

THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2012-17

BEING A BY-LAW TO ENACT RULES AND REGULATIONS FOR THE SUPPLY OF POTABLE WATER BY THE MUNICIPALITY TO ITS RESIDENTS, INCLUDING PENALTIES FOR OFFENCES

WHEREAS The Municipality of Powassan is a municipality in the Province of Ontario and the *Municipal Act, 2001* authorizes a municipality to operate a water system as a public utility for the purpose of supplying and distributing water to residents, industrial and commercial users, for fire protection, and to all other Owners in The Municipality of Powassan;

AND WHEREAS The Municipality will collect water consumption information from all metered accounts for water billing purposes, thru a mobile radio frequency reading system, as part of a Universal Water Metering Strategy;

AND WHEREAS Part 7 (Plumbing) of the *Ontario Building Code*, O. Reg. 350/06, 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*, S.O. 2001, c. 25, 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*, S.O. 2001, c. 25, as amended, provides that if either an Owner 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 passed a By-Law for the installation and access to water meters and related appurtenances, including penalties for offences as part of the Universal Water Metering Strategy;

AND WHEREAS sections 9, 10, and 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, 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, in the Province of Ontario, duly assembled, enacts as follows:

1 DEFINITIONS

In this By-law:

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

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

“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 or which has been retained to undertake the execution of work commissioned by the Municipality to install and/or maintain water meters and other appurtenances.

“Municipality” means The Corporation of The Municipality of Powassan.

“Curb Stop” shall mean the on/off valve on the Municipality’s water service pipe located on or about the boundary line between private property and the municipal road allowance;

“Equipment” means all equipment such as transmitter, AMR equipment, and any good required for the Universal Metering Program.

“Duplex” shall mean a residential building containing two separate living units with each served by an individual water service connection from the Municipality’s water works;

“Inspector” means the Chief Building Official or Building Inspector of the Municipality and may also include the Director of Public Works and a By-Law Enforcement Officer;

“Main shut-off valve” means the first isolation located on the plumbing system just within a premises and be equivalent to the definition provided for a “Building Control and Shut-off Valve” as described in Section 7.6.1.3. of the 2006 Ontario Code and Guide for Plumbing.

“Meter” means the water meter, metering equipment, register and radio frequency transmitter unit installed and owned by the Municipality to measure the quantity of water used by an owner;

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

“Multi-family residential” means a single building containing two or more single family units, including apartment buildings, which is serviced by, connected to, and takes water from the Municipality’s water works;

“Owner” shall include any consumer, occupant, person or of any firm or Municipality 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 of the said property which is serviced by, connected to, and takes water from the Municipality’s water works;

“Person” means an individual, body corporate, partnership and any other group or association of individuals carrying on business or operating under a name other than those of the individual comprising such group or association;

“Potable water” means water that is fit for human consumption;

“Premises” means the property being supplied or to be supplied with water;

“Private water service” means 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 abutting premises;

“Service pipe” means the pipe connecting a water main to a building or structure not owned by the Municipality;

“Single family residential” means any detached, semi-detached or row housing that is serviced by a single water service connection servicing each premise unit.

“Water main” shall mean the pipe used to distribute water and owned by the Municipality, which generally located on or about a road allowance or municipal easement;

“Water service connection” means 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 water main in the street and the street property line abutting the premises so supplied.

2 GENERAL PROVISIONS

- 2.1. Only one (1) meter shall be on a service pipe leading to any premise.
- 2.2. No two (2) separate premises shall be supplied from one (1) service. Each separate premise shall be supplied by each service pipe except for duplex, apartment or double house.
- 2.3. 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 owner shall be held liable for water charges.
- 2.4. All Owners must be metered and meters installed prior to building occupancy.
- 2.5. All meters and related appurtenances supplied shall conform to the specifications of the Municipality and installed by Municipality’s authorized agent.
- 2.6. Meter location once installed by the Municipality shall not be changed by any person except with Municipality’s consent.
- 2.7. All water passing through a meter will be charged to the owner, whether used or wasted.
- 2.8. All existing and new residential, institutional, commercial and industrial water users connected to or would like to connect to the municipal waterworks system are required to install a meter for the measuring of the quantity of water used. The Municipality may refuse or discontinue supply other than by a metered service.
- 2.9. All new dwelling and businesses shall be supplied with a meter, installed and managed by the Municipality. Applicant shall ensure the new building/dwelling/property plumbing system is ready for meter installation by incorporating a “spool piece” in the absence of a meter. After the building passes inspection and prior to occupancy, the owner shall inform the Municipality in writing, in order to replace the “spool piece” with a meter.
- 2.10. The Municipality shall determine and specify the type, size and arrangement of meters.
- 2.11. Unmetered consumed water during construction phase of a building may be charged thru “construction water charge” of the owner’s account.

3 OWNERSHIP OF FACILITIES AND EQUIPMENT

- 3.1. All meters shall be owned, supplied and maintained by the Municipality unless otherwise provided in this bylaw.
- 3.2. All meters and related appurtenances remain the property of the Municipality even following installation within a premise.

4 MUNICIPALITY'S RESPONSIBILITY

- 4.1. The Municipality does not guarantee the continuous uninterrupted supply of any utility and is not liable for the stoppage of, or any damage by, water from any cause over which the Municipality has no control.
- 4.2. The Municipality reserves the right at any time without notice to shut off water supply whenever required for the maintenance or operation of the utility.
- 4.3. The Municipality reserves the right to remove the meters when necessary and replaced with another meter, if the Municipality may see fit to the conditions of the service installation. Such change shall be made in accordance with current regulations.
- 4.4. The Municipality will not supply, install, inspect or read private meters, nor will the Municipality bill consumption on private meters.

5 OWNER'S RESPONSIBILITY

- 5.1. The Owner shall maintain the meters in a dry and warm location, including providing adequate heat in the premises to prevent frost or other damage to the meter supplied hereunder.
- 5.2. The Owner shall ensure and provide convenient, safe, adequate, accessible location for the meters and its' reading devices, for inspection, repair and maintenance.
- 5.3. The Owner shall provide convenient and safe space, free of charge or rent, for the Municipality's meter, pipes and other appurtenances on their premises, and further agrees that no one who is not an employee 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.
- 5.4. The Owner shall not remove meters from service without three (3) business days written notice from the Municipality except in case of emergency. The owners shall be responsible, once the meter is removed.
- 5.5. The Owner shall maintain the inlet valve and remote read-out of the meter, including ensuring that all valves and its accessories are accessible by maintenance.
- 5.6. The Owner shall be responsible for the repairs necessary for the service pipes and/or valves of the meters which cannot be safely removed without fear of damage to the water service pipes and/or valves.

6 WATER SERVICE APPLICATION AND LIMITATION

Application for Water Service

- 6.1 All applications for laying service pipes shall be made in writing to the Municipality.
- 6.2 Every person who discontinues the use of water supplied by the Municipality from a water main for any purpose shall continue to be liable for the rates and charges billed therefore until such time as notice in writing of such discontinuance shall have been given to the Municipality.
- 6.3 The charges payable by the Owner to the Municipality for installation of water service shall be paid in advance in such amounts as are established and amended from time to time by the Council and as shown in Schedule "A" of this by-law.
- 6.4 Additional charges will be payable by the Owner to the Municipality for:
 - 6.4.1 Repair of asphalt, concrete, macadam and grass areas, or any other appurtenances affected by the installation work;
 - 6.4.2 Rock or frost excavation;
 - 6.4.3 Temporary maintenance of repair; and,
 - 6.4.4 Installation below a depth of seven (7) feet.
- 6.5 Where Schedule "A" does not fix an installation charge expressly directed at the type or manner of service applied for, the applicant shall deposit with the Municipality a sum equal to the estimated cost of providing such service, as calculated by the Municipality, and if the actual cost exceeds such estimate, the applicant shall pay the balance before the water is turned on.
- 6.6 Any new or subsequent water meter re-connection shall require payment to the Municipality, payment of an application fee and signing of a contract for service.
- 6.7 The installation of the water service will not be scheduled and/or commence until the application and payment have been made.
- 6.8 Any Owner shall pay to the Municipality, water meter disconnection charges for discontinuing water use.

Limitations on Application

- 6.9 The Municipality has the absolute discretion to reject any application for water service which is contrary to the by-law or other applicable law.
- 6.10 Any special direction by an owner as to the location of the service pipe may be followed if such direction does not interfere with the requirements of this by-law and is approved by the Municipality.

7 SERVICE CONDITIONS

- 7.1 The Municipality shall not be obligated to provide utility services until access has been provided to the premises to enable the Municipality to install or obtain an initial meter reading for each utility service which is metered.
- 7.2 The Municipality shall not be obligated to provide utility services if access to install or obtain an initial meter reading has not been provided.
- 7.3 An applicant may not be entitled to receive utility services if the applicant is indebted or has an outstanding account to the Municipality, until satisfactory arrangements have been made with the Municipality.

8 CONSTRUCTION OF SERVICES

Extent of Work

- 8.1. No person, other than a person having a contract with the Municipality for such work, shall do any work on the municipal water system.
- 8.2. Only the Municipality shall tap the water main or supply and install the "main stop" service piping from the water main to the street line or curb stop.
- 8.3. No person shall connect a water service pipe to a water main unless such pipe is laid and equipped in accordance with the provisions of this by-law and the Plumbing Code.
- 8.4. No work shall be done by the Municipality upon any land or premises taking municipal water services except necessary for placing, repairing, removing or protecting meters.
- 8.5. The Municipality may supervise or inspect any or all work to be done beyond the property line of the road allowance or municipal easement which relates to watering service.
- 8.6. The expense of installing service pipes and fixtures for the distribution and use of water through lands and buildings shall be borne by the owners thereof.

Size and Location of Services

- 8.7. No person shall install a water service pipe to any building or land except in compliance with the Plumbing Code and this By-law except with the prior written approval by the Municipality or a design by a Professional Engineer.
- 8.8. Every person installing a water service pipe shall do the installation by way of type K soft copper pipe from the water main to the property line, in a trench excavated and backfilled by the Municipality or its authorized agent.
- 8.9. The diameter of the service pipe to be used in all service connections, other than connections to single detached, semi-detached, or duplex homes, shall be as determined by the Municipality, at its discretion.
- 8.10. Every person laying service pipes upon premises to which water service is supplied shall ensure that such pipes are laid at a depth of not less than six feet six inches (6'6") below the level of the surrounding ground and shall be properly protected against settlement.
- 8.11. Every person connecting water services into the building shall ensure that:
 - 8.11.1 All water services are carried into the building by water pipes of the same size and weight as those laid by the Municipality;
 - 8.11.2 Each building shall and every separate unit may have a separate service pipe with stop and drain placed immediately inside the building, well secured from frost; and
 - 8.11.3 All water service connections inside any building are wiped, jointed and graded to a stop and drain so that water shall drain when the service is closed;
- 8.12. Every owner shall keep service pipes on their property in good repair and free from frost at their own risk and expense.
- 8.13. Every owner shall promptly repair any leaks in service pipes on their property.
- 8.14. The Municipality may shut off water service where an owner fails to promptly make necessary repairs on private property, after reasonable notice.

Variations

- 8.15. Any variation from the requirements of this by-law approved by the Municipality relating to the installation and construction of a water service shall be done at the applicant's expense.

Material Specifications

- 8.16. Every plumber's work in any building supplied with water by the Municipality shall be subject to the approval of the Plumbing Inspector of the Municipality.

Cross Connections

- 8.17. Where a private water system is continued in service after the installation of municipal water service, no person shall construct, attach or otherwise connect a cross connection between the private water system and the municipal service.
- 8.18. No person shall construct, attach or otherwise connect a cross connection of any kind to the municipal service without the express written consent of the Municipality.
- 8.19. Every person who wishes to undertake work on a private water system which may in any way affect the Water Works Systems of the Municipality, shall notify the Municipality, in writing, prior to undertaking such work.

9 OPERATION OF SERVICES

Curb Stops

- 9.1 No unauthorized person shall:
- 9.1.1 turn OFF or ON any curb stop, or service pipe;
 - 9.1.2 make any connection with a water main;
 - 9.1.3 interfere with any meter or any service pipe leading to such meter whether inside or outside of the building;
 - 9.1.4 interfere with a water service in, on or under any street; or
 - 9.1.5 Alter any curb stop.
- 9.2 Every person who vacates any premises supplied with water from the municipal water system, or wishes to discontinue water services, shall give notice thereof to the Municipality, and be responsible for water rates until such notice is given.
- 9.3 The Municipality shall not turn water on again until notified of the name of the person responsible for water rates and all rates or charges in arrears have been paid.

Frozen Services

- 9.4 In the event that a water service becomes frozen, the Municipality will determine which section of the service is frozen and, where the water is frozen on the municipal side of the curb stop at the property line the Municipality will thaw the service.

Residents that are authorized and required to leave their water running due to possible freezing or chlorine residual requirements shall be adjusted for billing purposes as follows:

- 9.4.1 Once summer usage history of the previous year has been determined, those residents running water to prevent freezing or chlorine residual requirements will be charged the average of their summer months usage for the period they were requested in writing to run water steadily.
- 9.4.2 Homeowners are encouraged to remedy freezing of line problems on their property to eliminate the need for water to keep running in the future.

Renewal Services

- 9.5 Where an existing galvanized or lead pipe service requires renewal because of low volume or poor pressure caused by defective pipe, the Municipality shall renew the service within the street allowance only after the owner has replaced the portion thereof on the owner's property.

Restricted Uses

- 9.6 The Municipality may suspend the use of water whenever public exigency may require.
- 9.7 The Municipality may regulate the use of water by way of notice published in a newspaper having general circulation within boundaries of the Municipality at least three (3) times, which will be deemed effective notice to all owners of premises to which such water is supplied.
- 9.8 No person shall install any air conditioning equipment which requires the use of water without first acquiring a plumbing permit pursuant to the Plumbing Code.

Municipal Fire Hydrants

- 9.9 No unauthorized person shall open, close, tamper with, use or interfere with any hydrant, valve, chamber, and service pipe or hydrant chamber, owned by the Municipality.

10 ADMINISTRATION

- 10.1 This by-law shall not apply to authorized employees of the Municipality acting in the ordinary course of their employment.
- 10.2 In the event of violation of any of the provisions of this by-law, a Municipality may shut off or restrict the supply of water to any lands or premises and the supply of water shall not be turned on again or restored to normal until all rates and charges have been paid.
- 10.3 The Municipality and any person authorized by them may enter upon any premises in or upon which a meter has been installed for the purpose of reading, repairing or removing same between the hours of 8:00 a.m. and 6:00 p.m. on any day except Saturday and Sunday.

11 ACCESS TO OWNERS PREMISES

- 11.1 Subject to compliance with Section 435 of the Municipal Act, c.25, any person authorized by the Municipality for the purpose of inquiring into the compliance with the provisions of this By-Law shall have reasonable access to the premises at all reasonable times. Upon reasonable notice given and request made to the owner 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.
- 11.2 The Municipality reserves the right to access an Owner's premises during reasonable hours for the purpose of installation, inspection, repair, maintenance, etc., of water meters.

- 11.3 If the owner denies access to the property to do meter work, water supply can be shut off.
- 11.4 Before restricting/shutting off water supply, the Municipality shall give due notice to Owners, informing them of the dates upon which the Municipality intends to restrict/shut off water supply if access to the premises is not obtained.
- 11.5 If unable to get access within fourteen (14) days after the notice served, the Municipality reserves the right to restrict/shut off water supply.
- 11.6 If the Municipality has restricted/shut off the water supply, the Municipality must restore the water supply as soon as possible after obtaining access to the property.

12 WATER METER INSTALLATION

- 12.1 All water supplied by the Municipality through water service connection shall pass through a meter supplied by the Municipality for use upon such premises. The water rate charged shall be that fixed from time to time by the Municipality and as shown in Schedule "A" of this by-law.
- 12.2 All meters and related appurtenances shall be supplied and installed by persons authorized by the Municipality for that purpose, including by an approved contractor.
- 12.3 The Municipality's cost of supplying, relocating and installing meters and related appurtenances shall be recovered as follows:
 - 12.3.1. There is no direct charge for the meter or the meter installation to the owners that participate in the Universal Water Metering Program. The cost of the meters and meter installation will be recovered, over time, through the water rates. **The initial installation cost of the Meters will be covered by reserves.**
 - 12.3.2. For new premises to be metered which were not part of the Universal Water Metering Program, the cost of the meters and meter installation will be paid for by the Owner as per the rates listed in Schedule "A" of this by-law.
 - 12.3.3. 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 owner shall pay to the Municipality the cost of making the necessary repair to such meter.
 - 12.3.4. 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 12.3.2, shall be charged to the owner. If these charges remain unpaid they shall be collected in the same manner as municipal taxes.
- 12.4 Every meter shall be placed in such location as the persons authorized by the Municipality shall direct. If possible, the meters 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 meters shall be installed in another location in the building or in a meter pit as authorized by the Municipality.
- 12.5 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 owner and shall be constructed in a manner approved by the Municipality, the cost of which shall be paid by the Municipality.

- 12.6 The Municipality retains the right not to install a meter at a particular premise if it is in the best interest to do so. The owner of such a premise will not be penalized by the decision of the Municipality to not install a meter and will be billed on a flat rate charge.
- 12.7 No person shall directly or indirectly connect between water lines which are part of a private water source (well or other) 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.
- 12.8 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 owner shall be notified of the situation by the Municipality or their contractor and the Municipality will give the owner thirty (30) working days to complete modifications to the private water service in order to make the installation or replacement of a meter possible. If such work is not completed within the allotted timeframe, the Municipality may perform such repairs as necessary at the owner's expense.
- 12.9 No person shall change the location of a meter, except by persons authorized by the Municipality.
- 12.10 The Municipality may enter into agreements with others to provide for the installation of water services or meters in any manner satisfactory to the Owner.

13 WATER RATES AND CHARGES

Water Charges

- 13.1 The water consumed by the Owner shall be charged according to the water registered in the meter.
- 13.2 Water rates shall be according to the Municipality water rates and charges as shown in Schedule "A" in this by-law.
- 13.3 Meters may be read and accounts are rendered monthly, bi-monthly, or quarterly upon the discretion of the Municipality. The bill shall be deemed served upon the Owner if it is delivered or sent by mail to the Owner.
- 13.4 Unpaid overdue accounts shall have a late payment charged according to the Municipality water rates and charges in this bylaw.
- 13.5 All work and service charges mentioned in this bylaw shall be determined by the Municipality and paid in full by the Owner.
- 13.6 The Owner shall pay the water service charge according to the water rates and charges of the Municipality before supplying the meter.

Disconnection and Reconnection

- 13.7 An overdue notice shall be mailed to delinquent account after seven (7) days past the due date, and a disconnection notice shall follow within sixty (60) days from the due date.
- 13.8 Water service will be disconnected unless payment is received from the delinquent account, within five (5) business days upon receipt of notice of disconnection.
- 13.9 A reconnection charge will be imposed on top of the uncollected charge, against discontinued delinquent account.
- 13.10 The Municipality shall reserve the right to shut off, with reasonable notice, its water supply to premises if the Owner refuses to pay any bill, which the Municipality is entitled.

14 INSPECTION, MAINTENANCE AND REPAIRS

- 14.1 Meters suspected of registering incorrectly will be removed for inspection.
 - 14.1.1 If found to be defective due to normal wear and tear, then replacement cost will be paid by the Municipality;
 - 14.1.2 If found to be defective due to tampering or negligence on the part of the owner, then removing, repairing and reinstalling costs of the meter will be paid by the owner.
- 14.2 Meters requested by Owners for accuracy test.
 - 14.2.1 If the meter is accurate, the Owner will pay for the testing cost;
 - 14.2.2 If the meter is inaccurate, the Municipality will pay for the testing cost.
- 14.3 A shut-off valve (approved by the Municipality) at the meter inlet shall be the first fitting inside of a serviced building for isolation/maintenance purposes.
- 14.4 A stop valve shall be installed near the outlet of the meter by the Owner at their expense to permit removal and/or repair of the meter without backflow from the internal water systems.
- 14.5 All appurtenances shall be maintained by the Municipality with the exception of those paid for by any person other than the Municipality, and which shall be maintained by such persons through a written agreement with the Municipality.
- 14.6 The Municipality shall maintain and repair all meters, when rendered unserviceable through reasonable wear and tear. The same size of meter shall be replaced without charging the owners.
- 14.7 Where maintenance, repair, renewal or replacement of any meter or water connection is necessary by the act, negligence or carelessness of the owner, any expense incurred by the Municipality shall be charged to and collected from the owner.
- 14.8 The Municipality may shut off or restrict the supply of water to a property if the Municipality requires access to the property to install, replace, repair or inspect the meters and the remote read out unit.
- 14.9 In the event that the owner is away from the premises for an extended period of time, the owner shall be required to notify the Municipality within fifteen (15) days of departure so the owner 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.

Meter Pit (Outside)

- 14.10 The Municipality maintains the meter for accuracy and leaking, including repair and maintenance of the meter box and meter lid. However, Owner shall be responsible for the cost of meter replacement or repair, if the meter is frozen, vandalized, or damaged due to either of a faulty or missing meter lid, meter box, or failure of the Owner to repair and maintain the meter.
- 14.11 The Owner is responsible keeping meter in a safe condition during the winter to prevent it from freezing and cleaning the meter pit so it is free of debris. If the meter freezes, whether inside or outside the house, the owner will be charged for repairs to the meter.
- 14.12 If water is running and the Municipality is called to shut it off by someone other than the Owner and the Owner cannot be located, the Owner will be charged for the shut off and/or repair to the meter even though the shut off or repair was not authorized by them.
- 14.13 Owner shall clear the meter pit from landscaping, shrubs, and trees within one and one half (1.5) meters of the outer perimeter of a meter pit.

15 WATER THEFT AND TAMPERING

- 15.1 Every Owner shall be responsible for any damage to the seal/meters on his premises resulting from negligence, steam, frost or from any other cause not the fault of the Municipality or its employees. The cost for any repairs or replacement of the seal/meters shall be charged to the Owner.
- 15.2 The Municipality reserves the right to disconnect the Owner immediately if the meter seal is tampered or broken by an unauthorized person in order to make illegal connection.
- 15.3 If the Municipality's seal and/or meter is broken, water system tampered or meter does not register correctly, the bill for that service shall be estimated on the basis of past consumption in a corresponding period or using the best data available.
- 15.4 A penalty or charge will be imposed for each incident of tampering, vandalism, installation alteration, and removal of meters by anyone not authorized by the Municipality.
- 15.5 No person shall tamper with the meter to calibrate and/or interfere with the recording of the quantity of water supplied to any lands or premises, unless authorized by the Municipality.
- 15.6 No person shall tamper with the pipes supplying water to any lands and premises so that the water supplied to any of the lands and premises wholly or partially bypasses the meters.
- 15.7 Persons tampering with the meters or piping so that the meter does not properly record the quantity of water supplied to any lands or premises will be subject to a fee in accordance with the Municipality's Bylaw.
- 15.8 Where any wilful or intentional action of the Owner causes the meters to be unable to be read, the Owner shall be liable to pay a fee for an unsuccessful meter read in accordance with the Municipality's Bylaw.
- 15.9 Any person who observes any leak that may develop at the meter or its couplings shall report it 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 Universal Water Metering Program and reported within the first year following installation of the meter.

16 METER ACCURACY AND TOLERANCE

- 16.1 All meters measuring consumption for billing purposes shall meet or exceed all current AWWA standards for accuracy as stated in the latest version of the M6 manual of practice.
- 16.2 Maintenance tolerances shall comply as shown in Table 1 and Table 2. When multiple tests are conducted at approximately the same flow rate, the range of the test results shall not exceed 0.6 percent for tests performed at the normal and intermediate flow rates, and 1.3 percent for tests performed at the minimum flow rate, and each test shall be within the applicable tolerance.

Table 1: Normal Test

Tolerance for Meters				
Meter size (inches)	Rate of flow (gpm)	Maximum Rate		
		Gal	Litres	Tolerance on over-and under-registration
Less than 5/8	8	50	227	1.5%
5/8	15	50	227	
¾	25	50	227	
1	40	100	455	
1-1/2	80	300	1364	
2	120	500	2273	
3	250	500	2273	
4	350	1,000	4546	
6	700	1,000	4546	

Source: Vanasse (2003)

Table 2: Special Test

Tolerance for Meters (Special Test)									
Meter Size (inches)	Intermediate Rate			Tolerance on over and under registration	Minimum Rate				
	Rate of Flow (gpm)	Meter Indication			Rate of flow (gpm)	Meter indication		Tolerance	
		gal	Litres			gal	Litres	Over-registration	Under-registration
≤ 5/8	2	10	45	1.5%	1/4	5	23	1.5%	5%
¾	3	10	45		½	5	23		
1	4	10	45		¾	5	23		
1-1/2	8	50	227		1-1/2	10	45		
2	15	50	227		2	10	45		
3	20	50	227		4	10	45		
4	40	100	455		7	50	227		
6	60	100	455		12	50	227		

Source: Vanasse (2003)

17 DISPUTE RESOLUTION

Consumption Reading Dispute

- 17.1 Testing of any meters shall be initiated at any time by a Municipality's authorized agent, and apply adjustment of the meter inaccuracies;
- 17.2 The Municipality will consider meter reading to be correct if discrepancy occurs between the readings at the meters register and/or its read-out device.

Consumption Rate Dispute

- 17.3 Where a dispute arises as to the classification and rate to be charged to the owner of water, the final decision as to such classification and rate shall be made by the Municipality.

Testing or Calibration Dispute

- 17.4 Any Owner may request a test for meter registration accuracy at his or her premises and deposit a testing meters and remote read out unit fee. An Owner who disputes a meter reading shall give written notice to the Municipality. The Municipality shall test or calibrate the meters situated on the Owner's premises.
 - 17.4.1. If the meter is found to be accurate within 98.5% to 101.5% of the water passing through the same, the expense shall be paid by the Owner.
 - 17.4.2. If the meter is found not accurate within the said limits it shall be immediately repaired or be replaced by one that is accurate at the expense of the Municipality.
- 17.5 If the meter tested is found inaccurate within the said limits then any meter handling and testing fees paid by the Owner shall be refunded, and the billings adjusted to fully take into account such error.
- 17.6 If examination of the PASS METER READING discloses the time at which such error commenced, then the error shall be considered to have commenced three months prior to such testing of the meter or from the date when the meter was installed, whichever is lesser. The amount determined shall be accepted by both parties and all claims of the inaccuracy deemed settled.
- 17.7 If meter fails to register, owner will be charged a minimum consumption based on the average consumption of the last three (3) months. If such data is not available, charges shall be pro-rated based on previous year's fee.

18 REGULATIONS AND PENALTIES FOR OFFENCES

- 18.1. All water rates and charges shall be a charge against the person who incurred the charges and may be a lien against the lands pursuant to the Public Utilities Act.
- 18.2. No person shall,
 - 18.2.1. wilfully hinder or interrupt, or cause to be hindered, or interrupted 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, S.O. 2001, c. 25, as amended;
 - 18.2.2. being an owner, tenant, lessee, 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 waste water or, without the consent of the Municipality, lend, sell or dispose of 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 own;
 - 18.2.3. wilfully alter any meter placed upon any service pipe or connected therewith, within or outside any building or other place; or
 - 18.2.4. lay or cause 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.
 - 18.2.5. Wilfully discharges water so that water runs waste or useless out of the water system.
- 18.3. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00) as provided for in the Provincial Offences Act, R.S.O. 1990, chapter 33, or any successor thereof.
- 18.4. 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 owner where such owner 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 shall provide reasonable notice of the proposed shut-off to the owner of the premise by

personal service or prepaid mail or by posting the notice at the premise in a conspicuous place. The Municipality will not be liable for any damage to property or injury to person by reason of shut-off of water supply.

- 18.5. The bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw; they may serve upon such person an offence ticket allowing the payment of the specified penalty to the Municipality which shall be accepted by the Municipality in lieu of prosecution for the offence.
- 18.6. The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
- 18.7. Any person violating any provisions of this Bylaw may be served by the Municipality with written notice stating the nature of the violation and requiring the satisfactory correction thereof within 48-hours, or such additional time as determined by the Municipality. Such person shall, within the time stated in such notice, permanently cease all violations.

READ A FIRST TIME IN OPEN COUNCIL THE 17th DAY OF APRIL, 2012

READ A SECOND TIME IN OPEN COUNCIL THE 17TH DAY OF APRIL, 2012

READ A THIRD AND FINAL TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS THE 1ST, DAY OF MAY, 2012.

Peter McIsaac, Mayor

Maureen Lang, Clerk-Treasurer

SCHEDULE A – Rates & Fee

Last Amended on January 10, 2012

New / Replacement Meters & Services

Size of service pipe	Cost¹, \$
Positive displacement meters	
15 x 20mm	\$251.00
20mm	\$291.00
25mm	\$334.00
40mm	\$668.00
50mm	\$747.00
Turbine meters	
50mm	\$1,325.00
75mm	\$2,119.00
100mm	\$3,171.00
150mm	\$4,843.00
Compound meters	
50mm	\$2,173.00
75mm	\$3,284.00
100mm	\$4,462.00
150mm	\$7,157.00

Miscellaneous Municipal Water Services

Other service charges	Cost, \$
1. service representative call to collect overdue account	\$28.00
2. Inspect service post and/or to turn off service for non-payment, and to turn on service following receipt of payment (per operation)	\$66.00
3. water arrears certificate account	\$50.00
4. returned items	\$25.00/cheque returned
5. internal plumbing service call	\$66.00

Water billing to be done quarterly.

¹ Includes installation cost.

Consumptive and Fixed Monthly Charges

Fixed Monthly Charge Based on Meter Size

Meter Size (mm)	Meter Size (inches)	Service Charge (\$/30-days)
15	0.62	21.82
20	0.75	21.82
25	1	21.82
40	1.5	28.09
50	2	45.25
75	3	109.20
100	4	171.61

Consumptive Rates - Water

Usage Rate – based on Owner Class	Usage Rates (\$/m³)
Single or two-family residential metered	2.85
Multi-family metered	2.85
Industrial/Commercial/Institutional	2.85

Consumptive Rates – Sewer Surcharge

Usage Rate – based on Owner Class	Usage Rates (\$/m³)
Single or two-family residential metered – 66.7% of Water Rate	1.90
Multi-family metered – 66.7% of Water Rate	1.90
Industrial/Commercial/Institutional – 66.7% of Water Rate	1.90

Flat Rate or Temporary Water Rate

Description	Water Rate
Residential flat rate (unable to meter) - Monthly	118.49
Residential flat rate (refuse to meter) - Monthly	353.90
Temporary water rate (\$/30-days)	118.49
Construction water rate (\$/30-days)	118.49

Penalties & Offences

Offence Penalties

Offence	Specified Penalty
Prohibited installation upstream of meters	\$250
Prohibited installation upstream of premises-isolating cross connection control device	\$250
Tamper, break or remove seal on water service connection or meters	\$250
Failure to notify of damaged meters	\$250
Failure to notify of broken seal on bypass valve or meters within 24-hours	\$250
Interfere or tamper with meters or reading device	\$500
Prohibited opening of bypass valve or metering installation	\$500
Tamper meter AMR system	\$100

Others

Offence	Specified Penalty
Provide false information	\$100
Allow potable water to run off parcel directly into the street or sidewalk	\$75
Damage, destroy, remove, interfere with water system	\$500
Interfere with another Owner's use of water system	\$250
Prohibited connection to water system	\$1,000
Hindrance of Municipality Employee or agent	\$500
Failure to maintain shut-off valve	\$250
Unauthorized operation of water service valve	\$250
Allow unauthorized operation of water service valve	\$250
Unauthorized cross connection	\$500
Unauthorized use of alternate source of water	\$250
Unauthorized connection of alternate water source to water system	\$500
Prohibited sharing of water supply from one premises to other eligible premises	\$500
Late charges for bills (on "principal" arrears)	1.25% per month