

# THE CORPORATION OF THE TOWN OF SHELBURNE

## BY-LAW NO. 47 -2014

### Shelburne Water and Sewer By-law

WHEREAS under section 11 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities, and Public Utilities includes a system that is used to provide water and sewer services for the public;

AND WHEREAS section 9(1) of the *Municipal Act, 2001* provides that section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

THEREFORE the Municipal Council of The Corporation of the Town of Shelburne enacts as follows:

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**Part 1**  
**DEFINITIONS**

**1.1 Definitions**

In this by-law:

**Building - defined**

“building” shall mean a structure supplied with water by the Town of Shelburne.

**Bulk water user - defined**

“bulk water user” shall mean any customer who draws water from a pipe located at the Town's Bulk Water Stations

**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.

**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.

**Customer - defined**

“customer” shall mean any person who enters into a verbal or written contract with the Town to take water from the Town or to receive water related services from the Town. The customer is defined as the property owner of the lands and may involve one or more units.

**Developer - defined**

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

**Engineer - defined**

“engineer” shall mean the Town Engineer for the Town of Shelburne or the Town Engineer's authorized representative, or the Director of Public Works or the authorized representative of the Director of Public Works.

**External use of water - defined**

“external use of water” shall mean the use of water for any purpose outside the walls of any building located at a municipal address.

**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.

**Meter - defined**

“meter” shall mean the water meter supplied and owned by the Town to measure the quantity of water used by the customer.

**Meter pit - defined**

“meter pit” shall mean any exterior chamber or pit approved by the engineer for the purpose of containing a water meter.

**Multi Family or Bulk Meter - defined**

“Multi-family meter” or “bulk meter” means a meter through which water is supplied to duplexes, triplexes, four-plexes, townhouses, apartments with multiple dwelling units, multiple commercial businesses, or any combination thereof will have a per unit base charge.

**Municipal Address - defined**

“municipal address” shall mean a building or buildings identified by a number upon the date of the passing of this by-law or subsequently pursuant to a by-law or a designation by the Chief Building Official or Town Planner.

**Occupant - defined**

“occupant” shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premises.

**Owner - defined**

“owner” shall include any person 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.

**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.

**Potable Water - defined**

“potable water” shall mean water that is fit for human consumption.

**Premises - defined**

“premises” shall mean any house, tenement, building, lot, or part of a lot, or both, in, through, or past which water service pipes run.

**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.

**Remote Read-Out Unit - defined**

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

**Residential - defined**

“residential” means a single detached residence, semi-detached, and/or individually metered town home, including homes with an accessory apartment or home occupation which is not served by a separate water meter.

**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, ie. an extension of a service stub.

**Service Stub - defined**

“service stub” shall mean the portion of a water service pipe from a main to the property line which will always include one control valve.

**Sewer - defined**

“sewer” means a municipal sewer for the collection and transmission of domestic, residential, commercial, institutional and industrial sewage or any combination thereof, and it excludes storm sewers.

**Sewer Collection System - defined**

“sewer collection system” may be used to refer to sewers.

**Sewer Service Pipe - defined**

“sewer service pipe” means the pipe and fittings that convey sewer from the inside of an exterior wall of a structure to the sewer collection system.

**Sewer Works - defined**

“sewer works” means the municipal system for the collection, transmission treatment or disposal of sewage and contaminated water, including a combined sewer, sanitary sewer or storm sewer, or any part of such system.

**Shut-Off Valve - defined**

“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.

**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.

**Subdivider - defined**

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

**Town - defined**

“Town” shall mean The Corporation of the Town of Shelburne.

## **Unit – defined**

“unit” shall mean a full self-contained dwelling unit or in the case of commercial, industrial or institutional establishments, full self-contained units, each with a separate external access.

## **Water - defined**

“water” shall mean potable water supplied by the Town.

## **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.

## **Water Related Services - defined**

“water related services” shall include but not be limited to those items set out under the heading “Miscellaneous Water Rates and Charges” in the Water Rates and Charges By-Law.

## **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.

## **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**

### **APPLICATION for WATER and SEWER SERVICE**

#### **2.1 Application and payment prior to installation**

The owner or their agent shall apply to the Town for water and/or sewer service in the form set out Schedule “A” and before the service is installed, shall pay for it at the rates as set out in Schedule “B” and Schedule “C”, as may be applicable.

#### **2.2 Installation - payment required**

The installation of the water service will not be scheduled or commenced in any way until the application and payment have been made.

#### **2.3 Disconnection of service - payment**

When an owner discontinues the use of a water service for water supply to a premises, the owner shall pay to the Town a charge as indicated in Schedule “B” for disconnecting the meter for such service from the water distribution system.

#### **2.4 Payment of Rates – Lump Sum or Deferred**

The payment of the rates as stipulated in Part 2.1 and 2.2 may be paid either as a lump total sum or in ten equal annual instalments including interest in accordance with the ten year interest rate payable by the Town of Shelburne.



### **2.5 Deferred Payment – Existing Infrastructure**

The deferred payment as provided for in Section 2.4 above shall apply only for the costs incurred by the Town for infrastructure which is existing in the ground at the time of application by the homeowner to connect to the watermain.

### **2.6 Deferred Payment – Commuted Remaining Amount**

The option for deferred payment is available to all property owners where rates as stipulated in Part 2.1 are applicable; it being acknowledged that the property owner may choose to pay the commuted remaining amount at any time during the deferred payment period.

## **Part 3**

### **WATER and SEWER 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. Water measured by meters**

The water consumed on all premises in the Town shall be charged for as indicated by the meter on each respective property at rates as set out in Schedule “B”.

#### **3.3. Meter reading and billing**

Water meters may be read and accounts be rendered monthly, bi-monthly or on any other basis at the discretion of the Town. The bill shall be deemed to be served upon the customer if it is delivered or sent by mail to the premises supplied.

#### **3.4. Late payment charge, overdue notice and notice of disconnection**

When an account is not paid by the due date stated on the bill, a late payment charge, as set out in Schedule “B”, will be assessed to the account and, seven (7) days after that date, an overdue notice will be sent by mail reminding the customer of the outstanding account, and a warning with a disconnect date if payment is not received by the identified date.

#### **3.5. Notice of disconnection**

Seven (7) days after the overdue notice is mailed (fourteen (14) days after the due date), should the account remain unpaid, the Town will send by mail, to the service address, a notice of disconnection advising the customer that unless payment is received within 48 hours, service will be disconnected.

#### **3.6. Non-payment - water shut off - lien**

If the customer at any premises omits, neglects or refuses to pay any bill rendered, whether for water service pipes, meter, service charge or any other monies to which the Town may be entitled in respect of water services to such premises, the Town may, at its discretion, shut off the water to the premises. Such charges have priority lien status, and may be collected in accordance with the *Municipal Act, 2001*, and may be added to the tax roll against the property in respect of which the water service was supplied.

**3. 7. Reconnection - charge**

Where there has been a discontinuance of service as a result of non-payment, a reconnection charge as indicated in Schedule “B”, will be levied against the delinquent account, in addition to the applicable collection charge.

**3. 8. Temporary removal & reinstallation 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 set out in Schedule “B” will be applied to their account.

**3. 9. Minimum monthly charge - who payable by**

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

**3. 10. Service installation charge**

All water and sewer service pipes, except those to lands being developed under a Town development or subdivision agreement wherein the main is installed, may be installed on an actual cost basis at the owner's expense.

**3. 11. Temporary water supply - application and charge**

Where a customer requires a temporary water supply, such customer shall apply to the Town for a connection to a fire hydrant. If the connection is approved and an agreement signed, the customer shall pay, prior to connection or when billed, the applicable charge as set out in Schedule “B”.

**Part 4**

**SECURITY DEPOSITS**

**4. 1. Deposit is security for payment**

Whenever an application is made to the Town for a supply of water, the Town may, in its discretion, before furnishing such supply, require the customer to make a deposit of such sum of money as it may consider advisable.

**Part 5**

**OPERATION OF WATERWORKS**

**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 Shelburne, to establish whether and the terms upon which municipalities or persons outside the Town of Shelburne may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers; and the Town shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all waterworks plant and equipment in conjunction with these systems, to establish whether and the terms upon which municipalities or persons outside the Town of Shelburne 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. Unauthorized operation of fire hydrants - offence**

No person other than a person authorized by the engineer for that purpose shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant.

**5. 4. Unauthorized operation or interference - offence**

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

**5.5. Use of water from hydrants**

Except for water used for fire fighting, any other use of a Town's fire hydrant for water supply must be approved by the engineer. The method of application and payment shall be according to section 3.13 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.

**5.6. Improper use of water from fire service - offence**

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.

**Part 6**

**WATER and SERVICE PIPES**

**6. 1. Installation - by Town - by contractor**

All water and sewer service pipes shall be installed by the Town or by Town authorized contractors engaged by the owner for the purposes of such installation, except in new land development projects where agreements with the Town require the developer or subdivider to complete such work.

**6. 2. Installation - to Town specifications – Ont. Build. Code requirements**

All water and sewer service pipes and private mains located within Town property shall be constructed according to the Town's standards or as approved by the engineer from time to time. All water service pipes and private mains located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good engineering practices and shall be approved by 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 and sewer 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 and sewer 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 for such work as specified in the Town's standard contract documents and the Town's specifications. No substitutes are allowed unless approved by Town Council.

**6. 5. Installation inspection by Town**

All water and sewer service pipes and appurtenances installed, including those required by a Town Subdivision or Development Agreement, must be inspected by the Town as specified in the Town's standard contract documents and the Town's specifications, the charge for which inspection is as specified in Schedule "B" or "C" as the case may be.

**6. 6. Installation - access for inspection**

The Town and persons authorized by the Town for inspection may be entitled, with permission from owners, to enter any premises for the purposes of examining pipes, connections and fixtures which are used in connection with the water and sewer service pipe and/or service main. Notice requirements are required either in person or by registered mail providing that there is no time sensitive circumstance associated with this form of notice.

**6. 7. Disconnection of service**

The water service pipe shall be disconnected at the watermain, the watermain plugged, and the curb box and rod removed at the owner's expense. All work must be inspected by the Town of Shelburne, and the charge for such inspection is as specified in Schedule "B".

**6. 8. Maintenance of service stub - Town**

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

**6. 9. Maintenance of service extension and private main - owner**

Any and all defects to the water service extension, private main and meter pits 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. If the Town is required to restore the water supply, then the Town may repair the defective water service pipe and charge the cost to the owner and collect such cost according to law, and until paid, such cost shall remain a

lien on such property, and may also be collected in the like manner as taxes. The Town shall not be held responsible for the cost of restoration.

**6. 10. Operation of shut-off valve**

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

**6. 11. Access to shut-off valves**

All shut-off valves shall 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 and the charge for such water loss shall be determined by the Town, shall be paid by the owner upon demand by the Town, and the Town shall not be held responsible for any damages arising from such leakage.

**6. 13. Responsibility - vacant and unheated premises**

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 or occupant 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 as set out in Schedule "B".

**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 Town become aware of such leaking or burst pipes, the Town shall turn off the shut-off valve, and the water supply shall not be turned on until the Town considers 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.

**6. 16. Responsibility for Hydrant Maintenance**

Any hydrant situated within the road allowance is the property of the Town and shall be maintained by it; Town-owned hydrants located on private property shall be maintained by the Town. Hydrants owned and paid for by any persons other than the Town shall be maintained by such persons through a written agreement with the Town.

**6. 17. Renewal of service - Town - owner**

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

- a. piping is deemed by the Town to be beyond repair;
- b. the existing pipe material is lead and supplies a single detached residence provided the owner is prepared to replace the service extension before the Town replaces the service stub. Replacement piping shall conform to the specifications of the Town. Replacement pipe shall be the same size as existing or the minimum size for the area. 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 Town may, at all reasonable times, enter the premises in or upon which the consumer was supplied with the water service, for the purpose of disconnecting the supply of the water service or of making an inspection from time to time to determine whether the water service has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the Town in or upon the premises, and may remove the same therefrom, doing no unnecessary damage.

**Part 7**

**WATER METERS**

**7. 1. Water to be metered - remedy for violation**

All water used on premises within the Town of Shelburne, except water used for fire fighting purposes, or water authorized by the Town, for construction or other purposes, shall pass through the meter supplied by the Town for use upon such premises, and in addition to whatever other remedies the Town may have by law in respect to infringement of this by-law, the Town may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water.

**7. 2. Supply - installation - ownership – replacement**

The owner shall pay the water service charge as set out in Schedule “B” before the Town will supply the owner with a meter and 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. 3. 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.

**7. 4. 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, for repair purposes, if access to the property 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. 5. No shut off - reasonable effort- gain access**

The Town shall schedule a 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, unless in a case of an emergency.

- a. the day the last notice under part (a) of section 7.4 of this by-law was personally served;
- b. the day the last notice under part (a) of section 7.4 of this by-law was mailed; and
- c. the day a copy of the notice was attached under part (b) of section 7.4 of this bylaw.

**7. 6. Restoration of water supply - as soon as practicable**

If the Town has shut off or restricted the supply of water under section 7.3 of this by-law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.

**7. 7. Meters – maintenance and repair**

The Town shall assume ownership and maintenance for all water meters installed to the satisfaction of the Town. If a meter is mechanically defective, the cost of meter repairs shall be borne by the Town. If the meter is damaged by freezing, the carelessness, willful act, or neglect of any person other than an employee or agent of the Town, the owner shall pay to the Town the cost of making a necessary repair or replacement to such meter. All such costs may be paid directly to the Town, or if not so paid, added to the water bill.

**7. 8. Every building metered - Town discretion**

Every separate building to which water is being supplied shall be furnished with a separate water meter, supplied by the Town except where non-compliance is acceptable to the Town. Additional water meters, supplied by the Town, may only be installed at the discretion of the engineer.

**7. 9. Installation to Town Specifications**

All water meters, supplied by the Town, shall be installed to conform to the specifications of the Town.

**7. 10. Meter location - engineer to consent to change**

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

**7. 11. 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. 12. 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 discretion of the Town. 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. 13. Valve maintenance - responsibility of owner**

The owner shall supply and install the inlet valve to the water meter where the water meter is larger than 19 mm and the water service is 25 mm diameter or larger. The owner shall be responsible for maintaining in good working order, the inlet valve to the meter if the water meter is larger than 19 mm and the water service is 25 mm diameter or larger and the outlet and bypass valves for all meters, and shall ensure that such valving is accessible.

**7. 14. Leaks must be reported**

All owners and occupants shall immediately report to the Town any leaks that may develop at the water meter or its couplings. The Town is not liable for damages caused by such leaks.

**7. 15. Interference with meter not permitted**

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

**7. 16. 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 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 or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Town'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. 17. Non-functioning meter - amount of water estimated**

If, for any cause, any meter shall be found to not be working properly, then the amount of water to be charged for shall be estimated by the Town on the average reading for the previous months, when the meter was working properly, or, if unavailable or proven inaccurate, the amount of water to be charged for shall be estimated on a daily average when the meter is working properly, and the charge for the water for the period during which the meter was not working properly shall be based thereon. The Town's estimate shall be binding upon the Town, the owner and the occupant.



**7. 18. 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 readout device, the reading at the meter shall be deemed to be correct, and the Town will adjust and correct the customer's account accordingly.

**Part 8**

**CROSS CONNECTIONS AND BACKFLOW PREVENTION**

**8.1. Protection from Contamination**

No person shall 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 Act, 1997*, as amended from time to time.

**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 Town at their 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 device, approved by the Town, in addition to any cross connection control devices installed in the customer's water system at the source of potential contamination.

**8. 7. Installation to required standards**

Cross connection control or backflow prevention devices, when required by the Town, shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64.10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", as amended from time to time.

**8. 8. Inspection and testing - paid by customer**

All cross connection control devices shall be inspected and tested at the expense of the customer, upon installation, and thereafter annually, 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 license 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 or approved authority may notify the customer that the cross connection control device must be tested within four (4) days of the customer receiving the notice. If the customer fails to have the device tested within the time allowed, the 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 a cross connection control device is not in good working condition, the customer shall make repairs or replace the device within four (4) days. If a customer fails to repair or replace the device within the time allowed, the 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**  
**USE OF WATER EXTERNALLY**

**9. 1. Regulations - use of water - June, July and August**

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

- a. During the months of June, July and August, the external use of water is permitted:
  - i. on even calendar dates at only those municipal addresses ending with numbers 0, 2, 4, 6, 8;
  - ii. on odd calendar dates at only those municipal addresses ending with numbers 1, 3, 5, 7, 9.
- b. The Town is authorized to implement at any time during the year any other regulation which he, in his discretion, considers advisable to limit the external use of water and this authority includes the right to ban completely the external use of water.
- c. Notice of the implementation of a water use regulation by the Town and the effective date thereof shall be given immediately in a manner determined by the engineer.
- d. Upon the announcement of the implementation of a water use regulation by the Town, no person shall use water except in accordance with the provisions of such regulation.

**Part 10**  
**PROHIBITIONS**

**10. 1 Prohibitions under this by-law**

No person shall:

- a. willfully 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;
- b. willfully let off or discharge water so that the water runs waste or useless out of the works; being a customer, tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, improperly waste the water 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;
- c. without lawful authority willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- d. throw or 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 willful damage or injury to the works, pipes or water, or encourage the same to be done;
- e. willfully 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;
- f. 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 corporation;

- g. use water externally during the months of June, July and August in any year except in accordance with the regulations set out in Part 9 of this by-law; or
- h. use water externally in contravention of the engineer's regulation made pursuant to section 9.1.b.

## **Part 11**

### **ENFORCEMENT**

#### **11.1. Fine - for contravention**

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act. Each day of a contravention is a separate offence.

#### **11.2. Continuation - repetition - prohibited - by order**

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

#### **11.3 Offence - additional - damage to waterworks**

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks plant, machinery, fitting or appurtenance thereof is liable to the Town therefore.

#### **11.4 Offence - additional - willful damage**

Every person who willfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, lamp, lustre, water service pipe, conduit, wire, rod or water fitting belonging to the Town or willfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Town, and for any expenses of repairing or replacing the water meter, lamp, lustre, water service pipe, conduit, wire, rod or fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*.

#### **11.5 Offence - additional - injuring waterworks**

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

**Part 12**  
**PREVIOUS BY-LAWS REPEALED**

**12. 1. Repeal - previous by-laws**

By-laws 23-2010 of the Town of Shelburne, and all amendments thereto, are repealed upon the coming into force of this by-law.

**Part 13**  
**SHORT TITLE**

**13. 1. Short Title.**

The short title of the by-law shall be the Shelburne Water and Sewer By-Law.

**Part 14**  
**EFFECTIVE DATE**

**14. 1. Effective Date**

This by-law comes into force and effect upon the passing of the by-law.

**BY-LAW READ A FIRST TIME THIS 20th DAY OF OCTOBER, 2014.**

**BY-LAW READ A SECOND TIME IN OPEN COUNCIL THIS THE 10<sup>TH</sup> DAY OF NOVEMBER, 2014.**

**BY-LAW READ A THIRD TIME IN OPEN COUNCIL, AND FINALLY PASSED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CAO/CLERK



