

**THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN**

**BY-LAW 2009-12**

**BEING A BY-LAW GOVERNING THE PROVISION OF MUNICIPAL WATER UTILITY SERVICES AND THE CONTINUED OPERATION OF THE WATER TREATMENT FACILITY AND DISTRIBUTION SYSTEM WITHIN THE TOWNSHIP OF MATACHEWAN.**

**WHEREAS** the Municipal Act, R.S.O. 2001, s. 10 and s. 78 – 93 authorizes the Corporation to acquire, establish, maintain and operate a waterworks system (section 222 of the Old Act);

**AND WHEREAS** the Act authorizes the Corporation to regulate the distribution and use of water in all places where and for all purposes for which it may be required and to fix the price for such use thereof and the terms for payment;

**AND WHEREAS** the Act authorizes the municipality to enter into an agreement with a certified provider of such services;

**NOW THEREFORE** the Council of the Corporation of the Township of Matachewan enacts as follows:

1. That all portions of By-Law 2005-19 respecting the agreement between the Ontario Clean Water Agency (OCWA) and the Corporation remain in effect until repealed;
2. Any by-laws in conflict with this by-law are hereby repealed;
3. Appendix “A” attached hereto forms part of this by-law.
4. Definitions

In this By-law:

- a) “Collector” shall mean and include any person or body corporate and their servants, agents and workmen.
- b) “Corporation” shall mean the Corporation of the Township of Matachewan.
- c) “Council” shall mean the Council of the Corporation of the Township of Matachewan.
- d) “Party” shall mean and include any person or body corporate and their servants, agents and workmen.
- e) “Persons” shall mean and include any person or body corporate and their servants, agents, and charges.
- f) “Property” shall mean and include any building or buildings situated on one lot or one or more lots owned by the same owner.
- g) “Public Works Committee” shall mean those members of Council who may be appointed from time to time as members of the said committee, by Council.
- h) “Township’s Public Works Superintendent” shall mean the Superintendent of the waterworks system, or other person appointed by the Council to perform all or any of his/her duties.

5. The management of the waterworks system shall fall under the responsibility of Council, and shall be provided for under the terms of its contract with OCWA, whose powers and duties shall be as follows:
  - a) To enquire into and report on the supply and quality of water and the erection and maintenance of hydrants.
  - b) To consider and report from time to time on the charges to be made for the consumption of water and the methods by which such charges are to be calculated.
  - c) To consider and report on the administration and enforcement of by-laws and other applicable legislation concerning water supply and distribution.
  - d) To consider and report on the keeping of records and transmission of notices regarding charges for consumption of water.
6. The Township's Public Works Superintendent shall, in every case determine the size of the pipe to be used in supplying any premise and also the position in the street in which it is to be situated. A written agreement duly authorized by Council may permit certified contractors to perform said duties.
7. No work of any kind, connected with the water service, either for the laying of new, or the repair of old services, shall be done upon or under any street by anyone other than authorized employees or contractors of the Corporation.
8. Every person using the water must keep his/her service pipe or pipes and all fixtures connected therewith, which provide water to his/her property sufficiently protected from frost at his/her own expense using only approved devices (bleeder, Aqua Flow or pyrotenic device) and not a simple running tap or garden hose. He/she must also keep all material and equipment in a state of good repair and replace (with new equipment/material) when necessary, at his/her own expense, including any stop, waste or compression cocks or other fixtures placed within his/her premises.
9.
  - a) Any person desiring a water supply from the Municipal water works system shall apply to the Corporation and request that water be introduced into the lands, premises or buildings of the applicant. The owner shall sign the application form prescribed by the Corporation for that purpose and a minimum installation charge of \$1,200.00 shall be paid in advance of any connection being made. There is no guarantee, expressed or implied whatsoever, that the Municipality must agree to such a connection.
  - b) The application shall describe the premises to be supplied, shall enumerate any and all plumbing and fixtures, and shall be made or caused to be made, by persons taking water. The Municipality and a Certified Chief Building Official under contract with the Corporation must approve such applications before any approvals may be granted.
  - c) Owners of property designated as Residential, Commercial, Institutional, and Industrial as per the Zoning By-Law 00-09, having buildings in the Township or in any defined area thereof, are required to connect the said buildings or classes of buildings to the waterworks of the municipality and pay the installation fee noted above prior to the issuance of a building permit. Properties that are outside of both the current distribution system and planned areas of upgrade may be exempt from this requirement as may abandoned, derelict or vacant lots upon written approval by Council.
  - d) Anyone connecting to the municipal water utility must ensure that any well connections to such a building are disconnected within a period not to exceed nine (9) months in order to prevent any cross contamination.

10. a) Any person(s) about to vacate any premises that have been supplied with water from the waterworks or who desire to discontinue the use thereof, shall give twelve (12) months notice of the same in writing to the Corporation. The rates will continue to be charged until such notice is given and the water turned off. All charges for each turning off and turning on of water services are stipulated in the Municipality's User Fee By-Law.
  - b) When water is turned off from an unmetered premise at the request of the owner, a minimum year rate of twelve (12) months will be charged. Residential apartment units whether vacant or occupied will continue to pay the annual rate for residential apartment units.
  - c) The owner shall be billed for all water services to his property unless the owner advises the Town to send the bill to a tenant and provides proof sufficient to the Town of the tenant's responsibility to pay the water charges. The owner shall also be responsible for advising the Town in the event a tenant moves from the property. Ultimately the property owner is responsible for all charges to said property.
10. No connection shall be made to the water main to supply water to any premises where adequate provision for carrying off wastewater either into an approved sewer, septic system or cesspool has not previously been made and a legal certificate has not been provided indicating such.
  11. Except when otherwise provided by special contracts, the rates, rents and charges to be collected for the supply of water within the limits of the Township shall be those set forth in the User Fee By-Law.
  12. The general rates or rents, shall be payable in four equal installments and due dates are to be regulated by Council. Upon failure to so pay, a penalty will be added to the rates due in accordance with fees outlined in the User Fee By-Law. Upon failure to make full payment within 30 days of the June due dates, the water will be turned off. Full arrears must be paid prior to reconnecting.
  13. Any water-taker may arrange with the water works office for paying of any rates or rents yearly in advance, however, such water-takers shall not be entitled to a rebate in the event that they should discontinue the use of water during the prepaid period.
  14. The Council may limit the use of water for any purpose, or limit the hours of using the same, whenever the public service may, in its judgment require it. Failure to comply with this conservation of water provision will result in a fine of \$25.00 per day.
  15. No person shall in any way interfere with any hydrant, valve, stopcock, or other water works appliances outside of his/her own premises nor shall he/she in any way interfere with any metre or pipe lending to such metre whether inside or outside his/her premises. If the municipality deems that excessive water supply to a consumer is being removed from the consumer's premises or for any use or benefit other than to the consumer, the water may be shut off and/or a water metre may be installed and such rates recovered as set by the municipality.
  16. All users of large boilers taking water from the waterworks shall have tanks which contain an ample supply of water or provide for the cases in which the water may be turned off or shut off for any purpose by the Corporation and all house boilers shall be fitted with suitable check-valves to prevent accidents from collapse or damage in case water is suddenly shut down or drawn off from the main or service pipe.
  17. All persons having connections for lawn or other outside service shall cut off supply to such lawn or other outside service as soon as the alarm is given for fire and shall not turn it on again until the fire is extinguished.
  18. Nothing in this By-law shall be construed to limit or diminish the powers, rights, and authority of the Corporation under the provisions of the Municipal Act or any other Act.

19. The owner or occupant of any property to which property water pipes or other connections have unlawfully, and without the authority of Council and its employees, been made or allowed to be made and attached to the Corporation's water system, shall be liable for the cost of all water supplies to the said property from the date of such unlawful connection, and in addition, such owner or occupant shall be liable for any penalty imposed under the Act hereinafter and the water may be turned off.
20. Anyone contravening any of the provisions of this by-law shall incur a penalty not exceeding \$300.00, which said penalties shall be recoverable under the Summary Convictions Act. Each Day that the contravention of any of the provisions of this by-law continues shall constitute a separate offence.
21. The Public Works Committee shall have full power and authority to use its discretion in the event of any or all emergencies, to curtail the use of water to any or all users within the Township of Matachewan or to determine the periods during which the use of water may be limited or entirely discontinued for a period or periods from time to time.

However, it is the intention of Council, where practical, that reasonable notice of such shutting off shall be given to consumers.

Additional charges where water pipes are found to be frozen due to lack of water flow from the main line shall be paid by the consumer or owner within fifteen days after the thawing in accordance with fees outlined in the User Fee By-Law.

22. Whenever water has been turned off for non-payment of the water charges or for purposes of repair on construction or for any other necessary or proper purposes, no person will be permitted to turn it on again who is not duly authorized to do so by the Municipality.
23. In the case of default of payment, the amount owing may be recovered by an action or in like manners as municipal taxes as provided by the Municipal Act.
24. That this By-law shall come into force and effect on the date of final passing thereof.
25. The Reeve and CAO-Clerk-Treasurer are hereby authorized to sign for and execute all agreements with OCWA, contractors, engineers, et al on behalf of the municipality.

Read a first, second and third time and finally enacted and passed in open council this 1<sup>st</sup> day of June 2009.

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Beverley Hine  
Reeve

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Andrew Van Oosten  
CAO-Clerk-Treasurer