

Bill No. 184
2013

By-law No. W-_____

A by-law to provide for the Regulation of Water
Supply in the City of London.

WHEREAS under section 11 of the *Municipal Act, 2001*, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities, which includes a system that is used to provide water services for the public;

AND WHEREAS section 9(1) of the *Municipal Act, 2001* provides that section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

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

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Part 1
DEFINITIONS

1.1 Definitions

In this by-law:

“**Bulk Meter**” means a Water Meter which measures the usage of Water for multiple units within a Building or group of Buildings.

“**Building**” means a structure supplied with Water by the City of London.

“**Bulk Water User**” means any Customer who draws Water from a pipe located at the City's Bulk Water Stations.

“**City**” means The Corporation of the City of London.

“**Chief Building Official**” means the Chief Building Official for the City or the Chief Building Official's authorized representative.

“**Construction Water**” means Water supplied to a Premises during construction prior to occupancy.

“**Contractor**” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by an Owner or the City to install or maintain Mains, Service Stubs, hydrants and other appurtenances.

“**Control Device**” means a mechanical valve which when installed in a Water Service Pipe prevents a Cross Connection, in accordance with the Ontario Building Code and “CAN/CSA-B64 SERIES-11, Backflow preventers and vacuum breakers”.

“**Cross Connection**” means any temporary, permanent or potential Water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the Water quality in the Water Distribution System, and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

“**Customer**” means any person who receives Water from the City or receives Water Related Services from the City.

“**Developer**” means the Owner, sub-divider or party specifically named in a Development Agreement or in a Subdivision Agreement.

“**Engineer**” means the City Engineer for the City or the City Engineer's authorized representative.

“**External Use of Water**” means the use of Water for any purpose outside the walls of any Building.

“**Frontage Charge**” means a charge the Owner shall pay to the City prior to the Premises being connected to the Water Distribution System.

“**High Rise**” means a self-contained Building of 7 units and more and is metered by a Bulk Meter.

“**Low-density Residential**” means any Building that is a duplex, triplex, four-plex, five-plex or six-plex and is metered by a Bulk Meter.

“Medium-density Residential” means any Building or more than one Building that is a townhouse or row-house and is metered by a Bulk Meter.

“Main” means every Water pipe, except Services Stubs and portions of Private Mains as herein defined, installed on the public road allowance or on any other land upon which the City has obtained easements or has access rights under Section 91 of the Municipal Act.

“Main Tap” means the method in which an existing Main is cored to accept a new Service Stub through the installation of a saddle and main cock.

“Meter” means the Water Meter supplied and owned by the City to measure the quantity of Water used by the Customer.

“Meter Pit” means any exterior chamber or pit approved by the Engineer for the purpose of containing a Meter.

“Municipal Address” means a Building or Buildings identified by a number pursuant to City of London By-Law B-1, as amended, or as provided for in any successor by-law thereto.

“Occupant” means any lessee, tenant, Owner, the agent of a lessee, tenant or Owner, or any person in possession of any Premises.

“Owner” means any person partnership or corporation that is the registered owner of the Premises 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 or a guardian.

“Plumbing System” means the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately after the Meter to which the *Building Code Act, 2006*, or any amendments thereto apply.

“Potable Water” means Water that is fit for human consumption.

“Premises” means any house, tenement, Building, lot, or part of a lot, or both, in, through, or past which water service pipes run.

“Private Main” means a pipe connected to a Main and installed on private property and from which more than one Water Service Pipe and/or hydrant lateral are connected.

“Remote Read-Out Unit” means the device installed on, or at a separate location from the Meter and used to read and transfer the Water consumption data of the Meter.

“Service Extension” means the portion of a Water Service Pipe from the property line to the Meter location, or for a fire service to the inside of the exterior wall of a Building.

“Service Stub” means the portion of a Water Service Pipe from a Main to the property line which will always include one control valve.

“Shut-Off Valve” means the valve on the Water Stub or private main owned and used by the City to shut off or turn on the Water from the City's Water Distribution System to any Premises.

“Water” means potable water supplied by the City.

“Water Distribution System” means Mains with connections to feeder mains, feeder mains within subdivision lands, Private Mains, Service Stubs, fire hydrants, and Shut-Off Valves and all other appurtenances thereto.

“Water Fixed Charge” means the monthly infrastructure connection charge for Water as set out in Section 2 of attached Schedule “A”.

“Water Related Services” means, but not limited to those items set out in Section 3 of attached Schedule “A”.

“Water Service Pipe” means the pipe and fittings that convey Water from a connection on a Main or Private Main to the Meter location, or, for a fire service, to the inside of the exterior wall of a Building.

“**Water Usage Charge**” means the monthly charge for Water as measured by the Meter and as set out in Section 1 of attached Schedule “A”.

“**Waterworks**” means any works for the collection, production, treatment, storage, supply and distribution of Water, or any part of any such works, but does not include Plumbing System to which the *Building Code Act, 2006*, or any amendments thereto apply.

Part 2 APPLICATION FOR WATER SERVICE

2.1 Application and payment prior to installation

The Owner shall apply to the City for a Water connection and before the connection is installed, shall pay the charges as set out in Section 3 of attached Schedule “A” for Main Tap and Frontage Charge.

2.2 Installation - payment required

The installation of the Water connection will not be scheduled or commenced until the application and payment have been made as required in Part 2.1.

2.3 Payment of Charges – Lump Sum or Deferred

The charges as required in Part 2.1 may be paid either as a lump total sum or in ten equal annual instalments including interest in accordance with the 10-year financing rate for local improvements.

2.4 Deferred Payment – Commuted Remaining Amount

The option for deferred payment is available to all Owners where rates as stipulated in Part 2.1 are applicable. The Owner may choose to pay the commuted remaining amount in accordance with Policy 15(7) and 15(8) during the deferred payment period.

Part 3 WATER RATES AND CHARGES

3.1 Supply of Water

Supply of Water in the City shall be governed by the requirements of this by-law. This by-law shall be read in conjunction with the Vital Services By-law. Access and notification requirements for occupied Buildings shall conform to this by-law and/or Sections 80, 81 and 437 of the *Municipal Act, 2001*.

3.2 Water Charges

Every Customer or Owner of Premises in the City who receives Water or Water Related Services shall pay Water charges comprised of a Water Fixed Charge and a Water Usage Charge as defined in this by-law and as set out in attached Schedule “A”.

3.2.1 Water Usage Charges - Block Thresholds for Low-density Residential

Low-density Residential accounts shall have the block ranges in Section 1 of attached Schedule “A” adjusted, with the exception of the first block, by multiplying by the number of units in the Building.

3.2.2 Water Usage Charges - Aggregating Accounts for Multiple Meter Customers

Customers with Industrial, Commercial or Institutional property classifications that have multiple meters on the Premises and adjacent properties and at least one meter is 100 mm or larger, shall have the monthly usage charge calculated based on the aggregated volume of all meters/accounts at the rates noted in Section 1 of attached Schedule “A”. Monthly fixed charges as noted in Sections 2.1 and 2.2 of attached Schedule “A” shall apply for each account.

3.2.3 Water Fixed Charges – Infrastructure Connection Charge

The monthly Water Fixed Charge is the sum of an infrastructure connection charge based on the size of the Meter, a fire protection charge based on the type and size of Premises and a Customer assistance charge for individually metered residential Premises, as noted in Section 2 of attached Schedule “A”.

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.

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

The City, in its sole discretion, shall measure water usage with a 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".

3.5 Water rate change – billing period - proration

When Water rates change through a billing period, the Water Fixed Charge and Water Usage Charge shall be prorated for that billing period in accordance with the standard procedures of London Hydro, the City's billing contractor.

3.6 Late payment charge and overdue notice

When an account is not paid by the due date stated on the bill, a late payment charge, as indicated in Section 3.3 of attached Schedule "A", will be assessed to the account.

3.7 Notice of disconnection

If the account remains unpaid for fourteen (14) days after the due date stated on the bill, the Engineer may deliver or cause to be delivered to the Premises, a notice of disconnection advising the Customer that unless payment is received within 48 hours, the Water service will be disconnected. Notification requirements for a rented or leased Premises falls under the Vital Services By-law.

3.8 Non-payment - water shut off - lien

If the Customer omits, neglects or refuses to pay any bill rendered, whether for Water Charges, Water Related Services or any other monies to which the City may be entitled in respect of Water supply to such Premises, the City may, at its discretion, shut off or reduce the flow of the Water to the Premises. The City shall provide reasonable notice of the proposed shut off to the Customers and Occupants of the Premises by personal service or prepaid mail or by posting the notice on the Premises in a conspicuous place. Unpaid charges have priority lien status, and may be collected in accordance with the *Municipal Act, 2001*, and may be added to the tax roll against the Premises in respect of which the Water was supplied.

3.9 Non-access – water shut off

If the Customer and/or Occupant of any premise neglects or refuses to allow the City or persons authorized by the City entry to the Premise to inspect, install, repair, replace or alter the Meter and/or Remote Read-Out Unit, the City may, at its discretion, shut off or reduce the flow of Water to the Premises. The City shall provide reasonable notice of the proposed shut off to the Customers and/or Occupants of the Premises by personal service or prepaid mail or by posting the notice on the Premises in a conspicuous place.

3.10 Disconnection of Service Stub and Meter - charges

When an Owner discontinues the use of Water to any Premises, the Owner shall pay to the City charges as indicated in Section 3.3 of attached Schedule "A" for disconnecting the Service Stub, disconnecting the Meter and inspecting the Water Service Pipe. Removal of the Water Service Pipe is undertaken through the demolition process for which a separate application shall be made to the City.

3.11 Temporary removal & reinstallation of Meter - charge

When the Owner requests a temporary removal of the Meter from the Premises, for any reason, the Meter removal and reinstallation charge, as indicated in Section 3.3 of attached Schedule "A" shall be applied to their account.

3.12 Change of occupancy – charge

At the time of a change of occupancy, an administrative charge as indicated in Section 3.3 of attached Schedule "A" shall be levied by the City to the new Customer to cover the cost of administrative work, and the said charge will be included on the first billing to the new Customer.

3.13 Water charge - who payable by

The Water charges for providing and maintaining Water supply to any Premises are applicable for every Meter owned and read by the City. In instances where the Customer terminates their account with the City, subsequent Water charges shall be rendered to the Owner of the Premises until such time as a new Customer applies to the City for the supply of Water.

3.14 Service installation charge

All Water Service Pipes, except those to a Premises being developed under a development or subdivision agreement wherein the Main is installed, will be installed on an actual cost basis at the Owner's expense, including the Water service connection materials and all related labour, engineering and inspection costs.

3.14.1 Tapping of Main charges

No person, other than the Engineer may tap a Main.

- (1) A Main Tap charge shall be payable as set out in Section 3.2 of attached Schedule "A" when a new, replacement, or larger Service Stub is connected to the Main.
- (2) The Owner is responsible for exposing the Main and all related restoration work and costs.

3.14.2 Builder and developer frontage charges

- (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:
 - (a) which has been financed under the provisions of a local improvement;
 - (b) which is the subject of an area rate or special local municipality levy Water by-law; or,
 - (c) for which Development Charges have been imposed if the connection is made to a Main financed under the Development Charges By-law.

3.15 Construction Water charge

During the construction phase of any Premises, the Owner shall pay the cost of Construction Water as indicated in Section 3.1 of attached Schedule "A" as part of and at the time of Building Permit application.

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". 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".

3.17 Meter testing charge

The charge for testing the accuracy of a Meter is indicated in 3.3 of attached Schedule "A" and is further described in section 7.18 of Part 7 of this By-law.

3.18 Non-scheduled Meter change out charge

If a Customer requests that the Meter, and/or the Remote Read-Out Unit be replaced, and that Meter is not due for replacement, then the Customer shall pay to the City a charge as indicated in Section 3.3 of attached Schedule "A". If the Meter is scheduled for replacement by the Engineer, then no charge shall be applied.

3.19 Retroactive refund of billing errors

Any refund for previous Water Charges collected shall be the lesser of either payments for two (2) years prior to the discovery of the error; or, the duration of the current account.

Part 4 SECURITY DEPOSITS

4.1 Deposit is security for payment

Whenever an application is made to the City for a supply of Water (new account), the City may, in its discretion, prior to furnishing such supply, require the Customer to make a deposit of such sum of money as the City considers advisable. As indicated in Section 3.3 of attached Schedule "A", each such deposit shall be security for payment for all Water Fixed Charges and Water Usage Charges passing through the Meter of the service in respect to which such deposit was made until the Customer shall have notified the City in writing to discontinue such service.

4.2 Deposit applied as payment

Security deposits may be applied as payment with interest upon determination of good payment history or closure of an account.

4.3 Non-Payment of Security Deposit

Non-payment of a security deposit will be subject to the standard collection procedures including disconnection of Water services.

Part 5
OPERATION OF WATERWORKS

5.1 Conditions on water supply

The City agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of Water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of Water and is not liable for damages to the customer caused by the breaking of any Water Service Pipe or attachment, or for shutting off of Water to repair Mains or to tap Mains.

5.2 Authority for Water Supply

The City in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all Waterworks within its boundaries serving the City, to establish whether and the terms upon which municipalities or persons outside the City may be allowed to connect to the said Waterworks as Customers, and the rates to be charged for Water delivered to such Customers.

5.3 Unauthorized operation of fire hydrant – offence

No person shall operate a fire hydrant, except for the Engineer, in accordance with the Safe Drinking Water Act, 2002.

5.4 Unauthorized operation or interference – offence

No person other than the Engineer shall open or close a valve in the Waterworks, including private Mains, or remove, tamper with or in any way interfere with any valve, Meter, structure, Main or water service in the Waterworks, including private Mains.

5.5 Improper use of Water from fire service - offence

Any Water supplied or made available for any Premises for purposes of protection of property or persons from fire or for preventing fires or the spreading of fires shall not be used for any other purpose.

Part 6
WATER SERVICE PIPES

6.1 Installation - by City - by Contractor

All Water Service Pipes shall be installed by the City or by skilled Contractors engaged by an Owner.

6.2 Installation - to City specifications – Ont. Build. Code requirements

All Water Service Pipes and Private Mains located within City property shall be constructed according to the City's *Standard Contract Documents for Municipal Construction Projects* (hereinafter called "Standard Contract Documents") and the *General Requirements and Design specifications for the Water Distribution System of the City* (herein called "Specifications") as approved by the Engineer from time to time. All Water Service Pipes and Private Mains located on private property shall be constructed in accordance with the Ontario Building Code and in accordance with good engineering practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent with respect to a construction or installation standard the City's Specifications and Standard Contract Documents shall be applied and shall prevail.

6.3 Connection to Main - prior application

The installation of the Water Service Pipe shall not be scheduled or commenced in any way until the Owner has met the requirements of this by-law.

6.4 Installation - alteration - approval by City

For any new Water Service Pipe or Private Main installation, or alteration of existing Water Service Pipes or Private Mains, the Owner shall apply for approval from the Engineer for such work as specified in the City's Standard Contract Documents and the Specifications.

6.5 Installation inspection by City

All Water Service Pipes and appurtenances installed, including those required by a City Subdivision or Development Agreement, shall be inspected by the Engineer as specified in the City's Standard Contract Documents and the Specifications, the charge for which inspection is as specified in Section 3.3 of attached Schedule "A".

6.6 Installation - access for inspection

The Engineer shall be entitled, at all times, to enter any Premises for the purposes of examining pipes, connections and fixtures which are used in connection with the Water Service Pipe and/or Main.

6.7 Disconnection of service

The Water Service Pipe shall be disconnected at the Main, the Main plugged, and the curb box and rod removed at the Owner's expense by making application through the demolition process. All work must be inspected by the Engineer, and the charge for such inspection is as indicated in Section 3.3 of attached Schedule "A".

6.8 Maintenance of Service Stub - City

The Service Stub shall be maintained by the City at its expense.

6.9 Maintenance of Service Extension and Private Main - Owner

Any and all defects to the Service Extension, private Main and Meter pit, shall be repaired by the Owner of the Premises. Should the City become aware of any such defect, and upon written notification to the Owner, the said defect is not repaired, within seven (7) days of the date of the notification or within such time as the Engineer may deem reasonable, then the City may turn off the Water supply to the Premises. If the City is ordered under statutory authority to restore the Water supply, then the City may repair the defective Service Extension, Private Main and Meter pit and charge the cost to the Owner and collect such cost according to law, and until paid, such cost shall remain a lien on such Premises, and may also be collected in the like manner as taxes. The Owner shall be held responsible for the cost of restoration.

6.10 Operation of shut-off valve

No person, other than the Engineer shall be permitted to operate the shut-off valve to any Premises.

6.11 Access to shut-off valves

All shut-off valves shall be left clear and accessible at all times so that the Water in the Water Service Pipe and Private Mains may be turned off or on as may be found necessary by the Engineer.

6.12 Responsibility for protection, Water loss, damage

All Service Extensions to and including the Meter shall be properly protected from frost and any other damage at the expense and risk of the Owner of the Premises. The Owner shall be responsible for the Water loss occasioned by a leak in the Service Extension and/or private Main and the charge for such Water loss as determined by the Engineer, shall be paid by the Owner upon demand by the City, and the City shall not be held responsible for any damages arising from such leakage.

6.13 Responsibility - vacant and unheated Premises

When any Premises is left vacant or without heat, the Owner shall shut off the Water supply from within the Premises and drain the plumbing therein. The Owner or Occupant may apply in writing to the City to have the Service Stub shut off to stop Water supply. The Service Stub will be turned on only at the Owner's request and in the Owner's presence. The Owner shall pay for these services at the rate as indicated in Section 3.3 of attached Schedule "A".

6.14 Responsibility - Water damage

When any Premises is left vacant or without heat, where the Water supply has not been shut off, suffers damage to it and its contents from a leaking or burst Water pipe, the Owner or the Occupant shall have no claim against the City. Should the Engineer become aware of such leaking or burst pipes, the Engineer may turn off the Service Stub, and the Water supply shall not be turned on until the Engineer, in their discretion, shall consider it advisable.

6.15 Responsibility for frozen pipes - City - Owner

Thawing out frozen Service Stubs shall be the City's responsibility. Thawing out frozen Service Extensions and private Mains shall be the Owner's responsibility. Where any employee of the City assists the Owner in the thawing of frozen Service Extensions and private Mains on the Owner's property, all such assistance work will be considered to be at the Owner's risk, and the Owner shall have no claim against the City by reason of such work.

6.16 Responsibility for Hydrant Maintenance

Any hydrant situated within a road allowance is the property of the City and shall be maintained by it. City-owned hydrants located on private property shall be maintained by the Engineer. Private hydrants which are owned and were paid for by any persons other than the City shall only be maintained by such persons through a written agreement with the City, otherwise they will be maintained by the City.

6.17 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.

6.18 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.

Part 7 WATER METERS

7.1 Water to be metered - remedy for violation

All Water supplied on Premises within the City of London, except Water use for fire fighting or construction, shall pass through the Meter supplied by the City for use upon such Premises, and in addition to whatever other remedies the City may have in law in respect to infringement of this by-law, the Engineer may, upon ascertaining that Water has been used which has not passed through the Meter of such Premises, forthwith, without notice, shut off and stop the supply of Water.

7.2 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.

7.3 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.

7.4 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.

7.5 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.

7.6 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 by-law, the Engineer shall restore the supply of Water as soon as practicable after obtaining access to the Premises.

7.7 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.

7.8 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.

7.9 Installation to City Specifications

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

7.10 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.

7.11 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.

7.12 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.

7.13 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.

7.14 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.

7.15 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.

7.16 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.

7.17 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.

7.18 Meter testing for Customer - deposit - conditions

Any Customer may, upon written application to the Engineer, have the Meter and the Remote Read-Out Unit at their Premises tested for accuracy of the Meter and registration of data. Every such application shall be accompanied by a deposit of the fee for testing Meter and the Remote Read-Out Unit 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.

7.19 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.

Part 8

CROSS CONNECTIONS AND BACKFLOW PREVENTION

8.1 Protection from Contamination

No person shall connect, cause to be connected, or allow to remain connected to the Water Distribution System any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow Water, waste water, non-potable Water, or any other liquid, chemical contaminant or substance to enter the Water Distribution System. The means for "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act*.

8.2 Inspection for Cross Connections - access

The Engineer and/or Chief Building Official shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every Premises to which any Water Service Pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any Water Service Pipe, wire, rod or Cross Connection within or without the Premises.

8.3 Access to be provided on written notice

Where access is not provided, a written notice by the Engineer will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the City may, at its discretion, shut off the supply of Water to the premises until such time as the access is provided.

8.4 Order to install Control Device

If a condition is found to exist which is contrary to section 8.1 of this by-law, the Engineer shall immediately carry out an inspection and shall issue such order or orders to the Customer as may be required to obtain compliance with section 8.1 of this by-law.

8.5 Failure to install - notice - water shut-off

If the Customer to whom the Engineer has issued an order fails to comply with that order, the Engineer, at his/her discretion, may:

- (a) Give notice to the Customer to correct the fault, at their expense, within a specified time period and, if the notice is not complied with, the Engineer may then shut off the Water service or services; or
- (b) Without prior notice, shut off the Water service or services.

8.6 Additional Control Device on service

Notwithstanding sections 8.1, 8.4 and 8.5 of this by-law, where a risk of possible contamination of the Water Distribution System exists in the opinion of the Engineer or an approved authority, a Customer shall, on notice from the Engineer, install on their Water Service Pipe a Control Device, approved by the Engineer or Chief Building Official in addition to any Control Devices installed in the Customer's Plumbing System at the sources of potential contamination.

8.7 Installation to required standards

Control Devices shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64.10-11 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices".

8.8 Inspection and testing - paid by Customer

All Control Devices shall be inspected and tested at the expense of the Customer, upon installation, and thereafter annually, or more often if required by the Engineer, by personnel approved by the Engineer to carry out such tests to demonstrate that the Control Device is in good working condition. The Customer shall submit a report on a form approved by the Engineer or any or all tests performed on a Control Device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the Control Device on which the tester shall record the address of the Premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self employed) or the name of his employer and the tester's licence number.

8.9 Failure to test Control Device - notification - water shut-off

If a Customer fails to have a Control Device tested, the Engineer may notify the Customer that the Control Device must be tested within four (4) days of the Customer receiving the notice. If the Customer fails to have the Control Device tested within the time allowed, the Engineer may shut off the Water service or Water services until the Control Device has been tested and approved as required by section 8.8 of this by-law.

8.10 Repair - replacement - by Customer

When the results of a test referred to in section 8.8 of this by-law show that a Control Device is not in good working condition, the Customer shall make repairs or replace the Control Device within four (4) days. If a Customer fails to repair or replace the Control Device within the time allowed, the Engineer may shut off the Water service until such repair or replacement has been made.

8.11 Removal of Control Device - permission by Engineer

No person shall without the permission of the Engineer remove any Control Devices.

PART 9 USE OF WATER EXTERNALLY

9.1 Regulations - use of Water - June, July and August

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

- (a) During the months of June, July and August, the External Use of Water is permitted:
 - (i) on even calendar dates at only those Municipal Addresses ending with numbers 0, 2, 4, 6, 8;
 - (ii) on odd calendar dates at only those Municipal Addresses ending with numbers 1, 3, 5, 7, 9.
- (b) The Engineer is authorized to implement at any time any other regulation which he, in his discretion, considers advisable to limit the External Use of Water and this authority includes the right to ban completely the External Use of Water.
- (c) 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.

- (d) 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.
- (e) 9.1(a)(i) or 9.1(a)(ii) will not apply to Premises that have had new sod laid down for a twenty eight (28) day period from the original installation date. Once the twenty eight (28) day grace period has expired, Section 9.1 of this by-law will be in force.

Part 10 PROHIBITIONS

10.1 Prohibitions under this by-law

No person shall:

- (a) wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the City or any of its officers, Contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;
- (b) wilfully discharge Water so that the Water runs to waste or of no use out of the Waterworks;
- (c) being a Customer, Occupant or Owner of any Premises supplied with water from the Waterworks, improperly waste the Water or, without the consent of the Engineer, lend, sell, or dispose of the 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 or increase the supply of Water agreed for;
- (d) without lawful authority wilfully open or close any valve or hydrant, or obstruct the free access to any hydrant, Service Stub, Meter, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- (e) throw or deposit any injurious or offensive matter into the Water or Waterworks, or upon the ice if the water is frozen, or in any way foul the Water or commit any wilful damage or injury to the Waterworks, Mains, Water Service Pipes or Water, or encourage the same to be done;
- (f) wilfully alter any Meter placed upon any Water Service Pipe or connected therewith, within or without any Premises, so as to lessen or alter the amount of Water registered;
- (g) construct or cause to be constructed any Water Service Pipe or Main to connect with any Water Service Pipe or Main of the Waterworks, or in any way obtain or use the Water without the consent of the City; or
- (h) use Water externally during the months of June, July and August in any year except in accordance with the regulations set out in Part 9 of this by-law.

Part 11 ENFORCEMENT

11.1 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

11.2 Continuation - repetition - prohibited - by order

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.

11.3 Offence - additional - damage to Waterworks

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any Waterworks, or appurtenance thereof is liable to the City therefore.

11.4 Offence - additional - wilful damage

Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any Meter, Water Service Pipe, conduit, wire, rod or Water fitting belonging to the City or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the Meter indicates less than the actual amount of the Water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the City, and for any expenses of repairing or replacing the Meter, Water Service Pipe, conduit, wire, rod or fitting and double the value of the surplus Water so consumed, all of which is recoverable under the *Provincial Offences Act*.

11.5 Offence - additional - injuring Waterworks

Every person who wilfully removes, destroys, damages, fraudulently alters or in any way injures any Waterworks or appurtenance thereof is guilty of an offence and on conviction is liable to a fine, to the use of the City, and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

Part 12 PREVIOUS BY-LAW REPEALED

12.1 Repeal - previous by-law – By-Law W-3

By-law W-3 *Water By-laws*, and all amendments thereto, are hereby repealed.

12.2 Repeal - previous by-law – By-Law W-7

By-law W-7 *Water Rates and Charges By-law* and all amendments thereto, are hereby repealed.

Part 13 EFFECTIVE DATE

13.1 Effective Date

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

PASSED in Open Council on April 16, 2013.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

SCHEDULE "A"
WATER RATES AND CHARGES

1. Monthly Water Usage Charges - Water rates

The Water consumed on all properties in the City shall be charged on a per cubic metre basis for each respective Meter at the rates as indicated in the table below. The total monthly Water Usage Charge is the sum of usage in all blocks at the rate for each block.

Range within Block (m ³)	Monthly Water Consumption (m ³)	Rate (\$/m ³)
0 - 7	First 7	-
8 - 15	Next 8	1.7304
16 -25	Next 10	2.2248
26 - 35	Next 10	2.4720
36 - 250	Next 215	0.9394
251 - 7,000	Next 6750	0.8899
7,001 - 50,000	Next 43,000	0.8109
50,001+	Over 50,000	0.7219

2. Monthly Water Fixed Charges

Water monthly fixed charges shall be the sum of infrastructure connection charge, fire protection charge and customer assistance charge (as applicable) as noted in the tables below.

2.1 Infrastructure Connection charge

All Customers shall be charged an infrastructure connection charge based on the Meter size as shown in the table below.

Meter Size (mm)	Monthly Charge (\$)
16	12.15
19	18.22
25	30.37
40	60.75
50	97.20
76	212.61
100	364.48
150	850.46
200	1,457.92
250	1,822.50

2.2 Fire Protection Charge

All Customers shall be charged a fire protection charge as shown in the table below.

Property Classification	Monthly Charge (\$)
Single and Low-density Residential	1.25
Institutional, Commercial, Industrial, Medium-density Residential, High Rise under 5.0 hectares	8.33
Institutional, Commercial, Industrial, Medium-density Residential, High Rise 5.0 hectares and over	41.67

2.3 Customer Assistance Charge

All Residential individually metered Customers shall pay the charges as noted in the table below to provide funding for low income crisis support, low income crisis prevention and the customer assistance program.

Property Classification	Monthly Charge (\$)
Residential	0.25

3. Miscellaneous Water Rates and Charges

3.1 Temporary connection charges for construction

Temporary connection charges shall be charged as shown in the table below.

Building Type	Charge (\$)
Single Family	45.00
Duplex	45.00
Up to 4 Units	56.23
5 to 10 Units	84.31
11 to 15 Units	112.43
16 to 20 Units	140.58
21 to 25 Units	169.25
26 to 30 Units	196.74
31 to 35 Units	224.97
36 to 40 Units	253.08
41 to 50 Units	281.16
Over 50 Units	5.69 per unit
Other Buildings	\$11.44 per 93 m ² of floor space (min charge \$28.60)

3.2 Main Tap charges

Main Tap charges shall be charged as shown in the table below.

Type of Main Tap	Charge (\$)
Tap size 50 mm or less	\$270.00
Tap size greater than 50 mm	\$540.00
Tapping concrete Mains or tap size of greater than 300 mm	\$1,620.00

3.3 Miscellaneous Charges

Miscellaneous charges shall be as noted in the table below.

Service or Activity	Charge
Change of occupancy/ Account set-up/ Security deposit	As set by London Hydro
Late payment	As set by London Hydro
NSF cheques	As set by London Hydro
Collection charges	As set by London Hydro
Bulk Water User charges Smart Card (per card purchase cost) Cost of Water per 1,000 litres	\$34.99 \$2.89
Inspecting Waterworks installations/disconnections	\$96.94 per hour
Disconnection of Water Service During regular hours After regular hours	\$31.81 \$50.17
Arrears Certificate charges (non-payment/arrears)	\$50 per property
Disconnect and Reconnect Meter at customer request 16 and 19 mm 25 mm and larger	\$159.88 \$272.13
Install Water Meter and Remote Read-Out Unit at customer request	\$244.94
Repair damaged Water Meter 16 and 19 mm 25 mm and larger	\$168.38 Time and Material
Meter checked for accuracy at customer's request and found to be accurate 16 and 19 mm 25 mm and larger	\$125.85 \$170.07
Builder and Developer Frontage Charges: (based on actual frontage which directly abuts City right-of-way) Residential (maximum 50 metres) Commercial, Institutional and Industrial	\$175.77 per metre \$186.94 per metre
Illegal Hydrant Connection	\$500.00/offence + water consumption
Temporary Hydrant Connection Hydrant connection/disconnection Hydrant occupancy Water consumption Minimum charge (up to 300 m ³) All additional m ³	\$185 \$35/week \$800 \$2.68/m ³