

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 106-2022

A By-law to regulate private connections to the City of Vaughan’s Water Distribution System, to establish an effective method to measure and charge for water consumption, to conserve water, to prohibit practices and other actions that put the integrity of the Water Distribution System at risk, and to establish a system of recourse and penalties for the purposes of enforcing the by-law. Also, to repeal Water By-law 177-2016, and its amending by-laws 145-2017 and 035-2020.

WHEREAS The Corporation of the City of Vaughan is a local municipality within the Regional Municipality of York, in the Province of Ontario;

AND WHEREAS the City of Vaughan operates a *Water Distribution System* within the municipality boundaries;

AND WHEREAS Section 11 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c.32 (the “Safe Drinking Water Act”) requires every *Owner* and operator of a *Municipal Drinking-Water System* to ensure that all water provided by the system meets the requirements of drinking water quality standards and that the drinking water system is operated in accordance with the *Safe Drinking Water Act*;

AND WHEREAS the City of Vaughan’s Quality Management System Policy (“QMS”) states: As the *Owner* and operators of the *City of Vaughan’s Water Distribution System* we are committed to:

- providing safe drinking water to our residents and businesses
- complying with applicable legislation and regulations as related to the provision of safe drinking water
- implementing and continually improving the effectiveness of our Quality Management System

AND WHEREAS section 11(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, authorizes a municipality to pass by-laws respecting matters concerning public utilities;

AND WHEREAS Section 78(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, authorizes a municipality to enter on highways to install, construct and maintain works for the distribution of water without consent;

AND WHEREAS Section 80(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, authorizes a

municipality to enter on land served by a public utility to inspect, install, repair, *Alter* or disconnect equipment and other works used to supply the public utility;

AND WHEREAS Section 80(2) of the *Municipal Act, 2001*, S.O. 2001 c. 25, authorizes a municipality to shut off or reduce the supply of a public utility for purposes set out in section 80(1);

AND WHEREAS Section 80(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, authorizes a municipality to enter on land served by a public utility for the purposes of discontinuing of the utility, removing any *Property* of the municipality's, or determining whether the public utility has been or is being unlawfully used;

AND WHEREAS Section 81(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that a municipality may shut off the supply of a public utility if fees or charges owing are overdue;

AND WHEREAS Section 81(4) of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that a municipality may recover all fees and charges payable despite shutting off the supply of the public utility;

AND WHEREAS Section 83 of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that a municipality may, as a condition of supplying or continuing to supply a public utility, require security be given for the payment of fees and charges for the supply of the public utility or for extending the public utility;

AND WHEREAS Section 91(4) of the *Municipal Act, 2001*, S.O. 2001 c. 25, prohibits the interference with a public utility without the municipality's consent or a court order;

AND WHEREAS Section 91(9) of the *Municipal Act, 2001*, S.O. 2001 c. 25, authorizes a municipality to enter upon any land to repair and maintain its public utilities;

AND WHEREAS Section 93(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that no *Person* shall construct, maintain or operate a water public utility without first obtaining the consent of the municipality;

AND WHEREAS section 391(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that a municipality may pass by-laws imposing fees or charges on Persons for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of it, and for the use of its *Property* including *Property* under its control;

AND WHEREAS Section 398(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that fees and charges imposed by a municipality on a *Person* constitute a debt of the *Person* to the municipality;

AND WHEREAS Section 398(2) of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that a municipality may add fees and charges to the tax roll of the *Property* to which the public utility is supplied and collect them in the same manner as municipal taxes;

AND WHEREAS Section 429(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that a municipality may establish a system of fines for a by-law passed under the Act;

AND WHEREAS Section 436(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that a municipality may pass by-laws providing for the entry onto lands at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

AND WHEREAS Section 446 of the *Municipal Act, 2001*, S.O. 2001 c. 25, provides that a municipality may proceed to do things at a *Person's* expense which that *Person* is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. Authority and Short Title

1. This By-law shall be known and may be cited as the "Water By-law".

2. Applicability and Scope

1. The provisions of this By-law apply to all *Properties* within the *City* or to any *Water Distribution Systems* that originate within the *City*.
2. No *Person* shall perform the following activities without a permit or approval from the *City*:
 - (a) create a new or Altered *Water Service Connection*, as per section 5;
 - (b) create a new water supply, as per section 8.0(2);
 - (c) perform a fire hydrant Flow Test, as per section 9.0(1);
 - (d) discontinue services, as per section 12(1);
 - (e) demolition permit, as per section 12(2);
 - (f) enter into any *Chamber*, structure or building associated with the *Water*

Distribution System, as per section 13(3);

- (g) operate any valve, fire hydrant or *Appurtenance* that is connected to the *Water Distribution System*, as per section 13(4);
- (h) perform any kind of tap to the *Water Distribution System*, as per section 13(5); and/or
- (i) make any *Alteration* to the *Water Distribution System*, as per section 13(6).

3. Definition and Interpretation

1. In this By-law and attached Schedules, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.
2. Wherever a word is used in this By-law with its first letter capitalized and the whole word italicized, the term is being used as it is defined in 3.0(3) of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
3. For the purposes of this By-law:
 - “*Adverse Effect*” has the same meaning as in the Environmental Protection Act, R.S.O. 1990, c. E.19, or in its successor regulation, and includes one or more of the following:
 - (a) impairment of the quality of the natural environment for any use that can be made of it;
 - (b) injury or damage to *Property* or to plant or animal life;
 - (c) harm or material discomfort to any *Person*;
 - (d) an *Adverse Effect* on the health of any *Person*;
 - (e) impairment of the safety of any *Person*;
 - (f) rendering any *Property* or plant or animal life unfit for human use;
 - (g) loss of enjoyment of normal use of *Property*; and
 - (h) interference with the normal conduct of business.

“*Alter*” and “*Alteration*” includes adding, modifying, replacing, repairing, extending or removing;

“*Application*” means making a formal request under this By-law;

“*Appurtenance*” includes a valve, fire hydrant, hydrant lead, *Flow Meter*, curb stop, maintenance access point, Personnel access opening or other minor accessory part of the *Water Distribution System*;

“*Auxiliary Water Supply*” means any Water supply on or available to the premises other than the *Water Service Connection* provided by the *City's Water Distribution System*;

“*Backflow*” means the flowing back or reversal of the normal direction of flow;

“*Backflow By-law*” means *City Backflow By-law 177-2020*, as amended, or its successor by-law;

“*Backflow Preventer*” means a device, as defined by the Ontario Building Code, that prevents *Backflow* to the *Municipal Drinking-Water System*;

“*Business Day*” means any day in which normal business is conducted and generally considered to be Monday through Friday from 8:30am to 4:30pm local time, and excludes weekends and public holidays;

“*Bypass*” means Plumbing that is installed around a *Water Meter* for the purpose of allowing the water to flow to the *Property* without passing through the *Water Meter*;

“*Chamber*” means an underground enclosure that houses *Appurtenances*;

“*City*” means the Corporation of the *City of Vaughan*;

“*City Boulevard*” means the *City* owned portions of land adjacent to the front, rear and side lot areas of vacant land, occupied or unoccupied institutional, industrial, commercial and *Residential* buildings and occupied dwellings excluding the paved portion of a highway;

“*Construction Water*” means water used onsite during construction for a *City*-approved project;

“*Council*” means the elected *Council* of the Corporation of the *City of Vaughan*;

“*Director of Environmental Services*” means the *City's Director of Environmental Services* or his or her designate.

“*Enforcement Officer*” means a *Person* appointed by the *Council* of the *City of Vaughan*

as a Municipal Law *Enforcement Officer*, pursuant to s.15.2 of the Police Services

Act,

to enforce the provisions of this By-law or a sworn member of *York Regional Police*, Ontario Provincial Police, Royal Canadian Mounted Police, or any other *Person* so authorized;

“*Fixture*” means a piece of equipment or material that is fixed in position;

“*Fire Hydrant Meter*” means a non-permanent meter that is designed to measure water from fire hydrants;

“*Fire Protection System*” means a system intended to prevent fires from occurring or spreading, and may include fire suppression tools, sprinklers, smoke detectors, and other fire protection equipment;

“*Flow Meter*” means a device used to measure the flow rate or quantity of water moving through a pipe;

“*MOECC*” means Ontario Ministry of the Environment and Climate Change;

“*Municipal Drinking-Water System*” has the same meaning as in the Safe Drinking Water Act, 2002, S.O. 2002, c. 32, or its successor regulation, which includes a drinking-water system or part of a drinking-water system:

- (a) that is owned by a municipality or by a municipal service board established under section 195 of the *Municipal Act, 2001*;
- (b) that is owned by a corporation established under section 203 of the *Municipal Act, 2001*;
- (c) from which a municipality obtains or will obtain water under the terms of a contract between the municipality and the *Owner* of the system; or
- (d) that is in a prescribed class defined within the Act;

“*Occupant*” means any *Person* or *Persons* over the age of eighteen years in possession of the *Property*.

“*Owner*” means the *Person* for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other *Person*, or who would so receive the rent if such premises were let, and shall also include a lessee or *Occupant* of the *Property* who, under the terms of lease, is required to repair and maintain the *Property* in accordance with the Standards for the maintenance and occupancy of

Property;

“*Person*” means an individual, partnership, association, firm or corporation, business entity or club, incorporated group or organization, federal or provincial, crown agents, school boards and regional municipalities, to whom the context can apply in accordance with the Interpretation Act of Ontario, as amended, but specifically excludes the *City* and agents acting on behalf of the *City*;

“*Private Plumbing*” includes the pipes, *Appurtenances*, *Fixtures* and any related accessories situated beyond the *Water Meter* and located on or throughout the *Property*, which are used for the purposes of supplying the *Property* with water from the *Watermain*;

“*Private Water Service*” includes the pipes, *Appurtenances*, *Fixtures*, and related accessories situated from the *Property* line to the *Water Meter*, which are used for the purpose of supplying a *Property* with water from the *Watermain*,

“*Property*” or “*Properties*” includes a house, building, structure, land, lot or any part of a house, building, structure, land or lot within the *City* which receives water supplied by the *City*;

“*Public Water Service*” includes the pipes, *Appurtenances*, *Fixtures* and related accessories situated from the *Watermain* to the *Property* line, which are used for the purpose of supplying a *Property* with water from the *Watermain*

“*Remote Read Out Unit*” means any device which is used to record or transmit, or both, the water consumption reading of a *Water Meter* and may be installed at a separate location from the *Water Meter*;

“*Residence*” means a *Property* that is used for *Residential Use*;

“*Residential Use*” or “*Residential*” means the use of lands, buildings or structures for human habitation;

“*Stop and Waste Cock*” means a valve that has a drain plug in the valve and shuts off the flow of water;

“*Water Meter*” includes all equipment installed under the provisions of this By-law for the purpose of measuring the water supplied by the *City* to a *Property*;

“*Water Distribution System*” includes all pipes, *Appurtenances*, *Fixtures*, and related accessories, used to supply water from the *Watermain* to the *Water Meter*,

which includes the *Private Water Service*, *Public Water Service* and the *Watermain*;

“*Water Service Connection*” means that part of the waterworks, consisting of pipes, fittings and *Appurtenances* which supplies Water to a *Property*, and which is located between the *City Watermain* and the street line or between the *City Watermain* and the boundary line between a *City* easement or other *City* land containing the *Watermain* and private land;

“*Watermain*” means the principal pipe in a system of pipes used to convey water throughout the *City*;

“*York Region*” means the Corporation of the Regional Municipality of York.

4. *Private Water Services*

1. All *Private Water Services* and *Private Plumbing* shall be installed by, and be the responsibility of, the *Owner* of the *Property* for which such service is required. The *Private Water Service* shall be buried a minimum of 1.5 meters (4.9 feet) below the finished surface of the ground and shall be protected from frost in all locations. There shall be a *Stop and Waste Cock* installed immediately prior to the installation of the *Water Meter* and no other connection shall be made to the *Private Water Service*.
2. The *Owner* of the *Property* shall maintain the *Private Water Service* and *Private Plumbing* in proper order and repair, free from freezing and free from leaks at their own expense.
3. The use of water for purposes of air conditioning, refrigeration or cooling, other than for *Residences*, shall not be permitted unless the water is recirculated internally beyond the *Water Meter*.
4. There shall be no connection between the *Water Distribution System* and any cisterns, wells, privies, privy vaults, cesspools, private pressure pumps, geothermal systems or *Auxiliary Water Supply*.
5. Every *Owner* shall install a *Backflow Preventer*, as required by the *Backflow Prevention By-law*.

5. *New or Altered Water Service Connections*

1. No *Person* shall connect to the *Water Distribution System* or change or *Alter* an

existing *Water Service Connection* to the *Water Distribution System* without the approval of the *City*.

2. No *Owner* or *Occupant* shall make or permit a connection to the *Water Distribution System* or change or *Alter* or permit the change or *Alteration* of an existing connection to the *Water Distribution System* Without the approval of the *City*.

6. Water Meters

1. All water supplied to a *Property* shall pass through a *Water Meter* and the rates charged for such water shall be those reflected within Schedule "A" of this By-law.
2. Despite 6(1), *Construction Water* supplied to a *Property* may not require a *Water Meter* if specified in an agreement with the *City*.
3. Every *Person* shall make all *Water Meters* accessible for repairs, maintenance, change outs and readings upon request.
4. No *Person* shall obstruct the *Remote Read Out Unit* such that it cannot be accessible for testing, repairs, maintenance, change outs and readings.
5. An *Application* shall be submitted by the *Owner* to the *City* to request a *Water Meter*.
6. All *Properties* that have submitted a request for a *Water Meter* are responsible for having the necessary *Private Plumbing* for the installation of the *Water Meter* prior to pick up of the *Water Meter*. Plumbing Not Ready (PNR) shall be subject to service charges as set out in Schedule "A" of this By-law.
7. *Owners* shall:
 - (a) install the *Water Meter*, with the meter wire between the *Water Meter* and the remote, within seven (7) days of receiving it or after the connection commissioning process has been completed; and
 - (b) notify the *City* of *Water Meter* installation within 48 hours of the installation.
8. The *Water Meter* shall be supplied by the *City* and paid for by the *Owner* as per Schedule "A" of this By-law.
9. *Water Meters* shall be placed in such locations as the *City* determines.
10. Where a *Water Meter* cannot be placed in an easily accessible location inside a building, it shall be placed in a *Meter Chamber*. The location and construction of the *Meter Chamber* shall be approved by the *City* via an *Application* and the cost

of such construction shall be paid for by the Applicant.

11. The *Water Meter* will continue to be owned by the *City* even after it is installed on the *Property*.
12. No *Person* shall use or permit the use of water that has not passed through a *Water Meter*.
13. Section 6(12) does not apply to Water supplied for explicit use in a *Fire Protection System*.
14. No *Person* shall use Water supplied to a *Fire Protection System* except for the use in an emergency to extinguish a fire.
15. All *Water Meters* with a service connection less than 50mm (2") in diameter shall be supplied and installed by the *City* or an agent authorized by the *City*. All *Water Meters* with a service connection of 50mm (2") or more in diameter shall be supplied by the *City*, installed by a certified plumber and shall be sealed by the *City*.
16. No *Person* shall install or permit the installation of a *Bypass* unless authorized by the *City* and the *Bypass* is valved and locked properly.
17. No *Person* shall operate the *Bypass* valve or tamper with the seal unless authorized by the *City*.
18. *Owners* are responsible for the costs of repairing and/or replacing a *Water Meter* if the *City* deems the damage to the *Water Meter* as being a result of the carelessness of the *Owner* or *Occupant*.
19. If a *Water Meter* fails to register, the *Owner* will be charged for the estimated average consumption for the pertinent period as determined by the *City* on the basis of prior consumption records.
20. The *Owner* will be charged for all water passing through the *Water Meter*, whether used or wasted.
21. In the event of a consumption dispute, a *Water Meter* may be removed and tested by the *City* at the request of the *Owner* or *Occupant*. If the *Water Meter* is found to register at 101.5% or less of the bench tested volume, the expense of removing and testing the *Water Meter* shall be paid by the *Owner* as per Schedule "A" of this By-law.

22. Despite 6(19) to 6(21), the *City* may consider a one- time billing adjustment in accordance with the Accidental Water Leak Adjustment Policy.
23. Despite 6(19) to 6(21), the *Director of Environmental Services* may, upon *Application* from the *Owner*, review and reduce the charges when a *Water Meter* fails to register.
24. The *Owner* of the *Property* shall be held responsible for all water charges.
25. No *Person* shall open, *Alter*, seal or tamper with a *Water Meter*, or do anything that may interfere with the proper registration of the quantity of water passing through the *Water Meter* or the quantity of water that ought to pass through a *Water Meter*.
26. No *Person* shall connect or permit the connection of anything to any *Water Distribution System* unless it is connected to *Private Plumbing* after it has passed through the *Water Meter*.
27. Pursuant to this By-law, the testing, flow rates and procedures used to determine *Water Meter* (all types and sizes) accuracy will be in accordance with the current American Water Works Association Standards.
28. An *Owner*, upon written *Application* to the *City*, on the prescribed form, may make a request to have the *Water Meter* at their *Property* tested by the *City* to determine if the *Water Meter* is over-registering. The *Owner* shall pay to the *City* the fee as set out in Schedule "A", as amended, for such testing.

7. Rights of Entry

1. The *City* may enter upon a *Property*:
 - (a) To inspect, repair, *Alter* or disconnect the service pipe or wire, machinery, equipment and other works used to supply water;
 - (b) To read, inspect, install, repair, replace, maintain or *Alter* a *Water Meter* or a Remote Readout Unit;
 - (c) To inspect a *Backflow* prevention device;
 - (d) To shut off or reduce the supply of water; or
 - (e) For any other purpose as authorized under the *Municipal Act* or other relevant legislation.
2. No *Person* shall deny or obstruct the *City's*, or its agents', access to the *Water Distribution System* or any part thereof.

8. Water User Rate

1. No *Property* shall obtain water from the *City* without the *Owner* or *Occupant* paying the applicable charge, fees or rates for that water listed in Schedule "A".
2. No *Application* for water supply for a *Property* shall be approved by the *City* until all outstanding charges have been paid in full.
3. Any amounts owing to the *City* shall be added to the tax roll of the *Property* and collected in the same manner as taxes.
4. The water rates charged by the *City* shall be those set out in Schedule "A" to this By-law.
5. All overdue accounts shall be subject to fees and interest rates as set out in Schedule "A" to this By-law.

9. Fire Hydrants

1. Flow Tests
 - (a) A *Person* may submit a request and make an appointment with the *City* to conduct a fire hydrant flow test to determine the characteristics of the local *Water Distribution System*. Tests will be conducted between April 1 to October 31, weather permitting.
 - (b) A fire hydrant flow test shall be conducted by an authorized *City* agent with the assistance of an *MOECC* Certified Drinking Water Operator, employed by the *City* to operate the fire hydrant.
 - (c) A *Person* requesting a fire hydrant flow test shall pay for the test in advance of the test and in the amount specified in Schedule "A".
 - (d) The results of the fire hydrant flow test shall be submitted to the *City*, including the date, time, location and duration of the fire hydrant flow test.
2. Obstructions
 - (a) *Owners* shall ensure that all fire hydrants within their *Property* or adjacent *City Boulevard*:
 - (i) Are clearly visible;
 - (ii) Are free of any obstructions within a one-meter radius, including snow and ice; and,
 - (iii) Have an unobstructed path from the roadway.

- (b) If an *Owner* fails to comply with section 9(2)(a), the *City* may issue a notice requiring the *Owner* to comply. Upon failure to comply with the notice, the *City* may remove the obstruction at the expense of the *Owner*.

3. Rentals

- (a) No *Person* shall use or permit the use of any fire hydrant for the supply of water without an approved *Application* to rent a *Fire Hydrant Meter*.
- (b) A *Person* may submit an *Application* to the *City* for a temporary supply of water from a fire hydrant, using a *Fire Hydrant Meter*, issued by the *City*.
- (c) For purposes of section 9(3)(a), fire hydrants and *Fire Hydrant Meters* can be rented between March 31 to October 31, weather permitting and will be retrieved by the *City* no later than October 31.
- (d) The applicant shall pay for the *Fire Hydrant Meter* rental, as per Schedule "A" of this by-law.
- (e) If the *Fire Hydrant Meter* does not have a built-in double check valve, one shall be provided by the Applicant prior to the *Fire Hydrant Meter* installation that is satisfactory to the *City*.
- (f) Any damage to *City Property* resulting from a *Fire Hydrant Meter* rental shall be fully reimbursed by the Applicant to the *City*.

10. Water Conservation

- 1. Subject to 10(2) and (3), the use of municipally supplied water for the purpose of outdoor watering of lawns or grass, trees, shrubs or gardens by hose, sprinkler device, pipe or other form of irrigation is prohibited at all times between May 15th and September 30th inclusive of each of those dates in every year, except as provided hereunder:
 - (a) *Owners* or *Occupants* of a *Residence* with an even numbered address shall be permitted to water only between the hours of 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on any even numbered day of the month;
 - (b) *Owners* or *Occupants* of a *Residence* with an odd numbered address shall be permitted to water only between the hours of 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on any odd numbered day of the month;
 - (c) *Owners* or *Occupants* of commercial, industrial or institutional *Properties*

shall also be required to comply with the provisions of paragraphs (a) and (b), except such *Owners* or *Occupants* shall be permitted to water only between the hours of 12:00 a.m. and 7:00 a.m. to a maximum of three (3) hours on any permitted day of the month.

2. Section 10(1) shall not apply to prevent *Owners* or *Occupants* of land from watering newly laid sod for a period of one (1) month after the date of laying or installation or from watering newly planted plants, shrubs or trees on the day of installation and for the next twenty-four (24) hours.

3. Notwithstanding 10(1), in the event that *York Region* gives notice to the *City* that a reduction in water use is necessary, the following staged restrictions shall apply:

(a) Advisory – Stage 1

Owners and *Occupants* of a *Property* are requested to voluntarily refrain from engaging in or taking any of the following actions or activities:

- (i) using a hose, sprinkler device, pipe or irrigation system to water lawns at any time;
- (ii) using a hose or pressure washing device to wash exterior building surfaces, including windows, parking lots, driveways or sidewalks;
- (iii) using decorative fountains which do not use recirculated water;
- (iv) using a hose or other device to water trees, shrubs and gardens, except by using a handheld container;
- (v) washing a vehicle, boat or other recreational vehicle; or
- (vi) filling existing *Residential* swimming pools, wading pools or hot- tubs.

(b) Outdoor Water Use Ban – Stage 2

Owners and *Occupants* of a *Property* shall not engage in or take any of the following actions or activities:

- (i) using a hose, sprinkler device, pipe or irrigation system to water lawns at any time;
- (ii) using a hose or pressure washing device to wash exterior building surfaces, including windows, parking lots, driveways or sidewalks;
- (iii) using decorative fountains which do not use recirculated water;
- (iv) using a hose or other device to water trees, shrubs and gardens,

except by using a hand-held container;

(v) washing a vehicle, boat or other recreational vehicle; or

(vi) filling existing *Residential* swimming pools, wading pools or hot-tubs.

4. The provisions related to 10(3)(2), also referred to as a Stage 2 (Outdoor Water Use Ban), do not apply to the following enterprises, activities, uses or things:

(a) nurseries;

(b) newly laid sod for a period of one (1) month after the date of laying or installation;

(c) newly-planted plants, shrubs and trees on the day of installation and for the next twenty-four (24) hours;

(d) watering of sports/playing fields where failure to water would result in permanent loss of grass or plant materials or result in unsafe field conditions;

(e) washing of exterior building surfaces, including windows, parking lots, driveways or sidewalks, prior to the *Application* of a product, such as paint or sealant, or the preparation of a surface, such as prior to paving or re-pointing of bricks, or if required by law to comply with Health and Safety Regulations;

(f) commercial car washes or car dealerships;

(g) municipal water play areas and swimming pools; or

(h) any other uses similar to those listed in paragraphs (a) to (g) of this section, as may be approved from time to time in writing by the *City*.

11. Shutting Off and Turning On the Water Supply

1. In the case of making repairs or constructing new work in connection with the *Water Distribution System*, the *City* may turn off the water to any *Property* subject to notice to the *Owner*, and keep it shut off as long as may be necessary.

2. In the event of an emergency, the *City* may shut off the water prior to providing notice to the *Owner*.

3. No *Person* shall turn the water supply to a *Property* on or off.

4. Any *Owner* or *Occupant* requiring the water supply to be turned on, off or both shall be responsible for paying the service charges to do so as set out in Schedule "A"

of this By-law and shall contact the *City* no less than two (2) *Business Days* in advance of the date the water is to be turned on or off.

5. The *City* will not be responsible for any damages or expenses resulting from turning on or shutting off the water supply to any *Property* whatsoever.

12. Discontinued Services

1. Any *Owner* wishing to discontinue the use of water supplied by the *City* must give notice thereof to the *City* or its agent and pay the applicable fee as set out in Schedule "A" of this By-law.
2. No *Person* shall request a demolition permit without first having paid the applicable disconnection fee set out in Schedule "A" of the By-law.

13. General

1. No *Person* shall do, cause or permit the following:
 - (a) Make an opening into;
 - (b) *Alter*;
 - (c) Remove;
 - (d) Damage;
 - (e) Deface;
 - (f) Tamper with;
 - (i) Any part of the *Water Distribution System*, or any seal placed thereon, or attached thereto;
 - (ii) Any permanent or temporary device installed in or on the *Water Distribution System* for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the *City* may deem necessary for the administration of this By-law or the operation or maintenance of the *Water Distribution System*.
2. Any *Person* who contravenes 13(1):
 - (a) Shall be liable for any damages arising out of such contravention(s); and
 - (b) May have water to the *Property* turned off until such damages are paid, all provisions of this By-law are complied with, and the sum referred to in Schedule "A" is paid to the *City* to cover the cost of turning the water off and on.

3. Unless specifically authorized by the *City*, no *Person* shall enter into any *Chamber*, structure or building associated with the *Water Distribution System*.
4. No *Person*, unless formally authorized by the *City*, shall operate any valve, fire hydrant or *Appurtenance* that is connected to the *Water Distribution System*.
5. No *Person* shall perform any kind of tap to the *Water Distribution System*, unless formally authorized by the *City* to do so and witnessed by an *MOECC* certified water distribution operator employed by the *City*.
6. No *Person* shall make any *Alteration* to the *Water Distribution System* unless the necessary forms under the Safe Drinking Water Act are completed and signed by the *Owner* and the *City*.
7. Any *Person* who has an *Adverse Effect* on or constitutes a danger to the Municipal Drinking Water System shall be liable for all costs associated with related work undertaken by the *City* or its agents. Such costs may include, but are not limited to, the cost of investigation, disinfection, repairing or replacing any part of the system, to restore the Municipal Drinking Water System.

14. Offences

1. Every *Person* who contravenes any provision of this By-law is guilty of an offence.
2. If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
3. If an order has been issued under this By-law, and the order is not complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of day that the order is not complied with.
4. For the purposes of this By-law, “multiple offences” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
5. For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

15. Penalties

1. Every *Person* who is guilty of an offence under this By-law shall be subject to the following penalties:
 - (a) Upon a first conviction, to a fine not more than \$25,000.00;
 - (b) Upon a second or subsequent conviction for the same offence, to a fine not more than \$50,000.00;
 - (c) Upon conviction for a continuing offence, to a fine of not more than \$10,000.00 for each day or part of day that the offence continues and the total of all daily fines for the offence shall not be limited to \$100,000.00.
2. Where a *Person* convicted of an offence under this By-law is a corporation, then the corporation is liable,
 - (a) Upon a first conviction, to a fine not more than \$50,000.00;
 - (b) Upon a second or subsequent conviction for the same offence, to a fine not more than \$100,000.00;
 - (c) Upon conviction for a continuing offence, to a fine of not more than \$10,000.00 for each day or part of day that the offence continues and the total of all daily fines for the offence shall not be limited to \$100,000.00.

16. Administrative Monetary Penalties

1. Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 for a breach of any provisions of this By-law, an *Enforcement Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
2. If a *Person* is required to pay an administrative monetary penalty under section 17(1), no charge shall be laid against that same *Person* for the same violation.
3. The amount of the administrative monetary penalty for a breach under this By-law is listed in Schedule "B".
4. A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law.
5. An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the Administrative Monetary Penalties By-law may be added to the municipal tax roll and collected in the same manner as municipal taxes.

17. Special Fine

1. In addition to any other penalties under section 15, or a combination of the foregoing, every *Person* who gains an economic advantage or economic gain from contravening this By-law shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from contravention.

18. Powers of Entry, Inspection and Enforcement

1. The *City* may enter on a *Property* at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) Any provision of this By-law; or
 - (b) An order issued under this By-law.
2. The *City's* power of entry may be exercised by the *City*, an agent of the *City*, or by a member or agent of the *York Regional Police Service*.
3. Where an inspection is conducted by the *City*, the *City* representative conducting the inspection may;
 - (a) Require the production for inspection of documents or things relevant to the inspection;
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information from any *Person* concerning a matter related to the inspection including their name, address, phone number and identification;
and
 - (d) Alone or in conjunction with a representative possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
4. No *Person* shall refuse or neglect to give, produce or deliver any access, information, document or other thing that is requested by an *Enforcement Officer* carrying out an inspection.
5. No *Person* shall hinder or obstruct or attempt to hinder or obstruct the *City* or its agents from carrying out any powers or duties under this By-law or as permitted

under the *Municipal Act*.

19. Service

1. A notice or order shall be served Personally or by registered mail sent to the last known address of the *Person* to whom notice is to be given or that *Person's* agent for service.
2. A notice or order served by Registered Mail shall be deemed to have been served on the 5th day after the date of mailing.

20. Collection of Debt/Fees

1. Cost Recovery – where the *City*, or its agent, has performed the work required to bring the *Property* into compliance with the by-law, all expenses incurred by the *City* in doing so, as any related fees, shall be deemed to be a debt to the *City* and may be added to the tax roll for the *Property* and collected in the same manner as taxes.

21. Limitation

1. Nothing in this By-law shall be construed as to limit or allow anything, which by the provisions of any applicable act, regulation or by-law, is otherwise prohibited

22. Severability

1. Notwithstanding any section or sections of this By-law, or any parts thereof, may be found by a court of competent jurisdiction to be invalid or beyond the power of the *Council* to enact, such section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent therefrom and shall continue to be enforceable.

23. Schedules

1. Schedules “A” and “B” forms part of this By-law.

24. Repeal

1. The Water By-law 177-2016, and its amending by-laws, 145-2017 and 035-2020 are hereby repealed.

25. Force and Effect

1. This By-law shall come into force and effect upon the date it is passed by *Council*.

Enacted by City of Vaughan Council this 28th day of June, 2022.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 7 of Report No. 9
of the Committee of the Whole
Adopted by Vaughan City Council on
March 22, 2022.

SCHEDULE "A"

SCHEDULE "A" (Water) TO BY-LAW NUMBER 155-2021

Metered Accounts			HST
A.	Water Consumption Rate	\$2.1654 per cubic metre (m3) based on <i>Water Meter</i> readings starting on April 1, 2022.	Exempt
B.	Minimum Invoice Charge per Month	For low consumption accounts, a fee of \$17 per month applies, starting on April 1, 2022.	Exempt

Unmetered Accounts			HST
A.	All water supplied to a <i>Property</i> shall pass through a <i>Water Meter</i>	Unmetered account is not allowed	Exempt

Service Charges				HST
A.	Turn ON Water Service (<i>Residential</i>) includes costs for next water shut OFF request (Note: 24 hours cancellation notice is required, otherwise, fee is not refundable)	During Working Hours (Monday to Friday from 8:00 a.m. to 3:30 p.m.)	\$157	Exempt
		Other than Working Hours (Including Weekends and Holidays)	\$238	Exempt
B.	Turn ON Water Service (<i>Multi-Residential</i> and ICI) includes costs for next water shut OFF request (Note: 24 hours cancellation notice is required, otherwise, fee is not refundable)	During Working Hours (Monday to Friday from 8:00 a.m. to 3:30 p.m.)	\$157	Exempt
		Other than Working Hours (Including Weekends and Holidays)	\$238	Exempt
			Cost per Meter	
			5/8" x 1/2"	\$394.00 Yes
			5/8" x 3/4"	\$396.00 Yes

Service Charges			HST		
C.	Water Meters**		3/4" x 3/4"	\$426.00	Yes
			1"	\$475.00	Yes
			1.5"	\$1,302.00	Yes
			2"	\$1,663.00	Yes
			3"	\$3,856.00	Yes
			4"	\$4,513.00	Yes
			6"	\$6,810.00	Yes
			8"	\$9,010.00	Yes
			10"	\$10,964.00	Yes
			6" Fire Line	\$6,810.00	Yes
			8" Fire Line	\$9,010.00	Yes
			10" Fire Line	\$10,964.00	Yes
			22 Gauge, 3 conduit meter wire	\$92.00	Yes
			AMI remote read adaptor	Current Cost	Yes
D.	Bulk Water Sales (<i>City of Vaughan Water Filling Stations, requires a City issued Water Fob</i>)	New/Replacement Water Fob NOTE- \$33 is a refundable deposit	\$ 77.00	Exempt	
		Water consumption charged at the current approved rates for water and wastewater per m3. Charges include water plus wastewater rates	\$ per m3 plus processing fee of \$44 per transaction	Exempt	
		NOTE- Amount to be deducted from a prepaid account based on consumption			
E.	Hydrant Meter Rentals (meter, <i>Backflow Preventer</i> and stand are installed by <i>City operators</i>)	Deposit**	\$ 4,643	Exempt	
		Installation**	\$ 141	Exempt	
		Relocation**	\$ 141	Exempt	
		Plus water consumption charged at the current approved rates for water and wastewater per m3 Charges include water plus wastewater rates	\$ per m3	Exempt	
		NOTE: Hydrant Meter Rentals are site specific by approval			
F.	Drinking Water - Form 1 Review of <i>Watermain Alteration</i>		\$ 3,953 per <i>Application</i>	Exempt	

Service Charges			HST
G.	Sprinkler Connection	Site specific as quoted	Exempt
H.	Water Connection	Site specific as quoted	Exempt
I.	Water Disconnection	Site specific as quoted	Exempt
J.	<i>Construction Water</i>	Building Lot Construction Note: Per lot or townhouse based on current water rate 27.23 cubic metres (6,000 imperial gallons) per lot	27.23 cubic metres per unit at current water rate Exempt
		Apartment Unit <i>Construction Water</i> Note: Per apartment or condo unit based on 13.61 cubic metres (3,000 imperial gallons) per lot	13.61 cubic metres per unit at current water rate Exempt
		Commercial Lot <i>Construction Water</i> Note: Per 1,000 square feet calculated on total lot area based on 9.08 cubic metres (2,000 imperial gallons) per 1,000 square feet	9.08 cubic metres or 1,000 square foot at current water rate Exempt
		Commercial Lot <i>Construction Water</i> Note: Per hectare calculated on total lot area based on 977.36 cubic metres per hectare.	977.36 cubic metres at current water rate Exempt
K.	Municipal Water Service Check	\$ 640 activities to determine <i>Properties</i> on municipal water within a prescribed area	Exempt
L.	Hydrant Flow Testing**	\$ 188 per test All flow test equipment to be provided by the company/ <i>Person</i> requesting the flow test. The <i>City of Vaughan's</i> Certified Drinking Water Operator shall be responsible for operation of the hydrants.	Exempt

Service Charges			HST
M.	Water Meter Installation Plumbing Not Ready	\$ 235	Exempt
N.	Microbiological testing – New Mains	During Work Hours (Charge is applicable after the first 2 samples) (Monday to Friday from 8:00 a.m. to 3:30 p.m.)	\$ 236 per test Exempt
		Other than Working Hours (Includes Weekends and Holidays)	\$ 286 per test Exempt
O.	Meter Dispute Testing – customer requested **	Cost is current meter size pricing plus cost to test the meter (third party). The <i>Water Meter</i> will be removed and tested for accuracy by a third party contractor. The meter must meet the AWWA Standard for meter accuracy (plus or minus 1.5% of full scale – i.e.: 98.5% to 101.5% accuracy). If meter tests are outside parameters, the fee will be waived.	Exempt
P.	New <i>Watermain</i> Post Commissioning Flushing Program **	Cost is for all water consumed during flushing operations charged at the current water and wastewater consumption rates.	Exempt
Q.	Lost, stolen or damaged <i>Water Meter</i> **	Replacement cost of meter plus installation cost	Exempt
R.	Valve Boxes damage due to paving/asphalt**	Cost of repair	Exempt
S.	<i>Backflow</i> Prevention Program**	Initial <i>Application Fee</i> \$100	Exempt
		Annual Renewal Fee \$75	Exempt
T.	Expedited sur-charge	A fee of \$53 applies to any non-emergency service (not causing immediate <i>Property</i> damage and/or risk to the public) requests for service with a less than 48 hour notice	As applicable
U.	Missed or canceled appointments, unless there is a defect with the <i>City's</i> equipment	\$ 235	As applicable
V.	General Administration Fee where	15% to a maximum of \$1,000 per invoice	As

Service Charges		HST
	applicable	applicable
W.	A charge of \$45.00 shall be applied for each cheque returned by a bank or other financial institution due to insufficient funds	Exempt
X.	Overdue accounts are subject to a late payment charge of 1.5% per month (compounded to 19.56% annually).	Exempt

HST will be added where applicable

** Administrative Fee Applicable

***Disclaimer:

If meter size is not specified above, quote may be required. Price of meter is subject to change based on actual cost.

As new contracts for *Water Meters* become effective, prices are subject to change based on the new contract.

SCHEDULE “B”

Offences and Corresponding Administrative Monetary Penalties

Section	Description	AMPS Fine Amount
4(1)	<i>Private Water Services</i> or <i>Private Plumbing</i> not installed/ properly installed	\$150
4(2)	<i>Private Water Services</i> or <i>Private Plumbing</i> not in proper order or repair	\$150
4(3)	Improper use of water for air conditioning, refrigeration or cooling	\$150
4(4)	Prohibited connection to <i>Water Distribution System</i>	\$375
4(5)	<i>Backflow Preventer</i> not installed as per <i>Backflow By-law</i>	\$150
5(1)	Connection to the <i>Water Distribution System</i> or change or <i>Alteration</i> to an existing connection to the <i>Water Distribution System</i> without <i>City</i> approval	\$375
5(2)	<i>Owner</i> or <i>Occupant</i> made or permitted a connection to the <i>Water Distribution System</i> or changed or <i>Altered</i> or permitted the change or <i>Alteration</i> of an existing connection to the <i>Water Distribution System</i> without the approval of the <i>City</i>	\$375
6(1)	Water does not pass through a <i>Water Meter</i>	\$375
6(2)	<i>Construction Water</i> not used in accordance with agreement with the <i>City</i>	\$375
6(3)	Failure to make <i>Water Meter</i> accessible for repairs, maintenance, change outs and readings upon request	\$150
6(4)	Obstruction of the <i>Remote Read Out Unit</i>	\$150
6(6)	<i>Private Plumbing</i> for the installation of the <i>Water Meter</i> not ready prior to pick up of the <i>Water Meter</i>	\$150
6(7)(a)	Failure to install the <i>Water Meter</i> within seven (7) days of receiving it or after the connection commissioning process has been completed	\$150
6(7)(b)	Failure to notify the <i>City</i> of <i>Water Meter</i> installation within 48 hours of the installation	\$150
6(9)	<i>Water Meters</i> not placed in location determined by <i>City</i>	\$375
6(10)	<i>Water Meter</i> not be placed in an easily accessible location inside a building	\$150
6(14)	Use of Water supplied to a <i>Fire Protection System</i> other than for the use in an emergency to extinguish a fire	\$150
6(15)	Improper <i>Water Service Connection</i>	\$375

Section	Description	AMPS Fine Amount
6(16)	Prohibited <i>Bypass</i> installation or <i>Bypass</i> not valved and locked properly	\$375
6(17)	Operation of the <i>Bypass</i> valve not authorized by the <i>City</i>	\$150
6(18)	Opening, Altering, sealing or tampering with a <i>Water Meter</i> , or interfering with the proper registration of the quantity of water passing through the <i>Water Meter</i> or the quantity of water that ought to pass through a <i>Water Meter</i> .	\$375
6(26)	Connection or permitting the connection of something to any <i>Water Distribution System</i> that is not connected to <i>Private Plumbing</i> after it has passed through the <i>Water Meter</i>	\$375
7(2)	Obstruction of the <i>City's</i> agents' access to the <i>Water Distribution System</i>	\$150
8(1)	Obtaining water from the <i>City</i> without paying the fees or rates in Schedule "A"	\$150
9(2)(a)	Obstruction of fire hydrant	\$375
9(3)	Use of fire hydrant without approved rental	\$375
10(1)	Use of municipally supplied water for the purpose of outdoor watering of lawns or grass, trees, shrubs or gardens by hose, sprinkler device, pipe or other form of irrigation at prohibited times	\$150
10(3)	Use of water not in compliance with <i>York Region's</i> direction	\$150
11(3)	Turning off of the water supply to a <i>Property</i>	\$375
13(1)	Doing, causing or permitting the making of an opening into, Altering, removing, damaging, defacing or tampering with the <i>Water Distribution System</i>	\$375
13(3)	Entering into any <i>Chamber</i> , structure or building associated with the <i>Water Distribution System</i> without authorization	\$375
13(6)	<i>Alteration</i> to the <i>Water Distribution System</i> without authorization	\$375