

# The Corporation of the Town of Minto

## By-Law 2012-01

Being a By-law to enact rules and regulations for the operation of a water production, treatment, storage and distribution systems and a system for the collection and treatment of sewage and to establish water and sewer service rate charges for these systems in the geographic areas of the former Village of Clifford, Town of Harriston and Town of Palmerston and Minto Pines Subdivision.

**WHEREAS** The Corporation of the Town of Minto (the “Town” or the “municipality”) operates water production, treatment, storage and distribution systems and systems for the collection and treatment of sewage;

**AND WHEREAS** under Section 11 of the Municipal Act, 2001 (the “Act”) the Town may pass by-laws within the “Public Utilities” sphere of jurisdiction which includes sewage treatment, collection of sanitary sewage, water production, treatment and storage, and water distribution;

**AND WHEREAS** subsection 9 (3) of the Act provides that a by-law under Section 11 respecting a matter may “regulate or prohibit respecting the matter” and “require persons to do things respecting the matter”;

**AND WHEREAS** Part III of the Act (Specific Municipal Powers) under the heading “Public Utilities” contains specific powers and provisions with respect to such systems;

**AND WHEREAS** Part XIV of the Act (Enforcement) provides that the Town may pass By-laws providing that any person who contravenes a by-law passed under the Act is guilty of an offence, and contains other enforcement provisions;

**AND WHEREAS** the Town is permitted to impose sewage system use and water consumption charges under Part XII of the Act; and subsection 398 (1) of the Act provides that the Treasurer may add charges so imposed to the tax roll for the property to which the said Public Utilities were supplied and collect them in the same manner as taxes; and further O. Reg. 440/02 provides that charges so added to the tax roll for the supply of water and for the use of a sewage system have priority lien status as provided for in Section 1 of the Act;

**AND WHEREAS** the Town has given notice and held a public meeting in compliance with O. Reg. 244/02 made under the Act;

**AND WHEREAS** subsection 146 (1) of the Tenant Protection Act, 1997 provides that the Council of a municipality may pass by-laws requiring every landlord to provide adequate and suitable vital services to each of the landlord’s rental units, and subsection 132 (1) of that Act provides that a landlord may increase the rent charged to a tenant for a rental unit at any time if the landlord and the tenant agree that the landlord will add a prescribed service and subsection 14 (1) of O. Reg. 351/02 provides that a prescribed service includes water or sewage services.

NOW THEREFORE the Council of The Corporation of the Town of Minto enacts as follows:

**PART I – Definitions:**

In this By-law

- a. **“Cross Connection”** means any temporary or permanent water connection that may allow backflow of contaminants, pollutants, infectious agents, or other material or substance that has the potential to change the water quality in the water distribution system. This includes swivel or change over devices, removable sections, jumper connections and by pass arrangements.
- b. **“Customer”** means the owner, tenant or occupant of premises to which water is supplied by the Town.
- c. **“Department”** shall mean Public Works Department.
- d. **“Director”** shall mean Public Works Director or Designate or his designate.
- e. **“Premises”** means any house, residential unit, building, tenement, lot or part of lot or both, in through or past which a water service pipe runs.
- f. **“Private Main”** means a pipe connected to a main and installed on Private Property and from which more than one service and / or hydrant lateral are connected.
- g. **“Public Utility”** means water system and sewer system services or either of them.
- h. **“Remote Meter Reading System”** means a device installed on or at a separate location from the water meter and used to record the consumption reading of the meter.
- i. **“Residential Unit”** means a unit that
  - a. consists of a self-contained set of rooms located in a building or structure,
  - b. is used or intended for use as residential premises, and
  - c. contains kitchen and bathroom facilities that are intended for the use of the unit
- j. **“Road Allowance”** means land dedicated to The Corporation of the Town of Minto or to the Province of Ontario for a public highway.
- k. **“Sewer Services”** means sewage pipes which connect premises to the Town’s sewage collection system.
- l. **“Street line”** means a boundary of a property adjoining the road allowance.
- m. **“Temporary Water Supply connection”** means a water supply pipe which is installed for a specific short term purpose.
- n. **“Town”** means The Corporation of the Town of Minto.
- o. **“User”** means as the context requires, the applicant for water supply, the owner or occupant of or the person to whom invoices are sent for water supplied to a premises.
- p. **“Water”** means potable water that is fit for human consumption.
- q. **“Water Meter”** means the water meter and backflow preventer valve as approved by the Town and purchased by the property owner through and at the same cost as paid by the Town and installed by a licensed plumber.
- r. **“Water Service Connection”** means that part of the water service pipe from the municipal water main to the street line including the shut off valve at the street line, which supplies water to any premises in the Town.

- s. **“Water Service Pipe”** means the water pipes which conduct water from the water service connections to water meters.

**PART II – Administration:**

- A. The administration of the water production, treatment, storage and distribution systems and the systems for the collection and treatment of sanitary sewage shall be under the jurisdiction of the Public Works Department of the Town.
- B. The administration of water system and sewage system accounting, servicing and meter reading shall be under the jurisdiction of the Public Works Department of the Town in association with the Treasurer’s department but may be delegated to such other entities as Council may from time to time direct.
- C. Should any clause or provision of this by-law be declared by a Court of competent jurisdiction to be invalid, or expire under the provisions of the Act or the said O. Reg. 244/02, the same shall not affect the validity or continuance of this by-law as a whole or any part thereof, other than the part so declared to be invalid or so expired.
- D. All newly constructed buildings shall connect to the corporation’s water system where water lines are available. Provision must be made for the installation of a remote wire and water meter for all new buildings in a location approved by the Town of Minto.

**PART III – Water System and Sewage System Charges:**

1. Before the initial supply of water or any subsequent reconnection to or the initial installation of a sewer service for any premises in the Town, the owner shall make application for same and the owner shall be governed by the requirements of this By-law.
2. The water consumed on all premises in the Town shall be charged for as indicated by the rates shown in Schedule “A” to this By-law. Sewage system use charges for all premises in the Town shall be charged for at rates shown in Schedule “A” to this By-law. In this By-law and Schedule “A” the word “charge” and the word “rate”, both in the singular and the plural, have the same meaning.
3. The “Residential Rate” provided for herein shall apply to all residential dwelling units which includes a single family detached dwelling, a semi-detached single family dwelling, a row housing single family dwelling, a condominium unit, an apartment unit and other living unit receiving water services and/or sewer system services from the Town, and is attached as Schedule “A” to this By-law.
4. The “General Service Rate” provided for herein shall apply to all individual commercial, office, institutional and professional (“General Service”) users receiving water services and/or sewer system services from the corporation, unless listed in the Exception Rates or Metered Rate designation and is attached as Schedule “A” to this By-law.
5. The “Metered Rate” provided for herein shall apply to all individual residential, commercial, industrial, institutional and farms provided with a meter through the

The Corporation of the Town of Minto

By-law No. 2012-01

Page 4

Town and receiving water services from the corporation and is attached as Schedule "A" to this By-law.

6. There shall be a water rate structure and a sewer service rate structure having regard to the differences between classes and nature of users, volume and frequency of use resulting in a "Residential Rate", "General Service Rate", "Exception Rate" and "Metered Rate" for such structure as contained in Schedule "A" to this By-law.
7. Water meters may be read or stipulated rates charged and accounts rendered monthly, bi-monthly, or on any other basis at the discretion of the Town. The Town may serve bills upon the customer, by delivery or mail, either at an address supplied by the customer, or bills shall be deemed to be served upon the said customer, if they are delivered or sent by mail to the premises supplied with water.
8. When an account is not paid by due date on the bill, a late payment charge shown in Schedule "A" of this By-law will be assessed to the account and an overdue notice will be sent by mail reminding the customer of the outstanding account.
9. If the account has not been paid within sixty (60) days after the mailing of the overdue notice, the municipality may shut off the supply of the public utility by the municipality to land, provided that the municipality shall provide forty-eight (48) hours notice to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place, and if the notice is given by prepaid mail the forty-eight hour period shall commence on the third day after the date of the mailing.
10.
  - (a) If a customer omits, neglects or refuses to pay any bill rendered, whether for water service pipes, water or sewer service charges or any other monies to which the Town may be entitled in respect of the water services to such premises under this By-law, the Town may, at its discretion, shut off the flow of water to the premises and in addition to the amount owing and unpaid, a disconnection charge as shown in Schedule "A" of this by-law, will be levied against the delinquent account.
  - (b) The Treasurer may add charges imposed under this By-law for the supply of a public utility to the tax roll for the property to which the public utility was supplied, and collect them in the same manner as municipal taxes.
  - (c) Pursuant to subsection 398 (2) of the Act every property to which Public Utility Services have been supplied, regardless of the party to whom they were supplied, may have the charges therefore added to the tax roll for the property and they may be collected in the same manner as municipal taxes.
  - (d) With respect to Landlord and Tenant situations where the tenancy commences on or after the effective date of this By-law, the Landlord shall provide the Tenant with water and sewer services, and those services will be supplied to the Landlord/Property Owner who shall be the account holder and be responsible for the payment of the same as a debt to the municipality.

(e) With respect to Landlord and Tenant situations where the tenancy commenced before the effective date of this By-law and the municipality has been supplying water and sewer services to the Tenant, the municipality will continue to supply water and sewer services to that Tenant until the earlier of the termination of that tenancy or a mutual agreement between the Landlord and the Tenant that those services will be paid to the Landlord as increased rent under Section 132 of the Tenant Protection Act, 1997, when the Landlord shall become the account holder and be responsible for the payment of those services; provided that the provisions of subparagraph 10 (c) above with respect to the tax roll and municipal taxes shall apply regardless of which party the services have been supplied to.

11. Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as shown in Schedule "A" of this By-law will be levied against the delinquent account.
12. When the owner requests a temporary removal of the water meter from their premises, for any reason, the water meter removal and reinstallation shall be done entirely at the expense of the Property Owner by a licensed plumber as approved by the Public Works Department.
13. An owner of a property which contains a minimum of three (3) or more Residential and/or General Service units, and who is the responsible account holder for Public Utility Services to the entire property, may apply to the Public Works Director or Designate for permission to install a water meter at their own cost and to be invoiced at the appropriate metered rate instead of the stipulated Residential and/or General Service Rates as set out in Schedule "A", and any such water meter must have a backflow preventer valve both of which must be approved by the Town (including the size thereof) and be purchased by the Property Owner through and at the same cost as paid by the Town and be installed by a licensed plumber.
14. Any property owner who has a current year property assessment classification of Commercial or Industrial and that classification represents over 50% of the total property assessment may apply to install a meter at the owner's cost under the rules prescribed in paragraph 13.
15. Any Town of Minto water customer who resells water supplied by the Town of Minto in any form is required to report this activity to the Town of Minto and may be required to install a meter following the rules prescribed in paragraph 13.
16. The minimum base monthly charge for providing and maintaining water supply to and sewage collection for any premises is payable in accordance with Schedule "A". In instances when the owner of any premises terminates their account with the Town, subsequent minimum monthly charges shall be rendered to that owner of the premises until such time as a new owner applies to the Town for the supply of water.
17. 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 by the Town through the Public Works department on an actual cost basis at the owner's expense, or by the owner independently provided that the

owner must secure the inspection and approval by and of the Public Works Director or Designate of the connection apparatus and installation work to the Town's water system.

18. Water used during the construction phase of a building, prior to occupancy, will be billed at the minimum rate charged for a vacant property from connection until occupancy. The Town, in its sole discretion, may recover the cost of providing water and sewage collection in accordance with the water rates for temporary connection for construction set out in Schedule "A" of the By-law.
19. Where a customer requires a temporary water supply, such customer shall apply to the Town for a connection to a fire hydrant. If the connection is approved and an agreement signed, the customer shall pay, prior to connection or when billed, the applicable charge shown in Schedule "A" of this By-law.
- 20.A. In addition to the charges for water there shall be a separate and additional water rate charge for land containing a swimming pool as provided for in Schedule "A" to this By-law.
- 20.B. No pools shall be filled using the municipal water supply system in Minto Pines due to demand and storage size of the system.
- 20.C. Water and sewer charges will not be refunded or forgiven to any ratepayer for temporary cessation of services e.g. vacation, home renovations, lack of occupancy, etc. unless the Town has received sufficient evidence of the unoccupied status of the unit. A minimum bill of \$15 for water and \$15 for sewer will be charged to all units which are connected or may be connected to the Municipality's systems. Charges will be levied at regular rates and any minimum bill payments will not be refunded if the Town learns of any misrepresentation made by ratepayers.

#### **PART IV – Operation of Water System**

21. No person other than a person authorized by the Public Works Director or Designate for that purpose shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant.
22. No person other than a person authorized by the Public Works Director or Designate for that purpose shall open or close a valve in the water distribution system, or remove, tamper with or in any way interfere with any valve, water meter, structure, watermain or water service in the water distribution system.
23. Except for water used for fire fighting, any other use of a Town's fire hydrant for water supply must be approved by the Public Works Director or Designate. The method of application and payment shall be according to Section 17 of Part III of this By-law. The terms and conditions required for granting the permit shall be at the discretion of the Town and may be changed from time to time as the Town deems necessary.
24. 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.

25. 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 the breaking of any water service pipe or attachment, or for shutting off of water to repair mains or to tap mains.

**PART V – Water Service Pipes**

26. Any and all defects to the Water Service Pipe, Private Main, meter pits, and Sewer Services 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 seven (7) days of the date of the notification or within such time as the Public Works Director or Designate may deem necessary, then the Town may shut off the water supply to the property. If the Town is ordered to restore the water supply, then the Town may repair the defective water service pipe or sewer service as a service under Part XII of the Act, and charge the cost to the owner as a charge and collect such charge as a debt to the Town, and the Treasurer of the Town may add such charges to the tax roll for the property and collect them in the same manner as municipal taxes. The Town shall not be held responsible for the cost of restoration.
27. No person, other than persons authorized by the Public Works Director or Designate for that purpose shall be permitted to operate the shut-off valve to any premises.
28. All shut off valves must be left clear and accessible at all times so that the water in the water service pipe and any private mains may be turned off or on as may be found necessary by the Public Works Director or Designate.
29. All water service extensions from the Water Service Connection to and including the meter and meter pit 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 any such water service extension and/or private main and the charge for such water loss shall be paid by the owner upon demand by the Town and the Town shall not be held responsible for any damages arising from such leakage.
30. When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. The owner or occupant may apply in writing to the Town to have the shut-off valve at the street line turned off to stop a 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 shown in Schedule "A" of this By-law.
31. When any premises left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the owner or occupant shall have no claim against the Town. Should the Public Works Director or Designate become aware of such leaking or burst pipes, the Public Works Director or Designate or designate may turn off the shut-off valve at the street line and the water supply shall not be turned on until

- the Public Works Director or Designate or designate, in his/her discretion, shall consider it advisable.
32. Thawing out any frozen Water Service Connection shall be the Town's responsibility. Thawing out any frozen Water Service Pipe and Private Mains shall be the owner's responsibility. Where any employee of the Town assists the owner in the thawing of frozen pipes 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.
33. Any hydrant situated within the road allowance is the property of the Town and shall be maintained by it; Town-owned hydrants located on private property shall be maintained by the Town. Hydrants owned and paid for by any persons other than the Town shall be maintained by such persons.
34. The Town shall renew:
- (a) the Water Service Connection on public property at its expense and to its specifications when the piping is deemed by the Public Works Director or Designate to be beyond repair, or does not meet municipal standards, and a customer has replaced the Water Service Pipe where such replacement is deemed necessary by the Director, and such replacement piping shall be in accordance with the standards and to the satisfaction of the Town; and
  - (b) the service lateral from the sanitary sewer main to the street line at its expense and to its specifications when the piping is deemed by the Public Works Director or Designate to be beyond repair, or does not meet municipal standards and replacement piping shall be in accordance with the standards and to the satisfaction of the Town.
35. Where a consumer discontinues the use of the water service, or the Town lawfully refuses to continue any longer to supply it, the Public Works Director or Designate may, at all reasonable times, enter the premises in or upon which the consumer 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 premises and may remove the same therefrom, doing no unnecessary damage.

#### **PART VI – Water Meters**

36. The Town of Minto may require customers to install water meters as part of a program to eliminate flat rate billings. Notwithstanding the preceding sentence, for every property that is serviced by the Town's water distribution system, the Town may require that the property owner install a water meter to determine and record the volume of water delivered to that property through the water distribution system. The determination as to whether the requirement will be implemented by the Town shall be carried out by the Public Works Director based upon an apparent above average volume of water delivered to any residential property through the water distribution system, and upon any apparent or expected volume of water delivered to any commercial, industrial, institutional, farm or other property; provided that any property owner who is

required to install a water meter under the provisions of this By-law may request a review of the decision of the Public Works Director by the Council or by a Committee of the Council of the Town whose decision shall be final and binding. Any failure to install a water meter as required under the provisions of this By-law:

i) shall be a contravention of this By-law within Section 52 herein, and

ii) may result in the shutting off of the supply of water to the subject property until the water meter has been duly installed in accordance with this By-law.

37. All water used on premises on which a water meter has been installed within the Town of Minto, except water used for fire fighting purposes, or water authorized by the Director for construction or other purposes, shall pass through a water meter approved 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 water meter of such premises, forthwith, without notice, shut off and stop the supply of water.
38. On premises on which a water meter has been installed and the Town has been denied or cannot gain access to the water meter, the owner shall pay the flat and monthly water rate and sewer rate charges shown in Schedule "A" hereto, and such surcharges as may be set out in Schedule "A".
39. 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, maintain 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 37 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 disconnection, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose of protecting or regulating the use of the meter, may set it or alter the position of it.
40. Before shutting off or restricting the supply of water, the Town shall,
  - (a) by prepaid mail, notify the owners and occupants of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the Town intends to shut off or restrict the supply of water, if access to the property is not obtained before that date;
  - (b) ensure that a copy of the notice described in clause (a) is securely attached to the property in a conspicuous place.
41. The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after the later of,

- (a) the day the last notice under part (a) of Section 37 of this By-law was mailed; and
  - (b) the day a copy of the notice was attached under part (a) of Section 37 of this by-law.
42. If the Town has shut off or restricted the supply of water under Section 36 of this By-law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.
43. All charges for any of the work and services mentioned in Sections 36 and 39 of this By-law will be determined by the Director on an actual cost basis and will be paid in full by the Property Owner.
44. All water meters shall be installed to conform to the standards and specifications of the municipality.

Where required by the standards and specifications of the municipality or as deemed necessary by the Public Works Director or Designate, the owner shall supply and install an underground chamber to the satisfaction of the Director. The underground chamber will be located on the private side of the property line immediately adjacent to the road allowance and will house an inlet valve, meter and backflow preventer, if required by the Public Works Director or Designate. The owner shall be responsible for maintaining the underground chamber.

45. The location of a water meter shall not be changed by any person except with the consent of the Director.
46. The Town will not supply, install, inspect or read a private water meter that is not a water meter as defined in this By-law, nor will the Town bill consumption on such a private water meter. Water supply pipes to such private water meters must be connected to the Property Owner's plumbing beyond or downstream of the water meter which complies with the definition and as provided for in this By-law.
47. 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 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 premises 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 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.
48. Any leaks that may develop at a water meter or its couplings must be reported immediately to the Town. The Town is not liable for damages caused by such leaks.
49. 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 the water meter

and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building, the Director may forthwith, without any notice, shut off the water from such building or premises, and the water shall not be again turned on to such building or premises without the express consent of the Director.

50. If in the opinion of the Director, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Director may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Director's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Town shall not be held responsible for any damages to the owner's property arising from such work.
51. If, for any cause, any meter shall be found to be not 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.
52. Either the Town or the Property Owner may require a water meter accuracy test at any time which shall be arranged through the Town and shall be paid for by the party exercising the right to require the test. The Town, in the case of a requirement made by the Property Owner, may require an upfront deposit of the estimated cost of the accuracy test before proceeding to arrange for the same.

All water meter accuracy tests shall be done in accordance with the American Water Works Association standards and procedures, by a properly accredited test facility as determined by the Director. If when tested, the meter is found to operate outside of applicable specifications, the Director will prepare an estimate of the applicable flow volume underage or excess and an appropriate refund or billing will be made to the customer as applicable. The time frame used for calculation of the estimate shall be limited to the four (4) month period prior to testing.

53. 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.

#### **PART VII – Prohibitions and Requirements**

54. Prohibitions and further requirements under this By-law:
  - (a) No person shall willfully hinder or interrupt 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) No person shall willfully let off or discharge water so that the water runs waste or useless out of the system.
- (c) No person shall being a customer, tenant, occupant or inmate of any house, building or other place supplied with water from the water system, waste the water or, without 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 increase the supply of water agreed for.
- (d) No person shall without lawful 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) No person shall 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) No person shall willfully alter any water 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.
- (g) No person shall lay or cause to be laid any pipe or main to connect with any pipe or main of the water system, or in any way obtain or use the water without the consent of the Town.
- (h) No person shall make or allow to be made any connection to the Town's water system that permits or causes non-potable water or any substance whatsoever, to enter into the Town's water distribution system.
- (i) No person shall use or be connected to a private well or cistern or any water source whatsoever for any property while connected to the Town's water distribution system.
- (j) No person shall connect, cause to be connected, or permit any piping, fixture, fitting, container or appliance, to remain connected to the water distribution system in a manner which under any circumstances, may allow non-potable water, waste water or any other liquid, chemical or substance to enter the water distribution system.
- (k) Where any liquid, chemical or substance has entered the water distribution system, the Public Works Director may immediately carry out an inspection and may issue such order or orders to the user as may be required to obtain compliance with subparagraphs (h), (i) and (j).
- (l) If the user to whom the Public Works Director has issued an order fails to comply with the order issued under subparagraph (k), the Public Works Director at his or her discretion, may discontinue the water supply without prior notice.

- (m) Notwithstanding subparagraphs (j), (k) and (l), where in the opinion of the Public Works Director, a risk of possible contamination of the water distribution system exists, a user shall, on notice from the Public Works Director install on the water service at the source of the potential contamination a cross connection control device, approved by the Public Works Department, in addition to any cross connection control devices installed in the user's water system.
- (n) All cross connection control or backflow prevention devices shall be selected, installed and maintained in accordance with C.S.A. Standards and the required plumbing shall be obtained from a licensed plumber.
- (o) All cross connection control devices shall, at the expense of the user, be inspected and tested, by persons qualified to carry out such tests, to demonstrate that the device is in good working condition upon installation, and thereafter annually, or more often if required by the Town. The user shall submit a report on a form approved by the Town on any or all tests performed on the cross connection control device within five (5) days of a test. The records shall also be displayed on or adjacent to the cross connection control device, on which record the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, the test date, the tester's initials, the tester's name or the name of his or her employer and the tester's license number.
- (p) When the results of a test referred to in subparagraph (o) above indicate that a cross connection control device is not in good working condition, the user shall make repairs or replace the device within twenty-four (24) hours.
- (q) If a user fails to have a cross connection control device tested the Public Works Director may notify the user that the cross connection control device must be tested within twenty-four (24) hours of the user receiving the notice.
- (r) If a user fails to have a cross connection control device tested when required by the Public Works Director, the Public Works Department may discontinue the water supply until the cross control connection device has been tested and approved as required by subparagraph (o) above.
- (s) The Public Works Director, at his or her discretion, may also require the user to zone or area protect as required by C.S.A. Standards within the water distribution system.
- (t) The Public Works Department shall be allowed access, upon reasonable notice, to any premises that are connected to the water distribution system for the purpose of performing an inspection to locate possible cross connections.
- (u) Where the user does not provide access referred to in subparagraph (t) above the Public Works Director may issue a written notice to the user requiring that access be provided within twenty-four (24) hours. If access is not provided within this period, the Public Works Director may, at his

or her discretion, discontinue the water supply to the premises until such time as the access is provided.


**PART VIII – Enforcement**

55. Every person who contravenes or causes or permits any contravention of any of the provisions of this By-law is guilty of an offence pursuant to the Provincial Offences Act and on conviction is liable to a fine of not more than \$5,000.00 exclusive of costs.
56. 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 an order shall be in addition to any other remedy and to any penalty imposed by this By-law.
57. Every person who, by act, default, neglect or omission occasions any loss, damage or injury to the water production treatment storage and distribution systems or any part or parts thereof is liable to the Town therefore.
58. Every person who willfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, water service pipe, conduit, water fitting and any related part or parts belonging to the Town, or willfully alters or impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of water that passes through it, is guilty of an offence under the said Provincial Offences Act.
59. 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 under the said Provincial Offences Act.
60. Notwithstanding anything hereinbefore contained, where the Town has by by-law or otherwise the authority to direct or require that a matter or thing be done, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense and the Town may recover the costs of doing such thing or matter from the person directed or required to do it and the Town may recover the costs by adding them to the tax roll and collecting them in the same manner as taxes.

**PART IX – Effective Date**

1. Town of Minto By-law No. 08-87 is hereby repealed.

Read a first and second time this 10<sup>th</sup> day of January 2012.

  
\_\_\_\_\_  
Mayor George Bridge

Seal

  
\_\_\_\_\_  
CAO / Clerk Bill White

Read a third time and passed in open Council this 24<sup>th</sup> day of January 2012.

  
\_\_\_\_\_  
Mayor George Bridge

Seal

  
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CAO / Clerk Bill White