

## CORPORATION OF THE MUNICIPALITY OF TWEED

### BY-LAW NO. 2005-53

Being a By-Law to enact rules and regulations respecting the Municipality of Tweed waterworks and sewageworks systems.

WHEREAS the Public Utilities Act, R.S.O. 1990, c.P. 52 as amended, the Municipal Act, 2001, c.25 as amended, and the Ontario Water Resources Act, R.S.O., c.40 as amended authorize Councils to pass by-laws:

- a) to acquire, establish, construct, maintain, operate and regulate water works and sewageworks;
- b) to regulate the supply, distribution and use of the water, including the restricting of certain types of uses in order to preserve adequate supplies for essential purposes such as domestic use and firefighting purposes, and to prevent the practicing of frauds upon the municipality with the water so supplied.

AND WHEREAS the Corporation of the Municipality of Tweed is the owner of a municipal waterworks and sewageworks system, operated through a contract with Ontario Clean Water Agency;

AND WHEREAS the Council of the Corporation of the Municipality of Tweed deems it desirable to enact rules and regulations respecting the municipal waterworks and sewageworks system.

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed enacts as follows:

#### 1. DEFINITIONS.

The following definitions shall apply for the purpose of the by-law.

- 1.1 "Applicant" shall mean a land or property owner or agent acting on behalf of a land or property owner.
- 1.2 "Council" shall mean the Council of the Corporation of the Municipality of Tweed.
- 1.3 "Municipality" shall mean the Corporation of the Municipality of Tweed.
- 1.4 "Municipality of Tweed Water System Facility" shall mean the municipal wells and buildings, treatment facilities and water storage facility located at 430 River Street and 404 Hungerford Road, and distribution mains in the Village of Tweed.
- 1.5 "Municipality of Tweed Sewer System Facility" shall mean the municipal sewage treatment plants located at Jamieson Street and 235 River Street, and sewer mains in the Village of Tweed.
- 1.6 "Public Works Supervisor" shall mean the Public Works Supervisor of the Corporation of the Municipality of Tweed.
- 1.7 "Clerk-Treasurer" shall mean the Clerk-Treasurer of the Corporation of the Municipality of Tweed.
- 1.8 "Waterworks" shall mean all water treatment, distribution, storage and pumping systems now or in future owned and operated by or for the Municipality of Tweed and located in the Village of Tweed.

1.9 "Sewageworks" shall mean all sewage treatment, lines and pumping systems now or in future owned and operated by or for the Municipality of Tweed and located in the Village of Tweed.

2. AUTHORITY.

2.1 Council shall be the authority responsible for the operation of the waterworks and sewageworks, including the setting of rates, the engaging of employees and contractors, the payment of accounts and all other matters necessary for the successful operation of the waterworks and sewageworks.

3. REQUIREMENT TO CONNECT.

3.1 The owner or occupant of every lot or parcel of land which is built upon that derives an immediate benefit from the construction of a watermain and / or sewermain along the street abutting such lot or parcel of land shall, within six months of the Municipality giving notice, connect the lot or parcel to the watermain and / or sewermain at the owner's expense.

3.2 The owner shall pay all costs for constructing laterals and connections to the watermains and sewer mains and such work shall be done in accordance with the provisions of this by-law.

3.3 No cross connection between any other water supply and / or sewer system and the municipal waterworks and / or sewageworks shall be permitted.

3.4 No connection shall be permitted to any installation, equipment or source in such a manner as may allow any contamination to pass from such installation, equipment or source into the Municipality's water supply system. If any such connection exists the Municipality may discontinue the supply of water to such customer.

4. APPLICATION FOR WATER AND / OR SEWER SERVICE.

4.1 Water service will be introduced into buildings or lots and water will be turned on, and connection to the municipal sewer system will be permitted for premises where services have already been installed only upon the written request of the owner thereof or his duly authorized agent in writing.

4.2 In every case in which there is a change of ownership of premises supplied with water and connected to the municipal sewer system, the new owner shall notify the Municipality of the change of ownership and shall sign and file with the Municipality an application.

4.3 An application for the supply of water and connection to the sewer system shall be made on a form to be provided by the Municipality and the applicant shall furnish such information as Council shall ask.

4.4 The owner of the land shall agree to pay for the water supplied and for sewer charges on such basis as Council may determine.

4.5 A Service Permit for water services and connections to watermains and to sewer mains, including upgrades to an existing water or sewer service, if changing size and / or location, shall be secured from the Public Works Supervisor or designate before any work is undertaken and all work shall be carried out strictly in accordance with such terms and conditions as may be set out in the permit application.

- 4.6 All applicable fees associated with the application for a water service and a connection to the sewer system, such as service permit fees, inspection fees and deposits, or any other fees or deposits set by Council by by-law or by resolution from time to time must be paid prior to the installation. The water / sewer service permit fee and the inspection fee are non refundable.
- 4.7 The applicant shall be responsible for any costs associated with inspections by Municipality employees or designates.
- 4.8 No work may be done on either the installation or the repair of watermains and / or sewer mains and services without the approval of the Municipality.
- 4.9 The receipt of an approved service permit does not eliminate the applicant's responsibilities for any other applicable permits or authorization.

#### 5. INSTALLATION / CONNECTION OF WATER AND SEWER SERVICES.

- 5.1 Where a water service pipe enters the building a "stop and drain cock" shall be placed immediately inside the cellar or basement wall so that there is a ready means of closing off the water in order to carry out repairs to the service pipes inside the building. Such "stop and drain cock" is also a convenient means of closing off the water in the building when the building is vacant thereby protecting the pipes and fittings against frost during the winter months.
- 5.2 The service pipe from the watermain to the curb stop, and from the sewermain to the property line, shall be laid down by the Municipality or by a contractor approved by the Municipality. The service pipe from the curb stop / property line to the building shall be laid by a contractor hired by the owner.
- 5.3 Where a new water connection is permitted along a trunk watermain and water pressure exceeds 100 psi, the Municipality will provide the owner with a pressure reducing valve at no charge. The owner will be responsible for the installation and maintenance as per manufacturer's recommendations, which will be provided with the pressure reducing valve.
- 5.4 The owner shall pay on demand all costs for laying a service pipe from the watermain or sewermain, for constructing water services and connecting to the watermain and sewermain and for all other expenses necessary or incurred to serve an applicant or property, and if not so paid, may be collected in the same manner as water and sewer rates.
- 5.5 All new services and / or replacements in whole or in part of existing services shall be constructed in such manner, size and material and grade and with such appurtenances as the Public Works Supervisor or designate shall require, and no such services shall under any circumstances be closed or backfilled until examined, tested and approved in writing by the Public Works Supervisor or designate. In the situation where the applicant wishes to connect to a service previously provided to the property line, and the service is no longer as per current Municipality standards, the applicant will be responsible to upgrade the service from the watermain or sewermain as per current specifications at the direction of the Public Works Supervisor.
- 5.6 Testing where required shall be at the expense of the permit applicant.
- 5.7 All plumbing and pipe work on private property shall be installed in accordance with the applicable provisions of the Ontario Building Code, the Ontario

Provincial Standard Specifications and Municipality standards. Should there be any conflict between standards and code, the direction of the Public Works Supervisor shall be final.

- 5.8 Bedding material and location of pipes shall be in accordance with standards established by the Public Works Supervisor.
- 5.9 The Public Works Supervisor or designate shall, from time to time, during the progress of the laying and construction of all services, inspect the same, and may revoke the permit and order the work or construction to be stopped if the work done or the material used is not as required by him and by this by-law.
- 5.10 No person shall damage or injure any services connecting with any watermain or sewermain .

#### 6. MAINTENANCE BY MUNICIPALITY.

- 6.1 No person shall injure, break or remove any portion of any valve, curb stop, hydrant, meter, backflow prevention units or any part of any watermain or sewermain or obstruct the flow of water or sewer in any part of the system, unless approved in writing by the Public Works Supervisor or designate.
- 6.2 All watermains and sewer mains and services connected thereto from the main up to and including the connection and shut off valve at the street line shall be repaired and kept in order at the expense of the Municipality.

#### 7. MAINTENANCE BY CONSUMERS.

- 7.1 Every person taking water or connected to the sewer system must at his own expense keep his service pipe or pipes, from the curb stop to the interior face of the outer wall of the building and all appliances and fixtures connected therewith, in good order and condition.
- 7.2 Any damage or leak or other maintenance of the service pipes from the curb stop to the building shall be forthwith repaired by the owner or occupant of the building to the satisfaction of the Municipality, and in default of his so doing, whether notified or not, the Municipality may enter upon the land where the service pipe is and repair the same and charge the cost thereof to the owner or occupant of the premises and the same may be collected in the same manner as water and sewer rates.
- 7.3 Should the said pipes, appliances and fixtures get out of repair and not be forthwith repaired it shall be lawful for the Municipality to refuse to continue the supply of water until such repairs have been effected.

#### 8. INSPECTIONS.

- 8.1 Water and sewer pipes, fittings, etc. must be inspected, tested and approved by an authorized agent of the Municipality before regular water service or connection to the sewer system commences.
- 8.2 The officers or employees of the Municipality shall be at all times entitled to enter any premises for the purpose of examining pipes, connections and fixtures which are used in connection with the water and sewer service. The location of a water meter, once installed to the approval of the Municipality, shall not be changed by any person except with the written consent of the Municipality.

8.3 All service pipes and connections inside the street line shall be inspected by an authorized officer or employee of the Municipality prior to backfilling and when backfilled such service pipes and connections shall be properly protected from frost at the expense of the owner of the property for which such services are supplied and shall be so protected from all damage whether by frost or otherwise and the owner of each building shall be responsible for the due protection of such service pipes, and in the case of leakage such owner shall be responsible for the loss occasioned by such leak and the charge for such water so leaking shall be determined by the Public Works Supervisor and the cost thereof shall be paid by the owner forthwith upon demand and such owner shall be responsible for all damage arising from such leakage.

8.4 Inspection of water and sewer services to new buildings will be performed by the Municipality's Building Inspector, inspection of water and sewer services to existing buildings will be performed by the Building Inspector and / or Public Works Supervisor.

## 9. NEW CONNECTIONS THROUGH DEVELOPMENT OR EXTENSIONS.

9.1 All mains and services which are laid or installed in public streets shall become the property of the Municipality.

9.2 Where mains and services are installed by a developer, all the works shall be supervised by the Municipality and legal agreements will be required prior to the commencement of the installation stating that the Municipality will become the owner of the installations on their completion. The Municipality will require detailed drawings of the proposed works and construction shall not proceed until the drawings are approved by the Municipality's Engineer or designate and a Ministry of Environment certificate of approval is issued.

9.3 Responsibility for costs for mains and services installed by a developer, and reimbursement for development costs, shall be in accordance with the policy for water and sewer connections attached to this by-law as Schedule "A".

9.4 All new watermains are to be disinfected as per the Ministry of Environment Procedure for Disinfection of Drinking Water in Ontario, as amended, and the disinfection procedure must produce acceptable bacteriological results as per Ontario Regulation 170/03, as amended. The Municipality must be satisfied that the water meets provincial drinking water bacteriological requirements before allowing connection to existing water distribution systems.

9.5 New service connections to existing watermains and sewer mains shall be made by the Municipality or an approved contractor and all applicable fees for the connection such as service permit fees, inspection fees, and deposits, or any other fees as set by Council from time to time must be paid prior to the installation.

## 10. WATER SHUT OFF NOTICES.

10.1 If a watermain shutdown is necessary in order to conduct work under Sections 4, 6 and 8 of this by-law and where consumers will be affected, the applicant for the work will be responsible for notifying all affected consumers of a potential loss of water supply in a format approved in writing by the Public Works Supervisor. The notice must be clearly printed, with the date of shutdown, duration and contact number for any questions, and delivered 24 hours in advance, whenever possible, or in the event of an emergency as soon as practicable, to all affected properties.

10.2 Water shutdowns will be allowed only with the approval of the Public Works Supervisor.

11. METERS, BACKFLOW PREVENTORS, PRESSURE REDUCING VALVES AND SERVICE FIXTURES.

11.1 The requirement for a backflow prevention device on new buildings shall be as per the latest editions of the Ontario Building Code and Guide for Plumbing. In addition, a backflow prevention device is required for all new commercial, industrial or institutional premises, if there is a possibility of backflow from the premises caused by either over pressure in the premises or back siphonage. This shall exclude domestic hot water heaters as a source of over pressure overflow. Those devices must be regularly maintained at the cost of the owner and maintenance records available for inspection by Municipality employees as required.

11.2 Contractor's installation includes the installation of the water meter, prewiring of meter remote, backflow prevention device (where applicable) and pressure reducing valve (where applicable).

11.3 The location of the remote receptacle assembly will be based on the following conditions:

- i) Proximity to the meter and telephone line;
- ii) Location where the cable entry hole can be drilled within the proximity of the meter installation;
- iii) Location of other meters (electric and gas);
- iv) Reasonable customer preferences; and
- v) Ability to read multiple meters for a common location.

11.4 Water meters shall be purchased through the Municipality for new construction and a fee as set from time to time by resolution or by-law of Council shall be collected by the Building Department at the time the building permit or the water service permit is issued.

11.5 Backflow prevention devices shall be purchased through the Municipality for new construction and a fee as set from time to time by resolution or by-law of Council shall be collected by the Building Department at the time the building permit or the water service permit is issued.

11.6 All meters, meter remotes, pressure reducing valves and backflow prevention devices shall be accessible to the officers of the Municipality at all times and shall not be covered except where permission or authority has been given in writing by an authorized employee of the Municipality.

11.7 In the event that a meter, meter remote, pressure reducing valve or backflow prevention device is not accessible, it shall be made accessible at the cost of the property owner.

11.8 Every separate building supplied with water, with the exception of private garages attached to any residence, shall be furnished with a separate service and meter / remote, and the case of duplex houses and other buildings with more than one single family unit there shall be a separate service and meter / remote for each single family unit.

11.9 Each unit within a multiple commercial and industrial building must be furnished with a separate meter, remote and backflow preventor.

11.10 Every property owner shall be liable for the safety and care of the water meter and all other service equipment placed on his property, and will be charged for all damage thereto, whether occasioned by frost, hot water, blows or injury from any other cause, and for the loss of the meter or other service equipment if the same is removed from his premises without the consent of the Municipality, whether stolen or otherwise, and the cost of every such meter or other equipment, or of repairing or replacing the same, shall be payable to the Municipality on demand and in default of payment the Municipality may, in addition to all other remedies which it may have by law, collect same and until paid all such charges shall be and remain a lien upon the lands in respect of which they were incurred.

11.11 Every property owner shall be responsible for the installation of a new meter or other service equipment, including service pipes, when damages as detailed in Section 11.10 of this by-law occur.

11.12 The contractor shall be responsible for any damage done to the customer's service plumbing and shall repair any leaks or other defects that may have been caused by the installation work, presuming that any leaks or defects reported by the customer to either the contractor or the Municipality within fourteen calendar days after the completion of the installation are the result of a faulty installation and the contractor shall repair the damage at no extra cost to the Municipality or the property owner. This presumption does not apply to leaks or pre-existent conditions noted by the contractor and acknowledged in writing by the customer as being in existence prior to the installation.

11.13 No person except an officer or employee of the Municipality shall be permitted to open, or in any way howsoever, tamper with any water meter, remote, service, curb stop 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 service or meter nor should any person change, tamper with or otherwise interfere with the water without any notice, shut off the water from such buildings or premises without the express consent of the Municipality.

11.14 In case any premises be left vacant or without heat, the property owner or occupant thereof shall give notice to the Municipality and any occupant or property owner who leaves his premises vacant, without heat, without notice to the Municipality shall be subject to the penalties of these conditions.

11.15 When such building is left vacant, with or without notice, the Municipality may turn off the water and such water shall not be again turned on until the Municipality in its discretion shall consider it advisable.

11.16 Ownership of the meters will vest with the Municipality.

## 12. WATER FOR BUILDING PURPOSES.

12.1 An application for water use during construction shall be made on the prescribed form to the Municipality Building Department at the time of procuring a building permit.

12.2 The charge for such supply of water shall be based on a rate for a reasonable quantity of water as determined by Council by resolution or by by-law from time to time and subject to such penalties for waste or extravagance as the Council may elect and such a charge shall be paid to the Clerk-Treasurer.

- 12.3 Water for building purposes shall only be taken from completed and Municipality approved water service to the site. The termination at the service must not allow any backflow conditions into the distribution system and must be controlled by a suitable valve.
- 12.4 The Municipality can revoke this supply at any time if abused, and no refund will be provided.
13. TURNING ON WATER.
  - 13.1 No person other than a licensed water distribution system operator employed by the Municipality shall be permitted to turn on or shut off water by means of the street shut-off from any premises. This provision will be strictly enforced and anyone who contravenes this provision will be charged in accordance with the provisions of Section 22 of this by-law.
14. USE OF WATER.
  - 14.1 It shall be unlawful to use the supply of water for hydraulic elevators or motors, water driven appliances, whether operated wholly or in part by water, or for air conditioning except where a special agreement has been entered into with Council.
  - 14.2 Restriction of water use, when necessary, shall be in accordance with municipal by-laws in force regulating the use of water during low water conditions.
15. HYDRANTS.
  - 15.1 No person shall at any time open or use water from any public hydrant except a licensed water distribution operator employed by the Municipality. The members of the Tweed Fire Dept. under the direction of an officer shall be considered a licensed operator for the purpose of opening hydrants only.
  - 15.2 The Fire Dept. will advise the Public Works Supervisor, in writing, immediately whenever possible, or not later than before the end of the next working day if any hydrant has been opened by the Fire Dept.
16. SHUT OFF FOR NON COMPLIANCE WITH BY-LAW.
  - 16.1 Council shall have the right to shut off water from the premise of any person guilty of a breach or non-compliance with this by-law or because of waste, breakage or defects in the pipes or fixtures and not turn on the water again until the penalty or fine imposed has been paid and / or until satisfactory evidence is received that the necessary repairs have been made.
17. NO LIABILITY FOR NON SUPPLY.
  - 17.1 Council agrees to use reasonable diligence in providing a regular and uninterrupted supply of water consistently meeting quality and standards as defined in the Provincial Drinking Water Regulation, O.Reg. 170/03, as amended, but does not guarantee a constant supply or pressure, and will not be liable in damages to the consumer or third parties for any results arising from the failure of the water supply quantity or any fluctuations thereof.
18. WATER SUPPLY INTERRUPTIONS.
  - 18.1 Subject to the notice requirements set out in Sections 9, 19 and 20 of this by-



law, the water supply may be interrupted for cleaning and / or repairing mains or pipes, or for effecting repairs to the machinery, pumps or any part of the waterworks.

18.2 The Municipality will not be liable in case of damage to boilers, fittings or other property by reason of any such shut off to the water.

18.3 All steam and hot water plants, or installations shall be fitted with all necessary appliances as may be requisite for the purpose of safeguarding such plants and installations, and the property in connection therewith, in case of any such shut off.

#### 19. METER CHAMBERS.

19.1 Where the Municipality deems the construction of a frost-proof chamber(s) is necessary to house the Municipality's water meter, it shall give notice in writing accordingly mailed to the consumer by registered mail and the consumer shall forthwith provide a drained frost-proof chamber(s), the plans and specifications of which shall be subject to the approval of the Municipality.

19.2 The cost of providing and maintaining such a frost-proof chamber(s) readily accessible at all times shall be at the expense of the consumer.

19.3 The water meter or meters shall be provided by and remain the property of the Municipality but shall be at the risk of the consumer. The consumer assumes the cost of the water meter purchase.

19.4 The Municipality shall be entitled to shut off all water services without further notice at the expiry of twelve months from the date of the aforesaid written notice to the consumer, whether received by the consumer or not, unless an approved frost-proof chamber or chambers has been provided by that date and shutting off water shall not preclude any and all other remedies available to the Municipality by by-law or statute.

#### 20. ACCESS.

20.1 The authorized officers, employees and agents of the Municipality shall, when carrying out Municipality business, have at all reasonable hours free and unimpeded access to the buildings and premises of a consumer for the purpose of installing, examining, repairing or moving meters, readers, seals, pipes and other material and appliances and for the inspection of all consumer appliances, services and pipes and to remain as long as may be necessary to carry out the requirements of this by-law and to determine whether or not the provisions thereof are being fully observed.

#### 21. RESTRICTIONS ON USE OF WATER.

21.1 In the case of an emergency or any condition requiring repairs to any municipal water or sewer system, the Municipality may shut off or restrict the supply to a property.

21.2 Before shutting off or restricting the supply of water the Municipality shall, except in the case of an emergency.

- i) 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

Municipality intends to shut off or restrict the supply of water if access to the property is not obtained before that date; or

- ii) ensure that a copy of the notice described in 21.2 i) is securely attached to the property in a conspicuous place.
- 21.3 If the Municipality has shut off or restricted the supply of water under Section 21.1 the Municipality shall restore the supply of water as soon as practicable after the repairs have been completed.
- 21.4 When a water shortage problem exists or is expected, Council may prohibit the use of water for lawn and garden watering purposes, car washing, pool filling or the taking of water from all or any of the waterworks for other than domestic use by the owner or occupant of the land to which the water is supplied, or for fire fighting purposes.

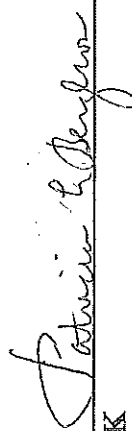
22. PENALTY.

- 22.1 Any person who contravenes this by-law is guilty of an offence and upon conviction is liable to such fine or penalty as may be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33 as amended.
- 22.2 In the event any Court of competent jurisdiction should adjudge that any section or sections of this by-law may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the by-law and the remainder of the by-law shall stand and be enforceable to the same extent as if the offending section or sections had not been included therein.
23. In the event of any conflicts between the provisions of this and any other by-law, the provisions of this by-law shall prevail.
24. This by-law shall come into force and become effective immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first and second time this 23<sup>rd</sup> day of August, 2005.

Read a third and final time, passed, signed and sealed in open Council this 23<sup>rd</sup> day of August, 2005.

  
REEVE

  
CLERK

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2005-53

SCHEDULE "A"

WATER and SEWER EXPANSIONS

RESPONSIBILITY FOR COSTS

1. All costs for water and sewer main extensions are to be paid by the developer.
2. All costs for laterals from mains to the property line are to be paid by the developer.
3. Costs for the Certificate of Approval application are to be paid by the Municipality and the developer on the following basis:
  - application fee to be paid by the developer.
  - application engineering and design for water and / or sewer extensions on municipal property to be paid by the Municipality.
  - application engineering and design for water and / or sewer extensions on private property to be paid by the developer.

REIMBURSEMENT OF COSTS

1. Municipality will reimburse the developer fifty percent (50%) of the costs of the water and sewer main extensions when the subject property has been fully developed.
2. Fifty percent reimbursement will be on a percentage of development basis.

Example - if development is for ten houses, developer will pay the total cost of water and sewer expansion, and will be reimbursed 1 / 10<sup>th</sup>, or 5%, of the fifty percent payback each time a house is completed.
3. Municipality will reimburse the developer the cost of the Certificate of Approval application fee when the water and sewer expansion on the municipal street has been completed.

There will be no reimbursement to the developer of costs of the application engineering and design for water and / or sewer extensions on private property.
4. There will be no reimbursement to the developer of the costs of the laterals to the property lines.