

The Corporation of the Town of The Blue Mountains

By-Law Number 2023 –

Being a By-law to provide for the Regulation of Water Supply in the Town of The Blue Mountains

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, in section 11 provides that a lower-tier municipality may pass by-laws respecting matters with the public utilities sphere of jurisdiction;

And Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, in Part III Public Utilities, further details specific municipal powers within the public utilities sphere of jurisdiction;

And Whereas Section 398 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, permits the Treasurer of a Municipality to add fees and charges imposed by the municipality to the tax roll and to collect them in the same manner as municipal taxes;

Now Therefore the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. DEFINITIONS

1.1. Definitions

In this By-law, including recitals:

“Assumed” means the earlier of when the Town has assumed ownership of underground works which will form part of the water system or sewage system, or both, or three years after the Town has issued a Certificate of Preliminary Acceptance in accordance with a subdivision agreement for underground works which will form part of the water system or the sewage system or both.

“Building” shall mean a structure supplied with water by the Town of The Blue Mountains.

“Building Code Act” shall mean the *Building Code Act, 1992, S.O. 1992 c. 23* and all regulations thereto.

“Bulk Water User” shall mean any customer who draws water from a pipe located at the Town’s bulk water station or from any other location as authorized by the Director.

“Condominium Corporation” shall mean a condominium corporation created or continued under the *Condominium Act, 1998, S.O. 1998, c. 19*.

“Contractor” shall mean a person who contracts to undertake the construction of works commissioned by the owner or the Town.

“Confined Space” shall mean a fully or partially enclosed space that is not both designed and constructed for continuous human occupancy, and in which atmospheric hazards may occur because of its construction, location or contents or because of work that is done in it.

“Cross Connection” shall mean any temporary, permanent or potential water connection that may allow backflow of water contaminants, pollutants, infectious agents, other material or substance that will or potentially change the water quality in the water distribution system and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

“Customer” shall mean any person, including an owner, who enters into a verbal or written contract with the Town to take water from the Town.

“Developer” shall mean a party to a development agreement other than the Town.

“Development Agreement” shall mean a pre-servicing agreement, subdivision agreement, development agreement, site plan agreement or any other similar type agreement with the Town.

“Development Potential” means vacant land that is located wholly or partially within an area

that is zoned pursuant to the applicable Zoning By-law that would permit the construction of a building or structure greater than 50 square meters. For greater certainty, vacant land wholly located within the Public Open Space (OS1) Zone, Private Open Space (OS2), Hazard (H) Zone, Development (D) Zone and Deferred Development (DD) Zone as set out in the Zoning By-law Number 83-40 as amended, and vacant land wholly located within the Hazard (H) Zone as set out in Zoning By-law Number 10-77, as amended, are deemed to not have development potential.

“Director” shall mean the Director of Operations or designate.

“Existing Landscape Watering” shall mean watering of existing lawns and gardens.

“Fire Chief” shall mean the Fire Chief for the Town or the Fire Chief’s designate.

“Highway” shall mean a highway as defined in sections 1(1) and 26 of the Municipal Act.

“Inspector” shall mean an employee of the Town that has been authorized by the Director to conduct inspections under this By-law.

“Land” includes buildings and structures.

“Landscape Watering - New Special Use Permit” shall mean water of new landscaping as regulated by the Town’s special use permit.

“Municipal Act” shall mean the *Municipal Act, 2001, S.O. 2001, c. 25*.

“Occupant” shall include lessee, tenant, owner, the agent of the lessee, tenant or owner, or any person in possession or occupying a property.

“Outdoor Use of Water” shall mean watering of existing lawns, gardens or outdoor use.

“Owner” or “Property Owner” means the person who is the registered owner of an estate in fee simple of a property, condominium corporation and includes the registered owner in fee simple of an unconnected vacant lot.

“Person” includes a corporation and the heirs, executors, administrators, successors, assigns or other legal representatives of a person to whom the context can apply according to law.

“Plumbing” shall mean plumbing as defined in the Building Code Act and includes a private water main, a water service extension and a plumbing system but does not include the water system.

“Plumbing System” shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing and connected to the water meter or a water service pipe that conveys water to water supply outlets, fixtures, plumbing appliances and devices from the water meter location or from a water service pipe.

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

“Private Water Main” shall mean a water pipe connected to the water system which is installed on private property, owned and maintained by the property owner from which more than one water service pipe and/or hydrant lateral are connected.

“Private Water Main Lateral” shall mean a water pipe which is owned by the Town and installed on Town lands from a water main and connected to a private water main at the property line or easement limits and which will always include at least one shut-off valve.

“Property” shall mean each separately assessed parcel of land connected to the water system or fronting on the water system and includes a condominium unit in a condominium corporation and the common elements in a condominium corporation.

“Refrigeration Apparatus” means any equipment used for the purpose of lowering the temperature of a liquid or gas and utilizing water for cooling purposes.

“Remote Read-Out Unit” shall mean the device installed at a separate location from the water meter and used to record the consumption reading of the water meter.

Water System “Shut-off Valve” shall mean a valve on the water system or on the water service

pipe connected to a private water main used by the Town to shut off or turn on the supply of water to any property.

“Sewage System” means the Town’s municipal sewage system which includes works for the collection, transmission, treatment and disposal of sewage.

“Town” shall mean The Corporation of the Town of The Blue Mountains.

“Town Lands” shall mean all lands owned by the Town including all lands upon which the Town has obtained easements for the installation of the water system, highways under the jurisdiction of the Town and those parts of highways not under the jurisdiction of the Town upon which the Town has installed the water system with the consent of the highway authority.

“Unconnected Vacant Lot” means a separately assessed parcel of land with no buildings or structures erected thereon fronting on but not connected to an assumed part of the water system or the sewage system, or both, and which has “development potential”.

“Water” shall mean potable water supplied by the Town.

“Water Charges By-Law” shall mean the Town’s Water Charges By-law in force at any given time.

“Water Distribution System” shall mean the water system and the plumbing including a plumbing system.

“Water Main” shall mean a water pipe, except a water service lateral and a private water main lateral, which is owned by the Town, installed on Town lands and is part of the water system.

“Water Meter” shall mean the water meter supplied and owned by the Town to measure the quantity of water supplied to the owner.

“Water Meter Pit” shall mean any exterior chamber or pit approved by the Town for the purpose of containing a water meter.

“Water Service” shall mean the system of connected piping, fittings, valves, equipment, fixtures, water meter and appurtenances required to supply water from the water system to a property.

“Water Service Extension” shall mean the portion of a water service pipe which is installed on private property from the property line to the water meter location or to the inside of the building or for a fire service to the inside of the exterior wall of a building and which is owned and maintained by the property owner, i.e. an extension of a water service lateral.

“Water Service Lateral” shall mean the portion of a water service pipe which is owned by the Town and installed on Town lands from a water main to the property line or easement limits and which will always include at least one shut-off valve.

“Water Service Pipe” shall mean a pipe and fittings which conveys water from a connection on a water main or private water main line to the water meter location or to the inside of the building or for a fire service to the inside of the exterior wall of a building.

“Water System” means the Town’s municipal drinking water system as defined in the *Safe Drinking Water Act, 2002, S.O. 2002, c. 32* or any part thereof installed on Town lands and includes water service laterals, private water main laterals and works for the collection, production, treatment, storage, supply and distribution of water, but does not include plumbing as defined in and to which the Building Code Act applies.

“Works” includes hydrants, piping, fittings, valves, equipment, fixtures and appurtenances.

1.2. Interpretation

1.2.1. This By-law shall be known and may be cited as the Regulation of Water Supply By-Law.

1.2.2. The part numbers and headings, subheadings and section, subsection, clause and paragraph numbers are inserted for convenience of reference only and shall not affect the construction or interpretation of this By-law.

1.2.3. Unless the context otherwise requires, in the By-law words importing the singular include the plural and vice versa and words importing a gender include all genders. References herein to any statute or any provision thereof include such statute or provision there of as amended, revised, re-enacted and/or consolidated from time to time and any successor statute thereto.

1.2.4. All references to parts, sections, clauses, paragraphs and schedules unless otherwise specified are references to parts, sections, clauses, paragraphs and schedules of this By-law.

2. APPLICATION FOR WATER SERVICE

2.1. Requirement to Connect Building to Water System

The owner of a building located on a property abutting Town lands in which a water main is situate shall connect the building to the water system. If the owner of a building fails to make a connection required within eleven (11) months after the Town has sent notice to the owner by prepaid mail to the owner's address shown on the latest revised assessment roll requiring the connection to be made, the Town may make the connection at the expense of the owner, and for this purpose may enter in and upon the property of the owner. The notice shall advise the owner that if the owner fails to make the connection as required, the municipality has the right to make it at the owner's expense and to recover the expense by action or by adding the amount to the tax roll of the property and collecting the amount in like manner as property taxes.

2.2. Application and Payment Prior to Installation

The owner shall apply to the Town for a water service and before the service is installed, shall pay any applicable charges as shown in the Water Charges By-law or on such other basis as the Director may at any time or from time to time determine.

2.3. Installation – Payment Required

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

2.4. Temporary Disconnection of Service – Payment

When an owner makes application to discontinue the use of a water service for water supply to a property, the owner shall pay to the Town a disconnection/re-connection charge as shown in the Water Charges By-law to have the shut-off valve shut off to stop the supply of water to the property. The valve will be turned on only at the owner's request and in the owner's presence, during regular Town working hours, and after having given 24 hours (business day) advance notice. The unconnected water rate as shown in the Water Charges By-law will continue to apply.

3. WATER RATES AND CHARGES

3.1. Application for Water Supply

Before the initial supply of water or any subsequent re-connection to any property in the Town, the owner shall make application for same, and the owner shall be governed by the requirements of this By-law.

3.2. Water Measured by Water Meters

The water supplied to all properties in the Town shall be charged for as indicated by the water meter on each respective property at rates as shown in the Water Charges By-law. Where there is no water meter installed at the property, a flat rate water charge as shown in the Water Charges By-law will be charged for each equivalent unit on the property. The number of equivalent units will be determined by the Director according to the Equivalent Unit Schedule attached as Schedule A.

3.3. Initial Billing for Water Supply

Water supply charges on a newly constructed building whose water service extension was inspected after December 31, 2006 commences from the date the water meter has been installed or 60 days from the date the water service was inspected, whichever occurs first. After 180 days, a minimum bill with 30m³ per month will be imposed where no water meter installation was inspected and approved.

Where the water main has been extended in front of a property on which a building has been erected, water supply charges come into effect as follows:

- (a) on the date when the water meter has been inspected and approved by the Town Inspector; or
- (b) eleven (11) months after the water main installation receives the certificate of substantial completion and notice as described in 2.1 has been sent to the property owner.

3.4. Water Meter Reading and Billing

Water meters may be read and/or accounts be rendered monthly, bi-monthly or on any other basis at the discretion of the Town. The bill shall be deemed to be served upon the owner if it is delivered or sent by mail to the owner's address shown on the latest revised assessment roll.

3.5. Late Payment Charge and Overdue Notice

When an account is not paid by the due date stated on the bill, a late payment charge, as shown in the Water Charges By-law, will be assessed to the account and, after that date, an overdue notice will be sent by mail reminding the owner of the outstanding account.

3.6. Notice of Disconnection

Fourteen (14) days after the second overdue notice is mailed, and should the account remain unpaid, the Town will deliver or cause to be delivered by personal service or prepaid mail, a notice of disconnection to the service address and to the occupant and the owner, advising the occupant and the owner that unless payment is received within 48 hours, water service will be disconnected.

3.7. Collection Charge

When it has been necessary for a notice of disconnection to be delivered as set out in section 3.6, a collection charge shall be applied to the outstanding account. Where two (2) consecutive billings have resulted in the need for such notice of disconnection to be delivered as described herein, a collection charge shall be applied for each occurrence. The rate for collection charges is as shown in the Water Charges By-law.

3.8. Non-Payment – Water Shut Off

If the owner at any property omits, neglects or refuses to pay any bill rendered, whether for water service pipes, water meter, service charge or any other monies to which the Town may be entitled in respect of water services to such property, the Town may, at its discretion, shut off or reduce the flow of water to the property. Minimum charges will remain applicable as shown in the Water Charges By-law.

3.9. Re-connection Charge

Where it has been necessary to discontinue service as a result of non-payment, a disconnection /re-connection charge as shown in the Water Charges By-law will be levied against the delinquent account, in addition to the applicable collection charge. After full payment of all outstanding accounts is received by the Town, the valve will be turned on only at the owner's request and in the owner's or their authorized agent's presence, during regular Town working hours, and after having given the Town 24 hours advance notice. Minimum charges will remain applicable as shown in the Water Charges By-law.

3.10. Change of Occupancy / Ownership Charge

At the time of a change of ownership of a property, an administrative charge as shown in the Water Charges By-law will be levied by the Town to the new owner to cover the cost of administrative work, and the said charge will be included on the next billing.

3.11. Temporary Removal and Reinstallation of Water Meter Charge

When the owner requests a temporary removal of the water meter from their property for any reason, the water meter removal and reinstallation charge as shown in the Water Charges By-law will be applied to their account and minimum charges will remain applicable as shown in the Water Charges By-law.

3.12. Minimum Monthly Charge – Who Payable By

The minimum monthly charge for providing and maintaining water supply to a property is applicable for every water service in the Town. In instances when the owner of a property terminates the owner's account with the Town, subsequent minimum monthly charges shall be

rendered to the owner of the property until such time as a new owner applies to the Town for the supply of water.

3.13. Unconnected Water Service Rate

When a property is not connected to the water system the owners shall pay the unconnected water rate charge as shown in the Water Charges By-law.

3.14. Water Service Installation Charge

All water service pipes, except those to lands being developed under a Town development agreement wherein the water main is installed by the developer, may be installed on an actual cost basis at the owner's expense.

3.15. Buildings Under Construction Water Charge

All water supplied to a building under construction shall be metered by a water meter as set out in Section 3.3 and charged for at the rate as shown in the Water Charges By-law.

3.16. Water Meter Testing Charge

The charge for testing the accuracy of a water meter is as shown in the Water Charges By-law and is explained in section 6.18.

3.17. Water Rates and Charges Added to Tax Roll

All water rates and charges as shown in the Water Charges By-law are charges imposed on the owner for the supply of water to the property, constitute a debt of the owner to the Town, may be added to the tax roll of the property to which the water was supplied and may be collected in the same manner as municipal taxes. All charges for the supply of water, when added to the tax roll of the property to which the water was supplied have priority lien status as described in the Municipal Act.

3.18. Unconnected Vacant Lots

When an unconnected vacant lot fronts on an assumed part of the water system or the sewage system, or both, the owner shall pay the unconnected vacant lot water charge as shown in the Water Charges By-law.

4. OPERATION OF WATER SYSTEM

4.1. Conditions on Water Supply

The Town 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 caused by the breaking of any water service pipe or attachment, or for shutting off of water to repair or to tap mains if reasonable notice of the intention to shut off the water is given, except in the case of an emergency as determined by the Director.

4.2. Unauthorized Operation of Fire Hydrants Offence

No person other than a person authorized by the Director shall open or otherwise interfere with or operate or take water from any fire hydrant.

4.3. Unauthorized Operation or Interference Offence

No person other than a person authorized by the Director shall open or close a valve, open or close a shut-off valve, or remove, tamper or in any way interfere with the water system or water meter.

4.4. Improper Use of Water from Fire Services Offence

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

4.5. Improper Use of Bulk Water

Any water supplied from a pipe located at the Town's bulk water station shall be subject to all conditions and restrictions of this Water By-law. Further, no water shall be made available to bulk water users for any purpose outside the geographical limits of the Town of The Blue Mountains during water restriction periods, unless explicit written approval is given by the

Director. Any water supplied to any person from the bulk water station shall not be used as potable water.

4.6. Refrigeration and Air Conditioning

This By-law shall not apply to refrigeration apparatus used solely for cooling or freezing of foodstuffs where the motor of such refrigeration apparatus shall not exceed 3 horsepower in size. Save as herein before provided, no customer shall use water supplied by the Town directly or indirectly for cooling of air except upon complying with the following regulations:

- (a) All equipment for cooling or air conditioning installed after the first day of January 1981, which utilizes water in any way, shall while in operation, be equipped and used with an efficient evaporative cooling device which will and does reduce the consumption of water used in any way in connection with cooling of air to not more than 0.5 liters per minute per ton of refrigeration capacity or per horsepower of installed motor capacity, whichever shall permit the least water consumption; and
- (b) All equipment installed prior to the first day of January 1981, which utilizes water in any way in conjunction with mechanical refrigeration equipment or the cooling of air and is not equipped in accordance with water through a separate water meter and the consumption shown thereon shall be billed and paid for at double the fixed rate as shown in the Water Charges By-law.

4.7. Ownership

4.7.1. The Town shall own the water system on Town lands unless written agreement otherwise.

4.7.2. The Town shall own the water system in vacant land and common element condominium corporations constructed after January 1, 2007 and other situations as agreed by the Town and property owner.

5. WATER SERVICES

5.1. Installation – By Town – By Contractor – On Behalf of Private Landowner

All water service laterals, and private water main laterals shall be installed by the Town or by contractors engaged by the Town or on behalf of the private landowner for the purposes of such installation except in new land development projects where development agreements with the Town require the developer to complete such work. All water service extensions and private water mains shall be installed by contractors engaged by the owner for the purposes of such installation except in new land development projects where development agreements with the Town require the developer to complete such work.

5.2. Installation to Town Specifications

All water service laterals and private water main laterals located within Town property shall be constructed according to the Town's Engineering Standards as approved by the Town from time to time. All water service extensions and private water mains located on private property shall be constructed in accordance with the Building Code Act and in accordance with good engineering practices and shall be approved by the Town. Where the Building Code Act is silent, the Town's Engineering Standards and the Town's specifications shall be applied.

5.3. Connection to Water Main – Prior Application

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

5.4. Installation – Alteration – Approval by Town

For any new water service pipe installation, private water main lateral installation, or private water main installation, or alteration of existing water service pipes or private water mains, the owner must apply for approval from the Town for such work as specified in the Town's Engineering Standards and to the Town's specifications.

5.5. Installation – Inspection by Town

All water service pipes, private water main laterals and private water mains, and appurtenances installed, including those required by a Town development agreement, must be inspected by the Town as specified in the Town's standard contract documents and the Town's

specifications, the charge for which inspection is as shown in the Water Charges By-law. Any request for inspection requires 48 hours advance notice to be given to the Town and verbal confirmation of the inspection appointment to be given by the Town.

5.6. Installation – Access for Inspection

Subject to the provisions of the Municipal Act with respect to powers of entry, the Town and persons authorized by the Town shall at reasonable times be entitled to enter on any property to inspect, repair, alter, or disconnect plumbing used to supply water to the property and for such purposes the Town may shut off or reduce the supply of water to the property. Written notice by the Town will be issued 48 hours to entry date.

5.7. Disconnection of Service – Request by Owner

The water service pipe must be disconnected at the water main or private water main plugged, and the curb box and rod removed at the owner's expense. All work must be inspected by the Town, and the charge for such inspection is as shown in the Water Charges By-law. The Town requires 48 hours advance notice of disconnection.

5.8. Maintenance of Water Service Laterals and Private Water Main Laterals – Town

The water service laterals and private water main laterals shall be maintained by the Town at the Town's expense.

5.9. Maintenance of Water Service Extension and Private Water Main – Owner

Any and all defects to water service extensions, private water mains and water meter pits shall be repaired by the owner of the property being serviced. Should the Town become aware of any such defect and, upon written notification to the owner, if the said defect is not repaired within seven (7) days of the date of the notification or within such time as the Director may deem necessary, then the Town may shut off the water supply to the property. If the Town is required by law to restore the water supply, then the Town may repair the defective water service pipe and/or private water mains and charge the cost to the owner and collect such cost by action or adding the amount to the tax roll for the property and collecting the amount in like manner as property taxes. The Town is not responsible for restoration beyond sod, asphalt and grey brushed concrete.

5.10. Operation of Shut-Off Valve

No person other than persons authorized by the Director shall be permitted to operate the shut-off valve to any property.

5.11. Access to Shut-Off Valves

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

5.12. Responsibility for Protection, Water Loss, Damage

All private water mains and water service extensions 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 extension and/or private water main and the charge for such water loss shall be determined by the Director. The owner shall pay upon demand by the Director the cost of the estimated water loss as estimated by the Director. The Town shall not be held responsible for any damages arising from such leakage.

5.13. Responsibility – Vacant and Unheated Property

When any property is left vacant or without heat, it is the owner's responsibility to shut off the water supply from the property and drain the piping therein. The owner may apply in writing to the Director to have the shut-off valve shut off to stop the water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate as shown in the Water Charges By-law.

5.14. Responsibility – Water Damage

When any property left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the owner or the occupant shall have no claim against the Town. Should the Director become

aware of such leaking or burst pipes, the Director shall shut off the shut-off valve, and the water supply shall not be turned on until the Director shall consider it advisable.

5.15. Responsibility for Frozen Pipes – Town – Owner

Thawing out frozen water service laterals and private water main laterals shall be the Town's responsibility at the Town's cost. Thawing out frozen water service extensions and private water mains shall be the owner's responsibility at the owner's cost.

5.16. Responsibility for Hydrant Maintenance

Fire hydrants shall be maintained by the Town. Hydrants owned by any persons other than the Town shall be maintained by the Town through a written agreement between the owner and the Town. The owner shall be responsible for reimbursing the Town, or persons authorized by the Town, for all costs incurred in maintaining the hydrant. These costs will consist of an annual maintenance fee as shown in the Water Charges By-law plus any costs related to undertaking repairs as deemed necessary by the Director.

5.17. Renewal of Service – Town – Owner

The Town shall renew/replace/rehabilitate water service laterals and private water main laterals on Town lands at its expense and to its specifications when:

- (a) piping is deemed by the Director to be beyond repair; and
- (b) the existing pipe material is lead and supplies a property.

5.18. Access - Removal – Inspection – Fittings

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

6. WATER METERS

6.1. Water to be Metered – Remedy for Violation

All water supplied to a property within the Town, except water used for fire fighting purposes, or water authorized by the Director for construction or other purposes or water used during flushing and maintaining of private fire hydrants, shall pass through the water meter supplied by the Town for use upon such property, and in addition to whatever other remedies the Town may have by law in respect to infringement of this By-law, the Town may, upon ascertaining the water has been used which has not passed through the water meter of such property, forthwith, without notice, shut off and stop the supply of water. Remote readouts must be installed for each and every water meter in accordance with the Town's specifications.

6.2. Supply – Installation – Ownership – Replacement

The owner shall pay any applicable water service charge as shown in the Water Charges By-law before the Town will supply the owner with a water meter and the water meter must be installed within 60 days from the date of the water service extension inspection. The water meter shall remain the exclusive property of the Town and may be removed as and when the Town may see fit, upon the same being replaced by another water meter, or for any reason which the Town may, at its discretion, deem sufficient.

6.3. Installation – Maintenance – Repair – Access

The Director may shut off or restrict the supply of water to a property if the Director requires access to the property to install, replace, repair, inspect or remove the water meter or if the owner has not installed a water meter in accordance with section 6.2. The Director for that purpose has free access, at all reasonable times, and upon notice given as set out in section 6.4 of this By-law, to all parts of every building or other property to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing water meters upon any water service pipe or connection within or without the building as they consider expedient and for that purpose or for the

purpose of protecting or regulating the use of the water meter, may set it or alter the position of it.

6.4. Notice Required – Access

Before shutting off or restricting the supply of water under section 6.3, the Director shall:

- (a) by personal service or by prepaid mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the municipality with a notice issued allowing fourteen (14) days notice which the Town intends to shut off or restrict the supply of water if access to the property is not obtained before that date or if the water meter is not installed by the owner before that date;
- (b) ensure that a copy of the notice described in clause (a) is securely attached to the property in a conspicuous place.

6.5. No Shut Off – Reasonable Effort – Gain Access

The Director shall not shut off or restrict the supply of water under section 6.3 unless they have made reasonable efforts to get access to the property and have been unable to get access within fourteen (14) calendar days after the later of:

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

6.6. Restoration of Water Supply – As Soon As Practicable

If the Director has shut off or restricted the supply of water under section 6.3, the Director shall restore the supply of water as soon as practicable and during regular working hours after obtaining access to the property. The valve will be turned on only in the owner's or their authorized agent's presence.

6.7. Charges – Water Meters – Owner to Pay

All charges for any of the work and services mentioned in sections 6.3 and 6.6 will be determined by the Director as shown in the Water Charges By-law and will be paid in full by the owner, as the case may be.

6.8. Every Property Metered

Every property to which water is being supplied shall be furnished with a separate water meter, supplied by the Town except for those condominium corporations where the Director may decide that the water meter should be furnished to the common elements of the condominium corporation rather than the units in the condominium corporation, and except where non compliance is acceptable to the Director. Additional water meters supplied by the Town may only be installed at the discretion of the Director.

6.9. Installation to Town Specifications

All water meters supplied by the Town shall be installed to conform to the specifications of the Town. No water meter shall be installed in a crawl space or confined space, except with the written consent of the Director.

6.10. Water Meter Location – Director to Consent to Change

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

6.11. Private Water Meters – Owner Responsible

The Town will not supply, install, maintain or repair private water meters, however, the Town may inspect, read and bill private water meters at the Town's discretion, in accordance with a written agreement with the Town. Water supply pipes to private water meters must be connected to a plumbing system after the Town's water meter.

6.12. Reading Water Meter – Access

The Director and persons authorized by the Town for the purpose of reading water meters shall be allowed unimpeded access to the property and be provided free and clear access to the water meter where water is being supplied at all reasonable times for the purpose of reading at the discretion of the Town. Where such access to the property and/or free and clear access to a water meter is not provided by the occupant within fourteen (14) days upon written

notification by the Director, the Director may, at their discretion, shut off the supply of water to the property until such time as free and clear access to the water meter is provided.

6.13. Valve Maintenance – Responsibility of Owner

The owner shall supply and furnish a valve to shut-off the supply of water to the water meter. The owner shall be responsible for maintaining this valve in good working order and the outlet and by-pass valves for all water meters and shall ensure that such valving is accessible.

6.14. Water Meter Bypass Lines

No person shall install a piped water meter bypass except with the written consent of the Director. The isolation valve on all water meter bypasses approved by the Director shall be to Town specifications and shall include a Town supplied lock device.

6.15. Leaks Must Be Reported

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

6.16. Interference With Water Meter Not Permitted

No person, except a person authorized by the Town for that purpose, shall open, or in any way whatsoever tamper with any water meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such water meter. If interference is found to have occurred by the Director, at their sole discretion, may forthwith, without any notice, shut off the water to such building or property, and the water shall not be again turned on to such building or property without the express consent of the Director.

6.17. Owner Responsible to Repair Piping

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

6.18. Non-Functioning Water Meter – Amount of Water Estimated

If for any cause any water meter shall be found to not be working properly, then the amount of water to be charged for shall be estimated on the average reading for the previous months when the water meter was working properly, and the charge for the water for the period during which the water meter was not working properly shall be based thereon.

6.19. Water Meter Testing For Owner – Deposit – Conditions

Any owner may, upon written application to the Director, have the water meter at their property tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters as shown in the Water Charges By-law. If the water meter is found to register correctly, slow or not to exceed three percent (3%) in favour of the Town when tested at a flow rate of 4.54 litres (one gallon) per minute, the owner's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the water meter will be paid for in full by the owner. If the water meter is found, when tested, to register in excess of three percent (3%), a refund will be made to the owner equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the water meter, plus the owner's deposit for the test will be refunded and any additional costs will be paid by the Town.

6.20. Water Meter Reading Supersedes Remote Device Testing

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

7. CROSS CONNECTIONS AND BACKFLOW PREVENTION

7.1. Protection From Contamination

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

7.2. Inspection for Cross Connections – Access

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

7.3. Access to be Provided on Written Notice

Where access is not provided, a written notice by the Town will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the Town may, at its discretion, shut off the supply of water to the property until such time as the access is provided. In the case of an emergency situation, as determined by the Director in their absolute discretion, the Town may immediately shut off the water supply.

7.4. Order to Comply

If a condition is found to exist which is contrary to section 7.1, the Town 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 7.1.

7.5. Failure to Install – Notice – Water Shut-off

If the owner to whom the Town has issued an order fails to comply with the order, the Director, at their discretion, may:

- (a) give notice to the owner to correct the fault, at the owner’s expense, with a specified time period and, if the notice is not complied with, the Director may then shut off the water service or services; or
- (b) without prior notice, shut off the water service or services.

7.6. Additional Device on Service

Notwithstanding sections 7.1, 7.4 and 7.5, where a risk of possible contamination of the water distribution system exists in the opinion of the Director (or an approved authority), an owner shall, on notice from the Town, install on the owner’s water service pipe a cross connection control device, approved by the Town, in addition to any cross connection control devices installed in the owner’s water system at the source of potential contamination.

7.7. Installation to Town Specifications

Cross connection control or backflow prevention devices, when required by the Town, shall be installed at the expense of the owner, in accordance with the Building Code Act and “CAN/CSA-B64.10 Manual for the Selection and Installation of Backflow Prevention Devices” as amended from time to time.

7.8. Inspection and Testing – Paid by Owner

All cross connection control devices shall be inspected, tested and maintained at the expense of the owner upon installation, and thereafter annually, or more often if required by the Town by personnel approved by the Town 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 Director for any or all tests performed on a cross connection control device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the property, 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 the tester’s employer and the tester’s licence number

7.9. Failure to Test Device – Notification – Water Shut-off

If an owner fails to have a cross connection control device tested, the Town or approved authority may notify the owner that the cross connection control device must be tested within fourteen (14) days of the owner receiving the notice. If the owner fails to have the device tested within the time allowed, the Director may shut off the water service or water services until the cross connection control device has been tested and approved as required by section 7.8 of this By-law.

7.10. Repair – Replacement – By Owner

When the results of a test referred to in section 7.8 show that a cross connection control device is not in good working condition, the owner shall make repairs or replace the device immediately. If an owner fails to repair or replace the device immediately, the Director may shut off the water service until such repair or replacement has been made.

7.11. Removal of Device – Permission by Town

No person shall without the written permission of the Director remove any cross connection control or backflow prevention devices.

7.12. Well Connections

There shall be no connection between the water distribution system and any cisterns, wells, privies, privy vaults or cesspools. There shall be no connection between the water distribution system and a private pressure pump that is connected to plumbing. There is a requirement for a backflow preventor.

7.13. Sump Pump Device

No sump pump or pump device designed to extract water from a basement, building drain and foundation drain shall be connected to the water distribution system.

8. USE OF WATER RESTRICTIONS OUTDOOR USE OF WATER

8.1. Regulations – Outdoor Use of Water (Existing Lawns, Gardens and Outside Use)

8.1.1. In effect as declared by the Town.

8.1.2. Stage 1 – Water Use Restriction

Between the hours of 7:00 a.m. and 9:00 a.m. and 7:00 p.m. and 9:00 p.m.:

- (a) Use even/odd numbering method.
- (b) Properties with odd numbered addresses can water on odd numbered calendar days.
- (c) Properties with even numbered addresses can water on even numbered calendar days.
- (d) If discrepancy as to address use:
 - ii) number on house;
 - iii) as determined by Director.

8.1.3. Stage 2 – Water Use Restriction

Between the hours of 7:00 a.m. and 9:00 a.m. and 7:00 p.m. and 9:00 p.m.:

- (a) Use once a week.
- (b) If the address ends with the following number, water use is permitted on the days of the week as follows:
 - 0 & 1 Monday
 - 2 & 3 Tuesday
 - 4 & 5 Wednesday
 - 6 & 7 Thursday
 - 8 & 9 Friday.
- (c) If discrepancy as to address use:
 - ii) number on house;
 - iii) as determined by Director.

8.1.4. Stage 3 – Water Use Restriction

No outdoor use of water permitted.

8.2. Landscape Watering New – Special Use Permit

For the purposes of establishing new landscaping only, any person may purchase a Landscape Watering Permit from the Town for a fee as shown in the Water Charges By-law, together with a deposit as shown in the Water Charges By-law, said deposit refundable upon confirmation of compliance with the following and any other provision as may be listed on said Permit. Said Permit enabling the use of water from the municipal water supply and distribution system for water and/or irrigation purposes for a period of up to and including thirty (30) days from the issuance of said Permit between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. during any day within the said thirty (30) day period, said deposit automatically forfeiting to the Town should compliance with the foregoing not occur. Non-compliance with the provisions of this By-law being a contravention of the provisions of this By-law.

For the purposes of curing concrete, any person may purchase a permit from the Town for a fee as shown in the Water Charges By-law, together with a deposit as shown in the Water Charges By-law, said deposit refundable upon confirmation of compliance with the following and any other provisions as may be listed on said Permit. Said Permit enabling the use of water from the municipal water supply and distribution system for water and/or irrigation purposes for a period of up to and including seven (7) days from the issuance of said Permit between the hours of 7:0 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. during any day with I said seven (7) day period, said deposit automatically forfeiting to the Town should compliance with the foregoing not occur. Such non-compliance with the provisions of this By-law being a contravention of the provisions of this By-Law.

8.3. Charges – Use of Water During Restricted / Prohibited Time

A property owner who uses water from the water system, or permits the use of water from the water system contrary to section 8.1 of this By-law, within a calendar year, shall be subject to warnings and pay charges in accordance with the following:

Use of water during restricted/prohibited time:

- (a) First Instance – payment of the restricted water use charge as shown in the Water Charges By-law;
- (b) Second Instance – payment of the restricted water use charge as shown in the Water Charges By-law;
- (c) Subsequent instances – payment of the restricted water use charge as shown in the Water Charges By-law.

8.4. Outdoor Use of Water

Watering with a watering can is permitted on any day.

9. PROHIBITIONS

9.1. Prohibitions under this By-law

No person shall:

- (a) Willfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Town or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this By-law;
- (b) Willfully let off or discharge water so that the water runs waste or useless out of the works;
- (c) Being an owner, tenant, occupant or inmate of any house, building or other place supplied with water from the water system, improperly waste the water or, without the consent of the Town, lend, sell or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than their own or increase the supply of water agreed for;
- (d) Without lawfully authority willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- (e) Throw or deposit any injurious or offensive matter into the water or water system, or upon the ice if the water is frozen, or in any way foul the water or commit any willful damage or injury to the works, pipes or water, or encourage the same to be done;

- (f) Willfully alter any water meter placed upon any water service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered;
- (g) Lay or cause to be laid any pipe or water main to connect with any pipe or water main of the water system, or in any way obtain or use the water without the consent of the Town.

10. ENFORCEMENT

10.1. Fine – For Contravention

Every person who contravenes any provision of this By-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and on conviction is liable to any penalty as provided in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.

10.2. Continuation – Repetition – Prohibited – By Order

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

10.3. Recovery of Costs

In this By-law where the Town or the Director is given the power to direct or require a person to do a matter or thing, the Town may do the matter or thing at the person's cost if the person defaults in doing it and the Town may recover the costs of doing the matter or thing by action or in accordance with section 446 of the Municipal Act.

10.4. Offence – Additional – Damage to Water System

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any part of the water system, machinery, fitting or appurtenance thereof is liable to the Town thereof.

10.5. Offence – Additional – Willful Damage

Every person who willfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, water service pipe or water fitting or related appurtenance belonging to the Town or willfully impairs or knowingly suffers the same to be altered or impaired so that water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Town, and for any expenses of repairing or replacing the water meter, water service pipe or any fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.

10.6. Offence – Additional – Injuring Water System

Every person who willfully removes, destroys, damages, fraudulently alters or in any way injures any water service pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the Town is guilty of an offence and on conviction is liable to a fine, to the use of the Town and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.

10.7. Administrative Monetary Penalties

10.7.1. By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law applies to each administrative monetary penalty issued pursuant to this By-law.

10.7.2. Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law, be liable to pay to the Town an administrative monetary penalty as set out in Schedule B of this By-law.

10.7.3. The *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended, does not apply to a penalty notice issued in accordance with By-law 2021-71 as amended, being the Administrative Monetary Penalties By-law.

11. PREVIOUS BY-LAWS REPEALED

11.1. Repeal – Previous-By-laws

The following By-laws are hereby repealed:

- By-law No. 2008-02 dated January 8, 2008
- By-law No. 2008-90 dated October 1, 2008
- By-law No. 2013-48 dated November 25, 2013.

12. Effective Date

12.1. Effective Date

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2023

Andrea Matrosovs, Mayor

Corrina Giles, Town Clerk

DRAFT

**Schedule A
Basis for Equivalent Units**

This Schedule forms a part of By-Law 2023- being a By-law to provide for the Regulation of Water Supply in the Town of The Blue Mountains.

Facility	Units
Dwelling – Single Family Unit	1
Multiple Unit, Apartment, Condominium, Efficiency Unit – Unit	1
Hotel, Motel (no cooking facilities) – 1 Room	1/2
Lodge, Hostel, Dormitory Accommodation (more than 4 beds/rooms – 4 Beds)	1
Restaurants, Licensed Lounges, Cocktail Bars – 12 Seats	1
Commercial, Professional Office, Retail Outlets (take out restaurant, variety store) Up t 7,000 square feet – Building	2
Major Retail / Offices 7,000 square feet and over – Building	3
Gas Bar (no repair service)	1
Service Station	3
Storage / Private Garage with Washroom Facilities	1
Laundromat Commercial – 1 Machine	1
Campground – 4 Sites	1
Residential Unit attached to Commercial Building Add 1 unit to commercial value	

Schedule B

This Schedule forms a part of By-law 2023- being a By-law to provide for the Regulation of Water Supply in The Town of The Blue Mountains.

Pursuant to Section 10.7 of By-law 2023- , the administrative monetary penalties are as follows:

Infraction	Penalty	By-Law	Section	Reference
Unauthorized operation of a fire hydrant	\$2500	2023-	4.2	1
Unauthorized operation or interference with a valve	\$500	2023-	4.3	2
Tampering with water meter	\$500	2023-	4.3	2
Installation of water service without Town's Approval	\$2500	2023-	5.4	3
Operation of a shut-off valve	\$500	2023-	5.10	4
Inaccessible shut-off valves	\$150	2023-	5.11	5
Unauthorized Water Usage	\$2500	2023-	6.1	6
Water meter by-passed	\$500	2023-	6.14	7
Cross connection with another source	\$2500	2023-	7.1	8
Failure to install cross connection control device (backflow preventer)	\$2500	2023-	7.6	9
Failure to inspect, test and maintain a cross connection control device (backflow preventer)	\$2500	2023-	7.8	10
Removal of cross-connection control device	\$2500	2023-	7.11	11
Connection between water distribution system and well, cistern, privies, privy vaults or cesspools	\$2500	2023-	7.12	12
Connection between water distribution system and sump pump device	\$500	2023-	7.13	13
Use of water during restricted/prohibited times <ul style="list-style-type: none"> • First instance • Second Instance • Subsequent Instances 	\$150 \$300 \$500	2023-	8.3	14
Allowing water to run to waste	\$500	2023-	9.1 (b)	15

Reference:

1. No person other than a person authorized by the Director shall open or otherwise interfere with or operate or take water from any fire hydrant. (4.2)
2. No person other than a person authorized by the Director shall open or close a valve, open or close a shut-off valve, or remove, tamper or in any way interfere with the water system, or water meter. (4.3)
3. For any new water service pipe installation, private water main lateral installation, or private water main installation, or alteration of existing water service pipes or private water mains, the owner must apply for approval from the Town for such work as specified in the Town's Engineering Standards and to the Town's specifications. (5.4)
4. No person other than persons authorized by the Director shall be permitted to operate the shut-off valve to any property. (5.10)

5. All shut-off valves must be left clear, visible, and accessible at all times so that the water service pipe and private water mains may be operated or maintained as may be found necessary by the Director. (5.11)
6. All water supplied to a property within the Town, except water used for fire fighting purposes or water authorized by the Director for construction or other purposes shall pass through a water meter. (6.1)
7. No person shall install a piped water meter by-pass except with the written consent of the Director. The isolation valve on all water meter bypasses approved by the Director shall be to the Town specifications and shall include a Town supplied lock device. (6.14)
8. No person shall connect, cause to be connected, or allow to remain connected to the water distribution system any well, piping, fixture, fitting, container, or appliance, in a manner which under any circumstances, may allow water, wastewater, non-potable water, or any other liquid, chemical or substance to enter the water distribution system. The means for "protection from contamination" shall be in accordance with the requirements of the Building Code Act, as amended from time to time. (7.1)
9. Notwithstanding sections 7.1, 7.4, and 7.5, where a risk of possible contamination of the water distribution system exists in the opinion of the Director (or an approved authority), an owner shall, on notice from the Town, install on the owner's water service pipe a cross connection control device approved by the Town in addition to any cross connection control devices installed in the owner's water system at the source of potential contamination. (7.6)
10. All cross connection control devices shall be inspected, tested and maintained at the expense of the owner upon installation, and thereafter annually, or more often if required by the Town by personnel approved by the Town 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 Director for any or all tests performed on a cross connection control device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the property, 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 the tester's employer and the tester's licence number. (7.8)
11. No person shall without the written permission of the Director remove any cross connection control or backflow prevention devices. (7.11)
12. There shall be no connection between the water distribution system and any cisterns, wells, privies, privy vaults, or cesspools. There shall be no connection between the water distribution system and a private pressure pump that is connected to plumbing. There is a requirement for a backflow preventor. (7.12)
13. No sump pump or pump device designed to extract water from a basement, building drain and foundation drain shall be connected to the water distribution system. (7.13)
14. A property owner who uses water from the water system, or permits the use of water from the water system contrary to 8.1 of this By-law, within a calendar year, shall be subject to warnings and pay charges in accordance with the following:
 - Use of water during restricted/prohibited time
 - (a) First Instance- \$150
 - (b) Second Instance - \$300
 - (c) Subsequent Instances – \$500. (8.3)
15. No person shall willfully let off or discharge water so that the water runs waste or useless out of the works. (9.1 (b))