

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 96-58

**A BY-LAW TO REQUIRE OWNERS OF BUILDINGS TO
CONNECT SUCH BUILDINGS TO WATER WORKS IN THE
TOWNSHIP OF ESSA**

WHEREAS Bill 51, An Act to Restructure the County of Simcoe provides that certain Municipal By-laws will expire by December 31, 1997;

AND WHEREAS the Council of the Township of Essa deems it advisable to re-enact certain By-laws;

AND WHEREAS pursuant to the provisions of Section 222 of the Municipal Act, R.S.O. 1990, Chapter M45, as amended, Councils may pass By-laws requiring owners of buildings or any class or classes of buildings in the Municipality or in any defined area therefore to connect the said building to the water works of the Municipality;

AND WHEREAS such By-laws may provide for exempting owners of buildings, or any class or classes thereof as may be specified in the By-law, in the Municipality or in any defined area thereof from the application of the provisions of the By-law requiring the connection of such buildings or such class or classes thereof to the water works of the Municipality upon payment by the owner to the Municipality of such amounts or of amounts computed by such method as may be provided for in the By-law, and the amounts or method of computation provided may be different for owners of different classes of buildings, and the By-law may provide for the manner in which and the period for which the payments may be made;

AND WHEREAS it is deemed expedient by the Township of Essa (the "Municipality") to pass a By-law requiring the owners of all buildings in the Municipality to connect such buildings to the water works.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY ENACTS AS FOLLOWS:

1. In this By-law

- (a) "building" means and includes any building, trailer or other covering or structure with a pressurized water supply which:
 - i. is located on a parcel of land abutting on a public highway or street in which a water works is located or a parcel of land not more than one foot from a public highway or street in which a water works is located; and,
 - ii. (1) contains, or is required by any other By-law, regulation or statute to contain, any sleeping, eating or food preparation facilities, or
 - (2) contains or is required by any other By-law, regulation or statute to contain, any washing or toilet or cleaning facilities, or
 - (3) is connected, or is required by any other By-law, regulation or statute to be connected, to a water supply, or water works, or
 - (4) is connected or is required by any other By-law, regulation or statute to be connected, to a drain sewage works, or

(5) which is a source of sewage;

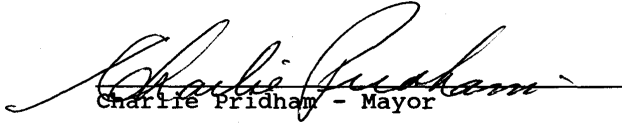
other than a barn used for agricultural purposes and which contains no sleeping accommodation for persons;

- (b) "connect" means to install a connection;
 - (c) "connection" means a connection to a water works system including the service pipe from the interior face of the outer wall of a building or from the water meter if one is installed inside the building, including any valves, stopcocks and water meters to
 - i. the street line where a service line has been installed from the watermain to the street line, or
 - ii. the watermain where a service line has not been so installed;
 - (d) "cost" includes the cost of restoring any property disturbed or damaged in the course of making a connection and the cost of design, if any, materials, labour and supervision of the connection incurred after the date of sending a Notice and includes the amount of expense charged by the Municipality to the owner when the Municipality makes a connection at the expense of the owner;
 - (e) "Notice" means a notice given pursuant to this By-law requiring a connection to be made;
 - (f) "owner" means the owner of a building and includes registered owner of, the person shown on the assessment roll as owner of, and the actual owner of a building or any property on which a building is located;
 - (g) "waterworks" means any watermain provided by or for the Municipality for the purpose of supplying water in the Municipality.
2. Every owner of a building shall connect the building to the water works.
3. (1) Any connection required to be made by an owner under this By-law shall be made:
- (a) within nine months of the mailing of a notice to the owner by registered mail to his last known address requiring the connection to be made, or within such periods of time, if any, as are granted by Council as an extension pursuant to the provisions of this By-law, and,
 - (b) in accordance with the requirements of the notice and any By-law, regulation or statute governing such connection.
- (2) Any Notice hereunder
- (a) shall require the owner to make the connection,
 - (b) shall advise the owner
 - i. the date on which the nine month period expires, and
 - ii. that if the owner fails to make the connection as required, the Municipality has the right to make it at the owner's expense and to recover the expense by action or in like manner as Municipal taxes, and

- (c) shall make reference to this By-law.
4. (1) Council may, on the application of an owner to whom Notice has been sent, grant an extension of the period of nine months within which the connection must be made.
 - (2) An extension, if granted, must not be for a period longer than two years from the end of the nine month period provided by the notice.
 - (3) If the extension is for a period of less than two years, one further extension with an expiry date not more than two years from the end of the original nine month period provided by the notice may be granted by Council and no further extension may be granted.
5. (1) If the owner fails to make a connection required by a Notice within the nine month period or such extended period permitted hereunder, as Council grants, the Municipality may make the connection at the expense of the owner and for this purpose may enter into and upon the property of the owner.
 - (2) The cost of making such connection shall be a lien or charge as Municipal taxes upon the land in respect of which the connection was made, shall be added to the Collectors Roll by the Clerk of the Municipality and shall be collected in the same manner as overdue taxes and shall bear interest from the date the first demand for payment is made at the same rate as overdue taxes.
6. The owner of a building affected by this By-law may be exempted from the provisions of Section 2 upon request for Exemption Application (Form 1) having been received by the Clerk of the Municipality and the owner requesting exemption shall be billed (bi-monthly/quarterly) a flat charge equal to 100% of the minimum residential water service rate as determined from time to time by the Municipality in lieu of user rates.
 7. For an owner to continue to be entitled to the exemption he must pay bills issued under Section 6 as they fall due.
 8. The owner of a building electing to be exempted under Section 6 shall, within twenty-one days of Notice, return to the Clerk of the Municipality a Request for Exemption Application (Form 1).
 9. Notwithstanding the provisions of Section 6, no exemption will be granted which is at variance with any written requirement, order or approval by a Medical Officer of Health or Public Health Inspector or pursuant to the Environmental Protection Act, R.S.O. 1990, Chapter E.19.
 10. When an owner who has been making payments under Sections 6 and 7 of this By-law connects the building to the water-works his charges for water service rates shall be credited with any amount paid under Sections 6 and 7 with respect to the time period after the connection is made.
 11. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is subject to a fine pursuant to the Provincial Offenses Act, RSO 1990, Chapter P33 as amended.
 12. By-laws 92-71 and 86-52 are repealed
 13. This By-law comes into force and effect on the date of the day it was finally passed

READ A FIRST AND SECOND TIME on this the 21st day of August,
1996.

READ A THIRD TIME AND FINALLY PASSED on this the 21st day of
August, 1996.


Charlie Fridham - Mayor


Brenda Sigouin - Clerk Administrator