

APPENDIX B

BY-LAW TO AMEND THE WATER BY-LAW (W-8)

Bill No.

By-law No. W-8

A by-law to amend By-law W-8 entitled, "Regulation of Water Supply in the City of London."

WHEREAS subsection 10(2) paragraph 7. Of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws to provide any service or thing that the municipality considers necessary or desirable to the public;

AND WHEREAS subsection 5(3) of the *Municipal Act*, 2001, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS it is deemed expedient to amend By-law No. W-8 being the Regulation of Water Supply in the City of London By-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Part 1 of By-law W-8 is hereby amended by **adding** the following:

"Residential" means a single detached residence, semi-detached, and/or individually metered townhome unit, including homes with an accessory apartment or home occupation which is not served by a separate Meter.

2. Section 3.3 of By-law W-8 is hereby amended by **deleting** the existing Sections 3.3 and **replacing** it with a new Section 3.3, as follows:

"3.3 Meter reading and billing

Water meters may be read and accounts rendered monthly, bi-monthly or on any other basis at the discretion of the City. The bill shall be deemed to be served upon the customer if it is delivered or sent by mail to the Premises supplied, or if notice of bill availability is delivered electronically where the customer has elected for an electronic means of contact. The City, in its sole discretion, shall collect customer water consumption data with a drive-by Meter reading system on a route by route basis.

3.3.1 If a meter fails to register or a read is not collected for any other reason, the customer shall be charged on the basis of a reasonable estimate as determined by the City of London derived from previous consumption at the property where available. At the time when a meter read is collected, the account will be adjusted based on the actual metered consumption during the estimated period.

3. Section 3.4 of By-law W-8 is hereby amended by deleting the existing Section 3.4, as follows:

"3.4 Meter reading and billing – drive-by Meter reading route

The City, in its sole discretion, may measure water usage with drive-by Meter reading system on a route by route basis. Customers may request that an encoder Meter be installed with an external Remote Read-Out Unit. Customer's that request an encoder Meter be installed shall pay the applicable charge as indicated in Section 3.3 of attached Schedule "A".

4. Section 3.14.2 of By-law W-8 is hereby amended by deleting the existing Section 3.14.2 and replacing it with the new Section 3.14.2, as follows:

“3.14.2 Frontage charge

- (1) A frontage charge shall be payable as set out in Section 3.3 of attached Schedule “A” when a Service Stub is connected to the Water Distribution System.
- (2) Subsection 3.14.2(1) does not apply when a connection is made to a Main and that connection:
 - (a) has been financed under the provisions of a local improvement;
 - (b) is the subject of an area rate or special local municipality levy by-law;
 - (c) is made to a Main financed under the Development Charges By-law and a Water Distribution Development Charge has been paid;
 - (d) is made to land that includes a building for which a Water Distribution Development Charge has been paid, or;
 - (e) is made to land which was already legally connected to the Main and the connection is being replaced due to condition and/or size.”

5. Section 3.16 of By-law W-8 is hereby amended by deleting the existing Section 3.16, and replacing it with a new Section 3.16, as follows:

“3.16 Temporary Water supply – no connections to a fire hydrant without consent

No person shall connect to a fire hydrant without the written consent of the Engineer. After receiving consent, that person shall pay the charges as indicated in Section 3.3 of attached Schedule “A”. A deposit, equal to the Water Consumption Minimum Charge plus the Hydrant Connection/Disconnection fee, must be paid prior to the connection being made. Where a person has been connected to a fire hydrant without consent, the City will invoice that person the Illegal Connection Charge, as indicated in Section 3.3 of attached Schedule “A”.”

6. Section 3.19 of By-law W-8 is hereby amended by deleting the existing Section 3.19 and replacing it with a new Section 3.19, as follows:

“3.19 Retroactive credits or charges for billing errors

If a billing error is made, the account may be retroactively recalculated for a period not exceeding two (2) years from the date of detection with resulting credits or charges being applied to the account.”

7. Part 6 of By-law W-8 is hereby amended by deleting the existing Section 6.17 through 6.18 and replacing it with a new Section 6.17 through 6.19, as follows:

“6.17 Responsibility for Hydrant Damage Repair – Private property

Hydrants located on private property that sustain damage shall be repaired within seven (7) days. Responsibility for repairs is as follows:

- a) Damage above the break-away flange shall be repaired by the City of London, or by persons authorized by the City, at the expense of the City;
- b) Damage below the break-away flange, including the barrel, shall be repaired by the Owner, at the expense of the Owner.

6.18 Renewal of Service Stubs - City – Owner

The City shall renew Service Stubs on public property at its expense and to its specifications when:

- a) Service Stub is deemed by the Engineer to be beyond repair;
- b) the existing Service Stub is substantially composed of lead provided the Owner has completed replacement of the Service Extension before the City replaces the Service Stub. The replacement Service Stub shall conform to the specifications of

the City. Replacement Service Stub shall be the same size as existing or the minimum size for that area of the City.

6.19 Access - removal - inspection - fittings

Where a Customer discontinues the use of a Water Service, or the Engineer lawfully refuses to continue to supply Water to the Premises, the Engineer may, at all reasonable times, enter the Premises in or upon which the Customer was supplied with the Water service, for the purpose of disconnecting the supply of Water or of making an inspection from time to time to determine whether the Water service has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, Meters, pipes or other things being the property of the City in or upon the Premises, and may remove the same therefrom, doing no unnecessary damage.”

8. Part 7 of By-law W-8 is hereby amended by deleting the existing Section 7.2 through 7.19 and replacing it with a new Section 7.2 through 7.22, as follows:

“7.2 Fire Fighting Water Through Meter – Remedy

Firefighting Water that passes through a Meter supplied by the City for a legitimate and verifiable fire incident, to the satisfaction of the Engineer, and exceeds three times the average consumption through the Meter, will be eligible for a billing adjustment. Billing charges will be based on the average consumption through the Meter, as determined by the Engineer.

7.3 Supply - installation - ownership - replacement

The Owner shall pay the Water Related Service charges as indicated in Section 3 of attached Schedule “A”, before the City will supply the owner with a Meter and Remote Read-Out Unit and the Meter and Remote Read-Out Unit shall be installed prior to occupancy of the Premises. The Meter and Remote Read-Out Unit shall remain the exclusive property of the City and may be removed at the Engineer’s discretion, upon the same being replaced by another Meter and Remote Read-Out Unit, or for any reason which the Engineer may, in their discretion, deem sufficient.

7.4 Installation - maintenance - repair - access

The Engineer may shut off or restrict the supply of Water to any Premises if the Engineer requires access to the Premises to inspect, install, repair, replace, or alter the Meter and the Remote Read-Out Unit. The Engineer shall have free access, at all reasonable times, and upon notice given as set out in section 7.4 of this by-law, to all parts of every Premises to which any Water is supplied for the purpose of inspecting, installing, repairing, replacing or altering the Meter and/or Remote Read-Out Unit, within or without the Premises, or for placing Meters upon any Water Service Pipe within or without the Premises as the Engineer considers expedient.

7.5 Notice required - access

Before shutting off or restricting the supply of Water, the Engineer shall,

- (a) by personal service or by registered mail, serve the Owner, Customer and Occupants of the Premises as shown on the last returned assessment roll of the municipality with a notice of the date upon which the City intends to shut off or restrict the supply of Water if access to the Premises is not obtained before that date;
- (b) securely attach a copy of the notice described in clause (a) to the Premises in a conspicuous place.

7.6 No shut off - reasonable effort - gain access

The Engineer shall not shut off or restrict the supply of Water unless it has made reasonable efforts to gain access to the Premises and has been unable to gain access within fourteen (14) days after the later of,

- (a) the day the last notice under part (a) of section 7.4 of this by-law was personally served;
- (b) the day the last notice under part (a) of section 7.4 of this by-law was mailed; and

(c) the day a copy of the notice was attached under part (b) of section 7.4 of this by-law.

7.7 Restoration of Water supply - as soon as practicable

If the Engineer has shut off or restricted the supply of Water under section 7.3 of this bylaw, the Engineer shall restore the supply of Water as soon as practicable after obtaining access to the Premises.

7.8 Charges - Owner or Customer to pay

All charges for any of the work and services mentioned in sections 7.3 and 7.6 of this by-law will be determined by the Engineer as indicated in Section 3.3 of attached Schedule "A" and shall be paid in full by the Owner or the Customer, as the case may.

7.9 Every Premises Metered - Engineer's discretion

Every separate Premises to which Water is being supplied shall be furnished with a separate Meter, supplied by the City except where non-compliance is acceptable to the Engineer. Additional Meters, supplied by the City, may only be installed at the discretion of the Engineer.

7.10 Installation to City Specifications

All Meters, supplied by the City, shall be installed in accordance with the City's Standard Contract Documents.

7.11 Meter Installation Options

All water meters and radio read devices are to be installed, as per the City's specifications, inside the premises that it is servicing. If an Owner wishes to alter this standard installation practice, the Owner shall complete an application form and agree to pay all associated costs with the selected option as per Section 3.3 of attached Schedule "A", for as long as that option is in use. If the application is approved, the selected alternative option will be scheduled for installation. Owners are entitled to revert back to standard meter installations, meter reading and billing, at any time, but will be subject to all associated costs as per Section 3.3 of attached Schedule "A", as required to undertake that request. Water meters in conjunction with the radio device assist with early detection and notification of potential high consumption associated with leaks. Therefore, any property that does not have a Radio Device attached to the meter or wired outside, will not be eligible to participate in Customer Assistance programs.

7.12 Meter Installation Options – Alternatives from standard installation

The following water meter installation options are available, by application:

- a) Radio Device Wired to Outside of House – if an application is approved, all water meters are to be installed, as per the City's specifications, inside the premises that it is servicing. If an Owner wishes to have the remote read out device (radio device) wired remotely from the water meter to the external portion of the premises, in most cases the hydroelectric stack, the Owner is responsible for obtaining the wire from the City and pre-installing it from the hydroelectric stack to the internal water meter location. The radio device will then be installed onto the premises existing hydroelectric stack by City staff.
- b) Touch Pad Wired to Outside of House – if an application is approved, all water meters are to be installed, as per the City's standard design, inside the premises that it is servicing. If an Owner wishes to have a remote read out device (touch pad) wired remotely from the water meter to the external portion of the premises, in most cases the hydroelectric stack, the Owner is responsible for obtaining the wire from the City and pre-installing it from the hydroelectric stack to the internal water meter location. The touch pad device will then be installed onto the premises existing hydroelectric stack by City staff. Owners opting for this alternative shall be made aware that the City of London will attempt a meter reading only once per annum, and that the water and sanitary charges will be on the basis of a reasonable estimate as determined by the City of London derived from previous consumption at the property. At the time when a meter read is collected, the account will be adjusted

based on the actual metered consumption during the estimated period. Owners opting for this alternative installation practice will not be eligible to participate in Customer Assistance programs.

- c) Meter Pit Installation – if an application is approved, all water meter pits are to be installed, as per the City’s standard design, by the City of London, or its authorized contractor, at the City’s sole discretion. The meter pit will be fitted with a water meter and remote read out device (radio device). Meter pits will be installed on the public side of the property line, in the current location of the water service to the premises, and will also include a standard curb stop. The City will not be responsible for final restoration work, including, but not limited to, topsoil, grass, sod, asphalt, or concrete. The City will perform rough restoration to surface, to the extent possible, such that the Owner can complete final restoration at their expense. The Owner will become responsible for all water consumption from the point of the meter pit.”

7.13 Meter location - Engineer to consent to change

Once installed in accordance with the City’s Standard Contract Documents, the location of a Meter shall not be changed by any person except with the written consent of the Engineer.

7.14 Private Meters - Owner responsible

The City will not supply, install, inspect or read private meters, nor will the City bill consumption based on private meters. Water supply pipes to private meters must be connected to the Owner's Plumbing System downstream the City’s Meter.

7.15 Reading Meter - access

The Engineer shall be allowed access to the Premises and be provided free and clear access to the Meter where Water is being supplied at all reasonable times for the purpose of reading, at the discretion of the Engineer. Where such access to the Premises and/or free and clear access to a Meter is not provided by the Customer within fourteen (14) days upon written notification by the City, as set out in Section 7.4 and 7.5 of this by-law, the Engineer may shut off or restrict the supply of Water to the Premises until such time as free and clear access to the Meter is provided.

7.16 Valve maintenance - responsibility of Owner

The Owner shall supply and install the inlet valve to the Meter where the Meter and the Service Extension is 25 mm or larger. The Owner shall be responsible for maintaining in good working order, the inlet valve to the Meter if the Meter and the Service Extension is 25 mm or larger, as well as the outlet and by-pass valves for all Meters, and shall ensure that such valving is accessible.

7.17 Leaks must be reported

Any leaks that may develop at the Meter or its couplings must be reported immediately to the City. The City is not liable for damages caused by such leaks.

7.18 Interference with Meter not permitted

No person, except the Engineer, shall be permitted to open, or in any way whatsoever to tamper with any Meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of Water passing through such Meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any Meter placed in any Premises, the Engineer may forthwith, without any notice, shut off the Water from such Premises, and the Water shall not be again turned on to such Premises without the express consent of the Engineer.

7.19 Owner responsible to repair piping

If, in the opinion of the Engineer, the condition of the Service Extension and/or valves and of the Plumbing System on such piping is such that the Meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to Premises, the Engineer may require the Owner or Customer to make such repairs as may be deemed necessary to facilitate the removal or testing of the Meter. If, upon notification, the Owner does not comply with the Engineer's request, then the

Water supply to the Premises may be turned off at the shut-off valve during removal, replacement, repair and testing of the Meter and the City shall not be held responsible for any damages to the Owner's Premises arising from such work.

7.20 Non-functioning Meter - amount of Water estimated

If, for any reason a Meter shall be found to not be working properly, then the amount of Water Usage Charge shall be estimated based on the average reading for the previous months, when the Meter was working properly, or, if unavailable or proven inaccurate, the amount of Water Usage Charge shall be estimated on a daily average when the Meter is working properly, and the Water Usage Charge for the period during which the Meter was not working properly shall be based thereon.

7.21 Meter testing for Customer - deposit - conditions

Any Customer may, upon written application to the Engineer, have the water meter checked for accuracy. Every such application shall be accompanied by a deposit equal to the fee for checking the meter for accuracy as set out in Section 3.3 of attached Schedule "A". If the Meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the City when tested in accordance with *Section 4.2.8 of ANSI/AWWA C700 and AWWA Manual M6, Water Meters – Selection, Installation, Testing, and Maintenance*, the Customer's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the Meter will be paid for in full by the Customer. If the Meter is found, when tested to register in excess of three per cent (3%), a refund will be made to the Customer equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the Meter, plus the Customer's deposit for the test.

7.22 Meter reading supersedes Remote Read-Out Unit reading

Where the Meter 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 Remote Read-Out Unit, the City will consider the reading at the Meter to be correct, and will adjust and correct the Customer's account accordingly."

9. Section 9.1 of By-law W-8 is hereby amended by deleting the existing Section 9.1 and replacing it with a new Section 9.1, as follows:

"9.1 Regulations - Use of Water Externally

For the purpose of limiting the consumption of Water as necessary:

- (a) The Engineer is authorized to implement at any time any regulation which The Engineer, at The Engineer's discretion, considers advisable to limit the External Use of Water and this authority includes the right to ban completely the External Use of Water.
- (b) Notice of the implementation of a Water use regulation by The Engineer and the effective date thereof shall be given immediately in a manner determined by The Engineer.
- (c) Upon the announcement of the implementation of a Water use regulation by The Engineer, no person shall use Water except in accordance with the provisions of such regulation."

10. Schedule "A", Section 3.3, of By-law W-8 is hereby amended by deleting the existing Section 3.3 and replacing it with a new Section 3.3, as follows:

"3.3 Miscellaneous Charges

Miscellaneous charges shall be as noted in the table below.

3.1

Service or Activity	January 1, 2017 Charge	January 1, 2018 Charge	January 1, 2019 Charge	March 26, 2019 Charge
Change of occupancy/ Account set-up/ Security deposit	As set by London Hydro	As set by London Hydro	As set by London Hydro	As set by London Hydro
Late payment	As set by London Hydro	As set by London Hydro	As set by London Hydro	As set by London Hydro
NSF cheques	As set by London Hydro	As set by London Hydro	As set by London Hydro	As set by London Hydro
Collection charges	As set by London Hydro	As set by London Hydro	As set by London Hydro	As set by London Hydro
Bulk Water User charges Cost of Water per 1,000 litres	\$3.54	3.65	\$3.76	\$3.76
Inspecting Waterworks installations/disconnections after hours (3 hour minimum charge)	\$118.85 per hour	\$122.42 per hour	\$126.09 per hour	\$130.00 per hour
Disconnection of Water Service During regular hours After regular hours	\$35.00 \$185.00	\$35.00 \$185.00	\$35.00 \$185.00	\$35.00 \$185.00
Arrears Certificate charges (non-payment/arrears)	\$50.00 per property	\$50.00 per property	\$50.00 per property	As set by, payable to, and directed to London Hydro
Disconnect and Reconnect Meter at customer request 16 and 19 mm 25 mm and larger	\$196.01 \$333.62	\$201.89 \$343.63	\$207.95 \$353.94	\$130.00 \$260.00
Install Water Meter and Remote Read-Out Unit at customer request 16 and 19 mm 25 mm and larger	\$300.30	\$309.31	\$318.59	\$300.00 Time and material
Repair damaged Water Meter 16 and 19 mm 25 mm and larger	\$206.43 Time and Material	\$212.62 Time and Material	\$219.00 Time and Material	\$230.00 Time and Material
Meter checked for accuracy (at customer's request and found to be accurate) 16 and 19 mm 25 mm and larger	\$154.28 \$208.51	\$158.91 \$214.77	\$163.68 \$221.21	\$265.00 \$395.00
Builder and Developer Frontage Charges: (based on actual frontage which directly abuts City right-of-way) Residential (maximum 50 metres) Commercial, Institutional and Industrial	\$215.49 per metre \$229.19 per metre	\$221.95 per metre \$236.07 per metre	\$228.61 per metre \$243.15 per metre	\$228.61 per metre \$243.15 per metre
Valve Rod Extensions (by length):				

3.1

2 Foot				\$65.97
2 ½ Foot				\$67.23
3 Foot				\$68.47
3 ½ Foot				\$69.73
4 Foot				\$70.98
4 ½ Foot				\$72.24
5 Foot				\$73.49
5 ½ Foot				\$74.75
6 Foot				\$75.99
6 ½ Foot				\$77.25
7 Foot				\$78.50
7 ½ Foot				\$79.76
8 Foot				\$81.01
9 Foot				\$83.51
10 Foot				\$86.02
Illegal Hydrant Connection	\$612.98 /offence + water Consumption	\$631.37 /offence + water Consumption	\$650.31 /offence + water Consumption	\$750.00 /offence + water Consumption
Temporary Hydrant Connection				
Hydrant connection /disconnection	\$226.81	\$233.61	\$240.62	\$220.00
Hydrant occupancy	\$42.91 /week	\$44.20 /week	\$45.53 /week	\$40.00 /week
Water consumption				
Minimum charge (up to 300 m ³)	\$980.78	\$1,010.20	\$1,040.51	\$975.00
All additional consumption	\$3.28/m ³	\$3.38 /m ³	\$3.48/m ³	\$3.25/m ³
Water Meter Installation Options (by application):				
Radio Device Wired to Outside of House (see application for details)				No Charge
Touch Pad Wired Outside of House (see application for details)				Is not eligible for Customer Assistance Programs (see application for details)
Meter Pit Installation				Time and Material (\$2,500.00 deposit required, see application for details)

This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019