

By-Law Number 2006-122

**A By-Law to Provide For the Regulation of Water Supply
For The City Of Kingston**

Water By-law

Enacted June 20, 2006

Amending By-Laws:

By-Law Number:	Date of Passing:
2021-107	July 13, 2021

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PASSED: June 20, 2006

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 Ontario Building Code and the Safe Drinking Water Act authorize the City of Kingston to enact by-laws to protect the drinking water supply;

And Whereas it is essential to the citizens of the City of Kingston to have a reliable, safe supply of drinking water;

Whereas section 434.1(1) of the Municipal Act, 2001, as amended from time to time, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

(By-Law 2006-122; 2021-107)

Now Therefore the Council of the Corporation of the City of Kingston enacts as follows:

Short Title: Water By-law

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Part 1 - Definitions:

In this By-law:

“Administrative Penalty” means an administrative penalty administered pursuant to “By-Law 2020-69 of The Corporation of the City of Kingston being “A By-Law to Establish a Process for Administrative Penalties”;

“building” shall mean a structure supplied with water by the City of Kingston;

“City” shall mean the City of Kingston and its operating authority, Utilities Kingston;

“contractor” shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the Owner or the City to install or maintain watermains, water services, services, hydrants and other appurtenances;

“cross connection” shall mean any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the water distribution system and includes without limitation, swivel or changeover devices, removable sections, jumper connections and bypass arrangements;

“drinking water system” has the same meaning as in subsection 2(1) of the Safe Drinking Water Act, 2002;

“exemption permit” shall mean approval by the Operating Authority authorizing the permit holder to water newly laid sod, grass seed or a hydro seeded area in accordance with the terms and conditions set out in the permit;

“external use of water” shall mean the use of water for any purpose outside the walls of any building located at a municipal address;

“inspection” shall mean,

- (a) an audit,
- (b) physical, visual or other examination,
- (c) survey,
- (d) test, or
- (e) inquiry;

“in-service” shall mean those parts of the water distribution system that have been approved by the Operating Authority for the provision of potable water and in which potable water is available for use;

“land” shall mean all real property, including buildings or any part of any building and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land and in the case of utility service providers and the City of Kingston, all buildings or any part of any building erected or placed upon, in, over, under or affixed to land but shall not include machinery whether fixed or not, nor the foundation on which it rests, works structures other than buildings, substructures, poles, towers, lines, nor any of the

things exempted from taxation, nor to any easement or the right, use or occupation or other interest in land not owned by utility service providers or the City of Kingston;

“live tap” shall mean a connection to the water distribution system that is in-service and in which isolation of a part or portion of the water distribution system can not be undertaken;

“municipal easement” shall mean an easement in favour of the City;

“municipal right-of way” shall mean a right-of-way in favour of the City;

“occupant” shall mean any lessee, tenant, Owner, the agent of a lessee, tenant or Owner, or any person in possession of a premise;

“operating authority” shall mean Utilities Kingston (1425445 Ontario Limited);

“other charges” shall mean those charges related to repairs, installations, services rendered, or other expenses, exclusive of charges included in water rates, frontage charges and sewage service rates, payable by the consumer as provided for in this by-law or as directed by City Council;

“owner” shall mean any person, including a corporation, who is the registered owner of the property under consideration including a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian. The obligations of the Owner under this by-law may not be transferred to a party which is not an Owner;

“Penalty Notice” means a notice given pursuant to sections 2.2 and 2.4 of “By-Law 2020-69 of The Corporation of the City of Kingston being “A By-Law to Establish a Process for Administrative Penalties”;

“permit holder” shall mean the person to whom a Water Connection/Alteration Permit has been issued, or with whom an agreement has been signed, authorizing the installation, repair, renewal, removal or connection to the water distribution system in accordance with the terms and conditions of the permit or agreement;

“person” shall mean an individual, association, partnership, corporation, municipality, Provincial or Federal agency, or any agent or employee thereof;

“plan of subdivision” shall mean a plan approved by the City that clearly outlines all details that are required to develop a parcel of land into a subdivision with individual parcels;

“potable water” shall mean water that is fit for human consumption;

“private watermain” shall mean a pipe connected to a watermain and installed on private property and from which more than one water service and/or hydrant lateral are connected;

“site plan” shall mean a graphical plan of a proposed development illustrating all the features of the development including dwellings, commercial establishments, roads, and other public or private infrastructure that has been approved by the City pursuant to the Planning Act;

“temporary water service” shall mean:

(a) a pipe installed from the water distribution system by the City, for a City project, and for a specified temporary period of time; or

(b) a pipe installed with the permission of the Operating Authority for construction purposes;

“water connection/alteration permit” shall mean approval by the City of Kingston authorizing the permit holder to connect to the water distribution system in accordance with the terms and conditions set out in the permit;

“water distribution system” shall mean the part of the City’s drinking water system that is used in the distribution, storage or supply of water up to and including the water shut-off valve, and is not part of a treatment system;

“watermain” shall mean every water pipe, except water services and portions of private watermains as herein defined, owned and operated by the City;

“water rates” shall mean rates and charges as defined in the Water and Wastewater Rates and Miscellaneous Charges By-law;

“water meter” shall mean a device supplied by the City to measure the quantity or rate of water flowing through a pipe that is used to supply a building;

“water service” shall mean the portion of a water service pipe from the property line to the water meter location, or for a fire service to the inside of the exterior wall of a structure, i.e. an extension of a water service stub;

“water service stub” shall mean the portion of a water service pipe from a watermain to the water shut-off valve;

“water shut-off valve” shall mean the valve on the water service or private main owned and used by the City to shut off or turn on the water supply from the City’s water distribution system to any building;

“water valve” shall mean the valve used to shut off or turn on the supply of water which forms part of the water distribution system;

“water use analysis” shall mean the installation of a recording device to monitor the flow of water through a water meter over a given period of time;

Part 2 – Establishing or Altering a Water Service

2.1 Water Connection/Alteration Permit

The Owner shall obtain a Water Connection/Alteration Permit prior to the installation, repair, renewal, removal, plugging, capping or disconnection of a private watermain or a water service except where such a water connection has been specifically provided for and approved through the City's Subdivision or Site Plan Approval process or City watermain rehabilitation project.

2.2 Requirements for permit

Applicants for a Water Connection/Alteration Permit shall complete and submit the appropriate forms, provide the required drawings and information, and pay the stipulated fees or charges to the satisfaction of the City. The installation or disconnection of a private watermain or a water service shall not commence until a Water Connection/Alteration Permit is issued and all required payments have been received.

2.3 Process for a permit

Water Connection/Alteration Permit forms shall be available from the Operating Authority and are to be submitted to the Operating Authority along with any plans or drawings detailing the proposed connection, any other supporting information and required fees as stipulated in the Water and Wastewater Rates and Miscellaneous Charges By-Law. The Operating Authority shall review the proposed alteration/connection proposed and shall impose any condition that is deemed advisable and appropriate to ensure the integrity and safety of the water distribution system and the provision of potable water. Any conditions imposed will be identified in writing forming part of the approved permit and said conditions shall be complied with.

2.4 Extensions and connections

Extensions of and connections to the City's water distribution system shall only be permitted where they conform to the Official Plan of the City.

2.5 Capital works

New water service connections and water service installations made in association with a capital works project of the City shall be subject to all of the permit requirements of this by-law and to the charges and fees set out in applicable by-laws

2.6 Water service replacements

As part of a watermain rehabilitation project the City shall renew water service stubs on public property at its expense and to its specifications when:

- (a) piping is deemed by the Operating Authority to be beyond repair;
- (b) the existing pipe material is lead and supplies a single detached residence; or
- (c) the replaced public water service is the same diameter, or a 20 mm diameter service.

Replacement piping shall conform to the specifications of the City. If an Owner requests a larger size, the Owner shall pay the difference in material and labour costs.

2.7 Installation - by City

All water service pipes or private watermains that are to be connected to the drinking water system that require a live tap shall only be installed by the operating authority.

2.8 Installation - City specifications

All water service pipes and private watermains located within City property shall be constructed according to the City's standards. All water service pipes and private watermains 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 practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent the City's specifications shall be applied and shall prevail.

2.9 Installation inspection - by City

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

2.10 Installation - access for inspection

The City and persons authorized by the City 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.

2.11 Disconnection of service - temporary

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

2.12 Disconnection of service - permanent

When an owner permanently discontinues the use of a water service or private water main for water supply to a building or buildings the water service pipe or private watermain must be disconnected at the watermain, the watermain plugged or capped and the curb box and rod removed at the Owner's expense. All work must be inspected by the City and the owner shall pay for such inspection as required in the Water and Wastewater Rates and Miscellaneous Charges By-Law.

2.13 Multiple water services -prohibited

Only one water service per lot shall be permitted from the water distribution system. In situations where a shared water service would result from a division of land the shared water service shall be eliminated and a separate water service to each lot from the water distribution system shall be installed at the owners expense.

2.14 Opened loop systems - prohibited

No owner or occupant shall use or cause to be used any type of open loop water system as part of any heating, air conditioning or refrigeration equipment.

2.15 Hydraulic equipment connections - prohibited

No owner or occupant shall connect or permit to be connected to any part of the water system any hydraulic motor, elevator or other type of appliance that operates in whole or in part using potable water.

Part 3 - Cross Connections/Backflow Prevention

3.1 Protection from contamination

No person shall connect, cause to be connected or allow to remain connected to the plumbing system within a building or water distribution system any piping, fixture, fitting container or appliance in a manner which under any circumstances may allow water, waste water, non potable water or any other liquid, chemical or substance to enter the plumbing system within a building or water distribution system. The means for protection from contamination shall be in accordance with the requirements of the Ontario Building Code Act, 1992, as amended from time to time.

3.2 Inspection for cross-connections – access

Any person authorized by the City to conduct an inspection of any component of the drinking water system or its appurtenances, whether privately owned or not has free access at all reasonable times, and upon reasonable notice given in accordance with this By-law, 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.

3.3 Order to install control device

If a condition is found to exist which is contrary to Section 3.1 of this By-law, the Operating Authority shall immediately carry out an inspection and shall issue such order or orders to the Owner as may be required to obtain compliance with Section 3.1 of this By-law.

3.4 Failure to install - notice - water shut-off

If the Owner to whom the City has issued an order or notice pursuant to section 3.3, 3.5, 3.7, 3.8 or 3.9 fails to comply with that order or notice, the Operating Authority, at it's discretion, may:

- (a) give notice to the Owner to correct the fault, at his/her expense, within a specified time period and, if the notice is not complied with, the Operating Authority may then shut off the water service or services; or
- (b) shut off the water service or services upon complying with the notice provisions in this by-law.

3.5 Additional device on service

Notwithstanding sections 3.1, 3.3 and 3.4 of this by-law, where a risk of possible contamination of the water distribution system exists in the opinion of the Operating Authority, an Owner shall, on notice from the Operating Authority, install on his/her water service pipe a cross connection control device, approved by the Operating Authority, in addition to any cross connection control devices installed in the Owner's water system at the source of potential contamination.

3.6 Installation to required standards

Cross connection control or backflow prevention devices, when required by the City, 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.

3.7 Inspection and testing - paid by Owner

All backflow prevention devices shall be inspected and tested at the expense of the Owner, upon installation, and thereafter annually, or more often if required by the Operating Authority, by personnel approved by the Operating Authority to carry out such tests to demonstrate that the device is in good working condition. The Owner shall submit a report on a form approved by the Operating Authority or any or all tests performed on a cross connection control device within ten (10) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self employed) or the name of his employer and the tester's license number.

3.8 Failure to test device - notification - water shut-off

If an Owner fails to have a cross connection control device tested, the Operating Authority may notify the Owner that the backflow prevention device must be tested within four (4) days of the Owner receiving the notice.

3.9 Repair - replacement - by Owner

When the results of a test referred to in Section 3.7 of this by-law show that a cross connection control device is not in good working condition, the Owner shall provide written confirmation of the failure to the Operating Authority within twenty-four (24) hours of the test and make repairs or replace the device within four (4) days of the date of the test.

3.10 Removal of device - permission by City

No person shall without the prior written approval of the Operating Authority remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation or by order under Section 3.3 notwithstanding the fact that the applicable provincial regulation has been rescinded.

Part 4 – Inspection and access to property**4.1 Inspection powers**

The Operating Authority or any person designated by it as inspector for purposes of this by-law may, at reasonable times enter onto any land on which the City supplies drinking water for the following purposes:

- a) to install, inspect, repair, alter, or disconnect the service pipe or wire, machinery, equipment and other works used to supply drinking water to the building or land;
- b) to inspect, install, repair, replace or alter a water meter; or
- c) to determine if this by-law, an order, or condition to any permit is being complied with.

4.2 Reduce supply of water

For the purpose of carrying out an installation, inspection, repair, disconnection or other work the City may shut off or reduce the supply of water to any building or land.

4.3 Entry on land – discontinue supply

If an owner discontinues the use of the water supply or the City lawfully decides to cease the supplying water to any building or land, the City may enter onto the premises:

- a) to shut off the supply of water
- b) to remove any property of the City; or
- c) to determine whether the supply of water is being used lawfully

4.4 Access to dwellings

An inspector shall not enter a place being used as a dwelling unless:

- a) the consent of the occupier is first obtained, ensuring the occupier is first advised that entry may be denied and in such circumstance, entry can only occur thereafter under authority of a warrant;
- b) a warrant under section 158 of the Provincial Offences Act is obtained;
- c) the delay necessary to obtain a warrant or the consent of the occupier would result in the immediate danger to the health or safety of any person; or
- d) the entry is for the purpose of section 4.1 or 4.3 and the notice provisions of this by-law have been complied with.

4.5 Entry on land – notice requirements

Whenever an inspector exercises a power of entry pursuant to this By-law, the inspector shall:

- a) provide reasonable notice of the proposed entry to the occupier of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place for three consecutive days prior to entry;
- b) where the proposed entry is an inspection authorized by sections 4.1 or 4.3, the inspector must provide reasonable notice by means of personal service only;
- c) in so far as is practicable, restore the land to its original condition where any damage is caused by the inspection; and
- d) provide compensation for any damage caused and not remedied.

4.6 City expenses

All costs incurred by the City to perform work required by this by-law shall be charged to the Owner of the property where such work is performed and shall be collected according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the like manner as taxes. The City shall not be held responsible for the cost of restoration.

Part 5 –Water Meters

5.1 Water to be metered - remedy for violation

All water drawn from the water distribution systems, except water used for fire fighting purposes, or water use authorized by the Operating Authority, shall pass through the water meter supplied by the City for use upon such premises, and in addition to whatever other remedies the City may have by law in respect to infringement of this by-law, the City may, upon ascertaining that water has been used which has not passed through the water meter of such premises, shut off and stop the supply of water upon providing notice as required by this By-law.

5.2 Supply - installation - ownership - replacement

The Owner shall pay the water service installation charge as indicated in the Water and Waste Water Rates and Miscellaneous Charges By-Law as amended from time to time, before the City will supply the Owner with a water meter and the water meter must be installed prior to occupancy of the building. The water meter shall remain the exclusive property of the City and may be removed as and when the City may see fit, upon the same being replaced by another water meter, or for any reason which the City may, in its discretion, deem sufficient.

5.3 Restoration of water supply - as soon as practicable

If the City has shut off or restricted the supply of water under section 4.2 of this by-law, the City shall restore the supply of water as soon as practicable upon completion of the required work.

5.4 Charges - meters - owner to pay

Charges for all measured water consumption, as well as any work or services performed by the Operating Authority will be determined by the Operating Authority as indicated in the Water and Waste Water Rates and Miscellaneous Charges By-Law as amended from time to time and will be paid in full by the Owner. Work performed on the water distribution system that requires an owner or occupant to flush their plumbing system within the building to remove dirt or cloudiness shall not be exempt in part or in whole from any measured water consumption and the applicable rates or charges.

5.5 Every building metered - Operating Authority's discretion

Every building or property shall be water metered at the absolute sole discretion of the Operating Authority.

5.6 Installation to City specifications

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

5.7 Meter location - Operating Authority to consent to change

The location of a water meter, once installed to the specifications of the City, shall not be changed by any person except with the consent of the Operating Authority.

5.8 Private meters - Owner responsible

The City will not supply, install, inspect or read private water meters, nor will the City bill consumption on private water meters. Water supply pipes to private water meters shall only be connected to the owner's plumbing on the outlet side of the City's water meter.

5.9 Reading meter - access

The City and persons authorized by the City shall be allowed access to the premises and be provided free and clear access to the water meter where water is being supplied at all reasonable times for the purpose of reading, at the discretion of the City. Where such access to the premises and/or free and clear access to a water meter is not provided by the Owner within fourteen (14) days upon notification as required by this By-law, the City 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.

5.10 Valve maintenance - responsibility of Owner

The Owner shall supply, install and be responsible for maintaining in good working order the inlet valve to the water meter, the outlet and bypass valves for all water meters, and shall ensure that such valving is accessible.

5.11 Leaks must be reported

Any leaks that develop at the water meter or its couplings must be reported immediately to the Operating Authority. The City is not liable for damage caused by such leaks.

5.12 Interference with meter not permitted

No person, other than persons authorized by the Operating Authority 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 water meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building, the Operating Authority may 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 Operating Authority.

5.13 Owner responsible to repair piping

If, in the opinion of the Operating Authority, the condition of the water service pipe and/or valves and the plumbing system on such piping is such that the water 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 Operating Authority may require the Owner to make such repairs as may be deemed necessary to facilitate the removal or testing of the water meter. If, upon notification, the Owner does not comply with the Operating Authority'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 water meter and the City shall not be held responsible for any damages to the Owner's property arising from such work.

5.14 Non-functioning meter - amount of water estimated

If, for any cause, any water 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 water 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 water meter is working properly, and the charge for the water for the period during which the water meter was not working properly shall be based thereon.

5.15 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 readout device, the City will consider the reading at the water meter to be correct, and will adjust and correct the Owner's account accordingly.

Part 6 – Operation and Maintenance of the Water Distribution System**6.1 Maintenance of water service stub - City**

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

6.2 Maintenance of service extension and private watermain - Owner

Any and all defects, including the breaking of a water service, private watermain and meter pit shall be repaired by the Owner of the property being serviced. Should the City 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 Operating Authority may deem necessary, then the City may turn off the water supply to the property. If the City is ordered to restore the water supply, then the City may repair the defective water service pipe.

6.3 Operation of water shut-off valve

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

6.4 Access to water shut-off valves

All water shut-off valves must be left clear and accessible at all times so that the water in the water service pipe and private watermains may be turned off or on as may be found necessary by the Operating Authority.

6.5 Responsibility for protection, water loss, damage

All water service to and including the water 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 and/or private main and the charge for such water loss shall be determined by the Operating Authority, shall be paid by the Owner upon demand by the City, and the City shall not be held responsible for any damages arising from such leakage.

6.6 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 shall request that the Operating Authority have the water shut-off valve turned off to stop the 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 Miscellaneous Charges By-Law

6.7 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 Occupant shall have no claim against the City.

6.8 Responsibility for frozen pipes - City - Owner

Thawing out frozen water service stubs shall be the City's responsibility. Thawing out a frozen water service or private watermains shall be the Owner's responsibility. Where any employee of the City 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 City by reason of such work.

6.9 Conditions on water supply

The City 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 Owner or Occupant caused by the breaking of any water service pipe or attachment, or for the shutting off of water to repair or rehabilitate watermains or to tap watermains. Where planned work on the water distribution is contemplated the Operating Authority will make reasonable effort to provide two (2) days notice, delivered to the lands affected, of the intention to shut off the water, save and except for emergency shut downs.

6.10 Unusual service demands

Where an Owner requires a supply, a guaranteed supply or quality of water or water pressures beyond that provided by the water distribution system, the Owner is responsible for providing such services, devices or processes that satisfy their specific requirements.

6.11 Unauthorized operation or interference – offence

No person, other than persons authorized by the Operating Authority for that purpose shall open or close a water valve in the public water distribution system, or remove, tamper with or in any way interfere with any water shut-off valve, water meter, structure, watermain or water service in the water distribution system, including private watermains, nor tap off or make any connection to a watermain.

6.12 Work on the system

The City shall perform all work having to do with the City's water distribution system and with the installation, repair, renewal, or removal of the City's in-service water distribution system. The Operating Authority may delegate to any person the authority to perform work on the water distribution system, on conditions acceptable to the Operating Authority.

6.13 Shut off- repair

The City shall have the right at any time and without notice to shut off the supply of water to any building if, in the opinion of the Operating Authority, the water service located on the property is not being properly maintained, develops a significant leak, or in any way compromises the integrity of the City's water works, and not to restore service until such condition has been rectified to the satisfaction of the Operating Authority.

6.14 Damage to water distribution system – offence

No person shall break, damage, destroy, deface or tamper with, or cause or permit the breaking, damaging, destroying, defacing or tampering with any part of the water distribution system.

Part 7 – External Use of Water

7.1 Regulations – external use of water - June, July, August and September

The following restrictions on the use of water outside of any building are effective within all areas of the City serviced by the water distribution system:

- (a) During the period from June 15th to September 15th, 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;
 - (iii) only between the hours of 5:00 a.m. and 10:00 a.m. on the day permitted for the external use of water where a lawn sprinkler or similar device is used.
- (b) The Operating Authority, in its absolute discretion, is authorized to impose at any time any other water use regulation which it deems advisable to further limit the external use of water. This authority shall include, but is not limited to, the right to further limit the hours of external water use on permitted days and to ban completely the external use of water at any time.
- (c) Notice of an additional water use regulation and the effective date thereof shall be given by the Operating Authority by publishing in a newspaper of local circulation notice of the additional water use regulations on three (3) consecutive days.
- (d) Following the notice of an additional water use regulation, no person shall use water except in accordance with the provisions of such regulation.

7.2 Exemptions

- a) Any person may, from a water source other than the municipal water distribution system, use water externally.
- (b) The Operating Authority may, in its sole discretion, exempt any property or portion thereof from Section 7.1 by issuing an exemption permit.
- (c) The person requesting the exemption must submit a written application in a form approved by the Operating Authority and pay a fee of fifty-five dollars (\$55.00) per exemption per property.
- (d) Any exemption permit issued pursuant to section 7.2(b) shall be deemed to contain the following conditions:
 - (i) New sod, grass seed, or hydro seeded areas may be watered using a sprinkler or other similar device between the hours of 5 a.m. and 10 a.m. for seven (7) consecutive days commencing on the date specified in the exemption permit;
 - (ii) New trees or shrubs may be watered by a hand held hose only between the hours of 5 a.m. and 10 a.m. for seven (7) consecutive days commencing on the date specified in the exemption permit;
 - (iii) For circumstances where complying with section 7.1 would cause irreparable damage or impose undue hardship on a property owner the Operating Authority may issue an exemption permit to permit watering of any property between the hours of 5 a.m. and 10 a.m. for up to seven (7) consecutive days commencing on the date specified in the exemption permit;
 - (iv) The exemption permit shall be posted in a conspicuous place on the property for which the exemption permit applies; and
 - (v) No more than one (1) exemption permit may be issued per property per year.
- (e) Notwithstanding any other provision of this by-law, the Operating Authority may permit up to two (2), seven (7) consecutive day extensions pursuant to section 7.2(d)(iii) per year, per property provided that the applicant pays a separate fee for each seven (7) day extension.

Part 8 - Fire Hydrants

8.1 Unauthorized operation of fire hydrant – offence

No person, except for city personnel authorized under the *Safe Drinking Water Act, 2002*, is permitted to operate a fire hydrant.

8.2 Responsibility for hydrant maintenance

Any hydrant situated within the road allowance is the property of the City and shall be maintained by it; City-owned hydrants located on private property shall be maintained by the City. Hydrants owned and paid for by any persons other than the City shall be maintained by such persons.

8.3. Tampering

No person shall paint fire hydrants or tamper with the colour scheme of fire hydrants except with the permission of the Operating Authority.

8.4. Access

No person shall obstruct the free access to any fire hydrant or plant or place, or cause or permit to be planted or placed, vegetation or other objects within a 3 metre corridor between the hydrant and the curb nor within a 1.5 metre radius beside or behind a hydrant except with the prior written authorization of the Operating Authority.

8.5. Private hydrants

Private hydrants shall be maintained accessible at all times and in good operating condition by and at the expense of the Owner and shall be tested on a regular basis at the Owner's expense and in accordance with the Ontario Fire Code.

8.6. Use of water from hydrants

Except for water used for fire fighting and those operations as authorized by the Operating Authority, any other use of a City's fire hydrant for water supply is prohibited.

8.7. Improper use of water from fire service - offence

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 9 - Prohibitions

9.1 Prohibitions under this by-law

No person shall:

- (a) contravene any provision of this by-law or any order or notice issued pursuant to this by-law;
- (b) 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;
- (c) let off or discharge water so that the water runs waste or useless out of the works;
- (d) improperly waste the water or, without the consent of the City, 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;
- (e) without lawful authority 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;
- (f) throw or deposit any injurious or offensive matter into the water or waterworks, or upon the ice if the water is frozen, or in any way foul the water or commit any damage or injury to the works, pipes or water, or encourage the same to be done;
- (g) alter any water 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
- (h) lay or cause to be laid any pipe or watermain to connect with any pipe or watermain of the water distribution system, or in any way obtain or use the water without the consent of the corporation
- (i) use or permit the use of water externally except in accordance with the regulations specifically set out in this by-law and any other regulation imposed by the Operating Authority.

Part 10 - Enforcement

10.1a Every Person who contravenes any provision of this By-Law shall, upon issuance of a Penalty Notice in accordance with Administrative Penalty Process By-Law 2020-69, be liable to pay to the City an Administrative Penalty as set out in Schedule B of the Administrative Penalty Process By-Law.

(By-Law 2006-122; 2021-107)

10.1 Fine - for contravention

Notwithstanding Part 10.1a of this By-Law, 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*.

(By-Law 2006-122; 2021-107)

10.2 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.

10.3 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 City for all damages caused.

10.4 Offence - additional - willful damage

Every person who damages or causes or permits to be damaged any water meter, water service pipe, conduit, wire, rod or water fitting belonging to the City or impairs or causes or permits 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 City, and for any expenses of repairing or replacing the water meter, water service pipe, conduit, wire, rod or fitting all of which is recoverable under the *Provincial Offences Act*.

10.5 Offence - additional - injuring waterworks

Every person who removes, destroys, damages, 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 City is guilty of an offence and on conviction is liable to a fine, to the use of the City, and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

10.6 Where an Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.

10.7 If a Person is required to pay an Administrative Penalty under section 10.1a in respect of a contravention of this By-Law, the Person shall not be charged with an offence in respect of the same contravention.

10.8 In accordance with section 351 of the Municipal Act, 2001, as amended from time to time, the treasurer of the City may add unpaid fees, charges and/or fines issued under this By-Law to the tax roll and collect them in the same manner as property taxes.

(By-Law 2006-122; 2021-107)

11. In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be determined to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

12. This By-law shall come into full force and effect on the date of its passing.
