



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 049-2011

**A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN THE TOWN OF COBOURG**

**WHEREAS** pursuant to Section 11 of the Municipal Act, S.O. 2001 c.25, which provides that a municipality may pass by-laws respecting services including public utilities;

**AND WHEREAS** public utilities include a system used to provide water services for the public;

**AND WHEREAS** The Corporation of the Town of Cobourg is a municipality and owns and operates a water supply and distribution system;

**AND WHEREAS** section 8(1) of the Municipal Act, 2001 provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable it to govern its affairs, as it considers appropriate and to enhance its ability to respond to municipal issues;

**AND WHEREAS** the Council of The Corporation of the Town of Cobourg wishes to regulate the operation of the water supply and distribution system and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of potable water and to prevent the practicing of frauds upon the Town with regard to the water so supplied and for providing that for a contravention of any such by-law the offender is guilty of an offence:

**AND WHEREAS** the Council of The Corporation of the Town of Cobourg fairly distributes the Monthly Consumption Charges among all Town Customers; it is in the best interest of all Town Customers, that the Town encourages Potable Water Conservation.

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. **SHORT TITLE**

- 1.1 The short title of this By-Law is the "Water By-Law".

## 2. DEFINITIONS

2.1 For the purposes of this By-Law, the following definitions shall apply:

"Apartment Building" shall mean a building or part thereof consisting of three or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use in common, halls and/ or stairs and/ or elevators and yards, but does not include a boarding or rooming house, bed and breakfast establishment, motel or hotel.

"AWWA" shall mean the American Water Works Association.

"Building" shall mean a structure supplied with potable water by the Town of Cobourg.

"Backflow preventer or prevention device" means a device that prevents backflow, as further defined in the Ontario Building Code (O.Reg 350/06).

"Contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the property owner or the Town to install or maintain mains, private mains, water services, hydrants and other appurtenances.

"Cross connection" shall mean any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the waterworks distribution system and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

"Customer" shall mean any person who enters into a verbal or written agreement with the Town of Cobourg for the supply of potable water to any property including but not limited to any dwelling unit serviced by the Cobourg waterworks distribution system, located within the Town of Cobourg and the Township of Hamilton.

"Discharge", when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak.

"Dwelling unit" shall mean one or more habitable rooms occupied or capable of being occupied by an individual, individuals or family as an independent and separate housekeeping establishment, with separate kitchen and sanitary facilities provided for the use of such individual, individuals or family, with its own private entrance, but does not include a trailer, single-wide mobile home or tent.

"External use of water" shall mean the use of water for any purpose outside the walls of any building or dwelling unit located at a municipal address.

“Fire protection suppression system” shall mean a fixed system designed to extinguish a fire or substantially reduce the heat release rate of the fire.

“Hydrant” shall mean a valved connection on a water supply system having one or more outlets and that is used to supply hose and fire department pumpers with water.

“Land” means surface land not enclosed in a building, land covered by water and all subsoil, or any combination or part thereof.

“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 Town has obtained easements.

“Meter” shall mean the water meter supplied and owned by the Town to measure the quantity of water used by the customer.

“Monthly consumption charge” shall mean a charge based on water consumption during the billing month.

“NFPA” shall mean the National Fire Protection Association.

“Operating Authority” means, in respect of a drinking water system, the person or entity that is given responsibility by the owner for the operation, management, maintenance or alteration of the system; the “Operating entity” for the purposes of this By-Law shall mean Lakefront Utility Services Inc acting as an agent of the Corporation of the Town of Cobourg.

“Occupant” shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a dwelling unit.

“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, or a guardian.

“Person” shall mean an individual, association, partnership, corporation, municipality, Provincial or Federal agency or any agent or employee thereof.

“Potable water” shall mean water intended for human consumption, which is free from pollution, harmful organisms and impurities.

“Plumbing system” shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances for the distribution of water after it leaves the water works distribution

system and as such governed by the Building Code Act, 2001 and its regulations as may be amended from time to time.

“Property” shall mean any parcel of land including individual dwelling units located within the Town of Cobourg and including the Township of Hamilton.

“Private main” shall mean a pipe connected to a Town owned water works distribution system, installed on private property, and from which more than one service and/or hydrant laterals are connected.

“Town” shall mean the Corporation of the Town of Cobourg.

“Underwriters” shall mean insurance companies or their agents.

“Valve” means an apparatus for the shut off or turn on of water.

“Water” shall mean potable water supplied by the Town.

“Water works distribution system” means the water mains and appurtenances, the works and the equipment under the jurisdiction of the Town of Cobourg for the treatment, storage, supply or distribution of water or any part of such system but does not include plumbing systems.

“Water service” shall mean the pipe and fittings that convey potable water from a connection on a main or private main to a plumbing system.

### **3. ADMINISTRATION**

- 3.1 The administration of the water works distribution system shall be under the jurisdiction of Lakefront Utility Services Inc, acting as the agent by contract for the Town of Cobourg.
- 3.2 The administration of accounting, servicing and meter reading for the water works distribution system shall be shall be under the jurisdiction of Lakefront Utility Services Inc, acting as the agent by contract for the Town of Cobourg.

### **4. EXTERNAL USE AND WATERING REGULATIONS AND RESTRICTIONS FOR POTABLE WATER**

- 4.1 The Mayor or the Member of Council designated to act in his/her absence, at the recommendation of the Operating Authority, may invoke the following restrictions:
  - 4.1.1 No person shall discharge or permit the discharge of water upon land of municipally even numbered properties at any time other than between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m. on even numbered days of the month for the months of June, July and August.

- 4.1.2 No person shall discharge or permit the discharge of water upon land of municipally odd numbered properties at any time other than between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m. on odd numbered days of the month for the months of June, July and August.
- 4.2 No person shall wastefully discharge or permit the wasteful discharge of water directly upon driveways or sidewalks at any time.
- 4.3 Notwithstanding the provisions in Sections 4.1, during the months of June, July and August:
- 4.3.1 An owner or developer may water on newly planted sod for a period of three (3) hours per day at any time other than between the hours of 5:00 a.m. and 8:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m. during the first seven (7) days after the sod is put down, and
- 4.3.2 A person may discharge water upon a plot of land containing vegetables or flowers at any time provided that they are physically holding the watering device.
- 4.4 Notwithstanding the provisions in sections 4.1, and 4.3, the Mayor or the Member of Council designated to act in his/her absence may declare a water supply emergency and further restrict or suspend all discharge of water upon land, or any other water use as may be necessary. At the end of the emergency, the provisions of this By-Law shall resume.

## **5. WASTING OF WATER**

- 5.1 No person shall let off or discharge, or permit the letting off or discharging, of water so that water runs waste or useless out of the water works distribution system or hydrants.
- 5.2 No person shall damage or allow the deterioration of any appliance, which will result in a waste of water.
- 5.3 Upon detection of leaky valves, improper pipes or imperfect fixtures, any of which are creating a waste of water in any building, dwelling or on any lands, the Operating Authority shall notify the Consumer regarding the repairs required to cease the wastage of water and, where the necessary repairs are not made within seven (7) calendar days thereafter, the Operating Authority shall have the authority to cut off the supply of water by closing the Town's Curb Stop or by detaching the water service from the main, or by closing the valve to a single dwelling unit.
- 5.4 Where the conditions of pipes or fixtures may cause a waste of water or damage to property then, without notice, the Operating Authority shall have the authority to discontinue the supply of water by closing the Town's Curb Stop or by detaching the water service from the main, or by closing the valve to a single dwelling unit.

## **6. HYDRANT USE AND MAINTENANCE**

- 6.1 No person, except for the certified operators of the Operating Authority shall operate a hydrant, except in an emergency when the Authorized Personnel of the Town of Cobourg Fire Department shall have the right to operate a hydrant.
- 6.2 Any hydrant situated within the road allowance is the property of the Town and shall be maintained by it; the Town shall maintain Town owned hydrants located on private property.
- 6.3 No person shall paint hydrants or tamper with the colour scheme of hydrants except with the permission of the Operating Authority.
- 6.4 No person shall obstruct the free access to any hydrant or plant or place, or cause or permit to be planted or placed, vegetation or other objects, within a 3 metre corridor between the hydrant and the curb nor within a 1.5 metre radius beside or behind a hydrant except with the prior written authorization of the Operating Authority.
- 6.5 Private hydrants shall be maintained accessible at all times and in good operating condition by and at the expense of the Owner and shall be tested on a regular basis at the Owner's expense and in accordance with the requirements of the NFPA 291,1141 and 1142 standards and the AWWA manual 31, as amended from time to time.
- 6.6 All private hydrants are the responsibility of the property owner and must be installed and maintained according to;
  - 6.6.1 the Ontario Fire Code and,
  - 6.6.2 the Ontario Building Code and,
  - 6.6.3 NFPA 24 – Installation of Private Fire Service Mains and Their Appurtenances, as amended from time to time.
- 6.7 Except for water used for fire fighting and those operations as authorized by the Operating Authority, any other use of a Towns hydrant is prohibited.
- 6.8 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.

## **7. FIRE PROTECTION SUPPRESSION SYSTEMS**

- 7.1 No Person shall draw water or cause or permit water to be drawn from a private fire protection suppression system, except for fire protection purposes, or for fire protection related activities.
- 7.2 Water supply services for automatic Fire Protection Suppression Systems or for fire protection of any kind shall be classed as a fire service. The Operating Authority shall be notified and approve of any testing carried out by or for Underwriters.
- 7.3 Connections of any fire service to the water works distribution system shall be isolated by means of backflow preventers.

## **8. CROSS CONNECTIONS AND BACKFLOW PREVENTION**

- 8.1 No person shall connect, cause to be connected, or allow to remain connected to the water works 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. The means for "protection from contamination" shall be in accordance with the requirements of the Ontario Building Code Act, 2001, as amended from time to time.
- 8.2 Any person authorized by the Operating Authority/Town shall be given free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other building to which any water service is supplied for the purpose of inspecting, or of altering or disconnecting any water service, wire, rod or cross connection within or without of the building.
- 8.3 Where access is not provided, a written notice by the Operating Authority/Town shall be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the Operating Authority/Town may, at its discretion, shut off the supply of water to the building until such time as the access is provided.
- 8.4 If a condition is found to exist which is contrary to section 8.1 of this By-Law, the Operating Authority/Town may carry out an inspection and may issue such order or orders to the customer as may be required to obtain compliance with section 8.1 of this By-Law.
- 8.5 If the customer to whom the Operating Authority/Town has issued an order, fails to comply with that order, the Operating Authority, at his/her discretion, may:
  - 8.5.1 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 Operating Authority may then shut off the water service or services; or

- 8.5.2 without prior notice shut off the water service or services.
- 8.6 Notwithstanding sections 8.1, 8.4 and 8.5 of this By-Law, where a risk of possible contamination of the water works distribution system exists in the opinion of the Operating Authority or an approved authority, a customer shall, on notice from the Operating Authority/Town, install on their water service a cross connection control device, approved by the Operating Authority, in addition to any cross connection control devices installed in the customer's water system at the source of potential contamination.
- 8.7 The selection, installation, maintenance, and field-testing of backflow preventers shall be in accordance with CAN/CSA B64.10 standard (CSA, July 2007). All approved backflow preventers shall be certified by the CSA or a certification body recognized by the Standards Council of Canada.
- 8.8 Person(s) responsible for buildings shall retain a certified person to inspect and test, at the expense of the person(s), to demonstrate that the backflow prevention device is in good working condition. Such inspection and testing shall be completed prior to or in conjunction with the initial Cross-Connection Inspection Report and within thirteen (13) months of the previous inspection and testing. All equipment used to test backflow preventers shall be verified or calibrated for accuracy, as described in CAN/CSA B64.10.
- 8.9 If a customer fails to have a cross connection control device tested, the Operating Authority/Town or approved authority may notify the customer that the cross connection control device must be tested within thirty (30) days of the customer receiving the notice. If the customer fails to have the device tested within the time allowed, the Operating Authority may shut off the water service or water services until the cross connection control device has been tested and approved as required by section 8.8 of this By-Law.
- 8.10 When the results of a test referred to in section 8.8 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 Operating Authority may shut off the water service until such repair or replacement has been made.
- 8.11 No person shall without the permission of the Operating Authority remove any cross connection control or backflow prevention devices.



## **9. OPERATION OF WATERWORKS**

- 9.1 The Town/Operating Authority agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of potable water, but does not guarantee a constant service or the maintenance of unvaried pressure, quantity or chemical composition or supply of water.
- 9.2 The Town/Operating Authority is not liable for damages incurred by the customer caused by the breaking of any water service or attachment or the shutting off of water or the turning on of water to repair mains or to tap mains.
- 9.3 The Town in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate the waterworks and equipment within its boundaries serving the Town of Cobourg, to establish whether and the terms upon which municipalities or persons outside the Town of Cobourg may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers.

## **10. WATER AND WASTE WATER RATES AND CHARGES**

- 10.1 Before the initial supply of water or any subsequent reconnection for any property in the Town, the owner shall make application for the same, and the owner shall be governed by the requirements of this By-Law.
- 10.2 The water consumed by all dwelling units in the Town shall be charged for as indicated by the meter for each respective property at rates, including the base monthly charges, as per the Town's "Water Rates" By-Law. Wastewater charges for all dwelling units in the Town shall be charged for based on the quantity of water consumed as indicated by the meter for each respective property at rates, including the base monthly charges, as per the Town's "Water Rates" By-Law. The Town, by resolution of Council, may allow exemptions from time to time.
- 10.3 Water meters may be read and accounts rendered monthly, bi-monthly, or on any other basis at the sole discretion of the Operating Authority. The Operating Authority may serve bills upon the customer at an address supplied by the customer, or bills shall be deemed to be served upon the said customer, if they are delivered or sent by mail to the property/dwelling units supplied with water.
- 10.4 When an account is not paid by due date on the bill, a late payment charge as per the Town's "Water Rates" By-Law, shall be assessed to the account and, after that date, an overdue notice shall be sent reminding the customer of the outstanding account.

- 10.5 Seven (7) days after the overdue notice is sent and, should the account remain unpaid, the Operating Authority may deliver, or cause to be delivered, a notice of disconnection to the property/dwelling units supplied or the address supplied by the customer, advising the customer that unless payment is received within seven (7) days, service will be disconnected.
- 10.6 When it has been necessary for a notice of disconnection to be delivered as set out in section 10.5 of this By-Law, a collection charge shall be applied to the outstanding account.
- 10.7 If a customer at any dwelling unit omits, neglects or refuses to pay any bill rendered, whether for water service, pipes, service charges or any other monies to which the Town may be entitled in respect of the water services to such dwelling unit, the Operating Authority may, at its discretion, shut off or reduce the flow of water to the premises and in addition to the amount owing and unpaid, a disconnection charge as per the Town's "Water Rate" By-Law will be levied against the delinquent account. All charges and amounts owing may be collected in accordance with the provisions of this By-Law and all applicable provisions of the Municipal Act, 2001 as may be amended from time to time. Every owner of property, even though the owner is not the occupant of the property at the time a water rate charge becomes payable in respect of the property, under this By-Law, is liable to pay the rate unless it is first paid by the occupant of the property.
- 10.8 Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as per the Town's "Water Rates" By-Law shall be levied against the delinquent account, in addition to the applicable collection charge.
- 10.9 At the time of a change of occupancy, of the dwelling unit, a change of occupancy fee as per the Town's "Water Rates" By-Law shall be levied by the Operating Authority to the new customer to cover the cost of administration work and the said charge shall be included on the first billing to the new customer.
- 10.10 When an owner requires a temporary removal of the water meter from their dwelling unit, the owner shall pay a charge for the meter removal and reinstallation as per the Town's "Water Rates" By-law.
- 10.11 A customer shall pay the minimum base monthly charge for providing and maintaining water supply to, and wastewater collection for, a property, payable in accordance with the Town's "Water Rates" By-Law. In instances when the occupant or owner of a property terminates their account the occupant or owner shall pay any subsequent minimum monthly charges as rendered to the owner of the property.

10.12 All water services shall be installed at the discretion of the Operating Authority and the owner of the property being serviced shall be responsible for the actual cost of such installation, except in cases where property is being developed pursuant to the terms of a Development Agreement or a Subdivision Agreement with the Town, in which case they shall be installed pursuant to such Agreement.

10.13 Where a customer requires a temporary water supply, such customer shall apply to the Operating Authority for a connection to a hydrant. If the connection is approved and an agreement signed, the customer shall pay the applicable charge.

10.14 Fees and charges imposed under this By-Law on a person constitute a debt of the person to the Town. The Town's Treasurer may add fees and charges imposed by this By-Law to the tax roll for the property to which the services were supplied, and may collect them in the same manner as municipal taxes.

## **11. WATER METERS**

11.1 Except as provided in paragraph 11.2 below, all water used by a property within the Town of Cobourg, except water used for fire fighting purposes, or water authorized by the Operating Authority, for construction or other purposes, shall pass through a meter approved by the Town for use upon such premises, and in addition to whatever other remedies the Town may have by law in respect to infringement of this By-Law, the Operating Authority 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.

11.1.2 The Operating Authority may estimate and charge for any water that has been taken that has not been recorded by meter.

11.2 The owner shall pay:

11.2.1 the base and monthly service charges shown in the Town's "Water Rates" By-Law, or

11.2.2 such other flat rate charges as are set out in the said Town's "Water Rates" By-Law, in instances where the Town has determined that a water meter cannot be installed; or

11.2.3 such surcharges as are set out in the Town's "Water Rates" By-law for customers who refuse to allow the Operating Authority to install a water meter; or

11.2.4 three (3) times the average past rate (including an allowance for consumption) as the Operating Authority determines for customers who refuse access to the water meter to permit a reading to be taken.

- 11.3 The Town may shut off or restrict the supply of water to a property if the Town requires access to the property to install, replace, repair or inspect a water meter. Any person authorized by the Operating Authority for that purpose shall be granted free access, at all reasonable times and upon notice given as set out in section 11.4 of this By-Law, to all parts of every building or other dwelling units 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 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.
- 11.4 Before shutting off or restricting the supply of water, (other than for Emergencies) the Operating Authority shall:
- 11.4.1 by personal service, by hand delivered notice 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 Operating Authority intends to shut off or restrict the supply of water; and
- 11.4.2 if access to the property is not obtained before that date; post a copy of the notice described in section 11.4.1 on the property in a conspicuous place.
- 11.5 The Operating Authority shall not shut off or restrict the supply of water unless it has made reasonable efforts to gain access to the property and has been unable to gain access within seven (7) days after the later of,
- 11.5.1 the day the last notice, as described in section 11.4.1 of this By-Law, was personally served;
- 11.5.2 the day the last notice, as described in section 11.4.1 of this By-Law, was mailed; and
- 11.5.3 the day a copy of the notice was attached under section 11.4.2 of this By-Law.
- 11.6 If the Operating Authority has shut off or restricted the supply of water under section 11.3 of this By-Law, the Operating Authority shall restore the supply of water as soon as practicable after obtaining access to the property.
- 11.7 All charges for any of the work and services mentioned in sections 11.3 and 11.6 of this By-Law shall be determined by the Water Superintendent and shall be paid in full by the owner or the customer, as the case may be.

- 11.8 Every separate dwelling unit, living unit and separate commercial space to which water is being supplied shall be furnished with a single water meter, supplied by the Operating Authority, unless an exemption from this requirement has been approved by the Operating Authority.
- 11.9 All water meters, supplied by the Operating Authority, shall be installed to conform to the Operating Authority standards.
- 11.10 Where required by the Operating Authority standards or as deemed necessary by the Operating Authority, the owner shall supply and install an underground chamber to the satisfaction of the Operating Authority. The underground lockable chamber shall be located on the private side of the property line immediately adjacent to the road allowance and shall house an inlet valve, meter and backflow preventer, if required, and an outlet valve. The owner shall be responsible for maintaining the underground chamber.
- 11.11 The location of a meter shall not be changed by any person except with the written consent of the Operating Authority.
- 11.12 The Town will not supply, install, inspect or read private water meters, nor will the Town bill consumption on private water meters. All water flowing to private meters must first pass through the Town's meter.
- 11.13 The Town and persons authorized by the Operating Authority for that purpose shall be allowed access to the dwelling unit 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 Operating Authority. Where such access to the dwelling unit and/or free and clear access to a meter is not provided by the occupant within seven (7) days upon written notification by the Operating Authority, the Operating Authority may, at its discretion, shut off the supply of water to the dwelling unit until such time as free and clear access to the water meter is provided.
- 11.14 Any leaks that may develop at the water meter or its couplings shall be reported immediately to the Operating Authority. The Town or Operating Authority are not liable for damages caused by such leaks.
- 11.15 No person, except a person authorized by the Operating Authority 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 place in any building, the Operating Authority may forthwith, without any notice, shut off the water from such building, dwelling unit or property and the water shall not be again turned on to such building, dwelling unit

or property without the express written consent of the Operating Authority.

- 11.16 If in the opinion of the Operating Authority, the condition of the water service 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 and valves, the Operating Authority 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 Operating Authority 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 neither the Town nor the Operating Authority shall not be held responsible for any damages to the owner's property arising from such work.
- 11.17 If, for any cause, any meter shall be found to not to be working properly, then the amount of water to be charged for shall be estimated on the average reading for the 12 months previous, 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.
- 11.18 A customer may, upon written application to the Operating Authority, have the water meter at his or her dwelling unit tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters set out in the Town's "Water Rates" By-Law.
- 11.19 All water meters shall be tested in accordance with AWWA standards, as may be amended from time to time, and procedures, by a properly accredited test facility as determined by the Operating Authority. If when tested, the meter is found to operate outside of applicable specifications, the Operating Authority shall estimate the applicable flow volume underage or excess and a refund or bill shall be made to the customer as applicable. The time frame used for the calculation of the estimate shall be limited to the four (4) month period prior to testing. If the testing determines that the meter reads in excess of the actual flow volume, the customer's deposit for the test shall be refunded.
- 11.20 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 Operating Authority shall consider the reading at the meter to be correct and shall adjust and correct the customer's account accordingly.
- 11.20.1 Where the water meter is equipped with a remote read-out unit of any type, the occupant of the property shall be responsible for keeping the wire from the meter to the remote read-out unit in good repair and working order.

## 12. WATER SERVICE PIPES

- 12.1 Any and all defects to the water service, private main and meter pits, shall be repaired by the owner of the property being serviced. Should the Operating Authority become aware of any such defect, and if 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 Operating Authority may deem necessary, then the Operating Authority may turn off the water supply to the property. If the Operating Authority is ordered to restore the water supply, then the Town may repair the defective water service 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 same manner and in the same priority as taxes. The Town shall not be held responsible for the cost of restoration.
- 12.2 No person, other than persons authorized by the Operating Authority for that purpose shall be permitted to operate the valve to any curb stop/shutoff valve.
- 12.3 All curb stop/shut off valves shall be left clear and accessible at all times so that the water in the water service and private mains may be turned off or on as may be found necessary by the Operating Authority.
- 12.4 All water service extensions to and including the meter and meter pit 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 paid by the owner upon demand by the Operating Authority and the Operating Authority shall not be held responsible for any damages arising from such leakage.
- 12.5 When any dwelling unit is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the dwelling unit and to drain the piping therein. The owner or occupant may apply in writing to the Operating Authority to have the shut-off valve at the street line turned off to stop water supply. The valve shall 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 shown in the Town's "Water Rates" By-Law.
- 12.6 When any dwelling unit 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 Town or Operating Authority. Should the Operating Authority become aware of such leaking or burst pipes, the Operating Authority may turn off the shut-off valve at the street line and the water supply shall not be turned on until the Operating Authority at its discretion, shall consider it advisable.

- 12.7 Thawing out frozen water services shall be the Operating Authority's responsibility. Thawing out frozen plumbing systems and private mains shall be the owner's responsibility. Where any employee of the Operating Authority assists the owner in the thawing of frozen pipes on the owner's property, this shall be at the owner's risk, and the owner shall have no claim against the Operating Authority or the Town.
- 12.7.1 It shall be the owner's responsibility to provide adequate access to the owner's plumbing to permit the thawing operation.
- 12.8 The Operating Authority may renew any water service on public property at its discretion and cost to ensure the adequate supply of water to the property. This does not include the cost of upgrading the service size.
- 12.9 Where a consumer discontinues the use of the water service, or the Operating Authority discontinues the supply of water service to the property, the Operating Authority may, at all reasonable times, enter the property in or upon which the consumer was supplied with the water service, for the purpose of cutting off the supply of the water service or of 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 there from any fittings, machines, apparatus, meters, pipes or other things being the property of the Town in or upon the dwelling unit and may remove the same.

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

- 13.1 No person shall willfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Town/Operating Authority or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this By-Law.
- 13.2 No person shall willfully let off or discharge water so that the water runs waste or useless out of the works.
- 13.3 No person shall, being a customer, tenant, or occupant of any house, building or other place supplied with water from the waterworks, improperly waste the water or, without the consent of the Operating Authority, 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 their own.
- 13.4 No person shall, without lawful authority willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction.
- 13.5 No person shall throw or deposit any injurious or offensive matter into the water or waterworks or in any way foul the water or commit any willful damage or injury to the works, pipes or water, or encourage the same to be done.



- 13.6 No person shall willfully alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered.
- 13.7 No person shall lay or cause to be laid any pipe or main to connect with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the Operating Authority.
- 13.8 No person shall use water externally during the months of June, July and August in any year except in accordance with the regulations set out in Section 4 of this By-Law.
- 13.9 No person shall fill with water a tanker or swimming pool or make an ice surface from an hydrant unless they have obtained prior written approval by the Operating Authority.
- 13.10 No person shall contravene any provision of this by-law or any notice issued pursuant to this by-law.

#### **14. ENFORCEMENT**

- 14.1 Any person who contravenes any provision of this By-Law is, upon conviction, guilty of an offence and is liable to any penalty, fines or orders as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as may be amended time to time.
- 14.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
- 14.3 Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any water works distribution system plant, machinery, fitting or appurtenance thereof is liable to the Town therefore.
- 14.4 Every person who damages or causes or knowingly suffers to be damaged any water meter, water service, conduit, water fitting and any related parts belonging to the Town or impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Town and for any expenses of repairing or replacing the water meter, water service, conduit, wire, rod or fitting all of which is recoverable under the Provincial Offences Act, as may be amended time to time.
- 14.5 Every person who removes, destroys, damages, alters or in any way injures any water service, conduit, wire, rod, pedestal, post, or other apparatus or thing belonging to the Town is guilty of an offence and on conviction is liable to a fine, to the use of the Town and is also

liable for all damages occasioned thereby, which are recoverable under the Provincial Offences Act, as may be amended time to time.

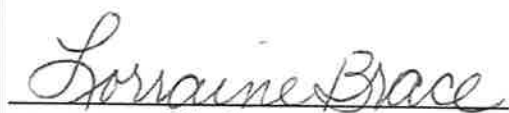
14.6 If any section, clause or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the Town that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

#### 15. EFFECTIVE DATE

15.1 This By-law shall come into full force and effect upon the date of its passing.

READ a first, second and third time and finally passed in Open Council this 15<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Municipal Clerk