

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER 093-16 (CONSOLIDATED includes amendment 010-17)

BEING A BY-LAW TO ENACT RULES AND REGULATIONS FOR THE MAINTENANCE, OPERATION AND USE OF THE WATER WORKS DISTRIBUTION SYSTEMS AND TO PROVIDE A FRAMEWORK FOR CHARGES TO BE ESTABLISHED WITH RESPECT TO THE MAINTENANCE AND INSPECTION OF PORTIONS THEREOF AND CHARGES WITH RESPECT TO WATER CONSUMPTION

WHEREAS The Corporation of the Township of Wellington North has constructed and now operates and maintains a water works distribution system, in the former Town of Mount Forest and in the former Village of Arthur.

NOW THEREFORE the Council of The Corporation of the Township of Wellington North enacts as follows:

Definitions

"Act" means the Municipal Act, 2001, S.O. 2001, c. 25 as amended;

"Council" means the Council of The Corporation of the Township of Wellington North;

"cross connection" means any temporary or permanent water connection that may allow backflow of contaminants, pollutants, infectious agents, or other material or substance that has the potential to change the water quality in the water works distribution system;

"C.S.A." means the Canadian Standards Association;

"Director" means the Director of Public Works for the Township or his or her duly authorized representative and as the context requires, all persons authorized to act at the Director's direction, and further as the context requires, a person duly licensed by the appropriate government or other agency to do the matter or thing;

"double service water pipes" means the water service pipes that service two or more premises;

"premises" means any house, building, lot or part of a lot, or both in, through, or past which water service pipes run;

"remote meter reading system" means the device installed at a separate location from the water meter and used to record the consumption reading of the meter;

"residence" means a private home or residential dwelling unit and includes a single family detached dwelling, a semi-detached single family dwelling, a row housing single family dwelling, a condominium unit, an apartment unit, and other living unit receiving or to receive water from the water works distribution system;

"road allowance" means land that is a highway as described in Section 26 of the Act or established as a highway under the Act or land of the Province of Ontario that is a public highway;

"street line" means the boundary of a property adjoining a road allowance;

"Township" means The Corporation of the Township of Wellington North;

"user" means, as the context requires, the applicant for water supply, the owner or occupant of or the person to whom invoices are sent for water supplied to a premises;

"water" means potable water that is fit for human consumption;

"water meter" means the water meter and backflow preventer valve supplied, at the cost of the user, or at the cost of the Township as provided for herein, and owned by the Township;

"water service connection" means that part of a water service pipe from the municipal water main to the street line, including the shut off valve, which supplies water to any premises in the Township;

"water service pipe" means the water pipes which conduct water from Township water mains to water meters, or to the building being serviced where a water meter has not been installed;

"water works distribution system" means the water mains and appurtenances, the works and the equipment under the jurisdiction of the Township for the supply or distribution of water or any part of such system;

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Administration

- 1.1 The administration of the water works distribution system shall be under the jurisdiction of the Director.
- 1.2 The administration of water works accounting, servicing and meter reading shall be under the jurisdiction of the Director or such other agent or official or employee of the Township as Council may from time to time determine by resolution.
- 1.3 The administration of inspections of water service piping and appurtenances, cross connection control and backflow prevention devices on private property shall be under the jurisdiction of the Director, provided that all such inspections shall be conducted by a person duly licensed to do so by the appropriate government or other agency.

2. Application for Water Service Connection

- 2.1 Before water is supplied to any premises the user shall make application to the Public Works Department of the Township.
- 2.2 The user shall be liable to pay for the water supplied as indicated by the water meter at the rates established by the Council of the Township from time to time, or where a water meter is not yet required as provided in subsection 4.3 (b) below at the rates so established by the Council.
- 2.3 The user shall pay to the Township the charge for the water service connection, and the installation of the water service connection shall be carried out at the expense of the user and in a manner and with the materials as approved by the Director.
- 2.4 Where the user discontinues the use of a water service connection for water supply to a premises the user shall pay to the Township the charge for disconnecting such service connection from the water works distribution system. The applicant for the permit to demolish the premises shall be required to apply and pay the charge for disconnecting such service connection prior to the issuance of any permit.
- 2.5 (a) Where an existing building is substantially demolished, the existing water service connection shall be disconnected at the water main at the expense of the user. The applicant for the permit to construct the replacement building shall be required to apply and pay for the installation of a new water service pipe on public property between the water main and the private property line. If in the opinion of the Director a replacement building will be completed forthwith after the demolition, the water supply

may be shut off at the shut off valve as opposed to disconnection at the watermain, and the water service pipe on public property may be used for water supply to the replacement building.

- 2.5 (b) For the purposes of this subsection, an existing building is substantially demolished when more than 50% of the exterior walls of the first storey above grade are removed whether or not they are subsequently replaced.

3. Installation of Water Service Pipes

- 3.1 Water service pipes on private property shall be installed in a manner and with materials as approved by the Township. The installation on private property shall be in accordance with Part 7 of the Building Code as may be amended from time to time, and also constructed of a material which complies with the Building Code.
- 3.2 Double service water pipes will not be permitted in any circumstances.
- 3.3 The minimum size water service connection shall be 20mm in diameter or as determined from time to time by the Township's Municipal Servicing Standards.
- 3.4 Water service pipes located on private property shall be constructed of a material which complies with the Building Code as may be amended from time to time.
- 3.5 All water service pipes shall be protected from frost with minimum earth cover of 2 metres.
- 3.6 When a water meter is required under or pursuant to this by-law, no person shall make, cause or permit to be made any connection to any water service pipes so as to use water that has not passed through a water meter without written approval of the Director. The user of the service for which such connection has been made shall be liable to pay all back charges for the unmetered water as well as any other penalties resulting therefrom.

4. Installation of Water Meters

- 4.1 Except as provided herein, water meters shall be supplied by the Township at the cost of the user and at rates established by the Council of the Township from time to time by resolution made pursuant to this by-law and this Section. The ownership of all water meters shall remain with the Township whether supplied and installed at the expense of the Township or not.

- 4.2 Water meters shall be obtained and installed in accordance with the Township's standards and specifications and in a manner and with materials as approved by the Director and in compliance with the Building Code as may be amended from time to time.
- 4.3 (a) Except for water used for the sole purpose of fire protection, and as provided for in this Section, any water supplied by the Township shall be metered and the water shall be invoiced by the Township at a rate established by the Council of the Township from time to time.
- (b) Notwithstanding the requirement in this Section for the installation of a water meter for the supply of water it shall not be mandatory for residences to have a water meter installed in order to be supplied with water until the Council of the Township passes a resolution pursuant to this by-law and this Section declaring that any water supplied to residences shall be metered. Until the passing of such resolution or until a water meter is installed the water supplied to residences shall be invoiced by the Township at a rate established by the Council of the Township from time to time.
- (c) Notwithstanding the requirement that water meters be installed at the cost of the user, water meters for residences may be installed at the cost of the Township if the Council of the Township so provides in the resolution provided for in subsection 4.3 (b).
- (d) Notwithstanding the requirement that a water meter include a backflow prevention valve, water meters for residences may be installed without backflow preventer valves if the Council of the Township so provides in the resolution provided for in subsection 4.3 (b).
- 4.4 No water meter shall be installed that is smaller or larger than the water service to which it is affixed without the consent of the Director.
- 4.5 Where in the opinion of the Director, a water meter cannot be conveniently placed inside a premises, the meter shall be installed in a meter chamber constructed by the user, to Township standards and specifications, on the property of the user, at a location approved by the Director at the cost of the user.
- 4.6 No person shall use, cause or permit water supplied to be used otherwise than in connection with the premises for which it is supplied nor shall the water supplied be sold or otherwise similarly disposed of.

- 4.7 Any person using water or causing or permitting water to be used without a water meter when such water is required to be metered pursuant to Section 4.3, shall be liable to pay for water so used based on the average consumption as shown by subsequent meter readings, or if no such readings are available, on the basis of the normal consumption for similar premises.
- 4.8 The Township will not supply, install, inspect or read private water meters, nor will the Township bill consumption of private water meters. Water supply pipes to private water meters shall be connected to the user's plumbing on the downstream side of the Township's water meter.
- 4.9 The location of a water meter once installed to the satisfaction of the Township shall not be changed by any person without the consent of the Director.
- 4.10 Where a user does not have a water meter as required by or pursuant to this by-law the Township may at its discretion discontinue the water supply to the premises after the expiration of five (5) days from written notice from the Director to the user of the default and the intention to discontinue the supply.

5. Inspection of Water Service Pipes

- 5.1 All water service pipes and appurtenances installed by the user shall comply with the Ontario Building Code, as may be amended from time to time, and must be inspected by the Township before any installations are covered with backfill. The user shall obtain the approval of the Director for any new water service pipe installation or alteration of existing water service pipes.
- 5.2 The Director shall, at all times, be entitled to enter any premises or private property for the purposes of inspecting, testing and examining pipes, connections and fixtures which are used in conjunction with the water service connection.

6. Inspection of Water Meters

- 6.1 The Director shall be allowed access to the premises or private property and be provided free and clear access to the water meter where water is being supplied, at all reasonable times, for the purpose of reading, inspecting, testing, making repairs, taking away, or replacing any water meter, at the discretion of the Director.
- 6.2 Where a user does not provide access to premises or free and clear access

to a water meter within five (5) days after receipt of written notice by the Director, the Township may at its discretion, discontinue the water supply to the premises until such time as free and clear access to the water meter is provided.

7. Maintenance of Water Service Pipes

- 7.1 The user shall keep water service pipes on the user's side of the water service connection in good repair and working order. In default thereof, the Township may discontinue the water supply.
- 7.2 The user shall properly protect all water service pipes on the user's side of the water service connection to a premises including the water meter from frost and shall be responsible for any damage. The user shall also be responsible for any water loss occasioned by a leak in the water service pipe on the user's side of the water service connection the charge for such water shall be determined by the Public Works Department. The cost thereof, shall be paid by the user upon demand by the Township, and the Township will not be responsible for any damages resulting from such leakage.
- 7.3 Where any premises are left vacant or without heat, it is the user's responsibility to shut off the water supply from within the premises and to drain the piping therein. The user may apply to the Township to have the shut off valve turned off to stop the water supply. The shut off valve will be turned on only at the user's request and in the user's presence.
- 7.4 Where the water supply has not been shut off and premises which have been left vacant or without heat suffer damage to it or its contents from a leaking or burst water pipe, the user shall have no claim against the Township. Should the Township become aware of such leaking or burst pipes, the Director shall turn off the shut off valve and the water supply shall not be turned on until the Director in his or her discretion considers it advisable.
- 7.5 All service boxes, valve boxes and valve chambers shall be left clear and accessible at all times.
- 7.6 The Township shall maintain the water service connections at the Township's expense.
- 7.7 Where the user has requested an inspection by means of an excavation of an existing water service, the user shall deposit a sum of money with the Township, the amount of which shall be established by the Council of the Township from time to time. If upon inspection a structural problem is found

with the water service connection, the deposit will be refunded.

- 7.8 The user shall be responsible for thawing frozen water service pipes. Where the Township, at the request of the user, assists in thawing out frozen water service pipes at the premises of the user, the assistance shall be provided solely at the user's risk and the user shall have no claim whatsoever against the Township by reason of such assistance and shall compensate the Township for any such expense it may incur in providing such assistance. If the said expense has not been paid by the user within thirty (30) days of billing by the Township the Township may transfer the said expense, or the amount remaining unpaid, to the collector's roll and collect the amount in the same manner as taxes and subject to the same interest and penalties as taxes.

8. Maintenance of Water Meters

- 8.1 The user shall be liable to pay for any repairs to or replacement of any water meter damaged or removed from the premises by the user or persons who are under the control of or are invitees of the user.
- 8.2 The user shall pay such amounts monthly, in addition to the water consumption charge, as a flat charge for the maintenance, repair and replacement of the water meter, as established by the Council of the Township from time to time, provided that the flat charge shall not cover or be applied to repairs or replacements referred to in Section 8.1.
- 8.3 All repairs to or replacement of any water meter and the maintenance of all valving associated with the water meter shall be done by or through the Township.
- 8.4 No person shall without authorization of the Director be permitted to open, or tamper with any water meter, or with the seals placed on any water meter, or do any manner of thing which interferes with the proper measurement of the quantity of water passing through such water meter.
- 8.5 If a water meter fails to register properly, the user shall be liable to pay the average consumption rate for a similar period as shown by the water meter when it was in good working order. Where the water meter is equipped with a remote meter reading system and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the read-out device, the Township will deem the reading at the water meter to be correct, and will adjust and correct the user's account accordingly.
- 8.6 If, in the opinion of the Director the condition of the water service pipe or valves on such piping is such that the water meter cannot be safely

removed for the purpose of testing, replacing, repairing or testing in place, the Director may order the user to make such repairs as may be necessary to facilitate the removal or testing of the water meter. If upon notice, the user does not comply with the order, then the water supply to the property may be turned off at the water shut off valve during removal, replacement, repair and testing of the water meter and the Township shall not be responsible for any damages to the user's property arising from such work or discontinuance of the water supply.

8.7 The Township will ensure that in the calibration of any water meter, there is a maximum tolerance of 5%. Where the user disputes the calibration of any water meter, the user may request the Township to have it tested upon payment of the sum of One Hundred Dollars (\$100.00) to the Township and:

8.7.1 in the event that that the test reveals that the tolerance exceeds 5% then the Township shall refund the \$100.00 payment and replace the water meter provided that Section 8.1 above (flat charge) shall apply to the replacement cost;

8.7.2 in the event that the test reveals that the tolerance does not exceed 5% then the \$100.00 payment shall be retained by the Township.

8.8 Any leaks which may develop at the water meter or its coupling shall be reported immediately to the Township. The Township shall not be held responsible for any damage resulting from such leaks.

9. Operation of Water Works Distribution System

9.1 No person except the Director shall open or close or cause or permit to be opened or closed any valve in the water works system, or remove, tamper with or in any way interfere or cause or permit to be removed, tampered or interfered with any valve, water meter, hydrant, structure, water main, water service pipe or water service valve in the water works distribution system.

9.2 No person shall in any way conceal, interfere with, construct or maintain anything or cause or permit to be concealed or interfered with or constructed or maintained anything which has the effect of concealing or interfering with access to a fire hydrant.

9.3 Fire hydrants shall be completely clear of all vegetation or obstructions within 1 metre from the outside edge of the hydrant.

9.4 No person except the Chief of a Fire Department of the Township or the Director shall open or close or cause or permit to be opened or closed a fire

hydrant or use or cause or permit the use of water from a fire hydrant from the water works distribution system.

- 9.5 No person shall draw water or cause or permit water to be drawn from a private fire protection system, except for fire protection purposes, or for fire protection related activities.
- 9.6 The Township may upon reasonable notice discontinue the water supply from the water works distribution system at any time for cleaning, repairing, replacing or connecting of mains and service pipes.
- 9.7 The Director may, without notice, temporarily discontinue the water supply to any premises where, in his or her opinion, the continuation of the water supply might be dangerous or cause damage to persons or property.
- 9.8 The Township will not be responsible in case of damage to boilers, fittings or other property or injury to persons by reason of any shutdown of the water supply, even in cases where no notice is given by the Director.

10. Cross Connections and Backflow Prevention

- 10.1 No person shall connect, cause to be connected, or permit any piping, fixture, fitting, container or appliance, to remain connected to the water works distribution system in a manner which under any circumstances, may allow non-potable water, waste water, or any other liquid, chemical or substance to enter the water works distribution system.
- 10.2 Where any liquid, chemical or substance has entered the water works distribution system, the Director may immediately carry out an inspection and may issue such order or orders to the user as may be required to obtain compliance with Section 10.1.
- 10.3 If the user to whom the Director has issued an order fails to comply with the order issued under Section 10.2, the Director at his or her discretion, may discontinue the water supply without prior notice.
- 10.4 Notwithstanding Sections 10.1; 10.2 and 10.3, where in the opinion of the Director, a risk of possible contamination of the water works distribution system exists, a user shall, on notice from the Director, install on the water service at the source of potential contamination a cross connection control device, approved by the Township, in addition to any cross connection control devices installed in the user's water system.
- 10.5 All cross connection control or backflow prevention devices shall be selected, installed and maintained in accordance with C.S.A. standards or

other applicable standards. These devices shall be obtained through the Township or approved by the Township.

- 10.6 All cross connection control devices shall, at the expense of the user, be inspected and tested, by persons qualified to carry out such tests, to demonstrate that the device is in good working condition upon installation, and thereafter annually, or more often if required by the Township. The user shall submit a report on a form approved by the Township on any or all tests performed on the cross connection control device within five (5) days of a test. A record shall also be displayed on or adjacent to the cross connection control device, on which record the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, the test date, the tester's initials, the tester's name or the name of his or her employer and the tester's licence number.
- 10.7 When the results of a test referred to in Section 10.6 indicate that a cross connection control device is not in good working condition, the user shall make repairs or replace the device within forty-eight (48) hours.
- 10.8 If a user fails to have a cross connection control device tested, the Director may notify the user that the cross connection control device must be tested within forty-eight (48) hours of the user receiving the notice.
- 10.9 If a user fails to have a cross connection control device tested when required by the Director, the Director may discontinue the water supply until the cross control connection device has been tested and approved as required by Section 10.6.
- 10.10 The Director, at his or her discretion, may also require the user to zone or area protect as required by C.S.A. standards or any applicable standards within the water distribution system.
- 10.11 The Director shall be allowed access, upon reasonable notice, to any premises that are connected to the water works distribution system for the purpose of performing an inspection to locate possible cross connections.
- 10.12 Where the user does not provide access referred to in Section 10.11, the Director may issue a written notice to the user requiring that access be provided within two (2) days. If access is not provided within this period, the Director may, at his or her discretion, discontinue the water supply to the premises until such time as the access is provided.

11. Water Rates and Charges

- 11.1 The water consumed on all premises in the Township shall be charged for as indicated by the water meter on each respective property and at rates established by the Council of the Township from time to time, or where a water meter is not yet required as provided for in Section 3.3 at the rates so established by Council.
- 11.2 Water bills may be rendered monthly, bi-monthly or on any other basis as established by the Council of the Township from time to time.
- 11.3 The water supply to a premises may be discontinued if the account for water supply use is sixty (60) days overdue from the date of the earliest outstanding account. The cost of stopping and starting the water supply shall be added to the account and the account shall be paid in full before the water supply is reinstated.
- 11.4 If the user moves from one property to another within the Township of Wellington North and there is an account owing for water supply the water accounts may be transferred by the Township to the user's new premises.
- 11.5 Where an account for metered or other water rates or expenses incurred in the repair of water services, meters, fixtures and all other appurtenances connected with the water service, or for damage to same or for any other charges, fee or cost imposed under this by-law is in arrears, the Township may transfer the amount remaining unpaid for that property to the collector's roll and collect the amount in the same manner as taxes and subject to the same interest and penalties as for taxes.
- 11.6 Water service connections shall be installed entirely at the expense of the user provided that the Council of the Township may establish flat rate charges for water service connections from time to time.
- 11.7 A flat rate charge for the disconnection of water service connections, as established by the Council of the Township from time to time, shall be paid by the user.
- 11.8 When it is determined that a user is using Township water or sewer services without paying for them they shall be required to pay the Township of Wellington North an amount equal to the current connection fees if such were not previously paid and pay back charges for a period of up to five (5) years or proof of date of connection(s) were made whichever is the lesser time. The rate charged for these services will be at the same rate charged to other similar customers during that period of time.

- 11.9 When it is determined that a user has been under or over charged for water services, the appropriate fee adjustments shall be made retroactive for up to a maximum of one (1) year from the date the error is discovered.

12. Restrictions Upon The Outdoor Use of Water

Schedule 1 attached hereto contains the provisions of Section 12 and forms part of this By-law.

13. Special Provisions re Use of Services, Charges or Costs, New Services and Policies

- 13.1 Storm Water, Drainage and Sump Pumps.
No person shall cause or allow by any means storm water or other drainage from land (including buildings) owned or controlled by that person to be directed to or flow into the Township's sanitary sewage systems.

- 13.2 Confirmation of Policies.
The following policies of the Township with respect to municipal services are confirmed:

- (i) It is the Township's policy that the extension of municipal services for new development or existing unserved development will only be undertaken if both the sanitary sewer main and watermain are extended together. The Township will not consider the extension of sanitary sewers or watermain individually.
- (ii) Council will, by resolution, set aside uncommitted reserve capacity for sewage treatment and water supply to accommodate existing homes and businesses serviced by the extension of municipal services to new development or existing unserved development.
- (iii) Municipal services will be prioritized and extended to existing unserved development based on available funds, health risks, environmental impacts and proposed developments.
- (iv) All payments required by the Township for connections to services shall be paid for or provided for in a manner satisfactory to the Township prior to the time when the connection or connections are made.

- 13.3 Existing water and sanitary sewer services:

- i) The three (3) servicing projects (completed approximately within the

last 5 years) referred to herein are: the servicing extension completed at Highway 6 and Wellington County Road 109 running southerly on highway 6 and the Jones Base Line (former Arthur Village); the servicing extension completed at Highway 6 and Wellington County Road 109 running westerly on Wellington County Road 109 to Charles Street (former Arthur Village); and the servicing extension completed on Martin Street from Cork Street to Dublin Street (former Town of Mount Forest).

- ii)** With the exception of the three (3) servicing projects described in paragraph (1), the owners or occupiers of all properties with water and sanitary sewer services available to the property line upon the passing of this by-law shall pay the applicable ongoing user fees whether they are connected to the services or either of them or not.
- iii)** With the exception of the three (3) servicing projects provided for in paragraph (5) and with the exception of any properties serviced prior to the passage of this by-law and allocating all servicing costs including connection fees to the properties serviced, all properties with water and sanitary sewer services available to the property line upon the passing of this by-law that are not connected to the services or either of them may be connected to the services or either of them at the request of the owner upon payment of the applicable connection fee or fees (also known as the servicing charge or charges) at the time of the connection.
- iv)** With respect to the three (3) servicing projects described in paragraph (1), no user fees shall be payable by the owner or occupier of any property with water and sanitary sewer services available to the property line unless and until the owner has requested and received a connection or connections whereupon the owner or occupier shall pay the applicable ongoing user fees for the service or services.
- v)** With respect to the three (3) servicing projects described in paragraph (1), all properties with water and sewer services available to the property line but not connected to the services, may be connected to the services or either of them at the request of the owner upon payment of the applicable connection fee or fees at the time of the connection plus payment of an amount equal to the development charges and connection fees payable at the time of the connection.
- vi)** In all cases, upon connection to the Township's water service or

sanitary sewer service the property owner shall at the property owner's expense abandon and decommission any private well or sewage system on the property in accordance with the current provincial or other laws applicable thereto.

13.4 New water and sanitary sewer services

- i) Upon the passing of this by-law this Article 15.4 shall apply to all future water and sanitary services installed or extended by the Township.
- ii) When water or sanitary sewer services are installed or extended by the Township as a result of a Provincial Officer's Order by the Ministry of the Environment or an Order by the applicable Health Unit arising from concerns over private water or sewage systems, or as a result of a sufficient Petition to the Township by property owners to extend one or both services to an area as a local improvement, the Township will install both services at the same time regardless of the requirements under the Order or Orders or Petition and:
 - a) all properties with resulting water and sanitary sewer services shall be connected by the owners to those services within six (6) months after they are available at the property line;
 - b) the owner of each such property shall pay the share of the costs for the services allocated to the property and provided for in a by-law passed under the *Municipal Act, 2001* as amended, without any further connection fees or charges.
 - c) when water or sanitary sewer services are installed or extended by the Township to accommodate the development of lands for residential, commercial, industrial or institutional purposes, or as a result of an infrastructure renewal program of the Township, the Township will install both services at the same time and:
 - i. all properties with resulting water and sanitary sewer services may, but will not be obliged to, connect to those services after they are available at the property line at the request of the owner upon payment of the applicable connection fee or fees at the time of the connection plus payment of an amount equal to the then current development charge.

- ii. no user fees shall be payable by the owner or occupier of any of such properties with water and sanitary sewer services available to the property line unless and until the owner has requested and received a connection or connections whereupon the owner or occupier shall pay the applicable ongoing user fees for the service or services.

14. CONNECTIONS TO EXISTING AND NEW SANITARY SEWERS

14.1 No connection to any Township sanitary sewer system may be made without the permission of the Public Works Department or the Building Department of the Township.

14.1 Upon completion of a connection to any Township sanitary sewer system, no sewage or liquid may be discharged into the system from the building serviced by the connection until a closed circuit television (CCTV) inspection of the pipe from the building to the Township's sewer main has been completed, in form and content and with functionality results satisfactory to and approved by the Township's Public Works Department or the Township's Building Department.

15. FAILURE TO COMPLY AND COST RECOVERY

15.1 Where a person defaults in complying with a direction, requirement or order under this By-law to do a matter or thing, an officer or agent on behalf of the Municipality may, with such assistance from others as may be required, enter the land on which the contravention occurred at any reasonable time, and carry out such direction, requirement or order at the person's expense.

15.2 In accordance with section 446 of the *Municipal Act, 2001* the Municipality may recover the costs, from the person directed, required or ordered to do a matter or thing under this By-law, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes, and such costs shall include interest at an annual rate of 15 per cent.

15.3 For the purpose of subsection 21.2, interest shall be calculated for the period commencing the day the Municipality incurs the costs and ending on the day the costs including the interest are paid in full.

15.4 The amount the Municipality's costs incurred plus interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

16. PENALTIES, OFFENCES AND ENFORCEMENT

- 16.1 Subject to subsection 15.2, any person who contravenes a provision of this By-law, and an officer or director of a corporation in the event of a contravention by a corporation, is guilty of an offence and upon conviction is liable to a fine or penalty as follows:
- (a) for a first offence, a minimum of \$100.00 and a maximum of \$5,000.00;
 - (b) for a second offence, a maximum of \$15,000.00; and
 - (c) for a third or subsequent offence, a maximum of \$30,000.00.
- 16.2 Any person who contravenes any order made under this By-law, or an officer or director of a corporation in the event of a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a maximum of \$2,500.00 for each day or part of a day that the offence continues, and despite subsection 10 the total of all the daily fines imposed for an offence is not limited by the maximums listed in subsection 15.1.
- 16.3 If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
 - (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 16.4 Pursuant to section 441 of the *Municipal Act, 2001* if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that section, the Township may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- 16.5 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

16.6 In accordance with section 441.1 of the *Municipal Act, 2001* any part of a fine owing pursuant to this by-law or a related provincial offence may be added to the tax roll for any property in the Township of Wellington North for which all of the Owners are responsible for paying the fine, and collect such fine in the same manner as municipal taxes.

17. REPEAL

17.1 By-laws 55-09, 18-10 and 91-123 are repealed in their entirety.

17.2 Notwithstanding subsection 17.1, the provisions of the By-law 55-09, 18-10 and 91-123 will be deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that by-law, and any assessment, rate, charge, tax, fee, liability or penalty outstanding under that by-law may be collected as if that by-law had not been repealed.

READ A FIRST, SECOND TIME THIS 5TH DAY OF DECEMBER, 2016

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK

READ A THIRD AND FINAL TIME THIS 19TH DAY OF DECEMBER, 2016

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK

By-law 010-17 READ A FIRST, SECOND AND THIRD AND FINALLY PASSED THIS 23RD DAY OF JANUARY, 2017

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK

SCHEDULE 1 IMPOSITION OF CONTROLS UPON THE OUTDOOR USE OF WATER

Definitions

“hand-watering device” means a container that is not connected to a watering device, is used to apply water and is operated by muscular power only;

“Director” means the Township’s Director of Public Works or his or her designate;

“owner” means the occupant or the owner of the premises or their agent;

“person” includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

“Township” means The Corporation of the Township of Wellington North;

“water” except as otherwise defined in this Schedule 1, means water produced, treated or stored by the Township and obtained through a metered or non-metered water distribution system;

“watering device” includes, but is not limited to, a hose bib, hose, pipe, sprinkler, in-ground or above-ground irrigation system or drip irrigation system used to apply water, but does not include a hand-watering device.

12.1 Restrictions on Water Use.

12.1.1 The Stage 1 restrictions set out in this Schedule shall be in effect in the geographic areas of the former Village of Arthur and Town of Mount Forest at all times.

12.1.2 On any premises or on the road allowance immediately adjacent to and within the extension of property lines of premises, no owner shall permit any person to irrigate with a watering device and no person shall irrigate with a watering device any lawn, garden, tree, shrub, or other outdoor plant except on the applicable days provided below and except between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m. on the applicable days:

- (a) For all premises with even street numbers on even numbered calendar days;
- (b) For all premises with odd street numbers on odd numbered calendar days.

12.1.3 The restrictions with respect to irrigating with a watering device in Section (2) do not apply to:

- (a) Newly planted sod or grass seed forming part of a lawn or newly planted lawn alternative while being installed and during the 24 hours following the

- completion of the installation;
- (b) Lawns treated with any pesticide, herbicide or fertilizer that require irrigation while being treated and during the 24 hours following the treatment.
- (c) The restrictions with respect to irrigating with a watering device in Section (2) do not apply to premises used for retail and wholesale nurseries or bowling greens if the permission of the Manager has first been sought and obtained with respect to the irrigating with a watering device outside of the allowed times and days.

12.2 Stage 2 Water Supply Emergency Restrictions.

12.2.1 The Stage 2 water supply restrictions set out in Sections 12.2.2, 12.2.3 and 12.2.4 of this Schedule shall be in effect and shall continue to be in effect for the former Village of Arthur and the former Town of Mount Forest or either of them when the service capacity of any water production well or any water storage tower is reduced or compromised as determined by the Director.

12.2.2 No owner shall do or permit the activities listed in Section 12.2.3 below except on the applicable days provided herein and except between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m. on the applicable days, that is:

- (a) For all premises with even street numbers on even numbered calendar days;
- (b) For all premises with odd street numbers on odd numbered calendar days.

12.2.3 For purposes of Section 12.2 no owner shall carry out, engage in, or permit:

- (a) Cleaning with a watering device a vehicle parked on residential premises or on a road allowance immediately adjacent to and within the extension of the boundary lines of residential premises;
- (b) Cleaning with water the exterior of a building or attachments thereto, a driveway or a walkway;
- (c) Irrigating with water a driveway, walkway or roadway;
- (d) Operation of a decorative fountain unless all water used is continuously recycled;
- (e) Cleaning with water or filling with water any decorative fountain or any residential swimming pool, hot tub or garden pond;
- (f) Wasting water when using it outdoors.

12.2.4 No owner shall irrigate with water during a rainfall or permit any person to irrigate with water during a rainfall.

12.2.5 The Director shall give notice of his or her determination under Section 12.2 to the public by any one or more of the following means:

- (a) Publication of notice in a local newspaper or newspapers;
- (b) Radio or television;

- (c) Delivery of notice to affected premises,
- (d) Social media including the Township website,
- (e) Electronic methods including emails or
- (f) Any other means of giving notice that has a reasonable likelihood of coming to the attention of persons who are affected.

12.3 Stage 3 Water Supply Prohibitions.

12.3.1 The Stage 3 water supply prohibitions set out in Sections 12.3.2, 12.3.3, 12.3.4, 12.3.5 and 12.3.6 of this Section shall be in effect and shall continue to be in effect for the former Village of Arthur and the former Town of Mount Forest or either of them when the service capability of any water production well or any water storage tower has declined to the point where the continued supply of sufficient water for the basic needs of the public is in jeopardy as determined by the Director.

12.3.2 No owner shall permit any person to irrigate with water and no person shall irrigate with water any lawn, including newly planted sod or grass seed forming part of a lawn and newly planted lawn alternative, and lawns treated with any pesticide, herbicide or fertilizer.

12.3.3 No owner shall permit any person to irrigate with water and no person shall irrigate with water any garden, tree, shrub or other outdoor plant.

12.3.4 No person shall permit any person to clean with water and no person shall clean with water the exterior of a building or attachments thereto, a driveway or a walkway.

12.3.5 No owner shall permit any person to clean with water and no person shall clean with water a vehicle parked on residential premises or on the road allowance immediately adjacent to and within the extension of the boundary lines of residential premises.

12.3.6 No person shall permit and no person shall:

- (a) Operate a decorative fountain unless all water used is continuously recycled, or fill a decorative fountain;
- (b) Clean with water or fill with water any decorative fountain or any residential swimming pool, hot tub, or garden pond; and
- (c) Waste water when using it outdoors.

12.3.7 The Director shall give notice of his or her determination under Section 12.3 to the public by any one or more of the following means:

- (a) Publication of notice in a local newspaper or newspapers;
- (b) Radio or television;
- (c) Delivery of notice to affected premises,
- (d) Social media including the Township website,
- (e) Electronic methods including emails or

- (f) Any other means of giving notice that has a reasonable likelihood of coming to the attention of persons who are affected.

12.4 Administration and Enforcement

- 12.4.1 The Director is responsible for the administration of this Schedule 1.
- 12.4.2 This Schedule 1 may be enforced by a municipal law enforcement officer or a provincial offences officer.
- 12.4.3 In the event that water is being used on or from a premises contrary to the provisions of this Schedule 1, the Township may shut off the supply of water to the premises upon giving verbal or other notice to any reasonably available person occupying the premises, or without notice if no one is reasonably available to give notice to. When the owner agrees to comply with the provisions of this Schedule 1, the water supply to the premises shall be restored by the Township provided that the charge established by the Council of the Township from time to time for turning the supply of water back on is paid by the owner, and failing payment in whole or in part the Township may transfer the amount remaining unpaid to the Collector's Roll and collect the amount in the same manner as taxes and subject to the same interest and penalties as for taxes.
- 12.4.4 If any section or sections of this Schedule 1 or parts of it are found by any court to be illegal or beyond the power of council to enact, such section or sections or parts of it shall be deemed to be severable and all other sections or parts of this Schedule 1 shall be deemed to be separate and independent and shall continue in full force.