THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

BY-LAW NUMBER 77-2012

A By-Law to Enact Rules and Regulations for the
Installation, Repair, Maintenance and Access to Water
Meters and Check Valves in the Town of South Bruce
Peninsula

WHEREAS Section 1(1) of the Municipal Act, 2001, Chapter 25, as amended, provides that a public utility is defined as a system providing water and sewage services to the public;

WHEREAS Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that Section 8 shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the Municipal Act, 2001, Chapter 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public including passing by-laws respecting public utilities within their sphere of jurisdiction;

AND WHEREAS Sections 79 and 80 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality may, at reasonable times, enter on land or into buildings to which it supplies a public utility to inspect, repair, install or remove a water meter and associated hardware or to inspect, install, repair, replace or alter a public utility meter;

AND WHEREAS the Corporation of the Town of South Bruce Peninsula owns, operates and maintains water distribution systems that serve Wiarton and Amabel-Sauble (Foreman, Oliphant, Huron Woods and Sauble Beach);

AND WHEREAS the Corporation of the Town of South Bruce Peninsula deems it necessary and desirable to regulate the installation, repair, maintenance and access to water meters;

NOW THEREFORE the Corporation of the Town of South Bruce Peninsula enacts as follows:
1. Short Title

That the short title for this By-Law shall be “Water Meters By-Law”.

2. Definitions

For the purposes of this by-law, the following definitions shall apply:

*Building*
Shall mean a structure supplied with water or wastewater treatment services by the Town

*Check valve*
Shall mean an assembly, valve or means owned by the owner that prohibits the backflow of any water from the owner’s premises into the potable water supply

*Consumer*
For the purposes of supply of water, consumer shall mean the owner or occupant of property which is serviced by, connected to and takes water from the Town’s water works or is served by the Town’s wastewater treatment and collection system

*Contractor*
Shall mean a person, partnership or corporation who contracts to undertake the execution of work commissioned by the Town to install or maintain water meters and other appurtenances

*Corporation*
Shall mean the Corporation of the Town of South Bruce Peninsula

*Employee*
Shall mean a person employed by the Town

*Inlet Valve*
Shall mean the valve inside a premises, before any branch water lines

*Meter*
Shall mean the water meter supplied and owned by the Town to measure the quantity of water used by the consumer

*Meter Pit*
Shall mean any chamber or pit at property line where the water service enters the owner’s property dug below the frost line outside a building where approved by the Town for the purpose of containing a water meter
Occupant
Shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner or any person in possession of a premise

Operator
Shall indicate the operating authority contracted by the Town of South Bruce Peninsula to operate and maintain its water and water meter systems.

Owner
Shall include any person, persons or any firm or corporation that 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
Shall mean water that is fit for human consumption

Premises
Shall mean the property being supplied or to be supplied with water by means of an individual service pipe or by an individual connection to the waterworks treatment system

Private Water Service
Shall mean the pipes and fixtures used for the purpose of supplying any premises in the Town with water from the water works established by the Town and situated between the street line in front of or abutting the premises so supplied and the building

Town
Shall mean the Corporation of the Town of South Bruce Peninsula

Water Meter
Shall mean the water meter as approved by the Town

3. Requirements to Install Water Meter

3.1 Unless otherwise authorized by the Town of South Bruce Peninsula, all water supplied to consumers through existing and new private water services for use on premises connected to a municipally owned water system shall pass through a water meter owned by the Town for use upon such premises. The provision in Schedule A, attached hereto shall apply to all installations.

3.2 Water meters will be issued by the Town, its contractor, or its operators.
3.3 The cost of installing meters, including the cost of contractors and specific plumbing requirements for the property shall be borne by the respective water system, as provided by Policy BU.4.1 Water Meters.

3.4 Where a water consumer has not applied to the Town or its contractor for a water meter installation, the Town may set a date for the installation of a water meter for the consumer and notify the water consumer of such installation date and fees for missed appointments shall apply for subsequent site visits as per Schedule A.

3.5 Where a water consumer cancels a scheduled appointment with the contractor for the Town, a minimum of 24-hour’s notice is required. If sufficient notice is not given, fees for missed appointments shall apply as per Schedule A.

3.6 If a water consumer in the Town of South Bruce Peninsula refuses to have a water meter installed, the Town may apply a water flat rate charge in accordance with the Water Rate By-Law until such time as a water meter is installed.

3.7 The Manager of Public Works may determine it is impractical to install a water meter and, if such installation is impractical, the Manager of Public Works shall determine what rate shall be charged for water consumption and system operations.

3.8 The rates charged shall be those set from time to time by the Town and the owner of the premises will be held liable for all water and wastewater treatment charges where applicable.

3.9 Any leak that may develop at or before the meter must be reported immediately to the Town.

3.10 If the water meter is mechanically defective; then, the cost of repairs shall be paid by the Town. If the meter is damaged by the carelessness or neglect of any person other than an employee or operator of the Town, the owner of the premises shall pay to the Town the cost of making the necessary repair to such water meter.

3.11 The consumer to be supplied with water agrees to provide convenient and safe space, free of charge or rent, for the Town’s water meter and other appliances integral to the operation of the water meter on said premises and further agrees that no one who is not an employee or operator shall be permitted to remove, inspect or tamper with any of the Town’s equipment.

3.12 The consumer to be supplied with water agrees to provide adequate heat in the premises to prevent freezing damage to the water meter or drain the water from the system to protect the water meter. In the event that the owner will be away from the premises for an extended period of time and cannot protect their pipes and the water meter from freezing, they may refer to the procedures supplied by the Town or contact the Town and/or a local plumber for proper precautions to prevent freezing.
damage in the water meter. Any damage caused by freezing will be at the expense of the owner.

3.13 The consumer shall provide access to the water meter as required.

3.14 Every water meter shall be placed in such location as the employees, contractor, or operators of the Town shall direct. If possible, the water meter shall be installed in the basement of buildings and shall be located after the inlet valve on the consumer's plumbing, so as to ensure that all water supplied to the building passes through the water 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 directed by employees, contractors or operators of the Town.

3.15 Where a water meter cannot conveniently be placed inside a building, it shall be placed in a meter chamber located outside the building where the water service enters the owners premises, the exact location and construction of which shall be discussed with the owner or occupant of the premises and approved by employees or operators and the cost shall be paid for by the owner, in accordance with Policy BU.4.1 Water Meters.

3.16 A minimum of one water meter shall be placed in consumer's establishment in the Town and the plumbing shall be so arranged that all water used on such premises shall pass through such water meters.

3.17 As a condition of service, the Manager of Public Works may determine the size, type and number of water meters to be supplied and installed on a premises.

3.18 Consumers having previously installed a lawn irrigation system or any other water consuming system or device that is connected to the water service pipe at a location that is before the water meter location shall be required to alter the connection to the water service pipe in such a manner that all water provided to the premises passes through the water meter. Failure to comply with this requirement will result in a penalty as outlined in Section 4.2.

3.19 The location of a water meter installed to the standards of the municipality shall not be changed by any person except with the written consent of the Town.

3.20 Any costs associated with the removal, cleaning, overhaul, relocation or reinstallation of any backflow prevention devices are the responsibility of the consumer.
4. Regulations and Penalties for Offences

4.1 In accordance with Sections 425 (1) and 426 (1) of the Municipal Act, 2001, Chapter 25, as amended, which permits penalties for offences, every person who willfully alters any water meter placed upon any service pipe so as to lessen or alter the amount of water registered or in any way obtains or uses the water without the consent of the Town is guilty of an offence.

4.2 Every person who contravenes or causes or permits any contravention of any of the provisions of this By-Law is guilty of an offence pursuant to the Provincial Offences Act for the Province of Ontario and upon conviction is liable to a fine of not more than $5,000, exclusive of costs.

4.3 Every person so convicted shall also be charged the estimated consumption of water.

4.4 In addition to other sanctions and remedies provided in this By-Law, the Town 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 Town will not be liable for any damage to property or injury to persons by reason of turn-off of the water supply.

5. Enactment

5.1 This By-Law shall rescind any preceding by-laws with respect to the rules and regulations for the installation, repair, maintenance and access to water meters and check values in the Town of South Bruce Peninsula.

5.2 This By-Law shall be in full force and effect on the third reading and final passing hereof.
READ a FIRST and SECOND time this 5th day of June, 2012.

MAYOR

CLERK

READ a THIRD time and FINALLY PASSED this 5th day of June, 2012.

MAYOR

CLERK
SCHEDULE ‘A’
BY-LAW NUMBER XX-2012

1. Specifications

i. A minimum clearance between a wall and pipe shall be 75mm.

ii. The inlet valve must be installed before the water meter and be the same size as the incoming pipe. It is to control the supply of water to the property and to drain the system up to the backflow device when the water is not in use and the property is not heated during winter months.

iii. If the hot water tank is within 3.0 meters of the water meter, a check valve is required between the hot water tank and the water meter.

iv. For commercial and industrial properties, an approved backflow preventer and pressure tank shall be installed on the user side of the meter.

v. All copper piping after the stop and drain shall be of type L copper on both sides of the meter.

vi. Piping shall be installed so that the meter runs horizontally and meter shall be installed on horizontal.

vii. Meter size to be one pipe size smaller.

viii. The meter installation is to be in accordance with manufacturer’s specifications.

ix. A grounding wire is to be installed across the meter spacer connection at least six inches before and after the actual meter couplings. The wire must be a 10 gauge or better to protect operators and maintenance staff from electrical shock when servicing or exchanging meters.

2. Water Meter Removal and Reinstallation Charges

Where the consumer requests a temporary removal of the water meter from his/her premises, a charge for the removal of the water meter and a charge for the reinstallation of the water meter shall be applied. The charge will be billed to the applicable account in the case of removal of the water meter or applied to the applicable account on the first billing after reinstallation of the meter. The charge will be applied in accordance with the Town’s Fees By-Law. During the removal period, the Water Flat Rate — No meter approved by the Town and the corresponding Sewer Flat Rate, if applicable, shall apply, in accordance with the Water Rate By-Law, prorated by the number of days affected.

3. Water Service Shutoff Charges

Where the consumer requests a temporary shutoff or service restoration, a charge for shutoff and a charge for service restoration shall be applied pursuant to the Town’s Fees By-Law to his/her account on the first billing after reinstallation. During the shutoff period, the Water Flat Rate — No meter approved by the Town and the corresponding Sewer Flat Rate, if applicable, shall apply, in accordance with the Water Rate By-Law, prorated by the number of days affected.
4. **Water Meter Size Change Request**

This occurs where a consumer wishes a smaller meter. The meter is supplied by the respective water system through the Town and the consumer is responsible for installation. The cost associated with responding to the request, inspecting the installation and changing the account will be in accordance with the Town’s Fees By-Law.

5. **Meter Freeze Repair by Town**

If the freeze is the responsibility of the consumer; then, the fee for a broken back plate repair will be as set out in the Town’s Fees By-Law. If a meter or valve needs to be replaced; then, further material and labour charges will be incurred.

6. **Pipe Thawing**

If the Town is requested or must thaw pipes; then, the fee will be as set out in the Town’s Fees By-Law.

7. **Missed Appointment**

If the consumer misses a scheduled appointment with the Town, Contractor or Operator; then, a fee as set out in the Town’s Fees By-Law will be incurred.

8. **Returned Cheque**

Charges for returned cheques will be applied in accordance with the Town’s Fees By-Law.

9. **Refusal to have a Meter Installed**

Should a consumer refuse to install a water meter, the consumer will be subject to a water rate as set out in the Water Rates By-Law.