

CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

BY-LAW NO. 63-15

**A BY-LAW TO PROVIDE FOR THE
REGULATION OF WATER SUPPLY IN THE
MUNICIPALITY OF STRATHROY-CARADOC**

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)

AND WHEREAS a municipality may, at reasonable times, enter on land to which it supplies a public utility,

- (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply a public utility or
 - (b) to inspect, install, repair, replace or alter a public utility meter
- Municipal Act 2001, c.25, 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 sewage system are overdue and the fees or charges are based on the fees payable for the supply of water to the land. Municipal Act 2001, 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 following property in the municipality and collect them in the same manner as municipal taxes. Municipal Act 2001, c.25, s398 (2)

NOW THEREFORE the Municipality of Strathroy-Caradoc enacts as follows:

The Short Title for this bylaw shall be “**Water By-Law**”

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**Part 1
DEFINITIONS**

1.1 Definitions
In this by-law:

Building - defined

"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 bylaw.

Bylaw Enforcement Officer – defined

"Bylaw Enforcement Officer" shall mean a person appointed by the Municipality to enforce the bylaws of the Corporation of the Municipality of Strathroy-Caradoc.

Contractor - defined

"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.

Council –defined

"Council" shall mean the Municipal Council of the Municipality of Strathroy-Caradoc.

Cross Connection - defined

"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.

Customer - defined

"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 related services from the Municipality, and shall include an "occupant" and "owner" as defined in this bylaw.

Developer - defined

"developer" shall mean the owner or party specifically named in a Development Agreement or in a Subdivision Agreement.

Director - defined

"director" shall mean the Director of Environmental Services for the Municipality of Strathroy-Caradoc.

Domestic Water Use - defined

"domestic water use" shall mean drinking water, as well as all water withdrawn for residential, commercial, industrial, and institutional purposes.

Dwelling - defined

"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.

Engineer - defined

"engineer" shall mean the Municipality of Strathroy Caradoc's authorized Engineering representative.

External use of water - defined

"external use of water" shall mean the use of water for any purpose outside the walls of any building located at a municipal address.

Main - defined

"main" shall mean every water pipe, except services and portions of private mains as herein defined, installed on the public road allowance or on any other land upon which the Municipality has obtained easements.

Meter - defined

"meter" shall mean the water meter supplied and owned by the Municipality to measure the quantity of water used by the customer.

Meter pit - defined

"meter pit" shall mean any exterior chamber or pit approved by the director for the purpose of containing a water meter.

Minimum Charge – defined

"minimum charge" shall mean the charge applied to any premises with pipes connecting it to the Municipal water system even if no water is used.

Multiple Unit Building – defined

"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.

Municipal Address - defined

"municipal address" shall mean a building or buildings identified by a number.

Municipality – defined

"Municipality" shall mean the Corporation of the Municipality of Strathroy-Caradoc.

Occupant - defined

"occupant" shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise.

Owner - defined

"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.

Peace Officer – defined

"Peace Officer" shall mean a Police Officer employed by the Municipality.

Plumbing System - defined

"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.

Potable Water - defined

"potable water" shall mean water that is fit for human consumption.

Premises - defined

"premises" shall mean any house, tenement, building, lot, or part of a lot, or both, in, through, or past which water service pipes run.

Private Main - defined

"private main" shall mean a pipe connected to a main and installed on private property and from which more than one service and/or hydrant lateral are connected.

Remote Read-Out Unit - defined

"remote read-out unit" shall mean the device installed at a separate location from the water meter and used to record the consumption reading of the meter.

Service Extension - defined

"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, ie. an extension of a service stub.

Service Stub - defined

"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.

Shut-Off Valve - defined

"shut-off valve" shall mean the valve on the water service or private main owned and used by the Municipality to shut off or turn on the water supply from the Municipality's waterworks distribution system to any premises.

Single Detached Residence - defined

"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.

Street Number – defined

"street number" shall mean an urban street address or a rural 9-1-1 number.

Subdivider - defined

"subdivider" shall mean the owner or party specifically named in a Subdivision Agreement or a Development Agreement.

Water - defined

"water" shall mean potable water supplied by the Municipality.

Water Distribution System - defined

"water distribution system" shall mean mains with connections to feeder mains, feeder mains within subdivision lands, private mains, services, fire hydrants, and shut-off valves and all other appurtenances thereto.

Water Related Services - defined

"water related services" shall include but not be limited to those items set out under the heading "Miscellaneous Charges" in Schedule "A" of this by-law.

Water Service Pipe - defined

"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.

Waterworks - defined

"waterworks" shall mean any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the *Building Code Act, 1997* applies, or any amendments thereto apply.

Part 2
CONNECTION AND APPLICATION FOR WATER SERVICE

2.1 Required connection to Municipal water

The owner of a building located on land fronting a water main or on land abutting a street or alley through which access to a water main is available, shall connect the building to the waterworks of the Municipality.

2.2 Notification requirements by the Municipality

A Notice shall be sent by registered mail to the owner of each building not connected to the water works of the Municipality which is required to be so connected at the owners last known address 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 it at the owner's expense and to recover the expenses by action or in like manner as municipal taxes.

2.3 Notice shall include

The notice herein provided for shall:

- (a) Be made by registered post to the owner's last known address:
- (b) Make reference to this by-law
- (c) Advise the owner of the date on which the 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.

2.4 Disconnection of alternative water supply

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

2.5 Exemption from water servicing

The owner of a building which is existing as of the date of this by-law, and which building is affected by this by-law may be exempted from the connection requirement providing that the owner of the building pay to the Municipality or authorized agent the minimum monthly water charge as shown in the Water and Sewer Rates and Charges Bylaw (Schedule "A" (Strathroy), Schedule "B" (Mount Brydges Area) or Schedule "C" (Adelaide Metcalfe)).

2.6 Application and connection charges payment prior to installation

The owner or their agent shall apply to the Municipality for a water service and before the service is installed, shall pay the applicable charges as detailed in the Water and Sewer Rates and Charges Bylaw. Connection charges may also apply to the water service based on the cost of the infrastructure in place and installation agreements. The following details the application of connection charges for Strathroy, Mount Brydges Area and Adelaide Metcalfe.

a) (Strathroy): Schedule "A" (Water and Sewer Rates and Charges Bylaw) details the cost for the standard in-fill lot service installation for 5/8" and 3/4 " water services. Additional costs for asphalt may apply if the watermain to be connected 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 water main extensions will be detailed in the agreement for the particular development.

b) (Mount Brydges Area) : Schedule "B" (Water and Sewer Rates and Charges Bylaw) details the cost for the connection charge for lots that have paid frontage costs for the original water main installation when the Mount Brydges Area water system was created. Any extensions to this system were covered in an August 19, 1999 Bylaw. In locations where no frontage was paid, the connection charge as detailed in Schedule "B" will apply. Connection fees associated with water main extensions will be detailed in the agreement for the particular development. In cases where no agreement is in place, a connection charge as detailed in Schedule "B" will apply. The developer is responsible for all cost associated with the installation of the service from the water main to the service connection box.

c) (Adelaide Metcalfe): The Connection Charges if applicable will be determined by agreement between the Municipality of Strathroy-Caradoc and the Township of Adelaide Metcalfe.

2.7 Installation - payment required

The installation of the water service will not be scheduled or commenced in any way until the application and payment have been made.

2.8 Disconnection of service - payment

When an owner discontinues the use of a water service for water supply to a premise, the owner shall pay to the Municipality a charge as indicated in the Water and Sewer Rates and Charges Bylaw for disconnecting the meter for such service from the water distribution system.

Part 3 WATER RATES AND CHARGES

3.1 Application for water supply

Before the initial supply of water or any subsequent reconnection to any premises in the Municipality, the owner shall make application to the Municipality for the same, and the owner shall be governed by the requirements of this by-law.

3.2 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 Water and Sewer Rates and Charges Bylaw. All water passing through a meter will be charged for, whether used or wasted.

3.3 Meter reading and billing

Water meters may be read and accounts 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.

3.4 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 Water and Sewer Rates and Charges Bylaw, will be assessed to the account, and, seven (7) days after that date, an overdue notice will be sent by regular mail reminding the customer of the outstanding account.

3.5 Notice of disconnection

Seven (7) days after the overdue notice is mailed (fourteen (14) days after the due date), should the account remain unpaid, the director will cause to be delivered to the service address, a notice of disconnection advising the customer that unless payment is received within 48 hours, service will be disconnected.

3.6 Collection - charge

When it has been necessary for a notice of disconnection to be delivered as set out in section 3.5 of this Part of this by-law, a collection charge shall be applied to the outstanding account. Where two (2) consecutive billings have resulted in the need for such notice of disconnection to be delivered as described herein, then a collection charge shall be applied for each occurrence. The rates for collection charges are indicated in the Water and Sewer Rates and Charges Bylaw.

3.7 Non-payment - water shut off - lien

If the customer at any premises omits, neglects or refuses to pay any bill rendered, whether for water service pipes, meter, service charge or any other monies to which the Municipality may be entitled in respect of water services to such premises, the Municipality may, at its discretion, shut off or reduce the flow of the water to the premises. The Municipality shall provide reasonable notice of the proposed shut off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. Such charges have priority lien status, and may be collected in accordance with the Municipal Act, 2001, as amended, and may be added to the tax roll against the property in respect of which the water service was supplied.

3.8 Reconnection - charge

Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as indicated in the Water and Sewer Rates and Charges Bylaw will be levied against the delinquent account, in addition to the applicable collection charge.

3.10 Temporary removal & reinstallation of meter - charge

When the owner requests a temporary removal of the water meter from their premises, for any reason, the meter removal and reinstallation charge, as indicated in the Water and Sewer Rates and Charges Bylaw.

3.11 Minimum monthly charge - who payable by

The minimum monthly charge for providing and maintaining water supply to a property is applicable for every water meter owned and read by the Municipality. In instances when the occupant of a premise terminates his account with the Municipality, subsequent minimum monthly charges shall be rendered to the owner of the premise until such time as a new occupant applies to the Municipality for the supply of water.

3.12 Service 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 tapping of the watermain, the water service connection materials and all related labour costs.

3.13 Temporary water supply - application and charge

Where a customer requires a temporary water supply to fill a swimming pool or for other use, such customer shall apply to the Municipality for a connection to a fire hydrant. If the connection is approved and an agreement signed, the customer shall pay, prior to connection or when billed, the applicable charge as indicated in the Water and Sewer Rates and Charges Bylaw.

3.14 Meter testing charge

The charge for testing the accuracy of a water meter is indicated in the Water and Sewer Rates and Charges Bylaw and is explained in section 7.18 of Part 7 of this by-law.

Part 4 SECURITY DEPOSITS

4.1 Deposit is security for payment

Whenever an application is made to the Municipality for a supply of water, the Municipality may, at its discretion, before furnishing such supply, 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 service in respect to which such deposit was made until the customer shall have notified the Municipality in writing to discontinue such service.

Part 5 OPERATION OF WATERWORKS

5.1 Conditions on water supply

The Municipality agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water and is not liable for damages to the customer caused by the breaking of any water service pipe or attachment, or for shutting off of water to repair or to tap mains.

5.2 Authority for Water Supply

The Municipality in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all waterworks plant and equipment within its boundaries serving the Municipality of Strathroy-Caradoc, to establish whether and the terms upon which municipalities or persons outside the Municipality of Strathroy-Caradoc may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers.

5.3 Unauthorized operation of fire hydrants - offence

No person, except for municipality personnel authorized under the Safe Drinking Water Act, 2002, is permitted to operate a fire hydrant.

5.4 Unauthorized operation or interference - offence

No person other than a person authorized by the director for that purpose shall open or close a valve in the water works distribution system, including private mains, or remove, tamper with or in any way interfere with any valve, water meter, structure, watermain or water service in the water works distribution system, including private mains.

5.5 Use of water from hydrants

Except for water used for fire fighting, any other use of a Municipal or private fire hydrant for water supply must be approved by the director. The method of application and payment shall be according to section 3.13 of Part 3 of this by-law. The terms and conditions required for granting the permit shall be at the discretion of the Municipality and may be changed from time to time as the Municipality deems necessary. An approved backflow prevention device and water meter shall be installed by Municipality staff prior to the taking of water from any hydrant.

5.6 Improper use of water from fire service - offence

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

Part 6 WATER SERVICE PIPES

6.1 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 or subdivider to complete such work.

6.2 Installation - to Municipal specifications

All water service pipes and private mains located within Municipality property shall be constructed according to the Municipality's Waterworks Design and Construction Standards. All water service pipes and private mains located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good engineering practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent, the Municipality's specifications shall be applied and shall prevail.

6.3 Connection to main - prior application

The installation of the water service pipe connection will not be scheduled or commenced in any way until the customer has met the requirements of this by-law.

6.4 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 contract documents and the Municipality's specifications.

6.5 Installation inspection by Municipality

All water service pipes and appurtenances installed, including those required by a

Municipal Subdivision or Development Agreement, must be inspected by the Municipality or persons authorized by the Municipality for inspection as specified in the Municipality's standard contract documents and the Municipality's specifications.

6.6 Installation - access for inspection

The Municipality and persons authorized by the Municipality for inspection shall be, at all times, entitled to enter any premises for the purposes of examining pipes, connections and fixtures which are used in connection with the water service pipe and/or service main.

6.7 Disconnection of service

The water service pipe must be disconnected at the watermain, the watermain plugged, and the curb box and rod removed at the owner's expense. All work must be inspected by the Municipality, and the charge for such inspection is as indicated in the Water and Sewer Rates and Charges Bylaw.

6.8 Maintenance of service stub - Municipality

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

6.9 Maintenance of service extension and private main - owner

Any and all defects to the water service extension, private main and meter pits, shall be repaired by the owner of the property being serviced. Should the Municipality become aware of any such defect, and upon written notification to the owner, the said defect is not repaired, within seven (7) days of the date of the notification or within such time as the director may deem necessary, then the Municipality may turn off the water supply to the property. If the Municipality is ordered to restore the water supply, then the Municipality may repair the defective water service pipe and charge the cost to the owner and collect such cost according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The Municipality shall not be held responsible for the cost of restoration.

6.10 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.

6.11 Access to shut-off valves

All shut-off valves must be left clear and accessible at all times so that the water in the water service pipe and private mains may be turned off or on as may be found necessary by the engineer.

6.12 Responsibility for protection, water loss, damage

All water service extensions to and including the meter shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main and the charge for such water loss shall be determined by the director, shall be paid by the owner upon demand by the Municipality, and the Municipality shall not be held responsible for any damages arising from such leakage.

6.13 Responsibility - vacant and unheated premises

When any premises is left vacant or without heat, it is the owner's responsibility to shut off

the water supply from within the premises and to drain the piping therein. The owner or occupant may apply in writing to the Municipality to have the shut-off valve turned off to stop water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate as indicated in the Water and Sewer Rates and Charges Bylaw.

6.14 Responsibility - water damage

When any premises left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the owner or the occupant shall have no claim against the Municipality. Should the director become aware of such leaking or burst pipes, the director shall turn off the shut-off valve, and the water supply shall not be turned on until the director, in his/her discretion, shall consider it advisable.

6.15 Responsibility for frozen pipes - Municipality - owner

Thawing out frozen water service stubs shall be the Municipality's responsibility providing the problem is located in the municipal road allowance. Thawing out frozen private service extensions and water mains located on private property shall be the owner's responsibility.

Where any employee of the Municipality assists the owner in the thawing of frozen pipes on the owner's property, all such assistance work will be considered to be at the owner's risk, and the owner shall have no claim against the Municipality by reason of such work.

6.16 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 the Municipality.

6.17 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 pipe shall be the same size as existing or the minimum size for the area. If an owner requests a larger size, the owner shall pay the difference in material cost.

6.18 Access - removal - inspection - fittings

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

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

Part 7 WATER METERS

7.1 Water to be metered - remedy for violation

All water used on premises within the Municipality, except water used for fire fighting purposes, or water authorized by the director, for construction or other purposes, shall pass through the meter supplied by the Municipality for use upon such premises, and in addition to whatever other remedies the Municipality may have by law in respect to infringement of this by-law, the Municipality may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water. Customers that can not be metered due to physical limitations or have refused to allow the Municipality to install a water meter or new construction that have not completed the water meter installation and remote readout per the Municipal Servicing Standards shall be charged for water and sanitary sewer in accordance with the Water and Sewer Rates and Charges By-law.

7.2 Supply - installation - ownership - replacement

The owner shall pay the water service charge as indicated in the Water and Sewer Rates and Charges By-law before the Municipality will supply the owner with a meter and the meter must be installed prior to occupancy of the building. The meter shall remain the exclusive property of the Municipality and may be removed as and when the Municipality may see fit, upon the same being replaced by another meter, or for any reason, which the Municipality may, in its discretion, deem sufficient.

7.3 Installation - maintenance - repair - access

The Municipality may shut off or restrict the supply of water to a property if the Municipality requires access to the property to install, replace, repair or inspect a water meter and the remote read out unit. Any person authorized by the Municipality for that purpose has free access, at all reasonable times, and upon notice given as set out in section 7.4 of this by-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.

7.4 Notice required - access

Before shutting off or restricting the supply of water, the Municipality shall,

- (a) by personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the Municipality with a notice of the date upon which the Municipality intends to shut off or restrict the supply of water if access to the property is not obtained before that date;
- (b) ensure that a copy of the notice described in clause (a) is

securely attached to the property in a conspicuous place.

7.5 No shut off - reasonable effort - gain access

The Municipality shall not shut off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after the later of,

- (a) the day the last notice under part (a) of section 7.4 of this by-law was personally served;
- (b) the day the last notice under part (a) of section 7.4 of this by-law was mailed; and
- (c) the day a copy of the notice was attached under part (b) of section 7.4 of this by-law.

7.6 Restoration of water supply - as soon as practicable

If the Municipality has shut off or restricted the supply of water under section 7.3 of this by-law, the Municipality shall restore the supply of water as soon as practicable after obtaining access to the property.

7.7 Charges - meters - owner to pay

All charges for any of the work and services mentioned in sections 7.3 and 7.6 of this by-law will be determined by the director as indicated in the Water and Sewer Rates and Charges By-law and will be paid in full by the owner or the customer, as the case may.

7.8 Every building metered - director's discretion

Every separate building and in the instances of buildings with multi unit, then every separate unit to which water is being supplied shall be furnished with a separate water meter, supplied by the Municipality except where non-compliance is acceptable to the director. Additional water meters, supplied by the Municipality, may only be installed at the discretion of the director. In the event the units are not separately metered, minimum charges will apply per each unit as set out in Schedule "A" (Strathroy), Schedule "B" (Mount Brydges Area) or Schedule "C" (Adelaide-Metcalf) of the Water and Sewer Rates and Charges By-Law. In Mount Brydges, this Schedule will apply to any new multi-unit properties with one meter servicing multi-units.

7.9 Installation to Municipality Specifications

All water meters including the remote touch pad and tracer wire, supplied by the Municipality, shall be installed to conform to the specifications of the Municipality. Installations that do not comply shall be notified by letter and provided fourteen (14) days to resolve the deficiency. Failure to resolve with the specified time period will result in the account being treated as unmetered and charged in accordance with the Water and Sewer Rates and Charges By-law until such time that the installation conforms.

7.10 Meter location - director to consent 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.

7.11 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.

7.12 Reading meter - access

The Municipality and persons authorized by the Municipality for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the discretion of the Municipality. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Municipality, the Municipality may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.

7.13 Valve maintenance - responsibility of owner

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

7.14 Leaks must be reported

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

7.15 Interference with meter not permitted

No person, except a person authorized by the Municipality for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any water meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building, the director may forthwith, without any notice, shut off the water from such building or premises, and the water shall not be again turned on to such building or premises without the express consent of the director.

7.16 Owner responsible to repair piping

If, in the opinion of the director, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the director may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter.

If, upon notification, the owner does not comply with the engineer's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Municipality shall not be held responsible for any damages to the owner's property arising from such work.

7.17 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 six (6) months, when the meter was working properly, and the charge for the water for the period during which the meter was not working properly shall be based thereon.

7.18 Meter testing for customer - deposit - conditions

Any customer may, upon written application to the Municipality, have the water meter and

the remote read out unit at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meter and the remote read out units as set out in the Water and Sewer Rates and Charges By-Law. If the meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the Municipality when tested at a flow rate of one gallon (4.54 litres) per minute, 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. 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.

7.19 Meter reading supersedes remote device reading

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

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

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

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

Upon each and every final meter reading (change of ownership, billing source, discontinuance of required service, etc.) the meter reading shall be specifically taken at the meter register.

Part 8 CROSS CONNECTIONS AND BACKFLOW PREVENTION

8.1 Protection from Contamination

No person shall connect, cause to be connected, or allow to remain connected to the waterworks distribution system any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, waste water, non-potable water, or any other liquid, chemical or substance to enter the water works distribution system. In summary, "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act, 1997*, as amended from time to time.

8.2 Building Owner Survey of Existing Connections

Every Owner of a Building (industrial, commercial, institutional and multi-residential)

including Lawn Sprinkler Systems and any Auxiliary Water Supply shall, commencing as of January 1st, 2014, every (5) five years or as otherwise ordered by the Director, cause to be carried out a Survey of each of its Buildings and Structures with respect to all existing Cross-connections and all existing and required Backflow Prevention Devices. When an Owner makes any process or operational change that may increase the hazard level, a subsequent survey must be completed within (30) thirty days of the completion of the changes and such survey shall be provided to the Municipality within (14) fourteen days of the survey being completed. On the 5th year of the anniversary of the initial survey, and every 5 years thereafter, a follow-up survey must be performed and submitted to the municipality within (14) fourteen days of the survey being completed. If no operational changes were made within the previous (5) year period of time, the owner may indicate this on the Survey Form and forego the requirement to perform a new survey.

8.3 Exemption from Survey Requirement

The Owner will be exempted from the requirement to perform a Survey if premises are isolated with an existing reduced pressure principle assembly (RP) backflow prevention device or if the owner chooses to install one. The owner shall either provide proof of an existing RP or notify the Municipality of their intention to install an RP before the initial survey completion date deadline. If the owner chooses to install an RP, the deadline to install shall be July 15, 2014.

8.4 Survey – By Authorized Person – Results to be supplied to Municipality

Every Owner shall ensure that the Survey required in Section 8.2 is carried out by a competent person and that the Survey is provided to the Municipality within (14) fourteen days of the Survey being conducted. A six month phase in period will be provided, thus requiring the first Survey to be submitted prior to July 15, 2014.

8.5 Inspection for cross connections - access

Any person authorized by the Municipality for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any water service pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any water service pipe, wire, rod or cross connection within or outside the building.

8.6 Access to be provided on written notice

Where access is not provided, a written notice by the Municipality will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the Municipality may, at its discretion, shut off the supply of water to the premises until such time as the access is provided.

8.7 Order to install control device

If a condition is found to exist which is contrary to section 8.1 of this by-law, the Municipality shall immediately carry out an inspection and shall issue such order or orders to the customer as may be required to obtain compliance with section 8.1 of this by-law.

8.8 Failure to install - notice - water shut-off

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

- (a) Give notice to the customer to correct the fault, at his/her

expense, within a specified time period and, if the notice is not complied with, the director may then shut off the water service or services; or

- (b) Without prior notice, shut off the water service or services.

8.9 Additional device on service

Notwithstanding sections 8.1, 8.7 and 8.8 of this by-law, where a risk of possible contamination of the water works distribution system exists in the opinion of the director or an approved authority, a customer shall, on notice from the Municipality, install on his/her water service pipe a cross connection control device, approved by the Municipality, in addition to any cross connection control devices installed in the customer's water system at the source of potential contamination.

8.10 Installation to required standards

Cross connection control or backflow prevention devices, when required by the Municipality, shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64. 10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", most recent edition.

8.11 Inspection and testing - paid by customer

All cross connection control devices shall be inspected and tested at the expense of the customer, upon installation, and thereafter annually, or more often if required by the Municipality, by personnel with Backflow Prevention Tester Certification approved by the Municipality to carry out such tests to demonstrate that the device is in good working condition. The customer shall submit a report on a form approved by the director or any or all tests performed on a cross connection control device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self employed) or the name of his employer and the tester's licence number.

8.12 Failure to test device - notification - water shut-off

If a customer fails to have a cross connection control device tested, the director or approved authority may notify the customer that the cross connection control device must be tested within four (4) days of the customer receiving the notice. If the customer fails to have the device tested within the time allowed, the director may shut off the water service, water services or restrict access to the sanitary sewer service until the cross connection control device has been tested and approved as required by section 8.10 of this by-law.

8.13 Repair - replacement - by customer

When the results of a test referred to in section 8.11 of this by-law show that a cross connection control device is not in good working condition, the customer shall make repairs or replace the device within four (4) days. If a customer fails to repair or replace the device within the time allowed, the director may shut off the water service or restrict access to sanitary sewer service until such repair or replacement has been made.

8.14 Removal of device - permission by Municipality

No person shall without the permission of the Municipality remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation

notwithstanding the fact that the applicable provincial regulation has been rescinded.

Part 9 WATER CONSERVATION

9.1 Regulations - use of water July 1st to September 1st

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

(a) During the period from July 1st to September 1st in each year, the external use of municipal water is permitted:

- (i) on even calendar dates at only those municipal addresses ending with numbers 0, 2, 4, 6, 8;
- (ii) on odd calendar dates at only those municipal addresses ending with numbers 1, 3, 5, 7, 9.

(b) Council is hereby authorized to implement at any times regulations which it considers advisable to limit the external use of municipal water and this authority includes the right to ban completely the external use of water.

9.2 External Water – Regulation – Exemptions

The following exemptions are permitted:

- (a) Newly sodded or seeded lawns of less than 30 days may be watered daily.
- (b) Gardens and flower beds may be watered daily.

9.3 Enforcement – Water Conservation

A Peace Officer of the Municipality or a Bylaw Enforcement Officer appointed by the Municipality shall enforce the provisions of Water Conservation.

Part 10 PROHIBITIONS

10.1 Prohibitions under this by-law

No person shall,

- (a) wilfully hinder 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 of the power conferred by this by-law;
- (b) wilfully let off or discharge water so that the water runs waste or useless out of the works;
- (c) being a customer, tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, improperly waste the water or, 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 or increase the supply of water agreed for;

- (d) without lawful authority wilfully open or close any valve or hydrant, or obstruct the free access to any hydrant, service stub, meter, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction. For clarity, a minimum distance of 0.76 metres (2.5 feet) shall be maintained between fire hydrants and all hedges, shrubs, trees, fences and other obstructions;
- (e) throw or deposit any injurious or offensive matter into the water or waterworks, or in any way foul the water or commit any wilful damage or injury to the water works, mains, water service pipes or water, or encourage the same to be done;
- (f) wilfully 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; or
- (g) construct or cause to be constructed any water service pipe or main to connect with any water service pipe or main of the waterworks, or in any way obtain or use the water without the consent of the Municipality
- (h) use water externally during the months of July, and August in contravention with the regulations set out in Part 9 of this by-law.

Part 11 ENFORCEMENT

11.1 Contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

11.2 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.

11.3 Offence - additional - damage to waterworks

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks plant, machinery, fitting or appurtenance thereof is liable to the Municipality therefore.

11.4 Offence - additional - wilful damage

Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, valve, water service pipe, conduit, wire, rod or water fitting belonging to the Municipality or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and for any expenses of repairing or replacing the water meter, valve, water service pipe, conduit, wire, rod or fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*.

11.5 Offence - additional - injuring waterworks

Every person who wilfully removes, destroys, damages, fraudulently alters or in any way injures any waterworks or appurtenance thereof belonging to the Municipality is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act* 1990.

**Part 12
PREVIOUS WATER BY-LAW STATUS**

12.1 Rescind Previous Water By-laws

All bylaws, or provisions or any other bylaw inconsistent with this bylaw, are hereby repealed.

**Part 13
EFFECTIVE DATE**

13.1 Effective Date

This by-law comes into force on the date of its final passing in Open Council.

Read First, Second and Third time and Finally passed in Open Council this 2nd day of November, 2015

MAYOR

CLERK