



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2013 – 115

BY-LAW TO REGULATE THE TIME, MANNER, EXTENT AND NATURE OF THE SUPPLY OF WATER WITHIN THE CITY OF WATERLOO

WHEREAS Section 11(2)6. of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended (the “*Municipal Act, 2001*”), allows municipalities to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 11 (3)4. of the *Municipal Act, 2001* allows municipalities to pass by-laws respecting public utilities;

AND WHEREAS Section 80(1) of the *Municipal Act, 2001* states that a municipality may, at reasonable times, enter on land to which it supplies a public utility, (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or (b) to inspect, install, repair, replace or alter a public utility meter;

AND WHEREAS Section 80(3) of the *Municipal Act, 2001* states 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: (a) to shut off the supply of the public utility; (b) to remove any property of the municipality; or (c) to determine whether the public utility has been or is being unlawfully used;

AND WHEREAS Section 81(1) of the *Municipal Act, 2001* states that, without limiting sections 9, 10 and 11, a municipality may shut off the supply of a public utility by the municipality to land if fees or charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue;

AND WHEREAS Section 81(3) of the *Municipal Act, 2001* states that despite subsections 81(1) and 81(2), a municipality shall provide reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place;

AND WHEREAS Section 81(4) of the *Municipal Act, 2001* states that a municipality may recover all fees and charges payable despite shutting off the supply of the public utility;

AND WHEREAS Section 82(1) of the *Municipal Act, 2001* states that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to a municipality or to the land of any person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given;

AND WHEREAS Section 83 of the *Municipal Act, 2001* states that, without limiting sections 9, 10 and 11, a municipality may, as a condition of supplying or continuing to supply a public utility, require reasonable security be given for the payment of fees and charges for the supply of the public utility or for extending the public utility to land;

AND WHEREAS Section 398(2) of the *Municipal Act, 2001* states that the treasurer of a local municipality may add fees and charges imposed by the municipality to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes: (1) in the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied; and (2) in all other cases, any property for which all of the owners are responsible for paying the fees and charges.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. Citation

- 1.1. This By-law shall be known as the “Supply of Water By-law” of The Corporation of the City of Waterloo;
- 1.2. Should any by-law refer to the City’s, or a department of the City’s, “Time, Manner, Extent and Nature of the Supply of Water By-law” or “Water By-law”, the aforesaid by-laws, in using any of the aforementioned terms, shall be interpreted to mean this By-law, regardless of any definition to the contrary contained within those by-laws.

2. Definitions

- 2.1. In this By-law:

“Appurtenance” includes a valve, valve chamber, Hydrant, hydrant lead, flow meter, Curb Stop, maintenance access point, maintenance hole, manhole, grate, catch basin, catch basin lead, ditch inlet chamber or other minor accessory part of a Watermain or sewer;

"Authorized Employee" means any City employee authorized by the Director of Water Services, or the Chief Financial Officer (CFO) & Treasurer;

"AWWA" means American Water Works Association;

"Building" has the same meaning as in the *Building Code Act, 1992*, S.O. 1992 c. 23, as amended (the "*Building Code Act*");

"Chief Financial Officer (CFO) & Treasurer" means the Chief Financial Officer (CFO) & Treasurer of the City, or his or her designate;

"City" means The Corporation of the City of Waterloo and includes its employees, servants and agents;

"Control Valve" means a valve for turning the water off and on, located on the water services ahead of the Meter serving a Building;

"Council" means the Council of the City;

"Curb Stop" means an apparatus installed by the City outside of a Building, normally on the Street Line, used for turning on or shutting off the water supplied to a Building;

"Customer" means any Owner, occupant, lessee, tenant or any other person purchasing or receiving Services from the City;

"Director of Water Services" means the Director of Water Services of the City, or his or her designate;

"Fees & Charges By-law" means the current schedule of fees, rates or other charges as established by a by-law enacted pursuant to section 391 of the *Municipal Act, 2001*, as may be amended or replaced from time to time;

"Fire Department" means Waterloo Fire Rescue Services;

"Hydrant" means fire plugs or standpipes installed by the City for the use by the Fire Department or any other City department;

"Meter" means an apparatus for measuring the quantity of water used;

"Owner" means an owner of a Building or of lands, or their agent/designate;

"Region" means The Regional Municipality of Waterloo;

"Reservoir" means a place where water is stored or accumulated;

"Service Pipe" means the conduit for transporting water from the Watermain to a Building;

"Services" means all water services supplied by the City;

"Street" has the same meaning as "highway" in the *Municipal Act, 2001*;

“Street Line” means the line or demarcation between private property and the adjacent Street; and,

"Watermain" means any system of pipes and Appurtenances used for the transmission or distribution of potable water supplied by the Region within the City's boundaries, but does not include plumbing to which the *Building Code Act* applies or a pumping facility.

3. Application for Services

3.1. All Owners shall submit a written application (the “Application”) to the City for the provision of the Services before the Service Pipe is extended from the Watermain to the Street Line.

3.2. The Application shall include:

- (a) the desired location and size of the Service Pipe and Meter required;
- (b) the use or class of occupancy of the Building; and,
- (c) any other information which shall aid the City in providing an adequate water supply.

3.3. The diameter of the Service Pipe shall not be less than twenty-five (25) millimetres

3.4. The Director of Water Services may require that a plan of the Building be supplied to the City by the Owner showing the interior piping or laterals connected to the Services.

3.5. The City shall not be responsible for any inadequate or improper installation of the Services resulting from a lack of information in the Application.

3.6. By applying for Services from the City, the Owner shall comply with all applicable laws, rules, regulations and requirements relating to the Services.

4. City Property

4.1. All pipes, wire, machinery equipment and other works used to supply the Services between the Watermain and the Street Line, and all Meters, shall remain the property of the City.

4.2. Property of the City which is used for or in connection with the supply of the Services to Buildings or land is exempt from seizure:

- (a) against the Owner or occupant of the land and/or Building under the *Execution Act*, R.S.O. 1990, c. E.24; and,
 - (b) against a person with a leasehold interest in the land and/or Building for overdue rent.
- 4.3 An Owner may be held liable for damages to City property caused by the Owner as a result of carelessness or negligence on the Owner's part or on the part of any person or entity acting for or on behalf of the Owner and, in particular, without limiting the generality of the foregoing, for:
 - (a) damage occasioned by operating the Curb Stop in lieu of a Control Valve;
 - (b) damage due to ground wire attachment; or,
 - (c) damage to the Meter caused by hot water or steam from a Building or by frost.

5. Meters

- 5.1. All Meters shall be located in a safe and convenient place, so as to facilitate access by the City.
- 5.2. No Meter shall be enclosed or sufficiently inaccessible so as to prohibit it being read, examined or removed and all Meters shall be placed as close as possible to the entrance of the Service Pipe into a Building.
- 5.3. The City may, at all reasonable times, enter on land to which it supplies Services in order to:
 - (a) inspect, repair, alter or disconnect the Services, wire, machinery, equipment and other works used to supply water; or,
 - (b) inspect, install, repair, replace or alter a Meter.
- 5.4. No person shall deny or otherwise prohibit the City's access to the Meter, the Service Pipe or wire, machinery, equipment or other works used to supply the Services.
- 5.5. The City may shut off or reduce the supply of water to the land or Buildings where the Owner or Customer denies or otherwise prohibits access to the Meter, the Service Pipe or wire, machinery, equipment or other works used to supply the Services.

- 5.6 The City may charge a fee to the Owner, pursuant to the Fees & Charges By-law, for denying or otherwise prohibiting access to a Meter, which would represent the reasonable costs incurred by the City. The City may add this fee to the tax roll for the relevant property and collect the fee in the same manner as municipal taxes.
- 5.7 An Owner shall be liable for any damage to a Meter, other than normal wear and tear, as determined by the Director of Water Services, and, should a Meter be damaged, the City may charge the Owner a fee to cover the cost of repairing or replacing the Meter. The City may add this fee to the tax roll for the relevant property and collect the fee in the same manner as municipal taxes.
- 5.8 No person, other than an Authorized Employee, shall be permitted to remove, inspect or tamper with a Meter or other equipment or property of the City.
- 5.9 No person shall alter any Meter placed upon the Services or a pipe, either within or outside of any Building or other place, so as to lessen or alter the amount of water registered on the Meter.
- 5.10 Any Customer having doubt as to the accuracy of a Meter may request that the Meter be removed and tested by notifying the Director of Water Services and submitting a deposit to the City in accordance with the Fees & Charges By-law. If the Meter is found to meet the applicable AWWA standards for accuracy, the deposit shall be forfeited to the City. However, if the Meter is found to not conform to the applicable AWWA standards, the deposit shall be returned to the Customer and appropriate adjustments shall be made to the subject account.

6 Installation of Services

- 6.1 The City may install all Services from the Watermain to the Street Line and may charge the Owner of the land on which the Services are being installed for all labour, materials and other costs incurred by the City as a result of installing the Services.
- 6.2 The City may, among other things:
- (a) determine the size and locations of Service Pipes and Meters;
 - (b) limit the number of Buildings to be supplied by a single service connection; and
 - (c) refuse to install the Services if it considers the Services to be detrimental to existing Services or to the broader interests and operations of the City.

7 Temporary Services

- 7.1 The usage of temporary Services by an Owner, contractor or other person shall be allowed, provided that an application is made to the City and that the City gives approval for the temporary services.
- 7.2 The Owner, contractor or other person submitting the application for temporary Services shall deposit with the City the applicable fee pursuant to the Fees & Charges By-law.

8 Changes to Services

- 8.1 Any Owner desiring a change in the location, arrangement or size of Services or a Meter shall pay to the City all costs incurred for making such a change.

9 Control Valves

- 9.1 An Owner being supplied with Services shall install a Control Valve on the Service between the wall or floor of the Building served and the Meter, and an additional Control Valve on the Building side of the Meter.
- 9.2 The Control Valves shall comply with City specifications and be in addition to the Curb Stops.

10 Hydrants

- 10.1 No person shall use Hydrants within the City, or connected to Services, except:
 - (a) employees of the City; or,
 - (b) persons having written permission from the City and using the Hydrants under the supervision of the City.
- 10.2 If water is desired through Hydrants, a permit must be sought from the City. This permit, along with the applicable fee pursuant to the Fees & Charges By-law, shall be processed by the City and approval may be granted or denied.

11 Fire Service Charge

- 11.1 The City may impose a fire service charge on any property within the City at a rate to be determined by Council from time to time.

12 Service Outside of Municipality

- 12.1 The City shall not supply Services to anyone outside of the boundaries of the City, unless it is approved by Council.

13 Water Supply

13.1 As the Region is the sole supplier of water to the City, the City cannot guarantee the supply, quality or pressure of water to Customers and failure to supply water shall not be construed as negligence on the part of the City.

14 Shut Off

14.1 If a Customer discontinues the use of the Services on land, or the City lawfully decides to cease supplying the Services to the land, the City may enter on the land:

- (a) to shut off the supply of the Services; and,
- (b) to remove any property of the City.

14.2 The City may shut off the supply of the Services to land if fees or charges payable by the Customers for the supply of the Services to the land are overdue.

14.3 The City may shut off the supply of the Services if the fees or charges for sewage services or stormwater services as set out in the Sewage and Stormwater Services By-law are overdue, and they may be shut off in the same manner as section 18.8 below.

14.4 The City shall provide reasonable notice of the proposed shut-off to the Customers by personal service or prepaid mail or by posting the notice on the land in a conspicuous place.

14.5 The City may recover all fees and charges payable despite shutting off the supply of the Services.

14.6 The City is not liable for damages caused by the interruption or reduction of the amount of Services supplied or to the land of any person as a result of an emergency or a breakdown, repair or extension of its Services if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given.

14.7 If the supply of Services to the City is interrupted or reduced, the City may allocate the available Services among its customers.

14.8 The City may, as a condition of supplying or continuing to supply the Services, require reasonable security be given for the payment of fees and charges for the supply of the Services or for extending the Services to land.

- 14.9 When it may be necessary to restrict water usage, Council may take such measures as it deems necessary to regulate or suspend any or all water distributed through a hose or other attachment, for any purpose.

15 Refrigeration and Air Conditioning

- 15.1 No Customer shall use the Services directly or indirectly for the cooling of air except in compliance with the following:
- (a) all equipment for cooling or air conditioning installed after January 1, 1981, which utilizes water in any way, shall, while in operation, be equipped with an efficient evaporative cooling device which reduces the consumption of water to not more than 0.5 litres per minute per tonne of refrigeration capacity or per horsepower of installed motor capacity, whichever shall permit the least water consumption; and,
- 15.2 all equipment for cooling or air conditioning installed after January 1, 1981, which utilizes water in any way and which is not equipped with an efficient evaporative cooling device shall be supplied with water through a separate Meter and the consumption shown thereon shall be billed and paid for by the Customer at double the prevailing rate.

16 Safety of Services

- 16.1 The Director of Water Services shall take such measures as are reasonably necessary and proper to ensure an adequate and continuous supply of the Services.
- 16.2 The Director of Water Services, in the case of an emergency which may imperil the supply or quality of water, may take such remedial action as may be necessary or proper, without notice, and report thereon to Council as soon as it is practicable. Remedial action may include limiting or stopping the supply of the Services in any area or restricting the use of the Services for any specific purpose without notice.
- 16.3 No person, except an Authorized Employee, shall dump or throw any material into water Reservoirs or open water channels of the City, or place any foreign materials in any Hydrant, water pipe or outlet.
- 16.4 Where an auxiliary water supply exists in any Building connected to the Services, backflow prevention must be provided. This requirement shall include the handling of process waters and waters originating from the City which have been or may be subject to deterioration in sanitary quality. Backflow prevention devices shall be installed where internal cross connections exists.

- 16.5 Failure to comply with any statutory requirements relative to the protection of public water supplies will be sufficient reason for immediate discontinuance of any water supply service until such time as it is determined that the requirements of the City have been met.

17 Wasting of Water

- 17.1 No person shall let off or discharge, or permit the letting off or discharging, of water so that water runs waste or useless out of the Services.
- 17.2 No person shall damage or allow the deterioration of any appliance which will result in a waste of water.
- 17.3 Upon detection of leaky valves, improper pipes or imperfect fixtures, any of which are creating a waste of water in any Building or on any lands, the Director of Water Services shall notify the Customer regarding the repairs required to cease the wastage of water and, where the necessary repairs are not made within seven (7) calendar days thereafter, the Director of Water Services shall have the authority to cut off the supply of water by closing the City's Curb Stop or by detaching the Service Pipe from the Watermain.
- 17.4 Where the conditions of pipes or fixtures may cause a waste of water or damage to property, the Director of Water Services shall, without notice, have the authority to discontinue the supply of water by closing the City's Curb Stop or by detaching the Service Pipe from the Watermain.
- 17.5 Where damages occur to lands or Buildings because of faulty fixtures or pipes, the City shall not be held responsible for the water not being shut off.

18 Manner of Invoicing

- 18.1 Fees or charges for the consumption of water, for the bulk consumption of water, for the construction of the Services or for other purposes, shall be set by Council from time to time in the Fees & Charges By-law.
- 18.2 Fees and charges for the Services shall be payable upon receipt of an invoice and every Customer in receipt of such invoice shall ensure payment of such invoice on or before the due date noted on the invoice.
- 18.3 Interest shall be added after the due date for each subsequent bill issued with unpaid carry forward and charged at a rate of one and a half percent (1.5%).
- 18.4 In the case of payments received by mail, the date payment is received shall be taken as the date of payment.

- 18.5 Where for any reason the consumption of water for a premise has not been recorded or where in the opinion of the Director of Water Services, or his or her designate, consumption of water has been wrongly recorded, the City shall reasonably estimate the quantity of water consumed and the Owner shall be liable to pay the retail rate applicable to the consumption on the basis of such estimate.
- 18.6 The City has the right to estimate consumption based upon use and water services size during the provision of unmetered temporary water service.
- 18.7 If fees or charges are not paid after twenty one (21) days to the City by the Customer in accordance with the provisions of this By-law, the City may add the outstanding fees or charges to the tax roll for the relevant property and collect the fees or charges in the same manner as municipal taxes.
- 18.8 If, after twenty one (21) days past the due date, fees or charges are still not paid, the Chief Financial Officer & Treasurer may advise the Customer that unless the fees or charges are paid within seven (7) days, the City may discontinue the Services to the lands or Buildings upon which the fees or charges are due, and in the event the Services are turned off, they shall not be turned on again until such time as all arrears are paid together with the fees, charges and costs incurred on behalf of the City for turning the Services off and on. The aforesaid fees, charges and costs for turning the Services off and on shall be at the rates outlined in the Fees & Charges By-law.
- 18.9 Partial payments on accounts that are in arrears shall be applied in each instance to the arrears longest outstanding.
- 18.10 The City may establish an administrative policy in relation to the collection of water receivables. If any conflict arises between this bylaw and any City policy, the Bylaw shall supersede the policy.

19 Billing Errors

- 19.1 Where billing errors have resulted in over-billing, the Customer shall be credited with the amount erroneously billed for the relevant period, but not exceeding two (2) years.
- 19.2 Where billing errors have resulted in under-billing, the Customer shall be charged the amount erroneously not billed for a period not exceeding two (2) years.

20 Prohibitions

- 20.1 No person shall use Services to power turbines or similar devices.

- 20.2 No person, except as authorized by the Director of Water Services, shall tap or make any connection with a Watermain or turn off or on or interfere with in any manner, any Appurtenance of the Services.
- 20.3 No person shall hinder or interrupt, or cause or permit to be hindered or interrupted, the City or any of its officers contractors, agents, servants or workmen in the exercise of any powers under this by-law.
- 20.4 No person shall, without lawful authority, open or close any Hydrant or obstruct the free access to any Hydrant or any Appurtenance by placing on or around it any building material, rubbish, landscaped features or other obstruction.

21 Offence & Penalties

- 21.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence pursuant to section 425 of the *Municipal Act, 2001*, and pursuant to section 429, all contraventions of this by-law are designated as continuing offences.
- 21.2 Every person who is convicted of an offence is liable to a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.
- 21.3 In addition to the fine amounts set out in subsection 21.2 for each day or part of a day that an offence continues, the minimum fine shall be Five Hundred Dollars (\$500.00) and a maximum fine shall not exceed Ten Thousand Dollars (\$10,000) per day or part of a day.

22 Severability

- 22.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

23 Repeal & Effective Date

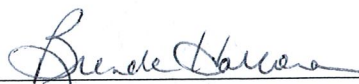
- 23.1 By-law 08-123 of The Corporation of the City of Waterloo, as well as all by-laws amending same, are hereby repealed.
- 23.2 Notwithstanding paragraph 23.1 above, By-law No. 08-123 is deemed to continue enforce and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that By-law and any assessment, rate, charge, tax, fee, liability, fine or penalty outstanding under By-law 08-123 may be collected as if such By-law had not been repealed.

23.3 This by-law shall come into force and effect on the date of its final passing.

Enacted this 18 day of November, 2013.

Approval	Date	Print Name	Initials
CORP/FIN	Nov 6/13	P. Heltinger	PH
Legal	Nov 5/13	P. Kraemer	PK
Finance	Nov 6/13	K. Patel	Ⓚ

File



B. Halloran, Mayor



S. Greatrix, City Clerk