

**This is an office consolidation of By-Law #116-06 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk.**

**BY-LAW NUMBER 116-06 (As amended by # 45-08 and #125-08)**

- of -

**THE CORPORATION OF THE COUNTY OF BRANT**

To provide for the regulation of municipal drinking-water supply in the County of Brant

**WHEREAS** pursuant to the Municipal Act, 2001, S.O. 2001, c.25, Section 11, a single-tier municipality may pass by-laws respecting water distribution, and by Section 391 a municipality may pass by-laws imposing fees or charges;

**AND WHEREAS** the Corporation of the County of Brant distributes drinking-water to certain areas of the Municipality through various water distribution systems and wishes to consolidate and update its regulations for all its drinking-water distribution systems;

**AND WHEREAS** the Province of Ontario regulates the supply of drinking-water through various legislation including the Ontario Water Resources Act, Safe Drinking Water Act and Sustainable Water and Sewage Systems Act, 2002;

**NOW THEREFORE the COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS** as follows:

**SHORT TITLE: DRINKING WATER BY-LAW**

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**PART 1- DEFINITIONS:**

In this By-law:

“**Approved**” means having the approval of the Water Division *Manager* or authorized representative.

“**Appurtenance**” includes a valve, valve chamber, hydrant, hydrant lead, flow meter, curb stop, maintenance access point, personnel access opening or other minor accessory part of a *watermain*. *Safe Drinking Water Act Reg. 170/03 definition*.

“**Building**” means a structure supplied with water by the County of Brant.

“**Bulk Water User**” means any *customer* who receives drinking-*water* from a pipe located at the County’s Bulk Water Stations.

“**County**” means The Corporation of the County of Brant.

“**Contractor**” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the *County* or by an *owner* to install or maintain

*watermains*, service mains, services, hydrants and other *appurtenances*.

**“Cross Connection”** means 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 swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

**“Customer”** means any *person*, including an *owner* or *occupant*, who enters into a verbal or written contract with the *County* to take drinking-water from the *County* or to receive drinking-water related services from the *County*.

**“Developer”** means the *owner* or party specifically named in a Development Agreement or in a Subdivision Agreement.

**“Distribution System”** means that part of a *drinking-water system* that is used for the distribution, storage or supply of *water* and that is not part of a treatment system. (*Definition from Safe Drinking-water Act, 2002*)

**“Drinking-water”** means:

- (a) *water* intended for human consumption, or
- (b) *water* that is required by an Act, Regulation, Order, Municipal By-law or other document issued under the authority of an Act,
  - (i) to be potable, or
  - (ii) to meet or exceed the requirements of the prescribed *drinking-water* quality standards.

**“Drinking-water System”** means a system of works, excluding plumbing, that is established for the purpose of providing users of the system with *drinking-water* and that includes,

- (a) anything used for the collection, production, treatment, storage, supply or distribution of *water*,
- (b) anything related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system, and
- (c) a well or intake that serves as a source or entry point of raw water supply for the system.

**“External Use of Water”** means the use of *water* for any purpose outside the walls of any *building* located at a *municipal address*.

**“Fees”** means the fees described by the current version of the County of Brant Fees and Charges By-Law as amended from time to time.

**“Fire Protection Service”** means the portion of a *water service pipe* from the property line to the inside of the exterior wall of a structure. Also includes water piping to fire hydrants.

“**Fire Service**” shall have the same meaning.

“**Frontage Charge**” means a charge payable by certain *customers* prior to approval of their *water service* connection to a *watermain*.

“**Manager**” means the Water Division Manager appointed by the *County*, or authorized representative.

“**Master Meter**” means the *water meter* supplied and owned by the *County* to measure the total quantity of *water* used by all users of a multiple occupancy building.

“**Meter**” means the *water meter* supplied and owned by the *County* to measure the quantity of *water* used by the *customer*.

“**Meter Chamber**” means any exterior chamber approved by the *Manager* for the purpose of containing a *water meter*.

“**Municipal Act**” means Municipal Act, 2001, S.O. 2001, c.25, as amended.

“**Municipal Address**” means *premises* identified by a *municipal address*.

“**Occupant**” shall include any lessee, tenant, *owner*, the agent of a lessee, tenant or *owner*, or any person in possession of a *premise*.

“**Other Charges**” means those charges related to repairs, installations, services rendered, or other expenses, exclusive of charges included in *water rates and frontage charges*, payable by the *customer*.

“**Owner**” shall include any person who or any firm or corporation that is the registered *owner* of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, any executor, an administrator and a guardian.

“**Plumbing**” means a system of works:

- (a) that comprise a “water system” for the purpose of definition of *plumbing* in Subsection 1(1) of the Building Code Act, 1992, other than equipment installed in plumbing to treat water, and
- (b) that are connected to a *drinking-water system*.

“**Potable Water**” means *water* that meets, at a minimum, the requirements of the prescribed Drinking-water Quality Standards, 2002.

“**Premises**” means any house, tenement, *building*, lot, or part of a lot, or both, in, through, or past which a *watermain* runs.

“**Private Watermain**” means a pipe connected to a *watermain* and installed on private

property or encroachment and from which more than one service and/or hydrant lateral are connected.

“**Remote Read-out Unit**” means the device installed at a separate location from the *water meter* and used to record the consumption read of the *meter*. “**Remote**” shall have the same meaning.

“**Service Connection**” means a point where a drinking-water system connects to plumbing, or piping for a water supply to a premise connected to the water distribution piping.

“**Service Stub**” means the portion of a *water service pipe* from a *watermain* to the property line which will always include one control valve.

“**Shut-off Valve**” means the valve on the *water service* or *private watermain* owned and used by the *County* to shut off or turn on the *water* supply from the *County’s water* distribution *system* to any premises.

“**Single Detached Residence**” means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.

“**Subdivider**” means the *owner* or party specifically named in a Subdivision Agreement.

“**Temporary Water Supply**” means the installed *service pipe* from a *watermain* or hydrant lateral to the property line for a specified period of time.

“**Water**” has the same meaning as “**drinking-water**” that is supplied by the *County*.

“**Water meter**” has the same meaning as “**meter**”.

“**Watermain**” means any system of pipes and *appurtenances* used for the distribution of *drinking-water*, but does not include *plumbing* or a pumping facility.

“**Water Public Utility**” means any system that is used for the collection, production, treatment, storage, supply or distribution of *water*, or any part of any such facilities, but does not include *plumbing* to which the Building Code Act, 1992, or any amendments thereto, apply.

“**Water Rates**” means:     (a) minimum water rates  
                                  (b) *meter* rates  
                                  (c) bulk water rates.

“**Water service**” means the pipe and fittings that convey *drinking-water* from a connection on a *watermain* or *private main* to the *meter* location, or, for a *fire service*, to the inside of the exterior wall of a *building* or a *fire hydrant*, and “**water service pipe**” has the same

meaning.

## **PART 2 – ADMINISTRATION**

### **2.1 Administration of the Water Division**

The administration of the Water Division shall be under the County of Brant Public Works Department as directed by the Environmental Services Committee and Council.

### **2.2 Supply and distribution**

Pursuant to Section 86 of the Municipal Act:

The water public utility in the *County* shall be supervised and administered by the *Manager*, who shall perform the following duties:

- (1) have charge of all *Water Public Utility* systems of the *County* and be responsible for their operation, maintenance, repair and extension;
- (2) should any emergency condition arise in the *Water Public Utility* which shall imperil the *water* supply, or its distribution,
  - (a) take all remedial measures as may be necessary or proper, which may include limiting or stopping the supply of water in any area or restriction on the use of *water* for any specific purpose;
  - (b) expend such money and employ such persons as may be necessary to restore the *water* supply to normal conditions; and
  - (c) report to the Environmental Committee/Council as soon as practical after such measures have been taken.
- (3) read *meters*, invoice and collect *water rates*, *frontage charge*, and all other charges;
- (4) direct the collection of *water rates* and *other charges* where contractual arrangements exist for this function to be so carried out; and,
- (5) such other duties as may from time to time be assigned by Environmental Committee or Council.

## **PART 3 - OPERATION OF WATER PUBLIC UTILITY**

### **3.1 Conditions on water supply**

- (1) The County will operate its municipal drinking-water systems in accordance with provincial legislation.
- (2) Pursuant to Section 82 of the Municipal Act,
  - (a) The County will use reasonable diligence in providing a regular and



uninterrupted supply of water but does not guarantee a constant service/supply or the maintenance of unvaried pressure or water of constant characteristics and is not liable for damage to the customer caused by any changes to the water supply.

- (b) Where possible, the County will attempt to provide reasonable notice of the intention to temporarily shut off the water supply so that the County can carry out upgrades, maintenance and/or repairs to the water supply system.
  - (c) If the supply of water is interrupted or reduced, the County may allocate the available water public utility among its customers.
- (3) Nothing done under Subsection (2) shall be deemed to be a breach of contract, to entitle any person to rescind a contract or to release a guarantor from the performance of the guarantor's obligation.

### **3.2 Fluoridation – Paris**

In accordance with the Former Town of Paris By-Law 1756 enacted March 2, 1965, now known as County of Brant By-Law 297-03, the Paris Municipal Water Supply shall provide fluoridation.

### **3.3 Authority for water supply**

Pursuant to Section 93, (1), (2) and (3) of the Municipal Act:

- (1) The *County* in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all *Water Public Utility* plant and equipment within its boundaries serving the *County*.
- (2) No person shall connect to, or operate the County's water system or any portion thereof, without express consent of the Manager.
- (3) Any persons connected to the water system shall pay the applicable fees as established from time to time by the County.
- (4) No person shall breach any condition of consent granted pursuant to Section 3.3(2).

### **3.4 Bulk water stations - sales - offences**

- (1) The *County* may provide for the bulk sale of *water* from its metered bulk *water* stations to approved *bulk water users*. Such sales shall be exempt from sewage surcharge costs.
- (2) No person shall use a container which has been used for the spraying, mixing or transportation of pesticides, herbicides or any other source of contamination or any other vehicle or container deemed unsuitable by the *Manager* for *water* filling at any of the County bulk *water* filling stations.
- (3) No person shall fail to maintain an air gap between the filling device, hose or pipe and the top surface of the water in any container.

**3.5 Hydrants - use - restrictions - offences****(1) Fire Department use of hydrants**

- (a) *County* Fire Department personnel may open, operate or take *water* from any hydrant for fire fighting purposes as needed. The Fire Department shall notify the Water Division of such hydrant use as soon as possible after they become aware that they will be using water.
- (b) *County* Fire Department personnel shall not open, operate or take *water* from any hydrant for Fire Department practices or any other scheduled purposes unless prior notification to and authorization from the *Manager* has been received.
- (c) *County* Fire Department shall keep records of all water takings. These records shall:
  - (i) Record the date, time, location, rate of taking, volume used and a short description of the equipment used, and purpose of the water usage.
  - (ii) Be submitted to the *Manager* by the fifteenth of each month for the previous month.
- (d) *County* Fire Department shall ensure all staff taking water, connecting to hydrants and operating hydrants are properly trained.

**(2) Public Works Department use of hydrants**

- (a) Public Works Department personnel or *contractors* engaged for construction projects, street sweeping, sewer flushing or any other purpose, shall not open, operate or take *water* from any hydrant unless authorization from the *Manager* has been received.
- (b) No person shall:
  - (i) use devices or equipment on a hydrant that puts the water system into jeopardy;
  - (ii) take water from a hydrant without having received training satisfactory to the *Manager*;
  - (iii) use hydrants to throttle flow;
  - (iv) use hydrants without placing appropriate valves and backflow preventers on system;
  - (v) use hose or piping that is not pristine;
  - (vi) fail to cap the point of connection when filling hose is not connected; or
  - (vii) fail to maintain an air gap between the filling device, hose or pipe and the top surface of the water in any container being filled.
- (c) Such hydrant *water* use must be recorded by the Public Works Department personnel. These records shall:
  - (i) Record the date, time, location, rate of taking, volume used and a short description of the equipment used and purpose of the water usage.
  - (ii) Be submitted at least monthly to the *Manager*.

**(3) Unauthorized operation of hydrants - offence**

No person other than Fire Department personnel, Public Works Department

personnel, or a person authorized by the *Manager* for that purpose shall be permitted to open or otherwise interfere with or operate or take *water* from any hydrant.

(4) **Breach of condition - offence**

No person shall breach any condition of authority granted pursuant to Section 3.5.

**3.6 Improper use of water from fire protection service - offence**

No person shall use *water* supplied or made available for any *premises* for purposes of protection of property or persons from fire or for preventing fires or the spreading of fires for any other purpose.

**3.7 Unauthorized operation or interference of water distribution system - offence**

(1) No *person* other than a *person* authorized by the *Manager* for that purpose shall open or close a valve in the *water distribution system*, or remove, tamper with or in any way interfere with any valve, *water meter*, structure, *watermain* or *water service* in the *water distribution system*.

(2) No person shall breach any condition of authority pursuant to Section 3.7.

**PART 4 - REQUIREMENT TO CONNECT**

**4.1 Properties required to connect**

Pursuant to Section 86 of the Municipal Act, except where there is not adequate capacity in the water public utility as determined by the *Manager*, any *owner* of lands with a pressurized water system which abuts on a public highway or street in which a watermain is located or a parcel of land separated by a one foot reserve from a public highway or street in which a Water Public Utility is located; and that,

- (a) contains sleeping, eating or food preparation facilities, or
  - (b) contains washing, toilet or cleaning facilities, or
  - (c) contains a well, cistern or other source of water supply, or
  - (d) is required by by-law, regulation or statute to be connected to a water supply;
- shall connect to the municipal drinking water system.

**4.2 Notice of requirement to connect**

Despite Section 4.1, any *owner* of lands that should be connected according to the terms of this By-Law but were not at the time this By-Law came into force shall be required to connect within nine (9) months notice to the property *owner*, or within such period of time, if any, as is directed by Council as an extension to the provision of this By-Law.

**4.3 Extension of period**

- (1) Council may, on the application of an *owner* to whom Notice has been sent, grant an extension of the period of nine months within which the connection must be made.
- (2) An extension if granted must not be for a period longer than two years from the end of the nine month period provided by the Notice.
- (3) If the first extension is for a period of less than two years, one further extension with an expiry date not more than two years from the end of the original nine month

period provided by the Notice may be granted by Council and no further extension may be granted.

#### **4.4 Failure to connect**

- (1) Pursuant to Section 427 of the Municipal Act, if the *owner* fails to make a connection required by a Notice within the nine month period or such extended period permitted hereunder, as Council grants, the Municipality may make the connection at the expense of the *owner* and for this purpose may enter into and upon the property subject to the requirements of Sections 428, 429, 430 and 431 of the Municipal Act.
- (2) Pursuant to Section 427(3) of the Municipal Act, the costs of making such connection may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes upon the land in respect of which the connection was made. This cost shall be added to the Collector's Roll by the Treasurer of the Municipality and shall be collected in the same manner as overdue taxes and shall bear interest from the date the first demand for payment is made at the same rate as overdue taxes.

#### **4.5 Exemption**

The *owner* of a building affected by this By-Law may be exempted from the provisions of Section 4.2 upon a request for Exemption having been received by the Manager and the *owner* requesting exemption shall be billed a flat charge equal to 100% of the minimum applicable water service rate as determined from time to time by the Municipality in lieu of user rates.

#### **4.6 Payment of bills issued while exempt**

For an *owner* to be continued to be entitled to the exemption he must pay all bills issued under Section 4.5 as they fall due.

#### **4.7 Request for exemption**

The *owner* of a building electing to be exempted under Section 4.5 shall, within twenty-one days of Notice return to the Manager a Request for Exemption.

#### **4.8 Credit for payments made while exempt**

When an *owner* who has been making payments under Sections 4.5 and 4.6 of this By-Law connects the building to the Water Public Utility his charges for water service rates shall be credited with any amount paid under Sections 4.5 and 4.6 with respect to the time period after the connection is made.

#### **4.9 Failure to connect - offence**

No *owner* of a property shall fail to connect to a watermain as required by Part 4.

## **PART 5 - APPLICATION AND PAYMENT FOR WATER SERVICE OR FIRE PROTECTION SERVICE CONNECTIONS**

**5.1 Application and payment prior to installation****Water Service**

- (a) No person shall or shall permit the installation or alteration of any *water service pipe, private watermain* installation, *fire protection service*, without an approved Public Works Permit.
- (b) The *Owner* of *premises* that abut a *watermain*, or their authorized agent, shall make application for such service on the *County's Public Works Application Permit*.

The application shall include the following information:

- i. *Owner's* name and *municipal address*.
- ii. Agent's name, if applicable, together with *owner's* written authorization for the agent to make application on their behalf.
- iii. *Municipal address* of *premises* for *water service* installation.
- iv. *Contractor's* name and address.
- v. *Frontage fee* if applicable (*County* will advise).
- vi. Easement and Committee of Adjustment Consent if applicable required - Yes/No. If required, *County* to be provided proof of Registration of easement and Committee of Adjustment consent.
- vii. Encroachment permit required - Yes/No. If required, *County* to be provided proof of permit.
- viii. Detailed drawing of proposed *water service, private watermain* or *fire protection service*.
- ix. Anticipated pattern of water taking.

The *owner* shall be responsible for all costs and fees related to the installation of the *water service*, including excavation and backfilling costs and inspection fees.

The application shall be fully completed and signed by the *owner* or by the agent if the *owner's* written authorization is provided. The completed application and detailed drawing together with payment of applicable costs and fees shall be submitted to the *Manager* for review and approval.

- (c) Unless other arrangements have been made with the Manager, the *County* shall be responsible for all costs related to the construction and installation of the *service stub* on *County* property, from the *County watermain* to the property line of the *owner's* premises. The *owner* shall arrange with a *competent contractor* for the installation of the *private watermain and/or service extension* on the *owner's premises* from the property line to the building and shall be responsible for all costs related to the installation and connection to the *building*. Provide the Building Division a minimum of 48 hours notice prior to the work commencing to ensure an inspector is available as required.
- (d) The installation of the *service stub* will not be scheduled or commenced in any way until the application has been *approved* and payment has been made.
- (e) **Fire Protection Service – additional requirements for application.**

In addition to 5.1(b) if the *water service* applied for is a **fire protection service** the *owner* will be required to submit with the application a protocol for maintenance of the *fire protection* which shall include:

- (i) Regular flushing, providing the Water Division with records.
- (ii) All Fire Prevention Lines must be flushed in accordance with the County's Spring and Fall flushing programs. This is the responsibility of the *owner*.
  
- (iii) Proof of flushing, in accordance with County policy, is to be provided to the County of Brant, Water Division by June 1<sup>st</sup> and December 1<sup>st</sup> each year, in order to adequately address County and Provincial regulations for water quality.

The fully completed and signed application together with a detailed drawing of the proposed *fire protection service* and payment of applicable costs, shall be submitted to the *Manager* for review and approval. Where a *fire protection service* is installed no other connections shall be made to the *fire protection service* pipe.

- (f) No persons shall fail to comply with a permit issued pursuant to Section 5.1

## **5.2 Frontage charges**

*Frontage charges* apply to certain *premises* in the *County*. At the time of requesting an application for *water service* the *County* will advise the *owner* if *frontage charges* apply to their *premises*. Payment of the *frontage charges* is required prior to approval of the *Public Works Application Permit*.

## **5.3 Installation - easement required**

No person shall install or permit installation of any *water service* to any *premises*, or over, or across the property of another *owner* unless a registered easement is obtained by the applicant for such location, at the applicant's expense, and proof of such registered easement provided to the *County*.

## **5.4 Installation - encroachment permit required**

No person shall install or permit the installation of a new *water service* that encroaches on a highway or street without an encroachment agreement obtained at the applicant's expense.

## **5.5 Connection approval - time limit**

A *water service* application approved under this Part shall be valid for a period of six (6) months from the date of approval, and in the event that a *water service* connection is not made within the six (6) month period, then the *water service* connection approval shall lapse. All monies paid on the application for the *water service* connection shall be returned without interest less an administration charge.

## **5.6 Payment of Fees - Lump sum**

The payment of fees, as stipulated in Parts 5.1 and 5.2 will be paid as a lump sum total.

# **PART 6 - WATER SERVICE PIPES**

## **6.1 Water service**

The *water service* consists of the piping and *appurtenances* that extends from the *County watermain* located in the road allowance to its connection to the *owner's building* or

*hydrant*. The *County* owns the portion of the *water service* from the *watermain* to the *owner's* property line, defined as the "*service stub*". The *owner* owns the portion of the *water service* located on his property from the property line to the *building or hydrant*, defined as the "*service extension*" as well as the *plumbing system* inside the *building*. There is a *shut-off valve* located at or near the property line that is owned by the *County* and to be operated only by *County staff*.

## **6.2 Separate Services**

Permission will not be granted to supply two (2) or more buildings from a single service except where one building is in the rear of the other and owned by the same *owner* and then only at the discretion of the Manager

## **6.3 Installation - by County - by Contractor**

Following approval of the *owner's* Application for a *Water Service* as set out in Part 5 of this by-law, the *water service stub* shall be installed by the *County* or by *contractors* engaged by the *County* for the purposes of such installation, except in new land development projects where agreements with the *County* require the *developer* or *subdivider* to complete such work.

The *owner* shall arrange and pay for all works on their property.

## **6.4 Contractor - qualified - approved**

The *owner* shall be responsible for hiring a competent *contractor* to undertake such installation. A competent *contractor* shall have demonstrated the knowledge, experience and ability to complete such work in accordance with all applicable construction standards and in a timely manner.

## **6.5 Installation to County specifications - Ontario Building Code requirements**

Those standards of construction shall be as follows:

- (a) The construction specification for watermain shall be as set out in the County of Brant Engineering and Development Standards.
- (b) Small diameter service pipes to be installed as per the requirements of the Ontario Building Code.
- (c) In no way should best available practices be ignored.

## **6.6 Connection to main - requirements met - no adverse conditions**

The installation of the *water service pipe* connection will not be scheduled or commenced in any way until the customer has met the requirements of this by-law.

Neither will the installation be scheduled or commenced in any way if, in the opinion of the *Manager*, weather conditions are such that quality of workmanship in the installation may be affected by such adverse conditions. In such event, the installation of the *water service* shall be postponed until the *Manager* determines conditions are acceptable for such installation.

## **6.7 County installation**

The *County* shall tap the *watermain*, supply and install the cock, the *service stub* from the *watermain* to a point at or near the property line and the curb stop and post.

## **6.8 Installation inspected by County**

All *water service pipes* and *appurtenances* installed, including those required by a *County Subdivision or Development Agreement* must be inspected by the *County* as specified in the *County's* standard contract documents and the *County's* specifications. The charge for the inspection will be as specified.

### **6.9 Installation - access for inspection**

The *County* and persons authorized by the *County* for inspection shall, subject to Sections 428, 429, 430, and 431 of the Municipal Act, at all times, be 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 *private watermain and plumbing*.

### **6.10 Disconnection of water service - payment**

When an *owner* discontinues the use of a *water service* for *water supply* to a *premises*, the *water service pipe* must be disconnected at the *watermain*, the *watermain* plugged, and the curb box removed at the *owner's* expense. All work must be inspected by the *County*. The charge for such inspection is as specified.

### **6.11 Licensed Water Operator**

All work carried out on *water service pipes* must be carried out under the auspices of a water operator holding the appropriate license required to be an Operator-In-Charge for the subject water system as described by the applicable provincial legislation. If this water operator is not a *County* employee, they must be approved by the *Manager* to provide oversight to the particular works.

### **6.12 Maintenance of service stub - County**

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

### **6.13 Maintenance of service extension, private watermain, fire protection service, meter chamber - owner**

- (1) *No owner* shall fail to keep their *water service extensions, private watermains, fire protection services, meter chambers* and *appurtenances* in good repair. Any and all defects to a *water service extension, private watermain, fire protection service* or *meter chamber*, shall be repaired by the *owner* of the property being serviced.
- (2) If an *owner* calls the *County* to investigate or repair a *water service* problem, and it is determined the problem is on the *owner's* property, the *owner* shall be responsible for all costs related to such investigation or repair.
- (3) Should the *County* 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 *Manager* may deem necessary, then the *County* may turn off the water supply to the property.
- (4) If the *County* is ordered to restore the water supply, then the *County* may repair the defective *water service pipe* and charge the cost to the *owner* and collect such cost 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 *County* shall not be held responsible for the cost of surface restoration.



**6.14 Operation of shut-off valves**

No person, other than persons authorized by the *Manager* for that purpose shall operate the *shut-off valve* to any *premises*.

**6.15 Access to shut-off valves**

No *owner* shall fail to keep all *shut-off valves* 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 *Manager*.

**6.16 Responsibility for protection, water loss, damage**

No *owner* shall fail to protect all *water service extensions* to and including the *meter* from frost and any other damage. Related expense and risk is the responsibility 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 extension* and/or *private watermain* and the charge for such water loss as determined by the *Manager*, shall be paid by the *owner* upon demand by the *County*. The *County* shall not be held responsible for any damages arising from such leakage.

**6.17 Responsibility - vacant and unheated premises**

When any *premise* 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* or *occupant* may apply in writing to the *County* to have the shut-off valve turned off to stop *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 specified.

**6.18 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 the *occupant* shall have no claim against the *County*. Should the *Manager* become aware of such leaking or burst pipes, the *Manager* shall allowed to be turned off the *shut-off valve*, and the *water* supply shall not be turned on until the *Manager*, in his/her discretion, shall consider it advisable.

**6.19 Responsibility for Hydrant Maintenance**

Any hydrant situated within the road allowance is the property of the *County* and shall be maintained by it; *County*-owned hydrants located on private property shall be maintained by the *County*. Hydrants owned and paid for by any persons other than the *County* shall be maintained by such. *Maintenance of private hydrants done by the owner must be scheduled with the Water Division.*

**6.20 Renewal of service**

The *County* shall renew *service stubs* on public property at its expense and to its specifications when:

- (a) piping is deemed by the *Manager* to be beyond repair;
- (b) the existing pipe material is lead and supplies a *single detached residence* provided the *owner* is prepared to replace the *service extension* before the *County* replaces the *service stub*.

Replacement piping shall conform to the specifications of the *County*. Replacement pipe shall be the same size as existing or the minimum size for the area, whichever is larger. If an *owner* requests a larger size, the *owner* shall pay the difference in cost.

### **6.21 Access - removal - inspection- fittings**

Pursuant to Section 80 of the Municipal Act, where a *customer* discontinues the use of the *water service*, or the *County* lawfully refuses to continue any longer to supply it, the *Manager* may, at all reasonable times, enter the *premises* in or upon which the *customer* was supplied with the *water service*, for the purpose of cutting off the supply of the *water service* or of making an inspection from time to time to determine whether the *water service* has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, *meters*, pipes or other things being the property of the *County* in or upon the *premises*, and may remove the same therefrom, doing no unnecessary damage.

## **PART 7 - WATER METERS**

- (1) *The Water Division Manager may require any or all services, private services and private watermains to be metered. No person shall fail to install a meter where required.*
- (2) *All water meters shall be supplied and monitored by the County.*
- (3) *The owner or occupant of the premises on which the water meter is to be located shall be responsible for:*
  - (a) *providing a suitable place, acceptable to the Water Division Manager, for the installation of the meter;*
  - (b) *paying a fee for the water meter and arranging for a plumber to install the meter at their cost;*
  - (c) *for the installation and maintenance of an isolation valve on both sides of the water meter;*
  - (d) *the protection of the meter;*
  - (e) *keeping the seal intact on the meter;*
  - (f) *providing at all times easy access to the meter and to the remote readout device outside the residence, to any person authorized by the County for the purposes of meter reading, checking, repairing, installation and removal;*
  - (g) *payment of the cost of repairing a meter damaged by frost or otherwise, or the cost of a meter lost or stolen.*
- (4) *No person shall make a pipe connection to the private service other than on the outlet side of the meter.*
- (5) *At industrial/commercial/institutional properties where a reasonable shut down period cannot be provide to maintain/repair or replace the meter, a properly valved and sealed bypass around the meter shall be provided by and at the expense of the owner or occupant of the premises on which the water meter is located when required by the Manager. The meter by-pass is to be operated only upon approval of the Manager.*
- (6) *No person shall install a meter not in compliance with Part 7.*

### **7.1 Water to be metered - remedy for violation**

All water used on *premises* connected to *watermains* within the *County*, except *water* used for fire fighting purposes, or *water* authorized by the *Manager* for construction or other purposes, shall pass through the *meter* supplied by the *County* for use upon such *premises*; and in addition to whatever other remedies the *County* may have by law in

respect to infringement of this By-Law; the *County* may, upon ascertaining that *water* has been used which has not passed through the *meter* of such premises; forthwith, without notice, shut off and stop the supply of *water*. The water service shall remain shut off until appropriate payment of fees has been made and approval for turning the water back on has been provided by the *Manager*.

### **7.2 Unmetered fire protection service**

- (1) Where an unmetered service is provided for fire protection purposes, no person shall take water except for the following purposes:
  - (a) fire protection;
  - (b) for the testing of the system by employees of an incorporated fire underwriters association; and/or,
  - (c) flushing the water piping for maintenance of water quality.
- (2) No person shall install extensions or private services from fire protection service.
- (3) The *owner* shall notify the *County* in advance of all planned water takings. Immediately upon the conclusion of taking the water, the *owner* shall provide the *Manager* a record of the water taking, describing the date, time, location, rate of taking, volume used and a brief description of the purpose and equipment used.
- (4) No person shall fail to notify or provide records as required by Section 7.2(3).

### **7.3 Supply - installation - ownership - replacement**

- (1) The *owner* shall pay the *meter* charge before the *County* will supply the *owner* with a *meter* and the *meter* must be installed prior to occupancy of the building at the *owner's* expense. For new construction the builder shall install or arrange for the installation of the *meter*. For existing buildings the *owner* shall arrange for a plumber to install the *meter*. The meter must be installed, inspected and approved by the *County* prior to utilization of *water*. The *meter* shall remain the exclusive property of the *County* and may be removed as and when the *County* may see fit, upon the same being replaced by another *meter*, or for any reason which the *County* may, in its discretion, deem sufficient.
- (2) No person shall utilize water until the meter has been inspected and approved by the *County*.

### **7.4 Installation - building - meter chamber**

The *meter* shall be placed inside the *building* being served except where said installation is in the opinion of the *Manager* impractical. Where it is impractical to locate the *meter* inside the *building* it shall be placed in a *meter chamber*. If at all possible, *meter chambers* will not be utilized due to the concerns of confined spaces if access to the *meter chamber* is required for *meter* reading, maintenance or repair. An above ground *remote read-out unit*

shall be required for a *meter* located in a *meter chamber*. The *owner* shall be responsible for all costs to properly construct and maintain the *meter chamber* and for protecting the *meter* from freezing and any other physical damage. The application for *water service* shall detail the proposed *meter chamber* location and construction.

#### **7.5 Installation - maintenance - repair - access**

The *County* may shut off or restrict the supply of *water* to a property if the *County* requires access to the property to install, replace, repair or inspect a *water meter*. Subject to Sections 428, 429, 430 and 431 of the Municipal Act, any person authorized by the *County* for that purpose has free access, at all reasonable times, and upon notice given as set out in Section 7.6 of this by-law, or to the area of the water meter, of every *building* or other *premises* to which any *water service* is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the *building*, or for placing *meters* upon any *water service* pipe or connection within or without the *building* as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the *meter*, may set it or alter the position of it.

#### **7.6 Notice required - access**

Pursuant to Section 81(3) of the Municipal Act, before shutting off or restricting the supply of water, the *County* shall,

- (a) by personal service or by registered mail, serve the *owners* and *occupants* of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the *County* intends to shut off or restrict the supply of *water* if access to the property is not obtained before that date; or
- (b) ensure that a copy of the notice described in Clause (a) is securely attached to the property in a conspicuous place.

#### **7.7 No shut-off - reasonable effort - gain access**

For accounts in good standing, the *County* shall not shut off or restrict the supply of *water* unless it has made reasonable efforts to get access the later of,

- (a) the day the last notice under Clause (a) of Section 7.6 of this by-law was personally served;
- (b) the day the last notice under Clause (a) of Section 7.6 of this by-law was mailed; and
- (c) the day a copy of the notice was attached under Clause (b) of Section 7.6 of this by-law.

#### **7.8 Restoration of water supply - as soon as practicable**

If the *County* has shut off or restricted the supply of *water* under Section 7.5 of this by-law, the *County* shall restore the supply of *water* as soon as practicable after obtaining access to the property.

#### **7.9 Charges - meters - owner to pay**

All charges for any of the work and services mentioned in Sections 7.5 and 7.8 of this by-law will be determined by the *Manager*.

#### **7.10 Multiple occupancy buildings - master meter**

While master meters are in use in some areas of the County, all new water connections to multi-residential buildings will have individual services and meters. The *owner* of every such building shall be financially responsible for all *water* consumed in the *building*, but the *owner* may install *private meters* at his expense for the purpose of billing his tenants individually for *water* consumed. Where a *master meter* is installed, the rate will be

calculated such that each individual unit of the building will pay the minimum bill for water plus the consumption over and above the usage allowed with each flat rate.

#### **7.11 Meter location - Manager to consent to change**

No person shall change the location of the meter, when once installed to the specifications of the *County*, without the consent of the *Manager*.

#### **7.12 Disconnection of service - payment**

When an *owner* discontinues the use of a *water service* for water supply to a *premises*, the *owner* shall pay to the *County* a charge for disconnecting the *meter* for such service from the *water distribution system*.

#### **7.13 Private meters - owner responsible**

The *County* will not supply, install, inspect or read private water meters, nor will the *County* bill consumption of private water meters. Water supply pipes to private meters must be connected to the *owner's* plumbing after the *County's master meter*.

#### **7.14 Reading meter - access**

The *County* and persons authorized by the *County* for that purpose shall be allowed access to the *premises* and be provided free and clear access to the remote and *meter* where *water* is being supplied at all reasonable times for the purpose of reading, at the discretion of the *County*. Where such access to the *premises* and/or free and clear access to a remote and/or *meter* is not provided by the *customer* within seven (7) days upon written notification by the *County*, the *County* may, at its discretion, shut off the supply of *water* to the *premises* until such time as free and clear access to the *meter* is provided.

#### **7.15 Leaks must be reported**

Any leaks that may develop at the *meter* or its couplings must be reported immediately to the *County*. The *County* is not liable for damages caused by such leaks. All leaks on private property, except for those at the meter, are to be reported and repaired by the *owner*. The *County* will repair leaks at the meter and its coupling.

#### **7.16 Interference with meter not permitted - offence**

No person, except a person authorized by the *County* for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any *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 *meter*. Should any person change, tamper with or otherwise interfere, in any way whatsoever, with any *meter* placed in any *building*, the *Manager* may forthwith, without any notice, 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 *Manager*.

#### **7.17 Owner responsible to repair piping**

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

### **7.18 Non-functioning meter - amount of water estimated**

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

### **7.19 Meter testing for customer**

Any *customer* may, upon written application to the *County*, have the *meter* at his or her *premises* tested for accuracy of registration. If the *meter* is found to register correctly, the *customer* shall be responsible for the cost of the test. Any additional expense of removing and testing of the *meter* will be paid for in full by the *customer*. If the *meter* is found, when tested to register incorrectly, no charge will be made to the *customer*.

### **7.20 Meter reading supersedes remote device reading**

Where the *meter* is equipped with a *remote read-out unit* of any type, and a discrepancy occurs between the reading at the register of the *meter* itself and the reading on the *remote read-out device*, the *County* will consider the reading at the *meter* to be correct, and will adjust and correct the *customer's* account accordingly.

## **PART 8 - CROSS CONNECTIONS AND BACKFLOW PREVENTION**

### **8.1 Protection from contamination - offence**

No person shall connect, cause to be connected, or allow to remain connected to the *water distribution system* 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*. The means for "protection for contamination" shall be in accordance with the requirements of the Ontario Building Code Act, 1992, as amended from time to time.

### **8.2 Inspection for cross connections - access**

Subject to Sections 428, 429, 430 and 431 of the Municipal Act, any person authorized by the *County* for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every *building* or other *premises* to which any *service pipe* is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any *service pipe*, wire, rod or *cross connection* on the premises.

### **8.3 Access to be provided on written notice**

Where access is not provided, a written notice by the *County* will be issued allowing seven

(7) days to provide access. If access is not provided within this time frame, the *County* may, at its discretion, shut off the supply of *water* to the *premises* until such time as the access is provided.

#### **8.4 Order to install control device**

If a condition is found to exist which is contrary to Section 8.1 of this by-law, the *County* shall immediately carry out an inspection and shall issue such order or orders to the *customer* as may be required to obtain compliance with Section 8.1 of this by-law.

#### **8.5 Failure to install - notice - water shut-off**

If the *customer* to whom the *County* has issued an order fails to comply with that order, the *Manager*, at his/her discretion, may:

- (a) give notice to the *customer* to correct the fault, at his/her expense, within a specified time period and, if the notice is not complied with, the *Manager* may then shut off the *water service* or services; or
- (b) without prior notice, shut off the *water service* or services.

#### **8.6 Additional device on service**

Notwithstanding sections 8.1, 8.4 and 8.5 of this by-law, where a risk of possible contamination of the *waterworks/distribution system* exists in the opinion of the *Manager* or an approved authority, a *customer* shall, on notice from the *County*, install on his/her *service pipe* a *cross connection* control device, approved by the *County*, in addition to any *cross connection* control devices installed in the *customer's water* system at the source of potential contamination.

#### **8.7 Installation to required standards**

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

#### **8.8 Inspection and testing - paid by customer**

All *cross connection* control devices shall be inspected and tested at the expense of the *customer*, upon installation, and thereafter annually by a qualified individual, or more often if required by the *County*, to demonstrate that the device is in good working condition. The *customer* shall submit a report on a form approved by the *Manager* on any or all tests performed on a *cross connection* control device within fourteen (14) 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 licence number.

#### **8.9 Failure to test device - notification - water shut-off**

If a *customer* fails to have a *cross connection* control device tested, the *County* or approved authority may notify the *customer* that the *cross connection* control device must be tested within four (4) days of the *customer* receiving the notice. If the *customer* fails to have the device tested within the time allowed, the *Manager* may shut off the *water service*

or *water services* until the *cross connection* control device has been tested and approved as required by Section 8.8 of this by-law.

#### **8.10 Repair - replacement - by customer**

When the results of a test referred to in Section 8.8 of this by-law show that a *cross connection* control device is not in good working condition, the *customer* shall make repairs or replace the device within four (4) days. If a *customer* fails to repair or replace the device within the time allowed, the *Manager* may shut off the *water service* until such repair or replacement has been made.

#### **8.11 Removal of device - permission by County**

No person shall without the permission of the *County* remove any *cross connection* control or backflow prevention devices installed as a requirement of provincial legislation notwithstanding the fact that the applicable provincial regulation has been rescinded.

### **PART 9 - WATER RATES AND CHARGES**

#### **9.1 Application for water supply**

Before the initial supply of *water* or any subsequent reconnection to any *premises* in the *County*, the *customer* shall make application to the Public Works Department Water Division for the same, and the *customer* shall be governed by the requirements of this by-law.

#### **9.2 Commencement of Water Rates**

Water rates start with the connection of the water service to the service stub. The water meter shall be installed as soon as the building is closed in and the water meter can be protected.

Prior to installation of the water meter, the water service charge shall be equivalent to the minimum bill.

The Manager may impose additional fees if the Manager deems it fit to do so.

#### **9.3 Minimum monthly charge - who payable by**

The minimum monthly charge for providing and maintaining *water* supply to a *premise* is applicable for every *meter* owned and read by the *County*. In instances when the *customer* of a *premise* terminates his account with the *County*, subsequent minimum monthly charges shall be tendered to the *owner* of the *premises* until such time as a new *customer* applies to the *County* for the supply of *water*.

#### **9.4 Water measured by meters**

Subject to the minimum monthly charge, the *water* consumed on all connected *premises* in the *County* shall be charged for as indicated by the *meter* on each respective *premise* at the applicable *water rates*.



**9.5 Meter reading and billing**

*Meters* may be read and accounts be rendered monthly, at the discretion of the *County*. The bill shall be deemed to be served upon the *customer* if it is delivered or sent by mail to the *premises* supplied.

**9.6 Late payment charge and overdue notice**

When an account is not paid by the due date stated on the bill, a late payment charge as specified will be assessed to the account, and after a period of fourteen (14) days an overdue notice will be sent by mail reminding the *customer* of the outstanding account.

**9.7 Notice of disconnection**

Pursuant to Section 81(3) of the Municipal Act, if the account remains unpaid, the *Manager* will deliver or cause to be delivered to the service address by personal service or pre-paid mail or by posting the notice on the land in a conspicuous place, a notice of disconnection advising the *customer* that unless payment is received within 48 hours, service will be disconnected.

**9.8 Disconnection - charge**

When it has been necessary for a notice of disconnection to be delivered as set out in Section 9.7 above, a disconnection charge shall be applied to the outstanding account.

**9.9 Non-payment - water shut off - lien**

Pursuant to Section 81(1) of the Municipal Act, if the *customer* at any *premises* omits, neglects or refuses to pay any account rendered, whether for *water* supply, *water* service pipes, *meter*, service charge or any other monies to which the *County* may be entitled in respect of such services to such *premises*, the *County* may, at its discretion, and following provision of notice as provided in Section 9.6 above, shut-off or reduce the flow of the water to the *premises*.

**9.10 Reconnection charge**

Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge, will be levied against the outstanding account, in addition to the applicable collection charge.

**9.11 Change of occupancy - charge**

At the time of a change of occupancy, an administrative charge will be levied by the *County* to the new *customer* to cover the cost of administration work, and the said charge will be included on the first billing to the new *customer*.

**9.12 Temporary removal and reinstallation of meter - charge**

When the *owner* requests a temporary removal of the *meter* from their *premises*, for any reason, the *meter* disconnection and reconnection charge will be applied to their account.

**9.13 Construction water charge**

Reasonable *water* use during the construction phase of a building, prior to occupancy, is not required to be metered. The *Owner* shall arrange for an account prior to commencement of water service to the property. The minimum monthly bill will apply until the meter is installed in accordance with Section 9.2.

**9.14 Meter testing charge**

The charge for testing the accuracy of a *meter* is as specified.

**9.15 Responsibility for payment of rates**

Pursuant to Section 398 (1) and (2) of the Municipal Act, water rates shall in every case be the responsibility of the *owner* of the premises in which the water is used. Any unpaid amounts in excess of 90 days due and payable shall be a lien and charge upon the estate or interest in such land and may be collected by distress upon the goods and chattels of such person and by the sale of this estate and interest in the land like taxes.

The property *owner* may delegate the account to a tenant; however, responsibility for payment remains with the *owner*.

**PART 10 - SECURITY DEPOSITS FOR WATER SUPPLY****10.1 Deposit as security for payment**

When a new application is made to the *County* for a supply of water, the *County* requires the *customer* to make a deposit. Each such deposit shall be security for payment for all *water* passing through the *meter* of the service in respect to which such deposit was made until the *customer* shall have notified the *County* to discontinue such *water* supply.

**10.2 Deposit applied as payment**

Where a deposit has been made pursuant to Section 10.1 above, and the *water* supplied to the *customer* has not been paid for on demand as may be provided by the *County's* by-laws and regulations, then the deposit, or as much of it as shall be necessary, shall be applied in payment for such *water*, and the *water* supply shall be discontinued until further monies have been paid to the *County* sufficient to again bring up the deposit to the amount required.

**PART 11 - AIR CONDITIONING, WATER SYPHONS AND MOTORS****11.1 Air conditioning restrictions - offence**

- (1) No person shall install any air conditioning or once-through cooling equipment which requires the use of water without the approval of the County. Any such existing equipment shall be removed within ninety (90) days of receipt of written notice from the County requiring their removal.
- (2) No air conditioning equipment of over five (5) tons per hour total rated capacity shall be installed unless equipped with evaporative condenser, evaporative cooler and condenser, water cooling tower, spray pond or other water cooling equipment so that all the water from the *watermains* is used for make-up purposes only.
- (3) The equipment shall be adjusted so that the average rate of make-up water under full load will not exceed 0.1 gallons per minute per ton of capacity.

- (4) The design, installation and operation of refrigeration equipment shall be such that no objectionable gases or coolant can enter the *water distribution system*.

### 11.2 Water syphons and motor - offence

No person shall use *water* operated syphons or *water* driven motors with *water* supplied by the *County* unless written permission has been received from the *County*. Any such existing installations shall be removed within ninety (90) days of receipt of written notice from the *County* requiring their removal.

## PART 12 - USE OF WATER EXTERNALLY

### 12.1 Prohibited Uses

No person shall, through a hose or other attachment to the *County drinking water system*, use or permit the *external use of water* as follows:

- a) for the application to a lawn or garden during a rainstorm;
- b) that results in the run-off of *water* used for *irrigation*;
- c) that results in the over spraying of *irrigation water* onto paved or gravel surfaces including but not limited to patios, sidewalks, driveways, roadways, curbs or gutters;
- d) for the washing of surfaces including but not limited to decks, paved surfaced, patios, sidewalks, driveways, roadways, curbs or gutters to remove loose particulate matter or debris capable of removal by sweeping;
- e) the discharge from a hose not equipped with a shut off valve at the discharge end of the hose when the hose is not in active use for a useful purpose including but not limited to purposes such as the washing of vehicles, building siding, decks or paved surfaces;
- f) that results in the overflowing of *water* containing devices including but not limited to pails, buckets, barrels, ponds, or swimming pools.

12.1.1 For the purpose of Section 12 *irrigation* means the use of *water* on any land to nourish crops or vegetation, including but not limited to cultivated land, hay meadows, lawns, and gardens.

### 12.2 Restricted Uses

No person shall, through a hose or other attachment connected to the *County drinking-water system*, use or permit the *external use of water*, during a prohibited time or day.

- a) For the purpose of section 12.2, the prohibited time is anytime except between the hours of 7:00 a.m. to 9:00 a.m. and 7:00 p.m. to 9:00 p.m.
- b) For the purpose of section 12.2 the prohibited days, are as follows:
  - (i) for premises with municipal addresses having odd numbers every day except odd numbered calendar days.
  - (ii) for premises with municipal addresses having even numbers every day except even numbered calendar days.

#### 12.4 Exemptions to the Restrictions

Notwithstanding Section 12.2, 12.3 and 12.4, the *external use of water* is also permitted for the following:

- a) Newly planted sod, trees, shrubs, and flower gardens while being installed and during the 24 hr. period after installation;
- b) Lawns being treated with any pesticide, herbicide or fertilizer which requires water while being treated and 24 hours after the application;
- c) During June, July and August newly planted grass seed, sod, shrubs, and flower gardens during the 14 day period after installation, commencing on the date of installation on the odd numbered days for odd numbered municipal addresses and on even numbered days for even numbered addresses.

#### 12.5 External Use of Water Prohibited - Level 3 Drought Condition

- (a) Despite Section 12.2, 12.3 and 12.4, no person shall use or permit the *external use of water* from a hose or other attachment to the *County drinking-water system*, during the period of time that a *Level 3 Condition (Drought)* remains in effect as *declared* by the *Grand River Low Water Level Response Team*.
- (b) For the purpose of Section 12.5 *declared* means an announcement on the local radio station that a *Level 3 (Drought) Condition* is in effect and advising that all external water use is prohibited as of the stated effective date.
- (c) For the purpose of section 12.5, "*Grand River Low Water Level Response Team*" means the Local Watershed Response Teams as described in Part 4 of the *Ontario Low Water Response Plan*.

#### 12.6 External Use of Water Prohibited – Water Supply Emergency

- (a) Despite Section 12.2, 12.3 or 12.4, no person shall use or permit the *external use of water* from a hose or other attachment to the *County drinking-water system*, during the period of time a water supply emergency remains in effect as *declared* the Director of Public Works or their designate.

- (b) For the purpose of Section 12.6 *declared* means an announcement on the local radio station that a water supply emergency is in effect and specifying the affected area and effective date or alternatively direct notification to all municipal addresses in the affected area.

## 12.7 County of Brant Recreation Facilities

Recreational Facilities such as pools and splash pads owned and operated by the *County* shall be exempt from provisions of 12.1, 12.2, 12.3, 12.4, 12.5 and 12.6.

## 12.8 Public Works Application Permit

No person shall exceed the water use described in the Public Works Application Permit described in Section 5.1 without approval of the Manager.

# PART 13 - PROHIBITIONS

## 13.1 General prohibitions under this by-law - offences

No person shall:

- (a) hinder or interrupt, or cause or procure to be hindered or interrupted, the *County* or any of its officers, contractors, agents, servants or workers, in the exercise of any of the powers conferred by this by-law;
- (b) let off or discharge water so that the water runs waste or useless out of the works;
- (c) being an *owner*, occupant or customer of any *premises* or other place supplied with *water* from the *water distribution system*, improperly waste the *water* or, without the consent of the *County*, take, 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;
- (d) without lawful authority, obstruct the free access to any hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- (e) throw or deposit any injurious or offensive matter into the *water* or *water distribution system*, or upon the ice if the *water* is frozen, or in any way foul the *water* or damage or injure the works, pipes, reservoir or *water*, or encourage the same to be done;
- (f) No person shall damage or cause to be damaged or allow to be damaged any water public utility or part thereof.

# PART 14 - ENFORCEMENT AND PENALTIES

## 14.1 Enforcement

This by-law may be enforced by a *County* Municipal Law Enforcement Officer or a Police Officer.

#### 14.2 Fine - for contravention

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalty provisions of the Provincial Offences Act.

#### 14.3 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.

#### 14.4 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* or to any *Water Public Utility* plant, machinery, fitting or *appurtenance* thereof is liable to the *County* therefore.

#### 14.5 Offence - additional - injuring waterworks

Every person who removes, destroys, damages, fraudulently alters or in any way injures any *water service pipe*, conduit, wire, rod, pedestal, post, hydrant, lamp or other apparatus or thing belonging to the *County* is guilty of an offence and on conviction is liable to a fine, to the use of the *County*, and is also liable for all damages occasioned thereby, which are recoverable under the Provincial Offences Act.

### PART 15- PREVIOUS BY-LAWS REPEALED

#### 15.1 Repeal - previous By-laws

That the following By-laws are hereby repealed:

No.	FORMER MUNICIPLITY	BY-LAW #	DESCRIPTION	BRANT COUNTY BY-LAW #
1.a	South Dumfries	1993-006	Water Connection	290-03
1.b	Township	191-003	Use of Water Supply	291-03
1.c		191-022	Use of Bulk Water Station	292-03
1.d		30-71	Water Regulations	293-03
2.a	Brantford Township	2842	Unauthorized Use of Fire Hydrants	294-03
2.b		4968	Water Regulations	295-03
3.a	Public Utilities Commission of the Town of Paris	14	Water Regulations	296-03
3.b	Town of Paris	1756	Water Fluoridation	297-03
4.	County of Brant	91-01	Watering Restrictions	91-01

And that all by-laws and parts of by-laws inconsistent with the provisions of this by-law are hereby repealed.

**PART 16 - EFFECTIVE DATE**

**16.1 Effective date**

This by-law comes into force and takes effect on the date of passage.

**READ** a first and second time, this 16<sup>th</sup> day of May, 2006.

**READ** a third and finally passed in Council, this 16<sup>th</sup> day of May, 2006.

**THE CORPORATION OF THE COUNTY OF BRANT**

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Mayor

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Clerk