

## THE CORPORATION OF THE TOWN OF SHELBURNE

### BY-LAW NO. 69-2023

#### Shelburne Water and Wastewater (Sewer) By-law

**WHEREAS** Section 9 of the *Municipal Act, 2001*, R.S.O. 2001, S.O. 2001, as amended ("*the Municipal Act, 2001*"), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 10 of *the Municipal Act, 2001*, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 11 (3) of *the Municipal Act, 2001*, S.O. 2001, provides that a single-tier municipality may pass By-laws respecting matters within the spheres of jurisdiction set out therein including, inter alia, public utilities;

**AND WHEREAS** Section 80 (1) of *the Municipal Act, 2001*, S.O. 2001, provides that a municipality may enter onto land to which it supplies a public utility to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility;

**AND WHEREAS** Section 81 (1) of *the Municipal Act, 2001*, S.O. 2001, provides that a municipality may shut off the supply of a public utility to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility are overdue, subject to the municipality providing reasonable notice of the proposed shut off to the owner and/or occupants of the land by personal service or prepaid mail or posting a notice on the land in a conspicuous place;

**AND WHEREAS** Ontario Regulation 581/06 provides that fees or charges imposed for the supply of water and the use of a sewage system under the *Act* and added to the tax roll under Subsection 398(2) of the *Act* have priority lien status as described in Section 1 of the Act;

**AND WHEREAS** Section 11 and Section 19 of the *Safe Drinking Water Act*, requires every owner and operator of a municipal drinking water system to ensure that all water provided by the system meets the requirements of drinking water quality standards and that the drinking water system is operated in accordance with the *Safe Drinking Water Act*;

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.

**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.

**Dwelling Unit – defined**

“Dwelling Unit” shall mean having one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants. Each dwelling unit shall have separate entrance and a parking space

**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 Town 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, i.e.. 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.

**Wastewater – defined**

“wastewater” see Sewer definition

**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 in the Town's current User Fees and Charges for Municipal Services 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 attached as Schedule “A” and before the service is installed, shall pay for it  
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December 2023

at the rates as set out in the Town's current User Fees and Charges for Municipal Services By-law. This is over and above the payment of all other appropriate Town Charges including Development Charges.

### **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 received.

### **2.3. Disconnection of service – payment**

When a service must be disconnected at the main, the owner shall pay the charge indicated in the Town's current User Fees and Charges for Municipal Services By-law for disconnecting the use of a water service for water supply to a premise. A disconnection at the main may also include removing all Town meters and is subject to the cost provided by the Town's current User Fees and Charges for Municipal Services By-law.

## **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 the attached 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 or electronically sent to the email address supplied by the homeowner. Any customer refusing to allow the Town to enter the property to repair, install or calibrate a water meter, shall be charged five time the water base rates, as set out in the Town's current User Fees and Charges for Municipal Services By-law as amended from time to time, until access is granted by the customer to the Town Representative.

#### **3.4. Owner Responsibility**

It is the responsibility of the Owner of the premises to pay all bills for water/sewer use on the due date. Not receiving the bill does not excuse the owner from penalty or interest charges. Such charges have priority lien status and may be collected in accordance with the *Municipal Act, 2001*, as amended or replaced, and will be added to the tax roll against the property in respect of which the water/sewer service was supplied.

#### **3.5. Late payment charge, overdue notice**

When an account is not paid by the due date stated on the bill, a late payment charge as indicated in the current Town's User Fees and Charges for Municipal Services By-law, will be added monthly on the first day of default, to the billed amounts for non-payment. On or after the first of the month following the due date a Statement of Account will be mailed or emailed to all water and sewer accounts with past due balances. The Statements will be sent to the mailing address or e-mail address provided.

#### **3.6. Notice of disconnection**

Fourteen days (14) after the Statement of Account is mailed or emailed, should the account remain unpaid, the Town will send by mail or email, to the mailing address/email address on file, a second notice to water and sewer accounts with ninety

(90) day arrears advising the customer that unless payment is received within seven days (7), water service will be disconnected. A final notice of disconnection will be hand delivered to the service address, affixed to a conspicuous place, quoting disconnection date allowing for proof of payment of arrears via certified funds at Town Hall, or acceptable payment arrangements made prior to this date.

### **3.7. 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.

### **3.8. Reconnection – charge**

Where there has been a discontinuance of service as a result of non-payment, a reconnection charge as indicated in Town's current User Fees and Charges for Municipal Services By-law, will be levied against the delinquent account, in addition to the applicable collection charge.

### **3.9. 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 the Town's current User Fees and Charges for Municipal Services By-law will be applied to their account.

### **3.10. Minimum monthly charge - who payable by**

The minimum monthly charge for providing and maintaining water supply to a property is applicable to every water meter owned and read by the Town and to each additional unit that shares the meter. In instances when the occupant of a premises vacates a unit, the subsequent minimum monthly charges (Schedule B – monthly base charge by meter size - Water/Sewer) shall continue to be charged to the owner of the premises.

### **3.11. Non-Metered Accounts**

Where meter inspections or repairs have been refused by the customer or if the Town is unable to reach the owner or tenant by all reasonable means, the monthly charge shall be equivalent to five (5) times the base rate charge for the appropriate meter size as set out in Schedule B

### **3.12. 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.

### **3.13. Temporary water supply - application and charge**

Via Water Tower Filling Station - Where a customer requires a temporary or bulk water supply, such customer shall apply to the Town for a connection to the Water Tower Filling Station. If the connection is approved and an agreement signed, the customer shall pay, prior to connection, a deposit and a fee per cubic meter as per the current User Fees and Charges for Municipal Services By-Law. Usage charges will be deducted monthly from the initial deposit until depleted, at which time the deposit must be replenished.

Via Fire Hydrant - Where a customer requires a temporary or bulk 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, a deposit as per the current User Fees and Charges for Municipal Services By-Law. In addition, usage charges will be 1.5 times the 2-inch base charge (for each connection) plus water consumption as per Schedule B. Usage charges will be deducted monthly from the initial deposit until depleted, at which time the deposit must be replenished.



### **3.14. Temporary Water Supply – Developer Construction**

The consumer (developer) shall notify the Town as soon as it is practical for a water meter to be installed, such as when plumbing has been inspected and passed. During the time period when the water meter is installed until the closing date, no monthly base rate charges shall apply until the property is occupied or sold to the new owner, unless the developer is also the owner due to no sale of the property. Consumption charges will apply (regardless of ownership) as soon as the meter has been installed, activated, and signed off by Town Utilities staff.

## **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, at its discretion, before furnishing such supply, require the customer to make a deposit of such sum of money it may consider advisable.

#### **4.2. Deposit for poor payment history**

A security deposit may be charged to the customer's account in the event of NSF, overdue notices issued over three times within a calendar year, or water disconnection for non-payment, at the Town's discretion. The interest rate applied to the deposit shall be at the Prime Business Rate as published on the Bank of Canada website less 2 percent, updated quarterly. Any interest accrued will be applied to the account on a yearly basis.

## **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 Town 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 Town 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 firefighting, any other use of a Town's fire hydrant for water supply must be approved by the Town. 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 Town 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. Every water service and sewer lateral shall be laid in a straight line and at a right angle to a Main, as nearly as practicable.

A water service shall be installed to each unit of semi-detached houses, street townhouses and street link houses, unless the Director of Development and Operations, or designate, has approved an alternative form of connection. Where the Ontario Building Code is silent the Town's specifications shall be applied and shall prevail

##### **6.3. Connection to main - Private lands**

No water service to one owner's building shall be installed in, over or across the property of another person or located on an easement on another person's property, except by written consent, in the form of an easement agreement, of the persons concerned and the approval of the Town. Alterations requiring repairs on private lands will be the responsibility of the property owner.

##### **6.4. 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.

##### **6.5. 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.

##### **6.6. 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 the Town's current User Fees and Charges for Municipal Services By-Law. Any substandard Water Service Connection must be corrected by the Consumer, thirty days from the date of written notice provided by the Town. No person shall back fill a water service connection until it has been inspected and approved by the Town of Shelburne.

#### **6.7. 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.

#### **6.8. 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 the Town's current User Fees and Charges for Municipal Services By-Law.

#### **6.9. Maintenance of service stub – Town**

The water and sewer service stub shall be maintained by the Town at the Town's expense. Any maintenance on private lands will be the sole responsibility of the property owner.

#### **6.10. 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 Town 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.

#### **6.11. 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.

#### **6.12. Access to shut-off valves**

All shut-off valves shall always be left clear and accessible 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 Town.

#### **6.13. 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.

#### **6.14. Responsibility - vacant and unheated premises**

When any premises are 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 the Town's current User Fees and Charges for Municipal Services By-law.

**6.15. 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.

**6.16. 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.

**6.17. 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.

**6.18. 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.

**6.19. 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 firefighting 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 the Town's current User Fees and Charges for Municipal Services By-Law 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 thereof, 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 by-law.

### **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 Town.

**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 - Town 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 Town, 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 Town 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 was 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**

### **USE OF WATER EXTERNALLY**

#### **8.1. 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 Town.
- 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 9**

### **PROHIBITIONS**

#### **9.1. 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 8 of this by-law; or
- h. use water externally in contravention of the Town's regulation made pursuant to section 8 of this by-law.

## Part 10

### ENFORCEMENT

#### **10.1. Fine - for contravention**

Every person that contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Municipal Act, 2001*, S.O. 2001 c 25, as amended and/or the *Provincial Offences Act*, R.S.O. 1990, c. P.33

#### **10.2. 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.

#### **10.3. 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.

#### **10.4. 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.

#### **10.5. 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 11**

### **PREVIOUS BY-LAWS REPEALED**

#### **11.1. Repeal - previous by-laws**

By-law #60-2020 of the Town of Shelburne, and all amendments thereto, are repealed upon the coming into force of this by-law.

By-law #10-2020 of the Town of Shelburne, and all amendments thereto, are repealed upon the coming into force of this by-law.

## **Part 12**

### **EFFECTIVE DATE**

#### **12.1. Effective Date**

This by-law comes into force and effect on January 1, 2024.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND ENACTED THIS 11 DAY OF DECEMBER 2023**

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Mayor

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Clerk

SHELBURNE WATER AND SEWER BY-LAW SCHEDULE "A"  
WATER AND SEWER SERVICE APPLICATION

Account #

TO BE FILLED OUT BY APPLICANT

Name of Applicant:

Billing Address of Applicant:

Contact:      Day                                  Evening                                  Email:

Municipal Address of Premises:

Commencement date of service:

Services Requested:      Water                                  Sewer

TO BE FILLED OUT BY STAFF

Legal Name of Owner(s) (per assessment roll): Assessment Roll No.

APPLICANT ACKNOWLEDGEMENT

"Applicant" means the applicant or applicants jointly or severally. The applicant represents that the above statements are true and acknowledges that the granting of service is conditional on the truth of the statements. The applicant further acknowledges that the provision of service is governed by this and other by-laws of the Town and applicable legislation. Some of these provisions limit the liability of the Town. The applicant acknowledges that deposits furnished bear no interest and that the deposits will be applied to any unpaid accounts, service connection and administrative charges and the applicant acknowledges service shall be disconnected upon non-payment of regular billing charges and that service shall not be restored except upon payment of all outstanding charges (including deposits where applicable).

Signature of Applicant(s)      Date

Application Approved By      Date