



By-law 09-09

A By-Law to enact rules and regulations for the supply, operation and maintenance of the Municipal Water Works System.

## BY-LAW INDEX

### Part 1 DEFINITIONS

#### 1.1 Definitions

- Agent – defined
- Appurtenances – defined
- Backflow - defined
- Backflow preventer – defined
- Building – defined
- Bulk water user - defined
- Consumer - defined
- Contractor – defined
- Council- defined
- Cross Connection – defined
- Curb Stop - defined
- Customer – defined
- Developer - defined
- Engineer – defined
- External use of water – defined
- High hazard back flow preventer– defined
- High risk consumption – defined
- Hydrant User – defined
- Isolation Valve – defined
- Main – defined

Meter - defined  
Meter pit – defined  
Municipal Address - defined  
Occupant – defined  
Owner – defined  
Plumbing system – defined  
Potable water – defined  
Premises – defined  
Private main – defined  
Private water distribution system – defined  
Remote read-out unit - defined  
Service extension – defined  
Service stub – defined  
Shut-off valve – defined  
Single detached residence – defined  
Subdivider – defined  
Town – defined  
Wastewater -defined  
Water – defined  
Water Distribution System – defined  
Watermain - defined  
Water Meter – defined  
Water related services – defined  
Water Service Pipe – defined  
Waterworks - defined

## **Part 2 SYSTEM ADMINISTRATION**

2.1 General

## **Part 3 APPLICATION FOR WATER SERVICE**

3.1 Application and payment prior to installation  
3.2 Installation - payment required  
3.3 Disconnection of service - payment

## **Part 4 WATER RATES AND CHARGES**

4.1 Application for water supply

- 4.2 Water measured by meters
- 4.3 Meter reading and billing
- 4.4 Late payment charge and overdue notice
- 4.5 Notice of disconnection
- 4.6 Non-payment - water shut off - lien
- 4.7 Reconnection - charge
- 4.8 Temporary water shut-off and/or removal and reinstallation of meter – charges
- 4.9 Change of occupancy - charge
- 4.10 Minimum monthly charge - who payable by
- 4.11 Service installation charge
- 4.12 Construction water charge
- 4.13 Temporary water supply - application and charge
- 4.14 Meter testing charge

## **Part 5 SECURITY DEPOSITS**

- 5.1 Deposit is security for payment
- 5.2 Deposit applied as payment

## **Part 6 OPERATION OF WATER SYSTEM**

- 6.1 Conditions on water supply
- 6.2 Authority for water supply
- 6.3 Unauthorized operation of fire hydrants - offence
- 6.4 Unauthorized operation or interference - offence
- 6.5 Use of water from hydrants
- 6.6 Improper use of water from fire service - offence

## **Part 7 WATER SERVICES**

- 7.1 Installation - by Town - by contractor
- 7.2 Installation - to Town specifications – Ontario Building Code requirements
- 7.3 Connection to main - prior application
- 7.4 Installation - alteration - approval by Town
- 7.5 Installation inspection by Town
- 7.6 Installation - access for inspection
- 7.7 Permanent disconnection of service
- 7.8 Maintenance of service stub - Town
- 7.9 Maintenance of service extension and private main – owner
- 7.10 Operation of shut-off valve
- 7.11 Access to shut-off valves
- 7.12 Responsibility for protection, water loss, damage
- 7.13 Responsibility - vacant and unheated premises
- 7.14 Responsibility - water damage
- 7.15 Responsibility for frozen pipes - Town - owner
- 7.16 Responsibility for hydrant maintenance
- 7.17 Responsibility of owners of private water distribution systems
- 7.18 Renewal of service - Town – owner
- 7.19 Access - removal - inspection – fittings

## **Part 8 WATER METERS**

- 8.1 Water to be metered - remedy for violation
- 8.2 Supply - installation - ownership - replacement

- 8.3 Installation - maintenance - repair - access
- 8.4 Notice required - access
- 8.5 No shut off - reasonable effort - gain access
- 8.6 Restoration of water supply - as soon as practicable
- 8.7 Charges - meters - owner to pay
- 8.8 Every building metered - engineer's discretion
- 8.9 Installation to Town Specifications
- 8.10 Meter location - engineer to consent to change
- 8.11 Private meters - owner responsible
- 8.12 Reading meter - access
- 8.13 Valve maintenance - responsibility of owner
- 8.14 Leaks must be reported
- 8.15 Interference with meter not permitted
- 8.16 Owner responsible to repair piping
- 8.17 Non-functioning meter - amount of water estimated
- 8.18 Meter testing for customer - deposit - conditions
- 8.19 Meter reading supersedes remote device reading

**Part 9**  
**CROSS CONNECTIONS AND BACKFLOW PREVENTION**

- 9.1 Protection from Contamination
- 9.2 Inspection for cross connections - access
- 9.3 Access to be provided on written notice
- 9.4 Order to install control device
- 9.5 Failure to install - notice - water shut-off
- 9.6 Additional device on service
- 9.7 Installation to required standards
- 9.8 Inspection and testing - paid by customer
- 9.9 Failure to test device - notification - water shut-off
- 9.10 Repair - replacement - by customer
- 9.11 Removal of device - permission by Town

**Part 10**  
**PRIVATE WELLS & SANDPOINT SYSTEMS**

- 10.1 Private Wells/Sandpoint Systems and their Connections

**Part 11**  
**RESTRICTION OF WATER SUPPLIES**

- 11.1 Restricting Water Supplies

**Part 12**  
**CONSERVATION USE OF WATER EXTERNALLY**

- 12.1 Conservation Regulations - use of water - July and August

**Part 13**  
**PROHIBITIONS**

- 13.1 Prohibitions under this by-law

**Part 14**  
**ENFORCEMENT**

- 14.1 Fine - for contravention
- 14.2 Continuation - repetition - prohibited - by order
- 14.3 Offence – additional – unlawfully takes water

14.4 Offence - additional - damage to waterworks

14.5 Offence - additional - wilful damage

14.6 Offence - additional - injuring waterworks

#### **Part 15**

### **PREVIOUS BY-LAWS REPEALED**

15.1 Repeal - previous by-laws

#### **Part 16**

### **SHORT TITLE**

16.1 Short Title

#### **Part 17**

### **EFFECTIVE DATE**

17.1 Effective date

---

WHEREAS section 9(1) of the *Municipal Act, 2001* provides that section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

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

AND WHEREAS the *Municipal Act, 2001, S.O.2001, c25, s.81*, authorizes a municipality to shut off the supply of a public utility if the fees or charges payable by the owners or occupants of the land are overdue;

THEREFORE the Municipal Council of The Corporation of the Town of Aylmer enacts as follows:

#### **SHORT TITLE**

### **COMPREHENSIVE WATER BY-LAW**

#### **Part 1**

### **DEFINITIONS**

#### **1.1 Definitions**

In this by-law:

##### **Agent - defined**

"agent" shall mean a person authorized by the Corporation to provide services on behalf of the Corporation.

##### **Appurtenances - defined**

"appurtenances" shall mean the apparatus or equipment that is a pertinent accessory to the Water Works System, including municipal water laterals and their components, or to a private water distribution system, or to a fire protection system.

##### **Backflow - defined**

"backflow" shall mean a flowing back or reversal of the normal direction of flow in either the potable water system or consumers system.

##### **Backflow preventer - defined**

"backflow preventer" shall mean a device that prevents backflow approved by the Town that shall be in accordance with the requirements of the *Ontario Building Code Act, 1997*, as amended from time to time.

##### **Building - defined**

"building" shall mean a structure supplied with water by the Town of Aylmer.

##### **Bulk water user - defined**

"bulk water user" shall mean any customer or contractor that has attained written authorization from the Town to draw water from Town's Water Distribution System.

**Consumer - defined**

"consumer" shall mean any person who enters into a verbal or written contract with the Town to take water from the Town or to receive water related services from the Town.

**Contractor - defined**

"contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Town to install or maintain mains, service mains, services, hydrants and other appurtenances.

**Corporation - defined**

"corporation" shall mean the Corporation of the Town of Aylmer.

**Cross Connection - defined**

"cross connection" shall mean any temporary, permanent or potential water connection that may allow backflow or back siphonage of contaminants, pollutants, injurious chemicals, infectious agents, other materials or substances that will change the water quality in the waterworks distribution system and includes swivels or changeover devices, removable sections, jumper connections and bypass arrangements.

**Customer - defined**

"customer" shall mean any person who enters into a verbal or written contract with the Town to take water from the Town or to receive water related services from the Town.

**Developer - defined**

"developer" shall mean the owner or party specifically named in a Development Agreement, Site Plan Agreement or in a Subdivision Agreement.

**Engineer - defined**

"engineer" shall mean the Town's Engineer or his/her designate.

**External use of water - defined**

"external use of water" shall mean the use of water for any purpose outside the walls of any building located at a municipal address.

**High Hazard Back Flow Preventer - defined**

"high hazard back flow backflow preventer" shall mean a more sophisticated backflow device that includes reduced pressure principal assembly (RPPA) that prevents backflow approved by the Town that shall be in accordance with the requirements of the *Ontario Building Code Act, 1997*, as amended from time to time.

**High-Risk Consumption - defined**

"high-risk consumption" shall mean any user of the municipal water system that may pose a greater potential for introduction of waterborne disease organisms, harmful chemicals or other containments into the water system.

**Hydrant - defined**

"hydrant" shall mean the use of water for any purpose outside the walls of any building located at a municipal address.

**Hydrant User- defined**

"hydrant user" shall mean any person or persons obtaining water from a hydrant for a purpose other than emergency fire protection.

**Isolating Valve - defined**

"isolating valve" shall mean the valves installed on the water service pipe before (inlet) and after (outlet) the water meter that are accessible for operation to isolate the water meter for repair/replacement and/or to shut off or turn on the water supply from the Town's Waterworks Distribution System to any premises.

**Main - defined**

"main" shall mean every water pipe, except services and portions of private mains as herein defined, installed on the public road allowance or on any other land upon which the Town has obtained easements.

**Meter - defined**

"meter" shall mean the mechanical device (water meter) supplied and owned by the Town for the purpose of measuring the quantity of water supplied by the Town to the customer.

**Meter pit - defined**

"meter pit" shall mean an accessible in-ground structure approved by the Town, located remote from any building or premises and solely used for containing and protecting any water meter,

backflow prevention device and associated piping and any apparatus attached thereto.

**Municipal Address - defined**

"municipal address" shall mean a building or buildings identified by a number pursuant to the Town of Aylmer's By-Law 3-85, as amended, or as provided for in any successor by-law thereto.

**Occupant - defined**

"occupant" shall include any person who is a lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise.

**Owner - defined**

"owner" shall include any person who or any firm, business or corporation or institute that is the registered owner of the property under consideration 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 and a guardian, to whom the context applies.

**Plumbing System - defined**

"plumbing system" shall mean 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.

**Potable Water - defined**

"potable water" shall mean water that is fit for human consumption.

**Premises - defined**

"premises" shall mean any house, tenement, building, lot, or part of a lot, or both, in, through, or past which water service pipes run.

**Private Main - defined**

"private main" shall mean a pipe connected to a main and installed on private property and from which one or more service and/or hydrant lateral are connected.

**Private Water Distribution System - defined**

"private water distribution system" shall mean a privately owned network of water supply pipelines, including valves and appurtenances, supplied with water by the Corporation and:

- i) servicing two or more units, and
- ii) being a water supply containing one or more private fire hydrants not owned by the Corporation

**Remote Read-Out Unit - defined**

"remote read-out unit" shall mean the device that is installed at a separate location from the water meter and used to record the consumption reading of the meter.

**Service Extension - defined**

"service extension" shall mean the portion of a water service pipe from the property line to the meter location.

**Service Stub - defined**

"service stub" shall mean the portion of a water service pipe from a main to the property line which will always include one shut-off valve.

**Shut-Off Valve - defined**

"shut-off valve" shall mean the valve installed on the water service connection that is accessible for operation from the surface of the ground that is owned and used by the Town to shut off or turn on the water supply from the Town's Waterworks Distribution System to any premises. The shut-off valve is normally installed at or near the property line.

**Single detached residence - defined**

"single detached residence" shall mean a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling and mobile home.

**Subdivider - defined**

"subdivider" shall mean the owner or party specifically named in a Subdivision Agreement.

**Town – defined**

"Town" shall mean The Corporation of the Town of Aylmer.

**Wastewater – defined**

"wastewater" shall mean water containing human excreta, food waste, wash water and other wastes commonly discharged into a water-carried sewage disposal system, and such diluting water as may have entered the waste disposal system.

**Water - defined**

"water" shall mean potable water supplied by the Town.

**Water Distribution System - defined**

"water distribution system" shall mean mains with connections to feeder mains, feeder mains within municipal road allowances, easements and subdivision lands, service stubs, private mains, services, fire hydrants, and shut-off valves and all other appurtenances thereto.

**Water Related Services - defined**

"water related services" shall include but not be limited to those items set out under the heading "Miscellaneous Water Rates and Charges" in the Water and Wastewater Rates and Charges By-Law.

**Water service pipe - defined**

"water service pipe" shall mean the pipe and fittings that convey potable 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 structure.

**Waterworks - defined**

"waterworks" shall mean 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 to which the *Building Code Act, 1997*, or any amendments thereto apply.

## **Part 2 SYSTEM ADMINISTRATION**

**2.1 General**

- of  
the
- (a) This By-Law applies to the construction, management, operation and maintenance of the Town's Water Distribution System under the jurisdiction of the Corporation of the Town of Aylmer.
  - (b) The Corporation shall manage and maintain the Water Distribution System in accordance with the provisions of this By-law and the provisions of the *Municipal Act*, the *Safe Drinking Water Act*, the *Ontario Water Resources Act*, the *Ontario Building Code Act*, the *Ontario Building Code*, the *Fire Protection and Prevention Act*, the *Ontario Fire Code*, the *Provincial Offences Act*; and regulations established under these Acts and Codes from time to time; and any other applicable law or regulations in force from time to time.

## **Part 3 APPLICATION FOR WATER SERVICE**

**3.1 Application and payment prior to installation**

The owner or their agent shall apply to the Town for a water service and before the service is installed, shall pay for it at the rates as indicated in the Water and Wastewater Rates and Charges By-Law.

**3.2 Installation - payment required**

The installation of the water service will not be scheduled or commenced in any way until the application and payment have been made.

**3.3 Disconnection of service - payment**

When an owner discontinues the use of a water service for water supply to a premise, the owner shall pay to the Town a charge as indicated in the Water and Wastewater Rates and Charges By-Law for disconnecting the meter for such service from the water distribution system.

## **Part 4 WATER RATES AND CHARGES**

**4.1 Application for water supply**

Before the initial supply of water or any subsequent reconnection to any premises in the Town, the owner shall make application for the same, and the owner shall be governed by the requirements of this by-law.

**4.2 Water measured by meters**

The water consumed on all premises in the Town shall be charged for as indicated by the meter on each respective property at rates as indicated in the Water and Wastewater Rates and Charges By-



Law.

#### **4.3 Meter reading and billing**

Water meters may be read and accounts be rendered monthly, bi-monthly or on any other basis at the discretion of the Town. The bill shall be deemed to be served upon the customer if it is delivered or sent by mail to the premises supplied.

#### **4.4 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 the Water and Wastewater Rates and Charges By-Law, will be assessed to the account and, seven (7) days after that date, an overdue notice will be sent by mail reminding the customer of the outstanding account.

#### **4.5 Notice of disconnection**

Seven (7) days after the overdue notice is mailed (fourteen (14) days after the due date), should the account remain unpaid, the Town or its agent 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.

#### **4.6 Non-payment - water shut off - lien**

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, shut off or reduce the flow of the water to the premises. The Town shall provide reasonable notice of the proposed shut off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. Such charges have priority lien status, and may be collected in accordance with the *Municipal Act, 2001*. The charges shall be added to the tax roll against the property and collected in the same manner as municipal taxes.

#### **4.7 Reconnection - charge**

Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as indicated in the Water and Wastewater Rates and Charges By-Law will be levied against the delinquent account, in addition to the applicable collection charge.

#### **4.8 Temporary water shut-off and/or removal & reinstallation of meter - charge**

When the owner requests for a temporary water shut-off and/or removal of the water meter from their premises, for any reason, the charges for these services, as indicated in the Water and Wastewater Rates and Charges By-Law will be applied to their account.

#### **4.9 Change of occupancy – charge**

At the time of a change of occupancy, an administrative charge as indicated in the Water and Wastewater Rates and Charges By-Law will be levied by the Town or its agent 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.

#### **4.10 Minimum monthly charge - who payable by**

The minimum monthly charge for providing and maintaining water supply to a property is applicable for every water meter owned and read by the Town. In instances when the occupant of a premise terminates his/her account with the Town, subsequent minimum monthly charges shall be rendered to the owner of the premises until such time as a new occupant applies to the Town for the supply of water.

#### **4.11 Service installation charge**

All water service pipes, except those to lands being developed under a Town development or subdivision agreement wherein the main is installed, will be installed on an actual cost basis at the owner's expense.

#### **4.12 Construction water charge**

Water used during the construction phase of a building, prior to occupancy, is not required to be metered. The Town will recover the cost of this construction water by applying a construction water charge, as indicated in the Water and Wastewater Rates and Charges By-Law to the cost of the owner's water service.

#### **4.13 Temporary water supply - application and charge**

Where a customer requires a temporary water supply, such customer shall apply to the Town for a connection to a fire hydrant. If the connection is approved and an agreement signed as set out in Schedule "B", the customer shall pay, prior to connection or when billed, the applicable charge as indicated in the Water and Wastewater Rates and Charges By-Law.

#### **4.14 Meter testing charge**

The charge for testing the accuracy of a water meter is indicated in the Water and Wastewater

Rates and Charges By-Law and is explained in section 8.18 of Part 8 of this by-law.

## **Part 5 SECURITY DEPOSITS**

### **5.1 Deposit is security for payment**

Whenever an application is made to the Town for a supply of water, the Town may, in its discretion, before furnishing such supply, require the customer to make a deposit of such sum of money as it may consider advisable. Each such deposit shall be security for payment for all water passing through the meter of the service in respect to which such deposit was made until the customer shall have notified the Town in writing to discontinue such service.

### **5.2 Deposit applied as payment**

Security Deposits (cash) will be applied as a credit to the account for payment with interest upon determination of good payment history or closure of an account.

### **5.3 Non Payment of Security Deposit**

Non-payment of a security deposit will be subject to the standard collection procedures including disconnection of water services.

## **Part 6 OPERATION OF WATERWORKS**

### **6.1 Conditions on water supply**

The Town agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water and is not liable for damages to the customer caused by the breaking of any water service pipe or attachment, or for shutting off of water to repair mains or to tap mains.

### **6.2 Authority for Water Supply**

The Town in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all waterworks plant and equipment within its boundaries serving the Town of Aylmer, to establish whether and the terms upon which municipalities or persons outside the Town of Aylmer may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers.

### **6.3 Unauthorized operation of fire hydrants - offence**

No person other than a person authorized by the Town of Aylmer for that purpose shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant.

### **6.4 Unauthorized operation or interference - offence**

No person other than a person authorized by the Town of Aylmer for that purpose shall open or close a valve in the water works distribution system, or remove, tamper with or in any way interfere with any valve, water meter, structure, watermain or water service in the water works distribution system.

### **6.5 Use of water from hydrants**

Except for water used for fire fighting, any other use of a Town's fire hydrant for water supply must be approved by the Town of Aylmer. A "Hydrant Connection Permit" must be granted and obtained by the consumer as set out in Schedule "B". The charges for this permit and bulk water service shall be in accordance with those as indicated in the Water and Wastewater Rates and Charges By-law. The terms and conditions required for granting the permit shall be at the discretion of the Town and may be changed from time to time as the Town deems necessary.

### **6.6 Improper use of water from fire service**

Any water supplied or made available for any land or building for purposes of protection of property or persons from fire or for preventing fires or the spreading of fires shall not be used for any other purpose.

## **Part 7 WATER SERVICE PIPES**

### **7.1 Installation - by Town - by contractor**

All water service pipes shall be installed by the Town or by contractors engaged by the owner for the purposes of such installation, except in new land development projects where agreements with the Town require the developer or subdivider to complete such work.

### **7.2 Installation - to Town specifications – Ontario Building Code requirements**

All water service pipes and private mains located within Town property shall be constructed according to the Town's Standard Specifications and Drawings (hereinafter called "standard contract documents") as approved by the engineer 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 as revised from time to time and in accordance with good engineering practices, the Town's standard specifications and drawings and shall be approved by the Town. Where the Ontario Building Code is silent the Town's specifications shall be applied and shall prevail.

### **7.3 Connection to main - prior application**

The installation of the water service pipe connection will not be scheduled or commenced in any way until the customer has met the requirements of this by-law.

### **7.4 Installation - alteration - approval by Town**

For any new water service pipe or private main installation, or alteration of existing water service pipes or private mains, the owner must apply for approval from the Town.

### **7.5 Installation inspection by Town**

All water service pipes and appurtenances installed, including those required by a Town Subdivision or Development Agreement must be inspected by the Town.

### **7.6 Installation - access for inspection**

The Town and persons authorized by the Town for inspection shall be, at all times, entitled 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 service main.

### **7.7 Permanent disconnection of service**

The water service pipe must be disconnected at the watermain, the watermain plugged, and the curb box and rod removed at the owner's expense. All work must be inspected by the Town of Aylmer, and the charge for such inspection is as indicated in the Water and Wastewater Rates and Charges By-Law.

### **7.8 Maintenance of service stub - Town**

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

### **7.9 Maintenance of service extension and private main - owner**

Any and all defects to the water service extension, private main and meter pits shall be repaired by the owner of the property being serviced at the owner's expense. Should the Town become aware of any such defect, and upon written notification to the owner, the said defect is not repaired, within seven (7) days of the date of the notification or within such time as the Town may deem necessary, then the Town may turn off the water supply to the property. If the Town is ordered to restore the water supply, then the Town may repair the defective water service pipe 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 property, and may also be added to the tax roll, deemed to be taxes and collected as taxes. The Town shall not be held responsible for the cost of restoration.

### **7.10 Operation of shut-off valve**

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

### **7.11 Access to shut-off valves**

All shut-off valves must 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 the Town.

### **7.12 Responsibility for protection, water loss, damage**

All water 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 property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main and the charge for such water loss shall be determined by the Town, shall be paid by the owner upon demand by the Town, and the Town shall not be held responsible for any damages arising from such leakage.

### **7.13 Responsibility - vacant and unheated premises**

When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. The owner or occupant may apply in writing to the Town to have the shut-off valve turned off to stop water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate as indicated in the Water and Wastewater Rates and Charges By-Law.

### **7.14 Responsibility - water damage**

When any premises left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the owner or the occupant shall have no claim against the Town. Should the Town become aware of such leaking or

burst pipes, the Town shall turn off the shut-off valve, and the water supply shall not be turned on until the Town shall consider it advisable.

#### **7.15 Responsibility for frozen pipes - Town - Owner**

Thawing out frozen water service stubs shall be the Town's responsibility. Thawing out frozen service extensions and private mains shall be the owner's responsibility. Where any employee of the Town assists the owner in the thawing of frozen pipes on the owner's property, all such assistance work will be considered to be at the owner's risk, and the owner shall have no claim against the Town by reason of such work.

#### **7.16 Responsibility for Hydrant Maintenance**

Any hydrant situated within the road allowance is the property of the Town and shall be maintained by the Town.

Hydrants owned by any persons other than the Town shall be required to be maintained by such persons, the owner shall be responsible for the following:

- a.) all private hydrants will be inspected annually by a Provincially Certified person that has been pre-approved by the Town.
- b.) the Provincially Certified approved person shall provide a report in writing to the Town on or before the last day of October in each and every year; and this report shall be in a form satisfactory to the Town and must certify that the following items have been satisfactorily addressed or conducted, namely:
  - i) a Fire Code and preventative maintenance inspection;
  - ii) hydrant flows and pressure ascertained;
  - iii) hydrant adjustment and lubrication;
  - iv) flushing in conjunction with engineered flushing of the distribution system of the Town;
  - iv) a report on any maintenance work that is required;
  - v) assurance of hydrant visibility and accessibility free from obstructions.

#### **7.17 Responsibility of owners for Private Water Distribution Systems**

Every Owner of a private water distribution system shall cause such system to be inspected annually by a Provincially Certified person; the owner shall be responsible for the following:

- a.) all private water distribution systems will be inspected annually by a Provincially Certified person that has been pre-approved by the Town.
- b.) the Provincially Certified approved person shall provide a report in writing to the Town on or before the last day of October in each and every year; and this report shall be in a form satisfactory to the Town and must certify that the following items have been satisfactorily addressed or conducted, namely:
  - i) a Fire Code and preventative maintenance inspection;
  - ii) hydrant flows and pressure ascertained;
  - iii) hydrant adjustment and lubrication;
  - iv) valve cleaning, adjustment and lubrication;
  - v) flushing in conjunction with engineered flushing of the distribution system of the Town;
  - vi) Leak detection ascertainment;
  - vii) a report on any maintenance work that is required;
  - viii) a report on any physical indication of a deteriorated water quality;
  - ix) a confirmation that the inspection included all pipelines, valves, hydrants and other appurtenances comprising the private water distribution system;
  - x) assurance of hydrant visibility and accessibility free from obstructions.

#### **7.18 Renewal of service - Town - Owner**

The Town shall renew service stubs on public property at its expense and to its specifications when:

- (a) piping is deemed by the Town to be beyond repair;
- (b) the existing pipe material is lead and supplies a single detached residence provided the owner is prepared to replace the service extension before or in conjunction when the Town replaces the service stub. Replacement piping shall conform to the specifications of the Town. Replacement pipe shall be the same size as existing or the minimum size for the area. If an owner requests a larger size, the owner shall pay the difference in material cost.

#### **7.19 Access - removal - inspection - fittings**

Where a consumer discontinues the use of the water service, or the Town lawfully refuses to continue to supply it, the Town may, at all reasonable times, enter the premises in or upon which the consumer was supplied with the water service, for the purpose of disconnecting the supply of the water service or of making an inspection from time to time to determine whether the water

service has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the Town in or upon the premises, and may remove the same therefrom, doing no unnecessary damage.

## **Part 8 WATER METERS**

### **8.1 Water to be metered - remedy for violation**

All water used on premises within the Town of Aylmer, except water used for fire fighting purposes, or water authorized by the Town, for construction or other purposes, shall pass through the meter supplied by the Town for use upon such premises, and in addition to whatever other remedies the Town may have by law in respect to infringement of this by-law, the Town may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water.

### **8.2 Supply - installation - ownership - replacement**

The owner shall pay the water service charge to the Town as indicated in the Water and Wastewater Rates and Charges By-Law for the meter and appurtenances, all equipment supplied must be installed prior to occupancy of the building. The meter shall remain the exclusive property of the Town and may be removed as and when the Town may see fit, upon the same being replaced by another meter, or for any reason which the Town may, in its discretion, deem sufficient.

### **8.3 Installation - maintenance - repair - access**

The Town may shut off or restrict the supply of water to a property if the Town requires access to the property to install, replace, repair or inspect a water meter. Any person authorized by the Town for that purpose has free access, at all reasonable times, and upon notice given as set out in section 8.4 of this by-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.

### **8.4 Notice required - access**

Before shutting off or restricting the supply of water, the Town shall,

- (a) by personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the Town intends to shut off or restrict the supply of water if access to the property is not obtained before that date;
- (b) ensure that a copy of the notice described in clause (a) is securely attached to the property in a conspicuous place.

### **8.5 No shut off - reasonable effort - gain access**

The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after the later of,

- (a) the day the last notice under part (a) of section 8.4 of this by-law was personally served;
- (b) the day the last notice under part (a) of section 8.4 of this by-law was mailed; and
- (c) the day a copy of the notice was attached under part (b) of section 8.4 of this by-law.

### **8.6 Restoration of water supply - as soon as practicable**

If the Town has shut off or restricted the supply of water under section 8.3 of this by-law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.

### **8.7 Charges - meters - owner to pay**

All charges for any of the work and services mentioned in sections 8.3 and 8.6 of this by-law will be determined by the Town as indicated in the Water and Wastewater Rates and Charges By-Law and will be paid in full by the owner or the customer, as the case may.

### **8.8 Every building metered - Town's discretion**

Every separate building to which water is being supplied shall be furnished with a separate water meter, supplied by the Town except where non-compliance is acceptable to the Town. Additional water meters, supplied by the Town, may only be installed at the discretion of the Town.

### **8.9 Installation to Town Specifications**

All water meters, supplied by the Town, shall be installed to conform to the specifications of the

Town as set out in Schedule "A".

#### **8.10 Meter location - Town to consent to change**

The location of a meter, when once installed to the specifications of the Town, shall not be changed by any person except with the consent of the Town. In cases where a building is located more than one hundred and fifty meters (150.0m) away from the Town's water supply or when the location of the meter cannot be provided by the owner within the premises to the satisfaction of the Town, the owner will be required to install a meter pit approved by the Town to house the meter and appurtenances. All costs associated with the purchase and installation of the meter pit will be that of the owner.

#### **8.11 Private meters - owner responsible**

The Town will not supply, install, inspect or read private water meters, nor will the Town bill consumption on private water meters. Water supply pipes to private meters must be connected to the owner's plumbing after the Town's meter.

#### **8.12 Reading meter - access**

The Town and persons authorized by the Town for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the discretion of the Town. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Town, the Town may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.

#### **8.13 Valve maintenance - responsibility of owner**

The owner shall supply and install the inlet and outlet isolating valves to and from the water meter as set out in Schedule "A". The owner shall be responsible for maintaining in good working order, the inlet isolating valve to the meter and the outlet isolating and any and all by-pass valves for all meters, and shall ensure that such valving is accessible.

#### **8.14 Leaks must be reported**

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

#### **8.15 Interference with meter not permitted**

No person, except a person authorized by the Town for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any water meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building, the Town may forthwith, without any notice, shut off the water from such building or premises, and the water shall not be again turned on to such building or premises without the express consent of the Town.

#### **8.16 Owner responsible to repair piping**

If, in the opinion of the Town, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Town may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Town's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Town shall not be held responsible for any damages to the owner's property arising from such work.

#### **8.17 Non-functioning meter - amount of water estimated**

If, for any cause, any meter shall be found to not be working properly, then the amount of water to be charged for shall be estimated on the average reading for the previous months, when the meter was working properly, or, if unavailable or proven inaccurate, the amount of water to be charged for shall be estimated on a daily average when the meter is working properly, and the charge for the water for the period during which the meter was not working properly shall be based thereon.

#### **8.18 Meter testing for customer - deposit - conditions**

Any customer may, upon written application to the Town, have the water meter at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters as set out in the Water and Wastewater Rates and Charges By-Law. If the meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the Town when tested at a flow rate of one gallon (4.54 litres) per minute, 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.

### **8.19 Meter reading supersedes remote device reading**

Where the water meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the read-out device, the Town will consider the reading at the meter to be correct, and will adjust and correct the customer's account accordingly.

## **Part 9**

### **CROSS CONNECTIONS AND BACKFLOW PREVENTION**

#### **9.1 Protection from Contamination**

No person shall connect, cause to be connected, or allow to remain connected to the waterworks distribution system any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, waste water, non-potable water, or any other liquid, chemical or substance to enter the water works distribution system. The means for "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act, 1997*, as amended from time to time.

#### **9.2 Inspection for cross connections - access**

Any person authorized by the Town for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any water service pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any water service pipe, wire, rod or cross connection within or without the building.

#### **9.3 Access to be provided on written notice**

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

#### **9.4 Order to install control device**

If a condition is found to exist which is contrary to section 9.1 of this by-law, the Town 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 9.1 of this by-law.

#### **9.5 Failure to install - notice - water shut-off**

If the customer to whom the Town has issued an order fails to comply with that order, the Town, may:

- (a) Give notice to the customer to correct the fault, at his/her expense, within a specified time period and, if the notice is not complied with, the Town may then shut off the water service or services; or
- (b) Without prior notice, shut off the water service or services.

#### **9.6 Additional device on service**

Notwithstanding sections 9.1, 9.4 and 9.5 of this by-law, where a risk of possible contamination of the water works distribution system exists in the opinion of the Town or an approved authority, a customer shall, on notice from the Town, install on his/her water service pipe a backflow prevention control device and/or a cross connection control device, approved by the Town, in addition to any devices installed in the customer's water system at the source of potential contamination at the owner's expense.

#### **9.7 Installation to required standards**

Cross connection control and/or backflow prevention devices, when required by the Town, shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64.10-94 *Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices*", as amended from time to time.

#### **9.8 Inspection and testing - paid by customer**

All cross connection control devices and backflow prevention devices shall be inspected and tested at the expense of the customer, upon installation, and thereafter annually, or more often if required by the Town, by personnel approved by the Town to carry out such tests to demonstrate that the device is in good working condition. The customer shall submit a report on a form approved by the Town for any or all tests performed on a cross connection control device and/or backflow prevention device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the 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.

#### **9.9 Failure to test device - notification - water shut-off**

If a customer fails to have a backflow prevention device and/or cross connection control device tested, the Town or approved authority may notify the customer that the device must be tested within four (4) days of the customer receiving the notice. If the customer fails to have the device

tested within the time allowed, the Town may shut off the water service or water services until the device has been tested and approved as required by section 9.8 of this by-law.

#### **9.10 Repair - replacement - by customer**

When the results of a test referred to in section 9.8 of this by-law show that a backflow prevention device and/or cross connection control device is not in good working condition, the customer shall make repairs or replace the device within four (4) days. If a customer fails to repair or replace the device within the time allowed, the Town may shut off the water service until such repair or replacement has been made.

#### **9.11 Removal of device - permission by Town**

No person shall without the permission of the Town remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation notwithstanding the fact that the applicable provincial regulation has been rescinded.

### **PART 10 PRIVATE WELLS & SANDPOINT SYSTEMS**

#### **10.1 Private Wells/Sandpoint Systems and their Connections**

All service connections within the Town's Water Distribution System where the premise has a well and/or sandpoint or intends to install such a system, the following shall apply:

- (a) Under no circumstances shall a ground source of water such as a private well and/or sandpoint system be interconnected with the Town's potable water supply to a property. If it is believed by the Town that a private well and/or sandpoint system is interconnected with the potable water supply, the Town may immediately shut off the water supply to the property. Subsequently, a notice will be sent to the owner stating the reason for discontinued potable water supply. Once it is proven by inspection from the Town, that the private well and/or sandpoint isn't interconnected with the potable supply, it will be turned back on at a cost to the owner as indicated in the Water and Wastewater Rates and Charges By-Law for re-connection of the water supply.
- (b) That all properties who have in place a ground source of water such as a well and/or sandpoint, in addition to a connection to the municipal water supply must install a back flow prevention device and/or a cross connection control device as per the requirements of the *Ontario Building Code Act, 1997*, as amended from time to time.
- (c) That the back-flow prevention device shall be installed and maintained as per Part 9 of this By-law.

### **PART 11 RESTRICTION OF WATER SUPPLIES**

#### **11.1 Restricting Water Supplies**

Where the Town of Aylmer determines it necessary to impose restrictions on the amount of water used within the Town of Aylmer's Water Distribution System, the Town may declare a state of water shortage emergency.

When the Town has declared a state of water shortage emergency:

- (a) The Town may impose any level of restriction, including an immediate stoppage of water usage as the Town has determined is warranted due to the prevailing condition of the water supply.
- (b) When the Town has declared a state of water shortage emergency, commercial, industrial, institutional and residential water customers may only use water in a manner as directed by the Town. This shall apply equally to all Town customers that are located outside of the Town Boundaries.
- (c) The state of the water shortage emergency shall remain in effect until the Town declares that the overall water supply has been restored to an acceptable level, at the discretion of the Town.

### **Part 12 CONSERVATION USE OF WATER EXTERNALLY**

#### **12.1 Conservation Regulations - use of water - July and August**

For the purpose of limiting the consumption of water as necessary:

- (a) During the months of July and August, the external use of water is permitted:



- (i) on even calendar dates at only those municipal addresses ending with numbers 0, 2, 4, 6, 8;
  - (ii) on odd calendar dates at only those municipal addresses ending with numbers 1, 3, 5, 7, 9.
- (b) The Town is authorized to implement at any time any other regulation which the Town considers advisable to limit the external use of water and this authority includes the right to ban completely the external use of water.
  - (c) Notice of the implementation of a water use regulation by the Town and the effective date thereof shall be given immediately in a manner determined by the Town.
  - (d) Upon the announcement of the implementation of a water use regulation by the Town, no person shall use water except in accordance with the provisions of such regulation.

### **Part 13 PROHIBITIONS**

#### **13.1 Prohibitions under this by-law**

No person shall:

- (a) wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Corporation 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 let off or discharge water so that the water runs waste or useless out of the water works;
- (c) being a customer, tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, improperly waste the water or, 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 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, stopcock, 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 in any way foul the water or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done;
- (f) wilfully alter, move or remove any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered; or
- (g) lay or cause to be laid any pipe or main to connect with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the corporation;
- (i) shall draw water or cause or permit water to be drawn from a private fire protection system, except for fire protection related activities, except as approved by the Town.
- (j) use water externally during the months of July and August in any year except in accordance with the regulations set out in Part 12 of this by-law.

### **Part 14 ENFORCEMENT**

#### **14.1 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*.

#### **14.2 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.

**14.3 Offence - additional – unlawfully takes water from the waterworks**

Any person who wilfully takes water from the water works without lawful authority thereof is liable to the Town therefore.

**14.4 Offence - additional – damage to waterworks**

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks plant, machinery, fitting or appurtenance thereof is liable to the Town therefore.

**14.5 Offence - additional - wilful damage**

Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, water service pipe, conduit, wire, rod, pedestal, post, plug, lamp or water fitting belonging to the Town or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Town, and for any expenses of repairing or replacing the water meter, water service pipe, conduit, wire, rod, pedestal, post, plug, lamp or fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*.

**14.6 Offence - additional - injuring waterworks**

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

**Part 15  
PREVIOUS BY-LAWS REPEALED**

**15.1 Repeal - previous By-laws**

All other By-Laws or resolutions contrary to and inconsistent with all or any part of this By-Law are hereby repealed.

**Part 16  
SHORT TITLE**

**16.1 Short Title**

The short title of the by-law shall be the Comprehensive Water By-Law.

**Part 17  
EFFECTIVE DATE**

**17.1 Effective Date**

This by-law comes into force and effect on April 01, 2009.

READ A First and Second time this 17th day of February, 2009.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

READ A Third time and finally passed this 23rd day of February, 2009.

---

MAYOR

---

CLERK