

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2010-48

BEING A BY-LAW TO ENACT RULES AND REGULATIONS FOR THE INSTALLATION AND ACCESS TO WATER METERS AND RELATED APPURTENANCES, INCLUDING PENALTIES FOR OFFENCES AS PART OF THE UNIVERSAL WATER METERING STRATEGY.

WHEREAS the City intends to install and/or retrofit water meters and radio frequency transmitters on all residential, industrial, commercial and institutional establishments located within the area of City that are connected to municipal water service as part of a Universal Water Metering Strategy;

AND WHEREAS the City intends to install the appropriate infrastructure to establish a Fixed Area Network that will automatically collect water consumption information from all metered accounts for water billing purposes as part of a Universal Water Metering Strategy;

AND WHEREAS Part 7 (Plumbing) of the *Ontario Building Code*, O. Reg. 350/06, as amended, requires every municipality to regulate the connection of individual water services to a municipal potable water works;

AND WHEREAS the City deems it necessary to confirm the mandatory use and installation of water meters in the City that are connected to the municipal water service;

AND WHEREAS section 80.(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, 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*, S.O. 2001, c. 25, 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 the City passed Resolution No. 2010-128 on February 22nd, 2010 at its Regular Meeting of Council to adopt a By-Law for the installation and access to water meters and related appurtenances, including penalties for offences as part of the Universal Water Metering Strategy;

AND WHEREAS sections 9, 10, and 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, 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 City of North Bay enacts as follows:

1. DEFINITIONS

In this By-law:

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

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

“Contractor” means 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.

“Corporation” means The Corporation of the City of North Bay;

“Inspector” means the Chief Building Official or Building Inspector of the Corporation and may also include the Director of Public Works and a By-Law Enforcement Officer;

“Main shut-off valve” means the first isolation located on the plumbing system just within a premises and be equivalent to the definition provided for a “Building Control and Shut-off Valve” as described in Section 7.6.1.3. of the 2006 Ontario Code and Guide for Plumbing.

“Meter” means the water meter, register and radio frequency transmitter unit installed and owned by the Corporation to measure the quantity of water used by a consumer;

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

“Multi-family residential” means 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;

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

“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;

“Potable water” means water that is fit for human consumption;

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

“Private water service” means the pipes and fixtures used for the purpose of supplying any building with water from the Corporation’s water works that is located between the street line in front of or abutting the premises so supplied and the building on the abutting premises;

“Refusal” means the occupant of a premise not allowing access to the contractor for the purpose of installing a water meter following at least five (5) contact attempts as required of the contractor and a final notice sent by the City in order to confirm the refusal.

“Single family residential” means any detached, semi-detached or row housing that is serviced by a single water service connection servicing each premise unit;

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

2. WATER METER INSTALLATION AND ACCESS

2.1 All water supplied by the Corporation through a water service connection shall pass through a meter supplied by the Corporation for use upon such premises. The water rate charged shall be that fixed from time to time by the Corporation.

2.2 All meters and related appurtenances shall be supplied and installed by persons authorized by the Corporation for that purpose, including by an approved contractor.

2.3 All meters and related appurtenances remain the property of the Corporation even following installation within a premise.

- 2.4 The Corporation's cost of supplying, relocating and installing water meters and related appurtenances shall be calculated as follows:
- 2.4.1 There shall be no direct charge for the meter or the meter installation to a consumer who participates in the implementation of the Universal Water Metering Program. The net costs of the meters and meter installation, after Federal and Provincial grant funding shall be recovered, over time, through the water rates.
- 2.4.2 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 consumer shall pay to the Corporation the cost of making the necessary repair to such meter.
- 2.4.3 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 2.4.2, shall be charged to the consumer. If these charges remain unpaid they shall be collected in the same manner as municipal taxes.
- 2.5 Each consumer shall make an appointment with the Contractor approved by the City within 6 weeks of the initial contact attempt by the contractor and before the end of the Universal Water Metering program to have a water meter and radio frequency transmitter installed in their premise(s).
- 2.6 Every consumer shall provide convenient and safe space, free of charge or rent, for the Corporation's meter, pipes and other appurtenances on their premises.
- 2.7 No one who is not an employee 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 water meter equipment in any premise.
- 2.8 Every consumer shall provide adequate heat in the premises to prevent frost damage to the meter supplied hereunder.
- 2.8.1 In the event that a consumer is away from the premises for an extended period of time, the consumer shall be required to notify the Corporation within fifteen (15) days of departure so the consumer in consultation with the Corporation can take the proper precautions to prevent frost damage to the meter and water service connection.
- 2.8.2 Otherwise repairs shall be at the owner's expense.
- 2.9 Every consumer shall provide ready and convenient access to the meter and appurtenances in their premises so that the meter may be read and examined from time to time by persons authorized by the Corporation for that purpose.
- 2.10 Every meter shall be placed in such location as the persons authorized by the Corporation shall direct. If reasonably 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 or in a meter pit as authorized by the Corporation.
- 2.11 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 consumer and shall be constructed in a manner approved by the Corporation, the cost of which shall be paid by the Corporation.

- 2.12 The Corporation retains the right not to install a water meter at a particular premise if it is in their best interest to do so. The owner of such a premise will not be penalized by the decision of the Corporation to not install a meter and will be billed on a flat rate charge.
- 2.13 One 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. The plumbing shall be so arranged that all water used on such premises shall pass through such meter and the consumer shall be held liable for water charges.
- 2.14 No person shall directly or indirectly connect between water lines which are part of a private water source (well or other) and water lines which are part of the Corporation's water system(s). Failure to comply with this requirement shall result in immediate disconnection of the water supply from the Corporation.
- 2.15 Subject to compliance with Section 435 of the Municipal Act, c.25, any person authorized by the Corporation for the purpose of inquiring into the compliance with the provisions of this By-Law shall have reasonable access to the premises at all reasonable times.
- 2.16 If the condition of the private water service is such that the meter cannot be safely installed or replaced without fear of damaging the private service line (due to old, corroded and/or inadequate piping), or the location where the work is to take place contains any designated substances such as asbestos, then the consumer shall be notified of the situation by the Corporation or their contractor. The Corporation will give the consumer thirty (30) days to complete modifications to the private water service in order to make the installation or replacement of a water meter possible. If such work is not completed within the allotted timeframe, the Corporation may perform such repairs as necessary at the consumer's expense and collect the cost of such work in the same manner as municipal taxes.
- 2.17 No person shall change the location of a meter, except persons authorized by the Corporation.
- 2.18 Any person who observes any leak that may develop at the meter or its couplings shall report it immediately to the Corporation. The Corporation shall not be held responsible for any damages resulting from leaks that are not directly resulting from the Universal Water Metering Program and reported within the first year following installation of the meter.
- 2.19 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.

3. REGULATIONS AND PENALTIES FOR OFFENCES

- 3.1 No person shall
- (i) willfully hinder or interrupt, or cause to be hindered, or interrupt the Corporation or any of its officers, contractors, agents, servants or workman, in the exercise of the Universal Water Metering Program;
 - (ii) being an owner, tenant, occupant, lessee, 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 waste water or, without the consent of the Corporation, lend, sell or dispose of 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 his own;

- (iii) refuse or neglect to allow reasonable entry to the contractor or City within reasonable hours for the purposes of installation, servicing, inspection or replacement of water meters;
 - (iv) alter any meter placed upon any service pipe or connected therewith, within or outside any building or other place; or
 - (v) lay or cause to be laid, any pipe or main to connect with any pipe or main of the Corporation's water works, or in any way obtains or uses the water without the consent of the Corporation.
- 3.2 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00) as provided for in the Provincial Offences Act, R.S.O. 1990, chapter 33, or any successor thereof.
- 3.3 In addition to any other penalty, where the City is advised by the contractor of a refusal, and the City confirms the refusal, the City shall impose an administrative penalty equal to twice the current flat rate then being paid by the owner for water until such a time as a water meter has been installed at the premise.
- 3.4 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 shall provide reasonable notice of the proposed shut-off to the owner and/or occupant of the premise by personal service or prepaid mail or by posting the notice at the premise in a conspicuous place. The Corporation will not be liable for any damage to property or injury to person by reason of such shut-off of water supply.
- 3.5 Should any section, subsection, clause, paragraph or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the provisions so declared to be invalid..
- 3.6 Where any inconsistency exists within this By-Law and any other By-Law of The Corporation of the City of North Bay, the provision(s) of the By-Law imposing a greater requirement, regulation, fee or enforcement and penalty provision shall apply and prevail.
- 3.7 This By-Law shall come into force and effect on March 1, 2010.

READ A FIRST TIME IN OPEN COUNCIL THIS 8TH DAY OF MARCH, 2010

READ A SECOND TIME IN OPEN COUNCIL THIS 8TH DAY OF MARCH, 2010

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 8TH DAY OF MARCH, 2010

"original signature on file"

MAYOR VIC FEDELI

"original signature on file"

CITY CLERK CATHERINE CONRAD