

## **BY-LAW 82-2023**

### **A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO REGULATE FIRE HYDRANT AND BULK WATER STATION USE.**

**WHEREAS** it is deemed expedient and necessary to regulate Fire Hydrant Use and access to the bulk water station within the Town of Carleton Place;

**WHEREAS** Section 5.3 of the Municipal Act, 2001 (S.O. 2001, c.25) authorizes those municipal powers, including municipality's capacity, rights, powers, and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** Section 9 of the Municipal Act, 2001 (S.O. 2001, c.25), provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 11 (4) of the Municipal Act, 2001 (S.O. 2001, c.25), provides that a lower-tier municipality may pass by-laws respecting public utilities.

**NOW THEREFORE**, the Council of the Corporation of the Town of Carleton Place enacts as follows:

### **1. DEFINITIONS**

"Bulk Water" is defined as municipal water that is conveyed and dispensed from an approved transport vehicle (water hauling truck).

"Bulk Water Hauler" means a person or company employed to transport water.

"Fire Hydrant" is defined as a discharge pipe with a valve and spout at which water may be drawn from the municipal water supply for firefighting purposes.

### **2. GENERAL PROVISIONS**

1. Except as authorized below, no person shall open or otherwise interfere with or operate or take water from any fire hydrant, regardless of whether the fire hydrant is on public or private property.
2. The following persons authorized to operate municipal fire hydrants are:
  - a. Members of the Carleton Place Fire Department for the purposes of extinguishing fires, for fire protection, and / or fire training practices but all such uses shall be under the direction of the Fire Chief or duly authorized assistants. In no event shall any inexperienced or non-competent person be permitted to manipulate or control any hydrant in any way.
  - b. Public Works Superintendent, licensed water works staff, or Public Works personnel are authorized to use hydrants for the purpose of

maintaining the drinking water distribution system which includes flushing, maintenance, and testing.

2. Water from privately owned hydrants shall not be used by qualified persons for any other purpose other than firefighting and hydrant maintenance.
3. The provisions within this by-law shall not interfere with any emergency fire situation.
4. No person shall, without obtaining a written Town permit to do so, break, damage, destroy, uncover, deface, mark, remove, operate, tamper with, or make any alteration to any hydrant within the Town of Carleton Place.
5. All municipally owned fire hydrants in the Town of Carleton Place shall be painted yellow.
6. Private hydrants shall be painted red.

### **3. BULK WATER HAULERS**

1. Bulk Water Haulers shall be required to complete and submit a Bulk Water Permit application to the Town of Carleton Place on an annual basis in order to be permitted access to the Town's bulk water station.
2. Access to the Town's Bulk Water Station shall not be permitted unless the Bulk Water Permit application has been approved by the Town's Director of Public Works and or their designate
3. Bulk water haulers shall not share or transfer their permit to any other bulk water hauler or person.
4. Haulers with outstanding invoices owing to the Town of Carleton Place which are greater than 90 days shall have Bulk Water Station access privileges revoked until payment is made.
5. Haulers that are found to be in contravention of this by-law may, at the discretion of the Director of Public Works, Superintendent of Public Works and/or their designate, be prohibited from purchasing bulk water in the future.
6. Any bulk water haulers found to have willfully damaged or negligently used the bulk water station shall be financially responsible for any and all repairs or full replacement of the bulk water station.
7. Bulk water rates and any associated fees shall be outlined in the Town of Carleton Place By-law Regulating Water Rates as updated annually by the Town.

### **4. ENFORCEMENT**

This By-law shall be enforced by the Town's Municipal Law Enforcement Officers or designates.

## **5. OFFENCES AND PENALTIES**

1. Every person who contravenes or causes or permits any contravention of any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act or any successor legislation.
2. In addition to any penalty imposed and any other remedy, the court in which the conviction had been entered and any court of competent jurisdiction, thereafter, may make an order:
  - a. Prohibiting the continuation or repetition of the violation by the person convicted; and,
  - b. Requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **6. VALIDITY**

1. If any section of this by-law for any reason is deemed invalid, the remaining parts of the by-law shall remain in effect until repealed.
2. Where provisions of this by-law conflict with the provisions of another by-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
3. This By-law shall come into force and take effect upon its passing.

## **7. SHORT TITLE**

This by-law may be referred to as the Hydrant / Bulk Water By-law.

## **8. REPEAL**

By-law Number 23-2004 is hereby repealed in its entirety.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED  
THIS 17<sup>th</sup> DAY OF OCTOBER 2023.