

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

Item 7, Report No. 9, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 22, 2022.

7. WATER BY-LAW UPDATE

The Committee of the Whole recommends approval of the recommendation contained in the report of the Deputy City Manager, Public Works dated March 1, 2022:

Recommendations

1. That Council authorize amendments to the Water By-law in accordance with Attachment 1 and Attachment 2; and
2. That staff be authorized to undertake any other actions required to implement the recommendations of this Report, including any amendments to other By-laws, as a result of the amendment to the Water By-law.

Committee of the Whole (1) Report

DATE: Tuesday, March 1, 2022

WARD(S): ALL

TITLE: WATER BY-LAW UPDATE

FROM:

Zoran Postic, Deputy City Manager, Public Works

ACTION: DECISION

Purpose

To request approval to amend the City's Water By-law (By-law No. 177-2016, as amended). The proposed amendments will enhance the Water By-law by adding clarity to various definitions, increasing alignment with the Backflow Prevention By-law (By-law No. 177-2020), strengthening the administration of fair and equitable penalties for Water By-law infractions, and introducing improvements for capturing non-revenue water.

Report Highlights

- The City's Water By-Law must be routinely reviewed and updated as the City's Drinking Water System and its oversight evolve in response to community growth, ageing infrastructure improvements, conservation efforts, legislated requirements, and business process efficiencies.
- The proposed amendments to the Water By-law are intended to enhance the clarity and specificity of the Water By-law, facilitate alignment with the Backflow Prevention By-law, and include provisions for Administrative Monetary Penalties.

Recommendations

1. That Council authorize amendments to the Water By-law in accordance with Attachment 1 and Attachment 2; and
2. That staff be authorized to undertake any other actions required to implement the recommendations of this Report, including any amendments to other By-laws, as a result of the amendment to the Water By-law.

Background

Municipal by-laws are intended to complement and support the Provincial regulation of Drinking Water Systems with consideration of City-specific context and needs.

Drinking water and Drinking Water Systems are regulated by the Province through the Ministry of the Environment, Conservation and Parks (MECP).

The *Safe Drinking Water Act, 2002 (the Act)* recognizes that the people of Ontario are entitled to expect their drinking water to be safe. *The Act* also provides for the protection of human health and the prevention of drinking water health hazards through the control and regulation of Drinking Water Systems and drinking water testing. *The Act* mandates Owners of municipal Drinking Water Systems to follow specific operation and maintenance requirements which broadly encompass management, sampling, testing, certification of Operators, water quantity, and water quality.

Sections 8, 9, and 10 of the *Municipal Act, 2001* authorize a municipality to pass by-laws that are necessary or desirable for municipal purposes and, in particular, related to economic, social, and environmental well-being of the municipality; health, safety, and well-being of persons; services and things that the municipality is authorized to provide; and protection of persons and property. Additionally, Section 391 of the *Municipal Act, 2001* provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by, or on behalf of, the municipality and that the costs included in a fee or charge may include costs incurred by the municipality related to administration, enforcement, and the establishment, acquisition, and/or replacement of assets.

The City's Water By-law was first enacted in the 1970s and has been reviewed and amended over time to ensure it has evolved in response to community growth, ageing infrastructure improvements, conservation efforts, legislated requirements, and business process efficiencies.

The City's Water By-law was first enacted in 1973 and was most recently amended in 2016. The Water By-law defines the roles and responsibilities of both property owners and the City to improve operational efficiency and protect the integrity of the Drinking Water System. The Water By-law regulates private water connections to the City's Drinking Water System, establishes an effective method to measure and charge for water consumption, encourages water conservation, prohibits practices and other actions that put the integrity of the City's Drinking Water System at risk, and defines a system of recourse and penalties for the purpose of enforcing the Water By-law.

Fair and equitable administration of the Water By-law has been prioritized since its enactment with a focus on business process improvements which have been further enhanced with the addition of dedicated Water and Wastewater By-law Enforcement Officers and Backflow Prevention staff. The proposed amendments to the Water By-law are intended to enhance the clarity and specificity of the Water By-law, facilitate alignment with the Backflow Prevention By-law, and include provisions for Administrative Monetary Penalties.

Opportunities to improve the City's Water By-law were identified since the most recent Water By-law amendment in 2016 which serve to clarify requirements and ensure the Water By-law is administered fairly and equitably.

The proposed Water By-law amendments clarify requirements for property owners and enforcement while providing flexibility to ensure the appropriate level of protection is achieved to ensure the safety of the municipal Drinking Water System.

The proposed amendments to the City's Water By-law are considered to have minor impact with respect to the applicability and general context of the By-law but serve to address the identified opportunities for improvement. Each of the proposed changes are identified in Attachment 1 with some of the more significant proposed changes detailed herein.

Enforcement of the City's Water By-law is governed by the *Provincial Offences Act*, R.S.O. 1990, c. P.33 however, the proposed amendments bring the Water By-law in alignment with the City's enforcement capabilities through Administrative Monetary Penalties (AMPs) to expedite the enforcement process.

When an individual violates a provincial statute or municipal by-law, the current system treats the violation as an "offence" to be prosecuted under the *Provincial Offences Act*, R.S.O. 1990, c. P.33. This process often mirrors the criminal trial process, which is designed to emphasize the seriousness of an offence.

AMPs are a civil mechanism for enforcing compliance with regulatory requirements. They are an effective, quick, clear, and tangible way for regulators and Enforcement Officers to respond to infractions of the law and by-laws. In practice, a monetary penalty is assessed and imposed in the form of a notice with a prescribed date and time for payment. While monetary penalties do not lead to convictions or pose a risk of imprisonment, administrative decisions may still be made.

With Enforcement Officers now in place to enforce water and wastewater compliance, there is opportunity to expedite the realization of fines through the AMP system. The structure of the AMP system grants further flexibility for Enforcement Officers to either proceed and take punitive action through the court system or process by-law infractions through an administrative penalty. Where a property owner is not in compliance with required regulations and standards and/or found to be in contravention of the Water By-law, they will be assessed a penalty which will be based on the type, severity and frequency of the contravention.

The proposed Water By-law amendments are also intended to bring the Water By-law in alignment with the Backflow Prevention By-law to strengthen the City's ability to control sources of water entering the Drinking Water System.

Council first enacted a Backflow Prevention By-law in 2017. The Backflow Prevention By-law was focused on properties that pose the greatest risk to the system, including existing and new construction of industrial, commercial and institutional properties as well as mixed-use and multi-residential properties. Preventing water from flowing into the drinking water system from these sources helps to ensure safe drinking water.

The Backflow Prevention By-law addressed the type, installation and field testing of backflow prevention devices which align with current Canadian Standards Association (CSA-B64) and American Water Works Association Standards.

The Backflow Prevention By-law was amended in 2020 after staff identified opportunities for improvement to clarify program requirements and ensure the program was administered fairly and consistently. The proposed amendments clarified requirements for property owners and enforcement and provided flexibility to ensure the level of required protection corresponds appropriately with the level of risk that a property poses to the drinking water system.

Given that the Backflow Prevention By-law was enacted following the previous Water By-law amendment, there is a need for the Water By-law to reference the Backflow Prevention By-law to ensure residents are aware of newer requirements under the Backflow Prevention By-law.

Sources of non-revenue water can be reduced through the proposed amendments to the Water By-law by strengthening the specifications for access points and/or devices that interact with the City's Water Distribution System such as water meters, by-pass connections, and meter reading devices.

Non-revenue water is defined as water that is not billable to the end user and is comprised of losses (such as customer metering inaccuracies, unauthorized consumption/water theft, data handling errors, and true water system leakage) and unbilled authorized consumption (such as usage of water for infrastructure operation and maintenance, flushing, and emergency services, such as fire flow).

The City has developed and implemented a number of programs and initiatives to reduce sources of non-revenue water such as the water meter replacement program, leak detection, replacement of ageing ductile iron infrastructure, implementation of District Metering Areas, proactive maintenance, and improved data tracking. Enhancing specifications for water meter installations, by-pass connections, and meter reading devices through the proposed amendments to the Water By-law better positions the City to successfully capture correct water billing data thereby reducing the occurrence of non-revenue water.

Previous Reports/Authority

[Water By-law Update, November 7, 2016](#)

Analysis and Options

Many Ontario Municipalities have developed and updated water-related by-laws over time to protect the integrity of their municipal Drinking Water Systems by regulating System connections and ensuring suitable enforcement mechanisms are in place.

As part of the Water By-law review process, water by-laws from the following municipalities were used for comparison purposes, and in some cases as guidance, in the development of the City's proposed Water By-law amendments:

- City of Barrie
- City of Markham
- Region of York
- City of Toronto

Internal stakeholders were consulted through the Water By-law review process to ensure the proposed Water By-law amendments align with the City's existing systems and processes.

Staff from By-Law and Compliance, Licensing and Permit Services, Corporate and Strategic Communications, Legal Services, Development Engineering, and Building Standards were consulted on the proposed amendments.

Stakeholders will be informed of amendments to the Water By-law through various means, such as:

- The City's website;
- Social media messaging; and
- Communication with property owners in response to service inquiries.

Staff have included a list of recommended changes and associated impacts in Attachment 2.

Financial Impact

The financial impact of incorporating the proposed amendments to the Water By-law is anticipated to be minimal and can be accommodated within the existing staff compliment.

Broader Regional Impacts/Considerations

There are no regional implications as a result of the proposed amendments to the Water By-law.

Conclusion

The proposed amendments to the Water By-law will enhance the City's ability to measure and charge for water consumption, encourage water conservation, prohibit practices and other actions that put the integrity of the City's Drinking Water System at risk, and define a system of recourse and penalties for the purpose of enforcing the Water By-law. This supports Council's responsibility, as the Owner of the City's Drinking Water System, to ensure safe drinking water is provided to the City's residents and businesses.

For more information, please contact: Emilie Alderman, Acting Director, Environmental Services, ext. 6102.

Attachments

1. Proposed Amendments.
2. Recommended Change and Associated Impact.

Prepared by

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Emilie Alderman, Acting Director, Environmental Services, ext. 6102

Approved by



Zoran Postic, Deputy City Manager,
Public Works

Reviewed by



Nick Spensieri, City Manager

ATTACHMENT #1

Proposed Amendments

Note that proposed deletions, amendments and additions refer to numbering that would be used in the future enacted Water By-law, whose sections will be renumbered accordingly, as is seen in the new consolidated Water By-law.

Proposed amendments include:

1. To add the following section, and renumber subsequent sections accordingly:
 1. Authority and Short Title
 - (1) This By-law shall be known and may be cited as the "Water By-law".
2. To add the following section:
 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) New or altered Service Connections, as per section 5;
 - (b) New water supply, as per section 8.0(2);
 - (c) Fire Hydrant Flow test, as per section 9.0(1);
 - (d) Discontinuation of services, as per section 12.
 - (e) Enter into any Chamber, structure or building associated with the Water Distribution System, as per section 13(3).
 - (f) Operate any valve, fire hydrant or Appurtenance that is connected to the Water Distribution System, as per section 13(4).
 - (g) Perform any kind of tap to the Water Distribution System, as per section 13(5).
3. To add the following section:
 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:
4. To add the following definitions and replace existing definitions where they exist:

“Adverse Effect” has the same meaning as in the *Environmental Protection Act*, R.S.O. 1990, c. E.19, or in its successor legislation, 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.

“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, enacted under the *Building Code Act, 1992*, S.O. 1992, c. 23, that prevents Backflow to the Municipal Drinking Water System;

“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;

“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 section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, 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;

"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;

“Multi-Unit Building” means a building having more than one dwelling unit, in line with the Zoning By-law;

“Municipal Drinking Water System” has the same meaning as in the *Safe Drinking Water Act*, or its successor legislation, 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 *Safe Drinking Water 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 or her 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;

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

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

“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.

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

5. In 2(3), delete, “For these purposes, an apartment building shall be deemed not to be a Residence.”.
6. Delete 2(4) and replace it with, “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.”.
7. After 4(1), add the new provision, “Despite 6(1), Construction Water supplied to a Property may not require a Water Meter if specified in an agreement with the City.”, and renumber subsequent sections accordingly.
8. Delete 4(2) and replace it with, “Every Person shall make all Water Meters accessible for repairs, maintenance, change outs and readings upon request.”.
9. In 4(5), delete the words “non-residential”.
10. Delete 4(6) and replace with:
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.
11. After 4(11), insert the following provisions and renumber subsequent sections accordingly:
- (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.
12. After 4(13), insert a provision that, “No Person shall operate the Bypass valve or tamper with the seal unless authorized by the City,” and renumber subsequent sections accordingly.
13. After 4(17), insert a provision that, “Despite 6(19) to 6(21), the City may consider a one-time billing adjustment in accordance with the Accidental Water Leak Adjustment Policy.” and renumber subsequent sections accordingly.
14. After 4(20), insert a provision the following provisions:
- (26) 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.
- (27) 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.
15. Add the following words to 6 (1), “listed in Schedule “A”.
16. In 7(2)(b), change “cost” to “expense”.
17. In 8(3), change “Corporation of the Regional Municipality of York” to “York Region”.
18. In 9(2), change “Owners shall ensure that all fire hydrants:” to “Owners shall ensure that all fire hydrants within their property or adjacent City Boulevard:”
19. In 9(5), change “costs” to “expenses”.
20. After 11(6), insert a provision that, “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”.
21. After section 13, create the following section and renumber subsection sections accordingly:

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) and that administrative monetary penalty has been paid, 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.

22. After section 15, add the following section and renumber subsequent sections accordingly:

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.

23. In section 19, change “Schedule “A” to “Schedule “A” and “B””.

24. Delete section 20 and replace it with the following:

24. Repeal

- (1) The Water By-law 177-2016, and its amending by-laws 55-2017, 145-2017, 035-2020, and 197-2020, as amended, are hereby repealed.

25. Delete section 21 and renumber subsequent sections accordingly.

26. In Schedule A in the Service Charges table, row “B”, change “Multi-Residential” to “Multi-Unit Building”.

27. In Schedule A in the Service Charges table, row “B”, change “ICI” to “industrial, commercial and institutional”.

28. In Schedule A in the Service Charges table, row “O”, change “meter” to “water meter”.

29. After Schedule “A”, add the following Schedule “B” following Schedule “A”:

SCHEDULE “B”

Offences and Corresponding Administrative Monetary Penalties

Section	Description	AMPS Fine Amount
4(1)	<i>Private Water Services or Private Plumbing</i> not installed/ properly installed	\$150
4(2)	<i>Private Water Services or 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)	Owner or Occupant made or permitted a connection to the <i>Water Distribution System</i> or changed or Altered 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
	<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(5)(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(5)(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 Fire Protection System other than for the use in an emergency to extinguish a fire	\$150
6(15)	Improper <i>Water Service Connection</i>	\$375
6(16)	Prohibited bypass installation or Bypass 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(25)	Connection or permitting the connection of something to	\$375

Section	Description	AMPS Fine Amount
	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>	
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 <i>Fire Hydrant</i>	\$375
9(3)	Use of <i>Fire Hydrant</i> 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 Chamber, 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

ATTACHMENT #2

Recommended Change and Associated Impact

NO	CURRENT STATE	RECOMMENDED CHANGE	IMPACT
1	The Water By-law has three amendments, so all four by-laws must be reviewed for comprehension.	To enact a consolidated Water By-law, which includes the proposed amendments associated with this Report which are approved by City Council, and to repeal the existing by-laws.	This will provide the public with one document to review for easier review of the Water By-law.
2	The Water By-law stipulates that City permission and/or approval is required for seven different activities, which are spread throughout the Water By-law.	<p>To add a list at the beginning of the Water By-law, which explains that City permission is required for the following activities, with their section reference, as follows:</p> <p>No Person shall perform the following activities without a permit or approval from the City:</p> <ul style="list-style-type: none"> (a) New or altered Service Connections, as per section 5; (b) New water supply, as per section 8.0(2); (c) Fire Hydrant Flow test, as per section 9.0(1); (d) Discontinuation of services, as per section 12. (e) Enter into any Chamber, structure or building associated with the Water Distribution System, as per section 13(3). (f) Operate any valve, fire hydrant or Appurtenance that is connected to the Water Distribution System, as per section 13(4). (g) Perform any kind of tap to the Water Distribution System, as per section 13(5). 	This will enable the public to more easily navigate to the permissions and/or approvals that are applicable to them.
3	The Water By-law has a range of useful definitions, which could be updated in line with new proposed provisions.	<p>To add the following definitions:</p> <ul style="list-style-type: none"> - Adverse Effect - Auxiliary Water Supply - Backflow 	To provide greater clarity with respect to provisions that being suggested.

NO	CURRENT STATE	RECOMMENDED CHANGE	IMPACT
		<ul style="list-style-type: none"> - Backflow By-law - Backflow Preventer - City Boulevard - Director of Environmental Services - Enforcement Officer - Fire Protection System - Multi-Unit Building - Municipal Drinking-Water System - Residential Use or Residential - Water Service Connection - York Region <p>To revise the definitions of “Owner” and “Occupant” to better explain who is responsible for different activities.</p>	
4	<p>The Water By-law states that water may be used for air conditioning, refrigeration or cooling, only if it is recirculated internally beyond the water meter, however, excludes apartment buildings.</p>	<p>To remove the exclusion for apartment buildings so that all buildings are using water in a uniform way.</p>	<p>This will create greater uniformity in how water is used in different types of buildings.</p>
5	<p>Staff have noted that there are other non-municipal water systems that are in use within and near the City, such as geothermal systems, which use ground water for cooling. The Water By-law prohibits a number of these system from connecting to the Municipal Drinking-Water System, however staff believe it would be useful to expand the list.</p>	<p>To add to the existing provision that, “There shall be no connection between the Water Distribution System and any cisterns, wells, privies, privy vaults, cesspools, private pressure pumps”, adding, “geothermal systems or Auxiliary Water Supply”.</p>	<p>To provide greater clarity to residents that new auxiliary water systems will not be able to connect to the Municipal Drinking Water System.</p>
6	<p>The Backflow Prevention By-law was enacted in 2020, after the Water By-law, and as such, there is no reference to it.</p>	<p>To add that, “Every Owner shall install a Backflow Preventer, as required by the Backflow Prevention By-law.”</p>	<p>To ensure residents are aware of newer requirements under the Backflow Prevention By-law.</p>
7	<p>Some developers have agreements with the City with respect to water usage on-site for a City-approved project,</p>	<p>To add a provision that explains this, i.e., that “Construction Water supplied to a Property may not</p>	<p>To provide greater clarity with respect to water usage.</p>

NO	CURRENT STATE	RECOMMENDED CHANGE	IMPACT
8	<p>such as water used for drinking water, onsite facilities, concrete batching, grouting, hydro-demolition, drilling and piling, landscaping and pond filling, chlorination, soak-away testing and dust suppression; in some cases, water is not required to pass through a water meter.</p> <p>Water meters may be located in places that are enclosed and require a property owner or building manager to provide access, who may not be available 24 hours a day, 7 days a week. The Water By-law currently advises that, "Every Person shall make all water meters <u>immediately</u> accessible for repairs, maintenance, change outs and readings", which may be unrealistic.</p>	<p>require a water meter if specified in an agreement with the City".</p> <p>Suggestion to amend that sentence to, "Every Person shall make all water meters accessible for repairs, maintenance, change outs and readings <u>upon request</u>".</p>	<p>This change would align the Water By-law with inspection processes.</p>
9	<p>The Water By-law currently states, "All non-residential 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."</p>	<p>To remove "non-residential", so that all properties have the necessary private plumbing for the installation of the water meter prior to pick up of the water meter.</p>	<p>This will help to ensure water meters are being installed in a timely manner.</p>
10	<p>The Water By-law currently states, "Owners shall install the water meter within seven days of receiving it". Staff have noted occurrences when the meter is not properly installed within that time, and/or the City is not notified, and thus cannot begin meter monitoring.</p>	<p>Suggestion to replace this provision with the following: "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."</p>	<p>To provide clearer instructions related to the expectations of Owners, such as connecting the meter wire and notifying the City.</p>

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11	The Water By-law does not address water that would be used in fire protection systems, such as systems intended to prevent fires from occurring or spreading, and may include fire suppression tools, sprinklers, smoke detectors, and other fire protection equipment.	To explain that water that is used by a fire protection system is not required to pass through a water meter, however, must only be used for the purposes of fire protection, worded as follows: (a) Section 6(12) does not apply to Water supplied for explicit use in a Fire Protection System. (b) No Person shall use Water supplied to a Fire Protection System except for the use in an emergency to extinguish a fire.	To remove any barriers to using sufficient water to protect against fire.
12	The Water By-law has prohibitions on the installation or permitting the installation of a “bypass” (plumbing that is installed to allow water to flow to the Property without passing through the water meter) but does not have prohibitions on the operation of a bypass.	To add a provision that clearly prohibits operation of a bypass as well, “No Person shall operate the Bypass valve or tamper with the seal unless authorized by the City.”	To expressly explain that operation of a bypass is prohibited.
13	The City implemented an Accidental Water Leak Adjustment Policy, in which the City may decide to approve a one-time adjustment for high water consumption charges caused by an accidental water leak; at present this is not addressed in the Water By-law.	To add a provision to address this Policy, i.e., that, “Despite provisions requiring payment according to a water meter, the City may consider a one-time billing adjustment in accordance with the Accidental Water Leak Adjustment Policy.”	To enable the City to make exceptions as deemed appropriate.
14	In practice, testing and procedures used for water meters are done in accordance with the American Water Works Association Standards. This is not currently addressed in the Water By-law.	To add the provision, “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.”.	To provide clarity on the standards and evaluation criteria used for testing.
15	The Water By-law does not expressly explain the procedure for water meter testing.	To add the provision, “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	To provide greater clarity on the process for requesting meter testing.

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16	The Water By-law is ambiguous regarding the responsibility of Property Owners to clear obstructions from hydrants that are on adjacent City boulevards.	<p>Owner shall pay to the City the fee as set out in Schedule "A", as amended, for such testing."</p> <p>To eliminate ambiguity in the Water By-law by changing "Owners shall ensure that all fire hydrants" to "Owners shall ensure that all fire hydrants within their property or adjacent City Boulevard" under Section 9(2).</p>	To provide greater clarity regarding the responsibility for clearing hydrant obstructions.
17	Water is vital to health and a necessity to life and a lack of water or clean water has far reaching consequences. The Water By-law has standard penalty provisions with respect to water, however no provisions which specifically speak to the extent of damage that may need to be addressed during water issues.	To add the provision, "Any Person who has an Adverse Effect on 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."	To enable the public to better understand the extent of damage that may need to be addressed during a water-related issue, and the responsibility a person will have if they cause it.
18	The Water By-law currently allows for provincial penalties, which are intended to be punitive, ranging from \$25,000 to \$100,000; however, the Water By-law does not account for non-punitive municipal penalties, such as Administrative Monetary Penalties.	<p>To add Administrative Monetary Penalties in the amounts of \$150 to \$375, to the Water By-law listed in a new Schedule "B", with the following by-law provisions:</p> <ol style="list-style-type: none"> 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 Bylaw is listed in Schedule "B". 	This provides an additional enforcement tool for officers, such as to address minor infractions.

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19	The Water By-law does not currently address serving of notices and orders.	<p>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.</p> <p>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.</p> <p>To add the provisions:</p> <ol style="list-style-type: none"> 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. 	To provide greater clarity to residents with respect to procedures and expectations from enforcement.
20	The Water By-law has several acronyms, and terms that are similar but not the same as those in other by-laws.	<p>To make various administrative changes in wording, such as:</p> <ul style="list-style-type: none"> - expanding "ICI" to "Industrial, Commercial and Institutional"; - changing "cost" to "expense"; 	To provide greater clarity within the Water By-law and across by-laws.