

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2013-38

Being a by-law to repeal By-law 2010-69 and to regulate the use of municipal watermains, valves, hydrants and the installation and connection of water service piping, and to provide penalties for violations within the Township of Tay.

WHEREAS Section 8 of the *Municipal Act, S.O. 2001, as amended* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 9 of the *Municipal Act, S.O. 2001, as amended* provides that Sections 8 and 11 of the Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS the Council of the Corporation of the Township of Tay deems it advisable to provide a by-law which sets out or amends the conditions on which domestic water service shall be supplied to the ratepayers;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AND BE IT ENACTED AS FOLLOWS:

1.0 DEFINITION:

In this by-law:

"Adequate Municipal Watermain" means a "watermain" designed and constructed to provide adequate supply and quality on a year round, continuous basis;

"Building Water Service Pipe" means that part of the water service pipe that connects a building to the curbstop;

"Clerk" means the Clerk of the Corporation of the Township of Tay

"Curbstop" means a water service shut off valve located between the "building water service pipe" and the "water service lateral", placed at or near the property line and representing the dividing line between the Townships and owners equipment;

"Director" means the Township Director of Public Works or his designate;

"Drought Conditions" means the conditions resulting from the lack of natural rainfall, or equipment limitations or breakdowns, which cause the municipal water systems to become overloaded to the extent the water needs for domestic and fire protection cannot be satisfied on a continuous basis;

"May" means permissive;

"Municipality" means the Corporation of the Township of Tay;

"Operator" means the operator of the municipal water systems employed by the Corporation of the Township of Tay;

"Owner" means the owner of land within the Township of Tay;

“Person” means and includes any individual, firm, company, association, partnership, society, incorporated company, or group, and wherever the singular is used herein it shall also be construed as including the plural;

“Shall” mean mandatory;

“Swimming pool” means any privately owned body of water located outdoors above or below finished grade on privately owned property, contained in part or in whole by artificial means in which the depth of the water at any point can exceed 450 mm (18 inches) and includes hot tubs, whirlpools and spas;

“Vacuum Breaker” means a device or a method that prevents back-siphonage in a water distribution system;

“Watermain” means a pipe which carries water and in which all owners of abutting properties have equal rights and is controlled by the Corporation of the Township of Tay; and

“Water Service Lateral” means the service pipe from the water main to the curbstop.

2.0 GENERAL PROHIBITION:

- (a) No person other than the Director or designate shall repair, remove, inspect, tamper with or connect to any of the municipality's equipment, before, during or after installation.
- (b) No person shall draw off or use any water from any fire hydrant without the written consent of the Director. This restriction shall apply to all fire hydrants including those on unassumed roads and private property. This restriction shall not apply to a municipal fire fighter where water is required for fire protection purposes.
- (c) No person other than a Licensed Township Water Operator or a Qualified Township Building Inspector shall operate any curbstop within the Municipal Water Distribution System.
- (d) No person other than a Licensed Township Water Operator shall operate any other valve in the Municipal Water Distribution Systems.
- (e) The property owner shall be responsible for the satisfactory operation, repairing, replacement and maintenance of the building water service pipe.
- (f) The rules and regulations set out in this by-law shall govern and regulate the operation of any water system owned by the Municipality and shall be considered to form a part of the agreement between the Municipality for provision of water service to such building and every such owner or occupant by applying for and receiving water service from the Municipality shall be deemed to have expressed his/her consent to be bound by the said rules and regulations.
- (g) The Municipality agrees to use reasonable diligence in providing a regular uninterrupted supply of water for domestic use only, but does not guarantee a constant service or the maintenance of unvaried pressure and will not be liable in damages to the owner of property serviced by water or any other person by reason of any failure in respect thereto.

- (h) The Municipality shall not be liable to the owner of property serviced by water or any other person for damages by reason of failure to supply water for any reason whatsoever. The Municipality will, however, exercise reasonable diligence and make such repairs as may be necessary, and do such acts as within its powers, to restore the services, and shall at all times for such purpose, have the right to enter upon the lands of the owners; provided that if the Municipality by reason of its entry onto private property, occasions any damage to the said private property, then such damage shall be repaired in a proper manner forthwith, at the Municipality's expense.
- (i) Notwithstanding anything herein stated, there shall be no obligation on the part of the Municipality to service any lands within the Municipality for the supply of water and the Municipality reserves the right to determine what areas shall be serviced with the supply of Municipal Water.
- (j) In order to provide frost protection for those seasonal water service connections located on Robins Point Road from #40 to #434 and from #41 to #437 the Township will provide at no additional fee, water service shut-off and turn-on service for properties with seasonal water service connections. The related shut-off date will be no later than November 10th of each year and the turn-on date will be no earlier than April 1st of each year. Affected property owners are required to purge their private service connection with air in a manner which dispenses all water from the pipe(s) and are responsible to give the Township 24 hours notice for water service shut-off or turn-on. The water rate for the affected properties is the normal residential rate as may be decided by Council from time to time.

3.0 BUILDING WATER SERVICE PIPE CONNECTIONS:

No person shall make a connection to a municipal watermain, except as follows;

- (a) Each property shall have a separate building water service pipe.
- (b) All building water service pipes from the water service lateral to the building shall be to the following specifications:
 - i) For buildings which serve more than one (1) residence or one (1) commercial function, the size of the building water service pipe shall be determined by the Director at the owner's expense.
 - ii) The Water Service Box shall be kept in an exposed position above the ground surface. Where the Water Service Box is located within a driveway or within 2.0 metres of a driveway, the Water Service Box shall be flush with the surface and encased in concrete or asphalt.
- (c) No connection shall be made to a municipal watermain or curbstop without the approval of the Municipality.

- (d) The Municipality shall not supply water or complete a water service connection unless the owners plumbing has passed an inspection by the Chief Building Official or designate.
- (e) Vacant lots, which are not serviced by a Municipal watermain, shall be provided with a watermain or a water service lateral subject to the following conditions:
 - i) All labour and material necessary for the construction of watermain or a water service lateral from the watermain to the street line shall be paid for by the owner of the property, which is to be provided with water service, by a lump sum deposit as set out by the Municipality. Upon payment, the property owner shall be entitled to such installation by the Director.
 - ii) In the event the actual cost of the installation of such water service lateral exceeds the amount prepaid to the Municipality, the person applying for such installation shall forthwith, after the completion of such installation, pay to the Municipality the balance of such cost. Where the costs are not paid by the date requested by the Township the said costs will be added to the tax roll for the property and collected in a like manner as taxes.
- (f) The Director or designate may, on the application of an owner, approve a temporary building water service pipe connection for the purpose of assisting the construction of a building.
- (g) All connections of the water service laterals to the municipal watermain shall be made with a corporation stop.

4.0 CONNECTIONS:

- (a) The owner of any residential, commercial or industrial building, whose property fronts on a Municipal roadway and an adequate municipal watermain servicing said property, shall connect to the said watermain for the supply of domestic water and to no other private water line according to the terms of this by-law.
- (b) An owner of any property, which fronts on an adequate municipal watermain, who wishes to connect to his/her own private water supply, may do so provided his/her building water service line is physically disconnected from the curbstop and he/she pays the annual water user fee as set by the municipality from time to time. If said owner wishes to reconnect to a municipal watermain, the owner shall pay the permit, inspection, construction, connection and any other applicable fees.
- (c) Any owner who wishes to disconnect from a private water supply and connect to the Municipal watermain shall not do so unless they have physically disconnected all plumbing from the private supply and have had this work inspected and approved by the Director.
- (d) The Director or designate may turn off the water to a property for non-payment, if there is a concern water is leaking, or if reasonable access is not granted for water meter reading or water meter maintenance.

5.0 WATER RESTRICTIONS:

- (a) Under the terms of this by-law, the usage of water to water lawns, gardens or the topping up of swimming pools is not a domestic use and is subject to restrictions.
- (b) No person shall use municipal water (other than by use of a hand held watering can):
 - i) From more than one (1) outside faucet.
 - ii) To water lawns, gardens, or top up swimming pools except between the hours of 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m.
 - iii) To water lawns or gardens on the days of the month that do not correspond with the civic address, meaning odd numbered houses on odd calendar days and even numbered houses on even calendar days.
- (c) The Municipality upon receipt of a written request, may issue a permit allowing water from a municipal water system to be used to water newly placed nursery sod for seven (7) consecutive days during the designated outside water usage hours as set out herein. The permit, once issued is only valid if it is displayed in a conspicuous place which allows staff to easily recognize it.
- (d) Properties operating as Saint Marie Among the Hurons, Wye Marsh Wildlife Centre and, Martyrs' Shrine (PIN's 585130289, 585130290 and 584750372) are forbidden to use municipal water for the purpose of lawn irrigation in any amount at any time.

6.0 DROUGHT CONDITIONS:

- (a) In the event of the occurrence of drought conditions, the Director may prohibit and regulate all outside water use.
- (b) The occupant of a building to which water is supplied by the municipality shall adhere to water restrictions and/or water bans in effect after public notification (Township website, community signs, media release to local media) of any such restriction or ban.

7.0 SWIMMING POOLS:

- (a) All owners of properties with swimming pools shall install a vacuum breaker device on all outside water faucets.
- (b) No person shall cause or permit a swimming pool to be filled from a municipal water system.
- (c) An owner may occasionally top up a swimming pool during the designated outside water usage hours as set out herein.

8.0 PENALTIES:

- 8.1 Every person who contravenes any of the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 8.2 Every person who contravenes the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25, as amended.
- 8.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 8.4 Despite section 8.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 8.5 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 8.6 Despite section 8.5 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 8.7 Every person who fails to comply with a notice made under this By-law is guilty of an offence.
- 8.8 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the Municipal Act, 2001, as amended, or under a by-law passed under the Municipal Act, 2001, as amended.
- 8.9 Any person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.
- 8.10 Every person who contravenes any section of this by-law under a Part 1 ticket, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- 8.11 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

9.0 OBSTRUCTION:

- (a) In accordance with the provisions of the *Municipal Act S.O. 2001, c.25, as amended*, Section 426(1), no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an officer, employee of the Township of Tay and/or agent in the lawful exercise or power or duty under this by-law.

10.0 GENERAL:

- (a) This By-law shall be know as a by-law to regulate the use of municipal watermains, valves, hydrants, and the installation and connection of water service piping, and to provide penalties for violations thereof.
- (b) Every provision of this by-law is declared to be severable from the remainder of the by-law and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

11.0 SEPARATE OFFENCE:

- (a) For the purpose of this by-law, each day of a continued offence shall be deemed to be a separate offence.

12.0 SHORT TITLE:

- (a) The short title of this by-law is the Water Use By-law.

13.0 REPEALED:

- (a) That By-law 2010-69 is hereby repealed.
- (b) That this by-law shall take force and take effect immediately upon the final passage thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29TH DAY OF FEBRUARY, 2016.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR, Scott Warnock

CLERK, Alison Thomas

**CORPORATION OF THE TOWNSHIP OF TAY
PART 1 PROVINCIAL OFFENCES ACT**

By-law 2013-38: Water Use By-law

ITEM	Column 1 Short Word Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1	Operate any curbstop within the Municipal Water Distribution System without permission.	2.0 (c)	\$125.00
2	Operate any valve within the Municipal Water Distribution System without permission.	2.0 (d)	\$125.00
3	Use municipal water outside from more than one faucet.	5.0 (b) i	\$125.00
4	Use municipal water outside during non-permitted hours.	5.0 (b) ii	\$125.00
5	Use municipal water outside during non-permitted days.	5.0 (b) iii	\$125.00
6	Use municipal water for outside watering when a restriction or ban is in effect.	6.0 (b)	\$300.00
7	Fail to install a vacuum breaker on all outside water faucets.	7.0 (a)	\$150.00
8	Cause or permit a swimming pool to be filled from a municipal water system.	7.0 (b)	\$150.00
9	Obstructing an Officer or Agent.	9.0 (a)	\$125.00

Note: The penalty provision(s) for the offences indicated above is Section 8 of By-Law 2013-38 a certified Copy of which has been filed.

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PART 1 PROVINCIAL OFFENCES ACT**

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1	Operate any curbstop or valve within the Municipal Water Distribution System without permission.	2.0 (c)	
2	Use municipal water outside from more than one faucet.	5.0 (b) i	
3	Use municipal water outside during non-permitted hours.	5.0 (b) ii	
4	Use municipal water outside during non-permitted days.	5.0 (b) iii	
5	Use municipal water for outside watering when a restriction or ban is in effect.	6.0 (b)	
6	Use outside water faucet to top up a swimming pool without a vacuum breaker.	7.0 (a)	
7	Cause or permit a swimming pool to be filled from a municipal water system.	7.0 (b)	
8	Obstructing an Officer or Agent.	9.0 (a)	

Note: The penalty provision(s) for the offences indicated above is Section 8 of By-Law 2013-38 a certified Copy of which has been filed.