

Attachment-1 Final Draft Water By-law (By-law Number (2024) – 20910)

The Corporation of the City of Guelph

By-law Number (2024) - 20910

Being a by-law to regulate the supply of water in the city of Guelph and to repeal By-law Number (1991) – 13791 and By-law Number (2000) – 16352 and By-law Number (2008) – 18660

Whereas:

- A. Subsection 10(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“**Municipal Act**”) provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;
- B. Subsection 10(2) of the *Municipal Act* provides that a single-tier municipality may pass by-laws respecting the services and things that the municipality is authorized to provide, including a system that is used to provide water for the public;
- C. Subsection 8(1) of the *Municipal Act* provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;
- D. Sections 78 to 81 of the *Municipal Act* authorize a municipality, amongst other things, to enter onto land to install, construct, maintain, connect, inspect, repair, alter or disconnect pipes and other works for the distribution of water, and to shut off or reduce supply in certain circumstances;
- E. Council has enacted by-laws related to the provision of a municipal water supply as follows:
 - i. Water By-law (1991) – 13791 for regulating the supply of water, as amended by By-law Number (2000) – 16352 and By-law Number (2008) – 18660;
 - ii. Outside Water Use By-law (2014) – 19714 for restricting outside water use;
 - iii. Backflow Prevention By-law (2016) – 20028 for servicing backflow requirements, testing, and documentation submission;
 - iv. Water and Wastewater Customer Accounts By-law (2016) – 20074 for metering, billing, and collections processes; and
 - v. Water and Wastewater Rates and Charges By-law (2023) – 20838 for service fees, volumetric charges, and deposits for infrastructure servicing; and
- F. Council deems it necessary and desirable to regulate the supply of water in the city of Guelph;

The Council of The Corporation of the City of Guelph enacts as follows:

1. This By-law applies within the geographic limits of the city of Guelph and regulates the provision of water as a public utility within the entirety of that geographic area.

Defined Terms

2. In this By-law, the following terms have their corresponding meaning:

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

"Building Control Valve" means the valve on a water system that controls the flow of potable water from the water service pipe to the water distribution system;

"Chief Building Official" means the individual who is appointed by the City for the enforcement of the Building Code Act and all Persons, including inspectors, who are authorized at the direction of the Chief Building Official for the purposes of exercising the power and performing the duties of the Chief Building Official under this By-law;

"City" means The Corporation of the City of Guelph;

"City Engineer" means the individual who holds the position of City Engineer / General Manager of Engineering and Transportation Services of the Infrastructure, Development and Environment Department or designate, or any individual holding any successor position with responsibility for similar matters;

"City Water Service Pipe" means a City-owned water service pipe that is installed between the Watermain and the Service Valve at the point of services to individual properties;

"DGSSMS" means the Region of Waterloo and Area Municipal Design Guidelines and Supplemental Specifications for Municipal Services (February 2022), as revised;

"Drinking Water System" means a system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water, which system is owned and operated by the City;

"Fire Code" means Ontario Regulation 213/07 made pursuant to the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended;

"General Manager of Environmental Services" means the individual who holds the position of General Manager of Environmental Services of the Infrastructure, Development and Environment Department or designate, or any individual holding any successor position with responsibility for similar matters;

"Geothermal Well" means a ground source heat exchange or an earth energy system;

"Leaky Appurtenance" includes a leaky valve, a defective or improper pipe, and any defective or improper fixtures;

"Licensed Drinking Water System Operator" means an operator who holds a water operator's licence issued under the *Safe Drinking Water Act, 2002, S.O. 2002, c. 32*, as amended;

"Linear Infrastructure Standards" means the City's Linear Infrastructure Standards (February 1, 2023), as revised;

"Municipal Hydrant" means a City-owned fire hydrant that is serviced by the Drinking Water System;

"Non-contact Cooling" means the once-through use of water for the purpose of removing heat, where the water has not come into contact with any raw material, intermediate product, waste product or finished product;

"Occupant" includes anyone having control over or possession of any portion of the premises and includes anyone on the premises;

"Officer" means a municipal law enforcement officer or Provincial Offences Officer appointed by Council for the purposes of enforcing the provisions of this By-law, and includes the Chief Building Official;

"Ontario Building Code" means Ontario Regulation 332/12 made pursuant to the Building Code Act, as amended;

"Person" includes a natural person, a corporation, a partnership, a sole proprietorship, a trust, a joint venture, an association or any other organization or entity of any kind and their respective heirs, executors, administrators, successors, assigns or other legal representatives of a person to whom the context can apply according to law;

"Private Fire Protection System" means privately-owned piping and hydrants that are installed to convey water for the purposes of fire suppression and mitigating fire damage on private property;

“Private Hydrant” means a privately-owned fire hydrant that is located on private property as a part of a Private Fire Protection System;

“Private Water Service Pipe” means a privately-owned water service pipe that is located on private property between the Service Valve and the entry point of the water supply to the premises;

“Private Water Supply” means a private well that is installed on private property for the purpose of water supply;

“Property Owner” includes, for a property, every Person who, alone or in conjunction with others, has control over the property, and includes every registered owner, every owner as shown on the last revised assessment roll held by the City, and every Person on whom fees or charges for water supplied to the property are imposed;

“Risk Management Official” means the individual who is appointed by the City for administering and enforcing certain policies set out in the Grand River Source Protection Plan under Part IV of the *Clean Water Act, 2006*, S.O. 2006, c.22, as amended, and all Persons, including Risk Management Inspectors, who are authorized at the direction of the Risk Management Official for the purposes of exercising the power and performing the duties of the Risk Management Official under this By-law;

“Service Valve” means the City-owned valve located at the point of connection between a City Water Service Pipe and Private Water Service Pipe;

“Watermain” means a City-owned pipe that is installed as a part of the Drinking Water System to supply water to the users; and

“Wells Regulation” means Ontario Regulation 903 made pursuant to the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended.

Authorization of City Staff

3. The General Manager of Environmental Services is authorized to:
 - (a) operate, maintain, manage, and supervise the Drinking Water System;
 - (b) administer and enforce the provisions of this By-law, and for certainty, to do so as an Officer;
 - (c) approve any policies, procedures, forms, and other documents, make such decisions and approvals, and exercise such discretion on behalf of the City as necessary to administer this By-law;
 - (d) declare an emergency in relation to the Drinking Water System;
 - (e) enact a prohibition of or a restriction on the use of water to protect and preserve the Drinking Water System; and
 - (f) take all remedial measures as necessary to protect and preserve the Drinking Water System.
4. The City Engineer is authorized to:
 - (a) establish and periodically update any standards, guidelines, and specifications that govern the design and construction of the Drinking Water System;
 - (b) construct, install, improve, and extend the Drinking Water System in accordance with the Linear Infrastructure Standards, DGSSMS, and applicable law;
 - (c) determine the nature of any extension, alteration or connection to the Drinking Water System that may be required, the location and size of any pipe or appurtenance, and the material that may be required to be used for such purposes in accordance with DGSSMS and any regulatory requirements or guidelines of the Ministry of the Environment, Conservation and Parks;
 - (d) conduct field inspections of the works described in subsection 4(c) of this By-law to ensure compliance with the Linear Infrastructure Standards and DGSSMS, to provide approvals arising from inspections, and to maintain related documentation; and
 - (e) define metering requirements for a Private Water Service Pipe and

industrial fire lines.

5. The Chief Building Official is authorized to:
 - (a) complete application reviews and issue permits that authorize the installation, repair, renewal or removal of a Private Water Supply;
 - (b) administer and enforce the provisions of this By-law related to a Private Water Supply, and for certainty, to do so as an Officer;
 - (c) issue orders related to a Private Water Supply; and
 - (d) conduct field inspections of the works described in subsection 5(a) of this By-law to ensure compliance with the Ontario Building Code, this By-law, and any applicable standards, to provide approvals arising from inspections, and to maintain related documentation.

Responsibility of Property Owners and Persons

6. Every Property Owner shall:
 - (a) maintain, at the Property Owner's own expense, in proper working order and good repair their privately-owned water infrastructure and plumbing systems, including Private Water Supply, Private Hydrant, Private Water Service Pipe, Private Fire Protection System, irrigation systems, water-using appliances, and all related fixtures and appurtenances, and promptly repair deficiencies and leaks from any of the above;
 - (b) ensure their Building Control Valve is maintained in proper working order and good repair to isolate the water supply to their property in the event of an emergency or water meter maintenance;
 - (c) if the property is unoccupied, ensure that it is inspected regularly for any Leaky Appurtenance or abnormal water usage and, if necessary, ensure that the water supply to the land is temporarily turned off or isolated and drained until the property is occupied;
 - (d) take all reasonable precautions to protect all water services and the water meters, meter wire, meter remote and related connections on their property from damage (such as freezing, frost, impact, renovation or otherwise), including maintaining heat to the meter and the connected privately-owned water infrastructure and plumbing;
 - (e) make repairs to all leaks that are located on their property from the property line to the water meter;
 - (f) obtain building permits and other required City approvals for any alteration or change to their Private Water Supply or for the connection to the Drinking Water System and to pay any applicable fees and deposits;
 - (g) where a Property Owner requires a guaranteed supply, quality of water or water pressures beyond that provided by the Drinking Water System, provide such services, devices or processes that satisfy their specific requirements; and
 - (h) provide the City with access to a Private Water Supply for the purpose of inspection and to determine compliance with the provisions of this By-law and the Wells Regulation.
7. No Person shall break, damage, destroy, deface or tamper with, or cause or permit the breaking, damaging, destroying, defacing or tampering with any part of the Drinking Water System.
8. No Person shall provide false, misleading or inaccurate information, or withhold information, in any application submitted under this By-law, in any other document or thing required to be submitted by this By-law, or to any Person who is exercising a power or performing a duty under this By-law.

Authorization to Access and Operate the Drinking Water System

9. No Person, other than a City of Guelph Licensed Drinking Water System Operator, a third-party operator under the direction of a City of Guelph Licensed Drinking Water System Operator or a Person with the consent of the City, shall access or operate the Drinking Water System, including any water

supply appurtenance.

10. No Person, other than the City or a third-party contractor under the direction of a City of Guelph Licensed Drinking Water System Operator, shall access or operate a Municipal Hydrant.
11. No Person, other than a Person with the consent of the City, shall bypass a water meter.

Property Servicing

12. No Property Owner shall install more than one (1) Private Water Service Pipe to a lot, block or parcel of land, unless otherwise approved by the City Engineer.
13. No Property Owner shall install a Private Water Service Pipe unless the City Engineer has approved the City Water Service Pipe required, the size of the pipe, and the pipe material to be used in supplying water to any premises and the location in the street in which such pipes will be laid.
14. Every Property Owner shall ensure that the Private Water Service Pipe is installed so that there is a ground cover depth of at least 1.8 metres at all locations; the depth being measured from the ground surface in accordance with the Linear Infrastructure Standards.
15. No Property Owner shall install a connection between the Private Water Service Pipe and a City Water Service Pipe or Service Valve without such installation being observed by a City of Guelph Licensed Drinking Water System Operator.
16. For a property reconstruction or redevelopment, every Property Owner shall replace the full-service lateral (which is the City Water Service Pipe and the Private Water Service Pipe to a Watermain) so that the hydraulic needs are achieved in accordance with the Ontario Building Code. If the current service size meets the hydraulic needs as set out in the Ontario Building Code, then the Property Owner may increase the service size, but is not required to do so.
17. Every Property Owner shall protect and ensure free continued access to Service Valves so that water flow can cease to the premises in the event of an emergency (such as private-side flooding).

New Watermain Commissioning

18. Every Person shall conduct a new connection to the Drinking Water System through a successful watermain commissioning in accordance with the Province of Ontario's Watermain Disinfection Procedure (August 2020), as revised, and shall submit the test results to the General Manager of Environmental Services for review and approval.
19. No Property Owner shall make any Watermain connections to the Drinking Water System without such connection being observed by a City of Guelph Licensed Drinking Water System Operator. Every Property Owner shall pay any costs for such City of Guelph Licensed Drinking Water System Operator to observe such connections.
20. No Property Owner shall turn on the water supply for a Private Water Supply until such Private Water Supply has been inspected, pressure tested, flushed, and chlorinated and the water has been determined to be safe for drinking; all to the satisfaction of the General Manager of Environmental Services.

Source Water Protection

21. No Property Owner shall install or operate a Private Water Supply as a primary or accessory structure on any lands within the limits of the city of Guelph where an adequate municipal water distribution or wastewater collection infrastructure is available within the road right-of-way abutting the property. This section 21 does not apply to a:
 - (a) well which legally existed prior to April 1, 2024;
 - (b) well which is installed for the purposes of environmental site remediation, water monitoring or site de-watering; or
 - (c) property which is used for non-residential purposes which, prior to April 1, 2024, relies upon a legally existing Private Water Supply for purposes

other than human consumption, such as irrigation, cooling or manufacturing purposes.

22. No Property Owner shall install a Geothermal Well without first submitting a proposal to the Risk Management Official for review and obtaining approval for such installation in accordance with the City's Framework for Assessing Geothermal Energy Implementation, as revised.

Conversion from a Private Water Supply to the Drinking Water System

23. No Property Owner shall convert servicing of a property from a Private Water Supply to the Drinking Water System without first making an application for municipal servicing for such conversion.
24. Upon the City Engineer's approval of an application for a connection to the Drinking Water System and after the water service connection has been installed, every Property Owner shall comply with the following conditions, to the satisfaction of the Chief Building Official, before the City will turn on the water supply:
- (a) the Private Water Supply has been fully and properly disconnected from the water distribution piping and all fixtures for use within the building;
 - (b) a water meter has been installed on the property by the City; and
 - (c) all disconnection and all plumbing have been fully inspected and approved by the Chief Building Official.
25. After the conversion from a Private Water Supply to the Drinking Water System is complete, every Property Owner shall:
- (a) properly abandon and decommission the Private Water System in accordance with the Wells Regulation; and
 - (b) submit to the Chief Building Official and the Risk Management Official for their review all documentation related to the abandonment and decommissioning of the Private Water System.

Private Hydrant and Private Fire Protection System

26. Every Property Owner shall inspect their Private Hydrants on an annual basis and after every use of such Private Hydrant in accordance with the Fire Code.
27. Every Property Owner shall maintain records of tests and corrective measures for their Private Hydrants in accordance with the Fire Code.
28. No Person shall draw water from a Private Hydrant except for fire suppression purposes.
29. No Person shall make a connection to a Private Fire Protection System other than for the purpose of fire protection, unless otherwise approved by the City Engineer.
30. Every Property Owner shall construct, operate, and maintain their Private Fire Protection System in accordance with the Fire Code.
31. Where testing of the Private Fire Protection System requires the completion of fire flows, every Property Owner shall provide the City with seven (7) days advance notice of the date of testing to assist the City in mitigating any impacts of high velocity flushing within the Drinking Water System.

Construction Water Use

32. Every construction contractor who requires access to the Drinking Water System for construction projects shall form an account for the bulk water station for water needs or shall use an existing Municipal Hydrant, through a City-provided meter box, by submitting a written request to the City.
33. Every Property Owner or construction contractor shall pay the fees for the City to supply, install, test, and seal the temporary hydrant meter, valve, and backflow prevention device in a meter box as part of temporary servicing.
34. Every Property Owner shall pay for all water supplied from the Municipal Hydrant.

35. Every Property Owner or construction contractor shall protect the temporary hydrant meter, valve, backflow prevention device, and Municipal Hydrant from freezing or any other damage.
36. Every Property Owner or construction contractor shall immediately notify the City of any loss of or damage to the temporary hydrant meter, valve, backflow prevention device or Municipal Hydrant and shall pay all costs associated with the replacement or repair of the temporary hydrant meter, valve, backflow prevention device or Municipal Hydrant.

Water Supply Turn-on and Turn-offs

37. No Person, other than the City, shall turn on or turn off the water supply from the Drinking Water System to any private property.
38. Every Person making an application to turn on or turn off the water supply from the Drinking Water System to any private property shall pay the fees for such application.

Water Quality Investigations

39. No Person shall hinder or obstruct, or attempt to hinder or obstruct, the City's investigation of a water quality concern, including the taking of water quality samples from the Drinking Water System at a representative location of concern.

Waste of Water

40. No Person shall let off or discharge water out of the Drinking Water System so that the water runs to waste or is without an intended use.
41. No Person shall cause or permit Non-contact Cooling.
42. No Property Owner or Occupant shall cause or permit the waste of water due to a Leaky Appurtenance.
43. Every Property Owner or Occupant shall complete all repairs, alterations or replacements to correct the waste of water due to a Leaky Appurtenance within seven (7) days of receiving the City's notice to correct the waste of water.
44. The General Manager of Environmental Services is authorized to turn off or restrict the water supply to any premises, without notice, in which a Leaky Appurtenance exists, and may require that the Leaky Appurtenance be repaired, altered or replaced and that flushing and sampling of the water be completed by the Property Owner or Occupant in such manner as the General Manager of Environmental Services may approve, before the water is turned on.
45. The City Engineer is authorized to turn off or restrict the water supply to any premises, without notice, where the condition of any privately-owned appurtenance is such that it causes the waste of water and damage to any property.

Enforcement and Orders

46. An Officer may, at all reasonable times, enter upon and inspect or cause to be inspected any land, building or equipment for the purposes of ensuring compliance with this By-law, a direction or order made under this By-law.
47. An Officer may, for the purposes of an inspection:
 - (a) require information in writing or otherwise required by the City from any Person concerning a matter related to the inspection; or
 - (b) alone or in conjunction with a Person possessing special or expert knowledge, undertake an inspection to determine compliance with this By-law.
48. An Officer may issue an order to any Person in violation of this By-law.
49. An order may be served by:
 - (a) handing it to the Property Owner;
 - (b) handing it to an Occupant of the property who appears to be an adult;

- (c) posting it in a conspicuous place upon some part of the property and by sending a copy to the Property Owner by regular mail; or
 - (d) sending it by prepaid registered mail to the Property Owner at the address where the Property Owner resides or the Property Owner's head/registered office address.
50. If an order is served by regular mail or registered mail, the service shall be deemed to have been made on the 5th day after the date of mailing.
51. An order shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;
 - (b) the work to be completed; and
 - (c) the date by which the work must be completed.
52. Where a Property Owner fails to comply with an order issued under this By-law within the time specified for compliance, an Officer, with such assistance by others as may be required, may take steps to bring the property into compliance with this By-law.
53. Where the City, its employees, authorized agents, or contractors have performed work required to bring a property into compliance with this By-law, all expenses incurred by the City in doing the work as well as any related fees shall be deemed to be a debt to the City and may be collected by action or the cost may be added to the tax roll for the property and collected in the same manner as municipal taxes.
54. No Person shall hinder, obstruct or interfere with the General Manager of Environmental Services, the City Engineer, the Chief Building Official, any Officer, or any employee, agent or contractor of the City who is exercising the powers or performing the duties under this By-law, including the performance of inspections or the completion of any work required to bring a property into compliance with this By-law.

By-law Contravention

55. Every Person who contravenes any provision of this By-law is guilty of an offence.
56. If there is a contravention of any provision of this By-law and the contravention has not been corrected, then 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.
57. If an order has been issued under this By-law and the order is not complied with, then the contravention of the order shall be deemed to be a continuing offence for each day or part of day with which the order is not complied.
58. 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; and
 - (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 of the daily fines for the offence shall not be limited to \$100,000.00.
59. 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; and
 - (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 of the daily fines for the offence shall not be limited to \$100,000.00.

General Provisions

- 60. This By-law is to be construed with all changes in number and gender as may be required by the context.
- 61. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid, illegal, unenforceable or of no force and effect, then it is the intention of Council in enacting this By-law that the remainder of the By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.
- 62. This By-law shall be referred to and may be cited as the “Water By-law”.
- 63. By-law Number (1991) – 13791, By-law Number (2000) – 16352, and By-law Number (2008) – 18660 are repealed as of the date when this By-law comes into force and takes effect.
- 64. Despite the repeal of By-law Number (1991) – 13791, By-law Number (2000) – 16352, and By-law Number (2008) – 18660 under section 63 of this By-law:
 - (a) those By-laws shall continue to apply to proceedings in respect of offences that occurred before their repeal; and
 - (b) all approvals that were issued under those By-laws which are in effect at the time of the repeal shall be deemed to be approvals issued under this By-law with all necessary modifications, and all of the requirements and conditions of this By-law shall apply to such approvals.
- 65. This By-law shall come into force and take effect on the date of its passing.

Passed this [day of the month] day of [month], 2024.

Cam Guthrie, Mayor

**Stephen O’Brien, City Clerk [or]
Dylan McMahon, Deputy City Clerk**