



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 121-2002



BEING A BY-LAW TO AMEND BY-LAW NO. 240-96 - BEING A BY-LAW TO REGULATE THE MANAGEMENT OF A SYSTEM OF WATERWORKS IN THE TOWN OF FORT ERIE (REGULATE PRIVATE DISTRIBUTION SYSTEM AND HYDRANTS)

WHEREAS By-law No. 240-96 regulates the management of a system of waterworks in the Town of Fort Erie; and

WHEREAS it is deemed necessary and expedient to amend By-law No. 240-96 in order to attain the following purposes:

- (a) to ensure adequate fire protection is provided,
- (b) to protect the quality of the Town's water supply in accordance with the provisions of the *Ontario Water Resources Act* as amended and the regulations promulgated thereunder (particularly O. Reg. 459/00), and
- (c) to ensure the integrity of the system in order to provide uninterrupted service, to prevent unaccounted for water losses and to continuously ensure that the inhabitants of the Town of Fort Erie have a continued and abundant supply of wholesome water pursuant to the provisions of the *Public Utilities Act*, R.S.O. 1990, chapter P.52;
- (d) to provide an effective monitoring system over privately owned water supply systems and hydrants.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Fort Erie hereby enacts as follows:

1. **THAT** Section 1 of By-law No. 240-96 be and the same is hereby amended by deleting subsection 1.13 therefrom and inserting in lieu thereof the following:

"1.13 ***Engineer*** means anyone hired in the capacity of Director of Public Works or the person or persons appointed or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Engineer under this By-law or his or her duly authorized representative, or as the situation or context may require, all persons authorized at the direction of the Engineer to exercise the powers and duties of the Engineer under this By-law."

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2. **THAT** By-law No. 240-96 be and the same is hereby amended by adding a new subsection 1.13A to the by-law as follows:

"1.13A **Fire Chief** means anyone hired in the capacity of the Fire Chief for the Corporation or the person or persons appointed or designated by the Corporation from time to time for the purposes of exercising the powers or duties of the Fire Chief under this by-law or his or her duly authorized representative or, as the situation or context may require, all persons authorized at the direction of the Fire Chief for the purposes of exercising the powers or duties of the Fire Chief under this by-law."

3. **THAT** Section 1 of By-law No. 240-96 be and the same is hereby amended by adding a new subsection 1.20A thereto as follows:

"1.20A **Private Fire Hydrant** includes a hydrant owned by someone or some entity other than the Corporation."

4. **THAT** Section 1 of By-law No. 240-96 be and the same is hereby amended by adding a new subsection 1.21A thereto as follows:

"1.21A **Private Water Distribution System** includes a privately owned network of water supply pipelines, including valves and appurtenances, supplied with water by the Corporation and

- (a) servicing two or more units, and/or
- (b) being a water supply containing one or more private hydrants not owned by the Corporation."

5. **THAT** Subsection 1.19 of By-law No. 240-96 be and the same is hereby amended by deleting the words contained therein and inserting in lieu thereof the following:

"**Owner** means the Owner of land or a building and includes the registered Owner of, the person shown on the assessment roll as Owner of, or the actual Owner of, land or a building or any property on which a building is located."

6. **THAT** By-law No. 240-96 be and the same is hereby amended by adding a new subsection to subsection 3.5 thereof as follows:

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"3.5.5 Every Owner of a private water distribution system or a private fire hydrant shall cause such system or such hydrant to be inspected annually by a qualified plumber or a more specialized trades person, and any such plumber or more specialized trades person shall firstly be previously approved by the Engineer and such approved plumber or more specialized trades person shall provide a report in writing to the Corporation (attention the Engineer) prior to the last weekday of October in each and every year commencing the last weekday of October, 2002, and this report shall be in a form satisfactory to the Engineer and must certify that the following items have been satisfactorily addressed or conducted by the qualified plumber or more specialized trades person, namely:

- (1) a Fire Code and preventative maintenance inspection,
- (2) hydrant flows and pressure testing ascertained,
- (3) hydrant adjustment and lubrication,
- (4) valve cleaning, adjustment and lubrication,
- (5) flushing in conjunction with engineered flushing of the distribution system of the Corporation,
- (6) leak detection ascertainment,
- (7) a report on any maintenance work that is required,
- (8) a report on any physical indication of a deteriorated water quality,
- (9) a confirmation that the inspection included all pipelines, valves, hydrants and other appurtenances comprising the private water distribution system."

7. **THAT** By-law No. 240-96 be and the same is hereby amended by adding a new subsection to subsection 3.5 thereof as follows:

"3.5.6 Any report made by a qualified plumber or more specialized trades person to the Corporation pursuant to subsection 3.5.5 of this by-law shall be in a form or format previously approved by the Engineer."

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8. **THAT** By-law No. 240-96 be and the same is hereby amended by adding a new subsection to subsection 3.5 thereof as follows:

"3.5.7 Any qualified plumber or more specialized trades person, before being approved by the Engineer pursuant to subsection 3.5.5 of this by-law, must first provide evidence of bonding and insurance covering any relevant associated risks that may be involved in conducting any inspections pursuant to the provisions of subsection 3.5.5 of this by-law, and any such insurance shall name the Corporation as an additional insured."

9. **THAT** By-law No. 240-96 be and the same is hereby amended by adding a new subsection to subsection 3.5 thereof as follows:

"3.5.8 Any qualified plumber or more specialized trades person conducting an inspection pursuant to the provisions of subsection 3.5.5 of this by-law shall first provide three working days written notification to the Corporation prior to flow testing or flushing any private fire hydrant or other hydrant and shall provide written notification to potentially affected water users in the area a minimum of 24 hours prior to flow testing or flushing any private fire hydrant or other hydrant."

10. **THAT** By-law No. 240-96 be and the same is hereby amended by adding a new subsection to subsection 3.5 thereof as follows:

"3.5.9 The Engineer shall have the power to establish detailed administrative and operational regulations and procedures with regard to any inspection as such may be conducted under the provisions of subsection 3.5.5 of this by-law, and may amend such detailed administrative and operational regulations and procedures from time to time provided that such detailed administrative and operational regulations and procedures are consistent with the provisions of this by-law, including subsection 3.5.5 thereof."

11. **THAT** By-law No. 240-96 be and the same is hereby amended by adding a new subsection to subsection 3.5 thereof as follows:

"3.5.10. At the request in writing of the Owner or designate, and when resources can be made available, and at the discretion of the Engineer, the inspection of private water systems and hydrants may be carried out by the Public Works Department of the Corporation, on a cost recovery basis."

12. THAT By-law No. 240-96 be and the same is hereby amended by the addition of a new subsection 4.4 as follows:

"4.4 GENERAL RESTRICTIONS

- .1 No person except the Engineer or Fire Chief shall open or close or cause or permit to be opened or closed any valve in the waterworks system, or remove, tamper with or in any way interfere or cause or permit to be removed, tampered or interfered with, any valve, water meter, hydrant structure, main, municipal or private lateral or valve in the waterworks distribution system, unless previous written permission has been granted by the Engineer or Fire Chief.
- .2 No person shall conceal, interfere with, construct or maintain anything or cause or permit to be concealed or interfered with or constructed or maintained, anything that has the effect of concealing or interfering with access to a fire hydrant or private fire hydrant or to a valve or private valve.
- .3 Fire hydrants and private fire hydrants shall be completely cleared of all vegetation or obstructions, including snow accumulations within 1.5 meters from the outside edge of the fire hydrant or private fire hydrant. The fire hydrant or private fire hydrant shall be visible for a distance of 3.0 meters from any point from within the public or private road allowance.
- .4 No person, except the Fire Chief or the Engineer, shall open or close or cause or permit to be opened or closed a fire hydrant or private fire hydrant or use or cause or permit the use of water from a fire hydrant or private fire hydrant from the waterworks system unless prior permission in writing has been granted by the Engineer or Fire Chief.
- .5 No person shall draw water or cause or permit water to be drawn from a private fire protection system, except for fire protection purposes or for fire protection related activities, except that the Engineer or Fire Chief may permit any person to draw water from a non-metered private fire protection system should circumstances requiring such arise.
- .6 The Corporation may, upon reasonable notice, discontinue the water supply for the waterworks system at any time for cleaning, repairing, replacing or connecting of mains and laterals.
- .7 The Engineer or Fire Chief may, without notice, temporarily discontinue the water supply to any premises or units where, in his or her opinion, continuation thereof might be dangerous or cause damage to persons or property.

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- .8 The Corporation shall not be responsible in case of damage to boilers, fittings, cooling systems, machinery, other property or products dependant on water supply, or injury to persons by reason of any shut down of the water supply, even in the case of where no notice is given by the Engineer or Fire Chief."
12. **THAT** Section 6 of No. By-law 240-96 be and the same is hereby amended by adding a new subsection 6.6 thereto as follows:
- "6.6 All private fire hydrants shall be painted colour coded to MFPA standards, and all new or replacement private fire hydrants shall be equipped with Storz Quick Disconnects."
13. **THAT** Section 9 of No. By-law 240-96 be and the same is hereby amended by the addition of the following subsections:

"9.3 INSPECTIONS

If any Owner, including an Owner of a private water distribution system or private fire hydrant fails to comply with the requirements of this by-law or contravenes the provisions of this by-law, the Public Works Utilities Section of the Corporation may conduct any inspection permitted by the provisions of this by-law or by the Building Code of the Province of Ontario or by the Fire Code of the Province of Ontario and may take any corrective action deemed immediately necessary and any costs incurred by the Corporation in conducting such inspections and subsequent reporting or in effecting any corrective action, shall be payable to the Corporation by such Owner or Owner of a private water distribution system or private fire hydrant, and such costs may, in the sole discretion of the Corporation, be added to any water bill payable by such Owner or Owner of a private water distribution system or private fire hydrant, or to the water bill payable by any users of water from such system or hydrant, and may, in addition to being recoverable in any relevant Court of Law, be deemed by the Corporation to be charges for the supply of water and failure of the payment of which shall provide the Corporation with any remedies available to it under the provisions of the *Public Utilities Act* as amended or other relevant legislation.

9.4 FAILURE TO PERMIT ACCESS TO PROPERTY OR PREMISES


Should any Owner or Owner of a private water distribution system or private fire hydrant refuse entry to the Public Works Utilities Section of the Corporation for the purposes of any inspection under the provisions of this by-law or the Ontario Building Code or the Ontario Fire Code, the

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Corporation may, at its sole discretion exercised by the Engineer, discontinue the water supply to the Owner or the Owner of a private water distribution system or private fire hydrant, until such required inspection has been properly conducted."

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 22ND DAY OF JULY, 2002.


MAYOR


~~CLERK~~ DEPUTY CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 121-2002 of the said Town. Given under my hand and the seal of the said Corporation this day of , 2002.