

**BY-LAW NUMBER 17-108**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW**

**Being a By-law to provide for a safe municipal water supply within the Township of Clearview.**

**WHEREAS** the *Safe Drinking Water Act*, the *Ontario Water Resources Act*, and the *Building Code Act* provide for the regulation, maintenance, inspection and management of water, sewer and related municipal works – and –

**WHEREAS** the *Safe Drinking Water Act*, SO c—Section 11 places specific duties on the owners of municipal drinking water systems with regard to the operation and repair of said system – and –

**WHEREAS** the *Municipal Act*, SO c.25 – Section 80 (1) provides that a municipality may, at reasonable times, enter on land to which it supplies a public utility, to inspect, repair, alter or disconnect the servicing pipe or wire, machinery, equipment and other works used to supply the public utility or to inspect, install, repair or alter a public utility meter; and

**WHEREAS** the Council of the Corporation of the Township of Clearview deems it necessary to establish a by-law for the purpose of ensuring a safe supply of municipal water to inhabitants of the Township of Clearview:

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW HEREBY ENACTS AS FOLLOWS:**

**1. INTRODUCTION**

1.1 Title and Scope

This is a By-law to regulate the use of water to ensure a safe and adequate water supply. This by-law will be known as the “**Municipal Water Systems By-law**” for the Corporation of the Township of Clearview.

1.2 Validity and Severability

Should any section, sub-section, clause, paragraph, or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provisions of this By-law or the By-law as a whole.

If any provision of the By-law is inconsistent with the *Safe Drinking Water Act*, or any other Act, the provisions of the applicable Act shall prevail

### 1.3 Interpretation

Words used in the singular shall have corresponding meanings when used in the plural.

“May” shall be construed as permissive.

“Shall” shall be construed as imperative.

### 1.4 Force and Effect

This By-law shall come into force and take effect on the day that it receives the approval of the Council of the Township of Clearview.

## 2. **DEFINITIONS**

For the purposes of this By-law, the following words shall have the meaning ascribed herein:

- 2.1 **“Consumer”** means any owner, occupant, lessee, tenant or any person or company using water from the Township.
- 2.2 **“Council”** means the Council of the Corporation of the Township of Clearview
- 2.3 **“General Manager Environmental Services”** means the person designated by the Township Council as such or his/her designee.
- 2.4 **“Fire Chief”** shall mean the Chief of the Township of Clearview Fire Department.
- 2.5 **“Municipal Water Area”** shall mean an area within the Township of Clearview that is serviced by a Municipal Water System.
- 2.6 **“Municipal Water Supply”** shall mean the water supplied from a Municipal Water System.
- 2.7 **“Municipal Water System”** shall include all water works established by the Township or the former municipality in the built up areas of Nottawa, Colling-Woodlands, Buckingham Woods, Stayner, New Lowell and Creemore and shall include any extensions to the Municipal Water Systems or additional waterworks authorized by an Act, By-law or Agreement between the Township or its predecessors, but shall not include any private waterworks which have not been acquired, established, maintained, accepted by the Township or its predecessors.

- 2.8 **“Operations Manager”** means the Water and Sewer Manager or his/her designate who has approved operating authority. The Operations Manager is the first instance designate of the General Manager Environmental Services.
- 2.9 **“Owner”** means an assessed owner or any person having an interest, whether equitable or legal, in the land.
- 2.10 **“Person”** means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to who the context can apply according to the By-law.
- 2.11 **“Treasurer”** shall mean the Treasurer of the Corporation of the Township of Clearview.
- 2.12 **“Township”** means the Corporation of the Township of Clearview.
- 2.13 **“Water works”** means any works for the, production, treatment, storage, supply and distribution of water, or any part of such works, but does not include plumbing or other works to which the Ontario Building Code Act and its regulation apply.

### **3. OFFENCES**

- 3.1 No person shall lay or cause to be laid any pipe or main to connect with any pipe or main of the Municipal Water System, or in any way obtain or use the Municipal Water System without the consent of the Township.
- 3.2 No person supplied with water from the Municipal Water System, shall waste water.
- 3.3 No person supplied with water from the Municipal Water System, shall, without the consent of the General Manager Environmental Services, lend, sell or dispose of water, give water away, permit water to be taken or carried away, use or apply water to the use or benefit of another, or to any use and benefit other than the person’s own, or increase the supply of water from the Municipal Water System to another building.
- 3.4 No person shall throw or deposit an injurious, noisome or offensive matter into the Municipal Water Supply or Municipal Water System, or in any way foul the water.
- 3.5 No person shall commit any willful damage, or injury to the water works, pipes or water, or encourage the same to be done.

- 3.6 No person shall willfully let off or discharge water so that the water runs waste or useless out of the Municipal Water System.
- 3.7 No person, other than an authorized employee or agent of the Township shall be permitted to install, remove, inspect or repair the meter or other equipment of the Township
- 3.8 No person shall willfully alter any meter placed on any service pipe or connected therewith, within or outside any building or other place so as to lessen or alter the amount of water registered.
- 3.9 No person shall, without the approval of the General Manager Environmental Services, Operations Manager or Fire Chief, open or close any hydrant.
- 3.10 No person shall, without the approval of the General Manager Environmental Services or Operations Manager, open any municipally owned valve, gate valve, curb stock or stop cock.
- 3.11 No person shall obstruct the fire access to any hydrant, stopcock, chamber, pipe or hydrant by placing on it any building material, rubbish or other obstruction.

#### **4. ADMINISTRATION, ENFORCEMENT AND INSPECTION**

- 4.1 This By-law shall be administered by the General Manager Environmental Services of the Township or such other person or persons as Council may, by by-law, appoint and all such persons shall be considered inspectors under the terms of the By-law.
- 4.2 This By-law shall be enforced by the General Manager Environmental Services or Operations Manager or his/her designee and Municipal Law Enforcement Officer(s) or such other person or persons as the Council may by by-law appoint and all such persons shall be considered inspectors under the terms of this By-law

#### **5. PENALTY**

- 5.1 Every person who:
  - a) Hinders, disturbs or obstructs any authorized person in carrying out their duties under this By-law, or:
  - b) Contravenes any provision of this By-law;
  - c) Is guilty of an offence and, upon conviction, is subject to a penalty as provided under the Provincial Offences Act.

## **6. CONTINUING OFFENCE**

- 6.1 Each day that a situation as described in Sections 3.1 to 3.11 of this By-law is allowed to continue shall constitute a separate offence under this By-law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

## **7. CORPORATIONS**

- 7.1 Every person and any officer, director, employee or agent of a corporation charged with committing an offence under this By-law is a party to the offence who;
- a) actually commits it; or
  - b) Does or omits to do anything for the purposes of aiding any person to commit it, or
  - c) Abets any person in committing it. Where two or more persons form an intention in common to carry out an unlawful purpose, and to assist each other therein, each of those who knew or ought to have known that the commission of an offence under this By-law would be a probable consequence of carrying out the common purpose is a party to the offence.

## **8. GENERAL PROVISIONS**

- 8.1 This By-law shall apply to all Municipal Water Systems located within the geographical boundaries of the Township
- 8.2 Any extension or connections to the Municipal Water System shall be constructed in accordance with the Township of Clearview Engineering Standards.
- 8.3 All pipes, valves, fittings and other equipment between the water main and the street line shall remain the property of the Township
- 8.4 Where a water service line between the street line and the meter is 50.8 millimeters (2 inches) or greater in diameter, any service or maintenance on said line shall be conducted by, or under the supervision of the Township. The cost of said repairs shall be the responsibility of the property owner.

- 8.5 The Operations Manager is authorized to take such measures as are necessary and proper to ensure an adequate and continuous Municipal Water Supply and to safeguard the hygienic purity thereof within the Provincial Acts and Regulations as established by the Ministry of the Environment and Climate Change or such other approval authority.
- 8.6 The Township does not guarantee the continuous supply, quality or pressure of water from a Municipal Water System. Failure to supply water shall not be construed as neglect on the part of the Township, its officers or employees.
- 8.7 The Operating Authority shall be responsible for the operation and maintenance of all Municipal Water Systems including required testing, servicing and the removal of snow from around all hydrants, as deemed necessary.
- 8.8 When the General Manager Environmental Services, or other duly authorized employee deems it necessary to limit or shut off the Municipal Water System due to an emergency situation, the Township shall not be liable for damages incurred due to such action. Reasonable efforts will be made by the Township to notify the affected owners or consumers. The General Manager Environmental Services shall report to Council all such incidents and actions taken as soon as is practical.
- 8.9 The Township, its officers, employees or agents shall not incur any liability whatsoever by reason of water running from an open or faulty fixture, or from broken or damaged connections.
- 8.10 No vehicles owned or operated on behalf of the Fire Department or the Public Works Department of the Township shall be used for transporting water for the purpose of placing water into a privately owned swimming pool.

**9. REQUIREMENTS FOR CONNECTION TO AND REGULATION OF MUNICIPAL WATER SYSTEM**

- 9.1 Every owner of a property located within a Municipal Water Area who wishes to connect an existing building to the Municipal Water System may apply in writing to the General Manager Environmental Services. All applications for connection to the Municipal Water System shall be accompanied by the Connection Fee as set out in the Township's Fees and Charges By-law.

- 9.2 Every new building constructed or used for commercial, industrial or residential purposes on property located within a Municipal Water Area shall be connected to the Municipal Water System. An application for connection to the Municipal Water System shall be filed with the General Manager Environmental Services prior to the issuance of a building permit and shall be accompanied by the Connection Fee set out in the Township's Fees and Charges By-law.
- 9.3 The Township reserves the right to refuse any application for connection to the Municipal Water System, if the existing system is at capacity or where excess capacity has been allocated to other properties within the Municipal Water Area.
- 9.4 Where the water works must be extended from the water main to the property line in order to provide for a new water service connection, the owner shall, in addition to the Connection Fee, be responsible for the cost of the installation of the water works from the water main to the property line. An estimate of this cost shall be provided by the General Manager Environmental Services at the time of application and the owner shall deposit said amount with the Township prior to issuance of the Connection Permit
- 9.5 Prior to connection to the Municipal Water System, the owner must deposit with the Township, the Service Connection Fee as set out in the Township's Fees and Charges By-law. In the event that the actual cost exceeds the fee, the owner shall be invoiced for the difference. If payment of said invoice is not received within 90 days, the outstanding balance may be added to the tax roll and collected in the same manner as taxes.
- 9.6 Every building connected to a Municipal Water System shall have its own individual connection with the exception of an Apartment or Commercial Building which must have the approval of the General Manager Environmental Services who may approve the connection based on engineer drawings.
- 9.7 An owner of a building to be connected to a Municipal Water System shall install an angle meter stop control valve on the water service where it enters the building. The control valve will be installed as per Township of Clearview specification. This control valve is in addition to the curb stop located on the service pipe at the property line.
- 9.8 The owner shall be held liable for any damage to the meter or other equipment of the Township whether caused by carelessness or negligence on the part of the owner, or on the part of any person acting for or on behalf of the owner and in particular, without limiting the foregoing, for damage occasioned by operating the Township's curb stop in lieu of a control valve,

for damage due to ground wire attachments and for damage to the meter caused by hot water or steam from the building or from frost.

- 9.9 Any owner who desires a change in the location, arrangement or size of a Municipal Water System service shall apply in writing to the General Manager Environmental Services and shall pay upon demand all costs incurred by the Township in carrying out such change. If payment of an invoice for such costs is not paid within 90 days, an amount equal to the outstanding account may be added to the tax roll and collected in the same manner as taxes.
- 9.10 Where any auxiliary water supply exists in any building connected to the Municipal Water System, said auxiliary water supply shall be disconnected from any piping connected to the Municipal Water System and permanently capped so as to prevent any contact with water or waters originating from the Municipal Water System.
- 9.11 Any owner desiring to have the Municipal Water Supply temporarily turned off or on for any reason whatsoever shall apply in writing to the General Manager Environmental Services who may direct that the water be turned off or turned on. In the event of an emergency, a verbal request may be provided as an alternative to an application in writing.
- 9.12 A Disconnection/Re-Connection Fee as set out in the Township's Fees and Charges By-law shall be charged by the Township for the turning off or on of the Municipal Water Supply where such action is necessitated by:
  - a) a written or emergency request by the owner
  - b) non-payment of a water bill
  - c) failure to provide access to a meter
- 9.13 The Township reserves the right to turn off the Municipal Water Supply as deemed necessary by the General Manager Environmental Services, to stop and prevent waste.
- 9.14 Failure to comply with any requirements relative to the protection of the Municipal Water Supply shall be sufficient reason for immediate discontinuance of water service by the Township until such time as it is determined that the requirements of the Township and the Ontario Building Code Act have been met.

## 10. METERS

- 10.1 The Township shall provide meters at the cost of the owner, for all new buildings to be constructed on properties lying within a Municipal Water Area. The owner shall pay the applicable fee for meters up to and including 25mm as set out in the Township's Fees and Charges By-law prior to the issuance of the Building Permit.
- 10.2 Properties requiring meters and backflow devices larger than 25mm shall meet the following conditions:
- a) Meter and backflow device will be included in Engineering design submissions;
  - b) Meters shall be compatible with the Township of Clearview's meter reading system;
  - c) Meters shall be installed by a person with a Plumber's Certificate of Qualification;
  - d) Meters shall only be installed after design acceptance has been granted by the General Manager Environmental Services, and all other requirements made under this by-law have been met; All design, equipment, and installation costs shall be paid for by the owner.
- 10.3 Meters shall be required for all existing buildings located within the Municipal Water Area, subject to the following:
- 10.4 Where a property was exempted from connection by the former municipality and the owner wishes to connect to the Municipal Water Supply, meters shall be installed at the expense of the owner. The fee set out in the Township's Fees and Charges By-law shall be due and payable prior to the issuance of the Connection Permit and shall be in addition to any Connection fee.
- 10.5 Where the Township determines that water meters shall be installed in existing buildings located within a Municipal Water Area, meters shall be installed by the Township and the cost therefore shall be charged to the applicable Municipal Water Area
- 10.6 One (1) meter shall be required for each property.
- 10.7 Meters shall remain the property of the Township and shall not be boxed in such a manner as to prohibit the meters from being read, examined or removed.

- 10.8 Water meters up to 25mm shall be installed only by a Township employee that has met the provincial qualifications for a water meter installer.
- 10.9 Meters shall be installed in a safe and convenient space, free from charge or rent, in a heated room suitable for this purpose, as close as possible to the entrance of the service pipe into the building. The meter shall be mounted in such a manner as to be fully braced to prevent movement.
- 10.10 Free access shall be afforded to such meters and their connections for persons authorized by the Township whenever such access is required.
- 10.11 Where the Township has reason to believe that a meter is not operable and is unable to gain access thereto for inspection and/or repair, written notice shall be sent by registered mail to the owner. Such notice shall require that access to the subject meter be provided to the Township within 21 days of the date of the Notice. If access is not granted within the said 21 days, the General Manager Environmental Services shall shut off the Municipal Water Supply to the subject property.
- 10.12 Where the Municipal Water System has been shut off under Section 10.6, the General Manager Environmental Services shall turn on the water supply when the owner has complied with the following conditions:
  - 10.13 Access has been provided to the meter for inspection and/or repair by the Township; and
  - 10.14 The disconnection/re-connection fee as set out in the Township's Fees and Charges By-law has been paid to the Township.
  - 10.15 The owner shall be responsible for the security of the meter and other Township equipment and shall pay the Township the value of such meter and equipment should any damage or loss occur which is, in the opinion of The General Manager Environmental Services, due to circumstances beyond normal wear and tear.

## **11. HYDRANTS**

- 11.1 No person shall use hydrants connected to any Municipal Water System except as follows:
  - 11.2 Employees or volunteer fire fighters authorized by the Fire Chief or designate for the purposes of training or fighting fires;
  - 11.3 Employees authorized by the Operations Manager;
  - 11.4 Persons having been granted permission by written agreement with the Township and having authorized access to a Hydrant Meter Valve.

- 11.5 Where a person who is not a consumer wants access to the Municipal Water Supply, the person may apply to the General Manager Environmental Services for access to the Municipal Water Supply through a Hydrant Meter Valve. Such application shall be in writing and shall be accompanied by the fee as set out in the Township's Fees and Charges By-law.
- 11.6 Upon receipt of an application for access through a Hydrant Meter Valve together with the fee, a Hydrant Meter Use Agreement shall be completed and signed by the applicant and approved by the General Manager Environmental Services.
- 11.7 No Hydrant Meter Valve Use Agreement shall be issued to any company whose vehicles contain or may contain any pesticide or other chemicals or materials that may contaminate the Municipal Water Supply.
- 11.8 Installation of a Hydrant Meter Valve shall be subject to availability. The customer shall accept all and any responsibilities associated with the installation in accordance with the terms of the agreement,
- 11.9 The Hydrant Meter shall be installed by the Environmental Services Department and one key shall be issued to the customer.
- 11.10 The customer shall advise the Township when the Hydrant Meter Valve is no longer required and shall return the key to the Environmental Services Department
- 11.11 The customer shall be invoiced in accordance with the municipal water rates as approved, from time to time, by the Council of the Township of Clearview. Any amount owing shall be debited against the deposit.

## **12. WATER CHARGES, BILLING AND COLLECTION**

- 12.1 At the end of 2 months, the General Manager Environmental Services shall read, or cause to be read, all meters connected to the Municipal Water System to determine the amount of water used during the previous 2 months.
- 12.2 The Treasurer shall calculate water charges to be assessed against each consumer in accordance with the minimum monthly charge and surcharge per cubic meter as set out by By-law and approved by Council and as amended from time to time.
- 12.3 The Treasurer shall issue a bi-monthly bill to each consumer on the Municipal Water System.

- 12.4 Water bills shall be due and payable not less than 14 days from the date of billing.
- 12.5 Water bills shall be payable to the Township of Clearview and may be paid during office hours in person or by mail at the Clearview Township Office, Box 200, 217 Gideon Street, Stayner, ON L0M 1S0.
- 12.6 The owner shall pay to the Township, upon demand, the water charges assessed against each property.
- 12.7 In the circumstance where a property/building has more than one unit or where a property/building is occupied by a tenant, the owner shall be billed and liable for payment of the accounts of all units.
- 12.8 The Treasurer shall impose a one-time five percent (5%) late charge on all unpaid accounts on the day after the due date.
- 12.9 If an account remains unpaid for a period as specified in the Delinquent Utility Bills Collection policy, the Treasurer shall follow the procedures as set out in the 'Delinquent Utility Bill Collections' policy.
- 12.10 Where a water bill remains unpaid, the Treasurer may add the unpaid amount to the Tax Roll to be collected in the same manner as property taxes.
- 12.11 Where a billing error has resulted in over-billing, the account shall be credited with an amount equal to any overpayment during the twelve-month period preceding the discovery of the error by the Township. Where a property has changed ownership during the twelve-month period, the Township shall make every reasonable effort to locate and refund any applicable credit to the previous owner.
- 12.12 Where a billing error has resulted in under-billing, the account shall be charged an amount equal to any underpayment during the twenty-four month period preceding the discovery of the error by the Township. Where a property has changed ownership during the twenty-four month period, the account shall only be charged the amount attributable to the current owner.
- 12.13 The billing start date for newly constructed buildings will be the date the meter is installed. The water meter must be installed prior to occupancy.
- 12.14 The billing start date for new customers in existing buildings will be the date of legal change of ownership. Proof of ownership change must be provided to the Township.
- 12.15 For the purpose of calculating the Water Charges under this By-law, 220 gallons equals 1 cubic meter.

**13. OTHER**

- 13.1 That Schedule "A" (Set Fines) forms part of this by-law
- 13.2 By-law 11-77 will remain in effect until Set Fines, established under Schedule "A" to this by-law have been approved by the Attorney General.
- 13.3 Upon approval by the Attorney General for the set fines, By-law 11-77 will be repealed.

By-law Number 17-108 read a first, second and third time and finally passed this 11<sup>th</sup> day of December, 2017.

---

MAYOR

---

DIRECTOR OF LEGISLATIVE SERVICES/CLERK

**SCHEDULE "A"**  
**TO**  
**BY-LAW 17-108**

The following Section shall be subject to the set fines (not including Victim Surcharges as set out below):

<b>Section</b>	<b>Offence</b>	<b>Set Fine</b>
3.2	Person waste water	\$100.00
3.6	Person waste water from Municipal System	\$200.00