

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NUMBER 06-031

**BEING A BY-LAW TO REGULATE
THE PROVISION OF MUNICIPAL WATER BY THE TOWNSHIP OF
TINY
AND TO REPEAL BY-LAWS 01-050, 03-062 and 05-012**

WHEREAS Section 8 of the *Municipal Act, 2001* S.O. 2001, c. 25, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 9 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 of the *Municipal Act, 2001*, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS it is necessary to make substantive changes to the by-laws regulating the provision of municipal water by the Corporation of the Township of Tiny to ensure the users of the water works of the Township of Tiny continue to receive an abundant supply of pure and wholesome water, to ensure an efficient and effective water works utility operation and to ensure that the rates charged to the users are reflective of actual costs incurred to operate the water works;

AND WHEREAS it is deemed necessary to consolidate all regulatory by-laws affecting the provision of municipal water;

NOW THEREFORE the Council of the Corporation of the Township of Tiny hereby enacts as follows:

PART I

DEFINITIONS

1. For the purpose of this by-law the following words shall have the meaning given herein:

“Allotted Water Service” shall mean the capacity for the supply and distribution of Municipal Water that has been allotted to a property by the Municipality.

“Clerk” shall mean the CAO/Clerk of the Municipality.

“Commercial” shall mean the use of land, building or structure for the purpose of buying and selling commodities and supplying of services as distinguished from uses such as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

“Consumer” shall mean the owner, occupant, or any other person, that occupies property that is receiving Municipal Water.

“Capital Water Fee(s)” shall mean a fee set by Council, from time to time by by-law, for future replacement of Water Works.

“Corporation Stop” shall mean a water service shut off valve located at a street water main.

“Council” shall mean the Council of the Municipality.

“Cross Connection(s)” shall mean any connection between the Water Works and any other water source.

“Curb Stop” shall mean a water service shut off valve, rod and curb box located near the municipal property line, between the water main and the Property Owner’s Eligible Building. For clarification purposes, the Curb Stop is the property of the Municipality.

“Eligible Building” shall mean any structure that can be used as a residence or business in the Municipality.

“Institutional” shall mean:

- a) The use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government buildings; or
- b) The use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools and nursery schools; or
- c) The use of land, buildings or structures designed, adapted or used for medical, surgical, charitable or other treatment or care of persons, or for detaining persons for correctional, disciplinary or other purpose, and shall include a children’s home, a home for the aged or the infirm, a monastery, nunnery, or religious retreat, a jail, reformatory or training school, and all other such uses.

“Municipal Engineering Standards” shall mean the most recent engineering standards accepted by the Municipality.

“Multiple Residential Use” shall mean one or more habitable rooms designed or intended for use by more than one individual or family as an independent and separate housekeeping establishment containing separate kitchen and/or sanitary facilities for each individual or family.

“Municipal Water” shall mean water drawn, treated and provided by the Municipality.

“Municipality” or “Township” shall mean the Corporation of the Township of Tiny and includes, where the context permits, its duly authorized officers, contractors, employees, agents and Water Works Employees.

“Operation Water Fee(s)” shall mean a fee set by Council, from time to time, by by-law, for the cost recovery of operational costs of the Water Works in the Municipality.

“Owner(s)” shall mean the person who owns a property, including a developer, firm, corporation, contractor, or responsible individual in charge of the property at any given time.

“Person(s)” includes an individual, a sole proprietorship, a partnership, an association, a Consumer, an Owner, a Property Owner, a corporation or other legal entity and their respective heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

“Property Owner” shall mean the owner of a property who is receiving Municipal Water or has an Allotted Water Service.

“Residential Unit” shall mean one or more habitable rooms designed or intended for use by an individual or family as an independent and separate housekeeping establishment in which one kitchen and sanitary facilities are provided for the exclusive use of such individual or family.

“Stopcock” shall mean the first water service shut off valve located in a water service line within a building, when closed, shuts the water off to the connected distribution pipes within the building.

“Township Fee Schedule By-law” shall mean Township by-law 05-027, as amended or replaced from time to time.

“Treasurer” shall mean the Treasurer of the Municipality.

“Water Connection” shall mean the connection from the Curb Stop to the Stopcock.

“Water Rates” shall mean the rates charged by the Municipality, from time to time, for the use of Municipal Water. The Water Rates shall be enacted by By-Law and shall include Operation Water Fees and Capital Water Fees based upon reasonable costs incurred or anticipated, and approved by Council.

“Water Service” shall mean the water line including such components as the pipe, tracer wire, seasonal valve, service box and rod that is provided to move water from the Curb Stop to the Stopcock.

“Water Service Installation” shall mean the installation of a water service from the Corporation Stop to and including the Curb Stop.

“Water Works Employee” shall mean an employee of the Municipality whose duties include the operation and maintenance of the Water Works.

“Water Works” shall mean any works that is either owned and/or operated by the Municipality for the treatment, storage, supply or distribution of Water, or any part of any such works.

“Winterized Service Valve” shall mean a water shut off valve located in the water service line approximately 1.5 metres away from the Property Owner’s Eligible Building.

PART II

GENERAL PROVISIONS

2. The Municipality shall manage, maintain and operate the Water Works heretofore and hereafter established and constructed in the Municipality in accordance with the provisions of the *Public Utilities Act*, R.S.O 1990, c. P.52, the *Municipal Act, 2001*, S.O. 2001, c. 25, the *Safe Drinking Water Act, 2002*, S.O. 2002 c. 32, as amended from time to time, all other applicable legislation and this by-law.
3. The Municipality agrees to use diligence in providing a regular uninterrupted supply of Municipal Water, but does not guarantee service or the maintenance of unvaried pressure and will not be liable in damages

4. to the Property Owner or any other Person by reason of any failure in respect thereto.
5. Notwithstanding anything herein stated, there shall be no obligation on the part of the Municipality to service any lands within the Municipality that are not presently serviced for the supply of Municipal Water. The Municipality reserves the right to determine what areas and when such areas will be serviced with Municipal Water.
6. The rules and regulations set out in this by-law shall govern the provision and use of Municipal Water and shall be considered to form a part of the agreement between the Municipality for provision of Municipal Water to each Consumer. By applying for and receiving Municipal Water, a Consumer, shall be deemed to have expressed his/her consent to be bound by the said rules and regulations.

PART III

ALLOTMENT OF WATER AND CONNECTION TO A WATER WORKS

7. No Person shall make a connection to the Water Works, except as follows:
 - a. The Owner shall apply in writing to the Municipality, on a form provided by the Municipality for such purpose, for an Allotted Water Service, a Water Service Installation and/or a Water Connection as applicable.
 - b. The Municipality shall confirm if there is an Allotted Water Service to supply the property.
 - c. The Owner shall provide to the Municipality an Allotted Water Service Deposit or a Water Service Installation Deposit or Water Connection Fee, as applicable, as prescribed in Township Fee Schedule By-law.
 - d. Prior to the Municipality commencing its work, the Owner shall provide an Allotted Water Service Deposit as prescribed in Township Fee Schedule By-law. The Owner shall be responsible for all of the Municipality's costs related to determining if the property can have an Allotted Water Service. All of these costs are to be deducted from the Allotted Water Service Deposit. The Municipality may require the Owner to replenish the Allotted Water Service Deposit to the full amount originally required prior to proceeding with any stage of its work. The Municipality is not required to proceed until it is satisfied that the deposit has been replenished sufficiently. If the Municipality determines there cannot be an Allotted Water Service for the property, the Municipality will return the balance, if any, of the Allotted Water Service Deposit to the Owner.
 - e. Prior to the Municipality commencing its work, the Owner shall provide a Water Service Installation Deposit as prescribed in Township Fee Schedule By-law. The Owner shall be responsible for the actual costs of the Water Service Installation. The Municipality may require the Owner to replenish the Water Service Installation Deposit to the full amount originally required prior to proceeding with any stage of the work. The Municipality is not required to proceed until it is satisfied that the deposit has been replenished sufficiently. Upon approval of the application and receipt of the necessary funds the Municipality will complete the Water Service Installation.

- f. After a Water Service Installation has been completed, the Owner may apply for a Water Connection by providing to the Municipality a Water Connection Fee as prescribed in Township Fee Schedule By-law.
- g. All works and inspections on the property to be serviced by the Water Connection shall be as follows:
 - i. All excavations required for the installation of a Water Connection shall be carried out by open trench unless otherwise approved by the Municipality.
 - ii. The Water Connection shall be separated from all other utility's services, by location in a separate trench at a minimum distance of one (1) metre or a distance approved by the Municipality.
 - iii. All Water Connections shall include a Winterized Service Valve except for the Perkinsfield, Lafontaine, Whip-Poor-Will and Wyevale water systems.
 - iv. The Owner applying for a Water Connection shall give at least forty-eight (48) hours notice to the Municipality when the Water Connection will be ready for inspection.
 - v. The inspection of the Water Connection shall not proceed until the Property Owner and its designated agents are in compliance with the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1. and it is safe for the Municipality to carry out its inspection duties.
 - vi. The Municipality shall not supply Municipal Water unless Water Service has been installed, tested, and approved by the Municipality.
 - vii. No Person shall back fill a Water Connection until it has been tested, inspected and approved by the Municipality.
 - viii. The work is to be completed in accordance with the Municipal Engineering Standards.
 - ix. All Commercial, Institutional and Industrial Water Connections are subject to a review by the Municipality, at the time of application for a Water Connection, to determine the need for backflow prevention and the approval of the appropriate type of device that is to be supplied.
 - x. Any Property Owner requiring an alteration to their Water Connection shall be subject to Section 6 as if they are creating a new Water Connection.

PART IV

WATER USE

- 8. No Person shall sell or distribute Municipal Water in any manner without the consent of the Municipality.
- 9. No Person shall use Municipal Water for the purpose of any outside water use including but not limited to watering lawns or gardens, or filling of swimming pools, except as permitted under Schedule "A".
- 10. No Person shall use Municipal Water for the purpose of watering newly placed sod or seed except as permitted under Schedule "A" and without first obtaining a permit from the Municipality which must be displayed in a conspicuous location on the property.

11. Notwithstanding the provisions of Sections 8 and 9, the Municipality may impose further watering restrictions when it is in the best interests of the Municipality to do so. The said watering restrictions shall take effect upon any of the following:
 - a. placement of community information signs at Wyevale, Lafontaine and/or Perkinsfield or other locations as may be deemed appropriate; or
 - b. written notice to each Property Owner effected by the watering restrictions; or
 - c. public notification by placement of a notice on the Municipality's website.
12. The restrictions set out in this by-law shall not apply to a Municipal fire fighter where Municipal Water is required for fire protection purposes.

PART V

MAINTENANCE BY OWNER

13. The Water Service from the Curb Stop (excluding the Curb Stop) to the Stopcock shall be maintained by and at the expense and sole risk of the Property Owner.
14. The Property Owner shall repair a broken or damaged Water Service within fourteen (14) days of becoming aware of same or within such time frame as directed in writing by the Municipality. Failure to complete the repairs shall result in Municipal Water being shut off until such repairs are carried out to the satisfaction of the Municipality.

PART VI

REPAIRS/WORK BY MUNICIPALITY

15. Every person who requires repairs and accordingly requires the Municipality to shut off or turn on Municipal Water shall make application in writing to the Municipality and pay the fee prescribed in Township Fee Schedule By-law. In the case of an emergency, the Municipality may waive the written application.

PART VII

RESTRICTIONS

16. No Person, including a licensed plumber, shall repair, operate, remove, inspect, tamper with or connect to the Water Works without applying for and receiving written approval of the Municipality.
17. No person shall obstruct or conceal any Curb Stop, hydrant or valve by placing on or within a one (1) meter radius of them, any structure, building, fence, plant, material, earth, concrete, pavement, snow, rubbish or other obstructive matter. Where the Municipality is required to remove such items to operate, repair or replace the Curb Stop, hydrant or valve the cost of same shall be the sole responsibility of the Property Owner.
18. No person shall permit a Cross Connections at any time or for any reason. Should a Cross Connection be found to exist, the Municipality has the right to turn the Water Service off until such time as the Cross Connection has been removed and inspected.

19. No Person shall connect to a fire hydrant for any purpose without receiving written approval of the Municipality.
20. Notwithstanding Section 18, municipal firefighters may connect to a fire hydrant. Under no circumstances shall the Township Fire Chief or his designates permit the operation of any fire hydrant without proper instructions.
21. No person shall use pesticides, herbicides and insecticides on municipally owned property having a Municipal Water supply. The exception is noxious weeds, as set out in the Weed Control Act, R.S.O. 1990 Chapter W. 5, deemed to be excessive by the Municipal Weed Inspector.
22. Consumers and/or properties situated within 50 metres of a Water Works are encouraged to limit or refrain from usage of pesticides, herbicides and insecticides, unless applied by a licensed applicator.

PART VIII

WATER CONNECTION RATES, WATER RATES AND FEES

23. The Municipality shall complete all Water Connections including all upgrades. The Owner shall pay all fees for the Water Connection. The cost of the Water Connection shall be the actual cost of the Water Service installation and shall be borne by the Owner. A deposit as described in Township Fee Schedule By-law shall be provided at the time of application. The final cost shall be calculated on a cost plus basis, taking into consideration material, labour, equipment and ten percent (10%) administration fee.
24. Every Owner shall pay the fee as described in Township Fee Schedule By-law for turning the water supply on or off.
25. Every Property Owner shall pay the Water Rates applicable to the type of use of the property such as Commercial, Institutional, Residential Unit or Multiple Residential Use, as prescribed in Township Fee Schedule By-law.
26. **All Connected Properties Shall Pay Fee(s)**
 - a. When an Eligible Building is connected to Municipal Water upon which a Capital Water Fee and/or Operation Water Fee should have been levied and no fee was charged, the Municipality shall charge the fee(s) from the beginning of the current year, and for each year from and including 2004, if the Eligible Building could have been occupied during that period.
 - b. The Municipality shall add the fee(s) to the tax roll for the property where the Eligible building is situated.
 - c. Costs in arrears, since and including the 2004 calendar year may be paid by lump sum or paid over a period of time not exceeding three (3) years in equal installments and no interest to be charged.
27. When the Municipality has determined that a Curb Stop is located at a lot line but no Water Service has been completed to the occupied lot having an Eligible Building or where there is an Allotted Water Service for a lot having an Eligible Building where such lot does not have a Water Connection, the Municipality shall charge the Property Owner the full

Operation Water Fee(s) for the current year and each subsequent year effective January 1, 2005, regardless of whether or not the Property Owner completes a Water Connection. The Operation Water Fee(s) for the year 2004, where paid, meeting the conditions of this clause, shall be credited to the Operation Water Fee(s) for the Year 2005. Nothing in this by-law shall compel a Property Owner to complete a Water Connection.

28. Water Rates Billing Schedule

- a. All accounts shall be billed once per year with the Property Tax Bill for the second installment for all properties connected to a Water Works on January 1st of that year.
- b. Water Connections for a new service for part of a year shall be charged a prorated Water Rate for the portion of the Operation Water Fees, as set by Council, based upon the Operation Fee divided by twelve times the number of month or part of a month of connection. Capital Water Fees, as set by Council, shall be charged at 100% of the annual fee regardless of the portion of the year connected. Such amount shall be added to the Property Tax Bill as per Section 27 (a) above for the following year.
- c. Multiple Residential Use shall be charged Water Rates as described in Township Fee Schedule By-law.

29. Unpaid Fees

- a. A penalty, per annum, will be charged at the same rate as outstanding taxes, on invoices outstanding after the due date.
- b. Where any account for Water Rates or for the installation of Water Connections, for repairs, fittings and apparatus, for inspection or any other service, matter or thing incurred and payable under the provisions of this by-law in respect of any building or premises, is overdue and unpaid for more than thirty (30) days after the date on which such account is due and payable, the Treasurer may cause a notice in writing to be sent by prepaid mail addressed to the Consumer to whom it was furnished and to the Owner of such building or premises, at their last known address according to the last revised assessment rolls of the Municipality, notifying them that unless such account is paid within ten (10) days after the date of the notice, the supply of Municipal Water to such building or premises will be shut off and withheld, and if such account is not paid within the aforementioned period, the Municipality shall cause the supply of Municipal Water to be shut off and withheld in accordance with the terms of the said notice.
- c. The amount payable to the Municipality by a Consumer for Water Rates is the responsibility of the Owner. The amount payable for Water Rates or Water Connections or other work performed by the Municipality pursuant to this by-law is a lien and charge upon the estate to interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of the person's estate and interest in the lands and in the case of an amount payable by the Owner, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land.
- d. The Clerk shall, upon notice to him or her of the amount due and of the person by whom it is due and of the lands upon which a lien is claimed, enter the amount upon the collector's roll and the

- e. Municipality shall proceed to collect the amount from the goods and chattels and the estate or interest in the lands of the person liable in the same way, as nearly as may be, as municipal taxes are collected.
- f. The Municipality before taking proceedings under this Section may itself distrain upon the goods and chattels of the person liable to pay for the amount due for any public utility supplied to the person.
- g. In default of payment, the Municipality may shut off the supply, but the rents or rates in default are, nevertheless recoverable.
- h. Where the supply of water cannot be shut off without shutting off the supply to other Consumers who are not in default, the supply of water shall not be shut off, but the rents, rates and charges shall be, nevertheless recoverable.

PART IX

ENFORCEMENT

- 30. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.
- 31. Any person who tampers with, alters, obstructs, removes, neglects, interferes with, or damages any Water Works shall, in addition to any other penalty allowed by law, be held liable for the cost of repair to the equipment of the Water Works.
- 32. The provisions of this by-law shall be enforced by: a Municipal Law Enforcement Officer, Police Officer, Peace Officer or other person appointed for the purpose of enforcing this by-law.

ENTRY AND INSPECTION

- 33. (1) A Municipality may, at reasonable times, enter on land to which it supplies a water service to:
 - (a) inspect, repair, alter or disconnect the service pipe and other works used to supply a water service, or
 - (b) determine and shut off the water supply when it is found to be used in contravention of this bylaw.
- (2) Notwithstanding Section 28(b) of this by-law, where a Municipality is entering onto an Owner(s) property it shall provide reasonable notice of any proposed shut off to the Owner(s) of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.

OBSTRUCTION

- 34. (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- (2) Any person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the person described in Section 31 upon request, failure to do so shall be deemed to have obstructed or hindered the person described in Section 31 in the execution of his duties.

PART X

SCHEDULES

35. Schedules "A" attached hereto shall form part of this by-law.

PART XI

VALIDITY AND SEVERABILITY

36. Every Provision of this by-law is declared to be severable from the remainder of the by-law, and if any provisions of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

37. By-laws 01-050, 03-062 and 05-012 are hereby repealed in their entirety.

PART XII

TITLE

38. This By-law shall be known and may be cited as the "Comprehensive Water By-Law".

PART XIII

EFFECTIVE DATE

39. This by-law shall take effect upon it passing.

READ A FIRST AND SECOND TIME THIS 27th DAY OF May 2006.

READ A THIRD TIME AND FINALLY PASSED THIS 27th DAY OF May 2006.

THE CORPORATION OF THE TOWNSHIP OF TINY

Robert Klug

Mayor, Robert Klug

A. Ruth Coursey

CAO/Clerk, A. Ruth Coursey

SCHEDULE "A"
TOWNSHIP OF TINY
BY-LAW 06-031

1. For the purpose of any outside water use including but not limited to watering lawns, gardens, and topping up of swimming pools, the following times shall be adhered to:

Even Numbered address

5:00 a.m. to 8:00 a.m. and 7:00 p.m. to 10:00 p.m. on the even days of the month only.

Odd Numbered address

5:00 a.m. to 8:00 a.m. and 7:00 p.m. to 10:00 p.m. on the odd days of the month only.

2. Watering times for newly placed sod:

7:00 p.m. to 8:00 a.m. each day, not to exceed 14 days from the initial date of placement.

3. Exemption

Any person may water their lawn or fill their swimming pool from a water source other than a Water Works at any time. Permits for this use are exempt from this By-law.