

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that The Corporation of the City of Owen Sound (the "City") may pass by-laws relating to public utilities, including matters affecting water distribution, and for the purposes related to health, safety and well-being of persons; and

WHEREAS subsection 80(1) of the *Municipal Act, 2001*, provides that a municipality may at reasonable times, enter on 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 subsection 11(1) of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every owner 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, 2002*; and

WHEREAS section 19 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every person who oversees or has decision-making authority over a municipal drinking water system to exercise the level of care diligence and skill that a reasonable prudent person would be expected to exercise in a similar situation and act honestly competently and with integrity with a view to ensuring the protection and safety of the users of the municipal drinking water system; and

WHEREAS Part 7 (Plumbing) of Ontario Regulation 332/12: Building Code requires potable water systems to be protected from contamination; and

WHEREAS contamination of the City's drinking-water system can arise as a result of a backflow incident from a private plumbing system that is attached to the City's municipal drinking water system and such contamination of the municipal drinking water system can have an adverse impact on the health, safety and well-being of the users of the City's drinking water; and

WHEREAS the City desires to put mechanisms in place so as not to permit the discharging of a contaminating substance into the municipal drinking water system; and

WHEREAS for ease of administration and clarity of use by the Public, Council deems it necessary and advisable to pass this by-law as the new "Water Management By-law" and to repeal By-laws No. 2022-003 Backflow Prevention By-law, No. 2018-125 Policy: FS18 Utility Collection and Billing Policy, and No. 1988-106 By-law to regulate supply and to prohibit wrongful use of water and all subsequent amendments thereto;

NOW THEREFORE, the Council of the Corporation of the City of Owen Sound enacts as follows:

PART A – OPERATIONS

Short Title

1. This By-law shall be known as the "Water Management By-law".

Definitions

2. In this By-law the following definitions apply:

- 2.2. "**Appurtenance**" or "**Appurtenances**" means and includes electronic communication register, touch pad, remote read device and any new equipment or technology replacing the same.

- 2.3. "**Backflow**" means the flowing backward or reversal of the normal

direction of the flow of water;

- 2.4. **"Backflow Preventor"** means a device that prevents the backflow of water into the waterworks and/or private water system and is designed to prevent contamination of potable water;
- 2.5. **"Building"** as defined in the Building Code;
- 2.6. **"Building Code"** means the *Building Code Act, 1992, S.O. 1992, c.23* as amended and any regulations made under that Act;
- 2.7. **"City"** means The Corporation of the City of Owen Sound and where an authority or discretion is conferred upon a City official under this By-law, means the appropriate official or representative of the City as designated or appointed under its governing by-laws, resolutions or policies from time to time;
- 2.8. **"Council"** means the Council of The Corporation of the City of Owen Sound;
- 2.9. **"Contractor"** means a *person*, partnership, or corporation who contracts to undertake the execution of work commissioned by the *owner* or the *City* to install or maintain water mains, *water services*, hydrants and other appurtenances or devices;
- 2.10. **"County"** means the Corporation of the County of Grey;
- 2.11. **"Cross-Connection"** means any temporary, permanent, or potential water connection between a source of potable water and any source of pollution or contamination and includes any bypasses, jumper connection, removable section of pipe, swivel or changeover and any connecting arrangement through which may allow backflow of contaminants;
- 2.12. **"Director"** means the Department Head responsible for Public Works and Engineering of the City of Owen Sound, or that person's designate, or any person duly authorized to act in that person's place;
- 2.13. **"Fire Chief"** means the Director of Fire and Emergency Services of the City of Owen Sound, or that person's designate, or any person duly authorized to act in that person's place;
- 2.14. **"Good Working Condition"** means:
 - a) free from health hazard;
 - b) free from fire hazard;
 - c) not in poor condition by reason of deterioration, neglect, damage or defacement;
 - d) able to perform its intended function; and
 - e) protected from freezing;
- 2.15. **"Inspection"** means an examination and includes any of the following:
 - a) an audit;
 - b) physical, visual or other examination;
 - c) survey;
 - d) test or inquiry;
- 2.16. **"Master Meter"** means a Water Meter supplied and owned by the City, at the owner's expense, to measure the quantity or rate of potable water flowing through a pipe that is used to supply more than one building or parcel of land, typically installed at the limit of the City's jurisdiction, whether that limit is at a political boundary or a property line.

- 2.17. **"Meter"** means the water meter installed for the purpose of measuring water supplied by the waterworks system of the City;
- 2.18. **"Municipal Drinking Water System"** means a drinking water system, within the meaning of subsection 2(1) of the Safe Drinking Water Act, 2002, supplied by the City;
- 2.19. **"Municipal Inspector"** means a person appointed a qualified person by the County or the City to undertake inspections within a specified scope ;
- 2.20. **"Non-Potable Water"** means water that is not meant or approved for human consumption;
- 2.21. **"Occupier"** means any person or persons of the age of 18 years or older in possession of a property;
- 2.22. **"Owner"** means the registered owner or owners of a premises or their authorized agents;
- 2.23. **"Person"** means a legal entity and includes individuals and corporations;
- 2.24. **"Potable Water"** means water that is safe for human consumption;
- 2.25. **"Private Water System"** means the portion of the water service pipe located on private property;
- 2.26. **"Private Water Service"** means the pipes, fittings and appurtenances used for the purpose of supplying water from the water service to any premises located on private property and shall include the water service pipe as defined by the **Ontario Building Code, S.O. 1992, c.23**, as amended;
- 2.27. **"Treasurer"** means the Treasurer of the Corporation of the City of Owen Sound;
- 2.28. **"Stop and Waste Valve"** means a valve installed within the premises to allow the isolation of the building from the municipal water supply independent from the operation of the Curb Stop. Also referred to as the Premises Isolation Valve.
- 2.29. **"Water Meter"** means a device supplied and owned by the City, at the owner's expense, to measure the quantity or rate of potable water flowing through a pipe that is used to supply a building or parcel of land;
- 2.30. **"Water Service"** means the pipes and fittings used for the purposes of supply and delivery of water to a private water service at a street line or limit of a road allowance and shall include a corporation cock, service pipe, curb stop, post and service box and any and all other appurtenances thereto; and
- 2.31. **"Watertaker"** means any person, corporation or other entity that draws, purchases, or otherwise consumes water from or is connected to the City's water system, directly or indirectly.
- 2.32. **"Waterworks"** means any mechanisms used for the collection, production, treatment, storage, supply, transmission and distribution of potable water by the City, up to the water service connection, but does not include plumbing to which the Building Code applies.

Interpretation

- 3.1 In this by-law, Statutory references are to Statutes of Ontario and

the Regulations made thereunder, and shall be deemed to refer to such Statutes and Regulations as are amended, consolidated, re-enacted and in force from time to time; and

- 3.2 In this by-law, all words shall be read with all changes of gender and number required by context or circumstances.
- 3.3 The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the by-law.
- 3.4 The terms and provisions of this by-law are severable. If any term or provision is found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law continues to be in full force and effect.
- 3.5 In the event of a conflict between the provisions of this by-law and the Municipal Act, 2001 or any other legislation, the provisions of the legislation shall prevail.

General Provisions

- 4.1 The City's Waterworks shall consist of all waterworks under the jurisdiction of the City, inside or outside of the municipal boundary.
- 4.2 The City shall manage and maintain the waterworks in accordance with the provisions of the **Municipal Act, S.O. 2001, c.25, Public Utilities Act, R.S.O. 1990, c.P.52, Ontario Water Resources Act, R.S.O. 1990, c.O.40**, and the **Building Code Act, S.O. 1992, c.23**, this by-law and any other applicable law in force from time to time.
- 4.3 The Director shall be responsible for the maintenance and repair of the waterworks and direction and supervision of the use thereof and of supplying water therefrom.
- 4.4 The Director may enter any premises of any Watertaker at all reasonable hours upon reasonable notice to examine the pipes, meters, remote readers, fittings, fixtures, appliances and appurtenances to ascertain the quantity of water used, the manner of its use and to determine compliance with this by-law.
- 4.5 No person shall in any way connect into City Waterworks or Water Service Pipes any Non-Potable Water source, private well or other water works not owned and operated by the City.
- 4.6 Every owner of a building shall connect and keep the building connected to the water works.
 - (i) No person except an authorized City Official or Officer shall disconnect, or permit to be disconnected, a building from the water works or water service pipe of the City.
 - (ii) If the Owner of a building fails to make the connection of a building, the City may, after notifying the Owner in writing of its intention to do so, enter in and upon the property of the Owner to make the connection at the Owner's expense.
 - (iii) If the Owner fails to pay the City for the cost of the connection when requested to do so, the City may recover the expense by Court action, or in like manner as municipal taxes.
- 4.7 No person except a person authorized by the Director shall tap or make any connection to any portion of the waterworks.

- 4.8 No person shall in any way interfere with, obstruct or conceal any hydrants, valve, curb stop, service pipe, stopcock, meter, remote reader, or other waterworks appurtenance.
- 4.9 No person shall:
- (i) Willfully hinder or interrupt, or cause or procure to hinder or interrupt the City, or any of its officers, contractors, agents, servants or workers, in the exercise of any of the powers conferred by the legislation referred to in paragraph 4.2;
 - (ii) Shall willfully let off or discharge water so that the water runs waste or useless out of the Waterworks;
 - (iii) Being a tenant or 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 City, 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 the person's own or increase the supply of water agreed for;
 - (iv) Without lawful authority, willfully open or close any hydrant, or obstruct access to any hydrant, stopcock, chamber, pipe or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;
 - (v) Throw or deposit any injurious, foul 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 waterworks, pipes, or water, or encourage the same to be done;
 - (vi) 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; or
 - (vii) Lay, or cause to be laid, any pipe or main to connect to any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the City.
- 4.10 The Director may enter any premises of any Watertaker at all reasonable hours upon reasonable notice for the purpose of inspecting or repairing, and for the altering or disconnecting of any service pipe, meter, remote reader and appurtenances, and for the placing of meters, remote readers and appurtenances on any service pipe served by the waterworks.
- 4.11 Should a leakage occur on any Owner's property between the water service and the premises supplied by water, the Owner shall repair the said leakage at his own expense, within seven (7) days of being notified by the Director. If the leakage is not repaired by the owner within the time allowed, the City may enter the Owner's lands and premises for the purpose of repairing the leakage, and the costs shall be charged to the Owner. The Director is hereby empowered to turn off the water supply until the necessary repairs have been made by Owner or the City.
- 4.12 The City does not guarantee the supply or quality of water and failure to supply water shall not be construed as neglect on the part of the City. The City shall at no time be held liable by reason of inadequate supply of water or by reason of the City restricting the supply of water or for refusing the supply of water.

- 4.13 The City may cause the water services to any building or premises to be shut off when the Director believes, on reasonable grounds, that there has been a contravention of any of the provisions in the relevant legislation referred to in paragraph 4.2, or a contravention of any of the provisions of this by-law, or where the owner of such building or premises refuses or prevents entry thereto by any officer, employee, servant, or agent of the City for any purpose authorized by this by-law.
- 4.14 Where the City has caused a water service believed to be defective to be shut off, such water service shall not be restored until the City has been satisfied that no such defect exists, or that any defect therein has been properly rectified.
- 4.15 Where a new or replacement water service or a new replacement private water service is installed and the City has shut off the supply of water for the purposes, upon payment of the requisite fee in accordance with the City's Fees and Charges By-law in effect at the time, a Public Works Employee will attend upon the premises to turn on the service.
- 4.16 No person shall cause or permit temporarily or otherwise, the turning on or the supply of water for the purpose of testing and installation or repair or any other purpose, nor shall any person thereafter shut the supply of water off without written authority of the Director, and without further paying all fees including shut off and turn on fees set forth in the Fees and Charges By-law, as amended.
- 4.17 Where the City has been requested to shut off or turn on the supply of water to a private water service, the City shall not shut off or turn on such supply of water until the applicant has paid the fee prescribed in the Fees and Charges By-law in effect at the time of payment.
- 4.18 The supply of water by the City shall at all times be subject to any act or event beyond the power or control of the City and/or to necessary repairs or replacements of any watermains or other works supplying water and in addition thereto, the City may at any time, or from time to time, by Resolution of Council restrict or limit the use of water to such uses as may be designated in the Resolution, or may designate or limit the times during which water may be used for any purposes, or for any designated purpose, or may prohibit or suspend the use of water for any purposes whatsoever, and the City may, when authorized by Resolution of Council, suspend or shut off the supply of water, and in any of such cases, the City shall not be liable to any owner or other person for damages, either directly, indirectly or consequential.
- 4.19 All buildings and premises connected to the municipal water system shall be equipped with a Stop and Waste Valve in Good Working Condition.
- 4.20 No person shall use water supplied by the City in any water-cooled air-conditioning equipment or other cooling or freezing equipment or process unless such equipment or process is provided with an evaporative condenser or other device which efficiently conserves, cools and recirculates the water so used.
- 4.21 Lawn and garden water and domestic water use outside of buildings and premises may be restricted from time to time during the year, at the discretion of the Director. Such restrictions shall be advertised in the local media prior to implementation.

Municipal Fire Hydrant Use

- 5.1 The design, location, installation, separation and maintenance of all fire hydrants within the City shall be in accordance with current City Standards.
- 5.2 No person shall open, carry from or tamper in any manner with a fire hydrant connected to City mains unless written permission is obtained from the Director. However, this does not apply to employees of a Fire Department engaged in the pursuit of regular duties.
- 5.3 The Director shall be notified of the use of any hydrant by the Fire Department.
- 5.4 Only regulation hydrant wrenches should be used for the operation of fire hydrants. Using any other type of wrench may result in the cancellation of any permit issued and the imposition of an assessment equivalent to the actual cost for repairs or replacement.
- 5.5 The general use of hydrants for construction purposes will be restricted to specific situations with express written permission from the Director. All instructions provided by the City Water Division Staff must be followed.
- 5.6 A separate accepted backflow prevention device must be used on any hydrants used for water supply purposes.
- 5.7 No person shall obstruct the free access to any hydrant by placing on it or close to it building material, earth, snow, rubbish, or other obstructive matter, nor shall any person conceal a hydrant with any type of building or shrubbery.
- 5.8 No person shall in any way interfere with any hydrant, valve, curb stop, pipe, or other waterworks appliance outside his own property, nor shall he in any way interfere with any meter.
- 5.9 No person shall park an automobile, truck or vehicle of any description within a distance of 3 meters (9.8 feet) of any hydrant measured along the curb line or along the shoulder of any roadway immediately adjacent to the hydrant.
- 5.10 The relocation of a municipal fire hydrant shall be undertaken only where the owner has prepaid the estimated cost of the work, and the owner shall pay the balance of the actual cost forthwith after completion of the work and receipt of an invoice therefore.
- 5.11 The Director and Fire Chief shall have the authority, through the statutory development process, to establish standards for and to secure the provision of adequate municipal fire hydrants and private fire hydrants.

Fire Systems and Private Hydrants

- 5.12 Any industrial, commercial or domestic private fire system which uses chemicals in the system shall incorporate a reduced-pressure backflow preventer as determined and approved by the Director and Fire Chief.
- 5.13 All fire lines and domestic services for industrial and commercial buildings shall be installed and operated as separate services from the property line of the building unless otherwise approved in writing by the City Director and Fire Chief.
- 5.14 Any premises served with a private fire protection service shall make

provision for testing such lines from time to time to ensure they are in Good Working Condition. Each hydrant on the fire ring shall be separately valved. The type and manufacture of the hydrants installed are, upon sound Engineering principles, to be approved by the City Director. Private fire hydrants shall not be operated except in the case of fire, for fire protection purposes, unless special permission of the Director is obtained.

- 5.15 Any high-rise building or any buildings which are determined by the Director and Fire Chief to be a high-risk building which requires the use of a booster pump shall incorporate a check valve device located before the pump in order to protect the City's waterworks system.

Payment of Applicable Fees prior to Water Service Installation

- 6.1 No installation of water service or private water service shall be undertaken for the purpose of providing service to an infilling lot, or a replacement lot, or a lot for new development, until the owner shall first have paid to the Corporation the fee or charge for installation of the water service, meter and any other appurtenances thereto, in accordance with the Fees and Charges By-law, as amended.

Installation of Water Service and Private Water Service

- 7.1 The pipes, fittings, attachments, method of installation, maintenance, use, renovations to and removal of any water service or private water service shall be pursuant to, as required by, and in compliance with the **Ontario Building Code Act, 1992**.
- 7.2 Every water service and private water service shall have a minimum depth of cover of 1.7 metres or an equivalent amount of insulation acceptable to the City's Inspector.
- 7.3 Every private water service entering a building which does not contain a basement shall be insulated and/or heated in a manner acceptable to the City's Inspector.
- 7.4 A "Master Meter" shall be installed for all multi-family developments on a per water service basis (lateral from the municipal water line to the property line) as determined and approved by the City.
- 7.5 Where only one of several buildings, owned by the same person, fronts on a street with the other or others of such buildings being located in the rear of the firstly mentioned building, or where a building is or becomes a multiple or semi-detached dwelling, apartment building or buildings divided into separate dwelling units, the Director shall determine the number and size of water service to be provided in accordance with good Engineering practice.
- 7.6 All private water services shall be inspected by a City Inspector before backfilling commences.
- 7.7 All materials used in the supply and installation of water services and private water services shall be in accordance with the **Ontario Building Code**.
- 7.8 The size of water service shall be determined by the Director, provided that in no case shall such water service have an inside diameter of less than the appropriate standard determined by the Director.
- 7.9 The City shall endeavour, where possible, to allow the installation of a water service and private water service as requested by the Owner, but in every case, the City shall have the right to determine the

nature of the service connection required, the position, and location of such water service and private water service.

- 7.10 All water services shall be installed by the City or an agent authorized by it upon payment of the fee or charges therefore prescribed in the Fees and Charges By-law in effect at the time of payment.
- 7.11 The Owner shall supply and install and connect private water service to the City's water service and thereupon the same shall be tested and inspected by the City, and if found to be defective in accordance with the City's standards, the City shall cause the services to be shut off until all defects are determined to be remedied.
- 7.12 The charge to be paid to the City for the tapping of the main pipe shall be as set out in the Fees and Charges By-law and shall be paid by the Owner at the time the installation of such work is sought.
- 7.13 The Private Water Service shall be maintained by and at the expense of the Owner.
- 7.14 No water service will be approved for any building or premises unless a minimum of 150 millimeters inside diameter watermain extends in the City's road allowance adjacent to the property on which such building or premises is located; provided that where the watermain's inside diameter is less than this diameter, a water service may be approved, if the Director deems it acceptable.

Water Service Operation

- 8.1 Where the City has caused the water service to be shut off because of waste, a leak, or defect in a pipe or appurtenance, the Director shall not cause or permit the water service to be turned on again until satisfactory evidence has been received by the Director that all repairs which the Director considers necessary have been made.
- 8.2 Where an Owner of a residential property requests that a service connection be installed of a larger size than that prescribed by current city standards of a residential property, any and all costs associated with the installation of a larger size shall be borne by the Owner.
- 8.3 At the request of an application and where a demolition permit has been secured from the City, a minimum of seventy-two (72) hours' notice shall be required for the turning off of the water supply at the property line of the municipal service and for the removal of the water meter.
- 8.4 Where an applicant requests the continuance of the use of an existing water service notwithstanding the demolition of a building, the exposure of the water service at the property line is required. The water service shall be provided at the applicant's expense to ensure that the water service is in accordance with the current City's standards. If the water service is not in accordance with the City's current standards, the water service shall be updated to such standards, at the sole expense of the applicant. The cost of such work and the work to be done shall include the discontinuation of the existing municipal service at the water main.
- 8.5 Unless previously authorized by the Director, no service located on private property shall be used to supply water for more than one property.
- 8.6 Materials used in the construction of a water service on private

property shall correspond in all particulars with the City's standards, and all private water services shall be inspected by authorized City personnel prior to backfilling.

- 8.7 No person shall tap or make any improper connection or contact whatsoever with any of the private pipes or mains in the City's streets or lanes, or on any premises or private property whereby water can be diverted for improper or unauthorized use.

Meters

- 9.1 All development, both new and existing, shall have mandatory water meters installed and all water meters shall be read and billed.
- 9.2 Every multi-family residence, save and except semi-detached residences and street townhouses, shall be serviced with one domestic water service as approved and authorized by the City, to which shall be installed a Master Meter as authorized by the City.
- 9.3 All water meters shall be read and billed upon the following:
- (a) Voluntary requests;
 - (b) New development; and
 - (c) Residential properties which are sold or otherwise change ownership.
- 9.4 The City or its Contractor may, from time to time, request access to a premises to inspect, repair, retrofit or replace a water meter. The Owner shall provide free and clear access to the meter at all reasonable times for the purpose of reading or maintenance, as determined by the Director. Where such access to the Premises and/or free and clear access to a water meter is not provided by the Owner within fourteen (14) days upon written notification by the City, the Director may shut off or restrict the supply of water to the Premises until such time as free and clear access to the meter is provided.
- 9.5 Where an owner fails to provide free and clear access to the water meter by the final deadline date provided by the Director, in addition to any repercussions listed in 9.4 above, all applicable curb stop operation, service, installation and administration costs will be charged to the Owner.
- 9.6 All meters and related appurtenances shall be provided, controlled and maintained by the City, except as otherwise provided herein.
- 9.7 All fees for new and existing multi-family residences, commercial, industrial and institutional uses shall be charged in accordance with the Fees and Charges By-law. Where a meter or any appurtenance thereto has been installed without full compliance with the provisions of this by-law, the City may cause the water service to be shut off until the installation has been remedied to the satisfaction of the Director.
- 9.8 Where a meter or any appurtenance thereto has been damaged due to the negligence or willful act of the owner, the City shall repair or replace the same, as necessary, at the owner's expense.
- 9.9 The owner of any building or premises serviced by water service shall provide proper, adequately heated and sufficient space in such building for the installation of the water meter and electronic communications register and remote read-out device, as the Director deems necessary and shall keep such space easily accessible to the

City at all times for reading and maintenance purposes.

- 9.10 Any meter or appurtenance thereto found to be defective, where such defect is not due to negligence or willful act of the owner, shall be repaired or replaced, as necessary, by the City at its expense.
- 9.11 At the Owner's request, the City may have a meter tested for accuracy at the Owner's expense. If the meter is found to be defective or inaccurate, the City shall refund the fee paid by the Owner and shall repair or replace the meter at the City's expense.
- 9.12 The Corporation shall have the right to seal any meter, electronic communication and remote read-out device, at any time, and no person shall break or damage any seal attached to the same. If any such seal has been broken or damaged for any cause, the owner shall forthwith report the breakage or damage to the Director, who shall cause the same to be resealed.
- 9.13 During the installation or removal of a meter, or any paraphernalia connected therewith, where pipe is damaged as a consequence of a defective condition of the pipe, new pipe shall be installed at the Owner's sole expense, in accordance with the current City's standards.
- 9.14 The cost of downsizing or upsizing a meter, and the cost of all work incurred in connection therewith, shall be paid in full by the owner and the estimated cost of such work shall be paid in advance of the work being undertaken and the balance payable, if any, shall be due forthwith thereafter.
- 9.15 Seals shall be placed on all meters and all bypass valves and appurtenances as may be appropriate to prevent unauthorized interference with the said meters and bypass valves. Where tampering with meters or bypass valves is found, the Owner shall be charged in accordance with the by-law, and the water consumption shall be charged in accordance with Section 10.2.
- 9.16 For the purposes of this section and the by-law, the minimum size of the meter shall be one size smaller than the service pipe, except where the Director permits another size, based on sound Engineering practice.

Rates and Charges

- 10.1 The rates, charges and penalties, if any, for the use of water supplied from the waterworks and any other costs or charges for the management, maintenance, installation or otherwise, in connection with the supplying of water to any Watertaker, shall hereinafter be called the rates and shall be as adopted by Council by by-law.
- 10.2 Where a meter has been tested pursuant to Section 9.12, and found to be defective or inaccurate, the City shall charge, and the Watertaker shall pay, for the water deemed to have been used at the average rate of consumption for the service in question, as shown by the meter readings for the corresponding billing period of the previous year, if such readings are available, provided that the amount to be paid shall not be less than the service charge or charges in effect during the period for which the charge for water deemed to have been used is being calculated. In the event that the City is unable, for any reason, to obtain a correct meter reading, the Director shall estimate the amount of water used, and the City shall charge and the Watertaker shall pay on the basis of the estimated consumption for each billing period, until the City is able to obtain a correct meter reading, after which any necessary adjustments shall be made in the bill.

- 10.3 Where it has been determined that a water meter has been found to be verified defective or inaccurate by more than 3% in favour of the City at average flow rates, the Director may authorize a reduction or a refund to the Watertaker of an amount equal to the additional water rates deemed by the Treasurer to have been incurred during period as determined by the Treasurer, and such amount may be based upon the meter readings for the corresponding billing period of the previous year, if such readings are available.
- 10.4 Where any account for water service charges, for the installation of water services, for supplying and installing a meter or appurtenances, for water rates, for repairs, inspection, or for 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 twenty-one (21) days after the date on which such account is due and payable, a late payment charge of 1.5% (18% per annum) calculated on the amount outstanding will be added to the invoice on the 15th of each month after the due date, and on each 15th of the month thereafter.
- 10.5 The Treasurer shall mail a Final Arrears notice to the Owner of the property advising that balances six (6) months in arrears will be transferred to the tax roll if payment is not received within thirty (30) days.
- 10.6 Billing arrears that are more than six (6) months past due will be transferred to the tax roll with an Administration fee as set out in the City's Fee & Charges bylaw will be applied.
- 10.7 No accounts shall be established in the name of a tenant of a property as the Primary Account Holder without the written confirmation of the property's owner that said owner accepts responsibility for any charges in arrears that may be transferred to the tax roll.
- 10.8 For existing accounts in the name of a tenant as the Primary Account Holder, active accounts with a past due balance greater than \$100.00 will receive arrears notices from the City. The Primary Account Holder shall receive a reminder notice and final demand notice, as well as an administrative fee based on the City's Fees and Charges bylaw. If no payment is received or a suitable payment plan is not arranged within 15 days, a service disconnect notice will be issued, demanding immediate payment. Property owners will also receive a final demand notice.
- 10.9 In all cases, the Owner of the premises shall be the party responsible for payment of the water rates accruing. Where the water supply has been turned off, it shall not be turned on again until all charges in default are paid.
- 10.10 Pursuant to the provisions of the **Municipal Act, 2001**, as amended from time to time, any amount payable to the City is a lien upon the land on which the building is erected and may be collected in the same manner and with the same remedies as provided by the relevant provisions for the collection of real property taxes.
- 10.11 No Watertaker shall be entitled to any reduction or refund in the rates and charges for the supply of water because of non-taking of same by the Watertaker, unless such Watertaker has first given notice in writing to the Treasurer, and has paid the appropriate shut-off fee and all outstanding water accounts, if any, and thereupon the Watertaker shall be relieved of the water consumption fee only for the duration that the service is shut off.
- 10.12 No building permit shall be issued for the construction of a building or

building extension, where a metered water service is required by the provisions of this by-law, until the owner has first completed an application for such service and paid the applicable fee required, in accordance with the Fees and Charges by-law.

Charges and Billings

- 11.1 Rates for metered water and sewer service shall be calculated and set separately by by-law.
- 11.2 Consumption of water shall be charged on the basis authorized and directed in accordance with the rates and charges fixed and set forth from time to time by by-law.
- 11.3 Water and other charges shall be charged and billed to the owner of the premises regardless of tenancy or occupation of the property; save and except that the owners of commercial, industrial and institutional uses may additionally identify divisions of their property and the occupants thereof for the purpose of separate billing for each such units under the owner's name.
- 11.4 Where for vacation or other purposes the Owner determines to have the water service shut off, upon written notice by the Owner to the tenant of such intent, and upon payment of the shut off fee described in the Fees and Charges by-law, and the payment of all outstanding accounts of the Owner, the service shall be shut off. Only the volumetric/consumption rate portion of the bill shall be deleted from all water billings until the service is restored.
- 11.5 The reading of the water meter shall be deemed for all purposes to be the sole sufficient and accurate measurement of the quantity of water supplied to a property unless the meter is proven to be defective after proper testing by the manufacturer.
- 11.6 When a meter fails to register accurately, or where a meter is removed for any reason or purpose, the quantity of water consumed during the period of such failure or removal shall be estimated based on the calculated average for that type of account and the consumer shall be liable for all charges based upon this estimate.
- 11.7 For the purposes of billing, having due reference to section 11.6 hereof, the Treasurer shall provide a best estimate based upon available records, as to the duration of the failure or removal of the meter.
- 11.8 Where any consumption of water supplied to a property by the City is not properly recorded, the Director shall reserve the right to estimate the usage for the property based on metered data from comparable water accounts, and/or an averaging of previous metered readings for the same property, as the basis of the estimate.

Penalties

- 12.1 A penalty, determined by applying to the due balance set in each bill the penalty rate set from time to time by by-law, shall be imposed upon all bills unpaid after the due date provided on the bill.
- 12.2 If the rates and charges shown on a bill, including the penalty imposed by subsection 12.1 hereof, remains unpaid thirty (30) days after the due date on the bill, the water supply shall be shut off to the premises for which the billing is supplied, and such supply shall not be restored until all rates and charges in arrears, including penalty, are paid in full, together with the charges set forth in the Fees and Charges by-law for the turning on of the water service.

- 12.3 Failure to receive a bill shall not exempt the owner from liability for a payment therefore, or for the penalty imposed in accordance with this section, nor from the consequences of non-payment resulting in the shutting off of the water supply.
- 12.4 An application for water service for any property shall not be accepted where the owner has any building for water service in respect of any property within the City of Owen Sound unpaid for a period of thirty (30) days after the due date.
- 12.5 When any bill for water service is paid in whole or in part by a cheque, and such cheque is not honoured by the appropriate bank authorities, the City shall charge the consumer with either the costs incurred by the City or the fees set forth in the Fees and Charges by-law, whichever is the greater, and such fees or costs shall be added to any outstanding account for water service.

Other Offences

13.1 No person or persons shall:

- (i) Willfully hinder or interrupt, or cause or permit to be hindered or interrupted, the City or any of its authorized officers, contractors, agents, servants or workmen in the exercise of any of the powers conferred by this by-law;
- (ii) Willfully let off or discharge water so that water runs waste or useless from the City's waterworks system;
- (iii) Being an owner, tenant, lessee or inmate of any building, structure or property supplied with water from the waterworks; lend, sell or dispose of water, give it away, permit it to be taken or carried away, use of, apply it to the use or benefit of another, or permit any use and/or benefit other than his own, increase the supply of water and agree for or improperly waste water;
- (iv) Deposit any injurious, foul or offensive matter into the water or waterworks system, 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 waterworks system, the pipes or water or encourage the same to be done;
- (v) Willfully alter any meter placed upon any service pipe or connected therewith, within or without any other property so as to less or alter in any manner the amount of water consumption registered;
- (vi) Use water during a period when the use of water has been prohibited or restricted by City Council in any manner inconsistent with the prohibition or restriction; or
- (vii) Operate a curb box without authorization and in a way which contradicts Section 6.1.

Penalties

- 14.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to the penalties contained in the **Provincial Offences Act, R.S.O. 1990, c.P.34**, as amended.
- 17.1 That By-laws Numbered No. 2022-003, No. 2018-125, and No. 1988-106 are hereby repealed.