

Water System Management By-law No.16/06

Consolidated Update:



**Fort Frances
Canada**

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of the Council of the Town of Fort Frances, Ontario, Canada**

Town of Fort Frances

By-law No. 16/06

A by-law to provide for the
REGULATION OF THE WATER SYSTEM IN THE
TOWN OF FORT FRANCES

(the *Municipal Act, 2001*, S.O. 2001, c. 25, Part I, s. 11(1), Part III, s. 78 through 93, and Part XII, s. 391)

WHEREAS on July 24th, 2006 Council approved a recommendation from the Operations and Facilities Executive Committee to enact this by-law.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS AS FOLLOWS:

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Part 1
DEFINITIONS

Definitions in this by-law:

1.1 Application – defined

"application" a contract, expressed or implied, for any of the customary services provided or supplied by, or in conjunction with the Water By-law.

1.2 Building – defined

"building" shall mean any building, structure or premises, whether for principle use or ancillary use as defined in Sections 1.3 and 1.4.

1.3 Building, principle use - defined

"building, principle use" shall mean any building in which is carried on the principle purpose for which the property is used and shall include a barn or silo used in conjunction with a farm.

1.4 Building, ancillary use - defined

"building, ancillary use" shall mean any building or structure, which is incidental, subordinate and exclusively devoted to and located on the same property as the principle use building.

1.5 Calendar Day – defined

"calendar day" shall mean the period of twenty-four (24) consecutive hours commencing at midnight and ending at the subsequent midnight.

1.6 Contractor - defined

"contractor" shall mean 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, hydrants and other appurtenances.

1.7 Cross Connection - defined

"cross connection" shall mean any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the waterworks distribution system and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

1.8 Customer - defined

"customer" shall mean any person who enters into a verbal or written contract with the Town to take water or to receive water related services from the Town.

1.9 Deposit – defined

"deposit" means the payment in advance of the work or service to be rendered by the Town of Fort Frances.

1.10 Developer - defined

"developer" shall mean the owner or party specifically named in a Development Agreement or in a Subdivision Agreement.

1.11 Engineer - defined

"Engineer" shall mean the Town's Engineer or any person acting by his or her authority for the Town of Fort Frances.

1.12 Home Industry/Occupation - defined

"Home Industry/Occupation" shall mean any occupation accessory to, and carried on by at the occupant of, a single detached dwelling for which a municipal business license is required.

1.13 Inspector - defined

"Inspector" shall mean any person authorized by the Engineer to act on his or her behalf for purposes of inspection.

1.14 ICI - defined

"ICI" shall mean Industrial, Commercial and Institutional.

1.15 Main - defined

"main" shall mean every water pipe, except services and portions of private mains as herein defined, installed on the public road allowance or on any other land upon which the Town has obtained easements.

quantity of water used by the customer.

1.17 Meter Pit - defined

"meter pit" shall mean any exterior chamber or pit approved by the Engineer for the purpose of containing a water meter.

1.18 Municipal Address - defined

"municipal address" shall mean the combination of the number assigned and name of the street on which a property is located and to identify a building or buildings on a particular property within the Town of Fort Frances.

1.19 Non-essential Use of Water Externally - defined

"Non-essential use of water externally" shall include watering of lawns and gardens, filling of swimming pools, washing of vehicles (other than commercially-operated car washes) and any other use of water which is not essential to public health and safety, personal hygiene, or to sustain a commercial activity at the municipal address where water is used.

1.20 Occupant - defined

"occupant" shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise.

1.21 Owner - defined

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

1.22 Person - defined

"person" means an owner, occupier or otherwise.

1.23 Plumbing Code - defined

"Plumbing Code" means the regulations respecting plumbing from time to time in force under the Part 7 of *Ontario Building Code*, or any Act passed in amendment thereof or substitution therefor.

1.24 Plumbing System - defined

"plumbing system" shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately after the meter.

1.25 Potable Water - defined

"potable water" shall mean water that is fit for human consumption.

1.26 Premises - defined

"premises" means property (land or real estate) conveyed by a deed. Where the context so requires, "premises" shall mean any house, tenement, building, lot, or part of a lot, or both, in, through, or past which water service pipes run.

1.27 Private Main - defined

"private main" shall mean a pipe connected to a main and installed on private property and from which more than one service and/or hydrant lateral are connected.

1.28 Remote Read-Out Unit - defined

"remote read-out unit" shall mean the device installed at a separate location from the water meter and used to record the consumption reading of the meter.

1.29 Service - defined

"service" includes not only the supply of water from the Town's Water Distribution System but also any hydrant, fire service (sprinkler), stand-by or any other of the customary services provided or supplied by or in connection with the Town's Water Works. Where the context so requires, "service" means a water service pipe.

1.30 Service Extension - defined

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

"shut-off valve" shall mean the valve on the water service or private main owned and used by the Town to shut off or turn on the water supply from the Town's waterworks distribution system to any premises. Where the context so requires, "shut-off valve" means a "curb stop".

1.33 Single Detached Residence - defined

"single detached residence" shall mean a single dwelling, which is freestanding, separate and detached from other main buildings or main structures, including a split-level dwelling, but does not include a mobile home.

1.34 Subdivider - defined

"subdivider" shall mean the owner or party specifically named in a Subdivision Agreement.

1.35 Termination of service – defined

"termination of service" shall mean the discontinuation of use of a water service to supply water to a premises, either on a permanent or temporary basis.

Permanent termination – where the existing water service will not or cannot be used or where no building requiring a water service is planned.

Temporary termination – where the existing water service will or can be used, or where a building requiring a water service is planned for construction within a specified period of time.

1.36 Town - defined

"Town" shall mean The Corporation of the Town of Fort Frances.

1.37 Water - defined

"water" shall mean potable water supplied by the Town.

1.38 Water Distribution System - defined

"water distribution system" shall mean mains with connections to feeder mains, feeder mains within subdivision lands, private mains, services, fire hydrants, and shut-off valves and all other appurtenances thereto.

1.39 Water Related Services - defined

"water related services" shall include but not be limited to those items set out under the heading "Miscellaneous Charges" in accordance with the Town's User Fee By-law.

1.40 Water Service Pipe - defined

"water service pipe" shall mean the pipe and fittings that convey potable water from a connection on a main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure.

1.41 Waterworks - defined

"waterworks" shall mean any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the *Building Code Act, 1997*, or any amendments thereto apply.

**Part 2
ADMINISTRATION**

2.1 Application - payment prior to installation

An application for water service from the Town shall be completed on the standard forms and any required deposit payments shall be made by the owner or their authorized agent before any work is commenced on the installation of the water service and before the water service is turned on.

2.2 Application – termination of service – building demolition – permanent/temporary

In the event of the demolition of any building or buildings on a premise serviced with water and the appropriate application is to be made with the Town for termination of such water service:

- a) Where the existing water service will not or cannot be used or where no building requiring a water service is planned is to be permanently terminated.
- b) Where the existing water service will or can be used, or where a building requiring a water service is planned for construction within a specified period of time is to be temporarily terminated.

2.3 Application - each property

Separate applications are required for each property serviced.

the premises is no longer required. The Town shall turn off the supply of water to the said premises at the charges provided for in this by-law unless a prior application for water service is received.

2.5 Change of ownership – notice

Upon change in ownership of premises supplied with water by the Town, the new Owner shall notify the Town of the change and file a new contract.

2.6 One service – per premises

Except as stated herein, in no case shall piping of one building be connected to the piping of another. Pursuant to Ontario Building Code Article 7.1.6.4, sentence (1), No premises shall be provided with more than one water service, except that where a *principle use building* is serviced, an *ancillary building* may be serviced by the same water service provided that; a) the building is on the same property, b) the services are registered on title to the lands with the local authority, c) a formal agreement is reached with all interested parties and, d) permission is granted by the Town Engineer.

2.7 Development – agreement

In cases of land development where the land will be serviced with municipal water, the developer shall enter into an agreement with the Town. Plans and specifications will be prepared by a professional engineer and approved by the Engineer prior to any work commencing.

2.8 Cost of service – Owner

The entire cost of the water service from the main to the curb stop (shut-off valve) at the property line shall be borne by the Owner of the premises.

2.9 Cost – deposit – User Fee By-law

The costs and deposits referred to in Section 2.8 are set forth in the Town's User Fee By-law.

2.10 Maintenance responsibility – service extension

The maintenance, renewal or removal of that portion of the service pipe between the property line and the premises shall be the responsibility of the Owner.

2.11 Frozen service – thawing – application – procedure

Thawing of frozen water services between the curb stop, at the property line and the building may be carried out by the Town's Public Works personnel providing that application for such is made on the standard forms. Thawing of the water lines is to be done according to the following chronological procedure:

- a) Try thawing from the house to the curb stop at the property line. If successful the property owner would pay one hundred percent (100%).
- b) If unable to make a proper current flow connection at the curb stop or if unable to locate the curb stop, then try thawing from the house to the water main. If successful the property owner would pay fifty percent (50%).
- c) If a proper current flow connection between the house and the curb stop and unable to thaw the service line, then try thawing from the house to the water main. If successful the Town would absorb all costs with no costs going to the property owner.

2.12 Water rate – single tenant – responsibility

Where a building is used or occupied by a tenant in a residential zone whose application for a supply of water to such building is accepted by the Town, the owner of the premises shall be liable to the Town for the payment of all rates in respect of water supplied to the building.

2.13 Water rate – multiple tenants – responsibility

Where a building is used or occupied by:

- a) An owner and one or more tenants; or
- b) Two or more tenants each residing in separate dwelling units,

in a residential zone, the onus is upon the owner to make application for water service to such building and the owner shall be liable to the Town for the payment of all rates in respect of water supplied to such building.

2.14 Water rate – ICI – responsibility

Where a building is used or occupied by an owner and/or tenant in a ICI zone and water is supplied through a meter, the Town shall accept an application for water service to such building from the owner and the owner shall be liable to the Town for the payment of all rates in respect of

Town, to cause a search to be made of records for arrears prior to completion of purchase and to obtain from the Town a certificate of such arrears.

2.16 Purchasing of property – serviced with water – future development – payment

It shall be the responsibility of any person purchasing property to which, water is supplied by the Town for future development, to cause a search to be made of records for service information prior to completion of purchase. Where properties are serviced as such, the person purchasing such property shall be required to make application for such water service and make payment as set out in this by-law.

Part 3 RATES AND CHARGES

3.1 Application for water supply

Before the initial supply of water or any subsequent reconnection to any premises in the Town, the owner shall make application for the same, and the owner shall be governed by the requirements of this by-law.

3.2 Application – termination of service

Before the termination of the supply of water, whether temporary or permanent, the owner shall make application for the same, and the owner shall be governed by the requirements of this by-law.

3.3 Service installation charges

The Engineer upon application for such water service shall prepare an estimate of the water service installation costs.

3.4 Deposit – prior to installation

A deposit as set out in the Town's User Fee By-law shall be made by the applicant prior to installation of the service.

3.5 Cost – outstanding – completion

The applicant shall pay the remaining portion of the actual cost of installation within thirty (30) days from the date of billing for such installation.

3.6 Unpaid bills - interest

Unpaid bills after thirty (30) days shall have a 1.25 per cent interest charge added per month and each month thereafter until paid in full.

3.7 Billing – metered customers

Metered customers shall be billed bi-monthly for water consumed during that period at the rates shown in accordance with the Town's User Fee By-law.

3.8 Billing – un-metered customers – flat rate

Un-metered customers shall be billed bi-monthly for water at the rates outlined in accordance with the Town's User Fee By-law.

3.9 Fire Protection – service standby charge

A service stand-by charge for sprinkler, standpipe and/or private hydrant shall be levied towards the premises at the rates outlined in accordance with the Town's User Fee By-law.

3.10 Shutting off – turning on/off – existing/new services

A charge set forth in accordance with the Town's User Fee By-law will be levied for turning on or off water services, when required for the turning on of new services, the turning off/on for plumbing inspection, an owner to effect repairs to the service pipe or plumbing on his or her property, for customer account in arrears or when the property is vacant or unoccupied for any duration.

Multi-residential properties and trailer parks are subject to the same option offered above with the following additional requirement; it is compulsory that the multi-residential properties and individual trailer properties obtain prior approval, minimum of seven (7) days of the vacancy. It should be noted that approval will not be granted if any portion of the fire sprinkler system within the building is disarmed or dismantled or the supply of water to any other unit is affected. It is the responsibility of the property owner to ensure the plumbing and valves are in good working order and in place prior to work being done. All valving affected by turning the water off shall be affixed with seals by the Town's water system operators.

3.11 Frozen service – thawing charge

Costs of the services referred to in Section 2.11 are set forth in accordance with the Town's User Fee By-law.

be issued and charges levied as set forth in accordance with the Town's User Fee By-law.

3.13 Temporary water supply – charge

After giving to any customer notification deemed adequate by the Engineer, the Town may shut off the water service of a customer in order to make repairs to the water system. In case of an emergency such as a water main break or where in the opinion of the Engineer considerable damage may be caused, water mains or services may be shut off without notification. Where a customer requires an uninterrupted water supply he shall make arrangements with the Engineer to ensure the same. The Engineer will recommend action at the customer's expense, as he deems necessary to supply uninterrupted water service.

In special circumstances, such as the replacement of a water main where the interruption of water supply is considered to be in the opinion of the Engineer, substantial, the Town shall provide effected customer(s) with temporary water supply. Water rates for metered customers while connected to a temporary water supply shall be in accordance with Section 7.21 of Part 7 of this by-law.

3.14 Notice of arrears – outstanding account – late payment charge

When an account is not paid by the due date stated on the bill, a late payment charge, as outlined in accordance with the Town's User Fee By-law will be assessed to the account. On second billing, with one full bi-monthly in arrears, a notice of arrears will be served reminding the customer of the outstanding account and advising of further action.

3.15 Notice of arrears – served

The notice of arrears shall be served personally (hand delivered) or by "Registered Mail" to the premises or the last known property owner to which the service had been supplied.

3.16 Notice of disconnection

On third billing, with two full bi-monthly billings in arrears should the account remain unpaid, a water disconnection notice will be issued. The Engineer will deliver or cause to be delivered to the serviced address, advising the customer that unless payment is received, in full within ten (10) days the water supply will be discontinued.

3.17 Collection – charge

When it has been necessary for a "water disconnection notice" to be delivered as set out in Section 3.16 of this part of the by-law, a collection charge shall be applied to the outstanding account. Where two (2) consecutive bi-monthly billings have resulted in the need for such notice of disconnection to be delivered in as described herein, then a collection charge shall be applied for each occurrence. The rates for collection charges are shown in accordance with the Town's User Fee By-law.

3.18 Non-payment – water turn off – lien

If the customer at any premises omits, neglects or refuses to pay any bill rendered, whether for water service installations, meter, service charges or any other monies to which the Town may be entitled in respect of water services to such premises. Such charges shall remain as a lien on the property where they have been incurred by the owner of the property and may be collected in accordance with the procedures permitted by Section 398 (2) Debt of the *Municipal Act, 2001*.

3.19 Reconnection – charge

Where it has been necessary to discontinue service as a result of "non-payment" a reconnection charge as shown in accordance with the Town's User Fee By-law will be levied against the delinquent account, in addition to the applicable collection charge.

3.20 Temporary removal and reconnection of meter - charge

When the owner requests a temporary removal of the water meter from their premises, for any reason, the meter removal and reinstallation charge, as shown in accordance with the Town's User Fee By-law will be applied to their account.

3.21 Meter testing – charge

The charge for testing the accuracy of a water meter is as shown in accordance with the Town's User Fee By-law.

Part 4 DEPOSITS

4.1 Deposit – security for payment

Whenever an application is made to the Town for a supply of water, water service or other services, the Town will require the customer to make a deposit of such sum of money, as it may consider advisable or as specified within this by-law. Each such deposit shall be security for payment for all water and/or services in respect to which such deposit was made. In the case of discontinuance of service the customer is to notify the Town in writing.

and regulations, then the deposit, or as much of it as shall be necessary, shall be applied in payment for such water, and the water service shall be discontinued until further monies have been paid to the Town sufficient to again bring up the deposit to the amount required.

Part 5 WATER SYSTEM – OPERATION – USE

5.1 Conditions on water supply

The Town agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water and is not liable for damages to the customer caused by the breaking of any water service pipe or attachment, or for shutting off of water to repair mains or to tap mains, if reasonable notice of the intention to shut off the water is given.

5.2 Authority for Water Supply

The Town in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all waterworks plant and equipment within its boundaries serving the Town of Fort Frances, to establish whether and the terms upon which municipalities or persons outside the Town of Fort Frances may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers.

5.3 Hydrants – unauthorized use – offence

No person except the Engineer or person authorized by the Engineer or members of the Fire Department shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant without approval of the Engineer. The method of application and payment shall be according to Section 3.12 of Part 3 of this by-law. The terms and conditions required for granting the permit shall be at the discretion of the Town and may be changed from time to time, as the Town deems necessary.

5.4 Sale – disposal – approval – non-metered

No person shall sell or dispose of non-metered water, give it away or permit the same to be taken, carried away or obtained without written approval of the Engineer.

5.5 Waste – prohibited

No person, owner, occupier or otherwise shall wrongfully, neglectfully or improperly use water.

5.6 Pipes – fixtures maintained – prevention of leaks

All persons supplied with water by the Town shall keep private service pipes, valves, fixtures, taps and other appurtenances on their property or premises in good repair and free from leaks.

5.7 Freezing – prevention – prohibited

No person, without the express written authorization of the Engineer, shall allow water to run to waste to prevent freezing of private water services or piping inside premises, but shall make necessary adjustments to prevent such freezing.

5.8 Operation or interference – unauthorized – offence

No person except the Engineer or person authorized by the engineer for that purpose shall open or close a valve in the water works distribution system, remove, tamper with or in any way interfere with any valve, water meter, structure, water main or water service in the water works distribution system.

5.9 Operation of shut-off valve

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

5.10 Fire service – improper use

Any water supplied or made available for any land or building for purposes of protection of property or persons from fire or for preventing fires or the spreading of fires shall not be used for any other purpose unless otherwise authorized, in writing from the Engineer.

Part 6 WATER SERVICES – CONSTRUCTION

6.1 Installation – by Town – by Contractor

All water services between the water main and the property line shall be installed by the Town or by contractors engaged by the Town for the purposes of such installation or as specified in new land development projects where agreements with the Town and the developer or subdivider to complete such work.

the Chief Building Official. Where the Ontario Building Code is silent the Town's specifications shall be applied and shall prevail.

6.3 Connection to main – prior application

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

6.4 Installation – alteration – approval by Town

For any new water service pipe or private main installation, or alteration of existing water service pipes or private mains, the owner must apply for approval from the Town.

6.5 Installation inspection by Town

The Town must inspect all water service pipes and appurtenances installed, including those required under a Subdivision or Development Agreement. The charge for inspection is to be at an hourly wage charge plus a vehicle or as specified in the Subdivision or Development Agreement.

6.6 Installation – access for inspection

The Town or persons authorized by the Town for inspection shall be, at all times, entitled to enter any premises for the purposes of examining pipes, connections and fixtures which are used in connection with the water service pipe and/or service main.

6.7 Termination of service – building demolition – permanent/temporary

In the event of the demolition of any building or buildings on a premise serviced with water and the appropriate application made with the Town, the existing water service is to be terminated as follows:

- a) Where the water service pipe is to be permanently terminated the service pipe, at the discretion of the Engineer is to be disconnected at the water main, the water main plugged, and the curb box and rod removed at the owner's expense.
- b) Where the water service pipe is to be temporarily terminated, the Town shall turn off the shut-off valve (curb stop), at the owner's expense.

6.8 Termination of service – reconnection – inspection

Where a water service connection is required to be reconnected to a premises, such service shall be dug by the Owner/Applicant at the property line, water service expose and inspected by the Town to ensure that such service meets present standards.

If existing service is acceptable the Owner may proceed with its installation. Connections to existing services are to be inspected by the Town prior to backfilling at the inspection rate as set within this by-law.

If existing service does not meet present standards or by-law requirements the Owner shall make application for new service as described in Section 2.1 of this by-law.

The Owner/Applicant shall be liable for the cost of locating water service connections upon application for reconnection.

6.9 Maintenance of service stub – Town

The Town of Fort Frances at its expense shall maintain the water service stub.

6.10 Maintenance of service extension and private main – Owner

Any and all defects to the water service extension and private main shall be repaired by the owner of the property being serviced. Should the Town become aware of any such defect, and upon written notification to the owner, the said defect is not repaired, within seven (7) days of the date of the notification or within such time as the Engineer may deem necessary, then the Town may turn off the water supply to the property. Once the owner has repaired the water service extension the Town will restore the water supply to the premises. The owner shall be charged for the turn "off"/"on" of the water supply in accordance with the Town's User Fee By-law.

6.11 Access to shut-off valves

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

6.12 Responsibility for protection, water loss, damage

All water service extensions to and including the meter shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main

When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. The owner may apply in writing to the Town to have the shut-off valve turned off to stop water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate shown in accordance with the Town's User Fee By-law.

6.14 Responsibility - water damage

When any premises left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the owner or the occupant shall have no claim against the Town. Should the Engineer become aware of such leaking or burst pipes, the Engineer shall turn off the shut-off valve, and the water supply shall not be turned on until the Engineer, in his/her discretion, shall consider it advisable.

6.15 Responsibility for frozen pipes - Town - Owner

Thawing out frozen water service stubs shall be the Town's responsibility. Thawing out frozen service extensions and private mains shall be the owner's responsibility. Where any employee of the Town assists the owner in the thawing of frozen pipes on the owner's property, all such work will be the owner's expense as outlined in this by-law. The owner shall have no claim against the Town by reason of such work.

6.16 Responsibility for Hydrant Maintenance – Town – Private

Any hydrant situated within the road allowance is the property of the Town and shall be maintained by it. Hydrants privately owned and paid for by any persons, other than the Town shall be maintained by qualified persons or the Town through a written agreement. All hydrants are to be maintained as per the *Ontario Fire Code*.

6.17 Renewal of service – Town – Owner

The Town shall renew service stubs on public property at the owner's expense and to Town specifications when:

- a) piping is deemed by the Engineer to be beyond repair;
- b) existing pipe material is lead and supplies a single detached residence.

Replacement piping shall conform to the specifications of the Town and shall be the same size as existing or the minimum size as specified in the *Ontario Building Code*. The owner shall make application as described in Section 2.1 of this by-law. If an owner requests a larger size, the owner shall pay the difference in material cost.

6.18 Access – removal – inspection – fittings

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

Part 7 WATER METERS

7.1 Water to be metered

All water used on premises within the Town of Fort Frances, except residential dwellings, multiple residential units, or water used for fire fighting purposes, or water authorized by the Engineer for construction or other purposes, shall pass through the meter supplied by the Town for use upon such premises. All water supplied to premises outside the corporate limits of the Town of Fort Frances shall pass through a meter supplied and installed by the Town of Fort Frances.

This section shall not apply to residential dwellings and multiple residential dwellings containing licensed home occupations.

7.2 Metered water - remedy for violation

Notwithstanding remedies available to the pursuant to this by-law or otherwise, upon ascertaining that water has been used which has not passed through a meter, the Town may, without notice shut off and stop the supply of water.

7.3 Every building metered – service refused – Engineer's discretion

7.4 Meter – lifetime

The lifetime of a water meter is ten (10) years from the date of installation after which time the owner shall pay all costs of repair or replacement at the discretion of the Engineer.

7.5 Supply – installation – ownership – replacement

The Town shall, upon application supply the Owner with a water meter (includes remote readout) at the rates set in accordance with the Town's User Fee By-law. All costs of installation shall be borne by the Owner. The meter must be installed prior to occupancy of the building. The meter shall remain the exclusive property of the Town and may be removed as and when the Town may see fit, upon the same being replaced by another meter, or for any reason, which the Town may, in its discretion, deem sufficient.

7.6 Installation – maintenance – repair – access

The Town may shut off or restrict the supply of water to a property if the Town requires access to the property to install, replace, repair or inspect a water meter. Any person authorized by the Town for that purpose has free access, at all reasonable times, and upon notice given as set out in Section 7.4 of this by-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.

All costs of normal maintenance of the meter during the lifetime of their installation shall be borne by the Town of Fort Frances. The exception being all costs to repair damage due to freezing or structural damage will be recovered from the owner.

7.7 Notice required – access

Before shutting off or restricting the supply of water, the Town shall, by personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the Town intends to shut off or restrict the supply of water if access to the property is not obtained before that date;

7.8 No shut off – reasonable effort – gain access

The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after the later of,

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

7.9 Restoration of water supply – as soon as practicable

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

7.10 Charges – meters – owner to pay

All charges for any of the work and services mentioned in Sections 7.5 and 7.8 of this by-law will be determined by the Engineer as set out in accordance with the Town's User Fee By-law and will be paid in full by the owner.

7.11 Installation to Town Specifications

All water meters, supplied by the Town, shall be installed to conform to the following Town specifications:

A horizontal section of water service pipe be installed at a minimum height of 200 mm above the floor and above the water shut-off, but not exceeding 750 mm thereof. The length of the horizontal section of water service pipe shall be as follows:

<u>Water Meter</u>	<u>Length of Section</u>	<u>Distance from Wall</u>
20 mm	450 mm	100 mm
25 mm	600 mm	150 mm
40 mm	750 mm	150 mm
50 mm	750 mm	200 mm

The Engineer shall have the right to seal meters at his or her own discretion and to inspect such seals from time to time.

7.13 By-pass valves – required – meters over 25 mm

All meters over 25 mm in size shall be equipped with by-pass piping and suitable valving. All valving on the by-pass piping shall be sealed.

7.14 By-pass valves – installation – maintenance – cost

All costs of installation and maintenance of the piping and valving set out in Section 7.14 shall be borne by the owner.

7.15 Meter location – Engineer to consent to change

The location of a meter, once installed to Town specifications, shall not be changed or altered by any person except with the consent of the Engineer.

7.16 Private meters – owner responsible

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

7.17 Reading meter – access

The Town and persons authorized by the Town for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the Town's discretion. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Town, the Town may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.

7.18 Leaks must be reported

Any leaks that may develop at the water meter or its couplings must be reported immediately to the Town. The Town is not liable for damages caused by such leaks.

7.19 Interference with meter not permitted

No person, except a person authorized by the Town for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any water meter, or with the seals placed thereon, or do anything which may interfere with the proper registration of the quantity of water passing through such meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building or structure, the Engineer may forthwith, without any notice, shut off the water from such building or premises, and the water shall not be again turned on to such building or premises without the express consent of the Engineer.

7.20 Failure to install meter – penalty

Every person who fails to make application with the Town for the installation of a water meter, or otherwise fails to have installed a water meter as required in Section 7.1 of the by-law is guilty of an offence and subject to such fines and penalties provided for under the *Provincial Offences Act*. The Town of Fort Frances may avail itself of any and all remedies, and whatever actions and procedures as provided in the *Municipal Act, 2001* to effect compliance with the requirements of this by-law.

7.21 Owner responsible to repair piping

If, in the opinion of the Engineer, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Engineer may require the owner make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Engineer's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Town shall not be held responsible for any damages to the owner's property arising from such work.

7.22 Non-functioning meter – consumption of water estimated

If, for any cause, any meter fails to register properly, then the quantity of water consumed during the period of such failure shall be estimated on the basis of recorded consumption for that same period in the previous year.

7.23 Testing – right of Town

The Town shall have the right at any time or times to remove and test any meter and to substitute another meter for any meter owned by the Town.

7.24 Meter requested by owner – accurate – cost to owner

testing. Any additional expense of removing, testing and replacing the meter shall be paid for, in full by the consumer requesting the test.

7.25 Test – inaccurate – cost to Town

If the meter when tested is found to register in excess of 3.0 percent in favour of the Town, no charge shall be made for the cost of removing, testing and replacing the meter and the Town shall authorize a reduction or refund to the consumer equal to the additional water rates incurred for the period of four (4) months prior to such testing of the meter, plus the customer's deposit for the test.

7.26 Meter reading supersedes remote device reading

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

7.27 Meter pit – outside – Engineer's discretion

When, in the opinion of the Engineer, it is not practical to locate the meter inside the building to be served, the same shall be located outside the building in a meter pit.

7.28 Meter pit – location – construction – maintenance – responsibility

The location and construction of a meter pit shall be subject to the approval of the Engineer and such meter pit shall be constructed by the Town or by contractors engaged by the Town for the purposes of such installation and paid for by the owner of the premises being served. The maintenance, repair and keeping the meter pit in a dry condition shall be the owner's responsibility and paid for by the owner.

Part 8

CROSS CONNECTIONS AND BACKFLOW PREVENTION

8.1 Protection from Contamination

No person shall connect, cause to be connected, or allow to remain connected to the waterworks distribution system any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, waste water, non-potable water, or any other liquid, chemical or substance to enter the water works distribution system. The means for "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code, 1997*, as amended from time to time and in accordance with the regulations of other governmental agencies having jurisdiction.

8.2 Inspection for cross connections – access

Any person authorized by the Town for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any water service pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any water service pipe, wire, rod or cross connection within or without the building.

8.3 Access to be provided on written notice

Where access is not provided, a written notice by the Town will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the Town may, at its discretion, shut off the supply of water to the premises until such time as the access is provided.

8.4 Order to install control device

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

8.5 Failure to install – notice – water shut-off

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

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

8.6 Additional device on service

Notwithstanding Sections 8.1, 8.4 and 8.5 of this by-law, where a risk of possible contamination of the water works distribution system exists in the opinion of the engineer or an approved authority, a customer shall, on notice from the Town, install on his/her water service pipe a cross connection control

Installation, Maintenance and Field Testing of Backflow Prevention Devices”, as amended from time to time.

8.8 Inspection and testing – paid by customer

All cross connection control devices shall be inspected and tested at the expense of the customer, upon installation, and thereafter annually, or more often if required by the Town, by personnel approved by the Town to carry out such tests to demonstrate that the device is in good working condition. The customer shall submit a report on a form approved by the Engineer or any or all tests performed on a cross connection control device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self employed) or the name of his employer and the tester's licence number.

8.9 Failure to test device – notification – water shut-off

If a customer fails to have a cross connection control device tested, the Town may notify the customer that the cross connection control device must be tested within four (4) days of the customer receiving the notice. If the customer fails to have the device tested within the time allowed, the Engineer may shut off the water service or water services until the cross connection control device has been tested and approved as required by Section 8.8 of this by-law.

8.10 Repair – replacement – by customer

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

8.11 Removal of device – permission by Town

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

PART 9 NON-ESSENTIAL USE OF WATER EXTERNALLY

9.1 Regulations – use of water – May 15 to September 15, inclusive.

For the purpose of limiting the consumption of water as necessary:

- 9.1.1 All consumers of water including metered consumers in the Town of Fort Frances are subject to the provisions of this by-law.
- 9.1.2 During the months of May 15 to September 15, inclusive, the external use of water is not permitted:
 - i) on odd calendar days by persons at only those properties located at even numbered municipal addresses:
 - ii) on even calendar days by persons at only those properties located at odd numbered municipal addresses.
 - iii) the restriction imposed in subsection 9.1.2 i) above are not in effect on the 31st day of any month.
- 9.1.3 During period of drought, when the supply of potable water is threatened to the extent that the health and safety of the inhabitants is considered to be at risk, the Chief Administrative Officer or Engineer may declare the provisions of this by-law to be in effect.
- 9.1.4 Once declared the provisions of this by-law shall remain in effect until similarly not to be in effect by the aforementioned.
- 9.1.5 Irrespective of any declaration pursuant to Section 9.1.3 above, the provisions of Section 9.1.2 shall remain in effect.
- 9.1.6 Nothing in this by-law is intended to restrict the use of water within main residential buildings, commercial and industrial buildings and institutional buildings where water is used for purposes for which the premises is occupied and said consumers are not defined as non-essential users. The exception does not extend to residential premises, which are accessory to the main residential premises unless said accessory premises are essential to a home occupation, home industry or home profession for which the

provisions of this by-law to comply immediately.

- 9.1.8 Where a violation of this section of the by-law is in effect at a premise, the Town may, in the absence of the owner or owner's representative, enter onto the premises to take action necessary on the exterior of the premises to curtail the non-essential use of water.
- 9.1.9 Any person who fails to comply with the restrictions imposed by this by-law or fails to comply with a directive given under Section 9.1.7 is guilty of an offence and upon conviction thereof is liable to:
- i) a maximum fine of \$300.00 (Three Hundred Dollars).
 - ii) In addition to any other penalty prescribed herein, upon the violation of any of the terms of this by-law or any directive under Section 9.1.7 the corporation may discontinue water supply to the premises of the person in contravention of said terms.
 - iii) Where a person has made application, in writing to the Town's By-law Enforcement Department for exception from the provisions of Section 9.1.2 at its discretion, and having considered the merits of the circumstances surrounding the request, given in writing an exception from the provision of said section.
- 9.1.10 Reinstatement of water service discontinued as provided for in Section 9.1.6 shall be effected on application by the owner requesting the reinstatement of the supply of water to the premises and on payment of the appropriate fee as set out in accordance with the Town's User Fee By-law.

Part 10 PROHIBITIONS

10.1 Prohibitions under this by-law

No person shall:

- 10.1.1 wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the corporation or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;
- 10.1.2 being a customer, tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, wilfully let off or discharge water so that the water runs waste or, without the consent of the Town, lend, sell, or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his own or increase the supply of water agreed for;
- 10.1.3 without lawful authority wilfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, pit or pipe by placing on it any building material, rubbish or other obstruction, deposit any injurious or offensive matter into the water or waterworks, or upon the ice if the water is frozen, or in any way foul the water or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done;
- 10.1.4 wilfully alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered; lay or cause to be laid any pipe or main to connect with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the Town;
- 10.1.5 use water externally during the months of May 15 to September 15, inclusive in any year except in accordance with the regulations set out in Section 9 of this by-law.

Part 11 ENFORCEMENT

11.1 Enforcement

The provisions of this by-law are to be enforced by By-Law Enforcement Officers as same are appointed by Council for the Town of Fort Frances from time to time.

12.1 Penalty - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to a penalty as stated within the *Provincial Offences Act*.

Fines levied for offences under this by-law are as follows:

First Offence to pay a fine, in favour of the Town of Fort Frances a sum of Three Hundred Dollars (\$300.00).

Second Offence to pay a fine, in favour of the Town of Fort Frances a sum of One Thousand Dollars (\$1,000.00).

In addition to any fine levied above, the person is also liable for any repair or replacement expenses and double the value of the surplus water so consumed and/or wasted.

Third Offence to pay a fine, in favour of the Town of Fort Frances a minimum sum of Five Thousand Dollars (\$5,000.00) and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*

Part 13 EXEMPTION FOR MUNICIPAL AUTHORITIES

13.1 Penalties not to apply

The penalty provisions of this by-law shall not apply to employees, officers or agents of the Corporation of the Town of Fort Frances arising from their actions or failure to act during the reasonable performance of their duties or reasonable provision of their services while under contract with the Town.

Part 14 REPEALING

14.1 Previous by-laws repealed

Town of Fort Frances By-Law No.10/92 and any and all by-laws or those provisions in by-laws previously enacted by Council that have regard to the same subject matter as this by-law are hereby repealed. That in all situations where provisions in by-laws previously enacted by Council are determined to be inconsistent with or in conflict with the provisions of this by-law, the provisions of this by-law shall prevail.

Part 15 EFFECTIVE DATE

15.1 By-law Effective date

This by-law shall come into force and take effect on (date). *August 14, 2006*

READ THREE TIMES and finally passed in open Council this 14th day of August 2006.

Neil Label
A/ Mayor

Kathryn MacFerson
Clerk - (Deputy)

(Being a by-law to amend By-Law No. 16/06, the Water System Management By-Law - the *Municipal Act, 2001*, S.O. 2001, c. 25.)

WHEREAS on August 14th, 2006, Council enacted By-Law No. 16/06 to provide for the management of the Fort Frances potable water system;

AND WHEREAS on March 26th, 2007, Council approved a recommendation from the Operations and Facilities Executive Committee to amend By-Law No. 16/06.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That Town of Fort Frances By-Law No. 16/06, (the Water System Management By-Law) be amended as follows:

1) In the **Index Part 2 - Administration** by the addition of the following:

"2.17 Water Fees or Charges – Unoccupied or Vacant Residential Properties
2.18 Water Fees or Charges – Unoccupied or Vacant Multi-residential Unit(s)
2.19 Water Fees or Charges- Unoccupied or Vacant Mobile Trailer(s)
2.20 Water Usage- Vacant Multi-residential Unit(s) or Vacant Mobile Trailer(s)
2.21 Random Inspection".

2) In **Section 2.11 – thawing – application – procedure** by the addition of the following:

"d) If during the same winter season, the property owner requires the Town to repeat thawing of their water service line, all costs will be paid 100% by the property owner
e) A minimum charge for billing to property owners will be one hour for the appropriate equipment and manpower as established in the Town's User Fee By-law. The only exception is when section 2.11(b) applies; the property owner will be invoiced for ½ hour for the appropriate equipment and manpower as established in the Town's User Fee By-law."

3) In **Part 2 – Administration** by the addition of the following new subsections:

"2.17 Water Fees or Charges – Unoccupied or Vacant Residential Properties

A residential property owner may qualify for an adjustment to applicable fees for water services, if the curb stop valve is placed in the "off " position in accordance with the terms and conditions outlined in this by-law. Also the property owner is required to complete a credit adjustment form in accordance with timelines and guidelines as established by the Finance Dept.

2.18 Water Fees or Charges - Unoccupied or Vacant Multi-residential Unit(s)

A multi-residential property owner with unoccupied or vacant multi-residential unit(s) may qualify for an adjustment to applicable fees for water services, if the property owner completes a credit adjustment form in accordance with timelines and guidelines as established by the Finance Dept.

2.19 Water Fees or Charges- Unoccupied or Vacant Mobile Trailer(s)

This clause addresses mobile trailer(s) located within a mobile trailer park, exclusive of Recreational Vehicle (RV) campgrounds. A mobile trailer park property owner with vacant trailer(s) may qualify for an adjustment to applicable fees for water services, if the property owner completes a credit adjustment report in accordance with timelines and guidelines as established by the Finance Dept.

2.20 Water Usage- Vacant Multi-residential Unit(s) or Vacant Mobile Trailer(s)

Under no circumstances will applicable fees for water services be adjusted where vacant multi-residential unit(s) or vacant mobile trailer(s) listed under clauses 2.18 or 2.19 are either:

- a) Using water, and/or
- b) Bleeding water in order to prevent their water service line from freezing

2.21 Random Inspection

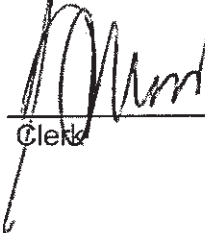
Once property owners of vacant unit(s) listed under clauses 2.18 or 2.19 complete a credit adjustment form or report, the Town may conduct random inspections of these unit(s) to ensure that they are vacant and are not using water. If the Town becomes aware that a vacant unit(s) is occupied or the property owner is using water in a vacant unit(s), the property owner shall be charged an offence under this by-law and the applicable fees for water services will be charged back to the date the credit adjustment form or report became effective."

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 26th day of March 2007.



Mayor



Clerk

(Being a by-law to amend By-Law No. 16/06, the Water System Management By-Law - the *Municipal Act, 2001*, S.O. 2001, c. 25.)

WHEREAS on August 14th, 2006, Council enacted By-Law No. 16/06 to provide for the management of the Fort Frances potable water system;

AND WHEREAS on May 12th, 2008, Council approved a recommendation from the Operations and Facilities Executive Committee to amend By-Law No. 16/06.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That Town of Fort Frances By-Law No.16/06, (the Water System Management By-Law) be amended as follows:

1) In **Part 9 - Non-essential Use of Water Externally** - by the addition of the following sections:

"9.2 - Regulations – Restrictions on use of water – special circumstances as declared by Municipal Authority

9.2.1 Under circumstances deemed essential to the preservation of the health and safety of the inhabitants of Fort Frances or as dictated by any other reasonable circumstances, the Chief Administrative Officer of the Town of Fort Frances or his designate may impose restrictions on the external use of water within the municipality.

9.2.2 The restriction as imposed under section 9.2.1 above may be in the form of a total or partial ban across the entire municipality or within a specified part of the municipality and for a period of time as the circumstances require.

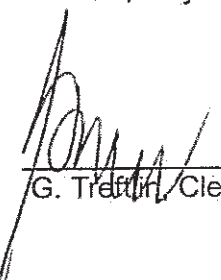
9.2.3 While the provisions of this section 9.2 are in effect, any provision in this by-law that is inconsistent with this section is deemed not to be in effect."

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 12th day of May 2008.



R. Avis, Mayor



G. Trafletti, Clerk

(Being a by-law to amend By-Law No. 16/06, the Water System Management By-Law - the *Municipal Act, 2001*, S.O. 2001, c. 25.)

WHEREAS on August 14th, 2006, Council enacted By-Law No. 16/06 to provide for the management of the Fort Frances potable water system;

AND WHEREAS on June 28th, 2010 Council approved a recommendation from the Operations and Facilities Executive Committee to amend By-Law No. 16/06 as to by-pass valves, penalties, and other housekeeping amendments.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That Town of Fort Frances By-Law No.16/06, (the Water System Management By-Law) be amended as follows:

1) In **Part 7 - Water Meters** –

a) by the deletion of Section **7.13 – By-pass valves – required meters over 25 mm** and subsequent re-enactment as Section **7.13 – By-pass valves - required meters over 50 mm** as follows:

“All meters over 50 mm in size shall be equipped with by-pass piping and suitable valving. Valving on the by-pass piping shall be sealed. Where the water cannot be turned off for water meter repairs or replacement due to internal manufacturing processes by-pass piping shall be installed.”;

b) in Section **7.6 Installation – maintenance – repair – access** by the replacement in the third line of “Section 7.4” with “Section 7.7”;

c) by the deletion of Section **7.7 – Notice required – access** and subsequent re-enactment as Section **7.7 – Notice required – access** as follows:

“Before shutting off or restricting the supply of water, the Town shall,

a) By personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the Town intends to shut off or restrict the supply of water if access is not obtained before that date;

b) Ensure that a copy of the notice described in clause a) is securely attached to the property in a conspicuous place.”

d) in Section **7.8 No shut off – reasonable effort – gain access:** by the replacement in each of clauses a), b), and c) of “Section 7.6” with “Section 7.7”;

e) in Section **7.9 Restoration of water supply – as soon as practicable:** by the replacement in the first line of “Section 7.5” with “Section 7.6”;

f) in Section **7.10 Charges – meters – owner to pay:** by the replacement in the first line of “Sections 7.5 and 7.8” with “Sections 7.6 and 7.9”;

g) by the deletion of Section **7.14 – By-pass valves – installation – maintenance – costs**

2) In **Part 12 – Penalties** -

a) by the addition of a new subsection 12.2 as follows:

“12.2 Penalty – for contravention – property owner

Any Person, Owner, or Occupant who contravenes any provision of this by-law, which may benefit the property owner directly or indirectly, regardless of who contravened the

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 13th day of December 2010.



R. Avis, Mayor



K. Lawson, Deputy Clerk

(Being a by-law to amend By-Law No. 16/06, the Water System Management By-Law - the *Municipal Act, 2001*, S.O. 2001, c. 25.)

WHEREAS on August 14th, 2006, Council enacted By-Law No. 16/06 to provide for the management of the Fort Frances potable water system;

AND WHEREAS on May 10th, 2010 Council approved a recommendation from the Operations and Facilities Executive Committee to amend By-Law No. 16/06 to provide for flat rate water and sewer charges for churches and places of worship.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

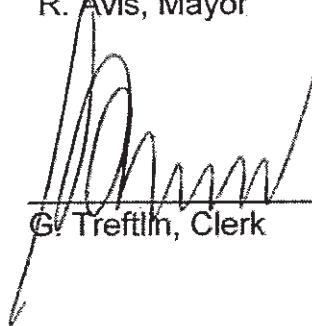
1. That Town of Fort Frances By-Law No.16/06, (the Water System Management By-Law) as amended be now further amended as follows:
 - 1) In **Part 7 - Water Meters** –
 - a) In Section **7.1 – Water to be metered** by the addition of “churches and places of worship” in the second line following “residential units,”.

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 24th day of January 2011.



R. Avis, Mayor



G. Treftin, Clerk

(Being a by-law to amend By-Law No. 16/06, the Water System Management By-Law - the *Municipal Act, 2001*, S.O. 2001, c. 25.)

WHEREAS on August 14th, 2006, Council enacted By-Law No. 16/06 to provide for the management of the Fort Frances potable water system;

AND WHEREAS on January 28th, 2013 Council approved a recommendation from the Operations and Facilities Executive Committee to amend By-Law No. 16/06 as to supply and installation of new water meters in buildings where no ICI water meter exists.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That Town of Fort Frances By-Law No. 16/06, (the Water System Management By-Law, as amended) be now further amended as follows:

1) By deletion of the **Index Part 7 – Water Meters** and by the subsequent replacement of same with the following:

**“Part 7
WATER METERS**

- 7.1 Water to be metered
- 7.2 Metered water – remedy for violation
- 7.3 Every building metered – service refused – Engineer’s discretion
- 7.4 Meter – lifetime
- 7.5 Installation of water meter where no water meter exists
- 7.6 Supply – installation – ownership – replacement
- 7.7 Installation – maintenance – repair – access
- 7.8 Notice required – access
- 7.9 No shut off – reasonable effort – gain access
- 7.10 Restoration of water supply – as soon as practicable
- 7.11 Charges – meters – Owner to pay
- 7.12 Installation to Town Specifications
- 7.13 Sealed – by Engineer – inspection
- 7.14 By-pass valves – required – meters over 50 mm
- 7.15 Meter location – Engineer to consent to change
- 7.16 Private meters – owner responsible
- 7.17 Reading meter – access
- 7.18 Leaks must be reported
- 7.19 Interference with meter not permitted
- 7.20 Failure to install meter – penalty
- 7.21 Owner responsible to repair piping
- 7.22 Non-functioning meter – consumption of water estimated
- 7.23 Testing – right of Town
- 7.24 Test – requested by owner – accurate – cost to Owner
- 7.25 Test – inaccurate – cost to Town
- 7.26 Meter reading supersedes remote device reading
- 7.27 Meter pit – outside – Engineer’s discretion
- 7.28 Meter pit – location – construction – maintenance – responsibility”

2) By deletion of **Part 7 - Water Meters** in its entirety and by the subsequent replacement of same with the following:

**“Part 7
WATER METERS**

- 7.1 **Water to be metered**

supplied by the Town for use upon such premises. All water supplied to premises outside the corporate limits of the Town of Fort Frances shall pass through a meter supplied and installed by the Town of Fort Frances.

This section shall not apply to residential dwellings and multiple residential dwellings containing licensed home occupations.

7.2 Metered water - remedy for violation

Notwithstanding remedies available to the Town pursuant to this by-law or otherwise, upon ascertaining that water has been used which has not passed through a meter, the Town may, without notice shut off and stop the supply of water.

7.3 Every building metered – service refused – Engineer's discretion

The Engineer may require any or all water services to be metered when he or she deems it advisable within the established policy as approved by Council and refuse to supply water to any premises unless the customer requiring the supply of water shall conform to the terms outlined in this by-law and agrees to pay for such water according to the rates as may be applicable at this time.

7.4 Meter – lifetime

The lifetime of a water meter is fifteen (15) years from the date of installation after which time the owner shall pay the costs for the replacement of the water meter through a monthly replacement fee set in accordance with the Town's User Fee By-Law.

7.5 Installation of new water meter where no water meter exists

The Town shall, upon application supply the Owner with a water meter (includes automatic read communication equipment) at the rates set in accordance with the Town's User Fee By-Law. Any new building or existing building where no water meter exists, the Owner will be responsible for all supply and installation costs of the water meter. The costs to supply and install a new water meter will include but not be limited to the following: the water meter, necessary plumbing modifications the backflow preventive device, expansion tank, the automatic read communication equipment and devices and all other incidental plumbing and communication material. The water meter must be installed prior to occupancy of the building.

7.6 Supply – installation – ownership – replacement

All costs for the replacement of the water meter shall be borne by the Owner through a monthly replacement fee set in accordance with the Town's User Fee By-Law. The meter shall remain the exclusive property of the Town and may be removed as and when the Town may see fit, upon the same being replaced by another meter or for any reason which the Town may in its discretion deem sufficient.

7.7 Installation – maintenance – repair – access

The Town may shut off or restrict the supply of water to a property if the Town requires access to the property to install, replace, repair or inspect a water meter. Any person authorized by the Town for that purpose has free access, at all reasonable times, and upon notice given as set out in Section 7.8 of this by-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.

All costs of normal maintenance of the meter during the lifetime of their installation shall be borne by the Town of Fort Frances. The exception being all costs to repair damage due to freezing or structural damage will be recovered from the owner.

7.8 Notice required – access

Before shutting off or restricting the supply of water, the Town shall,

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

7.9 No shut off – reasonable effort – gain access

The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to get

- a) the day the last notice under part (a) of Section 7.8 of this by-law was personally served;
- b) the day the last notice under part (a) of Section 7.8 of this by-law was mailed; and
- c) the day a copy of the notice was attached under part (b) of Section 7.8 of this by-law.

7.10 Restoration of water supply – as soon as practicable

If the Town has shut off or restricted the supply of water under Section 7.7 of this by-law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.

7.11 Charges – meters – owner to pay

All charges for any of the work and services mentioned in Sections 7.7 and 7.10 of this by-law will be determined by the Engineer as set out in accordance with the Town's User Fee By-law and will be paid in full by the owner.

7.12 Installation to Town Specifications

All water meters, supplied by the Town, shall be installed to conform to the following Town specifications:

A horizontal section of water service pipe be installed at a minimum height of 200 mm above the floor and above the water shut-off, but not exceeding 750 mm thereof. The length of the horizontal section of water service pipe shall be as follows:

<u>Water Meter</u>	<u>Length of Section</u>	<u>Distance from Wall</u>
20 mm	450 mm	100 mm
25 mm	600 mm	150 mm
40 mm	750 mm	150 mm
50 mm	750 mm	200 mm

The installation of any horizontal section to accommodate a water meter above 50 mm in size shall be subject to the approval of the Engineer before installation.

7.13 Sealed – by Engineer – inspection

The Engineer shall have the right to seal meters at his or her own discretion and to inspect such seals from time to time.

7.14 By-pass valves – required – meters over 50 mm

All meters over 50 mm in size shall be equipped with by-pass piping and suitable valving. Valving on the by-pass piping shall be sealed. Where the water cannot be turned off for water meter repairs or replacement due to internal manufacturing processes by-pass piping shall be installed.

7.15 Meter location – Engineer to consent to change

The location of a meter, once installed to Town specifications, shall not be changed or altered by any person except with the consent of the Engineer.

7.16 Private meters – owner responsible

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

7.17 Reading meter – access

The Town and persons authorized by the Town for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the Town's discretion. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Town, the Town may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.

7.18 Leaks must be reported

Any leaks that may develop at the water meter or its couplings must be reported immediately to the Town. The Town is not liable for damages caused by such leaks.

7.19 Interference with meter not permitted

No person, except a person authorized by the Town for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any water meter, or with the seals placed thereon, or do anything which may interfere with the proper registration of the quantity of water passing through such meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter

7.20 Failure to install meter – penalty

Every person who fails to make application with the Town for the installation of a water meter, or otherwise fails to have installed a water meter as required in Section 7.1 of the by-law is guilty of an offence and subject to such fines and penalties provided for under the *Provincial Offences Act*. The Town of Fort Frances may avail itself of any and all remedies, and whatever actions and procedures as provided in the *Municipal Act, 2001* to effect compliance with the requirements of this by-law.

7.21 Owner responsible to repair piping

If, in the opinion of the Engineer, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Engineer may require the owner make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Engineer's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Town shall not be held responsible for any damages to the owner's property arising from such work.

7.22 Non-functioning meter – consumption of water estimated

If, for any cause, any meter fails to register properly, then the quantity of water consumed during the period of such failure shall be estimated on the basis of recorded consumption for that same period in the previous year.

7.23 Testing – right of Town

The Town shall have the right at any time or times to remove and test any meter and to substitute another meter for any meter owned by the Town.

7.24 Test – requested by owner – accurate – cost to owner

Any consumer may, upon written application to the Town have the water meter at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters set out in accordance with the Town's User Fee By-law. If the meter when tested is found to register correctly, slow or not in excess of 3.0 percent in favour of the Town, it shall be deemed to register correctly and the customer's deposit shall be forfeited towards the cost of the testing. Any additional expense of removing, testing and replacing the meter shall be paid for, in full by the consumer requesting the test.

7.25 Test – inaccurate – cost to Town

If the meter when tested is found to register in excess of 3.0 percent in favour of the Town, no charge shall be made for the cost of removing, testing and replacing the meter and the Town shall authorize a reduction or refund to the consumer equal to the additional water rates incurred for the period of four (4) months prior to such testing of the meter, plus the customer's deposit for the test.

7.26 Meter reading supersedes remote device reading

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

7.27 Meter pit – outside – Engineer's discretion

When, in the opinion of the Engineer, it is not practical to locate the meter inside the building to be served, the same shall be located outside the building in a meter pit.

7.28 Meter pit – location – construction – maintenance – responsibility

The location and construction of a meter pit shall be subject to the approval of the Engineer and such meter pit shall be constructed by the Town or by contractors engaged by the Town for the purposes of such installation and paid for by the owner of the premises being served. The maintenance, repair and the keeping the meter pit in a dry condition shall be the owner's responsibility and paid for by the owner."

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 24th day of June 2013.

