

CORPORATION OF THE TOWN OF LAKESHORE

BY-LAW NUMBER 136-2009

A BY-LAW TO REGULATE THE USE OF MUNICIPALLY OWNED AND PRIVATELY OWNED FIRE HYDRANTS

WHEREAS the *Municipal Act, 2001, S.O. 2001, C. 25*, as amended provides that municipalities may acquire, establish, maintain and operate water works;

AND WHEREAS the Municipal Act 2001 provides that by-laws may be passed by the council for the maintenance and management of water works;

AND WHEREAS the Council of the Town of Lakeshore duly passed By-law 97-2004, being a by-law to provide for the regulation of water supply in the Town of Lakeshore;

AND WHEREAS it is deemed necessary to regulate the use of municipally owned and privately owned fire hydrants.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF LAKESHORE ENACTS AS FOLLOWS:

DEFINITIONS

In this by-law:

- 1.1 **"Building"** shall have the same meaning as set out in the Building Code Act, S.O. 1992, c. 23, as amended, or any successor thereof;
- 1.2 **"Building Code Act"** means the *Building Code Act, 1992, S.O. 1992, c.23* and the Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore;
- 1.3 **"Chief Building Official"** means the Chief Building Official for the Town of Lakeshore and "CBO" shall have the same meaning;
- 1.4 **"Chief Fire Official"** means the Fire Chief of the Lakeshore Fire Department or designate and "CFO" shall have the same meaning;
- 1.5 **"Environment Services Division"** means Environment Services Division of the Engineering and Infrastructure Services Department for the Town of Lakeshore and ESD shall have the same meaning;
- 1.6 **"Fire Code"** means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4* and the Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore;
- 1.7 **"Fire Hydrant"** means any apparatus for drawing water directly from a main and which is used principally for fire fighting purposes;
- 1.8 **"Hydrant Use Permit"** means a permit issued by the E.S.D. to allow the drawing of water from any Fire Hydrant;
- 1.9 **"Meter"** means the water meter supplied and owned by the Municipality to measure the quantity of water used by the consumer;
- 1.10 **"Municipality"** means the Corporation of the Town of Lakeshore;
- 1.11 **"Municipally Owned Fire Hydrant"** means a fire hydrant owned and maintained by the Municipality and located on a public Right-of-Way or on land where there is a registered easement in favour of the Municipality;

- 1.12 **"Owner"** shall include any person who or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian;
- 1.13 **"Privately Owned Fire Hydrant"** means a Fire Hydrant owned that is located on private property;
- 1.14 **"Provincial Offences Act"** means the *Provincial Offences Act*, R.S.O. 1990, c.P33 and Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore;
- 1.15 **"Qualified Inspector"** means either a professional engineer with a tester's license, a certified engineering technologist with a tester's license if under the direction of a professional engineer, a licensed master plumber with contractor and tester's license, a journeyman plumber with a tester's license if employed by a licensed plumbing contractor, an apprentice plumber with a tester's license if employed by a licensed plumbing contractor and under the direct supervision of a journeyman plumber or master plumber, or a fire system sprinkler fitter with a tester's license, or a Ministry of the Environment Certified Water Operator.

HYDRANTS:

All Hydrants:

- 2.1 No person shall connect, cause to be connected, or allow to remain connected, any piping fixture, fitting, container or appliance to a Municipally Owned or Privately Owned Fire Hydrant in a manner which, under any circumstances, may allow water, wastewater or any liquid or substance of any kind to enter the Municipality's water supply system.
- 2.2 No person shall in any way interfere with any Municipally Owned or Privately Owned Fire Hydrant, valve or appurtenance.
- 2.3 No person shall draw water from a Municipally Owned Fire Hydrant except for fire fighting purposes or for maintenance or operations approved by the Municipality.
- 2.4 No person shall draw water from a Privately Owned Fire Hydrant except for fire department operations or for Municipal maintenance or operations.
- 2.5 Any person or persons authorized under Section 4 or Section 5 shall be trained in the proper operation of a Fire Hydrant and must have the necessary equipment and control valves to operate the Fire Hydrant, to the satisfaction of the E.S.D.
- 2.6 All Fire Hydrants within the Municipality shall be non-draining hydrants.
- 2.7 No person shall obstruct or hinder the free access to any Fire Hydrant by placing on it or close to it building materials, earth, snow, rubbish or any other obstructive matter, nor shall any person cause a hydrant to be concealed from view by any type of building, shrubbery or other object.
- 2.8 No person shall park an automobile, truck or vehicle of any description within a distance of three metres of any Fire Hydrant, measured along the curb line or along the shoulder of the roadway immediately adjacent to the Fire Hydrant.

Municipal Hydrants:

- 3.1 Every Municipally Owned Fire Hydrant is the property of the Municipality and shall be maintained by it.
- 3.2 All Municipally Owned Fire Hydrants shall be installed and maintained according to:
 - a) The Fire Code, and
 - b) The Building Code Act; and
 - c) The Rules and Regulations of the Town of Lakeshore

Private Hydrants:

- 4.1 All Privately Owned Fire Hydrants are the responsibility of the Owner on whose land such Privately Owned Fire Hydrant is located and every such Owner shall ensure that all Privately Owned Fire Hydrants located on such Owner's lands are installed and maintained according to:
 - a) The Fire Code, and
 - b) The Building Code Act; and
 - c) The National Fire Protection Act (NFPA 24) – Installation of Private Fire Service Mains and Their Appurtenances.
- 4.2 Every Owner shall ensure that the installation, location, and orientation of a Privately Owned Fire Hydrant is approved by the CBO in consultation with the CFO including access and proximity to site structures. All installations found to be contrary to the CFO approved location and orientation shall be corrected by the Owner within 30 days of being so informed by the CFO, with all costs for correction to be paid by the Owner.
- 4.3 An Owner, on whose lands a Privately Owned Fire Hydrant is installed, shall retain a Qualified Inspector to prepare an inspection report for each Fire Hydrant for which the Owner is responsible pursuant to the provisions of this by-law. The report shall be prepared at the Owner's expense and shall be submitted annually to the CFO and to the E.S.D. The report shall be made on an approved form available from the E.S.D. The report shall confirm proper function of the Fire Hydrant and shall detail all maintenance, repairs and upgrades undertaken during the reporting period.
- 4.4 Every Owner on whose lands a Privately Owned Fire Hydrant is installed prior to January 1, 2010 shall submit the initial inspection report for each such Fire Hydrant no later than June 30, 2010.
- 4.5 Every Owner on whose lands a Privately Owned Fire Hydrant is installed after January 1, 2010 shall submit the initial inspection report for each such Fire Hydrant within thirty (30) days after such Hydrant is placed in service.
- 4.6 No Owner shall place or cause or permit to be placed into service any Privately Owned Fire Hydrant unless such Privately Owned Fire Hydrant has been first been inspected, tested and commissioned by the E.S.D..
- 4.7 Every Owner on whose lands a Privately Owned Fire Hydrant is installed, shall ensure all written records of tests and corrective measures are kept for two years after they are completed with copies sent to the E.S.D and the records shall be available upon request to the CFO.

- 4.8 Every Owner on whose land a Privately Owned Fire Hydrant is installed shall ensure that all annual inspection reports for those Privately Owned Fire Hydrants are submitted to:

The Corporation of the Town of Lakeshore
Environmental Services Division
419 Notre Dame Street
Belle River, ON N0R 1A0
Attn: Manager Environmental Services Division

Enforcement

5.1 Fine-contravention

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

5.2 Continuation-repetition-prohibited-by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

5.3 Offence-additional –damage to waterworks

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks plant, machinery, fitting or appurtenance thereof is guilty of an offence and is liable to the Municipality therefore.

5.4 Offence-additional-willful damage

Every person who willfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, lamp, luster, water service pipe, conduit, wire, rod or water fitting belonging to the Municipality or willfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and for any expenses of repairing or replacing the water meter, lamp, luster, water service pipe, conduit, wire, rod or fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*.

5.5 Offence-additional-injuring waterworks

Every person who willfully removes, destroys, damages, fraudulently alters or in any way injures any water service pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the Municipality is guilty of an offence and on conviction is liable to a fine, to the use of the Municipality, and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

5.4 This By-law shall come into full force and take effect on the January 01, 2010

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
23 DAY OF NOVEMBER, 2009.



TOM BAIN
MAYOR



MARY MASSE
CLERK

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