



# Township of St. Clair

## By-Law No. 23 of 2017

### A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY FOR ST. CLAIR TOWNSHIP

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

**AND WHEREAS** the Ontario Building Code and the Safe Drinking Water Act authorize the Township of St. Clair to enact by-laws to protect the drinking water supply;

**AND WHEREAS** it is essential to the citizens of the Township of St. Clair to have a reliable, safe supply of drinking water;

**NOW THEREFORE THE COUNCIL OF THE COPORATION OF THE TOWNSHIP OF ST. CLAIR ENACTS AS FOLLOWS:**

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# Part 1 – Definitions

In this by-law:

**“building”** means a structure supplied with water by the Township of St. Clair.

**“Building Code Act”** means the Building Code Act, 1992, S.O. 1992, c.23, as amended from time to time.

**“confined space”** means a confined space as defined by the Occupational Health and Safety Act or any amendments or regulations thereto.

**“contractor”** means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the Owner or the Municipality to install or maintain watermains, water services, hydrants and other appurtenances.

**“control device”** means a mechanical valve which when installed in a water service pipe prevents a cross connection, in accordance with the Ontario Building Code and “CAN/CSA-B64 SERIES-11, Backflow preventers and vacuum breakers” as amended from time to time.

**“cross connection”** means 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 distribution system and includes without limitation, swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

**“Customer”** means any person who enters into a verbal or written contract with the Municipality to receive water from the Municipality or receive water related services from the Municipality.

**“drinking water system”** has the same meaning as in subsection 2(1) of the Safe Drinking Water Act, 2002.

**“inspection”** means,

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

**“in-service”** means those parts of the water distribution system that have been approved by the Municipality for the provision of potable water and in which potable water is available for use.

**“land”** means all real property, including buildings or any part of any building and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land and in the case of utility service providers and the Township of St. Clair, all buildings or any part of any building erected or placed upon, in, over, under or affixed to land but shall not include machinery whether fixed or not, nor the foundation on which it rests, works structures other than buildings, substructures, poles, towers, lines, nor any of the things exempted from taxation, nor to any easement or the right, use or occupation or other interest in land not owned by utility service providers or the Township of St. Clair.

**“Municipal Act”** means the Municipal Act, 2001, S.O. 2001, c.25, as amended from time to time.

**“Municipality”** means the Township of St. Clair.

**“Occupant”** means any lessee, tenant, Owner, the agent of a lessee, tenant or Owner, or any person in possession of a premises.

**“Occupational Health and Safety Act”** means the Occupational Health and Safety Act, 1990, c.O.1, as amended from time to time.

**“Ontario Building Code”** means the Ontario Building Code, O.Reg. 332/12, as amended from time to time.

**“outdoor water use”** means the use of water for any purpose outside the walls of any building located at a municipal address.

**“Owner”** means any person, including a corporation, who is the registered Owner of the premises under consideration including a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

**“person”** means an individual, association, partnership, corporation, municipality, Provincial or Federal agency, or any agent or employee thereof.

**“plumbing system”** means 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 to which the Building Code Act or any amendments or regulations thereto apply.

**“potable water”** means water that is fit for human consumption.

**“premises”** means any house, tenement, building, lot, or part of a lot, or both, in through, or past which water service pipes run.

**“private main”** means a pipe connected to a watermain and installed on private property and from which more than one water service and/or hydrant lateral are connected.

**“Provincial Offences Act”** means the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended from time to time.

**“remote read-out unit”** means the device installed on, or at a separate location from the water meter and used to read and transfer the water consumption data of the meter.

**“Safe Drinking Water Act”** means the Safe Drinking Water Act, 2002, S.O. 2002, c.32, as amended from time to time.

**“service extension”** means the portion of water service pipe from the property line to the water meter location, or for a fire service to the inside of the exterior wall of a Building.

**“water”** means potable water supplied by the Municipality to Customers.

**“water distribution system”** means watermains, private watermains, services, fire hydrants, valves and shut-off valves and all other appurtenances thereto.

**“watermain”** means every water pipe, except water services and portions of private watermains as herein defined, owned and operated by the Municipality.

**“water meter”** means a device supplied and owned by the Municipality to measure the quantity or rate of water flowing through a pipe that is supplied to a Customer.

**“water meter pit”** means any exterior chamber or pit approved by the Municipality for the purposes of containing a meter.

**“water rates”** means rates and charges as defined in the Fees and Charges By-law.

**“water related services”** means but is not limited to those items set out in “Public Works Water Fees section of the Fees and Charges By-Law.

**“Water Service Connection Permit”** means approval by the Township of St. Clair authorizing the permit holder to connect to the water distribution system in accordance with the terms and conditions set out in the permit.

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

**“water service stub”** means the portion of a water service pipe from a watermain to the water shut-off valve.

**“water shut-off valve”** means the valve on the water service or private main owned and used by the Municipality to shut off or turn on the water supply from the Municipality’s water distribution system to any premises.

**“water valve”** means the valve used to shut off or turn on the supply of water which forms part of the water distribution system.

## Part 2 – Establishing or Altering a Water Service

### 2.1 Service connections – responsibilities

The Owner of a premises is responsible for the installation, repair or removal of any private water service extending beyond the water shut-off valve to the building. The Municipality is responsible for the installation, repair or removal of the water shut-off valve and any water service extending from the water shut-off valve to the water distribution system.

### 2.2 Water Service Connection Permit

The Owner shall obtain a Water Service Connection Permit prior to the installation of a private water service.



## 2.3 Process for a permit

Application for Lot Servicing forms shall be available from the Municipality and are to be submitted to the Municipality along with any plans or drawings detailing the proposed connection, any other supporting information and required fees as stipulated in the application form. The Municipality shall review the proposed connection and shall impose any condition that is deemed advisable and appropriate to ensure the integrity and safety of the water distribution system and the provision of potable water. Any conditions imposed will be identified in writing forming part of the approved permit and said conditions shall be complied with.

## 2.4 Multiple water services -prohibited

Only one water service and one water meter per lot shall be permitted from the water distribution system. In situations where a shared water service would result from a division of land the shared water service shall be eliminated and a separate water service and water meter to each lot from the water distribution system shall be installed at the Owner's expense. Existing services will be exempt.

## 2.5 Opened loop systems - prohibited

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

## 2.6 Hydraulic equipment connections - prohibited

No Owner or Occupant shall connect or permit to be connected to any part of the water distribution system any hydraulic motor, booster pump, elevator or other type of appliance that operates in whole or in part using potable water unless authorized by the Municipality. Water driven sump pumps will be permitted.

# Part 3 - Cross Connections/Backflow Prevention

## 3.1 Protection from contamination

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

## 3.2 Inspection for cross-connections – access

Any person authorized by the Municipality to conduct an inspection of any component of the drinking water system or its appurtenances, whether privately owned or not has free access at all reasonable times, and upon reasonable notice given in accordance with this by-law, to all parts of every building or other premises to which any water service pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any water service pipe, wire, rod or cross connection within or without the building.

## 3.3 Order to install control device

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

## 3.4 Failure to install - notice - water shut-off

If the Owner to whom the Municipality has issued an order or notice pursuant to sections 3.3, 3.5, 3.7, 3.8 or 3.9 fails to comply with that order or notice, the Municipality, at its discretion, may:

- a) give notice to the Owner to correct the fault, at his/her expense, within a specified time period and, if the notice is not complied with, the Municipality may then shut off the water service or services; or

- b) shut off the water service or services upon complying with the notice provisions in this by-law.

### 3.5 Additional device on service

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

### 3.6 Installation to required standards

Cross connection control or backflow prevention devices, when required by the Municipality, shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64 SERIES-11, Backflow preventers and vacuum breakers" as amended from time to time.

### 3.7 Inspection and testing - paid by Owner

All drinking water system backflow prevention devices shall be inspected and tested at the expense of the Owner, upon installation, and thereafter annually, or more often if required by the Municipality, by personnel approved by the Municipality 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 Municipality or any or all tests performed on a cross connection control device within ten (10) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self-employed) or the name of his employer and the tester's license number.

### 3.8 Failure to test device - notification - water shut-off

If an Owner fails to have a cross connection control device tested, the Municipality may notify the Owner that the backflow prevention device must be tested within four (4) days of the Owner receiving the notice. If the Owner fails to have the control device tested within the time allowed, the Municipality may shut off the water service until the control device has been tested and approved as required by section 3.5 of this by-law.

### 3.9 Repair - replacement - by Owner

When the results of a test referred to in section 3.7 of this by-law show that a cross connection control device is not in good working condition, the Owner shall provide written confirmation of the failure to the Municipality within twenty-four (24) hours of the test and make repairs or replace the device within four (4) days of the date of the test. If an Owner fails to repair or replace the control device within the time allowed, the Municipality may shut off the water service until such repair or replacement has been made.

### 3.10 Removal of device - permission by Municipality

No person shall without the prior written approval of the Municipality remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation or by order under section 3.3.

## Part 4 – Inspection and access to property

### 4.1 Inspection powers

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

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

## 4.2 Reduce supply of water

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

## 4.3 Entry on land – discontinue supply

If a Customer discontinues the use of the water supply or the Municipality lawfully decides to cease the supplying of water to any building or land, the Municipality may enter onto the premises:

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

## 4.4 Access to dwellings

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

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

## 4.5 Entry on land – notice requirements

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

- a) provide reasonable notice of the proposed entry to the Occupant of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place for three consecutive days prior to entry;
- b) where the proposed entry is an inspection authorized by sections 4.1 or 4.3, the inspector must provide reasonable notice by means of personal service only;
- c) in so far as is practicable, restore the land to its original condition where any damage is caused by the inspection; and
- d) provide compensation for any damage caused and not remedied.

## 4.6 Municipality expenses

All costs incurred by the Municipality to perform work required by this by-law shall be charged to the Owner of the property where such work is performed and shall be collected according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes.

# Part 5 –Water Meters

## 5.1 Water to be metered - remedy for violation

All water drawn from the water distribution systems, except water used for firefighting purposes, or water use authorized by the Municipality, shall pass through the water meter supplied by the Municipality for use upon such premises, and in addition to whatever other remedies the Municipality may have by law in respect to infringement of this by-law, the Municipality may, upon ascertaining that water has been used which has not passed through the water meter of such premises, shut off and stop the supply of water upon providing notice as required by this by-law.

## 5.2 Supply - installation - ownership - replacement

The Owner shall pay the water service installation charge as indicated on the Application for Lot Servicing form as amended from time to time, before the Municipality will supply the Owner with a water meter and the water meter must be installed prior to occupancy of the building. The water meter shall remain the exclusive property of the Municipality and may be removed as and when the Municipality may see fit, upon the same being replaced by another water meter, or for any reason which the Municipality may, in its discretion, deem sufficient.

## 5.3 Restoration of water supply - as soon as practicable

If the Municipality has shut off or restricted the supply of water under section 4.2 of this by-law, the Municipality shall restore the supply of water as soon as practicable upon completion of the required work.

## 5.4 Charges - meters - Owner to pay

Charges for all measured water consumption, as well as any work or services performed by the Municipality will be determined by the Municipality as indicated in the Fees and Charges By-Law as amended from time to time and will be paid in full by the Owner. Work performed on the water distribution system that requires an Owner or Occupant to flush their plumbing system within the building to remove dirt or cloudiness shall not be exempt in part or in whole from any measured water consumption and the applicable rates or charges.

## 5.5 Every building metered - Municipality's discretion

Every building or property to which water from the water distribution system is supplied to, shall be water metered at the absolute sole discretion of the Municipality.

## 5.6 Installation to Municipality specifications

All water meters shall be installed to conform to the specifications of the Municipality.

## 5.7 Meter location – Meter pit

If the Municipality determines that the water meter cannot be located inside a building or structure in accordance with the Municipality's standards and specifications, or if the distance between the property line and building is in excess of 100 metres, the Municipality may approve the installation of the water meter in a water meter pit. The water meter pit shall be supplied and installed by the Owner at the Owner's expense. The water meter pit shall meet the Municipality's standards and specifications and shall be deemed to be a transfer of ownership of said water meter pit to the Municipality.

## 5.8 Meter location - Municipality to consent to change

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

## 5.9 Private meters - Owner responsible

The Municipality will not supply, install, inspect or read private water meters, nor will the Municipality bill consumption on private water meters. Water supply pipes to private water meters shall only be connected to the Owner's plumbing on the outlet side of the Municipality's water meter.

## 5.10 Meter - access

The Municipality and persons authorized by the Municipality 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, at the discretion of the Municipality. The register of the meter shall be oriented horizontally and upright such that consumption readings can be obtained visually. No meter may be installed or located in a confined space or crawl space without written approval of the Municipality. Where such access to the premises and/or free and clear access to a water meter is not provided by the Owner within fourteen (14) days upon notification as required by this by-law, the Municipality 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.



## 5.11 Water meter – protection and maintenance

It shall be the responsibility of the Owner to provide sufficient protection from freezing and other damages to the water meter. Instances where a water meter is damaged due to the neglect of the Owner, as determined by the Municipality, are subject to the fees set out in the Fees and Charges By-Law as amended from time to time. The Municipality will maintain all water meters owned by the Municipality except wherein the Municipality has determined that a water meter has been damaged due to the neglect of the Owner.

## 5.12 Valve maintenance - responsibility of Owner

The Owner shall supply, install and be responsible for maintaining in good working order the inlet valve to the water meter, the outlet and bypass valves for all water meters, and shall ensure that such valving is accessible.

## 5.13 Interference with meter or meter pit not permitted

No person, other than persons authorized by the Municipality for that purpose shall be permitted to open, or in any way whatsoever to tamper with any water meter, water meter pit 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, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building or water meter pit, the Municipality may 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 Municipality.

## 5.14 Owner responsible to repair piping

If, in the opinion of the Municipality, the condition of the water service pipe and/or valves and 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 Municipality 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 Municipality'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 water meter and the Municipality shall not be held responsible for any damages to the Owner's property arising from such work.

## 5.15 Water meter testing

If a Customer requests that a meter be tested, the Municipality shall arrange for the meter to be tested. If the meter is deemed to be accurate within five percent (5%), the Customer shall be charged the fees established in the Fees and Charges By-Law as amended from time to time. If the water meter is deemed to be inaccurate by more than five percent (5%), there shall be no charge to the Customer for the water meter testing.

## 5.16 Non-functioning 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, or, if unavailable or proven inaccurate, the amount of water to be charged for shall be estimated on a daily average when the water meter is working properly, and the charge for the water for the period during which the water meter was not working properly shall be based thereon.

## 5.17 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 readout device, the Municipality will consider the reading at the water meter to be correct, and will adjust and correct the Customer's account accordingly.

## 5.18 Non-payment – water shut-off

If any Owner or Customer omits, neglects or refuses to pay for any bill rendered for monies which the Municipality may be entitled in respect of water service, the Municipality may, at its discretion, shut off or reduce the flow of water to the building or premises as per the Utility Billing and Collection Procedures. The Municipality shall provide reasonable notice of the proposed shut off to the Owner or Customer by personal service or prepaid mail or by posting the notice on the building in a conspicuous

place. Such charges have priority lien status, and may be collected in accordance with the *Municipal Act*, and may be added to the tax roll against the premises in respect of which the water was supplied.

## Part 6 – Operation and Maintenance of the Water Distribution System

### 6.1 Maintenance of water service stub - Municipality

The water service stub shall be maintained by the Municipality at the Municipality's expense.

### 6.2 Maintenance of service extension and private watermain - Owner

Any and all defects, including the breaking of a water service, private watermain and meter pit shall be repaired by the Owner of the property being serviced. Should the Municipality become aware of any such defect, and upon written notification to the Owner, the said defect is not repaired within seven (7) days of the date of the notification or within such time as the Municipality may deem necessary, then the Municipality may turn off the water supply to the property. If the Municipality is ordered under statutory authority to restore the water supply, then the Municipality may repair the defective water service extension, private watermain and meter pit and charge the cost to the Owner and collect such cost according to law, and until paid, such cost shall remain a lien on such premises, and may also be collected in the like manner as taxes. The Owner shall be held responsible for the cost of restoration.

### 6.3 Operation of water shut-off valve

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

### 6.4 Access to water shut-off valves

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

### 6.5 Responsibility for protection, water loss, damage

All water service to and including the water meter shall be properly protected from frost and any other damage at the expense and risk of the Owner of the property being serviced. The Owner shall be responsible for the water loss occasioned by a leak in the water service and/or private main and the charge for such water loss shall be determined by the Municipality, shall be paid by the Owner upon demand by the Municipality, and the Municipality shall not be held responsible for any damages arising from such leakage.

### 6.6 Responsibility - vacant and unheated premises

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 shall request that the Municipality have the water shut-off valve turned 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 indicated in the Fees and Charges By-Law.

### 6.7 Responsibility - water damage

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 Municipality. Should the Municipality become aware of such leaking or burst pipes, the Municipality may turn off the water service stub, and the water supply shall not be turned on until the Municipality, at its discretion, shall consider it advisable.

### 6.8 Frozen pipes

Thawing out frozen water service stubs shall be the Town's responsibility. Thawing out frozen service extensions and private watermains shall be the Owner's responsibility.

Where the Municipality instructs a Customer to continuously run water to aid in the thawing efforts of frozen water services or private watermains, the Customer will be billed for water consumption based on the previous year's billing during the same time period. Where there is no previous year's billing period for that Customer, the water consumption will be based on the average water consumption over the previous three (3) months.

## 6.9 Conditions on water supply

The Municipality agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water and is not liable for damages to the Owner or Occupant caused by the breaking of any water service pipe or attachment, or for the shutting off of water to repair or rehabilitate watermains or to tap watermains. Where planned work on the water distribution is contemplated the Municipality will make reasonable effort to provide two (2) days notice, delivered to the lands affected, of the intention to shut off the water, save and except for emergency shut downs.

## 6.10 Unusual service demands

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

## 6.11 Unauthorized operation or interference – offence

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

## 6.12 Work on the system

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

## 6.13 Shut off- repair

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

## 6.14 Damage to water distribution system – offence

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

# Part 7 – Outdoor Watering

## 7.1 Regulations – outdoor water use

- a) The Municipality, in its absolute discretion, is authorized to impose at any time any water use regulation which it deems advisable to limit the outdoor water use. This authority shall include, but is not limited to, the right to limit the hours of outdoor water use on permitted days and to ban completely the outdoor water use at any time.
- b) Notice of a water use regulation and the effective date thereof shall be given by the Municipality by publishing in a newspaper of local circulation notice of the water use regulations.
- c) Following the notice of a water use regulation, no person shall use water except in accordance with the provisions of such regulation.

## 7.2 Exemptions

The Municipality may, in its sole discretion, exempt any premises or portion thereof from section 7.1 by issuing an Outdoor Water Exemption Permit.

# Part 8 - Fire Hydrants

## 8.1 Unauthorized operation of fire hydrant – offence

No person, except for Municipality personnel authorized under the *Safe Drinking Water Act* is permitted to operate a fire hydrant.

## 8.2 Tampering

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

## 8.3 Hydrant access

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

## 8.4 Private hydrants

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

## 8.5 Use of water from hydrants

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

## 8.6 Improper use of water from fire service - 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.

## 8.7 Testing

No testing of any fire hydrant, whether owned by the Municipality or private persons, is permitted unless such testing is approved in writing by the Municipality. Results from all fire hydrant tests shall be forthwith supplied to the Municipality without delay upon completion of such testing. Testing of fire hydrants shall be subject to the fees as per the Fees and Charges By-Law as amended from time to time.

# Part 9 - Prohibitions

## 9.1 Prohibitions under this by-law

No person shall:

- a) contravene any provision of this by-law or any order or notice issued pursuant to this by-law;
- b) hinder or interrupt, or cause or procure to be hindered or interrupted, the Municipality or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;
- c) let off or discharge water so that the water runs waste or useless out of the water distribution system;



- d) improperly waste the water or, without the consent of the Municipality, 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 or benefit of another other than their own;
- e) without lawful authority 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;
- f) deposit any injurious or offensive matter into the water distribution system, or in any way foul the water distribution system or commit any damage or injury to the water distribution system or encourage the same to be done;
- g) 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;
- h) lay or cause to be laid any pipe or watermain to connect with any pipe or watermain of the water distribution system, or in any way obtain or use the water without the consent of the Municipality; or
- i) use or permit the use of water outdoors except in accordance with the regulations specifically set out in this by-law and any other regulation imposed by the Municipality.

## Part 10 - Enforcement

### 10.1 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

### 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 Offence - additional - damage to water distribution system

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to the water distribution system, or to any water distribution system plant, machinery, fitting or appurtenance thereof is liable to the Municipality for all damages caused.

### 10.4 Offence - additional - willful damage

Every person who willfully or maliciously damages or causes or permits to be damaged any water meter, water service pipe, conduit, wire, rod or water fitting belonging to the Municipality or willfully impairs or causes or permits the same to be willfully 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 Municipality, and for any expenses of repairing or replacing the water meter, water service pipe, conduit, wire, rod or fitting all of which is recoverable under the *Provincial Offences Act*.

### 10.5 Offence - additional - injuring water distribution system

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

# Part 11 - General

## 11.1 Applicable Laws

All work and materials performed on the water distribution system shall comply with all applicable federal, provincial and municipal laws, by-laws, acts, regulations, statutes, health and safety policies and procedures, as amended.

## 11.2 Short Title

The short title of this by-law shall be the St. Clair Township Water Use By-Law.

## 11.3 Repeal

The following by-laws are hereby repealed:

1. Township of Moore By-Law Number 4 of 1987.
2. Township of Moore By-Law Number 30 of 1990.

## 11.4 Effective Date

This by-law shall come into force and effect on the date of the final passing thereof.

**Read a First, Second, and Third time and finally PASSED on September 18, 2017.**

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Mayor

\_\_\_\_\_  
Clerk