

The Corporation of the Municipality of Brighton

By-Law No. 119-2017

A By-law to regulate the water supply system in the Municipality of Brighton.

Whereas pursuant to Section 11 of the Municipal Act, S.O. 2001, c.25, which provides that a municipality may pass by-laws respecting services including public utilities

And whereas public utilities include a system used to provide water services for the public;

And whereas section 429 of part XIV of the Municipal Act, S.O. 2001, c.25, provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under this Act;

And whereas by by-law, the policy of the Municipality of Brighton is to install water meters on all residential, industrial, commercial and institutional establishments located within the Brighton Distribution System limits;

And whereas the Ontario Water Resource Act, the Building Code Act, the Municipal Act, and the Public Utilities Act provide for the regulation, maintenance, inspection and management of plumbing and related municipal works;

Now, therefore the Council of the Corporation of the Municipality of Brighton enacts as follows:

Section 1.0 **Definitions**

1.1 In this By-law:

"AWWA" shall mean the American Water Works Association;

"Building" shall mean a structure supplied with potable water by the Municipality of Brighton;

"Contractor" shall mean a person, partnership or corporation who contracts to undertake the execution of work commissioned by the property owner or the Municipality to install or maintain mains, private mains, water services, hydrants and other appurtenances;

"Cross Connection" shall mean a temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the waterworks distribution system and includes swivel or changeovers devices, removable sections, jumper connections and bypass arrangements;

"Disconnection" shall mean the physical discontinuance of the supply of water to a premise by shutting it off at the curb stop or through isolation of the lateral near the main;

"Discharge" shall mean, when used as a verb, add, deposit, leak or emit and when used as a noun, includes addition, deposit, emission or leak;

"Dwelling" shall mean one or more habitable rooms occupied or capable of being occupied by an individual, individuals or family as an independent and separate housekeeping establishment, with separate kitchen and sanitary facilities provided for the use of such individual, individuals or family, with its

own private entrance, but does not include a trailer, single-wide mobile home or tent;

"Hydrant" shall mean a valve connection on a water supply system having one or more outlets and used to supply fire department pumpers and hoses with water;

"Lateral" shall mean a privately or publicly owned piping system that is connected to the waterworks;

"Main" shall mean every water pipe installed on the public road allowance or on any other land upon which the Municipality has obtained an easement;

"Meter" shall mean a municipal or private meter, register and remote readout unit which are of a type approved by the Municipality;

"Municipality" shall mean the Municipality of Brighton;

"NFPA" shall mean the National Fire Protection Association;

"Occupant" shall mean any lessee, tenant, owner or any person in possession of a premise;

"Owner" shall mean the registered owner of the property;

"Person" means an individual, association, partnership, corporation, government body or an agent or employee thereof;

"Potable Water" shall mean water intended for human consumption, which is free from pollution, harmful organism and impurities;

"Private Main" shall mean a pipe installed on private property and connected to the Municipal water distribution system;

"Shut-off Valve" shall mean the valve on the Municipality's water service connection owned and used by the Municipality to shut off or turn on the water supply from the Municipality's water distribution system to any premises;

"Water service connection" shall mean the pipes and fixtures used for the purpose of supplying any premises in the Municipality with water from the Municipality's water works that is located between the Municipality's water main in the street and the street property line abutting the premises so supplied;

"Waterworks" shall mean the publicly owned water system, including wells, pumps, reservoirs, and pipe distribution network, located on publicly owned land, public, right of ways, and easements with right of public entry and shall include but not be limited to any works for the collection, production, treatment, storage, supply or distribution of water or any part of any such works.

Section 2.0 Prohibitions under this By-law

2.1 No person shall be connected to a private service, including a well and/or septic system, where piped municipal services are readily available or where they could be reasonably extended, as determined by the Municipality.

2.2 No person shall disconnect or allow to be disconnected any premises serviced by the Municipality's waterworks system without the express written permission of the Municipality to do so.

- 2.3 No person shall connect any pipe or make alterations to any pipe or other appurtenances associated with the Municipality's waterworks, or in any way obtain or use water by way of the waterworks system without the express written permission of the Municipality to do so.
- 2.4 No person shall make or permit a connection, either directly or indirectly, between water lines which are part of a private water system and water lines which are part of the Municipality's waterworks system.
- 2.5 Every person shall provide clear access to shut-off valves at all times so as to ensure that water in the water service pipes and private mains may be turned off or on as may be deemed necessary by the Municipality.
- 2.6 No person shall cause, permit or maintain a shut-off valve in a driveway, sidewalk or walkway constructed of asphalt, concrete or paving stone.
- 2.7 No person, other than persons acting under the authority of the Municipality, shall operate the shut-off valve to any premises.
- 2.8 The owner of the premises that is to be supplied with water shall provide sufficient heat in order to prevent damage to water meters, pipes and related appurtenances. Any costs related to damage caused to meters, pipes and related appurtenances as a result of the failure to comply with the provisions of this By-law shall be the responsibility of, and paid by, the owner of such premises.
- 2.9 No person shall prevent, hinder, obstruct or interfere with, or attempt to prevent, hinder, obstruct or interfere with the Municipality, its officers, contractors, agents, servants or workers while exercising their duties conferred upon them by this By-law.
- 2.10 No person shall willfully let off or discharge water so that the water runs waste or useless out of the waterworks.
- 2.11 No person shall, without the consent of the Municipality, lend, sell, or dispose of water, give it away, permit it to be taken or carried away for use by or the benefit of another.
- 2.12 No person shall use any water from the waterworks in a building without a water meter having been installed to the satisfaction of the Municipality and an active water user account with the Municipality.

Section 3.0 Cross Connections & Back Flow

- 3.1 No person shall connect, or maintain an existing connection, to any pipe, fixture, fitting, container or appliance which, under any circumstances, may allow water, waste water, non-potable water, or any other liquid, chemical or substance to enter the waterworks distribution system. The means for 'protection from contamination' shall be in accordance with the requirements of the Ontario Building Code Act, 1997, as amended from time to time.
- 3.2 Any person authorized by the Municipality shall, at all reasonable times, be given free access to all parts of every building on the premises to which a water service is supplied for the purpose of inspecting, altering or disconnecting any water service, wire, rod or cross connection within the building or elsewhere on the property.

- 3.3** Where access is not provided pursuant to section 3.2 of this By-law, a written notice by the Municipality shall be issued to the owner or occupant of the premises directing that access be provided within seven (7) days from the date of the notice. If access is not provided within this time frame, the Municipality may, at its discretion, shut off the supply of water to the premises until such time as the access is provided.
- 3.4** If, upon inspection a condition is found to exist which is contrary to section 3.1 of this By-law, the Municipality may issue an order as may be required to obtain compliance with section 3.1 of this By-law.
- 3.5** Should the person to whom the order, pursuant to section 3.4 of this By-law, has been issued fail to comply with the order, the Municipality may:
- a) shut off the water service or services, or
 - b) give notice to the person so ordered to correct the fault at their expense and to do so within a specified time period. If the notice is not complied with, the Municipality may then shut off the water service or services.
- 3.6** Notwithstanding sections 3.1, 3.4 and 3.5 of this By-law where, upon receiving notice that, in the opinion of the Municipality or an approved authority, a risk of possible contamination of the water works distribution system exists, a customer or the person responsible for the property shall forthwith install, at the source of the potential contamination, a cross connection control device approved by the Municipality. The Municipality shall shut off the water service or services to the property in the event the said cross connection control device is not installed to the satisfaction of the Municipality.

Section 4.0 Water Meters

- 4.1** All water used for other than firefighting purposes or water authorized by the Municipality for construction or other purposes, shall pass through a meter approved by the Municipality. In addition to other remedies the Municipality may have by law in respect to an infringement of this By-law, the Municipality may without notice, shut off and stop the supply of water to a property upon ascertaining that water has been used which has not passed through a meter.
- 4.2** The Municipality may shut off or restrict the supply of water to a property if the Municipality requires access to the property to install, replace, repair or inspect a water meter.
- 4.3** Before shutting off or restricting the supply of water, other than for emergencies or for maintenance of the municipal portion of the waterworks system, the Municipality shall:
- a) notify by hand delivered notice or by registered mail, the owners and occupants of the affected property of the date upon which the Municipality intends to shut off or restrict the supply of water, and
 - b) in the event access to the property is not obtained before that date, a copy of the notice described in section 4.3 a) shall be posted on the property in a conspicuous place. The Municipality may shut off or restrict the supply of water within seven (7) days after the notice has been posted.

- 4.4** Where the Municipality has shut off or restricted the supply of water pursuant section 4.3 of this By-law, the Municipality shall restore the supply of water as soon as practicable after obtaining access to the property and completion of all work for which access to the property was required.
- 4.5** All charges for any of the work and services mentioned in section 4 of this By-law shall be determined by the Municipality and shall be paid in full by the owner or customer as the case may be.
- 4.6** Every separate dwelling unit, living unit and separate commercial space to which water is being supplied, shall be furnished with a single water meter supplied by the Municipality unless an exemption from this requirement has been approved by the Municipality.
- 4.7** Every water meter must be purchased from the Municipality and shall be installed to conform to Municipal standards.
- 4.8** Where required by Municipal standards or as deemed necessary by the Municipality, the property owner shall supply and install a lockable underground chamber to the satisfaction of the Municipality. The underground chamber shall be located on the private side of the property line immediately adjacent to the road allowance and shall house an inlet valve, meter and backflow preventer and an outlet valve, if required. The owner shall be responsible for maintaining the underground chamber.
- 4.9** The location of a meter shall not be changed by any person except with the written consent of the Municipality.
- 4.10** All water flowing to private meters must first pass through the Municipality's meter. The Municipality will not supply, install, inspect or read private water meters, nor will the Municipality bill consumption on private water meters.
- 4.11** The Municipality and person authorized by the Municipality, shall at all reasonable times be allowed free and clear access to read a meter located in a dwelling unit or elsewhere on the property where water is being supplied. Where such access to the meter is not provided by the owner or occupant within seven (7) days upon written notice by the Municipality having been served, the Municipality may, at its discretion, shut off the supply of water until such time as free and clear access to the water meter is provided.
- 4.12** Any leak that develops at a meter or its couplings shall be reported immediately to the Municipality. The Municipality is not liable for any damages caused by such leaks.
- 4.13** No person, except a person authorized by the Municipality, shall be permitted to open a water meter or alter the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such meter. Should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building, dwelling unit or on any property, the Municipality may forthwith and without notice, shut off the water thereto. The water may be restored to such building, dwelling unit or property at the discretion of the Municipality after inspection and resealing.
- 4.14** If in the opinion of the Municipality, the condition of the water service, or plumbing system related to a property is such that the meter cannot be

safely removed for the purpose of testing, replacing or repair without fear of damage to any of the system's components, the Municipality may require the owner or occupant to take such action as may be deemed necessary to facilitate the testing, replacement or repair of the meter. If upon notification, the owner does not comply with the Municipality's request, then the water supply to the property may be turned off at the shut-off valve during removal of the meter for testing, replacement or repair and the Municipality shall not be held responsible for any damages to the owner's property arising from such work.

- 4.15** If, for any cause, a meter is found not to be working properly, then the amount of water to be charged for shall be estimated based on the average reading for the 12 months previous.
- 4.16** A customer may, upon written application to the Municipality, have the water meter at his or her dwelling unit tested for accuracy of registration. The application shall be accompanied by a deposit of the fee based on the cost for testing by a 3rd party organization. If the testing determines that the meter reads in excess of the actual flow volume, the deposit for the test shall be refunded.
- 4.17** Water meters shall be tested in accordance with AWWA standards and procedures, as may be amended from time to time. Testing shall be done by an accredited test facility as determined by the Municipality. Should such test confirm that the meter is found to operate outside of applicable specifications, the Municipality shall estimate the flow volume underage or excess and the customer shall be reimbursed for cost incurred as a result of the malfunctioning meter. The time frame used for the calculation of the estimate shall be limited to the four (4) month period prior to testing.
- 4.18** Where the water meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the read-out device, the Municipality shall consider the reading at the meter to be correct and shall adjust and correct the customer's account accordingly.
- 4.19** Where the water meter is equipped with a remote read-out unit of any type, the occupant of the property shall be responsible for keeping the wire from the meter to the remote read-out unit in good repair and working order. If repairs are performed by Municipal staff, the fee charged for the work will be at the hourly rate as set out in the Water and Wastewater Fees and Charges By-law and the hourly rate will be applied to each hour, including any portion thereof, worked.

Section 5.0 Hydrant Use and Maintenance

- 5.1** No person, except for certified operators authorized by the Municipality and personnel of the Brighton Fire Department while in the performance of their duties, shall operate a hydrant.
- 5.2** Any hydrant situated within the road allowance is the property of the Municipality and shall be maintained by it. The Municipality shall maintain Municipal owned hydrants located on private property.
- 5.3** No person shall paint hydrants or tamper with the colour scheme of hydrants except with the permission of the Municipality to do so.
- 5.4** No person shall alter, screen or obstruct any fire hydrant with trees, shrubs, bushes, posts, fences, snow, trash, vehicles, structures or

materials of any kind that, in the opinion of the Municipality, would diminish the visibility of the fire hydrant.

- 5.5** No person shall, without the prior written authorization of the Municipality, obstruct the free access to any hydrant, or cause or permit vegetation or other objects or material of any kind to be planted or placed neither between the hydrant and the roadway nor, within a 1.5 metre radius beside or behind a hydrant.
- 5.6** All private hydrants are the responsibility of the property owner and must be installed and maintained, at the owner's expense, in compliance with the following:
- a) the Ontario Fire Code,
 - b) the Ontario Building Code, and
 - c) NFPA 24 – Installation of Private Fire Service Mains and their Appurtenances, as amended from time to time.
- 5.7** Any water supplied or made available to any land or building for the purposes of protecting property or persons from fire or for preventing fires or the spreading of fires, shall not be used for any other purpose.

Section 6.0 Enforcement and Penalty

- 6.1** A By-law Enforcement Officer, Chief Building Official, Construction Inspector, Waste Water Operator, Waste Water Supervisor, Water Operator, Water Supervisor, Road Supervisor, Manager of Public Works and Environmental Services and Manager of Capital Infrastructure may at reasonable times enter upon any premises other than a dwelling house in order to ascertain whether the provisions of this By-Law are being complied with or to enforce this By-law.
- 6.2** Any person who violates any provision of this By-law is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O., 1990, c.p.33.
- 6.3** Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.
- 6.4** Set fines for contravention of this By-law are set out in Schedule "A" of this By-law.
- 6.5** A fee will be charged for all worked performed by Municipal staff. The fee charged as outlined in the Water and Wastewater Fees and Charges By-law. If the work performed is not listed in Schedule "A" of the Water and Wastewater Fees and Charges By-law, then a hourly rate will apply to each hour, including any portion thereof, worked.

Section 7.0 Validity

In the event any Court of competent jurisdiction declares any section or provision of this By-law to be invalid, or to be of no force and effect for any cause, such section or provision thereof shall be deemed severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforceable to the same extent as if the offending section or provision thereof had not been included herein.

Section 8.0 Repeal

That By-law No. 274-2004 is hereby repealed.

Section 9.0 Effective Date

This By-law shall come into force and effect upon the date of final passing thereof.

Read a first, second and third time and finally passed this 20th day of February 2018.



Mark A. Walas, Mayor



Vicki Kimmett, Deputy Clerk

Certified to be a true copy and correct copy of the original document which has not been altered in any way.



Candice L. Doiron, Clerk
Municipality of Brighton

Schedule "A" Set Fines

**The Corporation of the Municipality of Brighton
Part 1, Provincial Offences Act**

**By-Law No. 119-2017
2017 Water Supply By-Law**

Item	Column 1 Short Form Wording	Column 2 Provision Creating Or Defining Offence	Column 3 Set Fine
1	Unauthorized connection to private services	Section 2.1	\$950.00
2	Disconnect premises without written permission	Section 2.2	\$950.00
3	Unlawful connection to municipal waterworks	Section 2.3	\$950.00
4	Unlawful connection between water lines	Section 2.4	\$950.00
5	Shut-off Valve not accessible	Section 2.5	\$300.00
6	Unlawful location of a shut-off valve	Section 2.6	\$300.00
7	Unauthorized operation of shut-off valve.	Section 2.7	\$200.00
8	Fail to provide sufficient heat to prevent damage	Section 2.8	\$300.00
9	Prevent, hinder, obstruct, interfere with Municipality authorized person(s)	Section 2.9	\$250.00
10	Wastefully discharge water	Section 2.10	\$300.00
11	Unlawful use of water for the benefit of another	Section 2.11	\$300.00
12	Use water without a water meter	Section 2.12	\$350.00
13	Unlawful cross connection of water works	Section 3.1	\$350.00
14	Tamper with water meter	Section 4.13	\$300.00
15	Unauthorized operation of a fire hydrant	Section 5.1	\$300.00
16	Paint or tamper with colour scheme of fire hydrant	Section 5.3	\$400.00
17	Alter, Screen or Obstruct fire hydrant	Section 5.4	\$350.00
18	Obstruct free access to fire hydrant	Section 5.5	\$350.00

Note: The general penalty provision for the offences listed above is Section 6.2 of By-law 119-2017, a certified copy of which has been filed.