

**WINDSOR UTILITIES COMMISSION
B Y - L A W N U M B E R 88-2007**

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

Passed the 21st day of November, 2007.

WHEREAS by the *City of Windsor Act 1936*, The Windsor Utilities Commission was vested with the powers, rights, authorities, privileges and immunities of a municipal Utilities Commission under the *Public Utilities Act* and the works under its control were declared to be Public Utilities within the meaning of that Act;

AND WHEREAS pursuant to Section 195 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a public utility commission established or deemed to have been established under the *Public Utilities Act*, which existed on December 31, 2002, is deemed to be a municipal service board established under the *Municipal Act, 2001*, and continues with the same name, composition and service area and has the same powers and the same control and management of the same services as it had on that day;

AND WHEREAS the Windsor Utilities Commission controls, manages, and maintains the water works distribution system in the City of Windsor and the Commission deems it expedient to enact this By-law to govern the use of Municipally owned and Privately owned Fire Hydrants in the City of Windsor;

THEREFORE the Windsor Utilities Commission enacts as follows:

DEFINITIONS:

1. In this By-law:

- (1) **“Building”** shall have the same meaning as set out in the *Building Code Act*, S.O. 1992, c23, as amended, or any successor thereof;
- (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;
- (3) **“Chief Fire Official”** (CFO) means the Fire Chief of Windsor Fire and Rescue Services or his designate(s);
- (4) **“Commission”** means the Windsor Utilities Commission;
- (5) **“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;
- (6) **“Fire Hydrant”** means any apparatus for drawing water directly from a main and which is used principally for fire fighting purposes;
- (7) **“Hydrant Use Permit”** means a permit issued by the Commission to allow

the drawing of water from any Fire Hydrant.

- (8) **“Meter”** means the water meter supplied and owned by the Commission to measure the quantity of water used by the consumer;
- (9) **“Municipality”** means The Corporation of the City of Windsor and includes its employees, servants and agents;
- (10) **“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;
- (11) **“Person”** means any person, firm or corporation having control over property to which this by-law applies and includes the owner registered on the title of the property and any occupant of any building located on such property;
- (12) **“Privately Owned Fire Hydrant”** means a fire hydrant owned and maintained by a private owner, that is, not the Municipality or the Commission, and that is located on private property;
- (13) **“Provincial Offences Act”** means the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and the Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore;
- (14) **“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. 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.
3. No person shall in any way interfere with any Municipally Owned or Privately Owned Fire Hydrant, valve or appurtenance.
4. No person shall draw water from a Municipally Owned Fire Hydrant except for fire fighting purposes or for Municipal or Commission approved maintenance or operations, without first acquiring a Hydrant Use Permit from the Commission.

Application for a Hydrant Use Permit shall be made to the Commission in the form and manner as specified by the Commission, as determined from time to time.

5. No person shall draw water from a Privately Owned Fire Hydrant except for fire fighting purposes or for Municipal or Commission approved maintenance or operations, without first acquiring a Hydrant Use Permit from the Commission. Application for a Hydrant Use Permit shall be made to the Commission in the form and manner as specified by the Commission, as determined from time to time.

6. Any person or persons authorized under Section 4 or Section 5 shall:

- a) have a Backflow Preventer Assembly (BPA) unit, provided by the Commission along with a hydrant valve, in their possession and connected to the Fire Hydrant when the Fire Hydrant is in use; and
- b) pay to the Commission, prior to being issued a Hydrant Use Permit, a hydrant valve installation and removal charge, as set out in Schedule A, attached hereto and forming part of this By-law; and
- c) pay to the Commission a daily use charge for water consumed, prior to being issued a Hydrant Use Permit, as set out in Schedule A, attached hereto and forming part of this By-law; and
- d) pay to the Commission all other costs incurred by the Commission, resulting from the permittee's use of the Fire Hydrant, upon receipt of the Commission's invoice, as determined by the Director of Operations for the Commission.

7. 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 Commission.

8. All Fire hydrants within the Municipality shall be self draining hydrants.

9. No person shall obstruct 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.

10. 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:

11. Any Fire Hydrant situated within the road allowance is the property of the Municipality and shall be maintained by the Commission. The Commission shall maintain Municipally Owned Fire Hydrants located on private property.

12. 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 Commission.

Private Hydrants:

13. All Privately Owned Fire Hydrants are the responsibility of the property owner and every owner of property shall ensure that all Privately Owned Fire Hydrants are installed and maintained according to:

- a) The Fire Code, and
- b) The Building Code Act; and
- c) NFPA 24 – Installation of Private Fire Service Mains and Their Appurtenances.

13.1 Every owner of property shall ensure that the installation, location, and orientation of a Privately Owned Fire Hydrant is approved by the CFO with due regard to 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.

14. An owner of property on which a Privately Owned Fire Hydrant is installed shall retain a Qualified Inspector to prepare an inspection report for each Fire Hydrant. The report shall be prepared at the owner's expense and shall be submitted annually to the CFO. The report shall be made on an approved form available from the Commission. The report shall confirm proper function of the Fire Hydrant and shall detail all maintenance, repairs and upgrades undertaken during the reporting period.

14.1 The initial inspection report for each Fire Hydrant installed prior to January 1, 2008 shall be submitted by the property owner no later than August 31, 2008. For new Fire Hydrants installed after January 1, 2008 an inspection report shall be submitted by the property owner within thirty (30) days after the Fire Hydrant is placed in service. The Commission inspects all Fire Hydrant installations on private property and all Fire Hydrants shall be tested at the time of commissioning by the Commission.

14.2 The CFO or his designate will review the submitted report and if there are deficiencies, will issue a notice to the owner that may support the recommendations contained in the Inspection Report and may also contain additional or alternative requirements deemed by the CFO as required under this by-law. These deficiencies must be corrected by the owner within 30 days of receipt of notification, at the expense of the owner.

14.3 Every owner of property on which a Private Fire Hydrant is installed, shall ensure all written records of tests and corrective measures are kept for two years after they are completed, and the records shall be available upon request to the CFO.

14.4 Every owner of property on which a Private Fire Hydrant is installed shall ensure that all annual inspection reports for Privately Owned Fire Hydrants are submitted to:

The Corporation of the City of Windsor
Fire & Rescue Services
65 Elliott Street East
Windsor, ON N9A 3R5
Attn: Chief Fire Official

ENFORCEMENT

15. No person shall hinder or obstruct any person lawfully carrying out the enforcement of this By-law.
16. Any person who hinders or obstructs a person lawfully carrying out the enforcement of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- 17(1) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00, and
- (2) Any Director or Officer of a Corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence and upon conviction is liable to a minimum fine of \$500.00 and maximum fine of \$100,000.00.
- (3) Each new day of an offence under this By-law is a continuing offence and charges may be laid for each day or part of each day during which the offence continues, and the person, Director or Officer, as the case may be, is, upon conviction, liable:
- a) For each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00. However, despite subsection 17(1) and Section 13(2), the total of all fines for each included offence is not limited to \$100,000.00;
- b) Where the person convicted is a Corporation, despite subsection 17(2), the total of all fines for each included offence is not limited to \$100,000.00.
18. This By-law shall come into force and take effect on the 1st day of June 2008.

Helga Reidel, Commission Secretary

Ken Lewenza, Jr., Chair

First Reading - November 21, 2007

Second Reading - November 21, 2007

Third Reading and Finally Passed - November 21, 2007

Schedule A to By-law Number -2007

Fee Schedule

Hydrant Valve Installation	\$62.00
Hydrant Valve Removal	\$62.00
Daily Use of Hydrants	\$50.00
Daily Use of Hydrants – Charity Use	\$0.00