

BY-LAW NUMBER 19-54
OF
THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

Being a By-law to establish policies for private water systems connected to municipally owned water systems within the Township of Clearview.

WHEREAS the Safe Drinking Water Act, the Ontario Water Resources Act, and the Building Code Act provide for the regulation, maintenance, inspection and management of water, sewer and related municipal works;

WHEREAS section 11 of the Safe Drinking Water Act, 2002, S.O. 2002, c. 32 as amended (the "SDWA") places specific duties on the owner of municipal drinking water systems or a regulated non-municipal drinking water system with regard to the operation and repair of the system;

WHEREAS subsection 80 (1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended provides that a municipality may, at reasonable times, enter on land to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility or to inspect, install, repair or alter a public utility meter;

WHEREAS the Council of the Corporation of the Township of Clearview deems it necessary to establish a By-law for the purpose of implementing policies related to private drinking water systems connected to municipally owned water systems within the Township of Clearview:

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW HEREBY ENACTS AS FOLLOWS:

1. That this By-law be known as Private Water Systems Connected to Municipally Owned Water Systems Policy.
2. That Schedule "A" attached forms part of this by-law.
3. This By-law shall come into force and take effect on the date of final passing.

MAYOR

DIRECTOR OF LEGISLATIVE SERVICES/CLERK

SCHEDULE "A"

1. INTRODUCTION

1.1 Title, Scope and Application

This is a By-law to regulate the connection of private water systems to the municipally operated drinking water system to ensure a safe and adequate water supply. This By-law will be known as the "Private Water Systems By-law" for the Corporation of the Township of Clearview.

This By-law shall apply only to a Private Water System as that term is defined in Section 2.9 below.

1.2 Validity and Severability

Should any section, sub-section, clause, paragraph, or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provisions of this By-law or the By-law as a whole.

If any provision of this By-law is inconsistent with the SDWA, or any other Act, the provisions of the applicable Act shall prevail.

1.3 Interpretation

For the purposes of this By-law, words used in the singular shall have corresponding meaning when used in the plural.

"May" is to be construed as permissive.

"Shall" is to be construed as imperative and mandatory.

1.4 Force and Effect

This By-law shall come into force and take effect on the day that it receives the approval of the Council of the Township of Clearview.

2. DEFINITIONS

For the purposes of this By-law, the following words shall have the meaning ascribed herein:

2.1 "Building Control Valve" means the water shut-off valve within a building that can stop the flow of water into the building from the incoming water service.

2.2 "Chief Building Official" means the Chief Building Official for the Township of Clearview or the Chief Building Official's authorized representative.

- 2.3 "Council" means the Council of the Corporation of the Township of Clearview.
- 2.4 "Director of Public Works" means the person designated by the Township Council as such or his/her designee.
- 2.5 "Meter" means the Water Meter supplied and owned by the Township to measure the quantity of water used by the customer.
- 2.6 "Meter Chamber" means any exterior chamber approved by the Director for the purpose of containing a Meter.
- 2.7 "Municipal Water Supply" shall mean the water supplied from a Municipal Water System.
- 2.8 "Municipal Water System" shall include all water works established by the Township or the former municipality in the built up areas of Nottawa, Colling-Woodlands, Buckingham Woods, Stayner, New Lowell and Creemore and shall include extensions to the Municipal Water System(s) or additional waterworks authorized by an Act, By-law or Agreement between the Township or its predecessors, but shall not include any private waterworks which have not been acquired, established, maintained, accepted by the Township or its predecessors.
- 2.9 "Private Water System" includes but it is not limited to a Private Watermain, Private Water Service, private water well, private hydrant and other appurtenances and/or any combination thereof normally included in a water distribution system, that is not a municipal water system.
- 2.10 "Private Water Service" means the installed water pipe between the Service Isolation Valve or Private Watermain to the Building Control Valve.
- 2.11 "Private Watermain" means the installed water pipe from the Service Isolation Valve within the Property Owner's Land from which Private Water Services can be taken.
- 2.12 "Property Owner" means an assessed owner or any person or Corporation other than the Township, having an interest, whether equitable or legal in the land.
- 2.13 "Service Isolation Valve" means a valve located on a Water Service that is accessible for operation from the ground surface to control water flow through the Water Service.
- 2.14 "Township" means the Corporation of the Township of Clearview.
- 2.15 "Township Standards" means the Township of Clearview Engineering standards and any other Provincial or Federal standards that may apply.

2.16 "Water Service" means a potable water pipe of any size, tapped or teed from a Watermain to a building.

2.17 "Watermain" means a Township pipe that supplies potable water to a Water Service and hydrants.

2.18 "Water Works" means any works for the, production, treatment, storage, supply and distribution of water, or any part of such works, but does not include plumbing or other works to which the Ontario Building Code Act and its regulation apply.

3. SYSTEM DETERMINATION AND EASEMENTS / ACCESS

3.1 Where the Township Determines that a drinking water system is under the authority of the SDWA, the Township may require easements to allow for repairs necessary to ensure the safe supply of water. The owner shall transfer to the Township any easement rights necessary to ensure SDWA compliance.

4. DESIGN AND INSTALLATION OF NEW PRIVATE WATER SYSTEMS

4.1 Installation of a new Private Water System shall meet Township standards.

4.2 Any Private Water System shall be installed by the Owner, at the Owner's sole expense, in accordance with all applicable laws including, but not limited to, the Building Code Act, Township Standards and this By-law.

4.3 All Private Water Systems shall be fitted with a Service Isolation Valve, which must be located upstream of all meters, valves, tees and other fittings forming part of the Private Water System. A water meter must be installed and maintained to capture all water, at all times flowing into a Private Water System.

4.4 The owner shall install flushing infrastructure to ensure water quality for all consumers of water through the Private Water System.

4.5 The Private Water System shall be commissioned according to Township policies and procedures and in accordance with provincial legislation.

4.6 The Service Isolation Valve shall only be opened by the Township after commissioning has been successfully completed and approved by the Director of Public Works.

5. MAINTENANCE OF PRIVATE WATER DISTRIBUTION SYSTEMS

- 5.1 Every Property Owner shall maintain and ensure proper functioning of a Private Water System at the Property Owner's sole expense.
- 5.2 All service pipes and appurtenances on an owner's property shall be maintained in good order and repair and fully protected from freezing, by the Property Owner, at the Property Owner's expense.
- 5.3 Any and all defects to the Water Service, Private Watermain and Meter Chamber, shall be repaired by the Property Owner.
- 5.4 The Director of Public Works has the right to inspect, disinfect, and test a Private Water System, at the Property Owner's sole expense.
- 5.5 The Township shall give written notification to the Property Owner upon becoming aware of a defective or leaking Private Water Service, Private Watermain, hydrant or plumbing system or fixture whenever an inspection indicates the existence of a problem.
- 5.6 The Township shall turn off the water supply to a Private Water System if remedial action is not taken with respect to a notice issued pursuant to Section 5.5 within seven (7) days of the date of the notification, or within such time as the Director of Public Works may deem reasonable.
- 5.7 If the Township is ordered under statutory authority to restore the water supply turned off under Section 5.6, then the Township may repair the defective Private Water System and charge the cost to the Property Owner. The cost shall be collected in accordance with Township policy and procedure. The Property Owner shall be held responsible for the cost of restoration.
- 5.8 Private fire hydrants shall not be operated except in the case of fire, for fire protection purposes, unless special permission of the Director of Public Works has been obtained.
- 5.9 All testing, flushing and maintenance activities that would result in abnormally high flow rates within the Private Water System must have authorization from the Director of Public Works prior to them taking place.
- 5.10 Upon request or when deemed necessary by the Director of Public Works, the Township may require flushing of a Private Water System to maintain water quality and the Owner shall pay based on water consumption as measured by the Township's Water Meter.