

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 3198 (2011)

Being a by-law to regulate the supply and delivery of water and to provide for the maintenance and management of waterworks and for the imposition and collection of water rates.

WHEREAS for ease of administration and clarity of use by the Public, Council deems it necessary and advisable to pass this by-law as the new "Water Management By-law" and to repeal By-law 1615 and all subsequent amendments thereto.

AND WHEREAS, Section 9 and 11 of the Municipal Act, 2001 authorized a municipality to pass by-laws respecting matters within the sphere of jurisdiction of public utilities.

AND WHEREAS, Section 391 of the Municipality Act, 2001 authorizes a municipality to pass by-laws imposing fees and changes for the use of water management systems, use of sewage systems or the consumption of water.

AND WHEREAS, the Council of the Corporation of the Town of Pelham deems it necessary for the orderly development and control of the water works system of the Town of Pelham, that certain regulations governing the supply of water, providing for the maintenance and management of the water works system and for imposing and collecting water rates to be put into force;

NOW THEREFORE THE MUNICIPAL COUCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. SHORT TITLE

This By-law shall be known as the "Water Management By-law"

2. DEFINITIONS

In this by-law the following definitions apply:

- (a) "Appurtenance" and "appurtenances" mean and include electronic communication register, touch pad, and any new equipment or technology replacing the same.
- (b) "Clerk" means the Clerk of the Corporation of the Town of Pelham;
- (c) "Corporation" means the Corporation of the Town of Pelham;
- (d) "Council" means the Council of the Corporation of the Town of Pelham;
- (e) "Director" means the Director of Community & Infrastructure Services of the Corporation of the Town of Pelham;
- (f) "Engineer" means the Manager of Engineering of the Town of Pelham and for the purpose of exercising any of the powers or duties of the Engineer under this by-law shall include any Engineering consultant employed by the Corporation to exercise any such powers or duties;
- (g) "Law Enforcement Officer" means the By-law Enforcement Officer of the Corporation of the Town of Pelham authorized to enforce this or any other

by-law of the Corporation of the Town of Pelham and shall include the Building Inspectors and Plumbing Inspectors;

- (h) "Meter" means the device installed on or at a property for the purpose of measuring water consumption by the waterworks system of the Corporation;
- (i) "Owner" means and includes the owner and occupant of any premises;
- (j) "Private Water Service" means the pipes, fittings and appurtenances used for the purpose of supplying water from the water service to any premises located on private property and shall include the service pipe as defined by the Ontario Building Code, S.O. 1992, c.23 as amended;
- (k) "Schedule of Consolidated User Fees and Charges" means the schedule of water rates, sewer rates, fees and charges associated with this by-law and can be found on the Town of Pelham's website, www.pelham.ca, or requested through email at finance@pelham.ca or obtain a copy at the Pelham Town Hall.
- (l) "Treasurer" means the Treasurer of the Town of Pelham;
- (m) "Town" means the Town of Pelham
- (n) "Water Service" means the pipes and fittings used for the purpose of supplying water from the waterworks system to a private water service at the street line or limit of a road allowance and shall include the corporation cock, service pipe, curb stop, post and service box and any appurtenances thereto;
- (o) "Waterworks" means the transmission pipes of the Corporation which are tapped for water service and includes all valves, fittings and appurtenances.

3. INTERPRETATION

In this by-law,

- (a) Statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.
- (b) All words shall be read with all changes of gender and number required by the context or circumstances.

4. GENERAL PROVISIONS

- (a) The Corporation's Waterworks shall consist of all waterworks within the Town of Pelham;
- (b) The Corporation shall manage and maintain the waterworks in accordance with the provisions of the Municipal Act, S.O. 2001, Public Utilities Act, R.S.O 1990, c.P.52, Safe Drinking Water Act, 2002, Ontario Water Resources Act, R.S.O. 1990, c.0.40, and the Building Code Act, S.O. 1992, c.23, this bylaw and any other applicable law in force from time to time.
- (c) The Director shall be responsible for the maintenance and repair of the waterworks and shall supervise the use thereof and the supplying of water therefrom;

- (d) The Director or his designate may enter any premises of any watertaker at all reasonable hours upon reasonable notice to examine the pipes, meters, fittings, fixtures, appliances and appurtenances to ascertain the quantity of water used, the manner of its use and to determine compliance with this by-law.
- (e) No person except a person authorized by the Director shall tap or make any connection to any portion of the waterworks;
- (f) No person shall in any way interfere with, obstruct or conceal any hydrant, valve, curb stop, service pipe, stopcock, meter or other waterworks appurtenances;
- (g) No person shall;
 - (i) willfully hinder or interrupt, or cause or procure to hinder or interrupt the Corporation, or any of its officers, contractors, agents, servants or workers, in the exercise of any of the powers conferred by the legislation referred to in paragraph 4(b);
 - (ii) willfully let off or discharge water so that the water runs waste or useless from the Corporations waterworks system;
 - (iii) being a tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, improperly waste the water or, without the consent of the Corporation, lend, sell, or dispose of the 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 the person's own or increase the supply or water agreed for;
 - (iv) without lawful authority willfully open or close any hydrant, or obstruct the free access to any hydrant, stopcock, chamber, pipe or hydrant-chamber, by placing on it any building material, rubbish or other obstruction;
 - (v) throw or deposit any injurious, noisome or offensive matter into the water or waterworks, or in any way foul the water or commit any willful damage, or injury to the waterworks, pipes or water or encourage the same to be done;
 - (vi) willfully alter 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
 - (vii) use water during a period when the use of water has been prohibited or restricted by Town Council in any manner inconsistent with the prohibition or restriction; or
 - (viii) lay or cause to be laid any pipe or main to communicate with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the Corporation.
- (h) The Director or his designate may enter any premises of any watertaker at all reasonable hours upon reasonable notice for the purpose of inspecting or repairing, and for the altering or disconnecting of any service pipe, meter, and appurtenances, and for the placing of meters, and

appurtenances on any service pipe served by the waterworks. Failure to comply within 5 business days of notice will result in the authority to shut water services off at the discretion of the Treasurer.

- (i) Should a leakage occur on any owner's property between the water service and the premises supplied by water, the owner shall repair the said leakage at his own expense within 14 days of being notified by the Director. If the leakage is not repaired by the owner within the time allowed, the Corporation may enter the owner's lands and premises for the purpose of repairing the leakage and the costs shall be charged to the owner. Where the Director determines the leak to be severe, immediate repair may be required. The Director or his designate is hereby empowered to turn off the water supply until the necessary repairs have been made by the owner or the Corporation.
- (j) The Corporation does not guarantee the supply of water and failure to supply water shall not be construed as neglect on the part of the Corporation. The Corporation shall at no time be held liable for reason of inadequate supply of water or for reason of the Corporation restricting the supply of water or for refusing to supply water;
- (k) The Corporation may cause the water service to any building or premises to be shut off when the Director believes, on reasonable grounds, that there has been a contravention of any of the provisions in the relevant legislation referred to in paragraph 4(b), or a contravention of any of the provisions of this by-law, or where the owner of such building or premises refuses or prevents entry thereto by any officer, employee, servant or agent of the Corporation for any purpose authorized by this by-law;
- (l) Where the Corporation has caused a water service believed to be defective to be shut off, such water service shall not be restored until the Corporation has been satisfied that no such defect exists, or that any defect therein has been properly rectified.
- (m) Where a new or replacement water service or a new replacement private water service is installed and the Corporation has shut off the supply of water for purposes, upon payment of the requisite fee in accordance with the Schedule of Consolidated User Fees and Charges hereto, by the Director or his designate will attend upon the premises to turn on the service.
- (n) No person shall cause or permit temporarily or otherwise, the turning on or the supply of water for the purpose of testing and installation or repair or any other purpose, nor shall any person thereafter shut the supply of water off without written authority of the Director, and without further paying all fees including disconnection/reconnection fees set forth in the Schedule of Consolidated User Fees and Charges.
- (o) Where the Corporation has been requested to disconnect or reconnect such supply of water to a private service the Corporation shall disconnect or reconnect such supply of water until the applicant has paid the fee prescribed in the Schedule of Consolidated User Fees and Charges of this by-law.
- (p) The supply of water by the Corporation shall at all times be subject to any act or event beyond the power or control of the Corporation and/or to necessary repairs or replacements of any water mains or other works supplying water and in addition thereto the Corporation 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 Corporation may, when authorized by resolution of the Council, suspend or shut off the supply of water, and in any of such cases, the Corporation shall not be liable to any owner or other person for damages, either directly, indirectly or consequential.

- (q) No person shall use water supplied by the Corporation in any water cooled air-conditioning equipment or other cooling or freezing equipment or process unless such equipment or process is provided with an evaporative condenser or other device which efficiently conserves, cools and recirculates the water so used;
- (r) Lawn and garden water and domestic water use outside of buildings and premises may be restricted from time to time during the year, at the discretion of the Director. Such restrictions shall be advertised in the local media prior to implementation.
- (s) No new water account will be established without the customer providing the Town with pertinent contact information including, proof of name, address, phone number and/or email address upon activation request.
- (t) A deposit fee of \$200.00 may be requested at the time of a new water account activation request where a tenant is responsible for payment of water services. The deposit fee may be waived at the discretion of the Treasurer.

5. MUNICIPAL FIRE HYDRANT

- (a) The design, location, installation, and maintenance of all fire hydrants within the Town shall be in accordance with current Town Standards approved by the Director;
- (b) No person shall open, carry from or tamper in any manner with a fire hydrant connected to the Town mains unless a written permit is obtained from the Engineer. This does not apply to employees of the Fire Department engaged in the pursuit of regular duties;
- (c) The Director or his delegate shall be notified of the use of any hydrant by the Fire Department. Water consumption used by the Fire Department for training purposes shall be recorded and provided to the Director for use in determining unaccounted water consumption.
- (d) Wrenches other than regulation hydrant wrenches shall not be used for the operation of fire hydrants. The use of any other type of wrench shall be considered sufficient cause for cancellation of any permit issued and for the imposition of an assessment equal to the real cost to cover the repairs or replacement.
- (e) Water required for construction purposes for Town owned projects will be restricted to the Town owned bulk water station only. The use of hydrants for such purpose will not be permitted.
- (f) No person shall obstruct the free access to any hydrant by placing on it or close to it; building material, earth, snow, rubbish, or other obstructive matter, nor shall any person conceal a hydrant with any type of building or shrubbery. A distance of 0.9m from the centre of the hydrant is required for acceptable clear space to allow for access and operation of any hydrant.
- (g) No person shall in any way interfere with any hydrant, valve, curb stop, pipe, or other waterworks appliance outside his own property, nor shall he in any way interfere with any meter.

- (h) No person shall park an automobile, truck or vehicle of any description within a distance of 3.0 meters of any hydrant measured along the curb line or along the shoulder of any roadway immediately adjacent to the hydrant.
- (i) Any premises served with a private fire protection service shall make provision for testing such lines from time to time to determine if leakage is taking place. Each hydrant on the fire ring shall be separately valved. The type and manufacture of the hydrants installed are, upon sound engineering principles, to be approved by the Engineer. Private fire hydrants shall not be operated except in the case of fire, for fire protection purposes, unless special permission of the Engineer is obtained.
- (j) The Director and Fire Chief shall have the authority, through the statutory development process, to establish standards for and to secure the provision of adequate municipal fire hydrants and private fire hydrants.
- (k) At the request of the owner, relocation of a municipal fire hydrant shall be undertaken only after the owner has agreed to pay all costs incurred in such relocation, forthwith upon a receipt of a billing for the same.

6. PERMITS

- (a) Application for a water service or a private water service shall be made by the owner on the form prescribed by the Corporation from and upon approval of the said application and issuance of the required permit such owner shall pay to the Corporation any fee or charge for installing the water service, meter and any appurtenances thereto in accordance with the Schedule of Consolidated User Fees and Charges of this by-law.
- (b) No water service or private water service shall be installed unless a permit has been issued therefore by the Chief Building Official of the Corporation.
- (c) Permit fees may be refunded where, in the opinion of the Chief Building Official, it is deemed appropriate and shall be as follows:
 - (i) 80 per cent if no permit has been issued;
 - (ii) 50 per cent if the permit has been issued and no inspections have been made;
 - (iii) No refund if the permit has been issued and any inspections have been made;
 - (iv) Notwithstanding the above, no refund shall be made of an amount less than \$20.00;
- (d) No inspections will be made of any water service or private water service unless and until the fees are paid and a permit issued.

7. INSTALLATION OF WATER SERVICE & PRIVATE WATER SERVICE

- (a) The pipes, fittings, attachments, method of installation, maintenance, use, renovations to and removal of any water service or private water service shall be pursuant to, as required by and in compliance with the Ontario Building Code Act, 1992;

- (b) Every water service and private water service shall have a minimum depth of cover of 1.65 meters or an equivalent amount of insulation acceptable to the Ontario Building Code Act, 1992;
- (c) Every private water service entering a building which does not contain a basement shall be insulated in a manner acceptable to the Chief Building Official;
- (d) A meter shall be installed for all multi-family developments on a per water basis (lateral from the municipal water line to the property line) as determined and approved by the Corporation.
- (e) Except with the consent of the Director, two or more buildings fronting on the same street shall not be supplied from a single water service. Where such consent has been given, separate and distinct private water service shall be extended to each building from the water service with each of such private water services being controlled by a separate shut-off located at a point to be approved by the Director;
- (f) Where only one of several buildings owned by the same person fronts upon a street with the other or others of such buildings being located in the rear of the firstly mentioned building, or, where a building is or becomes a multiple or semi-detached dwelling, apartment building or buildings divided into separate dwelling units:
 - (i) in the case of the other building or buildings located in the rear as above mentioned, it or they shall not be supplied from a single water service without the written approval of the Director to be given only where both the water service and the private water service are of adequate size in the opinion of the Director;
 - (ii) in the case of any multiple or semi-detached dwelling, apartment building or building divided into separate dwelling units, the Director shall determine the number and size of water services;
- (g) All private water services shall be inspected by the Director or designate or Chief Building Official before backfilling commences;
- (h) All materials used in the supply and installation of water services and private water services shall be in accordance with the Ontario Building Code Act, 1992, and meet the requirements of the Town's Quality Management System;
- (i) The size of water service shall be determined by the Director or Chief Building Official provided that in no case shall such water service have an inside diameter of less than 20 millimeters;
- (j) The Corporation shall endeavor, where possible, to allow the installation of a water service and private water service where requested by the owner but in every case the Corporation shall have the right to determine the nature of the service connection required and the position and location of such water service and private water service;
- (k) All water services shall be installed by the Corporation or an agent authorized by it upon payment of the fee or charges therefore prescribed in the Schedule of Consolidated User Fees and Charges;
- (l) The owner shall supply and install and connect private water service to the Corporation's water service and thereupon the same shall be tested and inspected by the Corporation, and if found to be defective in accordance

with the Town of Pelham's standards, the Corporation shall cause the services to be shut off until all defects are determined to be remedied.

- (m) The charge to be paid to the Corporation for the tapping of the main pipe shall be as set out in the Schedule of Consolidated User Fees and Charges and shall be paid by the owner at the time the permit for such work has been issued in accordance with Section 6;
- (n) Once installed, inspected, approved and accepted by the Corporation; the water service becomes the property of the Corporation and the Corporation assumes responsibility for maintenance;
- (o) The private water service shall be maintained by and at the expense of the owner;
- (p) No water service will be approved for any building or premises unless a minimum 150 millimeters inside diameter water main extends in the Corporation's road allowance adjacent to the property on which such building or premises is located; where the water main is less than 150 millimeters inside diameter a water service may be approved if the Director deems it acceptable.

8. METERS

- (a) Every private water service supplied with water from a water service shall be equipped with a Radio Frequency meter and all water supplied thereto shall be measured by such meter where applicable, unless otherwise approved by the Corporation;
- (b) All meters shall be provided, controlled and maintained by the Corporation;
- (c) The cost of providing the meter shall be paid by the owner at the time the permit for the water service or private water service has been issued in accordance with Section 6 and the cost shall be paid in accordance with the Schedule of Consolidated User Fees and Charges.
- (d) Water meters shall be installed at the owner's expense and where an owner does not cause a water meter to be installed the Corporation may cause the supply of water to be shut off until the water meter has been installed;
- (e) Where a meter has been damaged due to the negligence or willful act of the owner, the Corporation shall repair or replace, as necessary, such damaged meter at the owner's expense. The owner may be subject to a fine as outlined in Section 10(b) of this by-law;
- (f) Where a meter is installed on the exterior of any building or premises, or in any unheated building or premises, the owner shall provide and maintain a suitable frost-proof chamber for the meter;
- (g) The owner of any building or premises serviced by a water service shall provide proper and sufficient space in such building for the installation of such meter where applicable, as the Corporation may deem necessary, and shall keep such space easily accessible to the Corporation at all times for reading and maintenance purposes;
- (h) Any meter found to be defective, and such defect is not due to the negligence or a willful act of the owner, shall be repaired or replaced as necessary by the Corporation at its expense;

- (i) At the request of the owner the Corporation may have a meter tested for accuracy at the expense of the owner. The owner shall pay to the Corporation the cost of such test in accordance with the Schedule of Consolidated User Fees and Charges. If the meter is found to be defective or inaccurate the Corporation shall refund the charge to the owner and shall repair or replace such meter at the Corporation's expense;
- (j) The Corporation shall have the right to seal any meter at any reasonable time and no person shall break or damage any seal attached to any meter, or by-pass. If any such seal has become broken or damaged from any cause, the owner shall forthwith report the breakage or damage to the Director who shall cause the same to be re-sealed. Failure to report such damage will be automatically understood as tampering and will be subject to a fine as outlined in Section 10 (b) of this by-law.

9. RATES & CHARGES

- (a) The rates, charges and penalties for the use of water supplied from the waterworks and any other costs or charges for the management, maintenance, and installation or otherwise in connection with the supplying of water to any watertaker shall hereinafter be called the rates and shall be as outlined on the Schedule of Consolidated User Fees and Charges. The Schedule of Consolidated User Fees and Charges can be found online at www.pelham.ca, requested by email at finance@pelham.ca or at Pelham Town Hall.
- (b) All water payments received after 4:30pm of the due date are considered late. Late fees are applied at first day of default.
- (c) A deposit fee of \$200.00 may be requested at the time of a new water account activation request where a tenant is responsible for payment of water services. The deposit fee may be waived at the discretion of the Treasurer.
- (d) Where account changes are requested by the watertaker such as change in customer name and/or mailing address, charges will be applied to the watertaker's account as described in the Schedule of Consolidated User Fees and Charges.
- (e) Where for vacation and other purposes the owner determines to have the water service disconnected to reduce costs, this service will be, upon written notice or verbal communication by the owner to the tenant of such intent, and upon payment of the disconnect/reconnect fee described in the Schedule of Consolidated User Fees and Charges the Director will disconnect services until otherwise notified of return by the owner;
- (f) Where a meter has been tested pursuant to Section 8 and found to be defective or inaccurate the Corporation shall charge and the watertaker shall pay for the water deemed to have been used at the average rate of consumption for the service in question as shown by the meter readings for the corresponding billing period of the previous year, if such readings are available, provided that the amount to be paid shall not be less than any minimum charge or charges in effect during the period for which the charge for water deemed to have been used is being calculated. In the event that the Corporation is unable, for any reason, to obtain a correct meter reading, the Corporation shall charge and the watertaker shall pay on the basis of the estimated consumption for each billing period until the Corporation is able to obtain a correct meter reading after which any necessary adjustments shall be made in the bill.
- (g) Where it has been determined that a meter which has been found to be defective or inaccurate has erred more than 3% in favour of the

Corporation at average flow rates, the Treasurer may authorize a reduction or a refund to the watertaker of an amount equal to the additional water rates deemed by the Treasurer to have been incurred during the current billing period or for such longer period as deemed necessary by the Treasurer, and such amount may be based upon the meter readings for the corresponding billing period of the previous year if such readings are available;

- (h) In all cases the owner of the premises shall be the responsible party for the water rates accruing. Where the water supply has been turned off it shall not be turned on again until all charges in default are paid. On the request of the owner, it will be permissible subject to approval by the Treasurer to render the bill for water rates to the tenant or occupant of the premises; but this shall not be construed as limiting the liability of the owner of the premises for such rate.

10. INTEREST

- (a) Interest, determined by applying to the due balance set in each bill the interest rate set from time to time as per the Schedule of Consolidated User Fees and Charges shall be imposed upon all bills unpaid after the due date provided in the bill.
- (b) If the rates and charges shown on a bill, including the interest imposed by subsection 10(b) hereof, remains unpaid for more than fifteen (15) days after the due date on the bill, the water supply may be disconnected at the discretion of the Treasurer to the premises for which the billing is supplied, and such supply shall not be restored until all rates and charges in arrears, including accumulated interest, are paid in full, together with the charges set forth in the Schedule of Consolidated User Fees and Charges for the disconnection/reconnection of the water service.
- (c) Where the Treasurer has at his/her discretion refrained from disconnecting the water service, the owner of the property is liable for all charges accrued including where charges have accrued under Section 9(e).
- (d) Failure to receive a bill shall not exempt the owner from liability for a payment therefore, or for the penalty or interest charges imposed in accordance with this section, nor from the consequences of non-payment resulting in the disconnection of the water supply.
- (e) When any bill for water service is paid in whole or in part by a cheque, and such cheque is not honoured by the appropriate bank authorities, the Corporation shall charge the consumer with either the costs incurred by the Corporation or the fees set forth in the Schedule of Consolidated User Fees and Charges, whichever is the greater, and such fees or costs shall be added to any outstanding account for water service.
- (f) The acceptance of delivery of a water bill by the tenant or occupant for the premises shall be prima facia evidence of the desire of the owner to have the bill so rendered, and in case of default it shall be the duty of the Treasurer to notify the owner of the premises that such rate remains unpaid.
- (g) Pursuant to the Public Utilities Act any amount payable to the Corporation by the owner is a lien and charge upon the estate or interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of the person's estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land;

- (h) No watertaker shall be entitled to any reduction of refund in the rates and charges for the supply of water because of non-taking of same by the watertaker.
- (i) Where a building permit is issued for the construction of a building or building extension where there is no water meter a fee shall be paid at the time of building permit issuance in accordance with the Schedule of Consolidated User Fees and Charges, for water to be used during construction prior to the installation of the meter or where all water will be metered during construction, the fee for water for construction purposes may be waived.
- (j) Where an owner applies for and is issued a permit to install a water meter under Section 6(a) billing of usage and fixed charges occur as of the date the permit is issued regardless of the fee paid for construction purposes.

11. OFFENCES AND INTEREST

- (a) No person shall;
 - (i) willfully hinder or interrupt, or cause or procure to hinder or interrupt the Corporation, or any of its officers, contractors, agents, servants or workers, in the exercise of any of the powers conferred by the legislation referred to in paragraph 4(b);
- (b) Subject to the provisions of the Public Utilities Act and the Provincial Offences Act, every person who contravenes any of the provisions of this by-law, shall be liable to a fine of up to \$10,000.00.

12. BY-LAWS REPEALED

- (a) By-laws #535 (1979), 683 (1981), 790 (1982), 855 (1983), 971 (1985), 1124 (1987), 1242 (1989), 1333 (1990), 1400 (1991), 1469 (1992), 1480 (1992) and 1615 (1994) are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
16th DAY OF MAY, 2011 A.D.

MAYOR D. AUGUSTYN


TOWN CLERK NANCY J. BOZZATO