

THE GREATER NAPANEE WATER SUPPLY AND POLLUTION CONTROL BOARD

BY-LAW 96-02

A **BYLAW** to regulate water meters and associated matters.

WHEREAS the Municipal Act R.S.O. 1990 M. 45, as amended, authorizes By-Laws to establish and regulate works for the collection, production, treatment, storage, supply and distribution of water within the Municipality;

AND WHEREAS the Public Utilities Act R.S.O. 1990 as amended provides authority to: maintain and operate the waterworks; regulate the distribution and use of water and fix the prices for the water; regulate supply and to prohibit wrongful use of water; establish prohibitions and penalties for wasteful or wrongful use of water; levy special rates for the payment of debentures issued for the waterworks purposes:

AND WHEREAS the agreement to establish The Greater Napanee Water Supply and Pollution Control Board allows the Board of Management to pass bylaws to regulate water and sewer services within the Board service area;

NOW THEREFORE the Board of Management of The Greater Napanee Water Supply and Pollution Control Board enacts this by-law to regulate water meters and contracting for water services.

DEFINITIONS

1. (a) "approved" means having the approval of the Board;
- (b) "Board" means The Greater Napanee Water Supply and Pollution Control Board;
- (c) "curb stop" means a valve on a water line between a main and a premise;
- (d) "land" includes all buildings or any part of any building and all structures, machinery and fixtures erected or placed upon, in, over, under or affixed to land;
- (e) "meter" means a device or mechanism which is the property of the Board for the purpose of measuring the quantity of water consumed;
- (f) "meter chamber" means an accessible private inground structure remote from a building, containing and protecting a meter or meters and control valve or valves owned and operated by the owner;
- (g) "occupant" means any person who has actual or implied use, possession or control of any land or buildings thereon and which may be serviced with water from the water distribution facilities of the Board and includes any agent, contractor, servant of employee or such occupant;

- (h) "owner" means the registered owner as disclosed by the Land Registry Office and shall be presumed to be the person responsible for any breaches of this By-Law;
- (i) "premise" means the structure serviced with a service pipe connected from the main pipe, and which may be situated on public or private property;
- (j) "multiple residential unit" shall mean a building consisting of two, three or more residential units which may be row housing, townhousing, apartment buildings or any other form of multiple family housing; and shall include that portion of any combined residential and non-residential building containing two or more residential units;
- (k) "remote" shall mean a water meter remote reader;
- (l) "residential unit" shall mean one or more rooms together with private lavatory and kitchen designed to be used for exclusive residential occupancy of one or more individuals;
- (m) "water rates" means:
 - (a) metered rates;
 - (b) fixed rates;
 - (c) service charges related to the size of the service from the watermain to the property.

- 2. Further to the above, definitions as set forth in the Ontario Building Code, Part 7 (Plumbing Code) shall have the same meaning in this bylaw.

TURNING ON WATER SUPPLY

- 3. Water shall be supplied to a private service only after a contract as set out in Schedule A to bylaw 92-01, February 19th, 1992 as amended, has been undertaken by both the owner and the Board. Premises supplied with water at the time this bylaw takes effect shall be considered to have such a contract in place between the owner and the Board.
- 4. No person other than an authorized employee or agent of the Board shall turn on to any premise a supply of water through a curb stop or other valve sealed by the Board. It is an offence of this by-law for any owner, occupant or other person, except as noted to turn on to any premise a supply of water.

TURNING OFF WATER SUPPLY

- 5. The Board shall have the right to shut off the water to the premise of any person guilty of non-compliance with this by-law or because of waste, breakage or defects in the pipes or fixtures and not to turn on the water again until the penalty or fine imposed has been paid and/or until satisfactory evidence is received that the necessary repairs have been made.

WATER METERS

6. Each and all private services shall have water supplied through at least one water meter approved by the Board. All such meters become the property of the Board after they are installed.
7. Meter installation and access shall conform to Schedule A of this bylaw.

INSTALLATION OF METERS

8. Meters shall be installed as follows:
 - (i) At least one meter is required for each single residential unit service connection, or each commercial or institutional connection
 - (ii) For the purposes of this by-law, a condominium development may be served by one water meter for each private service; and industrial or commercial development site shall be deemed to be one building, and shall be served by one or more water meter or meters per service connection.
 - (iii) Multiple residential units shall be served by one or more meters.
9. Service charges and water rates start when water is turned on at the curb stop.
10. All water meters shall be installed with an outside wall remote together with the necessary cable to the water meter and installed upon the authority of the Board in Schedule A.
11. The entire cost of installing a first water meter shall be at the expense of the owner of the property upon which it is installed.
12. All water meters shall be owned by the Board. All new residential units must install a water meter and remote according to Board standards as set out in Schedule A. The meter installation will be inspected by the Board and if the installation does not comply with Board standards, the water supply will be shut off and will not be turned on again until the meter and remote meet Board standards.
13. Whenever water meters have been installed for the measurement of water, the owner of the premises where such meters have been or are placed, shall take all reasonable precautions to protect such a meter and its connections from damage by frost, hot water or other causes. Any damages to a meter, or remote or connection between meter and remote shall be the responsibility of the owner.

ACCESS TO WATER METERS

14. The owner or occupant shall provide ready and convenient access to the meter and remote so that it may be frequently read and examined by authorized Board employees or approved agents. A clear area as shown in Schedule A shall be maintained around the meter
15. The Board will pay all costs related to normal wear and tear of meters 50mm and smaller.
16. The owner shall be responsible for all costs associated with maintaining or replacing meters exceeding 50mm. Such meters may be replaced, tested or serviced at the owner's expense regardless of the meters' condition if the meter has been in service for more than ten (10) years.

17. Every owner and occupant of a premises where a water meter is installed shall ensure that the periodic reading and inspection of such meters by the authorized Board employees or approved agents is facilitated in all reasonable ways. The failure of the owner and/or occupant to do so, or to otherwise make reasonable arrangements for such reading or inspections, is an offence under this bylaw.
18. The water meter reading shall be the definitive reading where there is a discrepancy between a meter and a remote.

TESTING OF WATER METERS

19. A water meter, less than ten years old, shall upon request of an owner and with a deposit of an amount set by resolution of the Board shall be removed and tested by the Board. If the meter is found to register correctly, slowly, or not exceeding one and one half percent (1.5%) more consumption when tested, the deposit shall be retained by the Board to cover costs associated with the testing. If the test exceeds 1.5% a refund, as set forth in Article 20 shall apply.
20. If a meter is found, when tested, to register in excess of one and one half percent (1.5%), a refund will be made to the consumer. The refund shall include any deposit and an amount equal to such excess percentage, as determined during testing, of the amount of the account for the period of two (2) months prior to such testing of the meter. No such reduction shall be made when the owner of the building has not complied with the provisions of this by-law.
21. If a meter has been installed for more than ten (10) years, the owner may request a new or reconditioned meter be installed and the meter removed to be tested for accuracy. The provisions of Article 20 shall apply for refund.
22. If, the condition of a private service pipe is such that the meter cannot be safely removed without fear of damage to the private service pipes, the Board may require the owner to make such repairs as may be deemed necessary to facilitate the removal of the meter.
23. The Board will make periodic inspections or tests of meters and reserves the right to substitute other meters for existing meters owned by the Board.

MAINTENANCE AND REPAIR OF METERS

24. Only authorized Board employees or approved agents duly authorized by the Board, shall disconnect or take apart any meter or branch, or in any manner disturb the seal or any other part of the meter or its appurtenances.
25. The maintenance of meters up to 50mm shall be the responsibility of the Board. Maintenance and replacement of meters 51mm and larger is the responsibility of the property owner.

METER CHAMBERS

26. Where the Board deems the construction of a frostproof chamber or chambers is necessary to house the water meter or meters, it shall give notice in writing, accordingly mailed to the consumer by regular mail and the owner shall provide a drained frostproof chamber or chambers. The plans and specifications shall be subject to the approval of the Board.

27. The cost of providing and maintaining such a frostproof chamber or chambers and all connections thereto and of keeping the chamber or chambers readily accessible at all times, shall be the expense of owner.
28. Meter chambers shall be kept in condition such that meters are not immersed in water, at anytime.
29. The Board shall be entitled to shut off all water service without further notice at the expiry of twelve months from the date of written notice by registered mail to the owner, whether received by the owner or not, unless an approved frostproof chamber(s) has (have) been provided by that date and shutting off water shall not preclude any and all other remedies available to the Board.

SALE OF WATER

30. Water, whether from the Board's supply or otherwise, shall not be supplied, sold or disposed to anyone else, whether or not such person is a customer of the Board, without the consent of the Board in writing. Sale of water drafted from the bulk loading facility is exempted from this provision.

METER RATE

31. All water must be metered except where it has been determined by the Board that a meter cannot be installed or where water is used exclusively for a fire protection sprinkler system for fire fighting purposes.
32. All water passing through a meter will be charged for, whether used or wasted.
33. The charge to owners assessed by meter measurement shall be at the rates established in separate bylaw.
34. Where a person becomes the owner of a building during a period between the reading of meters they shall apply to the Board for a meter reading. The charge at the next regular billing shall be calculated on the quantity of water used during the remaining part of the billing period.
35. Each owner of the land shall be liable for all water supplied to the land.

ESTIMATED CONSUMPTION

36. The reading of the register of the water meter shall be the sole evidence of the quantity of water supplied to a property unless the meter is proven to be defective, following a proper meter testing conducted by the Board, as per Section 19.

37. Where for any reason the consumption of water in a property has not been recorded or where in the opinion of the Board the consumption of water has been wrongly recorded, the Board shall estimate the quantity of water consumed and the owner shall be liable to pay the meter rate applicable to the consumption on the basis of such estimate.
38. Where a meter fails to register accurately, or where a meter is removed or otherwise bypassed for any reason or purpose, the quantity of water consumed during the period of such failure or removal shall be estimated by the Board and the owner shall be liable for any and all charges based on this estimate.

CONDITIONS OF SERVICE

39. Where an unmetered service pipe is provided for fire protection purposes, no person shall take any water except for the following purposes:
- (i) fire protection;
 - (ii) for the testing of the system by employees of an incorporated fire underwriters association;
 - (iii) inspection or testing of hydrants as required under the Ontario Fire Code Subsections 6.6.4, 6.6.5.6 and 6.6.5.7;
 - (iv) Private fire hydrants used periodically by their owners for the training of private fire brigades or teams;
 - (v) required testing of fire protection equipment in accordance with the Ontario Fire Code or Fire Underwriters requirement.

OFFENCES

40. No person shall alter, tamper with, move, or otherwise interfere with a meter or the flow of water through it.
41. No person or persons shall:
- (a) wilfully alter any meter or remote placed upon any service pipe to alter or lessen the amount of water consumption registered;
 - (b) attach any pipe or in any way tap into or obtain the use of water from upstream of a meter without written consent of the Board;
 - (c) use water during a period when the use of water has been prohibited or restricted;
 - (d) break any seal on a water meter or valve except to allow a meter bypass valve to be operated in an emergency in which case the Board shall be notified by 9:00 AM of the next work day;
 - (e) wilfully hinder or interrupt, or cause or permit to be hindered or interrupted, the authorized Board employees or approved agent, in the exercise of any of the powers conferred by this bylaw.
42. No person shall use water on a property to which water is supplied by the Board until a meter is installed and then sealed by Board.

PENALTIES

- 43. Any person who contravenes any of the provisions of this bylaw is guilty of an offence, and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990 C.P. 33.
- 44. For the purposes of this bylaw, an offence which commences on one calendar day and continues past midnight on the next calendar day shall be deemed to be two offences and so on through successive days.

EFFECTIVE DATE

- 45. This bylaw shall come into force and take effect on the date of its passing.

VALIDITY

- 46. If any section, clause or provision of this bylaw is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the bylaw as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this bylaw shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall be declared to be invalid.

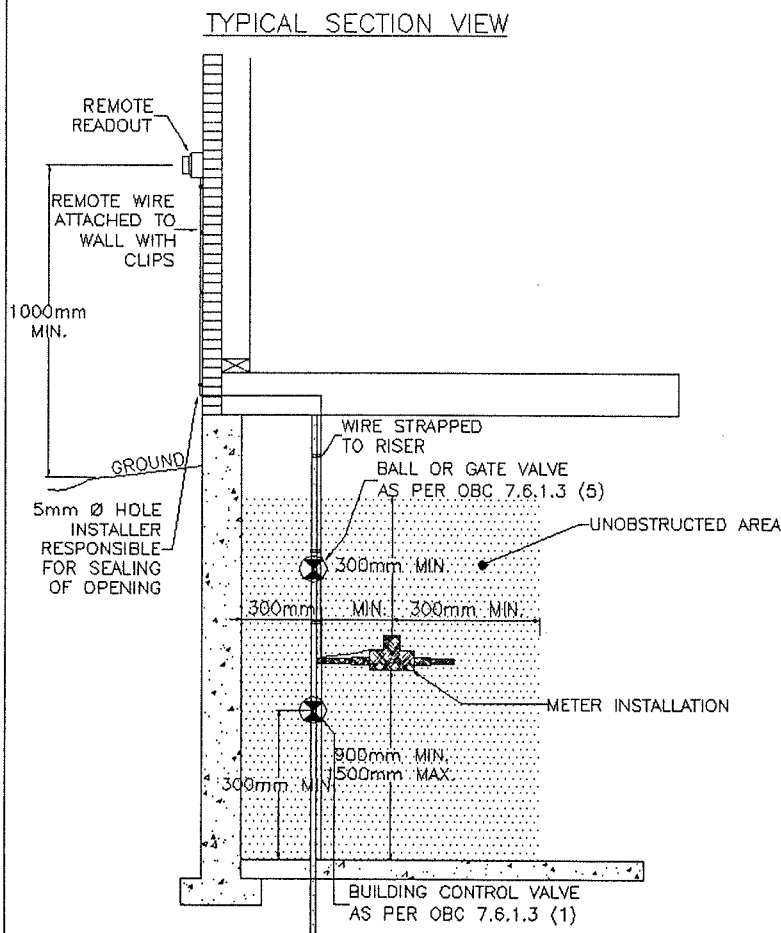
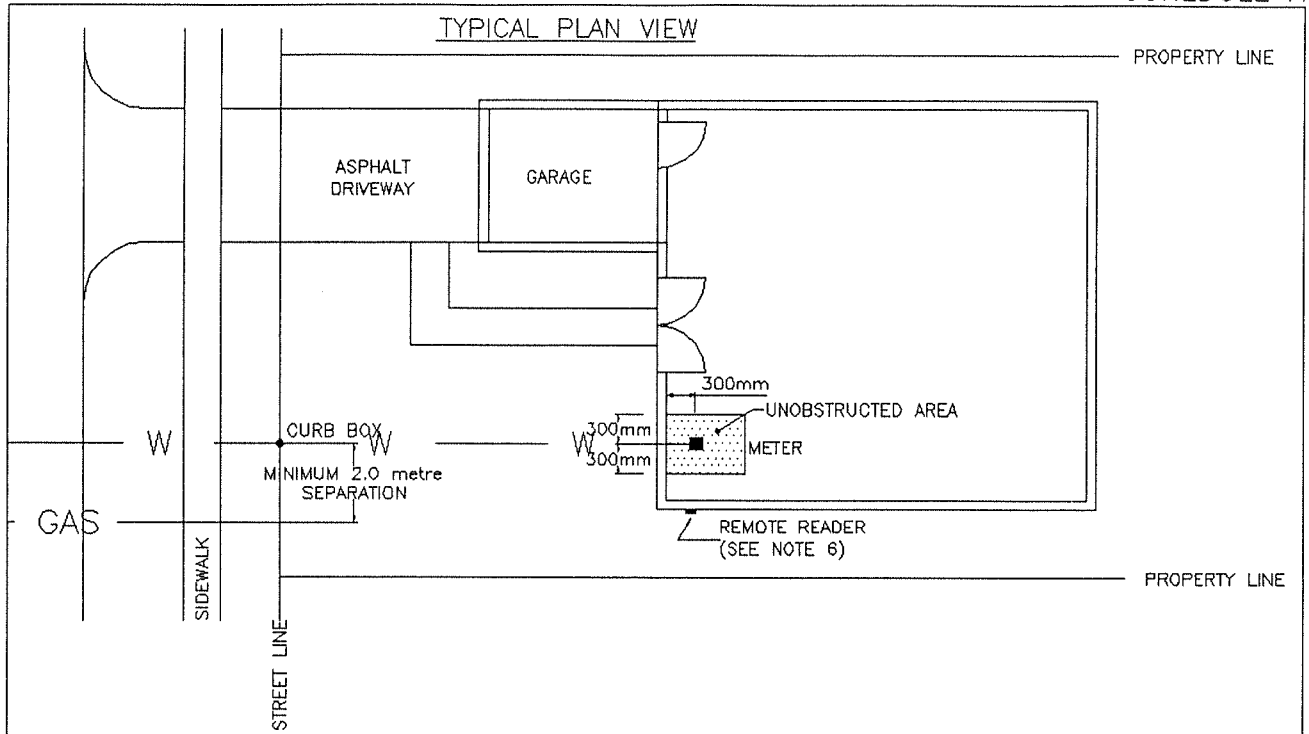
This bylaw shall come into force immediately on the passing thereof.

Read a first and second time Gordon Schermerhorn, M.P.C. 22 Feb 96

Read a third time and finally passed 22 February 1996 .

Gordon Schermerhorn

M.P.C.



NOTES

1. Meter ends : 16 to 25mm bronze threaded.
2. Plumbing contractor shall be responsible for the piping up to the meter and for installation of the meter and remote.
3. Meter shall be installed horizontally, a meter yoke may be used.
4. The valves shown shall be visible and accessible.
5. Every meter installed shall have a remote readout.
6. Location of the remote readout shall be adjacent to the hydro meter or the gas meter and shall be readily accessible.
7. A free and unobstructed passageway must be provided and maintained, with no partition or stored material within 300mm, as shown on the diagram.

NOTE: Grounding to the water service is not allowed in buildings constructed after July 1, 1993.



**GREATER NAPANEE WATER SUPPLY
AND POLLUTION CONTROL BOARD**

**TYPICAL METER & REMOTE INSTALLATION
FOR DOMESTIC SERVICES 19 TO 50mm**

DATE 1995/02/19

SCALE NONE

DRAWN BY ak1

FILE METERINS.DWG