

THE CORPORATION OF THE TOWNSHIP OF RED ROCK

BY-LAW NO. 2009-992

Being a By-law to enact Rules and Regulations for the installation, repair and maintenance of and access to water meters and related facilities, including penalties for offences.

WHEREAS the Council of the Corporation of the Municipality of Red Rock wishes to install water meters on all residential, industrial, commercial and institutional premises located within the Municipality that are connected to the municipal water service; and

WHEREAS Part 7 of the Ontario Building Code, as amended, authorizes every municipality to regulate the connection of individual water services to a municipal potable water works; and

WHEREAS the Council of the Corporation deems it necessary and expedient to require the installation and use of water meters that are connected to the municipal water service; and

WHEREAS Subsection 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 Subsection 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 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 Red Rock ENACTS AS FOLLOWS:

PART 1

DEFINITIONS AND INTERPRETATION

1.1 In this By-law:

- (a) "building" means a structure supplied with potable water by the Corporation;
- (b) "consumer" means the owner or occupant of property which is serviced by, connected to, and takes water from, the Corporation's waterworks;
- (c) "contractor" means a person, partnership, or corporation who has been retained by the Corporation to inspect, install, repair, replace, alter, or maintain water meters and appurtenances thereto.
- (d) "Corporation" means The Corporation of the Township of Red Rock.

- (e) "meter" means a water meter, register and remote readout unit installed and owned by the Corporation to measure the quantity of water used by a consumer;
- (f) "meter chamber" means any exterior chamber or pit approved by the Corporation for the purpose of containing a water meter and appurtenances thereto;
- (g) "multiple residential" means a single building containing two or more single family units, including, without limitation, apartment buildings, which is serviced by, connected to, and takes water from the Corporation's waterworks;
- (h) "occupant" includes an owner, lessee, tenant or any other person in possession of premises and the agent of any such person;
- (i) "owner" includes 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;
- (j) "potable water" means water that is fit for human consumption;
- (k) "premises" means the property being supplied or to be supplied with water;
- (l) "private water service" means the pipes and fixtures used for the purpose of supplying any building with water from the Corporation'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;
- (m) "remote read-out unit" means the device installed at a separate location from the water meter and used to provide electronic access to the register on the meter.
- (n) "shut-off valve" means the valve on the Corporation's water service connection owned and used by the Corporation to shut off or turn on the water supply from the Corporation's water distribution system to any premises;
- (o) "water service connection" means the pipes and fixtures used for the purpose of supplying any premises with water from the Corporation's waterworks that is located between the Corporation's water main in the street and the street property line abutting the premises so supplied.

1.2 By-Law to Prevail

Where any inconsistency exists between this By-law and any other By-Law of the Corporation, the provisions of the stricter By-Law shall prevail and apply.

1.3 Headings

The headings in this By-Law are for ease of reference only and do not affect its interpretation.

PART II

WATER METER INSTALLATION, REPAIR, MAINTENANCE AND ACCESS

2.1 Meter Required

All water supplied to a premises by the Corporation through a water service connected to the Municipal water service shall pass through a meter supplied by the Corporation for use upon such premises, and the water rate charged shall be that fixed from time to time by the Corporation.

2.2 Installation by Corporation Only

All meters and appurtenances thereto shall be supplied and installed by persons authorized by the Corporation for that purpose.

2.3 Cost of Meter

The Corporation's cost of supplying, relocating and installing water meters and related appurtenances shall be recovered as follows:

2.3.1 There is no charge for the meter or the meter installation during the introductory installation period as designated by Council Resolution.

2.3.2 For any other owners, the cost of the meter shall be paid by the Corporation and all costs associated with the installation of the meter shall be paid by the owner obtaining such water service as set out in Schedule "A" attached to and forming part of this By-Law.

2.3.3 If the meter is mechanically defective, the cost of repairs shall be paid by the Corporation, but if the meter is damaged in any way whatsoever other than by an employee or agent of the Corporation, the owner of the premises shall pay to the Corporation, the cost of making the necessary repair to or replacement of such meter.

2.4 Meter Failure

If a meter fails to register, the consumer will be charged a minimum consumption fee based upon the average consumption of the last three months or, if such data is unavailable, then the cost shall be pro-rated annually based on the previous year's fee and if that data is also unavailable, it shall be estimated by the Corporation whose decision shall be final.

2.5 All Water Charged For

All water passing through a meter will be charged for, whether used or wasted.

2.6 Space for Meter

The owner of premises to be supplied with water shall provide convenient and safe space, free of charge or rent, for the Corporation's meter pipes and other appliances on the premises. No person who is not an employee, contractor or agent of the Corporation shall remove, alter or tamper with any of the Corporation's equipment.

2.7 Heat

The owner of the premises to be supplied with water shall provide adequate heat in the premises to prevent frost damage to the meter.

2.8 Access

2.8.1 The owner or occupant of premises shall provide ready and convenient access to the meter and appurtenances so that the meter may be read and examined by persons authorized by the Corporation for that purpose from time to time as required by the Corporation.

2.8.2 Where a meter cannot conveniently be placed inside a building, it shall be placed in a meter chamber which shall be located and constructed in a manner approved by the Corporation all at the cost of the owner.

2.9 Tests, Inaccuracies

2.9.1 The Corporation shall have the right at any time or times to remove and test any meter and to substitute another meter therefore.

2.9.2 Upon written request from the owner and payment of a deposit as set out in Schedule "A" of this By-Law, the Corporation may remove and test a meter. If the meter is found to register correctly or not to exceed a 3% discrepancy, the deposit shall be applied towards the cost of the test and any additional expense incurred in removing, testing and reinstalling the meter shall be paid for in full by the owner requesting such test.

2.9.3 If a meter, when tested, is found to be inaccurate by in excess of 3%, then a payment shall be made to the Corporation or paid or credited to the owner, as the case may be, based on the consumption for the three (3) months prior to the test if such data is available or otherwise as calculated or estimated by the Corporation. In no case shall any refund or reduction be made which would reduce the water rate below the minimum rate established by the Corporation.

2.9.4 Where the owner is entitled to a credit or refund under Subsection 2.9.3, the owner shall also receive a credit or refund in the amount of the deposit paid.

2.10 Sealing Meters

The Corporation has the right to seal meters in its discretion and to inspect such seals from time to time.

2.11 One Meter per Connection

One (1) meter shall be placed on each single family residential, multi-family residential, commercial, industrial and institutional private water service that has a single connection to the Corporation'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 of the premises shall be held liable for all water charges.

2.12 Owner's Liability for Rates

The owner of a premises is liable to pay for rates and charges applicable to such premises, whether or not incurred by authority of the owner, expressed or implied, and whether or not the owner is in occupation of the premises.

2.13 Connection to Private Sources Prohibited

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 Corporation's water system. In addition to any other penalty hereunder or otherwise, failure to comply with this requirement shall result in immediate disconnection of the water supply from the Corporation.

2.14 Location of Meters

2.14.1 Every meter shall be placed in such location as the persons authorized by the Corporation shall direct. Where practical, the 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 chamber as authorized by the Corporation.

2.14.2 The location of a meter, once installed to the standards of the Corporation, shall not be changed by any person except by persons as may be authorized by the Corporation.

2.15 Remote Readouts

Where the meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the meter itself and the reading on the read-out device, the Corporation will consider the reading at the meter to be correct and will adjust and correct the owner's account accordingly.

2.16 Leaks

Immediately upon an owner or occupant becoming aware of any leak that may develop at the meter or its couplings the owner or occupant shall report the same to the Corporation. The Corporation shall not be held responsible for any damages resulting from such leaks.

2.17 Agreements

The Corporation may enter into agreements with others to provide for the installation of water services or meters in any manner satisfactory to the Corporation.

2.18 Reading Requests

Any request for a reading of ammeter prior to or after a regular reading schedule shall be subject to a fee as established by the corporation from time to time.

2.19 Corporation's Right of Entry

The Corporation has a right of entry on all lands, including buildings, serviced by, connected to or taking water from the Corporation's waterworks as provided in the Municipal Act.

PART III

REGULATIONS AND PENALTIES FOR OFFENCES

3.1 Offences

Every person is guilty of an offence who,

- (1) willfully hinders, obstructs or interrupts, or causes to be hindered, obstructed or interrupted the Corporation or any of its officers, contractors, agents, servants or workman in the exercise of any of the rights or powers hereunder or conferred by the *Municipal Act, 2001, as amended*;
- (ii) wastes water supplied by the Corporation;
- (iii) without lawful authority willfully opens or closes any shut off or other valve or hydrant, or obstructs the free access to any hydrant, shut off valve or other valve chamber or pipe by placing on it any building material, rubbish or other obstruction;
- (iv) throws or deposits any unsafe substance into the water or waterworks, or in any other way fouls the water or commits any damage or injury to the works, pipes or water, or causes or encourages the same to be done;
- (v) 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
- (vi) lays or causes to be laid any pipe or main to connect with any pipe or main of the Corporation's waterworks, or in any way obtains or uses the water without the consent of the Corporation.
- (vii) in any other way contravenes the provisions of this By-law.

3.2 Provincial Offences Act

Every person who contravenes any of the provisions 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.

3.3 Shut Off of Supply

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

PART IV GENERAL

4.1 Effective Date

This by-Law comes into force and effect on the final passing hereof.

Read a first and second time

this 15th day of June, 2009.

Read a third time and finally passed

this 15th day of June, 2009

Mayor

Chief Administrative Officer/Clerk

SCHEDULE "A" TO BY-LAW 2009-992

RATES AND CHARGES

Charges for Water Meter and Related Appurtenance Where cost not assumed by the Corporation.

"cost to the Corporation" includes all expenditures made and costs incurred by the Corporation in obtaining and installing the item, including taxes, all as calculated by the Corporation"

<u>Item</u>	<u>Rates and C harges</u>
16 mm x 19mm (5/8" x 3/4") meter	\$550.00, plus taxes
25 mm (1") meter	Equal to cost to the Corporation + 10% administration fee, plus taxes on fee.
38 mm (1.5")	Equal to cost to the Corporation + 10% administration fee, plus taxes on fee.
50 mm (2.0")	Equal to cost to the Corporation + 10% administration fee, plus taxes on fee.
Meter Pit (excluding meter)	Equal to cost to the Corporation + 10% administration fee, plus taxes on fee.
Relocation of water meter	Equal to cost to the Corporation.
Water Meter Accuracy Testing Deposit	\$45.00 for each test.