

DISTRICT OF CARLETON NORTH
A BY-LAW RELATING TO WATER SYSTEM AND RATES
BY-LAW W-2

The Council of the Municipality of District of Carleton North, under the authority vested in it by Section 10 of the Local Governance Act, R.S.N.B. 2017, c. 18 enacts this By-Law relating to water system and rates.

1. TITLE

1.1 This By-Law may be cited as the “Water System and Rates By-Law.” Or “Water By-Law”

2. DEFINITIONS

In this By-Law, unless the context otherwise requires:

- 2.1 “CHIEF ADMINISTRATIVE OFFICER” OR “CAO” means the Chief Administrative Officer appointed by the Council pursuant to subsection.
- 2.2 “CONNECTION FEE” means all fees, charges, costs and expenses incurred in relation to connecting a property to the water system, including the cost of all labour, materials, equipment, permits, approvals, inspections, excavation, installation, repair, restoration and any other work required to complete the connection. The property owner is responsible for paying all connection fees and for arranging and paying for all work required to connect the property to the water system, unless otherwise approved in writing by the Municipality.
- 2.3 “CONSUMER” means a person using water supplied by the Municipality.
- 2.4 “CROSS CONNECTION” means a construction or a potential construction between any part of a potable water system and any other environment containing other substances in a manner in which, under any circumstances, could allow such substances to enter the potable water system.
- 2.5 “CUSTOMER’S WATER SYSTEM” means a water system owned by a person other than the District but which receives water from the water system.
- 2.6 "MUNICIPALITY" shall mean the District of Carleton North, or a person or persons properly appointed by the District of Carleton North to administer this By-Law.
- 2.7 "PROPERTY OWNER" shall mean the person in whose name a property is assessed under the Provincial Assessment Act and includes heirs, successors, executors, administrators and assigns of such a person.
- 2.8 "SHALL" is mandatory; "MAY" is permissive.
- 2.9 “WATER” AND “WATER SUPPLY” means the water supplied by the water system to the consumer for the purposes specified in this By-Law.

- 2.10 “WATER SERVICE PIPE” means a water pipe leading from a water main.
- 2.11 “WATER SYSTEM” means all of the property involved in the operation of the District’s water utility, including a system of wells, tanks, reservoirs, dams, watercourses, lakes, streams, rivers, buildings, machinery, filtration plants, cribs, fittings, motors, apparatus, water works and all other things useful for the drawing, collecting and storing of water and treating, distribution and selling to consumers.

3. WATER CONNECTION APPLICATION

- 3.1 When a property owner requires a service connection, the property owner must (a) complete and file an Application for Service Connection with the *Public Works Manager* and (b) submit full payment for the service to the Treasurer.
- 3.2 Upon receipt of the application and payment, the Public Works Manager will direct the work to be completed, unless, in the opinion of the Public Works Manager, the work cannot be completed without a compromise or a risk of compromise to the working order and operation of the water or sewer system.
- 3.3 When the *Public Works Manager* rejects an application, the applicant may appeal the decision in a written letter addressed to Council, who will hear and render a final decision on the appeal in the next Council meeting.

4. WATER SYSTEMS

- 4.1 The *Public Works Manager*, directly through his designates, shall have the administration, supervision and control of the water system, subject to approval from CAO.
- 4.2 The CAO may appoint such officers and employees as from time to time are deemed necessary for the efficient and continuous operation of the water system.
- 4.3 Subject to the direction of the Director of Operations, the *Public Works Manager* shall have general supervision of the construction, operation, and maintenance of the water system.
- 4.4 The *Public Works Manager* shall cause to be made appropriate plans for the water system of the District of Carleton North.
- 4.5 Water distribution system extensions, expansions and renewals will be designed and installed based on the assumption that the building or facilities being serviced, other than low density residential units, are provided with sprinkler systems, and require appropriately reduced flows for firefighting.
- 4.6 The location, elevations, materials and method of installation for all public and private water mains, service pipes, and appurtenances shall be approved by the *Public Works Manager* and *Director of Operations* prior to their construction.

4.7 The owner of all houses, buildings, or properties, used for human occupancy, employment, recreation or other purposes situated within the District of Carleton North and abutting on any street or right of way in which there is now located or may be located a public water system, is hereby required at **his own expense** to install directly with the water system in accordance with the provisions of this By-Law, provided that such water system is within forty five (45) metres of the property line and not more than seventy five (75) meters from the building to be serviced.

5. WATER PLUMBING

5.1 Water shall not be supplied from the water system to any customer's water system unless such system and related plumbing is:

- (a) approved by the Plumbing Inspector;
- (b) approved by the *Public Works Manager*; and
- (c) is protected from frost.

5.2 a) Where a customer's water system is found to have been installed in and unworkmanlike manner or in a manner insufficiently strong to resist the pressure to which it may be subjected or where water service pipes are not sufficiently protected from frost or where a person or property supplied with water has violated any provision of this By-Law, the *Public Works Manager* may direct that the water supply be discontinued until such customer's water system is properly installed and approved and the person supplied has complied with the provisions of this bylaw.

b) Where a customer's water system requires a modification in the pressures from those supplied by the water system, the required apparatus and its installation shall be the responsibility of the owner.

5.3 No connection shall be made to the water system for the purpose of taking water therefrom except under the direct supervision of the *Public Works Manager* or other person duly authorized by the *Public Works Manager* for the purpose.

5.4 Where maintenance of a customer's sprinkler system or other firefighting system requires the removal of unmetered water from the system, the customer shall obtain prior permission of the *Public Works Manager* and shall notify the Fire Department dispatch personnel.

6. WATER CONNECTION APPLICATION

6.1 When a property owner requires a service connection, the property owner must (a) complete and file an Application for Service Connection with the *Public Works Manager* and (b) submit full payment for the service to the Treasurer.

6.2 Upon receipt of the application and payment, the *Public Works Manager* will direct the work to be completed, unless, in the opinion of the *Public Works Manager*, the work cannot be

completed without a compromise or a risk of compromise to the working order and operation of the water or sewer system.

- 6.3 When the *Public Works Manager* rejects an application, the applicant may appeal the decision in a written letter addressed to Council, who will hear and render a final decision on the appeal in the next Council meeting.

7. CROSS CONNECTIONS

- 7.1 No owner or other person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, could allow water, waste water, or any other substance to enter the District of Carleton North water system.
- 7.2 If a condition is found to exist which in the opinion of the *Public Works Manager* is contrary to section 7.1 hereof, the *Public Works Manager* may either:
- (a) shut off the service or services, or
 - (b) give notice to the customer to correct the fault within a specified period.
- 7.3 Notwithstanding the foregoing, the *Public Works Manager* may permit cross connection control devices to be installed on the customer's water piping at the sources of potential contamination and/or on the water service pipe.
- 7.4 Where, in the opinion of the *Public Works Manager*, a high risk of contamination of the potable water system exists, or the potential contamination is extremely dangerous, water service to a customer shall be provided only on the provision that the customer's water service pipe a cross connection control device approved by the *Public Works Manager* in addition to the cross connection control devices installed on the customer's water piping at the source of potential contamination.
- 7.5 (1) Where a cross connection control device is required by the *Public Works Manager*, that device shall be tested upon installation, and thereafter annually, or more often if required by the *Public Works Manager*, by personnel possessing a valid Cross Connection Control Tester Certificate.
- (2) The *Public Works Manager* shall maintain requirements for Cross Connection Control Testers and shall issue Certificates to those individuals who meet these requirements each calendar year at a fee of \$35 (thirty-five dollars) per certificate.
- (3) The *Public Works Manager* shall maintain a master list of those individuals in possession of valid Cross Connection Control Tester Certificate and such master list shall be available to the public during business hours.
- 7.6 Should a test show that a cross connection control device is not in good working condition, the *Public Works Manager* shall give notice to the customer to make repairs or replace the

device within a specified period, and if the customer fails to comply with such notice the *Public Works Manager* shall shut off the service or services.

- 7.7 Notwithstanding The **Sanitary Conditions** section of this By-Law, *the Public Works Manager* may permit the use of water service for construction purposes for a limited period of time, provided he is satisfied that adequate provisions are made to prevent backflow into the Municipal water system.
- 7.8 All cross connection control devices shall be installed as recommended by the manufacturer and approved by the *Public Works Manager*.
- 7.9 Hose bib vacuum breakers shall be installed on all threaded wall hydrants and threaded taps that are not otherwise protected from backflow in existing buildings when such buildings require new water service connections or relays, or when such buildings are receiving renovations requiring a plumbing permit.

8. WATER USE RESTRICTIONS

- 8.1 The water supply shall be furnished for the following:
 - (a) domestic and fire protection purposes within the Municipality
 - (b) Municipal purposes
 - (c) Industrial purposes
- 8.2 Water shall not be furnished for any purpose other than domestic and fire protection purposes when in the opinion of the *Public Works Manager* the quality or efficiency of the water supply for domestic and fire protection purposes within the Municipality would be thereby impaired.
- 8.3 The *Public Works Manager* may, notwithstanding the foregoing limitations, furnish water for purposes other than domestic and fire protection purposes under an agreement in writing that the water supply may be discontinued temporarily or permanently by the *Public Works Manager*.
- 8.4 No owner whose premises are served by the water system shall use any alternate source of water supply without consent of the *Public Works Manager*.
- 8.5 No person shall allow an alternate source of water supply to be connected to the water system.
- 8.6 An alternate source of water supply which discharges to the Municipal sanitary sewer system shall be metered by the Municipality, unless in the opinion of the *Public Works Manager*, the amount discharged is not significant and not harmful to the sewer system.
- 8.7 Unless otherwise authorized by the *Public Works Manager*, the water supply to any premises shall be measured by a water meter.

- 8.8 Every owner shall provide a place for a water meter suitably located within the building at or near the point of entry of the water service pipe and on the customer side of the shut off valve. The owner shall assure that the meter remains accessible so that it can be easily changed, serviced or read and will not be exposed to freezing temperatures.
- 8.9 Every owner shall also provide a place for automated meter reading device which shall be located on the electrical panel backer board.
- 8.10 No person being an owner, tenant, or occupant of a house, building or other place within the Municipality supplied with water by the Municipality shall without permission of the *Public Works Manager*:
- (a) lend or sell the water;
 - (b) give water away or permit it to be taken or carried;
 - (c) use or apply it to the use or benefit of any other person
- 8.11 Where the premises of a customer are of such a nature that a meter cannot be properly installed in a building, or if the building is not sufficiently frostproof as to guarantee the safety of the meter, the *Public Works Manager* may order the construction of an approved frostproof chamber in which the meter can be installed.
- 8.12 Where the required meter is larger than 20 millimeters nominal pipe diameter, or services more than one above ground floor, it shall be valved on both sides. Where the required meter is larger than 25 millimeters nominal pipe diameter, or where the required meter is turbine type, or compound type, the owner shall provide a valved bypass arrangement to enable testing and servicing of the meter.
- 8.13 All water meters installed by the Municipality or for the Municipality are and shall remain the property of the District of Carleton North.
- 8.14 Every owner whose water supply is metered shall be liable for any damages to, or loss of the meter resulting from any cause other than damage covered by the Municipality.
- 8.15 When an owner requests a Municipal owned water meter be tested for accuracy, a fee of \$50.00 shall be required, such fee being refundable only if the tested meter is found to register high by more than two percent (2%). The owner may choose to be present during testing.
- 8.16 A water supply may be refused or discontinued at any time for:
- (a) nonpayment of a water rate;
 - (b) nonpayment of a sewer rate;
 - (c) nonpayment of a water charge ;
 - (d) nonpayment of any service or collection charges;
 - (e) nonpayment of any repair or maintenance related charges;

- (f) evidence that a water meter has been removed, interfered with, or the plumbing re-configured so that the water meter will not function correctly;
- (g) violation of any provision of this By-Law;
- (h) the convenience of and at the request of the owner and occupier of the premises.

8.17 Where a water supply has been discontinued under 8.16, the owner shall pay a fee of one hundred and fifty dollars (\$150), together with any amount in arrears before such supply shall be restored.

8.18 A building sewer or building storm sewer shall be constructed only of such material and of such dimensions and specifications and laid at such grade and in such manner as the *Public Works Manager* shall direct.

9. SANITARY CONDITIONS

9.1 The owner of any building situated upon land abutting a street or public place wherein there is a sewer main or water main shall install in such a building connections with such sewer main and water main and such apparatus and appliances as may be required in the opinion of the *Public Works Manager* to ensure the property sanitary conditions of the premises and surrounding or adjacent to properties.

9.2 The owner of any building connected by a building sewer to the sanitary sewer system shall permanently disconnect all other wastewater disposal systems upon completion of the building sewer.

10. LIABILITY

The District shall not be liable for any damage or injury caused or done by reason of the interruption of water supply, water system operations, water pressure or its variation, drawing of a vacuum on the water system, or intermittent flow of the sewer system.

11. HYDRANTS

11.1 No person shall obstruct access within 4.5 meters (or 15 feet) of a fire hydrant valve or a water system fixture by placing at or nearby or by tying an animal at or nearby. Any person who obstructs access to a fire hydrant or interferes with use of fire hydrant is liable to pay a fine of \$500, plus the cost to remove the obstruction and repair resulting damages.

11.2 No person shall open or in any way interfere with any fire hydrant in the District without approval of the *Public Works Manager*; or in the case of Fire Department uses, the Fire Chief or his designate.

11.3 Fire hydrants connected to the municipal water system but located on property other than municipal property shall be maintained, painted, flushed, and kept operational by the *Public Works Manager*.

11.4 Any person who breaks or causes a fire hydrant to be broken is liable to pay a fine of \$200 to \$2,000 (discretion of the CAO) and the cost of any and all repairs to the hydrant to original working order.

12. WATER RATES

12.1 The property owner is liable for all water rates and charges, meter rentals and charges imposed by this By-Law on that property whether it is occupied by himself or his tenants and shall pay all those rates, rental and charges at the time prescribed by this By-Law.

12.2 The owner of a property on which there is a building located such that there is a water main available to service the building shall pay a quarterly service charge as established through the annual budget process per unit (See User Fee Policy) regardless of whether or not the building receives service from the water main, and such sum shall be paid within thirty (30) days after the billing date.

12.3 The owner of a property, the water supply of which is metered, shall pay a commodity charge as established through the annual budget process, and such sum shall be paid within 30 days after the date of the billing.

12.4 The owner of a property of which the water supply is not metered, shall pay a quarterly flat-rate commodity charge as established through the annual budget process (See User Fee Policy) per unit and such a sum shall be paid within thirty (30) days after the date of billing

12.5 Water rates for water purchased in bulk at a location approved by the Public Works Manger for the purpose shall be 1.5 times the rate.

12.6 The owner of a property of which the water supply of which is metered shall pay the Municipality milliliter quarterly at the same time as the water rates a meter rental in accordance with the following rates, where a meter rental is applicable.

Meter Size	Quarterly Rate
20 milliliter or smaller	2.00
25 milliliter	3.00
40 milliliter	6.00
50 milliliter	9.00
75 milliliter	30.00
100 milliliter	40.00
150 milliliter	60.00
200 milliliter	80.00

12.7 The property owner shall pay all costs and expenses related to the installation, maintenance, and/or repair of water service pipes from the point where such water service pipe extends onto the owner’s property.

13. SPRINKLERS

The owner of a building in which a sprinkler system for fire protection is installed and the owner of a property upon which a hydrant is located shall pay the Municipality the cost of any repairs made or service provided by the Municipality of such sprinkler or hydrant at the request of such owner.

14. WATER CONNECTION FEES

- 14.1 The property owner is responsible for and shall pay all connection fees, as defined in this By-Law, imposed or incurred with respect to the connection of the property to the water system, whether the property is occupied by the property owner, a tenant, or any other person.
- 14.2 Where a property already connected to the water system requires an extension, alteration, relocation, upgrade or other modification of water services serving that property, the property owner shall be responsible for and shall pay all costs, expenses, fees and charges related to that work. The property owner shall also be responsible for all labour, materials, permits, approvals, inspections, excavation, installation, repair, restoration and any other work required in relation to such extension, alteration, relocation, upgrade or modification, unless otherwise approved in writing by the Municipality.

15. REFUNDS

Upon application by the property owner, the *Public Works Manager* may, with approval of the CAO, grant a refund of rates or charges or a reduction in rates, rentals or charges for a cause they deem proper.

16. FAILURE TO PAY AND DISCONTINUANCE OF WATER SUPPLY

- 16.1 The *Public Works Manager* may shut off the water supply to any property with respect to which any rates, rentals or penalties payable under this bylaw remain unpaid where:
- (a) Thirty (30) days have elapsed from the date of billing;
 - (b) After the expiration of the thirty (30) day period above mentioned, the clerk has sent a notice by ordinary mail and/or registered mail to the owner which states that, if outstanding amounts are not paid by the date and time established in the notice, the water supply shall be shut off; and
 - (c) The amount owing remains unpaid at the expiration of the date and time established in the above notice.
- 16.2 Where a notice of shut off has been issued under section 16.1, the owner shall be charged an administrative fee of one hundred and fifty dollars (\$150.00), regardless of whether the arrears are paid or payment arrangements are made before the date and time specified in the notice. If the account remains unpaid after 12:30 p.m. on the date specified in the shut-off notice, the owner shall be required to pay the outstanding arrears together with the fee prescribed in this section before the account will be considered settled, regardless of whether the physical shut off has occurred.

17. SERVICE CHARGES

- 17.1 All user charges or portion thereof remaining unpaid after the due date, shall be considered delinquent and subject to an interest charge of 1.53% per month (19.99% compounded annually)
- 17.2 All legal costs associated with collection of past due accounts shall be included with water and shall be payable in accordance with applicable section of this By-Law.

18. ENFORCEMENT

Any person who contravenes any provision of this By-Law is guilty of an offence and liable, on summary of conviction, to a fine of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000), and where applicable, to such further penalties as may be imposed by law.

19. REPEAL

- 19.1 By-Law No. PW-2, Water System and Rates By-Law shall repeal any By-Laws regarding Water System and Rates in the former municipalities and Local Service Districts.
- 19.2 The repeal of the above-mentioned By-Laws shall not affect any penalty, forfeiture, or liability incurred before such repeal, nor any proceedings for enforcing the same, whether completed or pending at the time of repeal. Furthermore, such repeal shall not repeal, defeat, disturb, invalidate, or otherwise prejudicially affect any matter or thing whatsoever that was completed, existing, or pending at the time of repeal.

READ FIRST TIME:

READ SECOND TIME:

READ THIRD TIME AND ENACTED THIS _____ DAY OF _____, 20

MAYOR

CLERK