

The Corporation of the City of Kenora

By-Law Number 70 - 2018

A By-law to regulate the Municipal Water Supply and the Provision of Sanitary Sewage Services in the City of Kenora

Whereas, pursuant to the provisions of sections 8, 9, and 10 of the *Municipal Act, 2001*, the Municipal Council may pass By-laws to establish and operate water and sewage works; and

Whereas the aforementioned Sections and Section 23.1 of the said Act authorize a municipality to delegate its powers and duties under the said Act subject to the restrictions set out in Part II of the said Act; and

Whereas Sections 78 to 87 and 435 to 439 of the *Municipal Act* authorize, among other things, the entry on property supplied by water and sewage services , the shut-off of the supply, inspections, the interruption of the supply and matters related to the operation and maintenance of the system; and

Whereas, pursuant to Part II of the *Municipal Act*, the Municipal Council may pass by-laws to impose fees or charges for services or activities;

Now Therefore the Council of The Corporation of the City of Kenora, enacts as follows:

PART I – DEFINITIONS, INTERPRETATION AND APPLICATION

1. Definitions

In this By-Law:

“Agent” means a person other than an employee of the City who is duly authorized to carry out a function hereunder and includes an independent contractor;

“Air Gap” means the unobstructed vertical distance through air between the lowest point of a water supply outlet and the flood level rim of the fixture or device into which the outlet discharges;

“Approved Contractor” means a contractor approved by the City for the installation of water and/or sanitary piping from the main or lateral to a Premises;

“AWWA” means the American Water Works Association;

“Backflow” means the flow of water, whether or not mixed with another substance, away from a point of use back into the City’s waterworks through a Water Service Pipe;

“Backflow Preventer” means a device or assembly for a Water Service Pipe which prevents backflow into the City’s water works and includes a Premises Isolation Device;

“Backwater Valve” means a valve designed to prevent reversal of flow in a gravity drainage system;

“Bleeder” means a piece of piping or other device attached to a Water Distribution System and allowed to run continuously during cold weather to prevent freezing of the water in the system;

“C.B.O.” means the Chief Building Official of the City as appointed by Council, or his or her delegate;

“City” means The Corporation of the City of Kenora;

“Commercial User” means any consumer other than a Domestic User and “Commercial Property” has a corresponding meaning;

“Council” means the Municipal Council of the City;

“Cross Connection” means any water connection that by the nature of its configuration or the absence of an air gap, could allow the backflow of contaminated water, pollutants or substances into the water system, resulting in the potential for deleterious effects to the water in the water system and/or to human health. See Appendix A: A-6.

“Curb Stop Valve” means the connection at the street line, or easement line, which connects the Lateral and the Water Service Pipe to the Premises. This separates the City’s water main from the service line;

“Customer” means the person responsible for the payment of fees and charges hereunder;

“Designated Employee” means an employee designated and authorized for a certain purpose by the Operations & Infrastructure Manager;

“Division Lead” means the Water & Wastewater Division Lead of the City;

“Domestic User” means the consumer in respect of a detached or semi-detached dwelling, row house, town house, church or municipal facility, and “Domestic Property” shall have a corresponding meaning;

“Effluent Pump” means a pump installed and used at a residential premises in accordance with the applicable requirements in effect at the time of installation, and designed to force effluent from a building’s sanitary sewage system, where such system is located below a level where gravity drainage can be attained to the City’s gravity sanitary system;

“Fees & Charges By-Law” means the City’s General Tariff of Fees & Charges By-Law or any other City By-law imposing Fees and Charges;

“Fire Chief” means the Manager of Fire & Emergency Services of the City;

“Grinder Pump” means a pump, canister (basin) and alarm system designed to force effluent from a building’s sanitary sewage system where such system is located in such a manner that it does not allow for gravity drainage to the City’s low pressure main and must be pumped;

“Heat Tracing” means a system of electrical heating cables attached to or placed adjacent to pipes to provide supplementary heat to prevent the liquid in the pipes from freezing;

“Lateral” means the piping from a building to the Sanitary Sewer Main;

“Low Pressure Wastewater System” means a sanitary sewage conveyance pipe or system that operates under low pressure between a Grinder Pump and the Lateral;

“Manager” means the Manager of the Operations & Infrastructure Department of the City;

“Meter” means a device for measuring the quantity of water supplied to a Consumer;

“MOECC” means the Ontario Ministry of the Environment and Climate Change;

“O.B.C.” means the Ontario Building Code;

“Premises” means the whole of a property including all buildings and structures thereon that is registered in the Land Titles Office as a separate parcel or that is assessed as a separate parcel; and for this purpose each “multiple dwelling unit apartment building” as defined in the applicable Zoning By-law or “condominium building” is deemed to be a single premises;

“Premises Isolation” means the isolation of the water located within a building or structure from the waterworks system;

“Premises Isolation Device” means a device or assembly approved by the Canadian Standards Association for the Premises Isolation of a building or structure;

“Pressure Reducing Valve” means a device installed between the Meter and the Water Distribution System to restrict the water pressure to within the high pressure limit specified in Sub-Section 7.6.3. of the *Ontario Building Code (OBC)*;

“Private Property” means property that is not a street;

“Property” means real property identified on a street address;

“Property Line” means the boundary between a street and a property;

“Property Owner” means the person(s) identified as such on the assessment roll for the Property in question and in the case of a Condominium building, unless the context requires otherwise, the Property Owner means the Condominium Corporation as agent for the owners of the units;

“Sanitary Sewer Main” means the piping and appurtenances of a sanitary sewer or combined sanitary and storm sewer installed or owned by the City, which provides service to the lateral and which is situated within a highway or other right of way or allowance, or an easement or which, in the absence of an easement, is protected by Subsection 91(4) of the Municipal Act.;

“Seasonal Water Service Pipe” means a permanent Water Service Pipe that supplies water for temporary or seasonal purposes;

“Wastewater” includes sanitary sewage and may also be referred to in this By-law as sewage;

“Water Main” means the piping and appurtenances of a sanitary sewer or combined sanitary and storm sewer installed or owned by the City, which provides service to the lateral and which is situated within a highway or other right of way or allowance, or an easement or which, in the absence of an easement, is protected by Subsection 91(4) of the Municipal Act;

“Water Service Dispensing Outlet” means a public water dispensing outlet where mobile water tanks and other containers are filled on payment of applicable charges;

“Water Service Pipe” means any pipe, or system of pipes, and related components which carry water underground from a water main to a point of use on Private Property or to a fire hydrant and includes the following: a) a domestic Water Service Pipe, (see Schedule A-2); and b) a Seasonal Water Service Pipe;

“Water & Wastewater Division” or **“Division”** means the City Division that is responsible for the installation, operation and maintenance of water and sewer lines, mains, appurtenances and the related treatment facilities;

“Water & Wastewater System” means any portion of the piping or infrastructure related to the collection of sanitary waste water;

2. Interpretation

- (1) Unless expressly stated otherwise, the cost and expense of the installation and operation of any device, facility or other thing required or permitted hereunder shall be borne by the Property Owner and not by the City.

- (2) The Appendix or Appendices hereto form part of this By-law and are for illustration purposes of matters required hereunder. In the event of any conflict between an Appendix and the text of the By-law, the text shall govern.
- (3) In the event of a conflict between any provision hereof and the Ontario Building Code or any other applicable Act, Regulation or By-law, the stricter requirement shall apply.

3. **Application**

This By-law applies to, governs and regulates the water and sanitary sewage systems owned or operated by the City.

4. **Time**

Subject to the requirements of the Municipal Act with respect to the provision of reasonable notice, any period of time as prescribed in this By-law may be abridged or extended in the discretion of the Division as deemed appropriate in the prevailing circumstances.

PART II – ADMINISTRATION

5. **Manager of Operations & Infrastructure Division**

- (1) Subject to this By-law and to the direction of Council from time to time, the Manager is authorized to administer this By-law, the waterworks system, the supply of water to and within the municipality, and the City's sewage system.
- (2) Without restricting the general description of the powers given to the Manager in subsection 5(1), they include the authority to:
 - a) appoint City employees as Designated Employees under this By-law;
 - b) shut off the water supply to Properties;
 - c) determine when inspections of work governed by this By-law are required; and
 - d) establish public water service outlets and establish rules that are not contrary to this By-law for their use.

6. **CAO**

Subject to this By-law and to the direction of Council from time to time, the CAO or his or her delegate is authorized to:

- a) Prescribe from time to time such forms as he or she deems advisable for the administration and operation of this By-law, including without limitation, Applications and Permits;
- b) determine which forms of payment will be accepted for a price, rate, fee, penalty, deposit or other charge related to the supply of water or sewage service;
- c) determine when water charges are due and payable;
 - i) collect a price, rate, fee, penalty, deposit or other charge related to the supply of water or for sewage services by any legal means, including by adding the amount of the fees, rates or charges to tax roll of the property to which the water or sewage service was supplied.

7. Designated Employees

Subject to the requirements and directions of the Operations & Infrastructure Manager, Designated Employees, are authorized to conduct inspections, administer and enforce this By-law, and remedy violations of this By-law.

8. References to Water and Wastewater Division/Designated Employees

- (1) Where this By-law authorizes or requires that anything be done by the Division, such may be done by Manager, the Division Lead or the delegate of either of them or by any Designated Employee or by any Agent duly appointed for such purpose.
- (2) Where this By-law authorizes or requires that anything be done by a Designated Employee, it may be done by the Manager, the Division Lead or the delegate of either of them or by any Agent duly authorized for that purpose.

PART III – ENTRY ON PROPERTY, SHUT-OFF OF SUPPLY AND INSPECTIONS

9. Entry on Property

- (1) A Designated Employee may, at reasonable times and subject to the provisions hereof and of the *Municipal Act* respecting entry into a dwelling, enter on the land where a water main or sanitary sewage main exists or where service is provided for the following purposes:
 - a) to inspect, repair, alter or disconnect the service pipe, equipment and other works used to supply the water or sewage service;

- b) to inspect, install, repair, replace or alter a meter;
 - c) to determine if this by-law is being complied with.
- (2) The entry by any person on property pursuant to the provisions of this By-law shall comply with the requirements of this By-law and of the *Municipal Act* as amended and revised, including, without restricting the generality of the foregoing the provisions of the *Municipal Act* respecting entry into a dwelling.
- (3) If a customer discontinues the use of the water or sewage service or if the City lawfully decides to cease supplying the water or sewage service to the property, a Designated Employee, may, subject to the requirement for notice as described in Subsection 9(1) hereof and further subject to the provisions hereof relating to entry into a dwelling, enter on the property:
- a) to shut off the supply of the water service;
 - b) to remove any property of the City; or
 - c) to determine whether the water or sewage service has been or is being unlawfully used.

10. **Shutting off Supply**

(1) **Overdue Accounts**

Where:

- (i) the fees and charges payable by the owners or occupants of the land for or in respect of the supply of water; or
- (ii) the fees and charges payable by the owner or occupants of the land, for or in respect of the City's sewage system, where such fees and charges are based on the fees payable for the supply of water to the land;

are overdue for more than 30 days or for such lesser period as the Manager may deem appropriate, then after giving reasonable notice of a proposed shut-off to the owners and occupants of the property by personal service or prepaid mail or by posting the notice on the property in a conspicuous place a Designated Employee may shut off the supply of water to the property, subject to the provisions of this By-law and the *Municipal Act* as to entry in a dwelling, where applicable.

- (2) Whenever the supply of water has been shut off for non-payment of the fees and charges the Customer shall be responsible for any damages arising from such shut off including, but not limited to, frozen or burst pipes and/or damages to the

curb stop, and the Customer shall indemnify and save harmless the City from all costs, damages and losses arising from such shut off.

(3) **Other Reasons for Shut-off**

Services may also be shut off at reasonable times in the following circumstances:

- a) if the owner or occupant has, for 30 days or such lesser period as the Manager may deem appropriate, refused to allow or has interfered with entry to the property by a Designated Employee as authorized under this By-law;
- b) there are reasonable grounds to believe that a Water Service Pipe supplying water to the property or the water so supplied is jeopardizing the City's infrastructure or other property of the City or any other person;
- c) the person has notified the Division that the person is no longer the Property Owner or Customer and no other person has been identified as such;
- d) there exist emergencies or extraordinary circumstances, including, without limitation, the following:
 - (i) a backflow preventer has not been installed when or as required, or is not in an operating condition;
 - (ii) water supplied to a property is being used without its flow being metered in accordance with this by-law; or
 - (iii) water supplied to a property is leaking to the point where it is
 - (a) causing damage to the City's infrastructure or to other properties of the City or another person; or
 - (b) interfering with or posing a risk to public safety or to vehicular or pedestrian traffic on a street

- (4) Where there are reasonable grounds to believe that any of the aforementioned circumstances exist, a Designated Employee, upon giving such notice as is reasonable in the circumstances, is authorized to take any actions that are necessary to meet the emergency and to eliminate or reduce its effects.

- (5) Any consumer wishing to discontinue the use of water supplied from the City's water works shall give notice thereof to the Customer Services Office at City Hall, or the water rates or charges shall be continued until such notice is given and until the water is turned off.
- (6) No person shall turn off or turn on a water service except a Designated Employee of the City. If the City is requested to turn off or turn on a water service, a service charge, as provided in the Fees & Charges By-Law, shall be paid. No water service will be turned off or turned on unless the consumer or another person authorized in writing to act on behalf thereof, is present on the premises.

11. Inspection Powers

For the purposes of an inspection hereunder, a Designated Employee may, subject to the requirements of Section 436 of the *Municipal Act*:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to the inspection; and
- d) 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.

PART IV – GENERAL REGULATIONS

- 12. The supply of water or sewage service by the City is not to be construed in any way as an obligation to supply a sufficient quantity or quality of water to meet a Property Owner's or Customer's requirements, and failure to supply water of such quantity and quality shall not give rise to any liability on the part of the City.
- 13. It is the Property Owner's responsibility to keep the plumbing at a premises in good working order.
- 14. All connections to the City water or sanitary sewage system shall comply with this Bylaw and the Ontario Building Code, and AWWA specified materials shall be used for all installations.

15. The Manager may, from time to time, establish standards pertaining to connections and installation procedures where not otherwise provided herein or in the Building Code.
16. Where City water or sewage mains cross a property and no easement exists, the City shall be indemnified and saved blameless in the event of a water or sewer main break or damage incurred during a repair.
17. **Health Hazards**
 - (1) No person shall cause or permit any foreign substance, including, without limiting the generality of the foregoing, hazardous liquids or chemicals of any kind, to enter or have contact with the water in the municipal water system.
 - (2) Where a person has caused or permitted a foreign substance to enter, or have contact with, the water in the municipal water system, the person, or the Property Owner or occupant of the premises shall forthwith advise the Water & Wastewater Division.
18. **Permits**
19. **Application for a Water Supply Permit:**
 - a) No person shall make any connection into the City's water or sanitary sewage system without first having obtained a Private Service Connection Permit from the Water & Wastewater Division.
 - b) An application for a Private Service Connection shall be made in writing to the Water & Wastewater Division.
 - c) Upon receipt of a properly completed application from the Property Owner, or the Owner's authorized representative and of any applicable fee payable to the City at Customer Services at City Hall, the Water & Wastewater Division may issue a permit for the connection if it complies with all lawful requirements.
20. **Application for a Meter Permit:**

Upon receipt of a permit for a water connection the Property Owner shall apply for a "Water Meter Permit" from the Water & Wastewater Division by submitting the applicable Application form showing the purpose for which water is required. Such Application shall be signed by the Property Owner of the building to be supplied with water, or by such Property Owner's agent duly authorized in writing.
21. **Permit Fees**

The Application for a Private Service Connection Permit shall be accompanied by a payment, in accordance with the Fees & Charges By-Law, for the inspection of the newly installed service(s) connection to the water and/or sanitary sewage

Lateral. Where the water and sanitary sewage service connections are installed simultaneously, only one permit fee shall be charged.

22. Depending on the location, there may be additional frontage costs payable in connection with the Application as determined by the City in accordance with the Fees & Charges By-law.

23. **All Connections – Water & Sewage**

- (1) Private Service Connections installed to a premises shall at all times be maintained in good repair and, without limiting the generality of the foregoing, be fully protected from frost and other damage by the elements, such maintenance and protection to be carried out by and at the expense of the Property Owner.
- (2) Any repair or maintenance to a Private Service Connection requiring excavation shall not be backfilled until such repair or maintenance is inspected and approved by the Water & Wastewater Division. In case any private connection is backfilled without an inspection and approval by the City, the City may require that the connection be uncovered for inspection and may refuse to supply water until an inspection is carried out and the connection approved. The Property Owner is solely responsible for any issues that arise from backfilling without inspection and approval.
- (3) No service pipe installed from the main to the premises shall be used for any purpose other than to supply the premises.
- (4) The cost of the repair of all landscaping on the Property Owner's side will be the responsibility of the Property Owner. This will include, but not be limited to, the replacement of all grass, shrubs and trees, driveways, sidewalk, retaining walls and any other disturbed or impacted landscape features.

24. **Water Connections**

- (1) Installation of water service connections shall conform in all respects to the Standard Connection Details for this purpose (see Schedule A, Diagram A-1 and A-2) provided that the Manager may authorize such variations therefrom as he or she deems appropriate in individual circumstances.
- (2) Only one service connection may be allowed for each main building, provided that:
 - a) where a building occupies substantially all of the entire frontage of a lot and other buildings are located in the rear of the lot, all such buildings may be supplied from one water service provided that all such buildings belong to one

Property Owner and such Property Owner pays all the water rates and sewage rates respecting to such buildings; and

- b) where more than one service connection was installed on or before the date of passage of this By-law, such connections may continue until such time as the premises on which they are located are substantially or completely reconstructed.
- (3) Where a property is the subject of an application by a Property Owner under the Planning Act for the purpose of subdividing land or creating new lots in any other way, and the land has municipal water service available, such Property Owner is required to service each lot individually unless such requirement is waived by the Manager or by the authority having jurisdiction under the said Act.
- (4) No person shall remove water supplied to a Property Owner or Customer from the City water system from the premises to which it was supplied for purposes of sale, unless authorized in writing by the City.
- (5) The sizing of private water service connections shall be no less than 18 mm in diameter.
- (6) The municipal water system shall not be connected to any water system that is also supplied from a well or any other source of water.
- (7) The municipal water system shall not be connected to a water distribution system in such a manner that foreign materials or non-potable water may enter the municipal system. Where water service connections are installed in the same trench as a sewage service connection, the Water Service Pipe shall be located in accordance with the O.B.C.

25. Cross Connections (see Appendix A: A-6)

- (1) If a person has reason to believe that there is a Cross Connection on property owned or occupied by such person, that person shall report it to the Water & Wastewater Division and such person shall be responsible for all costs, damages or other consequences arising from a failure to so report.
- (2) If the Division becomes aware of a Cross Connection, the City shall have the right to disconnect the service until the Cross Connection is corrected or eliminated.

26. Backflow Preventers

- (1) Backflow Preventers are required in all commercial locations, as identified by the Water & Wastewater Division including, without limitation, all photo labs, funeral homes, car washes and industrial plants.

- (2) Backflow Preventers shall be cleaned, maintained and tested not less than once annually and the test results shall be provided in writing to the Water and Wastewater Division. The cost of testing and maintenance of Backflow Preventers shall be the responsibility of the Property Owner. Such cleaning, maintenance and testing shall be carried out by an adequately trained plumber or a registered apprentice working under the direction of such plumber as required under the *Ontario Trades Qualification Act*.
- (3) In instances where equipment is found not to be operating correctly, the Property Owner shall notify the Water & Wastewater Division immediately whereupon water service to the property may be discontinued until such time as the issue is resolved to the satisfaction of the Water & Wastewater Division.

27. Hydrants and Valves

- (1) Except employees of the Water & Wastewater Division or others acting under their authority, no person shall open or close any hydrants or valves associated with City mains, or interfere with the same in any manner.
- (2) All Water Service Pipes shall be equipped with a Curb Stop Valve and curb box on the premises, at a readily accessible location and immediately adjacent to the Property Line. The installation shall be at the expense of the Property Owner and comply with City standards and specifications.
- (3) With the exception of municipal fire fighters or Water & Wastewater Division employees, no person shall remove water from any fire hydrant, without approval in writing from the City.
- (4) Each hydrant on a private fire protection service shall be separately valved and all such hydrants shall be in accordance with specifications approved in writing by the City. Maintenance, including winterizing of private hydrants shall be the responsibility of the Property Owner.
- (5) A pressure reducing valve shall be installed, at the expense of the Property Owner immediately after the meter, in all premises that are determined by the Water & Wastewater Division to have the water service supplied at a pressure exceeding 550 KPa, (80 PSI).

28. Water Booster Pumps

Property Owners experiencing low pressure, or insufficient pressure, may require a water booster Pump, to be installed at the expense of the Property Owner.

29. Leaks in the System

- (1) The location of leaks shall be determined by working the Curb Stop Valve. If the leak stops, the leak shall be determined to be on the City side. If the leak persists, the leak shall be determined to be on the Private Property side and the responsibility of the Property Owner.
- (2) If, in the opinion of the Water & Wastewater Division, the Curb Stop Valve is not located at or near the Property Line the curb stop will be moved to as near as practicable to the Property Line at the expense of the Property Owner and the location of the leak and responsibility for repairs shall be as determined by the Water & Wastewater Division, whose decision shall be final.
- (3) If the City investigation confirms that a leak in a service line is on the Property Owner's side, which may or may not be causing any disturbance to the adjacent property or neighbours, the Property Owner will be verbally notified immediately of the leak by the Water & Wastewater Division. If no action is taken to repair the leak within three (3) days, written notification will follow the verbal notification and such notice shall warn the Property Owner of the potential shut-off of the water supply. The written warning will allow an additional five (5) business days for the Property Owner to have the repairs completed. Failure to complete the repairs by the fifth day may result in the Water & Wastewater Division shutting off the supply of water to the property. Any damages resulting from the water shut off shall be the responsibility of the Property Owner.
- (4) Any circumstances relating to leaks not provided for this Section shall be dealt with on a case by case basis, and at the discretion of the Manager.

30. Bleeders

- (1) A Property Owner may apply for a permit when reasonably necessary to prevent the freezing of water in the system. A discount rate for water line bleeding shall not be permitted except by written authority by way of a permit issued by the Water & Wastewater Division to the Property Owner. Should a properly installed Lateral freeze, the Lateral will be thawed, if practicable, at the expense of the City and thereafter the type or method for controlled bleeding of the line, shall be as directed by the Water & Wastewater Division in accordance with a permit which may be issued for such purpose.
- (2) Should a Private Service Connection freeze, the Property Owner shall be responsible for the cost of thawing the line. The Water & Wastewater Division may in its discretion authorize a method of controlled bleeding if it deems such to be necessary and advisable.
- (3) Where a permit to bleed has been issued under this section, the water rate shall be the prescribed amount set out in the Fees & Charges By-Law, for a period as

approved by the Water & Wastewater Division, commencing as early as November 1 of any year and ending as late as April 30 of the next year following.

- (4) In extreme circumstances, the Manager has the discretion to authorize a special rate for approved Bleeder customers, where such rate is set out in the Fees & Charges By-Law.

31. Use of Water Service Dispensing Outlets

A person who obtains water from a Water Service Dispensing Outlet shall:

- a) ensure that Backflow is prevented by an air gap that exists at all times or by a Backflow Preventer authorized by a Designated Employee; and
- b) comply with additional rules and requirements governing for the supply and use of water from a Water Service Dispensing Outlet established by the Manager.

32. Sanitary Sewage Connections

Number of Connections

One service connection at the Property Line may be permitted for each premises. Connecting or “Y ing” of services and / or multiple services on Private Property are prohibited, provided that:

- a) where a building occupies substantially the entire frontage of a lot and other buildings are located in the rear of the lot, all such buildings may be serviced from the same sewage connection provided that all of the buildings belong to one Property Owner and such Property Owner pays the sewage rates for all of the sewage services; and
- b) Where more than one service connection was installed on or before the date of passage of this By-law such connections may continue until such time as the premises on which they are located are substantially or completely reconstructed.

33. Lot Creation

Where a property is the subject of an application by a Property Owner under the *Planning Act*, for the purpose of subdividing or creating lots in any other way, and the land has municipal sewage service available, such Property Owner is required to service each lot individually unless such requirement is waived by the Manager or by the authority having jurisdiction under the said Act.

34. New Homes

New homes shall, in accordance with the O.B.C., have a sump pit, sump pump and Backwater Valve installed. These devices shall be maintained at all times in good working order by and at the expense of the Property Owner.

35. **Demolished Buildings**

Where existing buildings have been demolished and the Property Owner proposes to utilize the existing sewage service to service a new building, the approval of the C.B.O. and Water & Wastewater Division shall be required. The approval of the continued use of the existing service will be subject to inspection by the Water & Wastewater Division to determine that it is in satisfactory condition and will properly serve the new building.

36. **Discharge Regulations**

Subject to Section 37, Domestic Users may discharge into the sewage system from the following:

- a) bathroom fixtures,
- b) kitchen sinks,
- c) laundry and washing machine wastes,
- d) floor drains,
- e) garage floor drainage (not including detached garages or carports),
- f) swimming pool water discharge (above ground or in ground).

37. **Restrictions on Discharge**

- (1) No person shall allow discharge from a swimming pool into a land drainage system, or as may to come into contact with the ground, onto neighbouring property, into a waterway or onto the banks of a waterway. Swimming pool water discharge shall only be allowed where it is directly conveyed by means of a hose or other apparatus to discharge directly into a sanitary sewer.
- (2) All discharge into the sewage system of wastes by a Commercial User shall first be approved by the City.
- (3) The discharge of rainwater leaders, foundation weeping tile, sump Pumps, or other surface or underground water collection systems to the sewage system of the City is prohibited.
- (4) The Property Owner shall, within 10 days of a sewage service connection being made to the premises, disconnect any septic tank, cesspool or similar private wastewater disposal facilities, and where the private wastewater disposal facilities no longer service any other premises, the same shall be cleaned, filled with clean and inert sand, soil or other suitable material, or removed.

- (5) Every building drain branch serving fixtures below street level that may be subject to back flow and which was constructed after the date of passage of this By-law shall have installed a Backwater Valve or other approved device to prevent the flow of effluent from the City wastewater system into the premises in accordance with OBC and such valve shall be maintained in good working order by and at the expense of the Property Owner.

38. Laterals

- (1) The sewage service Lateral from a building to the City's sewage main shall be connected to the building at an elevation below the foundation footings where existing grade will permit. No building sewage service shall be laid parallel to and within one (1) meter of any bearing wall. The piping shall be laid at sufficient depth to afford protection from frost, at uniform grade and in a straight alignment, wherever possible. Where an elbow is required, only 45 degree or 22½ degree long sweep or "street" bends or elbows shall be used.
 - (2) The details of the installation of the sewage service shall conform to the Standard Connection Details for this purpose (see Appendix A: A-1, A-3 or A-4) and to any additional or alternative requirements of the Water & Wastewater Division.
 - (3) For gravity sewage service, a clean-out shall be installed by the Property Owner in accordance with the O.B.C.
 - (4) A main building inspection clean-out shall be located just inside the foundation wall, and as approved by the Water & Wastewater Division. The main building inspection clean-out shall be fitted with a riser pipe of the same diameter and material as the sewage service pipe and shall rise to the top of the basement floor, such that the cap is flush with the floor, yet accessible for removal.
39. The size of the wastewater service Lateral shall be in accordance with the requirements of the O.B.C., MOECC and good engineering practice. The minimum diameter for the sanitary connection piping shall be 100 mm.
40. Where the sewage main and the sewage service Lateral thereto are not deep enough to permit a gravity connection at the depth or proposed depth of the basement construction, or the property is required to be serviced by a sewage pumping system, then the Property Owner shall install an Effluent Pump at the Property Owner's own cost.

41. Non-Municipal Sewage

The Sewage Treatment Plant is designed to accept only municipal sewage. The plant does not allow any discharge of sewage other than that from the City's Sewage Collection System. Notwithstanding the foregoing, the Manager, upon receipt of such tests and information as he or she may require, may permit the discharge of other sewage into the System, in which case a fee shall be payable

by the Applicant at the rate of \$10.00 per 1000 litres of discharge or at such higher rate as may be set in the Fees & Charges By-Law from time to time

42. **Grinder Pumps**

(1) **Grinder Pump Ownership**

All Grinder Pumps on private property, whether Commercial or Domestic, are the property of the Property Owner, and except as herein specifically provided, the Property Owner is responsible for the cost of installation.

(2) **Commercial Properties**

Except as provided in Subsection (7) of this Section, low pressure Grinder Pumps servicing Commercial Properties are not maintained by the City. All costs associated with low pressure sewage systems servicing Commercial Properties shall be borne by the Property Owner.

(3) **Domestic Properties**

Only external Grinder Pumps associated with residential low pressure systems are permitted. The normal maintenance costs of such systems shall be borne by the City which shall not include maintenance required due to misuse. Pumps, whether Grinder or Effluent, connected to a gravity collection system are not maintained by the City and all costs associated with such systems shall be borne by the Property Owner.

(4) **Warning Systems**

Property owners shall ensure that each Grinder Pump is equipped with a warning light or audible alarm, or both, to warn of any failure in the Pump or its control systems.

(5) **Pump Failure**

Every Property Owner, immediately upon becoming aware of a Grinder Pump failure or loss of electrical power, shut off all sources of water which drain into the Grinder Pump, and ensure that no further discharge is made into the sewage system until the Pump has been repaired or electricity has been restored.

(6) The Property Owner of premises on which a Grinder Pump is located shall notify the Water & Wastewater Department immediately upon becoming aware of a Grinder Pump failure.

(7) **City Maintenance**

Notwithstanding, Subsection (2) of this Section, the City may in its discretion provide maintenance, including replacement Grinder Pumps, to City approved low pressure systems within the municipal limits of the City, provided that:

- i) the Property Owner of the premises has advised the City of a Grinder Pump failure; has requested the City to repair same, and has signed an

authorization and indemnity form to be approved by the Water & Wastewater Division, substantially in the form of Schedule C hereto; and

- ii) the Property Owner shall reimburse the City for repairs necessary to complete any work which may be ancillary to the Grinder Pump repairs and therefore not the responsibility of the City; and the Property Owner shall to reimburse the City for any repairs from negligent use or misuse of the Grinder Pump, including the discharge of any improper material into the sewage system; and
 - iii) the Property Owner arranges to have a person present at the premises to permit the City access to the premises as may be required to effect the repair.
- (8) If a Grinder Pump maintenance issue is reported after normal hours, Division staff may, but are not obligated to, respond to the service call to evaluate the problem, but unless otherwise directed by the Manager, all maintenance work will be done after 8:00 a.m. the next normal business day. In such situations the users may be advised to monitor the problem and use less water to the extent necessary to prevent any overflow or spill.
- (9) Notwithstanding any other provision of this By-law, the City shall not be responsible for:
- i) electrical charges for the operation of any Grinder Pump or any heating systems related thereto;
 - ii) The operation, cleaning, maintenance, repair or replacement of the electrical system, including all electrical works from the Property Owner's house to the Grinder Pump canister (basin) except for the electrical control panel supplied with the Grinder Pump, any alarm systems associated with the Grinder Pump and the wiring system inside the canister;
 - iii) the operation, cleaning, maintenance, repair and replacement of piping and plumbing from property owner's house to the Grinder Pump canister and the service line from the canister to the sewage system;
 - iv) any maintenance issue inside the Grinder Pump canister due to disposal of deleterious materials such as, but not limited to, grease, abrasive materials or sand.
- (10) **Additional Owner Responsibility**
The Property Owner of a premises on which a Grinder Pump is located shall be responsible in the event of a discharge of wastewater into the environment, for any cleanup costs, and any necessary notification to the Ministry of the

Environment & Climate Change's Spills Action Centre, and for compliance with any Ministry requirements.

- (11) The Property Owner of a premises on which a Grinder Pump is located shall be responsible for the costs of any restoration of landscaping, shrubs, trees, grass and other improvements to property which may be damaged by the City or its Agent or employees in the course of Grinder pump maintenance, repairs, or replacements.

43. Food Related Oil and Grease Interceptors

- (1) Every Property Owner or operator of a restaurant or other Commercial User or institutional premises where food is cooked, processed or prepared and connected directly or indirectly to the City sewage system, shall take all necessary measures to ensure that oil and grease are prevented from entering the sewage system.
- (2) The Property Owner or operator of premises described as set in Subsection (1) of this Subsection shall install, operate and properly maintain an oil and grease interceptor in any piping system at the premises that connects directly or indirectly to the sewage system.
- (3) The Water & Wastewater Division may enter and inspect any premises containing oil and grease interceptors at reasonable times.

44. Lateral Maintenance and Repair

- (1) The Property Owner is responsible for maintenance of the Lateral from building to the City Sanitary Sewer Main, as shown in Appendix A: A-3. This includes both the portion on Private Property and the Non-Private Property portion up to the main.
- (2) Whenever failure or blockage of any sanitary line occurs, the City crews may respond only to check the City's sanitary main to determine if it is clear and flowing. If the sanitary main is found to be clear, it is the responsibility of the Property Owner to make an arrangement for cleaning and maintenance of the sanitary service.
- (3) Subject to payment of applicable service charges, in accordance the Fees & Charges By-Law, the City may provide available services such as inspection, sanitary rodding, sanitary steaming and camera work for the sanitary service connected to the sanitary main.

45. Exceptions

Notwithstanding that the Property Owner is responsible for maintaining and repairing the sanitary service from the building to the sanitary main:

i) Technical Problems:

The City may, if approved by the Manager, take responsibility for repairs to any sanitary sewage service for the section from the approximate Property Line to the sanitary sewage main that requires excavation due to shifting, formation of a sag, broken pipes, cracks, or collapse in the sanitary sewage line; and

ii) Sidewalks or paved roadways:

If a Lateral repair is required under a public sidewalk or under a paved public roadway (lane or street) the City may, if approved by the Manager, undertake the repair of that portion of the Lateral, at its cost;

provided that where such repairs are necessitated by the unauthorized act or negligence of any person, the costs of the repairs are payable by such person to the City.

PART V – SEASONAL WATER AND SEWAGE SYSTEMS

46. Except as otherwise provided in this Part, the construction, use, operation, and maintenance for seasonal water and sewage systems shall be in accordance with the general provisions of this By-Law.
47. For conditions where the general provisions of this By-law are deemed by the Water & Wastewater Division not to be possible or practical, the City may deviate from such general provisions to the extent determined by the Water & Wastewater Division.
48. **Annual Activation of Seasonal Water & Sewage Service**
The objective, subject to manpower availability, weather conditions and other prevailing circumstances, is that the seasonal water and sewage systems are to be made fully operational annually. The exact date the systems become operational will vary from year to year, but the general objective is that this will be on or before the May long weekend.
49. All summer service users, including, without limitation, Coney Island residents, shall pay the applicable service charge for each water turn on and water turn off and related services.
50. **Annual Termination of Seasonal Water & Sewage Service**
The date for termination of seasonal water and wastewater service shall, normally be October 1st. This date may be extended on a “day to day” basis and the decision shall be dictated by manpower availability, weather conditions and other prevailing circumstances provided that, regardless of warm weather conditions, the operation of all seasonal systems shall be terminated no later than the first Tuesday following Thanksgiving Day.

51. **City of Kenora Services**

The City services under this Part include only the following:

- a) charge and flush main lines during activation in spring;
- b) shut off and drain main lines in the fall;
- c) shut down lift stations and blow out the sanitary main;
- d) repair leaks on main lines, maintain water meters and fire hydrants;
- e) removal and draining of water meters when terminating service in the fall;
- f) reconnect and reseal meter prior to activation in the spring; and
- g) monthly meter readings in summer months and determining if the water meter is in working order.

52. **Seasonal Service Customer Responsibilities**

The Property Owner responsibilities under this Part include, without limitation, the following:

- a) maintenance and repairs on Laterals from main to residence;
- b) ensuring no branch lines originate before water meter;
- c) reporting water leaks, tampering with water meters or hydrants;
- d) winterizing sanitary service lines (if applicable);
- e) contacting City Hall Customer Service Department for activation and termination dates;
- f) draining of Lateral line from main to residence;
- g) payment of charges for the monthly metered water consumption and applicable sewer and water service fees (based on a 5/8" meter) as per the General Tariff of Fees and Charges, from the day the seasonal service is activated by the City until the service is terminated by the City;
- h) If a consumer requests that the service be terminated prior to the scheduled seasonal termination date, a turn off service charge is applicable in accordance with the Fees & Charges By-Law. This service termination shall be performed only by City staff and the Consumer shall contact the City to request such termination. Any self-discontinuation of services will not be eligible for billing termination.

53. No person shall, without authority from the City and compliance with this By-law connect to the City water system, or sewage system.

54. No person shall by-pass a water meter.

55. **Coney Island – Low Pressure Wastewater System (Grinder Pump)**

(1) The Coney Island Property Owner shall pay a one-time connection fee per service to the City in accordance with the Fees & Charges By-Law.

(2) Prior to connection the Property Owner shall have obtained a Private Service Connection Permit from the Water & Wastewater Division.

(3) The Property Owner assumes all responsibility for the connection and installation for the Low Pressure Sewage Lateral Service and all associated costs.

(4) Customer materials and procedures shall be in accordance with Appendix A: A-5, and as follows:

- a) Cut off end cap and use compression male adaptor with stainless steel insert inside polyethylene (PE) pipe.
- b) Install a 38 mm good quality threaded ball valve, 38 mm close nipple, a good quality brass check valve (threaded) and a compression male adaptor that comes with a stainless steel insert.
- c) All piping to be used to connect to the low pressure Grinder Pump tank shall be PE Series 100.
- d) The low pressure Grinder Pump tank may be constructed from concrete, polyethylene or fiberglass, with a minimum size of 750 mm by 1.5 m in height and with a lockable cover.
- e) The Grinder Pump shall be capable of 30 m head.
- f) An alarm system is required for the Grinder Pump, either audible or visual (flashing light), which shall be installed in a clearly visible area.
- g) Existing septic or holding tanks shall not be used as a pumping chamber.

56. **Winterizing**

Prior to the system being shut-down and de-activated, the Property Owner shall pump out the Grinder Pump station and add an adequate quantity of RV antifreeze to the Grinder Pump station and sanitary line, approximately 35 litres per 30 metres. The Grinder Pump shall then be started in order to pump the

antifreeze into the sanitary line so that the antifreeze is protecting the check valve area as well as within the Grinder Pump station.

PART VI – WATER METERS

57.

- (1) All water supplied by the City to any other person through the City municipal water system shall be metered.
- (2) In every building comprised of or containing one or more dwelling units an individual meter shall be installed for every dwelling unit except for an apartment building having less than four (4) apartment dwelling units, in which case the building may be serviced by a single meter.
- (3) In the case of condominium buildings and apartment buildings, an additional meter may be installed solely for servicing areas and facilities external to the dwelling units referred to in Subsection (1) of this section.
- (4) Subsection (1) of this Section does not apply to require meters for individual dwelling units in condominium buildings and apartment buildings which are serviced by a single meter as at the date of passage of this By-law.
- (5) (a) In respect of every dwelling unit, whether individually metered or situate in a building lawfully serviced by a single meter as provided herein, in addition to the metered rate of water, the Customer shall pay the fixed water service rate and the fixed sewer service rate as described in the General Tariff of Fees and Charges By-law.

(b) Clause (a) shall not apply to an apartment building having less than four (4) apartment dwelling units, in which case a single fixed water service charge and a single fixed sewer charge for the entire building shall be paid.
- (6) Notwithstanding Subsection (5) of this Section, in the case of an apartment building having four (4) or more dwelling units and serviced by a single meter as at the date of passage of this By-law, the fixed water service rate and the fixed sewer service rate payable by the Property Owner in respect of the dwelling units shall be phased in by annual increases over five (5) years, so that 20% of the rate paid in the one year period from the date of passage hereof, 40% in the second year, 60% in the third year, 80% the fourth year and 100% in the fifth year and thereafter.
- (7) Nothing in this Subsection prevents the Property Owner in respect of a condominium building or an apartment building which is exempt from the requirement for separate meters for individual dwelling units, from voluntarily applying for and installing such separate meters in accordance with all applicable provisions hereof.

58. No person shall tamper with or alter a Meter.
59. All Meters, 50 mm and under, shall be supplied by the City on payment of any applicable fee as provided in the Fees & charges By-law and installed by the Property Owner in accordance with the directions of the Water & Wastewater Division and the provisions hereof.
60. If a Meter fails to register, the Property Owner shall be charged for the average consumption for the pertinent period as determined by the Water and Wastewater Division.
61. All water passing through a Meter shall be charged for, whether used or wasted.
62. A Meter may be removed and tested by the City upon the written request of the Property Owner. If it is found to register correctly or not in excess of five per cent in favour of the City, the expense of removing and testing of the Meter shall be paid by the Property Owner.
63. If a Meter, when tested, is found to register in excess of five per cent in favour of the City, a refund will be made to the Property Owner of an amount equal to such excess percentage of the water rates paid for the three months prior to the testing of the Meter, provided, however, that no reduction shall be made which will reduce the water rates for the such period below the applicable minimum water rates.
64. In dealing with Meter issues, the City will first determine if the water Meter was properly read. If the investigation of the Meter and Meter records establishes that the Meter was misread or that there was a failure of the equipment, a new bill will be issued using the previous year's consumption for that location for the period in question. There will be no penalty assessed in the event the adjustment procedure delays payment past the penalty date.
65. If an investigation of the Meter and the Meter record establishes the Meter was properly read and that there was no failure of the equipment, the bill will remain valid and payable.
66. Property Owners questioning the accuracy of the Meter shall pay the account in question and request that the Meter be tested.
67. If an adjustment to the Property Owner's bill is warranted, the amount of the bill will be determined using the previous year's consumption for that period unless the Manager determines that the amount should be determined in an alternate way.
68. All Meters in excess of 50 mm shall be supplied and installed by the Property Owner. The meter shall meet or exceed City standards and specifications. Upon

installation of such Meter, ownership of the Meter shall be deemed to have been transferred to the City and shall be maintained by the City thereafter.

69. Where the Division determines that a Meter is to be replaced, such shall be done at the City's expense unless the City determines that damage to the Meter was caused by the willful act or negligence of the Property Owner or occupants of the premises, in which case, the cost of the new Meter and of the installation shall be a charge to the Property Owner.
70. Meters shall be installed in an easily accessible location, having adequate head room, and located immediately adjacent to the point at which the service pipe enters the premises (see Appendix A: A-7).
71. On reasonable notice of its intention to do so, the City may shut off or restrict the supply of water to a property if the City requires access to the property to replace, repair or inspect a Meter.
72. Rental units in a premises may have separate registered Meters for each such unit, provided such installations are made above ground and each Meter is plumbed so that the supply of water to that Meter may be shut off without negatively impacting the supply of water to the other Meters. All costs associated with such multiple meter installations shall be borne by the Property Owner.

PART VI – WATER RESTRICTIONS

73. The City may, upon reasonable notice personally delivered or sent by ordinary mail to the Property Owners affected, or by notice published in a newspaper having circulation in the City, restrict or prohibit the consumption of water at certain times, on certain dates or for certain purposes as is deemed necessary and the City is not liable for any loss or damages caused by such reduction.
74. No person shall use water supplied by the City water system except in accordance with any such restrictions.
75. Any person who fails to comply with water restrictions, shall, where reasonable notice has been given as required by the *Municipal Act*, be subject to having such person's water supply shut off, and such supply shall not be turned on until arrangements satisfactory to the City have been made to ensure that the restrictions are complied with.

PART VII – RATES AND BILLING ADJUSTMENTS

76. **Rates**
 - (1) Every Property Owner and Customer shall pay the rates, fees and charges as set out in Fees & Charges By-Law for applications, permits, consumption of water, and water and wastewater service calls, and such other services, matters and

things as may be provided for herein. Where adequate water and sewage service currently exists, but no connection to the water and sewer has occurred, Property Owners wishing to connect to these services shall pay a frontage fee, the frontage fee shall be determined by the Manager, based on relevant costs to the City.

- (2) Every Customer shall pay to the City, on or before the due date shown on the City's account, the full amount of the rates and charges shown thereon. If the full amount is not paid on the due date, interest will be payable in accordance with the City's Fees & Charges By-law.

77. Billing Adjustment Process

- (1) The need to adjust a water and wastewater account may arise through facility malfunction or evidence that the charges are in error.
- (2) To apply for an adjustment relating to suspected leak, the leak must not be readily evident (such as leaks that are under concrete, within walls, or under floors) or the leak must occur while occupants are away from the premises. This may be determined from hydro records or such other evidence as the Water & Wastewater Division deems appropriate.
- (3) Adjustments on water and sewage bills will not be made in the following circumstances:
 - a) premises left abandoned, or maintained without reasonable care of the plumbing system, including winterization or where steps are not taken to prevent leaks or the waste of water in any other manner including, without limitation the running of water from or in unattended fixtures;
 - b) More than one occurrence per calendar year;
 - c) Filling of swimming pools, hot tubs, cisterns, storage tanks;
 - d) Leak not repaired within 10 calendar days after notification by the City of a possible leak;
 - e) Request for adjustment was made more than (90) days from the billing date.
- (4) The City shall be under no obligation to extend the discount or due date or the time for paying any bills because the Customer disputes the amount of the bill.
- (5) All requests for billing adjustments must be received in writing at the Customer Service office at City Hall during regular business hours.
- (6) The Manager, or his or her delegate, shall file a written report of the Property Owner's request for an adjustment and the action of the staff regarding the matter.

- (7) All records of billing adjustments shall be kept as required by the City's document retention policies.
- (8) In the absence of specific rules or policies, the disposition of billing adjustments shall be made by the Manager, or his or her delegate.
- (9) Billing adjustments as provided in Subsections (1) to (8) of this Section are applicable to Domestic Users only.
- (10) Adjustments may be made to Commercial Users' bills but shall be at the sole discretion of the Manager if deemed justified in the individual circumstances.
- (11) Adjustments shall be made by using the previous year's consumption for the timeframe in question unless the Manager determines otherwise.
- (12) Any interest accruing on the Customer's account during the period while the adjustment process is proceeding, is the sole responsibility of the Customer and shall be paid in accordance with City policies.
- (13) All water and sewage adjustment requests shall be in writing using the "Water / Wastewater Adjustment Request Form"

PART VIII – OFFENCES AND PENALTIES

78. Offences

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to a fine or other penalty as provided for in the *Provincial Offences Act*.

PART IX – REPEAL AND EFFECTIVE DATE

79. Repeal

By-law 78-2017 and all amendments thereto and consolidations thereof are repealed.

- 80. All permits issued pursuant to said By-law 78-2017, shall be deemed to be issued under this by-law for and during the period for which they were issued.

- 81. The repeal of By-law 78-2017, shall not affect the collection of any amount accrued thereunder or any prosecution for an offence committed against the provisions thereof or the imposition of any penalty in respect of offences thereunder.

82. **Effective Date**

This by-law shall take effect and come into force on the final passage hereof.

By-law read a First and Second Time this 22nd day of May, 2018

By-law read a Third and Final Time this 22nd day of May, 2018

The Corporation of the City of Kenora:-

David S. Canfield, Mayor

Heather Kasprick, City Clerk

The Corporation of the City of Kenora
By-Law Number 70 - 2018
A By-law to regulate the Municipal Water Supply and the Provision of
Sanitary Sewage Services in the City of Kenora

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