

**THE CORPORATION OF THE
TOWNSHIP OF NORTH HURON**

BY-LAW NO. 51-2014

Being a by-law to adopt the Municipality of Morris-Turnberry Policy for Connection Regulation
for the Belgrave Water System.

WHEREAS, pursuant to the provisions of Section 11, subsection 2, of the Municipal Act, S.O. 2001, c. 25, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction of public utilities, for water production, treatment and storage and for water distribution;

AND WHEREAS, Section 391 Subsection 1, authorizes a municipality to impose fees or charges on persons, (a) for services or activities provided or done by or on behalf of it;

AND WHEREAS, North Huron has residents in the Humphrey Subdivision Belgrave who are connected to the Belgrave Water System, which is owned and operated by the Municipality of Morris-Turnberry, and there are vacant North Huron properties in this subdivision that will need to connect into the system at a future date;

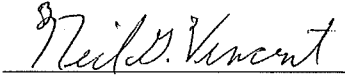
NOW THEREFORE, the Council of the Township of North Huron enacts as follows:

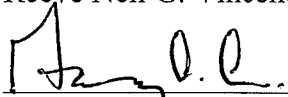
1. That the Municipality of Morris-Turnberry Policy for Connection Regulation for the Belgrave Water Supply for the Belgrave Water System be attached as Schedule "A" to this by-law and be adopted by the Township of North Huron;
2. This By-law shall come into force and takes effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 5TH DAY OF AUGUST, 2014.

READ A THIRD TIME AND PASSED THIS 5TH DAY OF AUGUST, 2014.

CORPORATE SEAL



Reeve Neil G. Vincent


Clerk Gary Long

MUNICIPALITY OF MORRIS-TURNBERRY



REGULATION FOR THE BELGRAVE WATER SYSTEM

By-Law No. 52-2012

Adopted by the Council of the
Municipality of Morris-Turnberry on the
24th day of July, 2012.

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1.0 DEFINITIONS

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

“Authorized Authority” shall mean an authority approved by the Municipality to act on behalf of the Municipality.

“Auxiliary Water Supply” shall mean any water source or system, other than the System, that may be available in a building or on any property.

“Backflow” shall mean the flowing back of or reversal of the normal direction of flow of water.

“Backflow Prevention Device” shall mean a CSA certified device that prevents backflow.

“Building” shall have the same meaning as set out in the Building Code Act, S.O. 1992, c. 23, as amended, or any successor thereof.

“Contractor” shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Municipality to install or maintain mains, service mains, services, and other appurtenances.

“Council” shall mean the Council of the Corporation of the Municipality of Morris-Turnberry and/or the Council of the Corporation of the Township of North Huron.

“Cross Connection” shall mean any actual or potential connection to the system that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the system and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

“Curb Stop” shall mean the valve located on a water service pipe near the property line owned and used by the Municipality to shut off or turn on the water supply from the System to any premises.

“Customer” shall mean any person who enters into a verbal or written contract with Council to take water from the System or to receive water related services from the System.

“Developer” shall mean the owner or party specifically named in a Development Agreement or in a Subdivision Agreement.

“External Use of Water” shall mean the use of water for any purpose outside the walls of any building or structure located at a municipal address.

“Main” shall mean every water pipe, except services and portions of private mains as herein defined, installed on the public road allowance or on any other land upon which the Municipality or Township has obtained easements.

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

“Municipal Facility” shall mean any building or structure and/or any and all lands that have been or hereafter may be set apart, designated, dedicated or established by either Council as public parkland or municipal facility for enjoyment by the public, or any operation, that is owned or made available by lease agreement or otherwise to the Municipality or the Township.

“Municipality” shall mean the Municipality of Morris-Turnberry, owner of the water system.

“Occupant” shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premises.

“Owner” shall include any person who or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

“Plumbing” shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located within and is connected immediately inside the building envelope.

“Potable water” shall mean water that is fit for human consumption.

“Premises” shall mean any house, tenement, building, lot, or part of a lot, or both, in, through, or past which a water service pipe runs.

“Private main” shall mean a pipe connected to a main and installed on private property and from which more than one service is connected.

“Service Extension” shall mean the portion of a water service pipe from the curb stop located at the property line to the plumbing system.

“Service Stub” shall mean the portion of a water service pipe from the main to the curb stop at the property line and includes the curb stop.

“System” shall mean the Belgrave Water System which includes, but is not limited to any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the Building Code Act, S.O., 1992, or any amendments thereto apply.

“Water” shall mean potable water supplied by the System.

“Water service pipe” shall mean the pipe and fittings that convey potable water from a connection on a main or private main to the inside of the exterior wall of a structure.

2.0 WATER SYSTEM OPERATION

2.1 Conditions on water supply

The Municipality agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality of supply of water. The Municipality is not liable for damages to the customer caused by the breaking of any water service pipe or attachment, or for shutting off of water to repair or to tap mains, if reasonable notice of the intention to shut off the water is given.

2.2 Authority for Water Supply

The Municipality shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all System equipment, to establish whether and the terms upon which municipalities or persons outside the Hamlet of Belgrave may be allowed to connect to the said System as consumers, and the rates to be charged for water supplied to such consumers.

2.3 Private Water Supply

The Municipality acknowledges that there are several existing wells on private properties within the Hamlet of Belgrave. The construction of any new or replacement domestic wells, within the serviced area of the System, is not permitted, reference By-Law No 25-2005.

2.4 Unauthorized operation or interference – offence

No person other than a qualified person authorized by the Municipality for that purpose shall open or close a valve in the System, or remove, tamper with or in any way interfere with any valve, water meter, structure, water main or water service in the System.

3.0 WATER SERVICE

3.1 Application for new or replacement Service Stub

An owner or their agent shall apply to the Municipality for a new or replacement service stub before it is installed and shall pay for it at the rates as outlined in Schedule B or on such other basis as the Municipality may at any time or from time to time determine. The installation of the service stub will not be scheduled or commenced in any way until the application has been approved and the payment has been made.

3.2 Payment of rates – Lump Sum

The rates stipulated in Part 3.1 shall be paid as a lump sum.

3.3 Existing Well Abandonment or Continued Use

Any owner who has an existing well on their property and applies for a new service stub or to connect to an existing service stub will be required to inform the Municipality of the expected future use of the well. If the well is to be abandoned, the owner will do so in accordance with Ontario Regulation 903 and shall provide a copy of the well abandonment record to the Municipality within 30 days of the curb stop being turned on to supply water to the premises. If the well is to be used as an auxiliary water supply, prior approval to do so must be obtained from the Municipality and cross connection control measures must be implemented and inspected on a regular basis.

3.4 Installation and Inspection – Service Stub

All service stubs shall be installed by the Municipality, to the specifications of the Municipality, except in new land development projects where agreements with the Municipality require the developer or the sub-divider to complete such work. All new service stubs and appurtenances, including those required by a Subdivision or Development Agreement, must be inspected by the Municipality or authorized authority during installation.

3.5 Application for Connection to a Service Stub and payment prior to installation

An owner or their agent shall apply to the Municipality for permission to connect to a service stub before a new service extension is installed and shall pay a connection charge at the rate outlined in Schedule B or on such other basis as the Municipality may at any time or from time to time determine. The installation of the service extension will not be scheduled or commenced in any way until the application has been approved and the payment has been made.

3.6 Installation and Inspection – Service Extension and Private Mains

All service extensions and private mains shall be installed by the owner, or a contractor engaged by the owner, and shall be inspected and approved by an authorized authority that will use the Ontario Building Code and any specific requirements made by the Municipality during the inspection.

3.7 Installation - backflow prevention devices

When a new or replacement service extension is installed, a backflow prevention device, approved by the Municipality, shall be installed between the service extension and the plumbing, at the first possible location after the point of entry into the building. An authorized authority shall inspect this installation.

3.8 Inspection – access for

The Municipality and its authorized authority shall have free access, at all reasonable times, and upon reasonable notice given be entitled to enter any premises for the purpose of examining, repairing, altering or disconnecting plumbing that is used in conjunction with the service extension.

3.9 Inspection - access to be provided

Where access is not provided, a written notice by the Municipality will be issued to the Owner, requiring that access be provided within seven (7) days of the date of issue of the notice. If access is not provided within this time frame, the Municipality may, at its discretion, shut off the supply of water to the premises until such time as the access is provided.

3.10 Permanent disconnection of Service Stub

In cases requiring a permanent disconnection of a service stub, the pipe must be disconnected at the main stop, the service side of the main stop shall be plugged, the main stop shall be closed and the curb stop, box and rod removed at the owner's expense. All work will be performed only by a contractor authorized by the Municipality.

3.11 Demolition of a building

If a structure on a property is to be demolished, the Municipality shall be notified prior to demolition in order to shut off the curb stop at the owner's expense.

3.12 Maintenance of Service Stub – Municipality

All service stubs shall be maintained by the Municipality at the Municipality's expense.

3.13 Maintenance of service extension and private main – owner

Any and all defects with a service extension or a private main shall be repaired by the owner of the property being serviced. Should the Municipality become aware of any such defect and, upon written notification to the owner the said defect is not repaired within seven (7) days of the date of the notification or within such time as the Municipality may deem necessary, the Municipality may turn off the water supply to the property. If the Municipality is ordered to restore the water supply, the Municipality may repair the defective service extension and charge the cost to the owner and collect such cost according to law and, until paid, such cost shall remain a lien on such property and may be collected in the like manner as taxes. The Municipality shall not be held responsible for the cost of restoration.

3.14 Operation of Curb Stop

No person, other than persons authorized by the Municipality for that purpose, shall be permitted to operate the curb stop to any premises.

3.15 Access to Curb Stop

All curb stops must be left clear and accessible at all times so that the curb stop may be turned off or on as may be found necessary by the Municipality.

3.16 Responsibility for protection, water loss, damage

All service extensions and private mains shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the service extension and/or private main. The charge for such water loss shall be as determined by the Municipality and shall be paid by the owner upon demand by the Municipality. The Municipality shall not be held responsible for any damages arising from such leakage.

3.17 Responsibility – vacant and unheated premises

When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply inside the premises and to drain the plumbing therein. The owner or occupant may apply in writing to the Municipality to have the curb stop turned off to stop water supply. The curb stop will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate established by the Municipality.

3.18 Responsibility – water damage

Any damage occurring to a premises or its contents from leaking or burst plumbing, is the responsibility of the owner or the occupant and the owner or the occupant shall have no claim against the Municipality. Should the Municipality become aware of such leaking or burst plumbing, the Municipality may turn off the curb stop and the water supply shall not be turned on until the Municipality, in its discretion, considers it advisable. This work will be completed at the owner's expense.

3.19 Responsibility for frozen pipes – Municipality – owner

Thawing frozen service stubs on the municipal right of way shall be the Municipality's responsibility. Thawing frozen service extensions and private mains shall be the owner's responsibility. Where any authorized authority assists the owner in the thawing of frozen pipes on the owner's property, all such assistance work will be considered to be at the owner's risk, and the owner shall have no claim against the Municipality by reason of such work.

3.20 Responsibility for repairs and investigation

In all instances where there is a leak, frozen pipes or other damage to the water pipes on private property, including sprinkler systems, it is the responsibility of the owner to arrange, at their expense, for the necessary investigation and repairs. Where any authorized authority assists the owner in any of these matters on the owner's property, all such assistance work will be considered to be at the owner's risk, and the owner shall have no claim against the Municipality by reason of such work.

3.21 Renewal of Service Stub – Municipality

The Municipality shall renew service stubs at its expense and to its specification when piping is deemed by an authorized authority to be beyond repair.

4.0 WATER RATES & FEES

4.1 Application for water supply

Before the initial supply of water or any subsequent reconnection to any premises, the owner shall make application for the same, and the owner shall be governed by the requirements of this by-law.

4.2 Fee

All water consumed on any premises without a meter shall be charged a flat rate as shown in Schedule A.

4.3 Billing

Accounts will be rendered monthly, bi-monthly or on any other basis at the discretion of the Municipality. The bill shall be deemed as served upon the customer if it is delivered or sent by mail to the premises supplied.

4.4 Late payment charges and reminder notice

When an account is not paid by the due date stated on the bill, a late payment charge will be assessed to the account and, ten (10) days after that date, a reminder notice will be sent by mail reminding the customer of the outstanding account.

4.5 Notice of shutoff

Ten (10) days after the reminder notice due date, should the account remain unpaid, a notice of shutoff will be delivered to the service address, advising the customer that unless payment is received within seven (7) days, service will be shutoff.

4.6 Non-payment – water shutoff – lien

If the customer at any premises omits, neglects or refuses to pay any bill rendered, whether for water service pipes, service charge or any other monies to which the Municipality may be entitled in respect of water services to such premises, the Municipality may, at its discretion, shut off or reduce the flow of the water to the premises. Such charges shall remain a lien on the property where they have been incurred at the property and may be collected in the same manner as taxes.

4.7 Reconnection – charge

Where it has been necessary to shutoff service as a result of non-payment, a reconnection charge as shown in the Schedule B will be levied against the delinquent account.

4.8 Service installation charge

All water service pipes, except those to lands being developed under a Development or Subdivision Agreement wherein the main is installed, may be installed on an actual cost basis at the owner's expense.

5.0 CROSS CONNECTION CONTROL

5.1 Protection from contamination

No customer or owner shall connect, cause to be connected, or allow to remain connected to the System any piping, fixture, fitting, container, appliance, vehicle, machine or the like in a manner that may under any circumstance allow water, wastewater or any other liquid, chemical or substance to enter the System.

5.2 Order to install control device

If a condition is found to exist which is contrary to section 5.1, the Municipality or authorized authority shall immediately carry out an inspection and shall issue such order or orders to the customer as may be required to obtain compliance with section 5.1.

5.3 Additional device

Notwithstanding sections 5.1 and 5.2, where, in the opinion of the Municipality, a risk of possible contamination of the System exists, a customer shall, on notice from the Municipality, immediately install on the service extension a cross connection control device, approved by the Municipality, in addition to any cross connection control devices installed in the customer's water system at the source of the potential contamination.

5.4 Installation to required standards

Cross connection control or backflow prevention devices, when required by the Municipality, shall be supplied and installed in accordance with the Ontario Building Code, 7.2.10.10, CSA B64 series including B64.10-07/B64.10.1-07 "Selection and installation of backflow preventers/maintenance and field testing of backflow preventers" as amended from time to time.

5.5 Failure to install

If a customer to whom the Municipality has issued an order fails to comply with that order, the Municipality, at its discretion, may without prior notice, shut off the curb stop.

5.6 Inspection and testing

All cross connection testable control devices shall be inspected and tested at the expense of the customer, upon installation, and annually thereafter, or more often if required by the Municipality, by personnel approved by the Municipality to carry out such tests. The customer shall submit a report to the Municipality of any and all tests performed on a cross connection control device within thirty (30) days of the required test date.

5.7 Failure to test

If a customer fails to have a cross connection control device tested, the Municipality may notify the customer that the cross connection device must be tested within seven (7) days of the customer receiving the notice. If the customer fails to have the device tested within the time allowed, the Municipality may shut off the curb stop until the device has been tested and approved.

5.8 Repair – replacement

When the results of a test referred to in section 5.6 (Inspection and testing) indicate that a cross connection control device is not in good working condition, the customer shall make repairs to or replace the device within seven (7) days. If a customer fails to repair or replace the device within the time allowed, the Municipality may shut off the curb stop until such repairs or replacement has been made.

5.9 Removal of device – permission by Municipality

No person shall, without the permission of the Municipality, remove any cross connection control or backflow prevention devices installed as a requirement of this by-law.

6.0 WATER METERS

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7.0 EXTERNAL USE OF WATER:

7.1 Regulations – External use of water

For the purpose of limiting the consumption of water as necessary, the Municipality may, at any time, implement any regulation, notice or by-law to limit the external use of water or completely ban the external use of water.

- a. Notice of the implementation of a water use regulation or by-law by the Municipality and the effective date thereof shall be given immediately in a manner determined by the Municipality.
- b. Upon the announcement of the implementation of a water use regulation or by-law by the Municipality, no person shall use water except in accordance with the provisions of such regulation.

8.0 FINES/ENFORCEMENT

8.1 Fine - 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 Provincial Offences Act.

8.2 Continuation – repetition prohibited

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

8.3 Offence - damage to System

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any part of the System is guilty of an offence and is liable to the Municipality therefore.

8.4 Offence - wilful damage

Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any part of the System is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and for any expenses of repairing or replacing any part of the System and double the value of the surplus water so consumed, all of which is recoverable under the Provincial Offences Act.

9.0 PROHIBITIONS

9.1 Prohibitions under this by-law

No person or persons shall at any time:

- a. Wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Municipality 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 let off or discharge water so that the water runs waste or useless out of the works;
- c. Being a customer, tenant, occupant of any premises supplied with water from the System, improperly waste the water or, without the consent of the Municipality, lend, sell, or dispose of the water, give it away, use or apply it to the use or benefit of another, or to use and benefit other than his own or increase the supply of water agreed for;
- d. Without lawful authority wilfully open or close any curb stop or valve, or obstruct the free access to any curb stop, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- e. Lay or cause to be laid any pipe or main to connect with any pipe or main of the System, or in any way obtain or use the water without the consent of the Municipality; or
- f. Use water externally except in accordance with any regulations or by-laws set out by the Municipality.

Schedule A

Rates & Fees

2012 Monthly Service Charge \$57.35

New installation or relocation of service stub -
Time and Material basis identified by Committee on a site-by-site basis.

New connection to an existing service stub

One time capital charge to connect to system \$6,974.56

Administration charge to set up billing \$50.00

Turn on to curb stop \$50.00

Turn on or off Curb Stop (i.e. emergency, scheduled, directed by Municipality) *\$150.00
*per occurrence

Schedule B



APPLICATION FOR CONNECTION TO MUNICIPAL WATER SUPPLY

Applicant's Name: _____

Telephone # (day): _____ Telephone # (evening): _____

Property Address: _____

Billing Address (if different than above) _____

Item #	Requirements	Applicant's Initials
1	I understand that I am required to contact the Huron County Health Unit and obtain a plumbing permit as well as co-ordinate the Health Unit's inspection of the service extension.	
2	I understand that I am responsible for all costs associated with the installation of the service extension and required components. I also understand that I am required to ensure the new service extension has adequate separation from septic systems.	
3 select one option	I currently obtain my drinking water from a well on my property. I plan to properly abandon the well by hiring a licensed well technician. I will submit a copy of the well technician's notes from the abandonment within 30 days of the new connection to the municipal water system.	
	I currently obtain my drinking water from a well on my property. I do not plan to abandon the use of my current well. I would like the Municipality to consider the continued use of the well based on the attached submission. I understand that this option will require cross connection control devices that will be tested annually at my expense.	
	I currently obtain my drinking water from a neighbour's well, not on my property. I plan to disconnect this connection at the time of installation of the new service extension.	
4	I understand that the associated fee required is \$ _____	

I, _____, owner of the property noted above, hereby agree to complete/fulfill the above-mentioned requirements.

Applicant's Signature

Date

TO BE COMPLETED BY MUNICIPALITY

Approved by

Date

Time

Payment Received by

Date

Time