

THE CORPORATION OF THE TOWN OF ERIN

BY-LAW NUMBER 15- 41

A by-law to regulate municipal water works within the urban area, Regulating the distribution, use and the establishment of municipal water within the Town of Erin, and to repeal By-laws listed in Schedule A.

WHEREAS The Corporation of the Town of Erin operates water production, treatment, storage and distribution systems;

AND WHEREAS pursuant to Section 11 of the *Municipal Act, 2001*, (the "Act") The Town of Erin has the responsibility for public utilities, including water distribution, production, treatment and storage within the Town of Erin and the collection, production, and treatment of such water and the financing thereof by a municipal corporation or local board thereof and all provisions of any special act relating to such collection and treatment of such water apply;

AND WHEREAS Section 11(9) of the Act provides that a by-law may be passed with respect to services or things provided by any person to the extent necessary;

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

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

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

NOW THEREFORE, the Council of the Corporation of the Town of Erin enacts as follows:

1 Application

That the rules and regulations set out in this By-law shall govern and regulate the operation of any system of the municipal water works owned by the Town and shall be considered to form a part of the contract between the Town and the owner, or occupant, of a property to supply municipal water by the Town within the Town of Erin.

2 Definitions:

That in this By-law, the following terms are defined as:

"Adjacent" for the purposes of section 3, "Adjacent" means that a property line is within 30 meters of a municipal water main, and that the building to be

serviced is not more than 120 meters from where the municipal water service valve would be located.

"Backflow Assembly" means a testable backflow mechanism

"Backflow Device" means a non testable backflow mechanism

"Development" means any building or site works proposed which would require issuance of a building permit as defined under the Building Code Act; a consent approval, a site plan approval, or approval of a plan of subdivision or condominium as defined by the Planning Act. Mandatory connection to the water service will not be required as a condition of building permit issuance for the following;

- pool enclosures,
- fences,
- uncovered decks,
- accessory structures of less than 108 ft²
- internal renovations not requiring septic system review in accordance with the Ontario Building Code

"Municipal Water User" means the owner or occupant of a property receiving municipal water service by way of written agreement/authorization of the Town of Erin Water Department.

"Municipal Water Works" means the facilities for the collection, production treatment, storage, supply or distribution of water or any part of the facilities.

"Non Metered Rate" means the charge will be calculated by using the annual average water consumption (cubic meter) for each system divided by twelve months and applying the Water Consumption Rates in accordance with Schedule "A" of By-Law Number 15-42 (Water Rate By-Law) where installation of meters is deemed by the Town of Erin Water Department to be impractical.

"Private Water Service" means all the physical and mechanical equipment and devices located on private property in providing municipal water works.

"Town of Erin Water Department" is a department of the Corporation of the Town of Erin as established in accordance of the Municipal Act as a public utility providing municipal water to the Town of Erin subject to the regulations of the Ontario Water Resources Act, R.S.O. 1990.

"Water Main" A potable water pipe located on a municipal right of way that has a minimum diameter of 150mm.

3 Application of Municipal Water Works

3.1 All requests for municipal water service shall be made to the Town of Erin Water Department and are subject to the approval of the Water Superintendent. All new municipal water service connections are subject to the fees outlined in Schedule B of By-Law 15-42 (Water Rate By-Law).

3.2 All properties requesting a potable water service within the urban areas of the villages of Hillsburgh and Erin shall only be serviced with municipal water works; where no municipal water works is available adjacent to the property, a private well shall be permitted.

3.3 Where municipal water service is provided adjacent to a municipal water

main, as a condition of approval of development the owner shall be required to connect to the municipal service, and cease of use of any existing well on the property; the well shall be decommissioned as per Wells Regulation 903 of the Ontario Water Resources Act..

4 Municipal Water Works - (Municipal Water Main to Private Property Line – Municipal Portion)

Where no Municipal Water Works is available to a property and is required, the prospective municipal water user is responsible for the cost of extending the municipal water works to the property line subject to the approval of the Town of Erin Water Department.

5 Private Water Service - (Private Property Line to building - Private Portion)

5.1 The private water service line on private property is owned, installed and maintained by the owner of the property, the installation and maintenance is subject to the satisfaction of the Town of Erin Water Department.

5.2 When connecting a private water line to the service valve at property line the Town shall be present to inspect the connection.

5.3 The water service line on private property shall be installed as per building code requirements.

5.4 Tracer wire shall be installed with any non conductive pipe.

6 Private Water Service (General)

6.1 The Town of Erin Water Department is not responsible for damages or costs to the private water service that may result as part of disconnection or reconnection of the municipal water supply.

6.2 The owner or occupant shall provide the Town of Erin Water Department with ready access to the property for the purpose of inspection or maintenance of a private water service.

6.3 Each individual private water service shall have a minimum of one meter. Additional separate private water services for fire protection do not require a meter.

6.4 If the Town of Erin Water Department deems a private water service a potential threat to the safety of the Municipal Water Works, the Town reserves the right to disconnect the service without notice until the potential threat is eliminated.

7 Private Water Service (meter and meter isolation valves)

7.1 Meters and Meter Isolation Valves shall be purchased from the Town of Erin Water Department and the municipal water user invoiced at current market value + 10% administration fee and taxes as noted in Schedule "B" of **By-law 15-42. (Water Rate By-Law)**

7.2 Meter size shall be at the discretion of the Town of Erin Water Department.

- 7.3 The Town of Erin Water Department reserves the right to conduct a water meter inspection or verification at any time.
- 7.4 Where a meter cannot be located as per this by-law the meter may be required to be installed in a meter pit at the property owners cost.
- 7.5 Repair or replacement of meter or touch pad due to normal usage shall be the responsibility of the Town of Erin Water Department. Repair or replacement of meter or touch pad due to damage, misuse or construction shall be at the property owners cost.
- 7.6 Meters shall be located so that all the water used on that property is metered. There should be ample clearance from the walls and other obstacles to allow the installation of a meter or access to the service pipe.
- 7.7 Meters, meter isolation valves and meter bypass valves shall be sealed by the Town of Erin Water Department and not tampered with, should repairs be undertaken, the seal must be reaffixed by the Town of Erin Water Department.

8 Private Water Service (Backflow prevention)

- 8.1 No municipal water user shall permit backflow of any water source into the potable drinking water lines which connects to the municipal water supply.
- 8.2 No owner shall connect the water service to any cisterns, well or other water source.
- 8.3 Backflow devices and assemblies shall be installed at the discretion of the Town of Erin Water Department.
- 8.3 Where a device is capable of creating pressure or backflow into the municipal water works from a private water service, the owners shall ensure the Town is notified and a suitable backflow assembly installed to the satisfaction of the Town of Erin Water Department.
- 8.4 Backflow assemblies shall be specified by an engineer with experience with backflow assemblies. The backflow assembly shall be installed by a certified plumber. All associated cost shall be the responsibility of the municipal water user.
- 8.5 The municipal water user shall submit annual back flow certification as required for all backflow assemblies.

9 Private Water Service (Frozen Water Service)

- 9.1 Municipal Water users shall protect all parts of the water service, meter, backflow device or assembly and appurtenances from freezing.
- 9.2 If a water meter, meter isolation valves or backflow device or assembly is damaged by freezing or any other means the property owner shall repair the water meter, meter isolation valves or backflow device or assembly within a period identified by the Town of Erin Water Department. If the leak is not repaired the water supply shall be disconnected without notice. Water lost shall be billed at the discretion of the Town of Erin Water Department

- 9.3 The Town of Erin Water Department is not responsible for damages to the private water service/property that may result from efforts to restore a frozen water pipe or temporary hook-up.
- 9.4 Temporary Water Service Provider's as well as Temporary Water Recipients will be charged the flat rate for that billing period as per Schedule "A" of By-law 15-42 (Water Rate By-Law).

10 Fire Protection

- 10.1 Equipment installed for the automatic extinguishing of fires in buildings, subject to approval from the Town of Erin Water Department. Connection is permitted to the municipal water supply provided no water shall be used for any purpose except the extinguishing of fires. All such equipment shall be provided with a separate valve at the street line and under exclusive control of the Town.
- 10.2 A backflow prevention device shall be installed on all fire extinguishing systems to ensure no connection with the municipal water supply.

11 Responsibility of Municipal Water User

- 11.1 The property owner is responsible to ensure that the following has been completed before requesting the water service is turned on:
- All applicable costs associated with this water service have been paid.
 - An inspection of the connection to the service valve at property line has been conducted and approved by the Town of Erin Water Department.
 - The water meter and appurtenances have been inspected, sealed and approved by the Town of Erin Water Department.
 - A water account has been opened with the Town of Erin Water Department.
- 11.2 Municipal Water Users shall ensure that the meter or meter bypass valve seal is affixed. Should the seal become damaged, the municipal water user must contact the Town of Erin Water Department to reaffix the seal within 15 days.
- 11.3 Municipal water users shall ensure that all water used by the property passes through the meter.
- 11.4 Municipal Water Users shall provide ready and convenient access to the private water service for inspection and repair by the Town of Erin Water Department at all times.
- 11.5 No person shall open or close any valve, hydrant or gate in the street main or interfere with the town water system in any manner.
- 11.6 Municipal water users shall insure that the water meter has been installed in an area that will allow for easy inspection and replacement.
- 11.7 Municipal water users shall notify the Town of Erin before a meter is relocated and allow access to reseal the meter within 15 days.

- 11.8 Municipal water users shall ensure that if a meter touch pad is used that the touch pad is installed in an area that is accessible for a meter reading.
- 11.9 Municipal water user shall ensure there is no water leaks between the service valve at property and the meter.
- 11.10 No person shall tamper with, cover or screen from view, a fire hydrant by any structure or vegetation or any other means.
- 11.11 The municipal water user shall ensure that payment is received by the Town of Erin Water Department on or before the due date printed on the billing invoice.

12 Penalties

- 12.1 Failure to comply with Section 11.1 will result in disconnection from the municipal water supply.
- 12.2 If a water meter is installed in a location that does not allow for easy inspection and replacement, the location shall be modified within a period identified by the Water Superintendent. Failure to do this will result in the account being charge at two times the non metered rate for that billing period.
- 12.3 If a meter does not register due to the negligence of a municipal water user, the meter must be repaired by the municipal water user at their cost. If the meter is not repaired within 30 days, meter shall be replaced with a radio frequency meter and the cost added to the water account.
- 12.4 If access to a property to install or maintain a water meter and appurtenances is not provided within 5 business days the water will be billed at two times the non metered rate or the water supply disconnected at the discretion of the Town of Erin Water Department.
- 12.5 The Municipal Water User must ensure meter seals are affixed, and not damaged or broken. Where the seal is discovered to be damaged or broken by the Town of Erin Water Department the fee identified in Schedule A of By-Law 15-42 (Water Rate By-Law) will be applied to the municipal water user's account. The Municipal Water User shall report any damage or broken seals to the Town of Erin Water Department to avoid this fee.
- 12.6 Where the metering requirements identified in this by-law are not met, the Town reserves the right to disconnect the supply of water to the property. A notice of disconnection will be delivered to the billing address 48 hours prior to disconnection of the water supply.
- 12.7 Where pre-authorized payments are not executed due to there being insufficient funds in a water user's account, the administration charge as per Schedule "B" of By-Law 15-42 and penalty then in effect will be added to the water user's account. If a second payment is not executed due to insufficient fund, the administration charge and penalty that is in effect will be added to the water user's water account and the privilege of pre-authorized payments will be withdrawn.
- 12.8 No person shall make any connection to the municipal water service or private water service without the prior written consent of the Town of Erin Water Department. The owner of the premises on which an

unlawful connection has been made shall be responsible for the water rates or charges which are applicable and in addition, liable for any other penalty provided by By-law or by any Act of the Legislative Assembly of Ontario or the Parliament of Canada. The rate shall be charged as per Schedule "B" of By-law 15-42 (Water Rate By-Law)

- 12.9 If a water leak is identified between the service line at property and the meter; the property owner shall repair the leak within a period identified by the Water Superintendent. If the leak is not repaired, the water supply shall be disconnected without notice. Water lost shall be billed at the discretion of the Water Superintendent.
- 12.10 Upon three months (90 days) after the due date, should the account remain unpaid, the Town will deliver or cause to be delivered to the service address, a notice of disconnection advising the customer that unless payment is received within 48 hours, service will be disconnected immediately.
- 12.11 If the customer at any premises omits, neglects or refuses to pay any bill rendered, whether for water service pipes, meter, service charge or any other monies to which the Town may be entitled in respect of water services to such premises, the Town may, at its discretion, disconnect the water supply or reduce the flow of water supply to the premises. The Town shall provide reasonable notice of the proposed disconnection to the owners and occupants of the land. Such charges have priority lien status, and shall be collected in accordance with the Municipal Act, 2001, and shall be added to the tax roll against the property in respect of which the water service was supplied.

13 Restrictions to Municipal Water Users

- 13.1 The Town of Erin reserves the right to restrict water consumption to a municipal water user when water consumption exceeds the following amounts.

Industrial	5,000m ³ per Billing Period (75 m ³ per day)
Commercial	2,000 m ³ per Billing Period
Residential [Per Unit]	500 m ³ per Billing Period

- 13.2 Municipal water users are restricted to days of use for the purpose of lawn watering. When the municipal water user's address ends in an even number, lawn watering is permitted on even number dates of the month and where the municipal address ends in an odd number, lawn watering is limited to odd number dates of the month.
- 13.3 Water service may be interrupted and suspended without notice to users in the event of an emergency. The Town of Erin Water Department is not responsible for damage or losses resulting from the interruption and ensuing reinstatement of water pressure.
- 13.4 A municipal water user may not without the consent of the Town, lend, sell, or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his own.

14 Validity and Severability


14.1 It is hereby declared that notwithstanding any of the sections or provisions of this by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of the Council to enact, such sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of this by-law as a whole or part thereof and all other sections of this by-law shall be deemed to be separate and independent therefrom and enacted as such.

15 Repeal of By-law


15.1 The By-Laws listed in "Schedule A" of this by-law are hereby repealed and replaced by this By-law on such date that this By-law comes into force.

15.2 This By-law comes into force and effect on January 1, 2016.

Passed in open Council on October 20, 2015



Mayor



Clerk

**SCHEDULE A
By-law 15 – 41**

**Rescinding and replacing
Water Works By-laws**

By-laws related to former water rates, fees and regulations within the Town of Erin

By-Law No.	Status and effect
96-06	To require owners of buildings to connect such buildings to water works in the Village of Erin; amended by 97-14 Section 2,
96-14	To establish a frozen water service policy for the Village of Erin
31-96	To fix the prices and times of payment for the use of water within the Hillsburgh Water Works System; repealed by 00-43
5-97	To fix the prices and times of payment for the use of water within the Mountainview Water Works system; repealed by 00-43
97-14	Being a by-law to amend 96-06 to require owners of buildings to connect such buildings to water works in the Village of Erin
97-37	To regulate the distribution and use of water, fix prices and times of payment; repealed by 00-43
00-43	To regulate the distribution and use of water, fix prices and times of payment; repealed by 02-96 and amended by 00-72
00-72	amends 00-43 which regulate the distribution and use of water, fix prices and times of payment
02-96	To regulate the distribution and use of water, fix prices and times of payment; sections amended by 04-59, 04-81, 03-69 and repealed by 04-59 and 11-23
04-59	To regulate the distribution and use of water, fix prices and times of payment; replaces Section 5 and schedule B in 02-96; repealed by 11-47
04-81	To further amend 02-96 - to regulate the distribution and use of water, fix prices and times of payment; user fees in effect from 2005-2010
06-01	To provide for the collection of Municipal Water Rates by means of pre-authorized payments for 2006 and subsequent years
06-57	To amend section 5.2 of 02-96 and 04-59, being a by-law to regulate the distribution and use of water, fix prices and times of payment; fees are in force until Dec 2010
11-47	To regulate municipal water works within the urban area, regulating the distribution, use and the establishment of municipal water within the Town of Erin