



TOWNSHIP OF  
ASHFIELD - COLBORNE - WAWANOSH

THE CORPORATION OF THE TOWNSHIP OF  
ASHFIELD-COLBORNE-WAWANOSH

BY-LAW NUMBER 20 – 2015

A BY-LAW REQUIRING CONNECTIONS TO MUNICIPAL DRINKING WATER  
SYSTEMS WITHIN THE TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH

WHEREAS subsection 11(3)4 of the Municipal Act authorizes a municipality to pass by-laws respecting public utilities;

AND WHEREAS section 1 of the Municipal Act defines a public utility to include a system that is used to provide water for the public;

AND WHEREAS section 8(3) of the Municipal Act authorizes a municipality to regulate or prohibit matters pertaining to public utilities and as a part of that power, to provide for a system of approvals and to impose conditions as requirements of obtaining, continuing to hold or renewing the approval;

AND WHEREAS section 11(2)(6) of the Municipal Act authorizes a municipality to regulate matters related to health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS sentence 7.1.4.1.(1) of the *Ontario Building Code* requires Plumbing facilities including Potable water shall be provided to Buildings;

AND WHEREAS clauses 7.1.5.3.(1)(a) and (b) of the *Ontario Building Code* requires that every Water Distribution System shall be connected to a Municipal Drinking Water System where available;

AND WHEREAS the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32 as amended and the regulations made pursuant to such Act provide for drinking water quality standards;

AND WHEREAS section 446 of the Municipal Act authorizes a municipality, under a by-law, to direct or require a person to do a matter or thing and the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing the matter or thing from the person by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS section 425 of the Municipal Act authorizes a municipality to pass a by-law providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS section 429 of the Municipal Act authorizes a municipality to establish a system of fines for the offences under a by-law;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH ENACTS AS FOLLOWS:

1. Definitions

For the purpose of this by-law, the following terms shall have the corresponding meanings set out below:



“Building” has the same meaning as defined in the *Building Code Act*;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“By-law Enforcement Officer” means the By-law Enforcement Officer or designate for the Township;

“Drinking Water System” has the same meaning as defined in the Ontario Building Code;

“Enforcement Officer” means the By-law Enforcement Officer;

“Farm Building” has the same meaning as defined in the Ontario Building Code;

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“Municipal Drinking Water System” has the same meaning as defined in the OBC;

“Ontario Building Code” means Ontario Regulation 350/06 of the *Building Code Act*, as amended;

“Owner” means the owner, tenant, lessee or other person in care and control of the property;

“Plumbing” has the same meaning as defined in the Building Code Act;

“Potable” has the same meaning as defined in the *Ontario Building Code*;

“Safe Drinking Water Act” means the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32 as amended and the regulations made pursuant to such Act;

“Township” means The Corporation of the Township of Ashfield-Colborne-Wawanosh;

“Water Distribution System” has the same meaning as defined in the Ontario Building Code; and

## 2. Connection Requirement

- 2.1. All Water Distribution Systems serving a Building within the geographic boundaries of the Township shall be connected to a Municipal Drinking Water System.

## 3. Exceptions

- 3.1. A Water Distribution System serving a Building may be connected to a Drinking Water System that is not a Municipal Drinking Water System where:

- 3.1.1. on the date of the passage of this by-law an existing Water Distribution System serving a Building is connected to an existing Drinking Water System;



3.1.2. a Municipal Drinking Water System is not available or located:

3.1.2.1. within a highway abutting the property upon which the Building is located; and

3.1.2.2. within 200 meters of a Building; or

3.1.3. the Building is a Farm Building.

#### 4. Application Requirement

4.1. All persons shall file an application; pay all applicable fees and charges; and obtain written approval from the Township prior to any connection or alteration to a connection to a Municipal Drinking Water System or any other work contemplated in this by-law.

#### 5. Application of By-law

5.1. In the event of a conflict between the provisions of this by-law and the provisions of any other by-law regulating a Municipal Water System, the provisions of this by-law shall prevail to the extent of any conflict.

#### 6. Enforcement

6.1. This by-law may be enforced by an Enforcement Officer.

#### 7. Inspection

7.1. The Enforcement Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with:

7.1.1. this by-law; or,

7.1.2. an order made under section 431 of the Municipal Act.

7.2. For the purposes of conducting an inspection pursuant to section 7.1 above, the Township may:

7.2.1. require the production or inspection of documents or things relevant to the inspection;

7.2.2. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

7.2.3. require information from any person concerning a matter related to the inspection; and,

7.2.4. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

7.3. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

#### 8. Order to Discontinue Activity

8.1. Where the Enforcement Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Enforcement Officer may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.



8.2. An order under section 8.1 above shall set out:

8.2.1. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

8.2.2. the date by which there must be compliance with the order.

8.3. An order under section 8.1 above may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

## 9. Work Order

9.1. Where the Enforcement Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Enforcement Officer may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.

9.2. An order under section 9.1 above shall set out:

9.2.1. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

9.2.2. the work to be done and the date by which the work must be done.

9.3. An order under section 9.1 may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

## 10. Remedial Action

10.1. If a person fails to do a matter or thing, including comply with an order under this by-law, as directed or required by this by-law, the Township may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The Township may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

10.2. The costs outlined in section 10.1 shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the Township incurs the costs and ending on the day the costs, including the interest, are paid in full.

10.3. The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the Township shall register a discharge of the lien in the proper land registry office.

## 11. Penalties

11.1. Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty as set out in this by-law. All contraventions of this by-law are designated as continuing offences.



11.2. Every person who contravenes an order under sections 8 or 9 of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty as set out in this by-law.

11.3. Every person, excluding a corporation, who is convicted of an offence is liable to a minimum fine of Three Hundred and Fifty Dollars (\$350.00) and a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.

11.4. Every corporation who is convicted of an offence is liable to a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.

11.5. In addition to the fine amounts set out in sections 11.3 and 10 above, for each day or part of a day that an offence continues, the minimum fine shall be Three Hundred and Fifty Dollars (\$350.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all daily fines for the offence is not limited to One Hundred Thousand Dollars (\$100,000.00).

## 12. Collection of Unpaid Fines

12.1. If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that section, the Township may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.

12.2. If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act*.

## 13. Severability

13.1. Where a court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

## 14. Effective Date and Repeal

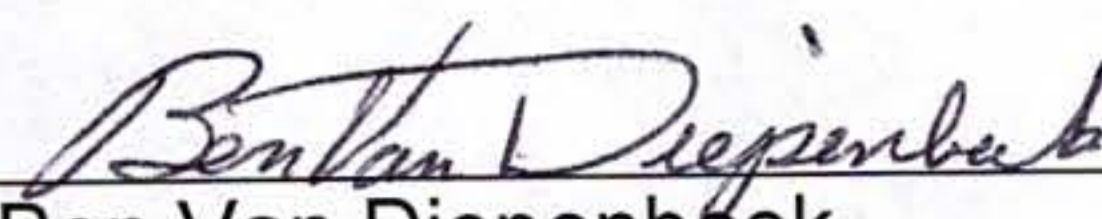
14.1. This by-law comes into force and effect on the date of passing;

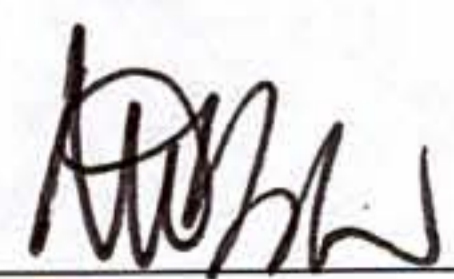
## 15. Short title

15.1. This by-law may be cited as the "Water Connection By-law".

READ A FIRST AND SECOND TIME THIS 21<sup>st</sup> DAY OF APRIL 2015.

READ A THIRD TIME AND FINALLY PASSED THIS 21<sup>st</sup> DAY OF APRIL, 2015.

  
Ben Van Diepenbeek,  
Reeve

  
Mark Becker,  
Administrator/Clerk-Treasurer