# THE CITY OF WINNIPEG

## BY-LAW NO. 107/2015

A By-law of THE CITY OF WINNIPEG to regulate the operation of the City of Winnipeg's waterworks system

**THE CITY OF WINNIPEG**, in Council assembled, enacts as follows:

## PART 1
## INTRODUCTION

**Short title**

**1** This By-law may be cited as the "Water By-law".

**Definitions and interpretation**

**2(1)** Unless the context requires otherwise, whenever used in this By-law,

**"abandon"**, in the context of the waterworks system, means to physically disconnect a water service pipe from a water main;

"**air gap"** means the unobstructed vertical distance through air between the lowest point of the water supply outlet and the flood level rim of the fixture or device into which the outlet discharges;

**"American Water Works Association" or "AWWA"** means the American Water Works Association founded in 1881, or any successor association;

**"as-built drawing"** means a drawing of a completed construction project that shows on-site changes to the original design documents;

**"auxiliary water"** means any water other than water supplied by the waterworks system;

**"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 waterworks and includes a premises isolation device;

**"branch aqueduct"** means a major water pipeline connecting the water treatment plant to a pumping station;

**"Canadian Standards Association" or "CSA"** means the Canadian Standards Association founded in 1919, or any successor association;

**"CAN/CSA-B64.10/B64.10.1"** means the *Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers manual* published by the Canadian Standards Association and any replacement document published by the Canadian Standards Association;

**"City"** means the municipal corporation of the City of Winnipeg;

**"city"** means land within the boundaries of the City of Winnipeg;

**"City's infrastructure"** means streets and the City's waterworks, land drainage and wastewater systems;

**"City's waterworks"** means that portion of the waterworks system whose maintenance is not the responsibility of the property owner under section 7 (*Responsibility for maintaining water service pipes*) of this By-law;

**"combined water service pipe"** means a water service pipe that supplies water to a fire protection system as well as for other purposes;

**"condominium"** means a multiple-unit building that is subject to *The Condominium Act*;

**"conforming water service pipe"** means a water service pipe that is connected to a property from a fronting water main;

**"Council"** means the Council of the City of Winnipeg;

**"customer"** means the owner of the property to which water is supplied, or any other person who has agreed to pay the charges for water supplied to a property;

**"demolish"**, in the context of a building, means to remove or destroy the entire building, including its foundation;

**"Designated Committee"** means the Standing Policy Committee on Infrastructure Renewal and Public Works or any Standing Policy Committee that has been given responsibility for oversight of the City's supply of water to its residents;

**"designated employee"** means the Director and any other City employee or agent of the City of Winnipeg who has been authorized by the Director to administer or enforce this By-law or exercise any of the powers given to the Director under this By-law;

**"Director"** means the Director of the Water and Waste Department of the City of Winnipeg, or delegate;

**"domestic water service pipe"** means a water service pipe that is not a fire protection water service pipe, a combined water service pipe, or a seasonal water service pipe**;**

**"downstream"** in respect of a device installed on a water service pipe, means any point beyond the point where water supplied from a water main is designed to exit the device;

**"feeder main"** means a pipe connecting a pumping station to the water main network;

**"fire hydrant"** means a device connected to the City's waterworks and designed to provide water for firefighting directly through a fire hose or fire pumper;

**"fire protection system"** includes

(a) a device or system designed exclusively for fire protection; or

(b) a private fire hydrant,

but does not include a public fire hydrant;

**"fire protection water service pipe"** means a water service pipe that supplies water exclusively to a fire protection system;

**"fronting",** with respect to the relationship between a property and a water main, means that portion of the water main that lies within a street immediately adjacent to the property;

**"non-conforming water service pipe"** means a water service pipe that is connected to a property from a non-fronting water main;

**"non-potable water"** means water that fails to meet drinking water standards established under *The Drinking Water Safety Act* or other legislation governing the supply of drinking water;

**"operating condition"** in reference to a backflow preventer, means that it meets the standards for operation set out in CAN/CSA-B64.10/B64.10.1;

**"owner"** unless otherwise stated, means an owner of real property as defined in *The City of Winnipeg Charter* and, if the property is divided into condominium units under *The Condominium Act*, includes the condominium corporation with respect to the common elements of the building or buildings to which water is being supplied;

**"person"** means an individual, firm, partnership, association or other body, whether incorporated or unincorporated;

**"point of use"** means

(a) in the case of a fire protection water service pipe, the point at which a water service pipe passes through the external wall or floor of a building;

(b) in the case of a domestic water service pipe, the domestic aspects of a combined water service pipe, or a seasonal water service pipe,

(i) the point at which water exits the meter that is required to be installed by Part 9 (*Water Meters and Other Devices*) or;

(ii) if a backflow preventer has been installed on the pipe, the point at which water exits both the meter that is required to be installed by Part 9 (*Water Meters and Other Devices*) and the backflow preventer; and

(c) in the case of a pipe or fire hydrant, the point at which water exits a pipe or fire hydrant in order to be used;

**“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;

**“private fire hydrant”** means a fire hydrant that is not a public fire hydrant;

**“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;

**“public fire hydrant”** means a fire hydrant that has been installed by or on behalf of the City and is located on a street or is located on private property pursuant to an easement or other right of use agreement in favour of the City;

**“public water service outlet”** means an outlet designated by the Director at which water is supplied by the City in bulk quantities to be hauled to the place where it is to be used;

**“related components”** means devices, mechanisms or hardware that are used to ensure that the object to which they are related functions as intended;

**“repurpose”**, in the context of the waterworks system, means to change the use of a water service pipe from a fire protection water service pipe, a combined water service pipe or a seasonal water service pipe to a domestic water service pipe;

**“reuse**”, in the context of the waterworks system, means to connect to a building or point of use a pipe that was previously a water service pipe which has remained connected to a water main since that time;

**“seasonal water service pipe”** means a permanent water service pipe that supplies water for temporary, seasonal purposes, such as irrigation, fountains, wading pools or other temporary structures or uses;

**“Service Permit”** means the service permit issued pursuant to subsection 20(2);

**“shut off”** means to shut off the supply of water to a point of use without abandoning the pipe supplying the water;

**“shut-off valve”** means a valve controlling the flow of water through a water service pipe which is located

(a) at the water main, in the case of a combined or fire protection water service pipe; or

(b) at or near the property line, in the case of a domestic water service pipe;

**“Standard Construction Specifications”** means the current edition of the *City of Winnipeg Standard Construction Specifications* posted on the City’s website;

**"street"** has the same meaning as in *The City of Winnipeg Charter* and includes roadways, lanes, sidewalks, ditches and boulevards;

**"tamper"** includes breaking the seal of a water meter or of a water meter bypass;

**"upstream"** in respect to a device installed on a water service pipe, means any point before the point where water supplied from a water main is designed to enter the device;

**"utility bill"** means a demand for payment provided by the City concerning the water charges imposed on a property;

**"water main"** means a pipe that

(a) is located beneath the ground within a street or within City-owned private property or other private property pursuant to an easement granted in favour of the City; and

(b) moves water from one or more feeder mains to water service pipes;

**"water meter"** means a device designed to measure and record the volume of water used and, where applicable, includes associated devices such as a remote reading device;

**"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,

(b) a combined water service pipe,

(c) a fire protection water service pipe, and

(d) a seasonal water service pipe;

but excludes a water meter;

**"waterworks system"** means the pipes, equipment, facilities and structures within the city of Winnipeg that carry water to points of use, including water service pipes, and the water within the system at any time;

**"within"**, in the context of a street or property, includes the area above or beneath the surface;

**"work"** unless the context indicates otherwise, includes installing, enlarging, repairing, altering, connecting, abandoning, or reusing any part of the waterworks system;

**2(2)** In this By-law, when authorization to take certain actions is identified as being given only to a specified individual or individuals, all other persons are prohibited from taking the action referred to, and any other person who takes such an action commits an offence.

## PART 2
## AUTHORITY

**Director's authority**

**3(1)** Subject to this By-law and to resolutions of Council and committees of Council, the Director is authorized to administer this By-law, the waterworks system, and the supply of water to and within the city.

**3(2)** Without restricting the general nature of the powers given to the Director in subsection (1), they include the authority to

(a) appoint City employees as designated employees under this By-law;

(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;

(c) determine when water charges are due and payable;

(d) collect a price, rate, fee, penalty, deposit or other charge related to the supply of water by any legal means, including

(i) adding the amount of the fees, rates or charges to the real property taxes imposed by the City on the property to which the water was supplied pursuant to section 55 (*Water charges and collection*); and

(ii) shutting off the water supply to the property pursuant to section 5(1) (*Shutting off water supply to a property*);

(e) determine when inspections are required of work governed by this By-law; and

(f) designate public water service outlets and establish rules that are not contrary to this By-law for their use.

**Inspecting, enforcing and administering this By-law**

**4(1)** Designated employees are authorized to conduct inspections, administer and enforce this By-law, or remedy a violation of this By-law. For these purposes, they have the powers of a designated employee under *The City of Winnipeg Charter*.

**4(2)** The powers given to designated employees in subsection (1) include the authority, after giving reasonable notice to the owner or the occupant, to:

(a) enter upon private property at any reasonable time;

(b) install water meters;

(c) inspect water meters, seals, backflow preventers or any other thing that is required by this By-law to be installed, maintained or done on the property; and

(d) collect and analyze samples of water; or

(e) take other actions or measures authorized in this By-law.

**4(3)** After giving reasonable notice to the owner or occupant, a designated employee is authorized to enter property in order to administer this By-law, or to maintain, repair, expand, control, operate or otherwise do things reasonable in order to administer the waterworks system and the supply of water to and within the city.

**Shutting off water supply to a property**

**5(1)** After giving reasonable notice to the owner or occupant of the property, a designated employee is authorized to shut off the supply of water to a property, entering the property if necessary to do so, if

(a) the statement of account for water supplied to the property is overdue by more than 30 days;

(b) the owner or occupant has for 30 days refused to allow or has interfered with entry by a designated employee to the property that is authorized under this By-law and *The City of Winnipeg Charter*;

(c) there are reasonable grounds to believe that a water service pipe supplying water to the property or the water supplied by the pipes is jeopardizing the City's infrastructure or other properties;

(d) there are reasonable grounds to believe that water supplied to the property is being used in violation of a restriction on water usage declared under section 17 (*Rationing of water*);

(e) the owner or occupant required by section 35 (*Requirement to install and maintain premises isolation devices*) to have a premises isolation device installed

(i) has not installed a premises isolation device as required by section 35 (*Requirement to install and maintain premises isolation devices*); or

(ii) has not provided a report of the backflow preventer test in accordance with section 36 (*Testing and maintenance of backflow preventers*); or

(f) the customer has notified a designated employee that he or she is no longer the owner or occupant and no subsequent customer has identified himself or herself.

**5(2)** The following situations are deemed to be emergencies or extraordinary circumstances:

(a) a backflow preventer has not been installed when or as required, or is not in an operating condition;

(b) water supplied to a property is being used without its flow being metered in accordance with this By-law; or

(c) water supplied to a property is leaking to the point where it is

(i) causing damage to the City's infrastructure or to other properties; or

(ii) interfering with or posing a risk to vehicular or pedestrian traffic in a street

Accordingly, where there are reasonable grounds to believe that any of these circumstances exist, a designated employee is authorized to take any actions that are necessary to meet the emergency and to eliminate or reduce its effects. This includes the authority to shut off the supply of water to a property, by entering the property if necessary to do so without reasonable or any notice to, and without the consent of, the owner or occupant of the property.

## PART 3
## GENERAL

**Responsibility for installing water service pipes**

**6** The owner of any property that is or is to be supplied with water from a water main is responsible for the installation of all water service pipes, including connections and related components, to supply water to the property. This includes the responsibility to comply with section 20 (*Service Permit and authorization required for all water service pipes)* to pay the costs of installation and to ensure that the installation is in accordance with this By-law.

**Responsibility for maintaining water service pipes**

**7(1)** Subject to section 24 (*Requirements for water service pipes when buildings demolished*) and section 25 (*Requirements for reusing water service pipes*), the owner of any property that is supplied with water from a water main through a conforming domestic water service pipe must ensure that the portion of the water service pipe that is not within a street is in an operable condition and is in accordance with this By-law.

**7(2)** The owner of any property that is supplied with water from a water main through any water service pipe except a conforming domestic water service pipe must ensure that the entire length of the water service pipe, from and including the devices connecting the water service pipe to the water main to the point of use on the owner's property, is in an operable condition and is in accordance with this By-law. Without restricting the general nature of this obligation, it applies to

(a) a fire protection water service pipe;

(b) a combined water service pipe;

(c) any non-conforming water service pipe; and

(d) a seasonal water service pipe.

**7(3)** For the purposes of subsection (2), a water service pipe identified in clauses (2)(a) to (d) that has not been repurposed in accordance with subsection 20(1) is deemed not to be a domestic water service pipe.

**7(4)** The obligation to maintain a water service pipe in an operable condition includes the obligation to maintain a water service pipe so that it does not leak and cause damage to the City's infrastructure or to other property.

**7(5)** Where a single water service pipe supplies water to more than one property, the obligation imposed by this section applies to the owners of all the properties to which water is supplied.

**Permits, licences and authorizations**

**8(1)** When a permit, licence or authorization is required by or under this By-law, a designated employee is authorized to issue or renew the permit, licence or authorization if:

(a) the applicant provides the information required to assess the application;

(b) the applicant pays the applicable fee and, if applicable, a deposit for the permit, licence or authorization; and

(c) the application meets the requirements set out in this By-law.

**8(2)** A designated employee must not renew a permit, licence or authorization if the applicant's existing permit, licence or authorization:

(a) is suspended; or

(b) has been cancelled and the period of time referred to in subsection 9(5) has not expired.

**8(3)** A designated employee is authorized to issue or renew a permit, licence or authorization, with or without conditions, for either an indefinite or a limited period of time.

**8(4)** If a designated employee imposes conditions on a licence, permit or authorization under subsection (3),

(a) the conditions must be related to:

(i) the criteria for issuing the permit, licence or authorization; or

(ii) administering or enforcing this By-law; and

(b) the designated employee is authorized to take into account the previous relevant conduct of the applicant.

**8(5)** The designated employee is authorized to impose, as a condition under clause (4)(a), the requirement that the holder of the permit, licence or authorization indemnify the City against loss, harm, damage and other consequences that could result from work or actions taken under the licence, permit or authorization.

**8(6)** It is a condition of any permit, licence or authorization issued under this By-law that the applicant consent to the entry of a designated employee to the property owned or occupied by the holder of the permit, licence or authorization at any reasonable time, without notice, in order to conduct an inspection or otherwise administer or enforce this By-law.

**8(7)** The holder of a permit, licence or authorization must comply with any conditions imposed on the permit, licence or authorization.

**8(8)** Subject to different requirements imposed as a condition of the permit, licence or authorization, the holder of the permit, licence or authorization must, within ten business days, inform a designated employee of any changes to the information submitted in the application, and a failure to do so will void the permit, licence or authorization.

**8(9)** Where a cheque or other bill of exchange used to pay for a permit, licence or authorization is returned for any reason, the permit, licence or authorization is void from the effective date and is deemed never to have been issued.

**Suspending and cancelling a permit, licence or authorization**

**9(1)** In this section and section 10 (*Emergency suspensions of a permit, licence or authorization*),

**"suspension"** means that the permit, licence or authorization is temporarily ineffective for a specified period of time.

**"cancellation"** means that the permit, licence or authorization no longer exists and the person must reapply for a new permit, licence or authorization in order to legally carry out the work or activity for which a permit, licence or authorization is required.

**9(2)** Unless otherwise specified in this By-law or in the licence, permit or authorization, a licence, permit or authorization is automatically

(a) suspended if fees associated with the permit, licence or authorization have been outstanding for more than 30 days; or

(b) cancelled if the fees associated with the permit, licence or authorization have been outstanding for more than 60 days.

**9(3)** A designated employee is authorized to suspend or cancel a permit, licence or authorization if:

(a) the holder of the permit, licence or authorization has failed to comply with this By-law, other relevant legislation, or conditions imposed on the licence, permit or authorization;

(b) the applicant provided false or misleading information in the application that had an effect on the decision to grant the permit, licence or authorization;

(c) the past conduct of the holder of the permit, licence or authorization creates a reasonable concern that the authorized work or activity will not comply with this By-law, another by-law, other relevant legislation, or conditions imposed on the licence, permit or authorization; or

(d) work or activity authorized by the permit, licence or authorization poses an undue risk to the City's infrastructure, human health or safety, property or the environment.

**9(4)** Before suspending or cancelling a permit, licence or authorization under subsection (3), the designated employee must:

(a) notify the holder of the permit, licence or authorization in writing that suspending or cancelling the permit, licence or authorization is being considered;

(b) provide in writing the reasons why suspending or cancelling the permit, licence or authorization is being considered; and

(c) give the holder of the permit, licence or authorization a reasonable opportunity to be heard.

**9(5)** If a designated employee decides to cancel a permit, licence or authorization, he or she must identify a date before which, or a time frame within which, the holder is not permitted to reapply for the permit, licence or authorization.

**9(6)** For greater clarity, a decision to suspend or cancel a permit, licence or authorization under this section must be given to the holder of the permit, licence or authorization and is subject to an appeal under section 63 (*Appeals*) within 14 days of being given notice of the decision. The Designated Committee has authority to determine if the suspension or cancellation is warranted.

**Emergency suspensions of a permit, licence or authorization**

**10(1)** A designated employee is authorized, without notice and without a hearing, to suspend a permit, licence or authorization for up to 30 days if work or an activity authorized by the permit, licence or authorization poses an immediate and substantial risk to the City's infrastructure, human health or safety, property or the environment. After imposing an emergency suspension, the designated employee must:

(a) immediately notify the holder of the permit, licence or authorization of the

(i) suspension;

(ii) date the suspension will expire;

(iii) reasons why he or she has concluded that the work or activity authorized by the permit, licence or authorization poses an immediate and substantial risk to the City's infrastructure, human health or safety, property or the environment; and

(iv) actions that must be taken or circumstances that must exist, if any, that will result in the suspension being lifted before the expiration date; and

(b) lift the suspension as soon as the immediate and substantial risk to the City's infrastructure, human health or safety, property or the environment no longer exists.

**10(2)** A designated employee is authorized, without notice and without a hearing, to suspend a permit, licence or authorization for up to 30 days if the information submitted in the application was incorrect and, had the correct information been known, the permit, licence or authorization would not have been issued. After imposing an emergency suspension, the designated employee must:

(a) immediately notify the holder of the permit, licence or authorization of the

(i) suspension;

(ii) date the suspension will expire; and

(iii) incorrect information submitted in the application; and

(b) lift the suspension if it was imposed in error.

**10(3)** Unless it is lifted earlier by the designated employee, an emergency suspension imposed under this section expires 30 days after it has been imposed. However, if the designated employee is considering imposing a suspension or cancellation under section 9 (*Suspending and cancelling a permit, licence or authorization*) and the holder of the permit, licence or authorization requests that his or her opportunity to be heard be deferred to a date beyond the 30 day period, the designated employee is authorized to extend the suspension for up to an additional 60 days to accommodate this request.

**Operation of fire protection system**
**11** A person must not operate a fire protection system for purposes other than extinguishing a fire or testing the fire protection system unless he or she is a designated employee or is authorized by a designated employee.

**Operation of valves prohibited**
**12** A person must not operate

(a) a valve on the waterworks system; or

(b) the shut-off valve on a water service pipe.

unless he or she is a designated employee or is a licensed water contractor who is authorized by a designated employee.

**Obstructing City work prohibited**
**13** A person must not obstruct the authorized work of employees or agents of the City while they are working on the waterworks system.

**Damage to and obstruction of waterworks system prohibited**
**14(1)** A person must not damage the waterworks system unless authorized by the person responsible for maintaining that portion of the waterworks system.

**14(2)** A person must not interfere with the operation of any part of the waterworks system unless authorized by a designated employee in accordance with section 8 (*Permits, licences and authorizations*).

**Contamination of waterworks system prohibited**
**15** A person must not add any substance to the waterworks system unless this is authorized by the Director.

**Use of public water service outlets**
**16** A person who obtains water from a public water service outlet must

(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 for the supply of water from a public water service outlet established by the Director and posted on the City's website at any given time.

**Rationing of water**

**17(1)** The Mayor, or another member of the Council of the City of Winnipeg designated for this purpose by the Mayor, is authorized to impose restrictions on the use of water within the city if he or she considers that

(a) the city faces a shortage of water, and restrictions on the use of water are necessary in order to address the shortage; or

(b) it is reasonably required to reduce the risk to the waterworks, wastewater or land drainage systems.

**17(2)** The authority referred to in subsection (1) is only effective if it is exercised by a written declaration that is:

(a) dated and signed by the Mayor, or the other member of the Council of the City of Winnipeg designated for this purpose by the Mayor;

(b) provided to the City Clerk;

(c) posted on the City's website; and

(d) released to the media by way of a communique.

**17(3)** The declaration referred to in subsection (2) must specify the time period, which may be indefinite, during which it is in effect, and may identify specific days, specific periods of the day, and specific areas of the city to which it applies.

**17(4)** The declaration referred to in subsection (2) may be extended or terminated by a further declaration that is in accordance with subsection (2).

**17(5)** A person must not violate the restrictions imposed by a written declaration under this section.

## PART 4
## WATER CONTRACTOR'S LICENCE REQUIREMENTS

**Water Contractor's Licence required**

**18** Only a designated employee or a person holding a valid Water Contractor's Licence is authorized to work on a water main or water service pipe outside a building.

**Licence requirements**

**19(1)** A designated employee is authorized to issue an initial annual Water Contractor's Licence only if an applicant

(a) meets the requirements of section 8 (*Permits, licences and authorizations*); and

(b) demonstrates that he or she can satisfactorily perform the work for which the licence is being issued.

**19(2)** A designated employee must not issue a Water Contractor's Licence unless the applicant agrees, in a written form approved by the City Solicitor, to indemnify the City against any lawsuits or other claims for damages resulting from the work done by the applicant or the applicant's employees or agents on a water main or a water service pipe and related components.

**19(3)** A designated employee must not issue a Water Contractor's Licence until the applicant files with the Chief Financial Officer of the City a Certificate of Insurance demonstrating that the licence holder has in place a commercial general liability insurance policy in an amount determined by the Director to be sufficient to address the risk to the City and which includes:

(a) the City as an additional insured;

(b) evidence of cross-liability coverage;

(c) unlicensed motor vehicle liability;

(d) products and completed operations coverage;

(e) 15 days' notice of cancellation; and

(f) deductible which is expressly stated on the certificate.

**19(4)** The Water Contractor's Licence is immediately void if the insurance policy required by subsection (3) is not maintained.

## PART 5
## CONSTRUCTION REQUIREMENTS

**Service Permit and authorization required for all water service pipes**

**20(1)** A person must not install a new water service pipe, reuse or repurpose an existing water service pipe, or abandon a water service pipe unless the owner has applied for, and a designated employee has authorized in accordance with section 8 (*Permits, licences and authorizations*).

**20(2)** A person must not do any work on a water service pipe outside a building unless a Service Permit which authorizes the person to carry out the work has been issued in accordance with section 8 (*Permits, licences and authorizations*).

**20(3)** In deciding whether or not to issue an authorization under subsection (1) or a Service Permit under subsection (2), a designated employee must take into account the impact of the work and the effect of the proposed water service pipe on the City's infrastructure.

**20(4)** Where a designated employee reasonably considers it to be necessary, he or she is authorized to require that the applicant submit plans as well as a statement that the plans meet the standards set out in the Standard Construction Specifications for the proposed works, both of which must be signed and sealed by a professional engineer registered to practise in the Province of Manitoba.

**20(5)** Where the work being authorized in subsections (1) or (2) could have a significant impact on the City's infrastructure, a designated employee is authorized to require, as a condition of the authorization or Service Permit, that the permit holder submit an as-built drawing showing the completed work within 90 days of the completion of the work.

**20(6)** Where work, including construction and excavation, places at risk the aqueduct, a branch aqueduct or feeder main, a designated employee is authorized to impose as a condition of the authorization or Service Permit a requirement that no work be done without a safety watch on site which is provided by the City at the expense of the permit holder.

**20(7)** It is a condition of all Service Permits for the installation or the reuse of domestic water service pipes that, if the pipe leaks within the street within one year of being installed or reused, the permit holder must repair the leak at his or her expense within 24 hours of being informed of it.

**Complying with construction standards required**
**21(1)** Subject to this section, anyone doing any work on the waterworks system that is referred to in the Standard Construction Specifications must ensure that the work complies with the standards set out in the Standard Construction Specifications.

**21(2)** Despite the standards set out in the Standard Construction Specifications, the portion of a water service pipe that is the responsibility of the owner to maintain under section 7 (*Responsibility for maintaining water service pipes*) is permitted to be constructed of any material that is approved by the American Water Works Association (AWWA).

**21(3)** Despite subsection (1), a designated employee is authorized to allow in writing a variation to the Standard Construction Specifications proposed by a professional engineer registered to practise in the Province of Manitoba if the variation meets the intent of the Standard Construction Specifications. If a designated employee has authorized a variation, the person doing work on the waterworks system must comply with the variation.

**21(4)** As well as complying with the Standard Construction Specifications, a person doing the work must follow directions and requirements imposed by a designated employee to minimize risks to the City's infrastructure, the waterworks system, human health and safety, property, and the environment.

**Authorization required before backfilling**
**22(1)** A Service Permit holder must not backfill an excavation on the street or private property until authorized by a designated employee.

**22(2)** Where an excavation is backfilled without the authorization of a designated employee, in addition to any enforcement action taken, a designated employee is authorized to require the work to be exposed so that an inspection can take place.

**Non-compliant water service pipe**
**23(1)** A designated employee is authorized to allow water to be supplied to a property only if the water service pipe is in accordance with the requirements of this By-law.

**23(2)** A designated employee is authorized to withhold all or part of a lot grade deposit provided pursuant to the *Lot Grading By-law* where a water service pipe is not in accordance with the requirements of this By-law, and is authorized to use all or part of this deposit to off-set the costs of bringing it into accordance.

**Requirements for water service pipes when buildings demolished**

**24(1)** In addition to applying the provisions of the *Winnipeg Building By-law*, a designated employee must not issue a Demolition Permit under the *Winnipeg Building By-law* unless the owner, or a person on behalf of the owner:

(a) has abandoned the water service pipe in accordance with the Standard Construction Specifications; or

(b) has paid a deposit in an amount established by Council.

**24(2)** Despite subsection 7(1), where a Demolition Permit has been issued, the owner is responsible for all costs associated with the entire water service pipe, from the water main to the point of use, including the costs of repair and maintenance, until the pipe is either reused or abandoned.

**24(3)** If the owner has provided the applicable deposit under clause (1)(b), within 18 months of the demolition of the building, he or she must either:

(a) reuse the water service pipe after complying with section 20 (*Service Permit and authorization required for all water service pipes*); or

(b) ensure that the water service pipe is abandoned in accordance with the Standard Construction Specifications.

**24(4)** If ownership of the property changes at any point before the water service pipe is abandoned or reused,

(a) the new owner must:

(i) provide the applicable deposit required by clause 1(b); and

(ii) comply with subsection (3); and

(b) the designated employee must:

(i) if the new owner provides the deposit as required by clause (a), return the original deposit to the person who provided it on behalf of the original owner; and

(ii) if the new owner fails to comply with clause (a), act under subsection (5) with respect to the deposit provided by the previous owner.

**24(5)** If the current owner fails to comply with subsection (3), a designated employee is authorized, after giving at least 30 days' notice to the current owner, to:

(a) abandon the water service pipe as required by the Standard Construction Specifications, and

(b) use the deposit required by this section to cover the cost of doing so.

**24(6)** When a water service pipe has been reused or abandoned as required, a designated employee must, at the request of the person who provided it,

(a) return the deposit required by clause (1)(b); or

(b) if a designated employee has acted under subsection (5), return the unused part of the deposit.

**Requirements for reusing water service pipes**
**25(1)** A designated employee must not issue an authorization to reuse a water service pipe unless he or she is satisfied that, when reused, the water service pipe will meet criteria or requirements established by the Director with respect to material, depth, size, location, functionality and other relevant factors.

**25(2)** Despite subsection (1), a designated employee must not authorize the reuse of a water service pipe that has been frozen or identified as being at risk of freezing.

**25(3)** Despite section 7 (*Responsibility for maintaining water service pipes*), where a domestic water service pipe is being reused after the building to which it supplied water has been demolished, the owner must ensure that the entire water service pipe, from the water main to the point of use including the shut-off valve, is in accordance with criteria or requirements established by the Director with respect to material, depth, size, location, functionality and other relevant factors.

**Requirements for abandoning existing water service pipes**
**26(1)** Once a building has been demolished, the owner must abandon all existing water service pipes connected to the building.

**26(2)** Subject to subsection (3), the owner must not install, or permit to be installed, new water service pipes to a building unless all existing water service pipes have been abandoned.

**26(3)** Subsection (2) does not apply when an additional water service pipe is required to service an extension to an existing building.

**26(4)** For greater clarity, where the owner fails to comply with an order issued under section 184 of *The City of Winnipeg Charter* in accordance with subsection (3), a designated employee is authorized, under section 185 of *The City of Winnipeg Charter*, *to* abandon the water service pipes and add the costs of doing so to the taxes on the property under section 187 of *The City of Winnipeg Charter.*

## PART 6
## CONNECTION REQUIREMENTS

**Responsibility for complying with this Part**
**27** Unless otherwise specified, the owner to which water is supplied and any licensed water contractor doing work on the property are each responsible for meeting the requirements of this Part.

**Temporary water connections**
**28(1)** Unless a designated employee authorizes otherwise,

(a) a person may supply water to a property from the City's waterworks only through a water service pipe; and

(b) the owner of a property may only allow the property to be supplied by water from the City's waterworks through a water service pipe.

**28(2)** A designated employee is authorized to allow a person to use a connection other than a water service pipe to supply water from the City's waterworks to a property on a temporary basis where:

(a) the City's waterworks system is able to supply the water;

(b) the owner demonstrates that the risk of backflow can be adequately addressed; and

(c) no undue risk will be posed to the City's infrastructure, human health or safety, property or the environment.

**Water supply to single property**

**29(1)** A designated employee is authorized to allow a single property to be supplied with water from more than one domestic water service pipe, combined water service pipe, or fire protection water service pipe, after taking into account:

(a) the size, use and nature of the property,

(b) the capacity of the water service pipes, and

(c) the impact of this action on the City's infrastructure.

**29(2)** Where two or more water service pipes supply water to a building, the internal plumbing connected to the two water service pipes must not be interconnected unless authorized by a designated employee. A designated employee is authorized to allow the interconnection of the two plumbing systems only if the owner has submitted valve and piping layout drawings which show the location of

(a) check valves on each water service pipe to prevent reverse flow; and

(b) water meters to ensure appropriate metering of the water supply.

**29(3)** Where more than one building on a single property is supplied with water through a single water service pipe, the owner must, at the time of the installation of the water service pipe to a building, install a shut-off valve at a location that will permit the water supply to be shut off from the building without affecting the water supply to the other building or buildings.

**Requirements for non-conforming water service pipes**

**30(1)** Subject to this section, a designated employee is authorized to allow the installation of a non-conforming water service pipe to serve a property only if

(a) subject to subsection (2), there is no water main fronting the property;

(b) it is not reasonable to require the installation of a water main that would front the property, as determined by the factors set out in subsection (3);

(c) in the case of a proposed non-conforming water service pipe that would cross another property between the water main and point of use, the owner of the property has submitted drawings of the proposed non-conforming water service pipe signed and sealed by an professional engineer registered to practise in the Province of Manitoba which shows the location of the pipe; and

(d) the property owner:

(i) agrees to accept full responsibility for, and to indemnify the City against, any damage, loss or expense as a result of the construction, existence or abandonment of the non-conforming water service pipe;

(ii) has provided to a designated employee a Certificate of Insurance, which in the opinion of the Chief Financial Officer is sufficient to support the indemnifications set out in the agreement;

**30(2)** Despite clause (1)(a) but subject to clauses (1)(b), (c) and (d), a designated employee is authorized to allow a non-conforming water service pipe to be connected to a water main even where there is a water main adjacent to the property if

(a) it is not technically feasible to connect a property to the fronting water main; or

(b) connecting to the fronting water main would place the City's infrastructure at risk.

**30(3)** For the purposes of clause (1)(b), the installation of a water main that would front the property proposed to be served by a non-conforming water service pipe is not reasonable

(a) where the installation of the water main would jeopardize the City's infrastructure, or is not feasible based on elevation or other reasons; or

(b) where

(i) the property that is proposed to be served by a non-conforming water service pipe is immediately adjacent to a property that fronts on a water main;

(ii) the land under which the pipe is located is unlikely ever to be subdivided; and

(iii) the non-conforming water service pipe will connect with the water main at a point that fronts on the adjacent property.

**30(4)** Despite subsection (1), a designated employee is authorized to refuse to allow the installation of a non-conforming water service pipe if he or she determines that the proposed non-conforming water service pipe poses a risk to or interferes with:

(a) the City's infrastructure;

(b) human health or safety or the environment.

**Requirement to abandon a non-conforming water service pipe and connect to the City's waterworks**

**31(1)** When a non-conforming water service pipe

(a) has failed or there is a structural defect so that it is not operable;

(b) poses a risk to the City's infrastructure or interferes with the City's operations; or

(c) poses a risk to human health or safety or the environment

the owner of a property served by this pipe must abandon the non-conforming water service pipe in accordance with this By-law and connect the property to the City's waterworks system, either by way of a conforming water service pipe where a fronting water main exists or by way of a non-conforming water service pipe where a fronting water main does not exist, within a reasonable period of time specified in a notice issued by and given to the owner by a designated employee.

**31(2)** For greater clarity, a notice under this section must be given to the owner and is subject to an appeal under section 63 (*Appeals*) within 14 days of being given notice or the time specified in the notice, whichever is sooner. The Designated Committee has authority to determine if the requirement to abandon the non-conforming water service pipe is warranted and if the period of time for abandoning the non-conforming water services pipe is reasonable.

**Connection charge**

**32(1)** In this section,

**"connection charge"** means a fee equivalent to the local improvement taxes that would have been imposed on the property if the property had fronted on a water main constructed as a local improvement for which notice had been given in the year in which the property was connected to the water main. If no water main local improvements take place in the year in which the property was connected to the water main, the connection charge is equivalent to the local improvement taxes that would have been imposed on the basis of the maximum rate per frontage foot established for water mains in that year.

**32(2)** Subject to subsections (3) and (4), if in respect of a property where neither local improvement taxes nor a connection charge have ever been imposed, the owner of the property must, at the time of connecting the property to the water main, pay the connection charge.

**32(3)** Where the owner of a property fails to pay the entirety of a connection charge imposed under subsection (2) at the time that it is imposed, the connection charge must be added to the property taxes payable in respect of the property pursuant to subclause 210(4)(c)(iii) of *The City of Winnipeg Charter* and collected in the same manner as local improvement taxes. For greater certainty, the interest rate applicable to local improvement taxes imposed in that year and the term (that is, the number of years of payments) for local improvement taxes for water mains imposed in that year (or, where no local improvement taxes have been imposed for water mains in that year, in the last year in which they were imposed) applies to the payment of connection charges.

**32(4)** Despite subsection (2), no connection charge is payable in respect of a property when a water main has been installed adjacent to a property as a condition of a subdivision or other agreement and this agreement includes the property.

## PART 7
## BACKFLOW AND CROSS-CONNECTION CONTROLS

**Definitions**
**33** In this Part,

**"initial training course"** means a training course determined by the Director to provide the knowledge and skills necessary to conduct tests of backflow preventers;

**"licence"** means a backflow preventer tester licence issued under section 37 (*Licensing backflow preventer testers*);

**"recertification course"** means a training course determined by the Director to adequately refresh and update the knowledge and skills of a currently licensed backflow preventer tester to the point where he or she can continue to competently conduct tests of backflow preventers;

**"test report"** means a document in a form acceptable to the Director in which the results of a test of backflow preventers on a premise are set out;

"**test tag**" means a document issued by a designated employee to record backflow test information.

**Backflow risk prohibited**
**34(1)** Subject to subsection (2), a person must not connect or cause to be connected, and the owner and occupant of premises must not permit to be connected, a pipe, fixture, fitting, container or appliance in a manner which, under any circumstances, permits or facilitates backflow into the City's waterworks system.

**34(2)** Without restricting the general nature of subsection (1), the owner and occupant of premises must not permit a supply of auxiliary water to be connected to the City's waterworks system. This requirement may be met by ensuring that an air gap exists at all times between the supply of auxiliary water and the City's waterworks system.

**34(3)** Despite subsection (1), the owner or occupant of a building, or a point of use that is not located within a building, is not in violation of subsection (1) if

(a) a designated employee has authorized the installation of a backflow preventer to prevent non-potable water or other fluid from flowing into the City's waterworks system; and

(b) the backflow preventer has been properly installed and is maintained in accordance with this Part.

**Requirement to install and maintain premises isolation devices**
**35(1)** In this section,

**"degree of hazard"** means the degree of hazard for a building or point of use identified in the current version of "Guide to Degree of Hazard" contained in CAN/CSA-B64.10/B64.10.1;

**35(2)** Where a building being constructed or under renovation is identified as having a severe or moderate degree of hazard, the owner must ensure that premises isolation devices are installed in the building before it is occupied, and are maintained in an operating condition at all times.

**35(3)** Where an existing building is identified as having a severe or moderate degree of hazard, the owner must install premises isolation devices within a reasonable period of time identified by the Director on a notice given to the owner which sets out this requirement.

**35(4)** The owner and the occupant of a building referred to in subsections (1) and (2) must ensure that premises isolation devices are maintained in an operating condition and in accordance with section 36 (*Testing and maintenance of backflow preventers*).

**35(5)** For greater clarity, a notice under this section must be given to the owner or occupant or both and is subject to an appeal under section 63 (*Appeals*) within 14 days of being given the notice or the time specified in the notice, whichever is sooner. The Designated Committee has authority to determine if the installation of premises isolation devices is warranted and if the period of time for installing premises isolation devices is reasonable.

**Testing and maintenance of backflow preventers**

**36(1)** Subject to this section, if a backflow preventer has been installed with respect to a point of use, the owner and the occupant of the property served by the point of use must ensure that:

(a) the backflow preventer is maintained in an operating condition at all times;

(b) the backflow preventer is tested by an individual licensed under section 37 (*Licensing backflow preventer testers*);

(i) at the time the backflow preventer is installed, repaired, replaced or relocated; and

(ii) within one year of the date that the backflow preventer was installed or last repaired, replaced, relocated or tested; and

(c) a test report concerning the test required by clause (b) is received by a designated employee within 14 days of the date the test was conducted.

**36(2)** The obligation in subsection (1) does not apply:

(a) to a backflow preventer installed by a designated employee under subsection 44(2); or

(b) if a designated employee has determined that there is no significant risk of backflow with respect to the building and notifies the owner or occupant in writing that it is not necessary to comply with subsection (1).

**Licensing backflow preventer testers**

**37(1)** The Director is authorized to issue an initial licence to an applicant who has, within one year before the date of the application, successfully completed an initial training course.

**37(2)** The Director is authorized to issue an initial licence to an applicant who has previously held a licence if the applicant has completed a recertification course within the previous five years which the Director considers adequate to ensure the applicant’s skill and knowledge.

**Backflow preventer testing licence renewals**
**38** The Director is authorized to renew a licence only if the licence holder has, within the five years before the renewal, successfully completed an initial training course or a recertification course.

**Calibrated equipment mandatory**
**39(1)** A licence holder must use calibrated equipment acceptable to a designated employee in conducting testing of backflow preventers.

**39(2)** Without restricting the general nature of subsection (1), the calibrated equipment used must be calibrated within one year of purchase and annually thereafter. The calibration reports must be submitted to a designated employee within 14 days after the calibration.

**Records of backflow preventer testing**
**40(1)** A licence holder must:

(a) provide the owner and occupant of premises with an accurate and complete written test report within seven days of the date the test was conducted;

(b) if a backflow preventer is not in operating condition, report this fact to a designated employee and to the owner and occupant of the premises immediately but no later than two working days of the test;

(c) immediately upon completion of a backflow preventer test, accurately and fully set out the information required by the designated employee on a test tag and affix the test tag to the backflow preventer or to the building at a point immediately adjacent to the device.

**40(2)** A designated employee is authorized to require information that must be included on a test tag, including

(a) the location of the device;

(b) the type of device;

(c) the serial number of the device;

(d) the name and the license number of the tester;

(e) the employer of the tester; and

(f) the date of test.

**40(3)** Only a licensed backflow preventer tester conducting a test of the device is authorized to remove a test tag, alter the information contained on it, or write on a test tag.

**40(4)** The owner and occupant of premises must:

(a) retain reports of test results for at least two years; and

(b) provide them to a designated employee within 48 hours of being requested to do so.

## PART 8
## FIRE HYDRANTS

**Installing and relocating fire hydrants**
**41(1)** A person must not install, move, relocate, remove, or change the elevation of a public or private fire hydrant without a Service Permit and authorization from a designated employee.

**41(2)** A designated employee is authorized to issue a Service Permit and authorization to move, relocate, remove, or rotate a public or private fire hydrant only if:

(a) the owner agrees to pay the entire cost of the proposed work or action, including any applicable fees, and

(b) the proposed work or action would not inhibit firefighting.

**Unauthorized use of fire hydrants prohibited**
**42(1)** Both public and private fire hydrants are installed for firefighting purposes and any unauthorized use of a fire hydrant is prohibited.

**42(2)** The owner of a vehicle is in contravention of this By-law if the vehicle is used to hold water withdrawn from a public or private fire hydrant, unless the withdrawal is authorized under subsection (3).

**42(3)** Only the following people are authorized to operate any part of a fire hydrant or withdraw water from a fire hydrant, including public and private fire hydrants:

(a) a member of the Winnipeg Fire Department while engaged in a firefighting operation;

(b) a designated employee;

(c) a fire hydrant tester who is licensed under the *Fire Prevention By-law* and is engaged in testing a private hydrant; and

(d) a person who holds a permit issued under section 44 (*Permit authorizing withdrawal of water from fire hydrants)* and who is in accordance with the permit.

**Backflow preventer mandatory for withdrawing water from fire hydrant**
**43(1)** Subject to subsection (3), whether a person is authorized under subsection 42(3)(d) to withdraw water from a public or private hydrant or is withdrawing water from a fire hydrant without authorization, he or she must not withdraw water from a hydrant without a backflow preventer having been installed.

**43(2)** Subject to subsection (3), whether or not water has been withdrawn from a public or private fire hydrant by a person authorized under section 42 (*Unauthorized use of fire hydrants prohibited*) to do so, the owner of a vehicle that is used to hold water that has been withdrawn from a public or private fire hydrant without a backflow preventer is in contravention of this By-law.

**43(3)** This section does not apply to the withdrawal of water from a hydrant pursuant to clauses 42(3)(a), (b) and (c).

**Permit authorizing withdrawal of water from fire hydrants**

**44(1)** A designated employee is authorized to issue a permit to withdraw water from a public or private fire hydrant in accordance with section 8 (*Permits, licences and authorizations*) only if there is no risk to the waterworks system or firefighting.

**44(2)** The permit holder must:

(a) use water from only the fire hydrant specified on the permit and on which the following have been installed by a designated employee:

(i) a City-owned water meter to measure the volume of water used;

(ii) a backflow preventer that meets the standards set out in Part 7 (*Backflow and Cross-Connection Controls*); and

(iii) a valve to control the supply of water when the fire hydrant valve is opened;

(b) ensure that devices are installed on the fire hydrant to identify the permit holder, the permit number, and the location of the fire hydrant for which a permit has been issued, and provide other information reasonably required by the designated employee;

(c) not operate, or allow anyone except a designated employee to open or close, a fire hydrant valve or fire hydrant operating nut unless otherwise specifically authorized by a designated employee to do so;

(d) not use chemicals to prevent freezing;

(e) pay any applicable price, rate, fee, penalty, deposit or other charge related to the withdrawal of water from the hydrant; and

(f) comply with other terms and conditions reasonably imposed by a designated employee.

**44(3)** Even if a permit has been issued under subsection (1), a firefighter or a designated employee is authorized, for the purpose of firefighting, maintenance of the City's waterworks, or for any other City purpose, to:

(a) interrupt the withdrawal of water from a fire hydrant; or

(b) redesignate the fire hydrant specified for use on the permit.

**44(4)** Despite sections 9 *(Suspending and cancelling a permit, licence or authorization)* and 10 *(Emergency suspensions of a permit, licence or authorization)*, a designated employee is authorized to suspend or cancel a permit authorizing the withdrawal of water from a fire hydrant without prior notice to the permit holder if:

(a) the permit holder is violating this By-law or a condition of the permit; or

(b) water is being rationed under section 17 *(Rationing of water)*.

**Private fire hydrants**
**45** The owner on which a private fire hydrant is installed is responsible for paying the costs of the installation and for ensuring that it is installed in accordance with Part 5 (*Construction Requirements*).

**Obstructing and decorating fire hydrants prohibited**
**46(1)** A person must not install, construct, erect, or plant, or permit the installation, construction, erection, or planting of, anything that interferes or is likely to interfere with the operation of a fire hydrant, whether public or private. Anything that could reasonably prevent or inhibit the connection of hoses to a public or private fire hydrant from any direction or prevents the extension of hoses in any direction is prohibited.

**46(2)** Only an authorized City employee or agent of the City is authorized to paint or decorate a public or private fire hydrant.

## PART 9
## WATER METERS AND OTHER DEVICES

**Definition of "owner"**
**47** In this Part,

> **"owner"** means the owner of property that is, or is proposed to be, supplied with water through a water service pipe.

**Diversion of water upstream of a water meter prohibited**
**48(1)** An owner must ensure that a water meter has been installed on any water service pipe that is connected to the property, other than a fire protection water service pipe, unless the water meter has been removed under subsection 49(5).

**48(2)** An owner must ensure that water supplied to the property that is used for any purpose other than fire protection or firefighting is metered before it is used or distributed from a water service pipe on the property. For greater clarity, the owner of a property is in contravention of this By-law if the property is supplied with unmetered water.

**48(3)** Without restricting subsection (1) and subject to section 54 (*Water meter bypass*), a person must not install, and the owner must not allow to exist or be installed, a branch line on a water service pipe that is supplying water other than for fire protection or firefighting, on the upstream side of a water meter installed under section 49 (*Installing, repairing, sealing, replacing, relocating and removing water meters*).

**48(4)** Without restricting subsection (1), other than in accordance with section 54 (*Water meter bypass*), a person must not install, and the owner must not allow to exist or be installed, a pipe that will allow water to bypass a water meter.

**Installing, repairing, sealing, replacing, relocating and removing water meters**
**49(1)** Only a designated employee is authorized to determine the number, size and type of water meters that must be installed to determine the volume of water supplied to a property.

**49(2)** Water meters remain the property of the City even after they are installed. Accordingly, only designated employees or authorized agents of the City are authorized to install, repair, replace,

relocate, seal or remove water meters and, for this purpose, they are authorized to enter property in accordance with *The City of Winnipeg Charter*.

**49(3)** The City is responsible to pay the costs of supplying and installing water meters except that these costs must be paid by the owner if

(a) the water meter is missing or is damaged to the point where, in the opinion of a designated employee, it is at risk of malfunction; and

(b) there is no clear and convincing evidence that the damage has been caused by employees or agents of the City.

**49(4)** A designated employee is authorized to have a water meter relocated only if the relocation will be in accordance with the requirements set out in this Part.

**49(5)** A designated employee is authorized to remove a water meter without installing a new water meter only if

(a) the water service pipe to which it is connected is abandoned in accordance with this By-law;

(b) a building is being demolished but the owner has paid the fees and deposit to permit a water service pipe to be reused, in which case the water meter may be removed pending the construction of a new building and the reuse of the water service pipe in accordance with this By-law; or

(c) the water meter is installed on a seasonal water service pipe.

**Basic charge payable after water meter installed**

**50(1)** Subject to subsection (2), a basic charge is payable by the owner to the City after a water meter has been installed with respect to a point of use until the water meter is removed.

**50(2)** The Director is authorized to waive the basic charge referred to in subsection (1) if he or she is satisfied that water is not currently being supplied, and cannot physically be supplied, to the property.

**50(3)** If a designated employee installs, or requires the installation of, a sealable control valve as a condition of waiving the basic charge under subsection (2), in addition to paying any applicable fee, the owner must ensure that the valve seal is not broken and must notify a designated employee immediately if the valve seal is broken for any reason.

**Logistics of installing water meters and other devices**

**51(1)** The owner that is supplied with water from a water main must, for each metered water service pipe entering the building,

(a) provide a designated employee with information reasonably required to determine an appropriate size and type of water meter for the building or buildings on the property;

(b) subject to subsection (3), ensure that, when a new building is constructed or a building is reconstructed in a way that affects the location of the water meter, the design and construction of the building provide for a suitable site for the installation, in accordance

with the Standard Construction Specifications, of a water meter and other devices required by this Part, including, if required, a backflow preventer, strainer, flow straightening device and testing apparatus. A suitable site is one that

(i) is sufficiently close to the point where the water service pipe enters the building that it would not be possible to divert water undetected from the pipe supplying water to the building in order to bypass the water meter;

(ii) is on the downstream side of the control valve inside the building that is required by the Manitoba Plumbing Code;

(iii) permits the water meter to be installed in a horizontal and upright position; and

(iv) permits the water meter to be installed so that it is accessible to be read, examined, repaired, removed or replaced in a manner consistent with subsection (2);

(c) with respect to a water meter that has been previously installed, ensure that the water meter is accessible to be read, examined, repaired, removed or replaced and, if necessary, relocate the water meter in order to ensure its accessibility; and

(d) ensure that the control valve required by the Manitoba Plumbing Code is installed as close as possible to the point where water enters the water meter.

**51(2)** For the purposes of this section, a water meter is not accessible if, in order to read, examine, repair, remove or replace the water meter:

(a) it is necessary to crawl, climb or crouch;

(b) it is necessary to move or remove items located in front of the control valve or water meter.

**51(3)** Despite clause (1)(b), a designated employee is authorized to allow the placement of a water meter so that it is not in accordance with the Standard Construction Specifications if the authorized placement would achieve the purposes of the Standard Construction Specifications and this By-law.

**51(4)** Where compliance with subsection (1) requires plumbing or other alterations to a building, the owner is responsible for making the alterations and paying these costs.

**Property owner responsibilities for water meters**

**52** The owner of property that is supplied with water from a water main must for each water meter that has been installed

(a) ensure that the ambient temperature around a water meter is sufficient to prevent the water meter from freezing;

(b) ensure that the water meter is not damaged by hot water backflow;

(c) ensure that the water meter is not damaged, tampered with, or rendered inoperable; and

(d) notify a designated employee immediately if the water meter is damaged or tampered with or, if it breaks, stops or fails to function in any way.

**Multiple water meters**

**53(1)** Upon application by the owner, a designated employee is authorized to allow the installation by the City of separate water meters for individual dwelling units or occupancies within the building even though a building has a single point of entry by a water service pipe. However, a designated employee is authorized to allow only if

(a) the designated employee is satisfied that the water meters installed will collectively measure the water supplied to the property accurately;

(b) the water meters can be installed, and the owner agrees to have them installed, in a single room within the building that is accessible at all reasonable times; and

(c) the owner provides the designated employee with information required to determine the appropriate number, size and type of water meters for each of the units or areas of the building to be metered.

**53(2)** Where multiple water meters have been installed under subsection (1), the owner of the property, which may be a condominium corporation, is responsible for complying with section 52 (*Property owner responsibilities for water meters*).

**Water meter bypass**

**54(1)** Despite section 48 (*Diversion of water upstream of a water meter prohibited*), if the internal diameter of a water service pipe is 50 mm or greater, the owner must install a bypass around the water meter in accordance with the Standard Construction Specifications to permit replacement, repairs and testing of the water meter without interrupting the supply of water to the building.

**54(2)** Where a bypass is approved under this section, the owner and occupant must each ensure that the installation and the existence of the bypass is in accordance with the Standard Construction Specifications and, in particular, that a valve to operate the bypass is installed on the bypass and is sealed by a designated employee as soon as it is installed.

**54(3)** A person must not break a valve seal on a bypass or open a bypass valve, and the owner and occupant are each responsible for ensuring that the valve seal on a bypass is not broken and the valve is not opened, unless there is a leak or a stoppage in the water meter or connections.

**54(4)** Whenever a valve seal on a water meter or a bypass is broken,

(a) the person who broke it must notify a designated employee immediately; and

(b) the owner and occupant of the property, are each responsible for ensuring that a designated employee is notified as soon as they learn that the seal has been broken.

**54(5)** A designated employee is authorized, by written order, to require the removal of a bypass within a specified period of time if

(a) valve seals installed on a bypass are broken frequently;

(b) a designated employee is not notified of a valve seal being broken in accordance with subsection (4); or

(c) the bypass no longer meets the requirements for installation set out in subsection (2).

**54(6)** For greater clarity, an order under subsection (5) must be given to the owner and is subject to an appeal under section 63 (*Appeals*) within 14 days of being given the order or the time specified in the order, whichever is sooner.

## PART 10
## WATER CHARGES AND METER READINGS

**Water charges and collection**
**55(1)** A price, rate, fee, penalty, deposit or other charge related to the supply of water to a property is owed by both the customer and the owner of the property to which water has been supplied.

**55(2)** Despite the fact that a price, rate, fee, penalty, deposit or other charge related to the supply of water to a property is owed by someone other than the owner, if the statement of account with respect to this amount is overdue by more than 30 days, a designated employee is authorized to add the overdue amount to the real property taxes imposed by the City on the real property to which the water was supplied pursuant to subclause 210(4)(c)(iii) of *The City of Winnipeg Charter*.

**Annual water meter readings required**
**56** The owner and customer of a property to which water is supplied are each responsible for ensuring that at least once each calendar year, either

(a) an accurate water meter reading is provided to a designated employee; or

(b) arrangements are made to allow a designated employee to enter the property to read the water meter.

**Estimated charges authorized**
**57(1)** The Director is authorized to estimate the amount of water supplied to a property and calculate the amount owed by a customer under subsection 55(1) on the basis of that estimate unless:

(a) the customer has provided a water meter reading within seven days of being requested to do so by a designated employee; or

(b) a designated employee has read the water meter within seven days before the utility bill is issued.

**57(2)** Even if a customer has provided a water meter reading or a designated employee has read the water meter in accordance with subsection (1), the Director is authorized to estimate the amount of water supplied to a property and calculate the amount owed by a customer under subsection 55(1) on the basis of that estimate if

(a) a designated employee concludes that the amount of water supplied to the property has not or might not have been accurately measured for any reason, including the following:

(i) a water meter was not installed, has been removed, is not in working order or has been tampered with; or

(ii) a water meter bypass seal or a sealable control valve has been broken or tampered with; or

(ii) the water from a water service pipe has been used or distributed before it is metered in contravention of section 48 (*Diversion of water upstream of a water meter prohibited*); or

(b) the water meter reading appears to have been reported inaccurately.

**57(3)** If the Director has issued a statement of account on the basis of an estimate made under subsection (1) or (2), the customer must pay the amount owing as set out in the statement of account unless the customer provides evidence that the amount is incorrect.

**Charges for condominiums**
**58(1)** Any price, rate, fee, penalty, deposit or other charge with respect to water supplied to a dwelling unit or occupancy within a condominium building is payable by the owner of the unit to which water was supplied.

**58(2)** If separate water meters have not been installed to measure the water supplied to individual condominium units, any price, rate, fee, penalty, deposit or other charge with respect to water supplied to the units within the condominium building is payable by the owners of the units on the basis of the percentage of the common element costs assigned to each unit under the Condominium Declaration that is in effect for that building.

**58(3)** Despite subsection (2), in order to collect the amount payable by the owners of individual condominium units, the Director is authorized to issue the utility bill for any charges to the condominium corporation that is responsible for the control, management and administration of the common elements of the building in which the condominium unit is located. However, if the condominium corporation fails to pay the utility bill, the Director is authorized to collect the amount owing on an overdue utility bill from the owners of the condominium units located in the building to which the water was supplied on the basis of subsection (2).

**No interest on deposits**
**59** Interest is not payable on a deposit paid under this By-law.

## PART 11
## ADMINISTRATION, ENFORCEMENT AND OTHER PROVISIONS

**Compliance orders**
**60** Without restricting the general nature of the powers given in section 4 (*Inspecting, enforcing and administering this By-law*), a designated employee is authorized to issue an order to remedy a violation of this By-law under section 184 of *The City of Winnipeg Charter*.

**Service address**
**61(1)** Where an address for sending a notice, order, decision, or other document is required, one of the following is permitted to be used:

(a) if the person to whom the document is to be sent is the owner of real property, either the address maintained by the Director for the purpose of issuing utility bills for water service for that property or the address maintained by the tax collector for the purpose of issuing the tax notice for that property;

(b) if the person to whom the document is to be sent is the occupant of real property, the street address for that property;

(c) If the person to whom the document is to be sent is a corporation, the registered office of the corporation;

(d) if the document relates to a permit, licence or authorization, the address provided to the Director by the applicant for the permit, licence or authorization; or

(e) if the document relates to a price, rate, fee, penalty, deposit or other charge with respect to water supplied to a property, the address for the customer maintained by the Director for the purpose of issuing utility bills for water service for that property.

**61(2)** In addition to the methods for determining addresses for sending documents under subsection (1), utility bills for water or services in relation to the supply of water may be sent to an address provided by the customer.

**Penalties for violating By-law**

**62(1)** Unless another penalty for an offence is specified in this By-law, a person who is convicted of violating this By-law is subject to the following fines:

(a) for a first offence, a fine of not less than $1,000 or more than $50,000;

(b) for a second offence of a similar nature under this By-law or the Water Works By-law No. 504/73 within the previous six years, a fine of not less than $5,000 or more than $100,000; and

(c) for a third and subsequent offence of a similar nature under this By-law or the Water Works By-law No. 504/73 within the previous six years, a fine of not less than $10,000 or more than $250,000.

**62(2)** Despite subsection (1), a person who contravenes a provision of this By-law referred to in the first column of the table set out in Schedule A, which is attached to and forms part of this By-law, is guilty of an offence and is liable, upon summary conviction, to a fine of not less than the minimum fine set out in the second column of the table plus mandatory court costs as provided for in *The Summary Convictions Act* for the contravention of that provision.

**62(3)** Despite subsections (1) and (2), a person who contravenes a provision of this By-law that is referred to in the first column of the table set out in Schedule A may, if an amount is set out for that contravention in the third column of the table entitled “Discounted Amount if paid within 15 days”, pay that amount plus mandatory court costs as provided for in *The Summary Convictions Act* within 15 days of the date that an offence notice has been served in accordance with *The Summary Convictions Act* in respect of that contravention. A person who pays the amount plus mandatory court costs in accordance with this subsection will thereafter not be prosecuted for the contravention.

**Appeals**
**63(1)** Any appeal authorized by *The City of Winnipeg Charter* for orders or decisions under this By-law may be made to the Designated Committee.

**63(2)** Appeals must be accompanied by the applicable appeal fee.

## PART 12
## REPEAL OF WATER WORKS BY-LAW AND CONSEQUENTIAL AMENDMENTS TO OTHER BY- LAWS

**Water Works By-law No. 504/73 repealed**
**64** The Water Works By-law No. 504/73 is repealed.

**Local Improvement By-law amended**
**65** Subsection 5(6) of the Local Improvement By-law No. 98/72 is repealed.

**Lot Grading By-law amended**
**66** The Lot Grading By-law No. 7294/98 is amended by

(a) adding "*Subject to subsection 23(2) of the Water By-law*" at the beginning of subsection 6(5); and

*(b)* replacing the last sentence of subsection 7(2) with "*Subject to subsection 23(2) of the Water By-law, this deposit shall be retained by the City until such time as the lot grading is substantially completed in accordance with subsection 6(5)."*

**Encroachment By-law amended**
**67** The Encroachment By-law No. 692/74 is amended

(a) by replacing section 3 with the following:

***EXCEPTIONS***

*3(1) This By-law does not apply to:*

*(a) private approaches and private walks as defined in and regulated by the Private Access By-law No. 49/2008;*

*(b) conforming water service pipes as defined by the Water By-law ; and*

*(c) conforming private sewer service pipes as defined in the Sewer By-law No. 92/2010.*

*3(2) For greater certainty, this By-law applies to non-conforming water service pipes and non-conforming private sewer service pipes.*

***APPLICATION OF BY-LAW TO NON-CONFORMING PIPES***

*3.1 Subsection 6(6) and section 8 do not apply to non-conforming water service pipes and non-conforming private sewer service pipes.*

(b) by replacing clause 4(1)(c) with the following:

*(c) The Designated Officer is authorized to negotiate, approve and execute agreements in a form approved by the City Solicitor which impose licence fees as established by Council, and other conditions considered by the City Solicitor to be necessary to protect the interests of the City for*

*(i) outdoor patios adjacent to restaurants; and*

*(ii) non-conforming water service pipes and non-conforming private sewer service pipes that have been approved under the Water By-law or Sewer By-law, as the case may be.*

*The Designated Officer is further authorized to approve the assignment or cancellation of any such agreement.*

**Effective Date**

**68** This By-law comes into force on January 1, 2016.

**DONE AND PASSED**, this day of , 2015.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
A/Director of Water and Waste

Approved as to form:

_____
For Director of Legal Services/City Solicitor

# SCHEDULE A

## SPECIFIC PENALTIES FOR CONTRAVENTIONS OF THE WATER BY-LAW (SEE SECTION 62)

| Section number | Description of offence | Minimum Fine (Not including court costs) | Discounted amount if paid within 15 days (Not including court costs) |
|---|---|---|---|
| 12(b) | Operating a shut-off valve on a water service pipe without authorization from a designated employee | $500.00 | $250.00 |
| 13 | Obstructing City work on waterworks system | $500.00 | $250.00 |
| 17(5) | Violating rationing of water restrictions | $500.00 | $250.00 |
| 20(2) | Working on water service pipe without obtaining in advance a Service Permit | $500.00 | $250.00 |
| 22(1) | Backfilling an excavation without authorization from a designated employee | $500.00 | $250.00 |
| 36(1)(c) | Owner or occupant failing to provide test report to a designated employee within 14 days | $250.00 | $125.00 |
| 39(1)(2) | Tester failing to use calibrated equipment in conducting testing of backflow preventer | $250.00 | $125.00 |
| 40(1)(a) | Tester providing incomplete test report to owner | $250.00 | $125.00 |
| 40(3) | Illegally removing, altering or writing on test tag | $250.00 | $125.00 |
| 48(1) | Failing to ensure that water supplied to property is properly metered<br>• Water meter size of less than 1” | $250.00 | $125.00 |
| 49(2) | Repairing, replacing, relocating or removing water meter | $500.00 | $250.00 |
| 49(3)(a)(b) | Missing, damaged, or at risk of malfunction water meter | $500.00 | $250.00 |
| 50(3) | Failing to notify of broken control valve seal | $500.00 | $250.00 |

| Section number | Description of offence | Minimum Fine (Not including court costs) | Discounted amount if paid within 15 days (Not including court costs) |
|---|---|---|---|
| 51(1)(c) | Failing to ensure that water meter is accessible | $250.00 | $125.00 |
| 51(4) | Failure to make plumbing or other alterations when requested by a designated employee | $500.00 | $250.00 |
| 52(c) | Failing to ensure that water meter is not damaged, tampered with, or rendered inoperable | $250.00 | $125.00 |
| 52(d) | Failing to notify a designated employee if the water meter is damaged, tampered with or if it breaks, stops or fails to function in any way | $250.00 | $125.00 |
| 54(2) | Improper installation of water meter bypass or failure to ensure that a water meter bypass is sealed by a designated employee as soon as it is installed | $500.00 | $250.00 |
| 54(3) | Breaking a valve seal on water meter bypass or opening a bypass valve, owner and occupant | $500.00 | $250.00 |
| 54(4)(a)(b) | Failure to notify of broken valve seal on water meter or water meter bypass, owner and occupant | $500.00 | $250.00 |
| 56 | Failing to provide an accurate annual water meter reading or failing to allow a designated employee in to read the water meter | $250.00 | $125.00 |