

TOWN OF FORT FRANCES

BY-LAW NO. 16/06-E

(Being a by-law to amend By-Law No. 16/06, the Water System Management By-Law - the *Municipal Act, 2001*, S.O. 2001, c. 25.)

WHEREAS on August 14th, 2006, Council enacted By-Law No. 16/06 to provide for the management of the Fort Frances potable water system;

AND WHEREAS on January 28th, 2013 Council approved a recommendation from the Operations and Facilities Executive Committee to amend By-Law No. 16/06 as to supply and installation of new water meters in buildings where no ICI water meter exists.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That Town of Fort Frances By-Law No.16/06, (the Water System Management By-Law, as amended) be now further amended as follows:

- 1) By deletion of the **Index Part 7 – Water Meters** and by the subsequent replacement of same with the following:

“Part 7 WATER METERS

- 7.1 Water to be metered
- 7.2 Metered water – remedy for violation
- 7.3 Every building metered – service refused – Engineer's discretion
- 7.4 Meter – lifetime
- 7.5 Installation of water meter where no water meter exists
- 7.6 Supply – installation – ownership – replacement
- 7.7 Installation – maintenance – repair – access
- 7.8 Notice required – access
- 7.9 No shut off – reasonable effort – gain access
- 7.10 Restoration of water supply – as soon as practicable
- 7.11 Charges – meters – Owner to pay
- 7.12 Installation to Town Specifications
- 7.13 Sealed – by Engineer – inspection
- 7.14 By-pass valves – required – meters over 50 mm
- 7.15 Meter location – Engineer to consent to change
- 7.16 Private meters – owner responsible
- 7.17 Reading meter – access
- 7.18 Leaks must be reported
- 7.19 Interference with meter not permitted
- 7.20 Failure to install meter – penalty
- 7.21 Owner responsible to repair piping
- 7.22 Non-functioning meter – consumption of water estimated

- 7.23 Testing – right of Town
- 7.24 Test – requested by owner – accurate – cost to Owner
- 7.25 Test – inaccurate – cost to Town
- 7.26 Meter reading supersedes remote device reading
- 7.27 Meter pit – outside – Engineer's discretion
- 7.28 Meter pit – location – construction – maintenance – responsibility"

- 2) By deletion of **Part 7 - Water Meters** in its entirety and by the subsequent replacement of same with the following:

**"Part 7
WATER METERS**

7.1 Water to be metered

All water used on premises within the Town of Fort Frances, except residential dwellings, multiple residential units, churches and places of worship or water used for fire fighting purposes, or water authorized by the Engineer for construction or other purposes, shall pass through the meter supplied by the Town for use upon such premises. All water supplied to premises outside the corporate limits of the Town of Fort Frances shall pass through a meter supplied and installed by the Town of Fort Frances.

This section shall not apply to residential dwellings and multiple residential dwellings containing licensed home occupations.

7.2 Metered water - remedy for violation

Notwithstanding remedies available to the Town pursuant to this by-law or otherwise, upon ascertaining that water has been used which has not passed through a meter, the Town may, without notice shut off and stop the supply of water.

7.3 Every building metered – service refused – Engineer's discretion

The Engineer may require any or all water services to be metered when he or she deems it advisable within the established policy as approved by Council and refuse to supply water to any premises unless the customer requiring the supply of water shall conform to the terms outlined in this by-law and agrees to pay for such water according to the rates as may be applicable at this time.

7.4 Meter – lifetime

The lifetime of a water meter is fifteen (15) years from the date of installation after which time the owner shall pay the costs for the replacement of the water meter through a monthly replacement fee set in accordance with the Town's User Fee By-Law.

7.5 Installation of new water meter where no water meter exists

The Town shall, upon application supply the Owner with a water meter (includes automatic read communication equipment) at the rates set in accordance with the Town's User Fee By-Law. Any new building or existing building where no water meter exists, the Owner will be responsible for all supply and installation costs of the water meter. The costs to supply and install a new water meter will include but not be limited to the following: the water meter, necessary plumbing modifications the backflow preventive device, expansion tank, the automatic read communication equipment and devices and all other incidental plumbing and communication material. The water meter must be installed prior to occupancy of the building.

7.6 Supply – installation – ownership – replacement

All costs for the replacement of the water meter shall be borne by the Owner through a monthly replacement fee set in accordance with the Town's User Fee By-Law. The meter shall remain the exclusive property of the Town and may be removed as and when the Town may see fit, upon the same being replaced by another meter or for any reason which the Town may in its discretion deem sufficient.

7.7 Installation – maintenance – repair – access

The Town may shut off or restrict the supply of water to a property if the Town requires access to the property to install, replace, repair or inspect a water meter. Any person authorized by the Town for that purpose has free access, at all reasonable times, and upon notice given as set out in Section 7.8 of this by-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.

All costs of normal maintenance of the meter during the lifetime of their installation shall be borne by the Town of Fort Frances. The exception being all costs to repair damage due to freezing or structural damage will be recovered from the owner.

7.8 Notice required – access

Before shutting off or restricting the supply of water, the Town shall,

- a) By personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the Town intends to shut off or restrict the supply of water if access is not obtained before that date;
- b) Ensure that a copy of the notice described in clause a) is securely attached to the property in a conspicuous place.

7.9 No shut off – reasonable effort – gain access

The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after the later of,

- a) the day the last notice under part (a) of Section 7.8 of this by-law was personally served;
- b) the day the last notice under part (a) of Section 7.8 of this by-law was mailed; and
- c) the day a copy of the notice was attached under part (b) of Section 7.8 of this by-law.

7.10 Restoration of water supply – as soon as practicable

If the Town has shut off or restricted the supply of water under Section 7.7 of this by-law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.

7.11 Charges – meters – owner to pay

All charges for any of the work and services mentioned in Sections 7.7 and 7.10 of this by-law will be determined by the Engineer as set out in accordance with the Town's User Fee By-law and will be paid in full by the owner.

7.12 Installation to Town Specifications

All water meters, supplied by the Town, shall be installed to conform to the following Town specifications:

A horizontal section of water service pipe be installed at a minimum height of 200 mm above the floor and above the water shut-off, but not exceeding 750 mm thereof. The length of the horizontal section of water service pipe shall be as follows:

<u>Water Meter</u>	<u>Length of Section</u>	<u>Distance from Wall</u>
20 mm	450 mm	100 mm
25 mm	600 mm	150 mm
40 mm	750 mm	150 mm
50 mm	750 mm	200 mm

The installation of any horizontal section to accommodate a water meter above 50 mm in size shall be subject to the approval of the Engineer before installation.

7.13 Sealed – by Engineer – inspection

The Engineer shall have the right to seal meters at his or her own discretion and to inspect such seals from time to time.

7.14 By-pass valves – required – meters over 50 mm

All meters over 50 mm in size shall be equipped with by-pass piping and suitable valving. Valving on the by-pass piping shall be sealed. Where the water cannot be turned off for water meter repairs or replacement due to internal manufacturing processes by-pass piping shall be installed.

7.15 Meter location – Engineer to consent to change

The location of a meter, once installed to Town specifications, shall not be changed or altered by any person except with the consent of the Engineer.

7.16 Private meters – owner responsible

The Town will not supply, install, inspect or read private water meters, nor will the Town bill consumption on private water meters. Water supply pipes to private meters must be connected to the owner's plumbing after the Town's meter.

7.17 Reading meter – access

The Town and persons authorized by the Town for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the Town's discretion. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Town, the Town may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.

7.18 Leaks must be reported

Any leaks that may develop at the water meter or its couplings must be reported immediately to the Town. The Town is not liable for damages caused by such leaks.

7.19 Interference with meter not permitted

No person, except a person authorized by the Town for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any water meter, or with the seals placed thereon, or do anything which may interfere with the proper registration of the quantity of water passing through such meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in any building or structure, the Engineer may forthwith, without any notice, shut off the water from such building or premises, and the water shall not be again turned on to such building or premises without the express consent of the Engineer.

7.20 Failure to install meter – penalty

Every person who fails to make application with the Town for the installation of a water meter, or otherwise fails to have installed a water meter as required in Section 7.1 of the by-law is guilty of an offence and subject to such fines and penalties provided for under the *Provincial Offences Act*. The Town of Fort Frances may avail itself of any and all remedies, and whatever actions and procedures as provided in the *Municipal Act, 2001* to effect compliance with the requirements of this by-law.

7.21 Owner responsible to repair piping

If, in the opinion of the Engineer, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Engineer may require the owner make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner

does not comply with the Engineer's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Town shall not be held responsible for any damages to the owner's property arising from such work.

7.22 Non-functioning meter – consumption of water estimated

If, for any cause, any meter fails to register properly, then the quantity of water consumed during the period of such failure shall be estimated on the basis of recorded consumption for that same period in the previous year.

7.23 Testing – right of Town

The Town shall have the right at any time or times to remove and test any meter and to substitute another meter for any meter owned by the Town.

7.24 Test – requested by owner – accurate – cost to owner

Any consumer may, upon written application to the Town have the water meter at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters set out in accordance with the Town's User Fee By-law. If the meter when tested is found to register correctly, slow or not in excess of 3.0 percent in favour of the Town, it shall be deemed to register correctly and the customer's deposit shall be forfeited towards the cost of the testing. Any additional expense of removing, testing and replacing the meter shall be paid for, in full by the consumer requesting the test.

7.25 Test – inaccurate – cost to Town

If the meter when tested is found to register in excess of 3.0 percent in favour of the Town, no charge shall be made for the cost of removing, testing and replacing the meter and the Town shall authorize a reduction or refund to the consumer equal to the additional water rates incurred for the period of four (4) months prior to such testing of the meter, plus the customer's deposit for the test.

7.26 Meter reading supersedes remote device reading

Where the water meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the read-out device, the Town will consider the reading at the meter to be correct, and will adjust and correct the customer's account accordingly.

7.27 Meter pit – outside – Engineer's discretion

When, in the opinion of the Engineer, it is not practical to locate the meter inside the building to be served, the same shall be located outside the building in a meter pit.

7.28 Meter pit – location – construction – maintenance – responsibility

The location and construction of a meter pit shall be subject to the approval of the Engineer and such meter pit shall be constructed by the Town or by contractors engaged by the Town for the purposes of such installation and paid for by the owner of the premises being served. The maintenance, repair and the keeping the meter pit in a dry condition shall be the owner's responsibility and paid for by the owner."

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this ____ day of _____ 2013.

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READ THREE TIMES and finally passed in open Council this 24th day of June 2013.