

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2024-072**

A BY-LAW TO ESTABLISH, REGULATE AND TO PROVIDE FOR THE MAINTENANCE AND MANAGEMENT OF THE TOWN OF NIAGARA-ON-THE-LAKE WATER DISTRIBUTION SYSTEM. TO FIX RATES AND CHARGES FOR THE INSTALLATION OF WATER SERVICES AND FOR WATER THEREBY SUPPLIED, TO REGULATE, TO GOVERN THE USE OF WATER AND TO PROVIDE FOR THE MANAGEMENT THEREOF.

WATER DISTRIBUTION SYSTEM

WHEREAS the Town deems it expedient to enact this By-law pursuant to Sections 9 and 11 of the Municipal Act, S.O. 2001, c.25;

WHEREAS Section 391 of the Municipality Act 2001 authorizes a municipality to pass by-laws imposing fees and charges for the use of water management systems, use of sewage systems or the consumption of water;

WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake deems it necessary for the orderly development and control of the water works system of the Town, that certain regulations governing the supply of water, providing for the maintenance and management of the water works system and for imposing and collecting water rates to be put into force;

WHEREAS pursuant to the provisions of The Public Utilities Act, R.S.O 1970, 1980, 1990 and The Municipal Act R.S.O. 2001 and any amendments thereof, the Council of a Corporation may define an area in a municipality and may assess and levy on the ratable property in the area, the cost of the water works including debenture charges, the cost of maintenance and management and the cost of water, or any part thereof.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:

1.1 INTERPRETATIONS AND DEFINITIONS

In this By-Law:

- a) (ASSE) means American Safety Standards
- b) (AWWA) means American Water Works Association
- c) "Backflow" means the flowing back of, or reverse of the normal direction of flow of water or any other substance, into the Water Supply System;
- d) "Backflow Prevention Device" means a testable device approved by Town that is connected to the Private Water Service or to plumbing for the purpose of Backflow prevention;
- e) "Clerk" means the Clerk of the Corporation of the Town of Niagara-on-the-Lake;
- f) "Council" means the Council of the Corporation of the Town of Niagara-on-the-Lake;
- g) "Distribution System" means the part of a Drinking Water system that is used in the distribution, storage or supply of water and that is not part of a treatment system;
- h) "Director of Operations" means the Director of Operations of the Corporation of the Town of Niagara-on-the-Lake, or their designate;
- i) "Drinking Water" means,
 - i. water intended for human consumption, or
 - ii. water that is required by an Act, regulation, order, municipal by-law or other document issued under the authority of an Act,

- iii. to be potable, or
 - iv. to meet or exceed the requirements of the prescribed Drinking Water quality standards;
- j) "Drinking Water Quality Management Standard" (DWQMS) has the same meaning as Quality Management Standard for Drinking Water Systems approved under s. 21 of the SDWA (Safe Drinking Water Act);
- k) "Drinking Water Health Hazard" means, in respect of a Drinking Water system,
 - i. a condition of the system or a condition associated with the system's waters, including anything found in the waters,
 - ii. that adversely affects, or is likely to adversely affect, the health of the users of the system,
 - iii. that deters or hinders, or is likely to deter or hinder, the prevention or suppression of disease, or
 - iv. that endangers or is likely to endanger public health;
- l) "Hydrant" means any apparatus for drawing water directly from a main and which is used principally for firefighting purposes.
- m) "Director of Corporate Services/Treasurer" means the Director of Corporate Services/Treasurer of the Corporation of the Town of Niagara-on-the-Lake;
- n) "Municipal Drinking Water System" means a Drinking Water system or part of a Drinking Water system,
 - i. that is owned by a municipality or by a municipal service board established under the [Municipal Act, 2001](#)
 - ii. that is owned by a corporation established under [sections 9, 10 and 11](#) of the [Municipal Act, 2001](#) in accordance with [section 203](#) of that Act
 - iii. from which a municipality obtains or will obtain water under the terms of a contract between the municipality and the Owner of the system, or
 - iv. that is in a prescribed class;
- o) "Meter" means the water Meter installed for the purpose of measuring water supplied by the Water Distribution System of the Town;
- p) "Occupant" means any lessee, tenant, Owner, the agent of a lessee, tenant or Owner, or any person in possession of any Premises;
- q) "Operating Authority" means, in respect of a Drinking Water system, the person or entity that is given responsibility by the Owner for the operation, management, maintenance or alteration of the system;
- r) "Owner" means the registered owner of any real property situated in the Town of Niagara-on-the-Lake;
- s) "Private Water Services" 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, as amended;
- t) "Remote Reader" means the device installed on, or at a separate location from the Meter and used to read and transfer the Water consumption data of the Meter;
- u) "Town" means the Corporation of the Town of Niagara-on-the-Lake and includes, where the context permits; its duly authorized officers, contractors, employees and agents;
- v) "Water Main" means every Water Service, installed on the public road allowance or on any other land upon which the Town has obtained easements or has access rights under Section 91 of the Municipal Act, or installed on an Owner's lands as part of a Private Water Service;
- w) "Water Service" means the pipe 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 stop, service pipe, curb stop, post and service box and any and all other appurtenances thereto;
- x) "Water Distribution System" means the transmission pipes of the Corporation which are tapped to Water Service and includes all vales, fittings and appurtenances;

1.2 TOWN OF NIAGARA-ON-THE-LAKE RESPONSIBILITIES

1. The Town of Niagara-on-the-Lake Water Distribution System shall consist of all the lands within the Town of Niagara-on-the-Lake.
2. The Town of Niagara-on-the-Lake shall manage and maintain the Water Distribution Systems heretofore and hereafter established and constructed in the Town of Niagara-on-the-Lake in accordance with the provisions of The Public Utilities Act, Local Improvement Act, The Municipal Act, The Ontario Water Resources Act, DWQMS, SDWA and this By-law.
3. The Director of Operations or their designate of the Town of Niagara-on-the-Lake shall be responsible for the maintenance and repair of the said systems and shall supervise the use thereof and the supplying of water therefrom.
4. The Town of Niagara-on-the-Lake or an agent may enter the premises of any water taker during business hours upon reasonable notice and request made to examine the pipes, meters, fittings and fixtures to ascertain the quantity of water used and the manner of its use.

1.3 PRIVATE OWNER RESPONSIBILITIES

1. No person except a person authorized by the Operations Department shall tap or make any connection with any main in any of the said systems; nor vend, sell, or dispose of water in any manner to other persons, firms or corporations without the consent of the Operations Department.
2. No person except a person authorized by the Operations Department shall draw off or use any water from a municipal hydrant. This restriction shall not apply to municipal fire department where water is required for fire protection purposes.
3. No person shall in any way interfere with any hydrant, valve, curb stop, service pipe, water meter or other Water Distribution System appurtenances, whether inside or outside of any building; and it shall be the duty of any resident to report to the Town any damage to any such appurtenances, when it shall come to his/her notice.
4. No person shall obstruct free access to any Hydrant by placing on it or close to it any structure, building, fence, material, earth, rubbish, or other obstructive matter, nor shall any person conceal or partially conceal a Hydrant with any structure, shrubbery or other object. See Schedule "B" (diagram of area to remain clear)
5. Application in writing for municipal Water Service to a building or premises shall be made by the Owner or Owners thereof to the Town on an application form provided for such purpose, and upon approval of the said application and an approved construction encroachment permit, such Owner or Owners shall pay to the Town a fee and/or charge for installing the Water Service from the watermain to the street-line and,
 - the water Meter and Remote Reader in accordance with Schedule "A" of By-law 2024-017 and any amendments thereafter, and all other material, labour, inspection and/or administration costs incurred with the installation.
6. Where a house is tenant occupied, the Owner will be billed for the water rates and will be responsible for same, except where written notice is received from the Owner to bill the tenant. This does not relieve the Owner from any liability for payment.

1.4 INSTALLATION OF WATER SERVICE OR PRIVATE WATER SERVICE

1. The size of service pipe into each building or premises shall be determined by the Operations Department provided however, that in no case shall such service pipe be less than 19 mm (3/4 inch) inside diameter.
2. The Town shall endeavor, where possible, to install a Water Service where directed by the Owner or Occupant applicant but in every case the Town shall have the right to determine the nature of the service connection required and the position and location in which such service pipe and other equipment and appliances shall be installed as per the Town's current Engineering Standards.
3. Where any variation from standard practice is permitted by The Town, any additional expense incurred by reason of such variation shall be borne and paid by the applicant.
4. Every Water Service, up to 50 mm (2 inches), upon the premises of the Owner shall be copper from the main to the curb stop. Every water service within the street allowance shall be installed by the Town and/or designate and such water service shall be laid at a depth of at least 1.7 metres below the level or proposed level of the surface of the ground when completely graded. The Owner shall be responsible for installing the Water Service within the limits of the property and such installation shall be in accordance with this by-law and with the Town's requirements regarding depth, material and inspection.
 - (a) Each separate parcel of land or building occupied shall be supplied by a separate Water Service provided with a separate curb stop or valve for shutting off the water. One service per residential property is allowed within the urban boundary, unless otherwise approved by the Director of Operations. Exceptions may be accepted for agricultural and commercial/industrial properties outside the urban boundary, pending approval applications.
 - (b) Council, by resolution thereof, may authorize exceptions to, or variations from, the restrictions of Clause "a".
5. The water service, from the Town main to the property line, shall be maintained by and at the expense of the Corporation. The water service, from the property line to the Meter shall be maintained by and at the expense of the property Owner. Every Owner or water taker shall keep their Water Service and other appurtenances from the property line to the Meter in good order, repair and protected from frost at their sole risk and expense.
6. The water system of every private development, new building or premises to be serviced with water supplied by the Town shall be equipped with a water Meter and a Remote Reader and all water supplied thereto shall be measured by such Meter and reader, except where otherwise approved by the Town. All residential, water Meters and/or Remote Readers shall be provided and controlled by the Town. All private developments will supply the Meter, chamber and Backflow control device as approved by the Town.
7. No water Meter or Remote Reader shall be removed by the property Owner or by any person other than a duly authorized employee or agent of the Town. The Town must be notified prior to removal being required so an authorized employee can facilitate the removal.
8. Where a water Meter shall have been damaged by frost or by hot water or the Meter and Remote Reader shall have been damaged by the negligence or willful act of the Owner of the building or premises or any Occupant thereof, the Owner shall pay to the Town the cost of all repairs and replacements and all other costs arising from such damage. Meters and Remote Readers shall be repaired or replaced by the Town.
9. Where a water Meter is installed outside of any building or premises, the Owner of such property shall provide and maintain a suitable frost-proof chamber for the said water Meter and such Owner shall at all times keep and maintain such chamber in a frost-proof condition.

10. No Meter may be installed, on a Water Service pipe, at a greater distance from the property line or connected watermain than 60 metres. If a Meter cannot be installed in a building nearer to the street line than 60 metres then a waterproof and frost-proof Meter-chamber shall be constructed by the water taker at their sole expense, in accordance with plans and specifications to be provided by the Operations Department and under the supervision and to the satisfaction of Operations department. Such Meter-chamber shall be located inside the property line as near as may be practicable to the property line. This Chamber must not be in the road allowance.

1.5 WATER AND WASTEWATER SERVICE FEES AND CHARGES

1. The prices, rates or charges for the use of water supplied to Owners or Occupants from the Water Distribution System and any other costs or charges, for management, maintenance, installation or otherwise, in connection with or for supplying the same, (hereinafter called the "rates") shall be determined from time to time by the Town and may be varied from time to time, subject to the approval of the Council to be expressed through a by-law.

2. Where any account for

- (a) the installation of water services,
- (b) supplying and installing a water meter and remote reader,
- (c) water rates,
- (d) water service charges,
- (e) repairs or inspection and/or for any other service,

(f) matter incurred and payable under the provisions of this by-law.

is overdue and unpaid for more than thirty (30) days after the date on which such account is due and payable, the following steps will be taken:

- 1) **Notice to Owner:** The Treasurer will send written notice by mail to the owner of the property, using the last known address listed in the Town's assessment rolls. This notice will inform the owner that they have 10 days to pay the overdue amount.
- 2) **Water Supply Shut Off:** If the account is not paid within 10 days after the notice is sent, the Treasurer will arrange to shut off and withhold the water supply to the property. This shut-off may also apply to any other properties owned or occupied by the same owner.
- 3) **Collection of Unpaid Charges:** For overdue water rates and water service charges, if they remain unpaid for more than 30 days and exceed the minimum dollar amount specified in the Town's schedule of fees, they will be collected in the same manner as property taxes. For the first year of this by-law and until laid out in the Town's Fee Schedule, this amount will be \$300.

3. The rates chargeable for Water Service and other provision of services under this By-law shall be as set forth as approved yearly by Council in the user fee schedules and any amendments thereafter.

4. Where a supply of water has been shut off and withheld under the provisions of The Municipal Act, Chapter 25 section 482 and amendments thereafter, the Owner shall, before the supply of water is resumed, pay the Town all accounts due, owing or in arrears, together with the service charges for turning off the water and turning on the water as provided in approved yearly user fee schedules by Council, and any amendments thereafter.

5. Where the Water Service for a summer residence is turned on and off at the request of the Owner, the minimum amount payable to the Town for water supplied at such residence shall be in accordance with the current schedule of fees.

6. The Director of Corporate Services/Treasurer may, to the extent of any such charges, fees or arrears, collect said charges, fees or arrears in like manner as municipal taxes.

1.6 APPLICATION FOR PERMIT FOR WATERMAIN EXTENSION, WATER SERVICE, PRIVATE WATERMAIN EXTENSION OR PRIVATE WATERSERVICE GOVERNED BY POLICY NO. PW-WAT-002B

1. No person shall connect or cause or permit to be connected to a Town main or Private Water Service or to a Town-owned Water Service until written application for such connection is made to the Town and a permit thereof has been issued by the Town.
2. No water shall be supplied to any property, unless a 150mm Diameter Water Main or greater, extends in front of the property, within the Urban Town Boundary according to Town Policy PW-WAT-002B and is brought past the property line not less than three (3) metres from the interior property line.
3. No Water Main extension shall be permitted within the urban boundary until written application for such extension is made to the Town and a permit has been issued in the Town and all other approvals via a servicing agreement, subdivision and/or site plan approval have been obtained.
4. Water Main extensions outside of the urban boundary will only be considered in accordance with the policies set out in S.5.2.3 of the Regional Municipality of Niagara's Official Plan.
5. No Water Main extension shall be permitted outside the urban boundary until written application for such extension is made to the Town and a permit has been issued by the Town and all other required approvals have been obtained. Refer to water and sewer extension policy PW-WAT-002B for application procedures.

1.7 METERS

1. The Owner or Occupant of any building or premises served with water shall provide property and sufficient space in such building or premises adjacent to the service entrance thereof for the installation of such water Meter and Remote Reader as the Town shall require and shall keep such space easily accessible to the Town's officers and employees at all times.
2. If the Owner or Occupant of any building or premises fails to keep such space easily accessible as determined by Operations Department, then the Operations Department shall cause a notice in writing to be sent by mail addressed to the Owner of such building notifying the Owner that unless space is made accessible for servicing and reading the Meter within ten (10) days after the date of the notice, the Town will shut off the water to the property until such arrangements are made.
The Town shall install a Remote Reader on the exterior face of the building and the cost of same shall be paid by the Owner in accordance with the applicable user fee structure of this By-law, and amendments.
3. Any person installing a plumbing system in any building or premises shall provide Meter spaces and shall comply with the plumbing by-laws and regulations of the Town from time to time in force.
4. All Meters installed shall have a wire run from the Meter to the exterior of the building a minimum of 150 mm (6") away from any other cables, wires or appurtenances on the building. The transmitter pads are to be installed on the external parts of the building.
5. Where any boiler is supplied with water through a Water Meter, a check valve shall be installed in the plumbing space between such boiler and such Water Meter. The Owner of any building or premises supplied with water by the Town shall, upon demand, modify the plumbing of the property if so directed by the Operations Department in order that such Metering devices and Remote Readers as may be deemed necessary by the Town may be installed in the location deemed to be most efficient by the Operations Department.
6. At the request of any Owner, the Town may have any Water Meter or Remote Reader tested for accuracy at the expense of such Owner. The Owner shall pay to the Town the cost of such test in accordance with the Council approved

user fees annually, and any amendments thereafter. If the Water Meter or Remote Reader is found to be inaccurate the Town shall not charge for the test and shall adjust the current water bill accordingly.

7. A valved by-pass is for institutional, commercial industrial or as required by Operations. By-pass to remain closed at all times and may only be opened by a Town Operator for purposes of maintenance of maintaining of the Meter. If a property Owner or resident is found to have tampered with a valve or Meter, they shall be fined, and the estimated water consumption loss as calculated by the Town will be charged.
8. Where water is utilized for construction purposes and where water is affixed to a position in the interior of a new building a water Meter must be installed. No water is to be utilized unless going through a Meter. The Meter must be protected from any outside element from which damage could occur. This item should be read in conjunction with Policy and Procedures approved by the Town.
9. Meter tampering is prohibited. If the Meter is found to have been tampered with the Town will impose fines in accordance with S.1.11 herein.

1.8 BACKFLOW PREVENTION

1. No person shall connect, cause to be connected, or allow to remain connected to the Water Distribution System any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, wastewater, non-potable water, any source of pollution or any other liquid, chemical or substance to enter the Town's Water Distribution System.
2. Every Owner of property to which this Bylaw applies shall ensure that an appropriate Backflow Prevention Device is installed in respect of premise isolation where such property is connected to the Town's water supply.
3. No person or Owner shall connect, cause to be connected, or allow to remain connected to the Town's water supply any auxiliary water supply.
4. No person or Owner shall tamper with or remove a Backflow Prevention Device after it has been installed and no Owner of a property in which a Backflow Prevention Device is installed shall cause or permit the tampering or removal of such device, unless removal is:
 - a. to facilitate the repair of the device and such device is replaced immediately after such repair is carried out; or
 - b. to replace the device with another device that meets or exceeds the provisions of this by-law.
5. Except as otherwise set out in this By-law, the selection, installation, maintenance and field testing of Backflow prevention devices shall be in accordance with the CSA Standard.
6. Wherever the CSA Standard and this By-law are in conflict, the provisions of Schedule "C" shall prevail.
7. Every Owner of a property of a type set out in this By-law and by the attached schedule "C", shall, carry out an initial survey of each owned property with respect to all existing cross-connections and all existing and required Backflow prevention devices.
8. Every Owner shall ensure that the survey is carried out by a licensed person permitted to do so and that the result of the survey is provided to the Town within 14 days of the survey being completed.
9. Every Owner shall ensure that every Backflow Prevention Device required for premise isolation on its property is a testable device and is the proper device to be used for the premise type.

10. Backflow prevention devices for premise isolation shall be determined using the Selection Guide in CANICSA-564, 10-94 or as amended from time to time.
11. Despite Section 10 above, when the type of cross-connection is not identified in the CANICSA-B64.10-94 Selection Guide, the Town may require that a particular Backflow Prevention Device be used in respect of any cross-connection.
12. Despite section 4.3.4.2(a) of the CSA Standard, a dual check valve device shall not be used for premise isolation.
13. Where the manufacturer of equipment has installed a source Backflow prevention device, the cross-connection is required to be reviewed by a licensed surveyor to determine if the Backflow Prevention Device meets Town requirements.
14. When the Owner of a property makes any process or operational changes that may increase the hazard level, the Owner shall perform a survey within 30 days of completion of the changes and that the survey shall be provided to the Town within 14 days of the survey being completed.
15. Except as otherwise set out in this By-law, the installation, maintenance and field-testing of Backflow prevention devices shall be in accordance with the CSA Standard.
16. Every person installing a Backflow Prevention Device shall ensure that:
 - a. such device is installed in accordance with acceptable construction practices and the requirements of the Ontario Building Code, as amended, this By-law, the Installation Guide and the CSA Standard;
 - b. such device is readily accessible for inspection, testing and maintenance;
 - c. such device is located in such a manner so that in the event of Backflow the device prevents contamination of the Town's water supply and any other potable water system;
 - d. where such device is installed for premise isolation, such device is located within a maximum of 3.0 metres downstream of the water Meter, except where circumstances require the device to be installed upstream of the water Meter and such location is to the satisfaction of the Director of Operations or their designate;
 - e. where such device is installed for premise isolation, all piping between the water Meter and such device is clearly labeled "no connection permitted."
17. Every Owner of property upon which a Backflow Prevention Device is installed shall ensure that such device is in proper working order at all times.
18. A building permit may be required pursuant to the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended to install a Backflow prevention device. The Owner or agent of the Owner is responsible for acquiring all applicable permits.
19. Every person who tests a Backflow Prevention Device shall carry out such testing in accordance with this By-law and the CSA Standard.
20. In addition to the testing methods set out in section 6 of the CSA Standard, test procedures established by the ASSE or AWWA for testing Backflow prevention devices will be employed.
21. Despite section 6.3.1 of the CSA Standard, every person who tests a Backflow Prevention Device shall enter the results of such test on a Test Report through the Town or their designate.
22. Every person who tests a Backflow Prevention Device that is for premise isolation shall:

- a. within 14 days of carrying out such test; provide a legible Test Report to the Town or their designate in respect of such test;
 - b. upon completing such test, complete and affix a Test Tag to the device or immediately adjacent to the device on the piping connected thereto; and
 - c. upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the Owner of the premises and the Town of such condition.
23. Every Owner who has a Backflow Prevention Device located on their property shall ensure that:
- a. such device is tested by a tester when it is first installed and annually thereafter or when requested by the Town or their designate and also when it is cleaned, repaired, overhauled or relocated;
 - b. when a device used for premise isolation is tested that a Test Report of such test is provided to the Town or their designate within 14 days of the test being conducted;
 - c. in the event that such device is malfunctioning or otherwise not in proper working order, the device is to be immediately repaired or replaced; and retested.
24. The Town may at any reasonable time enter onto the property of any Owner to inspect for compliance with this bylaw.
25. Where the Town finds that a condition exists on any property that may allow contamination, or creates a potential risk of contamination of the Town's water supply or the contamination of any other potable water system on such property, including any residential building or structure, the Town may:
- a. shut off the water supply to the property or any portion thereof until the condition is eliminated;
 - b. direct the Owner to eliminate the condition and in so doing may prescribe the time period for compliance;
 - c. have such work done at the Owner's expense and may recover the costs by adding the costs to the tax bill and collect them in the same manner as taxes in default of compliance with such order.
26. In addition to any other provision of this By-law, the Town may at any time order an Owner to conduct tests, provide reports and undertake any other measures required for the prevention of Backflow or protection of a cross-connection.

1.9 PRIVATE INFRASTRUCTURE AND APPURTENANCES

1.9.1 Infrastructure (Water Mains)

1. The Owner agrees, at their own expense, to undertake, to repair, forever maintain and where necessary, replace any Water Distribution System infrastructure located on the Owner's lands. Where the Water Distribution System has not been maintained on the Owner's lands, the Director of Operations or designate may enter upon the lands after a reasonable notice having been given the Owner and affect such repairs as are deemed necessary and that all such repairs shall be at the Owner's expense.
2. All private Water Mains leading into development areas will be metered and the proper Backflow device attached.

1.9.2 Municipal Hydrants, Private Hydrants and Security

1. The Owner agrees, at their own expense, to undertake, to repair, forever maintain and where necessary, replace any Hydrant located on the Owner's lands. Where the Hydrant has not been maintained the Director of Operations or designate may enter upon the Owner's lands after a reasonable notice having been given the Owner and affect such repairs as are deemed necessary and all such repairs shall be at the Owner's expense.

2. According to the Ontario Fire Code, Private Hydrants shall:
 - a. be maintained in operating condition.
 - b. be maintained free of snow and ice accumulations.
 - c. be readily available and unobstructed.
3. Private Hydrants shall be inspected, maintained and operated by qualified contractors who have been approved by the Town.
4. The Town reserves the right to hire an approved, pre-qualified contractor to operate hydrants on private lands.
5. All private hydrants will be Metered for leakage and potential usage.
6. All private hydrants must remain locked and are subject to fines in accordance with S.1.11 hereof if found to be tampered with or have been subjected to unauthorized use.
7. The Town reserves the right to manage, test and inspect all Private Hydrants to ensure compliance with the current Fire Code and invoice the property owner(s) at the approved rate.
8. Hydrant water flow shall be inspected annually in accordance with Ontario Fire Code Articles 6.6.5.6, 6.6.5.7 and 6.6.5.8. and the appropriate colored disc be displayed.
9. Wrenches other than regulation Hydrant wrenches must not be used for the operation of hydrants. The use of any other type of wrench shall be considered sufficient cause for cancellation of any permit.
10. The general use of hydrants for construction or irrigation purposes will be restricted to a Hydrant used under permit and an independent valve for regulating flow and Backflow device must be used.
11. Any Hydrant replacement request shall be processed within 30 days of a request and the Owner shall pay the cost of such replacement.
12. Hydrant tampering is prohibited. If any Hydrant is found to have been tampered with, the Town, in addition to the fines imposed by Section 1.11, shall have the right to install a Meter on the main Hydrant line at the roadway adjacent to the Owner's property at the expense of the Owner or the Occupant as determined by the Town in its sole discretion., The Town shall compare the total volumes utilized before and after the installation of the Meter and the Town shall be entitled to charge the Owner or the Occupant the applicable water rates for the difference in water volume utilized before and after installation of the Meter. These charges may be prorated and extend to the Town's estimation of the beginning of the losses due to Hydrant tampering

1.10 Prohibitions under this by-law

No person shall:

- (a) wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Town or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law.
- (b) wilfully discharge water so that the water runs to waste or of no use out of the Water Distribution System;
- (c) being an Occupant or Owner of any premises supplied with water from the Water Distribution System, waste the water or, without the consent of the Engineer, 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 their own.
- (d) without lawful authority, wilfully open or close any valve or hydrant, or obstruct the free access to any hydrant, service stub, Meter, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;

(e) throw or deposit any injurious or offensive matter into the water or Water Distribution System or in any way foul the water or commit any wilful damage or injury to the Water Distribution System, Water Service or Drinking Water, or encourage the same to be done;

(f) wilfully alter any Meter placed upon any Water Service or connected therewith so as to lessen or alter the amount of water registered; or

(g) construct or cause to be constructed any Private Water Services to connect with any Water Service of the Water Distribution System, or in any way obtain or use the water without the consent of the Town.

1.11 ENFORCEMENT

1. Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Municipal Act, 2001, S.O. 2001 c.25 as amended.

2. The following rules apply to fines levied for offences under this By-law:

i) A minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000. However, a special fine may exceed \$100,000.

ii) In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all of the daily fines for the offence is not limited to \$100,000.


iii) In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all fines for each included offence is not limited to \$100,000.

1.12 GENERAL


1. Each application for a supply of water by the Town to an Owner shall expressly provide that the Town shall at no time be under any liability for reason of a failure in the supply of water or by reason of an inadequate supply of water or by reason of the Town restricting the supply of water or refusing to supply water or by reason of any other matter or thing set forth in this by-law.
2. The supply of water by the Town shall at all times be subject to any act or event beyond the power or control of the Town and/or to necessary repairs or replacements or any watermains or other works supplying water and in addition thereto the Town may, at any time, or from time to time, by resolution of the 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 purpose or for any designated purpose or may prohibit or suspend the use of water for any purpose whatsoever and the Town may, when authorized by resolution of the Council, suspend or shut off the supply of water, and in any of such cases, the Town shall not be liable to any Owner, Occupant or other person for damages, either direct, indirect or consequential.
3. The pertinent provisions of amendments thereto, are hereby adopted and shall form part of this by-law.
4. It is the intention that the distribution systems and that all assets, liabilities, accounts receivable and accounts payable, owing to or by the Town of Niagara-on-the-Lake arising out of the following by-laws shall continue to ensure to the benefit of and be binding upon the Corporation pursuant to the terms of this by-law and that By-law Number 814-77 of the Town of Niagara-on-the-Lake be hereby repealed.

5. This By-law shall come into force and effect upon the date of the final passing thereof.
6. The rates established for water use pursuant to Council approved User Fees on a yearly basis and any amendments thereafter.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 26TH DAY OF NOVEMBER 2024



LORD MAYOR GARY ZALEPA



TOWN CLERK GRANT BIVOL