



**MUNICIPALITY OF NORTH MIDDLESEX
WATER BY-LAW
BY-LAW #46 OF 2019**

BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF WATER SUPPLY IN THE MUNICIPALITY OF NORTH MIDDLESEX

WHEREAS a municipality may pass by-laws respecting public utilities, including water production, treatment, storage and distribution (*Municipal Act 2001, C.25, s11*),

AND WHEREAS a public utility is defined as a system providing water services to the public. (*Municipal Act 2001, c.25, s1 (1)*)

AND WHEREAS connections to potable water systems shall be designed and installed so that non-potable water or substances that may render the water non-potable cannot enter the system. (*Building Code Act 1992 – O. Reg. 305/06 7.6.2.1 (1)*)

AND WHEREAS in situations where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valuing arrangement for the meter installation shall be according to the water purveyor's requirements. (*Building Code Act, 1992 – O. Reg. 305/06 7.6.1.3 (5)*)

AND WHEREAS a municipality may, at reasonable times, enter on land, to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply a public utility or to inspect, install, repair, replace or alter a public utility meter. (*Municipal Act 2001, c.25, s80 (1)*)

AND WHEREAS a municipality, after reasonable notice is given, may shut off or reduce the supply of the public utility to the land. (*Municipal Act 2001, c.25, s80 (2)*)

AND WHEREAS a municipality, after reasonable notice is given, may shut of the supply of a public utility by the municipality to land if fees and charges payable by the owners of the land for the supply of the public utility to the land are overdue. (*Municipal Act 2001, c.25, s81 (1) and (3)*)

AND WHEREAS a municipality may shut off the supply of water to land if the fees or charges payable by the owners of the land in respect of a waste water system are overdue and the fees or charges are based on the fees payable for the supply of water to the land. (*Municipal Act 2001, c25, s81 (2)*)

AND WHEREAS a municipality may recover all fees and charges payable despite shutting off the supply of the public utility. (*Municipal Act 2001, c.25, s81 (4)*)

AND WHEREAS the municipality may allocate the available public utility among its consumers if the supply of a public utility to a municipality is interrupted or reduced. (Municipal Act 2001, c.25, s82 (2))

AND WHEREAS a municipality may, as condition of supplying or continuing to supply a public utility, require reasonable security be given for the payment of fees and charges for supply of the public utility or for extending public utility to land. (Municipal Act 2001, c25, s83)

AND WHEREAS a municipality may pass by-laws imposing fees or charges on any class of person for services or activities provided or done by or on behalf of it. (Municipal Act 2001, c.25, s391.1)

AND WHEREAS fees and charges imposed by a municipality on a person constitutes a debt of the person to the municipality. (Municipal Act 2001, c.25 s398 (1))

AND WHEREAS the treasurer of a municipality may add fees and charges imposed by the municipality to the tax roll for the property in the municipality and collect them in the same manner as municipal taxes. (Municipal Act 2001, c.25, s398 (2))

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX ENACTS AS FOLLOWS:

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Part 1 DEFINITION

1.1 Definitions

In this by-law:

“**Bulk Meter**” means a Water Meter which measures the usage of Water for multiple units within a Building or group of Buildings.

“**Building**” means a structure supplied with Water by the Municipality of North Middlesex.

“**Bulk Water User**” means any Customer who draws Water from a pipe located at the Municipality's Bulk Water Stations.

“**Municipality**” means The Corporation of the Municipality of North Middlesex.

“**Chief Building Official**” means the Chief Building Official for the Municipality or the Chief Building Official's authorized representative.

“**Construction Water**” means Water supplied to a Premises during construction prior to occupancy.

“**Contractor**” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by an Owner or the Municipality to install or maintain Mains, Service Stubs, 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”.

“**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 swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

“**Customer**” means any person who receives Water from the Municipality or receives Water Related Services from the Municipality.

“**Developer**” means the Owner, sub-divider or party specifically named in a Development Agreement or in a Subdivision Agreement.

“**North Middlesex staff or Operator authority**” means the Municipality North Middlesex staff or delegated Operator authority that is authorized representative.

“**External Use of Water**” means the use of Water for any purpose outside the walls of any Building.

“**Frontage Charge**” means a charge the Owner shall pay to the Municipality prior to the Premises being connected to the Water Distribution System.

“Low-density Residential” means any Building that is a duplex, triplex, four-plex, five-plex or six-plex and is metered by a Bulk Meter.

“Medium-density Residential” means any Building or more than one Building that is a townhouse or row-house and is metered by a Bulk Meter.

“Main” means every Water pipe, except Services Stubs and portions of Private Mains as herein defined, installed on the public road allowance or on any other land upon which the Municipality has obtained easements or has access rights under Section 91 of the Municipal Act.

“Main Tap” means the method in which an existing Main is cored to accept a new Service Stub through the installation of a saddle and main cock.

“Meter” means the Water Meter supplied and owned by the Municipality to measure the quantity of Water used by the Customer.

“Meter Pit” means any exterior chamber or pit approved by the North Middlesex staff for the purpose of containing a Meter.

“Municipal Address” means a Building or Buildings identified by a number pursuant to Municipality of North Middlesex.

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

“Owner” means any person partnership or corporation that is the registered owner of the Premises or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

“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, 2006*, or any amendments 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 Main and installed on private property and from which more than one Water Service Pipe and/or hydrant lateral are connected.

“Remote Read-Out Unit” means the device installed on, or at a separate location from the Meter and used to read and transfer the Water consumption data of the Meter.

“Service Extension” means the portion of a Water Service Pipe from the property line to the Meter location, or for a fire service to the inside of the exterior wall of a Building.

“Service Stub” means the portion of a Water Service Pipe from a Main to the property line which will always include one control valve.

“**Shut-Off Valve**” means the valve on the Water Stub or private main owned and used by the Municipality to shut off or turn on the Water from the Municipality's Water Distribution System to any Premises.

“**Water**” means potable water supplied by the Municipality.

“**Water Distribution System**” means Mains with connections to feeder mains, feeder mains within subdivision lands, Private Mains, Service Stubs, fire hydrants, and Shut-Off Valves and all other appurtenances thereto.

“**Water Fixed Charge**” means the monthly infrastructure connection charge for Water as set out in Section 2 of attached Schedule “A”.

“**Water Related Services**” means, but not limited to those items set out in Section 3 of attached Schedule “A”.

“**Water Service Pipe**” means the pipe and fittings that convey Water from a connection on a Main or Private Main to the Meter location, or, for a fire service, to the inside of the exterior wall of a Building.

“**Water Usage Charge**” means the monthly charge for Water as measured by the Meter and as set out in Section 1 of attached Schedule “A”.

“**Waterworks**” means any works for the collection, production, treatment, storage, supply and distribution of Water, or any part of any such works, but does not include Plumbing System to which the *Building Code Act, 2006*, or any amendments thereto apply.

Part 2 APPLICATION FOR WATER SERVICE

2.1 Application and payment prior to installation

The Owner shall apply to the Municipality for a Water connection and before the connection is installed, shall pay the charges as set out in Section 3 of attached Schedule “A” for the right to connect.

2.2 Installation - payment required

The installation of the Water connection will not be scheduled or commenced until the application and payment have been made as required in Part 2.1.

2.3 Existing Water Services Fronting Property – Not in use or Decommissioned

Within a five (5) year period, if so desired to reconnect; the customer will be leveled to contribute the following scale for the right to re-connect:

Year 1: No additional charge for the right to (re)connect will be charged.

Year 2 through to 5: 50% of current right to connect charge as applied.

Year 6: 100% of current right to connect charge applies.

Approval of connections to the distribution system will be at the sole discretion of North Middlesex staff, reviewed upon request by customer individually.

Part 3 WATER RATES AND CHARGES

3.1 Supply of Water

Supply of Water in the Municipality shall be governed by the requirements of this by-law. This by-law shall be read in conjunction with the *Safe Drinking Water Act, 2002* (as amended) and shall conform to *Municipal Act, 2001* (as amended).

3.2 Water Charges

Every Customer or Owner of Premises in the Municipality who receives Water or Water Related Services shall pay Water charges comprised of the “rates” established by By-Law #55 of 2015 (as amended) and as by the right to connect as defined in this by-law where applicable charges as per the attached Schedule “A”.

3.2.1 Water Fixed Charges – Infrastructure Connection Charge

The monthly Water Fixed Charge is the sum of an infrastructure charges based on and By-Law #55 of 2015 as amended.

3.3 Meter reading and billing

Water meters may be read and accounts rendered quarterly or on any other basis at the discretion of the Municipality. The bill shall be deemed to be served upon the customer if it is delivered or sent by mail to the Premises supplied.

3.4 Meter reading and billing – drive-by Meter reading route

The Municipality, in its sole discretion, shall measure water usage with a drive-by Meter reading system on a route by route basis. Customers may request that an encoder Meter be installed with an external Remote Read-Out Unit. Customer’s that request an encoder Meter be installed shall pay the applicable charge as indicated in Section 3.3 of attached Schedule “A”.

3.5 Late payment charge and overdue notice

When an account is not paid by the due date stated on the bill, a late payment charge, as indicated in Section 3.3 of attached Schedule “A”, will be assessed to the account.

3.6 Notice of disconnection

If the account remains unpaid for twenty one (21) days after the due date stated on the bill, North Middlesex staff or the Operator authority may deliver or cause to be delivered to the Premises, a notice of disconnection advising the Customer that unless payment is received within 48 hours, the Water service will be disconnected. Notification requirements for a rented or leased Premises.

3.7 Non-payment - water shut off - lien

If the Customer omits, neglects or refuses to pay any bill rendered, whether for Water Charges, Water Related Services or any other monies to which the Municipality may be entitled in respect of Water supply to such Premises, the Municipality may, at its discretion, shut off or reduce the flow of the Water to the Premises. The Municipality shall provide reasonable notice of the proposed shut off to the Customers and Occupants of the Premises by personal service or

prepaid mail or by posting the notice on the Premises in a conspicuous place. Unpaid charges have priority lien status, and may be collected in accordance with the *Municipal Act, 2001*, and may be added to the tax roll against the Premises in respect of which the Water was supplied.

3.8 Non-access – water shut off

If the Customer and/or Occupant of any premise neglects or refuses to allow the Municipality or persons authorized by the Municipality entry to the Premise to inspect, install, repair, replace or alter the Meter and/or Remote Read-Out Unit, the Municipality may, at its discretion, shut off or reduce the flow of Water to the Premises. The Municipality shall provide reasonable notice of the proposed shut off to the Customers and/or Occupants of the Premises by personal service or prepaid mail or by posting the notice on the Premises in a conspicuous place.

3.9 Disconnection of Service Stub and Meter - charges

When an Owner discontinues the use of Water to any Premises, the Owner shall pay to the Municipality charges as indicated in Section 3.3 of attached Schedule “A” for disconnecting the Service Stub, disconnecting the Meter and inspecting the Water Service Pipe. Removal of the Water Service Pipe is undertaken through the demolition process for which a separate application shall be made to the Municipality.

3.10 Temporary removal & reinstallation of Meter - charge

When the Owner requests a temporary removal of the Meter from the Premises, for any reason, the Meter removal and reinstallation charge, as indicated in Section 3.3 of attached Schedule “A” shall be applied to their account.

3.11 Change of occupancy – charge

At the time of a change of occupancy, an administrative charge as indicated in Section 3.3 of attached Schedule “A” shall be levied by the Municipality to the new Customer to cover the cost of administrative work, and the said charge will be included on the first billing to the new Customer.

3.12 Water charge - who payable by

The Water charges for providing and maintaining Water supply to any Premises are applicable for every Meter owned and read by the Municipality. In instances where the Customer terminates their account with the Municipality, subsequent Water charges shall be rendered to the Owner of the Premises until such time as a new Customer applies to the Municipality for the supply of Water.

3.13 Service installation charge

All Water Service Pipes, except those to a Premises being developed under a development or subdivision agreement wherein the Main is installed, will be installed on an actual cost basis at the Owner's expense, including the Water service connection materials and all related labor, North Middlesex staff or Operator authority including inspection costs.

3.13.1 Tapping of Main charges

No person, other than the North Middlesex staff or Operator authority may tap a Main.

- (1) A right to connect charge shall be payable as set out in Section 3.2 of attached and Schedule “A” when a new, replacement, or larger Service Stub is connected to the Main.

- (2) The Owner is responsible for exposing the Main and all related restoration works and costs.

3.14 Construction Water charge

During the construction phase of any Premises, the Owner shall pay the cost of Construction Water as indicated in Section 3.1 of attached Schedule "A" as part of and at the time of Building Permit application.

3.15 Temporary Water supply – no connections to a fire hydrant without consent

No person shall connect to a fire hydrant without the written consent of North Middlesex staff or the Operator authority. After receiving consent, that person shall pay the charges as indicated in Section 3.3 of attached Schedule "A". Where a person has been connected to a fire hydrant without consent, the Municipality will invoice that person the Illegal Connection Charge, as indicated in Section 3.3 of attached Schedule "A".

3.16 Meter testing charge

The charge for testing the accuracy of a Meter is indicated in 3.3 of attached Schedule "A" and is further described in section 7.18 of Part 7 of this By-law.

3.17 Non-scheduled Meter change out charge

If a Customer requests that the Meter, and/or the Remote Read-Out Unit be replaced, and that Meter is not due for replacement, then the Customer shall pay to the Municipality a charge as indicated in Section 3.3 of attached Schedule "A". If the Meter is scheduled for replacement by North Middlesex staff or the Operator authority, then no charge shall be applied.

3.18 Retroactive refund of billing errors

Any refund for previous Water Charges collected shall be the lesser of either payments for one (1) year or lesser the payment in dispute prior to the discovery of the error.

Part 4 SECURITY DEPOSITS

4.1 Deposit is security for payment

Whenever an application is made to the Municipality for a supply of Water (new account), the Municipality may, in its discretion, prior to furnishing such supply, require the Customer to make a deposit of such sum of money as the Municipality considers advisable. Such deposit shall be held until the Customer have notified the Municipality, in a means satisfactory to the Municipality, to discontinue such service and by an inspection of works completed by North Middlesex staff or the Operator authority.

Part 5 OPERATION OF WATERWORKS

5.1 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 customer

caused by the breaking or disruption of any Water Service, pipe or attachment, or for shutting off of Water to repair Mains or to tap Mains.

5.2 Authority for Water Supply

The Municipality in its own right shall have the sole responsibility, authority, power and capital to construct, maintain and operate all Waterworks within its boundaries serving the Municipality, to establish whether and the terms upon which municipalities or persons outside the Municipality may be allowed to connect to the said Waterworks as Customers, and the rates to be charged for Water delivered to such Customers.

5.3 Unauthorized operation of fire hydrant – offence

No person shall operate a fire hydrant, except for the North Middlesex staff or North Middlesex Fire or the Operating authority, in accordance with the Safe Drinking Water Act, 2002.

5.4 Unauthorized operation or interference – offence

No person other than the North Middlesex staff or the Operating authority shall open or close a valve in the Waterworks, including private Mains, or remove, tamper with or in any way interfere with any valve, Meter, structure, Main or water service in the Waterworks, including private Mains.

5.5 Improper use of Water from fire service - offence

Any Water supplied or made available for any Premises 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.

Part 6 WATER SERVICE PIPES

6.1 Installation - by the Municipality - by Contractor

All Water Service Pipes shall be installed by the Municipality or by skilled Contractors engaged by an Owner.

6.2 Installation - to Municipality specifications – Ont. Build. Code requirements

All Water Service Pipes and Private Mains located within Municipality property shall be constructed according to *Standard Contract Documents* and the Municipality's *Infrastructure Design Guidelines and Construction Standards* (herein called "Specifications") as approved by the North Middlesex staff or the Operating authority; as amended from time to time. All Water Service Pipes and Private Mains located on private property shall be constructed in accordance with the Ontario Building Code and in accordance with good practices and shall be approved by the Chief Building Official, Municipal staff or the Operating authority. Where the Ontario Building Code is silent with respect to a construction or installation standard the Municipality's Specifications and Standard Contract Documents shall be applied and shall prevail.

6.3 Connection to Main - prior application

The installation of the Water Service Pipe shall not be scheduled or commenced in any way until the Owner has met the requirements of this by-law.

6.4 Installation - alteration - approval by the Municipality

For any new Water Service Pipe or Private Main installation, or alteration of existing Water Service Pipes or Private Mains, the Owner shall apply for approval from North Middlesex staff or the Operating authority for such work as specified in the Standard Contract Documents and the Specifications.

6.5 Installation inspection by the Municipality

All Water Service Pipes and appurtenances installed, including those required by a Municipality Subdivision or Development Agreement, shall be inspected by North Middlesex staff or the Operating authority as specified in the Standard Contract Documents and the Specifications, the charge for which inspection is as specified in Section 3.3 of attached Schedule "A".

6.6 Installation - access for inspection

North Middlesex staff or the Operating authority shall be entitled, at all times, to enter any Premises for the purposes of examining pipes, connections and fixtures which are used in connection with the Water Service Pipe and/or Main.

6.7 Disconnection of service

The Water Service Pipe shall be disconnected at the Main, the Main plugged, and the curb box and rod removed at the Owner's expense by making application through the demolition process. All work must be inspected by North Middlesex staff or the Operating authority, and the charge for such inspection is as indicated in Section 3.3 of attached Schedule "A".

6.8 Maintenance of Service Stub - Municipality

The Service Stub shall be maintained by the Municipality at its expense.

6.9 Maintenance of Service Extension and Private Main - Owner

Any and all defects to the Service Extension, private Main and Meter pit, shall be repaired by the Owner of the Premises. 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 North Middlesex staff may deem reasonable, then the Municipality may turn off the Water supply to the Premises. If the Municipality is ordered under statutory authority to restore the Water supply, then the Municipality may repair the defective Service Extension, Private Main 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.

6.10 Operation of shut-off valve

No person, other than North Middlesex staff or the Operating authority shall be permitted to operate the shut-off valve to any Premises.

6.11 Access to shut-off valves

All shut-off valves shall be left clear and accessible at all times so that the Water in the Water Service Pipe and Private Mains may be turned off or on as may be found necessary by North staff Middlesex or the Operating authority.

6.12 Responsibility for protection, Water loss, damage

All Service Extensions to and including the Meter shall be properly protected from frost and any other damage at the expense and risk of the Owner of the Premises. The Owner shall be responsible for the Water loss occasioned by a leak in the Service Extension and/or private Main and the charge for such Water loss as determined by North Middlesex staff, 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.

6.13 Responsibility - vacant and unheated Premises

When any Premises is left vacant or without heat, the Owner shall shut off the Water supply from within the Premises and drain the plumbing therein. The Owner or Occupant may apply in writing to the Municipality to have the Service Stub shut off to stop Water supply. The Service Stub will be turned on only at the Owner's request and in the Owner's presence. The Owner shall pay for these services at the rate as indicated in Section 3.3 of attached Schedule "A".

6.14 Responsibility - Water damage

When any Premises is left vacant or without heat, where the Water supply has not been shut off, suffers damage to it and its contents from a leaking or burst Water pipe, the Owner or the Occupant shall have no claim against the Municipality. Should North Middlesex staff or the Operating authority become aware of such leaking or burst pipes, North Middlesex staff or the Operating authority may turn off the Service Stub, and the Water supply shall not be turned on until North Middlesex staff, in their discretion, shall consider it advisable.

6.15 Responsibility for frozen pipes - Municipality - Owner

Thawing out frozen Service Stubs shall be the Municipality's responsibility. Thawing out frozen Service Extensions and private Mains shall be the Owner's responsibility. Where any employee of the Municipality assists the Owner in the thawing of frozen Service Extensions and private Mains 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 Municipality by reason of such work.

6.16 Responsibility for Hydrant Maintenance

Any hydrant situated within a road allowance is the property of the Municipality and shall be maintained by it. Municipality-owned hydrants located on private property shall be maintained by North Middlesex staff or the Operating authority. Private hydrants which are owned and were paid for by any persons other than the Municipality shall only be maintained by such persons through a written agreement with the Municipality, otherwise they will be maintained by Owner.

6.17 Renewal of Service Stubs - Municipality - Owner

The Municipality shall renew Service Stubs on public property at its expense and to its specifications when:

- (a) Service Stub is deemed by North Middlesex staff or the Operating authority to be beyond repair;
- (b) the existing Service Stub is substantially composed of lead provided the Owner has completed replacement of the Service Extension before the Municipality replaces the Service Stub. The replacement Service Stub shall conform to the

specifications of the Municipality. Replacement Service Stub shall be the same size as existing or the minimum size for that area of the Municipality.

6.18 Access - removal - inspection - fittings

Where a Customer discontinues the use of a Water Service, or North Middlesex staff lawfully refuses to continue to supply Water to the Premises, North Middlesex staff may, at all reasonable times, enter the Premises in or upon which the Customer was supplied with the Water service, for the purpose of disconnecting the supply of Water or of making an inspection from time to time to determine whether the Water service has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, Meters, pipes or other things being the property of the Municipality in or upon the Premises, and may remove the same therefrom, doing no unnecessary damage.

Part 7 WATER METERS

7.1 Water to be metered - remedy for violation

All Water supplied on Premises within the Municipality of North Middlesex, except Water use for fire fighting or construction, shall pass through the Meter supplied by the Municipality for use upon such Premises, and in addition to whatever other remedies the Municipality may have in law in respect to infringement of this by-law, North Middlesex staff may, upon ascertaining that Water has been used which has not passed through the Meter of such Premises, forthwith, without notice, shut off and stop the supply of Water.

7.2 Supply - installation - ownership - replacement

The Owner shall pay the Water Related Service charges as indicated in Section 3 of attached Schedule "A", before the Municipality will supply the owner with a Meter and Remote Read-Out Unit and the Meter and Remote Read-Out Unit shall be installed prior to occupancy of the Premises. The Meter and Remote Read-Out Unit shall remain the exclusive property of the Municipality and may be removed by the North Middlesex staff's discretion, upon the same being replaced by another Meter and Remote Read-Out Unit, or for any reason which North Middlesex staff may, in their discretion, deem sufficient.

7.3 Installation - maintenance - repair - access

North Middlesex staff or the Operating authority may shut off or restrict the supply of Water to any Premises if North Middlesex staff or the Operating authority requires access to the Premises to inspect, install, repair, replace, or alter the Meter and the Remote Read-Out Unit. North Middlesex staff or the Operating authority shall have free access, at all reasonable times, and upon notice given as set out in section 7.4 of this by-law, to all parts of every Premises to which any Water is supplied for the purpose of inspecting, installing, repairing, replacing or altering the Meter and/or Remote Read-Out Unit, within or without the Premises, or for placing Meters upon any Water Service Pipe within or without the Premises as North Middlesex staff considers expedient.

7.4 Notice required - access

Before shutting off or restricting the supply of Water, North Middlesex staff or the Operating authority shall,

- (a) by personal service or by registered mail, serve the Owner, Customer and Occupants of the Premises as shown on the last returned assessment roll of the

municipality with a notice of the date upon which the Municipality intends to shut off or restrict the supply of Water if access to the Premises is not obtained before that date;

- (b) securely attach a copy of the notice described in clause (a) to the Premises in a conspicuous place.

7.5 No shut off - reasonable effort - gain access

North Middlesex staff or the Operating authority shall not shut off or restrict the supply of Water unless it has made reasonable efforts to gain access to the Premises and has been unable to gain access within fourteen (14) days after the later of,

- (a) the day the last notice under part (a) of section 7.4 of this by-law was personally served;
- (b) the day the last notice under part (a) of section 7.4 of this by-law was mailed; and
- (c) the day a copy of the notice was attached under part (b) of section 7.4 of this by-law.

7.6 Restoration of Water supply - as soon as practicable

If North Middlesex staff or the Operating authority has shut off or restricted the supply of Water under section 7.3 of this by-law, North Middlesex staff or the Operating authority shall restore the supply of Water as soon as practicable after obtaining access to the Premises.

7.7 Charges - Owner or Customer to pay

All charges for any of the work and services mentioned in sections 7.3 and 7.6 of this by-law will be determined by North Middlesex staff as indicated in Section 3.3 of attached Schedule "A" and shall be paid in full by the Owner or the Customer, as the case may be.

7.8 Every Premises Metered - North Middlesex staff's or the Operating authority discretion

Every separate Premises to which Water is being supplied shall be furnished with a separate Meter, supplied by the Municipality except where non-compliance is acceptable to North Middlesex staff. Additional Meters, supplied by the Municipality, may only be installed at the discretion of North Middlesex staff.

7.9 Installation to Municipality Specifications

All Meters, supplied by the Municipality, shall be installed in accordance with the Municipality's specifications.

7.10 Meter location - North Middlesex staff to consent to change

The use of a meter pit and location of water meter placement will be at the sole discretion of North Middlesex staff.

7.11 Private Meters - Owner responsible

The Municipality will not supply, install, inspect or read private meters, nor will the Municipality bill consumption based on private meters. Water supply pipes to private meters must be connected to the Owner's Plumbing System downstream of the Municipality's Meter.

7.12 Reading Meter - access

North Middlesex staff or the Operating authority shall be allowed access to the Premises and be provided free and clear access to the Meter where Water is being supplied at all reasonable times for the purpose of reading, at the discretion of the North Middlesex staff or the Operating authority. Where such access to the Premises and/or free and clear access to a Meter is not provided by the Customer within fourteen (14) days upon written notification by the Municipality, as set out in Section 7.4 and 7.5 of this by-law, North Middlesex staff or the Operating authority may shut off or restrict the supply of Water to the Premises until such time as free and clear access to the Meter is provided.

7.13 Valve maintenance - responsibility of Owner

The Owner shall supply and install the inlet valve to the Meter where the Meter and the Service Extension is 25 mm or larger. The Owner shall be responsible for maintaining in good working order, the inlet valve to the Meter if the Meter and the Service Extension is 25 mm or larger, as well as the outlet and by-pass valves for all Meters, and shall ensure that such valving is accessible.

7.14 Leaks must be reported

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

7.15 Interference with Meter not permitted

No person, except North Middlesex staff or the Operating authority, shall be permitted to open, or in any way whatsoever to tamper with any Meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of Water passing through such Meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any Meter placed in any Premises, North Middlesex staff or the Operating authority may forthwith, without any notice, shut off the Water from such Premises, and the Water shall not be again turned on to such Premises without the express consent of the North Middlesex staff.

7.16 Owner responsible to repair piping

If, in the opinion of the North Middlesex staff or the Operating authority, the condition of the Service Extension 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 Premises, North Middlesex staff or the Operating authority may require the Owner or Customer 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 North Middlesex staff's the Operating authority request, then the Water supply to the Premises may be turned off at the shut-off valve during removal, replacement, repair and testing of the Meter and the Municipality shall not be held responsible for any damages to the Owner's Premises arising from such work.

7.17 Non-functioning Meter - amount of Water estimated

If, for any reason a Meter shall be found to not be working properly, then the amount of Water Usage Charge shall be estimated based on the average reading for the previous months and/or quarter(s), when the Meter was working properly, or, if unavailable or proven inaccurate, the amount of Water Usage Charge shall be estimated on a daily average when the Meter is working

properly, and the Water Usage Charge for the period during which the Meter was not working properly shall be based thereon.

7.18 Meter testing for Customer - deposit - conditions

Any Customer may, upon written application to the North Middlesex staff, have the Meter and the Remote Read-Out Unit at their Premises tested for accuracy of the Meter and registration of data. Every such application shall be accompanied by a deposit of the fee for testing Meter and the Remote Read-Out Unit as set out in Section 3.3 of attached Schedule "A". If the Meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the Municipality when tested in accordance with *Section 4.2.8 of ANSI/AWWA C700 and AWWA Manual M6, Water Meters – Selection, Installation, Testing, and Maintenance*, the Customer's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the Meter will be paid for in full by the Customer. If the Meter is found, when tested to register in excess of three per cent (3%), a refund will be made to the Customer equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the Meter, plus the Customer's deposit for the test.

7.19 Meter reading supersedes Remote Read-Out Unit reading

Where the Meter equipped with a Remote Read-Out Unit of any type and a discrepancy occurs between the reading at the register of the Meter itself and the reading on the Remote Read-Out Unit, the Municipality will consider the reading at the Meter to be correct, and will adjust and correct the Customer's account accordingly.

Part 8

CROSS CONNECTIONS AND BACKFLOW PREVENTION

8.1 Protection from Contamination

No person shall connect, cause to be connected, or allow to remain connected to the 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 contaminant or substance to enter the Water Distribution System. The means for "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act*.

8.2 Inspection for Cross Connections - access

North Middlesex staff or the Operating authority and/or Chief Building Official shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every 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 Premises.

8.3 Access to be provided on written notice

Where access is not provided, a written notice by North Middlesex staff or the Operating authority will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the Municipality may, at its discretion, shut off the supply of Water to the premises until such time as the access is provided.

8.4 Order to install Control Device

If a condition is found to exist which is contrary to section 8.1 of this by-law, North Middlesex staff or the Operating authority shall immediately carry out an inspection and shall issue such order or orders to the Customer as may be required to obtain compliance with section 8.1 of this by-law.

8.5 Failure to install - notice - water shut-off

If the Customer to whom the North Middlesex staff or the Operating authority has issued an order fails to comply with that order, North Middlesex staff or the Operating authority, at his/her discretion, may:

- (a) Give notice to the Customer to correct the fault, at their expense, within a specified time period and, if the notice is not complied with, North Middlesex staff or the Operating authority may then shut off the Water service or services; or
- (b) Without prior notice, shut off the Water service or services.

8.6 Additional Control Device on service

Notwithstanding sections 8.1, 8.4 and 8.5 of this by-law, where a risk of possible contamination of the Water Distribution System exists in the opinion of North Middlesex staff or the Operating authority or an approved authority, a Customer shall, on notice from the North Middlesex or the Operating authority, install on their Water Service Pipe a Control Device, approved by North Middlesex staff or the Operating authority or Chief Building Official in addition to any Control Devices installed in the Customer's Plumbing System at the sources of potential contamination.

8.7 Installation to required standards

Control Devices shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64.10-11 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices".

8.8 Inspection and testing - paid by Customer

All Control Devices shall be inspected and tested at the expense of the Customer, upon installation, and thereafter annually, or more often if required by North Middlesex staff or the Operating authority, by personnel approved by the North Middlesex staff or the Operating authority to carry out such tests to demonstrate that the Control Device is in good working condition. The Customer shall submit a report on a form approved by North Middlesex staff or any or all tests performed on a Control Device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the 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 licence number.

8.9 Failure to test Control Device - notification - water shut-off

If a Customer fails to have a Control Device tested, North Middlesex staff or the Operating authority may notify the Customer that the Control Device must be tested within four (4) days of the Customer receiving the notice. If the Customer fails to have the Control Device tested within the time allowed, North Middlesex staff or the Operating authority may shut off the Water service or Water services until the Control Device has been tested and approved as required by section 8.8 of this by-law.

8.10 Repair - replacement - by Customer

When the results of a test referred to in section 8.8 of this by-law show that a Control Device is not in good working condition, the Customer shall make repairs or replace the Control Device within four (4) days. If a Customer fails to repair or replace the Control Device within the time allowed, North Middlesex staff or the Operating authority may shut off the Water service until such repair or replacement has been made.

8.11 Removal of Control Device

No person shall without the permission of the North Middlesex staff or the Operating authority remove any Control Devices.

PART 9 USE OF WATER EXTERNALLY

9.1 Regulations - use of Water - June, July and August

For the purpose of limiting the consumption of Water as necessary the Municipality of North Middlesex's Water Usage By-law – By-Law #60 of 2017 (as amended) shall govern.

Part 10 PROHIBITIONS

10.1 Prohibitions under this by-law

No person shall:

- (a) wilfully 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;
- (b) wilfully discharge Water so that the Water runs to waste or of no use out of the Waterworks;
- (c) being a Customer, Occupant or Owner of any Premises supplied with water from the Waterworks, improperly waste the Water or, without the consent of North Middlesex staff, 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 his own or increase the supply of Water agreed for;
- (d) without lawful authority wilfully open or close any valve or hydrant, or obstruct the free access to any hydrant, Service Stub, Meter, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- (e) throw or deposit any injurious or offensive matter into the Water or Waterworks, or upon the ice if the water is frozen, or in any way foul the Water or commit any wilful damage or injury to the Waterworks, Mains, Water Service Pipes or Water, or encourage the same to be done;

- (f) wilfully alter any Meter placed upon any Water Service Pipe or connected therewith, within or without any Premises, so as to lessen or alter the amount of Water registered;
- (g) construct or cause to be constructed any Water Service Pipe or Main to connect with any Water Service Pipe or Main of the Waterworks, or in any way obtain or use the Water without the consent of the Municipality; or

Part 11 ENFORCEMENT

11.1 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*.

11.2 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.

11.3 Offence - additional - damage to Waterworks

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any Waterworks, or appurtenance thereof is liable to the Municipality therefore.

11.4 Offence - additional - wilful damage

Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any Meter, Water Service Pipe, conduit, wire, rod or Water fitting belonging to the Municipality or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the 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 Meter, Water Service Pipe, conduit, wire, rod or fitting and double the value of the surplus Water so consumed, all of which is recoverable under the *Provincial Offences Act*.

11.5 Offence - additional - injuring Waterworks

Every person who wilfully removes, destroys, damages, fraudulently alters or in any way injures any Waterworks or appurtenance thereof 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 12 PREVIOUS BY-LAW REPEALED

12.1 Repeal - previous by-law

By-law #29 of 2013 is hereby repealed in its entirety

By-law #64 of 2017 Section 13 is hereby replaced in its entirety

**Part 13
EFFECTIVE DATE**

13.1 Effective Date

That this By-law be hereby read a first, second, third and final time this 6th day of November, 2019.

MAYOR

CLERK

SCHEDULE "A"
WATER RATES AND CHARGES
BY-LAW 64 OF 2017 (as amended by By-law 46 of 2019)

13. Water & Wastewater

13.1	Inspection fees for:	
	Water Connection	\$250.00
	Sanitary Sewer Connection	\$250.00
13.2	Water Service Connection (the "right to connect")	\$8,150.00
13.3	Miscellaneous Water & Wastewater Charge	
13.3.1	Final Water Read & Invoice	\$30.00
13.3.2	Late Payment Charge	5% per billing cycle
13.3.3	NSF cheque	\$25.00
13.3.4	New Water Account (new construction)	\$30.00
13.3.5	Disconnect/Reconnection for non-payment	\$60.00
13.3.6	Disconnection Charge at Customer Request	\$30.00
13.3.7	Reconnect Charge at Customer request	\$30.00
13.3.8	Disconnect Charge at Customer Request	\$100.00
	after hours - non emergency	Actual cost of time and materials
13.3.9	Reconnect Charge at Customer request	\$100.00
	after hours - non emergency	Actual cost of time and materials
13.3.10	Meter Checked for accuracy at customers request	Deposit of \$150.00
		(refunded if meter is inaccurate)
13.3.11	Repair Damaged Meter	Actual cost of time and materials
13.3.12	Meter Tampering	\$500.00
13.3.13	Overdue water notice statement	\$10.00
13.3.14	Delivery of disconnection notices (door hangers)	\$20.00
13.3.15	Meter Appointment with no notice cancellation	\$50.00
13.3.16	Service Call per hour	Actual cost of time and materials
13.3.17	Septage Receiving Charge per cubic meter	\$10.00
	(Subject to change upon review)	
13.4	Meters and Parts	
13.4.1	3/4" water meter assembly	Actual cost at time of purchase
13.4.2	1" water meter assembly	Actual cost at time of purchase

13.4.3	Over 1" water meter assembly	Actual cost at time of purchase
13.4.4	1 1/2" water meter complete	Actual cost at time of purchase
13.4.5	2" water meter	Actual cost at time of purchase
13.4.6	3/4" dual check valve/backflow	Actual cost at time of purchase
13.4.7	1" dual check valve/backflow	Actual cost at time of purchase
13.4.8	Over 1" dual check valve/backflow	Actual cost at time of purchase
13.4.9	3/4 " tail piece	Actual cost at time of purchase
13.4.10	1" tail piece	Actual cost at time of purchase
13.4.11	3/4 " pressure reducing valve (PRV)	Actual cost at time of purchase
13.4.12	1" pressure reducing valve (PRV)	Actual cost at time of purchase
13.4.13	Over 1" pressure reducing value (PRV)	Actual cost at time of purchase
13.4.14	3/4" shut off valve	Actual cost at time of purchase
13.4.15	1" shut off valve	Actual cost at time of purchase
13.4.16	3/4" inserts	Actual cost at time of purchase
13.4.17	1" inserts	Actual cost at time of purchase
13.4.18	3/4 " x 1" compression T	Actual cost at time of purchase
13.4.19	1"x 1" compression T	Actual cost at time of purchase
13.4.20	3/4" compression coupling	Actual cost at time of purchase
13.4.21	1" compression coupling	Actual cost at time of purchase
13.4.22	Frost plate	Actual cost at time of purchase
13.4.23	3/4" waterline (polypipe)(price per foot)	Actual cost at time of purchase
13.4.24	1" waterline (polypipe)	Actual cost at time of purchase
13.4.25	Tracer Wire	Actual cost at time of purchase
13.4.26	Meter Pit	Actual cost at time of purchase
13.5	Water and Sewer Rates	Rates are established under
		separate by-laws