

Corporation of the Town of Moosonee

BY-LAW No. 12-12

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

WHEREAS The Corporation of the Town of Moosonee wishes to install water meters on all residential, industrial, commercial and institutional establishments located within the municipality that are connected to the municipal water distribution service;

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 Corporation of the Town of Moosonee deems it necessary to confirm the mandatory use and installation of water meters in The Corporation of the Town of Moosonee that are connected to the municipal water service;

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 the 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 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 Corporation of the Town of Moosonee enacts as follows:

1. DEFINITIONS: In this By-law:

- a) **“Building”** shall mean a structure supplied with potable water by the Corporation;
- b) **“Consumer”** shall mean the owner or occupant of property which is serviced by, connected to, and takes water from the Corporation’s water works;
- c) **“Contractor”** shall mean a person, partnership, or corporation who has been retained to undertake the execution of work commissioned by the Corporation to install and/or maintain water meters and other appurtenances.
- d) **“Corporation”** shall mean The Corporation of the Town of Moosonee.
- e) **“Developer”** shall mean the owner or company specifically named in a development agreement or in a subdivision agreement;
- f) **“External use of water”** shall mean the use of water for any purpose outside the walls of any building located at a municipal address;
- g) **“Inspector”** shall mean the Chief Building Official or Building Inspector authorized by the Corporation and may also include the Public Works Manager, Water Treatment Plant Operator and By-Law Enforcement Officer;

- h) **“Installation Project”** shall mean the initial installation of water meters throughout the municipality, scheduled to occur in 2012. Property owners will be contacted by the Contractor to schedule a water meter installation. **The Installation Project will be undertaken at the Corporation’s expense. Once the Installation Project is complete, rates and charges as contained herein are applicable.**
- i) **“Meter”** shall mean the water meter, register and remote readout unit owned by the Corporation to measure the quantity of water used by the consumer;
- j) **“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 Corporation’s water works;
- k) **“Occupant”** shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of premises;
- l) **“Operating Authority”** shall mean the Waterworks operating authority working on behalf of and duly appointed by the Council of The Corporation of the Town of Moosonee for the operations of the water distribution system of the municipality;
- m) **“Owner”** shall include any person or any firm or corporation who 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;
- n) **“Potable water”** shall mean water that is fit for human consumption;
- o) **“Premises”** shall mean the property being supplied or to be supplied with water;
- p) **“Private water service”** shall mean the pipes and fixtures used for the purpose of supplying any building with water from the Corporation’s water distribution system that are located between the municipal watermain/water distribution line in front of or abutting the premises so supplied and the building on the premises;
- q) **“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;
- r) **“Shut-off valve”** shall mean the valve on the water service connection used by the Corporation to shut off or turn on the water supply from the Corporation’s water distribution system to any premises;

2. WATER METER INSTALLATION, REPAIR, MAINTENANCE AND ACCESS

- 2.1 All water supplied by the Corporation through private water services connected to the municipal water service shall pass through a meter supplied by/purchased from the Corporation for use upon such premises, and the water rate charged shall be that fixed from time to time by the Corporation.
- 2.2 All meters and related appurtenances shall be installed by persons and/or Contractors authorized by the Corporation for that purpose.
- 2.3 The Corporation’s cost of supplying, relocating and installing water meters and related appurtenances shall be recovered as follows:
 - a) There is no charge for the meter or the meter installation for property owners in the municipality, who comply with the installation project.
 - b) For any property owners who do not comply with the installation project, the meter and installation shall be paid for by the property owner requesting such water service as set out in Schedule “A” attached hereto and forming part of this by-law.

- c) For any owner of a newly constructed building, who shall be connected to the Corporation's water service after the installation project is completed, the meter and installation shall be paid by the property owner requiring such water service as set out in Schedule "A" attached to and forming part of this by-law.
 - d) If the meter is mechanically defective, the cost of repairs shall be paid by the Corporation, but if the meter is damaged by the carelessness or neglect of any person other than an employee or agent of the Corporation, the owner of the premises shall pay to the Corporation the cost of making the necessary repair to such meter, including the replacement cost of such meter.
3. If a meter fails to register, the consumer will be charged a minimum consumption based upon their average consumption of the last three months or, if such data is unavailable, then shall be estimated based on the average consumption of consumers in the same classification (residential, institutional, commercial), for the same time period.
 4. All water passing through a meter will be charged for, whether used or wasted.
 5. The owner of premises to be supplied with municipal water agrees to provide convenient and safe space, free of charge or rent, for the Corporation's meter, pipes and other appliances on said premises, and further agrees that no one who is not a servant or agent of the Corporation or otherwise lawfully entitled to do so, shall be permitted to remove, inspect or tamper with any of the Corporation'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 meter. Repairs resulting from failure to prevent frost damage to the meter and private water service, shall be at the owner's expense.
 7. 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 read and examined by persons authorized by the Corporation for that purpose.
 8. Upon written request from the consumer and payment of a deposit as set out in Schedule "A" of this By-Law, the Corporation will remove and test a meter. If the meter is found to register correctly or not to exceed a 3% discrepancy, 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 shall be paid for in full by the consumer requesting such test, plus the consumption undercharged of the previous three (3) months based on the water rate prior to the testing.

If a meter, when tested, is found to register in excess of a 3% discrepancy in favour of the consumer, 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, plus the consumer's deposit for the test.
 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. One (1) meter shall be placed in each single family residential, multi-family residential, commercial, industrial and institutional private water service that has a single connection to the Corporation's water works and the plumbing shall be so arranged that all water used on such premises shall pass through such meter and the owner of the premises shall be held liable for water charges.
 11. There shall be no direct or indirect connection between water lines which are part of a private well and water lines which are part of the Corporation's water distribution system. Failure to comply with this requirement shall result in immediate disconnection of the water supply from the Corporation and will also result in the penalty provisions of Section 21 of this By-law.

12. Any person authorized by the Corporation 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 times. Upon reasonable notice given and request made to the owner/occupant 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.
13. Every meter shall be placed in such location as the persons authorized by the Corporation shall direct. If possible, the water meter shall be installed in the basement of residential buildings, and shall be located immediately after the main shut-off 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 as authorized by the Corporation.
14. The location of a meter, once installed to the standards of the Corporation, shall not be changed by any person except by persons authorized by the Corporation.
15. 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 Corporation will consider the reading at the meter to be correct, and will adjust and correct the consumer's account accordingly.
16. Any leak that may develop at the meter or its couplings must be reported immediately to the Corporation. The Corporation shall not be held responsible for any damages resulting from such leaks.
17. The Corporation may enter into agreements with others to provide for the installation of water services or meters in any manner satisfactory to the Corporation.
18. All sums charged for expenses incurred for the repair of meters, fixtures and all other appurtenances connected to the water service or for damage to same, as per Section 2, shall be charged to the owner of the premises. If these charges remain unpaid and payment is overdue more than 90 days, they shall be transferred to the owner's municipal property taxes.
19. Any request for a reading of a meter prior to or after a regular reading schedule shall be subject to a fee as established by the fees and charges for municipal services.
20. 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.

21. REGULATIONS AND PENALTIES FOR OFFENCES

Every person is guilty of an offence who,

- a) willfully hinders or interrupts, or causes to be hindered, or procures, or interrupts the Corporation or any of its officers, contractors, agents, servants or contractors, in the exercise of any of the power conferred by the *Municipal Act, 2001, as amended*;
- b) 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 water or, without the consent of the Corporation, lends, sells or disposes of 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;
- c) 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;

- d) 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;
 - e) 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
 - f) lays or causes to be laid any pipe or main to connect with any pipe or main of the Corporation's water distribution system, or in any way obtains or uses the municipal water distribution system without the consent of the Corporation.
22. Any person convicted of a breach of any of the provisions of this By-Law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of five thousand dollars (\$5,000.00) for each offence and not less than three hundred dollars (\$300.00) for each offence, recoverable under the Provincial Offences Act for the Province of Ontario.
23. In addition to other sanctions and remedies provided in this By-Law, the Corporation 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 Corporation will not be liable for any damage to property or injury to person by reason of shut-off of water supply.
24. 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.
25. Where any inconsistency exists within this By-Law and any other By-Law of The Corporation of the Town of Moosonee, the provision(s) of the By-Law imposing a greater requirement, regulation, fee or enforcement and penalty provision shall apply and prevail.
26. **THAT** this By-Law and attached Schedule(s) shall come into force and take effect on the date it receives its third and final reading

**READ a first and second time
this 26th day of March, 2012**

ORIGINAL SIGNED BY

Mayor – Victor Mitchell

ORIGINAL SIGNED BY

Deputy Clerk – Pamela Noland

**READ a third time and finally passed
this 26th day of March, 2012**

ORIGINAL SIGNED BY

Mayor – Victor Mitchell

ORIGINAL SIGNED BY

Deputy Clerk – Pamela Noland

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Schedule A

RATES & CHARGES

DESCRIPTION	RATES & CHARGES
Water Meter & Related Appurtenance (installation of the Town approved Water Meter shall be at the owner's expense, and shall be undertaken by a Certified Water Specialist under the Town's supervision)	Actual cost of the meter + 10% administration
Relocation of water meter at the owner's request (relocation of the Town approved Water Meter shall be at the owner's expense, and shall be undertaken by a Certified Water Specialist under the Town's supervision)	Actual cost of Town Supervision (hourly rate) + 10% administration
Water Meter Accuracy Testing Deposit (per test)	\$50.00 for each test, plus actual cost of shipping (shipping cost is non-refundable)
Notice of Disconnection Charge (applied to consumers with delinquent accounts or considered non-compliant)	\$50.00 applied to the outstanding account
Re-connection Charge (applied when it has been necessary to disconnect a water service as result of non-payment, and reconnection is then requested)	\$50.00 applied to the account

Procedure for disconnection of water service for Delinquent Accounts or non-compliance with Water Meter Installation:

Access to the municipal water distribution system shall be discontinued when accounts are more than ninety (90) days overdue in accordance with the following:

- a) The Corporation's representative will attempt to personally contact the consumer or the consumer's representative, by telephone (phone number on record) or in person, confirming the Corporation's intent to disconnect the water service due to account delinquency or non-compliance; or
- b) The Corporation will send a Registered Letter to the consumer at the water account address of record, providing ten (10) days notice of the Corporation's intent to disconnect the water service due to account delinquency or non-compliance.

Note: Consumers are responsible for ensuring a current telephone number is on record with the municipality. This information can be provided to municipal staff at the time your water bill is paid, or by calling the Town Office.