

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #535 (1979)

Being a by-law to regulate and govern the installation of watermains, water services, water meters and remote readers in all areas of the Town of Pelham, and to fix rates and charges for the installation of same and for the water thereby supplied, and to provide for the management thereof.

WHEREAS pursuant to provisions of Section 12 of the Public Utilities Act, R.S.O. 1970, Chapter 390, the Council of a Corporation may pass by-laws for regulating the time, manner, extension and nature of the supply of water, the building or persons to which or to whom water shall be furnished, the price or prices to be paid therefore, and every other matter relating thereto or connected herewith which may be necessary or proper to regulate in order to secure to the inhabitants of the area continued and abundant supply of pure and wholesome water and to prevent the practicing 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 on summary conviction is liable to a fine of not more than \$300.00 or he may be imprisoned without the option of a fine for a period of not more than one month;

AND WHEREAS Section 13 of the said Public Utilities Act provides that every person who:

(a) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted the Corporation, or any of its officers, contractors, agents, servants or workmen in the exercise of any of the powers conferred by this Act;

(b) wilfully lets off or discharges water so that the water runs waste or useless out of the works;

(c) being a tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, 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, increases the supply of water agreed for, or improperly wastes the water;

(d) without lawful authority wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber, pipe, or hydrant-chamber, by placing on it any building material, rubbish or other obstruction;

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(e) throws or deposits any injurious, noisome or offensive matter into the water or waterworks, or upon the ice, if the water is frozen, or in any way fouls the water or commits any wilful damage, or injury to the works, pipes, or water, or encourages the same to be done;

(f) wilfully alters 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

(g) lays or causes to be laid any pipe or main to communicate with any pipe or main of the waterworks, or in any way obtains or uses the water without the consent of the Corporation, is guilty of an offence and on summary conviction is liable to a fine of not more than \$300.00 or may be imprisoned, without the option of a fine, for a term of not more than one month.

AND WHEREAS the Council of the Corporation of the Town of Pelham has from time to time installed watermains under the provisions of the Local Improvement Act or the Municipal Act for the purpose of supplying pure and wholesome water to the inhabitants of specified areas in the Town of Pelham;

AND WHEREAS Council of the Corporation of the Town of Pelham has accepted various watermains constructed under subdivider's agreements and registered plans of subdivisions;

AND WHEREAS pursuant to the provisions of the Public Utilities Act the Corporation may regulate the distribution and use of water in all places where and for all purposes for which it may be required, and fix the prices for the use thereof and the terms of payments, and may erect such number of public hydrants and in such places as it may deem fit;

AND WHEREAS the Public Utilities Act further empowers the Corporation to pass by-laws for regulating the time, manner, extension, and nature of the supply of water, the building or persons to which or to whom water shall be furnished, the price to be paid therefor, and every other matter or thing related thereto or connected therewith which 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;

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AND WHEREAS it is deemed necessary for orderly development and control of the water system of the Town of Pelham, that certain regulations governing the construction, maintenance and the use of such system be put into force;

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

PART 1 - INTERPRETATIONS AND DEFINITIONS: -

1. In this by-law:

(a) "TOWN" means the Corporation of the Town of Pelham and includes, where the context permits, it's duly authorized officers, contractors, employees and agents.

(b) "COUNCIL" means the Council of the Corporation of the Town of Pelham.

(c) "COMMITTEE" means the Committee of the Council responsible for the waterworks system.

(d) "OWNER" means and includes the person or persons entitled under a conveyance, agreement of sale or devise or under the provisions of the Devolution of Estates Act or the Statute of Limitations to any lands and premises connected with or proposed to be connected with the water system and shall include a mortgagee in possession.

(e) "CLERK" means the Clerk of the Corporation of the Town of Pelham.

(f) "TREASURER" means the Treasurer of the Corporation of the Town of Pelham.

(g) "WORKS SUPERINTENDENT" means the Public Works Superintendent of the Corporation of the Town of Pelham.

(h) "CHIEF BUILDING OFFICIAL" means the Chief Building Official of the Corporation of the Town of Pelham.

PART 2 - GENERAL REGULATIONS: -

2. The Town of Pelham water system shall consist of all lands within any approved water area within the Town of Pelham.

3. The Town of Pelham shall manage and maintain the water supply system heretofore and hereafter established and constructed in the Town of Pelham in accordance with the provisions of the Public Utilities Act, Local Improvement Act, the Municipal Act, the Ontario Water Resources Act, and this by-law.

4. The Works Superintendent of the Town of Pelham shall be responsible for the maintenance and repair of the said system and shall supervise the use thereof and the supplying of water therefrom.

5. The Works Superintendent or his agent may enter the premises of any watertaker at all reasonable hours upon reasonable notice and request made thereto to examine

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the pipes, meters, fittings and fixtures to ascertain the quantity of water used and the manner of its use.

6. No person except a person authorized by the Works Superintendent shall tap or make any connection with any main in any of the said system; nor vend, sell or dispose of water in any manner to other persons, firms or Corporations without the consent of the Committee.

7. No person except the person authorized by the Works Superintendent shall draw off or use any water from a municipal fire hydrant. This restriction shall not apply to municipal firemen where water is required for fire protection purposes.

8. No person shall in any way interfere with any hydrant, valve, curb stop, service pipe, stop-cock, water meter or other waterworks appurtenances whether inside or outside of any building; and it shall be the duty of any resident to report to the Town any damage to any such appurtenances when it shall come to his notice.

9. No person shall obstruct free access to any hydrant by placing on it or close to it any structure, building, fence, material, earth, rubbish, or other obstructive matter, nor shall any person conceal or partially conceal a hydrant with any structure, shrubbery or other object.

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PART 3 - INSTALLATION AND MAINTENANCE OF WATER SERVICE: -

10. Application in writing for municipal water service to a building or premises shall be made by the owner or owners thereof to the Town on an application form provided for such purposes, and upon approval of the said application such owner or owners shall pay to the Town a fee and/or charge for installing a water service from the main to the street line and the water meter and remote reader where applicable in accordance with Schedule "B" of this by-law.

11. Where a house is tenant occupied the owner will be billed for the water rates and will be responsible for the water rates. Except where written notice is received from the owner to bill the tenant, this does not relieve the owner from any liability for payment.

12. A flat rate charge in accordance with the minimum metered rate in Schedule "A" to this by-law shall be charged for the supply of water to new buildings during the interim period between water service installations and meter installations.

13. The size of service pipe into each dwelling or premises shall be determined by the Works Superintendent provided however that in no case shall

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such service pipe be less than 19.05 mm (3/4 inch) inside diameter.

14. The Town shall endeavour where possible to install a water service where directed by the customer but in every case the Town shall have the right to determine the nature of the service connection required and the position and location in which such service pipe and other equipment and appliances shall be installed.

15. Where any variation from standard practice is permitted by the Town, any additional expense incurred by reason of such variation shall be borne and paid by the applicant.

16. Every service pipe upon the premises of the water taker, every service pipe within the street allowance that is from the main to the stop-cock, shall be copper and/or material approved by the Committee, and shall be installed by the Town or its duly appointed agent and such service pipe shall be laid at a depth of at least 1½ m below the proposed level of the surface of the ground when completely graded. The Owner shall be responsible for installing the service pipe within the limits of his property and such installation shall be in accordance with this by-law and with the Town's requirements regarding depth, material and inspection.

17. (a) Each separate parcel of land or building unit and outbuilding occupied shall be supplied by separate service pipe provided with a separate stop-cock or valve for shutting off the water and no more than one building and outbuildings shall be dependant inside the property line upon one service pipe.

(b) The Committee by resolution may thereby authorize exceptions to or variations on the restrictions of clause (a).

18. The water service pipe from the Town main to the street line shall be maintained by and at the expense of the Corporation. The water service pipe from the street line to the stop-cock shall be maintained by and at the expense of the property owner. Every owner or watertaker shall keep his service pipe, stop-cocks, and other appurtenances from the street line to the stop-cock in good order and repair and protected from frost at his sole risk and expense.

19. The Town may cause the water service to any building or premises to be shut off when there has been a contravention of any of the provisions of the Public Utilities Act or of the provisions of this by-law in accordance with such building or premises where the Works Superintendent believes that the water system of such building or premises is defective or where the owner or occupant of
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such building or premises refuses or prevents entry thereto by any officer, employee, servant, or agent of the Town for any purpose authorized by this by-law.

20. Where the Town has caused a water service believed to be defective to be shut off, such water service shall not be restored until the Town has been satisfied that no defect exists or that any defect therein has been properly rectified.

PART 4 - INSTALLATION AND MAINTENANCE OF WATER METERS: -

21. The water system of every building or premises to be serviced with water supplied by the Town shall be equipped with a water meter and a remote reader, where applicable and all water supplied thereto shall be measured by such meter and reader where applicable, except where otherwise approved by the Town. All water meters and/or remote readers shall be provided and controlled by the Town.

22. The cost of purchasing and installing the water meter and where a remote device is required shall be paid by the applicant for water services at the time of approval of such an application, in accordance with the schedules attached hereto.

23. No water meter or remote reader shall be removed by the property owner or by any person other than a duly authorized employee or agent of the Town.

24. Where a water meter shall have been damaged by frost or by hot water or the meter or remote reader shall have been damaged by the negligence or wilful act of the owner of the building or premises or any occupant thereof, the owner shall pay to the Town the cost of all repairs and replacements and all other costs arising from such damage. Meters and remote readers shall be repaired by the Town.

25. Where a water meter is installed on the exterior of any building or premises, the owner of such property shall provide and maintain a suitable frost-proof chamber for the said water meter and such owner shall at all times keep and maintain such chamber in a frost-proof condition.

26. No water shall be supplied to any property, unless a 152.4 mm (6 inch) watermain or greater, extends in front of the property and is brought into the property not less than 3 metres from the front lot line.

27. The owner or occupant of any building or premises served with water shall provide proper and sufficient space in such building or premises adjacent to the service entrance thereof for the installation of such water meter and remote reader where applicable, as the Town shall

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require and shall keep such space easily accessible to the Town's officer and employees at all times. If the owner or occupant of any building or premises fails to keep such space easily accessible as determined by the Works Superintendent, then the Works Superintendent shall cause a notice in writing to be sent by prepaid mail addressed to the owner of such building notifying the owner that unless space is made accessible for servicing and reading the meter within 10 days after the date of the notice, the Town shall install a remote reader on the exterior face of the building and the cost of same shall be paid by the owner in accordance with Schedule "C" of this by-law.

28. Any person installing a plumbing system in any building or premises shall provide meter spaces or a valved by-pass as directed by the Chief Building Official and shall comply with the plumbing by-laws and regulations of the Town from time to time in force.

29. Where any boiler is supplied with water through a water meter, ^apositive backflow preventor shall be installed in the plumbing space between such boiler and such meter. The owner of any building or premises supplied with water by the Town shall, upon demand, modify the plumbing of his property if so directed by the Works Superintendent or Chief Building Official in order that such metering devices and remote readers as may be deemed necessary by the Town may be installed in the location deemed to be most efficient by the Works Superintendent or Chief Building Official.

30. In the event that a water meter is damaged by overheated water or by a defective check valve between the water meter and the heating appliance the said water meter shall be disconnected and repaired by the Town and the owner of the building or premises supplied with water shall pay all costs arising from such damage.

31. Should any water meter or remote reader be found to be defective and fail to register accurately the quantity of water consumed in accordance with Section 29 or 30 of this by-law such quantity shall be estimated by the Town on the basis of previously recorded consumption under similar circumstances in a corresponding period of time and the owner shall pay for water supplied in accordance with such estimates.

32. At the request of any owner the Town may have a water meter or remote reader tested for accuracy at the expense of such owner. The owner shall pay to the Town the cost of such test in accordance with Schedule "C" of this by-law. If the water meter or reader is found to be inaccurate the Town shall make no charge and shall adjust

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the current water bill accordingly as set out in Schedule "C" attached hereto and made part of this by-law.

PART 5 - PAYMENTS, PENALTIES AND SPECIAL PROVISIONS: -

33. The prices, rates or charges for the use of water supplied to persons, firms or corporations from the said system and any other costs or charges, for management, maintenance, installation or otherwise, in connection with or for supplying the same (hereinafter called the "rates") shall be determined from time to time by the said Committee and may be varied from time to time subject to the approval of the Council to be expressed by by-law.

34. Where any account for the installation of water services, for supplying and installing a water 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 21 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 Town, 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.

35. The Treasurer may, to the extent of any such charges, covering a period not exceeding three (3) months, collect the said arrears in like manner as municipal taxes.

36. The rates chargeable for water service and other provisions of service under this by-law shall be as set forth in Schedule "B" hereto, including a penalty for late payment.

37. The rates attached as Schedule "A" to this by-law shall become due and payable three times a year as billed in each year at the designated office of the municipality.

38. No consumer shall be entitled to any reduction in the prices, rates and charges for the supply of water because of the non-taking of same unless such consumer shall have given notice in writing to the Treasurer
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requesting that the water be turned off.

39. Where a supply of water shall have been shut off and withheld under the provisions of Section 34 hereof, the owner shall, before the supply of water is resumed, pay the Town all accounts due, owing or in arrears, together with the service charges for turning off the water and turning on the water as provided in Schedule "B".

40. Each application for a supply of water by the Town to an owner shall expressly provide that the Town shall at no time be under any liability for reason of a failure in the supply of water or by reason of inadequate supply of water or by reason of the Town restricting the supply of water or refusing to supply water or by reason of any other matter or thing set forth in Section 41 hereof.

41. The supply of water by the Town shall at all times be subject to any act or event beyond the power or control of the Town and/or to necessary repairs or replacements of any watermains or other works supplying water and in addition thereto the Town 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 Town may, when authorized by resolution of the Council, suspend or shut off the supply of water, and in any of such cases, the Town shall not be liable to any owner, occupant or other person for damages, either direct, indirect or consequential.

PART 6 - MISCELLANEOUS: -

42. The pertinent provisions of the Public Utilities Act, R.S.O. 1970, Chapter 390 and amendments thereto are hereby adopted and shall form part of this by-law. Any person who contravenes any of such provisions of the Public Utilities Act, R.S.O. 1970, Chapter 390 and amendments thereto, and of this by-law is guilty of an offence and on summary conviction is liable to a fine of not more than \$300.00 for each offence exclusive of costs.

43. Schedules "A", "B" and "C" attached hereto shall form part of this by-law.

44. All preceding by-laws of the Town of Pelham or the former Village of Fonthill pertaining to waterworks rates and regulations are hereby repealed.

45. This by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST TIME THIS
23rd. DAY OF JULY,
1979 A.D.

MAYOR

CLERK

READ A SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL
THIS ¹⁰~~27~~th. DAY OF ^{SEPTEMBER}~~AUGUST~~, 1979
A.D.

MAYOR

CLERK