

MUNICIPALITY OF  
**West Grey**

**The Corporation of the Municipality of West Grey**  
**Bylaw No. 2025-073**

A bylaw to regulate the distribution and use of water and the use of the sewer system, authorize the billing and collection of water and wastewater services Durham and Neustadt.

WHEREAS section 5 of the *Municipal Act, S.O. 2001, c.25*, as amended (the "Act"), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise; and

WHEREAS section 8 provides that the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS section 9 of the Act 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 of the Act provides that a lower-tier municipality may pass bylaws respecting matters within the spheres of jurisdiction set out therein, *inter alia*; public utilities; and

WHEREAS section 80 of the Act provides that a municipality may at reasonable times enter on land to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe, wire, machinery, equipment and other works; to inspect, install, repair, replace or alter a public utility meter and for such purposes, to shut off or reduce the supply of the public utility to the land; and, if a customer discontinues the use of a public utility on land or the municipality lawfully decides to cease supplying the public utility to land, to shut off the supply of the public utility; remove any property of the municipality or determine whether the public utility has been or is being unlawfully used; and

WHEREAS section 81 of the Act provides that a municipality may shut off the supply of a public utility to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility are overdue, subject to the municipality providing reasonable notice of the proposed shut off to the owners and/or occupants of the land by personal service or prepaid mail or posting the notice on the land in a conspicuous place; and

WHEREAS the Municipality of West Grey operates and maintains municipal drinking water systems and wastewater systems in the geographic town of Durham and the geographic village of Neustadt; and

WHEREAS the Council of the Corporation of the Municipality of West Grey deems it expedient to make certain rules and regulations concerning the said drinking water system and wastewater system, in accordance with the *Municipal Act, 2001*; and

WHEREAS the Council of the Corporation of the Municipality of West Grey deems it expedient to pass a bylaw to govern billing and collection service for water and wastewater services;

NOW THEREFORE the Council of the Corporation of the Municipality of West Grey hereby enacts as follows:

## 1. Definitions

For the purposes of this bylaw:

"Billable unit" shall mean an individual property unit or sub-unit used for billing purposes for properties connected to the Durham and Neustadt systems for the purpose of billing water, sewage and other applicable charges.

"Council" shall mean the Council of the Corporation of the Municipality of West Grey.

"Customer" shall mean any person who takes water from the Municipality or receives water and wastewater related services from the Municipality.

"Meter" shall mean the water meter and all equipment, cabling and remote reading device supplied and owned by the Municipality, however funded, to measure the quantity of water used by the customer for billing purposes.

"Multiple unit" shall mean a single building, served by a private water service, and containing two or more living or other units not served by an individual water service pipe.

"Municipality" shall mean the Corporation of the Municipality of West Grey and its employees.

"Occupant" shall include any lessee, tenant, inmate, owner, the agent of a lessee, tenant or owner, or any person in possession of a property.

"Owner" shall include any and all persons or any firm or corporation that is the registered owner(s) 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 or a guardian.

"Property" includes both public and private lands, buildings, structures, or vehicles, located in the Municipality and which may be entitled to a water service.

"Remote reading device" shall mean the Municipally owned device used to transmit water meter readings for billing and monitoring purposes.

"Residential water service" shall mean the pipe located on residential property that is connected to the Municipal water system from the property line to the water meter. These pipes are the responsibility of the property owner.

"Treasurer" shall mean the Treasurer of the Corporation of the Municipality of West Grey or their designate.

"wastewater" shall mean the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source; any water adversely affected in quality by anthropogenic influence not fit for human consumption.

"wastewater rate" shall mean a charge for the operation and maintenance of the wastewater system and the purchase of wastewater services applied to the metered usage of water and shall include a charge for depreciation, deferred maintenance, or a reserve fund for any such purpose permitted by bylaw as deemed expedient by Council. The rate may include a charge for the capital cost of the wastewater system and alterations or extensions to it which includes a debt charge but does not include charges imposed under the *Municipal Act, 2001* for local improvements.

"wastewater system" shall mean the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines, installations and other works designated for the collection and transmission of domestic, commercial and/or industrial wastewater and includes lands appropriated for such usage but does not include plumbing to which the Ontario Building Code or any amendments thereto apply.

"water" shall mean drinkable, potable water supplied by the Municipality, as defined under regulation O. Reg 170/03 as amended.

"water and wastewater fees bylaw" shall mean the fees for water and wastewater that are approved by Council and amended from time to time.

"water service" shall mean the section of pipe connected to the Municipal drinking water system, from the watermain to the property line or meter.

"water system" shall mean the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines, installations and other works designed for the delivery of drinking water to customers, such system as established by the Municipality.

"watermain" shall mean any system of pipes and appurtenances used for the distribution of drinking water, but does not include plumbing.

"water rate" means a charge for the operation and maintenance of the drinking water system and the purchase of water and shall include a charge for depreciation, deferred maintenance, or a reserve fund for any such purpose permitted by bylaw as deemed expedient by Council. The rate may include a charge for the capital cost of the drinking water system and alterations or extensions to it which includes a debt charge but does not include charges imposed under the Municipal Act, 2001 for local improvements.

## **2. Rules and Regulations**

- 2.1. The rules and regulations set out in this bylaw shall govern and regulate the billing and collection of water and wastewater related charges.
- 2.2. Every such owner, by applying for or accepting a supply of water from the Municipality or discharging wastewater into the system, shall be deemed to have expressed his or her consent to be bound by the said rules and regulations.
- 2.3. If the Municipality becomes aware of any substantial defect including but not limited to damage to persons or property or issues that may impact water quality, the Municipality at its discretion, may turn off the water supply to the property without advanced notice to the occupants. The Municipality will turn on the water supply once it has been satisfied that the defect has been rectified. The turning off and on of the water supply is subject to the rates as specified in the water and wastewater fees bylaw.
- 2.4. Once the water supply is available at a property or building, the owner is subject to all related charges as outlined in this bylaw and the water and wastewater fees bylaw.

## **3. Water Meter Installation**

- 3.1. All properties within the Municipality connected to the drinking water system must have an approved water meter installed at the owner's expense prior to the use of water and must permit the meter to be inspected in a timely manner by public works field staff.
- 3.2. Such meters shall, at all times, remain the property of the Municipality, and shall not be removed from the premises except in accordance with the terms of this bylaw.

## **4. Unauthorized Interference with Meter**

- 4.1. No person, except a person authorized by the Municipality for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any meter, remote reading device, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such meter or the operation of the units.

4.2. Should any person change, tamper with or otherwise interfere, in any way whatsoever, with any meter(s), remote reading devices, and/or equipment placed in or on any building or property, the Municipality may forthwith, shut off the water to such building or property, and the water shall not be turned back on to such building or property without the express consent of the Municipality. The owner and/or occupant of the property will be charged a fee for turning the water off and on. Should the meter need to be replaced as a result of tampering, the Municipality will undertake the necessary repairs or replacements and the property owner will be invoiced for the costs involved.

## **5. Meter, Remote Reading Device Repairs and Maintenance**

- 5.1. The entire cost of maintaining and repairing meters and remote reading devices shall be paid for by the Municipality unless such meter or remote reading device is damaged by the carelessness or neglect of the owner or occupant of the property on which such meter is installed and in that event the owner of the property shall pay to the Municipality the cost of making the necessary repair to such meter and/or device.
- 5.2. If an owner does not respond to requests made by the Municipality to gain access to the meter or remote reading device for any reason, the water supply may be turned off until such time as the owner makes suitable arrangements to have the meter and/or remote reading device inspected, repaired or installed. The charges specified in the water and wastewater fees bylaw for turning the water off and on shall apply.
- 5.3. If, in the opinion of the Municipality, the condition of the water service and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service, the Municipality may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter at the owner/occupant's expense.
- 5.4. If, upon notification, the owner does not comply with the Municipality's request to make repairs in accordance with Section 10, then the water supply to the property may be turned off at the curb stop valve during removal, replacement, repair and testing of the meter and the owner shall pay the rate for turning water off and on as specified in the water and wastewater fees bylaw. The Municipality shall not be held responsible for any damages to the owner's property arising from such work.
- 5.5. If the owner, tenant or occupant misses any appointments they shall be charged a fee as specified in the water and wastewater fees bylaw.
- 5.6. Any leaks that may develop at the meter or its couplings must be reported immediately to the Municipality.

## **6. Water and Wastewater Billing**

- 6.1. An owner or occupant or their agent, who intends to occupy a property provided with water and wastewater service shall notify the Municipality in writing, in a timely manner so a new water wastewater billing account can be created.
- 6.2. All ownership and occupancy changes shall be subject to a new account fee in the amount specified in the water and wastewater fees bylaw. The new account fee shall not be applied to a builder's accounts unless the property is occupied by the builder.
- 6.3. All properties connected to the drinking water system shall be metered.
- 6.4. Every owner of land connected to the Municipal water and/or wastewater system shall pay water and wastewater charges based on metered water consumption and fixed charges at the rates specified in the water and wastewater fees bylaw.
- 6.5. All water and wastewater charges will be calculated and billed based on quarterly meter readings.

- 6.6. All water passing through the water meter shall be charged for whether used or wasted.
- 6.7. In the event of a dispute, the reading of the water meter register shall be the sole evidence of the quantity of water supplied to a property owner unless the meter is proven to be defective through a meter test conducted by the Municipality. If the owner or occupant requests the meter to be tested and it is found that the meter is not faulty, then the owner or occupant will be charged the appropriate fee as specified in the water and wastewater fees bylaw.
- 6.8. In instances where there is a discrepancy between the water meter register and the remote reading device, the reading taken from the water meter register will be deemed to be correct.
- 6.9. If a property is occupied prior to a water meter and remote reading device being installed, the owner shall be retroactively charged for water and wastewater services at the unmetered rate for water and/or wastewater as specified in the water and wastewater fees bylaw, back to the date of occupancy as determined by the Treasurer and the decision of the Treasurer shall be final.
- 6.10. Where a property receives water and/or wastewater services but does not have a meter, an unmetered rate for water and/or wastewater usage shall be charged as specified in the water and wastewater fees bylaw.
- 6.11. If a meter fails to register or a reading is not collected for any reason, the customer shall be charged on the basis of a reasonable estimate derived from either a previous year's consumption, an average historical consumption or the previous month's consumption, whichever is readily available.
- 6.12. If a billing calculation error is made, the account will be retroactively recalculated for a period not exceeding one year from the date of detection with resulting credits or charges being applied to the account.
- 6.13. If water and wastewater charges are added or require adjustment as a result of the provisions of this bylaw not being met, the charges may be adjusted retroactively to the date at which it is determined, in the opinion of the Treasurer, that the provisions were violated and the decision of the Treasurer shall be final.

## **7. Final Billing**

- 7.1. When a customer intends to vacate the property supplied by water, he or she shall request in writing, a final meter reading, at least five days before vacating the property. A final meter reading fee will be added to the final water wastewater bill at the rate specified in the water and wastewater fees bylaw.
- 7.2. An owner or agent may request a water certificate, which will identify the water and wastewater charges outstanding against the property, if any, and a holdback amount required for future or final bills. The owner or agent must pay the appropriate water certificate fee as specified in the water and wastewater fees bylaw.
- 7.3. If the final billing of the previous occupant remains outstanding, such charges are a lien on the property. The amount shall be transferred to the property tax account along with the appropriate transfer fee as specified in the water and wastewater fees bylaw, in accordance with the provisions of the *Municipal Act, 2001*.

## **8. Fire Protection Billings**

- 8.1. An annual charge for each private fire line supplied with water from the Municipal system will be applied to the water wastewater account, in a prorated quarterly charge, as specified in the water and wastewater fees bylaw.
- 8.2. An annual charge for each private connection made to the Municipal drinking water system to supply automatic sprinkler systems, standpipes or other fire

protection systems will be applied to the water wastewater account, in a prorated quarterly charge, as specified in the water and wastewater fees bylaw.

## **9. Collections**

- 9.1. Payments are due on the date indicated on the water bills and will be, at a minimum, 21 days following the billing date.
- 9.2. Payments by mail will be processed as of the date the payment is received at the Municipal office.
- 9.3. Partial payments received on accounts shall be applied to penalties and interest first, and then water and wastewater charges, and any remaining amount will be applied to miscellaneous water charges and adjustments.
- 9.4. A service charge shall be applied in accordance with Municipality's fees and charges bylaw, if a payment is dishonoured by the bank for any reason.
- 9.5. All unpaid fees and charges that are in arrears will be charged a penalty at a rate of five percent on the first day of default.
- 9.6. All fees and charges relating to the supply of water and wastewater services or for any other expenses, fees, or charges provided for in this bylaw, shall be paid by the owner or occupant of the property.
- 9.7. If the fees and charges are not paid by the owner or occupant, the Municipality will transfer the unpaid fees and charges to the appropriate property tax account in accordance with the provisions of the *Municipal Act, 2001*. The applicable transfer fees will be added at the time of the transfer, as specified in the water and wastewater fees bylaw.
- 9.8. The Municipality reserves the right to shut off the supply of water to any premise that has unpaid fees and charges. The Municipality shall restore the supply of water upon suitable payment to the Municipality of such overdue amounts plus any applicable service charges, penalties, and interest.

## **10. Responsibilities of Property Owner**

- 10.1. It is the owner's responsibility to ensure that all meters, remote reading devices, fixtures and pipes of every kind used in connection with the supply of water are readily accessible in a clean, dry area, protected from freezing and free from obstructions at all times, allowing for the repair or replacement of the water meter or building control valve without the use of specialized tools or equipment.
- 10.2. It is the owner's responsibility to maintain in proper working order and good repair, at its own expense, the water services, plumbing system and all its fixtures and appurtenances.
- 10.3. All water services and the meter shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced.
- 10.4. Residential property owners are responsible for repairs to all leaks located on private property, from the property line to the meter. If the leak, in the Municipality's opinion, requires immediate attention, the Municipality will undertake the necessary repairs or replacements. The property owner will be invoiced for the costs involved.
- 10.5. Industrial, commercial, institutional or multi-residential property owners are responsible for all repairs from the watermain to the meter, in coordination with the Municipality. If the leak, in the Municipality's opinion, requires immediate attention, the Municipality will undertake the necessary repairs or replacements. The property owner will be invoiced for the costs involved.

- 10.6. When any property is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the property and to drain the piping therein.
- 10.7. The owner or occupant may apply in writing to the Municipality to have the curb stop valve turned off to stop the water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate as specified in the water and wastewater fees bylaw.
- 10.8. When any property that is left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe or water meter, neither the owner nor occupant shall have a claim against the Municipality.
- 10.9. Should the Municipality become aware of such leaking or burst pipes, the Municipality shall turn off the curb stop valve, and the water supply shall not be turned on until the Municipality, in its discretion, shall consider it advisable. The owner shall pay for this service at the rate as specified in the water and wastewater fees bylaw.

## **11. Frozen Water Services**

- 11.1. The Extreme Cold Weather Procedure is to prevent and/or manage interruptions to the Municipality's supply of water, caused by the temporary freezing of Municipality and/or Customer owned water pipes. It shall allow for a deviation from the standard billing practices as outlined within this bylaw, whereby consumption charges normally applicable for all water that has passed through the meter are replaced with an estimated consumption value based on historical usage at the property. The Municipality may activate the Extreme Cold Weather Procedure under any of the following conditions:
  - 11.2. The sum of the average daily temperature on consecutive days reaches -400 degrees Celsius, following the first confirmed fall frost event;
  - 11.3. Ground frost levels observed by Public Works field staff, through the course of their daily activities, reaches 1.7 meters or deeper; or
  - 11.4. It is deemed necessary by the Municipality to ensure the continued provision of drinking water during periods of extremely cold weather.
- 11.5. Thawing of privately owned water services shall be the owner's responsibility and expense. Where any employee of the Municipality assists the owner in the thawing of a privately owned frozen water service, the owner will be invoiced for the costs involved. All work completed by the Municipality shall be considered at the owner's risk, and the owner shall have no claim against the Municipality by reason of such work.
- 11.6. If the Municipality has initiated the Extreme Cold Weather Procedure and provides specific instructions in writing to the owner or occupant that they should continuously run the water to mitigate the freezing of the buried water service, or a temporary water supply is arranged that requires the continuous flow of water:
- 11.7. The Municipality determines that the frozen water service is located on Municipal property, the Municipality will adjust the water wastewater bill(s) so that the owner or occupant will not be charged for the excess water usage. The Municipality will estimate what the normal water usage would have been before the freezing occurred. The owner or occupant will not be charged for the excess water used when the Municipality approves the water to be continuously running; and
- 11.8. The Municipality determines that the frozen water service is located on private property, the Municipality will not adjust their water wastewater bill for the higher consumption.
- 11.9. If the Municipality has initiated the Extreme Cold Weather Procedure and has not directed the owner or occupant to continuously run the water, and the owner

or occupant decides to do so on their own, the water wastewater bill will not be adjusted by the Municipality. The owner or occupant will be responsible for the water wastewater bill that will include the higher consumption due to the continuous running of the water.

## **12. Prohibitions**

- 12.1. No person shall willfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Municipality or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this bylaw.
- 12.2. No person shall willfully or maliciously tamper with or damage any meter, remote reading device, water service, equipment or any appurtenances belonging to the Municipality, or required for exemption purposes or willfully impair or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the water that passes through it.
- 12.3. No person shall willfully let off or discharge water so that the water runs waste or useless of the works.
- 12.4. No person being an owner or occupant or other supplied with water from the drinking water system, shall improperly waste the water or, without the consent of the Municipality, lend, sell, or dispose of the water, give it away, permit it to be taken or carried away, use or apply it to the use or benefit of another, or to any use and benefit other than his or her own.
- 12.5. No person shall, without lawful authority, willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction.
- 12.6. No person shall throw or deposit any injurious or offensive matter into the water, drinking water system or wastewater system or upon the ice if the water is frozen, or in any way foul the water or commit any willful damage or injury to the works, pipes or water, or encourage the same to be done.
- 12.7. No person shall willfully alter any meter or remote reading device placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered.
- 12.8. No person shall lay or cause to be laid any pipe or watermain to connect with any pipe or watermain of the drinking water system, or in any way obtain or use the water without the consent of the Municipality.

## **13. Enforcement**

- 13.1. The Municipality may at all reasonable times, enter and inspect a property to determine whether there is any unlawful use of the drinking water system or wastewater system and to provide for the enforcement of this bylaw.
- 13.2. All water used on a property within the Municipality, except water used for firefighting purposes, or water authorized by the Municipality for construction or other purposes, shall pass through the meter approved by the Municipality for use upon such property. In addition to whatever other remedies the Municipality may have by law in respect to infringement of this bylaw, the Municipality may, upon ascertaining that water has been unlawfully used, shut off and stop the supply of water without notice.
- 13.3. Every person who willfully or maliciously damages or causes damage to any meter, remote reading device, water service, equipment or any appurtenances belonging to the Municipality or willfully impairs or knowingly suffers the same to be altered or impaired, so that the 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 payable to the Municipality, and for any expenses of repairing or replacing the meter, remote reading device, water service, equipment or any appurtenances and double the value of the surplus water so consumed, all of which is recoverable under the Provincial Offences Act.

## **14. Penalty**

- 14.1. Every person who contravenes any of the provisions of any section of this bylaw and every Director or Officer of a Corporation who knowingly concurs in the contravention of a bylaw by the Corporation is guilty of an offence under the provisions of the Municipal Act, 2001 s. 429.
- 14.2. For the purpose of continuous offences, every person who contravenes any provision of this bylaw and every Director or Officer of a Corporation who knowingly concurs in the contravention of a bylaw by the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, s 429 (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.
- 14.3. For the purpose of multiple offences, every person who contravenes any provision of this bylaw and every Director or Officer of a Corporation who knowingly concurs in the contravention of a bylaw by the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, s. 429 (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.

## **15. Bylaw Repealed**

- 15.1. Bylaw 14-2022 and all amendments thereto are hereby repealed.

## **16. Effective Date**

- 16.1. This bylaw shall come into force and take effect on October 1, 2025, at which time all bylaws, policies, and resolutions that are inconsistent with the provisions of this bylaw are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this bylaw.

Passed and enacted by the Council of the Municipality of West Grey this 16<sup>th</sup> day of September, 2025.

  
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Mayor Kevin Eccles

  
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Jamie M. Eckenswiller, Clerk

By signing this bylaw on September 16, 2025, Mayor Kevin Eccles will not exercise the power to veto this bylaw.