

# THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

## BY-LAW NO. 2010-02

BEING A BY-LAW TO ENACT RULES AND REGULATIONS FOR THE INSTALLATION AND ACCESS TO WATER METERS AND RELATED APPURTENANCES, INCLUDING PENALTIES FOR OFFENCES AS PART OF THE UNIVERSAL WATER METERING STRATEGY.

**WHEREAS** The Municipality wishes to install and/or retrofit water meters and radio frequency transmitters on all residential, industrial, commercial and institutional establishments located within the area of Municipality that are connected to municipal water service as part of a Universal Water Metering Strategy;

**AND WHEREAS** Part 7 (Plumbing) of the *Ontario Building Code*, as amended, requires every municipality to regulate the connection of individual water services to a municipal potable water works;

**AND WHEREAS** The Municipality deems it necessary to confirm the mandatory use and installation of water meters in the Municipality that are connected to the municipal water service;

**AND WHEREAS** section 80.(1) of the *Municipal Act, 2001* as amended, provides that a municipality may, at reasonable times, enter on land to which it supplies a public utility, to inspect, install, repair, replace or alter a public utility meter;

**AND WHEREAS** section 80. (3) of the *Municipal Act, 2001* as amended, provides that if a customer discontinues the use of a public utility on land or a municipality lawfully decides to cease supplying the public utility to land, the municipality may enter on the land, to shut off the supply of the public utility, or to remove any property of the municipality, or to determine whether the public utility has been or is being unlawfully used;

**AND WHEREAS** The Municipality has signed an agreement for the acquisition and installation of water meters with Master Meter Canada Inc.;

**AND WHEREAS** section 391 of the *Municipal Act, 2001* as amended, authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by the municipality;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Powassan enacts as follows:

1. **DEFINITIONS** In this By-law:

**“Building”** shall mean a structure supplied with potable water by the Municipality;

**“Consumer”** shall mean the owner or occupant of property which is serviced by, connected to, and takes water from the Municipality’s water works;

**“Contractor”** shall mean a person, partnership, or corporation who has been retained to undertake the execution of work commissioned by the Municipality to install and/or maintain water meters and other appurtenances.

**“Municipality”** shall mean The Corporation of the Municipality of Powassan;

**“Inspector”** shall mean the Chief Building Official or Building Inspector of the Municipality and may also include the Public Works Superintendent and By-Law Enforcement Officer;

**“Meter”** shall mean the water meter, register and radio frequency transmitter unit installed and owned by the Municipality to measure the quantity of water used by the consumer;

**“Meter pit”** shall mean any exterior chamber or pit approved by the Municipality for the purpose of containing a water meter and related appurtenances;

**“Occupant”** shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of premises;

**“Owner”** shall include any person or any firm or corporation who is the registered owner 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 and a guardian;

**“Potable water”** shall mean water that is fit for human consumption;

**“Premises”** shall mean the property being supplied or to be supplied with water;

**“Private water service”** shall mean the pipes and fixtures used for the purpose of supplying any building with water from the Municipality’s water works that is located between the street line in front of or abutting the premises so supplied and the building on the premises;

**“Water service connection”** shall mean the pipes and fixtures used for the purpose of supplying any premises with water from the Municipality’s water works that is located between the Municipality’s watermain in the street and the street property line abutting the premises so supplied.

## 2. WATER METER INSTALLATION AND ACCESS

- 2.1 All water supplied by the Municipality through water service connection shall pass through a meter supplied by the Municipality for use upon such premises, and the water rate charged shall be that fixed from time to time by the Municipality.
- 2.2 All meters and related appurtenances shall be supplied and installed by persons authorized by the Municipality for that purpose, such as an approved contractor.
- 2.3 The Municipality's cost of supplying, relocating and installing water meters and related appurtenances shall be covered by the Municipality up to December 31, 2010 and by the property owner after January 1, 2011.
  - 2.3.1 If the meter is mechanically defective, the cost of repairs shall be paid by the Municipality, but if the meter is damaged by the carelessness or neglect of any person other than an employee or agent of the Municipality, the consumer shall pay to the Municipality the cost of making the necessary repair to such meter.
- 2.4 Each consumer must make an appointment with Master Meter Canada Inc. before the end of the Universal Water Metering program (expected to be May 2010) to have a water meter and radio frequency transmitter installed in their premise(s). Every consumer who contravenes this section of the By-Law is liable of an offence and upon the issuance of a violation notice shall pay a specified penalty of \$250.00.
- 2.5 The consumer to be supplied with water agrees to provide convenient and safe space, free of charge or rent, for the Municipality's meter, pipes and other appliances on said premises, and further agrees that no one who is not a servant or agent of the Municipality or otherwise lawfully entitled to do so, shall be permitted to remove, inspect or tamper with any of the Municipality's said equipment.
- 2.6 The consumer to be supplied with water agrees to provide adequate heat in the premises to prevent frost damage to the meter. In the event that the consumer is away from the premises for an extended period of time, the consumer shall be required to notify the Municipality within fifteen (15) days of departure so the consumer in consultation with the Municipality can take the proper precautions to prevent frost damage to the meter and water service connection, otherwise repairs will be at the owner's expense.
- 2.7 The consumer shall provide ready and convenient access to the meter and appurtenances in said premises so that the meter may be frequently read and examined by persons authorized by the Municipality for that purpose.

- 2.8 Every meter shall be placed in such location as the persons authorized by the Municipality shall direct. If possible, the water meter shall be installed in the basement of residential buildings, and shall be located immediately after the main shut-off valve on the owner's plumbing system, so as to ensure that all water supplied to the building passes through the meter. In the event that a building has no basement, the water meter shall be installed in another location in the building or in a meter pit as authorized by the Municipality.
- 2.9 Where a meter cannot conveniently be placed inside a building, it shall be placed in a meter pit, the location and construction of which shall be discussed with the consumer and shall be constructed in a manner approved by the Municipality, the cost of which shall be paid by the Municipality.
- 2.10 One (1) meter shall be placed in each single family residential, multi-family residential, commercial, industrial and institutional private water service that has a single connection to the Municipality's water works and the plumbing shall be so arranged that all water used on such premises shall pass through such meter and the consumer shall be held liable for water charges.
- 2.11 There shall be no direct or indirect connection between water lines which are part of a private well and water lines which are part of the Municipality's water system(s). Failure to comply with this requirement shall result in immediate disconnection of the water supply from the Municipality and will also result in the penalty provisions of this By-law.
- 2.12 Any person authorized by the Municipality for the purpose of inquiring into the compliance with the provisions of this By-Law shall have free access to the premises at all reasonable times. Upon reasonable notice given and request made to the consumer and lands to which municipal water is supplied, no person occupying or in charge or apparently in charge of such buildings or other premises or lands shall refuse access to such authorized person.
- 2.13 If the condition of the private water service is such that the meter cannot be safely installed or replaced without fear of damaging the private service line (due to old, corroded and/or inadequate piping) then the consumer shall be notified of the situation by the Municipality or their contractor and the Municipality will give to consumer fifteen (15) working days to complete modifications to the private water service in order to make the installation or replacement of a water meter possible. If such work is not completed within the allotted timeframe, the Municipality may perform such repairs as necessary at the consumer's expense.
- 2.14 The location of a meter, once installed to the standards of the Municipality, shall not be changed by any person except by persons authorized by the Municipality.
- 2.15 Any leak that may develop at the meter or its couplings must be reported immediately to the Municipality. The Municipality shall not be held responsible for any damages resulting from such leaks that were not directly resulting from the water meter installation.

- 2.16 The Municipality may enter into agreements with others to provide for the installation of water services or meters in any manner satisfactory to the Municipality.
- 2.17 All sums charged for expenses incurred for the repair of meters, fixtures and all other appurtenances connected to the water service or for damage to same, as per Section 2.3.2, shall be charged to the consumer. If these charges remain unpaid they shall be collected in the same manner as municipal taxes.

### 3. REGULATIONS AND PENALTIES FOR OFFENCES

3.1 Every person is guilty of an offence who,

- (i) willfully hinders or interrupts, or causes to be hindered, or procures, or interrupts the Municipality or any of its officers, contractors, agents, servants or workman, in the exercise of any of the power conferred by the *Municipal Act, 2001, as amended*;
- (ii) being a tenant, occupant, lessee, owner, the agent of a lessee, or any person in possession of any house, building or other premises supplied with water from the water works, improperly wastes water or, without the consent of the Municipality, lends, sells or disposes of water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own;
- (iii) willfully alters any meter placed upon any service pipe or connected therewith, within or outside any building or other place, so as to lessen or alter the amount of water registered; or
- (iv) lays or causes to be laid any pipe or main to connect with any pipe or main of the Municipality's water works, or in any way obtains or uses the water without the consent of the Municipality.

3.2 Any person convicted of a breach of any of the provisions of this By-Law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of five thousand dollars (\$5,000.00) for each offence and not less than three hundred dollars (\$300.00) for each offence, recoverable under the Provincial Offences Act for the Province of Ontario.

3.3 If it is physically possible to have a water meter installed at a premise and the consumer refuses to have one installed, the consumer will be charged for water usage at a rate five (5) times the current minimum flat rate charge for each billing period where a water meter is not installed.

3.4 In addition to other sanctions and remedies provided in this By-Law, the Municipality may turn off or restrict the supply of water to any consumer where such consumer has violated any of the provisions of this By-Law, and may refuse to restore normal service until the violation complained of has been terminated or remedied. The Municipality will not be liable for any damage to property or injury to person by reason of shut-off of water supply.

3.5 The requirements of this By-Law are severable. If any requirements of this By-Law are held

invalid, the application of such requirements to other circumstances and the remainder of the By-Law shall be valid and shall remain in force.

- 3.6 Where any inconsistency exists within this By-Law and any other By-Law of The Municipality of Powassan, the provision(s) of the By-Law imposing a greater requirement, regulation, fee or enforcement and penalty provision shall apply and prevail.

ADOPTED JANUARY 19, 2010.

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MAYOR

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CAO-CLERK