

**THE CORPORATION OF THE
TOWN OF WASAGA BEACH**

BYLAW #2009- 23

**BEING A BY-LAW TO REGULATE THE TOWN OF
WASAGA BEACH WATER WORKS UTILITY, TO
CONSOLIDATE THE WATER WORKS UTILITY REGULATIONS
AND TO REPEAL PREVIOUS WATER WORKS UTILITY
REGULATING BY-LAWS**

WHEREAS the Council of the Corporation of the Town of Wasaga Beach passed By-Law #81-16, being a By-Law to enact rules and regulations for the maintenance and operation of a system of water works in the Town of Wasaga Beach, on the 26th day of May 1981, and amendments thereto;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach passed By-Law #81-17 being a By-Law regulating the use of public and private sewers and drains, private sewage disposal and the fees and charges related thereto;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach passed By-Law #2002-25 being a By-Law to regulate the use of water for lawn and garden watering within the Town of Wasaga Beach and amendments thereto;

AND WHEREAS the *Municipal Act 2001*, S.O. 2001, c. 25, Section 80, as amended, allows a municipality to enter on land to which it supplies a public utility to inspect, repair, alter or disconnect certain works;

AND WHEREAS the *Municipal Act 2001*, S.O. 2001, c. 25, Section 81, as amended, allows a municipality to shut off the supply of a public utility on account of overdue payments;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 425(1), as amended, authorizes a municipality to pass a By-Law to establish that a person who contravenes a By-Law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, is guilty of an offence;

AND WHEREAS the *Municipal Act 2001*, S.O. 2001, c. 25, Section 429, as amended, authorizes a municipality to establish a system of fines for offences under a By-Law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS it is necessary to make substantive changes to the By-Laws regulating the water works utility of the Corporation of the Town of Wasaga Beach to ensure the inhabitants of the Town of Wasaga Beach continue to receive an abundant supply of potable water, and to ensure an efficient and effective water works utility operation;

AND WHEREAS it is deemed necessary to consolidate certain By-Laws affecting the water works utility;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach hereby enacts as follows:

PART I

DEFINITIONS:

1. For the purpose of this By-Law the following words shall have the meaning given herein:

“available service” when used to describe a property shall mean any property within the Town of Wasaga Beach which has access to a water main upon or under land abutting such property.

“Building Department” means the Building Division of the Planning and Development Department of the Corporation of the Town of Wasaga Beach.

“change of use” shall mean a new use for an existing building, structure or premises or part thereof.

“Clerk” shall mean the Clerk of the Corporation of the Town of Wasaga Beach or his/her designate.

“commercial” shall mean the use of land, building or structure for the purpose of buying and selling commodities, supplying of services, or the provision of accommodation, as distinguished from uses such as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

“consumer” shall mean the owner, occupant, or any other person, that occupies property that is used for commercial, industrial or residential dwelling purposes that is consuming water.

“corporation stop” shall mean a water service shut off valve located at a street water main.

“Council” shall mean the Council of the Corporation of the Town of Wasaga Beach.

“curb box” means the protective device that allows operation of the curb stop from the surface of the ground.

“curb stop” shall mean a self-draining water service shut off valve located in a water service near the property line and between the water main and the building to which water is being supplied

“Director” shall mean the Director of Public Works for the Corporation of the Town of Wasaga Beach or his/her designate.

“Enforcement Officer” shall mean any one or more of a Police Officer, Municipal Law Enforcement Officer and the Director of Public Works for the Corporation of the Town of Wasaga Beach, and “officer” shall have the same meaning.

“industrial use” shall mean:

- a) The use of land, building, or structure for the manufacturing, processing, fabricating of, assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses; or
- b) The use of land, building, or structure for one or more of the following operations:
 - i) the carrying on of any process of manufacture whether or not a finished article results therefrom;
 - ii) the dismantling and separating into parts of any article, machinery, or vehicle;
 - iii) the breaking up of any articles, goods, machinery, or vehicles;
 - iv) the treatment of waste materials;
 - v) the processing of sand, gravel, clay, turf, soil, rock, stone, or similar substances, but not the extraction thereof; and
 - vi) the repairing and servicing of all vehicles, machinery and buildings and may include:
 - the storage of goods in connection with or resulting from any of the above operations;
 - the provision of amenities for Persons engaged in such operations;
 - the sale of goods resulting from such operations; and
 - any work of administration or accounting in connection with the undertaking.

“institutional use” shall mean:

- a) The use of land, building, or structure for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor and outdoor recreation facilities, community centres, public hospitals; libraries established under the Public Libraries Act, R.S.O. 1990, cP.44;
- b) The use of land, building, or structure for religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools and nursery schools; or
- c) The use of land, building, or structure designed, adapted or used for medical, surgical, charitable or other treatment or care of persons, or for detaining persons for correctional, disciplinary or other purpose, and shall include a children’s home, a home for the aged or the infirm, a monastery, nunnery, or religious retreat, a jail, reformatory or training school, and all other such uses.

“multiple family dwelling” shall mean one or more habitable rooms designed or intended for use by more than one individual or family as an independent and separate housekeeping establishment containing separate kitchen and sanitary facilities for each individual or family.

“multiple offence” shall mean an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-Law.

“municipal use” shall mean the use of any building or structure, or any and all lands that have been or hereafter may be set apart, designated, dedicated or established by Council as public parkland or municipal facility for enjoyment by the public, public library, YMCA or any operation, that is owned or made available by lease agreement or otherwise to the Town.

“municipality” shall mean the Corporation of the Town of Wasaga Beach and includes, where the context permits, its duly authorized officers, contractors, employees and agents.

“occupant” shall mean a person occupying a place or dwelling;

“owner” shall mean the person who owns the property, a developer, firm, corporation, contractor, or responsible individual in charge of the property at any given time.

“person” shall include a corporation and the heirs, executors, administrators or other legal representatives of an owner.

“touch pad” shall mean the device and wiring located on the outside of the building that is connected to the meter.

“rural family dwelling” shall mean a residential dwelling unit outside the municipal boundaries being provided with potable water from the Town of Wasaga Beach water works utility.

“single family dwelling” shall mean one or more habitable rooms designed or intended for use by an individual or family as an independent and separate housekeeping establishment in which one kitchen and sanitary facilities are provided for the exclusive use of such individual or family.

“stopcock” shall mean the first water service shut off valve located in a water service within a building, when closed, shuts the water off to the connected distribution pipes within the building.

“Treasurer” shall mean the Treasurer of the Corporation of the Town of Wasaga Beach or his/her designate.

“use” shall mean the purpose for which the building, structure or premises or part thereof is used, occupied or intended to be used or designed to be used or occupied and in the case of multiple uses, shall mean the primary use as determined by the Director,

“wastewater” means the composite of water and water-carried wastes originating from any property belonging to a consumer and deposited into a municipal wastewater service.

“wastewater service” means any public works for the collection, transmission, treatment or disposal of wastewater, or any part of any such works.

“wastewater service rate” means those fees or charges for the operation, repair and maintenance of wastewater service established by the municipality, and may include a base rate and a rate based on consumption of water, and such charges for depreciation, deferred maintenance or establishment of a reserve fund, and recovery of other related costs, all as prescribed by the municipality.

“water” shall mean water drawn, treated and provided by the Corporation of the Town of Wasaga Beach.

“water main” shall mean that portion of the water works utility which is a supply line for the conveyance of water running along or under property either owned by, or under the effective control of the municipality.

“water meter” shall mean and include water meter, meter wire, touch pad and data transmitter, all as approved and provided exclusively by the municipality.

“water service” shall mean a pipe that conveys water from the corporation stop to a building, or other use, or any part thereof.

“water service rate” means those fees or charges for the operation, repair and maintenance of the water works utility established by the municipality, and may include a base rate and a rate based on consumption of water, and such charges for depreciation, deferred maintenance, establishment of a reserve fund, and recovery of other related costs, all as prescribed by the municipality.

“water works employee” shall mean an employee of the Corporation of the Town of Wasaga Beach whose duties include the operation and maintenance of the water works utility.

“water works utility” shall mean any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works.

PART II

GENERAL PROVISIONS:

2. Every owner of property which has available service, shall connect a water meter and water service to a curb stop in the manner prescribed in this By-Law within one year of being issued a building permit, or for existing commercial, residential, institutional or other uses, within one year from the date of passage of this By-Law. In the absence of evidence to the contrary, a letter from the Director indicating that a property has available service shall, for the purposes of this By-Law, constitute proof of such availability.
3. The municipality shall manage, maintain and operate the water works utility heretofore and hereafter established and constructed in the municipality in accordance with the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, and the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, and this By-Law, all as amended.
4. The municipality agrees to use diligence in providing a regular uninterrupted supply of water for domestic, industrial, institutional, and commercial use, but does not guarantee service or the maintenance of unvaried pressure and will not be liable in damages to the owner of property serviced by water or to any other person by reason of any failure in respect thereto.
5. The municipality shall not be liable to the owner of property serviced by water or any other person for damages by reason of failure to supply water for any reason whatsoever. The municipality will, however, exercise reasonable diligence and make such repairs as may be necessary, and do such acts as within its powers, to restore the services, and shall at all times for such purpose, have the right to enter upon the lands of the owners; provided that if the municipality by reason of its entry onto private property, occasions any damage to the said property, then such damage shall be reasonably repaired in a proper manner forthwith, at the municipality's expense.
6. Notwithstanding anything herein stated, there shall be no obligation on the part of the municipality to service any lands within the municipality that are not presently serviced for the supply of water. The municipality reserves the right to determine what areas and when such areas will be serviced with the supply of water.
7. The Director may enter the premises of any water taker during reasonable hours, upon reasonable notice to examine the pipes, meters, fittings and fixtures to ascertain the quantity of water used and the manner of its use.
8. The rules and regulations set out in this By-Law shall govern and regulate the operation of any water works utility owned by the municipality and shall be considered to form a part of the agreement between the municipality for provision of water service to each building and every such person by applying for and receiving

water service from the municipality shall be deemed to have expressed his/her consent to be bound by the said rules and regulations.

PART III

MAINTENANCE AND MANAGEMENT PROVISIONS

9. Every person who wishes to repair, install, move, shut off or turn on a water service or make a connection to any of the municipality's water service equipment shall make application in writing to the Director.
10. The municipality is not obligated to supply water until a water connection permit has been issued.
11. The water service, from the municipality's water main to the curb stop including the curb stop, and the water meter shall be maintained by and at the expense of the municipality.
12. The water service from the curb stop, but excluding the curb stop, into the building shall be maintained by and at the expense of the property owner.
13. Every owner that has been issued a water connection permit shall have a water meter installed. All water supplied shall be charged as described in Schedule 'A'.
14. No person shall repair, remove, tamper with or connect to any of the municipality's water works utility without applying and receiving written approval of the Director.
15. Every person shall maintain or keep his/her water service and other appurtenances, from the curb stop to the water meter in good working order and repair, free from leaks. Every person shall keep his/her water meter protected from damage including freezing at his/her sole risk and expense.
16. No person shall connect any vehicle to, or use water from, a fire hydrant without first applying in writing to, and receiving written approval of, the Director. This restriction shall not apply to a municipal fire fighter where water is required for fire protection purposes.
17. No person other than a water works employee shall operate a curb stop. A fee shall be paid, by every person requesting a water service turn off and turn on, as set out in Schedule "A".
18. Except in the case of an emergency, no person other than water works employees shall remove, change, alter or tamper with any installed and Public Works approved water meter.
19. No person shall damage or allow damage to any water meter.

20. No person shall in any way interfere with or damage any hydrant, valve, curb stop, water service, water meter or other water works appurtenances, whether inside or outside of any building without written approval of the Director. This restriction shall not apply to a municipal fire fighter where water is required for fire protection or prevention purposes.
21. No person shall obstruct free access to any hydrant by placing on or within a one (1) meter radius of it, any structure, building, fence, plant, material, earth, snow, rubbish or other obstructive matter, nor shall any person conceal or partially conceal a hydrant with any structure, building, fence, plant, material, earth, snow, rubbish or other obstructive matter.
22. No person shall obstruct free access to any curb box by placing on it any fence, plant, material, earth, concrete, pavement or other obstructive matter.
23. No person shall impair access to any part of the water works utility, and no person shall excavate, or pave or otherwise hard surface a driveway, on private or public property without first obtaining a water service locate from a water works employee or agent of the water works utility.
24. Any person who tampers with, alters, obstructs, removes, neglects, interferes with, or damages any water works utility equipment shall, in addition to any other penalty allowed by law, be held liable for the cost of repair to or the replacement of the equipment of the water works utility.

PART IV

CONNECTION TO WATER MAIN

25. No person shall make a water service connection to a municipal water main. The connection of a new water service, or replacing, or upgrading of an existing water service to the municipality's water main shall be made by a water works employee or authorized agent of the municipality, in accordance with the following:
 - a) Each property shall have a separate building water service provided with a separate stopcock or valve for turning on and shutting off the water.
 - b) The Director shall endeavor, where possible, to install a water service from the watermain to the curb stop where directed by the customer. However, in every case the Director shall have the right to determine the nature of the service connection required and the position and location in which such water service and other equipment and appliances shall be installed.
 - c) The size of a water service required for a single family dwelling shall be a minimum of 19mm inside diameter.

- d) The size of a water service required for multiple family, commercial, institutional or industrial uses shall be determined by the owner's engineer and be subject to the approval of the Director, provided however, that in no case shall such water service be less than a minimum of 19 mm inside diameter.
 - e) Where any variation from standard practice is permitted by the Director, any additional expense incurred by reason of such variation shall be borne and paid by the person applying for the water service.
26. The responsibility for repairing a broken or damaged water service, from the water main to the curb stop inclusive, shall rest with the Director.
27. The responsibility for repairing a broken or damaged water service, from the curb stop, exclusive of the curb stop, to the meter shall rest with the owner of the property.
28. The owner of the property shall repair a broken or damaged water service within fourteen (14) days of becoming aware of a break or damage to the water service or within another time frame as approved by the Director. Failure to do so shall result in the water being shut off to the property by the municipality until such repairs are carried out to the satisfaction of the Director.

PART V

CONNECTION TO A WATER SERVICE

- 29.1 No person shall make a connection to a water service, except as follows:
- a) An application for a water service connection shall be made in writing to the Director, through the Building Department, as provided for in Section 9, and Section 14, of this By-Law, prior to any work being commenced, including excavation.
 - b) The size of a water service required for a single family dwelling shall be a minimum of 19mm inside diameter.
 - c) The size of a water service required for a multiple family, commercial, institutional or industrial use shall be determined by the person's engineer and be subject to the approval of the Director provided however, but in no case shall such water service be less than 19mm minimum inside diameter.
 - d) All excavations required for the installation of a building water service shall be carried out by open trench unless otherwise approved by the Director. All pipes shall be installed according to municipal engineering standards and no back fill shall be placed until the work has been inspected and is deemed by the Director in compliance with this By-Law.

- e) The water service shall be separated from all other services, such as buried cables and sewer laterals, in accordance with the Ontario Building Code.
- f) The water service shall be laid upon a 150mm sand bedding or stone, at the discretion of the Building Department. The water service shall be covered with another 150mm of sand prior to compaction and back filling.
- g) The person applying for a water service connection shall give at least forty-eight (48) hours notice to the Building Department when the building water service will be ready for inspection and connection to the water service lateral. The connection shall be made under the supervision of the Building Department.
- h) No Person shall back fill a water service connection until it has been inspected and approved by the Building Department for back filling. Every water service connection shall be inspected by the Building Department prior to back filling.
- i) All excavations for a building water service connection shall comply with the *Occupational Health and Safety Act* R.S.O. 1990, c. O.1, as amended, and all Regulations made pursuant thereto, including but not limited to O.Reg. 213/91 as amended (ie. "Construction Projects"). If the Ministry of Labour determines that compliance with the aforesaid *Act* and *Regulations* has not been demonstrated, inspection of the water service will not be carried out until compliance is confirmed by the Ministry of Labour for the municipality, ensuring that it is safe for the Building Department to carry out its inspection duties.
- j) It is the owner's obligation to ensure the work site is maintained in a safe condition and the work site meets all applicable safety requirements.

29.2 If, in the opinion of the Ministry of Labour for the municipality, the work site is deemed unsafe, the inspection will be deferred until the site is deemed by him or her to be safe.

PART VI

WATER USE

- 30. No person shall sell or dispose of municipal potable water in any manner to other persons, firms or corporations without the consent of Council.
- 31. No person shall draw off or use any municipal water from any fire hydrant without the written consent of the Director. This restriction shall not apply to a municipal fire fighter where water is required for fire protection purposes.
- 32. No person shall use water supplied by the water works utility for the purpose of watering lawns and gardens except as permitted in By-Law #2002-25, and amendments thereto.

33. Notwithstanding the provisions of Section 32, Council hereby authorizes the Director to impose watering restrictions covering watering of lawns, gardens, and properties, filling of swimming pools or any other like uses when water in the water works utility is in the opinion of the Director in short supply. The said watering restriction shall take effect immediately upon notice of said watering restriction being given by the Director in the manner to be determined by the Director.
34. No Person shall fill or partially fill a swimming pool or other similar structure from a fire hydrant without first having obtained written approval of the Director to do so. The fee to be paid for such a permit shall be as described in Schedule "A".
35. Notwithstanding the provisions of Section 32, Council hereby authorizes the Parks and Facilities Department to water the infields of all baseball diamonds whenever necessary to control dust from the infields; and further authorizes watering of the Wasaga Beach Cemetery whenever necessary.

PART VII

WATER METERS

36. No person shall install a water meter except in accordance with the requirements of this By-Law.
37. Every municipal water connection after the date of passing this By-Law, shall be equipped with a water meter. Water supplied through the water meter to any land, building, or structure shall be charged at the applicable rate as described in Schedule 'A'.
38. For every change of use of a property within any class of water use, a water meter shall be installed in accordance with this By-Law and the water supplied shall be charged at the applicable rate as described in Schedule 'A'.
39. The Water Meter shall be maintained by and at the expense of the municipality.
40. No person, other than a water works employee, or person authorized by the Director, shall remove, alter or tamper with any component of the water meter, with the exception only of the meter valve which may be operated by the homeowner or qualified tradesperson to undertake any plumbing modifications or repairs necessary in the household.
41. No person shall willfully damage a water meter. Where a water meter has been damaged by frost or has been damaged by the actions of the owner or any other person, the owner shall be liable and pay to the municipality the cost of all repairs and replacements, including parts and labour, and all other costs arising from such

damage. Meters shall be repaired by a water works employee, or person authorized by the Director.

42. Upon a written request by an owner, the municipality may test any water meter at the expense of the owner at any reasonable time. If the meter is found to be inaccurate, the municipality shall adjust the water bills accordingly and reimburse the owner for the cost of testing the water meter.
43. Where the municipality has established that a water meter has failed to register accurately, the municipality shall estimate the quantity of water consumed during the failure, and the consumer shall be charged for water service and wastewater service accordingly. The recorded consumption prior to such failure will be the basis of estimating quantities consumed during the failure.
44. Meter size shall be as approved by the Director. The municipality shall supply water meters up to and including 25 mm in size. The owner shall pay the applicable fee for each meter that is required, along with inspection fees and other associated fees prior to the water meter being installed.

All water meters greater than 19 mm in size shall be approved by the Director and supplied and installed by the owner. All water meters to be as manufactured by Sensus metering Systems and shall include the FlexNet data transmitter. All water meters will become the property of the municipality upon installation and Public Works approval of the installation.

All water meters regardless of size shall have a valve installed on each side of the meter.

45. Where a water meter has failed for any reason, a water works employee, at the discretion of the Director, may temporarily replace the water meter and repair the original water meter at the municipality's cost. Once repaired the original water meter shall be reinstalled. Should the original water meter be beyond repair, a water works employee shall replace same with a new water meter at the municipality's cost. The municipality will not be responsible for the cost of repair or replacement of a water meter where it has been improperly installed, removed, altered, tampered with, damaged or neglected by any person in which case the owner shall be responsible for the cost of repair or replacement of the water meter.
46. Every water meter installation shall be inspected and approved by the Building Department prior to the occupancy of the premises.
47. No person shall install a water meter except as outlined below:
 - a) The water meter shall be installed on the water service directly after it enters the building and prior to the first tee of the interior water service;

- b) A shut off valve shall be installed first on the water supply line to any building. It shall be installed on the inside of the building within 150mm to 1200mm of the floor. A second shut off valve shall be installed such that the meter maybe removed for repair;
- c) The water meter shall be installed in accordance with municipal standards; and
- d) The data transmitter shall be installed on the exterior wall adjacent to the hydroelectric meter and shall be connected to the water meter by the meter wire. The data transmitter shall be installed at a height of 1.5 metres above finished grade, and at no time shall it be installed lower than 1.2 metres or higher than 1.8 metres above finished grade except upon the approval of the Director.

PART VIII WATER RATES AND FEES

- 48. Every person shall hire a contractor acceptable to the Director to install water service from the water main to the curb stop inclusive. The cost of installing each new water service, or replacing, or upgrading an existing water service from the water main, regardless where the water main is located, to the curb stop inclusive shall be borne by the owner of the property in which the water service is being installed. A road occupancy permit must be obtained prior to any work being initiated on any municipal rights-of-way and all applicable fees shall be paid by the owner.
- 49. Every person shall pay the fee as described in Schedule “A” for turning the water supply on or off to a private or public water service, other than a new water service.
- 50. The owner of a new house, who has paid a fee to the municipality for a water meter under Section 44, is responsible for the proper installation of the water meter in accordance with Section 47 of this By-Law.
- 51. Every owner shall pay a water meter activation fee as described in Schedule “A”.
- 52. No person shall water lawns, gardens or fill or partially fill swimming pools or other similar structures except during permitted times.
- 53. The prices, rates or charges for the use of water supplied to consumers from the said water works utility, and for the disposal of wastewater to a wastewater works, and any other costs or charges, for management, maintenance, installation or otherwise, in connection with or for supplying and collecting and treating same, (hereinafter called the “rates”), shall be determined from time to time by the municipality and may be varied from time to time, subject to the approval of Council.

54. No person shall use water from the water works utility without paying all rates including the rates chargeable for the supply of water under this By-Law (“water service rates”), and the rates chargeable for the discharge of wastewater (“wastewater service rates”), as described in Schedule “A”.
55. (a) Where any account for the installation of water service, for supplying and inspecting a water meter, for repairs, fittings and apparatus, for inspection or for any other service, matter or thing incurred and payable under the provisions of this By-Law in respect of any building or premises, is overdue and unpaid for more than thirty days after the date on which such account is due and payable, the Treasurer may cause a notice in writing to be sent by prepaid mail addressed to the consumer to whom it was furnished and to the owner of such building or premises, at their last known address according to the last revised assessment rolls of the municipality, notifying them that unless such account is paid within ten days after the date of the notice, the supply of water to such building or premises will be shut off and withheld, and if such account is not paid within the aforementioned period, the Treasurer shall advise the Director of such failure, who shall cause the supply of water to be shut off and withheld in accordance with the terms of the said notice.
- (b) Where any account for fees, rates, or other charges under the provisions of this By-Law in respect of any commercial, industrial, institutional or residential building or dwelling is overdue and unpaid for more than thirty days after the date on which such account is due and payable, the Treasurer shall cause a notice in writing to be sent by prepaid mail addressed to the consumer and to the owner of such building or dwelling, at his/her last known address according to the last revised assessment rolls of the municipality, notifying them that unless such account is paid within ten days after the date of the notice, the supply of water to such building or premises will be shut off and withheld, and if such account is not paid within the aforementioned period, the Treasurer shall advise the Director of such failure, who shall cause the supply of water to be shut off and withheld in accordance with the terms of the said notice.
- (c) The amounts payable under the terms of this By-Law to the municipality by a consumer for any commercial, industrial, institutional or residential building or dwelling is the responsibility of the consumer. The amount payable for all fees, rates, and charges established hereunder is a lien and charge upon the estate to interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of the person’s estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land.
- (d) The Clerk of the municipality shall, upon notice to him or her of the amount due and of the person by whom it is due and of the lands upon which a lien is claimed, enter the amount upon the collector’s roll and the collector shall proceed to collect

the amount from the goods and chattels and the estate or interest in the lands of the person liable in the same way, or as nearly as may be, as municipal taxes are collected.

- (e) The municipality before taking proceedings under Section 57, may itself distrain the goods and chattels of the person liable to pay for the amount due for any water service or wastewater service supplied to the person.
- (f) In the event that the municipality shuts off the supply of water, all fees, rates and penalties then in default are, nevertheless, recoverable and payable.
- (g) Where the supply of water cannot be shut off without shutting off the supply to other consumers who are not in default, the supply of water shall not be shut off, but the rents, rates and charges shall be, nevertheless recoverable.

PART IX

ENFORCEMENT

56. A Police Officer, Municipal Law Enforcement Officer and the Director of Public Works as designated by the Council of the Town of Wasaga Beach are hereby vested with the authority to enforce this By-Law.

PART X

PENALTY PROVISIONS

57. Where an Enforcement Officer believes that an offence as set out in subsection (1) has been committed by a person, the officer may commence proceedings against that person for the fine specified in subsection (1) for that offence, together with such additional cost and/or surcharge as may be required under the *Municipal Act* or Regulations made pursuant thereto.
- (1) The following are specific penalty offences, and every such offence is hereby designated a continuing offence for each day or part of a day that the offence continues:
- (a) No person shall fail to connect to the water service within one year of being issued a building permit, or for existing commercial, residential, institutional or other uses, within one year of the passage of this By-Law, contrary to Part II, section 2 of this By-Law; and then any person who contravenes this section of this By-Law is guilty of an offence, upon conviction is liable to a fine of \$1,000.00

- (b) No person shall make a connection to a water service except in accordance with Part V and Part VII of this By-Law; and then any person who contravenes this section of this By-Law is guilty of an offence, upon conviction is liable to a fine of \$1,000.00.
- (2) Despite the specific penalties prescribed in Section 57(1) of this By-Law, in the case of either a continuing offence or a multiple offence, the total of all such fines is not limited to the amount prescribed therein for a single offence.
- (3) Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.
- (4) Any Director or Officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this By-Law is guilty of an offence and, upon conviction is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.
- (5) In addition to any other penalty provided in this Section, every person upon conviction shall be required to make a fresh application in writing to the Director for the provision of water service and pay the required fee together with such application.

PART XI

SCHEDULES

58. Schedule "A", attached shall form part of this By-Law.

PART XII

VALIDITY AND SEVERABILITY

59. Every provision of this By-Law is declared to be severable from the remainder of the By-Law, and if any provisions of this By-Law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

PART XIII

EFFECTIVE DATE

60. This By-Law shall take effect upon its passing.

PART XIIV

REPEAL

61. By-Law #81-16 is repealed, effective as of the date of the passage of this By-Law.

Read a first, second and third time and finally passed this 10th day of March, 2009.



MAYOR


CLERK (Acting)

SCHEDULE “A” TO BY-LAW 2009- 23

1. Fees for turning the water supply on or off to a private or public water service, other than a new water service.

Water Turn-Off and Turn-On Fee For Non-Payment of Rates	\$ 60.00 + GST
Water Turn-Off – Normal Working Hours	\$ 30.00 each + GST
Water Turn-On – Normal Working Hours	\$ 30.00 each + GST
Water Turn-Off – Outside Working Hours	\$110.00 each + GST
Water Turn-On – Outside Working Hours	\$110.00 each + GST

2. Fee (Capital Contribution) for a 19 mm diameter water meter.

Total cost- \$ 300.00

Fees for meters greater than 19 mm in size but no greater than 25 mm in size will be determined at water connection permit application date.

3. Application for Water Connection Permit \$ 100.00
4. Water meter activation fee: \$ 20.00

5. Fees for filling a swimming pool:
\$0.50/m³ plus an administration fee based on staff time and equipment costs.

6. The owner or occupant of any premises to which water is supplied by the municipality shall pay the following rates whether such owner or occupants use the water or not:

a) **Water Service Rates and Wastewater Service Rates***

Effective April 1, 2009:

To be invoiced for one month commencing April 1, 2009 and bimonthly thereafter.

i) **Monthly Base Supply Charge (based on size of water service)**

Service Size	19 mm (.75")	25 mm (1")	40 mm (1.5")	50 mm (2")	63 mm (2.5")	75 mm (3")	100 mm (4")	150 mm and over (6")
Water	\$12.00	\$16.80	\$21.60	\$34.81	\$84.04	\$129.48	\$168.07	\$252.11
Wastewater	\$14.00	\$19.60	\$25.20	\$40.61	\$98.04	\$151.05	\$196.08	\$294.12

ii) **Consumption Charges (per m³)**

Water - \$0.42 (actual usage as determined by water meter)
Wastewater - \$0.69 (per cubic meter of water consumption)

b) **Incentive Rate**

- i) For residential consumers using municipal water without a water meter, the flat rate charge for both water and wastewater shall be \$802.00/year, effective June 1st, 2009. This rate shall increase to \$1,604.00/year, effective September 1, 2009.
- ii) For non-residential consumers using municipal water without a water meter, the flat rate charge for both water and wastewater shall be as noted effective June 1, 2009 and then September 1, 2009.

Monthly Base Supply Charge (based on size of service)

Service Size	19 mm (.75")	25 mm (1")	40 mm (1.5")	50 mm (2")	63 mm (2.5")	75 mm (3")	100 mm (4")	150 mm and over (6")
Water	\$12.00	\$16.80	\$21.60	\$34.81	\$84.04	\$129.48	\$168.07	\$252.11
Wastewater	\$14.00	\$19.60	\$25.20	\$40.61	\$98.04	\$151.05	\$196.08	\$294.12
Incentive Rate (June 1, 2009)	\$52.00	\$72.80	\$93.60	\$150.84	\$364.16	\$561.06	\$728.30	\$1092.46
Incentive Rate (September 1, 2009)	\$104.00	\$145.60	\$187.20	\$301.68	\$728.32	\$1122.12	\$1456.60	\$2184.92

- c) **Water Meter Bench Test** - \$25.00 deposit required – if the meter over registers, deposit is refunded and an appropriate adjustment will be made. If the meter tests correctly, or under registers, the deposit is forfeited to cover the cost of the test.
- d) **Interest Charge for Late Payment** – 1.25% cumulative monthly.
- e) **Penalty and Addition to Tax Rolls** - Pursuant to the *Municipal Act 2001*, S.O. 2001, c.25, Section 345 and Section 398, and O. Reg. 581/06, any amount unpaid on an account upon the due date which the accounts are rendered may be added to the tax rolls and charged 1.25% per month interest.

*Water Service Rates and Wastewater Service Rates for Supply and Consumption are based on full cost recovery as per the recommendations in the December 2008 Water & Wastewater Rate Study Report by Watson & Associates Economists Ltd.