

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. 1615 (1994)

Being a by-law to regulate the supply of water
and to provide for the maintenance and
management of the water works and for the
imposition and collection of water rates.

WHEREAS, Section 12 of the Public Utilities Act, R.S.O. 1990, Chap. P.52, provides that the Councils of local municipalities may pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the Corporation with regard to the water so supplied, and for providing that for a contravention of any such by-law the offender is guilty of an offence;

AND WHEREAS, Section 28, Subsection (1) of the Public Utilities Act, R.S.O. 1990, Chap. P.52, provides that the Council of local municipalities may pass by-laws for the maintenance and management of the works and the conduct of the officers and others employed in connection with them, and may also by by-law or resolution fix the rates or charges for supplying the public utility and the charges to meet the cost of any work or service done or furnished for the purpose of a supply of a public utility, and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to consumers and provide for the collection of such rates, charges and rents, and the times and places when and where they shall be payable, and for allowing for prepayment or punctual payment such discounts as may be considered expedient;

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it necessary for the orderly development and control of the water works system of the Town of Pelham, that certain regulations governing the supply of water, providing for the maintenance and management of the water works system and for imposing and collecting water rates be put into force;

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NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. SHORT TITLE

This by-law shall be known as the "Water By-law"

2. DEFINITIONS

In this by-law,

- (a) "Clerk" means the Clerk of the Corporation of the Town of Pelham;
- (b) "Corporation" means the Corporation of the Town of Pelham;
- (c) "Council" means the Council of the Corporation of the Town of Pelham;
- (d) "Director of Operations" means the Director of Operations of the Corporation of the Town of Pelham;
- (e) "Engineer" means the Engineer of the Town of Pelham and for the purpose of exercising any of the powers or duties of the Engineer under this by-law shall include any Engineering consultant employed by the Corporation to exercise any such powers or duties;
- (f) "Law Enforcement Officer" means the By-law Enforcement Officer of the Corporation of the Town of Pelham authorized to enforce this or any other by-law of the Corporation of the Town of Pelham and shall include the Building Inspectors and Plumbing Inspectors;
- (g) "Meter" means the water meter installed for the purpose of measuring water supplied by the waterworks system of the Corporation;
- (h) "Owner" means and includes the owner and occupant of any premises;
- (i) "Private Water Service" means the pipes, fittings and appurtenances used for the purpose of supplying water from the water service to any premises located on private property and shall include the service pipe as defined by the Ontario Plumbing Code;

- (j) **"Treasurer"** means the Treasurer of the Corporation of the Town of Pelham;
- (k) **"Water Service"** means the pipes and fittings used for the purpose of supplying water from the waterworks system to a private water service at the street line or limit of a road allowance and shall include the corporation cock, service pipe, curb stop, post and service box and any appurtenances thereto;
- (l) **"Waterworks"** means the transmission pipes of the Corporation which are tapped for water service and includes all valves, fittings and appurtenances;

3. INTERPRETATION

In this by-law,

- (a) Statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time;
- (b) All words shall be read with all changes of gender and number required by the context or circumstances.

4. GENERAL PROVISIONS

- (a) The Corporation's Waterworks shall consist of all waterworks within the Town of Pelham;
- (b) The Corporation shall manage and maintain the waterworks in accordance with the provisions of the Public Utilities Act, Local Improvement Act, Municipal Act, Ontario Water Resources Act, Building Code Act, this by-law and any other applicable law in force from time to time;
- (c) The Director of Operations shall be responsible for the maintenance and repair of the waterworks and shall supervise the use thereof and the supplying of water therefrom;
- (d) The Director of Operations, his authorized designate or Law Enforcement Officer of the Corporation may enter any premises of any watertaker at all reasonable hours upon reasonable notice to examine the pipes, meters, remote

readers, fittings, fixtures, appliances and appurtenances to ascertain the quantity of water used, the manner of its use and determine compliance with this by-law;

- (e) No person except a person authorized by the **Director of Operations** shall tap or make any connection to any portion of the **waterworks**;
- (f) No person shall in any way interfere with, obstruct or conceal any hydrant, valve, curb stop, service pipe, stop-cock, meter, remote reader or other **waterworks** appurtenance;
- (g) Pursuant to the Public Utilities Act no person shall,
 - (i) wilfully hinder or interrupt, or cause or procure to hinder or interrupt the **Corporation**, or any of its officers, contractors, agents, servants or workers, in the exercise of any of the powers conferred by the Act;
 - (ii) wilfully let off or discharge water so that the water runs waste or useless out of the **waterworks**;
 - (iii) being a tenant, occupant or inmate of any house, building or other place supplied with water from the **waterworks**, improperly waste the water or, without the consent of the **Corporation**, 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 the person's own or increase the supply of water agreed for;
 - (iv) without lawful authority wilfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;
 - (v) throw or deposit any injurious, noisome 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**, pipes, or water or encourage the same to be done;

- (vi) wilfully alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered; or
- (vii) lay or cause to be laid any pipe or main to communicate with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the Corporation;
- (h) The Director of Operations, his authorized designate or Law Enforcement Officer of the Corporation may enter any premises of any watertaker at all reasonable hours upon reasonable notice for the purpose of inspecting or repairing, and for the altering or disconnecting of any service pipe, meter, remote reader and appurtenances, and for the placing of meters, remote readers and appurtenances on any service pipe served by the waterworks;
- (i) Should a leakage occur on any owner's property between the water service and the premises supplied by water, the owner shall repair the said leakage at his own expense within 24 hours of being notified by the Director of Operations, his authorized designate or the Law Enforcement Officer. If the leakage is not repaired by the owner within the time allowed, the Corporation may enter the owner's lands and premises for the purpose of repairing the leakage and the costs shall be charged to the owner. The Director of Operations or his authorized designate is hereby empowered to turn off the water supply until the necessary repairs have been made by the owner or the Corporation;
- (j) The Corporation does not guarantee the supply or quality of water and failure to supply water shall not be construed as neglect on the part of the Corporation. The Corporation shall at no time be held liable for reason of a failure in the supply of water or for reason of inadequate supply of water or for reason of the Corporation restricting the supply of water or for refusing to supply water;
- (k) The Corporation may cause the water service to any building or premises to be shut off when the Director of Operations or Law Enforcement Officer believe, on

reasonable grounds, that there has been a contravention of any of the provisions of the Public Utilities Act or of the provisions of this by-law or where the owner of such building or premises refuses or prevents entry thereto by any officer, employee, servant or agent of the Corporation for any purpose authorized by this by-law;

- (l) Where the Corporation has caused a water service believed to be defective to be shut off, such water service shall not be restored until the Corporation has been satisfied that no such defect exists or that any defect therein has been properly rectified.
- (m) Where a new or replacement water service or a new or replacement private water service is installed or where the Corporation has shut off the supply of water to any water service or private water service pursuant to the provisions of this by-law, no person other than an employee of the Corporation authorized by the Director of Operations shall turn on the supply of water;
- (n) Notwithstanding the above, and only if authorized by the Corporation, a licenced plumber upon installing or repairing a private water service may temporarily turn on the supply of water for the purpose of testing his installation or repairs and shall forthwith thereafter shut the same off. If the supply of water to an existing private water service has not been shut off by the Corporation, such plumber, when making repairs, may shut off the supply of water and after completing his repairs turn the same on again;
- (o) The supply of water by the Corporation shall at all times be subject to any act or event beyond the power or control of the Corporation and/or to necessary repairs or replacements of any watermains or other works supplying water and in addition thereto the Corporation may at any time, or from time to time, by resolution of the Council restrict or limit the use of water to such uses as may be designated in the resolution or may designate or limit the times during which water may be used for any purposes or for any designated purpose or may prohibit or suspend the use of water for any purpose whatsoever and the Corporation may, when authorized by resolution of the Council, suspend or shut off the supply of water, and in any of such cases, the Corporation shall not be liable to

any owner or other person for damages, either direct, indirect or consequential.

- (p) Where the Corporation has been requested to shut off or turn on the supply of water to a private water service the Corporation shall not shut off or turn on such supply of water until the applicant has paid the fee prescribed in Schedule "A" of this by-law.
- (q) No person shall use water supplied by the Corporation in any water cooled air-conditioning equipment or other cooling or freezing equipment or process unless such equipment or process is provided with an evaporative condenser or other device which efficiently conserves, cools and recirculates the water so used;
- (r) Lawn and garden watering and domestic water use outside of buildings and premises shall be restricted to odd numbered buildings and premises on odd numbered calendar days and to even numbered buildings and premises on even numbered calendar days from June 15th through August 31st of each calendar year;
- (s) Notwithstanding section 4(q) above, in no instance shall water be used for lawn and garden watering during the hours of 11:00 a.m. to 5:00 p.m.

5. PERMITS

- (a) Application in writing for a water service or a private water service shall be made by the owner on the form prescribed by the Corporation from time to time, and upon approval of the said application and issuance of the required permit such owner shall pay to the Corporation any fee or charge for installing the water service, meter, remote reader and any appurtenances thereto in accordance with Schedule "A" of this by-law;
- (b) No water service or private water service shall be installed unless a permit has been issued therefore by the Law Enforcement Officer of the Corporation;
- (c) Permit fees may be refunded where, in the opinion of the Law Enforcement Officer, it is deemed appropriate and shall be made as follows:
 - (i) 80 per cent if no permit has been issued;

- (ii) 50 per cent if the permit has been issued and no inspections have been made;
- (iii) No refund if the permit has been issued and any inspections have been made;
- (iv) Notwithstanding the above, no refund shall be made of an amount less than \$10.00;
- (d) No inspections will be made of any **water service** or **private water service** unless and until the fees are paid and a permit issued.

6. INSTALLATION OF WATER SERVICE & PRIVATE WATER SERVICE

- (a) The pipes, fittings, attachments, method of installation, maintenance, use, renovations to and removal of any **water service** or **private water service** shall be pursuant to, as required by and in compliance with the Ontario Plumbing Code;
- (b) Every **water service** and **private water service** shall have a minimum depth of cover of 1.5 metres or an equivalent amount of insulation acceptable to the Plumbing Inspector;
- (c) Every **private water service** entering a building which does not contain a basement shall be insulated in a manner acceptable to the Plumbing Inspector;
- (d) Except with the consent of the **Director of Operations**, two or more buildings fronting on the same street shall not be supplied from a single **water service**. Where such consent has been given, separate and distinct **private water services** shall be extended to each building from the **water service** with each of such **private water services** being controlled by a separate shut-off located at a point to be approved by the **Director of Operations**;
- (e) Where only one of several buildings owned by the same person fronts upon a street with the other or others of such buildings being located in the rear of the firstly mentioned building, or, where a building is or becomes a multiple or semi-detached dwelling, apartment building or buildings divided into separate dwelling units:

- (i) in the case of the other building or buildings located in the rear as above mentioned, it or they shall not be supplied from a single water service without the written approval of the Director of Operations to be given only where both the water service and the private water service are of adequate size in the opinion of the Director of Operations;
- (ii) in the case of any multiple or semi-detached dwelling, apartment building or building divided into separate dwelling units, the Engineer shall determine the number and size of water services to be provided in accordance with good engineering practice;
- (f) All private water services shall be inspected by the Plumbing Inspector before backfilling commences;
- (g) All materials used in the supply and installation of water services and private water services shall be in accordance with the Ontario Plumbing Code;
- (h) The size of water service shall be determined by the Director of Operations or Engineer provided that in no case shall such water service have an inside diameter of less than 20 millimetres;
- (i) The Corporation shall endeavour, where possible, to allow the installation of a water service and private water service where requested by the owner but in every case the Corporation shall have the right to determine the nature of the service connection required and the position and location of such water service and private water service;
- (j) All water services may be installed by the owner's contractor at the expense of the owner provided that such contractor is acceptable to the Corporation and carries adequate liability insurances, acceptable to the Director of Operations, to perform such works on the Corporation's road allowance;
- (k) The owner's contractor shall perform all work necessary to complete the water service installation consisting of excavating the trench, supplying and installing the corporation cock, copper service pipe from the main pipe

to the street line, the curb stop, post and service box, backfilling the trench and reinstating the road surface to Corporation standards, except that only the Corporation shall tap and make the water service connection to the main pipe of the waterworks;

- (l) The charge to be paid to the Corporation for the tapping of the main pipe shall be as set out in Schedule "A" of this by-law and shall be paid by the owner at the time the permit for such work has been issued in accordance with Section 5;
- (m) Once installed, inspected, approved and accepted by the Corporation; the water service becomes the property of the Corporation and the Corporation assumes responsibility for maintenance;
- (n) The private water service shall be maintained by and at the expense of the owner;
- (o) No water service will be approved for any building or premises unless a minimum 150 millimetres inside diameter water main extends in the Corporation's road allowance adjacent to the property on which such building or premises is located; where the water main is less than 150 millimetres inside diameter a water service may be approved if the Engineer deems it acceptable.

7. METERS

- (a) Every private water service supplied with water from a water service shall be equipped with a meter and a remote reader, and all water supplied thereto shall be measured by such meter and remote reader where applicable, unless otherwise approved by the Corporation;
- (b) All meters and remote readers shall be provided, controlled and maintained by the Corporation;
- (c) The cost of providing the meter and remote reader shall be paid by the owner at the time the permit for the water service or private water service has been issued in accordance with Section 5 and the cost shall be paid in accordance with Schedule "A" of this by-law;
- (d) Water meters shall be installed by a Master Plumber at the owner's expense and where an owner does not cause a water meter to be installed the Corporation may cause

the supply of water to be shut off until the water meter has been installed;

- (e) Where a meter or remote reader has been damaged due to the negligence or wilful act of the owner, The Corporation shall repair or replace, as necessary, such damaged meter or remote reader at the owner's expense;
- (f) Where a meter is installed on the exterior of any building or premises, or in any unheated building or premises, the owner shall provide and maintain a suitable frost-proof chamber for the meter;
- (g) The owner of any building or premises serviced by a water service shall provide proper and sufficient space in such building for the installation of such meter and remote reader where applicable, as the Corporation may deem necessary, and shall keep such space easily accessible to the Corporation at all times for reading and maintenance purposes;
- (h) Any meter or remote reader found to be defective, and such defect is not due to the negligence or a wilful act of the owner, shall be repaired or replaced as necessary by the Corporation at its expense;
- (i) At the request of the owner the Corporation may have a meter tested for accuracy at the expense of the owner. The owner shall pay to the Corporation the cost of such test in accordance with Schedule "A" of this by-law. If the meter or remote reader is found to be defective or inaccurate the Corporation shall refund the charge to the owner and shall repair or replace such meter or remote reader at the Corporation's expense;
- (j) The Corporation shall have the right to seal any meter and remote reader at any reasonable time and no person shall break or damage any seal attached to any meter, remote reader or by-pass. If any such seal has become broken or damaged from any cause, the owner shall forthwith report the breakage or damage to the Director of Operations who shall cause the same to be re-sealed;

8. RATES AND CHARGES

- (a) The rates, charges and penalties for the use of water supplied from the waterworks and any other costs or

charges for the management, maintenance, installation or otherwise in connection with the supplying of water to any watertaker shall hereinafter be called the rates and shall be as outlined on the Schedules attached to this by-law and as determined from time to time by by-law of Council;

- (b) Where a meter has been tested pursuant to Section 7 and found to be defective or inaccurate the Corporation shall charge and the watertaker shall pay for the water deemed to have been used at the average rate of consumption for the service in question as shown by the meter readings for the corresponding billing period of the previous year, if such readings are available, provided that the amount to be paid shall not be less than any minimum charge or charges in effect during the period for which the charge for water deemed to have been used is being calculated. In the event that the Corporation is unable, for any reason, to obtain a correct meter reading, the Corporation shall estimate the amount of water used and the Corporation shall charge and the watertaker shall pay on the basis of the estimated consumption for each billing period until the Corporation is able to obtain a correct meter reading after which any necessary adjustments shall be made in the bill.
- (c) Where it has been determined that a meter or remote reader which has been found to be defective or inaccurate has erred more than 3% in favour of the Corporation at average flow rates, the Treasurer may authorize a reduction or a refund to the watertaker of an amount equal to the additional water rates deemed by the Treasurer to have been incurred during the current billing period or for such longer period as deemed necessary by the Treasurer, and such amount may be based upon the meter readings for the corresponding billing period of the previous year if such readings are available;
- (d) Where any account for the installation of water services, for supplying and installing a meter and/or remote reader, for water rates, for water service charges, for repairs, inspection and/or for any other service, matter or thing incurred and payable under the provisions of this by-law in respect of any building or premises overdue and unpaid for more than 15 days after the date

on which such account is due and payable, the **Treasurer** shall cause a notice in writing to be sent by prepaid mail addressed to the owner of such building or premises at his last known place of residence according to the last revised assessment rolls of the **Corporation** notifying the owner that unless such account is paid within 10 days after the date of the notice the supply of water to such building or premises and to any other building or premises owned or occupied by such owner will be shut off and withheld, and if such account is not paid within such period of 10 days, the **Treasurer**, unless otherwise directed by **Council**, shall cause the supply of water to be shut off and withheld in accordance with the terms of the said notice.

- (e) In all cases the owner of the premises shall be the responsible party for the water rates accruing. Where the water supply has been turned off it shall not be turned on again until all charges in default are paid. On the request of the owner, it will be permissible subject to approval by the **Treasurer** to render the bill for water rates to the tenant or occupant of the premises; but this shall not be construed as limiting the liability of the owner of the premises for such rate.
- (f) The acceptance of delivery of a water bill by the tenant or occupant of the premises shall be prima facie evidence of the desire of the owner to have the bill so rendered, and in case of default it shall be the duty of the **Treasurer** to notify the owner of the premises that such rate remains unpaid.
- (g) Pursuant to the Public Utilities Act any amount payable to the **Corporation** by the owner is a lien and charge upon the estate or interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of the person's estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land;
- (h) No watertaker shall be entitled to any reduction or refund in the rates and charges for the supply of water because of non-taking of same by the watertaker unless such watertaker has given notice in writing to the

Treasurer requesting that the water be turned off for such a time as specified in the request.

- (i) Where a building permit is issued for the construction of a building or building extension where there is no water meter a fee shall be paid at the time of building permit issuance in accordance with Schedule "A" for water to be used during construction prior to installation of the meter. Where it can be demonstrated that no water will be used prior to installation of the meter or where all water will be metered during construction, the fee for water for construction purposes may be waived;

9. OFFENCES AND PENALTIES

- (a) Subject to the provisions of the Public Utilities Act and the Provincial Offences Act, every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine.

10. BY-LAWS REPEALED

- (a) By-laws #535 (1979), 683 (1981), 790 (1982), 855 (1983), 971 (1985), 1124 (1987), 1242 (1989), 1333 (1990), 1400 (1991), 1469 (1992) and 1480 (1992) are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
17TH DAY OF JANUARY, 1994 A.D.


MAYOR


CLERK