

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW No. 2014-08

**A BY-LAW TO REGULATE THE SUPPLY OF WATER IN THE
TOWN OF AMHERSTBURG**

WHEREAS the *Municipal Act*, 2001, S.O. 2001, C. 25, as amended provides that municipalities may acquire, establish, maintain and operate water works;

AND WHEREAS the Municipal Act 2001 provides that By-laws may be passed by the council for the maintenance and management of water works;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:

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1.0 DEFINITIONS

In this By-law:

- 1.1 "Building" shall have the same meaning as set out in the Building Code Act, S.O. 1992, c. 23, as amended, or any successor thereof;
- 1.2 "Bulk Water User" shall mean any customer who draws water from a pipe located at the Town's Bulk Water Stations;
- 1.3 "Contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Town to install or maintain mains, services, hydrants and other appurtenances;
- 1.4 "Cross Connection" shall mean any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the water works distribution system and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements;
- 1.5 "Customer" shall mean any person who receives, directly or indirectly, the benefit of water or water related services, whether by contract, verbal or written, or otherwise, supplied by the Town.

- 1.6 "Developer" shall mean the owner or party specifically named in a Development Agreement or in a Subdivision Agreement;
- 1.7 "Director of Engineering & Public Works" means the Director of Engineering & Public Works for the Town of Amherstburg or his or her designate.
- 1.8 "External Use of Water" shall mean the use of water for any purpose outside the walls of any building located at a municipal address;
- 1.9 "Main" shall mean every water pipe, except services and portions of private mains as herein defined, installed on the public road allowance or on any other land upon which the Town has obtained easements;
- 1.10 "Meter" shall mean the water meter supplied and owned by the Town to measure the quantity of water used by the customer;
- 1.11 "Meter pit" shall mean any exterior chamber or pit approved by the Town for the purpose of containing water meter;
- 1.12 "Municipal address" shall mean a building or buildings identified by a number pursuant to the Town's "911 Emergency Numbering System";
- 1.13 "Occupant" shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise;
- 1.14 "Owner" shall mean any person who is the registered owner of, has a beneficial interest in, or is the agent of such persons in respect of real property, including land, building and fixtures, located in the Town.
- 1.15 "Person" shall mean any individual, individuals, partnership, corporation, trustee, attorney, guardian, estate trustee, successor, assign, receiver, trustee or other legal entity.
- 1.16 "Plumbing System" shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately after the meter;
- 1.17 "Potable water" shall mean water that is fit for human consumption;
- 1.18 "Premises" shall mean any house, tenement, building, lot, or part of a lot, or both, in, through, or past which water service pipes run;
- 1.19 "Private main" shall mean a pipe connected to a main and installed on private property and from which more than one service and/or hydrant lateral are connected;
- 1.20 "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 meter;
- 1.21 "Sanitary sewer service area" shall mean the area in the municipality receiving sanitary sewer service as determined from time to time;
- 1.22 "Seasonal Dwelling"; shall mean a dwelling with continuous unoccupancy of thirty days or more during any one year period.
- 1.23 "Service Extension" shall mean the portion of a water service pipe from the property line to the dwelling or building, or for a fire service to the inside of the exterior wall of a structure, i.e. an extension of a service stub;

- 1.24 "Service stub" shall mean the portion of a water service pipe from the watermain to the property line which will always include one control valve;
- 1.25 "Sewer charges" shall mean the component of the water bill pertaining to charges for sanitary sewers in the sanitary sewer service area, as determined from time to time;
- 1.26 "Shut-off valve" shall mean the valve on the water service or private main owned and used by the Town to shut off or turn on the water supply from the Town's water works distribution system to any premises;
- 1.27 "Single detached residence" shall mean a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home;
- 1.28 "Sub divider" shall mean the owner or party specifically named in a Subdivision Agreement;
- 1.29 "Town" means the Corporation of The Town of Amherstburg;
- 1.30 "Water" shall mean potable water supplied by the Town;
- 1.31 "Water distribution system" shall mean mains with connections to feeder mains, feeder mains within subdivision lands, private mains, services, fire hydrants, and shut-off valves and all other appurtenances thereto;
- 1.32 "Water related services" shall include but not be limited to those items set out in the User Fee By-law 2011-50;
- 1.33 "Water service pipe" shall mean the pipe and fittings that convey potable water from a connection on a main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure;
- 1.34 "Water works" shall mean any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the Building Code Act, or any amendments thereto apply.

2.0 APPLICATION FOR WATER SERVICE

2.1 Application and payment prior to installation

The owner or their agent shall apply to the Town for a water service and before the service is installed, shall submit an application for Water Permit/Connection/Meter (on the form provided by the Building Department) and pay for it at the rates as outlined in the, Town's User Fee By-law or on such other basis as the Town may at any time or from time to time determine.

2.2 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.

2.3 Disconnection and removal of service - payment

When an owner discontinues the use of a water service for water supply to any premises, the owner shall pay to the Town a charge as shown in the Town's User Fee By-law for disconnecting and removing the water service

from the water distribution system. If the owner wishes to reconnect in the future all application costs will be applied as outlined in Part 2.1.

2.4 Payment of rates - lump sum

The payment of the rates as stipulated in Part 2.1 and 2.3 shall be paid as a lump sum.

3.0 WATER RATES AND CHARGES

3.1 Application for water supply

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

3.2 Water measured by meters

The water consumed on all premises the Town supplies water to shall be charged for as indicated by the meter on each respective property at rates shown in the current By-law for fixing rates for the supply of water. In addition, sewage charges shall be as per the current By-law for fixing rates for the collection and treatment of wastewater and shall be included and considered as part of a water bill.

3.3 Meter reading and billing

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

3.4 Late payment charges and reminder notice

When an account is not paid by the due date stated on the bill, a late payment charge of 1.5% of the outstanding balance will be assessed to the account. A reminder notice will be printed and sent to the premise approximately 10 days after the due date.

3.5 Additional charges and notices

If the customer has not provided payment to the Town by the next billing cycle an additional 1.5% charge per month (of the outstanding balance) shall be applied to the account and a second reminder notice will be delivered to the customer.

3.6 Non-payment

After two (2) consecutive billing cycles, if the account, including all charges and monies payable to the Town under this Bylaw, remains unpaid, in full or in part, the Town may, in its absolute discretion and in addition to any other remedies in law or equity, shut off or reduce the flow of the water to the premises. The amount of the unpaid account and any further charges shall be a special lien on the property to which the water or the water related services were supplied by the Town and may be collected in the same manner as taxes in accordance with the provisions of the Municipal Act, 2001 as amended. Monthly base charges shall continue to be applied to the account after the date on which the water supply has been shut off or reduced due to non-payment.”

3.7 Monthly base charge

The monthly base charge for providing and maintaining water supply to a property is applicable for every water meter owned and read by the Town. In instances where a premise is rented to an occupant, who has obtained an account with the Town, base charges will be applied to the occupants account until such time as the occupant terminates that account with the Town. Subsequent monthly base charges shall be rendered to the owner of the premises until such time as a new occupant applies to the Town for the supply of water. Seasonal dwellings shall be charged the monthly base charge while the dwelling is unoccupied for the off season regardless if the water supply has been shut off within the premise or at the property line.

3.8 Service installation charge

A frontage fee, as outlined in the Town's User Fee By-law or on such other basis as the Town may at any time or from time to time determine, shall be collected for all new services being installed on watermains where the debt has been retired. Further, all water service pipes, except those to lands being developed under a Town development or subdivision agreement wherein the main is installed, may be installed on an actual cost basis at the owner's expense.

4.0 SECURITY DEPOSITS

4.1 Deposit is security for payment

Whenever an application is made to the Town for a supply of water, the Town may, in its discretion, before furnishing such supply, require the customer to make a deposit of such sum of money, as it may consider advisable. Each such deposit shall be security for payment for all water passing through the meter of the service in respect to which such deposit was made until the customer shall have notified the Town in writing to discontinue such service.

4.2 Deposit applied as payment

Where a deposit has been made pursuant to section 4.1 of this By-law, and the water supplied to the customer has not been paid for on demand as may be provided by the Town's By-laws and regulations, then the deposit, or as much of it as shall be necessary, shall be applied in payment for such water and incurred interest, and the water service shall be discontinued until further monies have been paid to the Town sufficient to again bring up the deposit to the amount required.

5.0 WATER SYSTEM OPERATION

5.1 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 customer caused by breaking of any water service pipe or attachment, or for shutting off water to repair mains or to tap mains, if reasonable notice of the intention to shut off the water is given except in emergency situations where notice may not be feasible. The Town is not liable for damages caused by the interruption or reduction of the supply of water to the land of any person as a result of an emergency, breakdown or repair of the waterline.

5.2 Authority for water supply

The Town in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all water works plant and equipment within its boundaries serving the Town of Amherstburg, in order to establish whether and the terms upon which, municipalities or persons outside the Town of Amherstburg may be allowed to connect to the said water works as consumers, and the rates to be charged for water delivered to such consumers; and the Town as Administering Municipality, acting on behalf of all other Water Supply Systems that service the Town, shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all water works equipment in conjunction with these systems, in order to establish whether and the terms upon which municipalities or persons outside the Town of Amherstburg may be allowed to connect to the said water works as consumers, and the rates to be charged for water delivering to such consumers.

5.3 Unauthorized operation on fire hydrants

No person other than a person authorized by the Town for that purpose shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant.

5.4 Unauthorized operation or interference

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

5.5 Improper use of water from fire service

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.

6.0 WATER SERVICES

6.1 Installation of water services by Town or by contractor

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

6.2 Installation to Town specifications - Ontario Building Code requirements

All water service pipes and private mains located within Town property shall be constructed according to the Town's Specifications for Construction of Watermains as approved by the Director of Engineering and Public Works. All water service pipes and private mains located on private property shall also be constructed in accordance with the Town's Development Manual and the Ontario Building Code.

6.3 Connection to main - prior application

The installation of the water service pipe connection will not be scheduled or commenced in any way until the customer has met the requirements of this bylaw.

6.4 Installation and alteration

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

6.5 Installation inspection by Town

All water service pipes and appurtenances installed, including those required by a Town subdivision or Development Agreement, must be inspected by the Town as specified in the Town's Development manual.

6.6 Installation - access for inspection

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

6.7 Disconnection of service

The water service pipe must be disconnected at the watermain, the corporation stop turned to a closed position and the curb box and rod removed at the owner's expense. The Town of Amherstburg must inspect all work.

6.8 Maintenance of service stub

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

6.9 Maintenance of service extension and private main

Any and all defects to the water service extension or private main 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, the said defect is not repaired, within ten (10) days of the date of the notification or within such time as the Town may deem necessary, then the Town may turn off the water supply to the property. If it is not feasible for the supply of water to be shut off, then the Town may repair the defective water service pipe and charge the cost to the owner. Until paid, such cost shall remain a special lien on such property, and may also be collected in the like manner as taxes. The Town shall not be held responsible for the cost of restoration.

6.10 Operation of shut-off valve

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

6.11 Access to shut off valves

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

6.12 Protection from water loss, damage

All water service extensions to and including the meter, as well as any water pipes beyond the meter on the property, shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main and the charge for such water loss shall be as determined by the Town in accordance with the applicable rates from time to time. This shall include sewage charges at all times for any customers in the sanitary sewer service area where sewer charges are applicable, which shall be paid by the owner upon demand by the Town. The Town shall not be held responsible for any damages arising from such leakage.

6.13 Vacant and unheated premises

When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. The owner or occupant may contact the Town to have the shut-off valve turned off to stop water supply. The valve will be turned on only at the owner's request and in the owner's presence.

6.14 Water damage

When any premises left vacant, unattended and/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 Town become aware of such leaking or burst pipes, the Town shall turn off the shut-off valve, and the water supply shall not be turned on until the Town, in its discretion, considers it advisable. The Town may direct any person to install such devices or make such repairs or alterations to the pipes or appurtenances not under the control of the Town, where the Town deems it necessary to prevent contamination to the water supply or to prevent damage to the property of the Town or any other person. The failure or refusal of the person to comply with the direction of the Town shall be an offence and may be enforced in accordance with the provisions of this Bylaw. In addition, the Town may enter onto the property and install such device or make such repairs or alterations to prevent further contamination to the water supply or to prevent damage to the property of the Town or any other person, and the cost thereof shall be a special lien in respect of the property.

6.15 Frozen pipes

Thawing out frozen water service stubs on the municipal right of way shall be the Town's responsibility. Thawing out frozen service extensions and private mains shall be the owner's responsibility.

6.16 Repairs and investigation

In all instances where there is a leak, frozen pipes or other damage to the water pipes on private property, including sprinkler systems, it is the responsibility of the owner to arrange, at the owner's expense, for the necessary investigation and repairs. Where any employee of the Town assists the owner in any of these matters on the owner's property, all such assistance work will be considered to be at the owner's risk, and the owner shall have no claim against the Town by reason of such work.

6.17 Renewal of service

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

- a) Piping is deemed by the Town to be beyond repair;
- b) The existing pipe material is lead and supplies a single detached residence provided the owner is prepared to replace the service extension before the Town replaces the service stub. Replacement piping shall conform to the specifications of the Town. Replacement pipe shall be the same size as existing or the minimum size for the area. If an owner requests a larger size, the owner shall pay the difference in material costs.

6.18 Access for removal or inspection of water service

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

6.19 Connections

Any connections (3/4" – 2" diameter) to existing water mains are required to be made by the Town. Any connections larger than 2" diameter shall be made by a qualified contractor approved and inspected by the Town.

7.0 WATER METERS

7.1 Water to be metered

All water used on premises in which the Town of Amherstburg supplies water, except water used for fire fighting purposes, or water authorized by the Town, for construction or other purposes, shall pass through the meter supplied by the Town for use upon such premises, 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 that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water.

7.2 Supply, installation, ownership and replacement

The owner shall pay the water meter fee shown in the Town's User Fees By-law before the Town will supply the owner with a meter and the meter must be installed prior to occupancy of the building. The 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 meter, or for any reason, which the Town may, in its discretion, deem sufficient.

7.3 Installation, maintenance, repair and access

The Town may shut off or restrict the supply of water to a property if the Town requires access to the property to install, replace, repair or inspect a

water meter. Any person authorized by the Town for that purpose has free access, at all reasonable times, and upon notice given as set out in section 7.4 of this By-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as they considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.

7.4 Notice required

Before shutting off or restricting the supply of water, except for emergency purposes, the Town shall,

a) By personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the Town with a notice of the date upon 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

b) Ensure that a copy of the notice described in clause (a) is securely attached to the property in a conspicuous place.

7.5 No shut-off, reasonable effort-gain access

The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to contact the owners and occupants and has been unable to get a response within seven (7) days after the later of,

a) The day the last notice under part (a) of section 7.4 of this By-law was personally served;

b) The day the last notice under part (a) of section 7.4 of this By-law was mailed; and;

c) The day a copy of the notice was attached under part (b) of section 7.4 of this By-law.

7.6 Restoration of water supply

If the Town has shut off or restricted the supply of water under section 7.3 of this By-law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.

7.7 Metering of every building

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

7.8 Installation to Town specifications

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

7.9 Meter location

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

7.10 Private meters

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

7.11 Reading meters

The Town and persons authorized by the Town for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all, reasonable times for the purpose of reading, at the discretion of the Town. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within seven (7) days upon written notification by the Town, the Town may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.

7.12 Meter valve maintenance

The owner shall supply and install the inlet valve to the water meter. The owner shall be responsible for maintaining in good working order, the inlet valve to the meter and shall ensure that such valving is accessible.

7.13 Reporting leaks

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.

7.14 Interference with meter

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

7.15 Owner responsible to repair piping

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

7.16 Non-functioning meter

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

7.17 Meter testing for customer

Any customer may, upon written application to the Town, have the water meter at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters as shown in the User Fee By-law 2011-50. If the meter is found to register correctly, as per the Manufacturer's and AWWA specifications, the customer's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the meter will be paid for in full by the customer. If the meter is found, when tested to register in excess of the Manufacturer's and AWWA specifications, a refund will be made to the customer equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the meter, plus the customer's deposit for test.

7.18 Meter reading supersedes remote device reading

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 Town will consider the reading at the meter to be correct, and will adjust and correct the customer's account accordingly.

8.0 HYDRANTS

- 8.1 Any hydrant situated within the road allowance is the property of the Town and shall be maintained by the Town. The Town shall maintain any Town-owned hydrants located on private property. Hydrants owned and paid for by any persons other than the Town and located on private property shall be maintained by such persons.
- 8.2 No person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a Municipally Owned or Privately Owned Fire Hydrant in a manner which, under any circumstances, may allow water, wastewater or any liquid or substance of any kind to enter the Municipality's water supply system.
- 8.3 No person shall in any way interfere with any Municipally Owned or Privately Owned Fire Hydrant, valve or appurtenance.
- 8.4 No person shall draw water from a Municipally Owned Fire Hydrant except for fire fighting purposes or for Municipal approved maintenance or operations, without first acquiring permission from the Town.
- 8.5 No person shall draw water from a Privately Owned Fire Hydrant except for fire fighting purposes or for Municipal approved maintenance or operation, without first acquiring permission from the Town and Owner.
- 8.6 Any person or persons authorized under Section 8.3 or Section 8.4 shall:
 - a) have a Backflow Preventer Assembly (BPA) unit, provided by the Town along with a hydrant valve, in their possession and connected to the Fire Hydrant when the Fire Hydrant is in use; and

- b) Pay to the Town a Hydrant Valve installation and removal fee, as set outlined in the Fire Hydrant Meter with Backflow Preventer rental form.
- 8.7 Any person or persons authorized under Section 8.3 or Section 8.4 shall be trained in the proper operation of a Fire Hydrant and must have the necessary equipment and control valves to operate the Fire Hydrant, to the satisfaction of the Town.
- 8.8 No person shall obstruct the free access to any Fire Hydrant by placing on it or close to it building materials, earth, snow, rubbish or any other obstructive matter, nor shall any person cause a hydrant to be concealed from view by any type of building, shrubbery or other object.
- 8.9 No person shall park an automobile, truck or vehicle of any description within a distance of three metres of any Fire Hydrant, measured along the curb line or along the shoulder of the roadway immediately adjacent to the Fire Hydrant.

Municipal Hydrants:

- 8.10 Any Fire Hydrant situated within the road allowance is the property of the Municipality and shall be maintained by the Town.
- 8.11 All Municipally Owned Fire Hydrants shall be installed and maintained according to:
 - a) The Fire Code (O.Reg. 213/07), and
 - b) The Building Code Act; and
 - c) The Rules and Regulations of the Town.

Private Hydrants:

- 8.12 All Privately Owned Fire Hydrants are the responsibility of the property owner and every owner of property shall ensure that all Privately Owned Fire Hydrants are installed and maintained according to:
 - a) The Fire Code (O.Reg. 213/07), and
 - b) The Building Code Act ; and
 - c) NFPA 24 – Installation of Private Fire Service Mains and Their Appurtenances.
- 8.13 Every owner of property shall ensure that the installation, location, and orientation of a Privately Owned Fire Hydrant is approved by the Town with due regard to access and proximity to site structures. All installations found to be contrary to the Town's approved location and orientation shall be corrected by the owner within 30 days of being so informed by the Town, with all costs for correction to be paid by the owner.
- 8.14 Every owner of property of which a Private Fire Hydrant is installed, shall ensure all written records of tests and corrective measures are kept for two years they are completed, and the records shall be available upon request to the Town.
- 8.15 The Town shall attend the site of privately owned Fire Hydrants on a yearly basis (before the winter months) to ensure hydrants are dry. The Town may flush the Private Lateral from the watermain to the Fire Hydrant for the purpose of maintaining water quality. The Town in no way will be held responsible for damage to the Fire Hydrant or Private Lateral from its winterizing inspection.

9.0 EXTERNAL USE OF WATER

9.1 Regulations

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

The Town is authorized to implement at any time any regulation, notice or By-law which, in the Town's discretion, considers advisable to limit the external use of water, and this authority includes the right to ban completely the external use of water.

a) Notice of the implementation of a water use regulation or By-law by the Town and the effective date thereof shall be given immediately in a manner determined by the person designated by the Town to perform this function;

b) Upon the effective date of the implementation of a water use regulation or By-law by the Town, no person shall use water except in accordance with the provisions of such regulation.

10.0 PROHIBITIONS

10.1 Prohibitions under this By-law

No person or persons shall at any time:

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

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

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

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

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

g) Lay or cause to be laid any pipe or main to connect with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the Town;

h) Use water externally except in accordance with any regulations or By-laws set out by the Town.

11.0 ENFORCEMENT

11.1 Fine – for contravention

Every person who contravenes any section of the by-law is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and may be punishable as such.

11.2 Continuation-repetition

In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount of not less than that established by this by-law for each such day.

11.3 Any part – declared invalid – rest in full force

Where a court of competent jurisdiction declares any section, schedules or part of a section or schedule of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

11.4 Any variance – more restrictive – shall apply

When any requirement of this by-law is at variance with any other by-law in effect in the Town or with any applicable provincial or federal statute or regulation, the more restrictive requirement shall apply unless otherwise stated in such legislation.

11.5 Damage to waterworks

No person shall, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks plant, machinery, fitting or appurtenance thereof is guilty of an offence and is liable to the Town therefore.

11.6 Willful damage to waterworks

No person shall wilfully or maliciously damage or causes or knowingly suffers to be damaged any water meter, water service pipe, conduit, wire, rod or water fitting belonging to the Town or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Town, and for any expenses of repairing or replacing the water meter, water service pipe, conduit, wire, rod or fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*.

11.7 Injuring waterworks

No person shall wilfully remove, destroy, damage, fraudulently alter or in any way injures any water service pipe, conduit, wire, rod, pedestal, post, plug, 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*.

12.0 USER FEES

12.1 As Schedule "A" and found in User Fee By-law 2011-50

13.0 REPEALS

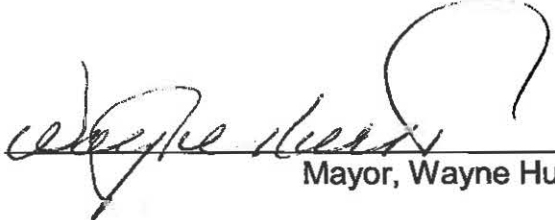
Any previous By-laws of the Town of Amherstburg or the former municipalities of or the Townships of Malden & Anderdon that deal with the same subject matter are hereby repealed.

14.0 EFFECTIVE DATE

Effective Date: As noted above

This By-law comes into force on FEBRUARY 3rd, 2014.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
3RD DAY OF FEBRUARY, 2014.



Mayor, Wayne Hurst



Clerk, Brenda M. Percy

SCHEDULE "A"

(Fees to be added to the User Fee By-Law)

<u>Description of Fee for Service</u>	<u>2014 Fee</u>
Frontage Fee for New Water Connection (where debt has been retired)	
\$2,000.00	
Water Meter Fee	
3/4" Permit/ Water Meter Fee	\$380.00
1" Permit/ Water Meter Fee	\$500.00
1 1/2" Permit/ Water Meter Fee	\$870.00
2" Permit/ Water Meter Fee	\$1,020.00
Disconnection/ Removal of Water Service	\$2,000.00
Water Meter Testing for Customer	\$250.00
Hydrant Valve Installation & Removal Fee	\$125.00