

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-Law 2018-039

Report # MNN2019-011

Consolidated on April 2, 2019

Passed by Council on March 6, 2018

Amendments:

- | | | |
|--------------------|------------------|---------------|
| 1) By-law 2019-008 | January 15, 2019 | Section 24.00 |
| 2) By-law 2019-047 | March 26, 2019 | Schedule A |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2018-039

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,

“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

“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

“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.

- (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

- (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.

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.

- (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.

- (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.

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

- (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

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, or 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.

- 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.

- (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

- (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

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

- (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 tuned 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.

- (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

this By-Law, commencing ~~three (3) months following written notification of commencement of fees~~January 1, 2020.

- (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~~ Mandatory Connect Fee - Sewer as set forth in Schedule "A" of this By-Law, commencing ~~three (3) months following written notification of commencement of fees~~January 1, 2020.
- (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;

(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~~

~~2019-008 Effective January 15, 2019~~

~~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 high water bill adjustments and the requirement for mandatory service connections (required by Section 2.01, 2.02 and 2.03 of By-law 2014-255, as amended).~~

~~2019-008 Effective January 15, 2019~~

~~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.~~

~~2019-008 Effective January 15, 2019~~

~~24.03 Composition and Appointment: The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be comprised of three members of Council appointed by Council.~~

~~2019-008 Effective January 15, 2019~~

~~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.~~

~~2019-008 Effective January 15, 2019~~

~~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.~~

~~2019-008 Effective January 15, 2019~~

~~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 Section 2.01, 2.02 and 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.~~

~~2019-008 Effective January 15, 2019~~

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.

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

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:

Andy Letham, Mayor

Cathie Ritchie, City Clerk



Schedule A - 2019
Water and Wastewater