

**THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS**

**BY-LAW NO. 2017-58**

**A BY-LAW to rescind By-Law No.'s 2006-41, 2008-96, 2014-74, and 2016-52 in their entirety; and, to enact rules and regulations to inspect, install, repair, replace or alter water meters and related appurtenances, including the penalties for offences.**

**WHEREAS** *the Municipal Act, 2001*, as amended, gives the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act;

**AND WHEREAS** *the Municipal Act, 2001*, as amended, authorizes a municipality to pass By-laws respecting matters within the sphere of public utilities;

**WHEREAS** the Council of the Municipality of South Dundas deems it necessary to provide for and regulate the supply and use of water, to prohibit the wrongful use of water and every other matter or thing related to or connected therewith that may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practicing of frauds with regard to the water so supplied;

**AND WHEREAS** by By-law, the policy of the Municipality of South Dundas is to install water meters on all residential, industrial, commercial, and institutional establishments located within the hamlet areas of Morrisburg and Iroquois including premises outside of the hamlet areas that are connected to the South Dundas Water Works;

**AND WHEREAS** Part 7 (Plumbing) of the *Ontario Building Code*, as amended, pursuant to the *Building Code Act, S.O. 1992*, requires every municipality to regulate the connection of individual water services to a municipal potable water works;

**AND WHEREAS** the Council of the Municipality of South Dundas deems it necessary to authorize the mandatory use and installation of water meters in the hamlet areas of Morrisburg and Iroquois including premises outside of the hamlet areas of Morrisburg and Iroquois area that are connected to the Water Works;

**AND WHEREAS** the Council of the Municipality of South Dundas now deems it necessary to authorize and regulate the mandatory installation, repair, maintenance and access to water meters and the penalties for offences within the hamlet areas of Morrisburg and Iroquois including premises outside of the hamlet areas of Morrisburg and Iroquois area that are connected to the Water Works.

**NOW THEREFORE** the Council of The Corporation of the Municipality of South Dundas enacts as follows:

- 1.** That the rules and regulations contained in the By-law as set out in Schedule "A" attached hereto and forming part of this By-law shall be hereby adopted.

2. That all Appendices contained in the By-law attached hereto and forming part of this By-law shall be hereby adopted.
3. That By-Law No.'s 2006-41, 2008-96, 2014-74, and 2016-52 are hereby repealed in their entirety.
4. This By-law shall come into force and effect on September 1, 2017.

**READ** and passed in open Council, signed and sealed this 18<sup>th</sup> day of July, 2017.

  
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**MAYOR**

  
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**CLERK**

**Schedule "A"**  
**To By-law No. 2017-58**

**1. DEFINITIONS**

- 1.1 'Backflow Preventer' means the device to prevent the reverse flow of fluids or chemicals into the waterworks system, which may contaminate the waterworks system.
- 1.2 'Building' means a structure supplied with potable water by the Corporation.
- 1.3 'Commercial, industrial and institutional' means a room or suite of rooms under one ownership or tenancy utilized for a commercial, industrial, and/or institutional use as defined in the Zoning By-Law(s), whereby the owner or occupant of any premises and the person to whom invoices are sent which is serviced by, connected by, connected to, takes water from the Corporation's waterworks.
- 1.4 'Consumer' means the owner or occupant of property, which is serviced by, connected to, and takes water from the Corporation's waterworks.
- 1.5 'Contractor' means a person, partnership, or corporation that contract to undertake the execution of work commissioned by the Corporation to install and/or maintain water meters and other appurtenances.
- 1.6 'Corporation/Municipality' means The Corporation of the Municipality of South Dundas.
- 1.7 'Council' means the Council of the Municipality of South Dundas.
- 1.8 'Fire Chief' means the Director of Fire & Emergency Services as appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA or his/her designate;
- 1.9 'Director of Public Works' means the Director of Public Works or his/her designate.
- 1.10 'Meter' means the meter installed under the provisions of this By-law for the Corporation to measure the volume of water supplied to the premises in which the meter is installed, including the meter body and any appurtenances attached thereto.
- 1.11 'Meter Chamber' means an accessible private structure remote from a building, containing and protecting the meter and control valve, owned and operated by the building owner.
- 1.12 'Meter Pit' means any exterior chamber or pit approved by the Corporation for the purpose of containing a water meter and related appurtenances.
- 1.13 'Multiple Residential Unit' means a single building containing two or more single family units, including apartment buildings, which is serviced by, connected to, and takes water from the Corporation's waterworks system.

- 1.14 'Occupant' includes any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise.
- 1.15 'Owner' includes 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.
- 1.16 'Potable water' means water that is fit for human consumption.
- 1.17 'Premises' means the structure, building or unit serviced with a water service and which may be situated on private or public lands.
- 1.18 'Private Water Service' means the pipes and fixtures used for the purposes of supplying any premises in the Municipality with water from the waterworks systems established by the Corporation and situated on the private property of the premises so supplied and metered.
- 1.19 'Remote Read-out Unit' means the device installed at a separate location from the water meter and used to provide electronic access to the register on the meter.
- 1.20 'Shut-off Valve' means the valve on the Corporation's water service connection at the property line owned and used by the Corporation to shut off or turn on the water supply from the Corporation's water distribution system to any premises.
- 1.21 'Single Family Residential Unit' means a single dwelling which is freestanding, separate and detached from other main buildings which is serviced by, connected to, and takes water from the Corporation's waterworks.
- 1.22 'Unit' means a residential, commercial, institutional, or industrial establishment, which is separated or capable of being separated, from any other establishment on the assessment roll of the Municipality of South Dundas. If a dispute arises as to whether an establishment is a unit, it shall be determined by reference to the last revised assessment roll of the Corporation.
- 1.23 'Water Rate' means a rate per cubic meter of water including a minimum consumption amount per billing period including any other charges as determined by Council in order to meet capital, operating and maintenance costs of the Corporation's waterworks.
- 1.24 'Water Service' means the pipes and fixtures used for the purposes of supplying any premises in the Municipality with water from the waterworks systems established by the Corporation and situated between the water main and the limit of the street on which the premises front.
- 1.25 'Waterworks Systems' means all buildings, structures, plants, equipment, appurtenances, devices, conduits, intakes, outlets, underground pipelines and installations, and other works designed for the production, treatment, transmission, distribution and storage of water, and includes lands appropriated for such purposes and uses. These waterworks systems include all Municipality owned and/or operated systems and any expansions or alterations thereto.

## **2. AUTHORITY**

- 2.1 Except as specifically noted otherwise in this By-law, Council is responsible for the administration of all provisions of this By-law.

## **3. PROVISION OF WATER SERVICE**

- 3.1 The Owner of any property abutting a Municipal water main and which may in the opinion of the Director of Public Works be readily supplied there from, may make application to the Municipality to connect to the Municipality's Waterworks Systems.
- 3.2 The Owner(s) of any house or building who is receiving water from a system being operated and maintained by the Municipality shall be deemed to have made written application for a supply of water pursuant to the provisions of this By-law before May 2004 and shall be deemed to have made all payments required under this By-law for the installation of the necessary Water Service, Private Water service and Meter.
- 3.3 No person being the Owner or occupant of any house, building or other premises supplied with water by the Municipality shall, without written approval from the Municipality, rent, sell or dispose of such water or give away, or permit the same to be carried away, or used, or apply such water to the use or benefit of any other person.
- 3.4 The Corporation will make all reasonable efforts to ensure that water is supplied in accordance with standards approved by the Ministry of the Environment, however the Corporation does not guarantee a constant supply, pressure or water of any standard or quality and will not be liable for any damage to the consumer or any third party for failure to provide adequate quantity, pressure or quality of water.
- 3.5 No Owner or Occupant supplied with water by the Municipality shall be entitled to use such water for any purpose other than those stated in their application for water.
- 3.6 Water will be turned on for a new water service connection only once an application for service has been submitted and approved and the Director of Public Works has approved the service installation and is in possession of an as-built drawing of the service.
- 3.7 Only person(s) authorized by the Municipality that possess the proper license shall open or close any valve or hydrant on public property or easement. Fire Department Staff are allowed to open hydrants.

## **4. APPLICATION FOR WATER SERVICE**

- 4.1 All persons desiring a supply of water from the Municipal water mains shall, first, make written application to the Director of Public Works on the prescribed form. Such application shall be signed by the Owner of the building to be supplied with water or by their agent, duly authorized in writing.
- 4.2 The applicant shall pay to the Municipality in advance of any installation or connections, any charges or fees as may be required by the application for the necessary water service, in addition to and separate from this By-law.



- 4.3 The applicant shall pay to the Municipality, the cost of the meter and any other costs or fees associated with the installation of the meter, the water service or the private water service where such costs will be or have been incurred by the Municipality.

## **5. INSTALLATION AND MAINTENANCE OF WATER SERVICE CONNECTIONS**

- 5.1 The Director of Public Works shall review and/or determine the size of the service pipe and appurtenances to be connected to a water main and the location where said connection will occur. In no case shall a service be less than 19 millimeter (3/4 inch) diameter.
- 5.2 All water services up to and including 75 millimeters (3 inches) in internal diameter shall be of Type "K" copper and only new materials shall be installed.
- 5.3 All water services shall include a curb stop installed on public property within 0.5m of the property line of the land to be serviced in accordance with Municipality standards.
- 5.4 All water services greater than 75 millimeters (3 inches) in internal diameter shall be of ductile iron pressure (pressure class 350) or polyvinyl chloride pipe (PVC) (pressure Class 150), and only new materials shall be installed. A resilient wedge gate valve shall be installed on public property within 0.5m of the property line of the land to be serviced in accordance with Municipality standards.
- 5.5 Water services including repair work, shall be installed and bedded in their entirety in accordance with Municipal standards.
- 5.6 All water services shall be inspected by the Director of Public Works. A service location form shall be completed for each service.
- 5.7 The Owner of any property serviced by Municipal water shall be responsible for ensuring that the private property service, its fixtures and appurtenances are maintained in proper order and repair at his/her own expense.
- 5.8 The Corporation shall ensure that the water service on Municipal property between the curb stop and the water main is maintained in proper order and repaired at the Municipality's expense.
- 5.9 No consumer or person shall connect, cause to be connected, or allow to remain connected, any piping fixture, fitting container or appliance, in a manner which, under any circumstance, may allow water, waste water or any harmful liquid, gas vapours or other substance to enter the Municipality's water system. Buildings, which contain potentially high health hazards or where industrial piping systems are often modified or where access by municipal inspectors is limited, will require a backflow preventer approved by the Director of Public Works.
- 5.10 A water service installed on premises for fire protection purposes shall be equipped with a backflow preventer.
- 5.11 Each water service shall have only one connection to the waterworks system, where practical. Each unit shall have a separate water service and meter connected to the waterworks system.

- 5.12 When the necessary water service and private water service have been completely installed and all pipes properly flushed and tested to the satisfaction of the Director of Public Works, and in compliance with the rules and regulations set out in this By-law, and all payments provided for in this By-law and any other applicable By-laws have been made to the Municipality, the water may be turned on to the premises.
- 5.13 Any new or existing lots which are not serviced by water or sewer, and which require connections shall be the responsibility of the property owner.

## **6. WATER METERS**

- 6.1 All premises, buildings, or other structures that are metered at the passing of this By-law shall continue to be metered. The Municipality may require any existing building or class of buildings that is not presently metered to be metered.
- 6.2 All new or renovated premises, buildings or other structures other than those structures that are entirely residential that are serviced by the water works system shall be metered.
- 6.3 All new or renovated residential buildings shall make provision for and install a water meter.
- 6.4 All water meters shall be supplied, installed and sealed by the Municipality by the Director of Public Works. The removal, or tampering with the seal by any person other than persons authorized by the Director of Public Works, shall be considered an offence under the provisions of this By-law. The water meter shall remain the property of the Municipality.
- 6.5 The Municipality shall determine the appropriate type and size of meter to be installed. The cost of the meter and all costs associated with the installation shall be paid by the Owner.
- 6.6 Where a meter cannot be physically and/or economically located inside a building, is servicing multiple Owners, and/or multiple structures on one (1) property, a meter shall be placed in a meter chamber, the location and construction of which are subject to approval by the Director of Public Works and the cost of which is to be paid by the Owner. The meter chamber shall be installed in accordance with Municipal standards.
- 6.7 The meter shall be placed and the plumbing shall be so arranged that all water consumed shall pass through the meter and the Owner of the premises is responsible for all water charges. In locations where a private fire protection system using municipal water has been provided at a property, the take-off for the fire protection system shall be located in advance of the meter. Only water for fire protection may bypass the water meter.
- 6.8 The Owner, or occupant, of any unit shall provide ready and convenient access to any meter installed, so that it may be read and examined by a Municipality representative.
- 6.9 Should a meter be mechanically defective, and where the Municipality installed or otherwise assumed ownership of said meter, the cost of

such repairs shall be paid by the Municipality. If the meter is damaged by the carelessness or neglect of any person other than an employee or agent of the Municipality, the owner of the premises shall pay the cost of making the necessary repair to such meter and appurtenances. Carelessness includes freezing and air damage.

- 6.10 A meter may be removed and tested by the Municipality upon the request of the Owner of any unit. If the meter is tested and found to register correctly or less than 3% in favour of the Corporation, the expense of removing and testing the meter will be paid by the person requesting such test. The owner shall pay an amount of \$100.00 as a deposit in support of his/her request. If a meter, when tested, is found to register in excess of 3% in favour of the Corporation, a full refund of the deposit will be made and a refund will be made to the consumer of apportionment of the consumption charges paid for the three (3) month period prior to the testing. This refund will be calculated on the basis of prior consumption records and the meter repairs will be paid by the Corporation. No refund of the deposit or any portion of the charge shall be made if the meter is not faulty.

## **7. MAINTENANCE AND REPAIR OF METERS**

- 7.1 Authorized employees of the Municipality or persons duly designated by the Municipality, must at all reasonable hours, upon presentation of satisfactory identification, be given free access to all parts of every building to which the water is supplied, for the purpose of inspection and examination of meter(s), fixtures and pipes of every kind used in connection with the supply of water to, or the use of water, on such premises.

Only authorized employees of the Municipality or persons duly designated by the Municipality, shall disconnect or take apart any meter or branch or in any manner disturb the seal or any other part of the meter.

- 7.2 The Director of Public Works will require periodic inspections or tests of meters on the distribution system and reserves the right to substitute other meters for existing meters owned by the Municipality.

## **8. FIRE PROTECTION**

- 8.1 No person shall use or discharge any water from a municipal fire hydrant unless authorized by the Director of Public Works.
- 8.2 No person shall open or close any municipal fire hydrant or obstruct the free access by the erection of any fence or otherwise screen from view any hydrant, valve, chamber, pipe or hydrant chamber by placing on or near it any building material, rubbish, vegetation or other obstruction of any nature whatsoever. An unobstructed area of 1.5 meters in any direction from the hydrant shall be maintained at all times.
- 8.3 Any buildings which are determined by the Director of Public Works and the Director of Fire & Emergency Services to be a high risk building and which require the use of a booster pump, shall incorporate a backflow preventer before the pump in order to protect the Municipal Waterworks System.



- 8.4 Unmetered water from privately owned hydrants shall not be taken for uses other than firefighting purposes without an appropriate permit.

## **9. CONDITIONS OF WATER USE**

- 9.1 It shall not be lawful to use the supply of water for hydraulic elevators or motors, water driven appliances, whether operated wholly or in part by water, or for air conditioning or heating except where a special agreement has been entered into with the Corporation.
- 9.2 Water used during the construction phase of a building prior to occupancy, may be metered provided that the Owner, builder or contractor complies fully with the Municipality in carrying out all the requirements of an application for service including but not limited to the provisions for the proper installation of a meter and remote external reading receptacle. Any builder, contractor or Owner using water for temporary use and not complying with this By-law, shall be billed as determined by the Municipality.
- 9.3 The use of water for irrigation shall be limited for use between the hours of 7:00 p.m. and 7:00 a.m. The water use for irrigation shall not exceed five (5) hours in a twenty-four (24) hour period. Irrigation use shall be restricted to even numbered houses watering on even numbered days of the month and odd numbered houses may be irrigated on odd numbered days of the month.
- 9.4 The Municipality may by resolution restrict outdoor water usage as and when deemed necessary.

## **10. DISCONTINUED SERVICES**

- 10.1 Any Owner wishing to discontinue the use of water supplied by the Municipality, must make written application in the form prescribed by the Municipality. No person shall shut off a water service who is not duly authorized to do so by the Director of Public Works.
- 10.2 Any Owner wishing to discontinue the use of water due to the demolition of a building shall pay the Municipality, prior to the issuance of a demolition permit, a fee for the removal and for disconnection of the existing private water service. The Director of Public Works shall be notified and shall remove the meter from the premises.

## **11. PENALTY**

- 11.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction shall forfeit and pay a penalty pursuant to the provisions of the Provincial Offenses Act, R.S.O. 1990, as amended.
- 11.2 Failure to pay water rates as and when the same become due and payable shall be considered a failure to comply with the provisions of this By-law.
- 11.3 No person shall make any connection or connections whatsoever, to any water service or private water service without the prior written consent of the Director of Public Works. The owner of the premises on which an unlawful connection has been made, shall be responsible for the water rates or charges which would have been payable, multiplied

by four (4), in addition to being liable for any other penalty provided by By-law or by an Act, or Acts of the Legislative Assembly of Ontario, or Parliament of Canada. The rates shall be charged on the basis of the Municipality's estimate of water consumed during the period in question.

- 11.4 Whenever a person taking a supply of water from the Municipality fails to comply with the provisions of this By-law in any respect, the Municipality may, with reasonable notice to such persons, turn off the water and the water shall not be turned on again until all the provisions of this By-law are complied with.

## **12. METHOD OF BILLING AND COLLECTION**

- 12.1 All water supplied through private water services that are metered shall be charged the rates as per Schedule "B" of this By-law.
- 12.2 Other fees and service charges are set out in Schedule "B" and include but are not limited to hydrant use, water meter testing, water supply turn-on/turn-off, watermain tapping, construction use, fire line charges, and service connections.
- 12.3 Where water is supplied to a multiple unit structure or any rental structure, an account for the water supply shall be billed to the registered owner of the premises. Where this is not practical to install meters in each unit, each unit will be charged the minimum monthly rate and the owner will pay the balance of consumption. In a situation of multiple ownership (eg. condominiums), the Municipality shall issue the invoice to the Condominium Board (Corporation).
- 12.4 Residential billings for the supply of water shall be invoiced and are payable as specified on the invoice received. Non-payment is in contravention of this By-law.
- 12.5 Commercial billings for the supply of water shall be invoiced monthly and are payable as specified on the invoice received. Non-payment is in contravention of this By-law.
- 12.6 All sums charged for water supplied, or for expenses incurred for the repair of private water services, meters, fixtures and all appurtenances connected with the water service or for damage to the same shall be charged to the Owner of the premises. If for any reason charges for water rates cannot be collected from the Owner, then the Municipality may order that the water be shut off on account for non-payment. No new application for water service for such premises will be considered or approved by the Municipality, notwithstanding that the ownership of the premises may have changed, until such sums and other charges shall have been paid in full to the Municipality.
- 12.7 The foregoing shall not be held to prevent the Municipality from resorting to other means or methods of collecting the accounts, including but not limited to, adding the charges to the tax account and accruing interest as set out by the Municipality.

12.8 Where for any reason the consumption of water in a unit has not been recorded or where in the opinion of the Municipality the consumption of water has been wrongly recorded, the Municipality shall estimate the quantity of water consumed and the Owner shall be liable to pay on the basis of such estimate.

**Schedule "B"**  
**To By-law No. 2017-58**

**Water Rates, Sewer Surcharge Rates and Miscellaneous Charges**

**Annual Water Fixed/Flat Rate**

Residential \$ 399.43  
Multi-Residential \$ 399.43

Industrial, Commercial, Institutional:

Meter Size	Fixed Rate
5/8" - 3/4"	\$ 399.43
1"	\$ 559.20
1 1/2"	\$ 718.92
2"	\$1,158.36
3"	\$1,158.36
4"	\$1,158.36

**Water Metered/Consumption Rate**

Residential \$0.65 per m<sup>3</sup>  
Industrial, Commercial, Institutional \$0.65 per m<sup>3</sup>  
Multi-Residential \$0.65 per m<sup>3</sup>

**Sewer Use Surcharge**

For all Sewer users - Morrisburg 75% of the Water Rate  
For all Sewer Users - Iroquois 100% of the Water Rate

Where there is municipal sewer use and no municipal water use or where the sewer use is disproportional to the water use; the municipality may establish a special rate.

Minimum sewer surcharge will be equal to 75% of the minimal water rate for Morrisburg and 100% for Iroquois.

**Disconnect/Connect Charges**

The disconnect/connect of water and sewer lines will be performed by the Municipality of South Dundas and/or its agents.

Disconnect Fee \$ 75.00  
Disconnect Fee after hours \$100.00  
Connect Fee \$ 75.00  
Connect Fee after hours \$100.00

Temporary disconnect/connect for repairs to property owner system within 48 hours:

During working hours \$ 50.00  
After working hours \$ 75.00

Request for disconnect/reconnect must be received in writing by property owner. During reconnect there must be someone present in the building.

## Schedule "B" (Continued)

### Disputed Meter Testing

Deposit	\$100.00 per meter
Charge	Actual cost plus expenses

### Miscellaneous Uses

The following rates for miscellaneous water uses, including swimming pools and construction, etc.:

Metered source	\$3.00 per m <sup>3</sup>
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### Fire Line Charges

Annual Fire line charges are applicable where units have installed a fire suppression system that utilizes the municipal water supply as follows:

50 mm (2")	\$ 250.00 per year
63 mm (2.5")	\$ 275.00 per year
75 mm (3")	\$ 300.00 per year
100 mm (4")	\$ 500.00 per year
150 mm (6")	\$ 750.00 per year
200 mm (8")	\$1,000.00 per year
250 mm (10")	\$1,250.00 per year
300 mm (12")	\$1,500.00 per year

### Water Services and Taps

Water Services	
All sizes	Cost plus 15%

### Water Meters

Supply of water meter	Cost Recovery
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### Deposits shall be paid to Rideau St. Lawrence

Residential Tenants	\$200.00
Commercial Tenants	\$200.00

The deposit will be retained by RSL until such time that the service is terminated by the tenant and the account is paid in full.