

Corporation of The Nation Municipality

By-law 53-2021

A By-law to provide for the regulation of water supply, external use of water, the installation, repair, maintenance, and access to water meters and related appurtenances, including penalties for offences for The Nation Municipality

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

And whereas section 80.(1) of the Municipal Act, 2001 as amended, provides that a municipality may, at reasonable times, enter on land to which it supplies a public utility, to inspect, install, repair, replace or alter a public utility meter;

And whereas section 80. (3) of the Municipal Act, 2001 as amended, provides that if a customer discontinues the use of a public utility on land or a municipality lawfully decides to cease supplying the public utility to land, the municipality may enter on the land, to shut off the supply of the public utility, or to remove any property of the municipality, or to determine whether the public utility has been or is being unlawfully used;

And whereas section 391 of the Municipal Act, 2001 as amended, authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by the municipality;

And whereas the Ontario Building Code and the Safe Drinking Water Act authorize The Nation Municipality to enact by-laws to protect the drinking water supply;

And whereas Part 7 (Plumbing) of the Ontario Building Code, as amended, requires every municipality to regulate the connection of individual water services to a municipal potable water works;

And whereas The Nation Municipality wishes to install water meters on all residential, industrial, commercial and institutional establishments located within Limoges in The Nation, Limoges in Russell, Forest Park, Le Baron, Ben Tardiff Mobile Home Park and the Village of St Isidore that are connected to municipal water service;

And whereas The Nation Municipality deems it necessary to confirm the mandatory use and installation of water meters in The Nation Municipality that are connected to the municipal water service;

And whereas it is essential to the water system users of The Nation Municipality to have a reliable, safe supply of drinking water;

Now therefore the Council of the Corporation of The Nation Municipality enacts as follows:

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1. Definitions

In this By-Law:

“**Building**” shall mean structure supplied with water by The Nation Municipality;

“**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 water mains, water services, services, hydrants and other appurtenances;

“**Corporation**” shall mean the Corporation of The Nation Municipality;

“**Council**” shall mean the Council of the Corporation of The Nation Municipality

“**Cross connection**” shall mean any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, other materials or substance that will change the water quality in the water distribution system and includes without limitation, swivel or changeover devices, removable sections, jumper connections and bypass arrangements;

“**Director of Water and Wastewater**” shall mean the Director of Water and Wastewater of the Corporation of The Nation Municipality;

“**Drinking water system**” has the same meaning as in the Safe Drinking Water Act, 2002 as amended from time to time;

“**Exemption permit**” shall mean approval by the Operating Authority authorizing the permit holder to water newly laid sod, grass seed or hydro seeded area in accordance with the terms and conditions set out in the permit;

“**External use of water**” shall mean the use of water for any purpose outside the walls of any building located at a municipal address;

“**Inspection**” shall mean,

- (a) an audit,
- (b) physical, visual or other examination,
- (c) survey,
- (d) test, or
- (e) inquiry;

“**Inspector**” Any designate of the operating authority (may include by law enforcement, building inspector)

“**In-service**” shall mean those parts of the water distribution system that have been approved by the Operating Authority for the provision of potable water and in which potable water is available for use;

“**Live tap**” shall mean a connection to the water distribution system that is in-service and in which isolation of a part or portion of the water distribution system cannot be undertaken;

“**Municipal Clerk**” shall mean the Municipal Clerk of the Corporation of The Nation Municipality;

“**Municipal easement**” shall mean an easement in favour of The Municipality;

“**Municipal Law Enforcement Officer**” shall mean a municipal enforcement officer appointed by the Council of The Nation Municipality;

“**Municipal right-of way**” shall mean a right-of-way in favour of the Municipality;

“**Municipality**” shall mean The Nation Municipality;

“Occupant” shall mean any lessee, tenant, Owner, the agent of a lessee, tenant or Owner, or any person in possession of a premise;

“Operating authority” shall mean the municipal water and wastewater department;

“Other charges” shall mean 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 bylaw or as directed by the Municipality Council;

“Owner” shall mean any person, including a corporation, who is the registered owner of the property under consideration including a trustee in whom land is vested, a committee of the estate, an executor, an administrator or a guardian. The obligations of the Owner under this by-law may not be transferred to a party which is not an Owner;

“Permit holder” shall mean the person to whom a Water Connection/Alteration Permit or exemption permit has been issued, or with whom an agreement has been signed, authorizing the installation, repair, renewal, removal or connection to the water distribution system in accordance with the terms and conditions of the permit or agreement;

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

“Plan of subdivision” shall mean a plan approved by the Municipality that clearly outlines all details that are required to develop a parcel of land into a subdivision with individual parcels;

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

“Private water main” shall mean a pipe connected to a water main and installed on private property and from which more than one water service and/or hydrant lateral are connected;

“Site plan” shall mean a graphical plan of a proposed development illustrating all the features of the development including dwellings, commercial establishments, roads, and other public or private infrastructure that has been approved by the Municipality pursuant to the Planning Act;

“Temporary water service” shall mean:

- (a) a pipe installed from the water distribution system by the Municipality for a municipal project, and for a specified temporary period of time; or
- (b) a pipe installed with the permission of the Operating Authority for construction purposes;

“Water Wasting” shall mean let off or discharge water so that the water runs waste or useless out of the works; including the filling of pools, using municipal water to wash vehicles, driveways, exterior of house;

“Water connection/alteration permit” shall mean approval by the Municipality authorizing the permit holder to connect to the water distribution system in accordance with the terms and conditions set out in the permit;

“Water distribution system” shall mean the part of the Municipality’s drinking water system that is used in the distribution, storage or supply of water up to and including the water shut-off valve, and is not part of a treatment system;

“Water main” shall mean every water pipe, except water services and portions of private water mains as herein defined, owned and operated by the Municipality;

“Water rates” shall mean rates and charges as defined in by-laws 54-2021 (being a by-law to establish charges for the use of The Nation Municipality Water System by users in the Village of Limoges in The Nation, Limoges in Russell Township, Limoges Industrial Park, Brisson Project, Forest Park, Ben Tardiff Mobile Park and Le Baron

Project) and 55-2021 (being a by-law to establish charges for the use of The Nation Municipality Water System by users in the Village of St-Isidore) as amended from time to time.

“Water meter” shall mean a device supplied by the Municipality to measure the quantity or rate of water flowing through a pipe that is used to supply a building;

“Water service” shall mean the portion of a water service pipe from the property line to the water meter location, or for a fire service to the inside of the exterior wall of a structure, i.e. an extension of a water service stub;

“Water service stub” shall mean the portion of a water service pipe from a water main to the water shut-off valve;

“Water 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 water distribution system to any building;

“Water valve” shall mean the valve used to shut off or turn on the supply of water which forms part of the water distribution system;

“Water use analysis” shall mean the installation of a recording device to monitor the flow of water through a water meter over a given period of time;

2. Establishing or Altering a Water Service

2.1. Water Connection/Alteration Permit

The Owner shall obtain a Water Connection / Alteration Permit prior to the installation, repair, renewal, removal, plugging, capping or disconnection of a private water main or a water service except where such a water connection has been specifically provided for and approved through the Municipality’s Subdivision or Site Plan Approval process.

2.2. Requirements for permit

Applicants for a Water Connection/Alteration Permit shall complete and submit the appropriate forms, provide the required drawings and information, and pay the stipulated fees or charges to the satisfaction of the Municipality. The installation or disconnection of a private water main or a water service shall not commence until a Water Connection/Alteration Permit is issued and all required payments have been received.

2.3. Process for permit

Water Connection/Alteration Permit forms shall be available from the Building Department and are to be submitted to the Building Department along with any plans or drawings detailing the proposed connection, any other supporting information, and required fees.

The Operating Authority shall review the proposed alteration / connection and shall impose any condition that is deemed advisable and appropriate to ensure the integrity and safety of the water distribution system and the provision of potable water. Any conditions imposed will be identified in writing forming part of the approved permit and said conditions shall be complied with.

2.4. Extensions and connections

Extensions of and connections to the Municipality’s water distribution system shall only be permitted where they conform to the United Counties of Prescott and Russell Official Plan.

2.5. Capital works

New water service connections and water service installations made in association with a capital works project of the Municipality shall be subject to all of the permit

requirements of this by-law and the capital costs charges, and fees set out in applicable by-laws.

2.6. Installation – Municipality specifications

All water service pipes and private water mains located within the Municipality property shall be constructed according to the Municipality's standards. All water service pipes and private water mains located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent the Municipality's specifications shall be applied and shall prevail.

2.7. Installation inspection – by Municipality

All water service pipes and appurtenances installed, including those required by a Municipal Subdivision, Site Plan or Development Agreement must be inspected by the Municipality.

2.8. 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.

2.9. Disconnection of service – permanent

When an Owner permanently discontinues the use of a water service or private water main for water supply to a building or buildings the water service pipe or private water main must be disconnected at the water main, the water main plugged or capped and the curb box and rod removed at the Owner's expense. All work must be inspected by the operating authority.

2.10. Opened loop systems – prohibited

No owner or occupant shall use or cause to be used any type of open loop water system as part of any heating, air conditioning or refrigeration equipment.

2.11. Hydraulic equipment connections – prohibited

No owner or occupant shall connect or permit to be connected to any part of the water system any hydraulic motor, elevator or other type of appliance that operates in whole or in part using potable water.

3. Cross Connections / Backflow Prevention

3.1. Protection from contamination

No person shall connect, cause to be connected or allow to remain connected to the plumbing system within a building or water distribution system any piping, fixture, fitting container or appliance in a manner which under any circumstances may allow water, waste water, non-potable water or any other liquid, chemical or substance to enter the plumbing system within a building or water distribution system. The means for protection from contamination shall be in accordance with the requirements of the Ontario Building Code Act, 1992, as amended from time to time.

There shall be no direct or indirect connection between water lines which are part of a private well and water lines which are part of the Corporation's water system(s). Failure to comply with this requirement shall result in immediate disconnection of the water supply from the Corporation and will also result in the penalty provisions of Section 9 of this By-law.

3.2. Inspection for cross-connections – access

Any person authorized by the Municipality to conduct an inspection of any component of the drinking water system or its appurtenances, whether privately owned or not has free access at all reasonable times, and upon reasonable notice given in accordance with this By-law, 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.

3.3. Order to install control device

If a condition is found to exist which is contrary to Section 3.1 of this By-law, the Operating Authority shall immediately carry out an inspection and shall issue such order or orders to the Owner as may be required to obtain compliance with Section 3.1 of this By-law.

3.4. Failure to install – notice – water shut-off

If the Owner to whom the Municipality has issued notice pursuant to section 3.3, 3.5, 3.7, 3.8 or 3.9 fails to comply with that order or notice, the Operating

Authority, at its discretion, may;

- a) Give notice to the owner to correct the fault, at his/her expense, within a; Specified time period and, if the notice is not complied with, the Operating Authority may then shut off the water service or services; or
- b) Shut off the water service or services upon complying with the notice provisions in this by-law.

3.5. Additional device on service

Notwithstanding sections 3.1, 3.3 and 3.4 of this by-law, where a risk of possible contamination of the water distribution system exists in the opinion of the Operating Authority, an Owner shall, on notice from the Operating Authority, install on his/her water service pipe a cross connection control device, approved by the Operating Authority, in addition to any cross connection control devices installed in the Owner's water system at the source of potential contamination.

3.6. Installation to required standards

Cross connection control or backflow prevention devices, when required by the Municipality, shall be installed in accordance with the Ontario Building Code 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.

3.7. Inspection and testing – paid by Owner

All backflow prevention devices shall be inspected and tested at the expense of the Owner, upon installation, and thereafter annually, or more often if required by the Operating Authority, by personnel approved by the Operating Authority to carry out such tests to demonstrate that the device is in good working condition. The Owner shall submit a report on a form approved by the Operating Authority or any or all tests performed on a cross connection control device within ten (10) 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.

3.8. Failure to test device – notification – water shut-off

If an Owner fails to have a cross connection control device tested, the Operating Authority may notify the Owner that the backflow prevention device must be tested within four (4) days of the Owner receiving the notice.

3.9. Repair – replacement – by Owner

When the results of a test referred to in Section 3.7 of this by-law show that a cross connection control device is not in good working condition, the Owner shall provide written confirmation of the failure to the Operating Authority within twenty-four (24) hours of the test and make repairs or replace the device within four (4) days of the date of the test.

3.10. Removal of device – permission by Municipality

No person shall without the prior written approval of the Operating Authority remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation or by order under Section 3.3 notwithstanding the fact that the applicable provincial regulation has been rescinded.

4. Inspection and access to property

4.1. Inspection powers

The Operating Authority or any person designated by it as inspector for purposes of this by-law may, at reasonable times enter onto any land or building on which the Municipality supplies drinking water for the following purposes:

- a) to install, inspect, repair, alter, or disconnect the service pipe or wire, machinery, equipment and other works used to supply drinking water to the building or land;
- b) to inspect, install, repair, replace or alter a water meter; or
- c) To determine if this by-law, an order, or condition to any permit is being complied with.

4.2. Reduce supply of water

For the purpose of carrying out an installation, inspection, repair, disconnection or other work the Municipality may shut off or reduce the supply of water to any building or land.

4.3. Entry on land – discontinue supply

If an owner discontinues the use of the water supply or the Municipality lawfully decides to cease the supplying water to any building or land, the operating authority may enter onto the premises:

- a) to shut off the supply of water
- b) to remove any property of the Municipality
- c) to determine whether the supply of water is being used lawfully

4.4. Access to dwellings

An inspector shall not enter a place being used as a dwelling unless:

- a) the consent of the occupier is first obtained, ensuring the occupier is first advised that entry may be denied and in such circumstance, entry can only occur thereafter under authority of a warrant;
- b) a warrant under section 158 of the Provincial Offences Act is obtained;
- c) the delay necessary to obtain a warrant or the consent of the occupier would result in the immediate danger to the health or safety of any person; or
- d) The entry is for the purpose of section 4.1 or 4.3 and the notice provisions of this by-law have been complied with.

4.5. Entry on land – notice requirements

Whenever an inspector exercises a power of entry pursuant to this By-law, the inspector shall:

- a) provide reasonable notice of the proposed entry to the occupier of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place for three consecutive days prior to entry;

- b) where the proposed entry is an inspection authorized by sections 4.1 or 4.3, the inspector must provide reasonable notice by means of personal service only;
- c) in so far as is practicable, restore the land to its original condition where any damage is caused by the inspection; and
- d) Provide compensation for any damage caused and not remedied.

4.6. Municipality expenses

All costs incurred by the Municipality to perform work required by this by-law shall be charged to the Owner of the property where such work is performed and shall be collected 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. Water Meters

Water meter installation, repair, maintenance and access

5.1 All water supplied by the Corporation through water service connected to the municipal water service shall pass through a meter supplied by the Corporation for use upon such premises, and the water rate charged shall be that fixed from time to time by the Corporation.

5.2 All meters and related appurtenances shall be supplied and installed by persons authorized by the Corporation for that purpose.

5.3 The Corporation's cost of supplying, relocating and installing water meters and related appurtenances shall be recovered as follows:

5.3.1 The meter and the installation for the owners of Limoges in The Nation, Limoges in Russell, Forest Park, Ben Tardiff Mobile Home Park and Le Baron will be free of charge for owners who paid the maintenance fee for the year 2006 and prior. Where a maintenance fee has been paid for part of the year 2006 the meter and installation shall be prorated.

5.3.2 For any owner who contributed more than one equivalent unit to the service for the year 2006 and prior shall receive the equivalency of rebate calculated in the same manner as the equivalency for a multiple units (e.g. 0.35 per additional meter and installation unit) as per Schedule "A".

5.3.3 For any other owners who have been connected to Limoges in The Nation, Limoges in Russell, Forest Park, Ben Tardiff Mobile Home Park and Le Baron water service after January 1st, 2007, the meter and installation shall be paid by the property owner requesting such water service as set out in Schedule "A" attached to and forming part of this by-law.

5.3.4 For any owner who shall be connected to the St Isidore water service after January 1st, 2007, the meter and installation shall be paid by the property owner requiring such water service as set out in Schedule "A" attached to and forming part of this by-law.

5.3.5 If the meter is mechanically defective, the cost of repairs shall be paid by the Corporation, but if the meter is damaged by the carelessness or neglect of any person other than an employee or agent of the Corporation, the owner of the premises shall pay to the Corporation the cost of making the necessary repair to such meter.

5.4 If a meter fails to register, the consumer will be charged a minimum consumption based upon the average consumption of the last three months or, if such data is unavailable, then the cost shall be pro-rated annually based on the previous year's fee.

5.5 All water passing through a meter will be charged for, whether used or wasted.

5.6 The owner of premises to be supplied with water agrees to provide convenient and safe space, free of charge or rent, for the Corporation's meter, pipes and other appliances on said premises, and further agrees that no one who is not a servant or agent of the Corporation or otherwise lawfully entitled to do so, shall be permitted to remove, inspect or tamper with any of the Corporation's said equipment.

5.7

5.7.1 The owner of the premises to be supplied with water agrees to provide adequate heat in the premises to prevent frost damage to the meter. In the event that the owner is away from the premises for an extended period of time, the owner shall be required to notify the Corporation within fifteen (15) days of departure so the owner in consultation with the Corporation can take the proper precautions to prevent frost damage to the meter and water service connection, otherwise repairs will be at the owner's expense

5.7.2 Where a meter cannot conveniently be placed inside a building, it shall be placed in a meter pit, the location and construction of which shall be discussed with the owner or occupant of the premises and shall be constructed in a manner approved by the Corporation, the cost of which shall be paid by the consumer.

5.8

5.8.1 Upon written request from the consumer and payment of a deposit as set out in Schedule "A" of this By-Law, the Corporation will remove and test a meter. If the meter is found to register correctly or not to exceed a 3% discrepancy, the consumer's deposit shall be forfeited towards the cost of the test and any additional expense incurred in removing, testing and reinstalling the meter shall be paid for in full by the consumer requesting such test, plus the consumption undercharged of the previous three (3) months based on the water rate prior to the testing,

5.8.2 If a meter, when tested, is found to register in excess of a 3% discrepancy in favor of the consumer, a refund will be made to the consumer of an amount equal to such excess percentage of the water rates paid for the previous three (3) months prior to the testing, plus the consumer's deposit for the test; provided, however, that no reduction shall be made to reduce the water rate for the previous three (3) months prior to the testing below the minimum water rate established by Council.

5.9 No reduction shall be made as provided in section 5.8 if the owner or occupant of the building has not complied with any provisions of this by-law

5.10 One (1) meter shall be placed in each single family residential, multi-family residential, commercial, industrial and institutional private water service that has a single connection to the Corporation's water works and the plumbing shall be so arranged that all water used on such premises shall pass through such meter and the owner of the premises shall be held liable for water charges.

5.11 Any person authorized by the Corporation for the purpose of inquiring into the compliance with the provisions of this By-Law shall have free access to the premises at all reasonable times. Upon reasonable notice given and request made to the owner/occupant and lands to which municipal water is supplied, no person occupying or in charge or apparently in charge of such buildings or other premises or lands shall refuse access to such authorized person

5.12 Every meter shall be placed in such location as the persons authorized by the Corporation shall direct. If possible, the water meter shall be installed in the basement of residential buildings, and shall be located immediately after the main shut-off valve on the owner's plumbing system, so as to ensure that all water supplied to the building passes through the meter. In the event that a building has

no basement, the water meter shall be installed in another location in the building or in a meter pit as authorized by the Corporation.

5.13 The location of a meter, once installed to the standards of the Corporation, shall not be changed by any person except by persons authorized by the Corporation.

5.14 Where the meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the meter itself and the reading on the read-out device, the Corporation will consider the reading at the meter to be correct, and will adjust and correct the consumer's account accordingly.

5.15 Any leak that may develop at the meter or its couplings must be reported immediately to the Corporation. The Corporation shall not be held responsible for any damages resulting from such leaks.

5.16 The Corporation may enter into agreements with others to provide for the installation of water services or meters in any manner satisfactory to the Corporation.

5.17 All sums charged for expenses incurred for the repair of meters, fixtures and all other appurtenances connected to the water service or for damage to same, as per section 5.3.5 shall be charged to the owner of the premises. If these charges remain unpaid they shall be collected in the same manner as municipal taxes.

5.18 Any request for a reading of a meter prior to or after a regular reading schedule shall be subject to a fee as established by the fees and charges for municipal services.

5.19 A consumer, for the purpose of payment for the supply of water, shall be deemed to be the owner of the premises and in the event of tenant or other occupant; the registered owner shall be liable for water rates and charges.

6. Operation and Maintenance of the Water Distribution System

6.1. Maintenance of water service stub – Municipality

The water service stub shall be maintained by the Municipality at the Municipality's expense from the water main to the property line.

6.2. Maintenance of service extension and private water main – Owner

Any and all defects, including the breaking of a water service, private water main and meter pit 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 Operating Authority may deem necessary, then the Municipality may turn off the water supply to the property.

6.3. Operation of water shut-off valve

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

6.4. Access to water shut-off valves

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

6.5. Responsibility for protection, water loss, damage

All water service to and including the water 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 and/or private main and the charge for such water loss shall be determined by the Operating Authority, 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.

6.6. Responsibility – vacant and unheated premises

Every meter shall be placed in such location as the persons authorized by the Corporation shall direct. If possible, the water meter shall be installed in the basement of residential buildings, and shall be located immediately after the main shut-off valve on the owner's plumbing system, so as to ensure that all water supplied to the building passes through the meter. In the event that a building has no basement, the water meter shall be installed in another location in the building or in a meter pit as authorized by the Corporation.

6.7. Responsibility – water damage

The owner of the premises to be supplied with water agrees to provide adequate heat in the premises to prevent frost damage to the meter. In the event that the owner is away from the premises for an extended period of time, the owner shall be required to notify the Corporation within fifteen (15) days of departure so the owner in consultation with the Corporation can take the proper precautions to prevent frost damage to the meter and water service connection, otherwise repairs will be at the owner's expense.

6.8. Responsibility for frozen pipes – Owner

Thawing out frozen water service stubs shall be the Owner's responsibility. Thawing out a frozen water service or private water mains shall be the Owner's responsibility. The Owner shall have no claim against the Municipality by reason of such work.

6.9. 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 Owner or Occupant caused by the breaking of any water service pipe or attachment, or for the shutting off of water to repair or rehabilitate water mains or to tap water mains. Where planned work on the water distribution is contemplated the Operating Authority will make reasonable effort to provide two (2) days notices, delivered to the lands affected, of the intention to shut off the water, save and except for emergency shut downs.

6.10. Unusual service demands

Where an Owner requires a supply, a guaranteed supply or quality of water or water pressures beyond that provided by the water distribution system, the Owner is responsible for providing such services, devices or processes that satisfy their specific requirements.

6.11. Unauthorized operation or interference – offence

No person, other than persons authorized by the Operating Authority for that purpose shall open or close a water valve in the public water distribution system, or remove, tamper with or in any way interfere with any water shut-off valve, water meter, structure, water main or water service in the water distribution system, including private water mains, nor tap off or make any connection to a water main.

6.12. Work on the system

The Municipality shall perform all work having to do with the Municipality's water distribution system and with the installation, repair, renewal, or removal of the Municipality's in-service water distribution system. The Operating Authority may delegate to any person the authority to perform work on the water distribution system, on conditions acceptable to the Operating Authority.

6.13. Shut off – repair

The Municipality shall have the right at any time and without notice to shut off the supply of water to any building if, in the opinion of the Operating Authority, the water service located on the property is not being properly maintained, develops a significant leak, or in any way compromises the integrity of the Municipality's water works, and not to restore service until such condition has been rectified to the satisfaction of the Operating Authority.

6.14. Damage to water distribution system – offence

No person shall break, damage, destroy, deface or tamper with, or cause or permit the breaking, damaging, destroying, defacing or tampering with any part of the water distribution system.

7. External Use of Water

7.1. Regulations – external use of water – May 1st – September 30 every year

The following restrictions on the use of water outside of any building are effective within all areas of the Municipality serviced by municipal water distribution system:

- a) During the period **from May 1st to September 30th**, the external use of water is permitted:

Monday, Wednesday, Friday between 7pm-10pm for persons located at even numbered buildings (address).

Tuesday, Thursday, Saturday between 7pm -10pm for persons located at odd numbered Buildings (address).

No external use of water is permitted on Sundays.

- b) The Mayor, Chief Administrative Officer and Director of Water and Wastewater for The Nation Municipality, in its sole and absolute discretion, is authorized to impose at any time any other water use regulation notice which it deems advisable to further limit the external use of water. This authority shall include, but is not limited to, the right to further limit the hours of external water use on permitted days and to ban completely the external use of water at any time.
- c) Notice of an additional water use regulation and the effective date thereof shall be given by the Operating Authority to all affected residents by bulk mail, posted on the municipal website and social media. The further regulations will take effect immediately following being posted on website and social media.
- d) Following the notice of an additional water use regulation, no person shall use water except in accordance with the provisions of such regulation.

7.2. Exemptions

- a) Any person may, from a water source other than the municipal water distribution system, use water externally.

- b) The Operating Authority may, in its sole discretion, exempt any property or portion thereof from Section 7.1 by issuing an exemption permit.
- c) Any exemption permit issued pursuant to section 7.2(b) shall be deemed to contain the following conditions:
 - i. New sod, grass seed, or hydro seeded areas may be watered using a sprinkler or other similar device between the hours of 7pm and 10 pm for seven (7) consecutive days commencing on the date specified in the exemption permit;
 - ii. New trees or shrubs may be watered by a hand held hose only between the hours of 7pm and 10pm for seven (7) consecutive days commencing on the date specified in the exemption permit;
 - iii. For circumstances where complying with section 7.1 would cause irreparable damage or impose undue hardship on a property owner the Operating Authority may issue an exemption permit to permit watering of any property between the hours of 7pm and 10pm for up to seven (7) consecutive days commencing on the date specified in the exemption permit;
 - iv. The exemption permit shall be posted in a conspicuous place on the property for which the exemption permit applies; and
 - v. No more than one (1) exemption permit may be issued per property per year.
- d) Notwithstanding any other provision of this by-law, the Operating Authority may permit up to two (2), seven (7) consecutive day extensions pursuant to section 7.2(c) (iii) per year, per property.

8. Fire Hydrants

8.1. 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 fire hydrant.

8.2. Responsibility for hydrant maintenance

Any hydrant situated within the road allowance is the property of the Municipality and shall be maintained by it. Hydrants owned and paid for by any persons other than the Municipality shall be maintained by such persons.

8.3. Tampering

No person shall paint fire hydrants or tamper with the colour scheme of fire hydrants except with the permission of the Operating Authority.

8.4. Access

No person shall obstruct the free access to any fire hydrant or plant or place, or cause or permit to be planted or placed, vegetation or other objects within 3 metre corridor between the hydrant and the curb nor within a 1.5 metre radius beside or behind a hydrant except with the prior written authorization of the Operating Authority.

- a. A contractor that needs to take water from a fire hydrant in order to perform work in the municipality must contact the water operator in charge.
- b. The operator in Charge can allow usage of specific fire hydrant or refuse water taking.

- c. Backflow Prevention Assembly shall be required. Otherwise an air gap shall be maintained at all times.
- d. The cost for the connection shall be \$75.00 except for work done for the municipality
- e. The taking of water for fire hydrant shall be from 7 a.m. to 4 p.m. Monday to Friday.
- f. The hydrant shall be opened with a hydrant wrench to prevent damage, and the valve must be fully open. Hydrant damage will be charged to contractor operating the hydrant. It is a violation when equipment in disrepair causes water waste.
- g. Fire Hydrant shall not be operated to take water during winter, other than for the Fire Department.
- h. Any person involved in the unauthorized use of hydrant water will be charged for: the water taken, the costs incurred to investigate and correct the use, penalty fees, and other remedies authorized by law.

Hydrant use violation set fines are \$300.00.

8.5. Private hydrants

Private hydrants shall be maintained accessible at all times and in good operating condition by and at the expense of the Owner and shall be tested on a regular basis at the Owner's expense and in accordance with the Ontario Fire Code.

8.6. Use of water from hydrants

Except for water used for firefighting and those operations as authorized by the Operating Authority, any other use of a Municipality's fire hydrant for water supply is prohibited.

8.7. Improper use of water from fire service – offence

Any water supplied or made available for any land or building for purpose 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.

9. Penalties

Every person is guilty of an offence who:

- i. willfully hinders or interrupts, or causes to be hindered, or procures, or interrupts the Corporation or any of its officers, contractors, agents, servants or workman, in the exercise of any of the power conferred by the *Municipal Act, 2001, as amended*;
- ii. willfully wastes water;
- iii. uses or causes to be used the external use of water contrary to the provisions of this By-Law;
- iv. contravenes or causes to be contravened any provision of this By-Law;
- v. being a tenant, occupant, lessee, owner, the agent of a lessee, or any person in possession of any house, building or other premises supplied with water from the water works, improperly wastes water or, without the consent of the Corporation, lends, sells or disposes of water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own;
- vi. without lawful authority willfully opens or closes any valve or hydrant, or obstructs the free access to any hydrant, shut off valve, valve chamber or pipe by placing on it any building material, rubbish or other obstruction;

- vii. throws or deposits any unsafe substance into the water or waterworks, or in any other way fouls the water or commits any willful damage or injury to the works, pipes or water, or encourages the same to be done;
- viii. willfully alters any meter placed upon any service pipe or connected
- ix. therewith, within or outside any building or other place, so as to lessen or alter the amount of water registered; or
- x. lays or causes to be laid any pipe or main to connect with any pipe or main of the Corporation's water works, or in any way obtains or uses the water without the consent of the Corporation;
- xi. Wilfully refuses to install a water meter;

10. Any person convicted of a breach of any of the provisions of this By-Law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of five thousand dollars (\$5,000.00) for each offence and not less than three hundred dollars (\$300.00) for each offence, recoverable under the Provincial Offences Act for the Province of Ontario.

11. In addition to other sanctions and remedies provided in this By-Law, the Corporation may turn off or restrict the supply of water to any consumer where such consumer has violated any of the provisions of this By-Law, and may refuse to restore normal service until the violation complained of has been terminated or remedied. The Corporation will not be liable for any damage to property or injury to person by reason of shut-off of water supply.

12. The requirements of this By-Law are severable. If any requirements of this By-Law are held invalid, the application of such requirements to other circumstances and the remainder of the By-Law shall be valid and shall remain in force.

13. Where any inconsistency exists within this By-Law and any other By-Law of The Nation Municipality the provision(s) of the By-Law imposing a greater requirement, regulation, fee or enforcement and penalty provision shall apply and prevail.

14. That the following by-laws be repealed:

- i. **By law No. 63-2020**, water usage
- ii. **By-law No. 117-2016**, Installation repair maintenance and access to water meter amending 26-2008
- iii. **By-law No. 26-2008**, Nation water meters 2008-129 addendum water meters
- iv. **By-law No. 63-2002**, water consumption usage and amendment

15. This By-law shall be effective the date of its adoption.

Read a first, second and duly passed upon the third reading on this 14th day of June, 2021.

François St-Amour, Mayor

Josée Brizard, CAO-Clerk
SEAL

SCHEDULE "A" TO BY-LAW NUMBER 53-2021

RATES AND CHARGES

Charges for Water Meter and Related Appurtenance

16 mm X 19 mm (5/8" X 3/4") meter	\$ 450.00
25 mm (1") meter	\$ as per actual cost + 10% administration
38 mm (1.5")	\$ as per actual cost + 10% administration
50 mm (2.0")	\$ as per actual cost + 10% administration
Meter Pit (excluding meter)	\$ as per actual cost + 10% administration

Relocation of water meter \$ as per actual cost

Water Meter Accuracy Testing Deposit will be \$ 45.00 for each test.

Late penalty for overdue accounts will be 15% applied to the outstanding account on the first day following the due date.

Notice of Disconnection Charge will be \$ 50.00 and will be applied to the outstanding account.

Procedure for disconnection of water service for Delinquent Accounts

- 1) Service shall be discontinued only if personal contact is made by the Corporation's representative with the consumer or the consumer's representative.
- 2) If personal contact cannot be made, then discontinuance of service shall be deferred a maximum of 24 hours.
- 3) If contact is made with the consumer or his/her representative by telephone, or by his/her acceptance of a registered letter advising him/her of discontinuance of supply, then the requirements for contact as set out in (1) shall be deemed to have been met.
- 4) If contact is not made, then the approval of the Council of the Corporation must be obtained prior to any discontinuance of water service.

Re-connection Charge

When it has been necessary to disconnect a service as a result of non-payment, a re-connection charge of \$ 75.00 shall be levied against the delinquent account.