

The Corporation of the Town of Aurora

By-law Number XXXX-25

Being a By-law to regulate waterworks, water meters and water rates.

Whereas subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "**Municipal Act**") provides that powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas section 11 of the *Municipal Act* provides that The Corporation of the Town of Aurora (the "**Town**") may pass by-laws relating to public utilities, including matters affecting water distribution, relating to health, safety and well-being of persons, and relating to services and things that the municipality is authorized to provide;

And whereas the Town operates and maintains a municipal Drinking Water System;

And whereas subsection 80(1) of the *Municipal Act* states that a municipality may, at reasonable times, enter on land to which it supplies a public utility, to (a) inspect, repair, alter, or disconnect the service pipe or wire, machinery, equipment, and other works used to supply the public utility; or (b) inspect, install, repair, replace, or alter a public utility meter;

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 the Town deems it necessary and expedient to repeal By-law No. 3305-91 and replace it with a new by-law to establish regulations for the water distribution system, and the installation, repair, maintenance, and access to water meters and their appurtenances;

Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:

1. **Short Title**

1.1 This by-law shall be known and may be cited as the "Waterworks, Water Meter and Water Rates By-law".

2. **Definitions and Interpretation**

2.1 In this by-law, the following words shall have the following meanings:

- (a) "**Account**" means the record of water consumption and fees and charges relating to a Property;
- (b) "**Account Holder**" means the person(s) whose name is on an Account;
- (c) "**Advanced Metering Infrastructure**" means all aspects related to collection, transmission, storage, and monitoring of consumption, diagnostic and status data from metering devices by an automatic two-way metering infrastructure including the related equipment, software and

hardware as may be implemented by the Town for the purposes of billing, data analyzing, and remote utility management;

- (d) **"Applicant"** means any person who makes an application under this by-law;
- (e) **"AWWA Standards"** means the standards adopted by the American Water Works Association, as amended from time to time;
- (f) **"Back Charges"** include any charges and costs incurred by the Town to correct deficiencies in an Account, including a stopped Water Meter, illegal connections, Water Meter in by-pass, tampered Water Meter, open by-pass valve, Water Meter Reversal, incorrect Water Meter conversion multiplier, non-sewer charges, and other situations which may cause the Town to lose water sale revenue due to an improper use of Water or the Waterworks System;
- (g) **"Backflow"** means the flowing back of or reversal of the normal direction of flow of water;
- (h) **"Backflow Preventer"** means a device that prevents Backflow in a water distribution system;
- (i) **"building"** shall have the same meaning as set out in Building Code Act and includes anything constructed or built permanently or temporarily which is connected, or where such a connection is proposed or ought to be proposed, to the Town's Drinking Water System;
- (j) **"Building Code"** means the building code as enacted or adopted pursuant to section 34 of the Building Code Act, as amended or its successor;
- (k) **"Building Code Act"** means the *Building Code Act, 1992, S.O. 1992, c. 23*, as it may be amended or replaced from time to time;
- (l) **"Building Control Valve"** shall have the same meaning as set out in Building Code;
- (m) **"Bulk Water Fee"** means a fee charged for purchasing large volumes of water directly from the Town other than through a Water Meter, at the rate set out in the Fees and Charges By-law;
- (n) **"Business Day"** means Monday to Friday inclusive, but excludes any public holiday as defined in the *Employment Standards Act, 2000, S.O. 2000, c. 41*, as amended;
- (o) **"Council"** means the elected Council of the Town;
- (p) **"CYFS"** means the Central York Fire Services;
- (q) **"Director"** the department head responsible for the Operational Services of the Town, or their designate or successor;
- (r) **"Drinking Water System"** means a drinking water system as defined in the *Safe Drinking Water Act, 2002, S.O. 2002, c. 32*, as amended or successor legislation thereof;

- (s) **“Dwelling”** means a suite in a building operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
- (t) **“Fees and Charges By-law”** means the Town’s Fees and Charges By-law, as amended or its successor;
- (u) **“Flat Rate”** means a fixed charge imposed by the Town on any person who regularly receives water from the Town other than through a Water Meter, for purposes other than construction and where the Bulk Water Fee does not apply, at the rate set out in Schedule “A” of this by-Law, as amended from time to time;
- (v) **“ICI”** means industrial, commercial, and institutional;
- (w) **“Meter Room”** means a dedicated space within an ICI building designed to house utility meters (electricity, water, or gas) and related equipment;
- (x) **“Metered Rates”** means the rates charged for water that passes through Water Meter, as set out in Schedule “A” of this by-law, as amended from time to time;
- (y) **“Occupancy Certificate”** means a document issued by the Town indicating a building to be in a condition suitable for occupancy, pursuant to applicable law;
- (z) **“Occupier”** includes any person residing on or in a Property, including a tenant, leaseholder, and occupant, any person entitled to the possession of the Property if there is no other person residing on or in the Property, and, where that person is a corporation, shall include the officers, directors, and shareholders of that corporation;
- (aa) **“Officer”** includes the Director and any other individual(s) designated or appointed by the Director to enforce this by-law, and also includes any person appointed by the Town as a Municipal Law Enforcement Officer and any police officer;
- (bb) **“Ontario Watermain Disinfection Procedure”** means the Watermain Disinfection Procedure issued by the Province of Ontario’s Ministry of the Environment, Conservation and Parks, as amended from time to time or its successor;
- (cc) **“Owner”** means a person who has any right, title, estate, or interest in a Property, other than that of only an occupant, and, where that person is a corporation, shall include the officers, directors, and shareholders of that corporation, and shall include any person with authority or power over or control of that Property on the behalf of an Owner;
- (dd) **“person”** includes an individual, sole proprietorship, partnership, limited partnership, trust or body corporate, or an individual in their capacity as a trustee, executor, administrator or other legal representative, as applicable in the context;

- (ee) **“Plumbing”** means a drainage system, a venting system, and a water system or parts thereof;
- (ff) **“Private Fire Service Main”** means pipes, fittings, and appurtenances that convey water exclusively for the purpose of fire protection or suppression;
- (gg) **“Private Water Service Pipe”** means the pipe, fixtures, and fittings which convey Water from the Water Service Connection to a Water Meter, or to the point where the pipe and fittings connected to the Water Service Connection enter a Building or structure if there is no Water Meter;
- (hh) **“Private Water System”** means an assembly of pipes, fittings, valves, and appurtenances 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 Street Line or downstream of the point where the Private Water Service Pipe enters a Building or structure if there is no Water Meter;
- (ii) **“Property”** means any property, lot, premise, suite or unit, including those used for ICI purposes, which has a unique municipal address and is adjacent to the Town’s Drinking Water System;
- (jj) **“Provincial Offences Act”** means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof;
- (kk) **“Remote Readout Unit”** means any device which is used to record or transmit the water consumption reading of a Water Meter, whether or not it is installed at a separate location from the Water Meter, but does not include the Water Meter register;
- (ll) **“Road Allowance”** means any right of way or highway of the Town or The Regional Municipality of York;
- (mm) **“Standards and Specifications”** means the Town’s Design Criteria Manual for Engineering Plans, as it relates to sewers and watermains, and as amended from time to time or its successor;
- (nn) **“Street Line”** means the boundary of a Property abutting a Road Allowance;
- (oo) **“Town”** means The Corporation of the Town of Aurora and, where an authority or discretion is conferred upon an official or representative under this by-law, means the appropriate official or representative of the Town as designated or appointed from time to time;
- (pp) **“water”** means potable water supplied by the Town;
- (qq) **“Water Meter”** means an apparatus which measures and records the quantity of water passing through it and is read, serviced and supplied by the Town;
- (rr) **“Water Meter Chamber”** means an underground structure housing a Water Meter;

- (ss) **“Water Rates”** means the rates charged for obtaining water from the Town, including Metered Rates, Bulk Water Fees, and Flat Rates, and for related services, including wastewater and storm water services, all as set out in Schedule “A” of this by-law and/or the Fees and Charges By-law, as applicable;
 - (tt) **“Water Service Connection”** means the pipes, fittings, and appurtenances situated between the Street Line and the watermain which are used for the purpose of supplying a Property with Water from the Town’s Drinking Water System;
 - (uu) **“Water Shutoff Valve”** means the valve on the Water Service Connection, located at a Street Line, which is used by the Town to shut off or turn on the Water supply from the Town’s Drinking Water System to a Property; and
 - (vv) **“Waterworks System”** means any works for the collection, production, treatment, storage, supply, transmission, and distribution of water, including bulk water, by the Town, or any part of any of these works, including the Water Service Connection, but does not include Plumbing to which the Building Code Act applies.
- 2.2 The provisions of this by-law shall apply to:
- (a) every person, and every Owner of a Property, that uses or draws water from the Waterworks System;
 - (b) all lands and Properties within the Town of Aurora.
- 2.3 Unless otherwise specified, references in this by-law to parts, sections, subsections, clauses and schedules are references to parts, sections, subsections clauses, and schedules in this by-law.
- 2.4 The part and section headings contained throughout this document are for reference purposes only and do not form a part of this by-law. This by-law is to be interpreted without reference to such headings.
- 2.5 References in this by-law to any statute or statutory provisions include references to that statute or statutory provision as it may from time to time be amended, extended, or re-enacted.
- 2.6 This by-law shall be read with all changes in gender or number as the context requires.
- 2.7 References in this by-law to items in the plural include the singular, and references to the singular include the plural, as applicable.
- 2.8 The words “include”, “includes”, “including” are not to be read or interpreted as limiting the words, phrases, or descriptions that precede it.
- 2.9 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this by-law that such provision or part of a provision shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this by-law.

- 2.10 In the event of a conflict between the provisions of this by-law, the Building Code, or any other by-laws of the Town, the provision that imposes the highest standard for the protection of public health, safety, and welfare shall apply. Where uncertainty arises in determining the highest standard, the Director shall make the determination.

3. **Water Use**

- 3.1 No person shall sell or dispose water, or permit the sale or disposal of water, without the prior written permission of the Town.
- 3.2 No Property or person shall obtain water from the Waterworks System without prior written approval of the Town and paying the applicable Water Rates and any other applicable charges and fees.
- 3.3 No person shall directly or indirectly connect, permit, cause to be connected, or allow to be connected, a well to the Drinking Water System.
- 3.4 No person, except Town employees or persons authorized in writing by the Town, shall open or close any valve, hydrant, or gate in the street mains, or operate, alter, or otherwise interfere with the Waterworks System in any manner.
- 3.5 All supply of water by the Town shall be subject to restrictions that may be put in place by the Town or the Regional Municipality of York, whether pursuant to any by-law or otherwise.
- 3.6 There shall be no connection between the Waterworks System and any other water or wastewater source, including but not limited to any cisterns, wells, privies, privy vaults, cesspools, private pressure pumps, geothermal systems, or internal building plumbing, regardless of whether there is a Backflow Preventer.
- 3.7 Any new connection to the Waterworks System must be approved by the Town in accordance with this by-law, and meet all the requirements of the Ontario Watermain Disinfection Procedure, the requirements of the Standards and Specifications, and any other requirement the Director deems necessary.

4. **Water Rates and Billing**

- 4.1 All water which is registered on a Water Meter or otherwise obtained from the Town's Waterworks System shall be subject to the Water Rates established by the Town and be billed based on consumption of water, unless permitted to be charged at an unmetered rate pursuant to this by-law.
- 4.2 In addition to payment for water under subsection 4.1, all Properties to which water is provided through the Waterworks System or are otherwise connected to the Town's water or sewage infrastructure shall be subject to the rates and fees established by the Town under Schedule "A", which shall form part of Property Water Rates.
- 4.3 The Account Holder shall be responsible and liable for all Water Rates, and all other fees and charges, which are charged to and associated with the Account, including any charges associated with non-compliance of this by-law. Where the Owner of a Property is not the Account Holder, the Owner of such Property shall

be jointly and severally liable for the payment of all Water Rates, and any other fees and charges, that become payable for such Property.

- 4.4 The Town shall be responsible for reading Water Meters as directed by the Director.
- 4.5 Failure to pay for water billed by the Town, by the deadline provided in such a bill, shall be a contravention of this by-law and entitle the Town to shut off the supply of water to the Water Service Connection of the Property associated with the overdue Account.
- 4.6 All overdue amounts under this by-law shall be subject to late fees and interest rates as set out in the Town's Fees and Charges By-law.
- 4.7 Any amounts owing to the Town pursuant to this by-law may be added to the tax roll of the associated Property and be collected in the same manner as taxes.
- 4.8 If the Town has shut off the supply of water to a Property or a Water Service Connection due to non-payment, the Town shall not accept or approve any application for the supply of water to that Property or connection until all outstanding amounts, including arrears, fees, interest, and related charges, have been paid in full. A change in ownership of the Property does not eliminate, reduce, or otherwise affect the obligation to pay such outstanding amounts, which remain attached to the Property until satisfied.
- 4.9 In the event of any by-law non-compliance, the Owner of the Property associated with the non-compliance shall be responsible for paying to the Town all inspection-related fees for each attendance at the Property by the Town or its authorized agents, including any fees associated with each inspection, charges for any work or activities undertaken, and any applicable overhead costs and taxes.
- 4.10 Unless otherwise indicated in this by-law, all fees payable pursuant to this by-law shall be as set out in the Town's Fees and Charges By-law.
- 4.11 The Town may, from time to time, change the Water Rates without notice to any person.
- 4.12 All fees and administrative costs associated with this by-law are non-refundable.

5. **Water Meters**

- 5.1 This section 5 shall not apply to:
 - (a) water used by the Town, or by the CYFS or other authorized fire services personnel carrying out fire fighting or fire prevention activities;
 - (b) water used for construction purposes as approved in writing by the Town; or
 - (c) where the use of water without a Water Meter is otherwise permitted by this by-law.
- 5.2 No person, except for authorized Town personnel acting in the course of their duties or authorized agents or contractors expressly acting within the scope of

authority provided by the Town, shall use, or permit the use of, water that has not passed through a Water Meter.

- 5.3 All Owners shall have a Water Meter installed and in use at their Property where such Property is supplied with water by the Town.
- 5.4 Notwithstanding subsections 5.2 and 5.3, any Property receiving water service from the Town on a Flat Rate basis as of the date of the coming into force of this by-law may continue to use water without a Water Meter, provided that the Owner of such a Property:
- (a) pays to the Town the applicable Flat Rate, or as otherwise agreed upon in writing by the Director, until a Water Meter is installed; and
 - (b) ensures that a Water Meter is installed, in accordance with this by-law, following a request for the water service at the Property to be shut off, including for the purposes of renovation or redevelopment, unless otherwise approved in writing by the Director.
 - (c) following the installation of a Water Meter pursuant to subsection (b) of this section, any Property or Owner receiving water service from the Town shall be subject to the requirements of subsections 5.2 and 5.3, regardless of any previous flat-rate charges or the timing of a request for a metered connection, unless otherwise agreed upon in writing by the Director or if the use is not governed by this section 5.
- 5.5 The Plumbing on each Property shall be so arranged that all water supplied by the Town to each Property shall be measured through one single Water Meter per Water Service Connection and the Owner of the Property shall be liable for all associated water charges regardless of the number of Dwellings, buildings, or Occupiers on such Property, unless otherwise agreed to in writing by the Director.
- 5.6 Notwithstanding subsection 5.5, any Property that, as of the effective date of this by-law, is equipped with more than one Water Meter, or is supplied by water through a shared Water Meter with another Property, and has been receiving water service from the Town in that manner, shall be deemed to be in compliance with subsection 5.5, provided that:
- (a) the Water Meters were installed in accordance with any applicable regulations, Town requirements, and with the Town's approval at the time of installation; and
 - (b) the Owner of the Property on which the Water Meter is located continues to be liable for all Water Rates and other charges associated with each Water Meter.

Notwithstanding the above, the Town reserves the right to require consolidation to a single Water Meter in the event of redevelopment or a change in use of the Property.

- 5.7 No person, except Town employees or authorized agents of the Town, shall:
- (a) reverse, tamper, un-seal, or alter a Water Meter in any way, or

- (b) permit, perform, or cause to permit or to have performed, any tampering, un-sealing, reversal, or alteration of a Water Meter in any way,

which may interfere with the proper registration of the quantity of water that passes through the Water Meter or ought to pass through the Water Meter.

- 5.8 No person shall connect any pipes or other appurtenances to direct flow from a Private Water Service Pipe upstream of a Water Meter.
- 5.9 The Town may seal or re-seal any Water Meter, for any reason, if the Town determines, at its own discretion, that the Water Meter should be sealed or re-sealed.
- 5.10 In addition to and without limiting anything else, if water has been obtained from the Town without having a Water Meter installed on a Property, unless otherwise permitted or agreed upon in writing under this by-law or by the Director, the Town shall charge the Account of such Property a fee for the water based on the estimated consumption, or the applicable Flat Rate, whichever is greater, as determined by the Director from the time of occupancy or water connection, whichever occurs first, until the date a Water Meter is installed.

6. **Application for Water Meter**

- 6.1 Only the Owner can request a new connection to the Waterworks System.
- 6.2 An application for a Water Meter for a Property, or for changing a Water Meter size, shall be provided to the Town on the form as prescribed by the Director.
- 6.3 For ICI Water Meter applications only, the Applicant shall provide the Town with the calculated peak flow rate to pass through the Water Service Connection, which is supplied and certified by a professional engineer, along with information on the type of business and the number of occupants or employees to be serviced at the Property.
- 6.4 The Applicant shall be responsible for the completeness and accuracy of all information provided on their application and shall sign the application.
- 6.5 All applicable Water Meter and application fees and charges, in the amounts as set out in the Fees and Charges By-law, must be paid to the Town by, or on behalf of, the Applicant prior to or at the time of submission of the application. The Town shall not process any application until such fees and charges are received.

7. **Installation of Water Meters**

- 7.1 It is the responsibility of the Owner of a Property to arrange to have a Water Meter installed as required under this by-law.
- 7.2 For all Properties requiring a Water Meter, including residential and ICI Properties, the Owner shall:
 - (a) submit a Water Meter Application to the Town;
 - (b) if approved by the Town, arrange for the installation of the new Water Meter;

- (c) immediately notify the Town once the Water Meter is installed and the Property is ready for the Town's inspection;
 - (d) at least two (2) weeks prior to the Property being occupied by any person, schedule with the Town the inspection, sealing, and tagging of the new Water Meter by the Town; and
 - (e) ensure that the Property is not occupied by any person prior to the Water Meter being inspected, sealed, and tagged by the Town.
- 7.3 All installed Water Meters must be inspected, sealed, and tagged by the Town prior to turning on the supply of water.
- 7.4 In the event that water supply to a Property has been turned on prior to the Town's inspection, sealing, and tagging of the Water Meter, the Town reserves the right to shut off the supply of water to the Property.
- 7.5 Following the issuance of an Occupancy Certificate with respect to a Property, the Town reserves the right to shut off the supply of water to the Property if it does not have a Water Meter installed in compliance with this by-law.
- 7.6 Notwithstanding the issuance of an Occupancy Certificate, no person shall occupy or permit occupancy of any building or part thereof for which the Occupancy Certificate was issued prior to the installation of a Water Meter. In the event that a Building or part thereof is occupied contrary to the above, the Owner shall pay the Town a Flat Rate as set out in this by-law from the time of issuance of the Occupancy Certificate to the time of the Water Meter installation.
- 7.7 All Water Meters shall be installed as close as possible to, and within visual sight of, the Building Control Valve.
- 7.8 Water Meters shall be installed in a secure location in, or on, a Property where it is protected from freezing and where it is convenient for the Town to inspect, test, read, repair, maintain, alter, disconnect, remove, replace, and seal the Water Meter. The location of a Water Meter shall be accessible without the use of a portable ladder or the necessity of climbing over or removing any obstacles.
- 7.9 In the case of a Property that is subject to a Water Meter installation in accordance with the Town's meter maintenance program or Advanced Metering Infrastructure program, the Owner shall install the Plumbing and appurtenances related to the Water Meter, including a conduit and wire for a Remote Readout Unit and Advanced Metering Infrastructure equipment, all in accordance with the Standards and Specifications, and all at the sole expense of the Owner, or as deemed appropriate by the Director. In the event the wire no longer functions, the Owner shall replace the wire to a Remote Readout Device, to the Town's satisfaction, and all at the Owner's expense.
- 7.10 The Town may require an Owner of a Property to install or repair a valving arrangement, as deemed necessary by the Director, to allow for proper flow of water or maintenance of equipment, or both, in respect of the supply of water to the Property, which shall be completed by the Owner in accordance with the Standards and Specifications, at the sole expense of the Owner.

8. Size of Water Meters

- 8.1 The Owner shall ensure that the Plumbing of all buildings on the Property are designed and constructed to accommodate the installation of a Water Meter of appropriate diameter, determined based on the anticipated minimum and maximum flow rates at full occupancy, and in accordance with the Standards and Specifications, and all at the sole expense of the Owner. The Owner shall provide the Town with all information the Town requires, in the Town's discretion, to enable it to determine the appropriate meter size. The Town reserves the right to reject any determination that is provided by the Owner and require that the determination be revised to the satisfaction of the Director.
- 8.2 In the case where the Owner or Applicant wishes to change the size of their Water Meter, a professional engineer must first confirm in writing to the Town that the proposed size would meet the flow requirements for the Property being serviced. The Owner or Applicant shall obtain a plumbing permit, and the proposed change is subject to review and approval by the Town to ensure compliance with standards and operational requirements.
- 8.3 If at any time the Town determines that a Property's Plumbing has been modified in a manner that may prevent the Water Meter from accurately registering water consumption, the Town may require the Owner to reassess the Property's flow requirements, at the Owner's own expense. Where deemed necessary by the Town, the Owner shall, at its expense, install a properly sized Water Meter that ensures accurate registration of water consumption, as determined by the Town.

9. Supply and Ownership of Water Meters

- 9.1 All Water Meters, including Remote Readout Units and Advanced Metering Infrastructure equipment that register water supplied by the Town, or its authorized agents, are and shall remain the property of the Town.
- 9.2 New Water Meters shall be supplied by the Town upon the Owner or Applicant paying to the Town a cost recovery fee, as per the Fees and Charges By-law.

10. Water Meter Loss or Damage

- 10.1 Every Owner shall be responsible for any loss or damage to a Water Meter located on their Property, including the full cost of any repairs or replacements, as deemed necessary by the Town, where such damage or loss results, directly or indirectly, from the carelessness, misuse, wilful misconduct, or neglect of any person other than the Town, its employees, or its authorized agents. This includes, but is not limited to, any damage caused by freezing.
- 10.2 Should a Water Meter become mechanically defective due to a cause for which an Owner is not responsible pursuant to the immediately above subsection, the cost of any necessary repair or replacement shall be the responsibility of the Town.

11. Water Meter By-pass Piping

- 11.1 No person shall install, or cause to be installed, any by-pass piping that would permit water to be used or directed, for any use or consumption, without passing through a Water Meter.

11.2 In addition to any other rights or remedies of the Town under this by-law, where an Owner fails to remove a Water Meter by-pass within the time required, as required or ordered by the Town, and pursuant to this by-law, the Town may remove the by-pass piping and valves, as the Director considers appropriate, at the cost of the Owner, including any associated inspection fees for each attendance at the Property, the work plus overhead, and any applicable taxes.

12. **Water Meter Chamber**

12.1 If the Director is of the opinion that a Water Meter cannot be conveniently located inside a building or structure in accordance with the Standards and Specifications, or where the Town does not have access to the Water Meter, the Town may order the Water Meter to be located and installed in a Water Meter Chamber, at the sole expense of the Owner of the affected Property. In such a case, the Owner of the affected Property shall be solely responsible for construction, provision and maintenance of a Water Meter Chamber and the associated costs.

12.2 Any Water Meter Chamber shall be placed in a location within three (3) metres of the Street Line of the Owner's Property, and as approved by the Director in writing prior to construction.

12.3 No person shall obstruct, or permit the obstruction of, a Water Meter Chamber or any of its associated valves.

12.4 No person shall place shrubs, trees, or other landscaping within one and one half (1.5) metres of the outer perimeter of a Water Meter Chamber.

12.5 An Owner shall keep all landscaping on their Property cut back and clear of any Water Meter Chamber, wiring for the Remote Redout Device, and the Remote Readout Device.

13. **Water Meter Access and Inspection**

13.1 Upon receipt of a notice, the Owner or Occupier of a Property shall permit the Town, its employees, agents, or contractors to enter into the Property and have free, clear, and unobstructed access to the Water Meter, at a reasonable time, within the timeframe specified in the notice, for the purpose of inspecting, maintaining, repairing, replacing, reading, or otherwise accessing the Water Meter or any of its related components. If access is not provided as required pursuant to the notice, the Town shall have the right to shut off the water supply to the Property until such time as access is provided.

13.2 Upon receipt of a notice and prior to the Town's arrival at the Property, the Owner or Occupier of the Property subject to the notice shall remove any insulation or other material from, on, or around the Water Meter so as to provide the Town with full, unobstructed access to the Water Meter. Any replacement of such material shall be done by the Owner at their sole expense in accordance with the Standards and Specifications and all applicable laws.

- 13.3 If an Owner or Occupier in receipt of a notice fails to provide the Town with full, unobstructed access to the Water Meter, then:
- (a) the Town reserves the right to remove any materials, including insulation, which may be blocking the Water Meter, and to perform all necessary work;
 - (b) the Town shall not be liable for any loss or damage to the Property or any losses or damages otherwise suffered by the Owner or Occupant arising from such work;
 - (c) the Owner shall pay all costs incurred by the Town as a result of the failure to provide the Town with full, unobstructed access to the Water Meter; and
 - (d) the Owner shall pay the inspection fee, if any, for each attendance at the Property by the Town, including any associated inspection fees for each attendance at the Property, the work plus overhead, and any applicable taxes.
- 13.4 In the event of an emergency involving the Water Meter or its related components, the Town, its employees, agents, or contractors may enter a Property, with the exception of a Dwelling, without prior notice, at any time deemed necessary, for the purpose of inspecting, repairing, replacing, or otherwise addressing the emergency. The Owner or Occupant shall not obstruct or hinder such access, and in the case of all Properties, including Dwellings, the Owner or Occupant shall cooperate with the Town to facilitate prompt resolution of the emergency.

14. **Maintenance of Water Meter Appurtenances and Piping**

- 14.1 An Owner shall:
- (a) ensure that on their Property all Water Meter valves are fitted with proper handles and that all valves to, from, and around the Water Meter are installed and properly maintained in accordance with the Standards and Specifications;
 - (b) maintain any Private Water Service System and all Plumbing on their Property, including all piping, fittings, and valves to and from and around a Water Meter, in a good working condition and in accordance with the Standards and Specifications;
 - (c) ensure that all Private Water Service Pipes are buried a minimum of 1.7 meters below the surface of the ground and protected from frost at all locations; and
 - (d) ensure that there is a Building Control Valve installed immediately prior to the Water Meter and that no other connection is made to the Private Water Service System between the Meter and the Water Service Connection.

For clarity, an Owner is not responsible for maintaining the Water Meter.

- 14.2 If the Town determines that the condition of a Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves on piping adjacent to the Water Meter is such that the Water Meter cannot be properly or conveniently tested, calibrated, relocated, installed, replaced, or repaired in place or removed

for the purpose of testing, replacing, or repairing, the Owner shall, at their sole expense, repair, or, if necessary, replace the Private Water Service Pipe, Private Fire Service Main, and/or Private Water System or valves, as the case may be, to enable the Town to test, calibrate, relocate, install, replace, repair, or remove the Water Meter. Failure to conduct repair or replacement as required above shall constitute a contravention of this by-law, which will be subject to enforcement by the Town pursuant to this by-law, and the Town shall have the right to shut off the water supply until such time as the failure is remedied to the satisfaction of the Director.

15. Water Meter Accuracy and Testing

- 15.1 Under this by-law, the testing, flow rates, and procedures used to determine Water Meter accuracy will be in accordance with the current AWWA Standards.
- 15.2 The Account Holder, by written application to the Town on the prescribed form, may request to have the Water Meter at their Property tested by the Town to determine if the Water Meter is over-registering. In all cases where such testing is requested, the existing Water Meter shall be replaced with a new Water Meter.
- 15.3 At the time an Account Holder submits a request pursuant to subsection 15.2, the Account Holder shall pay to the Town a deposit in an amount prescribed in the Fees and Charges By-law, or as otherwise required by the Town. The deposit shall be held by the Town pending the results of the Water Meter testing. Where the Water Meter is determined to be over-registering in accordance with subsection 15.3, the Town shall return the deposit, without interest, to the Account Holder. Where subsection 15.4 applies, the deposit shall be applied, without interest, as a credit toward the fees and expenses payable by the Account Holder in accordance with subsection 15.4, and the Account Holder shall be responsible for any remaining amount.
- 15.4 If, following an Account Holder's request pursuant to subsection 15.2, the Water Meter is found to be over-registering in excess of one and one-half percent (1.5%) in favour of the Town (registering an amount that is over 101.5% of the volume tested), then the Town shall credit the Account with an amount based on the average percentage of three (3) tests performed by the Town to determine the amount of over-registration from one hundred percent (100%) accuracy. Such credit adjustment shall be for the twelve (12) month period prior to the testing, and the Town will pay all expenses incurred by the Town in removing, testing, and replacing the Water Meter.
- 15.5 If, following an Account Holder's request pursuant to subsection 15.2, the Water Meter is found to be under-registering, over-registering within one and one-half percent (1.5%), or accurate within that range (registering an amount that is 98.5% to 101.5% the volume tested), then no credit shall be applied to the Account, and the Account Holder shall pay to the Town all applicable fees, as set out in the Fees and Charges By-law, relating to the testing and replacement process, including all expenses incurred by the Town in removing, testing, and replacing the Water Meter, plus any applicable taxes.
- 15.6 If a Water Meter fails to register for any reason, the Town shall issue Back Charges to the Account based on prior consumption records or the estimated

consumption as determined by the Town for the period during which the Water Meter failed to register but for no more than twenty-four (24) months.

16. Relocation of the Water Meter

- 16.1 Once a Water Meter is installed on a Property to the satisfaction of the Town, no person shall relocate the Water Meter without written consent of the Town, a plumbing permit, and, if applicable, a building permit.
- 16.2 No person shall disconnect a Water Meter for maintenance or repair without written consent of the Town.
- 16.3 An Owner may make an application to the Town for a plumbing permit to relocate a Water Meter on a Property. If the relocation is approved by the Town, the Owner shall pay all costs associated with any relocation of the Water Meter, as set out in the Fees and Charges By-law, and the relocation shall be in accordance with all other provisions of this by-law and other applicable law.
- 16.4 The Town shall not approve a plumbing permit application for a Water Meter relocation if:
- (a) the application is incomplete;
 - (b) the prescribed fee is not paid; or
 - (c) the proposed relocation is not in accordance with this by-law, the Building Code Act, the Standards and Specifications, or any other applicable law.
- 16.5 The Town may require the relocation of an installed Water Meter at the sole cost of the Owner if its location is not in compliance with the Standards and Specifications. In case of such a requirement by the Town, the Owner shall promptly apply for a plumbing permit for a Water Meter relocation in accordance with this by-law and cause the relocation to be conducted within sixty (60) days of the receipt of a notice from the Town requiring the relocation, unless a longer timeline is authorized by the Director in writing. Failure to conduct the relocation as required shall constitute a contravention of this by-law.
- 16.6 All Water Meter relocation work and material shall conform to the Standards and Specifications and comply with the requirements of the Building Code.

17. Water Leaks

- 17.1 The Owner and any Occupants of a Property are responsible for monitoring the Water Meter and shall immediately notify the Town if any leaks or suspected leaks develop at a Water Meter, or its couplings, located on their Property.
- 17.2 The Town will repair any leaks at the Water Meter, or its couplings, and subject to section 10, with no charge to the Owner.
- 17.3 The Owner of the Property shall maintain the Private Water System and private Plumbing in proper order and repair, free from freezing and free from leaks, at their own expense.
- 17.4 Every Owner shall be responsible for investigating and determining the cause of any leak, defect, or malfunction in the Private Water System and private Plumbing

serving the Owner's Property. The Town is not responsible for locating any leaks for the Owner.

- 17.5 Every Owner shall, at their own expense, repair any leak, defect, or malfunction in, of, or on the Private Water System and private Plumbing located on or servicing their Property which results in water being consumed or lost before passing through the Water Meter, including but not limited to any leak, defect, or malfunction related to valves, fittings, or corroded piping, as soon as possible after becoming aware of any such leak, defect, or malfunction. Every Owner shall pay the cost of Water consumed or lost as a result of such leak, defect, or malfunction. Where the water loss has not been recorded by a Water Meter, water consumption shall be estimated by the Town according to the nature of the leak.
- 17.6 In the event that an Owner fails or refuses to repair any leaks, defects, or malfunctions in, of, or on the Private Water System or private Plumbing located on or servicing their Property, as required or ordered by the Town, then in addition to any other rights or remedies of the Town under this by-law, the Town reserves the right to shut off the supply of water to the Property.
- 17.7 The Town shall not be liable for any losses or damages to the Owner's Property, or any surrounding property, including but not limited to damage to structures, fixtures, or personal property, as a result of any leaks, defects, or malfunctions at the Water Meter or its couplings, or in, of, or on the Private Water System and private Plumbing, except in cases of negligence or willful misconduct by the Town.

18. **Water Meter Replacement**

- 18.1 In the case of a Property that is subject to a Water Meter replacement in accordance with the Town's meter maintenance program or Advanced Metering Infrastructure program, the Owner shall ensure that the Plumbing and appurtenances related to the Water Meter, including a conduit and wire for a Remote Readout Unit and Advanced Metering Infrastructure equipment, have been installed, all in accordance with the Standards and Specifications, and all at the sole expense of the Owner, and upon such Plumbing and appurtenances being installed as deemed appropriate by the Director, the Town may install the replacement Water Meter at no expense to the Owner. In the event the wire to a Remote Readout Device no longer functions, the Owner shall replace the wire, to the Town's satisfaction, at the Owner's expense.
- 18.2 When a Water Meter is scheduled to be replaced by the Town, the Town shall send a notice to the Owner of the Property requesting that they schedule the replacement with the Town or a Town-authorized third-party agent. The Owner shall respond to the notice within seven (7) days of their receipt of the notice, and shall schedule the replacement within thirty (30) days of their receipt of the notice, and they shall provide access to the Water Meter, in accordance with this by-law, to allow the replacement at the scheduled time. Failure to schedule the replacement or to provide access as required shall constitute a contravention of this by-law.
- 18.3 In the event that a Water Meter requires replacement due to it being inoperative or otherwise unable to accurately record water consumption, and the Owner fails

to provide the Town with access to the Water Meter to complete the replacement as required under this by-law, the Town may charge the Owner the applicable Flat Rate until such time as the Town is provided access and the Water Meter replacement has been completed to the satisfaction of the Town.

19. Maintenance of Chambers

- 19.1 This section applies to all chambers, including Water Meter Chambers.
- 19.2 All chambers shall be and remain the property of the Owner of the Property on which the chamber is located.
- 19.3 An Owner shall be responsible for maintaining, repairing, and replacing all chambers on their Property, and for keeping such chambers in a functional, dry, and safe condition at all times.
- 19.4 An Owner shall, at its cost, remove and dispose of all solid and liquid debris, waste, and other materials, which are non-essential to the proper functioning of the Water Meter, including those which may be hazardous, toxic, combustible, or explosive in nature, from both inside and above a chamber. The removal and disposal of such material shall be done in accordance with all applicable laws.
- 19.5 Upon request by a notice from the Town and within the time set out in the notice, the Owner shall provide the Town with access to any chamber on their Property to permit the Town to inspect, maintain, repair, replace, or read the Water Meter. If an Owner is unable to provide such access due to water, debris, material in the chamber, or for any other reason, the Owner shall notify the Town no less than forty-eight (48) hours before the scheduled access is required, and the Owner shall advise the Town of a date and time, that is no more than five (5) business days after the date that was requested by the Town, on which access will be provided. The Owner shall be responsible, at its cost, to undertake any measures necessary to provide a safe, dry, and unobstructed access to the chamber at the designated time and date.
- 19.6 If the Owner fails to provide the Town with access to a chamber in accordance with the above, or as required elsewhere in this by-law, the Owner shall pay an inspection fee to the Town, in accordance with the Fees and Charges By-law, for each attendance at the Property subsequent to the initial attempt, or the initial requested time, made by the Town, including the cost incurred by the Town to perform the inspection, plus overhead and applicable taxes. Without limiting and in addition to the above, failure to provide access to the Town to a chamber as required above, or elsewhere in this by-law, shall constitute a contravention of this by-law.

20. Meter Rooms

- 20.1 Upon request by a notice from the Town and within the time set out in the notice, the Owner shall provide the Town with access to any Meter Room on their Property to permit the Town to inspect, maintain, repair, replace, or read the Water Meter. If an Owner is unable to provide such access for any reason, the Owner shall notify the Town no less than forty-eight (48) hours before the scheduled access is required, and the Owner shall advise the Town of a date and time, that is no more than five (5) business days after the date that was

requested by the Town, on which access will be provided. The Owner shall be responsible, at its cost, to undertake any measures necessary to provide a safe and unobstructed access to the Meter Room at the designated time and date.

- 20.2 If the Owner fails to provide the Town with access to a Meter Room in accordance with the above, or as required elsewhere in this this by-law, the Owner shall pay an inspection fee to the Town, in accordance with the Fees and Charges By-law, for each attendance at the Property subsequent to the initial attempt, or the initial requested time, made by the Town, including the cost incurred by the Town to perform the inspection, plus overhead and applicable taxes. Without limiting and in addition to the above, failure to provide access to the Town to a Meter Room as required above, or elsewhere in this by-law, shall constitute a contravention of this by-law.
21. **Discontinuation of Water Service**
- 21.1 Any Owner wishing to discontinue the use of water supplied by the Town must follow requirements set out below. No person shall turn on or off the water supply without being duly authorized to do so by the Town.
- 21.2 Any Owner who has received a permit to demolish a Property, or otherwise wishes to discontinue the use of water supplied by the Town, shall provide written notice to the Town to request disconnection of the water supply, and, unless otherwise instructed by the Director in writing, shall:
- (a) schedule an appointment with the Town to take a final Water Meter reading, to remove the Water Meter and the Remote Readout Unit from the Property, and to turn off the Water supply;
 - (b) provide access to the Town for the final Water Meter reading to be taken, for the Water Meter to be removed, and for the water supply to be turned off; and
 - (c) pay the Town the Water Meter removal fee as set out in the Fees and Charges By-law.
- 21.3 In the event an Owner, or their authorized agent, fails to attend at the Property and provide access to the Town at the appointment time established pursuant to subsection 21.2(b), the Owner shall pay the Town's inspection fee for the missed appointment as set out in the Fees and Charges By-law.
- 21.4 No person shall demolish a Building until the final Water Meter reading is obtained by the Town, and the Water Meter and Remote Readout Unit are recovered by the Town.
- 21.5 In the event an Owner fails to provide access to a Property prior to the demolition of a building or structure on the Property as required by this by-law, the Owner shall pay to the Town an amount equal to the cost of a new Water Meter and Remote Readout Unit, of the same type and size, in accordance with the Fees and Charges By-law. The Owner shall also pay the amount of water consumption, from the last water Meter reading date to the date of disconnection of the Private Water Service Pipe or Water Service Connection from the Town's Drinking Water System, as estimated by the Town.

22. **Temporary Construction Water Use**

- 22.1 Builders, developers, contractors, or other persons requiring water for construction purposes where no Water Meter has yet been installed shall:
- (a) make an application to the Town for temporary construction water use; and
 - (b) furnish the Town with all information required by the Town.
- 22.2 Upon receipt of an application for temporary construction water use pursuant to subsection 22.1 to the satisfaction of the Director, the Director may, at its discretion, permit that water be temporarily obtained from the Town:
- (a) through a temporary Water Meter to be provided at the cost of the Applicant and as prescribed by the Director, or
 - (b) without passing through a Water Meter for the temporary period and as prescribed by the Director, subject to the Applicant paying to the Town a Bulk Water Fee.
- 22.3 Anyone permitted to obtain water pursuant to this section shall also pay any additional fees and security determined by the Director, or established pursuant to any applicable development agreement, and only be permitted to take water in accordance with the requirements specified by the Director, as may be prescribed and altered from time to time at the Director's discretion.
- 22.4 Notwithstanding the payment of a Bulk Water Fee by any person pursuant to this by-law and the Fees and Charges By-law, in the event water is subsequently registered on a Water Meter for the same Property that had been subject to a Bulk Water Fee, the Owner shall pay to the Town the Water Rate for all water registered on the Water Meter following the Water Meter's installation, in accordance with the Town's By-laws.

23. **Private Fire Hydrants**

- 23.1 No person shall install a private fire hydrant unless the following requirements have been met to the satisfaction of the Director:
- (a) a complete application to install the private fire hydrant has been submitted to the Town, which shall include any requirements as specified by the Town;
 - (b) the type of the private fire hydrant to be installed is approved by the Director;
 - (c) the manufacturer of the private fire hydrant to be installed is approved by the Director; and
 - (d) a building permit for the installation of the private fire hydrant has been issued by the Town.
- 23.2 The Director may approve or reject applications for the installation of a private fire hydrant based on compliance with the requirements set out in the Standards and Specifications.

23.3 An Owner with a private fire hydrant on their Property shall be responsible for maintaining the hydrant at their own expense.

23.4 An Owner with a private fire hydrant on their Property shall be responsible for ensuring that the private fire hydrants:

(a) are clearly visible;

(b) are free of any obstructions within a one-meter radius, including but not limited to snow, ice, gardens, trees, fencing, and other landscaping; and

(c) have an unobstructed path from the roadway.

24. **Fire Hydrants**

24.1 Owners shall not place, install, deposit, or otherwise create any obstruction that interferes with the visibility or accessibility of a fire hydrant located on Town lands, including the Town boulevard adjacent to their Property.

24.2 No person, except as authorized by the Town or CYFS personnel in the course of fire fighting or fire prevention activities, shall take water from any Town or private fire hydrant, unless such person is the holder of a hydrant permit issued under this by-law. Under no circumstance shall anyone other than the Town, its employees, CYFS personnel, or Town-authorized agents operate a Town or private fire hydrant.

24.3 A person may make an application on a form prescribed by the Director for a temporary supply of water from a Town or private fire hydrant. Upon receipt of an application and any applicable fees, to the satisfaction of the Director, the Director may, at its discretion, permit that water be temporarily obtained through a fire hydrant, subject to any requirements and conditions prescribed by the Director. The permission may be suspended at any time, and for any length of time, by the Director its discretion.

24.4 The Applicant for the supply of water through a Town or private fire hydrant shall pay a hydrant deposit in advance, as set out in the Fees and Charges By-law, for the use of the fire hydrant and the rental fee for a hydrant meter. Water obtained from the hydrant shall be subject to the Town's Fees and Charges By-law.

24.5 If an application has been approved for a temporary supply of water from a Town or private fire hydrant, the Applicant for the supply of water through a hydrant shall supply a Backflow Preventer, which must be tested by a certified professional, and the test results shall be submitted to the Town for approval. Upon the Town's approval, the Town will install a valve and a temporary Water Meter on the fire hydrant, and then the Owner shall promptly install the Backflow Preventer. The Backflow Preventer, valve, and temporary Water Meter shall not be removed or tampered with. Water will only be supplied through the Water Meter. Connection to the fire hydrant and taking of water from the hydrant other than through the supplied temporary Water Meter is prohibited.

25. **Fire Hydrant Flow Tests**

25.1 A person may submit a request to the Town to make an appointment to conduct a fire hydrant flow test to determine the characteristics of the local Waterworks

System. Tests shall be conducted by the Owner's agent, who must be accompanied by an authorized agent of the Town, between April 1 to October 31, weather permitting.

- 25.2 A person requesting a fire hydrant flow test shall pay to the Town in advance of the test, all applicable fees and charges associated with the performance of the test in the amounts as set out in the Fees and Charges By-law.
- 25.3 The person requesting the fire hydrant flow test shall provide the Town with a copy of the flow test results promptly upon the completion of the test. Such flow test results shall include the date, time, location and duration of the fire hydrant flow test.

26. **Administration and Enforcement**

- 26.1 The Director is responsible for and is delegated the power to administer this by-law, including the authority to approve, issue, refuse, revoke, cancel, suspend, set and impose conditions on, require information, and administer any applications, permits, notices or authorisations, and to prescribe the content and form of any permits, forms, notices or other documents required under this by-law.
- 26.2 Any decision or notice of the Director pursuant to this by-law shall be final without a right to appeal to Council.
- 26.3 The Director and Officers are delegated the authority to enforce this by-law, including the authority to conduct inspections and investigations under this by-law, the Municipal Act, and any other applicable by law or legislation.
- 26.4 The Director is authorized to delegate responsibilities for the administration and enforcement of this by-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.
- 26.5 For the purpose of subsection 23.2(4) of the Municipal Act, Council considers the delegation of powers to the Director pursuant to this by-law to be of a minor nature.
- 26.6 Any order or notice issued pursuant to this by-law shall be deemed to have been received upon:
 - (a) personal service on the person subject to the order or notice;
 - (b) one day after transmission through electronic means to an email or social media address provided by the person subject to the order or notice;
 - (c) one day after posting the order or notice in a conspicuous location on the Property subject to the order or notice; or
 - (d) the fifth (5th) day after the order or notice is sent by registered mail or courier to the address of the Property to which the order or notice relates, or to the last known address of the person who is subject to the order or notice.

27. Powers of Entry

- 27.1 An Officer, or any other individual authorized to enforce this by-law on behalf of the Town, may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
- (a) this by-law;
 - (b) any direction or order under this by-law;
 - (c) a condition of any permit issued under this by-law;
 - (d) an order issued under section 431 of the Municipal Act.
- 27.2 In addition to and without anything else in this by-law, any individual authorized to administer or enforce this by-law may, enter upon a Property to which water is supplied by the Town to, among other things:
- (a) to inspect, repair, alter or disconnect any pipe or wire, machinery, equipment and other works used to supply water; or
 - (b) to inspect, install, repair, replace or alter a Water Meter.
- 27.3 Where an inspection is conducted pursuant to this section, an Officer or any other individual authorized to enforce this by-law on behalf of the Town, 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 and 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 purpose of the inspection.
- 27.4 No person shall hinder or obstruct or attempt to hinder or obstruct the Town, its employees, officers or agents from carrying out any powers or duties under this by-law.
- 27.5 No person shall fail to comply with, or contravene, any notice or order or other direction issued by the Town pursuant to this by-law or the Municipal Act.
- 27.6 Where an Officer, or an individual authorized to enforce this by-law, has reasonable grounds to believe that an offence has been committed by any person, they may require the name, address and proof of identity of that person, and the person shall supply the required information.
- 27.7 No person shall decline or neglect to give, produce or deliver any information, document or other thing that is requested by the Town pursuant to this by-law.

27.8 No person shall knowingly make, participate in, assent to or acquiesce in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this by-law.

28. **Orders**

28.1 Where the Director, Officer, or any other individual authorized to enforce this by-law is satisfied that a contravention of this by-law has occurred, such Director, Officer, or authorized individual may make an order requiring that the person who caused or permitted such contravention, or the Owner, Account Holder, or Occupant of the Property on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention.

28.2 An order pursuant to this section shall set out the following:

- (a) reasonable particulars identifying the location of the land on which the contravention occurred;
- (b) reasonable particulars of the contravention;
- (c) what is required of the person subject to the order (i.e., what activity is to be seized and/or actions or work to be done);
- (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done; and
- (e) information regarding the Town's contact person.

29. **Remedial Action and Cost Recovery**

29.1 Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of the Director or an Officer at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

29.2 For the purposes of taking remedial action under this section, the Town, its staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

30. **Offences and Penalties**

30.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

30.2 Every person who contravenes any order issued pursuant to this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

30.3 If a corporation has contravened a provision of this by-law, including an order issued under this by-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.

- 30.4 Pursuant to subsection 429(2) of the Municipal Act, all contraventions of this by-law or orders issued under this by-law are designated as continuing offences. If a contravention of any provision of this by-law has not been corrected, or an order issued under this by-law has not been complied with, the contravention of such a provision or an order shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected or an order not complied with.
- 30.5 On conviction of an offence under this by-law, every person is liable to a fine in accordance with the following rules pursuant to the Municipal Act:
- (a) to a fine of not less than \$500.00 and not more than \$100,000.00;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, despite paragraph (a), the total of all the daily fines for an offence is not limited to \$100,000;
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, despite paragraph (a), the total of all fines for each included offence is not limited to \$100,000.
- 30.6 In addition to fines under this section, a person convicted of an offence under this by-law may be liable to a special fine in the amount of the economic advantage or gain that such a person obtained from the contravention of this by-law. Notwithstanding subsection 30.5 above, a special fine may exceed \$100,000.
- 30.7 Where a person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
31. **Administrative Penalties**
- 31.1 Instead of laying a charge under the Provincial Offences Act for a breach of any provision of this by-law which is designated under the Administrative Penalty By-law, an individual authorized to enforce this by-law on behalf of the Town may issue an administrative penalty to the person who has contravened this by-law.
- 31.2 Individuals authorized to enforce this by-law on behalf of the Town have the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a person for a breach of a provision of this by-law, no charge shall be laid against that same person for the same breach.
- 31.3 The amount of the administrative penalty for a breach of a provision of this by-law shall be established pursuant to the Administrative Penalty By-law, and each day on which a contravention has not been corrected shall constitute a new and separate offence.
- 31.4 A person who is issued an administrative penalty shall be subject to the procedures as provided for in the Administrative Penalty By-law.

32. **Presumption**

32.1 An Owner of a property on which a non-compliance or contravention has occurred shall be presumed to have carried out or caused or permitted to be carried out the non-compliance or contravention, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

33. **Severability**

33.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this by-law that such provision or part of a provision shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this by-law.

34. **Repeal**

34.1 By-law Number 3305-91, as amended, is hereby repealed.

34.2 Applications and orders previously made pursuant to repealed by-law No. 3305-91 shall be deemed to apply under this by-law and will be subject to this by-law.

35. **Effective Date**

35.1 This by-law comes into full force and effect on May 1, 2026.

Enacted by Town of Aurora Council this _____ day of _____, 2026.

Tom Mrakas, Mayor

Anne Kantharajah, Town Clerk

SCHEDULE "A"

WATER RATES

DRAFT