

By-Law #66- 2019

A By-Law to provide for the Regulation of Water Services in the Municipality of South Huron and to Repeal By-Law 56-2014

Whereas under the *Municipal Act, 2001, SO 2001*, as amended, provides under Section 11(3).4 that a lower-tier municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities; and

Whereas the *Municipal Act, 2001, SO 2001*, as amended, provides that section 8(1) that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern their affairs as they consider appropriate and to enhance the municipality's ability to respond to municipal issues;

Now therefore be it resolved that the Council of The Corporation of the Municipality of South Huron enacts as follows:

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**Part 1
Definitions**

1.1 Definitions

In this by-law:

"building" shall mean a structure supplied with water by the Municipality of South Huron.

"Municipality" shall mean The Corporation of the Municipality of South Huron.

"contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Municipality to install or maintain mains, service mains, services, hydrants and other appurtenances.

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

"customer" shall mean any person who enters into a contract with the Municipality to take water from the Municipality or to receive water related services from the Municipality.

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

"Director" shall mean the Municipality of South Huron, Director of Infrastructure and Development responsible for water and sewer, or their authorized representative.

"engineer" shall mean a registered professional engineer retained by the Municipality of South Huron to represent the Municipality.

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

"LHPWSS" shall mean the Lake Huron Primary Water Supply System Joint Board of Management.

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

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

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

"municipal address" shall mean a building or buildings identified by a number pursuant to the Corporation of the Township of Stephen By-law No. 18-2000 & 19-2000; Corporation of the Township of Osborne By-law No 20-1997; 31-1997 & 29-1998; and Town of Exeter Street numbering policy adopted by the Exeter Town Council and Municipality of South Huron By-law 40-2001 & 11-2002; as amended, or as provided for in any successor by-law thereto.

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

"owner" shall include any person who or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.

"plumbing system" shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately after the meter.

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

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

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

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

"Public Utilities" includes a system that is used to provide water services for the public.

"service extension" shall mean the portion of a water service pipe from the property line to the meter location, or for a fire service to the inside of the exterior wall of a structure, ie. an extension of a service stub.

"service stub" shall mean the portion of a water service pipe from a main to the property line which always includes one control valve.

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

"single detached residence" shall mean a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.

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

"tenant" includes a person who pays rent in return for the right to occupy a rental unit, as defined in the Residential Tenancies Act , 2006; and for the purpose of this by-law includes a person occupying a dwelling unit in a land-lease development. A tenant does not include a person who is a shareholder of a corporation that owns the residential complex.

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

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

"water related services" shall include but not be limited to those items set out in the *General Fees and Charges By-law*.

"water service pipe" shall mean the pipe and fittings that convey potable water from a connection on a main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure. For the purpose of establishing the water and sewer base and debt repayment charges, the water service size shall be the pipe size immediately after the shut off valve at the property line.

"waterworks" shall mean any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the 2006 Building Code Compendium, Ontario Regulation 423/06, or any amendments thereto apply.

Part 2 Application For Water Service

2.1 Application and payment prior to installation

The owner or their agent shall apply to the Municipality for a water service and before the service is installed, shall agree to pay for it at the rates as indicated in the *Water Rates and Charges By-Law*, including pre-payment of any applicable frontage charge as set out in the *General Fees and Charges By-law*.

2.2 Installation - payment required

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

2.3 Disconnection of service - payment

When an owner discontinues the use of a water service for water supply to a premises, the owner shall pay to the Municipality a charge as set out in the *General Fees and Charges By-law*, for disconnecting the meter for such service from the water distribution system.

2.4 Payment of Rates – Lump Sum

The payment of the rates as stipulated in Part 2.1 and 2.2 shall be paid as a lump total sum

Part 3 Water Rates And Charges

3.1 Application for water supply

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

After acceptance by the Municipality of an application for water service from a multi-residential land leased property owner, and before the initial supply of water or any subsequent reconnection to an individual dwelling unit located on the multi-residential land leased property, the individual tenant shall make application to the Municipality for the provision of water service and the tenant shall be governed by the requirements of this by-law.

3.2 Water measured by meters

The water consumed on all premises in the Municipality shall be charged for as indicated by the meter on each respective property at rates as indicated in the *Water Rates and Charges By-Law*.

3.3 Meter reading and billing

Water meters may be read and accounts be rendered monthly, quarterly or on any other basis at the discretion of the Municipality. The bill shall be deemed to be served upon the customer if it is delivered or sent by mail to the premises supplied.

3.4 Late payment charge and overdue notice

When an account is not paid within three (3) business days after the due date stated on the bill, a late payment charge, as set out in the *General Fees and Charges By-law*, shall be assessed to the outstanding amount of the account and an overdue notice shall be sent by mail reminding the customer of the outstanding account.

3.5 Non-payment Notice

Fifteen (15) days after the overdue notice is mailed should the account remain unpaid the Director shall deliver to the service address, a second notice.

Second notices issued for property owners will state that if the account remains outstanding by December 31st, in any year and is deemed uncollectable the amount will be transferred to the property tax account for the corresponding property for collection. Second notices issued for tenant accounts will be state that unless payment is received within five (5) days, the water supply will be shut off.

3.6 Non-payment - water shut off - lien

Fees and Charges under the Municipality Act, 2001, C.25 s 398 and Regulation 581/06 for the supply of a public utility have a priority lien status, and may be collected in accordance with the *Municipal Statutes Law Amendment Act, 2006*, and may be added to the tax roll against the property in respect of which the service was supplied. Therefore, where applicable, outstanding accounts will be transferred to property tax accounts. For all other customers the Municipality may, at its discretion, shut off the water supply to the premises. The Municipality shall provide reasonable notice of the proposed shut off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.

Multi-residential land leased properties with individual metering and tenant accounts; the owner of the multi-residential land leased property shall be responsible for payment of any tenant account that remains unpaid after sixty (60) days from the due date on the utility bill. Any unpaid tenant accounts shall have priority lien status, and may be collected in accordance with the *Municipal Statutes Law Amendment Act, 2006*, and may be added to the tax roll against the property in respect of which the water service was supplied.

If a defaulted account cannot be collected in accordance with the *Municipal Statutes Law Amendment Act, 2006* and cannot be added to the tax roll against the property in respect of which the water service was supplied, the defaulted account shall be sent to a collection agency in accordance with the Municipal collection policy for defaulted accounts. Receivables of \$25.00 or more shall be referred to a collection agency thirty (30) days after the third

collection letter is sent and the debtor has not responded. The debtor will be notified by letter that the account is being referred to a collection agency and that future correspondence should be with that agency.

3.7 Administrative Charge for non-payment Service Call

Where it has become necessary to arrange to shut off the water supply as a result of non-payment, an Administrative Charge as set out in the *General Fees and Charges By-law*, shall be levied against the delinquent account.

The administrative charge for a non-payment service call shall apply regardless if the water is turned off or not. Payment of this administrative charge shall be made at the Municipal Office at 322 Main Street in Exeter during regular business hours of the Municipal Office. Municipal Employees shall not accept payment outside of regular business hours. If the water is arranged to be turned on after the end of the regular outside operations shift (after 3:30pm on overtime or as a call-out), the administrative charge for a non-payment service call shall be at the applicable rate set out in the *General Fees and Charges By-law*.

3.8 Temporary removal & reinstallation of meter - charge

When the owner requests a temporary removal of the water meter from their premises, for any reason, the meter removal and reinstallation charge, as indicated in the set out in the *General Fees and Charges By-law*, shall be applied to their account.

3.9 Temporary or seasonal shutting off of water service

When the owner requests a temporary or seasonal shut off of the water service to their premises, for any reason, the charge to turn off or turn on the water service, as set out in the *General Fees and Charges By-law*, shall be applied to their account. Temporary suspension of a utility account for the duration of the shutdown shall not be permitted, and all utility charges shall continue for the full period that the water service is shut off. If an owner requests that service be discontinued for the shut off period, at the discretion of the Director, the meter shall be removed and the utility account closed, the meter removal and reinstallation charge, as set out in the *General Fees and Charges By-law*, shall be applied to their account.

3.10 Service installation charge

All water service pipes, except those to lands being developed under a Municipality development or subdivision agreement wherein the main is installed, may be installed on an actual cost basis at the owner's expense, including tapping of the watermain, the water service connection materials and all related labour costs.

3.11 Building and developer frontage charges

1) A frontage charge shall be payable as set out in the *General Fees and Charges By-law*, when a connection is made to the water distribution system.

2) Subsection 3.12(1) does not apply when a connection is made to a main:

- (a) which has been financed under the provisions of a local improvement;
- (b) which is the subject of an area rate water by-law;

(c) in a subdivision where there is an executed Subdivision Agreement with the Municipality.

3.12 Construction water charge

Water used during the construction phase of a building, prior to occupancy, is not required to be metered. The Municipality shall recover the cost of this construction water by applying a construction water charge, as set out in the *General Fees and Charges By-law*, to the cost of the owner's water service.

3.13 Temporary water supply – no connections to a fire hydrant

Where a customer requires a temporary water supply, such customer shall not be permitted to connect to a fire hydrant.

3.14 Meter testing charge

The charge for testing the accuracy of a water set out in the *General Fees and Charges By-law*. The process and conditions associated with a customer request to test a water meter for accuracy is set out in section 6.19 of Part 6 of this by-law.

3.15 Tenant Accounts

Tenant deposits shall not be taken by the Municipality, as accounts shall not be permitted to be established in a Tenant's name. Accounts shall be in the property owner's name, at the discretion of the Municipality. Existing tenant accounts, in good standing, will be permitted to continue until such time as the account is closed or becomes in arrears; and shall be re-established in the name of the property owner, at the discretion of the Municipality.

Tenant Accounts for multi residential land leased properties may be established, at the discretion of the Municipality, subject to the conditions as set out in this By-law.

3.16 Installation of meters multi-residential properties

Individual water meters shall be permitted to be installed at individual premises on a multi-residential property subject to the following conditions:

- a) A deduct water meter shall be installed at the property line, or at another location at the discretion of the Director, to meter the entire multi-residential private property.
- b) A deduct meter shall not be required if the complete water infrastructure on the multi-residential private property has been constructed in accordance with Municipal Standards as per an executed Development Agreement between the Developer/property owner and the Municipality.
- c) Each individual dwelling unit shall have a separate water service installed, servicing one dwelling unit only; and shall have a shut off valve installed on the individual water service.
- d) Additionally, if required by the Municipality, each individual dwelling unit shall have a pressure reducing valve, check valve or backflow preventor installed on the individual water service.

The owner of the multi-residential property shall be responsible for paying the cost of the difference between the deduct meter and the sum of the consumption on all the individual meters.

Part 4 Operation Of Waterworks

4.1 Conditions on water supply

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

4.2 Authority for Water Supply

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

The Municipality shall have the authority to construct, maintain and operate waterworks plant and equipment outside its boundaries, to establish whether and the terms upon which municipalities or persons outside the Municipality of South Huron may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers as permitted by Agreement with the Lake Huron Primary Water Supply System Joint Board of Management.

4.3 Unauthorized operation of fire hydrant – offence

No person, except for municipal personnel authorized under the *Safe Drinking Water Act, 2002*, is permitted to operate a municipal fire hydrant or fire hydrant on private property.

4.4 Unauthorized operation or interference – offence

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

4.5 Use of water from hydrants

Except for water used for fire fighting and Municipality approved maintenance or operations, any other use of a Municipal fire hydrant or hydrant on private property for water supply is prohibited.

4.6 Improper use of water from fire service - offence

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

Part 5 Water Service Pipes

5.1 Installation - by Municipality - by contractor

All water service pipes shall be installed by the Municipality or by contractors engaged by the owner for the purposes of such installation, except in new land development projects where agreements with the Municipality require the developer or subdivider to complete such work.

5.2 Installation - to Municipality specifications – Ont. Build. Code requirements

All water service pipes and private mains located within Municipality property shall be constructed according to the Municipality's Standard Contract Documents for Municipal Construction Projects (hereinafter called "standard contract documents") as approved by the Director from time to time. All water service pipes and private mains located on private property shall be constructed in accordance with the *2006 Building Code Compendium, Ontario Regulation 423/06*, as revised from time to time and in accordance with good engineering practices and shall be approved by the Chief Building Official. Where the *2006 Building Code Compendium, Ontario Regulation 423/06*, is silent the Municipality's specifications shall be applied and shall prevail.

5.3 Connection to main - prior application

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

5.4 Installation - alteration - approval by Municipality

For any new water service pipe or private main installation, or alteration of existing water service pipes or private mains, the owner must apply for approval from the Municipality for such work as specified in the Municipality's standard contract documents and the Municipality's specifications.

5.5 Installation inspection by Municipality

All water service pipes and appurtenances installed, including those required by a Municipality Subdivision or Development Agreement, must be inspected by the Municipality as specified in the Municipality's standard contract documents and the Municipality's specifications, the charge for which inspection is as set out in the *General Fees and Charges By-law*.

5.6 Installation - access for inspection

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

5.7 Permanent disconnection of service

The water service pipe must be disconnected at the watermain, the watermain plugged, and the curb box and rod removed at the owner's expense. All work must be inspected by the Municipality of South Huron, and the charge for such inspection is as meter set out in the *General Fees and Charges By-law*.

5.8 Maintenance of service stub - Municipality

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

5.9 Maintenance of service extension and private main - owner

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

5.10 Operation of shut-off valve

No person, other than persons authorized by the Director for that purpose shall be permitted to operate the shut-off valve to any premises.

5.11 Access to shut-off valves

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

5.12 Responsibility for protection, water loss, damage

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

5.13 Responsibility - vacant and unheated premises

When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. The owner or occupant may apply in writing to the Municipality to have the shut-off valve turned off to stop water supply. The valve shall be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate as set out in the *General Fees and Charges By-law*.

5.14 Responsibility - water damage

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

5.15 Responsibility for frozen pipes - Municipality - owner

Thawing out frozen water service stubs shall be the Municipality's responsibility. Thawing out frozen service extensions and private mains shall be the owner's responsibility. Where any employee of the Municipality assists the owner in the thawing of frozen pipes on the owner's property, all such assistance work shall be considered to be at the owner's risk, and the owner shall have no claim against the Municipality by reason of such work.

5.16 Responsibility for Hydrant Maintenance

Any hydrant situated within the road allowance is the property of the Municipality and shall be maintained by it; hydrants located on private property shall be maintained by the Municipality at the property owner's expense. Alternatively, the private property owner may maintain their private hydrants at their expense if maintenance is carried out by a trained, qualified person and shall provide proof of qualifications and proof of annual maintenance.

5.17 Renewal of service - Municipality - owner

The Municipality shall renew service stubs on public property at its expense and to its specifications when:

- (a) piping is deemed by the Director to be beyond repair;

5.18 Access - removal - inspection - fittings

Where a consumer discontinues the use of the water service, or the Municipality lawfully refuses to continue any longer to supply it, the Director may, at all reasonable times, enter the premises in or upon which the consumer was supplied with the water service, for the purpose of disconnecting the supply of the water service or of making an inspection from time to time to determine whether the water service has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the Municipality in or upon the premises, and may remove the same therefrom, doing no unnecessary damage.

5.19 Connections – Specific Restrictions

Connections to existing watermains are restricted at the following locations:

- (a) on the Lake Huron Primary Water Supply System transmission mains and related appurtenances, located in easements and on B-Line, Gore Road, Corbett Line, Huron Street and Airport Line within the Municipality of South Huron boundaries; and,

(b) on the Municipality of Lambton Shores feeder watermain located on B-Line, Grand Bend Line and Mollard Line, within the Municipality of South Huron boundaries; and,

(c) on the Municipality of South Huron feeder watermain located on Thames Road between Airport Line and McConnell Street.

(d) on the Municipality of South Huron feeder watermain located on Huron Street between Airport Line and Mary Street.

Part 6 Water Meters

6.1 Water to be metered - remedy for violation

All water used on premises within the Municipality of South Huron, except water used for fire fighting purposes, or water authorized by the Director, for construction or other purposes, shall pass through the meter supplied by the Municipality for use upon such premises, and in addition to whatever other remedies the Municipality may have by law in respect to infringement of this by-law, the Municipality may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water.

6.2 Supply - installation - ownership - replacement

The owner shall agree to pay the water service charges as indicated in the *Water Rates and Charges By-Law* before the Municipality will provide the owner with a meter and the meter must be installed prior to occupancy of the building. The meter, applicable pressure reducing valve (PRV) and backflow preventor (BFP) for all industrial, commercial, institutional, and residential water service installations shall be provided at the owner's expense. The meter shall remain the exclusive property of the Municipality and may be removed as and when the Municipality may see fit, upon the same being replaced by another meter, or for any reason which the Municipality may, in its discretion, deem sufficient, at the Municipality's expense. The PRV, BFP and shut off valve remain the property of the property owner and shall be maintained/replaced at the expense of the property owner.

6.3 Installation - maintenance - repair - access

The Municipality may shut off or restrict the supply of water to a property if the Municipality requires access to the property to install, replace, repair or inspect a water meter and the remote read out unit. Any person authorized by the Municipality for that purpose has free access, at all reasonable times, and upon notice given as set out in section 6.4 of this by-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.

6.4 Notice required – access

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

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

6.5 No shut off – reasonable effort – gain access

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

- (a) of section 6.4 of this by-law was served;
- (b) the day the last notice under part (a) of section 6.4 of this by-law was mailed; and
- (c) the day a copy of the notice was attached under part (b) of section 6.4 of this by-law.

6.6 Restoration of water supply - as soon as practicable

If the Municipality has shut off the supply of water under section 6.3 of this by-law, the Municipality shall restore the supply of water as soon as practicable after obtaining access to the property.

6.7 Charges - meters - owner to pay

All charges for any of the work and services mentioned in sections 6.3 and 6.6 of this by-law shall be determined by the Director as set out in the *General Fees and Charges By-law* and shall be paid in full by the owner or the customer, as appropriate.

6.8 Every building metered –Director’s discretion

Every separate building to which water is being supplied shall be furnished with a separate water meter, supplied by the Municipality except where non-compliance is acceptable to the Director. Additional water meters, supplied by the Municipality, may only be installed at the discretion of the Director.

6.9 Installation to Municipality Specifications

All water meters, supplied by the Municipality, shall be installed to conform to the specifications of the Municipality.

6.10 Meter location - Director to consent to change

The location of a meter, when once installed to the specifications of the Municipality, shall not be changed by any person except with the consent of the Director

6.11 Private meters - owner responsible

The Municipality shall not supply, install, inspect or read private water meters, nor shall the Municipality bill consumption on private water meters. Water supply pipes to private meters must be connected to the owner's plumbing after the Municipality's meter.

6.12 Reading meter - access

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

6.13 Valve maintenance - responsibility of owner

The owner shall be responsible for maintaining in good working order, the inside inlet valve to all sizes of meters and by-pass valves for larger water services, and shall ensure that such valving is accessible.

6.14 Leaks must be reported

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

6.15 Interference with meter not permitted

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

6.16 Owner responsible to repair piping

If, in the opinion of the Director, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Director may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Director's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Municipality shall not be held responsible for any damages to the owner's property arising from such work.

6.17 Non-functioning meter - amount of water estimated

If, for any cause, any meter shall be found to not be working properly, then the amount of water to be charged for shall be estimated on the average reading for the previous months,

when the meter was working properly, or, if unavailable or proven inaccurate, the amount of water to be charged for shall be estimated on a daily average when the meter is working properly, and the charge for the water for the period during which the meter was not working properly shall be based thereon.

6.18 Meter testing for customer - deposit - conditions

Any customer may, upon written application to the Municipality, have the water meter and the remote read out unit at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meter and the remote read out units as set out in the set out in the *General Fees and Charges By-law*. If the meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the Municipality when tested at a flow rate of one gallon (4.54 litres) per minute, the customer's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the meter shall be paid for in full by the customer. If the meter is found, when tested to register in excess of three per cent (3%), a refund shall be made to the customer equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the meter, plus the customer's deposit for the test.

6.19 Meter reading supersedes remote device reading

Where the water meter equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the readout device, the Municipality shall consider the reading at the meter to be correct, and shall adjust and correct the customer's account accordingly.

Part 7 Cross Connections And Backflow Prevention

7.1 Protection from Contamination

No person shall connect, cause to be connected, or allow to remain connected to the waterworks distribution system any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, waste water, non-potable water, or any other liquid, chemical or substance to enter the water works distribution system. The means for "protection from contamination" shall be in accordance with the requirements of *2006 Building Code Compendium, Ontario Regulation 423/06*, as amended from time to time.

7.2 Inspection for cross connections - access

Any person authorized by the Municipality for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any water service pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any water service pipe, wire, rod or cross connection within or without the building.

7.3 Access to be provided on written notice

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

7.4 Order to install control device

If a condition is found to exist which is contrary to section 7.1 of this by-law, the Municipality shall immediately carry out an inspection and shall issue such order or orders to the customer as may be required to obtain compliance with section 7.1 of this by-law.

7.5 Failure to install - notice - water shut-off

If the customer to whom the Municipality has issued an order fails to comply with that order, the Director, at their discretion, may:

- (a) Give notice to the customer to correct the fault, at their expense, within a specified time period and, if the notice is not complied with, the Director may then shut off the water service or services; or
- (b) Without prior notice, shut off the water service or services.

7.6 Additional device on service

Notwithstanding sections 7.1, 7.4 and 7.5 of this by-law, where a risk of possible contamination of the water works distribution system exists in the opinion of the Director or an approved authority, a customer shall, on notice from the Municipality, install on their water service pipe a cross connection control device, approved by the Municipality, in addition to any cross connection control devices installed in the customer's water system at the source of potential contamination.

7.7 Installation to required standards

Cross connection control or backflow prevention devices, when required by the Municipality, shall be installed in accordance with the *2006 Building Code Compendium, Ontario Regulation 423/06*, and "CAN/CSA-B64.10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", as amended from time to time.

7.8 Inspection and testing - paid by customer

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

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

If a customer fails to have a cross connection control device tested, or fails to provide proof of test to the Director, the Municipality or approved authority may notify the customer that the cross connection control device must be tested within four (4) days of the customer receiving the notice. If the customer fails to have the device tested or provide proof of testing within the time allowed, the Director may shut off the water service or water services until the cross connection control device has been tested, approved and a copy of the test has been provided to the Director as required by section 7.8 of this by-law.

7.10 Repair - replacement - by customer

When the results of a test referred to in section 7.8 of this by-law show that a cross connection control device is not in good working condition, the customer shall make repairs or replace the device within four (4) days. If a customer fails to repair or replace the device within the time allowed, the Director may shut off the water service until such repair or replacement has been made.

7.11 Removal of device - permission by Municipality

No person shall without the permission of the Municipality remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation notwithstanding the fact that the applicable provincial regulation has been rescinded.

7.12 Water powered sump pumps – prohibited

Water powered sump pumps or any similar device that uses municipal water to operate is specifically prohibited. These devices are considered to be a risk of possible contamination of the water works distribution system and a customer shall, on notice from the Municipality, remove the device forthwith. If the device is not removed forthwith, the Municipality may, at its discretion, shut off the supply of water to the premises until such time as the device is removed.

PART 8 Use Of Water Externally

8.1 Regulations - use of water – May 1st to October 31st annually

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

- (a) During the months of May, June, July, August, September and October, the external use of water is permitted:
 - (i) on even calendar dates at only those municipal addresses ending with numbers 0, 2, 4, 6, 8;
 - (ii) on odd calendar dates at only those municipal addresses ending with numbers 1, 3, 5, 7, 9.

- (b) Permitted hours for lawn and garden watering are from 8:00 a.m. to 10:00 a.m. and from 6:00 p.m. to 8:00 p.m. on the respective even or odd calendar days.

(c) The lawn/gardens of public parks, parkettes and public gardens may be watered on alternating even or odd calendar days for a maximum of 4 hours per day.

(d) New landscaping, sod and plant material is exempt from the even-odd lawn and garden watering restrictions.

(e) Commercial entities within the boundaries of the Municipality that are in the business of selling lawn and garden plants are exempt from these restrictions.

(f) The Director is authorized to implement at any time any other regulation which he, in his discretion, considers advisable to limit the external use of water and this authority includes the right to ban completely the external use of water.

(g) Notice of the implementation of a water use regulation by the Director and the effective date thereof shall be given immediately in a manner determined by the Director.

(h) Upon the announcement of the implementation of a water use regulation by the Director, no person shall use water except in accordance with the provisions of such regulation.

Part 9 Prohibitions

9.1 Prohibitions under this by-law

No person shall:

(a) wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the corporation or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;

(b) Wilfully let off or discharge water so that the water runs waste or useless out of the works;

(c) being a customer, tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, improperly waste the water or, without the consent of the Municipality, lend, sell, or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his own or increase the supply of water agreed for;

(d) without lawful authority wilfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;

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

(f) alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered; or

(g) lay or cause to be laid any pipe or main to connect with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the corporation

(h) use water externally during the months of June, July and August in any year except in accordance with the regulations set out in Part 9 of this by-law.

Part 10 Enforcement

10.1 Fine - for contravention

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

10.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

10.3 Offence - additional - damage to waterworks

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

10.4 Offence - additional – willful damage

Every person who wilfully or maliciously damages or causes or knowingly causes to be damaged, any water meter; shut off valve; pressure reducing valve; backflow preventor; check valve; remote meter register; remote meter register wire; water service pipe; water service shut off valve, rod and box; or water fittings belonging to the Municipality or wilfully impairs or knowingly causes the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and for any expenses of repairing or replacing the water meter; shut off valve; pressure reducing valve; backflow preventor; check valve; remote meter register; remote meter register wire; water service pipe; water service shut off valve, rod and box; or water fittings and double the value

of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*.

10.5 Offence - additional - injuring waterworks

Every person who wilfully removes, destroys, damages, fraudulently alters or in any way injures any water meter; shut off valve; pressure reducing valve; backflow preventor; check valve; remote meter register; remote meter register wire; water service pipe; water service shut off valve, rod and box; water fittings or other apparatus or thing belonging to the Municipality is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and is also liable for all damages occasioned thereby, which are recoverable under the Provincial Offences Act.

**Part 11
Previous By-Law Repealed**

11.2 Repeal – previous by-law in effect

Previous Water By-Law # 56-2014 is hereby repealed.

**Part 12
Short Title**

12.1 Short Title

The short title of the by-law shall be the “Water By-Law”.

**Part 13
Effective Date**

13.1 Effective Date

This by-law comes into force and effect on the date of final passing.

Read a first and second time this 12th day of August, 2019.

Read a third time and passed this 12th day of August, 2019.

George Finch, Mayor

Rebekah Msuya-Collison, Clerk