

## The Corporation of the Town of Saugeen Shores

### By-law XX – 2026

Being a By-law to regulate Municipal Water and Wastewater Systems for the Corporation of the Town of Saugeen Shores

**Whereas** pursuant to section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (“Municipal Act, 2001”), a lower-tier municipality may pass by laws respecting public utilities, including sewage collection and treatment and water production, treatment, storage and distribution where Counties are not assigned exclusive jurisdiction; and

**Whereas** Subsection 1(1) of the Municipal Act, 2001 defines a public utility as a system providing water and sewage services to the public; and

**Whereas** the Corporation of the Town of Saugeen Shores (“the Town”) requires water meters to be installed on all residential, industrial, commercial, and institutional establishments within the Town of Saugeen Shores that are serviced by municipal water and/or wastewater system; and

**Whereas** the Town deems it necessary and desirable to regulate the access to water meters, and to set fixed and volumetric rates for various classes of water consumers and wastewater generators; and

**Whereas** Section 23.2 of the Municipal Act, 2001 permits a municipality to delegate certain legislative and quasi-judicial powers; and

**Whereas** Subsection 81(2) of the Municipal Act, 2001 authorizes a municipality, after reasonable notice is given, to shut off the supply of a public utility by the municipality to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue; and

**Whereas** in addition to the power under subsection 81(1) of the Municipal Act, 2001, a municipality may shut off the supply of water to land if the fees or charges payable by the owners or occupants of the land in respect of a sewage system are overdue, and the fees or charges are based on the fees payable for the supply of water to the land; and

**Whereas** Subsection 81(4) of the Municipal Act, 2001, a municipality may recover all fees and charges payable despite shutting off the supply of the public utility; and

**Whereas** Section 83 of the Municipal Act, 2001, provides that a municipality may, as condition of supplying or continuing to supply a public utility, require reasonable security be given for the payment of fees and charges for supply of the public utility or for extending public utility to land; and

**Whereas** Section 391 of the Municipal Act, 2001, authorizes a municipality to pass by laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it; and

**Whereas** a municipality may pass a by law that will provide for

- (a) interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid
- (b) different classes of persons and deal with each class in a different way; and
- (c) the exemption, in whole or in part, of any class of persons from all or any part of the by-law. Municipal Act 2001, c.25,s396 (1); and

**Whereas** Subsection 398(1) of the Municipal Act, 2001 provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality or local board, respectively; and

**Whereas** Subsection 398(2) of the Municipal Act, 2001 provides that the Treasurer of a local municipality may add fees and charges imposed by the municipality to the tax roll of the property in the local municipality to which the public utility was supplied and collect them in the same manner as municipal taxes; and

**Whereas** Subsection 80(1) of the Municipal Act, 2001, provides that a municipality may at reasonable times, enter on land to which it supplies a public utility to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; and

**Whereas** Sections 425, 426, 429, 431, 433, 434.1 and 434.2, 435, 436, 438, 440, 441.1, 444, 445 and 446 of the Municipal Act, 2001 authorize a municipality to create offences and to establish a system of fines and other enforcement orders; and

**Whereas** Subsection 11(1) of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended (“Safe Drinking Water Act”), requires every owner of a municipal drinking water system to ensure that all water provided by the system meets the requirements of drinking water quality standards and that the drinking water system is operated in accordance with the Safe Drinking Water Act; and

**Whereas** Section 19 of the Safe Drinking Water Act requires every person who oversees or has decision-making authority over a municipal drinking water system to exercise the level of care diligence and skill that a reasonable prudent person would be expected to exercise in a similar situation and act honestly competently and with integrity with a view to ensuring the protection and safety; and

**Whereas** the Council for the Town deems it prudent to enact rules and regulations to provide for the management and general maintenance of municipal water and wastewater works and fixing the rates and charges to be paid by owners and occupiers and to achieve an acceptable level of service meeting or exceeding Ontario Provincial Standards, Ministry of Environment, Conservation and Parks Guidelines and Requirements of the Town of Saugeen Shores

**Now Therefore Be It Resolved** that the Council of the Corporation of the Town of Saugeen Shores enacts as follows:

## **PART 1 - DEFINITIONS**

**1.1 Definitions:** For the purpose of this By-law, the following definitions apply:

**“Additional Residential Unit”** or **“ARU”** means a residential dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot as the primary residential unit. The additional residential unit shall include the following areas that are separate from the primary residential unit: a separate entrance, kitchen facilities, washroom facilities, and living space.

**“Agent”** means a person authorized to act on another’s behalf.

**“Applicant”** means the owner of the premises for which water or sewage works are being sought or the authorized agent of the owner.

**“Automated Meter Reading Program”** means the programs or projects as may be adopted by the Town, for the supply and installation of water meters and a radio communications network capable for reading, transmitting, and collecting water meter readings throughout the Town and includes all related equipment, software, and hardware.

**“Backflow Prevention Device”** means a device or system that prevents back-pressure or back-siphonage into the water supply system and is designed to prevent contamination of the waterworks or water supply. It can also be referred to as a Cross-Connection Prevention Device.

**“Building”** means a building or structure as defined in the Building Code Act.

**“Building Code Act”** means the *Building Code Act, 1992*, S.O. 1992, C. 23, as amended, and includes the regulations thereunder.

**“Building Control Valve”** means the valve in a supply system that controls the flow of potable water from the service pipe to the distributing pipe.

**“Building Permit”** means a permit issued under the Building Code Act.

**“By-Law”** means this By-law, as may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.

**“By-Pass Valve”** means a valve located on a meter by-pass pipe.

**“Chief Building Official”** or **“CBO”** means the Chief Building Official for the Town, appointed pursuant to the Building Code Act.

**“Consumer”** means any property owner, tenant, lessee or water hauler actually drawing upon, or using Town supplied water services.

**“Curb Stop”** means the water shut off owned and operation by the Town.

**“Connection Charge”** means the charge payable to the Town when required as a condition of a severance or when a property is connected to a municipal water and/or sanitary sewer service.

**“Fees and Charges By-law”** means the most recently approved By-law to set Fees and Charges for the Provision of Services or Activities for The Town of Saugeen Shores (known as the “Fees and Charges By-law”), as amended from time .

**“Contractor”** means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Town to install or maintain mains, service mains, services, and hydrants.

**“Council”** or **“Town Council”** means the municipal council for the Town.

**“Cross Connection”** means any actual or potential connection between the waterworks and any source of pollution, contamination, or other material or substance that could change the quality of the water in the waterworks. This includes any bypass, jumper connection, removable section of pipe, swivel, or changeover device, and any other temporary or permanent connecting arrangement through which backflow can occur. Individual protection would be installed on fixtures or appliances that have the potential of contributing to a cross connection.

**“CSA-B64 Series Standards”** means the Canadian Standards Association’s standards for backflow preventers and vacuum breakers, as amended.

**“Delinquent Account”** means an account for service issued by the Town which remains unpaid after the due date referred thereon.

**“Development Process”** includes subdivision applications, land severance applications and site plan applications.

**“Director, Development Services”** means the individual employed by the Town who holds that position, his or her delegate(s) or, in the event of organizational changes, another individual designated by Council.

**“Director, Operations”** means the individual employed by the Town who holds that position, his or her delegate(s) or, in the event of organizational changes, another individual designated by Council.

**“Engineering Manager”** means the individual employed by the Town who holds that position, his or her delegate(s) or, in the event of organizational changes, another individual designated by Council.

**“Dwelling Unit”** means one or more habitable rooms designed or intended for use as an independent and separate household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household, with a private entrance from outside the building or from a common hallway or stairway inside the building. A dwelling unit shall not include a motel, hotel, rooming or boarding house, tent, truck camper, tourist trailer, or mobile camper trailer, group home or crisis care facility.

**“Fire Code”** means the Ontario Regulation 213/07 made under Part IV of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended.

**“Frontage”** is defined as:

- (a) Where the property is zoned agriculture, the length shall be the frontage of the residential usage portion only;
- (b) Where the property is not zoned for agricultural use, the length shall be the frontage along which the main runs; and
- (c) Where a property is serviced on more than one side, the length shall be calculated for the side from which the property is being serviced.

**“Guidelines”** means, and is not limited to, the Public Works/Engineering Services Subdivision/Site Plan Development Guidelines and Technical Standards for the Town of Saugeen Shores, and/or the Design Guidelines for Drinking Water System 2008 and/or Design Guidelines for Sewage Works 2008, both published by the Ministry of the Environment, Conservation and Parks, as applicable and amended.

**“Irrigation Systems”** means equipment, which includes sprinkler heads, piping and other components used primarily to apply water to vegetation.

**“Inspection”** includes:

- (a) An audit;
- (b) Physical, visual or other examination;
- (c) Survey;
- (d) Test; and
- (e) Inquiry.

**“Licensed Operator”** means for the purposes of this By-law a person in good standing with the Ontario Water Wastewater Certification Office (OWWCO) and maintains a minimum Class I in Water Treatment, Water Distribution, Water Distribution and Supply, Wastewater Treatment and/or Wastewater Collection. The license held must be applicable to the system for which one is performing the work in.

**“Meter”** means the device, which is the property of the Town of Saugeen Shores which measures and records the quantity of water passing through it and is read, serviced, maintained, and supplied by the Town.

**“Meter Chamber”** means a device for the protection of a meter.

**“Metered Water Systems”** shall include Town-owned systems where water is supplied to the customer using a measurement on a meter.

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

**“Municipal Fire Hydrant”** means a fire hydrant owned and maintained by the Town and located within a public highway, or on a municipal easement or on private land by implied or express consent.

**“Municipal Property”** means any real property owned by the Town, which includes land, buildings and structures, fixtures and rights or interests associated with land (easements, tenancies, etc.).

**“Municipal Law Enforcement Officer”** means a peace officer appointed by Council pursuant to section 15 of the Polices Services Act, R.S.O 1990, c. P. 15, for the purpose of enforcing municipal By-laws.

**“Municipal Service Connections Application”** means the forms required by the Town’s Development Services department for consideration of water and wastewater servicing, as amended from time to time.

**“NFPA 291”** means the National Fire Protection Association Recommended Practice for Water Flow Testing and Marking of Hydrants standards document, as amended.

**“Occupier”** means a person residing on or in a property; a person entitled to the possession of the property if there is no other person residing on or in the property; and a tenant or leaseholder; and, where that person is a corporation, shall include the officers, directors, and shareholders of that corporation.

**“Operating Authority”** means the authority for operating the water and wastewater systems as defined in the Safe Drinking Water Act and its regulations.

**“Other Charges”** means those charges related to repairs, installations, services rendered, or other expenses, exclusive of charges included in water rates, frontage charges and sewage service rates, payable by the consumer as provided for in this By-law, or as directed by Town Council.

**“Owner”** means a person that has any right, title, estate, or interest in a property, other than that of only an occupant and, where that person is a corporation, shall include the officers, directors, and shareholders of that corporation, and shall include any person with authority or power over or control of that property on behalf of an owner. An owner includes a developer but does not include the Town.

**“Person”** means a natural person, an association, a partnership or a corporation and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.

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

**“Private Hydrants”** are situated within the limits of Private Property owned or occupied by the owner or occupier of the water, and/or installed at such locations to serve as exclusive fire protection for said buildings at such a site complex, i.e., institutions, condominiums, community centers, schools, etc.

**“Private Water Service Pipe”** means the pipe, fittings and appurtenances located on Private Property which convey water from the water service connection at the property line to a water meter, or to the point where the pipe and fittings connected to the water service connection enters a building or structure if there is no water meter.

**“Private Sanitary Sewer Service Pipe”** means the pipe, fittings, and appurtenances located on Private Property which convey wastewater from a building or structure to the property line.

**“Private Property”** includes but is not limited to land, a house, building, structure, lot or any part of a house, building, structure, or lot within the Town of Saugeen Shores, which is not owned by the Town, and is adjacent to water and/or sewage works and may be entitled to a service connection.

**“Qualified Person”** means a person whom meets the following requirements: holds a valid and current Certificate of Achievement in Cross Connection Control endorsed by the Ontario Water Works Association (OWWA); is in possession of a current calibration certificate as required for the testing equipment to be employed; maintains commercial general liability insurance; and is authorized to perform the inspection and testing requirements of the program.

**“Remote Readout Unit”** means any device that is used to record or transmit, or both, the water consumption reading of a water meter and may be installed at a separate location from the water meter but does not include the water meter register.

**“Sandpoint/Well”** means a system used to obtain water from the ground.

**“Sanitary Sewer”** means the pipe, valves and fitting attached thereto, which transport and collect wastewater from abutting properties and general area.

**“Sanitary Sewer Service Pipe”** means the pipe and fittings that convey wastewater from the inside of an exterior wall of a structure to a connection on a main.

**“Service Box”** means the structure that houses the shut off valve.

**“Service Connection”** means water and/or sanitary sewer services connection.

**“Sewage Works”** means the works for the collection, transmission, treatment and disposal of sewage or any part of such works but does not include plumbing to which the Building Code Act applies.

**“Shut-off Valve”** means the valve on or at the water service connection owned and used by the Town to shut off or turn on the water supply from the waterworks to a property. May also be referred to as curb stop.

**“Special Meter Reading”** means a reading taken by a person authorized by the Town to read a meter for billing purposes at a time other than the normal billing cycle reading.

**“Sprinkler System”** means a dedicated water service installed to a building complex required by the Building Code or the Fire Code for the exclusive purpose of fire suppression of said structure.

**“Streetline” or “Property Line”** means the boundary between Private Property abutting Municipal Property.

**“Substantially Demolished”** means the demolition of more than 50% of the exterior walls of the first story above grade of a building or structure, whether or not it is substantially replaced.

**“Supervisor, Overall Responsible Operator”** means the individual who holds that position, his or her delegate(s) or, in the event of organizational changes, another individual designated by Council.

**"Stop And Waste Valve"** means the water shut off with an automatic drain from the private service located on Private Property, eight feet from the Municipal curb stop.

**"Tenant"** means a person that pays rent in exchange for the right to occupy or holds or occupies land or premises under a lease or tenancy agreement, whether express or implied.

**"Temporary Water Service"** means:

- (a) A pipe installed from a public waterworks by the Town, for a Town project, and for a specified temporary period of time; and
- (b) A pipe installed with the permission of the Director, Operations for construction purposes.

**"Town", "Town of Saugeen Shores" or "Saugeen Shores"** means The Corporation of the Town of Saugeen Shores and includes its entire geographic area.

**"Town Clerk"** means the individual(s) appointed by Council to carry out the duties of the clerk and deputy clerk described in Section 228 of the Municipal Act, 2001.

**"Town Development Standards"** means approval standards related to the construction and engineering of water services, including any municipal standards specifications, levels of service criteria and any design and construction procedures which are approved by the Town from time to time.

**"Treasurer"** means the individual(s) appointed by Council to carry out the duties of the Treasurer and deputy treasurer described in Section 286 of the Municipal Act, 2001.

**"Valve"** means a device for controlling the flow of water through a pipe. A valve on a service connection is also referred to as a stopcock, curb stop or shut-off valve.

**"Water"** means potable water supplied by the Town.

**"Water Account"** means a record of water consumption and all fees and charges related thereto at and for a property.

**"Water Application"** means an application in the form prescribed by the Town, by an applicant requesting a connection to the Town's Waterworks System.

**"Watermain"** means the pipe, valves and fitting attached thereto which transport and distribute water to abutting properties and/or general area.

**"Water Service Pipes"** means the pipe fittings that convey potable water from a connection at the main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure.

**"Water Works System"** includes but is not limited to buildings, structures, plants, equipment, and appurtenances, devices, conduits, intakes, outlets, underground pipelines and installations, and other works designed for the treatment, transmission, distribution, and storage of water and includes lands appropriated for that purpose.

**"Zone or Area Protection"** is provided within a building or area of a building where a cross connection could occur due to installed equipment or work being performed.

## **PART 2 – GENERAL PROVISIONS**

**2.1 Interpretation:** For the purpose of this By-law,

- (a) The Schedules attached to this By-law shall form part of the By-law and are enforceable as such.
  - (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
  - (c) Any terms that is defined in this By-law shall have the same meaning throughout, regardless of its capitalization or grammatical form.
- 2.2. Statutes:** References to any legislation or by-law are meant to refer to the legislation or by-law as amended or replaced from time to time and includes regulations thereunder.
- 2.3 Headings:** Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- 2.4 Severability:** Should a court or tribunal of competent jurisdiction declare a part or whole of any provision in this By-law to be invalid or of no force and effect, then that particular provision or part thereof is deemed severable from this By-law, and it is the intention of Council that the remainder shall survive, and be applied and enforced in accordance with its remaining terms to the extent possible under law.
- 5.6 Conflict:** In the event of a conflict between this By-law and any other Town By-law, By-law, Guidelines, Standards or other Town documents, this By-law shall prevail to the extent of such conflict.

## **PART 3 - FRAMEWORK**

### **3.1 AUTHORITY**

#### **3.1.1 The Director, Operations shall oversee:**

- (a) The operation and maintenance of the Town’s water and wastewater systems.
- (b) Providing operational resources for the installation and repair of water meter reading equipment.
- (c) Providing operational resources for troubleshooting and correcting remote meter reading equipment or performing manual water meter reading, as required.
- (d) Establishing water and wastewater rates with the support of and with information provided by the Treasurer.

#### **3.1.2 Should emergency conditions arise that imperil the municipal water supply or its distribution, the Director, Operations in consultation with the Operating Authority has the authority to:**

- (a) Take all remedial measures as deemed necessary to protect public health, which may include limiting or stopping the supply of water in any area and restricting the use of water for any specific purpose;
- (b) Expend money and employ workers as needed to restore the Town’s drinking water system; and
- (c) Report to Council as soon as practical after such measures are taken.

#### **3.1.3 The Director, Development Services shall oversee:**

- (a) Development and implementation of standards and specifications governing the design and construction of the Town’s drinking water and wastewater systems; and
- (b) The service application, review, installation, construction, and inspection process.

### **3.1.4 The Treasurer shall oversee:**

- (a) Arranging for the installation, maintenance and repair of water meter reading equipment;
- (b) Administering water meter reading;
- (c) Accounting and financial reporting;
- (d) Billing and overall administration of water and wastewater accounts;
- (e) Collections of associated fees and charges, including arrears management;
- (f) Issuance of water certificates, final reading of the Town meter and a final bill to the owner of the property when a written request has been received and the charges established in the Fees and Charges By-law have been paid; and
- (g) Arranging for limiting or stopping the supply of water when there has been default of payment in accordance with this By-law.

### **3.2 Use and Receipt of Water**

- 3.2.1** No person shall use, cause, or permit water to be used other than in connection with the property to which it is supplied without prior written permission of the Town, other than by authorized Saugeen Shores Fire Services personnel acting in the course of their duties or other Town personnel acting in the course of their duties.
- 3.2.2** No person shall sell water or otherwise similarly dispose of water without the prior written permission of the Town, other than by authorized Saugeen Shores Fire Service personnel or other Town personnel acting in the course of their duties.
- 3.2.3** No person shall obtain water without paying the applicable charges, fees or rates for that water, except with the prior written approval of the Town other than authorized Saugeen Shores Fire Services personnel or other authorized Town personnel acting in the course of their duties.
- 3.2.4** The Town does not guarantee any pre-determined water pressure or flow, or guarantee the water supplied to be free of colour, turbidity, taste, or odour at all times.

### **3.3 Installation and Maintenance of the Distribution and Collection Systems**

- 3.3.1** Any and all work having to do with the supply of water and collection of wastewater, with the laying, repairing, renewing or the taking up of a watermain, sanitary sewer or service pipes on municipal property shall only be carried out where authorized by the officers, agents or servants of the Town.
- 3.3.2** Any person before proceeding with, or authorizing any construction, that will occur under, across or along any watermain, sanitary sewer or other water or sewage works forming any part of the Town's system(s), shall seek approval from the Town by providing in writing of their intention to proceed with the same. If, in the opinion of the Town, it becomes necessary to support or relocate any watermain, sanitary sewer or other water or sewage works, the cost of such work shall be at the sole expense of the applicant. The Town has the authority to supervise and/or direct such work, which shall be at the sole expense of the applicant.
- 3.3.3** No person, except those authorized and have been approved by the Town, in consultation with the Operating Authority where required by regulation, shall:

- (a) Tap-off, interfere or make any connection with a watermain and/or sanitary sewer;
- (b) Turn off, turn on or interfere in any manner with any watermain valve;
- (c) Turn off, turn on or interfere in any manner with any service pipe; or
- (d) Extend any watermain and/or sanitary sewer belonging to or that in the opinion of the Town forms part of the Town's waterworks and sewage works.

**3.3.4** The Town shall:

- (a) Undertake such works as necessary in connection with Town owned meters, or other components of the waterworks' system; and
- (b) Be satisfied that Inspection, disinfection, and testing of the installation or repair of private water services, as required by the Town are undertaken in accordance with Provincial regulations and the Town's requirements, all at the sole expense of the private property owner.

**3.3.5** Where, on an emergency basis, the Town assists the owner, at the owner's request, in the repair of a private water service on that owner's property, all work performed by the Town to assist the owner in that regard shall be performed at the owner's risk and cost. The owner shall have no claim against the Town for reasons of that work.

### **3.4 Water and Sanitary Sewer Connections and Applications**

#### **3.4.1 New Connection or Change to Existing Connection:**

- (a) No person shall erect or cause to be erected any building, except an ancillary building, on lands serviced by the water and/or sewage work and/or within the municipal servicing boundary unless the building to be erected is connected to the water and/or sewage works.
- (b) No person shall connect to the Town's water and/or sewage works or make changes or alterations to an existing connection to the Town's water and/or sewage works without the written approval from the Director, Development Services or Designate and in compliance with the By-law.

#### **3.4.2 Application for Connection:**

- (a) All persons who require or request water to be supplied to a property or collection of wastewater or a change or alteration to the existing water or sanitary sewer connection in relation to a property shall submit a Municipal Service Connections Application to the Town to determine if services are available to the subject property.
- (b) The Municipal Service Connections Application shall be accompanied by any and all engineered drawings as may be required by the Town to determine if the application is in accordance with applicable Guidelines and the standards, specifications and requirements of this By-law. The owner shall be responsible for the completeness and accuracy of the information furnished on the Municipal Service Connections Application and in the drawings at the time of making the application.
- (c) No connections shall be made until acceptance of engineered drawings and road occupancy forms have been received to the attention of the Director, Development Services or Designate, including but not limited to all fees paid.

#### **3.4.3 Installation of Water and Sanitary Sewer Service Connection(s):**

- (a) All work and materials shall conform to the current Municipal standards.
- (b) All water and/or sanitary sewer connections within Municipal property shall be constructed by a Service Contractor that has provided all necessary documentation to work within the Municipal right-of-way. Owner/Contractor

will make any and all attempts to provide 48 hours of notice to Town staff in case inspection is required.

- (c) The Town retains the right to inspect and/or supervise any and/or all work performed on private property that relates to the installation of a connection to a Town service pipe, not under the jurisdiction of the Building Code Act. This may require the hiring of a Licensed Operator. If in the opinion of the Town, the installation is not completed in accordance with all applicable laws, including, but not limited to, the Building Code Act, and/or standards and specifications of this By-law, it shall be made to conform, at the owner's expense.
- (d) In the event that a person connects to the Town's water and/or sanitary sewage works, and/or installs a water and/or sanitary sewer service connection in a manner other than provided by this By-law, the Director, Development Services or Designate has the authority to order, at the owner's expense:
  - i. Re-excavation of the connection for the purpose of inspection and testing and subsequent reinstallation of the works in compliance with this By-law; or
  - ii. Disconnection of the service connection, which shall not be reinstalled and/or reconnected without prior written permission of the appropriate Director and must be within full compliance with the requirements of this By-law.
- (e) A separate and independent water and sanitary sewer service and water meter shall be required unless otherwise approved by the Director, Development Services and Director, Operations for:
  - i. Commercial buildings;
  - ii. Condominium apartment buildings; and
  - iii. Industrial buildings.
- (f) A separate and independent water sanitary sewer service and water meter is not required for Additional Residential Units that meet the definition in the Town's zoning by-law(s) and is documented with the Town as such but shall be connected to Municipal water and sanitary sewer services if the primary residential unit is connected. Water servicing to the ARU(s) shall be connected downstream of the primary residential unit's water meter.
- (g) Any exemptions to section 3.4.3 (e) shall be at the discretion of the Director, Development Services and all approvals for exemptions shall be in writing.
- (h) Each and every water service connection shall be equipped with a shut-off valve that shall be located on Municipal property at or near the property line or a location authorized in writing by the Director, Development Services or designate.
- (i) Each and every water and sanitary sewer service connection shall be installed and connected to the Town's watermain and/or sanitary sewer along the frontage of the property unless otherwise authorized in writing by the Director, Development Services or designate.
- (j) A separate connection service meter installed for irrigation and/or fire sprinkler system is at the discretion and approval of the Director, Development Services.
- (k) Shut-off valves for all water services, irrigation and/or fire sprinkler systems shall be fully accessible to the Town. If shut-off valves are not accessible, the Town will undertake relocation work to ensure that valves are accessible. All costs associated with relocation shall be at the owner's expense.
- (l) Connections of sump pumps to the sanitary sewer are not permitted and must be rectified at the expense of the landowner. Sump pump drainage water must either infiltrate fully into the ground entirely on the owner's property, OR be connected at the Owner's expense, to the satisfaction of the Director, Operations, to an approved storm sewer, infiltration system, or ditching system. Unapproved overland drainage from the owner's property to public or other private property will not be permitted.

### **3.5 Private Water and Sanitary Sewer Service Pipes and Private Fire Service Mains**

#### **3.5.1 Installation and Inspection:**

- (a) All private water and sanitary sewer service pipes and private fire service mains and their appurtenance shall be installed by the owner, at the owner's expense, in accordance with all applicable law including, but not limited to, the Building Code Act, Developmental Standards, Ministry of the Environment, and this By-law.
- (b) All private water service pipes and private fire service mains shall be tested and commissioned in accordance with applicable laws, Town Guidelines and AWWA standards by a Licensed Operator to the satisfaction of the Town.
- (c) No owner shall install a private water or sanitary sewer service pipe or private fire service, or permit a private water service pipe, sanitary sewer service or private fire service main to be installed on that owner's property except where:
  - i. The watermain/sanitary sewer to which the connection is to be made is fully completed, tested and accepted by the Town for operation;
  - ii. Water/sanitary sewer service connections have been installed to the satisfaction of the Town; and
  - iii. The private fire service connections are installed to the satisfaction of the Town.
- (d) In the event that a person installs or permits a private water/sanitary sewer service pipe or private fire service main to be installed in a manner contrary to this By-law, the Chief Building Official has the authority to order the excavation of the installation and/or direct any other action as may be deemed necessary for the purpose of inspection and testing by the Town, at the owner's expense.
- (e) If the Town determines, after an inspection and testing, that a private water/sanitary sewer service pipe or private fire service main has not been installed in accordance with subsection 3.5.1 (a) of this By-law, the Director, Operations and/or Chief Building Official has the authority to direct the owner to perform the necessary work to ensure full compliance. All works shall be at the expense of the owner and shall be completed within a specified time period.
- (f) Where an owner fails to or refuses to perform the remedial work as directed under subsection 3.5.1 (e), the Director, Operations and/or Chief Building Official has the authority to:
  - i. Issue an order to the owner to perform the necessary work, in addition to any requirements as determined by the Chief Building Official, to bring the private water and sanitary sewer service pipe and/or private fire service main, into full compliance with the applicable regulations, Guidelines, and this By-law and
  - ii. Issue an order to disconnect the private service pipes and/or private fire service main from the water or sewage works.
- (g) Upon a disconnection by the Director, Development Services, Director, Operations, and/or Chief Building Official under subsection 3.5.1 (f) ii., the owner shall not reinstall a private water and/or sanitary sewer service pipe or private fire service main or both except:
  - i. Upon the prior written approval of the appropriate Director;
  - ii. Upon the payment of all applicable fees and charges in respect to the disconnection; and
  - iii. When work is in complete compliance with applicable laws, Guidelines, and this By-law.

#### **3.5.2 Maintenance and Use:**

- (a) The owner or occupier of a property shall keep all private water/sanitary sewer service pipes and private fire service mains and hydrants on that property, including but not limited to fittings, valves, meter chambers and supports thereof, in good working order and repair at all times.

- (b) The owner or occupier of a property shall repair any and all leaks, defects or malfunctions in, of, or on the private water/sanitary sewer service pipes or private fire service mains on that property including leaks, defects or malfunctions related to valves, fitting or corroded piping, as soon as possible once they are made aware of any such leaks or defects or malfunctions, in accordance with all applicable Town By-laws and provincial legislation.
- (c) In the event that an owner or occupier fails to keep all private water/sanitary sewer service pipes and private fire service mains on that property, including but not limited to fittings, valves, meter chambers and supports thereof, in good working order and repair at all times or refuses to repair any and all leaks, defects or malfunctions in, of, or on the private water/sanitary sewer service pipes or private fire service mains on that property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, the Director, Operations is authorized to issue an order to the owner or occupier to do so.
- (d) If an owner or occupier fails to comply with an order issued under subsection 3.5.2 (c), the Town may take such remedial action as authorized, at the owner or occupier's sole expense.
- (e) Notwithstanding subsection 3.5.2 (b), where the owner or occupier can provide, to the satisfaction of the Treasurer, verifiable records of actual water loss as a result of the leak, defect or malfunction, the Treasurer may adjust the amount payable to reflect the documented loss.

### **3.5.3 Investigation/Disputes:**

- (a) Where an owner or occupier disputes the Town's determination of the location of a leak or defect in a service connection, the owner or occupier may apply in writing to the Director, Operations to request the Town conduct an inspection of the service connection and to perform whatever excavation may be necessary.
- (b) The owner or occupier shall set out, in the application, the basis upon which the owner or occupier disagrees with the Town's determination of the location of a leak or defect in a service connection.
- (c) If the Director, Operations determines that an inspection by excavation is necessary to determine the location or cause of the leak or defect, the owner or occupier requesting the inspection shall pay to the Town the deposit specified in the Town's Fees and Charges By-Law, prior to the commencement of the excavation.
- (d) If, upon an inspection under subsection 3.5.3 (a):
  - i. A leak or defect is found by the Town on the Town's portion of the service connection, the Town shall refund the deposit to the owner or occupier; or
  - ii. No leak or defect is found by the Town on the Town's portion of the service connection, the Director, Operations has the authority to determine the actual cost of the excavation, restoration and any other services or work performed by the Town in relation to the inspection. Payment of those costs shall be the responsibility of the owner or occupier; or
  - iii. Should the actual cost of the work be greater than the deposit received under 3.03 (c), the owner or occupier shall immediately remit to the Town the difference; or
  - iv. In the event the actual cost of the work is less than the amount of the deposit received under subsection 3.03 (c), the Director, Operations shall authorize the refund of the difference to the owner or occupier. If the deposit was applied to the owner/occupier's utility account, a credit will be applied to the account.

## **3.6 Demolitions**

### **3.6.1 Demolition of Building:**

- (a) An application to disconnect services must be made on the approved form prior to a demolition permit being issued.
- (b) An owner who has applied for a permit to demolish a property shall notify the Town in writing at least 5 business days in advance of the date on which the water supply to the property is to be terminated, and shall make an appointment with, and provide access to the Town to accommodate a final water meter reading, the removal of the water meter and the remote readout unit from the property, turn-off of the water supply at the shut-off valve . An owner who has applied for a permit to demolish a property shall notify the Town in writing at least 20 business days in advance of the date on which the sanitary sewer service to the property is to be terminated, and shall make an appointment with, and provide access to the Town to accommodate the Public Works department to TV inspect the sewer and either cap the sewer at the property line, or install a cleanout if the lateral is to remain in service. The owner shall pay the prescribed fee for sewer lateral decommissioning as shown in the Fees and Charges by-law.
- (c) The owner or an agent of the owner shall be present at the property when the final water meter reading is taken, the water meter is removed, the water supply is turned off and the inspection of the plugged sanitary sewer service is complete.
- (d) In the event an owner fails to provide access to a property prior to demolition of a building on the property, in accordance with subsection 3.6.1 (b), the owner shall pay to the Town an amount equal to the cost of a new water meter and remote readout unit of the same type and size that was unable to be recovered by the Treasurer from the property in accordance with the amounts specified in the Fees and Charges By-law.
- (e) In addition to the amounts payable under subsection 3.6.1 (f), the owner shall also pay for the amount of water consumption from the last water meter reading date to the date of the disconnection of the water service connection from the waterworks, estimated by the Treasurer in accordance with subsection 3.9.2 (h).
- (f) Following the inspections and works required under subsection 3.6.1 (b), and provided that the water meter has been removed or determined unrecoverable, the owner may proceed with the demolition.
- (g) The owner shall be responsible for the payment of the fixed rate charge specified in the Fees and Charges By-law, until such time as the services are disconnected and capped as required under subsection 3.6.1 (d).
- (h) No payment of the fixed rate is required once services have been disconnected, removed, and capped at the watermain and/or sanitary sewer main as required under subsection 3.6.1 (d) requirements.
- (i) Any new water and sanitary sewer connections shall be installed as per section 3.4, at the cost of the owner/applicant.
- (j) An existing water and/or sanitary sewer connection to a vacant lot will not be replaced by the Town as part of a capital project, while the property remains vacant unless approved by the Director, Development Services.

### **3.7 Construction Water**

#### **3.7.1 Construction Water for Building:**

- (a) For all newly constructed buildings where a Building Permit is issued and Municipal water services are available, a construction water charge as per the Fees and Charges By-law will be charged at the time of Building Permit issuance.
- (b) The water shall be used solely for the construction of the building for which the building permit is issued, which includes normal concrete and masonry work and other minor uses on the subject property and shall not be utilized for compaction or lawn watering purposes.
- (c) The Town is authorized to terminate the supply of water to a property where a person has been authorized for construction water use and is found to be using construction water for compaction, lawn watering, use in a model

home or where construction water is used to service more than one separately assessed parcel of land or other purpose deemed to be unacceptable by the Town.

- (d) The owner shall pay all costs for the installation of any temporary or permanent water service connection of any size and all costs for the disconnection of any temporary water service connection.
- (e) Once the water meter is installed, the owner shall be charged the current water rates for all water consumption registered on the water meter in place of the construction water rate specified in the Fees and Charges By-law.

### **3.7.2 Backflow Prevention – Construction Water:**

- (a) A backflow prevention device shall be installed in accordance with the current CSA-B64 Series Standards on each and every temporary water service connection to private water service pipes.
- (b) The owner shall pay all costs associated with the supply, installation, replacement, or repair, and testing of the backflow prevention device(s).
- (c) If the backflow prevention device is either missing or damaged, the Director, Operations is authorized to immediately order the shut-off of the water supply to the property until such time that the backflow prevention device is either replaced or repaired.

### **3.7.3 Fire Hydrant Used for Construction Water:**

- (a) If authorization in writing is granted by the Town for the temporary use of a fire hydrant for the supply of construction water, a temporary hydrant meter, valve and backflow prevention device shall be installed on the hydrant.
- (b) The Town shall supply a temporary hydrant meter and the owner shall supply and test at their expense the backflow device.
- (c) The owner and/or contractor shall pay the temporary hydrant permit fee as established in the Fees and Charges By-law prior to the installation of the temporary hydrant meter. This fee includes supply and install of the temporary hydrant meter, valve, and backflow prevention device.
- (d) The owner and/or contractor shall pay for all water supplied from the fire hydrant as per the Fees and Charges By-law.
- (e) The owner and/or contractor shall protect the temporary hydrant meter, backflow prevention device and fire hydrant from freezing or any other damage, at all times, to the satisfaction of the Town.
- (f) If any loss or damage occurs to the temporary hydrant meter, backflow prevention device, valve, or fire hydrant the owner/contractor shall immediately notify the Town and shall pay all costs associated with the replacement or repair of the temporary hydrant meter, backflow prevention device or fire hydrant.

## **3.8 Meter By-Pass**

**3.8.1** No pipe connection shall be made to a water service pipe other than after the outlet side of the water meter, except where a by-pass around the meter has been approved in writing by the Town on a commercial property.

**3.8.2** An approved water meter by-pass shall be equipped with a shut-off valve that upon notification of its installation by the owner shall be sealed in the closed position by the Town.

**3.8.3** A properly installed by-pass, including sealed valve around the water meter shall be provided at the expense of the owner or occupier of the premises on which the water meter is located when required by the Town.

**3.8.4** No person shall break the Town's seal on a by-pass valve, without the expressed authorization of the Town.

**3.8.5** If the owner or occupier fails or refuses to supply the by-pass pipe or valve(s) to the satisfaction of the Town, the Director, Operations has the authority to order the owner or occupier:

- (a) To supply and install a new or replacement water meter by-pass pipe or valve(s);
- (b) To remove any defective pipe or valve(s) and install new pipe or valve(s); and
- (c) To repair and maintain the water meter by-pass pipe or valve(s), to the satisfaction of the Town, at the owner or occupier's expense.

**3.8.6** An owner or occupier shall comply with a Director's order made under subsection 3.8.5 within seven (7) calendar days from issuance of the order.

**3.8.7** If an owner or occupier fails to comply with a Director's order made under subsection 3.8.5 within the time required, the Director may undertake the work at the owner's or occupier's expense, in accordance with section 3.24 of this By-law.

### **3.9 All Water Metered**

#### **3.9.1 Provision for Water Meter:**

- (a) An owner of a property shall ensure that provision is made in the piping system of all existing, new, and renovated buildings for the installation of a water meter one nominal size smaller than the diameter of the private water service pipe or larger in accordance with the Town Development Standards and Ontario Building Code.
- (b) A water meter shall be located at the point at which water service pipes enter the building unless directed by the Town in writing, that another location may be used.
- (c) All water meters shall be equipped with a remote reader. The location of the remote reader shall be determined at the sole discretion of the Town.
- (d) Additional private meters or water meters required by this By-law may only be installed by the owner at the discretion of the Town.

#### **3.9.2 Water to be Metered:**

- (a) All water supplied by the Town and consumed on the property shall pass through a meter owned by the Town, save and except as stipulated in Section 3.8 of this By-law, for use on the property unless the water in question is authorized by this By-law to be used for fire protection, and shall be charged for at such rates as attached as outlined in the Fees and Charges By-law, amended from time to time by Council.
- (b) Water meters shall be installed at a time determined by the Town and shall be inspected, maintained, repaired, and disconnected by only employees or agents of the Town. Seasonal disconnections for the purpose of winterizing properties by property owners is permitted.
- (c) Every water meter installed on a property shall be inspected and sealed by the Town at or about the time of installation.
- (d) Every property shall have an installed water meter inspected prior to an Occupancy Permit being issued.
- (d) For water services not measured by a water meter, a representative from the town shall leave a notification on the property or send a letter to the owner or occupier identifying a timeframe when a water meter will be installed.
  - i. If the owner or occupier fails to respond to the letter referenced in subsection 3.9.2 (d), the Treasurer shall issue a final notice on the property or by mail stating that if the owner or occupier does not make suitable arrangements within fifteen (15) business days from the installation of a water meter on the property, water services may

- be terminated with all costs for shut-off and turn-on to be added to the account in accordance with the Fees and Charges By-law. The Treasurer has the authority to issue an order under subsection 3.9.2 (b).
- ii. Water service discontinued as a result of action under subsection 3.9.2 (d)(i) shall remain turned off until such time as a water meter has been installed and the provisions of this by-law are complied with in full.
- (e) The water meter shall be prima facie evidence of the quantity of water supplied by the Town.
- (f) In the event that a meter is found to not be registering, or is not registering correctly, the Treasurer has the authority to charge for consumption at the average rate for the previous year or at a reasonable rate to be determined by the Treasurer. Penalties as defined in the Fees and Charges By-law may be imposed at the discretion of the Treasurer if the meter is found not to be registering for more than two billing periods.
- i. For a meter not registering a meter read, a representative from the Town shall send notice by preferred bill delivery method, chosen by account holder to the owner or occupier.
  - ii. If the owner or occupier fails to respond to the notices referenced in subsection 3.9.2 (f)(i), the Treasurer shall issue a final notice by preferred bill delivery method, chosen by account holder. If the owner or occupier does not make suitable arrangements within fifteen (15) days water services may be terminated with all costs for shut-off and turn-on will be added to the account in accordance with the Fees and Charges By-law. The Treasurer has the authority to issue an order under subsection 3.9.5 (b).
  - iii. Water service discontinued as a result of action under subsection 3.9.2 (f)(ii) shall remain turned off until such time the Town staff are satisfied that the meter registering the issue has been resolved.

### **3.9.3 Supply and Payment for Water Meters:**

- (a) The Town shall be the sole supplier of all water meters registering consumption of water supplied and billed by the Town.
- (b) Strainers and connection fittings, including water meter flanges to be attached to the water meter shall be provided by the Town when required.
- (c) The Town shall retain ownership of all water meters supplied by the Town.
- (d) The owner or occupier shall pay the amounts specified in the Fees and Charges By-law for the water meter supplied by the Town in accordance with subsection 3.9.1 at the time of Municipal Service Connections Application and/or Building Permit issuance, except where:
  - i. The property is a property to which the Town supplies water meters as part of an automated meter reading program and replacement program; and
  - ii. The program exempts such fees and charges;
  - iii. Other cases as approved by the Treasurer.
- (e) No water and sanitary sewer service connection shall be deemed approved by the Town until all amounts required to be paid under subsection 3.9.3 (d) have been received.

### **3.9.4 Supply of Water – New Installation:**

- (a) No person shall turn on the water supply to a property other than Operating Authority staff or authorized Saugeen Shores Fire Services personnel or other authorized Town personnel acting in the course of their duties or as an authorized agent or contractor of the Town expressly acting within the

scope of their work or services, until the Town has inspected and sealed the water meter installed at the property.

- (b) In the event that water supply to a property has been turned on prior to the Town's inspection and sealing of the water meter at the property, the Town may immediately, without notice, terminate the supply of water to the property.

### **3.9.5 Refusal to Install:**

- (a) Under a universal metering program or automated meter reading program, no owner or occupier shall refuse or obstruct the Town in the installation of:
  - i. A water meter and related items; and
  - ii. Automated meter reading equipment.
- (b) In the event that the owner or occupier refuses to allow the Town to install a water meter and/or any related items and equipment as required, the Director, Operations or Treasurer may issue an order to the owner to do so.
- (c) The owner or occupier shall comply with an order issued under subsection 3.9.5 (b) no later than seven (7) days after issuance.
- (d) If an owner or occupier fails to comply with an order under subsection 3.9.5 (b), the Town may undertake the work at the owner's expense in accordance with subsection 3.24.4 (a).

### **3.9.6 Remote Readout Unit and Remote Readout Unit Wire:**

- (a) For each water meter at a property, the Town may provide each metered property with a remote readout unit(s) and a wire for each remote readout unit.
- (b) The Town shall be the sole supplier of remote readout units and wires to each property.
- (c) Ownership of the remote readout unit(s) and wires shall remain with the Town.
- (d) The owner or occupier of a property shall protect the remote readout unit and wire from damage.
- (e) The Town shall inspect and connect the new wire or remote readout unit installation, and the owner of the property shall provide access to the Town to do so.
- (f) If the wire or the metallic electrical conduit required becomes damaged, the Town shall provide and install new wire and conduit at the owner's or occupier's sole expense, as per the Fees and Charges By-law.
- (g) If the remote readout unit becomes damaged, the owner or occupier of the property shall pay the full cost to the Town for the Town to supply and install a new remote readout unit, and any protective device, as specified in the Fees and Charges By-law.
- (i) An owner or occupier of the property shall ensure that the remote readout unit is easily accessible to the Town, in a location approved by the Town, at all times, and at no time shall access to it be obstructed or denied.

### **3.9.7 Bulk Water:**

- (a) Water obtained from a Town owned bulk water fill station shall be metered and bulk water consumption fees as per the Fees and Charges By-law shall be paid.
- (b) There shall be no mixing of pesticides or other chemicals deemed to be harmful to the bulk potable water supply on Town owned property where there is a bulk water fill station.
- (c) It is the responsibility of the person obtaining water from the bulk water fill station to supply their own connections, hoses, containers, etc. that have been strictly used for potable water.
- (d) Backflow Prevention to the satisfaction of the Town shall be utilized, with preference given to an air gap.

### **3.10 Care and Operation of Meter**

#### **3.10.1 Owner's or Occupier's Responsibility:**

- (a) The owner or occupier of the premises on which a water meter is to be located shall be responsible for:
  - i. Paying the fee for the supply and installation of the water meter and remote reader in accordance with the Fees and Charges By-law;
  - ii. Protecting the water meter and remote reader from damage including freezing or destruction;
  - iii. Providing at all times easy access to the water meter and remote reader to the Town for the purposes of meter reading, checking, repairing, installation and removal.
  - iv. Paying the cost to repair or replace a damaged or stolen water meter or remote reader in accordance with the Fees and Charges By-law; and
  - v. Paying the cost to change the size of a water meter due to change in water use in accordance with the Fees and Charges By-law.
- (b) An owner or occupier shall be responsible for any and all water loss or water discharge that occurs and may be a result of, but not limited to: freezing, hot water, damage from any cause in a private water service pipe, private water system or private fire service main on that owner's property.
- (c) Thawing of frozen water service pipes shall be the owner's or occupier's responsibility.
- (d) Charges as a result of replacement of a damaged meter shall be added to a subsequent water/wastewater utility bill.
- (e) An owner or occupier shall immediately notify the Town of any breakage, stoppage or irregularity of performance issues related to the water meter.
- (f) If a water meter is lost or damaged, the owner or occupier shall immediately notify the Town. The Town will undertake any repair or removal of a damaged water meter or the installation of a new water meter of a similar size and type or both, all at the expense of the owner or occupier.
- (g) The Town shall not be responsible for any damage to buildings or property in the course of, the installation, maintenance, repair or disconnection of any water meter, provided that the employees or agents of the Town in the course of such installation, maintenance, repair or disconnection of any water meter, have taken reasonable care.
- (h) In the case of a property subject to meter installation or replacement under a universal metering program or automated meter reading program, the Town may install the water meter, conduit and wire for the remote readout unit and automated meter reading equipment.

**3.10.2 Relocation of the Water Meter:** No person shall change or permit to be changed, the location of a water meter at a property following installation to the satisfaction of the Town, without prior consent of the Town.

### **3.11 Water Meter Inspection**

#### **3.11.1 Water Meter Interference:**

- (a) No person, except a person authorized by the Town shall open, or in any way alter or tamper with any water meter or seal or undertake any action(s) that interfere with the proper registration of the quantity of water that passes through a water meter or ought to pass through a water meter.
- (b) No person shall connect or permit to be connected any pipe or other object to a private water service pipe in front of a water meter or the by-pass pipe and valves.

- (c) If the Town determines that a seal on a by-pass valve or a water meter has been tampered with or is broken, the Town may chain or lock the by-pass valve in the closed position and may reseal the water meter at the owner's expense.
- (d) The seals placed upon the meters and by-pass valves shall only be broken by the Town in the course of maintaining and operating the meter and the by-pass valves.
- (e) In the event that the seals are discovered to be broken, the Town may cause an investigation to be made.

### **3.11.2 Access:**

- (a) Every owner and occupier shall, at reasonable times and on reasonable notice, permit the Town to have free, clear, and unobstructed access to a property and to the location where a water meter is to be installed in or on a property or to permit the Town to test, read, repair, maintain, alter, disconnect, remove, replace or install a water meter or seal a water meter that has been installed.
- (b) Notwithstanding the generality of subsection 3.11.2 (a), the location of a water meter shall be made accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (c) When requested by the Town, an owner or occupier shall permanently remove any insulating or other material from, on or around a water meter to provide the Town with full, unobstructed access to the water meter.
- (d) Any replacement of the material referenced in subsection 3.11.2 (c) shall be undertaken by the owner or occupier at the owner's or occupier's sole expense in accordance with applicable Guidelines for water meters and all applicable law, including but not limited to the Occupational Health and Safety Act.
- (e) As part of an inspection, the Town shall at all times be permitted to take photographs, including digital images, of any water meter, private meter, by-pass pipe and valves, inlet and outlet valves, backflow prevention device, private water system, private water service pipe, private fire service main or water meter chamber.

**3.11.3** Any owner or occupier who fails to report to the Town that a meter has been installed, shall be back charged to the date the occupancy permit was issued for water consumption and wastewater use (where applicable) and include a fixed rate charged on a prorated basis, to be estimated at the discretion of the Treasurer.

## **3.12 Water for Fire Extinction**

**3.12.1** Where a fire line is provided, no water shall be taken from it except for fire protection purposes and for testing and maintenance as required by the Fire Code.

**3.12.2** Fire lines that are not supplied by a separate service shall be connected before the meter to ensure water consumed for fire purposes is not read by the meter. Any new installations will require a separate service for a fire line.

**3.12.3** All equipment used for a fire protection system shall be provided with suitable valves and approved by the Town. A building permit shall be obtained for any installation.

**3.12.4** Stand pipes for fire protection shall be installed in accordance with the Building Code Act, with an appropriate Building Permit obtained.

**3.12.5** The Town may require a compound meter be installed at a property. The meter is to be purchased for the Town and shall be installed and maintained by the Town.

**3.12.6** All systems shall be approved and installed in accordance with the Building Code Act, with a building permit obtained.

**3.12.7** The Town may require the installation of a Backflow Prevention Device on a fire service line depending on site specific conditions in order to protect the drinking water system. Location of a Backflow Prevention Device will be dependent on potential risk of the property. A building permit shall be obtained for any installations.

### **3.13 Fire Hydrants**

**3.13.1** All fire hydrants shall be used for the purpose of providing water for the suppression of fires and the maintenance of the municipal water system.

**3.13.2** No person other than authorized Operating Authority or Town personnel and Saugeen Shores Fire Services personnel shall use fire hydrants owned and maintained by the Town.

**3.13.3** The design, location, installation, repair, and maintenance of all fire hydrants within the Town's jurisdiction shall be undertaken in accordance with current Guidelines.

**3.13.4** The Town shall have the authority, through the development process, to secure adequate municipal fire hydrants in accordance with the above- noted Guidelines and this By-law.

**3.13.5** No person shall without lawful authority, open or close any fire hydrant or valve or obstruct the free access to any fire hydrant (i.e. ensure minimum of one meter clearance around the hydrant), curb stop chamber, pipe, or valve by placing upon it any building material, rubbish, snow or other obstruction.

**3.13.6** The Town, at its sole discretion, has the authority to remove any obstruction, to operate fire hydrants or valves, or to repair water lines, and shall not be liable for damages that may result from the replacement or repair.

**3.13.7** Private fire hydrants shall be maintained accessible at all times and in good operating condition by and at the expense of the owner.

**3.13.8** Water from privately owned hydrants shall not be used for purposes other than firefighting and maintenance of water quality unless the purpose is specifically approved by the Director, Operations.

**3.13.9** Private hydrants shall be tested and maintained on an annual basis by a Licensed Operator, at the owner's expense and in accordance with the Fire Code. Annual inspection/testing reports must be submitted to the Town.

**3.13.10** Private hydrants shall have the body painted red to differentiate them from municipally owned hydrants. Caps and Bonnets shall be painted the appropriate colour based on fire flow, as per NFPA 291, or alternative removable reflector style indicators approved by the Town.

**3.13.11** Where a fire flow test from a municipal fire hydrant is required by a property owner or occupier (i.e., for insurance requirements) and the property owner or occupier has hired a company to perform flow testing, the Town shall be on-site during testing to operate fire hydrants and associated valves. A request must be made to the Town seven (7) days prior to testing. The fee for this service is as noted in the Fees and Charges By-law.

### **3.14 Water System Cross Connection Control and Backflow Prevention**

#### **3.14.1 Installation:**

- (a) No owner or occupier shall connect, cause to be connected or allow to remain connected, any piping fixture, fitting, container, or appliance, in a manner which under any circumstances, may allow water, wastewater or any harmful liquid, gas, vapor, or other substance to enter the waterworks system.
- (b) Where, in the opinion of the Town, there is a risk of contamination at a property, the owner or occupier of the property, upon issuance of an order from the Director, Operations, shall install a backflow prevention device(s) approved by the Town for the purpose of achieving premise isolation, regardless of any other protective device that may be installed on the private water system.
- (c) An owner or occupier of any Industrial, Commercial or Institutional buildings, who has applied for plumbing changes requiring a building permit, which are deemed to present a moderate to severe hazard (as per Ontario Building Code, O. Reg. 332/120 and are connected to the Town's waterworks shall be required to install in the building(s), backflow prevention device as approved by the Town to achieve premise isolation, at the owner or occupier's expense.
- (d) All backflow prevention devices required for premise isolation shall be selected, installed, replaced, maintained, and tested by the owner in accordance with this By-law, the Building Code Act, Town policies and current CSA-B64 Series Standards.
- (e) Any owner, occupier or other person required to install a backflow prevention device shall obtain a building permit for each backflow prevention device to be installed.
- (f) Every owner or occupier required to install a backflow prevention device shall determine the proper device in accordance with CSA-B64 Series Standards and this By-law, including any temporary backflow prevention device.
- (g) Notwithstanding subsection 3.14.1 (i), where an owner or occupier is required to install a backflow prevention device under this By-law, the Town may direct the owner or occupier to install a specific type of backflow prevention device where the Town determines that such specified device is necessary to prevent contamination of the waterworks.
- (h) Every owner or occupier required to install a backflow prevention device shall install the device downstream of the water meter and prior to any tapping, or where circumstances require, in an alternate location authorized by the Town.
- (i) Every owner or occupier required to install a backflow prevention device shall ensure that it is in proper working order at all times and that all piping between the water meter and the backflow prevention device is clearly labeled "no connection permitted."
- (j) Plumbing changes requiring a building permit for fire protection purposes shall be equipped with an approved double check valve or backflow preventer, approved by the Town, and shall be maintained in good working order at all times.
- (k) If a test of a backflow prevention device reveals that the device is not in proper working condition or is not in conformance with CSA Standard B64, the owner or occupier shall repair or replace the device within forty-eight (48) hours of the performance test.

#### **3.14.2 Access:**

- (a) The Town shall be allowed access, upon reasonable notice, to any premises that are connected to the waterworks system for the purpose of performing an inspection to locate possible cross connections.
- (b) Where access is not provided, a written notice by the Town shall be issued allowing fourteen (14) days to provide access. If access is not provided

within this time frame, the Town may, at its sole discretion, discontinue the supply of water to the premises until such time as access is provided for such access to occur.

- (c) Every backflow prevention device shall be installed in a location that is readily accessible as determined by the Town, for operational, renewal, servicing, maintenance and inspection purposes.
- (d) The location of the backflow prevention device shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (e) The Town may, at reasonable times or in the case of an emergency, at any time, enter a property for the purpose of inspecting or testing a private water service pipe, private water system, a private fire service main, a backflow prevention device.
- (f) Owners and occupiers shall remove any insulating or other material on or adjacent to the private water service pipe, private water system, private fire service main, backflow prevention device so that full access to that pipe, system or devices are available for the testing and inspection purposes.
- (g) All of the removal and any subsequent replacement carried out under subsection 3.14.2 (f) shall be performed by the owner or occupier at that owner or occupier's expense in accordance with all applicable law including but not limited to Occupational Health and Safety Act and its Regulations.
- (h) No person shall obstruct or permit or cause the obstruction of the access to a private water service pipe, private water system, or backflow prevention device, either permanently or temporarily.

### **3.14.3 Removal:**

- (a) No person shall remove or cause or permit to be removed a backflow prevention device after it has been installed unless that removal is:
  - i. Necessary to facilitate the repair of the device and that device is immediately replaced by a temporary device, until the time that the original device is satisfactorily repaired or replaced and tested; or
  - ii. For the purpose of immediately replacing the device with another device that meets or exceeds the requirements of this section; or
  - iii. Warranted due to alterations to the private water system which completely removes the risk of contamination for which the backflow prevention device was required, in which case:
- (b) The owner or occupier shall submit to the Town a survey prepared and signed by a Qualified Person attesting to the fact that the device or devices are no longer required; and
- (c) The device shall not be removed until the Town approves of the removal, which approval shall be made if the altered system no longer requires the device or devices in accordance with the standard and specifications and the CSA – B64 Series Standards; and
- (d) The cost of obtaining the necessary documentation under this subsection shall be the responsibility of the owner or occupier, or as otherwise authorized by the Town.

## **3.15 Right to Refuse Water Service**

### **3.15.1 Delinquent Account:**

- (a) Applications may be rejected by the Town for the supply of water for any premises in respect of which water and/or wastewater rates, rents, or the price of service extension are owed to the Town, until the account is paid.
- (b) The Town has the right to turn off water supply and/or withhold from any person with a delinquent account with the Town, regardless of the reason, until the amount owing is paid, whether such person resides on the premises where the water was used for which there are arrears, or on any other premises where water was supplied.

- (c) The Town shall not be held liable for any damages to property or injury to persons that occur directly or indirectly as a result of a shut-off or turn-on of the water supply. It is the property owner and/or occupier's responsibility to ensure the internal plumbing and appliances are properly maintained at all times, and in the case of cold weather, that lines are drained to prevent damage.
- (d) When an account is not paid on the due date, late payment charges as set out in the Fees and Charges will be applied to the account.
- (e) A delinquent account will be notified by preferred bill delivery method on file. At a minimum this will be done when two billing periods are overdue. This will also act as a final notice indicating the possible disconnection and/or transfer of delinquent balance to the property tax roll. Disconnection charges shall remain a lien on the property and may be collected in the same manner as municipal taxes.
- (f) For a reconnection to take place, the outstanding balance and charges must be paid in full, or a payment arrangement agreement must be agreed upon by the Treasurer. Failure to abide by this payment arrangement agreement will result in disconnection and/or transfer to the property tax roll.
- (g) During any disconnection period, the monthly capital contribution for water and sewer shall apply.
- (h) As a regular practice, the Town will transfer all amounts due over 90 days to the property tax account for the property twice annually at regular intervals established by the Treasurer.

### **3.15.2 Water Shut Off Initiated by the Town:**

- (a) Except in cases of emergency, no person shall turn on or shut off or permit the turn-on or shut-off of the water supply to a property without the authorization of the Town.
- (b) If the water supply to a property has been shut off by the Town, no person shall turn-on or use the water supply or permit the water supply to be turned on or used without the prior written approval of the Town.
- (c) The Town may shut off the supply of water to a property if:
  - i. The charges, fees or rates imposed by this By-law or any other Town By-law providing for charges, fees, or rates in relation to the treatment and supply of water or collection and treatment of wastewater are overdue; or
  - ii. A fine imposed under this By-law remains unpaid after the time required for payment of the fine has expired; or
  - iii. The owner or occupier has failed to comply with an order issued by a Director or Treasurer under this By-law within the time required; or
  - iv. A leak or other fault is found on the private water service pipe or water service connection and is creating, or is likely to create an emergency situation, including but not limited to, injury to persons or damage to adjacent properties including those of the Town, and the Town may keep the supply of water to a property shut off until the time that the leak or fault is completely repaired; or
  - v. The Town determines that an immediate threat of contamination to any part of the waterworks exists that may endanger public health and safety, for the purposes of preventing, limiting, or containing any such threat of contamination; or
  - vi. An emergency or potential emergency exists and an owner or occupier has not provided to the Town immediate free, clear and unobstructed access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device in accordance with this By-law, until such time where access is provided to the Town.
- (d) In the event that water has been shut off for any reason provided in this By-law or applicable laws, the Town shall not be required to restore the supply of water to a property until all outstanding fines, charges, fees and rates in arrears in relation to the treatment and supply water and collection and

- treatment of wastewater have been paid in full, or payment arrangements satisfactory to the Treasurer have been made, and all orders issued under this by-law have been complied with.
- (e) With respect to any shut off or subsequent turn on of the water supply to a property under subsection 3.15.2 (c) or 3.15.2 (d), the owner or occupier shall pay to the Town the amount specified in the Fees and Charges By-law, for water shut-off or subsequent turn on.
  - (f) The Town shall, prior to the shut off of a water supply, provide reasonable notice of the shut-off to the owners and occupiers of the land or property by personal service or prepaid mail or by posting the notice on the land or property in a conspicuous place, except in those situations as identified under subsection 3.15.2 (c).
  - (g) The Town shall not be liable for damage or loss caused by the stoppage, interruption or reduction of the amount of water supplied to the land or property of any person as a result of an emergency or a breakdown, repair or extension of the waterworks if, in the circumstances, reasonable notice of the Town's intentions to stop, interrupt or reduce.

### **3.16 Right to Suspend Supply**

- 3.16.1** During normal maintenance and emergency conditions, the Town shall provide as continuous and uninterrupted service as is practical.
- 3.16.2** Where shutting off portions of the system is deemed necessary by the Town, warning of the shut off shall be given where it is practical or possible to reasonably do so. Where necessary, in the opinion of the Town, the water may be shut off and kept off for as long as necessary, the Town, its servants or agents shall not be held liable for any damage resulting there from, whether or not notice of the shut off was given.
- 3.16.3** The Director, Operations has the authority to suspend the use of Town owned bulk water fill stations during maintenance and/or emergency conditions.

### **3.17 Responsibility of Owners and Occupiers**

- 3.17.1** Where a new service has been installed or where the water has been turned off to an existing service, a request to activate the service must be received by the Town a minimum of four (4) business days in advance of when the service is required, and the request must be made by the property owner or occupier.
- 3.17.2** Every owner or occupier taking water shall, at their sole expense, keep their service pipe, private hydrant, other appurtenances, and all plumbing fixtures connected within the premises, in good condition and sufficiently protected from frost, hot water, blows, and injuries from any or all other causes.
- 3.17.3** The Town shall not be held responsible for any damage arising from the owner's or occupier's failure to comply with 3.17.2.
- 3.17.4** The owner or occupier's responsibility shall extend from the service box/shut-off valve, at or near the property line limit, into the building.
- 3.17.5** If a condition is found to exist in subsection 3.17.2 of this by-law which, in the opinion of the Town, results in the loss of water or may be jeopardizing the potability of the water supply, the Town may either:
  - (a) Give notice to the owner or occupier to correct the fault, at the owner's or occupier's sole expense within a specified period, or
  - (b) Shut off the water service or services until such time that corrective action, satisfactory to the Town, has been taken by the owner or occupier at the owner's or occupier's sole expense.

- 3.17.6** When any property left vacant, unattended or without heat, where the water supply has not been shut off at the shut off valve, and the property suffers damage to it and its contents from a leaking or burst water pipe, neither the owner nor occupier shall have a claim against the Town.
- 3.17.7** When any property is left vacant, unattended or without heat, it is the owner's or occupier's responsibility to shut off the water supply from within the property and to properly drain the piping/private water service therein. Furthermore, it is the responsibility of the owner or occupier to make the necessary arrangements to stop the supply of water to the property.
- 3.17.8** If the condition is found to exist after the owner or occupier has been notified, the Town may, at its sole discretion, enter upon the lands where the service pipes are located, and by its officers, servants or agents effect repair at the owner's or occupier's sole expense.
- 3.17.9** If the said costs and charges are not paid on demand the Town may collect them in the same manner as the water and wastewater rates.
- 3.17.10** Any person authorized by the Town for the purpose of inspection, examination or effecting repairs of meters, fixtures and pipes of every kind used in connection with the supply of water to, or the use of water on such premises shall be allowed, at all reasonable times, and upon reasonable notice given and request made, access to all parts of any premises to which water is supplied, for the said purposes.

### **3.18 Shut-Off and Turn-On by Request**

- 3.18.1** No unauthorized person shall turn on or shut off the supply of water to a property at the curb stop shut-off valve.

#### **3.18.2 Water Shut Off:**

- (a) An owner or occupier of a property shall notify the Town no less than four (4) business days in advance of the date and time which the owner or occupier requires the Town to temporarily or permanently shut off the water supply to a property at the shut-off valve.
- (b) The owner's or occupier's notification shall be in writing if the owner or occupier requires the water supply to the property be shut off permanently.
- (c) In the event that the property is occupied by tenants, the owner shall also provide the tenants with notice of the water shut off at the same time as the owner notifies the Town under subsection 3.18.2 (a) and 3.18.2 (b).
- (d) The owner or the occupier's representative may be required to attend at the property at the time of the appointment to ensure that the Town has access to the property, the water meter and the shut off valve.
- (e) In the case of an emergency, as determined by the Town, the advance noticed requirements in subsection 3.18.2 do not apply, however; the owner or occupier shall provide the notice as soon as possible in the circumstances.
- (f) Except in the case of an emergency or maintenance being performed on the waterworks by the Town, the owner or occupier shall be present at the property when the water is either shut off or turned on by the Town.
- (g) All shut-off requests made under this section are subject to any applicable fees as set out in the Fees and Charges By-law.

#### **3.18.3 Water Turn On:**

- (a) An owner or occupier of a property shall notify the Town at least four (4) business days in advance of the date on which a supply of water to a property is to be turned on.

- (b) The owner or occupier shall make an appointment with the Town so that the Town may attend at the property and turn on the water supply.
- (c) The owner or occupier or the owner's representative shall attend at the property at the time of the appointment to ensure the Town has access to the property, water meter and the shut off valve.
- (d) Except in the case of an emergency or maintenance being performed on the waterworks by the Town, the owner or occupier shall be present at the property when the water is either shut off or turned on by the Town.
- (e) The owner or occupier shall have no claim whatsoever against the Town by reason of any shut-offs that produce plumbing leaks when water is turned on. It is the property owner's responsibility to ensure the internal plumbing and appliances are properly drained to prevent damage due to freezing and thawing.
- (f) All turn-on requests made under this section are subject to any applicable fees as set out in the Fees and Charges By-law.

### **3.19 Water Conservation Measures**

**3.19.1** At the Town's discretion, no owner or occupier shall be allowed to use in any manner whatsoever, the water supplied by the Town upon streets, lawns, gardens, yards, or grounds of any description, except during those hours set by resolution, By-law, or By-law by the Town.

**3.19.2** The Director, Operations shall give reasonable notice, in the circumstances, to the public of the implementation of water conservation measures, the date on which it is to take effect and the conditions of the water conservation measure.

**3.19.3** Where the Director, Operations has declared, lifted, or downgraded water conservation measures in accordance with this By-law, he or she shall cause notification to be made to the affected property owners by advertisement in various media outlets, including but not limited to local newspapers, other media, posting on the Town's website, etc.

**3.19.4** The Town has the authority to implement water conservation measures when one or more of the following conditions are observed and/or continue:

- (a) The water supply system is experiencing capacity issues;
- (b) The water storage reservoirs are experiencing capacity issues;
- (c) Dry weather is predicted;
- (d) Water demand is higher than normal; and/or
- (e) Equipment failure, treatment/storage capacity, Town limitations or operational/capital maintenance activities.

**3.19.5** Under normal circumstances, the following conditions apply:

- (a) A property with an odd-numbered municipal address shall water lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation at that property on a day which is identified on the calendar with an odd number;
- (b) A property with an even-numbered municipal address shall water lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers or other vegetation at that property on a day which is identified on the calendar with an even number;
- (c) Water of lawns, sports fields, grassy areas, trees, shrubs, gardens, flowers, or other vegetation shall only be watered between the hours of:
  - i. Six o'clock (6:00 a.m.) in the morning and nine o'clock (9:00 a.m.) in the morning, or
  - ii. Seven o'clock (7:00 p.m.) in the evening and ten o'clock (10:00 p.m.) in the evening.

**3.19.6** Where the Director, Operations has declared that Phase One measures shall be implemented the following conditions apply:

- (a) No persons shall water any lawns, sports fields, grassy areas, golf courses, trees, shrubs, gardens, flowers or other vegetation of any property;
- (b) No washing of motor vehicles;
- (c) No filling or topping up of any swimming pools, wading pools, hot tubs, garden ponds, and fountains and other outdoor water features; and
- (d) No use of outdoor misting systems.

**3.19.7** Notwithstanding subsection 3.19.5 and 3.19.6, the Director, Operations may exempt the following from compliance of normal or Phase One measures:

- (a) Municipal property (as governed by section 3.19.9);
- (b) The watering of flower beds, gardens, trees or shrubs on any property by hand;
- (c) Commercial facilities that rely on water for their operations (including but not limited to such uses as car washes, commercial garden centers and/or tree and plant nurseries);
- (d) Tee-off areas and putting greens on golf courses, newly sodded or seeded lawns, and newly planted trees, that have been in situ for thirty (30) days or less; and
- (e) The topping of swimming pools to maintain pumping/filtration capability and to comply with health and safety requirements.

**3.19.8 Emergency:** In the event of any emergency, industrial and commercial operations may be required to cut back or to temporarily cease operations during the period required to address the emergency, if in the sole discretion of the Town it is advisable to do so in order to ensure public safety in accordance with other applicable Town By-laws.

**3.19.9 Municipal Property:**

- (a) Where Phase One measures have been implemented, the flower beds and shrubs on municipal property must be watered (by any method) at reduced levels, as determined by the Director, Operations.
- (b) Where Phase One measures have been implemented, sports fields on municipal property may be watered, on a case-by-case basis, as directed by the Director, Operations.

## **3.20 Fees, Charges, Billing, and Responsibility for Payment**

**3.20.1 Connection Charges:**

- (a) Connection charges shall be applied to all properties, including properties that are exempt from taxation, where a property fronts on a watermain and/or sanitary sewer main, as determined in accordance with applicable Town standards, unless previously levied by property-specific By-law.
- (b) Connection charges are calculated based upon the rates adopted by Council included in the Fees and Charges By-law.
- (c) Connection charges shall not be applied to new lots created through a Subdivision Agreement intended for ultimate municipal assumption and developed while subdivision is not assumed. Connection charges are applicable to vacant lots following assumption by the Town.
- (d) Connection charges shall be paid as noted in the Fees and Charges By-law, prior to connection works commencing.

**3.20.2 Costs of Disconnection of Service Connection:**

- (a) In the event that an owner requests a disconnection of a service connection, the Town shall determine:
  - i. The cost of providing that disconnection under the amounts specified in the Fees and Charges By-law, for that type of service disconnection, as may be established by the Town from time to time; and
- (b) The property owner is responsible for all costs for the disconnection as required by the Town including but not limited to surface restoration, actual disconnection from the main(s).

**3.20.3 Temporary Hydrant Water Meter Fees:**

- (a) If a person applies for a metered construction water service connection, either temporary or permanent, water shall be metered from the date water is first supplied to the property.
- (b) Water consumption registered on the water meter shall be billed in accordance with current Town water rates.
- (c) No monthly construction water rate shall apply provided the water meter remains installed, undamaged, sealed, and functioning properly.
- (d) Payment for all construction water shall be due immediately following use.
- (e) The town shall shut off the supply of water to the property if the fees and charges for the construction water are not paid in full when due.
- (f) The Town shall not be obligated to turn the water on until the time that construction water charges have been paid in full.

**3.20.4 Shut-off and Turn-on by Request Fees:** The owner or occupier shall pay to the Town for any shut off or turn on of the water supply to a property, the amount specified in the Fees and Charges By-law.

**3.20.5 Water and Wastewater Service Charges:**

- (a) A new account fee shall be charged to an individual service account at the time that the new account is commenced, as per the Fees and Charges By-law.
- (b) A duplicate bill fee shall be charged when a request has been made to provide the account holder with an additional copy of the bill, as per the Fees and Charges By-law.
- (c) Where an account holder has submitted a post-dated cheque for payment, and has requested the cheque to be returned, a fee will be charged for the retrieval and return of the payment as identified in the Fees and Charges By-law.
- (d) Where an account holder has erroneously made an electronic payment to an account which is no longer in their name, the first transfer to the correct account will be done upon request at no charge. Subsequent errors of the same nature will be charged for transferring the payment as identified in the Fees and Charges By-law.
- (e) An administration fee will be charged to accounts when the outstanding balance on the water/wastewater account is transferred to the municipal property tax account for the subject property for collection purposes.
- (f) Where a statement of activity on an account has been requested, a fee shall be charged as identified in the Fees and Charges By-law.
- (g) Where an invoice or notice is sent by registered mail, a fee shall be charged and added to the service account as identified in the Fees and Charges By-law.
- (h) Where a duplicate receipt is requested for a service account, a fee will be charged for each year requested, as identified in the Fees and Charges By-law.
- (i) Where a payment has been returned to the Town by a financial institution for any reason other than account holder deceased, a returned payment fee will be charged, as identified in the Fees and Charges By-law.

- (j) Where a notice is hand delivered to a property in a collection effort, a fee shall be charged and added to the service account as identified in the Fees and Charges By-law.
- (k) Where a utility certificate is requested to provide the financial status of an account, a fee will be charged for the certificate as outlined in the Fees and Charges By-law.
- (l) Only one water meter per water service shall be supplied for billing purposes.
- (m) Where a service has been disconnected and is to be reconnected, a fee will be charged as set out in the Fees and Charges By-law.
- (n) The owner or occupier of each separately assessed parcel of land that is connected to a watermain and in which a water meter has been installed shall pay a consumption rate as set forth in the Fees and Charges By-law. This charge shall commence upon the installation of the meter by the Town at the property.
- (o) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the Town shall pay a fixed rate charge for water as set forth in Fees and Charges By-law, commencing upon installation of the meter by the Town at the property.
- (p) The owner or occupier of each separately assessed parcel of land that is connected to the sanitary sewer system shall pay a sewer consumption rate based upon water consumption shown through the water meter as set out in Fees and Charges By-law. The sewer consumption rate is capped at 70 cubic meters bi-monthly for residential properties.
- (q) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the Town and will be connecting to the sanitary sewer system shall pay a fixed rate charge for sewer usage as set forth in Fees and Charges By-law, commencing upon issuance of the meter by the Town.
- (r) The owner or occupier of each separately assessed parcel of land that is connected to a watermain, where a water meter has not been installed shall pay a calculated water flat rate as set out in the Fees and Charges By-law.
- (s) The owner or occupier of each separately assessed parcel of land that is connected to the sewer system, and where the water consumption is not measured through a water meter, shall pay a calculated sewer flat rate for sewer charges as set out in the Fees and Charges By-law.
- (t) The owner or occupier of each separately assessed parcel of land who receives sewage service but does not receive water supply service from the Town, shall pay a calculated sewer flat rate as set forth in the Fees and Charges By-law
- (u) The rates set out in **Schedule "A"** of this By-law are effective upon passage of this By-law and may be amended from time to time through the annual Fees and Charges By-law.

### **3.20.6 Billing and Payment Requirements:**

- (a) The Town's Corporate Services Department shall invoice residents on a bi-monthly basis, or at an alternate frequency as approved by Council, except where otherwise indicated in this By-law.
- (b) Where necessary, Bi-monthly invoices may be based upon estimates until the next reading may be obtained from the property.
- (c) In the case of payments received by mail, the date the payment is received shall be taken as the date of payment.
- (d) It is the responsibility of the account holder to ensure receipt of all billings. Failure to receive a bill does not exempt the account holder from liability for payment or from interest and penalties applied in accordance with the Fees & Charges By-law.
- (e) Where the Treasurer determines that:
  - i. A meter is defective;
  - ii. A meter is not registering the correct amount of water used;
  - iii. The water meter reading has been incorrectly recorded;
  - iv. The Town has been unable to obtain a water meter reading;

- v. No water meter reading has been remitted to the Town by the occupant or owner when requested to do so;
- vi. A meter is unsealed or has an unsealed by-pass valve; or
- vii. A meter has not been installed;

The Treasurer may estimate consumption at a property, based on either the average consumption as shown by subsequent readings from a properly functioning meter accurately registering the water consumed at the property, or based on historical average consumption for the same or similar premises or use during a similar time period, and invoice the owner or occupier accordingly for both water and wastewater use. After two billing periods of estimated reads where the customer has not allowed access to the meter for replacement or repair, the Treasurer shall be entitled to use 5x the average consumption, as the estimated usage as specified in the Fees and Charges by-law.

- (f) Under special circumstances where it is, in the opinion of the Director, Operations, expedient to allow or direct an owner or occupier to run water continuously, the Director may authorize such usage and in such cases the Town shall adjust the water invoice to conform to the owner or occupier's normal pattern of water usage.
- (g) The Town has the right to estimate consumption based upon use and water service size during provision of unmetered temporary water service.
- (h) Partial payments on sewer and water accounts that are in arrears shall be applied in each instance to the arrears longest outstanding.
- (i) Notwithstanding any water that may be lost or not consumed at a property as a result of a break, malfunction or leak in a private water system, the owner or occupier shall be liable for the payment of all water and wastewater fees in relation to any such water.
- (j) All water and wastewater rates and other charges shall be a lien and charge upon the land of the owner, whether consumed by the owner of the land, or a tenant of the land.

**3.20.7 Late Payment Charges:** All fees and charges, including water and wastewater service rates, which are in arrears, levied under this section and which are added to the water/wastewater accounts, shall be subject to a late payment charge, as identified in the Fees and Charges By-law. Late payment charges may be waived at the discretion of the Treasurer under extenuating circumstances.

**3.20.8 Open/Close Water/Wastewater Account for Residential Properties:**

- (a) To open a water/wastewater account, written notification must be provided to the Town no later than four business days prior to the date of occupancy. Failure to notify the Town may result in additional fees as outlined in the Fees and Charges By-law. Where an actual reading can not be completed due to failure of notification for the date requested, the water read obtained at the next available date will be used.
- (b) Residential water/wastewater accounts may only be opened by the owner of the property. Occupants who are not the owner cannot open a water/wastewater account. Any private agreements between other parties (including tenants) do not represent agreements with the Town of Saugeen Shores. Account information, including but not limited to payments, balances and billing history are accessible to the account holder only.
- (c) To close a water/wastewater account, written notification must be made no later than four business days prior to the date of departure. Failure to notify the Town may result in additional fees as outlined in the Fees and Charges By-law. Where an actual reading cannot be completed for the date requested, a final water read will be completed on the next available date or backdated to the most recent billing reading closest to the requested date.

**3.20.9 Open/Close Water/Wastewater Account for Commercial Properties:**

- (a) To open a water/wastewater account, written notification must be provided to the Town no later than four business days prior to the date of occupancy. Failure to notify the Town may result in additional fees or billing adjustments as outlined in the Fees and Charges By-law. Where an actual reading cannot be completed for the date requested, the water reading at the next available date will be used.
  - i. Commercial Tenant Accounts may be established at the sole discretion of the Town of Saugeen Shores. Commercial Property Owners and/or their legal representatives must contact the Town to provide all information necessary to set up a tenant account. Once the required information is provided, the Town will initiate the tenant account set up process, including the execution of the signed Tenant Agreement Form.
  - ii. Failure of either party to comply with the tenant account set up requirements will result in the continuation of the water/wastewater account under the property owner's name. No billing adjustments or restatements/reallocations of billings will be made due to failure of either party (property owner or tenant) to complete this process. Any private agreements outside of this Tenant Agreement are private do not constitute agreements with the Town of Saugeen Shores.
  - iii. The Town reserves the right to reject any new commercial tenant account set up for an individual or business that is not in good standing with any other accounts with the Town.
- (b) To close a commercial water/wastewater account, written must be made no later than four business days prior to date of departure. Failure to notify the Town may result in additional fees or billing adjustments as outlined in the Fees and Charges By-law. Where an actual reading cannot be completed for the date requested, a final water reading will be completed on the next available date or backdated to the most recent billing reading closest to the requested date.

### **3.21 High Water Bill Adjustments**

**3.21.1 High Water Bill Adjustment:** In the event of a high-water bill, a credit may be given at the discretion of the Treasurer. Any credits issued may be limited to a maximum of two billing periods worth of usage and may be limited to one credit per property within any given 5-year period.

### **3.22 Right of Entry and Inspection**

#### **3.22.1 Access:**

- (a) No person shall deny access to the Town to a property for any purpose as provided for in this By-law.
- (b) No person shall deny access to the Town to a property where that person has been given reasonable notice by the Town, as the case may be, of the intent to exercise a power of entry in accordance with the Municipal Act, 2001.
- (c) The Town may, in accordance with the requirements of this By-law, enter upon a property to which water is supplied and wastewater is collected by the Town:
  - i. To inspect, repair, alter or disconnect the service pipes or wire, machinery, equipment and other works uses to supply water and collect wastewater;
  - ii. To read, inspect, install, repair, replace, maintain or alter a water meter;
  - iii. To inspect a backflow prevention device;
  - iv. To determine whether water has been, or is being, unlawfully used; or

- v. To shut off or reduce the supply of water.
- (d) If an owner or occupier discontinues the use of water at a property or the Town lawfully decides to cease supplying water to land or property, the Town may enter on the land or property:
  - i. To shut off the supply of water;
  - ii. To remove any property of the Town from the property; or
  - iii. To determine whether water has been, or is being unlawfully used.
- (e) The powers of entry of the Town are subject to section 435 to 439, inclusive, of the Municipal Act, 2001.

### **3.22.2 Inspection:**

- (a) Notwithstanding any other provision in this By-law, an employee, officer or agent of the municipality may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law or an order or direction issued in accordance with this By-law.
- (b) For the purposes of any inspection, the Town may:
  - i. Require the production for inspection of documents or things relevant to the inspection;
  - ii. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - iii. Require information from any person concerning a matter related to the inspection; and
  - iv. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (c) No person shall fail or refuse to comply with a request by the Town to produce for inspection any document or thing or information relevant to the inspection carried out by the Town in accordance with 3.22.2.

**3.22.3** The Town may enter upon lands for the purposes of an inspection and the other activities set out in subsection 3.22.2 (a) or (b) under an order issued under section 438 of the Municipal Act, 2001:

- (a) Where a provincial court judge or justice of the peace has issued an order authorizing the Town to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this section, no person, when requested to do so by the respective Director, shall neglect or refuse to produce or deliver any information or documents or things required by this By-law.

### **3.22.4 Obstruction:**

- (a) No person shall represent or cause to be represented that they are an owner or occupier of a property if they are not.
- (b) No person shall prevent, hinder, obstruct, or interfere, or attempt to prevent, hinder, obstruct, or interfere, in any manner, the Director(s) or Treasurer or their respective designate or any Town personnel, agents or contractors in the exercise of an activity, power or performance of a duty under this By-law or the administration or enforcement of this By-law.
- (c) The activities of the Director(s) or Treasurer or their respective designate or any Town personnel, agents or contractors referred to in subsection 3.22.4 (b) may include, without limitation, the following:
  - i. Entering in or upon, at any reasonable time without warrant, any land, property, or premises, except premises being used as a dwelling house in which case reasonable notice shall be provided under this By-law and the Municipal Act, 2001; or
  - ii. Making such tests or taking such samples as the Town deems necessary; or
  - iii. Inspecting or observing any plant, machinery, equipment, work activity or documents; or

- iv. Reading, repairing, maintaining, altering, disconnecting, removing, replacing, installing, or sealing a water meter, remote readout unit, backflow prevention device or any related item or any or all of the foregoing.

### **3.22.5 Protection from Damage:**

- (a) No person shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:
  - i. Any part of the water and/or sewage works; or any seal placed thereon, or attached thereto, or
  - ii. Any permanent or temporary device installed in or on the water and/or sewage works for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the Town may deem necessary for the administration of this By-law or the operation or maintenance of the water and/or sewage works.

**3.22.6 Damage to the Waterworks:** any owner or person receiving water from the waterworks shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-law and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the waterworks or to properly protect water from contamination or any other damage including the cost of investigation, disinfection, repairing or replacing any part of any waterworks damaged or water contaminated thereby.

**3.22.7 Damage to the Sewage Works:** any owner or person conveying wastewater to the sewage works shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-law and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the sewage works.

**3.22.8 Unauthorized Entry to Water and Sewage Works:** Unless specifically authorized by the Director, Operations, no person shall enter into any chamber, structure, building or property associated with the water and/or sewage works.

### **3.22.9 Offences:**

- (a) Every person who contravenes any provision of this By-law, and every director or officer of a corporation, who knowingly concurs in a contravention by the corporation of any provision of this By-law is guilty of an offence.
- (b) Any fine imposed under Section 3.23 shall be payable in addition to any fees and charges payable under this By-law.
- (c) Every person who:
  - i. Willfully hinders or interrupts, or causes or procures to hinder or interrupt the Town, or any of its officers, agents, or servants, in the exercise of any of the powers conferred by this By-law; or
  - ii. Willfully or negligently lets off or discharges water so that it runs waste or useless out of the waterworks system; or
  - iii. Every person found operating or tampering with a shut-off valve in any way may be prosecuted as provided for by this By-law.
  - iv. Without lawful authority willfully opens or closes any hydrant, or obstructs the free access to any hydrant, shut-off valve, chamber, pipe, or hydrant chamber, by placing on it any building material rubbish, or other obstruction; or
  - v. Throws or deposits any injurious, or offensive matter into the water or waterworks, or upon ice, if the water is frozen, or in any ways fouls the

- water or commits any willful damage or injury to the waterworks, pipes or water, or encourages the same to be done; or
- vi. Willfully alters any meter placed upon any service pipe or connection therewith, within or upon any building or other place, so as to lessen or later the amount of water registered; or
  - vii. Lays, or causes to be laid, any pipe or main to communicate with any pipe or main of the waterworks, or in any way obtain or uses the water without the consent of the Town; or
  - viii. Being a tenant, occupier or inmate of any house, building or other place supplied with water from the waterworks; improperly wastes the water or without the consent of the Town, lends, sells or disposes of the water, gives away or permits it to be taken or carried away, used or applied to the use or benefit of another, or to any use and benefit other than their own or increases the supply of the water agreed for;

(d) is guilty of an offence, under this By-law.

- i. Every owner or occupier who willfully or knowingly impairs or alters a meter, or knowingly causes the same to be altered or impaired, so that the meter indicates less than the amount of water through it, shall be liable to pay the Town double the value of the water indicated as having passed through the meter and in cases of non-payment of such expenses and charges, the water supply may be shut off by the Town and not turned on again until all such expenses and charges are paid in full to the Town and this, without prejudice, to the right of the Town to bring action against such person to recover such expenses and charges in any court having competent jurisdiction.
- ii. This By-law may be enforced by Municipal Law Enforcement Officer, the Treasurer, the Director, Operations, and the Director, Development Services.

### **3.23 Enforcement, Offence, and Penalties**

**3.23.1 Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer, or any person appointed by Council.

**3.23.2 Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, and to any other applicable penalty.

**3.23.3 Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001.

**3.23.4 Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001.

**3.23.5 Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

### **3.24 General Enforcement Powers**

**3.24.1 Restraining Order:** If this By-law is contravened, in addition to any other remedy or penalty imposed by this By-law, the contravention may be restrained by application by the Town under the provisions of Section 440 of the Municipal Act, 2001.

**3.24.2 Order to Discontinue Activity:**

- (a) Under the provisions of section 444 of the Municipal Act, 2001, the Director(s) or Treasurer may order any person who has contravened this By-law or who has caused or permitted the contravention of this By-law or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
- (b) Any person who contravenes an order under subsection 3.24.3 (a) is guilty of an offence.

**3.24.3 Work Order:**

- (a) Under the provisions of section 445 of the Municipal Act, 2001, the Director(s) or Treasurer may order any person who has contravened this By-law or who has caused or permitted the contravention of this By-law or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention
- (b) Any person who contravenes an order under subsection 3.24.3 (a) is guilty of an offence.

**3.24.4 Remedial Action:**

- (a) In accordance with section 446 of the Municipal Act, 2001, where any matter or thing is required to be done under this By-law, in default of it being done by the person directed or required to do so, that matter or thing may be done by the Town which shall be at that person's expense and the Town may recover the costs incurred for doing such matter or thing from the person directed or required to do it by adding the costs to the tax roll and collecting the in the same manner as Municipal property taxes.
- (b) For the purposes of subsection 3.24.4 (a), the Director(s) or Treasurer may enter upon the subject property at any reasonable time.

**3.24.5 Document Retention:** The owner shall retain any document to be produced for inspection or approval or retained under this By-law by an owner of a property for a period of seven (7) years.

**3.24.6 Notice:**

- (a) Where an order is issued by the Director(s) or Treasurer, the person to whom the order is made shall be deemed to have received the order on the date it is posted in a conspicuous place at the subject property or delivered in person or three days after being posted by first class prepaid mail to the person at the last known address provided to the Director(s) or Treasurer, or where no address for the person has been provided, by first class prepaid mail to the address for the person identified on the tax rolls.
- (b) The manner of delivery, set out in subsection 3.24.6 (a), shall be in the discretion of the Director(s).

**3.25 Contact Information**

**3.25.1** For administering or enforcing the requirements under this By-law or any other applicable By-law or By-law of the Town, the Town may require an owner of a property provided with a service connection or equipped with a water meter, or an owner of a property where a water meter is to be installed, to provide them with:

- (a) That owner's full name, mailing address and telephone number;
- (b) The full name, mailing address and telephone number of any occupiers of the property; and
- (c) The full name, mailing address and telephone number of a person authorized by the owner to provide the Town with access to the water meter or the location where a water meter is to be installed.

**3.25.2** Every owner shall provide the Treasurer with a current contact name and telephone number within twenty-eight (28) days of a change in ownership or occupancy of a property.

**PART 4 - Short Title**

4.1 This By-law may be cited as "Water and Wastewater By-law".

**PART 5 - Repeal**

5.1 That By-laws 117-1999, 89-2001, and 52-2004 and all amending by-laws are hereby repealed.

**PART 6 - Enactment**

6.1 That this By-law shall come into force and effect upon final reading thereof.

Read, passed, and sealed this                      day of                      2026.

\_\_\_\_\_  
Luke Charbonneau, Mayor

\_\_\_\_\_  
Morgan McCulloch, Deputy Clerk

By signing this By-law on \_\_\_\_\_, 2026, I, Mayor Luke Charbonneau, will not exercise the power to veto this by-law pursuant to subsection 284.11 (4)(a).

\_\_\_\_\_  
Luke Charbonneau, Mayor