

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2004-42

**A BY-LAW TO REGULATE THE SUPPLY OF WATER
AND TO PROVIDE FOR THE IMPOSITION AND
COLLECTION OF WATER RATES.**

WHEREAS pursuant to Section 391(1), of the Municipal Act, S.O. 2001, c.25, and Ontario Regulation 244/02, a municipality may pass a by-law to impose fees or charges in the use of a sewage system or the consumption of water.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN enacts as follows:

1. In this by-law:
 - (a) "Council" means the Council of the Township of West Lincoln.
 - (b) "Main" or "Mains" means the pipes (and valves and fittings attached thereto) for transporting the water supplied by the water system and which are tapped for water services but does not include water services nor private water services.
 - (c) "Meter" means the meter installed for the purpose of measuring water supplied by the water system to the building or premises in which the meter is installed.
 - (d) "Private Water Service" means the pipes and fixtures and meter used for the purpose of supplying any building or premises with water for the water system and situated within the property limits for such building or premises.
 - (e) "Public Works Department" means the supervisor of water and sewer services, the Public Works Manager or any other employee designated by the Council for the purposes of carrying out the provisions of this by-law,
 - (f) "Township" means the Corporation of the Township of West Lincoln and includes, where the contacts permits, its duly authorized officers, contractors, employees and agents.
 - (g) "Water Service" means the pipes and fixtures used for the purpose of supplying any building or premises with water from the water system and situated between the main and the limit of the street or highway on which such building or premises so supplied abuts.
 - (h) "Water System" or "System" means all mains, pipes, services, valves, fittings and works of any other kind used for the supply and distribution of water by the Council in/and adjacent to the Smithville urban service area.
2.
 - (a) Any person desiring a supply of water from the water system shall make application to the Public Works Department for a permit to use water and such application shall be in the form, detail and manner as prescribed per the Public Works Department.
 - (b) Every application shall contain a clause stating that the applicant agrees, or the applicants agree, to be bound by and to comply with all provisions of the by-laws, rules and regulations established, from time to time, by the Council and this shall include compliance with all charges established and schedule "A" and "B" to this by-law and such application shall be signed by the owner of the property or his/her agent duly authorized in writing to sign such application.
 - (c) The prices, rates or charges (the rates) for the use of water supplied from the water system, and any other costs or charges for management, maintenance, installation of services or otherwise in connection with or supplying the same shall be determined by the Council and may be varied from time to time to be expressed by by-law of the Council.
 - (d) Water shall be supplied only to a service that has been installed and is being maintained to the satisfaction of the Public Works Department.

- (e) All rates charged for water supplied and all charges for repairs or replacements made by the Township to any private water service or appliance connected thereto shall be payable by the owner of the building or premises in respect of which the water was supplied or repairs or replacements made. The owner of a building or premises may designate in writing that rates charged for water supplied to a tenant be directly billed to the tenant provided that the owner also acknowledges in writing that he/she is ultimately responsible for the payment of any rates charged and billed to the tenant that may remain outstanding beyond the times specified for payment in this by-law.
 - (f) In accordance with the provisions of the Municipal Act, S.O. 2001, c.25 the Council may, before supplying water to any person, require reasonable security for the payment of the proper charges therefore.
 - (g) Any rates and/or charges for the supply of water that are not paid within 21 days from the date when the same respectively became due, being the date shown on the water bill, shall have a late penalty charge of five (5%) percent of the outstanding balance added to the unpaid amount. Should a water bill and late penalty remain unpaid one month after notice of such has been sent to the owner and/or tenant, the Public Works Department may, upon proper notice, shut off the supply of water to any such building or premises, where the amount remains unpaid and the water shall not be turned on again, notwithstanding that the said building or premises may have changed ownership in any way, until all outstanding rates, charges and late penalties, together with the service charge for turning on the water, as provided in Schedule "B" to this by-law, shall have been paid in full to the Township.
3. (a) It shall be the obligation of every owner to ensure that the pipes, fittings and fixtures on and within the premises, being or to be supplied with water are in accordance with the provisions of the Ontario Water Resources Act, R.S.O. 1990, c.O40, the Public Utilities Act, R.S.O. 1990, c.P52, the regulations thereto and this by-law and unless and until the Council is satisfied as to the same, no connection shall be made with the main.
- (b) Permission will not be granted to supply two or more buildings from a single water service connection unless the service pipe is divided and separate pipe controlled by a separate corporation cock, extended to each building.
4. All water service pipes and private water service pipes from the main to the building or premises for which water is to be supplied shall be not less than $\frac{3}{4}$ of an inch in diameter and shall be subject to the approval of the Public Works Department.
5. No water pipe, either public or private, shall be laid in the same trench with a sewer unless such water pipe is at least 2 feet above the level of the sewer, except with the consent of the Public Works Department.
6. All water service pipes and private water service pipes in the ground shall be laid with due regard to danger from freezing, and must be at least 5 feet below the finished grade of street or premises. Private water service pipes and building shall be located in parts thereof best protected from frost. No private water service shall be placed back of plaster/drywall on outside walls, unless the pipes are covered with a approved form of insulation.
7. The plumber or owner of every building or premises where a private water service pipe has been laid shall notify the Public Works Department that it is ready for inspection, and all private water services must be left uncovered and convenient for examination until inspected and approved. No water shall be supplied for the water system to the premises until the private water services has been inspected and approved by the Public Works Department.
8. In all cases where a range or steam boilers are supplied with water, the Township shall not be liable for any damage which may result to any persons or equipment from shutting off water from any water main or service pipe for any purpose whatsoever, even in cases where no notice is given, or from uneven pressure. Consumers shall take such precaution as may be necessary to protect meters from injury, either from hot water or other causes, and to prevent water from escaping back into the mains. Hot water boilers shall be provided with separate stop caulks.
9. All new commercial and industrial services shall install backflow preventers to prevent water from escaping back into the mains.

10. No water from the water system shall be supplied to private, commercial or industrial consumers except through a meter supplied and installed by the Township.
11.
 - (a) The location of the meter and the size of the space to be left for the meter shall be determined by the Public Works Department.
 - (b) Where, in the opinion of the Public Works Department, it is not practical to install the meter in the dwelling or other building of the owner, it may be installed in a water proof and frost proof meter chamber or pit constructed by the consumer at his/her sole expense in accordance with plans and specifications to be provided by the Public Works Department and under the supervision of and to the satisfaction of the Department.
 - (c) Where meters are to be installed for existing services, the Township shall not be responsible for any loss or damages resulting from defects in the service or plumbing. All costs for any changes to existing services which are required by the Public Works Department when a meter is installed shall be paid by the owners.
 - (d) The owner shall provide ready and convenient access to the meter(s) so it/they can be frequently read and examined by the Public Works Department.
12.
 - (a) The Township shall have the right to seal, inspect and test all meters at any time.
 - (b) No person excepting a designated officer or employee of the Township, shall open or in any way whatsoever tamper with any meter or the seals placed thereon, and no person shall do anything that may interfere with the proper registration of the quantity of the water passing through the meter.
13.
 - (a) All water passing through the meter as recorded by the said meter shall be charged for whether it is used or wasted.
 - (b) If a meter fails to register, the customer will be charged either at the same rate of consumption as shown by the meter for the corresponding period of the previous year, or an average quarterly consumption will be estimated and a bill therefore rendered.
14.
 - (a) The rates attached to Schedule "A" and to this by-law shall become due and payable quarterly as billed in each year by the Township.
 - (b) The cost of supplying installation of a water service or the supply and installation of a water meter shall be paid by the property owner prior to the installation of the service or the meter, as the case may be, which shall be installed by the Public Works Department.
15. Water and sewer rates, generally, shall be based on 3 months consumption and no charge shall be for less than the minimum rate fixed by the Council. If a meter is, for any reason, not read for any quarterly period, the consumption will be charged either at an average estimated quarterly consumption or the same rate of consumption as shown by the meter for the corresponding period of the previous year.
16.
 - (a) The Township shall keep records which shall contain the location of any building or premises in respect of which the water has been turned off, or against which there is an amount owing for non payment of any of the rates or charges of the Township and the amount remaining unpaid which information shall be made available upon request to any person or persons who have an interest in or purposes to acquire an interest in such building or premises.
 - (b) Any person may upon request, receive a certificate as to such arrears and unless such certificate is issued, the Township shall not be bound by any information given concerning such arrears.
17. Whenever water has been turned off for non payment of the rates or other charges or for a violation of any other provisions of this by-law or for the purpose of repair or construction or for any other reason, no person other than the supervisor of water and sewer services or someone authorized by him or by the Council to do so, shall turn the water on again.
18. Any builder or contractor requiring water for the purpose of building shall make a separate application for each building to be erected and shall furnish the Public Works Department with all information required by him/her, and shall pay to the Township the rates as may from time to time be fixed by the Council. Proper facilities for the installation and protection of meters must be provided by the builder or contractor.

19. In case of making repairs or constructing new work in connection with the water system or any additions or extensions thereto, the Public Works Department may shut off the water in accordance with the provisions of the Municipal Act, S.O. 2001, c.25, and keep it shut off as long as may be necessary, and the Township shall not be liable for damages to property or equipment resulting from the failure of supply from any cause whatsoever.
20. The supervisor of water and sewer services or any person duly authorized by him for that purpose shall, upon reasonable notice as prescribed in the Municipal Act, S.O. 2001, c.25, be entitled to free access to all parts of any building or premises to which water is supplied, for the purpose of inspection and examination of the meter, fixtures, pipes, and fittings of every kind to ascertain the condition thereof, the quantity of water used and the manner of its use.
21.
 - (a) Every owner of a building or premises to which water is supplied, shall keep the private water service pipes, fixtures and fittings located in or about such building or premises in good order and repair and protected from frost at his/her sole risk and expense,
 - (b) All private water services, pipes, fixtures, fittings, connection and joints shall be of sufficient strength to withstand any increase pressure to which they may be subjected when the pressure of the system is raised for fire fighting or fire protection purposes. The Township shall not be liable for any damage or loss resulting from such increase pressure.
22.
 - (a) Pipes and equipment installed solely for fire fighting purposes in buildings may with the approval of the Public Works Department be attached to water mains, provided that such pipes and equipment are entirely disconnected from water pipes used for any other purpose and provided that the water supplied through such pipes and equipment shall not be used for any other purpose than fire extinguishing without the consent, in writing, of the Public Works Department. All such pipes for fire protection, only, may be installed with the approval of the Public Works Department provided a valve shall be placed at each hose opening of the stand pipe, and all such valves shall be sealed by the Public Works Department. Whenever the seal on any such valve is broken for the extinguishing of a fire, the person breaking such seal shall immediately give notice to the Public Works Department and shall immediately after receiving such notice, reseal the said valve. In the case of violation of any of the above provisions, the Public Works Department may shut off the control valve or valves and refer the matter to the Council and such valve or valves shall not be again opened without the authority of the Council.
 - (b) No seal placed by the Public Works Department upon a valve at a hose opening in a stand pipe shall be broken except for the purpose of extinguishing fires without the consent in writing of the Department.
23.
 - (a) All mains and water services of the system shall be under the exclusive control of the Council and no person other than the Water and Sewer Services Supervisor or other officer or employee of the Township shall tap or make any connection with any main or water service.
 - (b) No person other than the Water and Sewer Services Supervisor or other officer or employee of the Township shall, except in the case of an emergency, operate any valve, curb stop or main cock or tamper with any equipment whatsoever on mains and water services.
24. No person except the person authorized by the Public Works Department shall draw off or use any water from a Municipal fire hydrant. This restriction shall not apply to Municipal fire fighters where water is required for fire protection services.
25. No person shall in any way interfere with any hydrant, valve, curb stop, pipe, water meter or other water works appliance whether inside or outside of any building; and it shall be the duty of any resident to report to the Township any damage to any such appliance when it shall come to his/her notice.
26. 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, shrub or other object.
27. The supply of water by the Township shall at all times be subject to any act or event beyond the power or control of the Township and/or to necessary repairs or replacements of any water mains or other works supplying water.

28. Schedules 'A', 'B' and 'C' attached hereto shall form part of this by-law.
29. Township by-laws Nos. 2003-73 and 2003-85 are hereby repealed.
30. This by-law shall come into force and effect on the date of its passing.
31. That, the binder of fees as established by By-law 2002-115 which confirms fees and charges for the Township of West Lincoln, be updated accordingly.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF MAY, 2004.**

MAYOR KATIE TROMBETTA

CAROLYN LANGLEY, CLERK

SCHEDULE "A" TO BY-LAW NO. 2004-42

WATER & SEWER RATES

MINIMUM RATE - For the first 6000 GALLONS or part thereof \$36.99 per quarterly billing

SECOND RATE - For each complete 1000 GALLONS in excess of 6000 GALLONS per quarter \$ 3.02 per thousand GALLONS per quarterly billing

The current 50% Sewer Surcharge will be applied to the new water meter rates.

EACH METER READING SHALL BE TAKEN TO THE LAST COMPLETE 1000 GALLONS OR PART THEREOF.

SCHEDULE "B" TO BY-LAW NO. 2004-42

PRIVATE WATER SERVICES

1. INSTALLATION OF WATER SERVICE PIPE

The cost of installing each water service from the watermain in or under any highway (and whether under Provincial, Regional or Township jurisdiction) to the limits of the private property abutting so such highway, excluding cases in which water services are installed pursuant to subdivision agreements made with the Township, shall be as follows:

For up to a ¾ inch service \$1,260.00 Flat Rate.

For all services in excess of ¾ inch, the cost shall be determined by the Public Works Department

METERS

2. NEW WATER RATES

(a) The cost of installing a Township owned water meter in each unit of a subdivision and multi-unit buildings, and in each new building which does not require a water installation charge, shall be as follows:

For up to a ¾ x 5/8 inch meter \$150.00 Flat Rate

For all meters in excess of ¾ x 5/8 inch, the cost shall be determined by the Public Works Department

3. OTHER CHARGES

(a) The charge for turning the water supply on to a private water service:

\$20.00 Flat Rate

(b) The charge for sending a water shut off notice shall be as follows:

\$10.00 per letter

(c) The charge for a water compliance certificate or change of ownership shall be as follows:

\$15.00 per certificate/letter

4. WATER PENALTIES & FEES

(a) The charge for late penalty fee shall be as follows:

5% per quarter

(b) The charge for NSF shall be as follows:

\$15.00

SCHEDULE "C" TO BY-LAW NO 2004-42

WATER FILLING STATION RATES

1. WATER CHARGES

A flat rate of \$4.23 per thousand gallons or part thereof to be billed monthly.

2. KEY DEPOSIT

- \$150.00 for each key provided to commercial area haulers.
- - \$50.00 per day for infrequent private buyers.