



Water and Waste Department

## Overview of New Water By-law

### Plain Language

The new Water By-law is written in a user-friendly language

### Format

The format of the new Water By-law has been updated to be consistent with The City of Winnipeg Charter, Provincial legislative drafting styles, and our Sewer By-law No. 92/2010

### Enforcement and Appeals

Clarity was added to the new Water By-law for the enforcement and appeal process in accordance with The City of Winnipeg Charter

### Part 1 – Introduction

Provides new and revised definitions to make the new Water By-law clearer

### Part 2 – Authority

Outlines the authority of the Director of the Water and Waste Department and the powers of designated employees in accordance with The City of Winnipeg Charter

#### **Key Features**

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- Specifies entry onto property – when notice is required and when notice is not required
- Clarifies City’s authorization to shut off water supply to a property:
  - with reasonable notice (e.g., account is more than 30 days overdue)
  - without notice (e.g., emergency situations such as leak with high risk for damage to City infrastructure or surrounding properties)

### Part 3 – General

Outlines clauses that apply to many other sections of the By-law reducing duplication

#### **Key Features**

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- Enhances property owner’s responsibilities:
  - clarifies “ownership” and property owner’s maintenance responsibilities particularly combined (fire/domestic) water service pipes
  - strengthens the City’s authority to enforce maintenance responsibilities where more than one property share a water service pipe
- Enhances requirements for permits, licences, and authorizations

- Enhances protection of waterworks system particularly operation of fire protection systems, valves and public water service outlets
- Adds authority to the Mayor to execute water rationing

#### **Part 4 – Water Contractor’s Licence Requirements**

Outlines licensed water contractor’s requirements

##### ***Key Features***

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- Reinforces the requirement for contractors to be licensed by the Water and Waste Department to perform work on a water main or water service pipe

#### **Part 5 – Construction Requirements**

Outlines requirements for Service Permits and authorizations for all water service pipes including installing, reusing, repurposing and abandoning

##### ***Key Features***

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- Service Permits and authorizations:
  - adds authority to require as-built drawings where authorized work could have a significant impact on the City’s infrastructure (streets, waterworks, land drainage and wastewater systems)
  - adds a requirement one year warranty for domestic water service pipes installed via Service Permits
- Standard Construction Specifications:
  - eliminates a majority of the prescriptive construction information and instead refers to the Standard Construction Specifications for such information
  - allows AWWA-approved material types for water service pipe on private property
- Requirements for buildings to be demolished:
  - specifies the responsibility of the property owner regarding shut-off valves when a building is to be demolished
- Criteria for reusing water service pipes:
  - specifies material, depth, size, location, functionality and other relevant factors established by the Director
  - prohibits the reuse of a water service pipe that has been frozen or identified as being at risk of freezing
- Installing new water service pipes:
  - adds a restriction, not allowed until existing pipe is physically abandoned from the waterworks system

#### **Part 6 – Connection Requirements**

Outlines temporary water connections, supply of water to a single property, subdivided buildings and non-conforming water service pipes

##### ***Key Features***

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- Clarifies the responsibility of both property owner and licensed water contractor
- Adds authority to refuse to issue a Service Permit to connect if there is risk to City infrastructure

- Clarifies the ability for a single property to have more than one water supply
- Clarifies the shut-off valve requirements for each building on a property
- Clearly outlining responsibilities and requirements for non-conforming water service pipes:
  - install, operate, maintain, and abandon
  - pay applicable connection charges

### **Part 7 – Backflow and Cross-Connection Controls**

Outlines backflow and cross-connection controls to protect the drinking water quality in the waterworks system

#### **Key Features**

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- Expands premises isolation requirements by adding “moderate” degree of hazard buildings identified in CAN/CSA-B64.10 “Guide to Degree of Hazard”:
  - under the current Water Works By-law, only buildings identified as a “severe” degree of hazard, such as hospitals and mortuaries, are required to have premises isolation
  - all buildings identified as a “moderate” degree of hazard must install a double check valve assembly (DCVA) on the incoming water line at the water meter location for premises isolation
  - this new requirement would be phased in based on the degree of risk and within a reasonable period of time identified by the Director
- Adds new requirements for when water is being supplied by an auxiliary or non-potable water source:
  - air gap preferred (non-mechanical) or backflow preventer (mechanical) such as a testable double check assembly
- Adds provisions to require:
  - backflow preventer testers to calibrate their testing equipment
  - owners to retain test report results for at least two years

### **Part 8 – Fire Hydrants**

Outlines requirements for both public and private fire hydrants, covers issues such as installation, permits for withdrawing water from fire hydrants and unauthorized use of fire hydrants

#### **Key Features**

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- Adds conditions to the fire hydrant permit process:
  - when a permit can be issued, cancelled or suspended
- Clarifies permit holder requirements:
  - must not operate fire hydrant unless specifically authorized by City
  - can only use water from specified fire hydrant

Note: Fire Department and fire hydrant testers licensed under the Fire Prevention By-law are exempt from this requirement.
- Clarifies responsibilities and requirements for private fire hydrants:
  - pay applicable costs and
  - install in accordance with Part 5 – Construction Requirements
- Prohibits obstruction and decoration of fire hydrants

## Part 9 – Water Meter and Other Devices

Outlines the requirements for supplying, installing, repairing, sealing, replacing, relocating and removing water meters, also duties of property owners regarding water meters and multiple meters

### **Key Features**

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- Adds a requirement that water meters be installed so that it is not possible to divert water undetected
- Prohibits removing a water meter unless:
  - water service pipe is properly abandoned,
  - the building is being demolished,
  - seasonal water service pipe
- Allows the Director to waive the basic charge if satisfied water cannot be supplied to property
- Adds a requirement that water meters be installed in accordance with City's Standard Construction Specifications:
  - applies to new construction, reconstruction and retrofitting
- Adds conditions that make a water meter not accessible:
  - crawl, climb or crouch
  - move or remove items located in front of the control valve or water meter
- Clarifies property owners responsibilities to ensure:
  - water is metered before use
  - water meter is not damaged
  - water meters are not removed or relocated without authorization from City
  - water meter bypass, where approved by City for installation, is unopened and sealed
- Revises the requirements for locations with multiple meters:
  - adds a new requirement that the water meters collectively measure the water supplied to the property accurately,
  - removes the requirement to ensure consumption between units is metered accurately
- Revises the requirements for water meter bypass:
  - places the onus on property owners to ensure bypass is unopened and sealed
  - allows the City to require the removal of water meter bypasses if:
    - valve seals are broken frequently,
    - bypass no longer meets requirements of the by-law

## Part 10 – Water Charges and Meter Readings

Outlines provisions related to water charges and collection, also requirements for water meters readings

### **Key Features**

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- Clarifies that water charges are owed by the property owner:
  - reinforces City's authority via Council policy and The City of Winnipeg Charter to add unpaid water charges to property taxes
- Adds a requirement for property owner and customer to provide at least one water meter reading per year
- Clarifies when City can estimate consumption:

- places onus on customer to prove that estimate is unreasonable
- Adds authority for the City to bill individual condominium unit owners

## **Part 11 – Administration, Enforcement and Other Provisions**

Outlines compliance orders, service addresses, penalties for violating the By-law and appeals process

### **Key Features**

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- Fine amounts have been increased and are based on:
  - threat to public health,
  - theft of water, and
  - water by-laws from other Canadian cities
- Revises the fines structure:
  - removes the \$50 maximum fine,
  - there are two types of fines, specific and default. Specific fines are for specific offences set in the by-law. Where no specific fine has been set out, a default fine can be applied.
- Specific fines, listed in Schedule A:
  - range from \$250 to \$500
  - include a discounted amount for payment within 15 days
- Default fines, mirror the Sewer By-law:
  - \$1,000 to \$50,000 for a first offence,
  - \$5,000 to \$100,000 for a second offence,
  - \$10,000 to \$250,000 for a third offence
- The amount of the fine will depend on factors such as:
  - the type of violation
  - the severity of the violation
  - the contravention history of the violator
- The Judicial Justice of the Peace who presides at prosecution would determine and impose the fine.
- Appeals:
  - any appeal permitted by The City of Winnipeg Charter for orders or decisions made under this by-law may be made to the Designated Committee
  - appeals must be accompanied by the applicable appeal fee

## **Part 12 – Repeal of the Water Works By-law and Consequential Amendments to Other By-laws**

- Water Works By-law No. 504/73 repealed including Schedules A and B
- Local Improvement By-law No. 98/72 amended
- Lot Grading By-law No. 7294/98 amended
- Encroachment By-law No. 692/74 amended

The Water and Waste Department is planning through a separate Admin. Report to propose amendments to the Sewer By-law No. 92/2010 to align with new Water By-law