



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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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