

WATER BY-LAW

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COUNTY OF OXFORD

BY-LAW NO. 61XX-2019

BEING a By-law to regulate the use of the County's municipal potable water and to protect the integrity of the treatment facilities, distribution infrastructure and the source water supply for all municipal water systems within Oxford County.

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that an upper-tier municipality, may pass By-laws with respect to the financial management of the municipality, its local boards, and services and things that the municipality is authorized to provide;

AND WHEREAS Section 11 (3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that an upper-tier municipality, may pass By-laws respecting the matters within the spheres of jurisdiction outlined in subsection 11(4);

AND WHEREAS Section 80 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may, at reasonable times, enter on land to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe, wire, machinery, equipment and other works used to supply the public utility; to inspect, install, repair, replace or alter a public utility meter; and, for such purposes, to shut off or reduce the supply of the public utility to the land; and, if a customer discontinues the use of a public utility on land or the municipality lawfully decides to cease supplying the public utility to land, to shut off the supply of the public utility; remove any Property of the municipality; or to determine whether the public utility has been or is being unlawfully used;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, Section 81 provides that a municipality may shut off the supply of a public utility to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility are overdue, subject to the municipality providing reasonable notice of the proposed shut off to the owners and occupants of the land by personal service or prepaid mail or posting the notice on the land in a conspicuous place;

AND WHEREAS the County operates and maintains municipal drinking water systems and wastewater systems within its municipal boundaries;

NOW THEREFORE THE COUNCIL OF THE COUNTY OF OXFORD ENACTS AS FOLLOWS:

PART 1
DEFINITIONS

1.1 DEFINITIONS

- a) "Backflow" means the flowing back of, or the reversal of the normal direction of the flow in either the County's Drinking Water Systems or a private water system.
- b) "Backflow Prevention Device" means a device used to protect potable water supplies from contamination or pollution due to backflow;;
- c) "Billing Agent" means the customer's water and/or wastewater billing provider;
- d) "Bulk Water Customer" means any customer who draws water from a pipe or connection located at any of the County's Bulk Water Stations;
- e) "Contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work authorized by the Owner or the County to install or maintain watermains, service watermains, sewer laterals, meters, ERT, services, hydrants and other appurtenances;
- f) "Council" shall mean the Council of the County of Oxford;
- g) "County" shall mean the County of Oxford and/or it's designate;
- h) "County Standards" means all applicable County design manuals, standards and guidelines as amended;
- i) "Cross Connection" means any actual or potential connection between a potable water system and a source of pollution or contamination;
- j) "Curb Stop Valve" shall mean the valve on the water service and used by the County to shut off or turn on the water supply from the County's drinking water system to any Property;
- k) "Customer" shall mean any person or business who takes water from the County or receives water and/or wastewater related services from the County;
- l) "Director of Public Works" shall mean the Director of Public Works and/or their designate;
- m) "ERT" shall mean an electrical radio transmitter;
- n) "Extreme Cold Weather Procedure" shall allow for a deviation from standard billing practices as outlined in this By-law, whereby consumption charges normally applicable for any water that has passed through a Water Meter are replaced with an estimated consumption based on historical usage at the Property.
- o) "Fees and Charges By-law" shall mean the County of Oxford Fees and Charges By-law as amended;
- p) "Leak" means an unintentional water loss caused by broken and/or malfunctioning fixtures;

- q) "Meter Reading Agent" means the County or its contract agent responsible for reading Water Meters;
- r) "Municipal Service Line" means the pipe portion of a drinking water system that extends from the municipal Water System to a private water connection commonly located within the limits of the public road allowance or other public land interests held for water purposes;
- s) "Occupant" includes an Owner of Premises where that Owner resides or carries on a business within the Premises, and includes any Person or corporation residing or carrying on a business within the Premises either as a lessee or licensee or Tenant;
- t) "Operating Authority" means the person or entity that is given responsibility by the County for the operation, management, maintenance or alteration of the system;
- u) "Owner" shall include any and all persons or any firm or corporation that is the registered Owner(s) 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;
- v) "Person" means an individual, association, partnership, corporation municipality, Provincial or Federal Agency or any agent or employee thereof;
- w) "Plumbing" means a drainage system, a venting system and a water system or parts thereof;
- x) "Premises" means a separately assessed parcel of land;
- y) "Private Wastewater System" shall mean a wastewater system other than the municipal wastewater system;
- z) "Private Water Supply" shall mean a water supply other than the municipal drinking water system;
- aa) "Potable Water" means water that is considered satisfactory for drinking, as defined under regulation O.Reg. 170/03 as amended;
- bb) "Property" includes either public and private lands, buildings, structures, or vehicles, located in the County and which may be entitled to a water service;
- cc) "Sewer Use By-law" shall mean the County of Oxford Sewer Use By-law, as amended;
- dd) "Treasurer" shall mean the Director of Corporate Services and Treasurer and/or their designate;
- ee) "Unoccupied Premises" means a dwelling and/or building in which the Occupants are absent from the Property for a time period of 72 hours or more without a person regularly checking in;

- ff) "Vacant Premises" means a Premises that is not completely or not substantially occupied by the Owner or an Occupant authorized by the Owner for a period of more than 90 consecutive days, but does not include a Premises:
- occupied by the Owner or an Occupant authorized by the Owner on a seasonal basis, or
 - on Property used as a farm, except for a dwelling unit;
 - or owned by the County of Oxford;
- gg) "Wastewater" shall mean the composite of water and water-carried wastes from residential, commercial, industrial or institutional Premises or any other source. Any water adversely affected in quality by anthropogenic influence not fit for human consumption;
- hh) "Wastewater System" means a system of works, excluding plumbing, that is established for the purpose of providing users of the system with the collection of wastewater and includes: anything used for the collection, production, treatment or storage of wastewater; anything related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system; and reservoir or intake that serves as the source or entry point of wastewater to the system.
- ii) "Water and Sanitary Sewer (Wastewater) Rates By-law" means a By-law enacted by the County pursuant to the provisions of the *Municipal Act*, 2001 which enables a municipality to impose fees and charges;
- jj) "Water Meter" shall mean the Water Meter and all equipment, cabling and ERT supplied and owned by the County, however, funded, to measure the quantity of water used by the customer for billing purposes; and
- kk) "Water" means water intended for human consumption; or water that is required by an Act, regulation, order, municipal by-law or other document issued under the authority of an Act: to be potable; or to meet or exceed the requirements of the prescribed drinking water quality standards;
- ll) "Water System" means a system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water and includes: anything used for the collection, production, treatment, storage, supply or distribution of water; anything related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system; and a well or intake that serves as the source or entry point of raw water supply for the system.

PART 2
SYSTEM ADMINISTRATION

2.1 GENERAL PROVISIONS

2.1.1 This By-law applies to the construction, management, operation and maintenance of the County's Water Systems, under the jurisdiction of Oxford County.

2.1.2 The County shall manage and maintain the Water Systems in accordance with the provisions of this By-law and the provisions of the *Municipal Act, 2001*, the *Safe Drinking Water Act*, the *Ontario Water Resources Act*, the *Clean Water Act*, the *Ontario Building Code*, the *Provincial Offences Act*, and Regulations established in force from time to time.

2.1.3 The County shall use reasonable diligence in providing regular and uninterrupted supply and quantity of water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water. The failure to supply water of a quantity or quality as may be required by a customer shall not be construed as neglect on the part of the County.

2.1.4 County Access

As a condition of the operational needs of the Water Systems, the County shall be provided free and clear access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other structure to which any water service line is connected for the purposes of:

- installation, inspection, testing, maintenance, repair,, altering, replacement, disconnecting and removal of the Water Systems, Municipal Service Lines, County Water Meters, and other parts of the Water System;
- inspection of Backflow Prevention Services or other equipment and works associated with the Water Systems and Private Water Supplies;
- reading of County Water Meters;
- verifying Leaks; or
- inspections for compliances with this By-law, a notice of violation or condition to any permit.

No Person shall deny access to the County to any Premises or any part of the Water Systems, County Water Meters, Municipal Service Lines and other parts of the Water Systems for any purpose provided in this By-law.

2.1.5 **Access to Dwellings**

The County shall not enter any building unless:

- the consent of the Owner or Occupant is first obtained, ensuring the Owner or Occupant is first advised that entry may be denied;
- a warrant issued under Section 158 of the *Provincial Offences Act*, as amended, is obtained;
- a warrant issued under Section 439 of the *Municipal Act*, 2001, as amended is obtained;
- a warrant issued under subsection 386.3 of the *Municipal Act*, 2001, as amended is obtained;
- an order issued under Section 438 of the *Municipal Act*, 2001, as amended, is obtained; or
- the delay necessary to obtain a warrant or the consent of the Owner or Occupant would result in the immediate danger to the health or safety of any Person.

2.1.6 **Access – Notice Requirements**

Prior to the County exercising a power of entry pursuant to this By-law, the County shall:

- provide reasonable notice of the proposed entry to the Owner or the Occupant of the Premises by personal service or prepaid mail or interactive online tools or by posting the notice on the Premises in a conspicuous place for three consecutive days prior to entry;
- in so far as is practicable, restore the Premises to its original condition where any damage is caused.

2.1.7 **County Liability**

The County is not liable for damages or loss caused by:

- the breaking of any private water connection or associated plumbing, or
- an interruption of supply.

2.2 **RESPONSIBILITIES**

2.2.1 **Director of Public Works**

For the purpose of this By-law the Director of Public Works is responsible for:

- The general operation, management and supervision of the Water Systems and the Wastewater systems owned by the County;
- The enforcement of the provisions of this By-law other than those dealing with the billing and collection of water and wastewater related charges; and

- The performance of other duties as may from time to time be given to him or her by Council.

2.2.2 Treasurer

For the purpose of this By-law the Treasurer is responsible for:

- The operation, management and supervision of the billing and collection of water and wastewater related charges;
- The enforcement of the provisions of this By-law relating to the billing and collection of water and wastewater related charges; and
- The authorize disconnection of water supply as determine to be necessary, subject to any provisions of this By-law and communicate the required action to the Director of Public Works;
- The performance of such other duties as may from time to time be given to him or her by Council.

2.3 BY-LAW APPLICATION

2.3.1 Nothing in this By-law shall be interpreted so as to permit anything, which by the provision of any applicable federal or provincial Act or Regulation, is prohibited.

2.3.2 Where there is a conflict between the provisions of this By-law and the provisions of a federal or provincial Act or Regulation, the provisions of the applicable Act or Regulation shall prevail.

2.3.3 Where there is a conflict between provisions of this By-law and another By-law of the County, the provision that is the most restrictive shall prevail.

2.3.4 All schedules, forms, tables, and diagrams attached to this By-law shall form part of this By-law. That all schedules, forms and tables and diagrams will be reviewed and updated as required.

2.4 RULES AND REGULATIONS

2.4.1 The rules and regulations set out in this By-law shall govern and regulate the billing and collection of water and wastewater related charges.

2.4.2 Every such Owner, by applying for or accepting a supply of water from the County or discharging wastewater into the system, shall be deemed to have expressed his or her consent to be bound by the said rules and regulations.

2.4.3 If the County becomes aware of any substantial defect or potential defect including, but not limited to, damage to persons or Property or issues that may impact water quality, the County at its discretion, may turn off the water supply to the Property without advanced notice to the Occupants. The County will turn on the water supply once it has been satisfied that the defect has been rectified or potential defect has been negated. The turning off and on of the water supply is subject to the rates as specified in the Fees and Charges By-law.

PART 3

WATER AND WASTEWATER RATES AND CHARGES

3.1 WATER SUPPLY

- 3.1.1 Once the water supply is available at a Property or building, the Owner is subject to all related charges as outlined in this By-law, the Fees and Charges By-law and the Water and Sanitary Sewer (Wastewater) Rates By-law.

3.2 WATER AND WASTEWATER BILLING

3.2.1 New Accounts

All residential accounts established on or after **March 1, 2019**, must be opened and billed in the name of the registered owner(s) of the property.

Any existing residential accounts currently billed with tenants will remain until that tenant vacates the property. At that, time the account will be registered in the property owner(s) name.

An Owner and Occupant or their agent, who intends to occupy a Property provided with water and wastewater service shall notify the Billing Agent prior to occupancy so a new water and/or wastewater billing account can be created.

All Ownership and occupancy changes shall be subject to a change in occupancy fee in the amount specified in the Fees and Charges By-law. The fee shall not be applied to a builder's account unless the Property is occupied by the builder.

3.2.2 Unmetered Properties

Properties, at the discretion of the County, may be allowed to remain unmetered. A special flat rate for water and/or wastewater usage shall be charged as specified in the Water and Sanitary Sewer (Wastewater) Rates By-law.

Where a Property receives water and/or wastewater services but does not have a meter, a flat rate for water and/or wastewater usage shall be charged as specified in the Water and Sanitary Sewer (Wastewater) Rates By-law.

3.2.3 Metered Properties

All Water Meters including an ERT must be installed prior to occupancy.

All metered Properties connected to the County water and/or wastewater systems shall pay water and wastewater charges based on metered water consumption and fixed charges at the rates specified in the Water and Sanitary Sewer (Wastewater) Rates By-law.

Properties that have Water Meters installed without the ERT will be charged a manual read fee at the rate specified in the Fees and Charges By-law, until such time that an ERT is installed on the Water Meter.

If a Property is occupied prior to a Water Meter and reading device being installed, the Owner shall be retroactively charged for water and/or wastewater services at the flat rate for water and/or wastewater as specified in the Water and Sanitary Sewer (Wastewater) Rates By-law, commencing upon the date of occupancy as determined by the Treasurer and the decision of the Treasurer shall be final.

3.3 FINAL BILLINGS

3.3.1 Final Meter Reading

When a customer intends to vacate the Property supplied by water, they shall request from the Billing Agent a final meter reading, at least five days before vacating the Property.

3.3.2 Water Certificate

An Owner or agent may request a water certificate, which will identify the water and wastewater charges outstanding against the Property, if any, and a holdback amount required for future or final bills. The Owner or agent must pay the appropriate water certificate fee as specified in the Fees and Charges By-law.

3.3.3 Arrears

If the final billing of the previous Occupant (Owner or tenant) remains outstanding, such charges are a lien on the Property. The amount shall be transferred to the Property tax account for the Property, along with the appropriate transfer fee as specified in the Fees and Charges By-law, in accordance with the provisions of the Municipal Act, 2001, and the County's policies and procedures.

3.4 WATER METER READINGS

3.4.1 In the event of a dispute, the reading of the Water Meter register shall be the sole evidence of the quantity of water supplied to a Property Owner unless the meter is proven to be defective through a meter test conducted by the County. If the Owner request the meter to be tested and it is found that the meter is not faulty, then the Owner or Occupant will be charged the appropriate fee as specified in the Fees and Charges By-law.

3.4.2 In instances where there is a discrepancy between the Water Meter register and the transmitted reading, the reading taken from the Water Meter register will be deemed to be correct.

3.4.3 If a meter fails to register or a reading is not collected for any reason, the customer shall be charged on the basis of a reasonable estimate derived from either a previous year's consumption, an average historical consumption or the previous month's consumption, whichever is readily available. Following the next available reading, the customer will be billed (or credited) for the difference between the actual reading and the any estimated readings applied to previous billings.

3.4.4 If a billing calculation error is made, the account will be retroactively recalculated for a period not exceeding one year from the date of detection with resulting credits or charges being applied to the account.

- 3.4.5 If water and wastewater charges are added or require adjustment as a result of the provisions of this By-law not being met, the charges may be adjusted retroactively to the date at which it is determined, in the opinion of the Treasurer, that the provisions were violated and the decision of the Treasurer shall be final.

3.5 NON-RESIDENTIAL LANDLORDS AND TENANTS

- 3.5.1 If water is supplied to only one (1) party in a Property, and the Owner requests that the Occupant be billed directly, the County will do so as a convenience to the Owner. The Owner assumes full responsibility for all charges applied to the account for the provision of water and wastewater services, including charges for service work, in the event that the Occupant fails to pay.
- 3.5.2 Upon reasonable notice to the Owner, the County may at any time and for any reason, discontinue billing the Occupant and bill the Owner directly for the water and wastewater charges of the Occupant.

3.6 VACANT PREMISES

3.6.1 Notice of Vacancy

Whenever any Premises having a water service becomes a Vacant Premises, the Owner of the Vacant Premises shall, at a minimum two (2) business days of the vacancy notify the County, to shut off the water at the street line, and shall pay:

- the fee for turning the water off in the amount set forth in the Water and Wastewater Rates and Charges By-law, and when the Premises is no longer a Vacant Premises, the applicable fee is to be paid by the Owner for turning the water on again as set forth in the Water and Wastewater Rates and Charges By-law; and
- the standby charge, equal to the fixed charge, as set forth in the Water and Wastewater Rates and Charges By-law during the time period that the water is shut off.

3.6.2 No Notice of Vacancy Provided

Where the Owner of a Vacant Premises fails to notify the County as set out in paragraph 3.6.1, the County may once aware of the Vacant Premises and upon at least 24 hours of notification at the Premises, shut off the water at the street line and the Owner shall pay the fee for turning off water service as set forth in the Fees and Charges By-law.

In such event, the County will not be liable for any loss or damages to any equipment, such as boilers, resulting from shutting off the water service.

3.6.3 County Liability

When any Property that is left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe or Water Meter, neither the Owner nor Occupant shall have a claim against the County.

3.6.4 **Leaks/Burst Pipes during Vacancy**

Should the County become aware of such leaking or burst pipes, the County shall turn off the Curb Stop Valve, and the water supply shall not be turned on until the County, in its discretion, considers it advisable. The Owner shall pay for this service at the rate as specified in the Fees and Charges By-law.

3.7 **COLLECTIONS**

3.7.1 Payments are due on the date indicated on the water and/or wastewater bills. Payments by mail will be processed no later than the date the payment is received by the Billing Agent.

3.7.2 Partial payments received on accounts shall be applied to penalties and interest first, and then water and wastewater charges, and any remaining amount will be applied to miscellaneous charges and adjustments.

3.7.3 A service charge shall be applied in accordance with the Fees and Charges By-law, if a payment is dishonoured by the bank for any reason.

3.7.4 All unpaid fees and charges that are in arrears prior to being placed on the Property taxes will be charged a penalty at the rate set forth in the Fees and Charges By-law, following the County's procedures and policies.

3.7.5 All fees and charges relating to the supply of water and wastewater services or for any other expenses, fees or charges provided for in this By-law, shall be paid by the Owner or Occupant of the Property.

3.7.6 **Active Accounts**

If the fees and charges remain unpaid on an active water and/or wastewater account after the bill is due:

- the Billing Agent will issue a reminder call four (4) business days following the due date;
- the Billing Agent will issue a reminder notice no sooner than 10 days following the due date;; and
- if the arrears continue to remain unpaid, , they will be transferred to the appropriate Property tax account, no sooner than 28 days after the issuance of the reminder notice, following the County's policies and procedures. The applicable transfer fees will be added at the time of the transfer, as specified in the Fees and Charges By-law.

3.7.7 **Final Billing**

If the fees and charges remain unpaid on inactive (closed) water wastewater account, after the final water wastewater bill is due:

- the Billing Agent will issue a reminder call four (4) business days following the due date;

- the Billing Agent will issue a reminder notice no sooner than 10 days following the due date;; and
- if the total amount owing remains outstanding, then the total amount outstanding, and the applicable transfer fees, will be transferred to the appropriate Property tax account, no sooner than 14 days after the issuance of the reminder notice, following the County's policies and procedures.

3.7.8 **Water Shut-off**

The County reserves the right to shut off the supply of water to any Premises that has unpaid fees and charges. The County shall restore the supply of water upon suitable payment to the County of such overdue amounts plus any applicable service charges, penalties and interest.

The *Municipal Act*, 2001, Chapter 25, Section 81 provides that a municipality may shut off the supply of a public utility to land if fees or charges payable by the Owners or Occupants of the land for the supply of the public utility to the land are overdue, subject to the municipality providing reasonable notice of the proposed shut-off to the Owners and Occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.

3.7.9 **Arrears to Property Tax Account**

The *Municipal Act*, 2001 authorizes the municipality to place unpaid fees and charges for public utilities on the tax roll for the Property to which the public utility was supplied, regardless of who the consumer is. Subsection 398(2) provides that a municipality may add unpaid public utility fees and charges, which include water and/or wastewater/storm arrears, to the respective Property's tax roll.

Ontario Regulation No. 581/06 additionally identifies such fees or charges associated with the supply of water and sewage services as having 'priority lien status' as described in section 1 of the Act such that, when added to a Property tax roll because of payment default, these fees/charges:

- a) may be collected in the same manner as the taxes on the Property;
- b) may be recovered with costs added as debt due to the municipality from the assessed Owner of the Property at the time the fee was added to the tax roll and from any subsequent Owner of the Property or any part of it;
- c) are a special lien on the Property in the same manner as taxes under subsection 349 of the *Municipal Act*; and
- d) may be included in the cancellation price under Part XI of the Act, in the same manner as are taxes on the Property, in the event that a Tax Arrears Certificate is registered on title of the Property

If the fees and charges are not paid by the Owner or Occupant, the County will transfer the unpaid fees and charges to the appropriate Property tax account. The applicable transfer fees will be added at the time of the transfer, as specified in the Fees and Charges By-law.

PART 4

WATER METERS AND WATER METER CHAMBERS

4.1 WATER METERS

- 4.1.1 All Water Meters including an ERT must be installed prior to occupancy.
- 4.1.2 The size, type and manufacturer of the Water Meter shall be approved by the County, prior to installation.
- 4.1.3 One (1) County meter will be placed in each single family residential, multi-family residential, commercial, industrial and institutional Property, unless approved by the County with the following exceptions:
- Street facing dwellings on a single property with separate water services and no interconnected plumbing;
 - Existing multi-metered properties; and
 - Where in the best interest of the County to allow multiple meters.

All water used in the above mentioned Property will pass through such meter and the Owner of the Premises shall be held liable for water charges.

Secondary meters may be purchased for the convenience of the Owner, as in apartment houses or multiplexes, at the Owner's request and expense. All secondary meters shall be installed in a manner so that all water supplied passes through the County meter prior to passing through the secondary meter. Secondary meters shall not be read or billed separately or maintained by the County.

- 4.1.4 A shut off valve shall be installed immediately adjacent to the point at which the water connection enters the Premises. This valve shall be located in a readily accessible area. The installation and maintenance will be at the expense of the Property Owner.
- 4.1.5 All connections supplying water from the Water Systems, for potable use, shall be equipped with a Water Meter immediately adjacent to the shut off.
- 4.1.6 Both the Water Meter and the ERT shall be in locations which is always readily accessible to the County for the purposes of obtaining a reading from said meter.
- 4.1.7 Water Meters shall be installed inside a heated building unless otherwise determined by the County.
- 4.1.8 **Cost of Water Meter**

The cost of the approved Water Meter and installation will be the responsibility of the Property Owner. Once installed to the acceptance of the County, the meter becomes Property of the County.

4.1.9 **Cost of ERT**

The cost of the approved ERT will be the responsibility of the Property Owner. Installation by an accredited Operating Authority, will occur at the time of occupancy. Once installed the ERT becomes the property of the County.

4.1.10 **Maintenance, Repairs and Replacement of Water Meters**

The County shall maintain, repair or replace all Water Meters, as deemed necessary. If it is determined the Water Meter fails as a result of tampering or negligence, full cost recovery for such repair or replacement shall be that of the Property Owner.

4.1.11 If the Owner or Occupant misses any pre-approved scheduled appointments they shall be charged a fee as specified in the Fees and Charges By-law.

4.1.12 **Leaks at the Meter**

The County shall repair leaks that develop at the Water Meter or its coupling nuts at no expense to the Owner. The County shall not be held liable for damages caused by such leaks. All other leaks around the Water Meter or within the private plumbing shall be the sole responsibility of the Property Owner to repair.

4.1.13 **Meter Testing**

No person shall remove a Water Meter for testing except the County. A Water Meter will not be tested until the Property Owner has made a written request approved by the County. If the Water Meter tests within the manufacturer's operating specifications, a fee as set out in the Fees and Charges By-law will apply. If the meter tests outside of the manufacturer's operating specifications, the County shall repair or replace the meter and adjust the water bill accordingly.

4.2 **WATER METER CHAMBERS**

4.2.1 If the County receives an application/permit for a new water service and determines that the Water Meter cannot be located inside the building or structure in accordance with the County's Standards, or Properties with multiple buildings the County may approve the installation of the Water Meter in a Water Meter chamber.

4.2.2 The Water Meter chamber shall be supplied and installed at the Owner's expense. The Water Meter chamber shall meet County Standards. The installation of the Water Meter shall be deemed to be a transfer of ownership of said Water Meter to the County. The Owner shall retain ownership of the Water Meter chamber and valves.

4.2.3 Water meter chambers shall be maintained by the County at the Owner's expense.

4.2.4 Water meter chambers shall be located at or near the Property line of the Premise, unless the County has given written approval for a different location.

4.2.5 No Owner shall obstruct nor permit the obstruction of a Water Meter chamber. No Owner shall place shrubs, trees or other landscaping within two meters of the outer perimeter of the Water Meter chamber.

- 4.2.6 No Owner or Person shall have access to a Water Meter chamber other than a Person authorized by the County. If an Owner or Person tampers with a Water Meter chamber or causes damage to a Water Meter chamber, the Owner or Person shall pay the full cost to the County for the repair of the Water Meter chamber.

PART 5

CONNECTIONS AND DISCONNECTIONS

5.1 CONNECTIONS

- 5.1.1 No person shall fail to obtain approval for water and/or wastewater connections prior to the installation, repair, or renewal of a watermain or water service, wastewater main or wastewater service or Water Meter unless otherwise authorized by the County.
- 5.1.2 The County shall inspect plans and specifications for any Water System, Wastewater System, water service or wastewater service to ensure compliance with County Standards.
- 5.1.3 Approval for a water and/or wastewater connection shall not be issued until:
- the application for connection has been completed and the appropriate forms and required drawings and information have been submitted to the satisfaction of the County;
 - all fees and charges related to the connection have been paid;
 - all other required permits have been obtained; and
 - the County is satisfied that the proposed works meets County Standards and does not contravene any other municipal By-law.
- 5.1.4 No person shall cover over, connect to, any public water or wastewater or use any water connection or wastewater connection, without first having had it inspected by the County.
- 5.1.5 Where it is determined an existing municipal water connection no longer meets the demand of a Premises, a larger municipal water connection can be installed, upon approval from the County, at the expense of the Property Owner.
- 5.1.6 Should a Property Owner elect to change the size of an existing municipal connection, the existing connection must be disconnected as per the County's disconnection procedure.
- 5.1.7 Where a parcel of land is not adjacent to a watermain and/or wastewater main and an application has been received for approval to connect, the Property Owner / developer, at their expense, will be required to pay for the extension of the main to the furthest boundaries of the frontage of the Property in question prior to developing that parcel of land. The main extension must comply with all requirements of this By-law and any other standards or requirements of the County.
- 5.1.8 No service valve or box shall be placed on a municipal water connection pipe except in such a place approved by the County.

- 5.1.9 The service valve or box shall be located at grade level and shall be in good working condition, prior to the installation of a Water Meter.

5.2 MANDATORY CONNECTIONS

- 5.2.1 All residential and non-residential buildings located within a mandatory connection area shall connect directly to a watermain and/or wastewater main servicing the mandatory connection area. The mandatory connection areas are set by a By-law as the area is serviced.

- 5.2.2 The mandatory connection date, the date in which the customer is required to connect by, according to the applicable By-law indicates:

- if the customer does not connect by the mandatory date, they will be billed the monthly fees as though they were connected.
- the mandatory connection date is set at least one year from the applicable billing By-law, and must occur during the construction season (April 1 – November 1).
- vacant lots are not subject to the mandatory connection date until they are developed.

- 5.2.3 Property Owners that cannot afford their servicing may be eligible for a financing deferral under a signed agreement between the County and the Owner, subject to the following conditions:

- the connection fees and mandatory connection be deferred for a period of three years, or until the Property is sold;
- if the Property is sold, the payment will become due upon the sale of the Property, and the new Owner will be required to connect to the municipal water system;
- the deferral is subject to confirmation by Area Municipal Building Official that the current well and/or septic is in good working order; and
- that the Property Owners acknowledge in writing the conditions set out and agree to notify any prospective purchasers of the conditions.

5.2.4 Decommissioning of Private Well or Sewage System

Every Owner located in the mandatory connection areas and which have a connection to a piped water supply, shall forthwith after the connection has been made abandon and fill every existing well situated on the Premises in accordance with Ontario Regulation 903 made under the *Ontario Water Resources Act*, as amended.

Every Owner located in the mandatory connection areas and which have a connect to a piped wastewater collection system, shall forthwith after the connection has been made abandon and fill or remove every wastewater system on the Premises in accordance with the Ontario Water Resources Act and Ontario Building Code, as amended.

5.3 DISCONNECTIONS

5.3.1 Disconnections will only be allowed if it does not result in fragmentation of the Water Systems and/or Wastewater Systems. Under no condition will a customer be allowed to replace their municipal service with a private service.

5.3.2 Any customer wishing to discontinue the use of water supplied from the County's Water Systems must make a written request to the County and, if approved, ensure the following actions are completed in a timely manner:

- the water and/or wastewater service disconnected at the watermain and/or wastewater main connection is the Owner's responsibility, subject to County inspection to ensure completed to the County's satisfaction; and
- the Water Meter, ERT and any other County owned equipment has been removed by County staff.

5.3.3 Until such time that these requirements have been met, the water and wastewater charges will continue to be calculated and billed in accordance with this By-law and the Fees and Charges By-law.

5.3.4 Demolitions

Prior to demolition or removal of a building, the Owner shall make arrangements with the County for the removal of the Water Meter and ERT. All costs to replace a Water Meter damaged or lost due to the building demolition or removal of a building shall be paid by the Owner. Prior to the demolition or removal of the building the Owner shall acquire a permanent disconnection permit and all applicable permits required by the County to perform the disconnection. The Owner shall disconnect the water services to the satisfaction of the County prior to the issuance of a demolition permit. All costs associated with the disconnection shall be paid by the Owner.

PART 6

WATER LEAKS

6.1 LEAKS

6.1.1 When an unintentional water loss, caused by broken and/or malfunctioning plumbing fixtures and/or pipes within a residence or building, occurs on the customer's side of the Water Meter and if the following criteria is met, an adjustment to the water and wastewater bill may be granted:

- reasonable efforts (including hiring a plumber) to locate the leak and initiate repairs must be taken by or on behalf of the customer within three months of the initial notification of increased water usage provided to the customer. Notification may include, but is not limited to water billing with higher than historical average consumption, a written notice delivered to the Owner or Occupant or a courtesy phone call. Exceptions may be considered for extraordinary circumstances;

- the customer must complete in full the Water Leak Adjustment Request Form and provide documentation of repairs made prior to being approved for an adjustment within one (1) month of the date of final repair(s); and
- water usage has returned to historical levels.

6.1.2 There is no extension of the due date or the time for paying water and/or wastewater bills because of a pending adjustment request. Customers are advised to pay the entire amount due within the normal payment period or enter into a payment arrangement for the excessive amount in order to remain in good standing on all current billings. Reimbursements will only occur when an adjustment request is granted. A letter will be sent to the customer informing them of the approval or denial of the adjustment.

6.1.3 Leak adjustments are determined at the discretion of the County and will only be granted as follows:

- one-time only per Owner per Property;
- volume must exceed twice the average of a similar period from the previous year and be greater than 50 m³;
- the adjustment will be twice the average monthly consumption for the past 12 months or the maximum usage in the same 12 month period, whichever is greater; where the Owner has not owned the Property for 12 consecutive months, the County will at its discretion use either the average consumption for the months available or the best practice 'average' customer consumption for a 12 month period;
- only three (3) months of volumetric charges are eligible for assistance - one (1) month prior and two (2) months to repair the leak;
- there must be proof of the repair; which can be in the form of pictures, receipts, invoices from a licensed plumber or comments from the operating authority; and
- adjustments for not-for-profits, commercial, industrial and institutional customers will be capped at \$5,000 (combined water and wastewater adjustment). There is no adjustment cap for residential customers.

6.1.4 No adjustments will be granted where:

- Discretionary Water Use – high water usage as a result of pool or hot tub filling, irrigation, car washing or other outdoor or discretionary water uses;
- Third Party Responsible – where a leak was caused by a third party from whom the customer is able to recover their costs;
- Unoccupied and/or Vacant Premises – where a dwelling and/or building is unoccupied and/or vacant for 72 hours or more without someone regularly checking in. Customers have the responsibility to ensure the dwelling's condition does not contribute to a failure of the plumbing system (i.e. ensure that heating has been maintained).

For extended absences, customers should consider shutting off the water supply (except where water is used for heating) and draining all the pipes and appliances; or

- Catch up Billing – where high water usage is identified from a “catch-up” billing following a minimum of two consecutively estimated billings. Actual meter readings are necessary for bills to reflect actual high water usage to trigger the associated leak detection and subsequent to any leak repairs. Customers are advised on their water bill, if the billing is based on an estimated read.

PART 7

RESPONSIBILITIES OF THE PROPERTY OWNER

7.1 ACCESSIBILITY, MAINTENANCE, PROTECTION FROM ELEMENTS

7.1.1 Accessibility

It is the Owner's responsibility to ensure that all Water Meters, ERTs, and building control valves are readily accessible in a clean, dry area, protected from freezing and free from obstructions at all times, allowing for the repair or replacement of the Water Meter or ERT without the use of specialized tools or equipment.

7.1.2 Maintenance

It is the Owner's responsibility to maintain in proper working order and good repair, at its own expense, the water services, plumbing system and all its fixtures and appurtenances.

7.1.3 Protection from Elements

All water services and the Water Meter shall be properly protected from frost and any other damage at the expense and risk of the Owner of the Property being serviced.

7.1.4 Property Line to the Meter

Property Owners are responsible for repairs to all leaks located on private Property, from the Property line to the meter. If the leak, in the County's opinion, requires immediate attention, the County may undertake the necessary repairs or replacements or shut the water to the Property at the Owner's expense.

PART 8

FROZEN WATER SERVICES

8.1 FROZEN SERVICES

8.1.1 The Extreme Weather Procedure

The Extreme Cold Weather Procedure is to prevent and/or manage interruptions to the County's supply of water, caused by the temporary freezing of County and/or Customer owned water pipes. The procedure shall allow for a deviation from the standard billing

practices as outlined within this By-law, whereby consumption charges normally applicable for all water that has passed through the meter are replaced with an estimated consumption value based on historical usage at the Property. The Director of Public Works in coordination with the Treasurer may activate the Extreme Cold Weather Procedure for a water system or multiple water systems, under any of the following:

- the sum of the average daily temperature on consecutive days reaches -400 degrees Celsius, following the first confirmed fall frost event;
- ground frost levels observed by Water Operations field staff, through the course of their daily activities, reaches 1.7 meters or deeper; or
- if it is deemed necessary by the Director of Public Works to ensure the continued provision of drinking water during periods of extremely cold weather.

8.1.2 Thawing of privately owned water services one-time shall be attempted at the County's expense. Any additional thawing of privately owned water services shall be the Owner's responsibility and expense. Where any employee of the County assists the Owner in the thawing of a privately owned frozen water service, beyond the first occurrence, the Owner will be invoiced as specified in the Fees and Charges By-law. All work completed by the County shall be considered at the Owner's risk, the Owner shall have no claim against the County by reason of such work.

8.1.3 If the County has initiated the extreme cold weather procedure (paragraph 8.1.1) and provides specific instructions in writing to the Owner or Occupant that they should continuously run the water, to mitigate the freezing of the buried water service, or a temporary water supply is arranged that requires the continuous flow of water:

- and if the County determines that the frozen water service is located on municipal Property, the County will adjust the water/wastewater bill(s) so that the Owner or Occupant will not be charged for the excess water usage. The County will estimate what the normal water usage would have been before the freezing occurred. The Owner or Occupant will not be charged for the excess water used when the County approves the water to be continuously running; or
- and if the County determines that the frozen water service is located on private Property, the County will not adjust the customer's water and/or wastewater bill for the higher consumption.

8.1.4 If the County has initiated the Extreme Cold Weather Procedure and has not directed the Owner or Occupant to continuously run the water, and the Owner or Occupant decides to do so on their own, the water and/or wastewater bill will not be adjusted by the County. The Owner or Occupant will be responsible for the water/wastewater bill that will include the higher consumption due to the continuous running of the water.

8.1.5 If the County determines that a house to house connection is required during the time period that the water line issue is being resolved, one tap must run constantly to prevent the temporary line between the Properties from freezing. In these cases, the County will adjust the water and/or wastewater bills of both Properties as follows:

- if the County determines that the frozen pipes were located on municipal Property,

the County will adjust the water wastewater bill(s) for the Property supplying the water and the Property receiving the water, both will not be charged for the excess water usage. The County will estimate what the normal water usage would have been for both Properties before the freezing occurred. The Owner or Occupant will not be charged for the excess water used when the County approves the water to be continuously running; or

- if the County determines that the frozen pipes were located on private Property, the County will adjust the water wastewater bill for the Property supplying the water, using an estimated normal consumption amount, resulting in no charge for the excess water usage. And the County will adjust the water and/or wastewater bill for the receiving Property to include the excess water consumption.

PART 9

FIRE PROTECTION AND BILLING

9.1 FIRE PROTECTION

The Water Systems in the following communities do not have fire protection: Beachville, Bright, Brownsville, Dereham Centre, Drumbo, Embro, Hickson, Innerkip, Lakeside, Mt. Elgin, Princeton, Springford, and Sweaburg.

- 9.1.1 All water connections supplying water from the Water Systems for fire protection must be solely used for fire protection needs.
- 9.1.2 No person shall place an obstruction of any kind at a distance of less than one and one half (1 ½) meters from any municipal fire hydrant.
- 9.1.3 No person shall operate, tamper with or remove water from any municipal fire hydrant without authorization from the County.
- 9.1.4 Maintenance of private fire protection services, including fire hydrants, is the responsibility of the Property Owner, and is to be at a level as defined under the Fire Protection and Prevention Act. Should such lack of maintenance result in a loss of water, the County reserves the right to shut-off or disconnect the service at the Property line. The County will attempt documentation identifying the concern together with notification of the turn-off or disconnection of the service.

9.2 FIRE PROTECTION BILLINGS

- 9.2.1 An annual charge for each private unmetered connection made to the Water Systems to supply private fire hydrants will be applied to the water account, in a prorated monthly charge, as specified in the Fees and Charges By-law.
- 9.2.2 The County does not perform testing and maintenance as required by Ontario Fire Code, on private fire hydrants, it is the responsibility of the Owner. The County may choose to flush private hydrants for general water quality purposes, when doing so any repairs made will be responsibility of the Owner.

PART 10
MUNICIPAL HYDRANTS

10.1 MUNICIPAL HYDRANTS

10.1.1 No Person, firm or corporation shall use the hydrants located within the County or connected to the County's water system except the following:

- members of the Fire Department;
- employees of the Public Works department of the County and its Operating Authorities;
- Persons, firms or corporations having written permission from the County and using the hydrants under the supervision of the County.

PART 11
BULK WATER

11.1 BULK WATER STATIONS

11.1.1 Any person wishing to access water from the County's bulk water station must first contact the County to set up a bulk water account; be approved by the County and obtain a key fob for use at the bulk water station. All accounts with the County must be in good standing for approval.

11.1.2 The person shall pay the stipulated fees and charges for taking water from the bulk water station as outlined in the Fees and Charges By-law, as amended.

PART 12
CROSS CONNECTION AND BACK FLOW PREVENTION

12.1 CROSS CONNECTION

12.1.1 No person shall connect, cause to be connected, or allow to remain connected to the Water Systems any piping, fixtures fitting, container or appliance that, under any circumstances, might allow any untreated water, wastewater, non-potable water, pollutant, or any other liquid, chemical or substance to enter the Water Systems.

12.1.2 No person shall connect, cause to be connected, or allow to remain connected to the Water Systems, any alternate water supply. Where an alternate water supply services the same Property as a municipal connection, a physical separation between the supplies must exist thereby creating separate systems.

12.2 BACKFLOW PREVENTION

- 12.2.1 Backflow Prevention Devices shall be selected, installed, maintained and field tested in accordance with the Canadian Standards Association, "Selection and installation of backflow preventers/maintenance and field testing backflow preventers" as amended, for all new and existing industrial, commercial, institutional and multi-residential building and structures, except buildings of residence occupancies within the scope of the *Ontario Building Code Act*, where the municipal water connection services Potable Water and/or fire protection.
- 12.2.2 Every person required to install a Backflow Prevention Device, for the purposes of Premise isolation where a risk of possible contamination to the Water Systems may exist, shall obtain a plumbing permit prior to commencing installation.
- 12.2.3 Every Owner who has a Premises Backflow Prevention Device located on their Property shall ensure that testing occurs in accordance with *Ontario Building Code* and that results are shall be maintained and available to the County upon request.
- 12.2.4 If it is determined that that a Backflow Prevention Device being tested is malfunctioning or not properly working, the Owner and the County are to be notified immediately and appropriate action shall be taken to ensure continued protection of the Potable Water supply is maintained at the cost of the Owner.
- 12.2.5 Should the Owner refuse or fail to have the identified malfunctioning Backflow Prevention Device fixed or replaced within the timeline specified by the County, supply of water to the Property may be discontinued in order to maintain the integrity of the Water Systems water quality.
- 12.5.6 The County may choose to enact a formal backflow prevention program, which will form a Schedule to this By-law.

PART 13

WATER RESTRICTIONS

13.1 WATER RESTRICTIONS

- 13.1.1 The County may temporarily restrict or prohibit the use of water from the Water Systems to:
- Residential, Industrial, commercial and or institutional properties;
 - Municipal or privately owned bulk water stations.
- 13.1.2 No person shall use water for other than essential purposes, during the course of an emergency crisis or a fire in the area protected by said Water Systems as upon notification by the County.
- 13.1.3 No person shall use water in contravention to the County's External Water Use By-law.

13.2 USING THE WATER SYSTEM PRESSURE FOR POWER

- 13.2.1 No person, firm or corporation shall use the pressure of the County Water Systems to power turbines or similar devices.

PART 14

SERVICE OUTSIDE THE MUNICIPALITY

14.1 SERVICE OUTSIDE THE MUNICIPALITY

- 14.1.1 Services outside the County are authorized through an official plan amendment. Special arrangements for the payment of costs incurred in providing the Water and/or Wastewater Services, including the recovery of expenditures, must be made prior to the approval of such Water Service.

All properties connected to the County Water and/or Wastewater Systems shall pay water and wastewater charges based on metered water consumption and fixed charges, at the rates specified, special rates may apply for Premises outside the County, in the Water and Sanitary Sewer (Wastewater) Rates By-law.

PART 15

PROHIBITIONS

15.1 PROHIBITIONS

- 15.1.1 No Person shall willfully hinder or interrupt, or cause or procure to be hindered or interrupted, the County or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this By-law.
- 15.1.2 No Person shall willfully or maliciously tamper with or damage any meter, ERT, water service, wastewater service, equipment or any appurtenances belonging to the County, or willfully impair or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the water that passes through it.
- 15.1.3 No Person shall willfully let off or discharge water so that the water runs waste or useless of the works.
- 15.1.4 No Person being an Owner or Occupant or other supplied with water from the Water Systems, shall improperly waste the water or, without the consent of the County, lend, sell, or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his or her own.
- 15.1.5 No Person shall without lawful authority, willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction.
- 15.1.6 No Person shall throw or deposit any injurious or offensive matter into the water, Water Systems or Wastewater Systems or upon the ice if the water is frozen, or in any way foul

the water or commit any willful damage or injury to the works, pipes or water, or encourage the same to be done.

- 15.1.7 No Person shall willfully alter any meter or ERT placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered.
- 15.1.8 No Person shall lay or cause to be laid any pipe or main to connect with any pipe or main of the Water Systems and/or Wastewater Systems, or in any way obtain or use the water or discharge wastewater without the consent of the County.
- 15.1.9 No Person shall draw water or cause or permit water to be drawn from a private fire protection system, except for fire protection related activities, except as approved by the County.

PART 16

ENFORCEMENT

16.1 ENFORCEMENT

16.1.1 Unlawful Use of Water

All water used on a Property within the County, except water used for firefighting purposes, or water authorized by the County for construction or other purposes, shall pass through the meter approved by the County for use upon such Property. And in addition to whatever other remedies the County may have by law in respect to infringement of this By-law, the County may, upon ascertaining that water has been unlawfully used the County may shut off and stop the supply of water without notice and issue fines as specified in the Fees and Charges By-law.

16.1.2 Damages or Impairments

Every person who willfully or maliciously damages or causes damage to any meter, ERT, water service, equipment or any appurtenances belonging to the County or willfully impairs or knowingly suffers the same to be altered or impaired, is guilty of an offence and on conviction, is liable to a fine payable to the County, and for any expenses of repairing or replacing the meter, ERT, water service, equipment or any appurtenances and double the value of the surplus water so consumed, all of which is recoverable under the Provincial Offences Act.

- 16.1.3 The Chief Administrative Officer has the authority to appoint officers for the purposes of enforcement of this By-law.

PART 17
PENALTIES

17.1 PENALTY

17.1.1 Every person who contravenes any of the provisions of any portion of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence under the provisions of the *Municipal Act*, 2001 s. 429.

17.1.2 Continuous Offences

For the purpose of continuous offences, every person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act*, 2001, s 429 (3) as amended. Despite the \$10,000 limit per offence, the total of all daily fines for the offence is not limited to \$100,000.

17.1.3 Multiple Offences

For the purpose of multiple offences, every person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act*, 2001, s. 429 (3) as amended. Despite the \$10,000 limit per offence, the total of all fines for the offence is not limited to \$100,000.

PART 18
CONFIDENTIALITY

18.1 CONFIDENTIAL INFORMATION

18.1.1 All information submitted to and collected by the County in the administration of this By-law including information contained in any report, permit, agreement and program is subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act RSO 1990, c, N.56 as amended.

PART 19
EFFECTIVE DATE

19.1 EFFECTIVE DATE

19.1.1 This By-law comes into force and effect on the 1st day of March , 2020.

By-law read a first and second time this ____th day of _____ , 2019.

By-law read a third time and finally passed this ____th day of _____ , 2019.

Larry Martin, Warden

Chloé J. Senior, Clerk

DRAFT