

The Corporation of the City of Kawartha Lakes**By-Law 2018-039**Report # W2019-004**A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes****Recitals**

1. The *Municipal Act, 2001*, S.O. 2001, c.25 allows municipalities to pass By-laws governing public utilities and permitting the setting of fees and charges related to the supply of water and wastewater services to the public.
2. The *Municipal Act, 2001*, S.O. 2001, c.25, sections 79 and 80, allow a municipality to have reasonable access to buildings and land supplied with water to maintain the system.
3. The *Municipal Act, 2001*, S.O. 2001, c.25, section 83 allows for a municipality to require security be given for payment of the proper fees and charges for the supply of the public utility or for extending the public utility to the land.
4. It is deemed prudent to enact rules and regulations to provide for the management and general maintenance of municipal water and wastewater works and fixing the rates and charges to be paid by owners and occupiers. Also due diligent to ensure an acceptable level of service meeting or exceeding Ontario Provincial Standards, Ministry of the Environment and Climate Change Guidelines and special Conditions and Requirements of the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-039

Section 1.00: Definitions and Interpretation**1.01 Definitions:** In this by-law,

“Agent” means a person authorized to act on another’s behalf;

“Applicant” means the owner of the premises for which water or sewage works are being sought or the authorized agent of the owner;

“Automated Meter Reading Program” means the programs or projects as may be adopted by the City, for the supply and installation of water meters and a radio communications network capable for reading, transmitting and collecting water meter readings throughout the City and includes all related equipment, software and hardware;

“Backflow Prevention Device” means a device or system that prevents backflow or back-siphonage into the waterworks and is designed to prevent contamination of the waterworks or water supply;

“Building” means a building or structure as defined in the *Building Code Act*;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, C. 23, as amended and includes the regulations thereunder;

“Building Permit” means a permit issued under the Ontario *Building Code Act*;

“By-Law” means this By-law, as may be amended from time to time. The Recitals to, and the Schedules attached to this By-Law are considered integral parts of it;

“Chief Building Official” (CBO) means the Chief Building Official, appointed pursuant to the *Building Code Act*;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Connection Charge” means the charge payable when required as a condition of a severance or when a property is connected to a water and/or sanitary sewer service, to finance the installation and connection of a water or sanitary sewer service from the watermain or sewer main to the property line;

“Consolidated Fees By-Law” means By-Law 2017-203 “A By-law to Amend By-law 2016-206, the Consolidated Fees By-law in the City of Kawartha Lakes”, as amended;

“Contractor” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the City to install or maintain mains, service mains, services, hydrants and other appurtenances. When work is undertaken on City owned property the contractor must be approved by the City;

“Council” or “City Council” means the municipal council for the City;

“Cross Connection” means any actual or potential connection between the waterworks and any source of pollution, contamination, or other material or substance that could change the quality of the water in the waterworks. This includes any bypass, jumper connection, removable section of pipe, swivel or changeover device, and any other temporary or permanent connecting arrangement through which backflow can occur. Individual protection would be installed on fixtures or appliances that have the potential of contributing to a cross connection;

“CSA-B64 Series Standards” means the Canadian Standards Association standard for Backflow Preventers and Vacuum Breakers, as amended;

“Delinquent Account” means an account for service issued by the City which remains unpaid after the due date;

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Director of Engineering and Corporate Assets” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Dwelling Unit” means a unit that is operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Fire Code” means the Ontario Regulation 213/07 made under Part IV of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4;

“Flat Rate” is the fee charged when there is no meter available to measure consumption for billing purposes and based upon average consumptive usage of 178 m³ annually.

“Frontage” is defined as:

- (a) Where the property is zoned agriculture, the length shall be the frontage of the residential usage portion only;
- (b) Where the property is not zoned for agricultural use, the length shall be the frontage along which the main runs;
- (c) Where a property is serviced on more than one side, the length shall be calculated for the side from which the property is being serviced;

“Frontage Charge” means the charge payable, based upon the frontage of the property, when required a condition of a severance or when a property is connected to a water and/or sanitary sewer service that hasn't already been levied, to finance the maintenance, replacement and rehabilitation of existing underground infrastructure. Frontage charges are not the same as Development Charges imposed by City by-law, as applicable;

“Guidelines” means and is not limited to the Public Works/Engineering Services Subdivision/Site Plan Development Guidelines and Technical Standards for the City of Kawartha Lakes, and/or Design Guidelines for Drinking Water Systems 2008 by the Ministry of the Environment, and/or Design Guidelines for Sewage Works 2008 by the Ministry of the Environment, as applicable and amended;

“Irrigation Systems” means equipment, which includes sprinkler heads, piping and other components used primarily to apply water to vegetation;

“Inspection” includes:

- (a) An audit;

- (b) Physical, visual or other examination;
- (c) Survey;
- (d) Test; and
- (e) Inquiry;

“Licensed Operator” means for the purposes of this By-Law a person in good standing with the Ontario Water Wastewater Certification Office (OWWCO) and maintains a minimum Class I in Water Treatment, Water Distribution, Water Distribution and Supply, Wastewater Treatment and/or Wastewater Collection. The license held must be applicable to the system for which one is performing the work in.

“Manager of Environmental Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Manager of Revenue and Taxation” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Meter” means the device, which is the property of the City of Kawartha Lakes which measures and records the quantity of water passing through it and is read, serviced, maintained, and supplied by the City;

“Meter Chamber” means a device for the protection of a meter;

“Metered Water Systems” shall include City-owned systems where water is supplied to the customer using a measurement on a consumption meter;

“Municipal Act, 2001” means the *Municipal Act, 2001* S.O. 2001, c.25, as amended;

“Municipal Property” means any lands/property owned by the City and/or easements, rights-of-way and/or road allowances in favour of the City;

“Municipal Law Enforcement Officer” means a peace officer appointed by Council pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15, for the purpose of enforcing municipal By-laws;

“Occupier” means a person residing on or in a property; a person entitled to the possession of the property if there is no other person residing on or in the property; and a tenant or leaseholder; and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation. An occupier includes an occupant;

“Other Charges” means those charges related to repairs, installations, services rendered, or other expenses, exclusive of charges included in water rates, frontage charges and sewage service rates, payable by the consumer as provided for in this By-Law or as directed by City Council;

“Owner” means a person that has any right, title, estate, or interest in a property, other than that of only an occupant and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any person with authority or power over or control of that property on behalf of an owner. An owner includes a developer;

“Person” means a natural person, an association, a partnership or a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

“Premises” means any house, tenement, building, lot, or part of a lot, or both, in, through, or past which service pipes run;

“Private Hydrants” are situated within the limits of the property owned or occupied by the owner or occupier of the water, and/or installed at such locations to serve as exclusive fire protection for said buildings at such a site complex, i.e., institutions, condominiums, community centers, schools, etc.;

“Private Water Service Pipe” means the pipe, fittings and appurtenances which convey water from the water service connection at property line to a water meter, or to the point where the pipe and fittings connected to the water service connection enters a building or structure if there is no water meter;

“Private Sanitary Sewer Service Pipe” means the pipe, fittings, and appurtenances which convey wastewater from a building or structure to the property line.

“Property” includes but is not limited to both public and private lands, a house, building, structure, lot or any part of a house, building, structure or lot within the City, and is adjacent to water and/or sewage works and may be entitled to a service connection;

“Qualified Person” means a person whom meets the following requirements: is registered with the City’s Cross Connection Control Program; holds a valid and current Certificate of Achievement in Cross Connection Control endorsed by the Ontario Water Works Association (OWWA); is in possession of a current calibration certificate as required for the testing equipment to be employed; maintains commercial general liability insurance; and is authorized to perform the inspection and testing requirements of the program;

“Remote Readout Unit” means any device that is used to record or transmit, or both, the water consumption reading of a water meter and may be installed at a separate location from the water meter but does not include the water meter register;

“Sanitary Sewer” means the pipe, valves and fitting attached thereto, which transport and collect wastewater from abutting properties and general area;

“Sanitary Sewer Service Pipe” means the pipe and fittings that convey wastewater from the inside of an exterior wall of a structure to a connection on a main;

“Service Box” means the structure that houses the shut off valve;

“Service Connection” means water and/or sanitary sewer service connection;

“Sewage Works” means the works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the *Building Code Act* applies;

“Shut-off Valve” means the valve on or at water service connection owned and used by the City to shut off or turn on the water supply from the waterworks to a property. May also be referred to as curb stop;

“Special Meter Reading” means a reading taken by a person authorized by the City to read a meter for billing purposes at a time other than the normal billing cycle reading;

“Sprinkler System” means a dedicated water service installed to a building complex required by the *Ontario Building Code* or the *Ontario Fire Code* for the exclusive purpose of fire suppression of said structure;

“Streetline” means the boundary of private property which adjoins municipal property;

“Substantially Demolished” means the demolition of more than 50% of the exterior walls of the first story above grade of a building or structure, whether or not it is subsequently replaced;

“Supervisor, Overall Responsible Operator” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Supervisor, Water and Wastewater Operations” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Tenant” means a person that pays consideration to use or occupy land, a building or other property owned by another;

“Temporary Water Service” means:

- (a) A pipe installed from a public waterworks by the City, for a City project, and for a specified temporary period of time; and
- (b) A pipe installed with the permission of the Director for construction purposes;

“Treasurer” means the person within the administration of the City, which fulfills the function of the Treasurer as required by the *Municipal Act, 2001*, S.O. 2001, C.25;

“Valve” means a device for controlling the flow of water through a pipe. A valve on a service connection is also referred to as a stopcock, curb stop or shut-off valve;

“Water” means potable water supplied by the City;

“Water Account” means a record of water consumption and all fees and charges related thereto at and for a property;

“Watermain” means the pipe, valves and fittings attached thereto which transport and distribute water to abutting properties and/or general area;

“Water Service Pipes” means the pipe fittings that convey potable water from a connection a main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure;

“Water Works System” includes but is not limited to buildings, structures, plants, equipment, appurtenances, devices, conduits, intakes, outlets, underground pipelines and installations, and other works designed for the treatment, transmission, distribution and storage of water and includes lands appropriated for that purpose;

“Zone or Area Protection” is provided within a building or area of a building where a cross connection could occur due to installed equipment or work being performed.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Administration

2.01 The Director of Public Works shall oversee:

- (a) The operation and maintenance of the City's water and wastewater systems.
- 2.02 The Director of Engineering and Corporate Assets shall oversee:
 - (a) Development and implementation of standards and specifications governing the design and construction of the City's drinking water and wastewater systems; and
 - (b) The service application, review and installation process
- 2.03 Should emergency conditions arise that imperil the municipal water supply or its distribution, the Director of Public Works has the authority to:
 - (a) Take all remedial measures as deemed necessary to protect public health, which may include limiting or stopping the supply of water in any area and restricting the use of water for any specific purpose;
 - (b) Expend money and employ workers as needed to restore the City's drinking water system; and
 - (c) Report to Council as soon as practical after such measures are taken.
- 2.04 The Treasurer shall be responsible for:
 - (a) Arranging for the installation and repair of fixed water meter reading equipment;
 - (b) Administering water meter reading;
 - (c) Establishing water and wastewater rates;
 - (d) Accounting;
 - (e) Billing;
 - (f) Collecting fees and charges;
 - (g) Issuance of water certificates in conjunction with a final reading of the City meter and a final bill to the owner of the property when a written request has been received and the charge established in the Tariff of Fees By-Law has been paid; and
 - (h) Limiting or stopping the supply of water when there has been default of payment in accordance with the City's Water and Wastewater Billing and Collection Policy, or this By-law, as amended from time to time.

Section 3.00: Use and Receipt of Water

- 3.01 No person shall use, cause or permit water to be used other than in connection with the property to which it is supplied without prior written permission of the City, other than by authorized Kawartha Lakes Fire Services personnel acting in the course of their duties or other City personnel acting in the course of their duties.
- 3.02 No person shall sell water or otherwise similarly dispose of water without the prior written permission of the City, other than by authorized Kawartha Lakes Fire Service personnel or other City personnel acting in the course of their duties.
- 3.03 No person shall obtain water without paying the applicable charges, fees or rates for that water, except with the prior written approval of the City

other than authorized Kawartha Lakes Fire Services personnel or other authorized City personnel acting in the course of their duties.

- 3.04 The City does not guarantee any pre-determined water pressure or flow, or guarantee the water supplied to be free of colour, turbidity, taste or odour at all times.

Section 4.00: Installation and Maintenance of the Distribution and Collection Systems

- 4.01 Any and all work having to do with the supply of water and collection of wastewater, with the laying, repairing, renewing or the taking up of a watermain, sanitary sewer or service pipes on municipal property shall only be carried out where authorized by the officers, agents or servants of the City.
- 4.02 Any persons before proceeding with, or authorizing any construction, that will occur under, across or along any watermain, sanitary sewer or other water or sewage works forming any part of the City's system(s), shall seek approval from the City by providing in writing of their intention to proceed with the same. If, in the opinion of the City, it becomes necessary to support or relocate any watermain, sanitary sewer or other water or sewage works, the cost of such work shall be at the sole expense of the applicant. The City has the authority to supervise and/or direct such works, which shall be at the sole expense of the applicant.
- 4.03 No person, except those authorized by the City, shall:
- (a) Tap-off, interfere or make any connection with a watermain and/or sanitary sewer;
 - (b) Turn off, turn on or interfere in any manner with any watermain valve;
 - (c) Turn off, turn on or interfere in any manner with any service pipe; or
 - (d) Extend any watermain and/or sanitary sewer belonging to or that in the opinion of the City forms part of the City's waterworks and sewage works.
- 4.04 The City shall undertake only the following works on private property:
- (a) Such works as are necessary in connection with City owned meters, or other components of the waterworks system; and
 - (b) Inspection, disinfection, and testing of the installation or repair of private water services, as required by the City.
- 4.05 Where, on an emergency basis, the City assists the owner, at the owner's request, in the repair of a private service on that owner's property, all work performed by the City to assist the owner in that regard shall be performed at the owner's risk and cost. The owner shall have no claim whatsoever against the City for reason of that work.

Section 5.00: Water and Sanitary Sewer Connections and Applications

5.01 New or Changed Connections:

- (a) No person, including the owner or occupier, shall erect or cause to be erected any building, except an ancillary building, on lands serviced by the water and/or sewage works unless the building to be erected is connected to the water and/or sewage works.
- (b) No person, including the owner or occupier, shall connect to the City's water and/or sewage works or make changes or alterations to an existing connection to the City's water and/or sewage works without the written approval of the Director of Engineering and Corporate Assets and in compliance with this By-Law.

5.02 Application for Connection:

- (a) All persons who requires or requests water to be supplied to a property or collection of wastewater or a change or alteration to the existing water or sanitary sewer connection in relation to a property shall submit a Municipal Service Connections Application to the City to determine if services are available to the subject property.
- (b) The Municipal Services Connection Application shall be accompanied by any and all plans as may be required by the City to determine if the application is in accordance with applicable Guidelines and the standards, specifications and requirements of this By-Law. The owner shall be responsible for the completeness and accuracy of the information furnished on the Municipal Services Connection Application and in the plans at the time of making the application.
- (c) No connections shall be made until confirmation has been received from the Engineering and Corporate Assets department, including but not limited to all fees paid.

5.03 Installation of Water and Sanitary Sewer Service Connection(s):

- (a) All work and materials shall conform to the current Guidelines.
- (b) All water and/or sanitary sewer connections within municipal property shall be constructed by an Service Connection Contractor approved by the City.
- (c) The City retains the right to inspect and/or supervise any and/or all work performed on private property that relates to the installation of a connection to a City service pipe, not under the jurisdiction of the *Building Code Act*. This may require the hiring of a Licensed Operator. If in the opinion of the City, the installation is not completed in accordance with all applicable laws, including, but not limited to, the *Building Code Act*, and/or the standards and specifications of this By-law, it shall be made to conform, at the owner's expense.
- (d) In the event that a person connects to the City's water and/or sanitary sewage works, and/or installs a water and/or sanitary sewer service connection in a manner other than provided for in this By-Law, the Director of Engineering and Corporate Assets has the authority to order, at the owner's expense:

- i. Re-excavation of the connection for the purpose of inspection and testing and subsequent reinstallation of the works in compliance with this By-Law; or
 - ii. Disconnection of the service connection, which shall not be reinstalled and/or reconnected without the prior written permission of the appropriate Director and must be within full compliance with the requirements of this By-Law.
- (e) A separate and independent water and sanitary sewer service and water meter shall be required for:
 - i. Each single family dwelling;
 - ii. Each unit of a semi-detached building;
 - iii. Each dwelling unit of a linear row housing building or tenement;
 - iv. Apartment buildings;
 - v. Commercial buildings;
 - vi. Condominium apartment buildings; and
 - vii. Industrial buildings.
- (f) Any exemptions to section 5.03 (e) shall be at the discretion of the Director of Engineering and Corporate Assets and all approvals for exemptions shall be in writing.
- (g) Each and every water service connection shall be equipped with a shut-off valve that shall be located on municipal property or a location authorized in writing by the Director of Engineering and Corporate Assets, such valve(s) shall be the property of the City.
- (h) Each and every water and sanitary sewer service connection shall be installed and connected to the City's watermain and/or sanitary sewer along the frontage of the property unless otherwise authorized in writing by the Director of Engineering and Corporate Assets.
- (i) A separate connection service meter installed for irrigation and/or fire sprinkler systems is not permitted.
- (j) Shut-off valves for all water services, irrigation and/or fire sprinkler systems shall be fully accessible to the City. If shut-off valves are not accessible, the City will undertake relocation work to ensure the valves are accessible. All costs associated with relocation shall be at the owner's expense.

Section 6.00: Private Water and Sanitary Sewer Service Pipes and Private Fire Service Mains

6.01 Installation and Inspection:

- (a) All private water and sanitary sewer service pipes and private fire service mains and their appurtenances shall be installed by the owner, at the owner's expense, in accordance with all applicable law including, but not limited to, the *Building Code Act*, Guidelines and this By-law.
- (b) All private water service pipes and private fire service mains 100 mm in diameter and larger shall be tested and commissioned in accordance with City Guidelines and AWWA standards by a Licensed Operator to the satisfaction of the City.
- (c) No owner shall install a private water or sanitary sewer service pipe or private fire service, or permit a private water service pipe, sanitary sewer service or private fire service main to be installed on that owner's property except where:

- i. The watermain/sanitary sewer to which the connection is to be made is fully completed, tested and accepted by the City for operation;
 - ii. Water/sanitary sewer service connections have been installed to the satisfaction of the City; and
 - iii. The private fire service connections are installed to the satisfaction of the City.
- (d) In the event that a person installs or permits a private water/sanitary sewer service pipe or private fire service main to be installed in a manner contrary to this By-Law, the Chief Building Official has the authority to order the excavation of the installation and/or direct any other action as may be deemed necessary for the purpose of inspection and testing by the City, at the owner's expense.
- (e) If the City determines, after an inspection and testing, that a private water/sanitary sewer service pipe or private fire service main has not been installed in accordance with subsection 6.01 (a) of this By-Law, the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official has the authority to direct the owner to perform the necessary work to ensure full compliance. All works shall be at the expense of the owner and shall be completed within a specified time period.
- (f) Where an owner fails to or refuses to perform the remedial work as directed under subsection 6.01 (e), the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official has the authority to:
 - i. Issue an order to the owner to perform the necessary work, in addition to any requirements as determined by the Chief Building Official, to bring the private water and sanitary sewer service pipe and/or private fire service main, into full compliance with the applicable regulations, Guidelines and this By-Law; and
 - ii. Issue an order to disconnect the private service pipes and/or private fire service main from the water or sewage works.
- (g) Upon a disconnection by the Director of Engineering and Corporate Assets, Director of Public Works and/or Chief Building Official under subsection 6.01 (f) ii., the owner shall not reinstall a private water and/or sanitary sewer service pipe or private fire service main or both except:
 - i. Upon the prior written approval of the appropriate Director;
 - ii. Upon the payment of all applicable fees and charges in respect to the disconnection; and
 - iii. When work is in complete compliance with applicable Guidelines and this By-Law.

6.02 Maintenance and Use:

- (a) The owner or occupier of a property shall keep all private water/sanitary sewer service pipes and private fire service mains on that property, including but not limited to fittings, valves, meter chambers and supports thereof, in good working order and repair at all times.
- (b) The owner or occupier of a property shall repair any and all leaks, defects or malfunctions in, of, or on the private water/sanitary sewer

service pipes or private fire service mains on that property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, as soon as possible once they are made aware of any such leaks or defects or malfunctions, in accordance with all applicable City By-Laws and provincial legislation.

- (c) In the event that an owner or occupier fails to keep all private water/sanitary sewer service pipes and private fire service mains on that property, including but not limited to fittings, valves, meter chambers and supports thereof, in good working order and repair at all times or refuses to repair any and all leaks, defects or malfunctions in, of, or on the private water/sanitary sewer service pipes or private fire service mains on that property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, the Director of Public Works is authorized to issue an order to the owner or occupier to do so.
- (d) The owner or occupier shall comply with an order issued under subsection 6.02 (c) no later than forty-eight (48) hours after issuance.
- (e) If an order is issued under subsection 6.02 (a), 6.02 (b) or 6.02 (c), the owner or occupier shall pay the amount specified in the City's Consolidated Fees By-law with respect to any water not registered by the meter or for any water loss, for each day an order of the Director under subsection 6.02 (d) is out of compliance.
- (f) Notwithstanding subsection 6.02 (e), where the owner or occupier can provide, to the satisfaction of the Director of Public Works, an accurate record of actual water loss as a result of the leak, defect or malfunction, the amount payable may be adjusted to be equal to the amount so recorded, to the satisfaction of the Director of Public Works.

6.03 Investigation/Disputes:

- (a) Where an owner or occupier disputes the City's determination of the location of a leak or defect in a service connection, the owner or occupier may apply in writing to the Director of Public Works to request the City to conduct an inspection of the service connection and to perform whatever excavation may be necessary.
- (b) The owner or occupier shall set out, in the application, the basis upon which the owner or occupier disagrees with the City's determination of the location of a leak or defect in a service connection.
- (c) If the Director of Public Works, determines that an inspection by excavation is necessary to determine the location or cause of the leak or defect, the owner or occupier requesting the inspection shall pay to the City the deposit specified in the City's Consolidated Fees By-Law, prior to the commencement of the excavation.
- (d) The deposit shall be in the form of either cash or a certified cheque, or applied to the owner or occupier's utility account, as may be determined by the Director of Public Works.
- (e) If, upon an inspection under subsection 6.03 (a):
 - i. A leak or defect is found by the City on the City's portion of the service connection, the City shall refund the deposit to the owner or occupier;
 - ii. No leak or defect is found by the City on the City's portion of the service connection, the Director of Public Works has the

authority to determine the actual cost of the excavation, restoration and any other services or work performed by the City in relation to the inspection. Payment of those costs shall be the responsibility of the owner or occupier;

- iii. Should the actual cost of the work be greater than the deposit received under 6.03 (d), the owner or occupier shall immediately remit to the City the difference;
- iv. In the event the actual cost of the work is less than the amount of the deposit received under subsection 6.03 (d), the Director of Public Works shall authorize the refund of the difference to the owner or occupier. If the deposit was applied to the owner/occupier's utility account, a credit will be applied to the account.

Section 7.00: Demolitions

7.01 Demolition of a Building:

- (a) An application to disconnect services must be made on the approved form prior to a demolition permit being issued.
- (b) An owner who has received a permit to demolish a property shall notify the City in writing at least seven (7) days in advance of the date on which the water supply to the property is to be terminated, and shall make an appointment with, and provide access to the City to accommodate a final water meter reading, the removal of the water meter and the remote readout unit from the property, turn-off of the water supply at the shut-off valve and to allow for inspection of the plugged sanitary sewer service.
- (c) The owner or an agent of the owner shall be present at the property when the final water meter reading is taken, the water meter is removed, the water supply is turned off and the inspection of the plugged sanitary sewer service is complete.
- (d) The City may require that the services be disconnected and capped at the property line or at the watermain and/or sanitary sewer main, at the expense of the owner.
- (e) The owner shall pay the amounts specified in the Consolidated Fees By-Law, for the turn off of the water supply to the property and shall pay all City costs related to the disconnection of the water service connection from the water and sewage works in accordance with section 5.00 of this By-Law.
- (f) In the event an owner fails to provide access to a property prior to demolition of a building on the property, in accordance with subsection 7.01 (b), the owner shall pay to the City an amount equal to the cost of a new water meter and remote readout unit of the same type and size that was unable to be recovered by the Treasurer from the property in accordance with the amounts specified in the Consolidated Fees By-Law.
- (g) In addition to the amounts payable under subsection 7.01 (f), the owner shall also pay for the amount of water consumption from the last water meter reading date to the date of the disconnection of the water service connection from the waterworks, estimated by the Treasurer in accordance with subsection 10.03 (h).

- (h) Notwithstanding subsections 7.01 (e) and 7.01 (f), if the Treasurer determines that it is not necessary to recover a water meter from a property to be demolished, the Treasurer shall notify the owner in writing.
- (i) Upon receipt of a notice from the Director of Public Works following the inspection required under subsection 7.01 (b), and provided that the water meter has been removed or determined unrecoverable per subsection 7.01 (h), the owner may proceed with the demolition.
- (j) The owner shall be responsible for the payment of the fixed rate charge specified in Schedule "A" to this By-Law.

Section 8.00: Construction Water

8.01 Construction Water for Building:

- (a) For all newly constructed buildings where a Building Permit is issued and municipal water services are available, a construction water charge as per the Consolidated Fees By-law will be charged at the time of Building Permit issuance.
- (b) The water shall be used solely for the construction of the building for which the building permit is issued, which includes normal concrete and masonry work and other minor uses on the subject property and shall not be utilized for compaction or lawn watering purposes.
- (c) The City is authorized to terminate the supply of water to a property where a person has been authorized for construction water use and is found to be using construction water for compaction, lawn watering, use in a model home or where construction water is used to service more than one separately assessed parcel of land or other purpose deemed to be unacceptable by the City.
- (d) The owner shall pay all costs for the installation of any temporary or permanent water service connection of any size and all costs for the disconnection of any temporary water service connection.
- (e) The commencement date shall be the date the construction water is connected by the City and is valid for a three-month period from that date.
- (f) Should construction water be turned on by someone other than the City, the owner will be charged for the construction water from the date of the building permit to the date of the installation and commencement of use of the water meter.
- (g) Once the water meter is installed, the owner shall be charged the current water rates for all water consumption registered on the water meter in place of the construction water rate specified in Schedule "A" of this By-Law.

8.02 Extension of Construction Water Use:

- (a) The owner of a property who is utilizing construction water, who has not installed a properly working water meter within the initial three-month period set out in subsection 8.01, may apply to the Treasurer for an extension of the permit beyond that initial three-month period.
- (b) The extension period set out in subsection 8.02 (a) shall be for no less than three additional months.

- (c) Where the extension of construction water use is applied for and the consumption is not metered, a payment for the supply of water for the full term of the applied-for extension, calculated in accordance with the amounts specified in the Consolidated Fees By-Law, shall be made by the building permit holder at the time the request for the extension is submitted.
- (d) Once the water meter is installed, the owner shall be charged the current water rates for all water consumption registered on the water meter in place of the construction water rate specified in Schedule "A" of this By-Law
- (e) The owner shall be entitled to apply for additional extension periods but must comply with the requirements of subsection 8.01 (a) and (b) with respect to each request for an extension.
- (f) The Treasurer shall shut off the supply of water to a property where an owner who is authorized for the use of construction water under subsections 8.01 (a) and 8.01 (b) has not installed a properly functioning meter and has not requested and/or received an extension for the use of construction water for the property beyond the end of the initial three-month term or any approved extension term.

8.04 Backflow Prevention – Construction Water:

- (a) A backflow prevention device shall be installed in accordance with the current CSA-B64 Series Standards on each and every temporary water service connection to private water service pipes.
- (b) The owner shall pay all costs associated with the supply, installation, replacement or repair, and testing of the backflow prevention device(s).
- (c) If the backflow prevention device is either missing or damaged, the Director of Public Works is authorized to immediately order the shut-off of the water supply to the property until such time that the backflow prevention device is either replaced or repaired.

8.05 Fire Hydrant Used for Construction Water:

- (a) If authorization in writing is granted by the City for the temporary use of a fire hydrant for the supply of construction water, a temporary hydrant meter, valve and backflow prevention device shall be installed on the hydrant.
- (b) The City shall supply, install and seal the temporary hydrant meter, valve and backflow prevention device.
- (c) The owner and/or contractor shall pay the temporary hydrant meter fee as established in the Consolidated Fees By-Law prior to the installation of the temporary hydrant meter. This fee includes supply and install of the temporary hydrant meter, valve and backflow prevention device.
- (d) The owner and/or contractor shall pay for all water supplied from the fire hydrant as per Schedule "A" of this By-Law.
- (e) The owner and/or contractor shall protect the temporary hydrant meter, backflow prevention device and fire hydrant from freezing or any other damage, at all times, to the satisfaction of the City.
- (f) If any loss or damage occurs to the temporary hydrant meter, backflow prevention device, valve or fire hydrant the owner shall immediately notify the City and shall pay all costs associated with the replacement

or repair of the temporary hydrant meter, backflow prevention device or fire hydrant.

Section 9.00: Meter By-pass

- 9.01 No pipe connection shall be made to a water service pipe other than after the outlet side of the water meter, except where a by-pass around the meter has been approved in writing by the City.
- 9.02 An approved water meter by-pass shall be equipped with a shut-off valve that upon notification of its installation by the owner shall be sealed in the closed position by the City.
- 9.03 A properly installed by-pass, including sealed valve around the water meter shall be provided at the expense of the owner or occupier of the premises on which the water meter is located when required by the City.
- 9.04 No person shall break the City's seal on a by-pass valve, without the expressed authorization of the City.
- 9.05 If the owner or occupier fails or refuses to supply the by-pass pipe or valve(s) to the satisfaction of the City, the Director of Public Works has the authority to order the owner or occupier:
 - (a) To supply and install a new or replacement water meter by-pass pipe or valve(s);
 - (b) To remove any defective pipe or valve(s) and install new pipe or valve(s); and
 - (c) To repair and maintain the water meter by-pass pipe or valve(s), to the satisfaction of the City, at the owner or occupier's expense
- 9.06 An owner or occupier shall comply with a Director's order made under subsection 9.05 within seven (7) calendar days from issuance of the order.
- 9.07 If an owner or occupier fails to comply with a Director's order made under subsection 9.05 within the time required, the Director may undertake the work, at the owner's or occupier's expense, in accordance with Section 27.00 of this By-Law.
- 9.08 **Water Meter Chamber:** Where a meter chamber is required as determined by the City, the meter chamber shall be provided with a readily accessible remote reader in accordance with the City's current Guidelines.

Section 10.00: All Water Metered

10.01 Provision for Water Meter:

- (a) An owner of a property shall ensure that provision is made in the piping system of all existing, new and renovated buildings for the installation of a water meter of the same diameter as the private water service pipe in accordance with the City Guidelines.

- (b) A water meter shall be located at the point at which water service pipes enter the building unless directed by the City in writing, that another location may be used.
- (c) If a water meter cannot be located as stated in 10.01 (b) and determined by the City, it shall be equipped with a remote reader. The location of the remote reader shall be determined at the sole discretion of the City.
- (d) Additional, private meters or water meters required by this By-Law may only be installed by the owner at the discretion of the City.

10.02 Notification by Owner: Upon receipt of an approval from the Chief Building Official (CBO) for the installation of new plumbing or for all new or replacement private water service pipe installations, where a water meter is required to be installed under this By-Law, the owner shall immediately notify the Treasurer when the property is ready for the installation of the water meter.

10.03 Water to be Metered:

- (a) All water supplied by the City and consumed on the property shall pass through a meter owned by the City, save and except as stipulated in Section 3.00 and Section 8.00 of this By-Law, for use on the property unless the water in question is authorized by this By-Law to be used for fire protection, and shall be charged for at such rates as attached as Schedule "A", amended from time to time by Council.
- (b) Water meters shall be installed at a time determined by the City and shall be installed, maintained, repaired and disconnected by only employees or agents of the City.
- (c) Every water meter installed on a property shall be inspected and sealed by the City at or about the time of installation.
- (d) For water services not measured by a water meter, the Treasurer shall send a letter to the owner or occupier identifying a timeframe when a water meter will be installed.
- (e) If the property owner or occupier fails to contact the City to confirm the appointment, or to set an alternate date or time within ten (10) business days of the date of the letter, as referenced in subsection 10.03 (b), the Treasurer shall send a further letter by registered mail advising of the water meter installation date.
- (f) If the owner or occupier fails to respond to the letter referenced in subsection 10.03 (d), the Treasurer shall issue a final notice by registered mail stating that if the owner or occupier does not make suitable arrangements within five (5) business days for the installation of a water meter on the property, water services may be terminated with all costs for shut-off and turn-on to be added to the account in accordance with the Consolidated Fees By-Law. The Treasurer has the authority to issue an order under subsection 10.06 (b).
- (g) Water service discontinued as a result of action under subsection 10.03 (e) shall remain turned off until such time as a water meter has been installed and the provisions of this By-Law are complied with in full.
- (h) The water meter shall be prima facie evidence of the quantity of water supplied by the City.

- (i) In the event that a meter is found to not be registering, or is not registering correctly, the Treasurer has the authority to charge for consumption at the average rate for the previous year or, at a reasonable rate to be determined by the Treasurer.

10.04 Supply and Payment for Water Meters:

- (a) The City shall be the sole supplier of all water meters registering consumption of water supplied and billed by the City.
- (b) Strainers and connection fittings including water meter flanges to be attached to the water meter shall be provided by the City when required.
- (c) The City shall retain ownership of all water meters, strainers and connection fittings including the water meter flanges supplied by the City.
- (d) The owner or occupier shall pay the amounts specified in the Consolidated Fees By-Law for the water meter supplied by the City in accordance with subsection 10.04, at the time of Municipal Service Connections Application and/or Building Permit issuance, except where:
 - i. The property is a property to which the City supplies water meters as part of the automated meter reading program and replacement program; and
 - ii. The program exempts such fees and charges.
- (e) No water and sanitary sewer service connection shall be approved by the City until all amounts required to be paid under subsection 10.04 (d) have been received.

10.05 Supply of Water – New Installation:

- (a) No person shall turn on the water supply to a property other than authorized Kawartha Lakes Fire Services personnel or other authorized City personnel acting in the course of their duties or as an authorized agent or contractor of the City expressly acting within the scope of their work or services, until the City has inspected and sealed the water meter installed at the property.
- (b) In the event that water supply to a property has been turned on prior to the City's inspection and sealing of the water meter at the property, the City shall immediately, without notice, terminate the supply of water to the property.

10.06 Refusal to Install:

- (a) Under a universal metering program or automated meter reading program, no owner or occupier shall refuse or obstruct the City in the installation of:
 - i. A water meter and related items; and
 - ii. Automated meter reading equipment.
- (b) In the event that the owner or occupier refuses to allow the City to install a water meter and/or any related items and equipment as required, the Director of Public Works or Treasurer may issue an order to the owner to do so.

- (c) The owner or occupier shall comply with an order issued under subsection 10.06 (b) no later than seven (7) days after issuance.
- (d) If an owner or occupier fails to comply with an order under subsection 10.06 (b), the City may undertake the work at the owner's expense in accordance with subsection 27.04 (a).

10.07 Remote Readout Unit and Remote Readout Unit Wire:

- (a) For each water meter at a property, the City may provide each metered property with a remote readout unit(s) and a wire for each remote readout unit.
- (b) The City shall be the sole supplier of remote readout units and wires to each property.
- (c) Ownership of the remote readout unit(s) and wires shall remain with the City.
- (d) The owner or occupier of a property shall protect the remote readout unit and wire from damage.
- (e) The City shall inspect and connect the new wire or remote readout unit installation, and the owner of the property shall provide access to the City to do so.
- (f) If the wire or the metallic electrical conduit required becomes damaged, the City shall provide and install new wire and conduit at the owner's or occupier's sole expense, as per the Consolidated Fees By-Law.
- (g) If the remote readout unit becomes damaged, the owner or occupier of the property shall pay the full cost to the City for the City to supply and install a new remote readout unit, and any protective device, as specified in the Consolidated Fees By-Law.
- (h) An owner or occupier of the property shall ensure that the remote readout unit is easily accessible to the City, in a location approved by the City, at all times, and at no time shall access to it be obstructed or denied.

10.08 Bulk Water:

- (a) Water obtained from a City owned bulk water fill station shall be metered and bulk water consumption fees as per Schedule "A" to this By-Law shall be paid.
- (b) There shall be no mixing of pesticides or other chemicals deemed to be harmful to bulk potable water by the City on City owned property where there is a bulk water fill station.
- (c) It is the responsibility of the person obtaining water from the bulk water fill station to supply their own connections, hoses, containers, etc. that have been strictly used for potable water.

Section 11.00: Care and Operation of Meter

11.01 Owner's or Occupier's Responsibility:

- (a) The owner or occupier of the premises on which a water meter is to be located shall be responsible for:

- i. Paying the fee for the supply and installation of the water meter and remote reader in accordance with the Consolidated Fees By-Law;
 - ii. Protecting the water meter and remote reader from damage including freezing or destruction;
 - iii. Providing at all time easy access to the water meter and remote reader to the City for the purposes of meter reading, checking, repairing, installation and removal in accordance with subsection 12.02 of this By-Law;
 - iv. Paying the cost to repair or replace a damaged or stolen water meter or remote reader; and
 - v. Paying the cost to change the size of a water meter due to change in water use.
- (b) An owner or occupier shall be responsible for any and all water loss or water discharge that occurs and may be a result of, but not limited to: freezing, hot water, damage from any cause in a private water service pipe, private water system or private fire service main on that owner's property.
 - (c) Thawing of frozen water service pipes shall be the owner's or occupier's responsibility.
 - (d) Charges as a result of replacement of a damaged meter shall be added to a subsequent water/wastewater utility bill.
 - (e) An owner or occupier shall immediately notify the City of any breakage, stoppage or irregularity of performance issues related to the water meter.
 - (f) If a water meter is lost or damaged, the owner or occupier shall immediately notify the City. The City will undertake any repair or removal of a damaged water meter or the installation of a new water meter of a similar size and type or both, all at the expense of the owner or occupier.
 - (g) The City shall not be responsible for any damage to buildings or property in the course of, the installation, maintenance, repair or disconnection of any water meter, provided that the employees or agents of the City in the course of such installation, maintenance, repair or disconnection of any water meter, provided that the employees or agents of the City in the course of such installation, maintenance, repair or disconnection have taken reasonable care.
 - (h) In the case of a property subject to meter installation or replacement under a universal metering program or automated meter reading program, the City may install the water meter, conduit and wire for the remote readout unit and automated meter reading equipment.

11.02 Relocation of Water Meter: No person shall change or permit to be changed, the location of a water meter at a property following installation to the satisfaction of the City, without the prior written consent of the City.

Section 12.00: Water Meter Inspection

12.01 Water Meter Interference:

- (a) No person, except a person authorized by the City shall open, or in any way alter or tamper with any water meter or seal, or undertake any

action(s) that interfere with the proper registration of the quantity of water that passes through a water meter or ought to pass through a water meter.

- (b) No person shall connect or permit to be connected any pipe or other object to a private water service pipe upstream of a water meter or the by-pass pipe and valves.
- (c) If the City determines that a seal on a by-pass valve or a water meter has been tampered with or is broken, the City may chain or lock the by-pass valve in the closed position and may reseal the water meter at the owner's expense.
- (d) The seals placed upon the meters and by-pass valves shall only be broken by the City in the course of maintaining and operating the meter and the by-pass valves.
- (e) In the event that the seals are discovered to be broken, the City may cause an investigation to be made.

12.02 Access:

- (a) Every owner and occupier shall, at reasonable times and on reasonable notice, permit the City to have free, clear and unobstructed access to a property and to the location where a water meter is to be installed in or on a property or to permit the City to test, read, repair, maintain, alter, disconnect, remove, replace or install a water meter or seal a water meter that has been installed.
- (b) Notwithstanding the generality of subsection 12.02 (a), the location of a water meter shall be made accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (c) When requested by the City, an owner or occupier, shall permanently remove any insulating or other material from, on or around a water meter to provide the City with full, unobstructed access to the water meter.
- (d) Any replacement of the material referenced in subsection 12.02 (c) shall be undertaken by the owner or occupier at the owner's or occupier's sole expense in accordance with applicable Guidelines for water meters and all applicable law, including but not limited to the *Occupational Health and Safety Act*.
- (e) As part of an inspection, the City shall at all times be permitted to take photographs, including digital images, of any water meter, private meter, by-pass pipe and valves, inlet and outlet valves, backflow prevention device, private water system, private water service pipe, private fire service main or water meter chamber.

12.03 Any owner or occupier who fails to report to the City that a meter has been installed, shall be back-charged to the date the occupancy permit was issued, for water consumption and wastewater use (where applicable) and include a fixed rate charged on a prorated basis, to be estimated at the discretion of the Treasurer.

Section 13.00: Meter Reading

13.01 Every owner and occupier shall, at reasonable times and on reasonable notice, permit the City to have free, clear and unobstructed access to that

person's property and to the location where a water meter is installed on that property to permit the City to read the water meter which has been installed.

Section 14.00: Meter Testing On Request of Owners/Occupiers

- 14.01 Any meter shall be removed and tested upon the written request of the owner or occupier to determine if the water meter is over-registering the amount of water consumed at the property.
- 14.02 If the water meter is found to register correctly, slowly or not to exceed three percent (3%) in favour of the City of the actual flow, the person requesting meter removal and testing shall pay the expense of removing and testing the meter.
- 14.03 The minimum charge for testing a meter shall be in accordance with the Consolidated Fees By-Law. If said meter test shows the meter to be registering incorrectly, no charge for testing shall be levied in accordance with the Consolidated Fees By-Law.
- 14.04 Charges incurred under subsection 14.03 shall be added, if required, to the subsequent water/wastewater utility bill.
- 14.05 If a meter, when tested, is found to register in excess of three percent (3%) of the actual flow in favour of the City, a refund shall be made to the owner or occupier in an amount equal to such excess percentage on the invoice for the one (only) quarterly period immediately prior to the testing of said meter.
- 14.06 The City may, at its sole discretion, make periodical inspections or tests of meters on the distribution system and reserves the right to substitute other meters for existing meters, owned by the City.

Section 15.00: Water for Fire Extinction

- 15.01 Where a fire line is provided, no water shall be taken from it except for fire protection purposes and for testing and maintenance as required by the Fire Code.
- 15.02 Fire lines that are not supplied by a separate service shall be connected before the meter to ensure water consumed for fire purposes is not read by the meter. Any new installations will require a separate service for a fire line.
- 15.03 All equipment used for a fire protection system shall be provided with suitable valves and approved by the City. A building permit shall be obtained for any installation.
- 15.04 Stand pipes for fire protection shall be installed in accordance with the *Building Code Act*, with an appropriate Building Permit obtained.

- 15.05 The City may require a compound meter be installed at a property. The meter is to be purchased for the City, and shall be installed and maintained by the City.
- 15.06 All systems shall be approved and installed in accordance with the *Building Code Act*, with a building permit obtained.
- 15.07 The City may require the installation of a Backflow Prevention Device on a fire service line depending on site specific conditions in order to protect the drinking water system. Location of a Backflow Prevention Device will be dependent on potential risk of the property. A building permit shall be obtained for any installations.

Section 16.00: Fire Hydrants

- 16.01 All fire hydrants shall be used for the purpose of providing water for the suppression of fires and the maintenance of the municipal water system.
- 16.02 No person other than, authorized City personnel and Kawartha Lake Fire Services personnel, shall use fire hydrants owned and maintained by the City.
- 16.03 The design, location, installation, repair and maintenance of all fire hydrants within the City's jurisdiction shall be undertaken in accordance with current Guidelines.
- 16.04 The City shall have the authority, through the development process, to secure adequate municipal fire hydrants in accordance with the above-noted Guidelines.
- 16.05 No person or persons shall without lawful authority open or close any fire hydrant or valve, or obstruct the free access to any fire hydrant (i.e ensure a minimum of one meter clearance around the hydrant), curb stop chamber, pipe or valve by placing upon it any building material, rubbish, snow or other obstruction.
- 16.06 The City, at its sole discretion, has the authority to remove any obstruction, to operate fire hydrants or valves, or to repair water lines, and shall not be liable for damages that may result from the replacement or repair.
- 16.07 Private fire hydrants shall be maintained accessible at all times and in good operating condition by and at the expense of the owner.
- 16.08 Water from privately owned hydrants shall not be used for purposes other than fire-fighting and maintenance of water quality unless the purpose is specifically approved by the Director of Public Works .
- 16.09 Private hydrants shall be tested and maintained on an annual basis by a Licensed Operator, at the owner's expense and in accordance with the Fire Code. Annual inspection/testing reports must be submitted to the City.

- 16.10 Where a fire flow test from a municipal fire hydrant is required by a property owner or occupier (i.e., for insurance requirements), and the property owner or occupier has hired a company to perform flow testing, the City shall be on-site during testing to operate fire hydrants and associated valves. A request must be made to the City seven (7) days prior to testing. The fee for this service is as noted in the Consolidated Fees By-Law.

Section 17.00: Water System Cross Connection Control and Backflow Prevention

17.01 Installation:

- (a) No owner or occupier shall connect, cause to be connected or allow to remain connected, any piping fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, wastewater or any harmful liquid, gas, vapour or other substance to enter the waterworks system.
- (b) Where, in the opinion of the City, there is a risk of contamination at a property, the owner or occupier of the property, upon issuance of an order from the Director of Public Works, shall install a backflow prevention device(s) approved by the City for the purpose of achieving premise isolation, regardless of any other protective device that may be installed on the private water system.
- (c) An owner or occupier of any Industrial, Commercial or Institutional buildings, which are deemed to present a moderate to severe hazard (as per Ontario Building Code, O. Reg. 332/12) and are connected to the City's waterworks shall be required to install in the building(s), a backflow prevention device as approved by the City to achieve premise isolation, at the owner or occupier's expense.
- (d) All backflow prevention devices required for premise isolation shall be selected, installed, replaced, maintained and tested by the owner in accordance with this By-Law, the *Building Code Act*, City policies and current CSA-B64 Series Standards.
- (e) Steam boilers or water heaters shall be fitted with a suitable check valve, in accordance with the *Building Code Act*, to prevent accident from collapse or damage, should the pressure in the watermain fail. The City shall not be liable for damages, which may result from pressure failure, no matter the cause of such failure.
- (f) The City, at its discretion may also require the owner or occupier to install zone or area protection as required by current CSA Standard B64 series within a plumbing system.
- (g) Owners or occupiers shall design, construct, install and maintain a premise isolation system for each water service connection and private fire service main so that the system is in compliance with all applicable law, including this By-Law, the *Building Code Act*, City policies and current CSA-B64 Series Standards.
- (h) Any owner, occupier or other person required to install a backflow prevention device shall obtain a building permit for each backflow prevention device to be installed.
- (i) Every owner or occupier required to install a backflow prevention device shall determine the proper device in accordance with CSA-B64

Series Standards and this By-Law, including any temporary backflow prevention device

- (j) Notwithstanding subsection 17.01 (i), where an owner or occupier is required to install a backflow prevention device under this By-Law, the City may direct the owner or occupier to install a specific type of backflow prevention device where the City determines that such specified device is necessary to prevent contamination of the waterworks.
- (k) Every owner or occupier required to install a backflow prevention device shall install the device downstream of the water meter and prior to any tapping, or where circumstances require, in an alternate location authorized by the City.
- (l) Every owner or occupier required to install a backflow prevention device shall ensure that it is in proper working order at all times and that all piping between the water meter and the backflow prevention device is clearly labeled "no connection permitted".
- (m) A backflow prevention device, approved by the City, may be installed with a detector assembly, in lieu of a detector check valve on new systems, with the written approval of the City.
- (n) A water service installed on a premise for fire protection purposes shall be equipped with an approved double check valve or backflow preventer, approved by the City, and shall be maintained in good working order at all times.

17.02 Inspection:

- (a) The owner or occupier shall ensure that all backflow prevention devices (BPDs) are inspected and tested in accordance with all policies, guidelines, by-laws and/or standards, including but not limited to the City's Cross Connection Control Program Policy and Directives.
- (b) If an owner or occupier fails to have a BPD tested, in accordance with subsections 17.02 (a), the City may notify the owner or occupier that the BPD shall be tested within ninety-six hours of the owner or occupier receiving that notice.
- (c) If an owner or occupier fails to have a BPD tested within ninety-six (96) hours when requested by the City, the City may shut off the water service until the BPD has been tested and approved pursuant to subsections 17.02 (a) of this Section.
- (d) If a condition is found to exist due to negligence, such as failure to have BPD inspected or tested or failure to maintain the backflow prevention device in good working condition, which in the opinion of the City is contrary to the aforesaid, the Director of Public Works may:
 - i. Shut off the service or services; or
 - ii. Issue an order to the owner or occupier to correct the fault at his or her sole expense within forty-eight (48) hours of receiving the order.
- (e) If the Director of Public Works determines that a contravention of subsection 17.01 (a) may exist at a property, the Director may immediately carry out an inspection and may issue an order or orders to the owner or occupier of the property or any other person who may be required to remedy the contravention.

- (f) Should the owner or occupier fail to comply with such order, the Director of Public Works shall proceed to administer penalties to the owner or occupier pursuant to subsection 25.01 of this By-Law. In the event that it is determined that this condition existed prior to this By-Law coming into effect, the owner or occupier shall remedy it as stated above.
- (g) If a test of a backflow prevention device reveals that the device is not in proper working condition, or is not in conformance with the Guidelines, the owner or occupier shall repair or replace the device within forty eight (48) hours of the performance of the test.

17.03 Access:

- (a) The City shall be allowed access, upon reasonable notice, to any premises that are connected to the waterworks system for the purpose of performing an inspection to locate possible cross connections.
- (b) Where access is not provided, a written notice by the City shall be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the City may, at its sole discretion, discontinue the supply of water to the premises until such time as access is provided for such access to occur.
- (c) Every backflow prevention device shall be installed in a location that is readily accessible as determined by the City, for operational, renewal, servicing, and maintenance and inspection purposes.
- (d) The location of the backflow prevention device shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (e) The City may, at reasonable times or in the case of an emergency, at any time, enter a property for the purpose of inspecting or testing a private water service pipe, private water system, a private fire service main, a backflow prevention device.
- (f) Owners and occupiers shall remove any insulating or other material on or adjacent to the private water service pipe, private water system, private fire service main, backflow prevention device so that full access to that pipe, system or devices are available for the testing and inspection purposes.
- (g) All of the removal and any subsequent replacement carried out under subsection 17.03 (f) shall be performed by the owner or occupier at that owner or occupier's expense in accordance with all applicable law including but not limited to *Occupational Health and Safety Act* and its Regulations.
- (h) No person shall obstruct or permit or cause the obstruction of the access to a private water service pipe, private water system, or backflow prevention device, either permanently or temporarily.

17.04 Surveys:

- (a) The City may require the owner or occupier of an existing industrial, commercial, institutional building, structure or property or any other property, that has the potential to contaminate the waterworks system, to submit a cross connection survey, to the City, at the owner or

occupier's expense. The survey shall be completed in accordance with City policies and directives.

- (b) If a cross connection survey is required, the owner or occupier shall submit it to the City by the date specified in the City's notification to the owner or occupier of its requirement.
- (c) Where the City has not specified a date by which the cross connection survey must be submitted in the notification to the owner or occupier of the requirement for a survey, the survey shall be submitted to the City within thirty (30) days of the survey being complete.
- (d) Owners or occupiers required to submit a cross connection survey to the City shall update those surveys and submit those updated surveys to the City at a frequency of not less than once every five (5) years from the date of the previous cross connection survey, unless otherwise required by the City for that premise based on the level of hazard determined by the survey, or within thirty (30) days of any increase in the level of hazard as defined under CSA – B64 Series Standards.
- (e) The survey shall be prepared and signed by a Qualified Person.

17.05 Removal:

- (a) No person shall remove or cause or permit to be removed a backflow prevention device after it has been installed unless that removal is:
 - i. Necessary to facilitate the repair of the device and that device is immediately replaced by a temporary device, until the time that the original device is satisfactorily repaired or replaced and tested; or
 - ii. For the purpose of immediately replacing the device with another device that meets or exceeds the requirements of this section; or
 - iii. Warranted due to alterations to the private water system which completely remove the risk of contamination for which the backflow prevention device was required, in which case:
- (b) The owner or occupier shall submit to the City a survey prepared and signed by a Qualified Person attesting to the fact that the device or devices are no longer required; and
- (c) The device shall not be removed until the City approves of the removal, which approval shall be made if the altered system no longer requires the device or devices in accordance with the standard and specifications and the CSA – B64 Series Standards; and
- (d) The cost of obtaining the necessary documentation under this subsection shall be the responsibility of the owner or occupier, or as otherwise authorized by the City.

Section 18.00: Right to Refuse Water Service

18.01 Delinquent Account:

- (a) No application shall be accepted by the City for the supply of water for any premises in respect of which water and/or wastewater rates, rents, or the price of service extension are owed to the City, until the account is paid.

- (b) The City has the right to turn off water supply and/or withhold from any person with a delinquent account with the City, regardless of the reason, until the amount owing is paid, whether such person resides on the premises where the water was used for which there are arrears, or on any other premises where water was supplied.
- (c) The City shall not be held liable for any damages that occur directly or indirectly as a result of a shut-off or turn-on of the water supply. It is the property owner and/or occupier's responsibility to ensure the internal plumbing and appliances are properly maintained at all times, and in the case of cold weather, that lines are drained to prevent damage due to freezing and thawing.

18.02 Water Shut-off Initiated by the City:

- (a) Except in cases of emergency, no person shall turn on or shut off or permit the turn-on or shut-off of the water supply to a property at the shut-off valve without the authorization of the City.
- (b) If the water supply to a property has been shut off by the City, no person shall turn-on or use the water supply or permit the water supply to be turned on or used without the prior written approval of the City.
- (c) The City may shut off the supply of water to a property if:
 - i. The charges, fees or rates imposed by this By-Law or any other By-Law or City By-Law providing for charges, fees or rates in relation to the treatment and supply of water or collection and treatment of wastewater are overdue; or
 - ii. A fine imposed under this By-Law remains unpaid after the time required for payment of the fine has expired; or
 - iii. The owner or occupier has failed to comply with an order of a Director or Treasurer made under this By-Law within the time required for same; or
 - iv. A leak or other fault is found on the private water service pipe or water service connection and is creating or is likely to create an emergency situation, including but not limited to injury to persons or damage to adjacent properties including those of the City, and the City may keep the supply of water to a property shut off until the time that the leak or fault is completely repaired; or
 - v. The City determines that an immediate threat of contamination to any part of the waterworks exists that may endanger public health or safety, for the purposes of preventing, limiting or containing any such threat of contamination; or
 - vi. An emergency or potential emergency exists and an owner or occupier has not provided to the City immediate free, clear and unobstructed access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device in accordance with this By-Law, until the time that free, clear and unobstructed access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device is provided to the City.
- (d) In the event that water has been shut off for any reason provided in this By-Law or applicable laws, the City shall not be required to restore

the supply of water to a property until all outstanding fines, charges, fees and rates in arrears in relation to the treatment and supply of water and collection and treatment of wastewater have been paid in full, or arrangements satisfactory to the Treasurer are made to pay all outstanding fines, charges, fees and rates in arrears, and all orders of the Director or Treasurer have been complied with.

- (e) With respect to any shut off or subsequent turn on of the water supply to a property under subsection 18.02 (c) or 18.02 (d), the owner or occupier shall pay to the City the amount specified in the Consolidated Fees By-Law, for water shut off or subsequent turn on.
- (f) The City shall, prior to the shut off of a water supply, provide reasonable notice of the shut-off to the owners and occupiers of the land or property by personal service or prepaid mail or by posting the notice on the land or property in a conspicuous place, except in those situations as identified under subsection 18.02 (c).
- (g) The City shall not be liable for damage or loss caused by the stoppage, interruption or reduction of the amount of water supplied to the land or property of any person as a result of an emergency or a breakdown, repair or extension of the waterworks if, in the circumstances, reasonable notice of the City's intention to stop, interrupt or reduce the supply of water is given or with no notice in the event of emergency shut-offs.

Section 19.00: Right to Suspend Supply

- 19.01 During normal maintenance and emergency conditions, the City shall provide as continuous and uninterrupted service as is practical.
- 19.02 Where shutting off portions of the system is deemed necessary by the City, warning of the shut off shall be given where it is practical or possible to reasonably do so. Where necessary, in the opinion of the City, the water may be shut off and kept off for as long as necessary, the City, its servants or agents shall not be held liable for any damage resulting there from, whether or not notice of the shut off was given.
- 19.03 The Director of Public Works has the authority to suspend the use of City owned bulk water fill stations during maintenance and/or emergency conditions.

Section 20.00: Responsibility of Owners and Occupiers

- 20.01 Where a new service has been installed or where the water has been turned off to an existing service, a request to activate the service must be received by the City a minimum of five (5) business days in advance of when the service is required and the request must be made by the property owner or occupier.
- 20.02 Every owner or occupier taking water shall, at their sole expense, keep their service pipe, private hydrant, other appurtenance and all plumbing fixtures connected within his premises, in good condition and sufficiently protected from frost, hot water, blows, and injuries from any or all other cause.

- 20.03 The City shall not be held responsible for any damage arising from the owner's or occupier's failure to comply with 20.02.
- 20.04 The owner or occupier's responsibility shall extend from the service box, at or near the street line limit, into the building.
- 20.05 If a condition is found to exist in subsection 20.02 of this by-law which, in the opinion of the City, results in the loss of water or may be jeopardizing the potability of the water supply, the City may either:
- (a) give notice to the owner or occupier to correct the fault, at the owner's or occupier's sole expense within a specified period, or
 - (b) shut off the water service or services until such time that corrective action, satisfactory to the City, has been taken by the owner or occupier at the owner's or occupier's sole expense.
- 20.06 When any property left vacant, unattended or without heat, where the water supply has not been shut off at the shut off valve by the City, and the property suffers damage to it and its contents from a leaking or burst water pipe, neither the owner nor occupier shall have a claim against the City.
- 20.07 When any property is left vacant, unattended or without heat, it is the owner's or occupier's responsibility to shut off the water supply from within the property and to properly drain the piping/private water service therein. Furthermore, it is the responsibility of the owner or occupier to contact the City to make the necessary arrangements to stop the supply of water to the property.
- 20.08 If the condition is found to exist after the owner or occupier has been notified, the City may, at its sole discretion, enter upon the lands where the service pipes are located, and by its officers, servants or agents effect repair at the owner's or occupier's sole expense.
- 20.09 If the said costs and charges are not paid on demand the City may collect them in the same manner as the water and wastewater rates.
- 20.10 The shut off valve installed upstream of the meter shall not be used by the owner or occupier.
- 20.11 Any person authorized by the City for the purpose of inspection, examination or effecting repairs of meters, fixtures and pipes of every kind used in connection with the supply of water to, or the use of water on such premises shall be allowed, at all reasonable times, and upon reasonable notice given and request made, access to all parts of any premises to which water is supplied, for the said purposes.

Section 21.00: Shut-off and Turn-on by Request

- 21.01 No person shall turn on or shut off the supply of water to a property at the shut-off valve without the prior written authorization of the City.
- 21.02 **Water Shut Off:**

- (a) An owner or occupier of a property shall notify the City no less than five (5) business days in advance of the date and time which the owner or occupier requires the City to temporarily or permanently shut off the water supply to a property at the shut-off valve.
- (b) The owner's or occupier's notification shall be in writing if the owner or occupier requires the water supply to the property to be shut off permanently.
- (c) In the event that the property is occupied by tenants, the owner shall also provide the tenants with notice of the water shut off at the same time as the owner notifies the City under subsection 21.02 (a) and 21.02 (b).
- (d) The owner or the occupier's representative shall attend at the property at the time of the appointment to ensure that the City has access to the property, the water meter and the shut off valve.
- (e) In the case of an emergency, as determined by the City, the advance notice requirements in subsection 21.02 do not apply, however; the owner or occupier shall provide the notice as soon as possible in the circumstances.

21.03 Water Turn On:

- (a) An owner or occupier of a property shall notify the City at least five (5) business days in advance of the date on which a supply of water to a property is to be turned on.
- (b) The owner or occupier shall make an appointment with the City so that the City may attend at the property and turn on the water supply.
- (c) The owner or occupier or the owner's representative shall attend at the property at the time of the appointment to ensure the City has access to the property, water meter and the shut off valve.
- (d) Except in the case of an emergency or maintenance being performed on the waterworks by the City, the owner or occupier shall be present at the property when the water is either shut off or turned on by the City.
- (e) The owner or occupier shall have no claim whatsoever against the City by reason of any shut-off's that produce plumbing leaks when water is turned on. It is the property owner's responsibility to ensure the internal plumbing and appliances are properly drained to prevent damage due to freezing and thawing.

Section 22.00: Water Conservation Measures

- 22.01 At the City's discretion, no owner or occupier shall be allowed to use in any manner whatsoever, the water supplied by the City upon streets, lawns, gardens, yards, or grounds of any description, except during those hours set by resolution, policy, or By-Law by the City.
- 22.02 The Director of Public Works shall give reasonable notice, in the circumstances, to the public of the implementation of water conservation measures, the date on which it is to take effect and the conditions of the water conservation measure.
- 22.03 Where the Director of Public Works has declared, lifted or downgraded water conservation measures in accordance with this By-Law, he or she

shall cause notification to be made to the affected property owners by advertisement in various media outlets, including but not limited to local newspapers, other media, posting on the City's website, etc.

22.04 The City has the authority to implement water conservation measures when one or more of the following signs are observed and/or continue:

- (a) Well water levels are starting to drop below seasonal levels;
- (b) Pump running times are longer than normal;
- (c) Dry weather is predicted; and/or
- (d) Water demand is higher than normal.

22.05 Where the Director of Public Works has declared that Phase One measures shall be implemented the following conditions apply:

- (a) A property with an odd-numbered municipal address shall water lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation at that property on a day which is identified on the calendar with an odd number;
- (b) A property with an even-numbered municipal address shall water lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation at that property on a day which is identified on the calendar with an even number;
- (c) Water of lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation shall only be watered between the hours of:
 - i. Six o'clock (6:00 a.m.) in the morning and nine o'clock (9:00 a.m.) in the morning, or
 - ii. Seven o'clock (7:00 p.m.) in the evening and ten o'clock (10:00 p.m.) in the evening.

22.06 Where the Director of Public Works has declared that Phase Two measures shall be implemented the following conditions apply:

- (a) No persons shall water any lawns, sports fields, grassy areas, golf courses, trees, shrubs, gardens, flowers or other vegetation of any property;
- (b) No washing of motor vehicles;
- (c) No filling or topping up of any swimming pools, wading pools, hot tubs, garden ponds, and fountains and other outdoor water features; and
- (d) No use of outdoor misting systems.

22.07 Notwithstanding subsection 22.05 and 22.06, the Director of Public Works may exempt the following from compliance of Phase One and Phase Two measures:

- (a) Municipal property (as governed by section 22.09)
- (b) The watering of flower beds, gardens, trees or shrubs on any property by hand;
- (c) Commercial facilities that rely on water for their operations (including but not limited to such uses as car washes, commercial garden centres and/or tree and plant nurseries);

- (d) Tee-off areas and putting greens on golf courses, newly sodded or seeded lawns, and newly planted trees, that have been in situ for thirty (30) days or less; and
- (e) The topping of swimming pools to maintain pumping/filtration capability and to comply with health and safety requirements.

22.08 In the event of any emergency, industrial and commercial operations may be required to cut back or to temporarily cease operations during the period required to address the emergency, if in the sole discretion of the City it is advisable to do so in order to ensure public safety in accordance with other applicable City By-Laws.

22.09 Municipal Property:

- (a) Where either Phase One or Phase Two measures have been implemented, the flower beds and shrubs on municipal property must be watered (by any method) at reduced levels, as determined by the Director of Public Works.
- (b) Where either Phase One or Phase Two measures have been implemented, sports fields on municipal property may be watered, on a case-by-case basis, as directed by the Director of Public Works.

Section 23:00: Fees, Charges, and Billing, and Responsibility for Payment

23.01 Frontage and Connection Charges:

- (a) Frontage charges shall be applied to all properties, including properties that are exempt from taxation, where a property fronts on a watermain and/or sanitary sewer main.
- (b) Frontage charges are calculated based upon the rates adopted by Council included in the Consolidated Fees By-Law.
- (c) Connection charges shall be paid as noted in the Consolidated Fees By-Law, prior to connection works commencing.

23.02 Costs of Disconnection of Service Connection:

- (a) In the event that an owner requests a disconnection of a service connection, the City shall determine:
 - i. The cost of providing that disconnection under the amounts specified in the Consolidated Fees By-Law, for that type of service disconnection, as may be established by the City from time to time; and
- (b) The property owner is responsible for all costs for the disconnection as required by the City including but not limited surface restoration, actual disconnection from main.

23.03 Temporary Hydrant Water Meter Fees:

- (a) If a person applies for a metered construction water service connection, either temporary or permanent, water shall be metered from the date water is first supplied to the property.

- (b) Water consumption registered on the water meter shall be billed in accordance with current City water rates.
- (c) No monthly construction water rate shall apply provided the water meter remains installed, undamaged, sealed and functioning properly.
- (d) Payment for all construction water shall be due immediately following use.
- (e) The City shall shut off the supply of water to the property if the fees and charges for the construction water are not paid in full when due.
- (f) The City shall not be obligated to turn the water on until the time that the construction water charges have been paid in full.

23.04 Shut-off and Turn-on by Request Fees: The owner or occupier shall pay to the City, for any shut off or turn on of the water supply to a property, the amount specified in the Consolidated Fees By-Law.

23.05 Water and Wastewater Service Charges:

- (a) A special meter reading charge as identified in the Consolidated Fees By-Law shall be charged to an individual service account when a reading is required for billing purposes at a time other than during the normal billing cycle.
- (b) A new account fee charge shall be charged to an individual service account at the time that the new account is commenced as per the Consolidated Fees By-Law.
- (c) A duplicate bill fee shall be charged as identified in the Consolidated Fees By-Law when a request has been made to provide the account holder with an additional copy of the bill.
- (d) Where an account holder has submitted a post-dated cheque for payment, and has requested the cheque be returned, a fee will be charged for the retrieval and return of the payment as identified in the Consolidated Fees By-Law.
- (e) Where an account holder has erroneously made an electronic payment to an account which is no longer in their name, the first transfer to the correct account will be done upon request at no charge, but when there are subsequent errors of the same nature made a fee will be charged for transferring the payment as identified in the Consolidated Fees By-Law.
- (f) An administration fee will be charged to accounts when the outstanding balance on the water/wastewater account is transferred to the municipal property tax account for the subject property for collection purposes.
- (g) Where a statement of activity on an account has been requested, a fee shall be charged as identified in the Consolidated Fees By-Law.
- (h) Where an invoice or notice is sent by registered mail a fee shall be charged and added to the service account as identified in the Consolidated Fees By-Law.
- (i) Where a duplicate receipt is requested for a service account, a fee will be charged for each year requested, as identified in the Consolidated Fees By-Law.
- (j) Where a payment has been returned to the City by a financial institution for any reason other than account holder deceased, a

returned payment fee will be charged, as identified in the Consolidated Fees By-Law.

- (k) Where a notice is hand delivered to a property in a collection effort, a fee shall be charged and added to the service account as identified in the Consolidated Fees By-Law.
- (l) Where a utility certificate is requested to provide the financial status of an account, a fee will be charged for the certificate as outlined in the Consolidated Fees By-Law.
- (m) Where a final notice is required in respect of collection of delinquent accounts, a fee will be charged to the service account, as outlined in the Consolidated Fees By-Law.
- (n) Only one water meter per water service shall be supplied for billing purposes.
- (o) Where a service has been disconnected for failure to pay an outstanding amount or a provision of this By-law has not been complied with, a fee shall be charged, as identified in the Consolidated Fees By-Law.
- (p) Where a service has been disconnected as identified in 23.05 (o) and is to be reconnected a fee will be charged as set out in the Consolidated Fees By-Law.
- (q) The owner or occupier of each separately assessed parcel of land that is connected to a watermain and in which a water meter has been installed shall pay a consumption rate as set forth in Schedule "A" of this By-law. This charge shall commence upon the installation of the meter by the City at the property.
- (r) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the City shall pay a fixed rate charge for water as set forth in Schedule "A" of this By-Law, commencing upon installation of the meter by the City at the property.
- (s) The owner or occupier of each separately assessed parcel of land that fronts a watermain and is subject to the requirements of By-Law 2014-255 "Mandatory Connection By-Law" shall pay a fixed rate charge for water as set forth in Schedule "A" of this By-Law, commencing three (3) months following written notification of commencement of fees.
- (t) The owner or occupier of each separately assessed parcel of land that is connected to the sanitary sewer system shall pay a sewer consumption rate based upon water consumption shown through the water meter as set out in Schedule "A" of this By-Law.
- (u) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the City and will be connecting to the sanitary sewer system shall pay a fixed rate charge for sewer usage as set forth in Schedule "A" of this By-Law, commencing upon issuance of the meter by the City.
- (v) The owner or occupier of each separately assessed parcel of land that fronts a sanitary sewer main and is subject to the requirements of By-Law 2014-255 "Mandatory Connection By-Law" shall pay a fixed rate charge for sewer as set forth in Schedule "A" of this By-Law, commencing three (3) months following written notification of commencement of fees.
- (w) The owner or occupier of each separately assessed parcel of land that is connected to a watermain where a water meter has not been

installed shall pay a calculated water flat rate as set out in Schedule "A" of this By-Law.

- (x) The owner or occupier of each separately assessed parcel of land that is connected to the sewer system, and where the water consumption is not measured through a water meter, shall pay a calculated sewer flat rate for sewer charges as set out in Schedule "A" of this By-Law.
- (y) The owner or occupier of each separately assessed parcel of land who receives sewage service but not receive water supply service from the City, shall pay a calculated sewer flat rate as set forth in Schedule "A" to this By-Law.
- (z) The rates set out in Schedule "A" of this By-Law are effective upon passage of this By-law and may be amended from time to time.
- (aa) Where customers are invoiced for more than one flat rate charge per unit, these charges are based upon historical calculations undertaken prior to amalgamation, and will continue until repealed.

23.06 Billing and Payment Requirements:

- (a) The City's Revenue and Taxation Division shall invoice residents on a quarterly basis, or at an alternate frequency as approved by Council, except where otherwise indicated in this By-Law.
- (b) Where necessary, quarterly invoices may be based upon estimates until the next reading may be obtained from the property.
- (c) In the case of payments received by mail, the date the payment is received shall be taken as the date of payment.
- (d) In the event the Treasurer determines that:
 - i. A meter is defective;
 - ii. A meter is not registering the correct amount of water used;
 - iii. The water meter reading has been incorrectly recorded;
 - iv. The person authorized to do so has been unable to obtain a water meter reading;
 - v. No water meter reading has been remitted to the City by the occupant or owner when requested to do so;
 - vi. A meter is unsealed or has an unsealed by-pass valve;
 - vii. A meter has not been installed; or
 - viii. The City implements an estimated reading program.

The Treasurer shall be entitled to estimate the water consumption at a property based on either the average consumption as shown by subsequent readings from a properly functioning meter accurately registering the water consumed at the property, or based on historical average consumption for the same or similar premises or use as shown by an accurately registering meter at such premises during a similar time period and invoice the owner or occupier accordingly for both water and wastewater use.

- (e) Under special circumstances where it is, in the opinion of the Director of Public Works, expedient to allow or direct an owner or occupier to run water continuously, the Director may authorize such usage and in such cases the City shall adjust the water invoice to conform to the owner or occupier's normal pattern of water usage. This does not include water usage under the Freeze Prevention Program.

- (f) The City has the right to estimate consumption based upon use and water service size during provision of unmetered temporary water service.
- (g) Partial payments on sewer and water accounts that are in arrears shall be applied in each instance to the arrears longest outstanding.
- (h) Notwithstanding any water that may be lost or not consumed at a property as a result of a break, malfunction or leak in a private water system, the owner or occupier shall be liable for the payment of all water fees in relation to any such water.
- (i) In the event that a property has more than one owner or occupier, each owner or occupier shall be jointly and severally liable for payment of the utility account.
- (j) Where a deposit of a tenant has been received by the City, it shall be considered a guarantee that the tenant will observe and obey the rules and regulations of this By-Law and will pay any amounts due to the City.
- (k) Where a tenant has been responsible for the payment of water and wastewater rates, upon vacating the premises, immediate notification shall be given by the owner to the City. Upon receipt of such notice, the meter will be read and the tenant deposit, where applicable, less the amount of the water and/or wastewater account, shall be returned by the City by mail to the tenant.
- (l) Where an amount remains owing on a tenant's account after the application of the deposit, and the final invoice remains unpaid for a period exceeding thirty (30) days, the property owner will be advised of the balance owing, and a request for payment will be made.
- (m) If the balance on a tenant's account remains outstanding for over sixty (60) days, the amount will be transferred to the property taxes for the property where the water and/or wastewater services were provided and collected in the same manner as taxes.
- (n) An administration fee will be added to the water and/or wastewater account prior to an outstanding amount being transferred to the municipal property taxes for the subject property, for collection as identified in the Consolidated Fees By-Law.
- (o) All water and wastewater rates and other charges shall be a lien and charge upon the land of the owner, whether consumed by the owner of the land, or a tenant of the land.

23.07 Late Payment Charges: All fees and charges, including water and wastewater service rates, which are in arrears, levied under this section and which are added to the water accounts, shall be subject to a late payment charge, as identified in the Consolidated Fees By-Law.

Section 24.00: High Water Bill Adjustment and Mandatory Service Connection Appeals Committee

24.01 High Water Bill Adjustment and Mandatory Service Connection Appeals Committee: A High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is established to hear and rule on appeals pertaining to against hHigh wWater bBill aAdjustments and the requirement for mMandatory sService cConnections (required by Sections 2.01, 2.02, and 2.0 By-law 2014-255, as amended)-decisions.

- 24.02 **Authority:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee may recommend to Council approval of high water bill adjustments or exemptions from mandatory service connections without prejudice or precedent to any other similar matter.
- 24.03 **Composition and Appointment:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be comprised of three members of Council appointment by Council.
- 24.04 **Term:** The Term of the Appointment of the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be the same as the term of Council.
- 24.05 **Administration:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall ensure that a member of City staff is assigned the role of secretary to the Committee with duties and obligations required in accordance with the Municipal Act.
- 24.06 **Governance:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be governed by the City's Procedural Water and Wastewater By-Law as amended from time to time by Council. With respect to Mandatory Service Connection appeals, appeals/exemptions to requirements of Sections 2.01, 2.02 or 2.03 of By-law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes" (as amended), shall be considered by the Committee.

Section 25.00: General Provisions

25.01 Access:

- (a) No person shall deny access to the City to a property for any purpose as provided for in this By-Law.
- (b) No person shall deny access to the City to a property where that person has been given reasonable notice by the City, as the case may be, of the intent to exercise a power of entry in accordance with the *Municipal Act, 2001*.
- (c) The City may, in accordance with the requirements of this By-Law, enter upon a property to which water is supplied and wastewater collected by the City:
 - i. To inspect, repair, alter or disconnect the service pipes or wire, machinery, equipment and other works used to supply water and collect wastewater;
 - ii. To read, inspect, install, repair, replace, maintain or alter a water meter;
 - iii. To inspect a backflow prevention device;
 - iv. To determine whether water has been, or is being, unlawfully used; or
 - v. To shut off or reduce the supply of water.

- (d) If an owner or occupier discontinues the use of water at a property or the City lawfully decides to cease supplying water to land or property, the City may enter on the land or property:
 - vi. To shut off the supply of water;
 - vii. To remove any property of the City from the property; or
 - viii. To determine whether water has been, or is being unlawfully used.
- (e) The powers of entry of the City are subject to section 435 to 439, inclusive, of the *Municipal Act, 2001*.

25.02 Inspection:

- (a) Notwithstanding any other provision in this By-Law, an employee, officer or agent of the municipality may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-Law or an order or direction issued in accordance with this By-Law.
- (b) For the purposes of any inspection, the City may:
 - i. Require the production for inspection of documents or things relevant to the inspection;
 - ii. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - iii. Require information from any person concerning a matter related to the inspection; and
 - iv. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (c) No person shall fail or refuse to comply with a request by the City to produce for inspection any document or thing or information relevant to the inspection carried out by the City in accordance with Section 25.02.

25.03 The City may enter upon lands for the purposes of an inspection and the other activities set out in subsection 25.02 (a) or (b) under an order issued under section 438 of the *Municipal Act, 2001*.

- (a) Where a provincial court judge or justice of the peace has issued an order authorizing the City to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this section, no person, when requested to do so by the respective Director, shall neglect or refuse to produce or deliver any information or documents or things required by this By-Law.

25.04 Obstruction:

- (a) No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not.
- (b) No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the Director(s) or Treasurer or their respective designate or any City personnel, agents or contractors in the exercise of an activity, power or performance of a

duty under this By-Law or the administration or enforcement of this By-Law.

- (c) The activities of the Director(s) or Treasurer or their respective designate or any City personnel, agents or contractors referred to in subsection 25.04 (b) may include, without limitation, the following:
- i. Entering in or upon, at any reasonable time without a warrant, any land, property or premises, except premises being used as a dwelling house in which case reasonable notice shall be provided under this By-Law and the *Municipal Act, 2001*; or
 - ii. Making such tests or taking such samples as the City deems necessary; or
 - iii. Inspecting or observing any plant, machinery, equipment, work activity or documents; or
 - iv. Reading, repairing, maintaining, altering, disconnecting, removing, replacing, installing or sealing a water meter, remote readout unit, backflow prevention device or any related item or any or all of the foregoing.

25.05 Protection from Damage:

- (a) No person shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:
- i. Any part of the water and/or sewage works; or any seal placed thereon, or attached thereto, or
 - ii. Any permanent or temporary device installed in or on the water and/or sewage works for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the City may deem necessary for the administration of this By-Law or the operation or maintenance of the water and/or sewage works.

25.06 Damage to the Waterworks: any owner or person receiving water from the waterworks shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-Law and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the waterworks or to properly protect water from contamination or any other damage including the cost of investigation, disinfection, repairing or replacing any part of any waterworks damaged or water contaminated thereby.

25.07 Damage to the Sewage Works: any owner or person conveying wastewater to the sewage works shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-Law and By-law 2016-006 "Establish Management and Use of Sewer Works", as amended, and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the sewage works.

25.08 Unauthorized Entry to Water and Sewage Works: Unless specifically authorized by the Director, no person shall enter into any chamber,

structure, building or property associated with the water and/or sewage works.

25.09 Offences:

- (a) Every person who contravenes any provision of this By-Law, and every director or officer of a corporation, who knowingly concurs in a contravention by the corporation of any provision of this By-Law is guilty of an offence.
- (b) Any fine imposed under Section 26.00 shall be payable in addition to any fees and charges payable under this By-Law.
- (c) Every person who:
 - i. Willfully hinders or interrupts, or causes or procures to hinder or interrupt the City, or any of its officers, agents or servants, in the exercise of any of the powers conferred by this By-Law; or
 - ii. Willfully or negligently lets off or discharges water so that it runs waste or useless out of the waterworks system; or
 - iii. Every person found operating or tampering with a shut-off valve in any way may be prosecuted as provided for by this By-Law.
 - iv. Without lawful authority willfully opens or closes any hydrant, or obstructs the free access to any hydrant, shutoff valve, chamber, pipe, or hydrant chamber, by placing on it any building material rubbish, or other obstruction; or
 - v. Throws or deposits any injurious, or offensive matter into the water or waterworks, or upon ice, if the water is frozen, or in any way fouls the water or commits any willful damage or injury to the waterworks, pipes or water, or encourages the same to be done; or
 - vi. Willfully alters any meter placed upon any service pipe or connection therewith, within or upon any building or other place, so as to lessen or alter the amount of water registered; or
 - vii. Lays, or causes to be laid, any pipe or main to communicate with any pipe or main of the waterworks, or in any ways obtains or uses the water without the consent of the City; or
 - viii. Being a tenant, occupier or inmate of any house, building or other place supplied with water from the waterworks; improperly wastes the water or without the consent of the City, lends, sells or disposes of the water, gives away, or permits it to be taken or carried away, used or applied to the use or benefit of another, or to any use and benefit other than his own or increases the supply of the water agreed for;

Is guilty of an offense, under this By-Law.

- (d) Every owner or occupier who willfully or knowingly impairs or alters a meter, or knowingly causes the same to be altered or impaired, so that the meter indicates less than the amount of water through it, shall be liable to pay the City double the value of the water indicated as having passed through the meter and in cases of non-payment of such expenses and charges, the water supply may be shut off by the City and not turned on again until all such expenses and charges are paid in full to the City and this, without prejudice, to the right of the City to

bring action against such person to recover such expenses and charges in any court having competent jurisdiction.

- (e) This By-Law may be enforced by Municipal Law Enforcement Officer, the Treasurer, the Director of Public Works and the Director Engineering and Corporate Assets.

Section 26.00: Enforcement, Offence and Penalties

- 26.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer or any person appointed by Council.
- 26.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended and to any other applicable penalty.
- 26.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25 as amended.
- 26.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25, as amended.
- 26.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

Section 27.00: General Enforcement Powers

- 27.01 **Restraining Order:** If this By-Law is contravened, in addition to any other remedy or penalty imposed by this By-Law, the contravention may be restrained by application by the City under the provisions of section 440 of the *Municipal Act, 2001*.
- 27.02 **Order to Discontinue Activity:**
- (a) Under the provisions of section 444 of the *Municipal Act, 2001*, the Director(s) or Treasurer may order any person who has contravened this By-Law or who has caused or permitted the contravention of this By-Law or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
 - (b) Any person who contravenes an order under subsection 27.03 (a) is guilty of an offence.
- 27.03 **Work Order:**

- (a) Under the provisions of section 445 of the *Municipal Act, 2001*, the Director(s) or Treasurer may order any person who has contravened this By-Law or who has caused or permitted the contravention of this By-Law or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.
- (b) Any person who contravenes an order under subsection 27.03 (a) is guilty of an offence.

27.04 Remedial Action:

- (a) In accordance with section 446 of the *Municipal Act, 2001*, where any matter or thing is required to be done under this By-Law, in default of it being done by the person directed or required to do so, that matter or thing may be done by the City which shall be at that person's expense and the City may recover the costs incurred for doing such matter or thing from the person directed or required to do it by adding the costs to the tax roll and collecting them in the same manner as municipal property taxes.
- (b) For the purposes of subsection 27.04 (a), the Director(s) or Treasurer may enter upon the subject property at any reasonable time.

27.05 Document Retention: The owner shall retain any document to be produced for inspection or approval or retained under this By-Law by an owner of a property for a period of seven (7) years.

27.06 Notice:

- (a) Where an order is issued by the Director(s) or Treasurer, the person to whom the order is made shall be deemed to have received the order on the date it is posted in a conspicuous place at the subject property or delivered in person or three days after being posted by first class prepaid mail to the person at the last known address provided to the Director(s) or Treasurer, or where no address for the person has been provided, by first class prepaid mail to the address for the person identified on the tax rolls.
- (b) The manner of delivery, set out in subsection 27.06 (a), shall be in the discretion of the Director(s).

Section 28.00: Contact Information

28.01 For administering or enforcing the requirements under this By-Law or any other applicable By-Law or By-Law of the City, the City may require an owner of a property provided with a service connection or equipped with a water meter, or an owner of a property where a water meter is to be installed, to provide them with:

- (a) That owner's full name, mailing address and telephone number;
- (b) The full name, mailing address and telephone number of any occupiers of the property; and
- (c) The full name, mailing address and telephone number of a person authorized by the owner to provide the City with access to the water meter or the location where a water meter is to be installed.

28.02 Every owner shall provide the Treasurer with a current contact name and telephone number within twenty-eight (28) days of a change in ownership or occupancy of a property.

Section 28.00: Administration and Effective Date

28.01 **Administration of the By-law:** The Director of Public Works, Director of Engineering and Corporate Assets and Treasurer is responsible for the administration of this by-law.

28.02 The Treasurer's authority in relation to this By-law is delegated to the Manager of Revenue and Taxation.

28.03 The Director of Public Works' authority in relation to this By-law is delegated to the Manager of Environmental Services and/or the Supervisor of Water and Wastewater Operations.

28.04 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor



2018-039Schedule%2
0A%20-%20Option%2

Cathie Ritchie, City Clerk

Schedule “B” – Rates/Fees for Septage Disposal as per “A By-Law to Govern Septage Disposal at City of Kawartha Lakes Sewage Works

Standard Septage Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$49.76	\$55.03	\$60.85	\$67.29	\$74.41
Rate per m ³	\$10.94	\$12.09	\$13.37	\$14.79	\$16.35

Holding Tank Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$20.66	\$28.47	\$39.21	\$54.02	\$74.41
Rate per m ³	\$4.54	\$6.26	\$8.62	\$11.87	\$16.35

Abattoir Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$20.66	\$28.47	\$39.21	\$54.02	\$74.41
Rate per m ³	\$4.54	\$6.26	\$8.62	\$11.87	\$16.35

Leachate

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$6.31	\$6.46	\$6.62	\$6.79	\$6.96
Rate per m ³	\$1.39	\$1.42	\$1.46	\$1.49	\$1.53

- **Registration Fee of \$50.00 for all owners/haulers.**
- **Administration Fee for Septage Hauled from Outside Municipal Boundaries – Flat rate of \$7.00 per tonne.**
- **Environmental Compliance Charge – Flat rate of \$100 per load for Abattoir Waste.**