



## **STAFF REPORT EXECUTIVE SUMMARY & RECOMMENDATION**

The following executive summary provides a brief description about the report and the recommendation advises on any action being requested from Council.

**Subject:                   New Municipal Water Use By-law**

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### **Executive Summary:**

To ensure that the Town's water system is used properly and that InnServices has sufficient enforcement measures, it is recommended that Council approve the updated Water By-law.

### **Recommendation:**

- 1. That Staff Report DSR-178-21 regarding the New Municipal Water Use By-law dated December 8, 2021 be received; and**
- 2. That By-law 016-96 be repealed; and,**
- 3. That By-law 101-21 being a by-law for the construction, operation, maintenance and use of the municipal waterworks system, be adopted.**

# New Municipal Water Use By-law

## Staff Report DSR-178-21



One Town One Team

**To: Mayor, Deputy Mayor and Members of Council**

**From:** Tracey Morden, Chief Compliance Officer & Head of Corporate Services, InnServices

**Date:** December 8, 2021

### **Recommendation:**

- 1. That Staff Report DSR-178-21 regarding New Municipal Water Use By-law dated December 8, 2021 be received; and**
- 2. That By-law 016-96 be repealed; and,**
- 3. That By-law 101-21 being a by-law for the construction, operation, maintenance and use of the municipal waterworks system, be adopted.**

### **Background:**

InnServices Utilities Inc. is committed to providing safe and potable drinking water to our residents and surrounding communities. As such the maintenance and the protection of drinking water system within the Town of Innisfil. The existing Town water by-law, 016-96, which regulates the use of the public water system was created in 1996 and there has been no updates to this by-law since its adoption. The Ministry of the Environment, Conservation and Parks (MECP) has informally raised the issue of the updating the Town by-law for several years. The Board of InnServices has received a report outlining the proposed new Municipal Water Use By-law ("By-law") and has requested that it be provided to Council for adoption.

### **Analysis/Consideration:**

The general purpose of a water use by-law is to control the use/maintenance and connection to the water system. The objectives of the new By-law are to:

- protect the drinking water distribution system from damage and contamination;
- ensure safe potable drinking water supply to the residents of Innisfil and Bradford West Gwillimbury;
- assist in drinking water distribution system efficiency by preventing contaminated water from entering the system;
- protect the environment from unplanned discharge of chlorinated water from the distribution system;
- assist InnServices in maintaining compliance with the operating conditions

established by the Province of Ontario; and

- protect sources of drinking water as required by applicable Source Water Protection Plans and the Clean Water Act; and
- ensure approval from InnServices before commencement of any work affecting the drinking water distribution system.

**Updates to the By-law include the following sections:**

**General Prohibitions**

- Prohibits any alteration, damage, removal defacing or tampering of any part of the Water Distribution System.
- Prohibits the turning of water shut-off valves by any person other than InnServices.
- Prohibits the operations of fire hydrants without the authorization of InnServices.
- Prohibits tampering with water meters.

**Liability**

- Limits liability for damage caused by emergency repair work for InnServices.
- Extends liability for damage to the water distribution system by third parties.

**Enforcement Entry and Inspections**

- Assist InnServices by appointing By-law Officers to administer and enforce this by-law.

**Water Service Connections**

- Sets out requirements, engineering standards, prohibitions and costs associated with the approval for a water service connections.
- Requires private watermains to meet the engineering standards set-out by the Town of Innisfil and InnServices.

**Land Development Connections**

- Land Developer's responsibilities in relation to the protection of the municipal drinking water system.

**Water Service Disconnection**

- Specific procedures for the temporary or permanent disconnection of a sanitary service prior to demolition of a building to limit infiltration to the existing sewer.

**Community Strategic Plan Alignment:**

This report furthers the objective 3.1 “Maintain and Protect Existing Infrastructure” in the Community Strategic Plan by modernizing an old by-law to allow InnServices to ensure adequate protection of water infrastructure.

**Financial Consideration:**

There is no direct financial impact to the Town as a result of adopting this By-law. The By-law does set-out maximum fines for violations which are as follows:

- For individuals, up to a maximum of \$10,000.00 for a first offence and up to a maximum of \$25,000.00 for additional offences

- For corporations, up to a maximum of \$50,000.00 for a first offence and up to a maximum of \$100,000.00 for additional offences.

**Local Impact:**

The recommended by-law updates will ensure that InnServices can provide residents with a functional and long-lasting water system and ensure that InnServices is meeting all requirements of the Ministry of Environment, Conservation and Parks.

**Options/Alternatives:**

Council could choose not to approve the new by-law and keep the existing by-law in place. This would not address required updates to address changes to the system since the current by-law was put in place in 1996, as well as recent requirements of the Ministry of Environment Conservation and Parks.

**Conclusion:**

To ensure that the Town's water system is used properly and that InnServices has sufficient enforcement measures, it is recommended that Council approve the updated Water By-law.

**Prepared By:**

Tracey Morden, Chief Compliance Officer/Head of Corporate Services, InnServices  
Lee Parkin, Manager of Legal & Clerk Services

**Approved By:**

Danny Persaud, President & CEO InnServices

**Attachments:**

Attachment 1 – By-law No. 101 New Municipal Water Use By-law

**Reference Material:**

[Community Strategic Plan](#)

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 101-21

**A By-law of the Corporation of the Town of Innisfil to enact rules and regulations covering the construction, operation, maintenance and use of a waterworks system.**

**WHEREAS** Section 9 of the Municipal Act, R.S.O. 2001, S.O. 2001, as amended ("The Municipal Act, 2001"), provides that a municipality has the Capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 10 of Municipal Act, 2001, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 11 (4) of the Municipal Act, 2001, S.O. 2001, provides that a single-tier municipality may pass By-laws respecting matters within the spheres of jurisdiction set out therein including, public utilities;

**AND WHEREAS** Section 80 (1) of the Municipal Act, 2001, S.O. 2001, provides that a municipality may enter onto land to which it supplies a public utility

- (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or
- (b) to inspect, install, repair, replace or alter a public utility meter.

**AND WHEREAS** Section 11 and 19 of the *Safe Drinking Water Act*, requires every owner and operator of a municipal drinking water system to ensure that all water provided by the system meets the requirements of drinking water quality standards and that the drinking water system is operated in accordance with the *Safe Drinking Water Act*;

**AND WHEREAS** Part 7 of the *Ontario Building Code*, as amended from time to time, authorizes a municipality to regulate the connection of individual water services to a municipal potable water system;

**AND WHEREAS** InnServices is deemed to be the "water purveyor" as defined in subsection 1.4.1.2 (1) (b) of the *Ontario Building Code*;

**AND WHEREAS** Subsection 7.6.1.3 (5) of the *Ontario Building Code* states that "where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valving arrangement for the meter installation shall be according to the water purveyor's requirements."

**AND WHEREAS** Subsections 81 (1) and (2) of the *Municipal Act* authorize a municipality to shut off the supply of a public utility to land if fees or charges payable by the Owners or Occupants of the land for the supply of the public utility are overdue, upon providing reasonable notice of the proposed shut off to the Owners and Occupants;

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**AND WHEREAS** subsection 82 (1) of the *Municipal Act* provides that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplies to the land of any Person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce is given;

**AND WHEREAS** subsection 91 (9) of the *Municipal Act* authorizes a municipality to enter upon land to repair and maintain its public utilities;

**AND WHEREAS** subsection 391 (1) of the *Municipal Act* states that a municipality may pass by-laws imposing fees or charges on Persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** subsection 425 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing a Person who contravenes it is guilty of an offence and subsection 429 (1) authorizes the establishment of a system of fines for offences under a by-law of the municipality.

**AND WHEREAS** section 436 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law, direction or order of the municipality is being complied with;

**AND WHEREAS** section 444 of the *Municipal Act* authorizes a municipality to make an Order requiring the Person who contravened a by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the activity and any Person who contravenes such Order is guilty of an offence;

**AND WHEREAS** section 445 authorizes a municipality to make an Order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to do the work to correct the contravention;

**NOW THEREFORE**, the Council of the Town of Innisfil enacts as follows:

## **Section 1.0 – Definitions**

1.1 For the purposes of this By-law, the following terms shall have the corresponding meanings;

**Applicant** – means any Person who makes an application under this By-law;

**AWWA Standards** – means the standards adopted by the American Water Works Association, amended from time to time;

**Backflow** – means the flowing back or reversal of the normal direction of flow;

**Backflow Preventer** – means a device or method that prevents backflow in a water distribution system;

**Building** – means a structure as defined by subsection 1 (1) of the Building Code Act, 1992, S.O. 1992, c.23, as amended;

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**Building Code** – means the regulations governing standards for construction and demolition of buildings made under the *Building Code Act*, S.O. 1992, c.23 as amended;

**Commercial** – means lands, buildings or structures that is deemed by the Town to be used for the sale or provisions of goods and services to the general public which does not include *Industrial* and not excluding *residential* usage;

**Continuing Offence** – means a Person can be charged with a separate offence for each day on which the offence was committed or continued;

**Council** – means the council of the Town of Innisfil;

**CSA** – means the Canadian Standards Association;

**CSA Standard** – means the document(s) entitled CAN/CSA B64.10/B64.10.1 Manual Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers; as amended from time to time;

**Customer** – means the Owner or Occupier of a property which is serviced by and connected to the Water Distribution System;

**Developer** – means the Owner or party named in a development agreement or subdivision agreement;

**Development** – means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure which may have the result of increasing or decreasing the consumption of water at the property;

**Drinking Water** – means water intended for human consumption as defined by subsection 2 (1) of the Safe Drinking Water Act, 2002, c.32, as amended;

**Industrial** – of or pertaining to manufacturing, commerce, trade, business or Institutions as distinguished from domestic or residential;

**InnServices** – means InnServices Utilities Inc., a corporation established by the Town of Innisfil under O.Reg. 599/06 and is the Owner of the Municipal Drinking Water System and Operating Authority for the purposes of this by-law;

**Institutional** – means a facility operated for public purposes, such as schools, universities, medical facilities, museums, prisons, government offices and military bases. Some of these facilities produce non-residential discharges to sewers from, for example, laboratories, chemical use and industrial processes;

**Municipal Drinking Water System** – means the Town's system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water, and that includes:

- i) Anything used for the collection, production, treatment, storage, supply or distribution of water;

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- ii) Anything related to the management of residue from the treatment process or the management of the discharge of a substance into the natural environment from the treatment system; and
- iii) A well or intake that serves as the source or entry point of raw water supply for the system.

**Occupier or Occupant** – means any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise.

**Officer** – means an employee of the Town or InnServices, or a person or persons appointed by the Town or InnServices to enforce Town by-laws, and includes Community Standards Officers of the Town.

**Ontario Drinking Water Quality Standards** – means Ontario Regulation 169/03 under Safe Drinking Water Act, 2002, S.O. 2000, c.32, as amended or any successor thereto;

**Operating Authority** – means, in respect of a drinking water system, the person or entity that is given responsibility by the owner for the operation, management, maintenance or alteration of the system

**Order** – includes a Notice, Work Order, Order to Comply, and Order to Discontinue issued by the Town;

**Owner** – means any person or corporation that is the registered owner of land or any agent thereof; a person entitled to a limited estate in land; a trustee in whom land is vested; a committee of the estate of a mentally incompetent person; an executor, an administrator or a guardian;

**Person** – means and includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include the plural wherein the context requires;

**Potable Water** – means water that is fit for human consumption;

**Premise Isolation** – means isolation provided at the entrance to a building, structure, or property from the municipal drinking water system;

**Private Fire Service Main** – means pipes, fittings and appurtenances that convey water from the Water Service Connection for the purpose of fire protection or suppression only to all points in a fire protection or suppression system;

**Private Water System** – means an assembly of pipes, fittings, valves, equipment, and appurtenances owned by an Owner of Property 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;

**Property** – means one house, one building, one structure, one lot or block on a plan of subdivision or one parcel of land within the Town which has a unique municipal address and is adjacent to the waterworks system.

**Qualified Person** – means an individual who holds a Drinking Water System Operator's certificate under Ontario Regulation 128/04 (*Certification of Drinking Water System Operators and Water Quality Analysts*) of the *Safe Drinking Water Act*, S.O. 2002, c.32, as amended or any successor thereto;

**Town** – means the municipality of the Town of Innisfil and InnServices Utilities Inc. or the geographic area of the Town of Innisfil as the context requires;

**Safe Drinking Water Act** – means the *Safe Drinking Water Act*, S.O. 2002, c.32, as amended or any successor thereto;

**Shut-Off Valve** – means the valve on or near the Property Line owned and used by InnServices to shut off or turn on the water supply from the waterworks to a property;

**Property Line** – means the boundary of a Property abutting a Road Allowance;

**Provincial Authority** – means the Ministry of Environment, Conservation and Parks, or its successor.

**Water** – means Drinking Water;

**Water and Wastewater Rates By-law** – means the Town By-law No. 006-21, being a by-law to approve rates for water services and wastewater services provided by InnServices Utilities Inc. to Customers in the Town of Innisfil and others, as may be amended from time to time;

**Watermain** – means a pipe forming part of the Waterworks System that conveys municipal Water supply to Water Service Connections;

**Water Meter** – means an apparatus at a property or at a bulk water fill location which measures and records the quantity of water passing through it and is read, serviced, maintained or supplied by InnServices;

**Water Meter Chamber** – is part of the Waterworks System and means the underground structure housing a Water Meter which is located on private property two (2) meters from the Property Line, or as approved by InnServices;

**Water Meter Enclosure** – is part of the Waterworks System and means the above ground heated and insulated structure housing a Water Meter which is located on private property two (2) meters from the Property Line, or as approved by InnServices;

**Water Service Connection** – is part of the Waterworks System and means the pipes, fittings and appurtenances used for the purpose of supplying a Property in the Town of Innisfil with Water from the Waterworks System and is located between the Property Line and the Watermain;

**Water Distribution System** – means the municipal drinking water system which is owned and operated by InnServices licensed pursuant to the *Safe Drinking Water Act*, S.O. 2002, c.32, as amended;

**Waterworks System or “Waterworks”** – means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of such works, but does not include plumbing to which the Building Code Act, 1992 applies;

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**Well** – means an excavation or structure created in the ground by digging, driving, boring, or drilling to access groundwater;

**Work or Works** – means all construction, alteration, inspection, operation and maintenance activities related to the Waterworks System.

**Section 2.0 – Application of By-law**

2.1 This By-law shall apply to

- a) Every Person using or drawing Water from the Water Distribution System;
- b) The Owner or Occupier of every property upon which Water is used, unless the Water being used is not supplied by the Water Distribution System; and
- c) All properties with a connection to the Water Distribution System whether metered or not, and whether the connection is permanent or temporary.

**Section 3.0 – Administration of By-law**

3.1 InnServices shall be responsible for the operation and maintenance of the Town of Innisfil's Water Distribution System in accordance with all Applicable Laws including but not limited to the Ontario *Safe Water Drinking Act*. InnServices in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate the Water Distribution System within its boundaries serving the Town, to establish whether and the terms upon which municipalities or Persons outside the Town may be allowed to connect to the said Water Distribution System as Customers.

3.2 InnServices shall become the owner and operator of a water system that is built within the right-of-way as part of a subdivision or site plan by a Developer or Builder with the approval of the Town, once the new water system has been connected to the Water Distribution System and upon the Town issuing the Certificate of Completion and Acceptance of Underground Works.

3.3 InnServices shall be authorized to inspect all existing Private Water Systems and appurtenances thereto, and Backflow Preventers located and installed on private property.

**Section 4.0 – Conditions on Water Supply**

4.1 InnServices agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of water but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water and is not liable for damages to the customer caused by the breaking of any Water Service Connection or attachment, or for shutting off of Water to repair mains or to tap mains.

**Section 5.0 – Water Rates and Charges**

5.1 InnServices shall be responsible for reading Water Meters and for accounting and billing and collection of water User Fees and Water Rates charged in accordance with the Water and Wastewater Rates By-law.

- 5.2 The Water Rates, Waterworks User Fees and Back Charges shall be charged in accordance with the Water and Wastewater Rates By-law.
- 5.3 Customers shall be charged for and pay the amount due and owing as set out on their Water Bill for the property as per the quantity of the Water supplied by InnServices and in accordance with the Water and Wastewater Rates By-law.

## **Section 6.0 – Water Meters**

- 6.1 All water supplied to a Property shall pass through a Water Meter and the rates charged for such water shall be those reflected in the Water and Wastewater Rates By-law.
- 6.2 The Owner will be charged for all water passing through the Water Meter, whether used or wasted.
- 6.3 Water Meters shall be immediately accessible for readings, maintenance and repairs.
- 6.4 All Water Meters shall be supplied by InnServices and paid for by the Owner.
- 6.5 If a Water Meter fails to register, the Owner will be charged for the estimated average consumption for the pertinent period as determined by InnServices.
- 6.6 No Person shall open, alter, seal, relocate or tamper with a Water Meter, or do anything that may interfere with the registration of the quantity of the water passing through the Water Meter, without the authorization of InnServices.

## **Section 7.0 – General**

- 7.1 Unless specifically authorized by InnServices, no Person shall do, cause or permit the following:
  1. Make an opening into;
  2. Alter;
  3. Damage;
  4. Remove;
  5. Deface;
  6. Tamper with; or
  7. Discharge any substance into;

Any part of the Water Distribution System.
- 7.2 Unless specifically authorized by InnServices, no person shall enter into any chamber, structure or building associated with the Water Distribution System.
- 7.3 No Person shall perform any kind of tap to the Water Distribution System, unless authorized and witnessed by InnServices.
- 7.4 No Person shall operate any valve, fire hydrant or appurtenance that is connected to the Water Distribution System, unless authorized by InnServices.

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- 7.5 No Person shall make any alteration to the Water Distribution System unless authorized by InnServices.
- 7.6 Any Person who has undertaken or caused or permitted to be undertaken any construction of work, whether authorized or approved by the Town or not, and which is located under, over, across or along any watermain or other part of the Water Distribution System shall be liable to InnServices for any damage caused by such construction or work. The Person shall immediately notify InnServices of any damage caused by such construction or work and InnServices will undertake the repair of any such damage, or direct such repairs to be undertaken, and all costs for the repairs including but not limited to any overhead and administrative fees as set out in the Water and Wastewater Rates By-Law, incurred by InnServices shall be the responsibility of such Person.

### **Section 8.0 – Enforcement Entry and Inspections**

- 8.1 The Town shall, from time to time, appoint Officers for the purpose of administering and enforcing this by-law.
- 8.2 The Town may enter onto land at any reasonable time in accordance with sections 435, 436 and 437 of the *Municipal Act, 2001*, to carry out any inspection reasonably required to ensure compliance with this By-law or an order made under this By-law.
- 8.3 No Person shall prevent, hinder, obstruct or interfere in any way with the Town or any of its Officers from:
  - a) entering in or upon any land or premise, except land or premises being used as a dwelling house, at any reasonable time without a warrant;
  - b) inspecting or observing any plant, machinery, equipment, work activity or documents, for the purpose of determining whether there is compliance with this By-law.
- 8.4 For the purposes of an inspection under section 8.2, an Officer may:
  - a) Require, for inspection, the production of documents or things relevant to the inspection;
  - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
  - c) Require information from any other Person concerning a matter related to the inspection;
  - d) Be accompanied by such person as the Officer determines is necessary if such person or persons possess(es) special or expert knowledge related to the purpose of the inspection; and
  - e) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

## Section 9.0 – Water Service Connections

- 9.1 No Person shall connect or permit a connection to the Water Distribution System or alter or permit an alteration to an existing Water Service Connection without the prior authorization from InnServices and the Town and such connections shall be in full compliance with the requirements of this By-law.
- 9.2 Any Person who requires a new Water Service Connection or wishes to change or alter an existing Water Service Connection to the Water Distribution System shall submit an “Additional Service Connection Application”, unless the property is subject to a Subdivision Agreement, Site Plan Control, or other development agreement with the Town which addresses water connections to the property to the satisfaction of InnServices. Detailed design drawings for the Water Service Connection shall be prepared and sealed by a Professional Engineer and submitted to InnServices for approval and be in accordance with the Town of Innisfil Engineering Standards and Specifications Manual.
- 9.3 All applicable fees, deposits, and charges, as set out in the Water and Wastewater Rates By-law and on the “Additional Service Application” must be paid prior to the installation of a Water Service Connection.
- 9.4 InnServices may refuse approval of an application for a Water Service Connection where;
  - a) The Town’s Water Distribution System may be adversely affected;
  - b) There is insufficient water supply available;
  - c) There is insufficient water allocation to service the property;
  - d) A Watermain is not adjacent to the Applicant’s property;
  - e) The Water Service Connection would contravene existing Town By-laws or other applicable laws.
- 9.5 All Water Service Connections and private mains located within Town property shall be constructed according to the Town’s Engineering Design Specifications and Standards Manual, as amended from time to time. All Water Service Connections and private mains located on private property shall be constructed in accordance with the *Ontario Building Code* and in accordance with good engineering practices
- 9.6 The installation of Water Service Connection shall not be permitted until the Owner has met all requirements of this By-law.
- 9.7 Live Tap connections shall be completed by InnServices’ Operations staff or an approved Qualified Person.
- 9.8 For any new water service pipe or private main installation or alteration of existing water service pipes or private mains, the owner shall apply for approval from the Town and InnServices for such work.

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- 9.9 InnServices shall be entitled, at all reasonable times in accordance with Section 8.2 of this By-law, to enter any premises for the purposes of examining pipes, connections and fixtures which are used in connection with the water service pipe or main.
- 9.10 The Operating Authority, including any duly authorized employee, may, in the case of an emergency which may imperil the supply or quality of water, shut off the Water Distribution System and take such remedial action as may be necessary. Such remedial action may include limiting or shutting off the supply of water in any area or restricting the use of water for any specific purpose.
- 9.11 When the Operating Authority, including any duly authorized employee, deems it necessary to limit or shut off the Water Distribution System due to an emergency situation, neither InnServices nor the Town shall not be liable for damages incurred due to such action. Reasonable efforts will be made by InnServices to notify the affected owners.
- 9.12 In accordance with Section 449 of the Act, as amended, no proceeding based on nuisance, in connection with the escape of water from water works, shall be commenced against the Town, a member of a municipal council or of a local board; or an officer, employee or agent of a municipality.

**Section 10.0 – Land Development Connections to Water Distribution System**

- 10.1 In accordance with the *Safe Drinking Water Act*, S.O. 2002 c.23, the Developer acknowledges that as the legal Owner of a Drinking Water System or part of a Drinking Water System, as defined in the *Safe Drinking Water Act*, the Developer must comply with the requirements of InnServices' Municipal Drinking Water License and the Drinking Water Works Permit, as amended.
- 10.2 The Developer is responsible for the protection of the Drinking Water System during the installation of the watermain and after connection to the Water Distribution System until such time when InnServices has assumed the water infrastructure.
- 10.3 If at any time prior to assumption of Works within a Development, InnServices believes or becomes aware that the construction and operation of the Development has caused an adverse condition or contamination to the water supply of an individual, or individuals, InnServices shall notify the Developer in writing with a copy to the Provincial Authority and any other authorities as required by law. The Developer shall immediately in receipt of such notice, make available to any impacted individual, or individuals, a temporary supply of potable water equivalent in quantity and quality, or shall compensate the impacted individual(s) for their reasonable costs in doing so.
- 10.4 If a temporary water supply or other mitigation measure is required under the conditions of this By-law, the temporary water supply or mitigation measure shall be provided and maintained by the Developer until such time as the Developer has demonstrated to the satisfaction of the responsible Provincial Authority and InnServices, at their sole discretion, that either the construction, management, operation, or use of the Lands has

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not caused the impact, or that corrective actions have been taken so as to the water supply and/or environment and to prevent recurrence of the impact.

This requirement and any associated conditions do not create any responsibility for InnServices for the reporting of any impairment of impact, nor any obligation to corrective measures, and such obligations shall remain fully and completely that of the Developer.

**Section 11.0 – Private Water Systems**

- 11.1 Private Water Systems shall be designed, constructed, installed, altered, maintained, and repaired by the Owner, at the Owner's expense, in accordance with all applicable laws including but not limited to the Building Code Act, 1992 and the Town of Innisfil Engineering Design Standards and Specifications Manual and be approved by InnServices.
- 11.2 No Person shall connect or permit to be connected any private water service pipes, Private Water Systems, or private fire service mains, of a size equal to or greater than 100 mm in diameter to a Water Service Connection or the waterworks system until the private water service pipes, private water systems or private fire service mains have been disinfected, tested and sampled in accordance with Ontario Watermain Disinfection Procedure, as amended.
- 11.3 All Works shall conform to section 9.0 of this By-law.
- 11.4 All Private Water Distribution Systems shall be looped to avoid dead-ends, where possible.
- 11.5 The Owner of a Private Water Distribution System is responsible for monitoring, testing, and reporting in accordance with MECP regulations and the *Ontario Safe Drinking Water Act*, S.O. 2002 c.23, as amended from time to time.

**Section 12.0 – Disconnection of Water Service**

- 12.1 Prior to demolition of a dwelling/building, the existing municipal water service Shut-Off Valve shall be closed by an InnServices Qualified Person, at the Owner's expense. The water service shall then be disconnected by the Owner, on the Property, and the water service shall be brought three (3) feet above surface and secured to a 2" x" 4" wood marker painted blue, at the Owner's expense. The water service shall be capped with a plastic cap to keep out debris.
- 12.2 If a service is to be permanently abandoned, the existing service must be shut off, cut and capped at the Watermain in the presence of an InnServices Qualified Person, at the Owner's expense.

### **Section 13.0 – Backflow Prevention and Cross Contamination**

13.1 All Owners shall comply with backflow prevention and cross contamination rules as may be approved by the Town or InnServices from time to time.

### **Section 14.0 – Orders and Offences**

14.1 An Officer who finds a contravention of this By-Law may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 444 or 445 of the Municipal Act, 2001.

14.2 The order may be served personally on the Person to whom it is directed or by registered mail to the last known address of that Person, in which case it shall be deemed to have been given on the third day after it is mailed.

14.3 If there is evidence that the Occupant of the land is not the registered property Owner, the notice shall be served on both the registered property Owner and the Occupant of the land.

14.4 If the address of the registered property Owner is unknown, the Town is unable to effect service on the registered property Owner or Occupant of the land under subsection 14. 2 or the delay necessary to give an order would result in circumstances that endanger the health or safety of any person or similarly serious consequences, a placard stating the terms of the order and placed in a conspicuous place upon land or near the property shall be deemed to be sufficient notice to the registered property Owner or the Occupant of the land.

14.5 If an order has been issued and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

14.6 Every Person other than a corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for any subsequent conviction exclusive of costs, and such fine is recoverable under *the Provincial Offences Act, R.S.O. 1990*, as amended.

14.7 Every corporation which contravenes any provision of any section of this By-law and is guilty of an offence and upon conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for any subsequent conviction exclusive of costs, and such fine is recoverable under *the Provincial Offences Act, R.S.O. 1990*, as amended.

14.8 In this By-law “subsequent conviction” means a conviction for an offence which offence occurs after the date of conviction for an earlier offence under this By-law.

14.9 Where a Person contravenes any provision of the By-law, such Person shall be responsible for all costs incurred by the Town directly related to the contravention.

- 14.10 Where any Person contravenes any provision of this By-law, the Town may direct such Person to comply with this By-law within a specified time.
- 14.11 Every Person so directed shall comply with such direction without delay and within the time specified, calculated from the day of such direction.
- 14.12 Where a Person does not comply with a direction given pursuant to subsection 14.6 of this By-law, the Town may carry out that which was required to be done or cause it to be performed or carried out at that Person's expense to ensure this By-law is complied with. The Town may recover any related expense incurred by requesting that the Town Treasurer include such expense to the tax roll of any property owned by the Person pursuant to the provisions of sections 398 and 446 of the *Municipal Act, 2001*.
- 14.13 Each day that a breach of this By-law continues shall constitute a separate offence.

#### **Section 15.0 - Limitation**

- 15.1 Nothing in this By-law shall be so construed as to permit anything, which by the provisions of any applicable Act, Regulation or By-law is otherwise prohibited.

#### **Section 16.0 – Miscellaneous**

- 16.1 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 any 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.
- 16.2 If any provision of this By-law is inconsistent with the Municipal Act, Safe Drinking Water Act, or any other Act, the provisions of the applicable Act shall prevail.
- 16.3 Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind. Where the context permits, words importing the masculine gender, also include female as well as male.
- 16.4 That this By-law may be cited as the "Municipal Water Use By-law".

**Passed this 8<sup>th</sup> day of December, 2021**

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**Lynn Dollin, Mayor**

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**Lee Parkin, Clerk**