

**CORPORATION OF THE TOWN OF PETAWAWA**

**BY-LAW 717/11**

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**BEING A BY-LAW REGARDING CONNECTIONS TO THE WATER WORKS SYSTEM AND THE SUPPLY OF WATER IN THE TOWN OF PETAWAWA**

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**WHEREAS** pursuant to the provisions of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the Council of the Corporation of the Town of Petawawa has the power and authority to pass by-laws regarding connections to the water works system and the supply of water in the Town of Petawawa;

**AND WHEREAS** the Council of the Corporation of the Town of Petawawa deems it expedient and desirable to make certain rules and regulations for the operation of and connection to the said water works system;

**NOW THEREFORE BE IT ENACTED BY THE CORPORATION OF THE TOWN OF PETAWAWA AS FOLLOWS:**

**DEFINITIONS**

1. In this By-law:

- (a) “Clerk” shall mean the Clerk of the Corporation of the Town of Petawawa.
- (b) “Commercial Premises” shall mean any premises used directly or indirectly for any business or trade, or industrial, institutional or commercial undertaking.
- (c) “Council” shall mean the elected Council of the Town of Petawawa.
- (d) “Municipality” shall mean the Corporation of the Town of Petawawa.
- (e) “Person” shall mean and include any individual, corporation, firm, company, association, partnership, society, incorporated company or group, and wherever the singular is used herein shall also be construed as including the plural.
- (f) “Premises” shall mean the building or portion thereof being supplied or to be supplied with water and shall include commercial and residential premises.
- (g) “Private Water Service” shall mean the pipes and fixtures used for the purpose of supplying premises in the Municipality with water from the Water Works System and situated between the street line in front of or abutting the premises so supplied and the premises.
- (h) “Inspector” shall mean the inspector of the Water Works System as appointed from time to time by Chief Administrative Officer/Clerk.
- (i) “Water Service Connection” shall mean the pipes and fixtures used for the purpose of supplying premises in the Municipality with water from the Water Works System and situated between the water main and the limit of the street on which the premises so supplied front or abut.
- (j) “Water Works System” shall mean the works and all appurtenances under the jurisdiction of the Municipality for the supply or distribution of water and shall include any part of such system.

## **JURISDICTION**

2. (a) The Council shall appoint an officer to be known as the Inspector of the Water Works system whose duties shall be:
    - (i) to enforce the provisions of this by-law;
    - (ii) to supervise and inspect all watermains and connections of water service connections and private water services;
    - (iii) to perform such other duties as may be given to him or her by the Council.
  - (b) The Inspector shall hold office during the pleasure of the Council.
  - (c) The Inspector, for the purpose of this by-law, is a Provincial Offences Officer.
3. The rules and regulations set out in this by-law shall govern and regulate the operation of the Water Works System and shall be considered to form a part of the contract between the Municipality and the owner of any premises receiving a supply of water from the Water Works System and every such owner by applying for or accepting a supply of water from the Municipality shall be deemed to have expressed his or her or its consent to be bound by provisions of this by-law.

## **APPLICATION FOR WATER SERVICE CONNECTION PERMIT**

4. (a) No person shall make or cause to be made any connection to the Water Works System or to any water service connection without first having obtained a permit from the Clerk entitled a "Water Service Connection Permit".
  - (b) All persons desiring a supply of water from the Municipality shall, first make written application to the Clerk, upon the appropriate form approved by Council, showing the purposes for which water is required. Such application shall be signed by the owner of the premises to be supplied with water, or by his agent duly authorized in writing.
5. (a) Any person applying to the Clerk for a Water Service Connection Permit shall pay to the Municipality in advance of the installation, the charge set by Council from time to time by by-law or resolution for installing the necessary water service connection.
- (b) After the payment referred to in the preceding subsection has been made to the Clerk, and approval is received from the Municipality for said connection, the Inspector shall install or cause to be installed the necessary water service connection, subject to the other provisions of this by-law.
- (c) Persons making applications for the installation of a water service connection other than the basic residential water service connection shall, at the time of such application, pay to the Municipality any additional charge for such water service connection set by Council from time to time by by-law or resolution and, upon the receipt of such sum by the Clerk and approval from the Municipality for said connection, the Inspector shall install or cause to be installed the necessary water service connection, subject to the other provisions of this by-law.
- (d) The provisions of this Paragraph 5 shall not apply to the installation of water service connections which are installed as part of the original Water Works system for the former Township of Petawawa since such connections are to be paid for in accordance with the provisions of By-law

1104/88 of the former Township. It is the intention of this by-law that the provisions of this Paragraph 5 shall apply to all persons desiring or requiring a water service connection after the construction and installation of the original Water Works system (i.e. applies to all connections that are not covered by the provisions of said By-law 1104/88).

### **WATER SERVICE CONNECTIONS**

6. The Inspector shall determine the size of the pipes and fittings to be connected to a water main, but no water service connection shall be less than 19 millimetres nominal diameter, and the Inspector shall also determine the position in the street where the water service connection shall be connected to any water main.
7. All water service connection pipes shall be made of acceptable materials that conform in design and quality to the standards prescribed by the Inspector and any applicable statute, regulation or by-law.
8. Water service connections shall be installed only by persons employed by the Inspector or designated by him or her and approved by the Municipality.
9.
  - (a) Unless the Inspector otherwise directs in writing, no water service connection shall be installed between the first day of December in any year and the first day of April in the following year.
  - (b) Where the Inspector is of the opinion that a water service connection may be safely installed between the first day of December in any year and the first day of April in the following year, he or she may permit such water service connection to be installed upon such terms and conditions as he or she may deem necessary.
10. All water service connections shall be at least 1.8 meters below the finished grade of the area in which such services are laid, and shall be properly protected from freezing.

### **PRIVATE WATER SERVICES**

11. All private water services shall conform in design and quality to the standards prescribed by the Inspector and any applicable statute, regulation or by-law.
12.
  - (a) All private water services must be approved water-tight.
  - (b) All private water services shall be laid at least 1.5 metres below the finished grade of the area in which they are installed unless otherwise approved by the Inspector.
13. All private water services shall be installed by the owners of the premises for which such private water services are required, or their agents, at no expense to the Municipality.
14. Private water service pipes in a building shall be located in the parts thereof best protected from freezing. No private water service pipes shall be placed back of plaster on outside walls. In buildings where there is no cellar, the pipes shall be carried to or near the centre of the building or to an unexposed part thereof, prior to being carried upward. In all exposed situations, if it is necessary to protect the service pipes and fixtures from freezing, each pipe shall be properly insulated with 50 millimetres minimum thickness preformed polystyrene pipe insulation, and surrounded by a box constructed for some non-conductive material. The void spaces within the box shall be packed with a non-conducting material. It shall be the duty of the installer employed by the owner or agent to protect and guarantee from damage by freezing all work done by him or her.

15. (a) The Inspector shall be given at least 48 hours notice by the owner of the premises when the private water service has been laid and is ready for inspection. All works must be left uncovered and convenient for examination until inspected and approved by the Inspector.
- (b) No water supply shall be turned on until the private water service has been inspected and approved by the Inspector.
16. The owner of every premises supplied with water from the Water Works System shall maintain in proper order and repair, at his own expense, the private water service and its fixtures and appurtenances.
17. (a) Not more than one building shall be supplied from a single water service connection and, for the purposes of this by-law, a duplex dwelling shall be deemed to be one building.
- (b) Notwithstanding the above, where a building occupies the frontage of a lot and buildings are located in the rear of the said front building, all such buildings may be supplied from one water service connection provided that all of the said building belongs to one owner and such owner pays the water rates for all water supplied to such buildings.
18. In all cases where range or steam boilers are supplied with water from the Water Works System, the Municipality shall not be liable for any damage which may result to any person, premises, property or equipment caused by uneven water pressure or the shutting off of the water from any water main or service pipe for any purpose whatever, even in cases where no notice is given. All service pipe connections to boilers shall have check valves fixed to prevent water escaping back into the mains and suitable relief valves to relieve excess pressure.
19. Where the necessary water service connection and private water service have been completely installed to the satisfaction of the Inspector and in compliance with the rules and regulations set out in this by-law and all payments required by the provisions of this by-law have been made to the Municipality, the water to the premises may be turned on by the Inspector.
20. (a) All water supplied from the Water Works System to all premises (other than those commercial premises described in Paragraph 22 of this by-law) shall be charged for at the applicable flat rates (fixed from time to time by the Municipality by by-law or resolution) and the owner of the premises shall be liable for all such water rates.
- (b) All water supplied from the Water Works System to residential premises with swimming pools shall be charged. In addition to the rates referred to in subsection (a) above, an additional rate as fixed from time to time by the Council by by-law or resolution and the owner of the premises shall be liable for such additional water rates.
21. If water is supplied to premises on a flat rate and if the premises are occupied by more than one family, then the rates to be charged in such cases shall be those fixed from time to time by the Council by by-law or resolution for multiple family premises.

### **METERING**

22. Water supplied from the Water Works System to commercial premises having a water service connection shall be metered and the rates shall be those fixed from time to time by the Municipality by by-law or resolution and the owner of the premises shall be liable for all such rates.

23.
  - (a) All meters shall be approved by the Inspector and compatible with existing metering infrastructure and furnished and inspected by the Inspector at the expense of the owner of the premises to be supplied with water.
  - (b) All meters shall be installed by the owner of the premises to be supplied with water, at their sole expense, and all such costs shall be paid in full prior to the water being turned on by the Municipality to such premises.
  - (c) If the meter is mechanically defective, then the cost of repairs shall be paid by the Municipality, but if the meter is damaged by the carelessness or neglect of any person, other than an employee or agent of the Municipality, the owner of the premises shall pay to the Municipality the cost of making the necessary repair to such meter or the cost of replacement.
24.
  - (a) A minimum of one meter shall be placed in each commercial premises to be supplied with water from the Water Works System and the plumbing shall be so arranged that all water used on such commercial premises shall pass through such meter.
  - (b) Every meter shall be placed in such location as the Inspector shall direct.
25.
  - (a) Every owner and/or occupant of commercial premises shall provide ready and convenient access to the meter in said premises so that it may be frequently read and examined by the Municipality's representatives.
  - (b) The owner of the premises to be supplied with "metered" water agrees to provide a convenient and safe space on or in the premises free of charge or rent for the Municipality's meters, pipes and other appliances, and further agrees that no one who is not a servant or agent of the Municipality or otherwise lawfully entitled to do so, shall be permitted to remove, inspect or tamper with any of the Municipality's said equipment.
26. Where a meter cannot conveniently be placed inside a building, it shall be placed in a meter chamber, the location and construction of which are approved by the Inspector, and the cost of which is paid for by the owner of the premises including any fees for professional engineering services required by the Municipality in that regard.
27. If a meter at any time or times fails to register, the owner of the premises will be charged for the average consumption for the pertinent period as determined by the Inspector in his sole and absolute discretion.
28.
  - (a) A meter will be removed and tested upon request. If it is found to register correctly or not in excess of 3% in favour of the Municipality, the expense of removing and testing of the meter shall be paid by the person requesting such test.
  - (b) If, upon testing, a meter is found to register in excess of 3% in favour of the Municipality, a refund will be made to the owner of an amount equal to such excess water rates paid for the three months prior to the testing of the said meter. Provided, however, that no reduction shall be made which will reduce the water rates to be paid below the then current minimum water rates fixed by Council.
  - (c) No reduction shall be made as provided above if the owner or occupant of the premises has not complied with all of the provisions of this by-law.
29. All water passing through a meter will be charged for by the Municipality whether such water is used or not.

## **BACKFLOW PREVENTION VALVES**

30. (a) All premises connected to the Water Works System shall be equipped with an approved backflow prevention device on the private water service in a suitable location which has been approved by the Inspector.
- (b) All backflow prevention devices must be approved by the Inspector.
- (c) In addition to any other remedy available at law, the Municipality shall be entitled, at its sole discretion, to shut off the supply of water to any premises which fail to comply with the provisions of this Paragraph 30 of this by-law.
- (d) The approved backflow prevention device shall be installed by the owner of the premises or his agent and the costs associated therewith shall be the responsibility of the owner of the premises to be connected.
- (e) The ownership of the backflow prevention device and responsibility for future maintenance and operation shall remain with the owner of the premises.

## **GENERAL**

31. (a) Billings for residential premises shall be rendered twice annually.
  - (b) Billings for metered commercial premises shall be based on three month's consumption. If meters are for any reason not read tri-monthly, an average of previous tri-monthly consumptions shall be used for billing.
  - (c) No charge for water supplied, for any type of premises, shall be for less than the then current minimum rates fixed by Council.
32. When water is supplied to a multiple family dwelling, the account for the water supply shall be charged to the owner of the premises and in case of non-payment to the Municipality, where any such default continues for a period of six months, the supply of water may be shut off notwithstanding that one or more of the occupants have paid part or all of his, her or its account to such owner.
33. All sums charged by the Municipality for water supplied, or for expenses incurred, or for the repair or replacement of private water services, meters, devices and any other appurtenance related to the supply of water or for damage to the same shall be charged to the owner of the premises. If for any reason any sums charged remain unpaid for a continuous period of four months, the supply of water may be shut off. No application for water supply to such premises shall be approved by the Municipality, notwithstanding that the ownership of the said premises shall have changed, until all such sums and interest, penalties, costs, etc. and the sum referred to in Paragraph 51 of this by-law have been paid in full to the Municipality.
34. (a) Equipment installed solely for the automatic extinction of fires in buildings may, with the approval of the Inspector, be attached to watermains connected to the Water Works System provided that such equipment is entirely disconnected from water pipes used for any other purposes, and water supplied through such equipment is used solely for the purpose of fire extinction. All such equipment must be provided with a suitable valve outside the building and under the exclusive control of the Municipality. A valve shall be placed at each hose opening in the stand pipe and all such valves shall be sealed by the Inspector. Whenever the seal of any such valve is broken for the extinction of any fire, the person breaking such seal shall immediately thereafter give notice to the Inspector, who shall promptly, upon receiving such notice, reseal the said valve. The Municipality may require a compound meter of approved patterns to be

furnished, installed and maintained by the owner of the premises. In case of violation of this rule the Inspector may shut off the control valves and refer the matter to Council. Such control valves shall not be again opened without authority from Council.

- (b) No seal placed by the Inspector upon a valve situated at a hose opening in a stand pipe shall be broken nor shall any water be used from equipment for fire extinction, for any purpose except the extinction of fire, without the consent in writing of the Inspector.
35. (a) No person shall make connection or connections whatsoever to any water service connection or private water service without first complying with the requirements of this by-law. The owner of the premises on which an unlawful connection has been made shall be responsible for the water rates and charges which would have been payable in addition to being liable for any other penalty provided by law.
- (b) No person shall under any circumstances connect any faucet, tap, hydrant or appliance of any kind whatsoever to any water service connection without the prior written consent of the Inspector.
36. Every person supplied with water by the Municipality from the Water Works System shall use such water only for the purpose specified in such person's application for Water Service Connection Permit.
37. No person, other than the Municipality, shall sell, deliver, supply or otherwise transfer water from the Water Works System.
38. In case of making repairs or construction or maintenance related to the Water Works System, the Municipality may shut off or reduce the supply of water to any premises without notice, for so long as may be necessary and the Municipality shall not be liable to any person for any damage resulting therefrom.
39. The Inspector, or any person duly authorized by him or her for the purpose, shall at all reasonable hours, upon presentation of satisfactory identification be given free access to all parts of every premises to which the water is supplied and the lands associated therewith (both surface and sub-surface) for the purpose of inspecting and repairing or replacing, if necessary, meters, fixtures, devices, pipes and appurtenances of every kind used in connection with the supply of water to or the use of water on such premises.
40. Any owner of premises wishing to temporarily discontinue the supply of water from the Water Works System shall give notice thereof at the Clerk's office, on the required forms, failing which the water rates and charges shall be continued until such notice is given or until the water is shut off.
41. Whenever water has been turned off by the Municipality for non-payment of the water charges or for purposes of repair or construction or for any other necessary or proper purposes, no person shall be permitted to turn it on again who is not duly authorized to do so by the Inspector.
42. No person or persons, except the Inspector or those acting under his or her direction or authority, shall operate, open or close any valve or hydrant within the Water Works System or interfere with the same in any manner.
43. There shall be no connection between a water service connection(s) or private water service(s) and any cisterns, wells, privies, privy vaults or cesspools.
44. There shall be no connection between a water service connection(s) or private water service(s) and a private pressure pump.

45. All installations shall have a horizontal piece of pipe to coincide with a length of standard type meter before water service is connected. Such pipe shall be located to facilitate future installations of water meters.
46. The Municipality agrees to use reasonable diligence in providing a regular and uninterrupted service, but does not guarantee a constant water supply or the maintenance of unvaried pressure, and shall not be liable for damages to any person or property by reason of any failure in respect thereof.
47. The Municipality shall in no way be liable or responsible for loss or damage due to freezing or bursting pipes.
48. The headings in this by-law are included solely for convenience and shall not alter, abridge or modify the meaning of any provision of this by-law.
49. Wherever the masculine gender is used in this by-law it shall include the feminine and neuter gender and vice versa and wherever the singular is used herein it shall include the plural.
50. If any provision or requirement of this by-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this by-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and it is hereby declared to be the intention of the Municipality that each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.
51. Whenever any person taking a supply of water from the Municipality fails to comply with the provisions of this by-law in any respect, the Inspector may, without notice to such persons, shut off the supply of water and the water shall not be turned on again until all the provisions of this by-law are complied with and the fee or charge fixed from time to time by the Municipality by by-law or resolution to cover the cost of turning the water off and on has been paid.
52. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with and recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
53. (a) All sums owing to the Municipality as contemplated by the provisions of this by-law and relating to the supply of water, the Water Works System, water service connections and private water services shall constitute a debt owing to the Municipality and may be recovered by the Municipality by action in a Court of competent jurisdiction.  
  
(b) In addition to the foregoing, monies payable to the Municipality as contemplated by the provisions of this by-law shall constitute a lien and charge upon the estate or interest in such land of the person from whom the amount is due and may be collected by distress upon the goods and chattels of such person and/or by the sale of his or her estate and interest in the lands and, in the case of an amount payable by the owner of the lands, the amount is a lien and charge upon the lands in the same manner as municipal taxes.



54. This by-law shall come into force and take effect following third reading.

By-law read a first and second time this 6<sup>th</sup> day of September, 2011.

By-law read a third time and passed this 6<sup>th</sup> day of September, 2011.

  
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Mayor

  
\_\_\_\_\_  
Clerk

**SCHEDULE 'A' TO BY-LAW 717/11**

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APPLICATION FOR WATER SERVICE CONNECTION PERMIT

&

AGREEMENT BETWEEN THE CORPORATION OF THE TOWN OF PETAWAWA  
(hereinafter called the "Municipality")

-AND-

\_\_\_\_\_ of \_\_\_\_\_  
(Owner's Name) (Address) (Roll No.)

Building:      New \_\_\_\_\_      TYPE OF USER:      Residential \_\_\_\_\_  
Existing \_\_\_\_\_      Commercial or \_\_\_\_\_  
Industrial \_\_\_\_\_  
Other \_\_\_\_\_

1. I, the undersigned, (hereinafter called the "Owner") do hereby request the Municipality to supply water to the Owner's premises described above.
2. This application, when signed by the Owner and accepted for the Municipality by the signature of its authorized officer, shall be an agreement between the Owner and the Municipality and shall not be modified or affected by any promise, agreement or representation by any agent or employee of the Municipality unless incorporated in writing into this Agreement before such acceptance.
3. The Owner agrees to comply with the terms and provisions of By-law 717/11, a by-law regarding connections to the water works system and the supply of water and agree that the terms and provisions of the by-law are part of this Agreement.
4. The Owner agrees to accept water service and supply from the Municipality in accordance with the terms and conditions herein and the Owner further agrees to pay the Municipality at the authorized rates from the date on which a private water service is installed and approved by the Municipality's Inspector.
5. The authorized water rates may be revised by the Municipality from time to time.
6. The Owner agrees that on request of the Municipality in its discretion, he, she or it will make a deposit in the amount determined by the Municipality to be held by the Municipality without interest as a guarantee that the Owner will fulfill all terms and conditions of this Agreement.
7. The point of delivery of water service hereunder shall be a point on the lot line of the premises of the Owner satisfactory to the Inspector for the Municipality. The Owner shall take delivery at the said point and shall from that point provide all private water service works necessary, and shall construct, maintain and operate the said works safely and efficiently with proper devices all in accordance with the provisions of By-law 717/11.
8. If the Owner vacates the above-noted premises without notifying the Municipality, the Owner shall remain liable for all subsequent accounts until a new owner is registered for the above-noted premises.
9. It is agreed that this Application and Agreement shall be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns.

**SIGNED BY:**

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date:

**ACCEPTED FOR THE MUNICIPALITY**

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Inspector

\_\_\_\_\_  
Date: