

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 71-19

A BY-LAW TO REPEAL AND REPLACE BY-LAW NO. 131-10, AS AMENDED, BEING A BY-LAW RESPECTING THE SUPPLY OF WATER, THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE, OPERATION, IMPROVEMENT AND EXTENSION OF DRINKING WATER SYSTEMS FOR THE REGIONAL MUNICIPALITY OF HALTON AND THE ESTABLISHMENT OF WATER RATES AND CHARGES AND, BY-LAW NO. 61-11 BEING A BY-LAW RESPECTING THE PREVENTION OF BACKFLOW INTO THE WATER SYSTEM OF THE REGIONAL MUNICIPALITY OF HALTON.

WHEREAS Section 11 of the *Municipal Act, 2001*, provides that The Regional Municipality of Halton has the exclusive responsibility for public utilities, including water distribution, production, treatment and storage within the Regional boundaries and all the provisions of any general act relating to such collection, production and treatment of such water and the financing thereof by a municipal corporation apply, with the necessary changes being made;

AND WHEREAS Section 80 of the *Municipal Act, 2001* provides that a municipality may at reasonable times enter on land to which it supplies a public utility: to inspect, repair, alter or disconnect the service pipe, wire, machinery, equipment and other works; to inspect, install, repair, replace or alter a public utility meter; to shut off or reduce the supply of the public utility to the land; and, if a customer discontinues the use of a public utility on land or the municipality lawfully decides to cease supplying the public utility to land, to shut off the supply of the public utility; to remove any property of the municipality; or to determine whether the public utility has been or is being unlawfully used;

AND WHEREAS Section 23.1 of the *Municipal Act, 2001* provides that a municipality may delegate its powers and duties under the *Municipal Act, 2001* or any other act to a person or body subject to legislated restrictions;

AND WHEREAS Section 20(1) of the *Safe Drinking Water Act, 2002* provides that it is an offence to cause or permit anything to enter a drinking-water system if it could result in, a drinking-water health hazard, a contravention of a prescribed standard or the interference with the normal operation of the system;

AND WHEREAS Sections 78, 79 and 80 of the *Municipal Act, 2001* provide rights of entry for the municipality onto Property in relation to the supply of a public utility and water supply is a public utility;

AND WHEREAS Part XIV of the *Municipal Act, 2001* provides for the enforcement of municipal by-laws;

AND WHEREAS Regional Council is desirous of passing such a By-law.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

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## DEFINITIONS

1. In this By-law, the following words or phrases are defined as:

- “Applicant”** means the **Owner**, or authorized agent of the **Owner**, of the **Property** wanting to connect to the **Drinking Water System**;
- “Application”** means an application in the form provided to the **Commissioner** by an **Applicant** requesting a connection, extension or modification to the **Drinking Water System**;
- “Authorized Functions List”** means the list of functions and the **Persons** authorized to carry out such functions as set out in Appendix A;
- “Authorized Tester”** means a **Person** authorized to carry out such functions as set out in the **Authorized Functions List**;
- “Auxiliary Source of Water”** means any **Private Service**, on or available to a **Property**, supplying water that is not from the **Drinking Water System**;
- “Backflow”** means a flowing back of water or reversal of the normal direction of flow;
- “Building Code Act”** means the *Building Code Act, 1992, S.O. 1992, c. 23*, and its regulations, as amended;
- “Backflow Prevention Device”** means a device that, (i) incorporates two or more check **Valves** to prohibit the reverse flow of the water, irrespective of the pressure differentials, where the maximum working pressure is not exceeded; and (ii) contains integral safeguards to make failsafe the event of a malfunction of one or more of the check **Valves**;

“ <b>Backflow Prevention Device Tester</b> ”	means a <b>Person</b> who has completed and passed a <b>Cross Connection Control</b> course in <b>Backflow Prevention Device</b> testing at an accredited school or college and shall be in accordance with <b>CSA B64</b> 10.1-01 Subsection 4. Device Testers and School Accreditation;
“ <b>By-pass Valve</b> ”	means a mechanical engineering device for controlling the flow of fluids (liquids, gases, slurries) located on or around a <b>Regional Water Meter</b> by-pass pipe or on a <b>Backflow Prevention Device</b> ;
“ <b>Combined Service</b> ”	means a water system used for both <b>Potable Water</b> and fire protection services;
“ <b>Commercial</b> ”	means land, buildings or structures that are deemed by the <b>Commissioner</b> to be used for the sale or provision of goods and services, not designed or intended for <b>Residential</b> use;
“ <b>Commissioner</b> ”	means the Commissioner of Public Works for the <b>Region</b> or an authorized representative of the Commissioner;
“ <b>Consumer</b> ”	means any <b>Person</b> actually drawing upon or using the <b>Drinking Water System</b> ;
“ <b>Control Valve</b> ”	means the <b>Valve</b> that controls the flow or pressure of water located at or before the <b>Residential Water Meter</b> ;
“ <b>Corporate Counsel</b> ”	means the Corporate Counsel for the <b>Region</b> or an authorized representative of the Corporate Counsel;
“ <b>Cross Connection</b> ”	means an actual or potential connection between a <b>Potable Water</b> system and any source of pollution affecting any temporary, permanent, or potential water connections that may allow

**Backflow** to occur;

- “Cross Connection Control”** means the enforcement of any ordinance or other legal statement regulating **Cross Connections**;
- “Cross Connection Control Program”** means a program initiated by the **Region** to administer and regulate the selection, installation, testing, and maintenance of **Backflow Prevention Devices**;
- “Cross Connection Survey”** Means a visual inspection of the **Private Service, Auxiliary Water Supply, Combined Service** or other, to determine if **Premise Isolation** prevents any **Cross Connection** to the **Drinking Water System**;
- “CSA”** means the Canadian Standards Association;
- “CSA B64”** means **CSA** Standard Series B64.10 Selection and Installation of Backflow Preventers/Maintenance and Field Testing of Backflow Preventers Standard, as amended;
- “Design Requirements”** means the **Region’s** Design Requirements approved by the **Commissioner** that details design and construction methods, and other related guidelines for roads, the **Drinking Water System**, or wastewater collection system in the **Region**;
- “Development Agreement”** means an agreement between the Region and a developer making provision for financial, planning, environmental and other conditions related to the orderly development and phasing of lands;
- “Development Process”** means the construction, erection or placing of one or more buildings on land or the making of an addition or alteration to a building that has the effect of increasing the size or usability and/or changing the use thereof and development shall

include redevelopment;

**“Disconnection”**

Means the removal of a connection between the **Drinking Water System** and the **Private Service**, and the removal of the **Regional Water Meter**;

**“Double check valve assembly”**

means a mechanical **Backflow Prevention Device** that consists of two internally loaded check **Valves** and includes two shut-off **Valves** and test ports;

**“Drinking Water Quality Standards”**

means the prescribed standards under O. Reg. 169/03 of the **Safe Drinking Water Act**;

**“Drinking Water System”**

means any works for the collection, protection, measurement, production, treatment, storage, supply and distribution of water, or any part of such works excluding plumbing, that is established for the purpose of providing users of the system with **Potable Water** and located within the limits of the public road allowance, or on lands where there is a registered easement in favour of the **Region**;

**“Enclosure”**

means an above-ground structure, certified to "ASSE Standard# 1060 for Outdoor Enclosures for Backflow Prevention Assemblies" designed to accommodate a **Backflow Prevention Device** and **Regional Water Meter**, that incorporates positive drainage to prevent submergence of the **Backflow Prevention Device**, provide security, increase accessibility for testing and repair, and provide freeze protection;

**“Hydrant”**

means any hydrant either owned and maintained by the **Region** located on a public right-of-way or on lands where there is a registered easement in favour of the **Region**, or a hydrant located on private **Property** that is not owned nor maintained by the **Region**, that is connected to the **Drinking Water System**;

“Hydrant Meter”	means a <b>Regional Water Meter</b> for specific use of measuring water usage from <b>Hydrant</b> connected to the <b>Drinking Water System</b> ;
“I/C/I”	means <b>Industrial, Commercial</b> and <b>Institutional</b> ;
“Illegal Connection”	means an unauthorized or unmetered connection to the <b>Drinking Water System</b> either by by-pass or removal of the <b>Regional Water Meter</b> , unauthorized <b>Hydrant</b> connection or as otherwise determined by the <b>Commissioner</b> ;
“Industrial”	means land, buildings or structures that are deemed by the <b>Commissioner</b> to be used for the manufacturing or storage of goods and services, not designed or intended for <b>Residential, Commercial</b> and/or <b>Institutional</b> use;
“Institutional”	means lands, buildings or structures that are to be places of worship, schools, seniors residences, hospitals, recreation centers, libraries or municipal/provincial/federal facilities and any other facilities as deemed by the <b>Commissioner</b> ;
“Irrigation Systems”	means artificially supplying land with water for agriculture or landscaping, usually by artificial means such as pipes and sprinklers;
“Meter Chamber”	means an accessible in-ground structure not attached to a building, containing and protecting the <b>Regional Water Meter(s)</b> , <b>Control Valve(s)</b> and <b>Double Check Valve Assembly</b> and when on private <b>Property</b> , is maintained by the <b>Owner</b> ;
“Meter Seal”	Means a metal wire, mechanism or device that is secured to the <b>Regional Water Meter</b> and/or <b>Valves</b> to prevent tampering and can only be removed by an authorized agent of the <b>Region</b> ;



“MECP”	means the Ontario Ministry of the Environment, Conservation and Parks or the applicable Ministry at the time and its applicable legislation, regulations and regulatory guidelines;
“Multi-Residential”	means a <b>Property</b> that contains two or more <b>Residential</b> dwellings including but not limited to townhouses, apartments, condominiums, strata or other such units as determined by the <b>Commissioner</b> , but does not include <b>Secondary Suites</b> ;
“Mixed-Use”	means a <b>Property</b> or dwelling unit, part of which may be used as a business establishment, intended for <b>Residential</b> use and units intended for <b>I/C/I</b> use, including live/work units as defined in the <b>Building Code Act</b> and local zoning by-laws;
“Municipal Act”	means the <i>Municipal Act, 2001</i> , S.O. 2001, c.25;
“New Construction”	means a process that consists of the building or assembling of infrastructure, <b>Residential, Multi-Residential, Commercial, Institutional</b> or <b>Industrial</b> buildings which conforms to all applicable zoning and <b>Building Code Act</b> requirements;
“Non-Municipal Drinking Water System”	means a non-municipal drinking water system as per the <b>Safe Drinking Water Act</b> ;
“Officer”	means the <b>Commissioner</b> , a municipal law enforcement officer, a police officer , or any person appointed to enforce the provisions of this By-law;
“Ontario Water Resources Act”	means the <i>Ontario Water Resources Act</i> , R.S.O. 1990, c. O.40;
“Owner”	means the registered <b>Owner</b> of the <b>Property</b> , or their authorized agent, or a lessee or occupant of

the **Property**;

- “Permit”** means a written permission that is granted to an **Applicant** by the **Commissioner** or an authorized representative, for the construction and/or installation of all of the physical and mechanical equipment and devices to make a connection to the **Drinking Water System**;
- “Person”** means an individual, association, partnership, corporation, municipality, provincial or federal agency, or an agent or employee thereof, trustee, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- “Premises Isolation”** means the prevention of **Backflow** into the **Drinking Water System** from a **Private Service** by the installation of a suitable **Backflow Prevention Device** at the entrance of the building or **Property**;
- “Potable Water”** means water from the **Drinking Water System** intended for human consumption;
- “Private Service”** means water service pipe, devices, service valves, plumbing, fittings and appurtenances located on the private side of the **Property Line** or contained within a **Non-Municipal Drinking Water System** or other **Private Service**;
- “Private Water Meter”** means a device or mechanism installed on a **Private Service**, after the **Regional Water Meter**, that is not the **Property** of the **Region**, that an **Owner** may install for the purposes of bulk or sub-metering the consumption of water;
- “Property”** means both public and private lands, buildings, structures, boats, vehicles, railway cars, or mobile homes located and means a parcel of land which is capable of being legally conveyed as the

context requires within the **Region**;

**"Property Line"**

means the line marking the limits between private and public **Property**;

**"Region"**

means The Regional Municipality of Halton;

**"Regional Employee"**

means an employee, contractor, or agent of the **Region**;

**"Regional Official Plan"**

means the **Region's** in force Official Plan, pursuant to the *Planning Act*, R.S.O. 1990, c P.13;

**"Regional Council"**

means the elected Council for the **Region**;

**"Regional Standards"**

means approved current standards relating to the construction and engineering of water, wastewater, storm sewer, and road systems on public lands, including any standards, specifications, guidelines, criteria, levels of service criteria and any policies and procedures which are approved by the **Commissioner**, from time to time;

**"Regional Water Meter"**

means a device or mechanism, including but not limited to Advanced Meter Infrastructure (AMI) technology, a **Remote Reader** and all appurtenances thereto, which is owned by the **Region** and used for the purpose of measuring the flow and quantity of water provided for billing purposes in accordance with the **Water Rates and Charges By-law**;

**"Remote Reader"**

means a device used to record the quantity of water to which it is connected;

**"Residential"**

means developed land, buildings or portions thereof used, designed or intended for residential use and includes but not limited to a single detached dwelling, a semidetached dwelling, a

multiple dwelling, an apartment dwelling, a **Secondary Suite**, a special care/special need dwelling, an accessory dwelling and the residential portion of a **Mixed-Use** building;

**“Safe Drinking Water Act”** means the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32;

**“Secondary Suite”** Means an accessory **Residential** dwelling permitted by a local zoning by-law that is located within or upon private **Property** and does not require a separate connection to the **Drinking Water System**;

**“Service Extension Policy”** means the policy approved by **Regional Council** related to the extension of the **Drinking Water System**;

**“Service Valve”** means a device consisting of a **Valve** and box/chamber located at or near the **Property Line** which is owned by the **Region** for controlling the flow of water from the **Drinking Water System** to a **Private Service**;

**“Temporary Connections”** means a connection that is granted to an **Applicant** by the **Commissioner** on a temporary basis with an agreed upon termination date;

**“Test Tag”** Means a tag approved by the **Region** that is placed on the **Backflow Prevention Device** that records the device information, date of testing and tester information;

**“Urban Service Area”** means the area designated by the **Regional Official Plan** as eligible for a connection to the **Drinking Water System**;

**“Valve”** means a device for controlling the flow of fluids (liquids, gases, slurries) in a pipe or other enclosure, controlled by means of a movable element that opens, shuts, or partially obstructs an

opening in a passageway;

**“Water and Waste Water Connection Charges By-law”**

means the **Region’s** current By-law establishing connection charges and related fees and charges, as passed from time to time by **Regional Council**;

**“Watermain”**

means any system of pipes and appurtenances owned by the **Region** used for the distribution of water, but does not include plumbing or a pumping facility;

**“Water Rates and Charges By-law”**

means the **Region’s** current By-law establishing water rates and related fees and charges, as passed from time to time by **Regional Council**;

**“Zone/Area Protection”**

means protection provided for sections of a piping building or facility with no **Potable Water** connections downstream of a **Backflow Prevention Device**.

## ADMINISTRATION

### 2. General

- 2.1. The **Region** may supply water through the **Drinking Water System** as circumstances, equipment and capacity permit.
- 2.2. The **Region** shall meet all regulatory requirements under the **Safe Water Drinking Act**.
- 2.3. No **Regional Employee** shall under any circumstances be permitted to give any guarantee for the supply of water through the **Drinking Water System** and will not be liable for any damages associated in a change to the **Consumer's** supply of water.

### 3. Responsibilities of the Commissioner

- 3.1. Except as otherwise expressly provided in this By-law, the **Commissioner** is responsible for:
  - i) the administration and enforcement of all the provisions of this By-law; and
  - ii) the construction, installation, maintenance, operation, improvement, and extension of the **Drinking Water System** of the **Region**, that shall comply with approved **Regional Standards**.
- 3.2. The **Commissioner** shall determine the nature of any extension, alteration or connection to the **Drinking Water System** required, the location and size of any pipe or appurtenance, the material required to be used for such purpose, or component thereof in accordance with **Regional Standards** and **MECP** regulatory requirements or guidelines.
- 3.3. Where there is a need for greater certainty, the **Commissioner** in consultation with **Corporate Counsel**, is authorized to interpret, implement and enforce this By-law in a manner which is consistent with the purpose and intent of the By-law to ensure the protections of the **Drinking Water System**.

### 4. Power of Entry and Notice

- 4.1. The **Commissioner** may, in the course of performing their duties under this By-law, enter, pass upon, through, over and under any

**Property** within the jurisdiction of the **Region** or area as permitted in accordance with the **Municipal Act**.

- 4.2. The **Commissioner** may at any reasonable time, enter and inspect any lands or structures thereon, to determine whether any provisions of this By-law are being complied with.
- 4.3. Except in the case of an emergency, risk to the **Drinking Water System** or an **Illegal Connection**, the **Commissioner** or a representative shall give reasonable notice before ceasing the supply of water for any necessary inspection, installation, construction, alterations, upgrade, repair or maintenance of the **Drinking Water System** or parts thereof, or as a result of any unpaid or overdue fees or charges as permitted in accordance with the **Municipal Act**. The **Region** shall not be liable for any damages whatsoever caused by the shutting off or the reduction of supply of water or for damaging any component of the **Private Service** or **Property**.

## **5. Restrictions on the Use of Water**

- 5.1. The **Commissioner** may from time to time at their complete and sole discretion prohibit or restrict the use of water.

## **CONNECTIONS**

### **6. Application for Connection to the Drinking Water System**

- 6.1. No **Person** shall proceed with construction or any work related to the connection to the **Drinking Water System** until the **Application** is approved to the satisfaction of the **Commissioner**.
- 6.2. Where an **Owner** of any **Property** located within the **Region** requests to connect to an adjacent municipality's **Watermain** that exists in a highway or public utility corridor located outside of the Regional **Urban Service Area** as defined in the **Regional Official Plan**, the **Owner** is responsible for obtaining consent from the adjacent municipality and **Regional Council** through a request Regional Official Plan Amendment to amend the **Regional Official Plan**. The **Region** shall not be responsible for the cost of the infrastructure or connection to the water supply from an adjacent municipality.
- 6.3. Where a **Property** does not front or abut an existing **Watermain** within a right-of-way or Regional easement, the **Owner** of any **Property**, which is within the **Urban Service Area** as defined in the **Regional Official Plan** must first make an **Application** to the **Commissioner** for

the extension of the **Drinking Water System**, providing such **Application** conforms to the policies and guidelines contained in the **Regional Official Plan**. Any extension of the **Drinking Water System** shall be undertaken according to the terms and conditions set forth in the **Service Extension Policy** as amended from time to time, or in the form of an agreement to the satisfaction of the **Commissioner** and **Corporate Counsel**. Upon an approved **Application**, all costs related to the extension of and connection to the **Drinking Water System** shall be at the complete and sole expense of the **Owner**.

- 6.4. Where a **Watermain** exists within a Right-of-Way or Regional Easement, the **Owner** of any abutting or fronting **Property**, which is within the **Urban Service Area** as defined in the **Regional Official Plan** and which may in the opinion of the **Commissioner** be readily supplied there from, may make an **Application** to the **Commissioner** for approval to connect to the **Drinking Water System**, providing such **Application** conforms to the policies and guidelines contained in the **Regional Official Plan**.
- 6.5. The **Commissioner** may refuse approval of an **Application**, where in the **Commissioner's** opinion the **Drinking Water System** may be adversely affected by the connection or where the **Application** does not satisfy one or all of the criteria set forth in the **Drinking Water System By-Law**, the **Regional Official Plan** or any ancillary legislation.

## 7. **Connections to Permanent Water Supply - Land Development**

- 7.1. Where an **Applicant** requires a connection to the **Drinking Water System** for a proposed land development pursuant to the **Development Process for New Construction**, the **Applicant** shall enter into a **Development Agreement** with the **Region**, to the satisfaction of the **Corporate Counsel**, which shall include details respecting the installation of any **Watermain**, **Private Service**, **Regional Water Meters**, **Backflow Prevention Devices** and any other appurtenances as required to the various lots in the proposed development.
- 7.2. The developer is responsible for the protection of the **Drinking Water System** through the implementation of an interim water quality plan, locates, maintenance and prevention of damage to the **Drinking Water System**.



## 8. **Connections to Permanent Water Supply**

- 8.1. Upon the **Commissioner's** approval of an **Application** to connect to the Region's **Drinking Water System**, the **Region** shall issue a **Permit**. The **Applicant** shall pay all fees associated with the provision of the connection(s) to the **Drinking Water System** including the tapping of the **Watermain** , inspection and testing as set out in the **Water Rates and Charges By-law** and **Water and Wastewater Connection Charges By-Law**, as amended from time to time.
- 8.2. When a **Permit** has been granted, the **Applicant** shall at their complete and sole expense install the required connection and appurtenances thereto, from the **Watermain** to the **Property Line** according to current **Regional Standards**, applicable legislation such as the **Building Code Act, Drinking Water Quality Standards** and provincial standards and specifications. These costs are in addition to the **fees** imposed under the **Water Rates and Charges By-law** and **Water and Wastewater Connection Charges By-law** and any costs associated with works on the **Property** of the **Owner** that shall not be the responsibility of the **Region**.
- 8.3. Upon connection to the **Drinking Water System**, the **Applicant** shall disconnect any **Auxiliary Source of Water** from the **Property** and under no circumstances shall an **Auxiliary Source of Water** or any pipes or devices connected to said water source be permitted to be cross connected with the **Region's Drinking Water System**
- 8.4. The Region shall not be liable for damage caused by any authorized or unauthorized construction or work related to the connection to the **Drinking Water System** by an **Owner** or their authorized representative.

## **CONSTRUCTION, INSTALLATION AND MAINTENANCE STANDARDS**

### 9. **Installation and Specifications**

- 9.1. The size and type, the materials for the construction thereof and the location shall be in accordance with **Regional Standards**, the **Building Code Act, Safe Drinking Water Act** or any subsequent act.
- 9.2. Where the Region determines that a **Private Service** or connection to the **Drinking Water System** is not constructed or maintained in accordance with current **Regional Standards**, this By-law, the **Building Code Act**, or any ancillary legislation, it shall be the

responsibility of the **Owner** to upgrade the **Private Service** at the complete and sole cost of the **Owner**.

- 9.3. Where in the opinion of the **Commissioner** a **Private Service** is dormant or extraneous, it shall be the **Owner's** responsibility at their complete and sole expense, to disconnect from the **Drinking Water System**.
- 9.4. The **Region** may discontinue the supply of water to the **Property** and may shut off the **Service Valve** at the **Property Line**, until such time as any upgrade, maintenance or repairs are undertaken or completed to the satisfaction of the **Commissioner**.
- 9.5. The size of a **Watermain**, the materials for the construction thereof and the location of a **Watermain** within the road allowance shall be as specified in the current **Regional Standards**. On an existing road allowance where utilities or otherwise are already in existence, the **Commissioner** may consider alternate, non-standard locations for a **Watermain** subject to the approval of the local road authority.
- 9.6. Unless previously authorized by the **Commissioner**, no work shall be undertaken or performed by any **Regional Employee**, servant, agent or contractor of the **Region**, and no material shall be placed upon private **Property** except the placing of a **Regional Water Meter** or **Remote Reader**.
- 9.7. Where a **Private Service** for a **Property** is approved by the **Commissioner** to supply water to more than one registered lot, or is installed in, over or across another **Property**, an easement, Condominium Agreement or other appropriate agreement to the satisfaction of **Corporate Counsel** shall be in force.
- 9.8. Where an easement exists, the registered party is responsible for the cost of maintenance, repair, replacement and any associated costs located within the easement.
- 9.9. Any **Property** that contains two or more **Private Services** which have been connected to separate sections of the **Drinking Water System** and are interconnected inside the **Property Line**, the **Owner** shall install and maintain on each **Private Service** a sufficient number of **Valves, Backflow Prevention Devices** and **Regional Water Meters**, as determined and approved by the **Commissioner** and **Regional Standards**.
- 9.10. The installation of once-through cooling systems shall not be approved for use on any **Property** connected to the **Drinking Water System**.

## 10. Service Valves

- 10.1. **Service Valves** shall be located at the **Property Line** or at a location as otherwise determined by the **Commissioner**.
- 10.2. Every **Owner** shall maintain a **Service Valve** by taking all precautions necessary to prevent damage by frost, freezing, blows through landscaping, snow removal, driveway repair, theft or otherwise.
- 10.3. Where a **Service Valve** has been damaged, encased, concealed, or made inaccessible by the **Owner**, or an agent of the **Owner**, through landscaping, driveway repair or otherwise, the **Owner** shall at their complete and sole expense be responsible for exposure of, repair or replacement of the **Service Valve**.

## 11. Replacement or Upgrade of Existing Private Service(s)

- 11.1. Where an **Owner** with an existing connection to the **Drinking Water System** engages in the redevelopment of a lot, major renovation or change of use, and they wish to re-use that connection, the **Owner** shall, at their sole expense, expose the connection at the **Property Line** to confirm the size and location of the connection and verify it functions as intended and conforms to this By-law and current **Regional Standards**.
- 11.2. Any existing connection to the **Drinking Water System** shall be flushed, sampled and tested according to Regional Standards, prior to being re-connected to the Region's **Drinking Water System** at the sole expense of the **Applicant**.
- 11.3. Where the **Region** determines that the **Drinking Water System** requires retrofitting or upgrading as a result of the redevelopment, major renovation or change of use to comply with current **Regional Standards**, this By-law, the **Building Code Act**, or any ancillary legislation, any upgrade to the **Drinking Water System** shall be at the complete and sole cost of the **Owner**.

## 12. Disconnections

- 12.1. At the request of an **Applicant** and where a municipal demolition permit is received by the **Region**, a minimum of seventy-two (72) hours' notice is required for the disconnection of the **Drinking Water System** at the **Property Line** and the removal of the **Regional Water Meter(s)** at the **Owner's** expense.

12.2. In the case of a **Property** demolition where the demolished **Property** will not be replaced with a new **Property**, the **Region** shall disconnect the **Drinking Water System** at the **Region's** cost.

12.3. Until such time as a **Consumer** provides written notice to the **Commissioner** of their desire to disconnect from the **Drinking Water System** and the disconnect has occurred, the rates and charges as prescribed in the **Water Rates and Charges By-law** shall continue to be charged to the **Consumer** by the **Region**.

### **13. Multi-Residential and Mixed-Use**

13.1. A **Private Service** shall be permitted to service more than one **Residential** horizontal, vertical or stratus condominium complex or apartment complex regardless of ownership as long as the necessary **Private Service** easements and/or **Watermain** common elements are placed on title or within the condominium documents. The documents shall clearly spell out the private construction, maintenance, surface treatment and reconstruction obligations of the **Owner**.

13.2. In the case of all condominium units, each **Private Service** and each common condominium **Private Service** shall be located outside the private condominium units and located within an area designated as the common element in the common element and general index register for the particular condominium corporation.

13.3. **Watermain** looping shall be incorporated into **Multi-Residential** development unless otherwise approved by the **Commissioner**.

### **14. I/C/I**

14.1. A **Private Service** shall be permitted to service more than one **I/C/I** regardless of ownership as long as the necessary **Private Service** easements and/or **Watermain** common elements are placed on title or within the condominium documents. The documents shall clearly spell out the private construction, maintenance, surface treatment and reconstruction obligations of the **Owner**.

14.2. **Watermain** looping shall be incorporated into **I/C/I** development unless otherwise approved by the **Commissioner**.

### **15. Secondary Suites**

15.1. For the purposes of this By-Law, **Secondary Suites** do not require an additional **Private Service** or **Regional Water Meter**, provided that a

**Regional Water Meter** has been installed before a **Private Service** extension to the **Secondary Suite** on the **Property**.

**16. Non-Municipal Drinking Water Systems**

- 16.1. Where a **Property** with a **Non-Municipal Drinking Water System** that serves apartment buildings, private subdivisions and mobile home parks, or any other privately-owned system including **I/C/I** and **Mixed-Use** exists, the **Owner** of the **Non-Municipal Drinking Water System** is responsible for monitoring testing and reporting in accordance with **MECP** regulations and the **Safe Drinking Water Act**.

**HYDRANTS**

**17. Hydrant Use**

- 17.1. No **Person** shall use or discharge any water from any **Hydrant** connected to the **Drinking Water System**, unless expressly permitted in accordance with this By-law.

**18. Connection to a Hydrant**

- 18.1. A connection to a **Hydrant** shall only be permitted upon approval of a **Permit** and payment all necessary fees, as set out in the **Water Rates and Charges By-law**.
- 18.2. Where, in the opinion of the **Commissioner**, there is no viable alternative for providing water to a **Consumer**, the **Commissioner** may issue a **Permit** for a **Temporary Connection** to a **Hydrant** by a **Consumer** upon such terms and conditions and for a period to be determined by the **Commissioner** provided they have applied to the **Region** for a **Permit** and paid all necessary fees, as set out in the **Water Rates and Charges By-law**. Every **Person** shall comply with the conditions of the **Permit**.
- 18.3. In all cases the **Hydrant** shall have a **Hydrant Meter** installed thereon and be protected by an approved **Backflow Prevention Device**, which shall be the responsibility of the **Consumer** at their sole expense.
- 18.4. At no time shall a **Consumer** or any **Person** other than the **Commissioner** remove or relocate a **Hydrant Meter**.

## **19. Installation, Maintenance and Relocation of Hydrants**

- 19.1. The design, location, installation, separation and maintenance of a **Hydrant** shall be in accordance with current **Regional Standards** and the current National Fire Prevention Association Standard, the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4 and the Ontario *Fire Code*, O.Reg. 213/07, as amended.
- 19.2. The **Commissioner** shall have the authority, through the **Development Process**, to establish standards for and to secure the provision of adequate **Hydrant** placement.
- 19.3. The **Commissioner** may require a **Hydrant** be relocated or replaced if found to not be in accordance with current **Regional Standards** or if it may cause an adverse effect to the **Drinking Water System**, at the sole cost of the **Owner**.
- 19.4. At the request of an **Owner**, the **Commissioner** may permit a **Hydrant** relocation in accordance with current **Regional Standards**, at the sole cost of the **Owner**.
- 19.5. Where a **Hydrant** has caused damage to the **Drinking Water System**, the cost of repair or replacement shall be at the sole cost of the **Owner**.

## **20. Fire Protection and Municipal Use of Hydrants**

- 20.1. Each local municipality shall obtain a **Permit** for the use of a **Hydrant** connected to the **Drinking Water System** for fire protection, sewer flushing, street cleaning, and maintenance and shall use a **Hydrant Meter** for the purposes of recording consumption.
- 20.2. A local municipality shall only use a **Hydrant** specified by the **Commissioner**, and the locations may be amended from time to time at the discretion of the **Commissioner**. The **Commissioner** has the authority to revoke the use of the **Hydrant** at any time.

## **WATER METERS**

### **21. Water Meters**

- 21.1. Every **Private Service** connected to the **Drinking Water System** shall have a **Regional Water Meter** installed on each individual **Private Service**, except in the case of bulk metering as approved by the **Commissioner**.

- 21.2. The **Commissioner** shall determine the size of any **Regional Water Meter**, the manner of its installation, and any and all matters relating to the required piping and other appurtenances associated there with in accordance with current **Regional Standards**.
- 21.3. Unless otherwise specified by the **Commissioner**, all **Regional Water Meters** shall be owned and maintained by the **Region**.
- 21.4. No **Person**, except for an **Officer**, shall break, permit or cause to be broken a **Meter Seal** placed upon a **Regional Water Meter**.
- 21.5. In the event that a **Meter Seal** on a **Regional Water Meter** is discovered to have been broken by someone other than an **Officer** or a **Regional Employee** as authorized by the **Commissioner**, an **Officer** may cause an investigation to be made to determine whether there has been a contravention of this By-law.
- 21.6. A permanent connection to the **Drinking Water System** shall not be permitted until a **Regional Water Meter** is installed and is deemed operational to the satisfaction of the **Commissioner**.
- 21.7. A **Control Valve** shall be installed before the **Regional Water Meter** on the **Private Service** within each unit at the sole expense of the **Owner**. Where the **Region** provides for an upgrade of the **Regional Water Meter** through a program as approved by **Regional Council**, the **Control Valve** may be supplied or repaired as part of the installation, repair or maintenance of the **Regional Water Meter** as approved by the **Commissioner**. **Owner** responsibilities for maintenance, replacement and repair of the **Control Valve** shall be in accordance with section 22.6 and the **Region** shall not be liable for any damages which may arise as a result of a **Control Valve** failure or damage.

## **22. Location and Maintenance Standards for Regional Water Meters**

- 22.1. At any **Property** where a **Regional Water Meter** is to be installed, the **Owner** shall provide space without any obstructions for such **Regional Water Meter** and **Remote Reader** in a location approved by the **Commissioner**, and the location shall be as close as practicable to the point where the **Regional water service** enters the building, and shall be accessible at all times for reading, repairing, testing and replacing by the **Region**, in accordance with the current **Regional Standards** and the **Building Code Act**.

- 22.2. When a **Regional Water Meter** or **Remote Reader** is deemed to be inaccessible, the cost to provide access, and any associated restoration is the responsibility of the **Owner**.
- 22.3. When a location for a **Regional Water Meter** or **Remote Reader** cannot be provided by an **Owner** to the satisfaction of the **Commissioner**, or conditions or circumstances change with respect to a **Regional Water Meter** installation within a building, the **Owner** shall at their complete and sole expense, have a **Meter Chamber** or above ground **Enclosure** constructed according to the current **Regional Standards**.
- 22.4. The **Owner** shall have a **Regional Water Meter** installed for use in accordance with the **Water Rates and Charges By-Law**, and located in a common area, or an area accessible at all times for reading, repairing, testing and replacing by the **Region**.
- 22.5. Every **Owner** shall ensure that **Valves** are fitted with proper handles and shall provide, install and properly maintain all **Valves** to, from and around the **Regional Water Meter**.
- 22.6. Every **Owner** shall maintain, replace and repair all plumbing including the **Control Valve**, **By-pass Valve**, piping, fittings, **Valves** and appurtenances to and from and around a **Regional Water Meter** in good working order and shall take all precautions necessary to prevent damage by frost, freezing, hot water, blows, injury or damage from any cause to the **Regional Water Meter**, unauthorized removal from the **Property** whether by theft or otherwise, at the **Owner's** expense. The **Region** shall not be liable for any damages which may arise from the thawing of a frozen **Regional Water Meter**.
- 22.7. Any **Private Water Meter** shall be installed on the **Private Service** after the **Regional Water Meter**.
- 22.8. The **Owner** shall be liable for all costs related to the repair, replacement, damage, freezing or leaking of any **Control Valve**, plumbing, piping, fittings, **Valves** or appurtenances thereto located on the **Private Service** and connected to the **Regional Water Meter**.
- 23. Regional Water Meter Relocation**
- 23.1. Where a request is made by an **Owner** to relocate a **Regional Water Meter**, the location shall be approved by the **Commissioner** and no **Person** shall relocate the **Regional Water Meter** before such approval is granted by the **Commissioner**.



23.2. The **Regional Water Meter** shall be inspected and sealed by the **Region** to ensure conformance to **Regional Standards**.

23.3. Any costs related to the relocation of the **Regional Water Meter** shall be at the sole expense of the **Owner**.

#### 24. **Regional Water Meter Reading**

24.1. The reading of the register of the **Regional Water Meter** shall be the sole evidence of the quantity of water supplied to a **Property** unless the **Regional Water Meter** is proven to be defective, following a proper calibration testing as authorized by the **Commissioner**.

### **CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION**

#### 25. **Cross Connection Control & Backflow Prevention**

25.1. No **Person** shall connect, cause to be connected, or allow to remain connected to the **Drinking Water System** any piping, fixture, fitting, container or appliance, in a manner which under any circumstance, may permit **Backflow** into the aforementioned system.

25.2. The **Commissioner** shall provide evaluation, review and/or inspection of plans of all **Permits** and shall determine, when necessary, the type of **Backflow Prevention Device**, if any, to be required as a condition of the issuing of a **Permit** or for any connection to the **Drinking Water System**.

25.3. No **Person** shall remove, permit to remove or by-pass a **Backflow Prevention Device** or any part thereof after it has been installed.

25.4. If a **Backflow Prevention Device** must be removed to facilitate the repair of the device or **Private Service**, the **Service Valve** shall be in closed position, or the system shall be disconnected from the **Drinking Water System** to prevent backflow.

25.5. The **Region** shall not be liable for any damages which may arise as a result of failure, freezing or defective condition of a **Backflow Prevention Device**.

#### 26. **Authorized Testers**

26.1. The **Commissioner** shall define and approve the duties of an **Authorized Tester** for the installation and testing of **Backflow**

**Prevention Devices** and the **Cross Connection Control Program** in the **Authorized Functions List**, and shall require an **Authorized Tester** to register with the **Region** on a basis as determined by the **Commissioner**.

- 26.2. All **Authorized Testers** shall obtain certification through an accredited school or college, in accordance with **CSA B64** and shall maintain current certification and licensing with the appropriate certification association.
- 26.3. The **Commissioner** may suspend or revoke the **Authorized Tester** registration with the **Cross Connection Control Program**, if the **Authorized Tester**:
- i) fails to renew, submit or maintain the annual registration and the required annual documentation with the **Region**;
  - ii) submits any false or misleading information; or
  - iii) submits incorrect reports or installations of **Backflow Prevention Devices**.
- 26.4. The **Commissioner** may upon suspension, request the **Authorized Tester** successfully complete a testers refresher course as approved by the **Commissioner**, prior to any re-instatement to the **Cross Connection Control Program** as an **Authorized Tester**.
- 26.5. The **Commissioner** may, at their sole discretion forward all non-compliant **Cross Connection Control Program** registrations to the appropriate governing body.

## **27. Cross Connection Survey**

- 27.1. Every **Owner** shall, at their complete and sole expense, have a **Cross Connection Survey** of the plumbing system of all existing **Mixed-Use, I/C/I, and Multi-Residential** buildings and structures, except buildings of **Residential** occupancies, conducted in accordance with the **Building Code Act**, by an **Authorized Tester** as described in the **Authorized Functions List** at the time of the **Test Tag** replacement, change of use, change of ownership or at any time as determined by the **Commissioner**.
- 27.2. The **Cross Connection** survey shall be completed with a report sent to the **Commissioner** within sixty (60) days of the date of the request by the **Commissioner**. The **Cross Connection Survey** report shall include existing **Backflow Prevention**

**Devices and Cross Connections**, corrective measures, recommendations, and a schedule of work to be completed.

27.3. If a deficiency or condition is found to exist which is contrary to this By-law, the **Owner** or other **Person**, shall, without delay take the action(s) required to meet the requirements of this By-law.

## **28. Backflow Prevention Devices**

28.1. All **I/C/I** units shall be equipped with a **Backflow Prevention Device** installed on each individual service as determined and approved by the **Commissioner**.

28.2. All **Multi-Residential** bulk metered units, including stacked townhouse units, shall be equipped with approved **Backflow Prevention Devices** installed on each individual service.

28.3. In the case of a **Mixed-Use** unit with only one **Private Service**, a **Backflow Prevention Device** shall be installed on the **Private Service**.

28.4. In the case of **Mixed-Use** with more than one **Private Service**, the **I/C/I** portion of the unit shall be equipped with a **Backflow Prevention Device** as determined and approved by the **Commissioner**.

28.5. All lawn **Irrigation Systems** require the installation of a **Backflow Prevention Device** in accordance with the **Building Code Act** and **CSA B64**.

28.6. The requirements set out in sections 28.1 to 28.5 shall be the responsibility of the **Owner** of the **Property** at their complete and sole expense

28.7. **Backflow Prevention Devices** shall be utilised by all vehicles that connect to **Hydrants** and these **Backflow Prevention Devices** shall be inspected on an annual basis.

28.8. All **Backflow Prevention Devices** and piping shall be tested, owned and maintained by the **Owner** and their sole expense.

28.9. The **Owner** shall take all precautions necessary to prevent:

- i) damage by frost, freezing, hot water, blows, injury or damage from any cause to the **Backflow Prevention Device** and any appurtenances thereto; and

- ii) the loss of the **Backflow Prevention Device**, where the same is removed from its premises without the consent of the **Region**, whether by theft or otherwise.

## **29. Backflow Prevention Device Installation and Testing**

- 29.1. Every **Owner** shall ensure that all **Backflow Prevention Devices** be installed and tested annually in conformance with **CSA B64** and the **Building Code Act** by an **Authorized Tester** and a copy of the testing and inspection report and fees shall be submitted to the **Region** by the **Owner** before activating a water service.
- 29.2. Every **Owner** shall ensure that **Backflow Prevention Devices** shall be inspected and tested annually, by an **Authorized Tester** as defined by the **Commissioner** at the expense of the **Owner**, upon installation, and thereafter as required by the **Commissioner** and reported to the **Commissioner** within twenty-eight (28) days of the test.
- 29.3. The **Authorized Tester** shall ensure that all equipment used to test a **Backflow Prevention Device** is in good working order, verified and calibrated for accuracy by the **Authorized Tester**.
- 29.4. The **Authorized Tester** shall ensure that all licencing required to perform the functions, as set out in the **Authorized Functions List**, on a **Backflow Prevention Device** are in good standing.
- 29.5. A **Test Tag** shall be displayed on or adjacent to the **Backflow Prevention Device** by the **Authorized Tester** whom shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, the test date, the name, initials and license number of the **Authorized Tester**.
- 29.6. When the results of testing show that a **Backflow Prevention Device** is not in proper working condition or requires updating to meet **Regional Standards**, the **Building Code Act** or **CSA B64**, the **Owner** shall notify the **Commissioner** and shall make all necessary repairs or replace the device within ninety-six (96) hours, at the **Owner's** complete and sole expense.

## **30. Premises Isolation**

- 30.2. Where, in the opinion of the **Commissioner**, a risk of possible contamination of the **Drinking Water System** exists, the **Owner**, on notice from the **Commissioner**, will be required to install a **Backflow**

**Prevention Device** for **Premises Isolation** and at the source of potential contamination at the sole expense of the **Owner**.

- 30.3. Any required **Premises Isolation Backflow Prevention Devices** and **Zone/Area Protection** shall be installed in accordance with **Regional Standards**, the **Building Code Act** and **CSA B64**.

### **31. Fire Systems**

- 31.2. Any private fire system must incorporate a **Backflow Prevention Device** as determined and approved by the **Commissioner** and in accordance with all **Regional Standards**, **Design Requirements**, the **Building Code Act** and **CSA B64**.
- 31.3. All high rise buildings or any buildings which require the use of a booster pump shall incorporate a **Double Check Valve Assembly** located before the pump in order to protect the **Drinking Water System**.

## **AUXILIARY SOURCE OF WATER**

### **32. Auxiliary Source of Water**

- 32.2. The **Commissioner** may authorize the use of an **Auxiliary Source of Water** subject to such terms and conditions deemed necessary, and notwithstanding the generality of the foregoing may set a limit on the period of time for which an **Auxiliary Source of Water** may be used.
- 32.3. No **Private Service** is permitted to be connected inside a **Property** that is also connected to an **Auxiliary Source of Water** unless specifically approved by the **Commissioner** for purposes other than human consumption such as bona fide agricultural purposes, site remediation, site de-watering, irrigation, cooling, or manufacturing, or an emergency water supply for sensitive water users.
- 32.4. No **Person** who has been granted permission by the **Commissioner** to use an **Auxiliary Source of Water** shall allow that source of water, or any pipes or devices connected to said water source, to be connected to the **Region's Drinking Water System**.
- 32.5. Any **Person** who has been granted permission by the **Commissioner** to use an **Auxiliary Source of Water** shall install a **Backflow Prevention Device** in accordance with the **Building Code Act** and **CSA B64**.

### **33. Well Disconnection and Decommissioning**

- 33.2. Any well that is not being used or maintained shall be decommissioned in accordance with O. Reg. 903 of the **Ontario Water Resources Act**, and any future amendments thereto. Furthermore, the piping from the private well is to be disconnected.

### **34. Bulk Water Stations**

- 34.2. The **Region** may provide for the bulk sale of water from its metered bulk water stations to approved bulk water users as determined by the **Commissioner**.
- 34.3. **Owners, Consumers** and operators, as applicable, of a water hauling truck shall take appropriate measures to protect the water, the water tank, and any equipment and connections from contamination during filling, storage, transportation, and delivery of the bulk water.
- 34.4. **Owners, Consumers** and operators shall pay all fees related to bulk water in accordance with the **Water Rates and Charges By-law**.

## **OFFENCES, ENFORCEMENT AND PENALTIES**

### **35. Offences**

- 35.1. No **Person** shall:

- i) hinder, obstruct, refuse entry or interrupt, or cause or permit to be hindered or interrupted, the **Region, Regional Employee** or any of its authorized officers, contractors, agents, servants or workers in the exercise of any of the powers conferred by this By-law;
- ii) let off or discharge water so that water runs waste or useless from the **Region's Drinking Water System**;
- iii) alter, remove or bypass, or cause or permit to be altered, removed or by-passed any **Backflow Prevention Device** or **Regional Water Meter**;
- iv) transfer a **Permit** or agreement for any works related to the connection to, or supply of, water from the **Drinking Water System** without the approval of the **Commissioner**;

- v) without lawful authority, open or close any **Hydrant, Valve** or chamber connected to the **Drinking Water System**, or obstruct the free access to any **Hydrant**, chamber, pipe or **Hydrant** chamber by placing on or near to it any building material, rubbish, temporary structure, or other obstruction of any nature whatsoever;
- vi) obstruct access by **Regional Employee** to any part of the **Region's Drinking Water System**;
- vii) deposit any injurious, noxious, noisome or offensive matter and substances that are considered to be toxic as defined in Section 64 of the *Canadian Environmental Protection Act, 1999 (CEPA 1999)* into the water or **Drinking Water System**, or upon the ice, if the water is frozen, or in any way foul the water or commit any wilful damage or injury to the **Drinking Water System**, the pipes or water, or encourage the same to be done;
- viii) alter, cause or permit to be altered any **Regional Water Meter** placed upon any service pipe or connected therewith, within or without any **Property**, so as to lessen or alter in any manner the amount of water consumption registered;
- ix) lay or cause or permit to be laid any pipe or main to connect with any pipe or **Watermain** of the **Drinking Water System**, or in any way tap into or obtain the use of the water without the written consent of the **Commissioner**;
- x) place or cause to be placed any material including snow, ice, trees, shrubs, plants, fences, berms, or other obstruction or vehicle of any kind whatsoever that obstructs access to a **Hydrant**;
- xi) use water contrary to a water use prohibition or restriction by the **Commissioner** or in a manner which is contrary to any direction given by the **Commissioner**;
- xii) fail to notify the **Commissioner** immediately of any damage caused to the **Drinking Water System**.

## 36. Orders

- 36.1. If an **Officer** is satisfied that a contravention of this By-law has occurred, they may make an Order requiring the **Person** who contravened this By-law or who caused or permitted the contravention,

or the **Owner** of the **Property** on which the contravention occurred to discontinue the contravening activity.

36.2. An Order under subsection 36.1 shall set out:

- i) reasonable particulars of the contravention adequate to identify the contravention and the location of the **Property** on which the contravention occurred; and
- ii) the date by which there must be compliance with the Order, which may be of immediate effect should the **Officer** determine that the circumstances warrant.

36.3. If an **Officer** is satisfied that a contravention of this By-law has occurred, they may make an Order requiring the **Person** who contravened this By-law or who caused or permitted the contravention or the **Owner** of the **Property** on which the contravention occurred to do the work to correct the contravention.

36.4. An Order under subsection 36.3 shall set out:

- i) reasonable particulars of the contravention adequate to identify the contravention and the location of the **Property** on which the contravention occurred; and
- ii) the date by which there must be compliance with the Order, which may be of immediate effect should the **Officer** determine that the circumstances warrant; and
- iii) the work to be completed which may include but is not limited to requiring that:
  - a. prior to performing any work, all necessary permits or other approvals be applied for and obtained;
  - b. a **Cross Connection Survey** Form be completed;
  - c. a **Backflow Prevention Device** be installed;
  - d. a **Backflow Prevention Device** be tested;
  - e. a **Backflow Prevention Device** be repaired;
  - f. a **Backflow Prevention Device** be replaced;



- g. a legible test report be submitted to the **Region** for approval;
- h. a **Test Tag** be applied to a **Backflow Prevention Device**;
- i. arrangements be made for the shutting off of the supply of water from the **Drinking Water System** until the work ordered to be done is completed;
- j. an **Illegal Connection** or by-pass be removed; and
- k. a disconnection of **Private Service that** is dormant or extraneous.

36.5. An Order to discontinue a contravening activity made under subsection 36.1 or an Order to do work made under subsection 36.3 may be served personally or by registered mail to the last known address of:

- i) the **Person** the **Officer** believes contravened this By-law; and
- ii) such other **Persons** affected by the Order as the **Officer** making the Order determines.

36.6. Service by registered mail shall be deemed to have taken place five (5) business days after the date of mailing or on the date of personal delivery.

36.7. An **Officer** who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place on the **Property** and the placing of the placard shall be deemed to be sufficient service.

36.8. Where service cannot be given in accordance with subsections 36.5 and 36.6, sufficient service is deemed to have taken place when given in accordance with subsection 36.7.

36.9. No **Person** shall remove an Order, notice, direction or placard posted on a **Property** indicating that it was posted under this By-law, except an **Officer**.

36.10. Where a time frame is set out in an Order for carrying out any action, the **Officer** may extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the **Officer**.

- 36.11. Where a **Person** does not comply with a direction or a requirement, including an Order, under this By-law to do a matter or thing, the **Officer**, with such assistance by others as may be required, may carry out such direction, requirement or Order at the **Person's** expense.
- 36.12. The **Region** may recover the costs of doing a matter or thing under subsection 36.11 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of fifteen (15) percent commencing on the day the **Region** incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 36.13. A **Person** who has been served with an Order and who is not satisfied with the terms and conditions of the Order may appeal to the **Commissioner** by sending a notice of appeal by registered mail or personal delivery to the **Commissioner** within fourteen (14) days after being served with the Order.
- 36.14. An appeal under section 36.13 shall be conducted pursuant to the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S. 22.
- 36.15. An Order under this By-law that is not appealed within the time referred to in section 36.13 shall be deemed to be final.

## **37. Enforcement**

- 37.1. The enforcement of this By-law shall be conducted by an **Officer**.
- 37.2. An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 37.3. No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 37.4. Every **Person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request, failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of their duties.
- 37.5. Without limiting the generality of subsections 36.1 to 37.4, where the **Commissioner** has determined, in their sole discretion, that an immediate threat of contamination in the **Region's Drinking Water System** exists that can endanger public health and safety, the **Commissioner** may shut off the water supply to the **Property** or any

building or structure thereon, until the threat of contamination has been eliminated.

### **38. Penalties**

- 38.1. Every **Person** who contravenes any provision of this By-law or an Order issued pursuant to this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
- i) on a first offence, to a fine not more than \$50,000.00;
  - ii) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00; and
  - iii) in the case of continuing offence, for each day or part of a day that the offence continues, the maximum fine shall be \$10,000.00 per day for every day in contravention and the total of all daily fines for the offence is not limited to \$100,000.00.
- 38.2. Every **Person** who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.
- 38.3. If a **Person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an Order prohibiting the continuation or repetition of the offence by the **Person** convicted.
- 38.4. Each day that a **Person** contravenes any provision of this By-law constitutes a separate offence.

## **WATER RATES AND CHARGES**

### **39. Methods of Calculation and Payment Provisions**

- 39.1. All **Consumers** of water shall be charged in accordance with the rates and charges fixed and set forth in the **Water Rates and Charges By-law**.
- 39.2. **Owners** shall be responsible to pay those rates and charges as set forth in the **Water Rates By-law** which are incurred for a **Property** by their tenants, inmates, lessees, licensees, occupants and **Consumers**, in accordance with the **Municipal Act**.

- 39.3. Any **Consumer** who fails to take all precautions necessary to prevent damage by frost, hot water, blows, injury or damage from any cause to the **Regional Water Meter** and any appurtenances shall be liable for any associated restoration costs.
- 39.4. Until such time as a **Consumer** provides written notice to the **Commissioner** of their desire to discontinue the use of the **Drinking Water System** and the **Drinking Water System** is in fact disconnected (service capped and water meter removed by the Region) at the Consumer's expense as set out in **Water Rates and Charges By-law**, the rates and charges as prescribed in the **Water Rates and Charges By-law** shall continue to be charged to the **Consumer** by the **Region**.
- 39.5. The reading of the register of the **Regional Water Meter** shall be the sole evidence of the quantity of water supplied to a **Property** unless the **Regional Water Meter** is proven to be defective, following a proper calibration testing as authorized by the **Commissioner**. If the **Regional Water Meter** is shown by the test to measure the flow of water above the American Water Works Association specifications, the fee will be refunded and the Consumer's water bill will be adjusted by the amount determined by the Commissioner of Finance. If a water meter is shown by the test to measure the flow of water within or below the American Water Works Association specifications, the test fee will not be refunded to the **Consumer**.
- 39.6. Where a **Regional Water Meter** fails or is removed for any reason or purpose, the quantity of water consumed during the period of such failure or removal shall be estimated by the **Region's** Commissioner of Finance and the **Consumer** shall be liable for any and all charges based on this estimate.
- 39.7. In making any such estimate, the **Region's** Commissioner of Finance shall give due consideration to consumption records for the **Property** made prior to the failure or removal of the **Regional Water Meter** and shall in addition, give due consideration to consumption records for the **Property** made following the installation of an accurate **Regional Water Meter**.
- 39.8. Any **Consumer** who fails to report to the **Region** that a **Regional Water Meter** has not been installed or has been altered, tampered with, or by-passed, shall be retroactively charged for the estimated quantity of water consumed to the date of installation of the hydroelectric meter at the water rate then in effect.

- 39.9. Where any consumption of water supplied to a **Property** by the **Region** is not properly recorded, the **Region's** Commissioner of Finance shall reserve the right to estimate an input usage for the **Property** and shall employ the rates and charges applied to accurately metered water flows as set out in the **Water Rates and Charges By-law**, as the basis for any such estimate.
- 39.10. All accounts for continued water rates shall be sent to a **Consumer** at any such frequency as is determined by the **Region's** Commissioner of Finance or their designate and each **Consumer** shall pay to the **Region** or its authorized representative on or before the final due date shown on the said account, the full amount of the rates and charges shown thereon.
- 39.11. The **Region** shall not accept an **Application** for a connection to the **Drinking Water System** for any **Property** owned or occupied by a **Consumer** where the **Consumer** has one or more accounts for metered water rates remaining unpaid for a period of thirty (30) days after the expiration of the due date for payment indicated thereon.
- 39.12. In the event that:
- i) an outstanding account for metered water rates remains unpaid after the payment due date shown on the said account, that amount may be added to the tax roll and collected in the same manner as taxes and a notice shall be sent to the **Consumer** and if necessary to any of the following persons not included in the definition of **Consumer**, namely all of the **Owners**, lessors, mortgages, landlords, tenants, lessees and mortgagors (where applicable) of the **Property**, by mail and/or electronic mail advising that the amount has been added to the tax roll and may be collected in the same manner as taxes; If the amount has been added to the tax roll the **Consumer** may be subject to additional administrative fees levied by their local municipality.
  - ii) an outstanding account for metered water rates remains unpaid for thirty (30) days after the expiration of the due date for payment indicated thereon, final notice shall be sent to the **Consumer** by the Commissioner of Finance by mail and/or electronic mail advising that, should the account continue to remain outstanding for ten (10) days following the mailing of such final notice, the water may be turned off or the arrears in payment may be collected by distress.
- 39.13. If an outstanding account for metered water rates is paid by cheque, and such a cheque is not honoured by the proper banking authorities,

the **Region** shall charge to the **Consumer** the fees set out in the **Water Rates and Charges By-law** and such fees shall be added to any outstanding account for metered water rates.

## **GENERAL**

### **40. Appendices**

40.1. Appendix "A" shall form part of this By-law.

### **41. Severability Clause**

41.1. Should any provision, or any part of a provision, of this bylaw be declared invalid, or declared to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or any part of a provision, shall be severed from this bylaw, and every other provision of this bylaw shall be applied and enforced in accordance with its terms to the extent possible according to law.

### **42. Legislation**

42.1. Any reference in this By-law to any statutes, regulations or by-laws shall be deemed to be a reference to such statutes, regulations or by-laws, as amended, restated or replaced from time to time.

### **43. Authorization**

43.1. Where an individual is authorized to do any act pursuant to this By-law, such act may be done by such individual's authorized designate.

**44. Repeal, Short Title and Effective Date**

44.1. By-laws No. 131-10, as amended, and 61-11, are hereby repealed.

44.2. The short title of this By-law is the “Drinking Water System By-law”.

44.3. This By-law comes into force on the day it is passed.

READ and PASSED this 10th day of July, 2019.

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REGIONAL CHAIR

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REGIONAL CLERK

Report No. PW-27-19

## Appendix "A"

### Cross Connection Control Program

#### Authorized Functions List

Item	Function	Professional Engineer with Tester's License	Certified Engineering Technologist with Tester's License 1	Licensed Master Plumber with Contractor's and with Tester's License	Journeyman Plumber or Pipe-Fitter with Tester's License 2	Apprentice Plumber or Pipe Fitter with Tester's License 3	Licensed Halton Staff with Tester's License 4	Fire System Sprinkler Fitter with Tester's License	Lawn Irrigation System Installer with Tester's License
A	Perform Cross-Connection Survey	X	X	X	X				
B	Install relocate or replace a backflow prevention device			X	X	X			
C	Repair of backflow prevention device <sup>4</sup>	X	X	X	X	X			
D	Test backflow prevention device <sup>5</sup>	X	X	X	X	X	X	X	X
E	Items A, B, C and D above in relation to fire protection systems	X	X	X	X	X		X	
F	Items B, C and D above in relation to lawn sprinkler systems	X	X	X	X	X			X

1. Required to be under the direction of a professional engineer
2. Required to be employed by a licensed plumbing contractor.
3. Required to be employed by a licensed plumbing contractor and under direct supervision of a jourmeyman plumber or a master plumber.
4. Water Distribution Operator or In-house maintenance staff is permitted to perform repairs, if they have a tester's licence.
5. Anyone with a tester's licence as per CAN/CSA-864-10, as amended, is permitted.