



# MUNICIPALITY OF **West Elgin**

## **The Corporation of the Municipality of West Elgin**

### **By-Law No. 2020-54**

#### **A By-law to Regulate the Use of Municipally Owned Fire Hydrants**

**Whereas** Sections 8, 9 and 11 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, authorize a municipality to pass by-laws that are necessary or desirable for municipal purposes and, in particular, respecting economic, social and environmental well-being of the municipality; health, well-being and safety of Persons; services and things that the municipality is authorized to provide; and protection of Persons and property, including consumer protection; and

**Whereas** Section 11 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities; and

**Whereas** Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that Section 11 shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

**Whereas** it is deemed expedient that The Corporation of the Municipality of West Elgin to regulate the use and access to fire hydrants.

**Now Therefore** the Council of the Corporation of the Municipality of West Elgin enacts as follows:

#### **1. Short Title**

That the short title of this by-law shall be "Fire Hydrant By-Law".

#### **2. Definitions**

In this by-law the following definitions shall apply:

**Council** shall mean the Council of the Corporation of the Municipality of West Elgin

**Draw Water** shall mean taking water from a fire hydrant for use

**Fire Department Personnel** shall mean the employees or volunteers who operate under the authority of the West Elgin Fire Department

**Fire Hydrant** shall mean any apparatus for drawing water directly from a water main and which is used principally for fire fighting purposes or water system maintenance

**Municipality** shall mean the Corporation of the Municipality of West Elgin

**Officer** shall mean a person or persons appointed by Council to enforce this by-law

**Operate a Fire Hydrant** shall mean setting up, connecting to and disconnecting from a fire hydrant

**Operating Authority Personnel** shall mean any firm, company or service provider contracted by the Municipality of West Elgin and responsible for the operation, maintenance and management of the Water and Wastewater Facilities

**Public Works Personnel** shall mean the employees who work for the Operations and Community Services department for the Municipality of West Elgin

3. This by-law governs and regulates the operation of every fire hydrant connected to every water system owned and operated by the Municipality of West Elgin.

#### 4. Use and Care of Hydrants

No person shall operate a fire hydrant, except:

- a) The Manager of Operations and Community Services;
- b) An employee of the Municipality or the Ontario Clean Water Agency with proper authorization to operate a fire hydrant in the Municipality; or
- c) A member of the fire department.

#### 5. Fire Hydrants – General

5.1. Unless authorized by the Manager of Operations and Community Services, no Person shall:

- a) Open or close any fire hydrant or fire hydrant valve;
- b) Connect a device of any kind to a fire hydrant, including a pipe, hose, fixture, or appliance; or
- c) Use water from any fire hydrant, regardless of whether that fire hydrant is located on private or public property, for any purpose other than fire protection.

5.2. No Person shall paint fire hydrants or tamper with the colour scheme of the fire hydrants except with permission of the Municipality.

5.3. A Person who wishes to have a Municipality owned fire hydrant relocated may request in writing to the Manager of Operation and Community Services that the fire hydrant be relocated, and if Approved, the Person making the request shall pay the

estimated cost determined by the Manager of Operations and Community Services, subject to a refund or additional payment, depending upon the actual cost when the work has been completed.

## 6. Obstruction of a Hydrant

- 6.1. The Owner or Occupant of Land or Premises adjacent to a fire hydrant or on which a fire hydrant is located shall ensure that there is access to the fire hydrant at all times and that access is not obstructed in any manner whatsoever.
- 6.2. No Owner or Occupant of Land or Premises shall allow anything on the Land or Premises to interfere with the operation of a fire hydrant located on or adjacent to that Land or Premises.
- 6.3. Any Person who owns Land or Premises on which a fire hydrant is located or own property adjacent to Municipality owned property on which a fire hydrant is located:
- a) Shall ensure there is a three (3) metre corridor free of vegetation and other objects between the hydrant and the curb and shall ensure there is a one and a half (1.5) metre radius clearance free of vegetation and other objects beside or behind a hydrant unless authorized in writing by the Manager of Operations and Community Services; and
  - b) Shall ensure that nothing is constructed, erected, or placed within the clearance provided in section 6.3 a).
- 6.4. If an Owner fails to provide the proper clearances on or around the fire hydrant within twenty-four (24) hours of being notified to do so by the Municipality, the Municipality may remove any and all obstructions or encroachments and the Owner shall pay the Municipality all costs associated with the removal of those obstructions.

## 7. Penalties and Offences

Every person who contravenes or causes or permits any contravention of any of the provisions of this by-law is guilty of an offence pursuant to the *Provincial Offences Act* and on conviction is liable to a fine of not more than \$5,000.00 exclusive of costs.

8. This by-law comes into force and effect on August 13, 2020.

Read a first, second, and third time and passed this 13<sup>th</sup> day of August, 2020.

  
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Duncan McPhail  
Mayor

  
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Jana Nethercott  
Clerk