

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