

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. Definitions

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. Meter reading and billing

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. Meter reading and billing - drive-by Meter reading route

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. Frontage charge

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

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. Retroactive credits or charges for billing errors

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. Responsibility for hydrant damage repair – private property

Part 6 of By-law W-8 is hereby amended by **adding** the following section 6.17, as follows, and re-numbering the subsequent sections:

“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.”

8. Fire Fighting Water Through Meter - Remedy

Part 7 of By-law W-8 is hereby amended by **adding** the following section 7.2, as follows, and re-numbering the subsequent sections:

“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.”

9. Meter Installation Options

Part 7 of By-law W-8 is hereby amended by **adding** the following sections, 7.11 and 7.12, as follows, and re-numbering the subsequent sections:

“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.

10. Water testing for customer – deposit – conditions

Section 7.18 of By-law W-8 is hereby amended by **deleting** “the existing Section 7.18, and **replacing** it with a new Section 7.18, as follows:

“7.18 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.”

11. Regulations – Use of Water Externally

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.”

12. Miscellaneous Charges

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.

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):				
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