

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 6-2017

**A by-law to regulate the Municipal Drinking Water System of the Regional Municipality of Peel**

WHEREAS the Region operates the Municipal Drinking Water System pursuant to the Ontario *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32;

AND WHEREAS the Council of the Regional Municipality of Peel on December 31, 1973, enacted By-Law 9-73 respecting the supply of water, the management and maintenance of the Municipal Drinking Water System and the establishment of water rates and charges;

AND WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that the Region has exclusive authority within its geographical boundaries to pass by-laws respecting the production, treatment, storage and distribution of water;

AND WHEREAS section 8(1) of the *Municipal Act, 2001* provides that section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS the Council of the Region has by resolution adopted on January 26<sup>th</sup>, 2017 authorized that By-Law 9-73 be repealed and succeeded by a new comprehensive by-law;

NOW THEREFORE, the Council of the Region enacts as follows:

**DEFINITIONS**

1. In this By-law;

“Area Municipality” means the Corporation of the City of Mississauga, the Corporation of the City of Brampton, or the Corporation of the Town of Caledon;

“Backflow” means the flowing back of, or reversal of the normal direction of flow, of water or any other substance, into the Municipal Drinking Water System;

“Bypass Valve” means a valve used to maintain consistent water pressure;

“Commissioner” means the Commissioner of Public Works of the Region;

“Control Valve” means a valve used to control the flow of water;

“Dedicated Fire Service Pipe” means a Municipal or Private Service Pipe that conveys water only for fire suppression purposes;

“Drinking Water” has the same meaning as provided for by the *Safe Drinking Water Act, 2002*, as amended;

“End User” means any owner or occupant of Land that is lawfully entitled to connect to and use the Municipal Drinking Water System;

“Enforcement Officer” means any person employed to enforce Regional by-laws as designated in the Region’s By-law 48-2014, as amended or replaced from time-to-time, and also known as a “By-law Enforcement Officer”;

“Fees By-law” means the Region’s Fees By-law 43-2002, as amended, or any applicable successor By-law, which imposes fees and charges for services and activities provided by the Region;

“Fire Hydrant” means an active fire protection measure consisting of an upright pipe with one or more connection points that enable access to the Municipal Drinking Water System for the purpose of fire suppression;

“Land” means real property and included buildings and structures;

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“Municipal Beautification Area” means those street areas where an Area Municipality maintains flower beds or landscaping;

“Municipal Drinking Water System” means the drinking water system, or part of a drinking water system, owned by the Region, as defined by the *Safe Drinking Water Act, 2002*;

“Municipal Service Pipe” means a lateral pipe and related appurtenances that extends to the property line of private Land and that serves to connect the Municipal Drinking Water System to a Private Service Pipe;

“Non-contact Cooling Water” means the reduction of temperature by means of the circulation of water for the purpose of cooling, in such a manner that the water does not come into direct contact with any raw material, intermediate product, finished product, by-product or waste product, other than heat, of an industrial process;

“Person” means an individual or a corporation;

“Private Service Pipe” means a privately owned pipe or any appurtenance utilized by an End User to lawfully obtain Drinking Water from the Municipal Drinking Water System;

“Region” means the incorporated municipality known as The Regional Municipality of Peel or the geographical area whose inhabitants are incorporated, as the context requires;

“Regional Standards” means the standards identified in the Region’s publication entitled “Public Works Design, Specification & Procedures Manual”, as amended and approved;

“Service Connection” means the connection that joins a Private Service Pipe to the Municipal Drinking Water System;

“Water Charge” means a monetary amount charged by the Region in connection with the provision of Drinking Water from the Municipal Drinking Water System;

“Water Consumption Fees and Charges By-law” means the Region’s Water Consumption Fees and Charges By-law, 2007, 14-2007, as amended, or any applicable successor By-law, which imposes fees and charges for services and activities provided by the Region;

“Water Rate” means the annual rate as provided for in the Water Consumption Fees and Charges By-law;

“Water Meter” means a device supplied and owned by the Region that measures the flow and quantity of Drinking Water that passes through it.

## **OPERATION OF THE MUNICIPAL DRINKING WATER SYSTEM**

2.
  - (1) No unauthorized Person shall, either willfully or through negligence, cause or permit any material or substance of any kind whatsoever to enter the Municipal Drinking Water System.
  - (2) For greater certainty, the prohibition in subsection (1) of this section includes the recirculation of Non-contact Cooling Water.
3. No Person shall open or close a Control Valve unless authorized, in writing, by the Region.
4. No Person shall obstruct free and safe access by the Region to a Control Valve, stop and drain valve or service box unless authorized, in writing, by the Region.
5. The Region does not guarantee to any End User an uninterrupted, continuous supply, pressure or flow of Drinking Water.
6. The Region may provide Drinking Water to an area situated in another municipality provided that the requirements of section 19 of the Municipal Act have been complied with.

7. Without limiting any provision of the Municipal Act, the Region may shut off the supply of Drinking Water to Land if,
  - (a) Water Charges payable in respect of the Land are overdue;
  - (b) the Commissioner believes, on reasonable and probable grounds, that this By-law has been contravened at or in respect of the Land;
  - (c) work is required to be carried out on the Municipal Drinking Water System that reasonably requires shutting off the supply of Drinking Water to the Land; or
  - (d) an emergency exists that reasonably requires shutting off the supply of Drinking Water to the Land.
8. The Region is not liable for damages caused by the interruption or reduction of the amount of Drinking Water supplied to the Land of any Person as a result of an emergency or a breakdown, repair or extension of the Municipal Drinking Water System.

#### **CONNECTION TO THE MUNICIPAL DRINKING WATER SYSTEM**

9. No Person shall use Drinking Water from, or connect to, the Municipal Drinking Water System, or install, alter, extend, replace, or upgrade any component of the Municipal Drinking Water System except with the express approval of the Region.
10. Approvals for connection to the Municipal Drinking Water System may, at the Region's sole discretion, be subject to appropriate terms and conditions.
11. Approval of an application for connection to the Municipal Drinking Water System is valid for a period of twelve (12) months from the date of payment of the approved fee as provided for in the Fees By-law. In the event that the application is withdrawn or expires, any fees paid in respect of the application will be refunded, without interest, less a non-refundable sum, as set out in the Fees By-law. In locations where a Municipal Service Pipe is not already present, approval of an application for connection to the Municipal Drinking Water System shall be subject to the condition that the End User pay for the cost of installation of the required Municipal Service Pipe and appurtenances in accordance with Regional Standards.

#### **RESTRICTED AND PROHIBITED CONNECTIONS AND USES**

12. No Person shall connect to a Dedicated Fire Service Pipe, except for fire suppression purposes.
13. The Region, acting reasonably, is authorized to implement water conservation policies and/or water use restrictions.

14. No Person shall haul, in bulk, Drinking Water obtained from the Municipal Drinking Water System outside the geographical boundaries of the Region, unless the haulage is provided for in an agreement with the Region, and subject to the Region's terms and conditions.

#### **FIRE HYDRANTS**

15. No Person, except a municipal firefighter for fire suppression purposes, shall at any time operate a municipally owned Fire Hydrant unless authorized by the Region.
16. No Person shall operate a privately owned Fire Hydrant except for the purpose of fire suppression, or for maintenance and testing of the Fire Hydrant, without prior approval from the Region.
17. No Person shall use water drawn from a Fire Hydrant for Drinking Water purposes.
18. No Person without having obtained permission from the Region shall:
  - (a) place any structure, building material, earth, snow, rubbish, or other obstruction, plant, or object closer than 1 meter (3 feet) to a Fire Hydrant;
  - (b) conceal a Fire Hydrant with any type of structure or plant, or object; or
  - (c) deface a Fire Hydrant, including painting or decorating the Fire Hydrant.
19. No Person shall damage or interfere in any way with any Fire Hydrant, valve, or other appurtenance, and any Person found to have damaged or interfered with a Fire Hydrant shall be responsible to reimburse the Region for the cost of restoring the Fire Hydrant to operational working condition.

#### **WATER METERS**

20. Unless otherwise authorized by the Region, all Drinking Water passing through a Service Connection shall pass through a Water Meter installed by the Region or a Person authorized by the Region.
21. Without limitation to the terms and conditions that may be imposed on a connection, where a Private Service Pipe is proposed to provide Drinking Water to more than one unit, building or structure that is separately occupied, each unit, building or structure shall, unless otherwise approved by the Region, be equipped with:
  - (a) an external, easily accessible, individual water shut off valve; and
  - (b) an individual Water Meter.

22. In respect of an Area Municipality's municipal park or Municipal Beautification Area, the Region may, subject to existing agreements with the Area Municipality:
  - (a) waive the requirement for a Water Meter where the Water Meter would be vulnerable to seasonal freezing; and
  - (b) impose a Water Charge for unmetered consumption, in accordance with the Water Consumption Fees and Charges By-law.
23. A Person responsible for the installation of a Water Meter under the authority of this By-law shall in his or her sole discretion determine the appropriate size and location for installation of the Water Meter, the manner of its installation, and all matters related to the piping and other appurtenances, and may drill holes and install new hardware for the purpose of installation, relocation and maintenance of the Water Meter.
24. A Person responsible for the installation or maintenance of a Water Meter under the authority of this By-law shall place seals on all Water Meters and Bypass Valves. In the event of seals being discovered to be broken, an Enforcement Officer will investigate the reasons therefor, and where unauthorized or improperly metered water consumption is confirmed through monitoring, the End User shall be liable to pay a Water Charge as reasonably estimated by the Region.
25. The End User shall take all reasonable precautions to prevent damage to the Water Meter and appurtenances. If damage occurs as a result of any act, misuse, or negligence, all costs of altering, repairing, relocating, or replacing the Water Meter shall be the responsibility of the End User.
26. No Person shall obstruct free and safe access to the Water Meter, piping or related appurtenances. Any costs incurred by the Region to obtain access to the Water Meter shall be paid by the End User.
27. If the Water Meter is located in a wall or any concealed area, a minimum opening of 20 centimetres from the center of the Water Meter on either side on the horizontal and 15 centimetres from the center of the Water Meter from both top and bottom shall be maintained.
28. Only Persons authorized by the Region are permitted to open, or in any way alter a Water Meter, or the seals placed on a Water Meter, or to bypass or do anything that interferes or may interfere with the proper registration of the amount of water passing through a Water Meter.
29. Unless otherwise provided in this By-law, the register reading on a Water Meter shall constitute the water supplied for purposes of calculating the amount owing for such water.

30. If the Region determines, either on its own initiative or pursuant to an End User's request, that a Water Meter requires accuracy testing, the test may be conducted on site or the Water Meter may be removed for testing.
31. If the Region conducts accuracy testing on a Water Meter pursuant to the request of an End User, and if through such testing the Water Meter is determined to be over-registering the amount flowing through it, the Region will not impose a fee or charge for the test, and the Water Charge will be retroactively adjusted downward for such reasonable billing period as deemed fair and appropriate by the Region.
32. If the Region conducts accuracy testing on a Water Meter pursuant to the request of an End User, and if through such testing the Water Meter is determined to be accurate or under-registering the amount flowing through it, a fee or charge for the test will be imposed as set out in the Fees By-law, and, if the Water Meter is under-registering, the Water Charge will be retroactively adjusted upwards for such reasonable billing period as deemed fair and appropriate by the Region.
33. Water Meters that have been replaced or removed by the Region will be retained by the Region for 120 days for the purpose of responding to a request for accuracy testing.
34. If a Water Meter is equipped with a device for remote reading and a discrepancy occurs between the reading on the register of the Water Meter itself and the reading on the remote reading device, the Region will use the reading on the register of the Water Meter itself for purposes of re-calculating the amount of water supplied, and shall retroactively adjust the Water Charge for such reasonable billing period as deemed fair and appropriate by the Region.
35. Any request by an End User for discontinuation of Drinking Water service and removal of a Water Meter shall be provided to the Region on at least fifteen (15) business days' notice and supported by an approved demolition permit.

#### **WATER BILLS**

36. Water Charges for metered water shall be determined by multiplying the Water Rate by the quantity of water as determined based on the register readings of the Water Meter, or as adjusted by the Region as provided for in this By-law.
37. If for any reason the Region is unable to obtain a Water Meter reading, the Region shall deem an amount of water usage based on a reasonable and fair estimate and shall impose a Water Charge accordingly. Without limiting the generality of the foregoing, the Region may base such an estimate on historical consumption levels.

38. Notwithstanding any other provision of this By-law, where the Region has waived the requirement for a Water Meter in accordance with this By-law, the Water Charge shall be determined in accordance with the rate for unmetered consumption as provided for in the Water Consumption Fees and Charges By-law.
39. The due date for payment by an End User of a Water Charge is the due date shown on the End User's water bill. Non-payment or late payment of a Water Charge is subject to interest in accordance with the Water Consumption Fees and Charges By-law.
40. When a Water Charge remains unpaid for an unreasonable period, as determined by the Commissioner, the End User will be provided with reasonable notice of an unpaid Water Charge.
41. After giving notice of an unpaid Water Charge, if a Water Charge remains unpaid for an unreasonable period as determined by the Commissioner, the Region may take any reasonable steps to recover the unpaid amount or to mitigate its loss, including but not limited to, providing reasonable notice of water discontinuation.

#### **DELEGATION**

42. The Commissioner is authorized to approve all policies, procedures and forms and other documents and to make such decisions and approvals, and to exercise such discretion on behalf of the Region as necessary to administer this By-law.

#### **ENFORCEMENT**

43. The Commissioner, Enforcement Officers and any other Region staff members shall make all approvals, refusals, opinions, decisions and other actions required or permitted by this By-law, based on sound engineering principles and Regional Standards, policies and By-laws.
44. Where any Person contravenes any provision of this By-law, an Enforcement Officer may direct such Person to comply with this By-law. Every Person so directed shall comply with such direction without delay.
45. Where an Enforcement Officer has reasonable grounds to believe that an offence has been committed by a Person, the Enforcement Officer may require the name, address, and proof of identity of that Person, and the Person shall supply the required information.

#### **POWERS OF ENTRY**

46.
  - 1) An Enforcement Officer may, at reasonable times, enter on Land to which the Region supplies Drinking Water, either alone or accompanied by a Person possessing special or expert knowledge or skills,



- (a) to inspect, repair, alter or disconnect the Municipal or Private Service Pipe, wire, machinery, equipment; or
  - (b) to inspect, install, repair, test, replace or alter a Water Meter.
- 2) An Enforcement Officer may enter on Land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with,
- (a) this By-law;
  - (b) a direction or order of the Region made under the *Municipal Act, 2001*, S.O. 2001, c. 25 or this By-law; or
  - (c) an order made under section 431 of the *Municipal Act, 2001*, S.O. 2001, c. 25.
- 3) For the purposes of an inspection under this By-law, an Enforcement Officer may,
- (a) require the production for inspection 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;
  - (c) require information from any Person concerning a matter related to the inspection; and
  - (d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 4) In addition to any other provision of this By-law, and subject to the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, a provincial judge or justice of the peace may issue an order authorizing the Region to enter on Land, including a room or place actually being used as a dwelling, for the purpose of carrying out an inspection to determine whether or not the following are being complied with,
- (a) this By-law;
  - (b) a direction or order of the Region made under the *Municipal Act, 2001*, S.O. 2001, c. 25 or this By-law; or
  - (c) an order made under section 431 of the *Municipal Act, 2001*, S.O. 2001, c. 25.
- 5) Without limiting any other provision of this By-law, for the purposes of this section, the Region may shut off or reduce the supply of Drinking Water to the Land.

- 6) If an End User discontinues the use of the Municipal Drinking Water System or the Region lawfully decides to cease supplying Drinking Water to Land, an Enforcement Officer, either alone or accompanied by a Person possessing special or expert knowledge or skills, may enter on the Land,
  - (a) to shut off the supply of Drinking Water;
  - (b) to remove any property of the Region; or
  - (c) to determine whether the Municipal Drinking Water System has been or is being unlawfully used.

### **OBSTRUCTION**

47. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Enforcement Officer lawfully carrying out a power, duty or direction under this By-law.

### **OFFENCES**

48. Every Person other than a corporation who contravenes any provision of this By-law, is guilty of an offence and on 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 and not more than \$25,000 for any subsequent conviction.
49. Every corporation which contravenes any provision of this By-law, is guilty of an offence and on 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.
50. Without limiting any other section of this By-law, every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33.
51. If any Person is in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
52. Where any Person contravenes any provision of this By-law, such Person shall be responsible for all costs incurred by the Region directly related to the contravention.

### **SEVERABILITY**

53. If any section or sections of this By-law, or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or sections or parts

thereof shall be deemed to be severable from this By-law and all remaining sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.

**CONFLICT**

54. In the event of a conflict between any provision of this By-law and any applicable Act or regulation, the provision that is the most restrictive prevails.

**EFFECTIVE DATE**

55. This By-law shall come into force and take effect on April 1<sup>st</sup>, 2017.

56. By-law 9-73 is repealed on the date this By-law comes into force and effect.

**SHORT TITLE**

57. This By-law may be referred to as the "Water By-law".

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL this 26<sup>th</sup> day of January, 2017.

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*A. Macintyre*  
Acting Regional Clerk

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*F. Dale*  
Regional Chair