovered and convenient for examination until inspected and approved. The inspection shall be made within two working days after receipt of notice. (Notice filed after twelve o'clock noon shall take date from the following day). When the soil is of such a nature that it cannot be left open for two days, the inspection shall be made forthwith. No water supply shall be turned on unless the work is inspected and approved by the Superintendent.
20. The owner of any property into which a water service is laid shall maintain in proper order and repair, at his own expense, the private water service and its fixtures and appurtenances.

21. (1) Not more than one building shall be supplied from a single water service unless approved by the Superintendent. A separate corporation cock to be installed for each building in every case.
- (2) Where one of several buildings occupies the frontage of a lot and several buildings are located in the rear of the said front building, all such buildings may be supplied from one water service provided that all said buildings belong to one owner and such owner pays the water rates for all water supplied to such buildings.

Range Boilers

22. In all cases where range or steam boilers are supplied with water it is understood and agreed that the Township will not be liable for any damage which may result to any person or premises or equipment from shutting off the water from any main or service pipe for any purpose whatever, even in cases where no notice is given, or on account of uneven water pressure. All service pipe connections to boilers shall have check valves fixed to prevent water escaping back into the mains and suitable relief valves to relieve excess pressure.
23. When the necessary water service and private water service have been completely installed to the satisfaction of the Superintendent and in compliance with the rules and regulations set out in this by-law and the payments provided for by Section 5 and Sub-section 3 of Section 24 of this by-law made to the Treasurer, the water may be turned on to the premises.
24. All water supplied through private water services shall be metered and shall be charged for at such rates as may from time to time be fixed by the Council of the Township of Markham.

Meters

25. (1) All meters shall be furnished and installed by the Superintendent before the water shall be turned on.
- (2) The entire cost of installing and repairing meters up to and including one-inch meters shall be paid for by the Township of Markham unless such meter is damaged by the carelessness or neglect of the owner, lessee, tenant or occupant of the premises on which such meter is installed, and where such meter is damaged by the carelessness or neglect of the owner, lessee, tenant or occupant of the premises or the person causing the damage shall pay to the Corporation the cost of making the necessary repair to such meter.

- (3) The cost of installing and repairing meters larger than one inch, including the cost of such meter, shall be prepaid by the applicant before the water is turned on.
26. If a meter fails to register the consumer will be charged at the average consumption as shown by the meter when in order.
27. All water passing through meter will be charged for whether used or wasted.
28.
 - (1) The owner and tenant shall provide ready and convenient access to the meter so that it may be frequently read and examined by the Township Inspectors at all reasonable hours.
 - (2) Where a meter cannot conveniently be placed inside a building the meter for such premises shall be placed in a meter chamber, the location and construction of which are approved by the Superintendent.
29.
 - (1) A meter not exceeding one inch in size will be removed and tested upon request on the deposit of one dollar and if it is found to register correctly, slow, or not to exceed three percent in favour of the Corporation, a minimum charge of \$1.00 will be made and any additional expense of removing and testing of the meter to be paid by the person requesting that such meter be removed and tested.
 - (2) Meters exceeding one inch in size will be removed and tested upon such terms and conditions as the Superintendent may direct, and if these terms and conditions are not satisfactory to the party requesting such removal and testing, the party concerned may apply to the Council for its decision.
30.
 - (1) Not more than one meter shall be placed in each building, apartment, house or other place in the Township unless special permission is granted by the Superintendent in writing, and the plumbing shall be so arranged that all water used on such premises shall pass through such meter and the owner of the premises will be held liable for all water charges.
 - (2) Every meter shall be placed in such location as the Superintendent may direct.
31.
 - (1) All rates are based on three months' consumption and no charge shall be for less than the minimum meter rate fixed by Council. If meters are for any reason not read quarterly an average will be taken. Where a house is vacated during a period between meter readings, a charge shall be made for either the quantity of water

used to the time of the reading of the meter or the proportional part of the minimum bill calculated to the time of vacating the premises, whichever is the larger amount.

- (2) Where a person occupies a building during a period between the reading of meters, said party shall notify the Superintendent and shall pay the amount of the minimum bill and the meter shall be specially read. The charge at the next regular billing period shall be calculated on the amount of water used during the part period and on the time of occupancy during the period and the bill shall be for the greater amount.
32. If a meter when tested is found to register in excess of three per cent in favour of the Corporation, a refund will be made to the consumer of an amount equal to such excess percentage of the water rates paid for the three months prior to the testing of said meter provided, however, that no reduction shall be made which will reduce the water rates for the three months prior to the testing of such water meter below the minimum water rates fixed by Council.
33. No reduction shall be made when the owner or occupant of the building has not complied with the provisions of this by-law.

Collection of Accounts

34. When water shall be supplied to more than one party through a single meter, the account for the water supply will be made to the owner of the premises and in case of non-payment, the water may be shut off, notwithstanding one or more of the parties have paid their proportion to such owner or to any other party.
35. All sums charged for water supplied, or for expenses incurred, for the repair of private water pipe services, meters, fixtures and all other appliances connected with the water service or for damage to the same shall be regarded as due from the owner of the premises, and if said sum for any reason cannot be collected from the said owner, or the occupant of the premises, and the water shall be turned off on account of non-payment, no application for water supply for such premises shall be granted by the Corporation notwithstanding that the said premises shall have changed ownership in any way, until such sums and other charges shall have been paid in full to the Treasurer. When the water has been turned off by the Corporation for any of the above reasons, it shall not be turned back on until an additional charge of two dollars (\$2.00) has been paid to the Treasurer as a charge for turning the water off and on.
36. A book shall be kept in the Treasurer's Office which shall contain the street, number and location of premises from which the water has been turned off for non-payment of accounts and the sum remaining unpaid, which book shall be for

the information and protection of person or persons intending to purchase any property, and such person or persons may ascertain at the office whether any accounts appear upon such book.

37. (1) If no such accounts appear, such person may, upon the payment of fifty cents, receive a certificate from the Treasurer to that effect, but unless such certificate is issued, the Corporation may collect any sums which may be subsequently discovered to have been due against such premises, but which were not discovered or had been omitted from the register at the time of search.
- (2) The foregoing shall not be held to prevent the Corporation from resorting to other means or method of collecting said accounts.
38. (1) When a party proposes to vacate any premises supplied by water, said party shall give notice to the Superintendent at least two days before vacating the property to permit the reading of the meter. If such notice is not given, then the party concerned may be billed for the minimum bill or for an estimated bill or for the amount calculated by the next meter reading, whichever is greatest.
- (2) Any person or party occupying a building supplied with water shall notify the Superintendent immediately so that the meter may be read and so that the records may be corrected. If such notice is not received within three days of occupancy, then the Superintendent may have the water to the building shut off and an additional charge of two dollars shall be levied to pay for turning the water off and on.

Water Rates

39. (1) The water rates in effect at the time this by-law becomes effective shall be those set out in Schedule "B" of this by-law and the water rates shall be those shown or those that may be changed by Council from time to time.
- (2) The Council may from time to time change said water rates without notice to any person taking a supply of water from the Corporation.
- (3) All accounts for water shall be prepaid to the extent of the minimum bill. The first account shall be based proportionately on the minimum rate per quarter or the consumption used, whichever is greater, or it may from time to time be fixed by Council.

40. Builders requiring water for building purposes shall make a separate application for each building to be erected and shall furnish the Superintendent with all information required by him and shall pay to the Treasurer such special water rates as may from time to time be fixed by the Council. A permit for use of water for building purposes shall be in force for six months from the date thereof.

Water for Fire Extinction

41. (1) Equipment installed solely for the automatic extinction of fires in buildings may, with the approval of the Superintendent, be attached to water mains provided that such equipment is entirely disconnected from water pipes used for any other purpose, and water supplied through such equipment is used solely for the purpose of fire extinction. All such equipment must be provided with a suitable valve outside the building and under the exclusive control of the Corporation. A valve shall be placed at each hose opening in the stand pipe and all such valves shall be sealed by the Superintendent. Whenever the seal of any such hose opening is broken for the extinction of any fire, the person breaking such seal shall immediately thereafter give notice to the Superintendent, who shall immediately after receiving such notice re-seal the said valve. The Corporation may require a compound meter of approved pattern to be furnished, installed and maintained by the owner, lessee or agent. In case of violation of this rule the Superintendent may shut the control valves and refer the matter to the Council and such control valve shall not be opened without authority from the said Council.
- (2) Where a sprinkler system or other system installed solely for the control of fires is not connected through a water meter, then a flat rate of five dollars (\$5.00) per quarter shall be charged for such system, but this section will in no way change any other sections of this by-law.
- (3) No seal placed by the Superintendent upon a valve situated at a hose opening in a stand pipe shall be broken nor shall any water be used from equipment for fire extinction for any purpose except the extinction of fire without the consent in writing of the Superintendent.
42. In no case shall watermains be laid in the same trench with sewers unless special permission is granted by the Superintendent to do this.
43. (1) No person shall make any connection or connections whatsoever to any water service or private water service without the written

consent of the Superintendent first obtained. The owner of the premises on which an unlawful connection has been made shall be responsible for the additional water rates or charges in addition to being liable for any other penalty provided by this by-law or by any Act or Acts of the Legislative Assembly of Ontario or the Parliament of Canada.

- (2) No person shall under any circumstances connect any faucet, tap, hydrant, or appliance of any kind whatsoever to any water service or private water service so as to use water which has not passed through the meter.
44. No person supplied with water by the Corporation shall be entitled to use such water for any purpose other than those stated in his or her application.
45. No person being the owner, occupant, tenant or inmate of any house, building or other premises supplied with water by the Corporation shall rent, sell or dispose of such water or give away or permit the same to be carried away or used or apply such water to the use or benefit of any other person.
46. In case of making small repairs or constructing new work in connection with the Water Works System, the Superintendent may shut off the water from any consumer without notice, and keep it shut off as long as may be necessary and the Corporation shall not be liable for any damage resulting therefrom.
47. The Superintendent, or any person duly authorized by him for the purpose, at all reasonable hours, upon identifying himself, shall be given free access to all parts of every building to which the water is supplied, for the purpose of inspection and examination of the meter, the fixtures and pipes of every kind used in connection with the supply of water or for the use of water on such premises.

Discontinuance of Use of Water

48. Any consumer wishing to discontinue the use of water supplied from the Markham Township Water Works must give notice thereof at the Superintendent's office, on the required forms, or the water rates or charges will be continued until such notice is given or until the water is turned off.
49. Whenever water has been turned off for non-payment of the water charges or for purposes of repair or construction or for any other necessary or proper purpose, no person will be permitted to turn it on again who is not duly authorized to do so by the Superintendent.
50. When an account is unpaid after ten days after the due date for payment, a notice may be sent to the party concerned, and if an account is unpaid three weeks after

- the preceding due date for payment, then the Superintendent may shut off the water supply concerned, whether additional notice has been sent or not, and when water is shut off for this reason, then an additional charge of two dollars shall be paid by the consumer before the water shall again be turned on.
51. No person or persons, except the Superintendent or those acting under his direction or authority, shall open or close any valve, hydrant or gate in the street mains or any pipe, fixture or other part of the waterworks system except faucets and parts normally used for the supply of water, or molest or interfere with the same in any manner. It is hereby specified that no person except the Superintendent or his authorized representative shall turn or tamper with any curb stop.
52. The officers of the Corporation when acting in the discharge of their duties under this by-law shall be ex-official constables.

Penalties

53. (1) Whenever any persons taking a supply of water from the Corporation fail to comply with the provisions of this by-law in any respect, the Superintendent may, without notice to such persons, turn off the water and the water shall not be turned on again until all the provisions of this by-law are complied with and the sum of two dollars paid to the Treasurer to cover the cost of turning the water off and on.
- (2) Failure to pay water rates as and when the same become due and payable shall be considered to be a failure to comply with the provisions of this by-law.
- 53A. No person shall use any water supplied by the Town of Markham Waterworks System in any air-conditioning installation whatsoever, except only in those air-conditioning installation where water is only used only for make-up purposes and none is permitted to run to waste. However, any business operation requiring cooling, climitization or air-conditioning on a year-round basis as an integral part of their operation may use water-cooled air-conditioning systems so long as the said system or systems do not exceed 5-ton capacity.
(Amended by By-law No. 102-84)
54. Any persons convicted of a breach of Section 39 of this by-law shall forfeit and pay at the discretion of the convicting magistrate a sum not exceeding fifty dollars, exclusive of costs, for each offence.
55. Any persons convicted of a breach of any of the provisions of this by-law other than those of Section 39 shall forfeit and pay at the discretion of the convicting

magistrate a penalty not exceeding the sum of twenty dollars, exclusive of costs for each offence.

56. This by-law shall go into force on the day of the final passing thereof.

Passed this 11th day of June 1956

 "Alfred Masusun"
Reeve

 "Chas Hoover"
Clerk

SCHEDULE "A"
REVISED MAY, 1958

(Schedule amended in its entirety by By-law No. 1700)

Charges for Installation of Water Services (including Water Meter)

TERMS: CASH IN ADVANCE

<u>SIZE OF SERVICE</u>	<u>66FT. or LESS</u>	<u>66FT. – 86FT.</u>	<u>86FT. – 100FT.</u>	<u>EXTRA FOOTAGE OVER 100FT.</u>
5/8" copper	\$100.00	\$120.00	\$135.00	\$1.50 per ft.
3/4" copper	125.00	145.00	165.00	1.75 per ft.
1" copper	150.00	170.00	190.00	2.00 per ft.
Pavement Charge:	Gravel Road - \$5.00 Paved Road - \$15.00			

For other sizes of services not listed above, the charge will be determined by the Superintendent with reference to the above charges but the same charge shall be made for each similar service. This schedule may be amended from time to time by the Superintendent with the approval of Council.