



By-Law No. 2013-18

Being a By-law to impose water service rates upon owners or occupants of land who use water works, owned and operated by the Corporation of the Township of Dubreuilville.

WHEREAS a municipality may acquire, establish, maintain and operate waterworks; and

WHEREAS a municipality may define an area in the municipality and may assess and levy on the ratable property in the area the cost of the waterworks including debenture charges, the cost of maintenance and management and the cost of the water, or any part thereof; and

WHEREAS a municipality may regulate the distribution and use of the water in all places where and for all purposes for which it may be required, and fix the prices for the use thereof, and the times of payment, and may erect such number of public hydrants and in such places as it may see fit, and may direct in what manner and for what purposes the same shall be used, and may fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public building; and

WHEREAS a municipality may pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefore, and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to wholesome water, and to prevent the practicing of frauds upon the corporation with regards to the water so supplied, and for providing that for a contravention of any such by-law the offender is guilty of an offence; and

WHEREAS Council may pass by-laws for the maintenance and management of the works and the conduct of its officers and others employed in connection with them, and may also by by-law or resolution fix the rates or charges for supplying the public utility and the charges to meet the cost of any work or service done or furnished for the purpose of a supply of a public utility, and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to consumers, and provide for the collection of such rates, charges and rents, and the times and places when and where they shall be payable and for allowing such discounts or penalties as may be considered expedient; and

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, provides that Councils of local municipalities may pass by-laws requiring owners of buildings of any class or classes of buildings in the municipality or in any defined area to connect the said buildings to the sewage or water works of the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Dubreuilville enacts as follows:

1. DEFINITIONS

- 1.1. "Council" shall mean the Council of the Corporation of the Township of Dubreuilville."
- 1.2. "Fire Chief" shall mean the Chief of the Township of Dubreuilville Fire Department.
- 1.3. "Municipal Water Area" shall mean a built-up or urban area within the Township of Dubreuilville serviced by a Municipal Water System.
- 1.4. "Municipal Water Supply" shall mean the water supplied from a Municipal Water System.
- 1.5. "Municipal Water System" shall mean the works and equipment under the jurisdiction of the Township for the support or distribution of water or any part of such system.
- 1.6. "Owner" shall mean the assessed owner(s) as identified on the Assessment Roll for Taxation Purposes during the current year, as amended.
- 1.7. "Person" shall mean an individual human being, his/her personal agent, heir, successors and assigns and shall include a corporation with or without share capital.
- 1.8. "Public Works Superintendent" shall mean the Public Works Superintendent of the Township of Dubreuilville.
- 1.9. "Service Provider" shall mean authorized as per operations and maintenance service contract agreement in place (ex. "OCWA" shall mean Ontario Clean Water Agency)
- 1.10. "Township" shall mean The Corporation of the Township of Dubreuilville hereinafter referred to as the Township.
- 1.11. "Treasurer" shall mean the Treasurer of the Township of Dubreuilville.
- 1.12. "Unit" shall mean one residential dwelling unit or its equivalent as determined by the Residential Equivalency Unit Table as adopted by Council.
- 1.13. "Water works" shall mean any works for the collection, 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.

2. GENERAL PROVISIONS

- 2.1. This By-law shall apply to all Municipal Water Systems located within the geographical boundaries of the Township.
- 2.2. No person shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the Municipal Water System, or in any way obtain or use the Municipal Water Supply without the consent of the Township.
- 2.3. Any extensions or connections to a Municipal Water System shall be constructed in accordance with the specifications set by By-law 85-11 as amended by By-law 86-17 of the Township of Dubreuilville.
- 2.4. 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 improperly waste water.

- 2.5. 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 Superintendent, 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. This shall include the furnishing of water from one building connected to the Municipal Water System to another building.
- 2.6. All pipes, valves, fittings and other equipment between the water main and the street line shall remain the property of the Township.
- 2.7. The Public Works Superintendent and/or Service Provider 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 drinking water objectives as established by the Ministry of the Environment and Energy or such other approval authority.
- 2.8. The Township 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 Township, its officers or employees.
- 2.9. The Public Works Superintendent and/or Service Provider 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.
- 2.10. The Public Works Superintendent, Service Provider or other duly authorized employee, may, in the case of an emergency which may imperil the supply or quality of water, shut off the Municipal Water Supply and take such remedial action as may be necessary. Such remedial action may include limiting or stopping up the supply of water in any area or restricting the use of water for any specific purposes.
- 2.11. When the Public Works Superintendent, Service Provider or other duly authorized employee, deems it necessary to limit or shut off the Municipal Water Supply due to an emergency situation, the Township shall not be liable for damages incurred due to such action. Reasonable efforts will be made by the Township to notify the affected owners. The Public Works Superintendent shall report to Council all such incidents and an action taken as soon as it is practical.
- 2.12. Neither the Township, its officers, employees, agents or service providers shall incur any liability whatsoever by reason of water running from an open or faulty fixture, or from broken or damaged connections.

3. REQUIREMENT FOR CONNECTION TO AND REGULATION OF MUNICIPAL WATER SYSTEM

- 3.1. Every owner of a property located within a Municipal Water Area who wishes to connect an existing building to the Municipal Water System may apply in writing to the Public Works Superintendent. All applications for connection to the Municipal Water System shall be accompanied by the Connection Fee set out in Schedule "B" of this By-law.
- 3.2. Every new building constructed on a 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 Superintendent prior to the issuance of a building permit and shall be accompanied by the Connection Fee set out in Schedule "B" of this by-law.

- 3.3. The Township 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 the other properties within the Municipal Water Area.
- 3.4. An owner may apply in writing to Council for an exemption from connection to a Municipal Water System. Council, or a Committee designated by Council, shall consider all requests and may grant an exemption unless such exemption would be at variance to any written requirement, order or approval by a Medical Officer of Health, Public Health Inspector or the Ministry of the Environment and Energy.
- 3.5. Notwithstanding Section 3.4, no owner of a property located within a Municipal Water Area and connected to the Municipal Water Supply shall be granted an exemption in order to permanently disconnect from the Municipal Water System.
- 3.6. 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 Connection Fee, be responsible for the cost of the installation of the water works from the water main to the property line. The Public Works Superintendent shall provide an estimate of this cost at the time of application and the owner shall deposit said amount with the Township prior to issuance of the connection permit.
- 3.7. In the event that the actual cost of the water service connection from the water works to the property line is less than the owner's deposit, a refund cheque shall be issued for the difference. 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 placed on the water bill and collected in the same manner as the Water Rate.
- 3.8. Every building connected to a Municipal Water System shall have its own individual connection with the exception of an Apartment or Commercial Building which contains multiple units where a minimum 25 millimeter dual connection with 19 millimeter wyes may be provided.
- 3.9. Any owner of a building to be connected, to a Municipal Water System shall install, if not already provided, a gate type control valve and backflow preventer on the water service. The control valve shall have capability to be drained and shall be mounted so the value can be drained when the water supply is shut off. This control valve is in addition to the curb stops located on the service pipe at the property line.
- 3.10. Any owner of a building to be connected or already connected to a Municipal Water System and that is situated at the end of a street or where the water supply reaches the end at their property, must have a waterline by-pass valve installed. The owner shall be responsible for the operation and maintenance of said by-pass valve to ensure continued water supply with no interruptions, especially within the winter months and frost seasons. A notice will be sent out to owners affected in the fall to ensure that their by-pass valve is turned on for the winter months and remains on continuously. Another notice will be sent out to owners affected in the spring to advise that the by-pass valve may now be turned off for the summer months.
- 3.11. The owner shall be held liable for any damage to equipment of the Township which may be willfully caused by the owner, or result from 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 foregoing, for damage occasioned by operating the Township's curb stop in lieu of a control valve and for damage due to ground wire attachments.

- 3.12. Any owner who desires a change in the location, arrangement or size of a Municipal Water Supply service shall apply in writing to the Public Works Superintendent and shall pay upon demand all costs incurred by the Township 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 collected in the same manner as water charges.
- 3.13. Where any auxiliary water supply exists in any building connected to a Municipal Water System, approved backflow protection shall be provided. This requirement shall include the handling of processed waters and waters originating from the Municipal Water System which may have been or may be subjected to deterioration in sanitary quality. Backflow protection devices shall be installed where internal cross connections exist.
- 3.14. Any owner desiring to have the Municipal Water Supply temporarily or permanently turned off or on for any non-emergency reason whatsoever shall apply in writing seven (7) days in advance to the Public Works Superintendent and/or Service Provider who may direct that the water be turned on or off on a designated week day.
- 3.15. A Disconnection/Re-Connection Fee as set out in Schedule "B" of this By-law shall be charged by the Township for the turning off or on of the Municipal Water Supply where such action is necessitated by:
 - 3.15.1. a written request by the owner; or
 - 3.15.2. non-payment of a water bill.
- 3.16. During an emergency shut-off, where the Public Works Superintendent is not available and the Service Provider is to turn off or on the water, the fees as set out in the operations and maintenance service agreement in place by the Service Provider shall be payable by the owner when Service Provider is not in town on scheduled days.
- 3.17. No person shall commit any willful damage, or injury to the water works, pipes or water, or encourage the same to be done.

4. WATER USAGE & RESTRICTIONS

- 4.1. No person shall willfully let off or discharge water so that the water runs waste or useless out of the Municipal Water System.
- 4.2. The Township reserves the right to turn off the Municipal Water Supply, as deemed necessary by the Public Works Superintendent and/or Service Provider, to stop and prevent waste.
- 4.3. Failure to comply with any requirements relative to the protection of a Municipal Water Supply shall be sufficient reason for immediate discontinuance of water service by the Township until such time as it is determined that the requirements of the Township and the Ontario Building Code Act have been met.
- 4.4. The Public Works Superintendent, Service Provider or other duly authorized employee, may take such measures as it is deemed necessary to regulate or suspend any or all use of water distributed through a hose, or any other attachment, for street, lawn or garden watering, or for any fountain or object, or for any other similar purpose. An order issued by a Township employee to suspend lawn watering or any other similar purpose shall remain in effect until the Public Works Superintendent and/or Service Provider has revoked it. No person shall use water for lawn watering or any other similar purpose when an Order for suspension is in effect.

5. FIRE HYDRANTS

- 5.1. No persons shall use hydrants connected to any Municipal Water System except as follows:
 - 5.1.1. employees, Service Provider or volunteer fire fighters authorized by the Fire Chief, or designate
 - 5.1.2. employees authorized by the Public Works Superintendent and/or Service Provider;
 - 5.1.3. persons having written permission from the Township to use the hydrants under the supervision of the Public Works Superintendent and/or Service Provider.
- 5.2. Any person who wishes to use the Municipal Water Supply from a hydrant to fill a swimming pool shall apply in writing to the Public Works Superintendent and/or Service Provider. Every application shall be accompanied by the prescribed fee as set out in Schedule "B" of this By-law. Upon payment of this fee, the Public Works Superintendent and/or Service Provider shall provide authorization and supply a hydrant connection. The hydrant connection shall be used and carefully preserved at all times by the applicant.
- 5.3. No person shall, without approval of the Public Works Superintendent, Fire Chief or Service Provider, willfully open or close any hydrant.
- 5.4. No person shall obstruct the fire access to any hydrant, stopcock, chamber, pipe or hydrant by placing on it any building material, rubbish, snow or other obstruction.

6. WATER CHARGES, BILLING AND COLLECTION

- 6.1. A Water Service Rate is hereby imposed as per Section 391 of the Municipal Act, 2001, upon all owners of buildings connected to the Dubreuilville Water System to pay for the consumption, including repair, maintenance, depreciation, deferred maintenance, reserve fund or for any such related purposes of the water works.
- 6.2. A Capital Water Levy Rate is hereby imposed as per Section 391 of the Municipal Act, 2001, upon all owners of buildings/properties connected to the Dubreuilville Water System to pay for capital work (if any) done to the water system.
- 6.3. The Treasurer shall issue semi-annual bills to the Owners of serviced properties in accordance with Schedule "A" of this By-law.
- 6.4. The due dates for the water bills shall be May 31st (interim) and November 30th (final) in every year.
- 6.5. The interim water bill, in any year, shall be in the amount of 50% of the previous year's levy, rounded to the nearest dollar.
- 6.6. The interim amount shall be deducted from the final water bill which shall be calculated by taking the amount to be levied for water services as per approved current year budget and dividing that amount by the total number of units as determined through the current year's units as per the utility financial system that is constantly kept current.
- 6.7. Properties are subject to fees outlined in Section 6.1 in an amount equal to the amount determined under Section 6.6 divided by 365 multiplied by the total days of actual use in a given calendar year. Adjustments to the final water bill for actual amount of days used and connected to the Municipal Water Supply will only be reflective on your bill if the proper request was made and filed with the Public Works Superintendent and/or Service Provider to turn on or off the municipal water supply throughout the current year.

- 6.8. Fees outlined in Section 6.2 are payable regardless of whether the service is used or not.
- 6.9. The Clerk and/or Treasurer shall accept all written requests for amendments to established units that are in place for the current billing year and proceed as follows:
 - 6.9.1. The properties shall be inspected and amendment shall be granted or denied according to findings of the inspection.
 - 6.9.2. The utility financial system shall be amended accordingly prior to the issuance of the interim water bill.
- 6.10. Water bills shall be due and payable not less than twenty-one (21) days from the date of billing.
- 6.11. Water bills shall be payable to the Township of Dubreuilville and may be paid during office hours in person, through online banking or by mail at the Township of Dubreuilville Office, 23 rue des Pins, P. O. Box 367, Dubreuilville ON P0S 1B0.
- 6.12. The owner shall pay to the Township upon demand, the water charges assessed against each unit, subject to the following:
 - 6.12.1. An owner may apply, in writing, to the Treasurer to authorize the billing of water charges to a tenant. Both the owner and the tenant shall sign said application.
 - 6.12.2. 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.
- 6.13. The Treasurer shall impose a one-time five (5) percent late charge on all unpaid accounts on the day after the due date.
- 6.14. If an account remains unpaid for a period of ninety (90) days, the Treasurer shall notify the owner and/or occupant by registered mail that the Municipal Water Supply may be turned off by the Township. A \$25.00 flat rate will be charged to the account for the cost of sending a registered notice. If the owner has opted to direct bill to the tenant/occupant, a copy of this same notice shall be copied to the tenant/occupant. The Notice shall provide the owner and/or occupant with twenty-one (21) days from the date of the notice to make suitable arrangements for payment of the account. If the owner and/or occupant fails to pay the account or make suitable arrangements for the payment thereof within the twenty-one (21) days, the Treasurer shall direct the Public Works Superintendent or alternate to shut off the Municipal Water Supply to the subject unit or building.
- 6.15. Where the Municipal Water Supply has been shut off under Section 6.14, the Public Works Superintendent or alternate shall turn on the water supply, when the owner and/or occupant has complied with the following conditions:
 - 6.15.1. The account has been paid in full; and
 - 6.15.2. The appropriate fees as set out in Schedule "B" of this By-law have been paid to the Township.
- 6.16. Where the Municipal Water Supply has been turned off and the owner and/or occupant fails to take any action to restore the water supply in accordance with Section 6.15, the Treasurer may under Section 398 (2) of the Municipal Act, 2001, add the account to the Tax Roll to be collected in the same manner as property taxes.
- 6.17. Where a billing error has resulted in over-billing, the account shall be credited with an amount equal to any overpayment during the twelve (12) month period preceding the discovery of the error by the Township. Where a property has changed ownership during the twelve (12) month period, the Township shall make every reasonable effort to locate and refund any applicable credit to the previous owner.

- 6.18. Where a billing error has resulted in under-billing, the account shall be charged an amount equal to any underpayment during the twelve (12) month period preceding the discovery of the error by the Township. Where a property has changed ownership during the twelve (12) month period, the water shall only be charged the amount attributable to the current owner.

7. OFFENCES AND PENALTIES

- 7.1. Every person who:
- 7.1.1. Willfully hinders or interrupts, or causes or procures to be hindered or interrupted, the Township, its officers, contractors, agents, servants or workers in the exercise of any of the powers conferred under this By-law or the Public Utilities Act; or
- 7.1.2. Who contravenes any provision of this By-law is guilty of an offence and is subject to a penalty pursuant to the Provincial Offences Act, as amended.
- 7.2. The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision.
- 7.3. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law, which shall remain in full force and effect.

8. MISCELLANEOUS

- 8.1. If any provision of this by-law is inconsistent with any other Act, the provisions of the applicable Act shall prevail.
- 8.2. Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind. Where the context permits, words importing the masculine gender, also include female as well as male.
- 8.3. That this by-law may be cited as the “Water Regulation and Rating By-law”.

9. REPEAL OF FORMER BY-LAWS

That By-law No. 2010-16 be and is hereby repealed.

10. ENACTMENT

That this By-law shall take force and effect upon passage hereof.

Passed this _____ day of _____ 2013.

MAYOR

CLERK

FEE SCHEDULE

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|---|------------------------|
| Application for Connection (New Connection Fee) | \$100.00 |
| Disconnection / Re-Connection Fee Same day (off/on) \$50.00 one-time fee | \$50.00 per occurrence |
| Filling of swimming pool from hydrant | \$100.00 |
| Request for amendment to applicable units (includes inspection) | \$20.00 |