

BY-LAW 39 OF 2018
The Corporation Of The Municipality Of Central Huron

**BEING A BY-LAW TO REGULATE THE PRODUCTION, TREATMENT
DISTRIBUTION AND SUPPLY OF WATER AND EMPOWERMENT TO SET RATES
AND CHARGES FOR THE CONSUMPTION OF WATER**

WHEREAS under section 11 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities, which includes a system that is used to provide water services for the public;

AND WHEREAS section 8(1) of the *Municipal Act, 2001* provides that section 8 & 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Sections 80, 81, 82 and 83 of the *Municipal Act, 2001* provides a municipality with the authority to undertake various actions relating to the operation of a public utility;

AND WHEREAS general provisions include recognition of The Ontario Water Resources Act, The Clean Water Act and AWWA standards shall be recognized to govern Municipal affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

THEREFORE the Council of the Corporation of the Municipality of Central Huron hereby enacts as follows:

Short Title – Water Consumption and Collection Bylaw

PART 1

DEFINITIONS:

1. For the purpose of this by-law the following words shall have the meaning given herein:

“Aquifer Capture Zones” refers to the timelines that water travels underground to the point where it is drawn to the surface via a well system. A wellhead protection area is established based on these timelines in order to help keep contaminants from a water well.

“Base rate” is a fixed fee charged for water & sewer per unit. Base rates help ensure the financial stability of the water & sewer department by guaranteeing a certain minimum payment from all customers regardless of consumption or whether or not the unit is separately metered. Costs unrelated to the volume of water treated and distributed (or, in the case of wastewater, collected and treated) are high relative to variable costs. Base rates help ensure certain minimum revenue and can be transferred to Reserves.

“Building” means a structure supplied with water and/or sewer by the Municipality of Central Huron.

“Bulk Meter” means a water meter which measures the usage of water for multiple units within a building or group of buildings.

“Bulk Water User” means any customer whom the Municipality approves to draw water from a hydrant or a bulk water station.

“Chief Building Official” means the Chief Building Official for the Municipality or the Chief Building Official's authorized representative.

“Cleanout” means a pipe connection on the sewer lateral which is accessible from the surface and is used for inspection & other maintenance purposes such as unclogging.

“Commercial” shall mean the use of land, building or structure for the purpose of buying and selling commodities and supplying of services as distinguished from uses such as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

“Construction Water” means water supplied to premises during construction prior to occupancy or water used during full street construction.

“Consumer or Customer” shall mean any person who enters into a contract with the Municipality

Municipality to take water from the Municipality or to receive water and sewer related services from the Municipality. After the adoption of this Bylaw – all contracts for service shall be created in the name of the property owner.

“Contractor” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by an owner or the Municipality to install or maintain mains, services, hydrants and other appurtenances.

“Control Device” means a mechanical valve which when installed in a water service pipe prevents a cross connection, in accordance with the Ontario Building Code and “CAN/CSA-B64 SERIES-11, backflow preventers and vacuum breakers”.

“Council” shall mean the Council of the Corporation of the Municipality of Central Huron.

“Cross Connection” means 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 water distribution system, and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

“Curbstop” a valve on a water service owned and used by the Municipality to shut off or turn on the water from the Municipality's water distribution system to any premises. The curbstop is generally located at property line and is between the water main and the building.

“Developer” means the owner, sub-divider or party specifically named in a Development Agreement or in a Subdivision Agreement.

“Easements” are a legal interest in land that provide limited rights to the beneficiary over another property owners lands for specific purposes. The Municipality relies on easements to both protect municipal infrastructure located on private property, and to ensure it has the necessary rights to access and make repairs to its infrastructure as necessary.

“Engineer” shall mean a registered professional engineer retained to represent the Municipality.

“External Use of Water” means the use of Water for any purpose outside the walls of any Building.

“Fire line” means a designated water service or plumbing section for fire suppression purposes.

“Industrial” The use of land, building, or structure for uses such as manufacturing or assembling of goods, processing, warehousing, transport terminals, construction and other similar uses.

“Institutional” The use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government buildings.

“Lot” shall mean any land parcel that has a building on the premises or a vacant parcel of land that has the capability to have a building constructed on the lot and can be serviced with water & sewer.

“Main” can be referencing Water main, Sewer main or both. Means every water or sewer pipe, except services stubs, service extensions and portions of private mains as herein defined, installed on the public road allowance or on any other land upon which the Municipality has obtained easements or has access rights under Section 91 of the Municipal Act.

“Main stop” (formerly known as Corporation Stop) a valve installed on a water service located directly at the water main. It is owned and used by the Municipality to shut off or turn on the water at the main. Excavation is required to access.

“Main Tap” means the method in which water main is cored to accept a new service stub through the installation of a saddle and a main stop.

“Manager” shall mean the person in charge of the Water & Sewer Department of the Municipality of Central Huron. The current job description title for the Manager is Engineering Coordinator. The Manager may designate a municipal employee as his designate for the purpose of carrying out the duties of the Manager as provided for and contained herein.

“Meter Pit” means any exterior chamber or pit approved by the Manager for the purpose of containing a Meter.

“Municipal Facility” shall mean any building or structure, any and all lands that have been or hereafter may be set apart, designated, dedicated or established by Council as public parkland or municipal facility for enjoyment by the public, or any operation, that is owned or made available by lease agreement or otherwise to the Municipality.

“Municipal Staff” for the purposes of this bylaw, Municipal staff refers to an employee of the Municipality’s Water & Sewer Department and/or other Municipal staff members deemed qualified.

“Municipality” shall mean the Corporation of the Municipality of Central Huron and includes, where the context permits, its duly authorized officers, contractors, employees and agents.

“Occupant” means any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of any Premises.

“Occupiable Unit” refers to a rentable commercial or residential unit that is in a standard condition or in a substandard condition, but is suitable for rehabilitation; or a dwelling unit in any condition that has been occupied at any time for the purposes of habitation or business.

“Operator” shall mean an employee of the Corporation of the Municipality of Central Huron whose duties include the operation and maintenance of the Works.

“Owner” means any person, partnership or corporation that is the registered owner of the Property/Premises 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.

“Potable Water” shall mean water that is fit for human consumption.

“Private Main” shall mean a pipe connected to a water main and installed on private property and which more than one service and/or hydrant is connected.

“Property/Premises” shall mean any house, tenement, building, lot or part of lot, or both, in through, or past which water services run.

“Rates Bylaw” refers to the Municipality’s Water and Sewer Rates Bylaw and outlines all applicable fees related to Water and Sewer Charges.

“Remote Read-Out Unit” is any device that relays the reading on a meter to an outside source. Can be wireless or through a wire to an outside dial.

“Residential” habitable property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

“Service Extension” means the portion of a water service pipe from the property line to the Meter location, a fire service to the inside of the exterior wall of a Building, and the sewer lateral from property line to the inside exterior wall of a Building.

“Service Stub” means the portion of a water service pipe from a water main to the property line which will always include one curbstop, a fire service from the water main to property line, and the sewer lateral from the connection at the sewermain to property line. A new or rehabilitated sewer service stub shall have an inspection cleanout located property line.

“Sewage Collection System” means sewer mains with connections to feeder mains, feeder mains within subdivision lands, private mains, manholes, service stubs, cleanouts and all other appurtenances thereto.

“Sewer Lateral (also known as Sewer service)” means piping that carries wastewater from the sanitary fixtures inside a building to the Municipal or private sewer main.

“Sewermain” see Main

“Sewage works” see “Works”

"Shut-off Valve" shall mean the first water shut off valve located on a water service line as it enters a building, when closed, shuts the water off to the connected plumbing within the building.

"Stormwater" is water that originates during precipitation events and snow/ice melt. *Stormwater* can accumulate and be collected in an urban area by soaking into the ground, on roofs and in footing draining tiles.

"Tenant" includes a person who pays rent in return for the right to occupy a rental unit, as defined in the Residential Tenancies Act, 2006; and for the purpose of this bylaw includes a person occupying a dwelling unit in a land-lease development.

"Unit" means a room, or a suite of rooms, operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities. In a commercial setting refers to a individual business having amenities such as a washroom and some of the criteria listed above.

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

"Water Distribution System" means water mains with connections to feeder mains, feeder mains within subdivision lands, private mains, service stubs, fire hydrants, main valves, curb stops and all other appurtenances thereto.

"Water main" see Main

"Water Meter" means the water meter supplied and owned by the Municipality to measure the quantity of water used by the customer.

"Water Service" means the pipe and fittings that convey water from a connection on the water main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a building.

"Water Usage Charge" means the monthly volumetric consumption charge for water as measured by the meter and as set out in the Water and Sewer Rates Bylaw.

"Water works" see the "Works"

"Works" individually would be termed Water works or Sewer works but for the purposes of this bylaw when applicable for both shall be referenced as the Works and will mean any works for the collection, production, treatment, storage, supply and distribution of Water and any works for the collection, treatment and storage of Sewage, or any part of any such works, but does not include Plumbing System to which the *Building Code Act, 2006*, or any amendments thereto apply

PART 2

APPLICATION – WATER/SEWER SERVICE

2.1 Application for service

The owner or their agent shall apply to the Municipality for a water and/or sewer service. A water or sewer service application must be signed by the applicant and approved by the Manager prior to any service work commencing. Water service stub & extension installations must adhere to the Municipality's specifications outlined in Part 3. The service application will also include relevant fees and costs as set out in the Rates Bylaw.

Notwithstanding anything herein stated, there shall be no obligation on the part of the Municipality to service any lands within the Municipality that are not presently serviced for the supply of water or the collection of sewage. The Municipality reserves the right to determine what areas and when such areas will be serviced with the municipal services, with respect to water and sewer.

Any water customer who is currently connected or is connected in the future to any water or sewer system of the Municipality of Central Huron shall stay connected and be charged according to the Municipality's Rates Bylaw. Only exception or considerations see 2.2.

2.2 Application for Disconnection of Service

If a Demolition Permit has been obtained from the Municipality an application for disconnection can be signed. If approved the base rates will cease commencing the date the curbstop is shutoff, the service extension pipe is disconnected from the curbstop and the water meter

removed (if possible). As well, if applicable the sewer lateral must be excavated and the lateral pipe capped at property line.

The Water Service Pipe disconnection at the curbstop and the service extension pipe plugged or crimped as well as the capping of the sewer lateral is at the Owner's expense, including excavation. All work must be inspected by the Municipality; a disconnection fee will apply (see Part 5 of the Rates Bylaw). Consideration for the Municipality to assist in the organization and the physical disconnection of the water and or sewer service may be done at the Manager's discretion. In the event The Municipality performs the service disconnection work, the Owner would be charged for the Municipality's expenses incurred at the set rates as per the Rates Bylaw.

If any building is left uninhabitable due to fire or other disaster related incidents and the Demolition Process can not be followed due to uncontrollable circumstance, a 357 application may be filled out by the owner and returned for the Municipality's submission to MPAC. MPAC will assess the availability of occupancy. If MPAC deems the entire building to be inhabitable (not just a unit), the Municipality will shut the water off and the Manager shall grant a reprieve from the base rates retroactive to the date the uncontrollable circumstance occurred until such time the water can be turned back on. The Manager will not permit the base rates to cease if the availability of occupancy has changed if the owner is involved in proven neglect of the premises, criminal conviction such as arson or fraudulent behavior.

2.3 Request to Change the Number of Units

If a building permit is approved for renovations to decrease the number of occupiable units or dwelling units in a building and the plumbing is retrofitted for the correct number of meters and the number of occupiable units then the Manager may consider a change to the number of units with respect to water & sewer Base rates. The number of units will always be at least one unit.

If the request to change the number of occupiable units involves more than one physical address the addresses must be amalgamated into one address as well as the applicable renovations listed above.

No consideration shall be given in a reduction of the number of units for a vacant occupiable unit.

Before a reduction in the number of occupiable units is approved by the Manager an inspection must be done by a member of the Water and Sewer Department to confirm the plumbing & building changes comply. Inspection fees will be applicable as set out in the Rates Bylaw. Future inspections by the Municipality may be done at the Manager's request to ensure that the change in the number of units is still in the approved state. If the building's structure or plumbing has been renovated into a higher number of occupiable units without notifying the Municipality, the owner shall be subject to Violation Fees in accordance with the Rates Bylaw.

PART 3

SPECIFICATION FOR WATER & SEWER SERVICE PIPES

3.1 Service Pipe

- Minimum Service Stub and Service Extension sizing allowed is pipe with an inside diameter of 19mm (3/4"). Pipe must meet at minimum, AWWA standards for pressure ratings & acceptable pipe material.
- Sewer lateral stubs and extensions shall be minimum 100mm (4") diameter PVC pipe.
- Existing Services Stubs that do not meet Municipal standards will be brought to standards during street construction or repairs. Extensions are the responsibility of the homeowner and are dictated by the Building Code (plumbing); however the Municipality recommends at minimum the Municipality's standards for Service Pipes.
- Stormwater is not permitted to be discharged into a sanitary system, thus making any roof, storm, sub soil or surface drain connection, including sump pumps illegal and shall be subject to a penalty as outlined in 11.7 of this bylaw. If stormwater connections to the sanitary system are discovered they must be disconnected in the time period specified by the manager.
- If plastic water pipe is used, tracer wire for locating purposes must be attached to the pipe.
- All serviceable Lots shall have a minimum of one potable water service & one sewer lateral. If a service has been shared historically between Lots, shared servicing will be eliminated at the manager's discretion during the following scenarios: a) demolition permit issued to one of the shared serviced lots b) building permit: water/sewer service application c) road construction.
- A service should not cross another lot to service the intended lot requiring servicing. If a service historically crosses another Lot to service the intended property, this shall be rectified by having the service connect from the main directly to the property which requires

servicing and the old service that crossed another Lot shall be abandoned. This will be done at the manager's discretion during the following scenarios: a) demolition permit issued to one of the lots the service travels on b) building permit: water/sewer service application c) road construction d) when mains are extended past the property. Specific signed agreements may supersede this article.

- If a single unit building has multiple water and/or sewer services. The owner shall be billed the applicable rates, as outlined in the Rates Bylaw for each service.

3.2 Installation - by Municipality or by Contractor

All Main and Service Stubs shall be installed by the Municipality or by a contractor approved by the Municipality for the purposes of such installation. New Land Development projects will have agreements between the developer and the Municipality for such work.

3.3 Installation - Service Stubs

All Service Pipes and Private Mains located within Municipality property shall be constructed according to the AWWA standards & Municipality's specifications and in accordance with good engineering practices. A Curbstop must be installed on the water service & a Cleanout must be installed on the sewer lateral at property line and the installation shall be done by the Municipality or by a municipally approved contractor.

3.4 Installation - Service Extensions

All Service Pipes and Private Mains located on private property shall be constructed in accordance with the Ontario Building Code, in accordance with good engineering practices, and with respect to new buildings, shall be approved by the Manager and Chief Building Official via the application process. Where the Ontario Building Code is silent with respect to a construction or installation standard the Municipality's standards shall be applied and shall prevail.

3.5 Connection to Main - prior application

The connection of a Service Pipe shall not be scheduled or commenced in any way until the Owner has met the requirements of this by-law. All excavations shall comply with the Ontario Occupational Health and Safety Act and Regulations for Construction Projects. The main stop must be installed by the Municipality or an approved contractor.

3.6 Installation inspection by Municipality

All Service Stubs and appurtenances installed, including those required by a Municipality Subdivision or Development Agreement shall be inspected by an authorized Municipal representative, the charge (if any) for an inspection is specified in the Rates Bylaw. Open trench installations must not be back filled until a representative of the Water & Sewer Department has inspected the Municipal side of the service installation.

3.8 Installation - access for inspection

The Municipality shall be entitled, at all times, to enter any Premises for the purposes of examining pipes, connections and fixtures which are used in connection with the Service Pipe and/or Main as per S. 80(1) of the *Municipal Act, 2001*.

3.9 Alterations - approval by Municipality

For any alterations of existing Service Pipes or Private Mains, the Owner shall contact the Municipality for approval for such work at the Manager's discretion. The alterations must be at minimum to the Municipality's standards.

PART 4

MAINTENANCE

4.1 Maintenance of Service Stub - Municipality

The Service Stub, including the Curbstop & Cleanout, shall be maintained by the Municipality at its expense.

4.2 Maintenance of Service Extension and Private Main - Owner

Any and all defects to the Service Extension, private Main and Meter pit (excluding the meter), shall be repaired by the Owner of the Premises. Any damage such as but not limited to water damage caused by the defect of the service extension, including all internal plumbing is the Owner's responsibility. 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 Manager may deem reasonable, then the Municipality may turn off the Water supply to the property. If the defect is causing considerable damage the Municipality may shut off the water supply immediately to the service extension or private main to prevent further damage. If the Municipality is ordered under statutory authority to restore the Water

supply, then the Municipality may repair the defective Service Extension, Private Main and Meter pit and charge the cost to the Owner and collect such cost according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The Owner shall be held responsible for the cost of restoration.

4.3 Operation of curb stops, main valves, and manholes

No person, other than authorized Municipal personnel shall be permitted to operate or a curbstop or main valve. Curb stops, Main valves and manholes are the responsibility of the Municipality. No person is permitted to remove a manhole lid, enter or put anything in a manhole without the Manager's authorization.

4.4 Access to Curb stops, Cleanouts, Main valves, Private Main valves & Manholes

All curb stops, cleanouts, main valves, private main valves & manholes shall be left clear and accessible at all times in order for operation when required. Planting trees or shrubs, is not permitted. Obstructions including and not limited to such as a fence, landscaping material, concrete, pavement or other obstructive matter is not permitted. Obstructions must be clear from curb stops, cleanouts, Main valves, private main valves and Manholes, for a minimum radius of 3m. The Municipality is not responsible for any damages caused to the property by having to remove the said items to operate or perform maintenance to the curb stops, cleanouts, main valves, private main valves & manholes.

4.5 Municipal Easements - Water/Sewer Main or Water/Sewer Services

Municipal Easements that are serviced with Municipal Water and/or Sewer or has the potential to be serviced shall have restrictions on development. No permanent structures are permitted on the easement or within a specified distance away from the easement. Permanent structures shall include but not limited to such items as buildings, finished driveways, parking lots, fencing, trees and garden sheds. At anytime the Municipality reserves the right to enter, construct, maintain, operate, repair, replace, relocate, reconstruct and remove sanitary and/or water services, mains and all appurtenances thereto below ground level on a Municipal Easement. A buffer zone must be established to allow for equipment and machinery to enter the easement for construction, maintenance and excavation purposes. Permanent structures must maintain a minimum distance from a Municipal Easement to allow for future excavation and where the trench walls can be sloped to maintain safety in accordance with Ontario Health & Safety Act. Consideration may be required for buildings to have deeper and heavier footings constructed to avoid structural issues if easement excavation is required.

In any lands transfer provisions specified in a Schedule under the Land Registration Reform Act must be respected and followed. Failure to comply may result in a Non-Compliance Fee as set out in the Rates Bylaw.

4.6 Responsibility for protection, Water loss, damage

All service extensions to and including the meter shall be properly protected from frost and any other damage at the expense and risk of the Owner of the property. The Owner shall be responsible for any metered water associated with a leak. The Owner shall be responsible for the service extension and/or private main and the charge for such water loss as determined by the Manager 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. The owner of the property shall repair a broken or damaged water service in a satisfactory period of time, as deemed by the Manager. Failure to do so shall result in the water being shut off to the property by the Municipality until such repairs are carried out.

4.7 Responsibility - vacant and unheated Premises

If a premises is being left vacant, without heat or during seasonal periods, the Owner shall shut off the water supply using the shut off valve and drain the plumbing therein. If the premises are to remain unoccupied for an extended period of time. The Owner or Occupant may contact the Municipality to have the water shut off at the curbstop; consideration is at the manager's discretion. Seasonal periods will not be considered. Water will only be turned back on at the Owner's request and the Owner must be present on the premises to turn the curbstop on.

4.8 Responsibility - Water damage

The Municipality is not responsible for any property damage caused by a leaking service extension. When any Premises is left vacant or without heat and the Water supply has not been shut off, if the premises suffer damage to it and/or its contents from a leaking or burst Water pipe, the Owner or the Occupant shall have no claim against the Municipality. Should the Municipality become aware of leaking service or burst pipes, the Municipality may turn off the curbstop, and the Water supply shall not be turned on until the Manager, in his discretion, shall consider it advisable.

4.9 Responsibility for frozen pipes - Municipality - Owner

Thawing out frozen external Water services that have never been frozen before shall be the Municipality's responsibility. Thawing out frozen Water services that have been previously frozen shall be the Owner's responsibility, as provisions to prevent freezing would have been implemented by the Municipality. Where any employee of the Municipality assists the Owner in the thawing of

frozen Service Extensions and private Mains 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. The Municipality plans to diminish and rectify the risk of water services from freezing by lowering the Service stubs that are prone to freezing during street construction. Refer to the Frozen Water Policy and Rates Bylaw.

4.10 Responsibility for Hydrant Maintenance

Any hydrant situated within a road allowance is the property of the Municipality and shall be maintained by it. Municipally owned hydrants located on private property shall be maintained by the Municipality. Private hydrants shall be maintained by the Municipality of which costs are to be billed to the owner as indicated in the Rates Bylaw or a signed agreement.

4.11 Operation of Hydrants

Only Municipal Staff shall operate or make a connection to a hydrant. No person shall use Water from a hydrant without authorization from the Manager. Municipal staff must be on site to make the connection, ensure backflow prevention, operate the hydrant and record the volume taken. Fees will be charged to the user as per Rates Bylaw or per Agreement approved by the Manager. This restriction shall not apply to the Municipal fire Department where water is required for fire protection purposes.

No Obstruction of any hydrant is permitted. Obstruction includes but not limited to concealing or placing on or within a three (3) meter radius of the hydrant, any structure, building, fence, plant, material, earth, snow, rubbish or other obstructive matter.

4.12 Renewal of Service Stubs - Municipality - Owner

The Municipality shall renew Service Stubs on public property at its expense and to its specifications when the Service Stub is deemed by the Municipality to be beyond repair; The Municipality reserves the right to determine the need to replace or alter the size of a service, the age and condition of the street as well as cost will be taken in to consideration. Customer requests for altering the service stub size would be at the Managers' discretion and generally would not be considered (see 3.1) unless the need was to satisfy a commercial volume. If consideration for a service size alteration was granted by the Manager, the cost for the service stub replacement would shift to the customer.

4.13 Access - removal - inspection - fittings

Where a Customer discontinues the use of a Water Service, or the Municipality lawfully refuses to continue to supply Water to the Premises, the Municipality may, at all reasonable times, enter the Premises in or upon which the Customer was supplied with the Water service, for the purpose of disconnecting the supply of Water or for making an inspection from time to time to determine whether the Water service has been or is being unlawfully used or the correct number of units being supplied are being accurately reported. Refer to 2.2 of this bylaw. The Municipality shall remove any fittings, machines, apparatus, Meters, pipes or other things being the property of the Municipality in or upon the Premises, doing no unnecessary damage. The Municipality may also inspect and remove or have removed appurtenances that could cause harm or have a negative impact on the Municipal Works.

PART 5

WATER METERS

5.1 Water to be metered - remedy for violation

All Water supplied on Premises within the Municipality, except Water used for fire fighting or authorized by the Manager, 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 in law in respect to infringement of this by-law, the Manager 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. The Municipality reserves the right to choose the type of meter required (radio frequency, remote read, manual read etc.)

5.2 Interference with Meter not permitted

No person, except for authorized Municipal personnel, shall be permitted to open, or in any way whatsoever to tamper with any Meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of Water passing through such Meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any Meter placed in any Premises, the Municipality may forthwith, without any notice, shut off the Water from such Premises, and the Water shall not be again turned on to such Premises without the express consent of the Manager.

5.3 Owner responsibility – plumbing issues

As mentioned in 4.2 of this bylaw the Municipality is not liable or responsible for any damage such as, but not limited to, water damage caused by a defect with internal plumbing, including a leaking water meter or its fittings.

If, in the opinion of the Municipality, the condition of the Service Extension 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 and repairing in place without fear of damage to Premises, the Manager may require the Owner or Customer 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 Manager's request, then the Water supply to the Premises may be turned off at the shut-off valve during removal, replacement, repair and testing of the Meter and the Municipality shall not be held responsible for any damages to the Owner's Premises arising from such work.

5.4 Non-functioning Meter - amount of Water estimated

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

Where the Municipality has established that a water meter has failed to register accurately, the Municipality shall estimate the quantity of water consumed. The recorded consumption prior to such failure will be the basis of estimating quantities consumed during failure.

For meters = / < 38mm, where the meter or remote readout unit has quit for any reason, except in negligence on the part of the resident or owner, the Municipality will replace the meter or remote readout unit at the Municipality's cost. If a meter = / < 38mm, must be removed for service, a temporary meter or alternative plumbing device may be installed at the Municipality's cost. Once repaired the original water meter or remote dial shall be reinstalled by the Municipality.

For meters > 38mm, where the meter has quit, the Owner shall be responsible for all costs related the replacement of the meter, installation of a temporary meter or alternative plumbing device, and re-installing a repaired original water meter. This work must be done by a licensed plumber. The Municipality will be responsible for installing and costs associated with any readout devices units for meters.

The Municipality will not be responsible for any cost for repairing or replacing a water meter or remote readout unit where it has been improperly installed by a contractor, removed, altered, tampered with, damaged or neglected by any person in which case the owner shall be responsible for the cost of repair or replacement of the water meter and or remote readout unit and may be subject to any Violation fees outlined in the Rates Bylaw.

For meters < 50mm, it is the owner's responsibility to calibrate the meter per manufacturer specifications.

5.5 Meter testing for Customer - deposit - conditions

The Municipality reserves the right to test and collect consumption data from the water meter and/or remote read-out unit at any reasonable time.

Any Customer may, upon request to the Manager, have the Meter and/or Remote Read-Out Unit at their Premises tested for accuracy of the Meter and registration of data. If the Meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the Municipality when tested in accordance with *Section 4.2.8 of ANSI/AWWA C700 and AWWA Manual M6, Water Meters – Selection, Installation, Testing, and Maintenance*, the customer shall be subject to a fee for testing the Meter and/or the Remote Read-Out Unit as set out in the Rates Bylaw. If the Meter is found, when tested to register in excess of three per cent (3%), no testing charge will be made to the Customer. As well the Customer will be refunded the excess percentage of the amount of the account for the period of four (4) months prior to such testing of the Meter. If the meter is deemed accurate, then the customer shall pay all costs associated with any testing involved, including staffing time.

5.6 Meter reading supersedes Remote Read-Out Unit reading

Where the Meter equipped with a Remote Read-Out Unit, and it is confirmed that the meter and remote read-out started with the same volume value, and a discrepancy occurs between the reading at the register of the Meter itself and the reading on the Remote Read-Out Unit, the Municipality will consider the reading at the Meter to be correct, and will adjust and correct the Customer's account accordingly.

If the volume value of the remote dial and meter did not start at the same value or unable to confirm, other factors must be considered to determine the correct volume; such as consumption history, remote dial information, estimations, recorded meter notes at the Manager's discretion.

5.7 Supply - installation - ownership - replacement

The Municipality will supply the owner with a Meter and Remote Read-Out Unit for meters 38mm and smaller. Meters & Remote Read-Out Units greater than 38mm will be the responsibility of the Owner. The Municipality will supply a maximum of 4 meters (< / = 38mm), if more than 4 meters are required the building must be bulk metered with one meter. If The Municipality is involved in the ordering or installation of such meter, the Owner will be invoiced as per Table 4.0 in the Rates bylaw. The Meter and Remote Read-Out Unit shall be installed prior to occupancy of the Premises. The Meter and Remote Read-Out Unit shall remain the exclusive property of the Municipality and may be removed at the Municipality's discretion, upon the same being replaced by another Meter and Remote Read-Out Unit, or for any reason which the Manager may, in his discretion, deem sufficient.

5.8 Access - Installation - maintenance - repair - reading

Authorized personnel of the Municipality shall have access to the Premises to inspect, install, repair, replace, or alter the Meter and the Remote Read-Out Unit. The Municipality shall have free access at all reasonable times as authorized by S.80 (1) of the *Municipal Act, 2001* to all parts of every Premises to which any Water is supplied for the purpose of inspecting, installing, repairing, replacing, retrieving meter data and altering the Meter and/or Remote Read-Out Unit, within or without the Premises, or for placing Meters upon any Water Service Pipe within or without the Premises as the Municipality considers expedient.

5.9 Notice required - access

Failing to comply after reasonable attempts by the Municipality for access to the Premises, the Municipality may shut off or restrict the supply of Water to the Premises until such time as free and clear access to the Meter is provided.

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

(a) by personal service or by registered mail, serve the Owner, Customer and Occupants of the Premises 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 Premises is not obtained before that date;

(b) securely attach a copy of the notice described in clause (a) to the Premises in a conspicuous place.

5.10 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 gain access to the Premises and has been unable to gain access within fourteen (14) days after the later of,

(a) the day the last notice under part (a) of section 5.9 of this by-law was personally served;

(b) the day the last notice under part (a) of section 5.9 of this by-law was mailed; and

(c) the day a copy of the notice was attached under part (b) of section 5.9 of this by-law.

5.11 Restoration of Water supply - as soon as practicable

If the Municipality has shut off or restricted the supply of Water under section 5.9 to 5.11 of this by-law, the Municipality shall restore the supply of Water as soon as practicable after obtaining access to the Premises.

5.12 Access Violation - Owner or Customer to pay

All charges for any of the work and services mentioned in sections 7.9 to 7.11 of this by-law will be determined by the Municipality as indicated in the Rates Bylaw and shall be paid in full by the Owner or the Customer, as the case may be.

5.13 Every Premises Metered – Manager's discretion

All Water supplied by the Municipality to all Premises must be metered. Depending on the meter size the Municipality may supply the meter, see S 5.7 of this bylaw. Only exception of metering would be an empty lot that the Water supply has only been brought to property line and the service stub is unused.

Multi dwelling buildings with more than four (4) units will be bulk metered via one meter. Any meters installed after the bulk meter is deemed the property owners responsibility, including all cost associated with the extra meters. The Municipality will not read any meter other than the bulk meter in a more than four (4) unit scenario.

Where more than one meter is required per building, the meters shall be grouped in one location with access provided for the Municipality's meter reading staff and service personnel.

Exceptions to section 5.13 are for the discretion of the Manager only.

5.14 Installation to Municipality Specifications

All Meters, supplied by the Municipality, shall be installed in accordance with the Municipality's standards.

- A valve shall be installed as the water service enters the building and be accessible. The water meter shall be installed directly after this valve and must be the first plumbing connection on the internal water service line. Only exception considered is for an internal fire protection / sprinkler system. Historically some fire lines have been deemed uninterrupted water lines and are unmetered as to not cause disruption of service for meter maintenance and minimize flow restriction. Unmetered fire lines are subject to sprinkler charges as per the Rates Bylaw.
- The water meter shall be installed in a horizontal position.
- It would be beneficial for the Municipality and the home owner to have a valve installed on the immediate downstream side of the meter. This would avoid draining the house plumbing during meter maintenance. The Municipality will not enforce but rather recommend this valve.
- No type of electrical grounding should be connected to a Water meter or the meter spuds.
- An open area of one (1) meter must be maintained around all water meters to allow for safe accessibility and maintenance.

5.15 Meter Pit

Meter Pits are deemed a secondary option and will not be acceptable in new construction. At the manager's discretion a Meter Pit may be considered if plumbing a meter internally in an existing building is not a practical option, the likelihood of this would be extremely rare.

If a Meter Pit is required, the following requirements must be met:

- Water proof vault
- Enough room for workers to perform maintenance
- Proper lid with lock and key provided to Municipality

The Municipality will supply the water meter and spuds and the customer will be responsible for the meter vault and any plumbing required on the service extension.

5.16 Meter location – Manager to consent to change

Once installed, the location of a Meter shall not be changed by any person except with the written consent of the Manager.

5.17 Private Meters - Owner responsible

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

5.18 Valve maintenance - responsibility of Owner

The Owner shall be responsible for maintaining in good working order, the inlet valve to the Meter and shall ensure that the inlet valve is accessible.

5.19 Leaks must be reported

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

PART 6

CROSS CONNECTIONS AND BACKFLOW PREVENTION

6.1 Protection from Contamination

No person shall connect, cause to be connected, or allow to remain connected to the Water Distribution System any piping, fixture, fitting, container or appliance, in a manner which under any circumstances may allow Water, waste water, non-potable Water, or any other liquid, chemical contaminant or substance to enter the Water Distribution System. The means for "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act*, *Safe Drinking Water Act*, *Municipal Act* and the *Fire Protection & Prevention Act*.

6.2 Inspection for Cross Connections - access

The Manager, Chief Building Official and/or authorized Municipal representative shall have free access, at all reasonable times, and upon reasonable notice given and request made to all parts of every Premises to which any Water Service Pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any Water Service Pipe, wire, rod or Cross Connection within or without the Premises.

6.3 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.

6.4 Order to install Control Device

If a condition is found to exist which is contrary to section 6.1 of this by-law, the Manager or designate 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 6.1 of this by-law.

6.5 Failure to install - notice - water shut-off

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

(a) Give notice to the Customer to correct the fault, at their expense, within a specified time period and, if the notice is not complied with, the Manager may then shut off the Water service or services; or

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

6.6 Additional Control Device on service

Notwithstanding sections 6.1, 6.4 and 6.5 of this by-law, where a risk of possible contamination of the Water Distribution System exist in the opinion of the Manager or an approved authority, a Customer shall, on notice from the Manager or Public Health official, install on their Water Service Pipe an approved Control Device in addition to any Control Devices installed in the Customer's plumbing system at the sources of potential contamination.

6.7 Installation to required standards

Control Devices shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64.10-11 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices" as amended from time to time. The requirements for the selection and installation of backflow preventers for new construction or changes in use are set out in the Building Code and this work should be conducted by persons qualified for those purposes.

6.8 Inspection and testing - paid by Customer

All 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 qualified licensed or registered personnel to carry out such tests to demonstrate that the Control Device is in good working condition as identified within the CSA B64 standards. The Customer shall submit a report to the Municipality on any or all tests performed on a Control Device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the 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 license number.

6.9 Failure to test Control Device - notification - water shut-off

If a Customer fails to have a Control Device tested, the Municipality may notify the Customer that the Control Device must be tested within five (5) business days of the Customer receiving the notice. If the Customer fails to have the Control Device tested within the time allowed, the Manager may approve shutting off the Water service or Water services until the Control Device has been tested and approved as required by section 6.8 of this by-law.

6.10 Repair - replacement - by Customer

When the results of a test referred to in section 6.8 of this by-law show that a Control Device is not in good working condition, the Customer shall make repairs or replace the Control Device within five (5) business days. If a Customer fails to repair or replace the Control Device within the time allowed, the Municipality may shut off the Water service until such repair or replacement has been made.

6.11 Removal of Control Device - permission by Municipality

No person shall without the permission of the Municipality (Manager and or Chief Building Official) or Public Health official remove any Control Devices.

PART 7

SOURCE WATER PROTECTION

7.1 Protection from Contamination

No person shall dump or spill, by act, default, neglect or omission, any material, liquid or substance that pose a threat to the Municipal drinking water sources. Sources of contaminates include but

are not limited to sewage, manure, fuel, heating oil, chemicals: commercial and household, fertilizer, pesticides, road salt, and waste disposal.

7.2 Storage – Possible Contaminates

Safe storage practices must be implemented as a preventative measure to protect against threats of contamination to the Municipal water source for all property owners within the Aquifer Capture Zones. Storage practices must be in compliance with the Clean Water Act Part IV

7.3 Prohibition

Any new fuel or chemical storage facilities, including gas stations, will be prohibited where it poses a significant threat to drinking water sources.

PART 8

USE OF WATER EXTERNALLY

8.1 Regulations - use of Water – May 1st to September 30th Annually

For the purpose of limiting the consumption of Water as necessary, the Municipality, at its discretion, by posting in local news publications and on Municipal resources, may restrict water use as follows:

(a) During the months of May, June, July, August, and September the External Use of 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.

(iii) some exceptions may be considered at the Managers discretion such as newly planted lawns, Lawn Bowling Club & garden centers, Municipal splash pad.

(b) The Manager is authorized to implement, at any time, any other regulation or a stipulation to limit the External Use of Water and this authority includes the right to ban completely the External Use of Water.

(c) Notice of the implementation of a Water use regulation by the Manager and the effective date thereof shall be given immediately in a manner determined by the Manager.

(d) Upon the announcement of the implementation of a Water use regulation by the Manager, no person shall use Water except in accordance with the provisions of such regulation. Violators will fined the Non Compliance fee as set out in the Rates Bylaw.

PART 9

PROHIBITIONS

9.1 Prohibitions under this by-law

No person shall:

(a) willfully 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) willfully discharge Water so that the Water runs to waste out of the Water works;

(c) being a Customer, Occupant or Owner of any Premises supplied with water from the Water works, 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, willfully 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;

(e) throw or deposit any injurious or offensive matter into the Works, or upon the ice if the water is frozen, or in any way foul the Water or commit any willful damage or injury to the Works, Mains, Service Pipes or Water, or encourage the same to be done;

(f) alter any Meter placed upon any Service Pipe or connected therewith, within or without any Premises, so as to lessen or alter the amount registered;

(g) construct or cause to be constructed any Service Pipe or Main to an existing Service Pipe or Main of the Works, or in any way obtain or use the Works without the consent of the Municipality;

(h) use Water externally when it may be prohibited in accordance with the regulations set out in Part 9 of this by-law;

(i) dig or excavate without locates;

(j) dispose of garbage or non-flushable consumables into the sanitary system. Or cause sanitary laterals to plug due to unmaintained grease traps.

PART 10

ENFORCEMENT

10.1 Fine - for contravention

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

10.2 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 imposed on the person convicted.

10.3 Offence - additional - damage to Works

Every person who, by act, default, neglect or omission causes any loss, damage, pollution, plugging or injury to any Works or appurtenance thereof is liable to the Municipality therefore and subject to penalties as outlined in this bylaw and the Rates Bylaw.

10.4 Offence - additional - willful damage

Every person who willfully or maliciously damages or causes or knowingly suffers to be damaged any Meter, Service Pipe, shut off valve, control device, remote read out device, conduit, wire, rod, fitting or other apparatus or thing belonging to the Municipality, 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 Meter, Service Pipe, shut off valve, control device, remote read out device, conduit, wire, rod, fitting or other appurtenances or thing belonging to the Municipality which is subject to a penalty outlined in the Rates Bylaw and recoverable under the *Provincial Offences Act*.

10.5 Offence - additional - injuring Works

Every person who willfully removes, destroys, damages, pollutes, plugs, fraudulently alters or in any way injures any Meter, Water/Sewer Service Pipe, shut off valve, control device, remote read out device, conduit, wire, rod, Water/Sewer fitting or other appurtenances or thing belonging to the Municipality thereof 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*.

10.6 a) Water Theft

Anyone who willfully impairs or knowingly alters, so that the Meter indicates less than the actual amount of the Water that passes through it, or bypasses the flow of Municipal water through a Meter 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 Meter.

Anyone who takes Water from the distribution system via a hydrant or any other appurtenance without the permission of the Municipality, is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality.

Persons guilty of Water theft will also pay the Municipality double the value of the estimated surplus Water so consumed, all of which is recoverable under the *Provincial Offences Act*.

10.6 b) Sewer – illegal or unauthorized discharge

Anyone who willfully discharges into the sanitary system that is not connected as a customer of the Municipality or has not obtained permission from the Manager to dump at the Wastepant or into a collection manhole, is liable to a fine from the Municipality.

Persons guilty of illegal or unauthorized discharge into the sanitary system will also pay the Municipality double the value of the estimated surplus Water so consumed and discharged, all of which is recoverable under the *Provincial Offences Act*

10.7 Storm water Connection to Sanitary System

Storm water connections to the sanitary system are not permitted. If roof, storm, or surface drain connections are discovered then The Municipality shall specify a time period, as determined by the Manager, in which the illegal connection must be detached from the sewer lateral or sewermain and an applicable non compliance fee will apply as set out in the Rates Bylaw. If the property owner does not comply with the disconnection request then the Municipality reserves the right to shut off the water to the property associated with the illegal storm connection. The water will not be turned back on until such time the removal of the storm connections are completed and verified by Municipal Staff.

PART 11

CROSS BORDER SITUATIONS

11.1 Municipality of Central Huron providing services outside the Municipality

In a Cross Border situation where the Municipality is supplying water and/or collecting wastewater outside the Municipality, the customers shall be treated as The Municipalities Water and/or Sewer Customers and shall be subject to the regulations of this bylaw unless a mutually agreed upon specific agreement has been developed and implemented between the two municipalities. Where it is necessary, future upgrading of the Works will be required and that a frontage or similar charge will be levied to pay all, or part of the costs; the outside service municipality shall prepare the necessary bylaws, collect the charges, and make application for grants or subsidies. Any funds collected shall be paid to The Municipality of Central Huron or in some manner credited towards the upgrading project.

11.2 Municipality of Central Huron obtaining services outside the Municipality

In a Cross Border situation where the Municipality is being supplied water and/or having wastewater collected for treatment purposes from outside The Municipality, the customers shall be treated as outside governing body's Water & Sewer customers and shall be subject to the regulations of their applicable consumption bylaws unless a mutually agreed upon specific agreement is developed and implemented between the two municipalities.

PART 12

PREVIOUS BY-LAW REPEALED

12.1 Repeal - previous by-law

Bylaw 20 of 2001

12.2 Any Previous By-Law enacted by the Corporation of the Municipality of Central Huron

Repeal any previous bylaw regulating Municipal drinking water systems or sewer systems in Central Huron.

PART 13

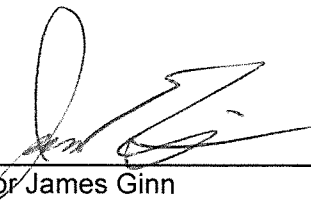
EFFECTIVE DATE

13.1 Effective Date

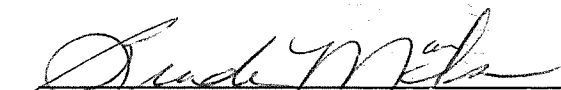
This by-law comes into force and effect on the date it is passed.

Read a first and second time this 22nd day of May, 2018.

Read a third time and finally passed this 22nd day of May, 2018.



Mayor James Ginn



Clerk Brenda MacIsaac