

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 61-2008

Being a by-law to enact rules and regulations
for the installation, repair, maintenance and access
to water meters and related appurtenances
including penalties for offences

(consolidated with By-law N° 51-2010)

WHEREAS the Municipal Council has decided to install water meters on all residential, industrial, commercial and institutional establishments located within the Town of Hawkesbury that are connected to all municipal water works;

AND WHEREAS Part 7 (Plumbing) of the *Ontario Building Code*, as amended, requires every municipality to regulate the connection of individual water services to a municipal potable water works;

AND WHEREAS the Town of Hawkesbury deems it necessary to confirm the mandatory use and installation of water meters in the Town of Hawkesbury to owners that are connected to the municipal water works;

AND WHEREAS section 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 section 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 public utility, or to remove any property of the municipality, or to determine whether the public utility has been or is being unlawfully used;

AND WHEREAS the Municipal Council of the Town of Hawkesbury awarded the contract for the installation and supply of new water meters to Elster Metering under By-law N° 60-2008;

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 Town of Hawkesbury enacts as follows:

DEFINITIONS

In this By-law:

“Back-flow Preventer” shall mean a device to prevent the reverse flow of fluids or chemicals into the water works which may contaminate the waterworks system;

“Building” shall mean a structure supplied with potable water by the Corporation;

“Consumer” shall mean the owner or occupant of property which is serviced by, connected to, and takes water from the Town’s water works;

“Contractor” shall mean a person, partnership, or corporation who has been retained to undertake the execution of work commissioned by the Town to install and/or maintain water meters and other appurtenances.

“Developer” shall mean the owner or company specifically named in a development agreement or in a subdivision agreement;

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

“External use of water” shall mean the use of water for any purpose outside the walls of any building located at a municipal address;

“Inspector” shall mean the Chief Building Official or Building Inspector of the Town and may also include the Water Work Superintendent;

“Meter” shall mean the water meter, register and remote readout unit installed and owned by the Town to measure the quantity of water used by the consumer;

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

“Multiple residential” shall mean a single building containing two or more single family units, including apartment buildings, which is serviced by, connected to, and takes water from the Town’s water works;

“Occupant” shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premises;

“Owner” shall include any person or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian;

“Potable water” shall mean water that is fit for human consumption;

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

“Private water service” shall mean the pipes and fixtures used for the purpose of supplying any building with water from the Town’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.

“Remote read-out unit” shall mean the device installed at a separate location from the water meter and used to provide electronic access to the register on the meter;

“Shut-off valve” shall mean the valve on the Town’s water service connection owned and used by the Town to shut off or turn on the water supply from the Town’s water distribution system to any premises;

“Town” shall mean the Corporation of the Town of Hawkesbury;

“Water service connection” shall mean the pipes and fixtures used for the purpose of supplying any premises in the Town with water from the Town’s water works that is located between the Town’s watermain in the street and the street property line abutting the premises so supplied.

WATER METER INSTALLATION, REPAIR, MAINTENANCE AND ACCESS TO WATER METERS

- 1 All water supplied by the Town’s water works through water service connections shall pass through a meter supplied by the Town for use upon such premises, and the water rate charged shall be those fixed from time to time by the Town.
2. All meters and related appurtenances shall be supplied and installed by persons authorized by the Town for that purpose.

The Town's cost of supplying, relocating and installing water meters and related appurtenances shall be born by the owner.

If the meter is mechanically defective the cost of repairs shall be paid by the Town, but if the meter is damaged by the carelessness or neglect of any person other than an employee or agent of the Town, the owner of the premises shall pay to the Town the cost of making the necessary repair to such meter.

3. If a meter fails to register, the consumer will be charged a minimum consumption based upon the average consumption of the last three months or, if such data is unavailable, then the cost shall be a pro rated annual based on the previous flat fee.
4. All water passing through a meter will be charged for, whether used or wasted.
5. The owner of premises to be supplied with water agrees to provide convenient and safe space, free of charge or rent, for the Town's meters, pipes and other appliances on said premises, and further agrees that no one who is not a servant or agent of the Town or otherwise lawfully entitled to do so, shall be permitted to remove, inspect or tamper with any of the Town's said equipment.
6. The owner of the premises to be supplied with water agrees to provide adequate heat in the premises to prevent frost damage to the meters. In the event that the owner will be away from the premises for an extended period of time, the owner shall be required to notify the Town within fifteen (15) days of departure so the owner in consultation with the Town can take the proper precautions to prevent frost damage to the meter and water service connection otherwise repairs will be a the expense of the owner.
7.
 - (1) The owner or occupant of premises shall provide ready and convenient access to the meter and appurtenances in said premises so that the meter may be frequently read and examined by persons authorized by the Town for that purpose.
 - (2) Where a meter cannot conveniently be placed inside a building, it shall be placed in a meter pit, the location and construction of which shall be discussed with the owner or occupant of the premises and shall be constructed in a manner approved by the Town, and the cost of which is paid for by the consumer.
8.
 - (1) A meter will be removed and tested by the Town upon a written request from the consumer and a deposit, as set out in Schedule A of this By-Law, for the test. If the meter is found to register correctly or not in excess of 3% in favour of the Town, the consumer's deposit shall be forfeited towards the cost of the test and any additional expense incurred in removing, testing and reinstalling the meter will be paid for in full by the consumer requesting such test.
 - (2) If a meter, when tested, is found to register in excess of 3% in favour of the Town, a refund will be made to the consumer of an amount equal to such excess percentage of the water rates paid for the previous three (3) months prior to the testing of the said meter plus the consumer's deposit for the test. Provided, however, that no reduction shall be made which will reduce the water rate for the previous three (3) months prior to the testing of such meter below the minimum water rate established by Municipal Council.
9. No reduction shall be made as provided in Section 8 if the owner or occupant of the building has not complied with any provisions of this by-Law.
10.
 - (i) One (1) meter shall be placed on each single family residential, multi-family residential, commercial, industrial and institutional private water services that has a single connection to the Town's water works and the plumbing shall be so arranged that all water used on such premises shall pass through such meters and the owner of the premises will be held liable for water charges.

- (ii) Any person authorized by the Town for the purpose of inquiring into the compliance with the provisions of this by-Law shall have free access to the premises at all reasonable time. Upon reasonable notice given and request made to premises and lands to which municipal water is supplied, no person occupying or in charge or apparently in charge of such buildings or other premises or lands shall refuse access to such authorized person.
- (iii) Every meter shall be placed in such location as the persons authorized by the Town shall direct. If possible, the water meter shall be installed in the basement of residential buildings, and shall be located immediately after the inlet stop 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 pit as authorized by the Town.
- (iv) The location of a meter, once installed to the standards of the Town, shall not be changed by any person except by persons authorized by the Town.
- (v) 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 Town will consider the reading at the meter to be correct, and will adjust and correct the consumer's account accordingly.
- (vi) Any leak that may develop at the meter or its couplings must be reported immediately to the Town. The Town shall not be held responsible for any damages from such leaks.
- (vii) The Town may enter into agreements with others to provide for the installation of water services or meters in any manner satisfactory to the Town.
- (viii) All sums charged for expenses incurred by the repair of meters, fixtures and all other appurtenances connected with the water service or for damage to the same, as per section 2, shall be charged to the owner of the premises. If these charges remain unpaid they shall be collected in the same manner as municipal taxes.
- (ix) Any request for a reading of a meter prior to or after a regular reading schedule shall be charged a fee that is to be established by by-law.
- (x) A consumer, for the purpose of payment for the supply of water, shall be deemed to be the owner of the premises and in the event of tenant or other occupant, the registered owner shall be liable for water rates and charges.

REGULATIONS AND PENALTIES FOR OFFENCES

11. Every person is guilty of an offence who,
- (i) willfully hinders or interrupts, or causes or procures to be hindered or interrupted, the Town or any of its officers, contractors, agents, servants or workman, in the exercise of any of the power conferred by the *Municipal Act, 2001*;
 - (ii) willfully wastes water;
 - (iii) being a tenant, occupant, lessee, owner, the agent of a lessee, or any person in possession of any house, building or other premises supplied with water from the water works, improperly wastes the water or, without the consent of the Town, lends, sells or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own;

- (iv) without lawful authority willfully opens or closes any valve or hydrant, or obstructs the free access to any hydrant, shut off valve, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
 - (v) throws or deposits any unsafe substance into the water or waterworks, or in any other way fouls the water or commits any willful damage or injury to the works, pipes or water, or encourages the same to be done;
 - (vi) willfully 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
 - (vii) lays or causes to be laid any pipe or main to connect with any pipe or main of the Town's water works, or in any way obtains or uses the water without the consent of the Town.
12. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a minimum fine of not less than Five Hundred Dollars (\$500.00) and not more than Twenty-Five Thousand Dollars (\$25,000.00). For subsequent convictions for the same offence, the minimum fine shall be One Thousand Dollars (\$1,000.00) and the maximum fine Fifty Thousand Dollars (\$50,000.00).
- A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and upon conviction is liable to a minimum fine of not less than Five Hundred Dollars (\$500.00) and not more than Fifty Thousand Dollars (\$50,000.00). For subsequent convictions for the same offence, the minimum fine shall be One Thousand Dollars (\$1,000.00) and the maximum fine One Hundred Thousand Dollars (\$100,000.00). (replaced by By-law N° 51-2010)
13. When a person has been convicted of an offence under this by-law, any court of competent jurisdiction thereafter, may in addition to any other penalty impose on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
14. In addition to other sanctions and remedies provided in this by-law, the Town may turn off or restrict the supply of water to any consumer where such consumer has violated any of the provisions of this by-law, and may refuse to restore normal service until the violation complained of has been terminated or remedied. The Town will not be liable for any damage to property or injury to person by reason of shut-off of water supply.
15. The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of the by-law shall be valid and shall remain in force.
16. That this by-law shall come into force and effect on the date of its passing.

READ A FIRST, SECOND AND ADOPTED UPON THIRD READING THIS 21st DAY OF JULY 2008.

Mayor

Clerk

SCHEDULE "A" OF BY-LAW N° 2008-61

Applicable charges:

Meter Pit (excluding meter)	as per actual cost
Relocation of water meter	\$ 100.00
Water Meter Accuracy Testing Deposit will be	\$ 75.00