

COPY of Original

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 66

A by-law to regulate the terms and conditions under which water from the Municipal water utility may be supplied and used.

The Council of the Village of Port Clements, in open meeting assembled, enacts as follows:

1. INTERPRETATION

In this by-law, unless the context otherwise requires,

"clerk" means the Clerk of the Village of Port Clements;

"water connection" means the water line extending from the water main to the property line of the property being serviced or about to be serviced;

"consumer" means any person, company or corporation who is the owner or the agent for the owner of any premises to which water is supplied or made available from the works and also any person who is the occupier of any such premises, and also includes any person who is actually a user of water supplied to any premises or by any service from the said works;

"service pipes" means that portion of the water supply line extending from the property line of the property concerned to the building situated thereon, and joining the water connection to the plumbing system at the building;

"water mains" means any water service under the control of the municipality which is intended for public use;

"water service" means the supply of water from the waterworks to any person and all the taps, valves, meters, connections and other things necessary to any actually used for the purpose of such supply;

"works" means the waterworks of the Village of Port Clements.

2. APPLICATION FOR SERVICE

(1) Application in the form of "Schedule A" attached to and forming part of this by-law for the supplying of water to any property shall be made and delivered to the Clerk, and must be signed by the owner of such property or his duly authorized agent, signing as such or by the consumer applying for such service. Each application, when signed by the potential customer, shall be an agreement whereby the customer agrees to abide by the terms and conditions of this by-law.

(2) Upon approval of the application by the Clerk, he may turn on or cause to be turned on, the water service to the customer's premises.

3. SERVICE PIPES

(1) Before any person shall install or construct any water service, or commence doing any construction work in relation to or in connection with such service, he shall notify the Clerk in writing. If required by the Clerk he shall furnish a plan and specifications which shall show:

(a) the purpose for which the water is to be used, the size of pipes and the number of outlets in connection with such an installation;

(b) a description of the material which the applicant proposes to use in connection with such installation or construction.

The installation of service pipes shall be the responsibility of the property-owner but shall conform to specifications approved by the Clerk.

(3) All underground pipes on any premise shall be placed below the frost line, and in no case, not less than .75 meter below the surface of the ground or if placed under a driveway, sidewalk, or other area that will be cleared of snow, not less than one meter below the surface of the ground. All other pipes exposed to frost shall be properly and sufficiently protected therefrom.

(4) It shall be the duty of every consumer to provide that all taps, fittings and other things connected with the service within the premises are in good order and installed and connected in accordance with the provisions of the Building and Plumbing By-laws.

(5) Every premise shall have a properly placed stop.

(6) When the owner's service pipe plans and water connection application have been approved he may proceed with the installation of the service pipes. When the service pipes have been installed, but before the excavation is backfilled, the Clerk shall be notified that such work is ready for inspection and he shall make such inspection within two days thereafter, excluding Sundays and holidays.

(7) The backfilling of the service pipes shall not be commenced until the Clerk has signified in writing that he is satisfied that the materials and workmanship employed are to his satisfaction and that the pertinent sections of this and other by-laws have been adhered to.

(8) The Clerk or any other officer or employee of the municipality shall refuse to turn on water to any premise not complying with this section.

(9) (a) In the event of leakage, freezing or other condition which causes the interruption of supply in the service pipe, repairs shall be the responsibility of the consumer. If the consumer feels that such conditions are present in the municipality's connection pipe, and not in the consumer's service pipe, he shall deposit with the municipality a sum of money equal to the Clerk's estimate of the cost of excavation and backfilling required.

(b) In the event that the municipality's connection pipe is faulty and is the cause of the consumer's complaint, the municipality shall repair such faults and return the deposit to the customer. If there is no fault found in the municipality's connection pipe the consumer shall forfeit that portion of the deposit in the amount equal to the actual cost of the work, any surplus being returned to the consumer. The consumer shall have the right to inspect the site of the excavation by the municipality and satisfy himself as to the condition of the connection pipe.

(10) Every consumer shall provide for each service to his premises a pressure-reducing valve and pressure relief valve in the event the water pressure in the main serving his premises shall be or become so great as may cause damage. In the event the consumer fails to install a pressure-reducing valve and pressure relief valve the municipality shall not be liable for any damage incurred from excessive water pressure.

(1) (a) No contractor, builder or other person shall use for building purposes of any kind any water from any pipe or main of the waterworks or from any other consumer without the written approval of the Clerk.

(b) Applications for such service shall be made in the manner prescribed in section 3 of this by-law and the user shall agree to pay the rate applicable, the connection fee if one is required and to properly protect the supply pipes, meter and other facilities of the waterworks.

(2) (a) No person, except an employee of the municipality in the course of his employment, or a member of the municipal fire department on duty, shall without the written authority of the Clerk, open any hydrant, standpipe or valve or use any water therefrom. Such authority shall reserve to the municipality the right to stop such use at any time for any reason without liability for damages resulting therefrom in any manner whatsoever.

(b) Every person who receives such authority shall deposit with the Clerk a cash bond of Fifty Dollars (\$50.00) and the municipality may deduct from such bond whatever charges shall be payable to the municipality in its reasonable discretion for the use of the water and for damages to the main, hydrant, standpipe or valve.

(c) Every person who uses water from any hydrant or standpipe shall pay to the municipality on demand the minimum charge of Five Dollars (\$5.00) or the sum of Two Dollars per day for such use or any part thereof, whichever sum shall be the greater.

5 REGULATIONS

(1) No person shall destroy, injure or tamper with any hydrant, or other fixture of the waterworks, and no person shall in any manner interfere or meddle with the water connection or works in any street, or make any additions or alterations to the water system or any connection, or turn on or off any corporation stop-cock, service valve or gate-valve without express approval of the Clerk.

(2) No person shall sell or dispose of water from the municipal water system, or give it away to any person or persons whatsoever, or permit it to be taken away or carried away by any person or persons, whomsoever, or use or supply it to the use or benefit of others.

(3) No connection or cross connection between the municipal water system and any other water system or source of water supply shall be permitted.

(4) No person shall use water for irrigation purposes.

(5) No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-cock or other fixture connected with the works, and should any person obstruct such access the Clerk or any other employee or servant of the municipality may, by his order, remove such obstruction and the expense of such removal shall be charged to and paid by the person offending, and on non-payment thereof, on demand, the municipality may recover the said expense in a Court of competent jurisdiction.

(6) No person shall obstruct or prevent the Clerk or any person authorized by him from carrying out any or all of the provisions of this by-law, nor shall any person refuse to grant the Clerk or any person authorized by him, permission to inspect any water service work at any reasonable time.

(1) The Clerk is hereby authorized and directed to have a general supervision over the municipal waterworks system and to see that the provisions of this by-law are carried out.

(2) The Clerk shall have the power, subject to the consent of the Council, to appoint assistants and inspectors for the purpose of the effectually carrying out the provisions of this by-law, and wherever the Clerk is authorized or directed to perform any act or duty under this by-law, such act or duty may be performed by any inspector or employee authorized by the Clerk to perform such act or duty.

(3) Nothing contained in this by-law shall be construed to impose any liability on the municipality to service any person or premises or to give a continuous supply of water to any person or premises.

(4) The municipality shall not be liable for the failure of the water supply in consequence of any accident or damage to the works or to excessive pressure or lack of pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person in the employ of the municipality or other person whomsoever, or through natural deterioration or obsolescence of the municipality's system or otherwise, howsoever; but in the event of such failure or stoppage continuing for more than five consecutive days, an equitable reduction shall be made on all rates or services affected thereby.

(5) The municipality may, without notice, disconnect the water service to any premises for any of the following reasons, and the municipality shall not be liable for damages by reason of disconnecting water service for such reasons:

- (a) unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
- (b) non-payment of rates;
- (c) failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water;
- (d) for repairs;
- (e) for want of supplies;
- (f) for employing any pump, booster or other device for the purpose of, or having the effect of, increasing water pressure in service lines, without obtaining the approval of Council;
- (g) for violation of any of the provisions of this by-law.

(6) The Council may, in its discretion, whenever the public interest so requires, suspend or limit the consumption of water from the municipal water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used.

## 7. OFFENCES

Any person who violates any provision of this by-law shall be deemed to have committed an offence and is punishable in accordance with the Summary Convictions Act; and each day on which the violation occurs shall be considered a separate offence.

CITATION

This by-law may be cited as the "Water Regulations By-law No. 66, 1978".

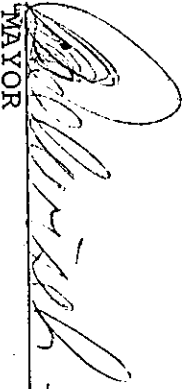
READ a first time this 20th day of November, 1978.


READ a second time this 20th day of November, 1978.

READ a third time this 20th day of November, 1978.

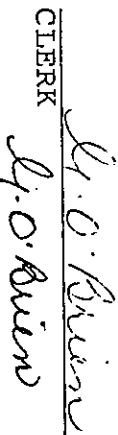
APPROVED by the Minister of Municipal Affairs on the 3rd day of January, 1979.

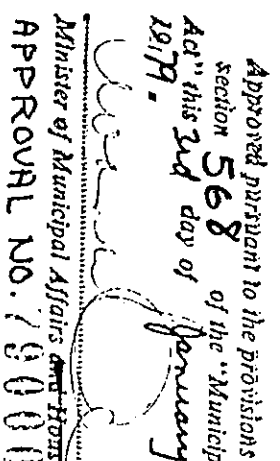
RECONSIDERED AND ADOPTED on the 15th day of October, 1979.

  
MAYOR

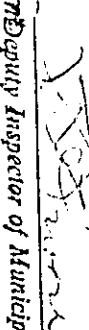
  
CLERK

Certified a true copy  
of By-law No. 66

  
CLERK

Approved pursuant to the provisions of  
section 568 of the "Municipal  
Act" this 2nd day of January  
1979.  
  
Minister of Municipal Affairs and Housing  
APPROVAL NO. 780005

A true copy of By-Law No. 66  
received in the office of the Inspector  
of Municipalities this 23rd day of  
October 1979.

  
Assistant Deputy Inspector of Municipalities

SCHEDULE "A"

attached to and forming part of  
By-law No. 66.

APPLICATION FOR THE SUPPLY OF WATER  
FROM THE VILLAGE OF PORT CLEMENTS

I/We \_\_\_\_\_ owner/agent of owner,  
hereby make application for the supply of water to \_\_\_\_\_

(description of property)  
and agree to abide by the terms and conditions as established by  
By-law No. 66 and amendments thereto, regulating the supply and use  
of the water utility of the municipality.

\_\_\_\_\_  
DATE SIGNATURE OF OWNER OR  
AGENT