

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2023-085

- BEING a by-law to regulate Municipal Water Systems and establish offences and enforcement for contraventions within the Township of South Stormont.
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- WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, ss. 5(1) provides that the powers of a municipal corporation are to be exercised by its Council;
- AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, ss. 5(3) provides that the powers of every Council are to be exercised by by-law;
- AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, ss. 11(1) provides that the Township of South Stormont, as a lower tier municipality, may provide any service or thing that the municipality considers necessary or desirable for the public;
- AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, ss. 11.3(4) grants a lower tier municipality jurisdiction over public utilities within the municipality;
- AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, ss. 391(1) provides that a municipality may pass by-laws imposing fees or charges on any class of persons,
- a) for services or activities provided or done by or on behalf of it;
 - b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
 - c) for the use of its property including property under its control;
- AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, ss. 391(2) provides that a fee or charge for capital costs related to water services or wastewater or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time;
- AND WHEREAS the *Ontario Water Resources Act, R.S.O. 1990, c. O.40*, the *Building Code Act, 1992, S.O. 1992, c. 23* and the *Municipal Act, 2001, S.O. 2001, c. 25* provide for the regulation, maintenance, inspection and management of water, sewer and related municipal works;
- AND WHEREAS Council deems it desirable and necessary to pass a new by-law to regulate the Municipal Water Systems and to repeal By-law No. 2007-18;
- NOW THEREFORE Council of The Corporation of the Township of South Stormont enacts as follows:

1. DEFINITIONS

For the purpose of this By-law,

- 1.1 "Backflow" shall mean a reversal of the normal direction of flow in the water piping or plumbing system.
- 1.2 "Backflow Prevention" shall mean a device to prevent the reverse flow of fluids or chemicals into the Waterworks system which may contaminate the Municipal Water Supply.
- 1.3 "Building" shall mean any structure used or intended for sheltering any use or occupancy. The word shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Building Code Act, 1992, S.O. 1992, c. 23*.
- 1.4 "Commercial" shall mean any commercial use permitted by the zoning by-law of the Township and any amendments thereto.
- 1.5 "Consumer" shall mean the owner or occupant of property which is serviced by, connected to, and takes water from the Township's Water Supply
- 1.6 "Council" shall mean the Council of The Corporation of the Township of South Stormont;
- 1.7 "Chief Building Official" shall mean the Chief Building Official of the Township of South Stormont, or designate or such other person or agency as may be appointed by Council from time to time for the purposes of overseeing installation of water metering services;
- 1.8 "Cross Connection" shall mean any actual or potential connection between a potable water system and any source of pollution or contamination, and includes any by-pass, jumper connection, removable section of pipe or hose, swivel or changeover device, private hydrant connections and any other temporary or permanent connecting arrangement through which Backflow or contamination of drinking water may occur.
- 1.9 "Director of Finance" shall mean the Treasurer of the Corporation of the Township of South Stormont or their designate.
- 1.10 "Director of Protection of Persons and Property" shall mean the Director of Protection of Persons and Property of the Corporation of the Township of South Stormont or their designate.
- 1.11 "Director of Public Works" shall mean the Director of Public Works of the Township of South Stormont, their designate or such other person or agency as may be appointed by Council from time to time for the purposes of overseeing the Municipal Water Systems.
- 1.12 "Emergency" shall mean an urgent, unexpected, or dangerous situation that poses a risk to health, life, property, or environment and which requires immediate action.
- 1.13 "Fire Chief" shall mean a person appointed by Council under the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4* or their designate.

- 1.14 "Industrial" shall mean a use for or in connection to manufacturing, producing, processing, storing or distributing something and research and development in connection with manufacturing, producing or processing something and as permitted in the zoning by-law of the Township and any amendments thereto.
- 1.15 "Meter" shall mean the water Meter, register and remote readout unit installed and owned by the Township to measure the quantity of water used by a consumer.
- 1.16 "Meter Pit" shall mean any exterior chamber or pit approved by the Township for the purpose of containing a water Meter and related appurtenances.
- 1.17 "Multi-Residential Building" shall mean residential Buildings comprised of four (4) or more Suites, where such Suites are serviced by a single Meter.
- 1.18 "Municipal Water Area" shall mean an urban settlement area or subdivision within the Township of South Stormont serviced by a Municipal Water System.
- 1.19 "Municipal Water Supply" shall mean the water supplied from Municipal Water Systems.
- 1.20 "Municipal Water Systems" shall mean all Water Works established by the Township and shall include any new Municipal Water Systems or extensions to the existing Municipal Water Systems authorized by an Act, by-law or agreement between the Township or its predecessors, but shall not include any private Water Works which have not been acquired, established, maintained, accepted or operated by the Township or its predecessors.
- 1.21 "Occupant" shall include any lessee, tenant, Owner, the agent of a lessee, tenant, or Owner, or any person in possession of a premises.
- 1.22 "Owner" shall mean the assessed Owner(s), as identified on the Assessment Roll for Taxation purposes, as amended.
- 1.23 "Person" shall mean an individual human being, their personal agent, heir, successors and assigns and shall include a corporation with or without share capital.
- 1.24 "Residential Building" shall mean residential Buildings comprised of three (3) or fewer Suites., where such Suites are serviced by a single Meter.
- 1.25 "Township" shall mean The Corporation of the Township of South Stormont.
- 1.26 "Suite" shall mean a single room or series of rooms of complimentary use, operated under a single tenancy, and includes: dwelling units within a Residential Building or Multi-Residential Building and individual stores and individual or complementary rooms within an Industrial, Commercial and/or Institutional Building.

- 1.27 “Industrial, Commercial and/or Institutional Building” shall mean Buildings, other than Residential Buildings and Multi-Residential Buildings, comprised of one (1) or more Suites of other than residential use, where such Suite or Suites are serviced by a single Meter.
- 1.28 “Water works” shall mean any works for the collection, production, treatment, storage, supply and distribution of water, or any part of such works, but does not include plumbing or other works to which the *Building Code Act, 1992, S.O. 1992, c. 23* and its regulations apply.
- 1.29 “Watering Day” means even numbered addresses may use water outdoors only on even numbered days of the month and odd numbered addresses may use water outdoors on odd numbered days of the month.

2. GENERAL PROVISIONS

- 2.1 This By-law shall apply to all Municipal Water Systems located within the geographic boundary of the Township, these include properties served by or capable of being served by:
- The Long Sault/Ingleside Regional Water Treatment Plant;
 - The St. Andrews/Rosedale Distribution System; and
 - The Newington Water Treatment Plant.
- 2.2 This By-law shall be administered and enforced by the Municipal Law Enforcement Officer, the Director of Public Works, the Director of Finance, or the Director of Protection of Persons and Property.
- 2.3 Any extensions or connections to a Municipal Water System shall be constructed in accordance with the latest edition of the Ontario Provincial Standard Specifications (OPSS) and Ontario Provincial Standard Drawings (OPSD) and relevant American Water Works Association (AWWA) regulations or standards, to the satisfaction of the Township.
- 2.4 All pipes, valves, fittings and other equipment between the water main and any property line shall remain the property of the Township unless otherwise designated.
- 2.5 All pipes, valves, fittings and other equipment between the property line and a Building shall remain the property of the Owner. The Owner shall be responsible for the satisfactory operation, cleaning, repairing, replacement and maintenance of the connection from the property line to the Building(s).
- 2.6 All water supplied by the Township to any property shall pass through a Meter supplied by the Township.
- 2.7 The Township’s cost of all water that passes through a Meter supplied by the Township shall be paid by the property Owner.
- 2.8 The Township’s cost of supplying, relocating and installing water Meters and related appurtenances shall be paid by the property Owner.
- 2.9 Notwithstanding Section 2.8 to the contrary, where a water Meter has been determined by the Township to be defective and is

required to be repaired or replaced, the costs associated with the repair or replacement of the water Meter shall be paid by the Township, unless the property Owner is responsible for the defect.

- 2.10 The Director of Public Works shall be responsible for the operation and maintenance of all Municipal Water Systems and is authorized to take such measures as are necessary and proper to ensure an adequate and continuous Municipal Water Supply and to safeguard the hygienic purity thereof within the drinking water objectives, as established by the *Safe Drinking Water Act, 2002, S.O. 2002, c. 32*, the Ministry of the Environment, Conservation and Parks or such other approval authority.
- 2.11 The Director of Public Works, or other duly authorized employee, may, in the case of an Emergency, shut off the Municipal Water Supply and take such remedial action as may be necessary. Such remedial action may include limiting or stopping the supply of water in any area or restricting the use of water for any specific purpose.
- 2.12 When the Director of Public Works, or other duly authorized employee, deems it necessary to limit or shut off the Municipal Water Supply due to an emergency, the Township shall not be liable for damages incurred due to such action. Reasonable efforts will be made by the Township to notify the affected Owners. The Director of Public Works shall report to Council all such Emergency incidents and an action taken as soon as it is practical.
- 2.13 In accordance with Section 449 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, no proceeding based on nuisance, in connection with the escape of water from Water Works, shall be commenced against the Township, a member of municipal Council, a local board, or any officer, employee or agent of the Township.
- 2.14 Any Owner desiring to have the Municipal Water Supply temporarily turned off or on for any reason whatsoever shall make the request by phone or email, giving a minimum of 72 hours' notice to the Director of Public Works, who may direct that the water be turned on or off.
- 2.15 A Water Shut Off/Water Reconnection Fee, as set out in the Township's Fees and Charges By-law, shall be charged by the Township for the turning off and/or on of the Municipal Water Supply, where such action is necessitated by:
- Written or phone request from the Owner;
 - Failure to provide access to a Meter for inspection and repair;
 - Non-payment of water/sewer services;
 - Failure to install a Backflow Prevention Device, if required;
 - Failure to provide access for inspection and testing of Backflow Prevention Devices and/or cross connection controls; and
 - Failure to comply with water conservation restrictions, if imposed.
- 2.16 Where an extension of the Municipal Water System is required to service a property outside of the Municipal Water Area, the Township may require an Owner to enter into an agreement to provide for the construction of the Water Works and the payment of all associated costs to extend the system.

- 2.17 Prior to submitting a formalized development application under Sections 50 or 53 of the *Planning Act, R.S.O. 1990, c. P.13* (Subdivision or Consent or Part Lot Control Exemption);
- the Owner is to provide a confirmation of existing water service connection(s) evidenced by a qualified professional, if requested by the Township; and
 - the Owner will bear all costs associated with the servicing investigation, decoupling of the water service and installation of a new water service(s) to accommodate a separate Suite subject to a development application under the *Planning Act, R.S.O. 1990, c. P.*
3. REQUIREMENT AND APPLICATION FOR CONNECTION TO AND REGULATION OF MUNICIPAL WATER SYSTEM
- 3.1 Every Owner of a property located within a Municipal Water Area in the Township who wishes to connect an existing Building to the Municipal Water Systems shall make application pursuant to the Township's Capacity Allocation Policy.
- 3.2 If capacity allocation is granted, the Owner shall apply in writing to the Chief Building Official for connection to the Municipal Water Systems. The application shall be accompanied by the applicable Capital Water Levy set out in the Township's Fees and Charges By-law. Where the Chief Building Official is satisfied that the application is complete, and all fees have been paid, the Chief Building Official may issue a permit.
- 3.3 As required by the *Building Code Act, 1992, S.O. 1992, c. 23* and/or the Township's Zoning By-Law, every new Building constructed on a property located within a Municipal Water Area shall be connected to the Municipal Water Systems, and the Owner shall:
- Apply for capacity pursuant to the Township's Capacity Allocation Policy prior to applying for a building permit; and
 - If capacity is granted, apply for connection to the Municipal Water Systems with the Chief Building Official; and
 - Pay the applicable Capital Water Levy, pursuant to the Township's Fees and Charges By-Law, prior to issuance of the building permit; and
 - Be responsible for the cost of the service connection from the Water Works to the property line, where applicable.
- 3.4 Any builder, contractor or Owner using water for temporary use during the construction phase of a Building prior to occupancy shall obtain approval for and install a Meter prior to using any water or connecting to the Municipal Water Systems.
- 3.5 The Owner shall be responsible for all costs and fees associated with the connection to the Municipal Water Systems, from the property line to the building, including excavation and backfilling costs and inspection fees.
- 3.6 No person shall connect to the Municipal Water Systems until a building permit has been issued by the Chief Building Official.
- 3.7 Every Suite within a Building connected to a Municipal Water Systems shall have its own individual connection.

3.8 The Township reserves the right to refuse any application for connection to the Municipal Water Systems, if the existing system or portion thereof is at capacity or where any and all excess capacity has been allocated to other properties within the Municipal Water Area. The allocation of excess capacity shall be subject to such policy as Council may establish from time to time.

4 WATER METER INSTALLATION, REPAIR, MAINTENANCE, ACCESS AND DISCONNECTION

Installation

4.1 All Meters and related appurtenances shall be supplied and installed by persons authorized by the Township for that purpose.

4.2 Any owner of a Building connected, or to be connected, to a Municipal Water Systems shall install, if not already provided, a gate type control valve on the water service between the wall and floor of the Building and the Meter. The control valve shall have capability to be drained and shall be mounted so the valve can be drained when the water supply is shut off. This control valve is in addition to the curb stops located on the service pipe at the property line.

4.3 One (1) Meter shall be placed in each Suite within a Residential Building, Multi-Residential Building or Industrial, Commercial and/or Institutional Building that has a single connection to the Township's Water Works and the plumbing shall be so arranged that all water used on such premises shall pass through such Meters and the Owner of the premises will be held liable for water charges.

4.4 The Township may enter into agreements with others to provide for the installation and/or reading of water services or Meters in any manner satisfactory to the Township.

4.5 No person shall willfully hinder or interrupt or cause to hinder or interrupt the Township, its officers, contractors, or agents with the installation and inspection of a water Meter or related appurtenance.

4.6 No person shall alter any Meter placed on any service pipe or connection therewith, within or outside any Building or other place to lessen or alter the amount of water registered.

Access and Location of Meters

4.7 The Owner of premises to be supplied with water shall provide a convenient and safe space, free of charge or rent, for the Township's Meters, pipes and other appliances on said premises.

4.8 Subject to Sections 435, 436, 437, and 438 of the *Municipal Act, 2001, S.O. 2001, c. 25*, the Township, and persons authorized by the Township for inspection, shall, at all times, be entitled to enter any premises for the purposes of examining pipes, connections, and fixtures which are used in connection to the Municipal Water Systems. The Owner or occupant of premises shall provide ready and convenient access to the Meter and appurtenances in said premises so that the Meter may be frequently read and be

examined by persons authorized by the Township for that purpose.

- 4.9 No person shall hinder or wilfully interrupt or cause to hinder or interrupt the Township, its officers, contractors, or agents with access to water Meters and other related appurtenances.
- 4.10 Every Meter shall be placed in such location as the persons authorized by the Township shall direct. If possible, the water Meter shall be installed in the basement of Buildings and shall be located immediately after the inlet stop valve on the consumer's plumbing, so as to ensure that all water supplied to the Building passes through the Meter. If a Building has no basement, the water Meter shall be installed in another location in the Building, as authorized by the Township.
- 4.11 Where a Meter cannot conveniently be placed inside a Building, it shall be placed in a Meter Pit, the location and construction of which shall be discussed with the Owner or occupant of the premises and shall be constructed in a manner approved by the Township, and the cost of which is paid for by the consumer.
- 4.12 The location of a Meter, when installed to the standards of the Township, shall not be changed by any person, except by persons authorized by the Township.
- 4.13 The Owner of the premises to be supplied with water agrees to provide adequate heat in the premises to prevent frost damage to the Meters. The Owner must take the proper precautions to prevent frost damage to the Meter and water service connection. Repairs due to frost damage will be at the expense of the Owner.
- 4.14 Where required, an exterior Meter Reading Device shall be firmly attached to the wall of the Building and shall be mounted so that the top of the device shall be between 140 centimetres and 170 centimetres from the grade level of the floor directly below it.
- 4.15 Where the Meter is equipped with an Exterior Meter Reading Device and a discrepancy occurs between the reading at the register of the Meter itself and the reading on the read-out device, the Township will consider the reading at the Meter to be correct and will adjust the consumer's account accordingly.
- 4.16 Any Owner who desires a change in the location, arrangement or size of the connection to the Municipal Water Systems shall apply in writing to the Director of Public Works.

Water Meter Repairs

- 4.17 No person, other than an authorized employee or agent of the Township, shall be permitted to remove, inspect or repair the Meter or other equipment of the Township.
- 4.18 Any leak and/or damages that may develop at the Meter or its couplings must be reported immediately to the Township by the Owner or occupant. The Township shall not be held responsible for any damages from such leaks and/or damages. Costs associated with inspecting and repairing any leaks and/or damages at the Meter or its couplings are the responsibility of the property Owner.

- 4.19 Where the Township has reason to believe that a Meter is inoperable and is unable to gain access thereto for inspection and repair, written notice shall be delivered by the Township by personal service, registered mail, or by posting the notice on the premise in a conspicuous place to the consumer or any other interested party. Such notice shall require that access to the Meter be provided to the Township within fourteen (14) days of the date of the notice. If access is not granted within the said 14 days, the Director of Public Works shall shut off the Municipal Water Supply to the property. The Municipal Water Supply shall remain off until access to the premises is permitted for repairs.
- 4.20 The Owner shall be responsible for the security of the Meter and other Township equipment and shall pay the Township the value of such Meter, equipment, and other associated costs should any damage or loss occur which is, in the opinion of the Director of Public Works, due to circumstances beyond normal wear and tear.
- 4.21 Property Owners who want to commence an inquiry into a water/sewer bill must follow the process set out in the Township's High Leak Water Adjustment Program.

Disconnection of Municipal Water Service

- 4.22 When an Owner discontinues the use of a water service or water supply to a premises, the Owner shall pay to the Township a Water Shut Off Fee, set out in the Township's Fees and Charges By-law, for disconnecting the Meter for such service from the Municipal Water Systems.
- 4.23 No person shall disconnect from the Municipal Water Systems without authorization from the Township and the payment of the Water Shut Off Fee.

5. CROSS-CONNECTIONS AND BACKFLOW PREVENTION

- 5.1 Where any auxiliary water supply exists in any Building connected to a Municipal Water Systems, an approved Backflow Prevention device shall be installed. This requirement shall include the handling of processed waters and waters originating from the Municipal Water Systems, which may have been or may be subjected to deterioration in sanitary quality. Backflow Prevention devices shall be installed where internal Cross Connections exist. Backflow Prevention must be American Water Works Association approved and maintained, as per manufacturer's recommendations.
- 5.2 Owners who have installed a chemical system(s), for instance a water softener, de-chlorination system, etc., that is connected to the private water service, shall be required to immediately install an approved Backflow Prevention device and alter piping in a manner that prevents cross-contamination of the systems in a manner acceptable to the Township. Failure to comply with this requirement may result in the disconnection of the water supply from the Township.
- 5.3 The Township may conduct periodic inspections and testing of the Backflow Prevention devices. Subject to Sections 435, 436, 437 and 438 of the *Municipal Act, 2001, S.O. 2001, c. 25*, any person

authorized by the Township for that purpose has free access, at all reasonable times, and upon providing reasonable notice, to all parts of every Building or other premises to which any service pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any service pipe, wire, rod or Cross Connection on the premises. Every Owner and occupant of property shall allow the Township or an agent access to inspect a Backflow Prevention device at reasonable times upon receipt of notice, as required by this By-law.

- 5.4 The approved Backflow Prevention device shall be supplied, installed and maintained by the Owner of the premises serviced and the costs associated therewith shall be the responsibility of the property Owner.
- 5.5 No person shall, without the permission of the Township, remove any Cross Connection control or Backflow Prevention devices installed.

6. FIRE HYDRANTS

- 6.1 No person shall use hydrants connected to any Municipal Water System, except as follows:
- employees, agents or volunteer fire fighters authorized by the Fire Chief, or designate, or
 - employees or agents authorized by the Director of Public Works, or
 - persons having written permission from the Director of Public Works to use the hydrants under the supervision of the Township.
- 6.2 No person shall, without approval of the Director of Public Works or Fire Chief, wilfully open or close any hydrant.
- 6.3 No person shall, without the approval of the Director of Public Works or Fire Chief, participate in the unauthorized operation of any hydrant.
- 6.4 No person shall obstruct the free access to any hydrant, stopcock, chamber, or pipe by placing on it any building material, rubbish or other obstruction.
- 6.5 Unmetered water from privately owned hydrants shall not be taken for uses other than firefighting purposes and system maintenance.

7. WATER CONSERVATION & RESTRICTIONS

- 7.1 The Township reserves the right to turn off the Municipal Water Supply, as deemed necessary by the Director of Public Works, to stop and prevent waste.
- 7.2 No person, being an Owner, tenant, occupant, or resident of any Residential Building, Multi-Residential Building or Industrial, Commercial and/or Institutional Building supplied with water from the Municipal Water Systems, shall discharge water from the Municipal Water Systems where the water is wasted.
- 7.3 No person shall use a supply of water for hydraulic elevators or motors, water driven appliances, whether operated wholly or in

part by water, or for air conditioning or heating except where approved by the Director of Public Works.

- 7.4 Failure to comply with any requirements relative to the protection of a Municipal Water Supply, as set out in this By-law, shall be sufficient reason for discontinuance of water service by the Township, until such time as it is determined that the requirements of the Township and the *Building Code Act, 1992, S.O. 1992, c. 23* have been met.

Outdoor Water Use Restrictions

- 7.5 As imposed by the Director of Public Works, the use of water for irrigation shall be limited for use between the hours of 7:00 p.m. and 7:00 a.m. The water use for irrigation shall not exceed five (5) hours in a twenty-four (24) hour period. Irrigation use shall be restricted by Watering Days, as defined in this By-law, with the following exception:

- A person may water flowers, shrubs, trees or vegetables on any day, provided the watering is done using a hand-held container.

- 7.6 Any person may water new sod or seed every day within a two week period following planting, provided that watering occurs only between the hours of 6:00 p.m. and 10:00 a.m. After the initial two week watering period, the person shall comply with this By-law.

- 7.7 No person shall fill/refill a backyard pool outside the hours of 6:00 a.m. and 6:00 p.m.

- 7.8 The following may be exempt from municipal water use restrictions:

- Commercial garden nurseries and Commercial car washes and car dealerships conducting business in the Township may use municipal water for the purpose of conducting business;
- All public recreational parks, if failure to water will result in a permanent loss of plant material or adversely affect public safety, may use municipal water, as deemed necessary;
- Other uses as identified by the Director of Public Works may use municipal water as deemed necessary from time to time.

- 7.9 The provisions related to any Outdoor Water Use Restrictions do not apply to municipal fire fighters where water is required for fire protection purposes.

- 7.10 The Director of Public Works may, by public announcement, in the event of a water shortage, impose further temporary water conservation restrictions as required, for as long as necessary, to adequately conserve the water supply. There are no exceptions applicable to a full outdoor water use ban. Upon issuance of a public announcement the additional restrictions are hereby deemed to be applicable provisions of this By-law that shall be adhered to by all persons.

8. OFFENCES AND ENFORCEMENT

Offences

8.1 No person shall:

- Throw or deposit any injurious, noxious or offensive matter into the Municipal Water Systems or in any way foul the Municipal Water Supply;
- Commit any damage or injury to the Water Works, pipes or water, or encourage, cause or permit the same to be done;
- Lay or cause to be laid any pipe or main to connect with any pipe or main of a Municipal Water Systems, or in any way obtain or use the Municipal Water Supply without the written permission of the Township;
- Lend, sell or dispose of water, give water away, permit water to be taken or carried away, use or apply water to the use or benefit of another, or to any use and benefit other than the person's own, or increase the supply of water, unless given written permission by the Director of Public Works. This shall include the furnishing of water from one Building connected to the Municipal Water Systems to another Building, unless approved by the Director of Public Works;
- Hinder or interrupt, or cause or procure to be hindered or interrupted, the Township, its officers, contractors, agents, servants or workers in the exercise of any of the powers conferred under this By-law, the *Municipal Act, 2001, S.O. 2001, c. 25* or *Safe Drinking Water Act, 2002, S.O. 2002, c. 32*; or
- Contravene any provision of this By-law.

Enforcement

- 8.2 Any contravention of any provision of this By-law is an offence and those found guilty of an offence will be subject to penalties, as set out in Schedule "A" of this By-law or a penalty pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.
- 8.3 In addition to all other sanctions and remedies provided by this By-law, an agent of the Township, at the direction of the Director of Public Works, may enter on private property and into structures at any reasonable time, pursuant to Section 435 of the *Municipal Act, 2001, S.O. 2001, c. 25* to turn off or restrict the supply of water to any person, Owner or occupant of property who fails to abide by this By-law.
- 8.4 The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision.
- 8.5 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for a reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
- 8.6 The Township may recover all costs of such entry, enforcement, legal, and other associated costs against the person, Owner or occupant of the property by action or by adding the costs to the

tax roll and collecting them in the same manner as taxes, as authorized in Section 446 of the *Municipal Act, 2001, S.O. 2001, c. 25*.

An agent of the Township, at the direction of the Director of Public Works, may enter on private property and into structures at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- The provisions of this By-law
- An order made under Section 431 of the *Municipal Act, 2001, S.O. 2001, c. 25*.

8.8 An Agent carrying out an inspection under Section 8.7 may:

- Require the production for inspection of documents or things relevant to the inspection;
- Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- Require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
- Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection

8.9 An Agent may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act, 2001, S.O. 2001, c. 25*.

8.10 The Township's enforcement authority may be exercised by an officer or any other person appointed to enforce by-laws for the Township

9. MISCELLANEOUS

9.1 If any provision of this By-law is inconsistent with the *Municipal Act, 2001, S.O. 2001, c. 25*, *Safe Drinking Water Act, 2002, S.O. 2002, c. 32*, or any other Act, the provisions of the applicable Act shall prevail.

9.2 That this By-law may be cited as the "Water Regulation By-law".

10. REPEAL

10.1 All former by-laws, including By-law No. 2007-18, or resolutions contrary to and inconsistent with this By-law, are hereby repealed.

11. ENACTMENT

11.1 THAT this By-law shall take force upon adoption.

READ AND PASSED in open Council signed and sealed this 11th day of October, 2023.

Mayor



Clerk



Township of South Stormont
Part I Provincial Offences Act
By-law No. 2023-085: Water Regulation By-law

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Connect to or use the Municipal Water Supply without authorization from the Township or without a permit	Sec. 3.3 Sec. 3.6	\$1,000.00
2	Hinder or wilfully interrupt or cause to hinder or interrupt the Township, its officers, contractors, or agents with the installation or inspection of a water meter or related appurtenance	Sec. 4.5	\$200.00
3	Willfully alter a meter placed on a service pipe or the amount of water registered	Sec. 4.6	\$200.00
4	Hinder or wilfully interrupt or cause to hinder or interrupt the Township, its officers, contractors, or agents with access to water meters and other related appurtenances	Sec. 4.9	\$200.00
5	Willfully change the location of a meter once installed	Sec. 4.12	\$200.00
6	Remove, inspect, or repair the meter or other Township equipment by any person who is not authorized by the Township	Sec. 4.17	\$200.00
7	Disconnect Municipal Water Supply without authorization of the Township.	Sec. 4.23	\$200.00
8	Failure to install an approved backflow prevention device and alter piping in a manner that prevents cross contamination	Sec. 5.2	\$500.00
9	Refusal to allow the Township access to inspect, repair, alter, or disconnect any service pipe, wire, rod, or cross connection on the premises	Sec. 5.3	\$200.00
10	Removal of a cross connection control or backflow prevention device	Sec. 5.5	\$1,000.00
11	Usage of hydrant connected to Municipal Water System without authorization	Sec. 6.1	\$200.00
12	Willfully open or close a hydrant without approval from the Director of Public Works or Fire Chief	Sec. 6.2	\$200.00

	Description of Penalty	Section Defining Offence	Set Fine
13	Participate in the unauthorized operation of a hydrant	Sec. 6.3	\$200.00
14	Obstruct free access to hydrant, stopcock, chamber, or pipe	Sec. 6.4	\$200.00
15	Wilfully discharge water from the Municipal Water System where the water is wasted	Sec. 7.2	\$200.00
16	Use supply of water for hydraulic elevators or motes, water driven appliances, or for air conditioning or heating without approval of the Director of Public Works	Sec. 7.3	\$200.00
17	Use of water for irrigation outside of permitted time and/or exceeding time limit and/or not on designated <i>Watering Day</i>	Sec. 7.5	\$200.00
18	Watering of new sod daily after 2 week period following planting	Sec. 7.6	\$200.00
19	Fill/refill backyard pool outside the hours of 6:00 p.m. and 6:00 a.m.	Sec. 7.7	\$200.00
20	Throw or deposit any injurious, noxious or offensive matter into the Municipal Water Supply	Sec. 8.1	\$200.00
21	Wilfully commit or encourage damage to the water works, pipes, or water	Sec. 8.1	\$200.00
22	Lay pipe or main to the Municipal Water System without authorization	Sec. 8.1	\$200.00
23	Connect to the municipal water system without authorization	Sec. 8.1	\$1,000.00
24	Owner, occupant, or tenant did sell, lend, give away, dispose of water, permit water to be taken, or otherwise, without authorization of the Director of Public Works	Sec. 8.1	\$200.00
25	Hinder or wilfully interrupt or cause to hinder or interrupt the Township, its officers, contractors, or agents in the exercise of any of the powers conferred under this By-law	Sec. 8.1	\$200.00

NOTE: The penalty provision for the offences indicated above is section 8.2 of By-law No. 2023-085, a certified copy of which has been filed.

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAIS DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
FAX/TÉLÉCOPIEUR (613) 239-1572

October 26, 2023

Loriann@southstormont.ca

Township of South Stormont
P.O. Box 84, 2 Mille Roches Road
Long Sault ON K0C 1P0

Attention: Ms. Loriann Harbers, CMO, Director of Corporate Services/Clerk

Dear Ms. Harbers:

Re: *Set Fines – Provincial Offences Act – Part I*
By-Law No. 2023-085 Water Regulation By-law

Enclosed herewith is the original Order (Part I) dated October 26, 2023, and original schedule of set fines for By-Law No. 2023-085, the By-Law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of South Stormont.

Yours truly,

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

/nl

Enclosures

c.c.: Melissa Adams
Crown Counsel, Crown Law Office - Criminal
Team Lead, Restraint & Forfeiture Office

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2023-085, of the Township of South Stormont attached hereto is the set fine for that offence. This Order is to take effect on October 26, 2023.

Dated at Ottawa, this 26th day of October 2023.

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

Township of South Stormont
Part I Provincial Offences Act
By-law No. 2023-085: Water Regulation By-law

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Connect to or use the Municipal Water Supply without authorization from the Township or without a permit	Sec. 3.3 Sec. 3.6	\$1,000.00
2	Hinder or wilfully interrupt or cause to hinder or interrupt the Township, its officers, contractors, or agents with the installation or inspection of a water meter or related appurtenance	Sec. 4.5	\$200.00
3	Willfully alter a meter placed on a service pipe or the amount of water registered	Sec. 4.6	\$200.00
4	Hinder or wilfully interrupt or cause to hinder or interrupt the Township, its officers, contractors, or agents with access to water meters and other related appurtenances	Sec. 4.9	\$200.00
5	Willfully change the location of a meter once installed	Sec. 4.12	\$200.00
6	Remove, inspect, or repair the meter or other Township equipment by any person who is not authorized by the Township	Sec. 4.17	\$200.00
7	Disconnect Municipal Water Supply without authorization of the Township.	Sec. 4.23	\$200.00
8	Failure to install an approved backflow prevention device and alter piping in a manner that prevents cross contamination	Sec. 5.2	\$500.00
9	Refusal to allow the Township access to inspect, repair, alter, or disconnect any service pipe, wire, rod, or cross connection on the premises	Sec. 5.3	\$200.00
10	Removal of a cross connection control or backflow prevention device	Sec. 5.5	\$1,000.00
11	Usage of hydrant connected to Municipal Water System without authorization	Sec. 6.1	\$200.00
12	Willfully open or close a hydrant without approval from the Director of Public Works or Fire Chief	Sec. 6.2	\$200.00

WVC, RSJ

	Description of Penalty	Section Defining Offence	Set Fine
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25	Hinder or wilfully interrupt or cause to hinder or interrupt the Township, its officers, contractors, or agents in the exercise of any of the powers conferred under this By-law	Sec. 8.1	\$200.00

NOTE: The penalty provision for the offences indicated above is section 8.2 of By-law No. 2023-085, a certified copy of which has been filed.

The fine amounts listed above have been approved by the Regional Senior Justice. Dated Oct. 26, 2023

Electronic Signature: *W. Vincent Clifford*

W. Vincent Clifford, Regional Senior Justice, Ontario Court of Justice - East Region