



BY-LAW NO. 2011- 53

DATE: November 16, 2011

MOVED BY: Joe Johnson

SECONDED BY: [Signature]

THAT By-law No. 2011- 53

Being a By-Law to provide for a safe municipal water supply within the Municipality of McDougall.

be introduced and read a **FIRST** and **SECOND** time.

Carried [Signature]
Signature

Defeated _____
Signature

MOVED BY: [Signature]

SECONDED BY: Joe Johnson

Defeated _____

THAT By-law No.2011-53 be read a **THIRD** time, **PASSED, SIGNED** and

SEALED this day of , 2011.

Carried [Signature]
Signature

<u>DIVISION LIST</u>	<u>FOR</u>	<u>AGAINST</u>
First and Second Reading		
Councillor Daleman	_____	_____
Councillor Dixon	_____	_____
Councillor Johnson	_____	_____
Councillor Malott	_____	_____
Mayor Robinson	_____	_____
Third Reading		
Councillor Daleman	_____	_____
Councillor Dixon	_____	_____
Councillor Johnson	_____	_____
Councillor Malott	_____	_____
Mayor Robinson	_____	_____

THE CORPORATION OF THE MUNICIPALITY OF MCDUGALL

WATER CONTROL BY-LAW

BY-LAW NO. 2011-53

Being a By-law to provide for a safe municipal water supply within the Municipality of McDougall.

WHEREAS Section 12 of the Public Utilities Act, R.S.O. 1990, C P 52 as amended provides that a Municipal Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water and every other matter related to or connected therewith that may be necessary or proper to regulate in order to secure to the inhabitants of the Municipality of McDougall a continued and abundant supply of potable safe drinking water and to prevent the practicing of frauds upon the Municipality with regards to water so supplied – and –

WHEREAS the Sustainable Water and Sewage Systems Act requires that measures are established to protect the quality and quantity of water relied on for a municipal water system – and –

WHEREAS The Municipal Act, SO c.25 – Section 10.(2)6 provides that a municipality may regulate matters relating to the health, safety and well-being of the inhabitants of the municipality – and –

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

WHEREAS the Water Cost and Waste Services Act SO 2002 requires that the costs of operating a municipal water system shall be born by the users of said system – and –

WHEREAS the Council of the Corporation of the Municipality of McDougall deems it necessary to establish a by-law for the purpose of ensuring a safe supply of municipal water to inhabitants of the Municipality of McDougall.

NOW THEREFORE BE IT RESOLVED THAT:

1.0 INTRODUCTION

1.1 Title and Scope

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

1.2 Validity and Severability

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

1.2.2 If any provision of the By-law is inconsistent with the Public Utilities Act, or any other Act, the provisions of the applicable Act shall prevail.

1.3 Interpretation

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

1.3.2 “May” shall be construed as permissive.

1.3.3 “Shall” shall be construed as imperative.

1.4 Force and Effect

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

2.0 DEFINITIONS

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

- 2.1 **"Consumer"** means any owner, occupant, lessee, tenant or any person or company purchasing water from the Municipality.
- 2.2 **"Council"** means the Council of the Corporation of the Municipality of McDougall
- 2.3 **"Public Works Supervisor"** means the person designated by the Municipal Council as such or his/her designee.
- 2.4 **"Fire Chief"** shall mean the Chief of the Municipality of McDougall Fire Department or his or her designee.
- 2.5 **"Municipal Water Area"** shall mean an area within the Municipality of McDougall that is serviced by a Municipal Water System.
- 2.6 **"Municipal Water Supply"** shall mean the water supplied from a Municipal Water System.
- 2.7 **"Municipal Water System"** shall include all water works established by the Municipality.
- 2.8 **"Operator in Charge"** means the Water and Sewer operator or his/her designate who has approved operating authority.
- 2.9 **"Owner"** includes: an assessed owner, tenant, occupant or any person having an interest, whether equitable or legal, in the land.
- 2.10 **"Person"** means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to who the context can apply according to the By-law.
- 2.11 **"Treasurer"** shall mean the Treasurer of the Corporation of the Municipality of McDougall or his or her designee.
- 2.12 **"Municipality"** means the Corporation of the Municipality of McDougall.
- 2.13 **"Water works"** means any works for the production, treatment, storage, supply and distribution of water, or any part of such works, but does not include plumbing or other works to which the Ontario Building Code Act and its regulation apply.

3.0 OFFENCES

- 3.1 No person shall lay or cause to be laid any pipe or main to connect with any pipe or main of the Municipal Water System, or in any way obtain or use the Municipal Water System without the consent of the Municipality.
- 3.2 No person, being an owner, tenant, occupant or resident of any apartment, commercial, or residential building supplied with water from the Municipal Water System, shall waste water.
- 3.3 No person, being an owner, tenant, occupant or resident of any apartment, commercial, or residential building supplied with water from the Municipal Water System, shall, without the consent of the Public Works Supervisor, lend, sell or dispose of water, give water away, permit water to be taken or carried away, use or apply water to the use or benefit of another, or to any use and benefit other than the person's own, or increase the supply of water from the Municipal Water System to another building.
- 3.4 No person shall throw or deposit an offensive matter into the Municipal Water Supply or Municipal Water System, that may in any way foul the water.
- 3.5 No person shall spray, spread or otherwise deposit or use any pesticide on any grounds, lawn, and garden within 100 meters of a well or intake structure that provides water a Municipal or Private Water System. No person shall commit any willful damage, or injury to the water works, pipes or water, or encourage the same to be done.
- 3.6 No person shall commit any willful damage, or injury to the water works, pipes or water, or encourage the same to be done by others.
- 3.7 No person shall willfully let off or discharge water so that the water runs waste or useless out of the Municipal Water System.
- 3.8 No person, other than an authorized employee or agent of the Municipality shall be permitted to remove, inspect or repair the water meter or other equipment of the Municipality.
- 3.9 No person shall willfully alter any meter placed on any service pipe or connected therewith, within or outside any building or other place so as to lessen or alter the amount or water registered.
- 3.10 No person shall, without the approval of the Public Works Supervisor, Operator in Charge or Fire Chief, open or close any hydrant.

3.11 No person shall, without the approval of the Public Works Supervisor or Operator in Charge, open any municipally owned valve, gate valve, or curb stop.

3.12 No person shall obstruct the fire access to any hydrant, curb stop, chamber, pipe or hydrant by placing on it any building material, rubbish or other obstruction.

4.0 ADMINISTRATION, ENFORCEMENT AND INSPECTION

4.1 This By-law shall be administered by the Public Works Supervisor of the Municipality of McDougall or such other person or persons as Council may, by by-law, appoint and all such persons shall be considered inspectors under the terms of the By-law.

4.2 This By-law shall be enforced by the Public Works Supervisor or Operator in Charge or his/her designee and the Municipal Law Enforcement Officer(s) or such other person or persons as the Council may appoint by by-law and all such persons shall be considered inspectors under the terms of this By-law.

5.0 PENALTY

5.1 Every person who:

- (a) hinders, disturbs or obstructs any authorized person in carrying out their duties under this By-law, or:
- (b) Contravenes any provision of this By-law is subject to a fine as set out in schedule "B"

6.0 CONTINUING OFFENCE

6.1 Each day that a situation as described in Section 3.1 to 3.12 of this By-law is allowed to continue shall constitute a separate offence under this By-law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

7.0 CORPORATION

7.1 Every person and any officer, director, employee or agent, of a corporation charged with committing an offence under this By-law is a party to the offence who;

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

8.0 GENERAL PROVISIONS:

8.1 This By-law shall apply to all Municipal Water Systems located within the geographical boundaries of the Municipality.

8.2 Any extension or connections to the Municipal Water System shall be constructed in accordance with the Municipality of McDougall Engineering Standards.

8.3 All pipes, valves, fittings and other equipment between the water main and the street line shall remain the property of the Municipality.

8.4 Where a water service line between the street line and the meter is 50.8 millimeters (2 inches) or greater in diameter, any service or maintenance of said line shall be conducted by, or under the supervision of the Municipality. The cost of said repairs shall be the responsibility of the property owner.

8.5 The Public Works Supervisor is authorized to take such measures as are necessary and proper to ensure an adequate and continuous Municipal Water Supply and to safeguard the hygienic purity thereof within the Provincial Acts and Regulations as established by the Ministry of the Environment or such other approval authority.

8.6 The Municipality does not guarantee the continuous supply, quality or pressure of water from a Municipal Water System. Failure to supply water shall not be construed as neglect on the part of the Municipality, its officers or employees.

8.7 The Municipality shall be responsible for the operation and maintenance of all Municipal Water Systems including required testing, servicing and the removal of snow from around all hydrants, as deemed necessary.

- 8.8 When the Public Works Supervisor, or other duly authorized employee deems it necessary to limit or shut off the Municipal Water System due to an emergency situation, the Municipality shall not be liable for the damages incurred due to such action. Reasonable efforts will be made by the Municipality to notify the affected owners. The Public Works Supervisor shall report to Council all such incidents and actions taken as soon as is practical.
- 8.9 The Municipality, its officers, employees or agents shall not incur any liability whatsoever by reason of water running from an open or faulty fixture, or from broken or damaged connections.
- 8.10 No vehicles owned or operated on behalf of the Fire Department or the Public Works Department of the Municipality shall be used for transporting water for the purpose of filling a privately owned swimming pool.
- 9.0 **REQUIREMENTS FOR CONNECTION TO AND REGULATION OF MUNICIPAL WATER SYSTEM**
- 9.1 Every owner of a property located within a Municipal Water Area who wishes to connect to the Municipal Water System must complete an application for connection to the Public Works Supervisor. All applications for connection to the Municipal Water System shall be accompanied by the Connection Fee as set out in Schedule "A" of this By-law.
- 9.2 Every new building constructed or used for commercial, industrial or residential purposes on property located within a Municipal Water Area shall be connected to the Municipal Water System. An application for connection to the Municipal Water System shall be filed with the Public Works Supervisor prior to the issuance of a building permit and shall be accompanied by the Connection Fee as set out in Schedule "A" of this By-law.
- 9.3 The water service pipe may be closer than 8 feet or be placed in the same trench with the building drain or sewer if,
(a) (i) The bottom of the water service pipe at all points is at least 20 inches above the top of the building sewer, and
(ii) When in a common trench with the building drain or building sewer, the water service is placed on a shelf at one side of the common trench.
(b) The water service pipe is constructed of a single run of pipe with no joints or fittings between the street line and the inside face of the building, or
- 9.4 A buried water service pipe shall be constructed of a single run of pipe with no joints or fittings between the street line and the inside face of the building if the water pipe is less than 50 feet from,
(a) a private sewage disposal system, or
(b) a source of pollution other than a private sewage system.
- 9.5 A water service shall use piping that meets a minimum requirement of 160 psi. and all non conductive water lines will have a 14 ga tracer wire installed full length of line.
- 9.6 Connections to the municipal water system shall be designed and installed so that non-potable water or substances that may render the water non-potable cannot enter the system.
- 9.7 No connection shall be made between the potable water system supplied with water from the municipal water system and any other potable water system
- 9.8 Any building to be connected to the municipal water system shall install, if not already provided, a control valve and back-flow preventer on the water service between the wall or floor of the building as the first device after the curb stop. The control valve shall have capability to be drained and shall be mounted so the valve can be drained when the water supply is shut off.
- 9.9 Backflow prevention devices to protect the municipal water system from contamination shall be selected, installed and field tested in accordance with CAN/CSA-B64.10 "backflow Prevention Devices-Selection, installation, Maintenance and field Testing"

Continuing Requirements for Connection

- 10.0 No water pipes shall be installed on the exterior of the building or in the non-insulated side of an exterior wall, or in place where they may be subject to freezing temperatures unless adequate provision is made to protect pipes from freezing.
- 10.1 The minimum depth for water pipes from the street service to the inside wall of the building is 4 feet unless,
- (a) Heating trace wires are installed, or
 - (b) Insulation is used to protect the pipe from freezing by using one of the following methods
 - (1) insulation is formed to fit around and encapsulate the pipe ,or
 - (2) a sheet or sheets of insulation are placed at some level above the buried pipe.
- 10.2 The Municipality reserves the right to refuse any application for connection to the Municipal Water System, if the existing system is at capacity or where excess capacity has been allocated to other properties within the Municipal Water Area.
- 10.3 Where the water works must be extended from the water main to the property line in order to provide for a new water service connection, the owner shall, in addition to the New Service Fee, be responsible for any unforeseen cost, ie; drilling, blasting, boring, frost protection and complete road restoration etc.
- 10.4 Prior to connection to the Municipal Water System, the owner must deposit with the Municipality, the New Service Fee as set out in Schedule "A" of this By-law. In the event that the actual cost exceeds the deposit, the owner shall be invoiced for the difference. If payment of said invoice is not received within 90 days, the outstanding balance may be added to the tax roll and collected in the same manner as taxes.
- 10.5 Every building connected to a Municipal Water System shall have its own individual connection with the exception of an Apartment or Commercial Building which must have the approval of the Public Works Supervisor who may approve the connection based on engineering drawings.
- 10.6 The owner shall be held liable for any damage to the meter or other equipment of the Municipality whether caused by carelessness or negligence on the part of the owner, or on the part of any person acting for or on behalf of the owner and in particular, without limiting the forgoing, for damage occasioned by operating the Municipality's curb stop in lieu of a control valve, for damage due to ground wire attachments and for damage to the meter cause by hot water or steam from the building or from frost.
- 10.7 Any owner who desires a change in the location, arrangement or size of a Municipal Water System service shall apply in writing to the Public Works Supervisor and shall pay upon demand all costs incurred by the Municipality in carrying out such change. If payment of an invoice for such costs is not paid within 90 days, an amount equal to the outstanding account may be added to the tax roll and collected in the same manner as taxes.
- 10.8 Where any auxiliary water supply exists in any building connected to the Municipal Water System, said auxiliary water supply shall be disconnected from any piping connected to the Municipal Water System and permanently capped so as to prevent any contact with water or waters originating from the Municipal Water System.
- 10.9 Any owner desiring to have the Municipal Water Supply temporarily turned off or on for any reason whatsoever shall apply in writing to the Director of Public Works who may direct that the water be turned off or turned on . In the event of an emergency, a verbal request may be provided as an alternative to an application in writing. See schedule (A) for applicable fees.

Continuing Requirements for Connection

- 11.0 A Disconnection/Re-Connection Fee as set out in Schedule "A: of this By-law will be charged by the Municipality for the turning off or on of the Municipal Water Supply outside normal working hours as per Schedule A or where such action is necessitated by:

- a written or emergency request by the owner
- non-payment of a water bill
- failure to provide access to a meter

The Township reserves the right to turn off the Municipal Water Supply as deemed necessary by the Public Works Supervisor, to stop and prevent waste.

- 11.1 Failure to comply with any requirements relative to the protection of the Municipal Water Supply shall be sufficient reason for immediate discontinuance of water service by the Municipality until such time as it is determined that the requirements of the Municipality and the Ontario Building Code Act have been met.

12 HYDRANTS

- 12.1 No person shall use hydrants connected to any Municipal Water System except as follows:

Employees or volunteer fire fighters authorized by the Fire Chief or designee for the purposes of training or fighting fires;
Employees authorized by the Public Works Supervisor— and –

Persons having been granted permission by written agreement with the Municipality and having authorized access to a Hydrant Meter Valve.

- 12.2 Where a person who is not a consumer wants access to the Municipal Water Supply, the person may apply to the Public Works Supervisor for access to the Municipal Water Supply through a Hydrant Meter Valve. Such application shall be in writing and shall be accompanied by the fee as set out in Schedule "A" of this By-law.
- 12.3 Upon receipt of an application for access through a Hydrant Meter Valve together with the fee, a Hydrant Meter Use Agreement shall be completed and signed by the applicant and approved by the Public Works Supervisor.
- 12.4 No Hydrant Meter Valve Use Agreement shall be issued to any company whose vehicles contain or may contain any pesticide or other chemicals or materials that may contaminate the Municipal Water Supply. Trucks must have an air gap device for loading.
- 12.5 The consumer shall be invoiced in accordance with the municipal water rates as approved, from time to time, by the Council of the Municipality of McDougall. Any amount owing shall be debited against the deposit.

13 WATER CHARGES, BILLING AND COLLECTION

- 13.1 The Treasurer shall calculate water charges to be assessed against each consumer in accordance with the minimum monthly charge and surcharge per cubic meter, gallon or flat rate as set out by By-law and approved by Council and as amended from time to time.
- 13.2 The Treasurer shall issue a bi-monthly bill to each consumer on the Municipal Water System
- 13.3 Water bills shall be due and payable as stated on billing invoice.
- 13.4 Water bills shall be payable to the Municipality of McDougall and may be paid during office hours in person, on line banking or by mail at the Municipality of McDougall Office at 5 Barager Blvd R. R. # 3 Parry Sound, Ontario P2A 2W9.
- 13.5 The owner shall pay to the Municipality upon demand the water charges assessed against each property, subject to the following;
- 13.6 An owner may apply, in writing, to the Treasurer to authorize the billing of water charges to a tenant. Said application shall be signed by the tenant and a copy sent to the owner. An owner who has opted to have water charges billed directly to a tenant is not relieved from the financial responsibility of said charges should a tenant default.
- 13.7 The Treasurer shall impose a one-time ten percent (10%) late charge on all unpaid accounts on the day after the due date.
- 13.8 If any account remains unpaid for a period of ninety (90) days, the Treasurer shall notify the owner by registered mail that the Municipal Water Supply may be turned off by the Municipality. If the owner has opted to direct bills to the tenant, a copy of the notice shall be sent to the tenant and a copy sent to the owner. The Notice shall provide the owner

with twenty-one (21) days from the date of the notice to make suitable arrangements for payment of the account. If the owner/tenant fails to pay the account or make suitable arrangements for the payment thereof within the twenty-one (21) days. The Treasurer may direct the Public Works Supervisor to shut off the Municipal Water Supply to the subject unit or the building subject to a disconnection fee as set out in Schedule "A: of this By-law.

- 13.9 Where the Municipal Water Supply has been shut off under Section 13.8, the Public Works Supervisor shall turn on the water supply when the owner has complied with the conditions in 14.0.

Continued Water Charges and Billing

- 14.0 The account has been paid in full or suitable arrangements for the payment thereof has been made with the Treasurer, and
The disconnection and re-connection fees as set out in Schedule "A" of this By-law has been paid to the Municipality.
- 14.1 Where the Municipal Water supply has been turned off and the owner fails to take any action to restore the water supply in accordance with Sections 9, 10, 11 the Treasurer may add the account to the Tax Roll to be collected in the same manner as property taxes.
- 14.2 Where a billing error has resulted in over-billing, the account shall be credited with an amount equal to any overpayment during the twelve-month period preceding the discovery of the error by the Municipality.
- 14.3 Where a billing error has resulted in under-billing, the account shall be charged an amount equal to any underpayment during the twenty-four month period preceding the discovery of the error by the Municipality. Where a property has changed ownership during the twenty-four month period, the account shall only be charged the amount attributable to the current owner.
- 14.4 For the purpose of calculating the Water Charges under this By-law, 220 gallons equals cubic meter.

15. WATER USE REGULATIONS

- 15.1 During the months of June, July and August, lawn and garden watering is permitted; only from 7.00am to 10.00am local time and 7.00pm to 10.00pm local time.
(a) on even calendar dates at only those municipal addresses ending with even numbers 0,2,4,6,8.
(b) on odd number calendar dates at only those municipal addresses ending with odd numbers 1,3,5,7,9.
- 15.2 The occupants of major properties open to the public where lawn watering is currently carried out during the late evening and early morning hours and cannot for practical reasons be carried out during the permitted hours may apply to the Municipality for an exemption on a yearly basis.
- 15.3 Any water customer upon written authorization from the municipality will not be subject to section (15.1) of this by-law for a two week period immediately following the seeding or sodding of lawns.
- 15.4 The Chief Administrative Officer or the Public Works Supervisor is hereby authorized at any time to make further regulations to restrict the external use of water and this authority includes the power to ban completely the external use of water.

16 CATEGORY OF USE AND UNITS ATTRIBUTED

This section describes the number of units that will be charged to each of the following categories. A unit price is the amount set by council for a single family residence on a per monthly basis.

Category	number of units attributed
Single family residence	one unit
Multifamily residence	one unit per residence
Vacant land	one unit
Automotive Garage	one and one-half units for the first bay and one-half unit for each additional bay
Restaurant open 24 hours	one quarter unit for each seat normally provided for serving the patrons
Restaurant not open 24 hours	one eighth unit for each seat normally provided for serving the patrons
Motel	one-half unit for each unit available to the public
Laundromat	one-quarter unit for each washing machine
General Store	one unit provided that the store and residence are one building
Post Office	one unit, provided the post office and residence are one building
Utility Installation	one unit, provided the unit is water intensive
Commercial, "not water intensive"	two units
Commercial, "water intensive"	units attributed shall depend on the water needs of the business and shall be determined by the Public Works Supervisor
Multi-use	where land is used for more than one category, then a total of the categories will determine the units
Other	In the event that a use exists or is proposed that is not described herein, the number of units will be determined by the Public Works Supervisor

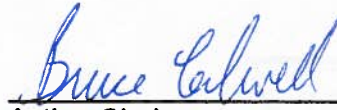
The unit charge shall be \$ 2000.00 and the full amount of the charge shall be due and payable prior to the commencement of the works required for the connection of the building lot to the water works system.

17. That by-laws No. 2005-16 and 2006-40 are hereby rescinded.

READ a **FIRST** and **SECOND** time, this 16th day of November, 2011.



Mayor

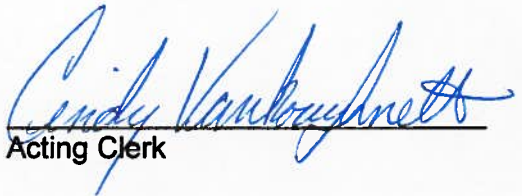


Acting Clerk

READ a **THIRD** time, **PASSED, SIGNED** and **SEALED** this 14th day of December 2011.



Mayor



Acting Clerk

Schedule "A"
Municipality of McDougall

Item	section	fee
Connection Fee This is the minimum fee the applicant shall be responsible for to connect to or activate an existing curb stop	9.1 and 9.2	\$ 2000.00
New Service Fee This is the minimum fee the applicant shall be responsible for ,PLUS any unforeseen expenses in the construction of any water related servicing from the municipal water main to the property line, ie: blasting rock, easements, locates, boring etc.		\$ 6500.00
Road Restoration Fee This is the minimum fee for a new service request on the opposite side of the road from the water main. The applicant will be responsible for the full cost to restore the entire road crossing including asphalt.		\$ 2000.00
Disconnection/ Re-connection Fee		\$ 100.00
Bulk Water Fee (McDougall Residence only)		\$ 4.50/m3

Schedule "B"
Safe Water By-law

Municipality of McDougall

SECTION	OFFENCE	SET FINE
3.1	Use of water without approval	\$500.00
10.6	tampering with municipal property	\$150.00
5.1	obstructing authorized personal	\$100.00
15.1	Watering during restrictions	\$50.00

Municipality of McDougall Water By-Law

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