



PUBLIC WORKS COMMISSION

DATE: October 18, 2016

REPORT NO. PW2016-066

TO: Chair and Members
Committee of the Whole – Operations and Administration

FROM: E. (Beth) Goodger, General Manager
Public Works Commission

1.0 TYPE OF REPORT

CONSENT ITEM [X]
ITEM FOR CONSIDERATION []

2.0 TOPIC

Public Consultation on Proposed Water Service Connection By-law
[Financial Impact - \$2,000] (PW2016-066)

3.0 RECOMMENDATION

THAT Report No. PW2016-066 titled “Public Consultation on Proposed Water Service Connection By-law” BE RECEIVED.

4.0 PURPOSE

The purpose of the report is to inform Council about the public consultation on the proposed Water Service Connection By-law.

The proposed Water By-law provides comprehensive measures to protect the City’s drinking water infrastructure and supply, while providing efficient and consistent service to residents and businesses.

The City currently has By-laws related to water conservation, backflow prevention and billing. There is no By-law in place to regulate the use and connection to City’s water distribution system. The proposed Water Service Connection By-law addresses this gap.

5.0 BACKGROUND

5.1 Existing Water By-laws

The City currently has By-laws that regulate water use during summer (water conservation), backflow prevention, fees for services provided by the City and billing. The following table provides details of those By-laws.

Table 1: Summary of Existing Water By-laws

By-law	Title	Purpose	Effective Date
Chapter 648	Water-Use-Regulation	Regulate water use during summer months and promote water conservation	2003
Chapter 649	Backflow-Prevention	Protect City's water supply from cross contamination due to backflow	2007
142-2015	Water Fees and Charges By-law	Provide fees for water services provided by the City	Approved Annually
52-2016	Water and Wastewater Billing and Collection Policy	Manage water and wastewater billing and collection matters	January 1, 2016

5.2 Need for the Proposed Water Service Connection By-law

The City currently does not have a By-law that regulates the use and connection to the City's water distribution system by water customers. The proposed By-law is needed for the following reasons:

- The Ministry of Environment and Climate Change (MOECC) recommended that the City implement a Water By-law that controls access to fire hydrants and the water distribution system to protect the drinking water supply.
- Installation of water services, fire hydrants and water meters must be undertaken as per the City's Water Construction Specification documents developed in accordance with the standard engineering and construction practices and the *Municipal Act, 2001, as amended*. Customers and contractors are required to follow the specifications through the development application and construction approval process. However, there are not enough administrative and enforcement tools to safeguard the system and provide water services effectively.
- The City strives to provide safe, consistent and economical water supply to its residents and having the proposed By-law establishes the practice of due diligence.

6.0 CORPORATE POLICY CONTEXT

Having a water By-law that regulates use of the City's water distribution system aligns well with the City's goal of "Excellence in Governance and Municipal Management" and its outcome of "Brantford will be recognized as a fiscally responsible and well-managed City that provides efficient and effective government services". The By-law further enhances the City's ability to provide safe, reliable and economical water services while maintaining and improving on the customer service provided to residents.

7.0 INPUT FROM OTHER SOURCES

This report along with the proposed By-law was circulated to the Legal and Finance Departments for comments which have been incorporated into this report.

Common practices adopted by various municipalities in the Province are incorporated into the proposed Water By-law.

8.0 ANALYSIS

The proposed Water By-law summarizes and formalizes various current practices, procedures and specifications and streamlines services provided to the public. It provides enforcement tools for access to water meters, inspection of installation water services and protection of the Water Distribution system. A copy of the proposed Water Service Connection By-law is attached to this report.

8.1 Items Governed by the Proposed By-law

The following items are governed by the proposed Water By-law:

- Installation and maintenance of water services
- Abandonment and disconnection of water services
- Use of fire hydrants by approved contractors for taking water for construction purposes
- Installation and maintenance of water meters by customers
- Use of bulk water station by contractors
- Use of private water system such as wells and rain water in such a way that it does not compromise the quality of City's drinking water
- Administrative and enforcement tools to effectively manage the water

- Infrastructure and supply

8.2 Impact of the Proposed Water By-law on Stakeholders

The proposed By-law affects all residential and business water account holders, property owners, builders and contractors.

Generally, most existing customers need not do anything and do not see any change in the water services they receive. One main change is that new customers will be required to submit a written application to set up an account. To simplify the process, an on-line application submission and approval process will be developed in cooperation with the IT Department.

The account holders are required to provide access to the water meter when requested for inspection, maintenance and replacement purposes. There are provisions for enforcement measures for unauthorized use of City water system.

Keeping in line with the City Council's mandate of providing excellent customer service, staff will continue to coordinate closely with residents and businesses to ensure that they are clearly informed of the requirements of the new by-law and positively engage with them in their efforts for compliance.

8.3 Public Consultation

Two public consultation meetings will be held, one for stakeholders and the other for all customers. The public consultation meeting dates and locations are provided below:

Stakeholder meeting for builders and contractors:

When: Wednesday, October 26, 2016 from 10 am to 12 Noon

Where: Caucus Room at City Hall

Public Information Center meeting (PIC) for all customers and public:

When: Wednesday, November 2, 2016 from 5 pm to 8 pm

Where: City Hall Main Foyer.

Staff will communicate the public consultation process to residents and businesses through multiple ways. The proposed Water By-law, public notice and frequently asked questions (FAQ) and other related documents will be posted on the City website. Notice of public consultation will be published in the news media. It will also be sent to the Brantford Chamber of Commerce and Brantford Home Builders Association.

8.4 Next Steps

The timeline from public consultation to approval of the By-law by Council are provided below.

Table 2: By-law Consultation and Approval Timeline

Item #	Task	Completion Date
1	Inform Council about public consultation	October 18, 2016
2	Public Meetings	October 26, 2016 November 2, 2016
3	Deadline for stakeholder comments	November 9, 2016
4	Revisions to proposed Water By-law	November, 2016
5	Report to Council for approval of the By-law	December 13, 2016
6	New Water By-law comes into effect	January 1, 2017

9.0 FINANCIAL IMPLICATIONS

The estimated cost for organizing the two public meetings is \$2,000. There will be no other financial impact as existing staff resources will be used for administration and enforcement of the By-law.

10.0 CONCLUSION

The proposed Water Service Connection By-law summarizes and formalizes various practices, procedures and specifications that have been in use regarding the installation, inspection and use of water services provided to the residents and businesses.

The By-law further enhances City's ability to provide safe, reliable and economical water services while maintaining and improving on the customer service provided to the residents.

The public consultation will allow the City to reach out to the stakeholders and the residents to inform and solicit feedback on the proposed By-law. The public input will be addressed accordingly and the proposed Water By-law will be submitted for Council approval.

S. Kongara, P.Eng.,
Director, Environmental Services

E. (Beth) Goodger
General Manager
Public Works Commission.

Attachments:

- Appendix1 – Proposed Water Service Connection By-law

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required yes no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no

Draft Water Service Connection By-law

Water Service Connection By-law

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Article 1
DEFINITIONS

1.1 Backflow Prevention Device – defined

“Backflow Prevention Device” means a device that prevents the flowing back of or reversal of the normal direction of flow of water.

1.2 City – defined

“City” means the City of Brantford and where an authority or discretion is conferred upon a City official under this by-law, means the appropriate official or representative of the City as designated or appointed under its governing by-laws, resolutions or policies from time to time.

1.3 City Service Valve – defined

“City Service Valve” means the valve (including a curbstop or a gate valve) on the City water service pipe owned and used by the City to control the water supply to a private water service pipe.

1.3 City Treasurer - defined

“City Treasurer” means the treasurer for the Corporation of the City of Brantford appointed pursuant to the *Municipal Act, 2001*, or designate.

1.4 City Water Service Pipe – defined

“City Water Service Pipe” means that portion of a water service pipe connecting the water main to the private water service pipe.

1.5 Contractor – defined

“Contractor” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the City to install or maintain water mains, City water service pipes, private water service pipes, fire hydrants and apparatus, equipment or accessories thereto.

1.6 CSA Standard – defined

“CSA Standard” means the document entitled *National Standard of Canada -CAN/CSA-B64.10-94 & Amendments - Manual for the Selection, Installation, Maintenance, and Field Testing of Backflow Prevention Devices – Plumbing Products and Materials – A National Standard of Canada* published in 1994 by the Canadian Standards Association, as amended.

1.7 Domestic Use – defined

“Domestic Use” means water used for drinking and all other use other than fire suppression

1.8 Dwelling Unit – defined

“Dwelling Unit” means a unit that consists of a self-contained room or set of rooms of the unit, that is used as a single housekeeping unit and has a means of egress to the outside of the building or structure in which it is located, which means of egress may be through another residential unit or common area.

1.9 Fees and Charges By-Law - defined

“Fees and Charges By-Law” means Schedule 2 of the City of Brantford’s annually updated Fees and Charges By-Law, as amended.

1.10 Fire service pipe– defined

“Fire Service Pipe” means a pipe that supplies water for the sole purpose of fire suppression.

1.11 General Manager – Defined

“General Manager” means the person designated by the City as the General Manager of Public Works Commission or his or her duly authorized designate and as the context requires, any person authorized to act at the General Manager's direction.

1.12 Inspection – defined

“Inspection” includes,

- (a) an audit,
- (b) physical, visual or other examination,
- (c) survey,
- (d) test, or
- (e) inquiry.

1.13 Meter Chamber – defined

“Meter Chamber” means a pit or enclosure for the purpose of containing a meter.

1.14 Occupant - defined

“Occupant” means a person residing on or in a property, a person entitled to the possession of the property if there is no other person residing on or in the property, and a tenant or leaseholder, and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation.

1.15 Owner – defined

“Owner” means a person who has any right, title, estate, or interest in a property, other than that of only an occupant and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any person with authority or power over or control of that property on behalf of an owner.

1.16 Person – defined

“Person” means a natural person, an association, a partnership or a corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

1.17 Private Fire Service Pipe - defined

“Private Fire Service Pipe” means a fire service pipe which is located on private property.

1.18 Private Water Main – defined

“Private Water Main” means a pipe that is located within a private property to which multiple private water service pipes are connected. A Private Fire Service Pipe may also be connected to this pipe.

1.19 Private Water Meter – defined

“Private Water Meter” means a water meter which is not owned, serviced or maintained by the City.

1.20 Private Water System —defined

“Private Water System” means an assembly of pipes, fittings, valves and appurtenances that convey water from the Private Water Service Pipe to water supply outlets, fixtures, plumbing appliances, devices, and appurtenances and all other points downstream of the water meter or downstream of the point where the Private Water Service Pipe enters a building or structure if there is no water meter.

1.21 Private Water Service Pipe – defined

“Private Water Service Pipe” means that portion of a Water Service Pipe which is located on private property from the property line up to the Water Meter.

1.22 Remote Readout Unit – defined

“Remote Readout Unit” means any device which is used to record or transmit, or both, the water consumption reading of a Water Meter and may be installed at a separate location from the Water Meter but does not include the water meter register.

1.23 Road Allowance – defined

“Road Allowance” includes a common and public highway including a portion of a highway as highway is defined in the *Municipal Act, 2001*, as amended from time to time.

1.24 Source Water – defined

“Source Water” means untreated water from streams, lakes or underground aquifers that is used to supply private and public drinking water systems.

1.25 Shut-Off Valve – defined

“Shut-Off Valve” means the valve on the Water Service Pipe or Private Water Main owned and used by the City to control the water supply from the City’s Water Distribution System to a Private Water Service Pipe.

1.26 Standards and Specifications – defined

“Standards and Specifications” means standards and specifications governing the design and construction of the City’s Water Distribution System as prescribed by the General Manager from time to time.

1.27 Streetline – defined

“Streetline” means the boundary of a property that adjoins a Road Allowance.

1.28 Temporary Water Service Connection - defined

“Temporary Water Service Connection” means a Water Service Connection to the Water Distribution System for the purpose of supplying water for the construction of a structure, or any other temporary purpose as may be approved by the General Manager, intended to be temporary and removed upon completion of the structure or other temporary purpose.

1.29 Water Distribution System – defined

“Water Distribution System” means the part of the City’s drinking water system that is used in the distribution, storage or supply of water, including all hydrants, valves, water service connections, City Water Service Pipes and appurtenances, but does not include plumbing to which the *Building Code Act*, 1992, or any amendments thereto apply.

1.30 Water Main – defined

“Water Main” means a water pipe owned by the City that delivers water to a City Water Service Pipe or a Private Water Main or a Private Water Service Pipe.

1.31 Water Meter – defined

“Water Meter” means an apparatus at a property that measures and records the quantity of water passing through it and is owned, read, serviced, maintained and supplied by the City.

1.32 Water Service Connection – defined

“Water Service Connection” means the point of connection of any City Water Service Pipe or Private Water Service Pipe to any Water Main or Fire Service Pipe before the Water Meter.

1.33 Water Service Pipe – defined

“Water Service Pipe” means the water pipe, fittings and related appurtenances that convey water from the Water Main through the pipe to the Water Meter, and it includes the City Water Service Pipe and the Private Water Service Pipe.

1.34 Water Service– defined

“Water Service” includes a Water Service Connection, a Water Service Pipe, a Private Water Main, or a Fire Service Pipe and related appurtenances.

**Article 2
Administration**

2.1 The administration of the City’s Water Distribution System and this by-law shall be under the jurisdiction of the General Manager.

- 2.2 The General Manager shall establish and amend forms, Standards and Specifications under this by-law as may be required from time to time.
- 2.3 The administration of Water Meter reading, accounting, billing and collection shall be under the jurisdiction of the City Treasurer.

Article 3
Water Services

3.1 Application for Water Supply

- 3.1.1 A new Water Service Connection shall be eligible to be connected to the Water Distribution System subject to the following:
 - (a) The Water Distribution System must have adequate capacity and pressure, as determined by the General Manager, in a Road Allowance or easement abutting a principle boundary of the property to be served; and
 - (b) The property to be served must be within the City, unless a service agreement between the City and the other municipality is in effect for areas outside the geographic limits of the City.
- 3.1.2 To install, replace or alter a water service, a person shall make application for a Water Service Connection permit authorizing the permit holder to make a Water Service Connection to the Water Distribution System and shall pay to the City all applicable fees, deposits and charges, as outlined in the City's Fees and Charges By-Law, as amended.
- 3.1.3 Any application for a Water Service Connection permit shall be accompanied by such supporting documents as may be required by the General Manager to determine if the application is in accordance with the Standards and Specifications and the requirements of this by-law.
- 3.1.4 If a water service is found to be activated prior to installation of a Water Meter, the owner will be billed for the monthly service charge from the date of the water service inspection and in addition, the General Manager may bill for the estimated water volume that may have been used from the date of water service inspection, taking into consideration the size of the service and water pressure, in accordance with the City's Fees and Charges By-Law, as amended.
- 3.1.5 The location, material type, size and other specifications as the City's Standards and Specifications of all Water Service Pipes shall be approved by the General Manager prior to installation through the permit process.

- 3.1.6 Upon approval of the application by the General Manager, all costs for that Water Service Connection, including the cost of the new Water Meter, shall be at the sole expense of the owner.
- 3.1.7 Each property shall be permitted one water service unless otherwise approved by the General Manager.
- 3.1.8 Notwithstanding subsection 3.1.6, to install, replace or alter a water service on a property containing multiple Dwellings Units each of which has direct frontage and faces a street, the owner shall have a separate water service that extends generally perpendicular from the watermain to each Dwelling Unit.

3.2 Installation and Inspection

- 3.2.1 Upon approval by the General Manager of an application submitted under subsection 3.1.2, the water service shall be installed by the Owner, at the Owner's sole expense, in accordance with all applicable law and the Standards and Specifications.
- 3.2.2 The Owner of the property shall ensure the installation of the Water Service Connection, Water Service Pipe, Private Water Main, or Fire Service Pipe is inspected and approved by the City prior to the provision of a Water Meter.
- 3.2.3 Meter Chambers shall be constructed and maintained in accordance with the City's current Standards and Specifications.
- 3.2.4 In the event that a Person installs or permits to be installed a water service in a manner other than as provided for in this by-law, the General Manager may require the Owner of the property to re-excavate the installation for the purpose of inspection and testing and, if necessary, require the Owner to re-install the same in compliance with this by-law, all at the expense of the Owner.
- 3.2.5 If the General Manager determines, after an inspection and testing or otherwise, that a water service has not been installed in accordance with this by-law, the General Manager may direct the Owner of the property to perform whatever remedial work that may be required to comply with this by-law at the expense of the Owner.
- 3.2.6 Where the Owner fails or refuses to perform the remedial work under required by subsection 3.2.5, the General Manager may:
 - [1] Order the Owner to perform whatever remedial work may be required to bring the Water Service Connection, as the case may be, into complete compliance with the Standards and Specifications and this by-law; or
 - [2] Disconnect the Water Service Connection from the Water Distribution System; or

[3] Both Subsection 3.2.6 [1] and [2].

3.2.7 Upon a disconnection by the General Manager under 3.2.6 [2] and [3], the Owner shall not reinstall the Water Service Connection except:

[1] Upon the prior written approval of the General Manager;

[2] Upon the payment of all fees and charges payable to the City in respect to the disconnection; and

[3] In complete compliance with the Standards and Specifications and this by-law.

3.2.8 No person shall install or cause the installation of a Water Service Connection within any Road Allowance, City easement or other City land, save and except an authorized employee, agent or contractor of the City or a person expressly authorized to do so by a written agreement with the City.

3.2.9 If an Owner wants to connect to a City Water Main or to connect to a City Water Service Pipe that is located within an easement, the General Manager shall approve the location of the City Service Valve.

3.3 Booster Pumps

3.3.1 No booster pump or other boosting device shall be connected to the Water Service Pipe that causes a negative pressure on the water supply.

3.4 Replacement of the City Water Service Pipe

3.4.1 If the Owner of a property wants to replace the Private Water Service Pipe the Owner may apply to the City to have the City Water Service Pipe connected to the Private Water Service Pipe also replaced.

3.4.2 A City Water Service Pipe may be replaced at the City's expense pursuant to the City's Standards and Specifications under the following conditions:

[1] The property is zoned for residential use pursuant to the City's Zoning by-law 160-90;

[2] The City Water Service Pipe must be deemed by the General Manager to not meet the City's Standards and Specifications;

[3] The Private Water Service Pipe connected to the City Water Service Pipe has already been replaced in accordance with this by-law.

- 3.4.3 Despite applying to the City pursuant to subsection 3.4.1 and despite being eligible for replacement in accordance with subsection 3.4.2, the General Manager may require the replacement of the City Water Service Pipe to occur as part of the municipal road reconstruction program.

3.5 Maintenance of Existing Water Service Connection

- 3.5.1 The Owner of a property shall maintain the water service on private property in good working order at the Owner's expense.
- 3.5.2 Every property Owner shall repair any and all leaks, defects or malfunctions with the Private Water Service Pipes or Private Fire Service Pipe and related appurtenances, within 7 days of notification after becoming aware of any such leak, defect or malfunction.
- 3.5.3 In the event that the Owner of a property fails or refuses to repair any and all leaks, defects or malfunctions outlined in section 3.5.2, the General Manager may issue an order to the Owner to undertake such repairs immediately.
- 3.5.4 If an order is issued under subsection 3.5.3, the Owner shall pay the amount specified in Fees and Charges By-law, with respect to any estimated volume of water not registered by a Water Meter or for any water loss that is estimated to occur each day an order of the General Manager under 3.5.3 is not complied with.
- 3.5.5 Despite subsection 3.5.4, where the Owner can provide, to the satisfaction of the General Manager, an accurate record of the actual water lost as a result of the leak, defect or malfunction, the amount payable shall be equal to the amount so recorded to the satisfaction of the General Manager.
- 3.5.6 Reinstatement of water supply may be refused unless the repair has been inspected and approved by the City.
- 3.5.7 The City may at any time discontinue the water supply for purposes of maintenance, repairs, and alterations to the Water Distribution System.

3.6 Frozen Water Service Pipe

- 3.6.1 Every Owner of a property shall ensure that all Private Water Service Pipes, Private Water Mains and Private Fire Service Pipes on that property are protected from freezing.
- 3.6.2 An Owner shall be responsible for any damage, water loss or water discharge incurred as a result of a leak in any frozen Private Water Service Pipe, Private Water Main or Private Fire Service Pipe or any related appurtenances on that Owner's property.
- 3.6.3 The thawing of any frozen water pipe shall be the Owner's responsibility.

3.6.4 Where, upon the Owner's request, the City assists the Owner in the thawing of frozen pipes on that Owner's property, all work performed by the City to assist the Owner in that regard shall be performed at the Owner's risk and the Owner shall have no claim whatsoever against the City by reason of that work and shall compensate the City for any such expense it may incur in providing such assistance, in accordance with the Fees and Charges By-Law as amended.

3.6.5 The Owner shall be responsible for all costs, including inspection fees and the estimated value of lost water, not registered by a Water Meter.

3.7 Water Supply Activation / Shut Off

3.7.1 Except in cases of emergency, no Person shall activate or shut off or permit the activation or shut off of the water supply to a property without the authorization of the General Manager.

3.7.2 Except in cases of emergency, the Owner of a property shall make a request to the General Manager in advance of the date on which the Owner requires a temporary or permanent shut off or activation of the water supply to a property.

3.7.3 In the event that the property is occupied by tenants, the Owner shall also provide the tenants and the Brant County Health Unit with notice of the water shut off at the same time as the Owner makes a request for shut off to the General Manager under 3.7.1.

3.7.4 [1] The Owner of the property shall make an appointment with the General Manager so that the General Manager may attend the property and shut off or activate the water supply.

[2] The Owner or the Owner's representative shall attend at the property at the time of the appointment to ensure the General Manager has access to the property.

3.7.5 If the Owner of a property makes a request to the City to activate water to a vacant property, the City shall assume no liability for any resulting water damage to the property that may occur.

3.8 Water Shut Off Initiated by the City

3.8.1 The General Manager may shut off or reduce the supply of water to a property if:

[1] The charges, fees or rates imposed by this by-law, the Fees and Charges By-Law or any other City by-law providing for charges, fees or rates in relation to the supply of water are overdue;

[2] A fine imposed under this by-law remains unpaid after the time provided for payment of the fine has expired;

- [3] Access to the City in order to read or service or replace the water meter has been obstructed or denied;
 - [4] The Owner has failed to comply with an order of the General Manager made under this by-law within the time required for same;
 - [5] A leak or other fault is found on the Private Water Service Pipe or Water Service Connection or Fire Service Pipe and is creating or is likely to create an emergency situation or result in substantial loss of water, including but not limited to injury to persons or damage to property, and the City may keep the supply of water to a property shut off until the time that the leak or fault is completely repaired;
 - [6] The General Manager determines that an immediate threat of contamination to any part of the Water Distribution System exists that may endanger public health or safety, for the purposes of preventing, limiting or containing any such threat of contamination;
 - [7] Any other situation where the City lawfully decides to cease supplying water.
- 3.8.2 In the event that water has been shut off for any reason provided in this by-law or applicable laws, the City shall not be required to restore the supply of water to a property until all outstanding fines, charges, fees and rates in arrears in relation to the supply of water have been paid in full, and all orders of the General Manager and requirements of this by-law or applicable laws have been complied with.
- 3.8.3 The City shall not be liable for damages or loss caused by the interruption or reduction of the water supply to the property of any person as a result of any of the conditions specified under section 3.8.1.

3.9 Application for Temporary Water Supply

- 3.9.1 No person shall make a Temporary Water Service Connection to the Water Distribution System without first obtaining a Temporary Water Service Connection permit. This requirement does not apply to City road reconstruction projects and to City water division operations.
- 3.9.2 To obtain a Temporary Water Service Connection Permit, a person shall submit an application, complete with supporting documents. The applicant shall pay all applicable fees, deposits and charges, as outlined in the City's Fees and Charges By-Law, as amended.
- 3.9.3 All Temporary Water Service Connection permits are subject to the approval of the General Manager.

- 3.9.4 A Temporary Water Service Connection made to the City fire hydrant or Fire Service Pipe shall:
- [1] be approved by the Brantford Fire Department;
 - [2] be permitted to a maximum period of 6 months, unless extended by the General Manager;
 - [3] not be used for human consumption;
 - [4] be inspected and approved by the City;
 - [5] be equipped with a temporary Water Meter of an appropriate size as determined by the City;
 - [6] be equipped with an approved backflow prevention device supplied by the applicant and tested as per the CSA Standard B-64.10, as amended, upon installation; and
 - [7] be protected from cold weather and frost damage and vandalism;
- 3.9.5 Where a Temporary Water Service Connection supply is intended for domestic use, a Temporary Water Service Connection to a City Water Main or City Water Service Pipe may be allowed under the following conditions:
- [1] The Temporary Water Service Connection is installed as per sections 3.1 and 3.2 and maintained as per section 3.3 of this by-law unless otherwise approved by the General Manager;
 - [2] Applicable security deposit is paid as per the Fees and Charges By-Law.

3.10 Disconnection of Water Service

- 3.10.1 The Owner of a property shall disconnect all Water Service Connections that are no longer in use at the Owner's expense. The General Manager shall determine the conditions upon which the disconnection shall be approved.
- 3.10.2 The Owner is required to obtain a water service disconnection permit prior to the demolition of any building.
- 3.10.3 A deposit and inspection fee must be paid along with the permit application for the disconnection of the Water Service Connection, as per the Fees and Charges By-Law.
- 3.10.4 The Owner shall provide access to the City to obtain the final Water Meter reading and recover the Water Meter and remote readout unit.
- 3.10.5 Despite issuance of a water service disconnection permit, the Owner may decide to use the existing Water Service Connection at the property provided it meets the City's Standards and Specifications.
- 3.10.6 In the event the Owner decides to use the existing City Water Service Pipe the deposit paid under section 3.10.3 may be refunded upon request by the Owner and

verification by City inspection that the Private Water Service Pipe and Water Meter have been installed in accordance with this by-law.

- 3.10.7 If the Owner does not complete all works to use the existing City Water Service Pipe within one year from the date of the issuance of the water service disconnection permit, the deposit paid under section 3.8.3 shall be applied towards costs incurred by the City disconnect the Water Service Connection.

3.11 Building Demolition

- 3.11.1 No Person shall demolish a building, or permit a building to be demolished until the final Water Meter reading is obtained and the Water Meter and remote readout unit are recovered by the General Manager.
- 3.11.2 An Owner who has received a permit to demolish a property shall notify the General Manager in writing at least seven days in advance of the date on which the water supply to the property is no longer required and shall make an appointment with, and provide access to, the General Manager to enable the General Manager to take a final Water Meter reading and to remove the Water Meter and the remote readout unit from the property and turn off the water supply at the City Service Valve.
- 3.11.3 The Owner or the Owner's representative shall be present at the property when the final Water Meter reading is taken, the Water Meter is removed and the water supply is turned off.
- 3.11.4 The Owner shall pay all applicable fees in accordance with the Fees and Charges By-law related to the disconnection of the water service from the Water Distribution System in accordance with 3.10.
- 3.11.5 In the event an Owner fails to provide access to a property prior to the demolition of a building or structure on the property, in accordance with 3.11.2, the Owner shall pay to the City an amount equal to the cost of a new Water Meter and remote readout unit of the same type and size as was unable to be recovered by the General Manager from the property in accordance with the amounts specified in the Fees and Charges By-law.
- 3.11.6 In addition to the amounts payable under 3.11.2, the Owner shall also pay the amount of water consumption, from the last Water Meter reading date to the date of disconnection of the Water Service Connection from the Water Distribution System, estimated by the City Treasurer in accordance with the Fees and Charges By-law.

Article 4

Private Fire Services

- 4.1.1 The City shall supply water to a Private Fire Service Pipe at such pressure, and at such rates of flow, as may be available from time to time.

- 4.1.2 Water supplied to a property through a Private Fire Service Pipe shall only be used for the purpose of fire suppression and not any other purpose, unless otherwise approved by the General Manager.
- 4.1.3 The City shall not be responsible for any damage in any manner arising out of the insufficient supply of water or inadequate water pressure at any private fire hydrant or private fire suppression system.
- 4.1.4 A Private Fire Service Pipe shall be installed, inspected and maintained in accordance with Article 3 of this by-law.
- 4.1.5 The Owner or Occupant must obtain approval of the General Manager prior to testing a private fire suppression system or private booster fire pump.
- 4.1.6 The Owner must report any use of unmetered water for the purpose of testing the private fire suppression system within 14 days of testing.

**Article 5
City Fire Hydrants**

5.1 Use of City Fire Hydrants

- 5.1.1 No Person except those authorized by the General Manager or Chief of the Fire Department of the City shall be permitted to open or close or otherwise interfere with or operate a City fire hydrant or use or cause or permit the use of water from a City fire hydrant.
- 5.1.2 Water that is supplied to a City fire hydrant shall only be used for fire suppression or municipal operations and no other purpose unless otherwise approved by the General Manager.

5.2 Obstruction of City Fire Hydrants

- 5.3.1 No Person shall cause or place, and no Owner or Occupant shall permit, any obstruction or encroachment, in front of or within 1 meter of any side of a City fire hydrant.
- 5.2.1 If a Person fails to provide the clear unobstructed access to the City fire hydrant within the period specified by the General Manager, the General Manager may remove any and all obstructions and the person shall pay to the City all costs associated with the removal of those obstructions.

5.3 Fire Hydrant Flow Test

- 5.3.1 A Person may submit an application on the prescribed City form to the General Manager to conduct a City fire hydrant flow test to determine the characteristics of the local Water Distribution System.
- 5.3.2 A City fire hydrant flow test shall be conducted by the Person with the assistance of City personnel and on such other terms and conditions, including indemnification of the City, as may be required by the General Manager, from time to time, and identified on the permit.
- 5.3.3 A Person requesting a City fire hydrant flow test shall pay in advance of the test the amount specified in the Fees and Charges By-law, in respect of the permission and assistance of the City with respect to the performance for the test and shall supply the General Manager with a copy of the City fire hydrant flow test results promptly upon the completion of the test.
- 5.3.4 The City fire hydrant flow test results to be provided to the General Manager under 5.3.3 shall include the date, time, location and duration of the City fire hydrant flow test.

5.4 City Fire Hydrant Relocation

- 5.4.1 A Person may apply to the General Manager for the relocation of a City fire hydrant. In addition to the application form, a Person must submit a drawing showing the proposed new location of the hydrant together with written consent from the neighbouring property owners.
- 5.4.2 The General Manager may consider the following factors when determining whether approval will be granted, including but not limited to:
 - [1] Accessibility of proposed location;
 - [2] Approval from the Fire Department;
 - [3] Hydrant location must be on the City right-of-way a minimum of one meter away from the property line
 - [4] All construction methods and materials must be in compliance with the City's water specifications and standard drawings.
- 5.4.2 If the General Manager approves the relocation in accordance with the standards and specifications, the Person shall pay all costs incurred by the City, in relation to the relocation of the City fire hydrant, and shall pay the amount of the deposit as specified in the Fees and Charges By-law prior to the relocation of the City fire hydrant by the City.

**Article 6
Meters**

6.1 Water to be metered

6.1.1 No Owner shall fail to have a Water Meter installed and in use at that Owner's property where that property is supplied with water by the City.

6.1.2 Each Private Water Service Pipe shall be separately metered.

6.2 Supply and Payment for Water Meters

6.2.1 The City shall supply Water Meters when required by the City Standards and Specifications for buildings to which a Water Service Connection is provided including the following:

[1] Connection fittings, gaskets and flanges for meters up to and including 50 mm; and/or

[2] Strainers, bolts and gaskets for meters over 50 mm.

6.2.2 The City shall be the sole supplier of all Water Meters registering consumption of water supplied and billed by the City.

6.2.3 The City shall retain ownership of all Water Meters, strainers and connection fittings including the water meter flanges supplied by the City. All other Private Water Service Pipes and appurtenances are the responsibility of the Owner.

6.2.4 The Owner shall pay the amounts specified in the Fees and Charges By-law for supply and installation of Water Meters.

6.3 Installation and Inspection of Water Meter

6.3.1 No Person shall install a Water Meter other than as required by this by-law unless otherwise authorized in writing by the General Manager.

6.3.2 Water Meters for new or renovated buildings shall be installed by the City where the size of the Water Meter is less than or equal to 25mm, in accordance with the Standards and Specifications.

6.3.3 Water Meters, including strainers, valves and Water Meter by-pass arrangements where required, for new or renovated buildings shall be installed by the Owner where the size of the water meter is greater than 25mm, in accordance with the Standards and Specifications.

- 6.3.4 Every Owner required to install a Water Meter under section 6.3.3 shall install a Water Meter on that Owner's property in a secure location within 14 days of receiving it from the City.
- 6.3.5 Despite any other provision of this by-law, the Water Meter, conduit and wire for the remote readout unit shall be installed prior to occupancy of a new or renovated building or part thereof.
- 6.3.6 Except as otherwise provided for in this by-law, the water supply to a property will not be activated until the General Manager has inspected and sealed the Water Meter installed at the property as set out in this section and the Owner has paid the applicable inspection fee at the applicable fee set out in the Fees and Charges By-Law.
- 6.3.7 In the event that the water supply to a property has been activated prior to the General Manager's inspection and sealing of the Water Meter at the property, the General Manager shall be entitled to shut off the supply of water to the property.

6.4 Size of Water Meter

- 6.4.1 The Owner shall provide information to the satisfaction of the General Manager regarding the consumption and peak domestic flow rates required for the property.
- 6.4.2 The General Manager shall determine the size of the Water Meters to be supplied to a property having regard to the consumption and flow rates required by the Owner, based on the information supplied by the Owner.
- 6.4.3 The City may require a change in Water Meter size when past usage indicates the Water Meter is operating above or below the Water Meter's rated design capacity.
- 6.4.4 Where a Water Meter is changed to a larger Water Meter, the Owner shall pay for the costs of installation and the cost difference between the smaller Water Meter and the larger Water Meter.
- 6.4.5 Where a Water Meter is changed to a smaller Water Meter, the Owner shall pay for the costs of installation.

6.5 Water Meter By-Pass Piping

- 6.5.1 The General Manager may require the Owner of a property which is not a Dwelling Unit, containing a Water Meter, to supply, install and maintain in good working order a by-pass pipe and valves in accordance with the Standards and Specifications, at the Owner's sole cost.
- 6.5.2 The by-pass pipe and valves to be supplied and installed by the Owner in accordance with 6.5.1 shall be configured so as to permit the testing, repair or replacement of the Water Meter without an interruption of the water supply.

6.6 Water Meter Chamber

6.6.1 If the General Manager is of the opinion that

- [1] a Water Meter cannot be located inside a building or structure in accordance with the Standards and Specifications or a Private Water Service Pipe; or
- [2] if the distance between the streetline and the location where the Water Meter would be located inside the building or structure is greater than 30 metres beyond the streetline,

the Water Meter shall be installed in a water meter chamber constructed by the Owner, in accordance with the Standards and Specifications, at the Owner's expense.

6.6.2 Where required under 6.6.1, a water meter chamber design and location shall be approved by the General Manager prior to construction.

6.6.3 No Person shall obstruct nor permit the obstruction of a water meter chamber.

6.6.4 To facilitate the reading of the Water Meter, the General Manager may require the Owner to prepare the water meter chamber cover for the installation of a chamber cover type remote device in accordance with the Standards and Specifications for Water Meters, at the Owner's sole expense.

6.6.5 If the General Manager determines that a chamber cover type remote readout unit is not appropriate for a location, the General Manager may:

- (a) Require the Owner, at the Owner's expense, to install a mounting post and plate to accommodate the remote readout unit at a location satisfactory to the General Manager; or
- (b) Determine the appropriate type and location of the remote readout unit and the Owner shall install that unit at the Owner's expense, all in accordance with the Standards and Specifications.

6.7 Remote Readout Unit and Remote Readout Unit Wire

6.7.1 For each Water Meter at a property, the City may provide each metered property with a Remote Readout Unit or units and a wire for each Remote Readout Unit or units.

6.7.2 The City shall be the sole supplier of Remote Readout Unit and wires to each property.

6.7.3 Ownership of the Remote Readout Unit (s) and wires shall remain with the City.

- 6.7.4 Where the Water Meter is equipped with a Remote Readout Unit of any type and a discrepancy occurs between the reading at the register of the Water Meter and the reading of the Remote Readout Unit, the reading at the Water Meter shall be deemed to be correct, and customer's account will be adjusted accordingly.
- 6.7.5 The Owner of a property shall protect the Remote Readout Unit and wire from damage.
- 6.7.6 The Owner of a property shall supply and install a metallic electrical quality conduit, which complies with the City Standards and Specification, to contain the Remote Readout Unit wire in accordance with the Standards and Specifications for new buildings or renovated buildings or properties where the Remote Readout Unit wire has become damaged.
- 6.7.7 The City, at the Owner's sole expense, using wire supplied by the City, shall install the Remote Readout Unit wire for new installations at new or renovated properties or replace any damaged Remote Readout Unit wire in accordance with the Standards and Specifications.
- 6.7.8 Where the General Manager determines at his or her absolute discretion that the installation of the Remote Readout Unit wire in accordance with subsection 6.7.7 falls outside the scope of a routine installation, the Owner of the property shall install the Remote Readout Unit in accordance 6.7.7.
- 6.7.9 The General Manager shall inspect and connect the new wire or Remote Readout Unit installation, and the Owner of the property shall provide access to the General Manager to the property to permit the General Manager to do so.
- 6.7.10 An Owner of the property shall ensure that the Remote Readout Unit is easily accessible to the General Manager at all times, and at no time shall access to it be obstructed.
- 6.7.11 The General Manager shall only approve the relocation of a Remote Readout Unit if the proposed location is in compliance with the Standards and Specifications.
- 6.7.12 The Owner of the property shall pay all costs associated with the relocation of a Remote Readout Unit.

6.8 Water Meter Loss or Damage

- 6.8.1 Every Owner shall be responsible for any loss or damage to every Water Meter on that Owner's property including any damage from freezing.
- 6.8.2 If a Water Meter is lost or damaged, the Owner shall immediately notify the City and pay the amounts specified in the Fees and Charges By-law, for the replacement cost of the Water Meter, strainer, connection fittings, hardware, and flanges.

6.9 Seasonal Water Service Connection and Meter

- 6.9.1 If an Owner requires a permanent Water Service Connection that will be used only for a certain time period in each year, that is the same time period from year to year, the Owner may submit an application on the prescribed City form to the General Manager for a seasonal Water Meter and seasonal water service connection.
- 6.9.2 The Owner shall pay all costs associated with the installation, removal and administrative costs of that seasonal Water Meter and seasonal water connection as set out in The Fees and Charges By-law.
- 6.9.3 The initial installation of a seasonal Water Meter shall be done by the Owner, at the Owner's sole expense.
- 6.9.4 All removals of a seasonal Water Meter and subsequent installations, if any, shall be done by the General Manager.
- 6.9.5 Seasonal Water Meters shall be installed in a seasonal Water Meter chamber in accordance with the Standards and Specifications or as otherwise approved in writing by the General Manager.
- 6.9.6 The Owner shall be solely responsible for the installation and maintenance of the seasonal Water Meter chamber.

6.10 Access to the Water Meter

- 6.10.1 Every Owner and Occupant shall, at reasonable times and on reasonable notice, permit the General Manager to have free, clear and unobstructed access to that person's property and to the location where a Water Meter is to be installed in or on that property or to permit the General Manager to test, read, repair, maintain, alter, disconnect, remove, replace or install a Water Meter or seal a Water Meter which has been installed.
- 6.10.2 Without limiting the generality of 6.10.1, the location of a Water Meter, including but not limited to any necessary stop and waste valve, shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- 6.10.3 When requested by the General Manager, an Owner or Occupant shall remove any insulating, or other material from, on or around a Water Meter in order to provide the General Manager with full, unobstructed access to the Water Meter and any necessary appurtenances to complete the test, read, repair, maintenance, alteration, disconnection, removal, replacement or installation.
- 6.10.4 Any replacement of the material referenced in 6.10.3 shall be done by the Owner at the Owner's sole expense in accordance with the Standards and Specifications for Water Meters and all applicable law.

6.10.5 As part of an inspection, the General Manager shall at all times be permitted to take photographs, including digital images, of any Water Meter, private water meter, by-pass pipe and valves, inlet and outlet valves, backflow prevention device, private water system, Private Water Service Pipe, Private Fire Service Pipe or water meter chamber.

6.11 Water Meter Interference Prohibited

6.11.1 No Person, except a Person authorized by the General Manager, shall open, or in any way alter or tamper with any Water Meter or seal or do anything which may interfere with the proper registration of the quantity of water that passes through a Water Meter or ought to pass through a Water Meter.

6.11.2 Upon discovering that a Water Meter has been tampered with or a bypass pipe has been used without authorization, the Owner shall pay for the water as follows:

[1] The volume of water taken shall be estimated by the General Manager; and

[2] The customer shall pay for the estimated volume of water in 6.11.2 [1] as per the Fees and Charges By-law, as amended.

6.11.3 No Person shall connect or permit to be connected, any pipe or other thing to a Private Water Service Pipe upstream of a Water Meter or the by-pass pipe and valves.

6.11.4 If the General Manager determines that a seal on a by-pass valve or a Water Meter has been tampered with or is broken, the General Manager may chain and lock the by-pass valve in the closed position and may reseal the Water Meter.

6.11.5 If the General Manager determines that a seal on a by-pass valve or a Water Meter has been tampered with or is broken, the General Manager may order that the by-pass pipe be removed and that the Water Service Pipe be inspected by City in accordance with the applicable inspection fees set out in the Fees and Charges By-Law.

6.12 Maintenance of Water Meter Appurtenances and Piping

6.12.1 Every Owner shall maintain all plumbing including all piping, by-pass arrangements, fittings and valves to and from and around a Water Meter, including but not limited to a Stop and Waste Valve, in good working order and shall replace and repair them as necessary in accordance with the standards and specifications. Owners shall not be responsible for maintaining the Water Meter or strainer.

6.12.2 To allow for proper flow of water or maintenance of equipment, the General Manager may require an Owner to install, or cause to be installed, the proper

valving arrangement in respect of the Owner's plumbing on the property in accordance with the Standards and Specifications at the Owner's sole expense.

- 6.12.3 Every Owner shall, at reasonable times, permit the General Manager to inspect the Private Water Service Pipe, internal plumbing or piping, Private Water System, Private Fire Service Pipe, or the inlet, outlet, flushing, drainage and by-pass valves on piping adjacent to or around the Water Meter.
- 6.12.4 If the General Manager determines that the condition of a Private Water Service Pipe, Private Fire Service Pipe, private water system or valves on piping adjacent to the Water Meter prevents the Water Meter from being properly or safely tested, calibrated or repaired in place or removed for the purpose of testing, replacing or repairing, the Owner shall, at the Owner's sole expense, repair or, if necessary, replace the Private Water Service Pipe, Private Fire Service Pipe, private water system or valves, as the case may be, to enable the General Manager to test, calibrate, repair or remove the Water Meter.
- 6.12.5 Where the General Manager makes that determination under 6.12.4, the General Manager may issue an order to the Owner to repair or replace, at the Owner's expense, the Private Water Service Pipe or Private Fire Service Pipe or private water system or valves, as the case may be, within the time frame as set out in the General Manager's order.
- 6.12.6 If, after removing, replacing, repairing, testing or calibrating the Water Meter, the General Manager determines that the Private Water Service Pipe or private water system or any valves or fittings leak or may develop a leak, then the General Manager shall be entitled to shut off the water supply to the property until the time that the Owner makes repairs to stop or prevent leakage, at the Owner's expense.
- 6.12.7 The General Manager shall replace an existing Water Meter where the General Manager determines it requires replacement due to normal wear and tear, at the expense of the City.
- 6.12.8 Where Water Meters are located on private property, the Owner shall protect the Water Meter from frost or any other damage that is within the Owner's control.

6.13 Maintenance of Water Meter Chamber

- 6.13.1 Every Owner shall be responsible for maintaining, repairing and replacing any water meter chamber containing a Water Meter for the Owner's property and for keeping it in a safe condition.
- 6.13.2 Where the General Manager determines that the water meter chamber is in a location that is unsuitable for maintenance by the Owner, the General Manager may issue an order to the Owner to relocate the water meter chamber, at the Owner's expense.

- 6.13.3 Every Owner of property with a water meter chamber or seasonal water meter chamber or both shall remove or cause to be removed, and shall dispose of, all solid and liquid debris, waste and other materials which are non-essential to the proper functioning of the Water Meter or may be hazardous, toxic, combustible or explosive in nature, from the water meter chamber within 48 hours of notification by the City.

6.14 Water Meter Accuracy

- 6.14.1 An Owner, upon request to the General Manager, may have the Water Meter at the Owner's property tested by the General Manager to determine if the Water Meter is over-registering the amount of water consumed at the property. The Owner shall pay to the City the amount specified in the Fees and Charges By-law for the testing provided for in this section.
- 6.14.2 If a Water Meter is found to over-register when tested by the General Manager at the average flow rate, and if it exceeds the American Water Works Association M6 Standards for Meter Accuracy, the General Manager shall credit the Owner's water account with an amount equal to the difference between the amount that had been billed and the amount that would have been billed had the Water Meter been recording consumption accurately and shall waive the fees specified in 6.14.1.
- 6.14.3 The credit adjustment provided for under 6.14.2 shall cover a period of no more than 24 months and shall be subject to any limitations contained in the Fees and Charges By-law, unless the Owner can verify that the City was notified at an earlier date of concerns about over-registration in which case the Owner shall be entitled to a credit adjustment from at least that date.
- 6.14.4 If a Water Meter is found to be under-registering or not registering, the Owner or Occupant shall be responsible for all costs of estimated volume of water not registered by the Water Meter, for a period not exceeding 24 months.

6.15 Relocation of Water Meter

- 6.15.1 No Person shall change or permit to be changed the location of a Water Meter at a property once the Water Meter is installed to the satisfaction of the General Manager, without the prior written consent of the General Manager.
- 6.15.2 An Owner may make a request to change the location of a Water Meter on that Owner's property and subject to the approval of the General Manager.
- 6.15.3 Any relocation of the Water Meter shall include the installation of a new wire for any existing or required remote device by the Owner, in accordance with the Standards and Specifications, all at the expense of the Owner.

- 6.15.4 The General Manager may require the relocation of an installed Water Meter, at the sole cost of the Owner, if its location is not in compliance with the Standards and Specifications or any applicable law.

6.16 Water Meter Leaks

- 6.16.1 An Owner of a property shall immediately notify the General Manager if any leaks develop at the Water Meter or its couplings.
- 6.16.2 The City shall not be responsible for any damage to the property as a result of any leaks at the Water Meter or its couplings.

**Article 7
Bulk Water Stations**

- 7.1.1 Any Person wishing to access water from the City's bulk water station must first make an application for approval by the City; be approved by the General Manager; and obtain a City Access Card, for use at the bulk water station.
- 7.1.2 The Person shall pay the stipulated fees and charges for taking water from the bulk water station as outlined in the City's Fees and Charges By-Law, as amended

**Article 8
Private Water System**

8.1 Private Water System

- 8.1 All properties requiring water supply shall only be serviced by the Water Distribution System, where available.
- 8.2 The City shall supply water to a private fire hydrant for the purpose of fire suppression at such pressure, and at such rates of flow, as may be available from time to time.
- 8.3 No Person shall connect or permit the connection of Source Water to a private water system or Private Water Main if the private water system or Private Water Main is also connected to the City's Water Distribution System unless otherwise authorized by the General Manager.
- 8.4 No person shall connect or permit the connection of a private water system to the City's Water Distribution System unless otherwise authorized by the General Manager.
- 8.5 Any person operating a private water system must notify the City of the existence of such system for monitoring and inspection purposes.

**Article 9
Unauthorized Use of Water**

9.1 Use and Receipt of Water

9.1.1 No Person shall:

- [1] Use, cause or permit water to be used otherwise than in connection with the property at which it is supplied nor shall water be sold or otherwise similarly disposed of without the prior written permission of the General Manager, other than authorized Brantford Fire Services personnel or other City personnel, acting in the course of their duties;
- [2] Cause water from the Water Distribution System to be wasted;
- [3] Without lawful authority open or close any valve or hydrant, or obstruct the access to any hydrant, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction; or
- [4] Throw or deposit any injurious or offensive matter into the Source Water or the Water Distribution System, or upon the ice if the water is frozen, or in any way foul the water or commit any damage or injury to the Water Distribution System or any part thereof or encourage the same to be done.

**Article 10
Access**

- 10.1 No Person shall deny access to the General Manager to a property where that Person has been given reasonable notice by the General Manager of the intent to exercise a power of entry in accordance with the *Municipal Act, 2001*.
- 10.2 The General Manager may, in accordance with the requirements of this by-law, enter upon a property to which water is supplied by the City:
 - [1] To inspect, repair, alter or disconnect the Water Service Pipe or wire, machinery, equipment and other works used to supply water;
 - [2] To read, inspect, install, repair, replace, maintain or alter a Water Meter; or
 - [3] To shut off or reduce the supply of water.
- 10.3 If an Owner discontinues the use of water at a property or the General Manager lawfully decides to cease supplying water to land or property, the General Manager may enter on the land or property:
 - (a) To shut off the supply of water;

- (b) To remove any property of the City from the property; or
 - (c) To determine whether water has been, or is being, unlawfully used.
- 10.4 The powers of entry of the City and General Manager are subject to the *Municipal Act, 2001*, as amended from time to time.

Article 11
Inspection

- 11.1 Despite any other provision in this by-law, the General Manager may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law or an order or direction issued in accordance with this by-law.
- 11.2 For the purposes of any inspection, the General Manager may:
- [1] Require the production for inspection of documents or things relevant to the inspection;
 - [2] Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - [3] Require information from any person concerning a matter related to the inspection; and
 - [4] Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 11.3 No Person shall fail or refuse to comply with a request by the General Manager to produce for inspection any document or thing or information relevant to the inspection carried out by the General Manager in accordance with 11.2.
- 11.4 The General Manager may enter upon lands for the purposes of an inspection and the other activities set out in 11.2 under an order issued under section 438 of the *Municipal Act, 2001*, as amended from time to time.
- 11.5 Where a provincial court judge or justice of the peace has issued an order authorizing the City to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this Article, no Person, when requested to do so by the General Manager, shall neglect or refuse to produce or deliver any information or documents or things required by this By-law.

Article 12
Obstruction

- 12.1 No Person shall represent or cause to be represented that he or she is an Owner or Occupant of a property if he or she is not.
- 12.2 No Person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the General Manager or any City personnel, agents or contractors in the exercise of an activity, power or performance of a duty under this by-law or the administration or enforcement of this by-law.
- 12.3 The activities of the General Manager or any City personnel, agents or contractors referred to in 12.2 may include, without limitation, the following:
- (a) Entering in or upon, at any reasonable time without a warrant, any land, property or premises, except premises being used as a dwelling house in which case reasonable notice shall be provided under this by-law and the *Municipal Act, 2001*, as amended from time to time; or
 - (b) Making such tests or taking such samples as the General Manager deems necessary; or
 - (c) Inspecting or observing any plant, machinery, equipment, work, activity or documents; or
 - (d) Reading, repairing, maintaining, altering, disconnecting, removing, replacing, installing or sealing a water meter, remote device or any related item or any or all of the foregoing.
- 12.4 No Person shall furnish any false or misleading information to the General Manager or any City personnel, agents or contractors in the exercise of an activity, power or performance of a duty or administrative function under this by-law, including but not limited to any information provided or submitted on or with any application or in respect to any inspection or enforcement of this by-law.

Article 13
Protection of Water Distribution System

- 13.1 No Person shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:
- (a) Any part of the Water Distribution System; or any seal placed thereon, or attached thereto, or
 - (b) Any permanent or temporary device installed in or on the Water Distribution System for the purposes of flow measuring, sampling, testing,

contamination prevention or other purpose that the General Manager may deem necessary for the administration of this by-law or the operation or maintenance of the Water Distribution System.

- 13.2 Any Owner or Person receiving water from the Water Distribution System shall be responsible for ensuring that any action taken by that Owner or Person conforms at all times to the provisions of this by-law and that Owner or Person shall be liable for any damage or expense arising out of their failure to properly protect the Water Distribution System or to properly protect water from contamination or any other damage including the cost of investigation, disinfection, repairing or replacing any part of any Water Distribution System damaged or water contaminated thereby.
- 13.3 Unless specifically authorized by the General Manager, no Person shall enter into any chamber, structure, building or property associated with the Water Distribution System.

**Article 14
Offences**

- 14.1 Every person who contravenes any provision of this by-law, and every director or officer of a corporation, who knowingly concurs in a contravention by the corporation of any provision of this by-law, is guilty of an offence.
- 14.2 Any fine imposed under Article 15 shall be payable in addition to any fees and charges payable under this by-law, as applicable.

**Article 15
Penalties**

15.1 Fine — for Contravention.

- 15.1 Every Person who contravenes a provision of this by-law and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of a provision of this by-law, upon conviction, shall be liable to a fine of not less than \$500.00 and not more than \$100,000.00 as provided for in subsection 429(3)(1) of the *Municipal Act, 2001*.
- 15.2 Every Person who contravenes a provision of this by-law and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of a provision of this by-law, upon conviction of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3)(2) of the *Municipal Act, 2001*.

Special Fine

- 15.2 In addition to any other fine under 15.1 and 15.2, every Person who gains an economic advantage or economic gain from contravening this by-law shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention, as provided for in subsection 429(2)(d) of the *Municipal Act, 2001*.

**Article 16
General Enforcement Powers**

Restraining Order

- 16.1 If this by-law is contravened, in addition to any other remedy or penalty imposed by this by-law, the contravention may be restrained by application by the City under the provisions of section 440 of the *Municipal Act, 2001*, as amended.

Order to Discontinue Activity

- 16.2 Under the provisions of section 444 of the *Municipal Act, 2001*, as amended, the General Manager may order any Person who has contravened this by-law or who has caused or permitted the contravention of this by-law or the Owner or Occupant of the property on which the contravention occurred to discontinue the contravening activity.
- 16.3 Any Person who contravenes an order under 16.2 is guilty of an offence.

Work Order

- 16.4 Under the provisions of section 445 of the *Municipal Act, 2001*, as amended, the General Manager may order any Person who has contravened this by-law or who has caused or permitted the contravention of this by-law or the Owner or Occupant of the property on which the contravention occurred to do work to correct the contravention.
- 16.5 Any Person who contravenes an order under 16.4 is guilty of an offence.

Remedial Action

- 16.6 In accordance with section 446 of the *Municipal Act, 2001*, as amended, where any matter or thing is required to be done under this by-law, in default of it being done by the Person directed or required to do so, that matter or thing may be done by the City which shall be at that Person's expense and the City may recover the costs incurred for doing such matter or thing from the Person directed or by

adding the costs to the tax roll and collecting them in the same manner as municipal property taxes.

- 16.7 For the purposes of 16.6, the General Manager may enter upon the subject property at any reasonable time.