

The Corporation of the City of North Bay

By-Law No. 2015-97

**Being a By-Law to Provide for the Regulation
of Water Supply in the City of North Bay**

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The Corporation of the City of North Bay

By-Law No. 2015-97

Being a By-Law to Provide for the Regulation of Water Supply in the City of North Bay

Whereas section 9 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

And whereas section 10(1) of the *Municipal Act, 2001* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas section 10(2) of the *Municipal Act, 2001* provides that a single-tier municipality may pass by-laws respecting: in paragraph 5, social and environmental well-being of the municipality; in paragraph 6, health, safety and well-being of persons; in paragraph 7, services and things that the municipality considers necessary or desirable for the public; and in paragraph 8, protection of persons and property;

And whereas section 8(1) of the *Municipal Act, 2001* provides that the powers of a municipality under the *Municipal Act, 2001* shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

And whereas section 11 of the *Safe Drinking Water Act, 2002*, SO 2002, c. 32 requires every municipality to ensure that its municipal drinking water system meets prescribed drinking water standards;

And whereas Part 7 (Plumbing) of the Building Code, O Reg 332/12, made pursuant to the *Building Code Act, 1992*, SO 1992, c. 23 authorizes a municipality to regulate the connection of individual water services to a municipal drinking water system and to protect the system from contamination;

And whereas section 7.6.1.3(5) of the Building Code provides that, where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valving arrangement for the meter installation, shall be according to the municipality's requirements;

And whereas section 391(1) of the *Municipal Act, 2001* provides 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 section 429 provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*;

And whereas the City deems it necessary to regulate the use, supply and distribution of water, the installation and connection of water services, and the metering of such services;

Now therefore the Council of The Corporation of the City of North Bay hereby enacts as follows:

Part 1 – Interpretation and Application

1.1 Short Title

This By-Law may be cited as the "Water Supply By-Law".

1.2 Severability

If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.3 Definitions

For the purposes of this By-Law:

“American Water Works Association” means the international non-profit, scientific and educational association so named, and founded to improve water quality and supply.

“Backflow” means the flowing back or reversal of the normal direction of flow in either the City’s water distribution system or a private water service.

“Backflow Prevention Device” means a device that prevents backflow, certified to the current Canadian Standards Association (CSA) standard.

“Building” means a structure supplied with water by the City.

“Building By-Law” means the City’s Building By-Law No. 2007-07 as amended, and any successor by-law thereto.

“Building Code” means O Reg 332/12 made pursuant to the *Building Code Act, 1992*, SO 1992, c. 23.

“Central Stores” means the location at City Public Works where an adequate and appropriate level of inventories of goods and spare parts are purchased and maintained in order to meet the City’s operational requirements.

“Chief Building Official” means the Chief Building Official for the City or his/her authorized representative.

“Chief Financial Officer” means the Chief Financial Officer / Treasurer for the City or his/her authorized representative.

“City” means The Corporation of the City of North Bay.

“City Engineer” means the Managing Director of Engineering, Environmental Services and Public Works for the City or his/her authorized representative.

“Construction Water” means water supplied to a premises during construction prior to occupancy.

“Contractor” means a person who contracts to undertake the execution of work commissioned by an owner or the City to install or maintain mains, service stubs, hydrants, water meters and other appurtenances.

“Cross-Connection” means any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, or other material or substance that will change the water quality in the water distribution system, and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

“Curb Stop” means the valve on the service stub or private main owned and used by the City to shut off or turn on the water from the City’s water distribution system to any premises.

“Customer” means any person who receives water from the City.

“Demolish” means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning.

“Designated Substance” means a biological, chemical or physical agent or combination thereof prescribed as a designated substance by O Reg 490/09, made pursuant to the *Occupational Health and Safety Act*, RSO 1990, c. O.1, to which the exposure of a worker is prohibited, regulated, restricted, limited or controlled pursuant to the *Occupational Health and Safety Act*.

“External Use of Water” means the use of water for any purpose outside the walls of any building.

“Inlet Valve” means the first valve after the curb stop located before the water meter that turns off all the water that could be used by the service.

“Main” means every water pipe, except service stubs and portions of private mains installed on the public road allowance or on any other land upon which the City has obtained easements or has access rights under section 91 of the *Municipal Act, 2001*.

“Meter” means the meter supplied and owned by the City to measure the quantity of water used by a Customer.

“Meter Interface Unit” means a device installed on, or at a separate location from, the meter and used to read and transfer the water consumption data of the meter.

“Meter Pit” means an exterior chamber or pit approved by the City Engineer for the purpose of containing a meter.

“Meter Seal” means the seal placed on a meter by the City Engineer, or person authorized by the City Engineer for the purposes of securing the meter.

“North Bay Construction Specification” means the City’s construction specifications, which are supplementary to the Ontario Provincial Standards for Roads and Public Works (OPS) owned jointly by the Ministry of Transportation, Ontario and the Ontario Municipal Engineers Association, and developed, maintained and revised from time to time.

“Occupant” means any owner, lessee, tenant, agent of an owner, lessee or tenant, or any person in possession of any Premises.

“Owner” means any person who is the registered owner of a premises or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person who is an owner of a premises, an executor of an estate which includes a premises, or an administrator or guardian who has responsibility for a premises on behalf of an owner.

“Person” includes a natural person, association, partnership, corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

“Plumbing System” means the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing which begins, is located, and is connected immediately after the meter to which the *Building Code Act, 1992* applies.

“Potable Water” means water that is fit for human consumption.

“Pre-Authorized Payment Plan” means a plan that has been authorized in advance by the Chief Financial Officer for payment of charges relating to the installation or alteration of a water connection or private main, whereby a bank is authorized by a customer to debit his/her bank account for a specific amount every month.

“Premises” means any house, tenement, building, lot or part of a lot, in, through, or past which water service runs.

“Private Main” means a pipe connected to a main and installed on private property and from which more than one water service and/or hydrant lateral are connected.

“Service Contract” means an agreement between an applicant and the City for installation or disconnection of City infrastructure, which may include full payment for the City to install or disconnect, or full payment as security against the work being completed by the applicant’s skilled contractor, approved by the City Engineer in advance.

“Service Extension” means the portion of a water service from the curb stop to the meter location, or for a fire service to the inside of the exterior wall of a building.

“Service Stub” means the portion of a water service from a main to the curb stop which will always include one control valve.

“User Fee By-Law” means The Corporation of the City of North Bay’s User Fee By-Law No. 2015-23 and any successor by-law thereto.

“Water” means potable water supplied by the City.

“Water and Wastewater Rates and Charges By-Law” means The Corporation of the City of North Bay’s Water and Wastewater Rates and Charges By-Law No. 2015-88 and any successor by-law thereto.

“Water Distribution System” means mains with connections to feeder mains, feeder mains within subdivision lands, private mains, service stubs, fire hydrants, and curb stops, and all other appurtenances thereto.

“Water Service” means the pipe and fittings that convey water from a connection on a main or private main to the meter location or, for a fire service, to the inside of the exterior wall of a building.

“Waterworks” means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include a service extension or private main or a plumbing system to which the *Building Code Act, 1992* applies.

Part 2 – Operation of Waterworks

2.1 Supply of Water

The supply of water in the City shall be governed by the requirements of this By-Law.

2.2 Authority for Water Supply

The City shall have the sole responsibility, authority, and capacity to construct, maintain and operate all waterworks within its boundaries serving the City, and to establish whether and the terms upon which municipalities or persons outside the

City may be allowed to connect to those waterworks as customers, and the rates to be charged for water delivered to customers.

2.3 Conditions on Water Supply

The City will use reasonable diligence in providing a regular and uninterrupted supply and quality of water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water.

2.4 Shutting Off or Restricting Water Supply

- (1) In the event that conditions arise that imperil the municipal water supply or its distribution, or in the event of any other emergency, the City Engineer may shut off the water supply to any premises without prior notice.
- (2) In the event that the City Engineer determines there to be a need for reduced water usage, whether in relation to reduced water supply as a result of fire suppression or otherwise:
 - (a) the City Engineer may order restrictions on the use of water as operational needs require;
 - (b) the City Engineer shall give notice of the restriction immediately in a manner determined by the City Engineer; and
 - (c) no person shall use, or cause or permit to be used, water in contravention of the restriction.
- (3) The City Engineer may shut off or reduce the supply of water to a premises where required in order 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 meter.
- (4) The City will make reasonable efforts to provide 24 hours notice to occupants of lands affected by a shut-off or reduction of water supply for the purposes set out in subsection (3) above, recognizing that this may not always be possible depending on the particular circumstances.
- (5) The City Engineer may shut off or reduce the supply of water to a premises if the City is denied access to the premises to install, inspect, repair, replace, or read a meter. Notwithstanding the foregoing, in the event of a refusal to have a meter installed, should the City Engineer choose to continue supplying water to the premises, the owner shall be billed for water supply in accordance with section 5(b) of the Water and Wastewater Rates and Charges By-Law.
- (6) The City Engineer may shut off the supply of water to a premises if fees or charges payable by the owners or occupants of the premises are overdue, where those fees or charges relate to water supply or sewer use under this By-Law, the Water and Wastewater Rates and Charges By-Law or any other by-law of the City.
- (7) Prior to shutting off water supply for denial of access or non-payment of fees or charges, the City shall provide reasonable notice of the proposed shut-off to the owners and occupants of the land by:
 - (a) personal service;

- (b) prepaid mail; or
- (c) posting the notice on the land in a conspicuous place.

2.5 Outdoor Water Use Restrictions

- (1) For the purposes of limiting water consumption as necessary, the City Engineer:
 - (a) is authorized to implement any other regulation which the City Engineer, in his or her discretion, considers advisable to limit the external use of water at any time, including the authority to ban completely the external use of water; and
 - (b) shall give notice of the implementation of such a regulation immediately, in a manner determined by the City Engineer.
- (2) No person shall use, or cause or permit to be used, water externally in contravention of any regulation made by the City Engineer pursuant to this section.

2.6 No Liability for Damages

The City shall not be liable for damages or loss suffered by anyone due to the operation of the waterworks unless shown to be directly due to the negligence of the City and, without limiting the generality of the foregoing, shall not be liable for damage or loss:

- (a) caused by the breaking or failure of any component of the waterworks;
- (b) caused by the interruption or reduction of water supply to a premises as a result of a breakdown, repair or extension of the water service; or
- (c) caused by the interruption or reduction of water supply to a premises, in the event of an emergency.

2.7 Unauthorized Operation or Interference – General

- (1) No person, other than the City Engineer or a person authorized by the City Engineer, shall:
 - (a) tap off or make any connection with a water main;
 - (b) turn off or on any water main valve;
 - (c) open or close, or obstruct the free access to, any service stub, valve, chamber or pipe;
 - (d) turn off or on, damage, destroy, remove, or tamper or interfere in any manner with any water service, water distribution system, or waterworks;
 - (e) interfere in any way or cause any interference with the use of water by any other person;
 - (f) attach any device to any water pipe which may create noise, a pressure surge, backflow or contamination of the water distribution system or waterworks;

- (g) use any device on a water service on the upstream side of a meter, for the purpose of boosting or increasing water pressure or for any other purpose; or
 - (h) tamper with, break or remove any lock-out device or lock-out tag installed by the City on any valve or flanged outlet in the waterworks.
- (2) No person, other than the City Engineer or a person authorized by the City Engineer shall cause or permit any person to do any of the actions prohibited by subsection (1), above.

2.8 Unauthorized Operation of Curb Stop

Without limiting the generality of section 2.7(1)(d), no person, other than the City Engineer or a person authorized by the City Engineer, shall turn off or on, remove, or tamper or interfere in any manner with a curb stop.

2.9 Unauthorized Operation of Fire Hydrant

Without limiting the generality of section 2.7(1)(d) no person, other than the City Engineer, a person authorized by the City Engineer, or a member of the North Bay Fire Department, shall turn off or on, remove, or tamper or interfere in any manner with a fire hydrant.

Part 3 – Installation and Alteration of Water Service

3.1 Application, Service Contract and Payment

- (1) No person shall schedule or commence in any way the installation of a new water connection or private main, or the alteration of an existing water service or private main, until the owner of the premises has complied with the requirements of this Part.
- (2) Without limiting the generality of subsection (1), no person shall lay, or cause or permit to be laid, any pipe or main to connect with any pipe or main of the City's waterworks, until the owner of the premises has complied with the requirements of this Part.
- (3) Prior to the scheduling or commencement of any work referred to in subsections (1) and (2) above, the owner of the premises shall first:
 - (a) apply for and obtain the City Engineer's written approval of such work, as specified in the North Bay Construction Specification;
 - (b) enter into a service contract with the City;
 - (c) pay the applicable charges as set out in the User Fee By-Law; and
 - (d) apply for and obtain a building permit from the Chief Building Official.
- (4) The City shall only accept an application for a supply of water from the property owner or agent thereof and the property owner shall be liable to the City for the payment of all rates in respect of water supplied to the premises and for all charges and costs of the City applicable to the supply of water to the premises.
- (5) Notwithstanding subsection (3), terms and charges relating to the installation of water service to a subdivision shall be as set out in the subdivision agreement with the City.

- (6) As a condition of supplying or continuing to supply water to a premises, the City may require that reasonable security be given for the payment of fees and charges for the supply of water or for extending water service to the premises through a service contract.
- (7) During the construction of any premises, the owner shall pay the fee for construction water as set out in the Water and Wastewater Rates and Charges By-Law.
- (8) Where the User Fee By-Law does not fix an installation charge expressly directed at the type or manner of service applied for, the City Engineer shall calculate the estimated cost of providing the service and the owner shall deposit with the City a sum equal to the estimated cost. Upon conclusion of the work:
 - (a) if the actual cost exceeds the amount of the deposit, the owner shall pay the outstanding balance prior to the water being turned on; or
 - (b) if the actual cost is less than the amount of the deposit, the City shall refund the difference to the owner, only upon confirming that the cover for the curb stop service box and the wastewater clean outs are at final grade and accessible to the satisfaction of the City Engineer.
- (9) An owner who has water service installed or altered shall be responsible for the cost of all work done in relation to the installation or alteration of the water service.

3.2 Payment – Lump Sum or Deferred

Notwithstanding the provisions of section 3.1, an owner may elect in writing to pay installation charges over a period of time, in accordance with the following requirements:

- (a) payment shall be made by pre-authorized payment plan;
- (b) the installation charge shall be adjusted for inflation based upon the City's bank prime lending rate plus 1%, compounded annually;
- (c) payment shall be made over a term not to exceed ten (10) years at an interest rate of the City's bank prime lending rate plus 1%, compounded annually; and
- (d) the installation charge shall be added to the owner's water and wastewater bill and collected in the same time and manner as water and wastewater billings pursuant to the Water and Wastewater Rates and Charges By-Law.

3.3 Installation / Alteration by City or Approved Contractor

- (1) Every installation or alteration of a water service shall be conducted by the City or by a skilled contractor engaged by the owner of the premises, and approved by the City Engineer in advance, as set out in the service contract between the owner and the City.
- (2) No person shall install or alter a water service or permit or cause a water service to be installed or altered by any person other than a contractor who meets the requirements of subsection (1), above.

3.4 Installation / Alteration to City Specifications and Building Code

- (1) All water service and private mains located on private property shall be constructed in accordance with the Building Code and in accordance with good engineering practices. Where the Building Code is silent with respect to a construction or installation standard, North Bay's Construction Specification shall be applied and shall prevail.
- (2) Without limiting the generality of subsection (1), the diameter of the service pipe used in a water service connection, other than connections to a single detached, semi-detached or duplex home, shall be as determined by the City Engineer, at his or her discretion.
- (3) Prior to being covered:
 - (a) all work completed in relation to the installation or alteration of water service and appurtenances, up to the property line of the premises, including those required by a subdivision or development agreement, shall be inspected and approved by the City Engineer; and
 - (b) all work completed in relation to the installation or alteration of water service and private mains and situated inside the property lines of a premises shall be inspected and approved by the Chief Building Official.
- (4) No person shall cover, or permit or cause to be covered, work relating to the installation or alteration of water service or private mains before the inspections and approvals required by subsection (3) have occurred.

3.5 Supplementary Water Connections

- (1) No person shall construct or cause or permit to be constructed a supplementary water connection from an existing structure without the prior written authorization of the City Engineer. Without limiting the generality of the foregoing, this includes supplementary connections to uses such as a pool house, garage, shed, cottage, bunkhouse ("bunkie") or granny suite.
- (2) In the event that the City Engineer grants written authorization for a supplementary water connection, the owner shall ensure that the supplementary connection is constructed and maintained in accordance with the requirements set by the City Engineer, at the sole expense of the owner.

Part 4 – Water Meters

4.1 Water to Be Metered

- (1) Subject to subsection (4), all water supplied by the City to a premises within the City of North Bay, except water used for firefighting or construction, shall pass through the meter supplied by the City for use upon that premises, and every owner shall ensure that all such water passes through the meter supplied by the City.
- (2) Every separate premises to which water is being supplied shall be furnished with a separate meter, supplied by the City, except where non-compliance is acceptable to the City Engineer.
- (3) Additional meters supplied by the City may only be installed at the discretion of the City Engineer.

- (4) The City retains the right not to install a meter at a particular premises, at the sole discretion of the City Engineer.

4.2 Meter Supply and Installation

- (1) The City will provide the owner or contractor with a meter and meter interface unit at no charge, at the time of the issuance of a building permit.
- (2) The owner shall ensure that the meter and meter interface unit supplied by the City are installed by a contractor, approved by the City Engineer in advance, at the owner's expense.
- (3) If the City Engineer is of the opinion that a meter cannot be safely installed or replaced without fear of damage to the premises, due to age, corrosion, inadequate piping or other condition, or the location where the work is to take place contains any designated substance, such as asbestos or otherwise:
 - (a) the City Engineer may require the owner to make such repairs as may be deemed necessary to facilitate the installation or replacement of the meter;
 - (b) the owner shall ensure that the repairs are made to the City Engineer's satisfaction, at the owner's sole expense; and
 - (c) the notice, default, remedial, cost recovery and liability provisions of section 7.10 below shall apply with the necessary modifications.
- (4) All meters and meter interface units shall be installed in accordance with the North Bay Construction Specification.
- (5) During the Occupancy / Completion inspection of a premises pursuant to the Building By-Law, the Chief Building Official shall confirm installation of, and seal and activate, the meter and meter interface unit.
- (6) The City will not install, inspect or read private meters, nor will the City bill water consumption on the basis of private meters. Water supply pipes to private meters must be connected to the owner's plumbing system downstream from the City's meter.
- (7) If the City Engineer is of the opinion that a meter cannot be located inside a building or structure in accordance with the North Bay Construction Specification, or if the distance between the street line and the location where the meter would be located inside the building or structure is greater than 30 metres beyond the street line:
 - (a) the City Engineer may require the meter to be installed in a meter pit constructed by the owner in accordance with the North Bay Construction Specification, at the owner's expense; and
 - (b) the meter pit shall be located on the owner's property, within three metres of the street line, in a location approved by the City Engineer prior to construction.
- (8) The meter and meter interface unit shall remain the exclusive property of the City and may be removed at the City Engineer's discretion, upon being replaced by another meter and meter interface unit, or for any reason that the City Engineer may deem sufficient.

4.3 Meter Location and Size Not to Be Changed

- (1) Once installed in accordance with the North Bay Construction Specification:
 - (a) the location of a meter shall not be changed by any person except with the prior written consent of the City Engineer; and
 - (b) the meter shall not be downsized by any person except with the prior written consent of the City Engineer.
- (2) A non-residential customer may appeal the assigned water meter sizing by submitting an application to the City Engineer as follows:
 - (a) for meter sizes less than two inches, the customer may apply to the City Engineer for a ruling on the meter size; and
 - (b) for meter sizes greater than or equal to two inches, the customer shall provide to the City Engineer a detailed evaluation and recommendation prepared by an independent professional engineer with expertise in this area of mechanical engineering,

and the City Engineer shall, at his discretion, determine the appropriate meter size.
- (3) In the event that a meter is relocated or downsized in accordance with subsection (1), the owner shall be responsible for all associated costs, including the cost of any plumbing required as a result.

4.4 Leaks to Be Reported

- (1) Every owner, customer and occupant of a premises is responsible for detecting any leaks that may develop at a meter or its couplings on the premises, and shall forthwith report the leak to the City Engineer.
- (2) The City shall not be liable for damages caused by such leaks.
- (3) In the event that an owner, customer or occupant reports a leak to the City Engineer and upon inspection the City Engineer determines that there is no leak at the meter or couplings, the owner shall pay the inspection fee as set out in the User Fee By-Law.

4.5 Meter Accuracy / Testing

- (1) The City may, of its own initiative, test a meter for accuracy and proper functioning, in accordance with the American Water Works Association standards and procedures, as part of its inspection authorities pursuant to this By-Law.
- (2) In addition, a customer or owner of a premises who doubts the accuracy of the water meter on the premises may request, upon written application to the City Engineer, that the meter be tested for accuracy, in which case:
 - (a) the customer or owner, as the case may be, shall pay the deposit fee for testing as set out in the User Fee By-Law, to be submitted with the application to the City; and
 - (b) upon receipt of the completed written application and fee referred to in subsection (a), the City Engineer shall cause the meter to be removed and tested in accordance with the American Water Works Association standards and procedures.

- (3) If, in the opinion of the City Engineer, the condition of the service extension or valves of the plumbing system is such that a meter cannot be safely tested in its place and cannot be safely removed for the purpose of testing, repairing or replacing, without fear of damage to the premises, or the location where the work is to take place contains any designated substance, such as asbestos or otherwise:
 - (a) the City Engineer may require the owner to make such repairs as may be deemed necessary to facilitate the testing or removal of the meter;
 - (b) the owner shall ensure that the repairs are made to the City Engineer's satisfaction, at the owner's sole expense; and
 - (c) the notice, default, remedial, cost recovery and liability provisions of section 7.10 below shall apply with the necessary modifications.
- (4) Upon testing, if a meter is found to register correctly or not in excess of three percent (3%) in favour of the City, the deposit fee shall be forfeited towards the cost of the test, and the customer or owner, as the case may be, shall pay to the City any additional expense incurred in removing, testing and reinstalling the meter.
- (5) However if, upon testing, the meter is found to over-register in excess of 3% in favour of the City, and subject to the provisions of section 7.8 of this By-Law relating to maintenance of meters, the City will return the deposit fee, without interest, to the customer or owner. In addition, the City will refund to the customer or owner an amount equal to the excess percentage of the water rate paid by the customer or owner for the four months immediately preceding the testing.
- (6) In the event of a discrepancy between the reading at the register of the water meter and the reading on the meter interface unit, the reading at the meter shall be deemed to be correct and the City will adjust and correct the customer's account accordingly.

Part 5 – Water Rates

5.1 Water Rates - Metered

For every premises receiving water from the City where a meter is installed:

- (a) the owner of the premises shall pay the water rate as provided by the Water and Wastewater Rates and Charges By-Law; and
- (b) the water rate shall apply to all water passing through the meter, whether used or wasted.

5.2 Water Rates – Flat Rate

Where the City Engineer has determined, pursuant to section 4.1(4) of this By-Law, that the water at a particular premises should not be metered, the owner of the premises shall pay a flat rate charge for water use, as calculated and determined by the City Engineer and the Chief Financial Officer and approved by Council.

Part 6 – Access and Inspections

6.1 Access to Premises

- (1) As a condition of being supplied water by the City, and as operational needs dictate, the City shall have, at all reasonable times, free and clear access to all parts of a premises in which water is delivered or water service is located, for the purposes of:
 - (a) installation, inspection, testing, maintenance, repair, altering, replacement, disconnecting and removal of the water distribution system, water service, meter, meter interface unit and other parts of the water distribution system;
 - (b) inspection for cross-connections, and of backflow prevention devices or other equipment and works associated with the water distribution system and the private water service;
 - (c) reading meters;
 - (d) verifying water leaks; and
 - (e) inspections for compliance with this By-Law, a direction or order made by the City under this By-Law, a condition of a permit, or a court order made pursuant to this By-Law.
- (2) No person shall deny access to the City to any premises or any part of the water distribution system, for any purpose as provided for in this By-Law.
- (3) Upon request of the City Engineer, an owner or customer shall remove any insulating or other material from, on or around a meter in order to provide the City Engineer with full, unobstructed access to the meter. The owner shall be responsible for replacing the materials in accordance with the North Bay Construction Specification and all applicable laws.
- (4) For the purposes of an inspection under this By-Law, the City 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 test, samples or photographs necessary for the purposes of the inspection.
- (5) In the event that a sample is taken pursuant to subsection (4)(d), the sample shall be handled in accordance with the provisions of section 436 of the *Municipal Act, 2001*.
- (6) No person shall provide false or misleading information in any statement or document provided pursuant to this By-Law, whether orally, in writing, electronically, or otherwise.
- (7) No person shall withhold or otherwise fail or refuse to furnish any information required to be provided under this By-Law.

- (8) In the event that the City has been prevented or is likely to be prevented from exercising any of its powers of inspection under this By-Law, including inspection of a dwelling, the City may obtain an order under section 438 of the *Municipal Act, 2001*, and may conduct an inspection of the premises under the authority of that order.

6.2 Access to Dwellings

- (1) For the purposes of this section, “occupier” means the person actually residing in a dwelling.
- (2) A person exercising a power of entry on behalf of the City under this By-Law shall not enter or remain in any room or place actually being used as a dwelling except as provided by section 437 of the *Municipal Act, 2001*. Without limiting the generality of this subsection, some examples of valid means of entry to dwellings are set out below in this section.
- (3) A person exercising a power of entry on behalf of the City under this By-Law may enter a dwelling and conduct an inspection where the City has given notice of its intention to enter to the occupier of the premises to be entered within a reasonable time before the power of entry is exercised, by way of personal service.
- (4) Notwithstanding subsection (3), in the event that the occupier requests the attendance of the City and/or otherwise provides his or her informed consent to the entry by the City prior to the foregoing events occurring, the City may enter the premises for the purposes of exercising its powers under this By-Law.
- (5) A person exercising a power of entry on behalf of the City under this By-Law may also enter a dwelling and conduct an inspection under the authority of an order issued under section 438 of the *Municipal Act, 2001* or a warrant issued under section 439 of the *Municipal Act, 2001* or section 158 of the *Provincial Offences Act*, RSO 1990, c P.33.
- (6) In circumstances where the delay necessary to obtain a section 438 order, a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person, the City may enter a dwelling and conduct an inspection without notice or prior judicial authorization.

6.3 Access When Water Service Discontinued

In the event that the City lawfully decides to stop supplying water to a premises, or in the event that a customer discontinues water service, the City Engineer may enter the premises:

- (a) to disconnect the water supply;
- (b) to remove therefrom any fitting, machine, apparatus, meter, meter interface unit, pipe or other item owned by the City; and
- (c) to inspect from time to time in order to determine whether the water service has been or is being unlawfully used.

Part 7 – Maintenance

7.1 Costs of Maintenance

Where this By-Law imposes responsibility for maintenance, the person responsible for the maintenance shall also bear the costs of the maintenance, except where explicitly provided for otherwise in this By-Law.

7.2 Service Stub – Maintenance by City

The City shall maintain every service stub.

7.3 Service Stubs - Renewal

- (1) The City shall renew service stubs on public property to the City's specifications.
- (2) A service stub will be renewed when the City Engineer deems it to be beyond repair.
- (3) In addition, a service stub will be renewed if it is substantially composed of lead, provided that the owner first replaces the service extension.
- (4) A replacement service stub shall be the same size as the existing stub or the minimum size for that area of the City.

7.4 Curb Stops – Maintenance and Access

- (1) The City shall maintain every curb stop.
- (2) The owner, occupant and customer of every premises supplied with water shall ensure that the cover for curb stop service box for the premises is left at finished grade and is clear and accessible at all times so that the City Engineer has ready access and may easily turn off or on the water supply to the premises as may be necessary.

7.5 Fire Hydrants – Maintenance and Access

- (1) Every fire hydrant situated within a road allowance is the property of, and shall be maintained by, the City.
- (2) City-owned fire hydrants located on private property shall also be maintained by the City.
- (3) Private hydrants which are owned and were paid for by any person other than the City shall be maintained by the City or a contractor approved by the City, at the owner's expense and the owner shall pay the fee for this service as set out in the User Fee By-Law.
- (4) The owner or occupant of a premises adjacent to any fire hydrant or on which any fire hydrant is located, whether the hydrant is owned by the City or is privately-owned:
 - (a) shall ensure that there is clear access to the fire hydrant at all times, and that access is not obstructed in any manner; and
 - (b) shall not allow anything on the premises to interfere with the operation of the fire hydrant.
- (5) No person shall obstruct the clear access to a fire hydrant.
- (6) No person shall connect to a fire hydrant without the written consent of the City Engineer. Upon receiving consent, the person shall pay the charges as set out in the User Fee By-Law.
- (7) Where a person has been connected to a fire hydrant without the required consent, the person shall pay the illegal connection charge as set out in the User Fee By-Law.

- (8) Where water is supplied or made available to any premises for the purposes of protection of property or persons from fire or for preventing fires or the spreading of fires, no person shall use such water for any purpose other than the purpose for which it was provided.

7.6 Service Extension and Private Main – Maintenance by Owner

- (1) The owner of a premises to which the City supplies water shall maintain and ensure proper functioning of the service extension and private main.
- (2) The owner of the premises shall adequately protect the service extension and private main from frost and any other damage.
- (3) In the event of a leak in the service extension or private main:
 - (a) the owner shall notify the City Engineer forthwith;
 - (b) the owner shall promptly repair the leak;
 - (c) the City Engineer may shut off the water supply if the leak is causing property damage or a public safety concern; and
 - (d) the owner shall be solely responsible for the water loss occasioned by the leak, including:
 - (i) any damages resulting from the leak; and
 - (ii) the cost of the lost water, as determined by the City Engineer, which shall be added to the owner's water bill.
- (4) The City shall not be liable for any damages resulting from a leak in the service extension or private main.

7.7 Plumbing System – Maintenance by Owner

- (1) The owner of a premises to which the City supplies water shall maintain the plumbing system in good working order, including all piping, by-pass arrangements, fittings and valves to, from and around a meter, and shall replace and repair them as necessary in accordance with the North Bay Construction Specification.
- (2) The owner shall ensure that all valves are fitted with proper handles and shall supply, install and properly maintain all valves to, from and around the meter as required by the North Bay Construction Specification, including the inlet valve.
- (3) Without limiting the generality of the foregoing, the owner shall maintain in good working order the inlet, outlet and by-pass valves for the meter and shall ensure that such valving is readily accessible at all times.
- (4) To allow for proper flow of water or maintenance of equipment, the City Engineer may require an owner to install the proper valving arrangement in respect of the supply of water to the property, in accordance with the North Bay Construction Specification, at the owner's sole expense.

7.8 Meter – Maintenance by City

- (1) For the purposes of this section, "meter" shall include both the meter and meter interface unit.

- (2) The City shall maintain every meter at the City's expense, subject to the provisions of this section.
- (3) The owner is responsible for keeping the meter in a safe condition and for preventing the meter from freezing, whether located within a building or outside in a meter pit.
- (4) In the event that a meter is damaged or freezes, the owner shall pay the cost of repairs or replacement to the meter, as may be required in the discretion of the City Engineer. The owner shall pay the fee as set out in the User Fee By-Law.
- (5) If, in the opinion of the City Engineer, a meter is suspected of incorrectly measuring water consumption or of otherwise being defective, the City may remove the meter for inspection, and costs shall be paid in accordance with the following:
 - (a) if the meter is found to be defective due to normal wear and tear, the City shall be responsible for the costs of replacing the meter; and
 - (b) if the meter is found to be defective due to tampering or negligence on the part of the owner, customer, occupant, or any other person:
 - (i) the owner shall pay for the costs of testing, removing, repairing, and reinstallation of the meter, along with the cost of a new meter if the City Engineer determines that the meter is beyond repair; and
 - (ii) the City Engineer may estimate the quantity of water actually used, based on prior consumption during the period when the meter was believed to be functioning properly in the opinion of the City Engineer, and the City may adjust and correct the customer's account accordingly.
- (6) Testing of a meter for accuracy at the request of a customer or owner of a premises shall be governed by the provisions of section 4.5 of this By-Law.

7.9 Meter Pit – Maintenance by Owner

The owner of a premises on which a meter pit is located shall:

- (a) be responsible for the maintenance of the meter box and meter lid, and shall ensure that the meter box and lid are in such condition that the meter is protected from the elements and from damage caused by any other source;
- (b) keep the meter pit clear of debris; and
- (c) not obstruct or permit the obstruction of a meter pit and without limiting the generality of the foregoing, shall ensure that the area within 1.5 metres around the outer perimeter of the meter pit is clear of any shrubs, trees, other landscaping, including overhanging landscaping, or any other form of obstruction.

7.10 Owner to Remedy Defects

- (1) Should the City detect a defect in the service extension, private main, meter pit or plumbing system, during an inspection or otherwise, the City Engineer shall provide written notice to the owner, which shall include:
 - (a) notice of the defect;

- (b) an order to repair the defect;
 - (c) the time within which the defect must be repaired, which shall be a reasonable time frame at the discretion of the City Engineer;
 - (d) notice that, in default of the work being done by the owner within the time required, the City may shut off the water supply to the premises; and
 - (e) notice that, in the alternative to shutting off the water supply, the City may repair the defect at the owner's expense.
- (2) Where the City Engineer orders an owner to repair a defect, the owner shall repair the defect within the time provided in the notice, to the satisfaction of the City Engineer.
 - (3) If the defect is not repaired within the time provided in the notice, the City Engineer may, at his or her discretion:
 - (a) turn off the water supply to the premises and isolate it from the water distribution system by means of turning off the curb stop until the remedial action is taken; or
 - (b) enter the premises at any reasonable time and repair the defect at the owner's sole expense.
 - (4) In the event that the City Engineer exercises the authority to conduct repairs under this section, the City may recover the costs of doing the work by adding them to:
 - (a) the owner's water bill in pre-determined installments; or
 - (b) the tax roll, in which case the costs will be collected in the same manner as property taxes, and the provisions of section 446 of the *Municipal Act, 2001* with respect to interest and liens shall apply.
 - (5) The provisions of this section shall also apply in the event that the City Engineer requires an owner to make repairs to facilitate the installation or replacement of a meter pursuant to section 4.2 of this By-Law or to facilitate testing of a meter or removal for testing, pursuant to section 4.5 of this By-Law.
 - (6) The City shall not be liable for any loss or damage to property or otherwise, which may arise from the shut off of the water supply and work carried out by the City in accordance with this section.

7.11 Vacant or Unheated Premises

- (1) When a premises is left vacant or without heat, the owner shall shut off the water from within the premises and drain the plumbing therein.
- (2) In addition, the owner or customer may apply in writing to the City Engineer to have the service stub shut off in order to stop the supply of water to the premises.
- (3) Upon receipt of the written application for shut off and payment of the fee for this service as set out in the User Fee By-Law, the City Engineer will turn the water off in the presence of the owner, customer or authorized representative thereof. It is the responsibility of the owner, customer or authorized representative thereof to confirm that the water has been shut off to his or her satisfaction and the City shall not be liable for any

damages that may result during the vacancy or time during which the premises is without heat.

- (4) Where a service stub has been shut off pursuant to this section:
 - (a) the service stub will be turned back on only at the owner's request and in the owner's presence;
 - (b) the service stub will only be turned back on after all water rates and charges in arrears have been paid; and
 - (c) the owner shall pay the fee for this service as set out in the User Fee By-Law.
- (5) When a premises is left vacant or without heat and the water supply has not been shut off:
 - (a) the owner and customer shall continue to be liable for the rates and charges billed therefor until the written application has been submitted to the City Engineer and the applicable fee has been paid;
 - (b) the owner and customer shall be responsible for any damage to the premises and contents caused by a leaking or burst water pipe; and
 - (c) in the event that the City Engineer becomes aware of a leaking or burst pipe in a vacant or unheated house, he or she may turn off the service stub and the water supply shall not be turned back on until the City Engineer considers it advisable, in his or her discretion, and only after receiving payment of the fees for turning off and turning on the water supply, as set out in the User Fee By-Law.

7.12 Frozen Pipes

- (1) In the event that a water service becomes frozen, the owner or customer shall notify the City Engineer. Upon receiving notification, the City Engineer shall inspect and determine which section of the service is frozen, and responsibility for thawing the service shall be as follows:
 - (a) the City shall be responsible for thawing frozen service stubs; and
 - (b) the owner of a premises shall be responsible for thawing frozen service extensions and private mains.
- (2) An owner may request the City Engineer to assist in thawing a frozen service extension or private main, and the City Engineer shall determine whether the City will assist. In the event that the City does assist in thawing a frozen service extension or private main, the owner shall pay the fee as set out in the User Fee By-Law, and all such assistance provided shall be at the owner's sole risk, and the owner shall have no claim against the City by reason of such work.
- (3) An owner who wishes to run water to prevent pipes on a premises from freezing shall apply to the City Engineer for permission to do so for a specific time frame and, if permission is granted, shall enter into a water service agreement as defined by the Water and Wastewater Rates and Charges By-Law.
- (4) Where the City Engineer grants permission to run water pursuant to subsection (3), the owner shall pay a usage charge for the period approved by the City Engineer, based on an average unadjusted three month consumption period.

- (5) Where a neighbor is requested and is willing to assist the frozen pipe property owner, and the City Engineer grants permission, the neighbor will also be required to enter into a water service agreement as defined by the Water and Wastewater Rates and Charges By-Law, and shall pay a usage charge for the period approved by the City Engineer, based on an average unadjusted three month consumption period.

Part 8 – Cross-Connections and Backflow Prevention

8.1 Protection from Contamination

- (1) Every owner shall protect against contamination of the water distribution system by any source emanating from the owner's premises, in accordance with the requirements and standards of the Building Code.
- (2) No person shall connect, cause to be connected, or allow to remain connected to the water distribution system any piping, fixture, fitting, container, appliance, equipment or any other connection which may allow any substance to enter the water distribution system.
- (3) Without limiting the generality of subsection (2), no person shall create a connection between a private water source (well or otherwise) and the City's water distribution system, or cause or allow to remain in place such a connection.

8.2 Elimination of Cross-Connections

In the event that an inspection reveals, or the City Engineer otherwise becomes aware of, a violation of section 8.1, the City Engineer may:

- (a) order the owner to eliminate the condition and, in so doing, prescribe the time period for compliance with the order; and
- (b) shut off the water supply to the premises without prior notice to any person until the condition is eliminated, at the discretion of the City Engineer.

8.3 Backflow Prevention Devices Required

- (1) Where, in the opinion of the City Engineer, there is a risk of possible contamination of the water distribution system, the City Engineer:
 - (a) shall issue an order to the owner of the premises to install a backflow prevention device approved by the City Engineer or Chief Building Official at the source of potential contamination; and
 - (b) may shut off the water supply to the premises without prior notice to any person until the condition is eliminated, at the discretion of the City Engineer.
- (2) Upon the issuing of an order under subsection (1), the owner shall:
 - (a) apply for and obtain a building permit to install the backflow prevention device, in accordance with the requirements of the Building Code; and
 - (b) ensure that the backflow prevention device is installed in accordance with the specifications of the City Engineer, the current CSA standard and the Building Code, at the owner's sole expense.

8.4 Testing of Backflow Prevention Devices

- (1) Every owner of a premises having a backflow prevention device shall ensure that the device is inspected and tested by a person approved by the City Engineer to carry out such tests, to demonstrate that the device is in good working condition, at the owner's sole expense:
 - (a) upon installation;
 - (b) annually thereafter, or more often if required by the City Engineer; and
 - (c) whenever it is cleaned, repaired or relocated.
- (2) In the event that an owner fails to have a backflow prevention device tested as required by this By-Law, the City Engineer may notify the owner that the device must be tested within four days of the owner receiving notice. Upon receiving such notice, the owner shall ensure that the backflow prevention device is tested within the time required, failing which the City Engineer may shut off the water supply to the premises until the device has been tested and approved as required by this By-Law.
- (3) For each test of a backflow prevention device the owner shall, within 14 days of the test, submit a report to the City Engineer, acceptable to the City Engineer, and containing the following information:
 - (a) the name of the person conducting the testing, as well as his or her certification or licence number, employer name, and contact information;
 - (b) the serial number and last calibration date of the test kit;
 - (c) the address of the premises;
 - (d) the name of the owner and occupant of the installation address, along with their contact information;
 - (e) the purpose of the testing (i.e. installation test, annual test, or otherwise);
 - (f) the make, model, serial number, size, type, and location on the premises of the backflow prevention device tested;
 - (g) the test date; and
 - (h) full test results.
- (4) Every person who tests a backflow prevention device shall:
 - (a) complete the testing in accordance with the current CSA standard and all applicable legislation;
 - (b) complete a legible report containing the information set out in subsection (3) above and provide a copy to the owner;
 - (c) complete and display, on the backflow prevention device or immediately adjacent to the device on the piping connected thereto, a record card, initialed personally by the tester, and containing the following information:
 - (i) the tester's name (if self-employed) or the name of the tester's employer, and the tester's certification or licence number;

- (ii) the address of the premises;
- (iii) the make, model, serial number, size, type, and location on the premises of the backflow prevention device tested; and
- (iv) the test date; and
- (d) upon finding that a backflow prevention device is malfunctioning or otherwise not in good working condition, immediately provide written notification of such condition to the owner of the premises and to the City.
- (5) In the event that a backflow protection device is malfunctioning or is otherwise not in good working condition, the owner shall ensure that the device is repaired or replaced within four days. If the owner fails to repair or replace the device within that time, the City Engineer may shut off the water supply to the premises until the repair or replacement has been made.

8.5 Removal of Backflow Prevention Devices

No person shall remove or relocate a backflow prevention device without the prior written authorization of the City Engineer.

Part 9 – Building Demolition and Disconnection of Water Service

9.1 Application, Service Contract and Payment

- (1) Where the owner of a premises wishes to demolish a building to which the City supplies water, the owner shall first ensure that the water service to the premises is disconnected in compliance with the provisions of this Part.
- (2) No person shall schedule or commence in any way the demolition of a building or the disconnection of a water service until the owner of the premises has first complied with the requirements of this Part.
- (3) Prior to the scheduling or commencement of any work referred to in subsections (1) and (2) above, the owner of the premises shall first:
 - (a) apply for and obtain the City Engineer's written approval of such work, as specified in the North Bay Construction Specification;
 - (b) enter into a service contract with the City for the decommissioning of the water service;
 - (c) pay the applicable charges as set out in the User Fee By-Law; and
 - (d) apply for and obtain a demolition permit from the Chief Building Official.
- (4) An owner who has water service disconnected for demolition purposes shall be responsible for the cost of all work done to disconnect the water service.

9.2 Disconnection by City or Approved Contractor

- (1) Every disconnection of a water service shall be conducted by the City or by a skilled contractor engaged by the owner of the premises, and

approved by the City Engineer in advance, as set out in the service contract between the owner and the City.

- (2) No person shall disconnect a water service or permit or cause a water service to be disconnected by any person other than a contractor who meets the requirements of subsection (1) above.

9.3 No Work Until City Turns Off Water at Curb Stop

- (1) An owner who has received a permit to demolish a property shall notify the City Engineer in writing at least seven days in advance of the date on which the water supply to the property is no longer required, requesting that the water supply be turned off by the City on a specified business day, and shall submit therewith the fee for turning off water as set out in the User Fee By-Law.
- (2) Upon receipt of the notification and payment of fee under subsection (1), the City Engineer shall turn off the water supply to the premises at the curb stop on the business date requested or, in the event that this is not possible, on another date as determined by the City Engineer and communicated to the owner in advance.
- (3) No person shall commence demolition or cause or permit demolition to commence before the City Engineer has turned off the water supply to the premises at the curb stop.

9.4 Disconnection to City Specifications and Building Code

- (1) Every person who disconnects, or causes or permits the disconnection of, a water service shall ensure that the disconnection is conducted in accordance with the Building Code and in accordance with good engineering practices. Where the Building Code is silent with respect to a standard, North Bay's Construction Specification shall be applied and shall prevail.
- (2) Without limiting the generality of subsection (1), every person who disconnects, or causes or permits the disconnection of, a water service shall ensure that:
 - (a) the water service is disconnected at the main;
 - (b) the main is plugged;
 - (c) the curb stop and rod are removed; and
 - (d) the meter and meter interface unit are removed and returned to Central Stores within three business days.
- (3) Prior to being covered:
 - (a) all work completed in relation to the disconnection of water service, up to the property line of the premises, shall be inspected and improved by the City Engineer; and
 - (b) all work completed in relation to the disconnection of water service and situated inside the property lines of a premises shall be inspected and approved by the Chief Building Official.
- (4) No person shall cover, or permit or cause to be covered, work relating to the disconnection of water service before the inspections and approvals required by subsection (3) have occurred.

Part 10 – Water Theft and Tampering Prohibited

10.1 Water Theft and Tampering Prohibited

- (1) No person shall:
 - (a) break, damage or otherwise tamper with a meter seal, or other lockout device or tag installed by the City on any valve or meter;
 - (b) tamper with a meter, whether by calibrating, interfering with the recording of water consumption at any premises, or otherwise;
 - (c) alter, by-pass, or otherwise tamper with the pipes supplying water to any premises so that the water supplied by-passes the meter, either partially or wholly; or
 - (d) cause or permit any of the actions set out in subsections (a) through (c) above.
- (2) Subsection (1) does not apply to the City Engineer or any person authorized by the City Engineer.

10.2 Remedy for Water Theft or Tampering

- (1) In the event of any violation of section 10.1, the City Engineer may:
 - (a) turn off the water supply to the premises immediately;
 - (b) adjust and correct the customer's or owner's account to recover the cost of water used as the City Engineer may calculate in his discretion, based on water rates paid by the customer or owner for four months during a time prior to the violation or, if it is not possible to determine when the violation first commenced, as the City Engineer may calculate in his or her sole discretion; and
 - (c) rectify the violation or order the customer or owner to have the violation rectified by a contractor approved in advance by the City Engineer, at the choice and discretion of the City Engineer and, in either event, all work shall be done at the sole expense of the customer or owner, as the case may be.
- (2) The customer or owner, as the case may be, shall pay to the City all amounts invoiced by the City for water use and repairs pursuant to this Part.

Part 11 – Additional Prohibitions

11.1 Additional Prohibitions Relating to Water Use and Supply

In addition to prohibitions provided elsewhere in this By-Law, no person shall:

- (a) discharge water so that the water runs to waste or is of no use outside of the waterworks;
- (b) improperly waste water from the waterworks;
- (c) without the consent of the City Engineer, sell, lend, give away, permit to be taken away, or use or apply water to the use or benefit of another;

- (d) throw or deposit any injurious or offensive matter into the water or waterworks, or upon the ice if the water is frozen, or in any way foul the water;
- (e) without the consent of the City Engineer, increase in any way the supply of water agreed upon; or
- (f) in any way obtain or use the water without the consent of the City.

Part 12 – Enforcement

12.1 Obstruction

- (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, the City or any of its officers, contractors, agents, servants or workers in the exercise of any power conferred by this By-Law.
- (2) No person shall hinder or obstruct, or attempt to hinder or obstruct, any by-law enforcement officer authorized by the City to enforce this By-Law in the execution of his or her duties relating to enforcement of this By-Law.

12.2 Offences and Penalties

- (1) Any person who contravenes any provision of this By-Law is guilty of an offence.
- (2) Any director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this By-Law is guilty of an offence.
- (3) Any person who fails to comply with an order made by the City Engineer pursuant to the provisions of this By-Law is guilty of an offence.
- (4) Any person who contravenes an Order issued by a court pursuant to this By-Law is guilty of an offence.
- (5) Any person who is found guilty of an offence under this By-Law is liable to a minimum fine of \$200.00 and a maximum fine of \$50,000.00.
- (6) Notwithstanding the provisions of subsection (5), where the person found guilty is a corporation, the corporation is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.
- (7) If any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by 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.
- (8) Any fine imposed under this Part shall be payable in addition to any fees, charges and costs payable under this By-Law.

Part 13 – Liability

13.1 Liability for Damages

In addition to any other provisions of this By-Law and in addition to any penalty or remedy pursuant to this By-Law, any person who violates the provisions of the By-Law is liable for all damages occasioned thereby, payable to the City forthwith.

Part 14 – Coming into Force

14.1 Repeal of Previous By-Laws

By-laws 36-94, 2002-52, 2005-215 and 2010-48 are repealed when this by-law comes into force.

14.2 Coming into Force

This By-Law comes into force on January 1st, 2016.

Read a First Time in Open Council this 14th day of December, 2015.

Read a Second Time in Open Council this 14th day of December, 2015.

Read a Third Time in Open Council and Enacted and Passed this 14th day of December, 2015.

Mayor Allan McDonald

City Clerk Catherine Conrad