

MUNICIPALITY OF MIDDLESEX CENTRE

BY-LAW 2018 - 028

**BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY
IN THE MUNICIPALITY OF MIDDLESEX CENTRE**

WHEREAS a lower-tier municipality may pass by-laws respecting public utilities, including water production, treatment, storage and distribution where Counties are not assigned exclusive jurisdiction. Municipal Act 2001, C.25, s11

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

AND WHEREAS connections to potable water systems shall be designed and installed so that non potable water or substances that may render the water non potable cannot enter the system. Building Code Act 1992 – O.Reg 305/06 7.6.2.1 (1)

AND WHEREAS in situations where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valving arrangement for the meter installation shall be according to the water purveyor's requirements. Building Code Act, 1992-O.Reg. 305/06 7.6.1.3 (5)a

AND WHEREAS a municipality may, at reasonable times, enter on land, to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply a public utility or to inspect, install, repair, replace or alter a public utility meter. Municipal Act 2001, c.25, s80 (1)

AND WHEREAS a municipality, after reasonable notice is given, may shut off or reduce the supply of the public utility to the land. Municipal Act 2001, c.25, s80 (2)

AND WHEREAS a municipality, after reasonable notice is given, may shut off the supply of a public utility by the municipality to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue. Municipal Act 2001, c.25, s81(1) and (3)

AND WHEREAS a municipality may shut off the supply of water to land if the fees or charges payable by the owners or occupants of the land in respect of a waste water system are overdue and the fees or charges are based on the fees payable for the supply of water to the land. Municipal Act 2001, c25, s81 (2)

AND WHEREAS a municipality may recover all fees and charges payable despite shutting off the supply of the public utility. Municipal Act 2001, c.25, s81 (4)

AND WHEREAS the municipality may allocate the available public utility among its consumers if the supply of a public utility to a municipality is interrupted or reduced. Municipal Act 2001, c.25, s82 (2)

AND WHEREAS a municipality may, as condition of supplying or continuing to supply a public utility, require reasonable security be given for the payment of fees and charges for supply of the public utility or for extending public utility to land. Municipal Act 2001, c25, s83

AND WHEREAS a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it. Municipal Act 2001, c.25,

s391(1)

AND WHEREAS fees and charges imposed by a municipality on a person constitutes a debt of the person to the municipality. Municipal Act 2001, c.25 s398 (1)

AND WHEREAS the treasurer of a municipality may add fees and charges imposed by the municipality to the tax roll for the property to which the service was supplied and collect them in the same manner as municipal taxes. Municipal Act 2001, c.25, s398 (2)

NOW THEREFORE the Council of the Municipality of Middlesex Centre hereby enacts as follows:

**PART 1
SHORT TITLE**

1. **SHORT TITLE**

This By-law may be cited as the "Water By-law."

**PART 2
DEFINITIONS**

2. **DEFINITIONS**

In this by-law:

- 2.1 **"Building"** shall mean any structure with a pressurized water supply used or intended for supporting or sheltering any use or occupancy with the land and premises appurtenant thereto, and shall include a dwelling as defined in this by-law.
- 2.2 **"Contractor"** shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Municipality to install or maintain mains, service mains, services, hydrants and other appurtenances.
- 2.3 **"Cross Connection"** shall mean any temporary, permanent or potential water connection between any part of a potable water system and any environment containing other substances in a manner, which, under any circumstances, would allow such substances to enter the potable water system. Other such substances include, but are not limited to, gases, liquid or solids such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter, which may change the colour or add odour to the water. Such connections would include and not be limited to swivel or changeover devices, removable sections, jumper connections and bypass arrangements.
- 2.4 **"Cross Connection Control Device"** means a mechanical valve which when connected to a Water Service Pipe prevents a Cross Connection, in accordance with the *Ontario Building Code Act*, as amended or replaced, including all regulations thereto, as revised from time to time, and "CAN/CSA-B64 SERIES-11, Backflow preventers and vacuum breakers".
- 2.5 **"Customer"** shall mean any person who enters into a verbal or written contract with the Municipality to take Water from the Municipality or to receive Water Service as defined in this by-law, and shall include an Occupant and Owner as defined in this by-law.

- 2.6 "**Developer**" shall mean the owner or party specifically named in a development agreement or in a subdivision agreement.
- 2.7 "**Director**" shall mean the Director of Public Works and Engineering for the Municipality of Middlesex Centre.
- 2.8 "**Dwelling**" shall mean any building, trailer or other covering or structure, the whole or any portion of which has been used, is used or intended for use or is capable of being used for the purpose of human habitation with the land and premises appurtenant thereto.
- 2.9 "**External Use of Water**" shall mean the use of Water for any purpose outside the walls of any building located at a municipal address.
- 2.10 "**Fees and Charges By-law**" shall mean Municipality of Middlesex Centre By-law Number 2017-145, as amended or replaced.
- 2.11 "**Frontage Charge**" shall mean the monthly charge applied to any developed lot fronting but not connected to the Waterworks, as set out in the Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced.
- 2.12 "**Main**" shall mean every water pipe, except Water Service Pipes and portions of Private Mains as herein defined, installed on the public road allowance or on any other land upon which the Municipality has obtained easements or has rights under Section 91 of the *Municipal Act, 2001*.
- 2.13 "**Main Tap**" shall mean the method in which an existing Main is cored to accept a new Service Stub or Private Main, through the installation of a saddle and main cock.
- 2.14 "**Meter**" shall mean the meter supplied and owned by the Municipality to measure the quantity of Water used by the Customer.
- 2.15 "**Meter Pit**" shall mean any exterior chamber or pit approved by the Director for the purpose of containing a Meter.
- 2.16 "**Minimum Charge**" shall mean the minimum monthly charge applied to any Premises with pipes connecting it to the Waterworks, even if no Water is used, as set out in the Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced.
- 2.17 "**Multiple Unit Building**" shall mean a single building, served by a private water service, and containing two or more living or other units not served by an individual Water Service Pipe.
- 2.18 "**Municipal Act**" shall mean the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced.
- 2.19 "**Municipal Address**" shall mean a building or buildings identified by a number.
- 2.20 "**Municipality**" shall mean the Municipality of Middlesex Centre.
- 2.21 "**Occupant**" shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a Premise.

- 2.22 "**Officer**" means a By-law Enforcement Officer, Building Inspector or Chief Building Official as appointed or authorized by the Council of the Municipality to enforce this By-law and/or any "provincial offences officer" as defined in the *Provincial Offences Act*.
- 2.23 "**Ontario Building Code Act**" shall mean the in force *Ontario Building Code Act, 1992, S.O. 1992, c. 23*, as amended or replaced, including all in force regulations thereto, as revised from time to time.
- 2.24 "**Owner**" shall include any person who or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.
- 2.25 "**Person**" includes an individual, association, partnership, corporation, municipality, provincial or federal agency, or an agent or employee thereof.
- 2.26 "**Plumbing System**" shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately after the Meter.
- 2.27 "**Potable Water**" shall mean water that is fit for human consumption.
- 2.28 "**Premises**" shall mean any house, tenement, building, lot, or part of a lot, or both, which Water Service Pipes run in, through or past.
- 2.29 "**Private Main**" shall mean a pipe connected to a Main and installed on private property and from which more than one Water Service Pipe and/or hydrant lateral are connected.
- 2.30 "**Provincial Offences Act**" shall mean the *Provincial Offences Act, RSO 1990, c P.33*, as amended or replaced.
- 2.31 "**Service Extension**" shall mean the portion of a Water Service Pipe from the property line to the Meter location, or for a fire service to the inside of the exterior wall of a structure, i.e. an extension of a Service Stub.
- 2.32 "**Service Stub**" shall mean the portion of a Water Service Pipe from a Main to the property line, which will always include one control valve.
- 2.33 "**Shut-off Valve**" shall mean the valve on the Water Service Pipe or Private Main owned and used by the Municipality to shut off or turn on the Water supply from the Water Distribution System to any Premises.
- 2.34 "**Single Detached Residence**" shall mean a single dwelling, which is freestanding, separate and detached from other main buildings or main structures, including a split-level dwelling but does not include a mobile home.
- 2.35 "**Wastewater**" shall mean water that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products; sewage
- 2.36 "**Water**" shall mean Potable Water supplied by the Municipality.

- 2.37 **"Water Distribution System"** shall mean Mains with connections to feeder mains, feeder mains within subdivision lands, Private Mains, Water Service Pipes, fire hydrants, and Shut-off Valves, and all other appurtenances thereto.
- 2.38 **"Water Service"** shall mean the production, treatment, storage, supply and distribution of Water, or any one or more of them, as well as any related services.
- 2.39 **"Water Service Pipe"** shall mean the pipe and fittings that convey potable water from a connection on a Main or Private Main to the Meter location, or, for a fire service, to the inside of the exterior wall of a structure.
- 2.40 **"Water, Wastewater and Miscellaneous Rates By-law"** shall mean Municipality of Middlesex Centre By-law Number 2017-024, as amended or replaced.
- 2.41 **"Waterworks"** shall mean any works for the collection, production, treatment, storage, supply and distribution of Water, or any part of any such works, owned and operated by the Municipality, but does not include any Service Extension, Private Main, or Plumbing System to which the *Ontario Building Code Act*, as amended or replaced, including all regulations thereto, as revised from time to time, applies.

PART 3 APPLICATION FOR CONNECTION TO THE WATERWORKS

3. Required Connection to Municipal Waterworks

The Owner of a Building located on land fronting a Main, or on land abutting a street or alley through which access to a Main is available, shall make an application to the Municipality to connect the Building to the Waterworks of the Municipality, in accordance with section 3.3 of this by-law, unless permitted otherwise within this by-law.

3.1 Notification Requirements by the Municipality

A notice shall be sent by registered mail to the Owner, as shown on the last returned assessment roll of the Municipality, of each Building not connected to the Waterworks of the Municipality which is required to be so connected, which notice shall advise the Owner that this by-law requires such connection and that if the Owner fails to make the connection as required within nine months after the sending of the notice, the Municipality has the right to make the connection at the Owner's expense and to recover the expenses by action or in like manner as municipal taxes.

3.2 Form of Notice

The notice herein required by section 3.1 shall:

- (a) Be made by registered mail to the Owner's last known address;
- (b) Make reference to this by-law;
- (c) Advise the Owner of the date on which the nine-month period hereinbefore referred to expires;
- (d) Advise the Owner that if the Owner fails to make the connection as required the Municipality has the right to make said connection at the Owner's expense and to recover the expense by action or in like manner as municipal taxes.

3.3 Application for Connection and Connection Charges

The Owner or the Owner's agent shall apply to the Municipality for connection to the Waterworks and, before such connection is made, the Owner shall pay to the Municipality all applicable application and connection charges as indicated in the Municipality's Fees and Charges By-law, as amended or replaced.

Additional connection charges may apply based on the cost of the infrastructure in place and installation agreements. For instance, additional costs for road work may apply if the Main to be connected to is located on the opposite side of the road. However, there may be development agreements in place that require the Municipality to collect fees associated with the servicing when such lots are developed. Connection fees associated with Main extensions will be detailed in the agreement for the particular development.

3.4 Payment Required Prior to Connection

Connection to the Waterworks shall not be scheduled or commenced in any way until the application required by section 3.3 of this by-law has been approved by the Municipality and all applicable application and connection charges required by section 3.3 of this by-law, have been paid.

3.5 Disconnection of Alternative Water Supply

Upon completion of the connection, the Owner shall use the Water provided by the Municipality for all domestic and potable uses within the Building. The previous water source shall be disconnected from the Building and shall cease to be used for domestic and potable purposes.

3.6 Exemption from Connection Requirements

The Owner of a Building existing as of August 15, 2012, and which is subject to the connection requirements of section 3 of this by-law, may be exempted from those connection requirements where the Owner of the Building pays to the Municipality or the Municipality's authorized agent, the Frontage Charge, as defined herein, set out in the Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced.

3.7 Disconnection from Waterworks

When an Owner discontinues the use of a Water Service Pipe for Water supply to the Owner's Premises, the Owner shall pay to the Municipality all applicable charges set out in the Municipality's Fees and Charges By-law, as amended or replaced, including a charge for disconnecting the Meter from the Water Distribution System.

PART 4 WATER RATES AND CHARGES

4. Application for Water Supply

Before the initial supply of Water, or any subsequent reconnection, to any Premises in the Municipality, the Owner shall apply to the Municipality for the supply of Water. The Owner shall be governed by the requirements of this by-law.

4.1 **Water Measured by Meters**

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

4.2 **Meter Reading and Billing**

Meters may be read, and accounts may be rendered, monthly, bi-monthly or on any other basis at the discretion of the Municipality. The bill shall be deemed to be served upon the Customer if it is delivered or sent by regular mail to the Premises supplied, or, where electronic communications have been authorized by the Customer, by electronic mail to the Customer's last known email address. Where the Customer has authorized electronic communications, it is the sole responsibility of the Customer to notify the Municipality of any changes to the Customer's email address.

4.3 **Owner Responsibility**

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

4.4 **Late Payment Charge and Overdue Notice**

When an account is not paid by the due date stated on the bill, a late payment charge, as indicated in the Municipality's Fees and Charges By-law, as amended or replaced, will be assessed to the account. Where an account is overdue, the Municipality may send an overdue notice to the Customer reminding the Customer of the outstanding account. An overdue notice may be sent by regular mail to the Premises supplied or, where electronic communications have been authorized by the Customer, by electronic mail to the Customer's last known email address. When statements are issued for overdue accounts, a fee for statements, as indicated in the Municipality's Fees and Charges By-law, as amended or replaced, shall be applied to the overdue account.

4.5 **Notice of Disconnection for Non-Payment**

When an account is not paid by the due date stated on the bill, the Municipality may deliver to the Premises a notice of disconnection advising the Customer that unless payment is received within 48 hours by cash or certified cheque the Municipality may shut off or restrict the supply of Water to the Premises.

4.6 **Disconnection - Charge**

When it has been necessary for a notice of disconnection to be delivered pursuant to section 4.5 of this by-law, a disconnection charge as set out in the Municipality's Fees and Charges By-law, as amended or replaced, shall be applied to the overdue account.

4.7 **Non-payment - Water Shut Off - Lien**

If the Customer at any Premises omits, neglects or refuses to pay any bill rendered, whether for a Water Service Pipe, Meter, service charge or any other monies to which the Municipality may be entitled in respect of Water Service to such Premises, the Municipality

may, at its discretion, shut off or restrict the supply of Water to the Premises. The Municipality shall provide reasonable notice to the Owner and Occupants of the Premises of the date upon which the Municipality intends to shut off or restrict the supply of Water if payment is not received, in accordance with section 4.8 of this by-law.

4.8 Notice – Water Shut Off

Before shutting off or restricting the supply of Water pursuant to section 4.7 of this by-law, the Municipality shall provide reasonable notice to the Owners and Occupants of the Premises, as shown on the last returned assessment roll of the Municipality, of the date upon which the Municipality intends to shut off or restrict the supply of Water to the Premises,

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

4.9 Reconnection - Charge

Where it has been necessary to shut off or restrict the supply of Water as a result of non-payment, a reconnection charge as indicated in the Municipality's Fees and Charges By-law, as amended or replaced, will be levied against the overdue account. Utility accounts where Water has been shut off or restricted for non-payment, will continue to be charged the Minimum Charge as set out in the Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced, as well as debenture payments where applicable, including any arrears outstanding. The Water supply will not be restored until all outstanding amounts plus an administration charge for reconnection as indicated in the Municipality's Fees and Charges By-law, as amended or replaced, have been paid, by cash or certified cheque.

4.10 Closure of Account - Charge

In instances where a Customer closes his or her account, the Minimum Charge as set out in the Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced, shall be rendered to the Owner of the Premises until such time as a new Customer applies to the Municipality for the supply of Water.

4.11 Change of Occupancy - Charge

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

4.12 Meter Testing - Charge

The charge for testing the accuracy of a Meter is indicated in the Municipality's Fees and Charges By-law, as amended or replaced, and is explained in section 8.25 of Part 8 of this by-law.

4.13 Temporary Removal & Reinstallation of Meter - Charge

When the Owner requests a temporary removal of the Meter from the Owner's Premises, for any reason, the Meter removal and reinstallation charge will be applied to the Owner's account, as indicated in the Municipality's Fees and Charges By-law, as amended or

replaced.

4.14 **Infrastructure Lifecycle Reserve Fund**

The Infrastructure Lifecycle Reserve Fund will be used to fund Water and Wastewater infrastructure upgrades, maintenance and expansion. The fee will be charged to each Water and Wastewater account as per the Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced.

4.15 **Outstanding Fees and Charges**

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

PART 5 SECURITY DEPOSITS

5. **Deposit is Security for Payment**

Whenever an application is made to the Municipality for the supply of Water pursuant to section 4 of this by-law, the Municipality may, at its discretion, before furnishing the supply of Water, require the Customer to make a deposit of such sum of money as it may consider advisable. Each such deposit shall be security for payment for all Water passing through the Meter of the Water Service Pipe in respect to which such deposit was made until the Customer shall have notified the Municipality in writing to close the Customer's account.

5.1 **Deposit Applied as Payment**

Security Deposits will be applied as payment upon closure of an account.

5.2 **Non Payment of Security Deposit**

Non-payment of a security deposit will be subject to the standard collection procedures including the Municipality's right to shut off or restrict the supply of Water to the Premises.

PART 6 OPERATION OF WATERWORKS

6. **Conditions on Water Supply**

The Municipality agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of Water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of Water and is not liable for damages to Customers, Owners or Occupants, caused by the breaking of any Water Service Pipe or attachment, or by the shutting off of Water to repair, extend or to tap Mains, or by any other temporary disruption of Water Service of any kind.

6.1 **Authority for Water Supply**

The Municipality in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all Waterworks facilities and equipment within its boundaries serving the Municipality, to establish whether and the terms upon which

municipalities or persons outside the Municipality may be allowed to connect to the Waterworks as Customers, and the rates to be charged for Water delivered to such Customers.

6.2 Improper Use of Water - Offence

No person shall, without the consent of the Municipality, lend, sell, or dispose of Water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use or benefit other than his own.

6.3 Unauthorized Interference with Waterworks - Offence

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

6.4 Unauthorized Interference with Water Distribution System - Offence

No person, other than a person authorized by the Director for that purpose, shall remove, damage, tamper with or in any way whatsoever interfere with a Shut-Off Valve, Meter, Water Service Pipe, Private Main, Main or any other pipe, fitting, structure, valve, or appurtenance forming part of the Water Distribution System.

6.5 Contamination of Water, Water Distribution System or Waterworks – Offence

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

6.6 Unauthorized Operation of Valve - Offence

No person shall open or close a valve in the Water Distribution System, including a valve on a Private Main.

6.7 Unauthorized Increase of Water – Offence

No person shall, without the consent of the Municipality, increase the supply of Water to a Premises.

6.8 Unauthorized Operation of Fire Hydrants - Offence

No person shall operate a fire hydrant except as authorized under the *Safe Drinking Water Act, 2002*, S.O. 2002, CHAPTER 32, as amended or replaced.

6.9 Unauthorized Use of Water from Hydrants - Offence

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

6.10 Unauthorized Use of Water from Fire Service - Offence

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

6.11 Obstruct the Municipality - Offence

No person shall hinder, obstruct or interrupt, or cause or procure to be hindered or interrupted, the Municipality or any of its Officers, contractors, agents, servants or workers, in the exercise of any power conferred by this by-law.

6.12 Obstruct Free and Clear Access – Offence

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

**PART 7
WATER SERVICE PIPES**

7. Connection to Main - Prior Application

The installation of a Water Service Pipe will not be scheduled or commenced in any way until the Owner has met the requirements of this by-law, including but not limited to the application requirements set out in section 3.3 of this by-law.

7.1 Installation - by Municipality - by Contractor

All Water Service Pipes shall be installed by the Municipality, or by Contractors engaged by the Owner for the purposes of such installation, except in new land development projects where agreements with the Municipality require the Developer to complete such work. The Municipality may, at its sole discretion, prohibit any Contractor from performing work on the Water Distribution System.

7.2 Installation - Charge

All Water Service Pipes, except those to lands being developed under a Municipal development or subdivision agreement wherein the Main is installed, may be installed on an actual cost basis at the Owner's expense, including but not limited to, the Water Service Pipe connection materials and all related labour, engineering and inspection costs. The Owner shall pay a Main Tap charge in accordance with the Municipality's Fees and Charges By-law, as amended or replaced. The Owner shall be responsible for exposing the Main and for all related restoration work and costs. Any work completed by the Municipality will be charged back to the Owner in accordance with the Municipality's Fees and Charges By-law, as amended or replaced.

7.3 Installation - to Municipal Specifications

All Water Service Pipes and Private Mains located within Municipal property shall be constructed in accordance with the Municipality's Design Standards. All Water Service Pipes and Private Mains located on private property shall be constructed in accordance with the *Ontario Building Code Act*, as amended or replaced, including all regulations thereto, as revised from time to time, and in accordance with good engineering practices and shall be approved by the Chief Building Official. Where the *Ontario Building Code Act* is silent, the Municipality's specifications shall be applied and shall prevail.

7.4 **Installation - Alteration - Approval by Municipality**

For any new Water Service Pipe or Private Main installation, or alteration of existing Water Service Pipes or Private mains, the Owner must apply for approval from the Municipality for such work as specified in the Municipality's standard documents.

7.5 **Installation - Inspection by Municipality**

All Water Service Pipes, Private Mains and appurtenances installed, including those required by a subdivision or development agreement, must be inspected by the Municipality or persons authorized by the Municipality for inspection as specified in the Municipality's standard documents. The charge for such inspection is as specified in the Municipality's Fees and Charges By-law, as amended or replaced.

7.6 **Installation - Angle Valves and Seals**

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

7.7 **No Removal - Seals on Angle Valves**

The Owner is responsible for ensuring that the seal installed on an angle valve pursuant to section 7.6 of this by-law, remains intact and is not removed. Where a seal on an angle valve is removed, damaged, tampered with, or in any way interfered with, the Municipality may, in its sole discretion:

- (a) further proceedings against the Owner under the *Provincial Offences Act*, as amended or replaced for contravention of this by-law; and/or
- (b) require the Owner to pay the Minimum Charge, in accordance with the Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced, dating back to the date the seal was installed.

7.8 **Seal Reinstallation - Fee**

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

7.9 **Access for Inspection**

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

7.10 **Disconnection of the Water Service Pipe**

All Water Service Pipes must be disconnected at the Main or Private Main, as the case may be, at the Owner's sole risk and expense. Upon disconnection of a Water Service Pipe, the Main or Private Main shall be plugged, and the curb box and rod shall be removed, at the

Owner's sole risk and expense. All work must be inspected by the Municipality, and the charge for such inspection is as indicated in the Municipality's Fees and Charges By-law, as amended or replaced.

7.11 Maintenance of Service Stub - Municipality

The Service Stub shall be maintained by the Municipality at the expense of the Municipality.

7.12 Maintenance of Service Extension and Private Main - Owner

Any and all defects to the Service Extension, Private Main and Meter Pits shall be repaired by the Owner of the Premises being serviced. Should the Municipality become aware of any such defect, and upon written notification to the Owner, the said defect is not repaired within seven (7) days of the date of the notification or within such time as the Director may deem necessary, then the Municipality may shut off the Water supply to the Premises. If the Municipality is ordered to restore the Water supply, then the Municipality may repair the defective Service Extension, Private Main or Meter Pit, and charge the cost to the Owner and collect such cost according to law, and until paid, such cost shall remain a lien on the Premises, and may also be collected in the like manner as taxes. The Municipality shall not be held responsible for the cost of restoration.

7.13 Operation of Shut-off Valve

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

7.14 Access to Shut-off Valves

All Shut-off Valves must be left clear and easily accessible at all times so that the Water in the Water Service Pipe and Private Mains may be turned off or on as may be found necessary by the Director.

7.15 Responsibility for Protection, Water Loss, Damage

All Service Extensions to and including the Meter shall be properly protected from frost and any other damage at the sole risk and expense of the Owner of the Premises being serviced. The Owner shall be responsible for the Water loss occasioned by a leak in the Service Extension and/or Private Main and the charge for such Water loss shall be determined by the Director, shall be paid by the Owner upon demand by the Municipality, and the Municipality shall not be held responsible for any damages arising from such leakage.

7.16 Responsibility - Vacant and Unheated Premises

When any Premises is left vacant or without heat, it is the Owner's responsibility to shut off the Water supply from within the Premises and to drain the piping therein. The Owner may apply in writing to the Municipality to have the Shut-off Valve turned off to stop Water supply. The Shut-off Valve will be turned on only at the Owner's request and in the Owner's presence. The Owner shall pay for this service at the rate as indicated in the Municipality's Fees and Charges By-law, as amended or replaced.

7.17 Responsibility - Water Damage

Where any Premises left vacant, unattended or without heat, suffers damage to it and its contents from a leaking or burst Water pipe, the Customer, Owner or Occupant shall have no claim against the Municipality. Should the Director become aware of such leaking or

burst pipes, the Director shall turn off the Shut-off Valve, and the Water supply shall not be turned on until the Director, in his/her discretion, shall consider it advisable.

7.18 Responsibility for Frozen Pipes - Municipality - Owner

Thawing out frozen Service Stubs shall be the Municipality's responsibility. Thawing out frozen Service Extensions and Private Mains shall be the Owner's responsibility. Where any employee of the Municipality assists the Owner in the thawing of frozen pipes on the Owner's property, all such assistance work will be considered to be at the Owner's risk, and the Owner shall have no claim against the Municipality by reason of such work.

7.19 Responsibility for Hydrant Maintenance

Any hydrant situated within the road allowance is the property of the Municipality and shall be maintained by it. Municipality-owned hydrants located on private property shall be maintained by the Municipality. Hydrants owned and paid for by any persons other than the Municipality shall be maintained by such persons through a written agreement with a qualified hydrant maintenance company.

7.20 Renewal of Service - Municipality - Owner

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

- (a) piping is deemed by the Director to be beyond repair;
- (b) the existing pipe material is substantially composed of lead and supplies a Single Detached Residence, provided the Owner is prepared to replace the Service Extension before the Municipality replaces the Service Stub. Replacement piping shall conform to the specifications of the Municipality. Replacement piping shall be the same size as the existing piping or the minimum size for the area. If an Owner requests a larger size, the Owner shall pay the difference in material cost.

7.21 Access - Removal - Inspection - Fittings

Where an Owner discontinues the use of a Water Service Pipe for Water supply to the Owner's Premises, or the Municipality lawfully refuses to continue to supply Water to the Owner's Premises, the Director may, at all reasonable times, enter the Premises supplied, to disconnect the supply of Water, or to make an inspection from time to time to determine whether the Water Service has been or is being unlawfully used, or for the purpose of removing from the Premises any fittings, machines, apparatus, Meters, pipes or other things being the property of the Municipality in or upon the Premises, and may remove the same therefrom, doing no unnecessary damage.

**PART 8
WATER METERS**

8. Water to be Metered - Remedy for Violation

All Water supplied by the Municipality and used on Premises within the Municipality, except Water used for firefighting purposes, or Water authorized by the Director, shall pass through the Meter supplied by the Municipality for use upon such Premises, and in addition to whatever other remedies the Municipality may have by law in respect to infringement of this by-law, the Municipality may, upon ascertaining that Water has been used which has not

passed through the Meter of such Premises, forthwith, without notice, shut off the supply of Water.

8.1 Supply - Installation - Ownership - Replacement

The Owner shall pay all applicable Meter connection and installation charges as indicated in the Municipality's Fees and Charges By-law, as amended or replaced, before the Municipality will supply the Owner with a Meter and the Meter must be installed prior to occupancy of the Building. The Meter shall remain the exclusive property of the Municipality and may be removed as and when the Municipality may see fit, upon the same being replaced by another Meter, or for any reason, which the Municipality may, in its discretion, deem sufficient.

8.2 Installation - Maintenance - Repair - Access

The Municipality, and persons authorized by the Municipality, shall at all reasonable times be allowed access to any Premises, and Meters thereon, to install, replace, repair, inspect, or alter a Meter or perform any other work or test on a Meter that the Municipality deems necessary. Any person authorized by the Municipality for said purpose has free and clear access, at all reasonable times, to all parts of the Premises to which Water is supplied, for the purpose of installing, repairing, inspecting, or altering any Meter, or performing any other work or test that the Municipality deems necessary on any Meter.

8.3 Shut off - Access

If free and clear access to a Premises or Meter is not provided in accordance with section 8.2 of this by-law, the Municipality may, at its discretion, shut off or restrict the supply of Water to the Premises, in accordance with sections 8.4 and 8.5 of this by-law, until such time as free and clear access to the Premises and/or Meter is provided.

8.4 Notice Required - Access

Before shutting off or restricting the supply of Water pursuant to section 8.3 of this by-law, the Municipality shall, by personal service, registered mail or by posting notice on the Premises in a conspicuous place, provide the Owners and Occupants of the Premises, as shown on the last returned assessment roll of the Municipality, with a notice of the date, which in no case shall be less than fourteen (14) days from the date the notice is personally served, mailed, or posted, as the case may be, upon which the Municipality intends to shut off or restrict the supply of Water if access to the Premises and/or Meter is not provided.

8.5 No shut off - Reasonable Effort - Gain Access

The Municipality shall not shut off or restrict the supply of Water pursuant to section 8.3 of this by-law, unless the Municipality has, following delivery of the notice required by section 8.4, made reasonable efforts to gain access to the Premises and/or Meter and such access has been denied.

8.6 Restoration of Water Supply - As Soon As Practicable

If the Municipality has shut off or restricted the supply of Water pursuant to section 8.3 of this by-law, the Municipality shall restore the supply of Water as soon as practicable after obtaining access to the property.

8.7 Charges - Meters - Owner to Pay

All charges for any of the work and services referred to in sections 8.3 and 8.6 of this by-law will be determined by the Director as indicated in the Municipality's Fee and Charges By-law, as amended or replaced, and will be paid in full by the Owner or the Customer, as the case may.

8.8 Every Building Metered - Director's Discretion

Every separate Building and in the instances of Buildings with multiple units, then every separate unit to which Water is being supplied shall be furnished with a separate Meter, supplied by the Municipality except where non-compliance is acceptable to the Director. Efforts shall be made to locate within multi-unit Buildings, all Meters within a common service room. Additional Meters, supplied by the Municipality at the Owner's expense, may only be installed at the discretion of the Director. In the event the units are not separately metered, a monthly Minimum Charge, as set out in Municipality's Water, Wastewater and Miscellaneous Rates By-law, as amended or replaced, may apply to each unit.

8.9 Installation - Municipal Specifications

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

8.10 No Removal - Seals on Meters

The Owner is responsible for ensuring that any seal installed on a Meter pursuant to section 8.9 of this by-law, remains intact and is not removed. Where a seal on a Meter is removed, damaged, tampered with, or in any way interfered with, the Municipality may, at its sole discretion, further proceedings against the Owner under the *Provincial Offences Act*, as amended or replaced for contravention of this by-law.

8.11 Seal Reinstallation - Fee

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

8.12 Meter Location - Director Consent Required to Change

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

8.13 Private Meters - Owner Responsible

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

8.14 Reading Meter - Access

The Municipality, and persons authorized by the Municipality, shall, at all reasonable times, be allowed access to any Premises where Water is being supplied, and shall be provided free and clear access to the Meter on said Premises, for the purpose of reading the Meter.

8.15 Shut off – Access

Where free and clear access to the Premises or Meter as described in section 8.14 is not

provided, the Municipality may, at its discretion, shut off or restrict the supply of Water to the Premises, in accordance with sections 8.16 and 8.17 of this by-law, until such time as free and clear access to the Premises and/or Meter is provided.

8.16 Notice Required - Access

Before shutting off or restricting the supply of Water pursuant to section 8.15 of this by-law, the Municipality shall, by personal service, registered mail or by posting notice on the Premises in a conspicuous place, provide the Owners and Occupants of the Premises, as shown on the last returned assessment roll of the Municipality, with notice of the date, which in no case shall be less than fourteen (14) days from the date the notice is personally served, mailed or posted, as the case may be, upon which the Municipality intends to shut off or restrict the supply of Water if access to the Premises and/or Meter is not provided.

8.17 No shut off - Reasonable Effort - Gain Access

The Municipality shall not shut off or restrict the supply of Water pursuant to section 8.15 of this by-law, unless the Municipality has, following delivery of the notice required by section 8.16, made reasonable efforts to gain access to the Premises and/or Meter and such access has been denied.

8.18 Restoration of Water Supply - As Soon As Practicable

If the Municipality has shut off or restricted the supply of Water pursuant to section 8.15 of this by-law, the Municipality shall restore the supply of Water as soon as practicable after obtaining access to the property.

8.19 Charges - Meters - Owner to Pay

All charges for any of the work and services referred to in sections 8.15 and 8.18 of this by-law will be determined by the Director as indicated in the Municipality's Fee and Charges By-law, as amended or replaced, and will be paid in full by the Owner or the Customer, as the case may.

8.20 Valve Maintenance - Responsibility of Owner

The Owner shall be responsible for maintaining, in good working order, the inlet valve to the Meter and the outlet and by-pass valves for all Meters, and shall ensure that such valving remains connected and accessible.

8.21 Leaks Must Be Reported

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

8.22 Interference with Meter Not Permitted

No person, except a person authorized by the Municipality for that purpose, shall be permitted to open, alter, remove, damage, tamper with, or in any way whatsoever interfere with, any Meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such Meter. Should any person open, alter, remove, damage, tamper with, or in any way whatsoever interfere with any Meter placed in any Building, the Director may forthwith, without any notice, shut off the Water to such Building or Premises, and the Water shall not be turned on again to such Building or Premises without the express consent of the Director.

8.23 Owner Responsible to Repair Piping

If, in the opinion of the Director or person(s) authorized by the Municipality, the condition of the Water Service Pipe and/or valves, and of the Plumbing System attached to such piping, is such that the Meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the Water Service Pipe and valves, the Director may require the Owner or Occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the Meter. If, upon notification, the Owner does not comply with the Director's request, then the Water supply to the Premises may be turned off at the Shut-off valve during removal, replacement, repair and testing of the Meter and the Municipality shall not be held responsible for any damages to the Owner's property arising from such work.

8.24 Non-functioning Meter - Amount of Water Estimated

If, for any cause, any Meter shall be found to not be working properly, then the amount of Water to be charged for shall be estimated on the average reading for the previous months, when the Meter was working properly, or, if unavailable or proven inaccurate, the amount of Water to be charged for shall be estimated on a daily average when the Meter is working properly and the charge for the Water for the period during which the Meter was not working properly shall be based thereon.

8.25 Meter Testing for Customer - Deposit - Conditions

Any Customer may, upon written application to the Municipality, have the Meter at his or her Premises tested for accuracy of registration of data. Every such application shall be accompanied by a deposit of the fee for testing the Meter as set out in the Municipality's Fees and Charges By-law, as amended or replaced. If the Meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the Municipality when tested in accordance with Section 4.2.8 of ANSI/AWWA C700 and AWWA Manual M6, Water Meters – Selection, Installation, Testing and Maintenance the Customer's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the Meter will be paid for in full by the Customer as per the Municipality's Fees and Charges Bylaw, as amended or replaced. If the Meter is found, when tested, to register in excess of three per cent (3%), a refund will be made to the Customer equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the Meter, plus the Customer's deposit for the test.

8.26 Meter Reading Supersedes Remote Device Reading

Where the Meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the Meter itself and the reading on the read-out device, the Municipality will consider the reading at the Meter to be correct, and will adjust and correct the Customer's account accordingly. Should there be a discrepancy between the reading at the Meter register and the remote read out device which results in a corresponding significant additional consumption charge, then the aforementioned additional charge may be paid by a mutually agreed upon repayment schedule within a payment period not to exceed twenty-four (24) months.

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

Total consumption/ Number of years Meter in service to determine yearly

differential consumption.

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

PART 9 CROSS CONNECTIONS AND BACKFLOW PREVENTION

9. Protection from Contamination

No person shall connect, cause to be connected, or allow to remain connected to the Water Distribution System any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow Water, Wastewater, non-potable water, or any other liquid, chemical or substance to enter the Water Distribution System. In summary, "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act*, as amended or replaced, including all regulations thereto, as revised from time to time.

9.1 Inspection for Cross Connections - Access

Any person authorized by the Municipality shall, at all reasonable times, be allowed access to all parts of every Premises to which any Water Service Pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any Water Service Pipe, wire, rod or Cross Connection within or without the Premises.

9.2 Shut Off – Access

Where free and clear access as described in section 9.1 is not provided, the Municipality may, at its discretion, shut off or restrict the supply of Water to the Premises, in accordance with sections 9.2 and 9.3 of this by-law, until such time as free and clear access to the Premises is provided.

9.3 Notice Required - Access

Before shutting off or restricting the supply of Water pursuant to section 9.1 of this by-law, the Municipality shall, by personal service, registered mail or by posting notice on the Premises in a conspicuous place, provide the Owners and Occupants of the Premises, as shown on the last returned assessment roll of the Municipality, with notice of the date, which in no case shall be less than fourteen (14) days from the date the notice is personally served, mailed, or posted, as the case may be, upon which the Municipality intends to shut off or restrict the supply of Water if access to the Premises is not provided.

9.4 No shut off - Reasonable Effort - Gain Access

The Municipality shall not shut off or restrict the supply of Water pursuant to section 9.2 of this by-law, unless the Municipality has, following delivery of the notice required by section 9.3, made reasonable efforts to gain access to the Premises and such access has been denied.

9.5 Restoration of Water Supply - As Soon As Practicable

If the Municipality has shut off or restricted the supply of Water pursuant to section 9.2 of this

by-law, the Municipality shall restore the supply of Water as soon as practicable after obtaining access to the property.

9.6 Charges – Cross Connection - Owner to Pay

All charges for any of the work and services referred to in sections 9.2 and 9.5 of this by-law will be determined by the Director as indicated in the Municipality's Fee and Charges By-law, as amended or replaced, and will be paid in full by the Owner or the Customer, as the case may.

9.7 Order to Install Control Device

If a condition is found to exist which is contrary to section 9 of this by-law, the Municipality shall immediately carry out an inspection and shall issue such order or orders to the Owner as may be required to obtain compliance with section 9 of this by-law.

9.8 Failure to Install - Notice - Water Shut-off

If the Owner to whom the Municipality has issued an order fails to comply with that order, the Director, at his/her discretion, may:

- (a) Give notice to the Owner to correct the fault, at his/her expense, within a specified time period and, if the notice is not complied with, the Director may then shut off the Water supply; or
- (b) Without prior notice, shut off the Water supply.

9.9 Additional Device on Service

Notwithstanding sections 9, 9.4 and 9.5 of this by-law, where a risk of possible contamination of the Water Distribution System exists in the opinion of the Director or an approved authority, an Owner shall, on notice from the Municipality, install on his/her Water Service Pipe a Cross Connection Control Device, approved by the Municipality, in addition to any Cross Connection Control Devices installed in the Owner's Water system at the source of potential contamination.

9.10 Installation to Required Standards

Cross Connection Control Devices or backflow prevention devices, when required by the Municipality, shall be installed in accordance with the *Ontario Building Code Act*, as amended or replaced, including all regulations thereto, as revised from time to time, and "CAN/CSA-B64.10-11 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", as amended from time to time.

9.11 Inspection and Testing - Paid by Customer

All Cross Connection Control Devices shall be inspected and tested at the expense of the Owner, upon installation, and thereafter annually, or more often if required by the Municipality, by personnel approved by the Municipality to carry out such tests to demonstrate that the Cross Connection Control Device is in good working condition. The Owner shall submit a report on a form approved by the Director or any or all tests performed on a Cross Connection Control Device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the Cross Connection Control Device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the Cross Connection Control Device, and the test date, the tester's initials, the tester's name (if self-employed) or the name of his employer and the tester's licence number.

9.12 Failure to Test Cross Connection Control Device - Notification - Water Shut-off

If an Owner fails to have a Cross Connection Control Device tested, the Director or approved authority may notify the Owner that the Cross Connection Control Device must be tested within four (4) days of the Owner receiving the notice. If the Owner fails to have the device tested within the time allowed, the Director may shut off the Water supply until the Cross Connection Control Device has been tested and approved as required by section 9.8 of this by-law.

9.13 Repair - Replacement - by Customer

When the results of a test referred to in section 9.11 of this by-law show that a Cross Connection Control Device is not in good working condition, the Owner shall make repairs or replace the device within four (4) days. If an Owner fails to repair or replace the device within the time allowed, the Director may shut off the Water supply until such repair or replacement has been made.

9.14 Removal of Cross Connection Control Device - Permission by Municipality

No person shall, without the permission of the Director, remove, damage, tamper with, or in any way whatsoever interfere with, a Cross Connection Control Device or backflow prevention device.

**PART 10
WATER CONSERVATION**

10. Improper Use of Water - Offence

No person shall improperly waste Water or wilfully discharge Water so that the water runs to waste or of no use out of the Waterworks.

10.1 Use of water June 1st to September 15th

For the purpose of limiting the consumption of Water as necessary:

- (a) During the period from June 1 to September 15th each year, the external use of Water is permitted only:
 - (i) on even calendar dates for only those municipal addresses with even numbered street addresses
 - (ii) on odd calendar dates for only those municipal addresses with odd numbered street addresses
- (b) The Director is hereby authorized to place further watering and Water use restrictions where it is deemed necessary due to mechanical failure or other conditions that may affect the Water supply.

10.2 External Water – Regulation – Exemptions

The following exemptions are permitted:

- (a) Newly sodded or seeded lawns may be watered daily for the two-week period

- (b) immediately following the placement of the sod or seed, and
Gardens and flower beds may be watered daily with a hand-held hose only

10.3 Enforcement - Water Conservation

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

PART 11 PROHIBITIONS

11. Prohibitions under this By-law

No person shall:

- (a) construct or connect any Water Service Pipe or Private Main to the Waterworks, or in any way obtain or use Water without the consent of the Municipality;
- (b) fail to disconnect an alternate Water supply upon connecting to the Waterworks;
- (c) without the consent of the Municipality, lend, sell, or dispose of the Water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his own;
- (d) damage, tamper with, or in any way whatsoever interfere with, the Waterworks;
- (e) damage, tamper with, or in any way whatsoever interfere with, the Water Distribution System;
- (f) without lawful authority wilfully operate, open or close any valve in the Water Distribution System, including a valve on a Private Main;
- (g) without the consent of the Municipality, increase the supply of Water to a Premises;
- (h) without lawful authority operate a fire hydrant or use water from a fire hydrant;
- (i) without lawful authority use Water supplied for the purpose of preventing fires or for the purpose of protecting a property or persons from fire;
- (j) fail to notify the Municipality of installation of a new Water Service Pipe;
- (k) remove, damage, tamper with, or in any way whatsoever interfere with, seals installed on an angle valve;
- (l) without lawful authority operate a Shut-Off Valve;
- (m) remove, damage, tamper with, or in any way whatsoever interfere with, seals installed on a Meter;
- (n) remove, relocate, damage, tamper with, or in any way whatsoever interfere with, a Meter;
- (o) disconnect either the inlet or outlet valve of a Meter servicing any Building without the approval of the Director;
- (p) alter any Meter placed upon any Water Service Pipe or connected therewith, within or without any Building or other place, so as to lessen or alter the amount of Water registered;
- (q) connect, cause to be connected, or allow to remain connected to the Water Distribution System any piping, fixture, fitting, container or appliance, in a manner which under any circumstances may allow Water, Wastewater, non-potable water or any other liquid chemical or substance to enter the Water Distribution System;
- (r) expose the Water Distribution System to contamination;
- (s) throw or deposit any injurious or offensive matter into the Water, Water Distribution System or Waterworks, or in any way foul the Water or encourage the same to be

- done;
- (t) remove, damage, tamper with, or in any way whatsoever interfere with a Cross Connection Control Device or backflow prevention device;
 - (u) improperly waste Water or wilfully discharge Water so that the water runs to waste or of no use out of the Waterworks,
 - (v) use water externally during the period June 1 to September 15th except in accordance with the requirements set out in Part 10 of this by-law;
 - (w) obstruct the free access to any hydrant, Shut-Off Valve, Meter, Water Service Pipe, Cross Connection, Cross Connection Control Device, backflow prevention device, Private Main or Main, or any pipes, connections, seals, fixtures, chambers, stopcocks, valves or other appurtenances used in connection with a hydrant, Shut-Off Valve, Meter, Water Service Pipe, Cross Connection, Cross Connection Control Device, backflow prevention device, Private Main or Main; or
 - (x) hinder, obstruct or interrupt, or cause or procure to be hindered or interrupted, the Municipality or any of its Officers, contractors, agents, servants or workers, in the exercise of any power conferred by this by-law.

PART 12 ENFORCEMENT

12. Enforcement - Officer

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

12.1 Contravention - Part I Proceedings

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

12.2 Contravention - Part III Proceedings - Person

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

12.3 Contravention - Part III Proceedings - Corporation

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

12.4 Continuation - Repetition - Prohibited - By Order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty on the person

convicted.

12.5 Damage - Cost of Repair

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

**PART 13
SEVERABILITY, REPEAL AND ENACTMENT**

13. Validity and Severability

In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

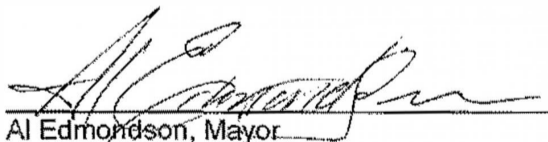
13.1 By-laws Repealed

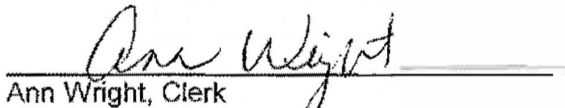
All by-laws, or provisions or any other by-law inconsistent with this by-law, are hereby repealed.

13.2. Effective Date

This by-law shall come into force and take effect on the day of the final passing thereof.

READ|a FIRST, SECOND AND THIRD TIME and FINALLY PASSED on this 28th day of March, 2018.


Al Edmondson, Mayor


Ann Wright, Clerk

MUNICIPALITY OF MIDDLESEX CENTRE

BY-LAW NUMBER 2010-028

WATER BY-LAW

SCHEDULE "A"

Part I Provincial Offences Act
Set Fines

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Unauthorized connection to Waterworks	Section 11(a)	\$500.00
2.	Fail to disconnect alternate water source	Section 11(b)	\$500.00
3.	Improper use of Water	Section 11(c)	\$500.00
4.	Tamper with Waterworks	Section 11(d)	\$500.00
5.	Tamper with Water Distribution System	Section 11(e)	\$500.00
6.	Unauthorized operation of valve	Section 11(f)	\$500.00
7.	Unauthorized Increase of Water supply	Section 11(g)	\$500.00
8.	Unauthorized operation of hydrant	Section 11(h)	\$500.00
9.	Unauthorized use of Water supplied for fire purposes	Section 11(i)	\$500.00
10.	Fail to notify of new installation	Section 11(j)	\$500.00
11.	Interfere with seal on valve	Section 11(k)	\$500.00
12.	Unauthorized operation of Shut-off Valve	Section 11(l)	\$500.00
13.	Interfere with seal on Meter	Section 11(m)	\$500.00
14.	Interfere with Meter	Section 11(n)	\$500.00
15.	Disconnect Meter	Section 11(o)	\$500.00
16.	Alter Meter	Section 11(p)	\$500.00
17.	Connection causing substance to enter Water Distribution System	Section 11(q)	\$500.00
18.	Expose Water Distribution System to contamination	Section 11(r)	\$500.00
19.	Foul Water	Section 11(s)	\$500.00
20.	Removal of device	Section 11(t)	\$500.00
21.	Waste Water	Section 11(u)	\$500.00
22.	Water outside when prohibited	Section 11(v)	\$250.00
23.	Obstruct free access	Section 11(w)	\$500.00
24.	Obstruct an Officer or agent	Section 11(x)	\$500.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 12.1 OF BY-LAW NUMBER, A CERTIFIED COPY OF WHICH HAS BEEN FILED.