The Municipal Corporation of the 
Town of Fort Erie 
BY-LAW NO. 199-04 
BEING A BY-LAW TO REGULATE THE MANAGEMENT OF A 
SYSTEM OF WATER WORKS IN THE TOWN OF FORT ERIE AND 
TO REPEAL VARIOUS BY-LAWS 
(File No. 3601)

WHEREAS Item 4 in the Table to Subsection 11(2) of the Municipal Act, 2001 provides that a lower tier municipality in the Region of Niagara may pass by-laws respecting matters within the sphere of jurisdiction for water distribution; and

WHEREAS Subsection 11(2). 4 of the said Act provides that the water distribution sphere of jurisdiction is non-exclusive and therefore both the upper-tier municipality and its lower tier municipalities have the power to pass by-laws under that sphere or part; and

WHEREAS Subsection 9(1) of the said Act provides Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

WHEREAS Subsection 9(2) of the said Act provides in the event of ambiguity in Section 11, those sections shall be interpreted broadly to include, rather than exclude, municipal powers that existed on December 31, 2002; and

WHEREAS the following sections of the said Act authorize inter alia municipal councils to enact by-laws to provide for the construction of municipal Water Works; and

WHEREAS Section 222 of the previous Municipal Act, R.S.O. 1990, c. M.45 provided inter alia that councils of local municipalities could pass by-laws requiring owners of buildings, or any class or classes of buildings in the municipality, or in any defined area thereof, to connect the said buildings or class or classes of buildings to the water works of the municipality; and

WHEREAS said Section 222 of the previous Municipal Act was repealed by the Municipal Act, 2001 and the latter Act contained a provision in Subsection 9 (2) thereof which stated: “(2) In the event of ambiguity and whether or not a municipality has the authority to pass a by-law under Sections 8 and 11, the ambiguity shall be resolved so as to include rather than exclude municipal powers that existed on December 31, 2002”; and

WHEREAS the said Act in Section 1 defines public utility inter alia to include water services; and

WHEREAS Sections 78 to 93 inclusive of the said Act govern the provision of public utilities; and

WHEREAS the Building Code Act, S.O. 1992, Chapter 23, as amended, regulates and controls the location, construction, repair and renewal, or alteration of plumbing and materials to be used in the
construction thereof, and further provides for the inspection of said plumbing works by officers duly appointed by municipal by-law; and

WHEREAS the Ontario Fire Code, Subsection 6.6 establishes the requirement for the inspection and maintenance of both municipal and private fire hydrants; and

WHEREAS Section 425 of the Municipal Act, 2001 provides inter alia that a municipality, having jurisdiction, may pass by-laws providing that any person who contravenes any by-law is guilty of an offence; and

WHEREAS the Provincial Offences Act, Subsection 1 (1) and Section 12 provides for the establishment of set fines, to be levied, subject to the approval of the Chief Justice of the Ontario Court (Provincial Division) against persons guilty of an offence under a municipal by-law, for the purposes of proceedings under Part I of the Provincial Offences Act; and

WHEREAS at the Council-in-Committee meeting of October 4, 2004, Report No. PW-59-04 was approved and subsequently ratified directing staff to submit the final draft of the By-law regulating the management of the Water Works in the Town of Fort Erie and establishing water and sewer rates, fees and service charges for Council’s consideration at the Regular Meeting of Council of October 25, 2004; and

WHEREAS at the Council-in-Committee Meeting of October 18, 2004, Council received Report No. PW-60-04, advising Council of the public notice and review of the proposed new Water Works By-law; and

WHEREAS at the Council-of-the-Whole Meeting of October 25, 2004, Report No. PW-60-1-04 was approved and subsequently ratified directing Staff to revise the final draft Water Works By-law to exclude provisions governing rates, fees, charges and billing and collection to be re-established under a separate by-law in conjunction with the 2005 Budget deliberations; and

WHEREAS it is deemed necessary for the orderly development and control of the Water Works, that certain regulations governing construction, management, operation and maintenance and the use of the Water Works be put into force; and

WHEREAS it is deemed expedient to consolidate previous by-laws with regard to the Water Works;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. THAT the Water Works Management Regulations and Standards and Offences and Penalties therefore for the Town of Fort Erie set out in Schedule “A” annexed hereto be and are hereby authorized and approved and all the provisions thereof are part of this by-law.

2. THAT pursuant to the provisions of Section 227 of the Municipal Act, 2001, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections of an
BY-LAW NO. 199-04
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administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law.

3. THAT insofar as such relates to the management, operation and maintenance of the Water Works of the Corporation, By-law Nos. 240-96, 42-97, 52-97, 151-97, 157-97, 121-02 and 52-04 are hereby repealed, save and except the provisions of By-law Nos. 240-96 and 52-04 regarding rates, fees and charges and billing and collection for water and sewer services.

4. THAT in the event of conflict between the provisions of this By-law and the provisions of any other by-law of the Corporation, the provisions of this By-law shall prevail.


I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 199-04 of the said Town. Given under my hand and the seal of the said Corporation this day of , 2004.
SCHEDULE “A”
TO BY-LAW NO. 199-04
Dated October 25, 2004

THE CORPORATION OF THE
TOWN OF FORT ERIE

WATER WORKS MANAGEMENT
REGULATIONS AND STANDARDS AND
OFFENCES AND PENALTIES THEREFORE

FORMING PART OF BY-LAW NO. 199-04
SCHEDULE “A” TO BY-LAW NO. 199-04
OF
THE CORPORATION OF THE TOWN OF FORT ERIE

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PART I – DEFINITIONS

1.0 For the purpose of this Schedule:

1.1 "Agent" means a person authorized by the Corporation to provide services on behalf of the Corporation.

1.2 "appurtenances" mean the apparatus or equipment that is a pertinent accessory to the Water Works system, including municipal water laterals and their components, or to a private water distribution system, or to a fire protection system.

1.3 "blank or blanking" means the temporary or permanent decommissioning of a pipe by means of plugging, capping, or other method approved by the Engineer.

1.4 “building” includes any permanent structure, trailer, or other covering which:
   (i) is located on a parcel of land having frontage on a public highway and/or the Water Works system, and
   (ii) 1. contains, or is required by any other by-law, regulation or statute to contain any permanent sleeping, eating or food preparation facilities; or
     2. contains or is required by any other by-law, regulation or statute to contain, any washing or toilet or cleaning facilities; or
     3. is connected, or is required by any other by-law, regulation or statute to be connected, to a water supply system, or Water Works; or
     4. is a source of sewage; or
     5. is habitable.

1.5 “Chief Building Official” means a chief building official and such inspectors as are appointed by the Corporation necessary for the enforcement of The Building Code Act and any other statutes referred to in this Schedule, and all persons authorized at the direction of the Chief Building Official for the purposes of exercising the power and duties of the Chief Building Official under this Schedule.

1.6 “connect” (connects, makes a connection, connected) means to install a water service connection, including laterals and lateral appurtenances.

1.7 “Consumer” means the occupant of the premises supplied with municipal water under the jurisdiction of the Corporation.

1.8 “Corporation” means The Corporation of the Town of Fort Erie.

1.9 “cost” includes the cost of:
   (i) restoring any property disturbed or damaged in the course of making a water service connection;
   (ii) design;
   (iii) materials;
   (iv) labour; and
   (v) supervision of any work,

and includes the amount of expenses charged by the Corporation to the Owner when the Corporation makes a connection at the expense of the Owner.

1.10 “cross connection” means any temporary, permanent or potential connection to the Water Works that could allow backflow or back siphonage into the Water Works of untreated water contaminants, pollutants, injurious chemicals, infectious agents or other substances that will alter the quality and/or safety of the potable water supply; and includes hydrant connections, swivels or changeover devices, removable sections, jumper connections and by-pass arrangements.
1.11 "curb stop" means a valve installed in the water service connection and accessible for operation from the surface of the ground for the purpose of interrupting flow through the water service connection, normally installed at or near the property line.

1.12 "Customer" means any person, owner, firm, business, corporation, institute or identity who enters into a verbal or written contract or agreement with the Corporation to take potable water from the Corporation’s Water Works, or to receive water related services from the Corporation.

1.13 "Director of Corporate Services" means anyone hired in the capacity of Director of the Corporate Services Department for the Corporation (also known as the “Treasurer”) or any person or persons appointed or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Director of Corporate Services under this Schedule.

1.13 "Engineer" means anyone hired in the capacity of Director of Infrastructure Services or the person or persons appointed or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Engineer under this Schedule or his or her duly authorized representative, or as the situation or context may require, all persons authorized at the direction of the Engineer to exercise the powers and duties of the Engineer under this Schedule.

1.14 "Fire Chief" means anyone hired in the capacity of the Fire Chief for the Corporation or the person or persons appointed or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Fire Chief under this Schedule or his or her duly authorized representative or, as the situation or context may require, all persons authorized at the direction of the Fire Chief for the purposes of exercising the powers or duties of the Fire Chief under this Schedule.

1.15 "fire meter" means a meter designed to measure the quantity of water used by a fire protection service or system.

1.16 "fire protection service or system" means a system of pipes and appurtenances designed to deliver a water supply for the purposes of fire suppression.

1.17 "main" means any pipe distributing water under the jurisdiction of the Corporation and/or the Regional Municipality of Niagara and includes all appurtenances exclusive of the water service connection.

1.18 "meter" means that mechanical device installed under the provisions of this Schedule for the purpose of measuring the quantity of water supplied by the Corporation to any building or premises in which such meter is installed and may include the meter body, mechanism, remote reader, associated pipe, valve and wires, and any apparatus attached thereto.

1.19 "meter chamber" means an accessible in-ground structure located remote from any building or premises and solely used for containing and protecting any water meter, backflow prevention device and associated piping and apparatus installed to serve that property.

1.20 "municipal standards" means standards, guidelines, specifications and drawings relating to the construction and maintenance and operation of the Water Works, which are approved by the Corporation from time to time.

1.21 "municipal water lateral(s)" means the pipes and appurtenances of the Water Works located within the right-of-way and situated between the main and the street line or up to and including the curb stop, if it is located outside the right-of-way.

1.22 "Owner" means any person or persons who or any firm, business, corporation or institute that is the registered owner of land or a building or buildings or premises under consideration, or any agent thereof, or a person entitled to a limited estate in the property, a trustee in whom the property is invested, an executor, an administrator and a guardian, to whom the context applies.
1.23 "premises" means a building or property abutting on a right-of-way through which a main is laid.

1.24 "municipal fire hydrant" means a hydrant owned by the Corporation.

1.25 "potable water" means water that is fit for human consumption.

1.26 "private fire hydrant" includes a hydrant owned by someone or some entity other than the Corporation.

1.27 "private water lateral" means the water pipes and appurtenances located between the street line or curb stop and a meter. If a meter is located in a meter chamber, the private water lateral includes any water service pipe from the meter to the interior face of the outer wall of the building being served.

1.28 "private water distribution system" includes a privately owned network of water supply pipelines, including valves and appurtenances, supplied with water by the Corporation and:
   (i) servicing two or more units, and/or
   (ii) being a water supply containing one or more private fire hydrants not owned by the Corporation.

1.29 "rates" means those rates, levies, rents or charges for the supply and/or use of water so described and itemized on Schedules in by-laws enacted by the Corporation from time to time.

1.30 "Regional main" means a pipe transmitting water under the jurisdiction of the Regional Municipality of Niagara and includes all associated appurtenances exclusive of the water service connection.

1.31 "right-of-way" means a public highway, lane or easement in which a main is located.

1.32 "unaccounted for water (UFW)" means the comparison of the amount of water supplied to the Corporation to the amount of water supplied to the customers by the Corporation, plus that known to be used for the operation and maintenance of the Water Distribution System.

1.33 "unit" means a residential, commercial, or industrial premises, which is separated or is capable of being separated, from any other premises recorded on the last revised assessment roll of the Corporation.

1.34 "water" means potable water supplied by the Corporation through the Corporation’s Water Works.

1.35 "water consumption" means the amount of water consumed or used by a customer as determined through metering or estimates approved by the Engineer and/or the Director of Corporate Services, as applicable.

1.36 "watermain" means a potable water pipe that supplies potable water to water service connections and hydrants.

1.37 "water service connection" includes the municipal water lateral and the private water lateral or a connection to a private water distribution system, including the meter.

1.38 "Water Works" includes any and all buildings, structures, equipment, appurtenances, devices, conduits, underground pipelines, municipal water laterals, outlets, and related installations and other works so designed for the distribution of water and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and uses.
PART II – SYSTEM ADMINISTRATION

GENERAL

2.1 This Schedule applies to the construction, management and operation and maintenance of the Water Works under the jurisdiction of the Corporation.

2.2 Water Service Areas covered under this Schedule are as identified in the Corporation’s Official Plan and supporting Infrastructure Master Plans.

2.3 The Corporation shall manage and maintain the Water Works in accordance with the provisions of this Schedule and the provisions of the Municipal Act, the Safe Drinking Water Act, the Ontario Water Resources Act, the Ontario Building Code Act, the Ontario Building Code, the Fire Protection and Prevention Act, the Ontario Fire Code, the Provincial Offences Act; and regulations established under these Acts and codes from time to time; and any other applicable law or regulations in force from time to time.

ADMINISTRATIVE RESPONSIBILITIES

2.4 Administrative Responsibilities are as follows:

2.4.1 The Engineer is responsible for administration and operation, maintenance and repair of the Water Works in accordance with this Schedule and with applicable statutes, regulations and policies and by-laws adopted from time to time by the Corporation;

2.4.2 The Chief Building Official is responsible for the enforcement of the Ontario Building Code and the issuance of any plumbing permits related to the construction, maintenance or operation of any part of the buildings and facilities served by the Corporation’s Water Works systems and Sewer Works systems, and for the inspection of work done under the plumbing permits.

2.4.3 The Fire Chief is responsible for the administration and operation of fire suppression services utilizing the fire suppression water supplied by the Water Works and in particular the use of municipal or private fire hydrants.

OBJECTIVES

2.5 The following objectives shall be sought in managing and operating the Water Works:

2.5.1 The Corporation does not guarantee the supply or quantity of water, and failure to supply water shall not be construed as neglect on the part of the Corporation. The Corporation shall at no time be held liable for inadequate supply of water or for reason of the Corporation restricting the supply of water or for refusing the supply of water;

2.5.2 Rules and regulations set out in this Schedule shall govern and regulate the management of the Water Works owned by the Corporation and shall be considered to form an integral part of the supply and service contract between the Corporation and any Owner or Customer for a supply of water by the Corporation. Every such Owner or Customer by applying for and accepting the supply of water from the municipal Water Works shall be deemed to have expressed his/her consent to be bound by the said rules and regulations;

2.5.3 Recommendations contained in the latest revision of the Water Master Plan as adopted by the Corporation by by-law should be implemented as appropriate, subject to resources limitations through the annual budgeting process;

2.5.4 The following criteria, listed in order of importance, shall be applied when determining and/or evaluating the priorities of capital projects for the Water Works:
(i) Deficiencies due to water quality, as per regulatory requirements; i.e., microbiological requirements, chlorine residual maintenance. (weight 10);

(ii) Deficiencies due to water/aesthetics as per regulatory requirements; i.e., taste, odour, colour. (weight 9);

(iii) Deficiencies due to physical defects and conditions; i.e., frequency of repair, leakage rate, repair cost history material condition, utility location. (weight 8);

(iv) Deficiencies due to inadequate supply; i.e., poor pressure and/or volume for fire protection and/or domestic or industrial/commercial supply. (weight 7);

(v) Deficiencies in supporting development opportunities; i.e., unable to extend Customer base. (weight 6);

(vi) Deficiencies due to non-looping; i.e., no alternate supply, fire protection, chlorine residual, maintenance, aesthetics. (weight 4); and

(vii) Deficiencies in associated municipal infrastructure; i.e., road, sanitary sewer, storm sewer, deficiencies. (weight 3).

2.5.5 Initiative should be developed and implemented to reduce unaccounted-for-water to a maximum of fifteen percent (15%).

2.5.6 The Water Works system shall be operated in accordance with the quality, operation and maintenance standards set out in Appendix “2” to this Schedule.
PART III – WATER SERVICE CONNECTIONS

3.1 APPLICATION FOR SERVICE

3.1.1 No pipe shall be connected to or provided from the Water Works without the prior approval in writing from the Engineer. No pipe shall be replaced, relocated, disconnected or removed from the Water Works without the prior approval in writing from the Engineer. All water service connections to the Water Works and all replacements, relocations, disconnections or removals from the Water Works require prior approval through written application and the issue of a permit therefore by the Corporation as specified in Appendix “1” annexed to this Schedule.

3.1.2 The Owner shall pay all applicable charges for the supply and installation of the municipal or private water connection, replacement or disconnection at the fee prescribed by the Corporation through by-law adopted from time to time in advance of the said supply and installation.

3.1.3 The application and permit referred to in Subsection 3.1.1 shall be in the form as may be from time to time prescribed by the Corporation.

3.1.4 A building, premises or facility must be on property abutting a watermain in order to be granted a permit to connect to the Water Works. No extension of an existing watermain shall be made unless the annual revenue to be derived from consumers benefiting from such an extension shall amount to at least ten percent (10%) of the total installation cost of such extension, unless funded under local improvement provisions, or unless it is in the best interests of the Corporation as determined by Council to make such extension.

3.1.5 Every building, within a serviced area, fronting on the Water Works systems shall be connected to the system and water consumption metered if any of the conditions of Subsection 1.4, defining the term “building”, apply; and water service fees charged, at the fee prescribed by the Corporation through by-law adopted from time to time despite the building being supplied by a separate private water system, unless otherwise approved by the Engineer. Each building shall be provided with a separate water service connection and meter, unless otherwise authorized by the Engineer.

3.1.6 Once a water service connection has been installed, and connected to the Water Works, the water service connection shall not be disconnected from the Water Works without the permission of the Engineer.

3.2 INSTALLATION SPECIFICATIONS

3.2.1 All pipes, fittings, attachments, method of installation, maintenance, use, repair, renovations to and removal of any private water lateral shall be pursuant to, as required by and in compliance with, the Ontario Building Code, Part 7 and this Schedule and Appendix “1” attached thereto.

3.2.2 All municipal water laterals shall be installed by the Corporation or its agent at the expense of the Owner, as set out in Appendix “1”.

3.2.3 The Corporation shall be responsible for the cost of maintaining municipal water laterals and for keeping the same in repair, as set out in Appendix “2”.

3.2.4 Private water laterals from the curb stop shall be provided by and maintained by and at the expense of the Owner, as set out in Appendix “1”.

3-1
3.2.5 No water pipe connection shall be made to a private water lateral or a private water distribution system connection other than on the outlet side of a Corporation water meter.

3.3 **COMMENCEMENT OR DISCONTINUANCE OF SERVICE**

3.3.1 Where a new or replacement water service connection is installed or where the Corporation has shut off the supply of water to an existing water service connection, no person other than an employee or agent of the Corporation so authorized by the Engineer shall turn on the supply of water.

3.3.2 Permission to occupy any building will not be granted until such time as a meter is installed for the building if such be required under this Schedule and this meter is operational to the satisfaction of the Chief Building Official or the Engineer.

3.3.3 If first authorized by the Engineer, a duly qualified and licenced plumber may, notwithstanding Subsection 3.3.1, temporarily turn on a supply of water to test any water service connection installation or repair and upon completion of the test, immediately shut off the supply of water. If the existing water service connection is operating, a duly qualified and licenced plumber, when making repairs, may temporarily shut off the supply of water, and upon completion of the repairs, shall immediately resume the supply of water.

3.4 **SHUTTING OFF SUPPLY OF WATER**

3.4.1 The Corporation may shut off the supply of water for any of the following causes:

(i) default in full payment of any rate, fee or charge for water supplied;

(ii) default in full payment of any charge with respect to the cost of any work or service done or furnished for the purpose of the supply of water;

(iii) default in full payment of any rent of or charges for fittings, apparatus, meters or any such things leased or furnished to the Owner by the Corporation;

(iv) default in full payment of any sewage service rates or charges imposed on the Owners or occupants of any land which is based on the water rates or charges applicable in respect of such land;

(v) failure to provide access to property or premises as provided under this Schedule;

(vi) as a result of any contravention of any provisions of this Schedule;

(vii) failure to pay a set fine awarded to an offence as specified under Part VII of this Schedule;

(viii) where a faulty water service connection is believed to exist which will result in the undue waste of water, or where such fault could result in property damage; and

(ix) at the request of the Owner.

3.4.2 Where the Corporation has caused a water service connection believed to be defective to be shut off, such water service connection shall not be restored until the Corporation has been satisfied that no such defect exists or that any defect therein has been properly rectified.

3.4.3 Where the Corporation has been requested to turn on the supply of water to a private water lateral, the Corporation shall not turn on such supply of water until the Owner has
3.4.4 Where a water service connection has been shut off for any reason, the water service connection shall not be reactivated unless the Owner or Customer is present and within the building or premises to ensure no damage results during the reactivation of the water service connection.

3.5 RESPONSIBILITY OF OWNER

3.5.1 Every Owner shall at their own expense keep the private water lateral, and water meter in good order and condition and adequately protected from freezing.

3.5.2 The entire cost of providing, installing, replacing and renewing, maintaining and repairing each private water lateral shall be the responsibility of and paid for by the Owner.

3.5.3 Should a leakage occur and waste of water be detected on the private water lateral, the Owner shall be bound to complete repairs of the said leakage at his/her own expense within seven (7) calendar days after being duly notified by the Corporation of such leak detected. In the event of non-compliance with this provision by the Owner, the Corporation may undertake to discontinue the water supply until the necessary repairs have been made by the Owner. All repairs are to be inspected by the Corporation prior to backfill.

3.5.4 Any Owner or Customer who takes, consumes water, or permits to be taken or consumed water, or who experiences the loss of water from their water service connection or private water distribution system that has not passed through and been registered by a Corporation meter, shall report the taking, consumption or loss of water to the Corporation at their first opportunity.

3.5.5 Any person duly authorized by the Corporation for that purpose, and at all reasonable times, and upon reasonable notice given and request made to the Owner, shall be allowed access to the building or premises for the purpose of inspecting, repairing, altering, disconnecting or installing meters, curb stops, fixtures, pipes and appurtenances of every kind used in connection with the supply of water to and for the use of water in such building or on such premises.

3.5.6 Every Owner shall be responsible for advising the Corporation, attention to the Director of Corporate Services, of any change in the water service application information including changes to the Owner’s address and telephone number, or selected method of account payment.

3.5.7 Only the Owner may request meter verification, final meter reading, water supply shut-off or water supply turn-on. Such requests shall be made in writing attention to the Director of Corporate Services in a form specified by the Corporation
3.6 RESPONSIBILITY OF OWNERS OF PRIVATE WATER DISTRIBUTION SYSTEMS AND PRIVATE HYDRANTS

3.6.1 Every Owner of a private water distribution system or a private fire hydrant shall cause such system or such hydrant to be inspected annually by a duly qualified and licenced plumber or a more specialized trades person, and any such plumber or more specialized trades person shall firstly be previously approved by the Engineer and such approved plumber or more specialized trades person shall provide a report in writing to the Corporation (attention the Engineer) on or before the last weekday of October in each and every year; and this report shall be in a form satisfactory to the Engineer and must certify that the following items have been satisfactorily addressed or conducted by the duly qualified and licenced plumber or more specialized trades person, namely:

(i) a Fire Code and preventative maintenance inspection,
(ii) hydrant flows and pressure testing ascertained,
(iii) hydrant adjustment and lubrication,
(iv) valve cleaning, adjustment and lubrication,
(v) flushing in conjunction with engineered flushing of the distribution system of the Corporation,
(vi) leak detection ascertainment,
(vii) a report on any maintenance work that is required,
(viii) a report on any physical indication of a deteriorated water quality,
(ix) a confirmation that the inspection included all pipelines, valves, hydrants and other appurtenances comprising the private water distribution system, and
(x) assurance of hydrant visibility and accessibility free of obstructions pursuant to Subsection 4.1.3.

3.6.2 Any report made by a duly qualified and licenced plumber or more specialized trades person to the Corporation pursuant to Subsection 3.6.1 of this Schedule shall be in a form or format previously approved by the Engineer.

3.6.3 Any duly qualified and licenced plumber or more specialized trades person, before being approved by the Engineer pursuant to Subsection 3.6.1 of this Schedule, must first provide evidence of bonding and insurance covering any relevant associated risks that may be involved in conducting any inspections pursuant to the provisions of Subsection 3.6.1 of this Schedule, and any such insurance shall name the Corporation as an additional insured.

3.6.4 Any duly qualified and licenced plumber or more specialized trades person conducting an inspection pursuant to the provisions of Subsection 3.6.1 of this Schedule shall first provide three (3) working days written notification to the Corporation, attention the Engineer and the Fire Chief, prior to flow testing or flushing any private fire hydrant or other hydrant and shall provide written notification to potentially affected water users in the area a minimum of 24 hours prior to flow testing or flushing any private fire hydrant or other hydrant.

3.6.5 The Engineer shall have the power to establish detailed administrative and operational regulations and procedures with regard to any inspection as such may be conducted under
the provisions of Subsection 3.6.1 of this Schedule, and may amend such detailed administrative and operational regulations and procedures from time to time provided that such detailed administrative and operational regulations and procedures are consistent with the provisions of this Schedule, including Subsection 3.6.1 thereof.

3.6.6 At the request in writing of the Owner or designate, and when resources can be made available, and at the discretion of the Engineer, the inspection of private water systems and hydrants and the reporting of same may be carried out by the Public Works Department of the Corporation, on a cost recovery basis.

3.7 CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

3.7.1 No cross connection shall be permitted to the Water Works unless approved in advance by the Engineer.

3.7.2 If a condition is found to exist which is contrary to Subsection 3.7.1 of this Schedule, the Engineer or Chief Building Official as applicable, shall immediately carry out an inspection and shall issue such order or orders to the Owner as may be required to obtain compliance with Subsection 3.7.1 of this Schedule.

3.7.3 If the Owner to whom the Engineer or Chief Building Official as applicable has issued an order fails to comply with that order, the Engineer or Chief Building Official as applicable, at his/her discretion, based on the threat posed to water safety and quality, may:

(i) give notice to the Owner to correct the fault, at his/her expense, within a specified time period; and, if the notice is not complied with, the Engineer may then shut off the water service or services; or

(ii) without prior notice, shut off the water service or services and/or otherwise isolate the fault from the Water Works; and/or

(iii) carry out or cause to be carried out the corrective work at the Owner’s expense.

3.7.4 Notwithstanding Subsections 3.7.1, 3.7.2 and 3.7.3 of this Schedule, where a risk of possible contamination of the Water Works exists in the opinion of the Engineer or Chief Building Official, an Owner shall, on notice from the Corporation, install on his/her private water lateral, a backflow prevention or cross connection control device, approved by the Engineer, in addition to any backflow prevention control devices, or cross connection control device, installed in the Owner’s portion of the water service system, at the source of potential contamination.

3.7.5 When water is temporarily supplied for construction purposes under Subsection 4.3 or for other temporary purposes as per Subsection 4.4, or when water is temporarily supplied from a private or municipal fire hydrant under Subsection 4.5, a backflow prevention device and secondary shut-off valve acceptable to the Engineer shall first be provided.

3.7.6 The Engineer may require that a private water distribution system be isolated from the Corporation’s water distribution system by means of a backflow prevention device, approved by the Engineer.

3.7.7 Cross connection control or backflow prevention devices, when required by the Corporation, shall be installed in accordance with the Ontario Building Code and “CAN/CSA-B64.10-94: Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices”, as amended from time to time.
3.7.8 All cross connection control devices and backflow prevention devices shall be inspected and tested at the expense of the Owner, upon installation, and thereafter annually, or more often if required by the Corporation, by personnel approved by the Corporation to carry out such tests, to demonstrate that the device is in good working condition. The Owner shall submit a report on a form approved by the Engineer for any or all tests performed on the backflow prevention device or a cross connection control device within seven (7) days of a test, and a record card shall be displayed on or adjacent to the device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester’s initials, the tester’s name (if self employed) or the name of his employer and the tester’s licence number.

3.7.9 If an Owner fails to have a backflow prevention device or a cross connection control device tested, the Corporation or approved authority may notify the Owner that the device must be tested within four (4) days of the Owner receiving the notice. If the Owner fails to have the device tested within the time allowed, the Engineer, upon the provision of reasonable notice, may shut off the water service or water services until the device has been tested and approved as required by subsection 3.7.8 of this Schedule.

3.7.10 When the results of a test referred to in Subsection 3.7.8 of this Schedule show that a backflow prevention device or a cross connection control device is not in good working condition, the Owner shall make repairs or replace the device within four (4) days. If an Owner fails to repair or replace the device within the time allowed, the Engineer, upon the provision of reasonable notice, may shut off the water service connection until such repair or replacement has been made to the satisfaction of the Engineer.

3.7.11 No person shall remove any cross connection control or backflow prevention device installed as a requirement of provincial legislation, whether or not the applicable provincial legislation is subsequently rescinded, unless the Corporation first grants permission for such removal in writing.

3.7.12 Any person authorized by the Corporation for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises where any water service connection is provided for the purpose of inspecting or repairing, or of altering or disconnecting a backflow prevention device or a cross connection device, including associated pipe and fittings, within or without the building or premises.

3.8 TERMINATION AND CAPPING OF SERVICES

3.8.1 The Owner of a private water lateral or private water service connection shall provide written notification to the Corporation when use of the water service connection is to be disconnected and capped or blanked, and the Owner shall pay to the Corporation a disconnection fee as prescribed by the Corporation through by-law adopted from time to time.

3.8.2 Any Owner requiring the discontinuation of a private water lateral or a private water service connection and the removal of the Corporation meter for the purpose of demolition, or other reasons, shall excavate, backfill and reinstate the excavation so that the Corporation employees or its Agent may cap or blank the water service connection.

3.8.3 Disconnected private water laterals or private water service connection shall not be reconnected without reapplication for water service connection in accordance with
Appendix “1” and payment of applicable fees prescribed by the Corporation through by-law adopted from time to time.

3.9 **INSPECTIONS**

If any Owner or Customer, including any Owner or Customer of a private water distribution system or private fire hydrant, fails to comply with the requirements of this Schedule or contravenes the provisions of this Schedule, the Engineer and/or Fire Chief and/or Chief Building Official may conduct any inspection permitted by the provisions of this Schedule or by the Ontario Building Code or by the Ontario Fire Code or by the *Municipal Act, 2001*; and may take any corrective action deemed immediately necessary. Any costs incurred by the Corporation in conducting such inspections and subsequent reporting or in effecting any corrective action, shall be payable to the Corporation by such Owner or Owner of a private water distribution system or private fire hydrant, and such costs may, at the sole discretion of the Corporation, be added to any water bill payable by such Owner or Owner of a private water distribution system or private fire hydrant, or to the water bill payable by any Customer or users of water from such system or hydrant, and may, in addition to being recoverable in any relevant Court of Law, be deemed by the Corporation to be charges for the supply of water and failure of the payment of which shall provide the Corporation with any remedies available to it under the provisions of the *Municipal Act, 2001* and *Provincial Offences Act*, as amended or other relevant legislation.

3.10 **FAILURE TO PERMIT ACCESS TO PROPERTY OR PREMISES**

Should any Owner or Customer, or any Owner of a private water distribution system or private fire hydrant, refuse entry to any authorized officer, inspector, employee or agent of the Corporation for the purposes of any inspection under the provisions of this Schedule or the Ontario Building Code; or the Ontario Fire Code; or the *Municipal Act, 2001*; the Corporation may, at its sole discretion exercised by the Engineer, on the provision of seven (7) days notice, discontinue the water supply to the Owner, or Customer, or the Owner of a private water distribution system or private fire hydrant, until such required inspection has been properly conducted.
PART IV – RESTRICTIONS

4.1 GENERAL RESTRICTIONS

4.1.1 No person except the Engineer or Fire Chief shall open or close or cause or permit to be opened or closed any valve in the Water Works, or private water distribution system, or remove, tamper with or in any way interfere or cause or permit to be removed, tampered or interfered with, any valve, water meter, private or municipal fire hydrant, structure, main, municipal or private water lateral, or valve or private valve, in the Water Works, or private water distribution system, unless previous written permission has first been granted by the Engineer or Fire Chief.

4.1.2 No person shall conceal, interfere with, construct or maintain anything or cause or permit to be concealed or interfered with or constructed or maintained, anything that has the effect of concealing or interfering with access to a municipal or private fire hydrant or to a valve or private valve.

4.1.3 Municipal fire hydrants and private fire hydrants shall be completely cleared of all vegetation or obstructions, including snow accumulations within 1.5 metres from the outside edge of the municipal fire hydrant or private fire hydrants. The municipal fire hydrants or private fire hydrant shall be visible for a distance of 3.0 metres from any point from within the public or private road allowance.

4.1.4 No person, except the Fire Chief, Chief Building Official or the Engineer, shall open or close or cause or permit the use of a municipal fire hydrant or private fire hydrant or use or cause or permit the use of water from a municipal fire hydrant or private fire hydrant from the Water Works unless prior permission in writing has been granted by the Engineer or Fire Chief.

4.1.5 No person shall draw water or cause or permit water to be drawn from a private fire protection system, except for fire protection purposes or for fire protection related activities, except as approved by the Engineer or Fire Chief.

4.1.6 The Engineer may, upon reasonable notice, discontinue the water supply for the Water Works at any time for cleaning, maintenance, repairing, replacing or connecting of mains and laterals.

4.1.7 The Engineer or Fire Chief may, without notice, temporarily discontinue the water supply to any premises or units where, in his or her opinion, continuation thereof might be dangerous or cause damage to persons or property.

4.1.8 The Corporation shall not be responsible in case of damage to boilers, heating systems, cooling systems, machinery, fittings, other property or products dependant on water supply, or injury to persons by reason of any discontinuation of the water supply, even in the case of where no notice is given by the Engineer or Fire Chief.

4.2 WATER USE RESTRICTIONS

4.2.1 At the discretion of Council, water restrictions may be imposed by Council resolution whereby no person or persons shall be allowed to use in any manner whatsoever the water supplied by the Water Works upon streets, sidewalks, driveways, lawns, gardens, yards or grounds of any description except between those dates and/or hours as set out in the resolution by Council from time to time.
4.2.2 At the discretion of Council, water restrictions may be imposed by Council on the industrial, commercial and/or institutional use of water supplied by the Water Works as may be set out in a resolution by Council from time to time.

4.2.3 With the provision of reasonable notice permitted by the requirement or circumstance, the Engineer may temporarily restrict the use of water from the Water Works from time to time as necessary to carry out inspections, maintenance, repairs, modifications, replacement, or rehabilitation to the Water Works.

4.3 **SUPPLY OF WATER FOR CONSTRUCTION PURPOSES**

4.3.1 Builders requiring water for construction purposes shall make an application to the Corporation as part of the building permit application and shall furnish all information so required and shall pay to the Corporation the fee set by the Corporation for that purpose at the fee prescribed by the Corporation through by-law adopted from time to time. Builders will only be permitted to take water from specific sources for temporary use and in a manner specified by the Engineer as may be altered from time to time by the Engineer.

4.4 **SUPPLY OF WATER FOR OTHER TEMPORARY PURPOSES**

4.4.1 Any person or persons, organization or firm requiring water for temporary short term commercial, social, cultural or festival purposes shall make application to the Corporation and shall furnish all information required by the Engineer to assess the temporary water supply requirement.

4.4.2 The Engineer shall specify the specific source or sources of temporary water supply and the manner by which water shall be supplied and discharged.

4.4.3 Temporary water supply consumption shall be metered if possible, or otherwise estimated, and the water and sewer services billed at the rates prescribed by the Corporation through by-law adopted from time to time.

4.5 **THE TEMPORARY USE OF FIRE HYDRANTS – OTHER THAN FIRE PURPOSES**

4.5.1 Notwithstanding any other requirements of this Schedule, municipal and private fire hydrants may be used as a temporary source of water supply where no other permanent source is available, if first approved in writing by the Engineer.

4.5.2 Municipal and private fire hydrants may be used for municipal purposes such as street flushing, streetsweeping, and road, water and sewer construction provided approval is obtained from the Engineer.

4.5.3 Municipal and private fire hydrants provided with a temporary meter and backflow prevention device may be used for a temporary agricultural or golf course water supply for one season only at any one site subject to prior written approval of the Engineer. The applicant must apply and pay for a permanent metered water service connection for water supply during subsequent years at the site.

4.5.4 With the exception of the uses outlined in Subsection 4.3 and 4.5.2, any water taken from a municipal or private fire hydrant shall be metered, unless otherwise approved by the Engineer in writing. Upon payment of the required fees by the applicant and issuance of a permit, the Corporation shall supply and install all equipment including valves, meter, meter locking device, and backflow prevention device. The applicant is liable for all damages. The fees payable shall include the permit application fee, installation and removal costs and fee, and deposit fee.
4.5.5 The Corporation may cancel the permit for the temporary use of a municipal or private fire hydrant at any time if the use of the fire hydrant interferes with fire protection or supply of water to other Customers.

4.6 THAWING OF FROZEN PRIVATE PIPES AND HYDRANTS

4.6.1 No person shall undertake the thawing of any main, or pipe or municipal water lateral, valve or municipal fire hydrant of the Water Works except with the prior approval and direction of the Engineer.

4.6.2 The thawing of frozen private water laterals, private mains, and private hydrants shall be undertaken only on the prior approval and at the direction of the Engineer, to the Corporation’s meter, or to the first tap in the building where a meter pit is used. Thawing shall only be carried out at the request of the Owner and at the Owner’s risk and at the fee prescribed by the Corporation through by-law adopted from time to time.

4.6.3 Thawing operations shall not be undertaken by anyone when in the opinion of the Engineer, such action presents an unacceptable hazard.
PART V – WATER METERS

5.1 All water supplied by the Corporation, except for the purposes set out in Subsection 4.3, 4.4, and 4.5.2 shall pass through a meter approved by the Corporation. The cost of providing the meter and remote reader shall be paid by the Owner at the time the building permit is issued at the fee prescribed by the Corporation through by-law adopted from time to time. Water meters shall be installed by a duly qualified and licenced plumber at the Owner’s expense.

5.2 Except as permitted by Subsections 4.3, 4.4 and 4.5, where an Owner has a water service connection and has not caused a water meter to be installed as required by the Corporation; the Owner will be given a written Notice to install a meter within thirty (30) days.

5.3 Where an Owner does not cause a water meter to be installed within thirty (30) days of being given notice, the Corporation may subject to any applicable legislation, cause the supply of water to be shut off until a water meter is installed.

5.4 To the extent practical, water supply for agricultural use, golf course use, race track use and other similar irrigation or watering uses, where the water taken is not returned to sewer, should be separated from the associated domestic or sanitary use and the water separately metered and the Owner billed as a “water only Customer”. The domestic potable water or sanitary usage shall be maintained as a separate metered service and the Owner billed as a "water and sewer Customer" for that service. Fees and charges shall be as prescribed by the Corporation through by-law adopted from time to time.

5.5 At every premises within which a meter must be installed, the Owner shall provide space and access for such meter in a location approved by the Corporation. The location shall be as close as is practical to the point where the service enters the building, shall be accessible at all times for reading, inspection, maintenance, repair, testing, modification and replacement by the Corporation in accordance with current standards and specifications. The Corporation shall not be responsible for any restoration resulting from access being provided for the installation of meters.

5.6 When the location of the meter cannot be provided by the Owner within the premises to the satisfaction of the Corporation, the water meter shall be placed in a meter chamber, the location and construction of which shall be approved by the Corporation and the cost of which is paid by the Owner.

5.7 Where private water laterals exceed 40 metres or where a private water lateral services more than one building or premises or water usage source or a private water distribution system or private hydrant; the meter shall be installed in a meter chamber at or near the property line shall be installed at the Owner’s expense, except as otherwise approved in writing by the Engineer.

5.8 No meter or meter chamber shall be installed unless the Corporation has first approved the size, type and make of any meter, the manner of its installation and all matters relating to the required piping and other appurtenances associated therewith.

5.9 No meter by-pass shall be installed unless otherwise approved in writing by the Engineer. All meter by-passes shall be shut off by a valve and the valve sealed. The use of an authorized meter by-pass must be approved in advance, in writing, by the Engineer, Fire Chief or Chief Building Official, as may be applicable.

5.10 The Corporation shall assume ownership and maintenance for all water meters installed to the satisfaction of the Corporation. If a meter is mechanically defective, the cost of meter repairs shall be borne by the Corporation. If the meter is damaged by freezing, the carelessness, wilful
act, or neglect of any person other than an employee or agent of the Corporation, the Owner shall pay to the Corporation the cost of making a necessary repair or replacement to such meter. All such costs may be paid directly to the Corporation, or if not so paid, added to the water bill.

5.11 The Owner will be charged for all water registered on a meter. If a meter fails to register properly, the Owner will be charged for the average consumption for the pertinent period as determined by the Corporation on the basis of prior consumption records. Where no prior reliable record is available, usage shall be monitored for a representative period of time determined by the Corporation and charges established based on usage during that period.

5.12 A water meter will be removed and tested by the Corporation upon the request of the Owner and payment of a deposit at the fee prescribed by the Corporation through by-law adopted from time to time. If the meter is tested and found to register correctly or less than three percent (3%) at average flow rates in favour of the Corporation, the deposit fee will be forfeited.

5.13 If a meter when tested is found to register in excess of three percent (3%) at average flow rates in favour of the Corporation the meter will be replaced or repaired at the full cost of the Corporation. The deposit will be refunded and a credit to the Owner's account for the excess consumption billed. The Corporation will use the following formula to the advantage of the Owner for a three (3) month period only:

The consumption is to be averaged for such period of failure on the basis of consumption for the three (3) months preceding such failure, or on the basis of consumption during the same three (3) months of the preceding year, or on consumption during the three (3) months succeeding the time when such meter or meters have been placed in proper and efficient working order, whichever is lowest.

5.14 When a request is made by an Owner for the relocation of a meter or the downsizing or upsizing of a meter, the relocation or change over shall be subject to approval by the Engineer and the cost of such shall be the sole responsibility of the Owner.

When a request is made by the Corporation for the relocation of a meter or the downsizing or upsizing of a meter, the relocation or change over shall be the responsibility of the Corporation.

5.15 Upon reasonable notice, any Owner shall provide access to the Engineer and/or a designated person of the Corporation for the purpose of inspecting, reading, maintaining, repairing, modifying or replacing a water meter and associated meter reading apparatus.

5.16 The Corporation shall have the right to seal any meter and associated by-pass at any reasonable time, and no person shall break or damage any seal attached to any meter or by-pass. If any such seal has become broken or damaged from any cause, the Owner shall forthwith report the breakage or damage to the Engineer who shall cause the same to be resealed.
PART VI - FIRE USE

6.1 No person shall open or operate any fire hydrant or valve or any other appurtenance of the Water Works except an authorized employee of the Corporation during performance of duty.

6.2 No person shall in any way interfere with, obstruct or conceal or prevent access to any municipal or private fire hydrant, valve, meter or appurtenance.

6.3 All fire hydrants including private fire hydrants shall be maintained in compliance with Appendix "2".

6.4 Without the authorization of the Fire Chief or Engineer, no person shall take water from an un-metered water service installed for the purposes of fire protection, except for fire protection or preauthorized system testing.

6.5 No person shall attach any equipment for fire protection in a building to the Water Works system without the prior written approval of the Corporation. The piping for any such equipment shall be entirely separate from the piping used for any other purpose in the building and shall be equipped with a shut off valve located inside the building which shut off valve shall be sealed and under the exclusive control of the Corporation.

6.6 No person shall break any seal attached to any equipment or appurtenances for fire protection except for the purpose of using water for fire extinction. Any occupant of the premises in which such seal has been broken shall forthwith report the breaking to the Engineer who shall cause the same to be resealed.

6.7 The Corporation may require the installation of a separate water meter or fire meter on a fire line, in which case the cost of the supply, installation and maintenance thereof shall be borne by the Owner of the property of the building being serviced by such equipment. The main supply of water may be discontinued until the required meter is installed on the fire line so being served to the satisfaction of the Engineer.

6.8 All private fire hydrants shall be fitted with an anti-tampering device as specified in Appendix "2" and as approved by the Engineer.
7.1 DAMAGE TO OR INTERFERENCE WITH WATER WORKS
Every person who:
(i) throws or deposits any injurious, noxious, or offensive material into the water or Water Works, or on the ice if the water is frozen, or in any way fouls the water, or commits any wilful damage or injury to the Water Works, or water, or encourages the same to be done; or
(ii) wilfully removes, destroys, damages, fraudulently alters or in any way injures any main, water service connection, conduit, valve, hydrant, or other appurtenance or apparatus or thing belonging to the Corporation’s Water Works;
is guilty of an offence and on conviction is liable to a fine, exclusive of costs, to the use of the Corporation, and is also liable for all damages occasioned thereby, which are recoverable under the Municipal Act, 2001, or provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

7.2 INTERFERENCE WITH OR DAMAGE TO A WATER METER
Every person who wilfully or maliciously removes or damages or causes or knowingly suffers to be removed or damaged any water meter, or associated apparatus thereof, belonging to the Corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, including the unauthorized use of a meter by-pass, is guilty of an offence and on conviction is liable to a fine, exclusive of costs, to the use of the Corporation, and for any expenses of repairing or replacing the water meter, or associated apparatus thereof, plus the value of the unmetered water so consumed, all of which is recoverable under the Municipal Act, 2001, or the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

7.3 PROHIBITIONS AND OTHER OFFENCES
Every person who:
(i) fails to construct a private water lateral, private distribution system or to install a private hydrant in conformance with Corporation approved Standards;
(ii) having been given appropriate and adequate notice, fails to provide access for the purposes of inspecting and ensuring compliance with this Schedule, including access to private distribution systems and/or hydrants;
(iii) having been given appropriate and adequate notice, fails to provide access for the purpose of the inspection, maintenance, repair, modification or replacement to a water meter or a valve or backflow prevention devices or hydrant and associated pipes and appurtenances; including those forming part of a private water distribution system or private hydrant system;
(iv) fails to inspect and maintain a private water distribution system, or private hydrant, in conformance with Corporation approved Standards, and/or fails to file an annual report on the inspection as required by this Schedule;
(v) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted, the Corporation or any of its officers, contractors, agents, servants or workers, in the exercise of any of the powers conferred by this Schedule;
(vi) wilfully or negligently lets off or discharges water so that the water runs waste or useless out of the Water Works;

(vii) without lawful authority, tampers with, operates, uses, opens or closes a fire hydrant, including a private fire hydrant, other than for fire fighting purposes;

(viii) alters the approved colour scheme of any fire hydrant including private fire hydrants;

(ix) without lawful authority, manipulates, opens or closes any valve of the Water Works or a private water distribution system;

(x) obstructs or fails to ensure or provide the free access to any hydrant, valve, meter, remote reader, or meter chamber; of the Water Works, private water lateral or private distribution system;

(xi) without a permit, lays, or causes to be laid, any pipe or main to connect with any pipe or main of the Water Works;

(xii) fails to inform the Engineer that installation of a private water lateral or private water distribution system, or private hydrant installation, is available for inspection;

(xiii) connects a private water lateral, a private water distribution system, or private hydrant, to the Water Works prior to disinfection and inspection;

(xiv) made or caused to be made or permitted a pipe connection to a private water lateral or private distribution system other than on the outlet side of a Corporation meter;

(xv) without approval, wilfully consumes water from the Water Works and/or wilfully consumes water that is not being registered through a Corporation meter, or fails to report the taking and/or consumption of water from the Water Works as may be required by the Corporation or under the terms of this Schedule;

(xvi) has an unauthorized meter by-pass in place capable of lessening or altering the amount of water registered;

(xvii) removes, alters or tampers with any seal placed upon a meter, valve or by-pass;

(xviii) without lawful authority uses water from a fire service for purposes other than fire fighting;

(xix) fails to obtain a water connection permit as set out in Appendix “1” of this Schedule;

(xx) except as authorized by this Schedule, fails to provide a place for and install a Corporation meter and/or remote reader in conformance with the Corporation’s Standards;

(xxi) fails to adequately protect from damage, including from freezing, a Corporation meter and/or remote reader;

(xxii) backfills a private water lateral trench, or a private water distribution system trench, or a corporation or private hydrant connection trench without prior approval;

(xxiii) turns off or on or interferes with a private water lateral or a private water distribution system without the approval of the Engineer;

(xxiv) fails to provide written notification that a private water lateral, or a private water distribution system connection, or a private hydrant connection has been disconnected;
(xxv) blanks or caps, or causes or permits to be blanked or capped, any private water lateral or private distribution system connection, or private hydrant connection, without prior approval;

(xxvi) fails to provide excavation, backfill and reinstatement to enable the blanking or capping of a private water lateral, or a private distribution system connection, or a private hydrant connection as required by this Schedule;

(xxvii) has, creates, or permits or causes to be created a cross-connection;

(xxviii) operates or permits to be operated any Corporation or private fire hydrant without an approved cut-off valve and backflow prevention devices;

(xxix) fails to obey and conform to the water use restrictions imposed by Council, or temporary water use restrictions imposed by the Engineer;

(XXX) undertakes or permits to be undertaken, thawing operations of any section or part of the Water Works, or to private lateral or private distribution systems, or any hydrants, without the prior approval of the Engineer; and/or

(XXXI) fails to repair a leak in a private water lateral within seven (7) days of notice;

is guilty of an offence, and on conviction is liable to a fine, exclusive of costs, to the use of the Corporation, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

7.4 ENFORCEMENT AND PENALTIES

7.4.1 Except as otherwise provided in this Schedule, and except as otherwise provided in the Municipal Act 2001, as amended, any person or persons who contravenes the provisions of this Schedule is guilty of an offence and on conviction is liable at the discretion of the presiding Justice of the Peace or Judge of the Ontario Court, Provincial Division, or other relevant Justice or Judge or Court, to a fine, exclusive of costs, for each offence, to the use of the Corporation, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33 and amendments thereto.

7.4.2 Every person who contravenes Part IX, Subsections 7.1, 7.2 or 7.3 of this Schedule is liable to the set fines established under Appendix “3” annexed hereto as amended from time to time.

7.4.3 Any person found to be in contravention of this Schedule, shall be issued a notice of such violation. Every such person may, within seventy-two (72) hours of the time when such notice was issued, pay at the Town of Fort Erie Municipal Offices the set fine or fines for and in full satisfaction of such violation as set out in Appendix “3” annexed hereto. The failure of such person to pay the said set fine or fines as set forth in Appendix “3” hereto, subjects him or her to the penalties hereinbefore provided for the violation of the provisions of this Schedule, and at the discretion of the Corporation, water supply to said person may be discontinued. Unpaid set fines shall be added to the Owner’s next water billing.

7.4.4 The set fines described herein shall come into force and effect upon receipt of the Judge’s Order from the Ministry of the Attorney General.

7.4.5 This Schedule shall be enforced by:

(i) the Water and Sewer System Inspector;

(ii) the Municipal By-Law Enforcement Officers;
(iii) the Chief Building Official; or
(iv) the Building and Planning Inspectors

of the Corporation of the Town of Fort Erie, as appropriate.

7.4.6 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, and such order shall be in addition to any other penalty
imposed on the person convicted.

7.4.7 Every person who, by act, default, neglect or omission, occasions any loss, damage or
injury to the Water Works, or to any machinery, fitting or appurtenance thereof is liable
to the Corporation therefore.

7.4.8 No action or proceeding under the provisions of this Schedule shall preclude the
Corporation from the right and power to exercise any other right or remedy available to
the Corporation.

7.5 RECOVERY OF REVENUE LOSSES

7.5.1 In addition to the remedies provided under this Schedule, the Corporation shall be
entitled to recover from the Owner and/or Customer any loss of water or sewer revenues
which have resulted from any violation of the provisions of this Schedule, whether or not
the violation was committed wilfully or knowingly or unknowingly.

7.5.2 The amount of revenue recovery shall be determined by the Director of Corporate
Services in consultation with the Engineer and/or Chief Building Official as appropriate
based on the evidence provided as follows:

(i) the estimated length of time over which the offence occurred and revenue was
    lost;
(ii) the estimated amount of water usage and/or sewer discharge over that period; and
(iii) the applicable water and sewer rates over that period as established by
    Corporation by-law.

7.5.3 An appeal of the revenue amount to be recovered as determined by the Director of
Corporate Services under Subsections 7.5.1 and 7.5.2 may be made in writing to Council.
PART VIII - MISCELLANEOUS

8.1 The pertinent provisions of the Municipal Act 2001, the Safe Drinking Water Act, the Ontario Water Resources Act, the Building Code Act, the Fire Protection and Prevention Act, the Ontario Building Code, and the Ontario Fire Code and amendments thereto apply with necessary modifications to this Schedule.

8.2 If any provision of this Schedule application thereof shall to any extent be invalid or unenforceable, the remainder of the Schedule and/or the application of such provision to the circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby; and each provision of this Schedule shall be separately valid and enforceable to the fullest extent permitted by law.

8.3 In the event of a conflict between this Schedule and the provisions of any other by-law or statute, the provisions that are the most restrictive shall prevail.
APPLICATION AND STANDARDS FOR SUPPLY AND INSTALLATION
OF WATER SERVICE CONNECTIONS

1. Every Owner requesting the Corporation to install and construct water service connections shall complete and submit an application (Form PW-001) to the Public Works Department, together with the fee and charges prescribed by the Corporation through by-law adopted from time to time.

2. Every Owner wishing to contract with their own qualified contractor to install and construct a water service connection shall complete and submit an application (Form PW-002) to the Public Works Department together with a non-refundable inspection fee prescribed by the Corporation through by-law adopted from time to time.

3. Upon approval of the application by the Public Works Department, a permit (Form PW-003) shall be issued to the Owner, and every Owner shall comply with the permit conditions as contained therein.

4. The Engineer must first approve the size of any pipes and fittings to be connected to a main before any such connection occurs, and at the same time, shall further determine the location in the right-of-way where the water service connection may be connected to the main.

5. In selecting the diameter of a water service connection, the following factors must be considered:
   (i) peak water consumption of building or premises serviced;
   (ii) total length of service which will be required to reach building or premises;
   (iii) elevation of building relative to the watermain;
   (iv) available head (pressure) in watermain;
   (v) loss of head (pressure) resulting from the pipe type, pipe length, fittings and meter; and
   (vi) required head (pressure) at point of water usage.

6. Municipal water laterals shall consist of a main stop connection, the water lateral pipe, and a curb stop at the property line fitted with a curb box and stainless steel shut-off rod.

7. Municipal water laterals for a single water service connection shall be a minimum 20mm diameter type “k” soft copper conforming to ASTM B88 or equivalent. Municipal water laterals shall be installed in accordance with OPSS 701 and conform to OPSD 1104.010 and 1104.020. Larger municipal water laterals required for larger volume users shall be determined by the Engineer as per paragraph 5 above. For 50mm diameter municipal water laterals, polyethylene (PE) pressure pipe 160 PE, may be used conforming to AWWA C901 or equivalent.

8. Main stops and curb stops shall be manufactured to AWWA C800 standards or equivalent.

9. Every municipal water lateral shall have a minimum depth of cover of 1.5 metres as per OPSD 1104.010, unless otherwise approved by the Engineer.

10. Every private water lateral entering a building, which does not contain a basement, shall be insulated in a manner acceptable to the Engineer.
APPENDIX “1” TO SCHEDULE “A”
TO BY-LAW NO. 199-04

11. Private water laterals must be at least NPS-3/4 and constructed of materials acceptable under the provisions of the Ontario Building Code, Part 7 as referred to in the Corporation’s plumbing permit.

12. The use of NPS-1 water service connections and meters larger than minimum size may be required especially in the case of large homes, large lot sizes, deep setbacks, etc.

13. The meter must be sized relative to the water service connection size or the water volume and flow required, as approved by the Engineer.

14. The work to be done by the Corporation or its Agent in the provision of a water service connection shall include the sizing of the service, the excavation of the trench, the tapping of the main, the supply and installation of the municipal water lateral to the property line, including main stop and curb stop, the backfilling of the trench and restoration of the worksite surface.

15. Meters and meter chambers will be provided as described in Part V to this Schedule.

16. Except with the consent of the Engineer, two or more buildings fronting on the same street shall not be supplied from a single water service connection. Where such consent has been given, separate private water laterals shall be extended to each building from the municipal water lateral with each of such private water laterals being controlled by a separate shut-off located at a point to be approved by the Engineer.

17. Where only one of several buildings owned by the same person fronts upon a street with the other or others of such buildings being located in the rear of the firstly mentioned building, or, where a building is or becomes a multiple or semi-detached dwelling, apartment building, or buildings divided into separate dwelling units:

(i) In the case of the other building or buildings located in the rear as above mentioned, it or they shall not be supplied from a single water service connection without the approval of the Engineer to be given only where both the municipal water lateral and the private water lateral are of adequate size in the opinion of the Engineer.

(ii) In the case of any multiple or semi-detached dwelling, apartment building, or building divided into separate dwelling units, the number and size of water service connections shall be subject to the approval of the Engineer.

18. The installation of private water laterals, water service connections, private water distribution systems and private fire hydrants and municipal fire hydrants shall be inspected and tested by the Corporation before backfilling commences. All materials used in the supply and installation of water service connections shall be in accordance with Corporation standards and must be as approved by the Engineer.

19. Private water laterals shall not be put into service until they have been disinfected and inspected by the Corporation, and the Corporation has completed its final inspection and acceptance.

20. The Corporation may require the permit holder to undertake tests to the satisfaction of the Engineer to demonstrate water service performance meets Corporation standards and is leak free prior to final acceptance.

21. Final acceptance and approval to backfill and put a private water laterals or private water distribution systems or private fire hydrants or municipal fire hydrants into service is not a guarantee or warranty that the service will perform satisfactorily and trouble free.
APPENDIX “2” TO SCHEDULE “A”
TO BY-LAW NO. 199-04

WATER DISTRIBUTION SYSTEM
OPERATION AND MAINTENANCE STANDARDS

SECTION I: PW-WAT-S001: Water Main Break Repairs

SECTION II: PW-WAT-S002: Water Distribution System Flushing Program

SECTION III: PW-WAT-S003: Water Distribution System Leak Detection Program

SECTION IV: PW-WAT-S004: Water Distribution System Water Quality Monitoring Program

SECTION V: PW-WAT-S005: Water Service Connection Repairs

SECTION VI: PW-WAT-S006: Main Valve Repairs/Installations

SECTION VII: PW-WAT-S007: Water Meter Testing/Calibration/Repair and Replacement

SECTION VIII: PW-WAT-S008: Fire Hydrant Maintenance/Repairs/Installations

SECTION IX: PW-WAT-S009: Boil Water Advisory Protocol
PW-WAT-S001: Water Main Break Repairs

Objectives:

1. To prevent public health hazards and inconvenience through interruptions in the service for which the water distribution system is provided.

2. To protect the public investment in the water distribution system, by maintaining maximum capacities and extending the useful life of the system.

3. To prevent unnecessary damage to public and private property.

4. To protect public and private property by maintaining adequate volumes and pressures for fire protection.

Level of Service:

1. All water main breaks will be repaired immediately in a comprehensive effort to protect the integrity of distribution system, minimize damages due to flooding and reduce water loss which contributes to unaccounted for water.

2. Circumferential breaks will be repaired by installing a stainless steel repair clamp.

3. Pipe sections cracked longitudinally will be replaced.

4. General deterioration of the pipe, which could cause service disruptions, will be replaced.

5. Water mains of 100mm diameter will be replaced on a priority basis.

6. Cast iron water mains will be replaced as a high priority.

7. All water main repairs will be conducted through adherence to PW-WAT-P001: “Water Main Break Repair Procedures”, as approved by the Engineer.
PW-WAT-S002: Water Distribution System Flushing Program

Objectives:
1. To maintain the highest standards of water quality within the water distribution system.
2. To facilitate the annual regulated operational condition assessment of all municipal fire hydrants.
3. To respond to customer water quality concerns.

Level of Service:
1. The Utilities Section of the Operations Division will undertake an annual water distribution system comprehensive uni-directional flushing program. The program will be structured and implemented to address selected areas of the distribution system. At least one third of the Distribution System should be flushed each year on a three year rotation basis. Cast iron water mains will remain the priority focus of the program.
2. Continuous monitoring of the distribution system will dictate any additional flushing requirements.
3. Response to customer requests for service through site visits and field-testing for chlorine residuals and turbidity, may also dictate additional flushing requirements.
APPENDIX "2" TO SCHEDULE "A"
TO BY-LAW NO. 199-04

WATER DISTRIBUTION SYSTEM
OPERATION AND MAINTENANCE STANDARDS

SECTION III

PW-WAT-S003: Water Distribution System Leak Detection Program

Objectives:

1. To reduce the level of unaccounted for water in an effort to achieve a standard of fifteen percent (15%) unaccounted for water.
2. To reduce leakage and assist in maintaining adequate pressures and volumes for domestic use and fire suppression.
3. To protect the integrity of the water quality throughout the distribution system from the influences of potential transient contamination.
4. To minimize the disruption of water supply services through the scheduling of repairs and replacement.

Level of Service:

1. All water main breaks and identified water service lateral leakage will be repaired on a high priority basis.
2. An annual zone metering component of the program will be undertaken to determine variances in established minimum night time flows for monitoring areas to be designated by the Engineer.
3. If daily monitoring of treatment plant output indicates significant variances in seasonal flow trends, leak detection activities including electronic sounding, pipe correlation and additional zone metering and step testing will be initiated.
4. Unusual water flow in the storm sewer system, in catch basins and ditches will be investigated as a possible indication of a watermain break or leak.
5. Leak Detection activities will be initiated through adherence to PW-WAT-P003: "Water Distribution System Leak Detection Procedures", as approved by the Engineer.
PW-WAT-S004: Water Sampling Program

Objectives:

1. To ensure the protection of public health.
2. To obtain, document and analyze all water sample results in a systematic continuous effort to provide the highest level of water quality to the consumer.
3. To ensure the water quality throughout the distribution system meets the legislated requirements of the *Safe Drinking Water Act* and Regulations established under the Act.

Level of Service:

1. The Town will collect a minimum of eight samples plus one per thousand population each month, throughout the distribution system for microbiological testing and have them analyzed by an accredited laboratory as specified under the *Safe Drinking Water Act* and regulations under the Act as amended. The population level used shall take in account non-Canadian and seasonal summer residents.
2. Samples for microbiological analysis will be taken randomly throughout the distribution system and be representative of the entire system.
3. Samples will be scheduled throughout each month, with samples taken within each week.
4. The free chlorine residual of the water sampled will be measured at the time and place of sampling.
5. Collection of samples will meet the Ministry of Environment requirements and will be in accordance with the Town procedures for water sampling of the distribution system, PW-WAT-P004: "Water Sampling Program Procedures – Microbiological Analysis", as approved by the Engineer.
6. Three sample collections quarterly from points within the distribution system that reflect the highest residence time will be submitted for trihalomethane analysis.
7. Three sample collections annually from points within the distribution system that reflect the highest residence time will be submitted for lead analysis.
8. Representative and key locations within the distribution system will be monitored on a scheduled basis for turbidity and free chlorine residual and corrective flushing taken if levels approach allowable limits.
PW-WAT-S005: Water Service Connection Repairs

Objectives:

1. To prevent public health hazards and inconvenience through interruptions in the service for which the water service connection has been provided.

2. To prevent unnecessary damage to public and private property and the pollution of the environment.

3. To minimize water loss, that contributes to unaccounted for water.

4. To provide adequate water service connection capacities to meet all industrial, commercial and residential applications.

Level of Service:

1. Water Service connections (municipal water laterals and private water laterals) shall be repaired or replaced as set out in Appendix “1” to this Schedule, except as otherwise approved in writing by the Engineer.

2. Municipal water lateral failures will be repaired by the Corporation as a priority to minimize service interruption and water loss. Higher priority will be given to the repair of watermains as per Section 1 or water service connections affecting more than one residence or building.

3. The repair of private water lateral failures shall be the responsibility of the Owner as set out in Subsection 3.5 to this Schedule and shall be conducted under the supervision of the Engineer.

4. The thawing of frozen water service connections shall be governed by Subsection 4.6 of this Schedule.

5. All water service connection repairs will be conducted through adherence to PW-WAT-P005: “Water Service Connection Repairs Procedures”, as approved by the Engineer.
APPENDIX "2" TO SCHEDULE "A"
TO BY-LAW NO. 199-04

WATER DISTRIBUTION SYSTEM
OPERATION AND MAINTENANCE STANDARDS

SECTION VI

PW-WAT-S006: Main Valve Maintenance/Repairs/Installations

Objectives:

1. To ensure the operational integrity of the water distribution system main line valves.

2. To maintain distribution system design capacities and adequate flow characteristics for all consumption requirements and fire suppression activities.

3. To protect the public investment in the water distribution system.

4. To protect public and private property from flooding.

Level of Service:

1. All main line valve chambers and valve boxes will be inspected on a scheduled rotational basis to ensure system coverage every three years.

2. Valve access and operational condition assessment will determine maintenance and replacement requirements.

3. Valve leakage will be repaired as a priority to protect the integrity of the distribution system, minimize damages due to flooding and reduce water loss, which contribute to unaccounted for water.

4. All main line valve operation is only to be performed by Provincially Licenced and Certified Town of Fort Erie Operators.

5. All main line valve maintenance/repair/installation will be completed through adherence to PW-WAT-P006: "Main Valve Maintenance/Repairs/Installations Procedures", as approved by the Engineer.
APPENDIX “2” TO SCHEDULE “A”
TO BY-LAW NO. 199-04

WATER DISTRIBUTION SYSTEM
OPERATION AND MAINTENANCE STANDARDS

SECTION VII

PW-WAT-S007: Water Meter Testing/Calibration/Repair and Replacement

Objectives:

1. To provide the service necessary to ensure the correct function of equipment and to accurately monitor the usage of water.

2. To provide customers with essential water services through equipment that will cause a minimum of interruption in service delivery.

3. To minimize revenue/water losses associated with meter failure that contributes to the elevation of unaccounted for water.

4. To protect the Corporation’s investment in equipment.

Level of Service:

1. Monitoring of consumption deviations will prompt investigative site visits for meter inspection.

2. Defective water meters and remote readers will be repaired or replaced as a priority to ensure the continuity of consumption registration and account readability for billing purposes.

3. Meters greater than 50mm diameter shall be calibrated periodically in accordance with AWWA Standards as outlined below:

<table>
<thead>
<tr>
<th>Meter Size (Diameter)</th>
<th>Interval Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>50mm</td>
<td>4</td>
</tr>
<tr>
<td>75mm</td>
<td>3</td>
</tr>
<tr>
<td>100mm</td>
<td>2</td>
</tr>
<tr>
<td>150mm</td>
<td>1</td>
</tr>
<tr>
<td>200mm</td>
<td>1</td>
</tr>
<tr>
<td>250mm</td>
<td>1</td>
</tr>
</tbody>
</table>

4. An extensive water meter replacement program of meters 25mm diameter and smaller meters will be initiated by the year 2013.

5. On repair or replacement, all water meters will be resealed.

6. Authorized water meter by-passes will be inspected to ensure they are shut off and adequately sealed.

7. Water meter calibration, maintenance, repair and replacement will be conducted through adherence to PW-WAT-S007: “Water Meter Testing/Calibration/Repair and Replacement Procedures”, as approved by the Engineer.
Objectives:
1. To ensure the operational integrity of all municipally owned fire hydrants.
2. To meet fire hydrant maintenance and inspection provisions of the Ontario Fire Code.
3. To protect public and private property through the provision of necessary volumes and flows for fire suppression activity.
4. To reduce water losses associated with fire hydrant failure.
5. To protect the public investment in the hydrant system.
6. To prevent unnecessary damage to public and private property.

Level of Service:
1. Fire hydrant operational condition inspection and assessment will be performed annually in conjunction with the engineered flushing program of the distribution system.
2. All hydrants shall receive an inspection in the spring of each year for obstruction, accessibility, lubrication, and paint condition assessment.
3. All hydrants shall be greased, drained as necessary, and an inspection shall be performed in the fall of each year for winterizing maintenance.
4. Hydrants shall be maintained visible and accessible and free of obstruction and vegetation.
5. All hydrants will be kept clear of snow and ice accumulation and maintained accessible during winter months.
6. Installation of hydrants or replacement shall be in accordance with The Corporation’s standards.
7. Fire hydrants shall be painted colour coded to NFPA Standards.
8. Fire hydrants shall have a minimum of 2-6.25 cm nozzles and be equipped with Storz Quick Disconnects.
9. All private hydrants shall be fitted with the standard anti-tampering device approved by the Corporation to the satisfaction of the Engineer.
10. Fire hydrant maintenance and repair will be completed through adherence to PW-WAT-S008: “Fire Hydrant Maintenance/Repair/Installation Procedures”, as approved by the Engineer.
APPENDIX “2” TO SCHEDULE “A”
TO BY-LAW NO. 199-04

WATER DISTRIBUTION SYSTEM
OPERATION AND MAINTENANCE STANDARDS

SECTION IX

PW-WAT-S009: Boil Water Advisory Protocol

Objectives:

1. To ensure the protection of public health during remedial action plan implementation activities surrounding an adverse water sample event.

2. To establish a protocol that includes the appropriate communication tools to initiate a Boil Water Advisory if so directed by the Medical Officer of Health (MOH).

3. To ensure the maintenance of public confidence in the operation of the water utility.

4. To ensure Boil Water Advisory protocols follow provincially regulated standards and guidelines.

Level of Service:

1. Established communication channels (TV, radio, internet, PSAs, hand delivered notices, etc.) will be utilized as appropriate methods of notification to affected customers.

2. A collaborative effort of remedial action plan implementation will be initiated by the MOH, Town of Fort Erie and Region of Niagara.

3. Corporate media communications will be the responsibility of the Engineer for the term of the Boil Water Advisory.

4. Only the MOH may rescind the Boil Water Advisory when satisfied corrective actions have demonstrated the affected area no longer poses a risk to public health.

5. Boil Water Advisory action plan implementation will be initiated through adherence to PW-WAT-S009: “Boil Water Advisory Protocol Procedures”, as approved by the Engineer.
PROVINCIAL OFFENCES ACT

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and the By-Law No. 199-04, of the Municipal Corporation of the Town of Fort Erie, attached hereto are the set fines, including costs, for those offences to take effect December 14, 2004.

DATED at Hamilton, this 14th day of December 2004.

TIMOTHY CULVER
A/Regional Senior Justice, Ontario Court of Justice
Central South Region
Part I Provincial Offences Act
Offences and Set Fines Under the Corporation of the Town of Fort Erie By-law 199-04

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Column 1 Short Form Wording</th>
<th>Column 2 Provision creating or defining offence</th>
<th>Column 3 Set fine (Includes costs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Caused contamination to the Water Works including any hydrant</td>
<td>Schedule A, s. 7.1(i)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>1A</td>
<td>Caused damage to the Water Works including any hydrant</td>
<td>Schedule A, s. 7.1(ii)</td>
<td>$500 $600</td>
</tr>
<tr>
<td>2</td>
<td>Interfered with the operation of a water meter</td>
<td>Schedule A, s. 7.2</td>
<td>$300 $400</td>
</tr>
<tr>
<td>2A</td>
<td>Damaged a water meter</td>
<td>Schedule A, s. 7.2</td>
<td>$300 $400</td>
</tr>
<tr>
<td>3</td>
<td>Failed to construct a private water lateral in conformance with Corporation approved standards</td>
<td>Schedule A, s. 7.3(i)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>4</td>
<td>Failed to construct a private water distribution system in conformance with Corporation standards</td>
<td>Schedule A, s. 7.3(ii)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>5</td>
<td>Failed to install a private hydrant in conformance with Corporation approved standards</td>
<td>Schedule A, s. 7.3(iii)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>6</td>
<td>Failed to provide access to inspect and ensure compliance with By-law</td>
<td>Schedule A, s. 7.3(iv)</td>
<td>$200 $300</td>
</tr>
<tr>
<td>7</td>
<td>Failed to provide access for work on a meter, valve, hydrant or backflow prevention device</td>
<td>Schedule A, s. 7.3(v)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>8</td>
<td>Failed to inspect and maintain a private water distribution system or private hydrant</td>
<td>Schedule A, s. 7.3(vi)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>9</td>
<td>Failed to file an annual report on the inspection of a private water distribution system or private hydrant</td>
<td>Schedule A, s. 7.3(vii)</td>
<td>$100 $200</td>
</tr>
<tr>
<td>10</td>
<td>Failed to provide access to inspect a private distribution systems or private hydrant</td>
<td>Schedule A, s. 7.3(viii)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>11</td>
<td>Interfered with an authorized member or agent of the Corporation exercising a power under the By-law</td>
<td>Schedule A, s. 7.3(ix)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>12</td>
<td>Willfully wasted water from the Water Works</td>
<td>Schedule A, s. 7.3(x)</td>
<td>$200 $300</td>
</tr>
<tr>
<td>13</td>
<td>Unauthorized operation of a Corporation or private fire hydrant except for fire fighting purposes</td>
<td>Schedule A, s. 7.3(xi)</td>
<td>$200 $300</td>
</tr>
<tr>
<td>14</td>
<td>Tampered with a Corporation or private fire hydrant</td>
<td>Schedule A, s. 7.3(xii)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>15</td>
<td>Altered the approved colour scheme of a Corporation or private fire hydrant</td>
<td>Schedule A, s. 7.3(xiii)</td>
<td>$100 $200</td>
</tr>
<tr>
<td>16</td>
<td>Unauthorized operation of a corporation or private valve</td>
<td>Schedule A, s. 7.3(xiv)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>17</td>
<td>Failed to provide free access to a Corporation or private fire hydrant</td>
<td>Schedule A, s. 7.3(xv)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>18</td>
<td>Failed to provide easy access at all times to a Corporation water meter and/or remote reader</td>
<td>Schedule A, s. 7.3(xvi)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>19</td>
<td>Failed to provide free access to any Corporation or private valve</td>
<td>Schedule A, s. 7.3(xvii)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>20</td>
<td>Unauthorized connection to the Water Works</td>
<td>Schedule A, s. 7.3(xviii)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>21</td>
<td>Failed to inform of a private water lateral or hydrant installation available for inspection</td>
<td>Schedule A, s. 7.3(xix)</td>
<td>$200 $300</td>
</tr>
<tr>
<td>22</td>
<td>Connected a private water lateral or hydrant prior to disinfection and inspection</td>
<td>Schedule A, s. 7.3(xx)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>23</td>
<td>Made connection to the private water lateral other than on the outlet side of a Corporation meter</td>
<td>Schedule A, s. 7.3(xxi)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>24</td>
<td>Unauthorized consumption of water that was not registered through a Corporation meter</td>
<td>Schedule A, s. 7.3(xxii)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>25</td>
<td>Unauthorized taking of water from the Water Works</td>
<td>Schedule A, s. 7.3(xxiii)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>26</td>
<td>Failed to report taking of water as required by the Corporation</td>
<td>Schedule A, s. 7.3(xxiv)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>27</td>
<td>Had an unauthorized water meter by-pass</td>
<td>Schedule A, s. 7.3(xxv)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>28</td>
<td>Removed or tampered with a seal</td>
<td>Schedule A, s. 7.3(xxvi)</td>
<td>$300 $400</td>
</tr>
<tr>
<td>29</td>
<td>Without authority used water from a fire service for other than fire fighting purposes</td>
<td>Schedule A, s. 7.3(xxvii)</td>
<td>$300 $400</td>
</tr>
</tbody>
</table>
### Offences and Set Fines Under the Corporation of the Town of Fort Erie By-law 199-04

<table>
<thead>
<tr>
<th></th>
<th>Offence</th>
<th>Section</th>
<th>Fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Failed to obtain a water connection permit</td>
<td>Schedule A, s. 7.3 (xxix)</td>
<td>$300</td>
</tr>
<tr>
<td>31</td>
<td>Failed to install a meter as required by the By-law in conformance with Corporation Standards</td>
<td>Schedule A, s. 7.3 (xx)</td>
<td>$300</td>
</tr>
<tr>
<td>32</td>
<td>Failed to provide a suitable place for the installation of a Corporation water meter and remote reader</td>
<td>Schedule A, s. 7.3 (xx)</td>
<td>$300</td>
</tr>
<tr>
<td>33</td>
<td>Failed to protect a Corporation water meter and remote reader</td>
<td>Schedule A, s. 7.3 (xxi)</td>
<td>$200</td>
</tr>
<tr>
<td>34</td>
<td>Backfilled a water service connection or hydrant connection trench prior to approval</td>
<td>Schedule A, s. 7.3 (xxii)</td>
<td>$200</td>
</tr>
<tr>
<td>35</td>
<td>Turned off or on or interfered with any private water lateral without approval</td>
<td>Schedule A, s. 7.3 (xxiii)</td>
<td>$300</td>
</tr>
<tr>
<td>36</td>
<td>Failed to provide written notification that a private water lateral has been disconnected</td>
<td>Schedule A, s. 7.3 (xxiv)</td>
<td>$200</td>
</tr>
<tr>
<td>37</td>
<td>Capped a water service connection without approval</td>
<td>Schedule A, s. 7.3 (xxv)</td>
<td>$300</td>
</tr>
<tr>
<td>38</td>
<td>Failed to provide excavation, backfill and reinstatement to enable capping of water service connection</td>
<td>Schedule A, s. 7.3 (xxvi)</td>
<td>$200</td>
</tr>
<tr>
<td>39</td>
<td>Had or created or permitted or caused to be created a cross-connection</td>
<td>Schedule A, s. 7.3 (xxvii)</td>
<td>$300</td>
</tr>
<tr>
<td>40</td>
<td>Operated a fire hydrant without a cut-off valve and approved backflow prevention device</td>
<td>Schedule A, s. 7.3 (xxviii)</td>
<td>$300</td>
</tr>
<tr>
<td>41</td>
<td>Failed to obey or conform to a water use restriction.</td>
<td>Schedule A, s. 7.3 (xxix)</td>
<td>$100</td>
</tr>
<tr>
<td>42</td>
<td>Without approval undertook thawing operations.</td>
<td>Schedule A, s. 7.3 (xxx)</td>
<td>$300</td>
</tr>
<tr>
<td>43</td>
<td>Failure to repair a leak in a private water lateral within the notice period</td>
<td>Schedule A, s. 7.3 (xxxi)</td>
<td>$300</td>
</tr>
</tbody>
</table>

### NOTES:

1) The general offence and penalty provision for the offences listed above are Schedule A, subsections 7.1 to 7.4 of By-Law No. 199-04, dated October 25, 2004, a certified copy of which has been filed.