

C O R P O R A T I O N
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 814-77

A By-law to establish and regulate the Town of Niagara-on-the-Lake Water System.

BEING a by-law to establish, install, regulate and govern water services in the Corporation of the Town of Niagara-on-the-Lake. To fix rates and charges for the installation of water services and for water thereby supplied, to regulate, to govern the use of water and to provide for the management thereof.

WHEREAS pursuant to the provisions of Section 2 (3) of The Public Utilities Act, R.S.O. 1970, Chapter 390, the Council of a Corporation may define an area in a municipality and may assess and levy on the rateable property in the area, the cost of the water works including debenture charges, the cost of maintenance and management and the cost of water, or any part thereof; and

WHEREAS pursuant to Section 12 of the said Public Utilities Act, the Corporation may pass the by-laws for regulating the time, manner, extension and nature of the supply of water, the building or persons to which or to whom water shall be furnished, the price or prices to be paid therefore, and every other matter relating thereto or connected therewith which may be necessary or proper to regulate, in order to secure to the inhabitants of the area continued and abundant supply of pure and wholesome water and to prevent the practicing of frauds upon the Corporation with regard to the water so supplied and for providing that for a contravention of any such by-law the offender is guilty of an offence and on summary conviction is liable to a fine of not more than \$300.00 or he may be imprisoned without the option of a fine for a period of not more than one month; and

WHEREAS Section 13 of the said Public Utilities Act provides that every person who,

(a) wilfully hinders or interrupts, or causes or procures

AMENDED BY
BY-LAW NO. 982-79
(AMENDING SCHEDULE "A")

to be hindered or interrupted the corporation, or any of its officers, contractors, agents servants or workmen in the exercise of any of the powers conferred by this Act;

(b) wilfully lets off or discharges water so that the water runs waste or useles out of the works;

(c) being a tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for, or improperly wastes the water;

(d) without lawful authority wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber, pipe, or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;

(e) throws or deposits any injurious, noisome or offensive matter into the water or waterworks, or upon the ice, if the water is frozen, or in any way fouls the water or commits any wilful damage, or injury to the works, pipes, or water, or encourages the same to be done;

(f) wilfully alters 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

(g) lays or causes to be laid any pipe or main to communicate with any pipe or main of the waterworks, or in any way obtains or uses the water without the consent of the corporation, is guilty of an offence and on summary conviction is liable to a fine of not more than \$300.00 or may be imprisoned, without the option of a fine, for a term of not more than one month.

WHEREAS it is deemed necessary for orderly development and control of the water system of The Corporation of the Town of Niagara-on-the-Lake, that certain regulations governing the construction, maintenance and the use of such system be put in force.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1) Interpretations and Definitions:

(a) In this By-law, "Town" means the Corporation of the Town of Niagara-on-the-Lake and includes, where the context permits, it's duly authorized officers, contractors, employees and agents.

(b) "Council" means the Council of the Corporation of the Town of Niagara-on-the-Lake.

(c) "Committee" means the Committee of the Council responsible for waterworks.

(d) "Clerk" means the Clerk of the Corporation of the Town of Niagara-on-the-Lake.

(e) "Treasurer" means the Treasurer of the Corporation of the Town of Niagara-on-the-Lake.

(f) "Works Superintendent" means the Public Works Superintendent of the Corporation of the Town of Niagara-on-the-Lake.

2) The Town of Niagara-on-the-Lake water system shall consist of all the lands within the Town of Niagara-on-the-Lake.

3) The Town of Niagara-on-the-Lake shall manage and maintain the water supply system heretofore and hereafter established and constructed in the Town of Niagara-on-the-Lake in accordance with the provisions of The Public Utilities Act, Local Improvement Act, The Municipal Act, The Ontario Water Resources Act, The Niagara Township Water Act and this By-law.

4) That the Council shall appoint the Committee at it's Inaugural meeting or as soon thereafter as possible.

5) That the Clerk shall be the secretary of the Committee and shall keep the minutes and records thereof.

6) The Works Superintendent of the Town of Niagara-on-the-Lake shall be responsible for the maintenance and repair of the said systems and shall supervise the use thereof and the supplying of water therefrom.

- 7) The Works Superintendent of the Town of Niagara-on-the-Lake or his agent may enter the premises of any watertaker at all reasonable hours upon reasonable notice and request made to examine the pipes, meters, fittings and fixtures to ascertain the quantity of water used and the manner of its use.
- 8) No person except a person authorized by the Works Superintendent shall tap or make any connection with any main in any of the said system; nor vend, sell, or dispose of water in any manner to other persons, firms or corporations without the consent of the Committee.
- 9) No person except a person authorized by the Works Superintendent shall draw off or use any water from a municipal fire hydrant. This restriction shall not apply to municipal firemen where water is required for fire protection purposes.
- 10) No person shall in any way interfere with any hydrant, valve, curb stop, service pipe, stop-cock, water meter or other waterworks appurtenances, whether inside or outside of any building; and it shall be the duty of any resident to report to the Town any damage to any such appurtenances when it shall come to his notice.
- 11) No person shall obstruct free access to any hydrant by placing on it or close to it any structure, building, fence, material, earth, rubbish or other obstructive matter, nor shall any person conceal or partially conceal a hydrant with any structure, shrubbery or other object.
- 12) Application in writing for municipal water service to a building or premises shall be made by the owner or owners thereof to the Town on an application form provided for such purpose, and upon approval of the said application, such owner or owners shall pay to the Town a fee and/or charge for installing the water service from the watermain to the street-line and the water meter and remote reader in accordance with Schedule "A" of this By-law.
- 13) Where a house is tenant occupied, the owner will be billed for the water rates and will be responsible for same,

except where written notice is received from the owner to bill the tenant. This does not relieve the owner from any liability for payment.

- 14) The size of service pipe into each building or premises shall be determined by the Works Superintendent provided however, that in no case shall such service pipe be less than 3/4 inch inside diameter.
- 15) The Town shall endeavour, where possible, to install a water service where directed by the customer but in every case the Town shall have the right to determine the nature of the service connection required and the position and location in which such service pipe and other equipment and appliances shall be installed.
- 16) Where any variation from standard practice is permitted by The Town, any additional expense incurred by reason of such variation shall be borne and paid by the applicant.
- 17) Every service pipe upon the premises of the watertaker shall be copper from the main to the stop-cock or such materials as approved by the Committee. Every service pipe within the street allowance shall be installed by the Town and all such service pipe shall be laid at a depth of at least 1½ metres below the level or proposed level of the surface of the ground when completely graded. The Owner shall be responsible for installing the service pipe within the limits of his property and such installation shall be in accordance with this by-law and with the Town's requirements regarding depth, material and inspection.
- 18) (a) Each separate parcel of land or building occupied, shall be supplied by a separate service pipe provided with a separate stop-cock or valve for shutting off the water and no more than one building shall be dependent, inside the street-line, upon one service pipe.

(b) The Committee, by resolution thereof, may authorize exceptions to, or variations from, the restrictions of Clause "a".

- 19) The water service pipe, from the Town main to the street-line, shall be maintained by and at the expense of the Corporation. The water service pipe, from the street-line to the stop-cock, shall be maintained by and at the expense of the property owner. Every owner or watertaker, shall keep his service pipe, stop-cocks and other appurtenances from the street-line to the stop-cock in good order and repair and protected from frost at his sole risk and expense.
- 20) The water system of every new building or premises to be serviced with water supplied by the Town shall be equipped with a water meter and a remote reader and all water supplied thereto shall be measured by such meter and reader, except where otherwise approved by the Town. All water meters and/or remote readers shall be provided and controlled by the Town.
- 21) No water meter or remote reader shall be removed by the property owner or by any person other than a duly authorized employee or agent of the Town.
- 22) Where a water meter shall have been damaged by frost or by hot water or the meter and remote reader shall have been damaged by the negligence or wilful act of the owner of the building or premises or any occupant thereof, the owner shall pay to the Town the cost of all repairs and replacements and all other costs arising from such damage. Meters and remote readers shall be repaired by the Town.
- 23) Where a water meter is installed on the exterior of any building or premises, the owner of such property shall provide and maintain a suitable frost-proof chamber for the said water meter and such owner shall at all times keep and maintain such chamber in a frost-proof condition.
- 24) No meter may be installed, on a water service pipe, at a greater distance from the street line than 60 metres providing, however, that if a meter cannot be installed in a

building nearer to the street line than 60 metres then a concrete waterproof and frostproof meter-chamber shall be constructed by the watertaker at his sole expense in accordance with plans and specifications to be provided by the Works Superintendent and under the supervision and to the satisfaction of the Works Superintendent. Such meter-chamber shall be located on the road allowance as near as may be practicable to the street line.

- 25) No water shall be supplied to any property, unless a six inch water main or greater, extends in front of the property and is brought into the property not less than 3 metres from the front lot line.
- 26) The owner or occupant of any building or premises served with water shall provide property and sufficient space in such building or premises adjacent to the service entrance thereof for the installation of such water meter and remote reader as the Town shall require and shall keep such space easily accessible to the Town's officers and employees at all times. If the owner or occupant of any building or premises fails to keep such space easily accessible as determined by the Works Superintendent, then the Works Superintendent shall cause a notice in writing to be sent by prepaid mail addressed to the owner of such building notifying the owner that unless space is made accessible for servicing and reading the meter within ten days after the date of the notice, the Town shall install a remote reader on the exterior face of the building and the cost of same shall be paid by the owner in accordance with Schedule "A" of this By-law.
- 27) Any person installing a plumbing system in any building or premises shall provide meter spaces or a valved by-pass as directed by the Works Superintendent and shall comply with the plumbing by-laws and regulations of the Town from time to time in force.

- 28) Where any boiler is supplied with water through a water meter, a check valve shall be installed in the plumbing space between such boiler and such water meter. The owner of any building or premises supplied with water by the Town shall, upon demand, modify the plumbing of his property if so directed by the Works Superintendent in order that such metering devices and remote readers as may be deemed necessary by the Town may be installed in the location deemed to be most efficient by the Works Superintendent.
- 29) At the request of any owner the Town may have any water meter or remote reader tested for accuracy at the expense of such owner. The owner shall pay to the Town the cost of such test in accordance with Schedule "A" of this by-law. If the water meter or reader is found to be inaccurate the Town shall make no charge and shall adjust the current water bill accordingly.
- 30) The prices, rates or charges for the use of water supplied to persons, firms or corporations from the said system and any other costs or charges, for management, maintenance, installation or otherwise, in connection with or for supplying the same, (hereinafter called the "rates"), shall be determined from time to time by the said Committee and may be varied from time to time, subject to the approval of the Council to be expressed by by-law.
- 31) Where any account for the installation of water services, for supplying and installing a water meter and remote reader, for water rates, for water service charges, for repairs, for inspection and/or for any other service, matter or thing incurred and payable under the provisions of this by-law in respect of any building or premises is overdue and unpaid for more than thirty days after the date on which such account is due and payable, the Treasurer shall cause a

notice in writing to be sent by prepaid mail addressed to the owner of such building or premises at his last known place of residence according to the last revised assessment rolls of the Town, notifying the owner that unless such account is paid within ten days after the date of the notice, the supply of water to such building or premises and to any other building or premises owned or occupied by such owner will be shut off and withheld, and if such account is not paid within such period of ten days, the Treasurer, unless otherwise directed by Council, shall cause the supply of water to be shut off and withheld in accordance with the terms of the said notice.

- 32) The Treasurer may, to the extent of any such charges, covering a period not exceeding three months, collect the said arrears in like manner as municipal taxes.
- 33) The rates chargeable for water service and other provision of services under this By-law shall be as set forth in Schedule "A" hereto, including a discount for prepayment prior to the discount date.
- 34) All debenture service charges now being paid by persons in former Area "B" who have been paying a debenture service charge shall continue to pay such charge at the rate of \$13.50 per quarter until the maturity date of the debenture issued for water services in their specific area.
- 35) There shall be an additional charge of \$3.00 per quarter for a period of five years from the first billing date after the 1st day of January, 1978, payable by all persons in the Niagara Urban Service Area.
- 36) Where a supply of water shall have been shut off and withheld under the provisions of Section 31 hereof, the owner shall, before the supply of water is resumed, pay the Town all accounts due, owing or in arrears, together with the service charges for turning off the water and turning on the water as provided in Schedule "A".


- 37) Where the water service for a summer residence is turned on and off at the request of the owner, the minimum amount payable to the Town for water supplied at such residence shall be in accordance with Schedule "A" to this by-law.
- 38) Each application for a supply of water by the Town to an owner shall expressly provide that the Town shall at no time be under any liability for reason of a failure in the supply of water or by reason of an inadequate supply of water or by reason of the Town restricting the supply of water or refusing to supply water or by reason of any other matter or thing set forth in Section 37 hereof.
- 39) The supply of water by the Town shall at all times be subject to any act or event beyond the power or control of the Town and/or to necessary repairs or replacements or any watermains or other works supplying water and in addition thereto the Town 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 purpose or for any designated purpose or may prohibit or suspend the use of water for any purpose whatsoever and the Town may, when authorized by resolution of the Council, suspend or shut off the supply of water, and in any of such cases, the Town shall not be liable to any owner, occupant or other person for damages, either direct, indirect or consequential.
- 40) The pertinent provisions of The Public Utilities Act, R.S.O. 1970, Chapter 390 amendments thereto, are hereby adopted and shall form part of this by-law. Any person who contravenes any of such provisions of The Public Utilities Act, R.S.O., 1970, Chapter 390 and amendments thereto, and of this by-law is guilty of an offence and on summary conviction is liable to a fine or not more than \$300.00 for each offence exclusive of costs.

- 42) It is the intention that the new water area hereby created will take the place of former Water Areas "A" and "B" and that all assets, liabilities, accounts receivable and accounts payable, owing to or by the Town of Niagara-on-the-Lake arising out of the following by-laws shall continue to enure to the benefit of and be binding upon the Corporation pursuant to the terms of this by-law and that By-laws Numbers 112-71, 132-71 and 193-72 of the Town of Niagara-on-the-Lake be and the same are hereby repealed.
- 43) This By-law shall come into force and effect upon the date of the final passing thereof.
- 44) The rates established for water use pursuant to Schedule "A" hereof shall be effective from the beginning of the first billing period after the 1st day of January, 1978. All other charges in accordance with the said schedule shall be effective after the first day of January, 1978.

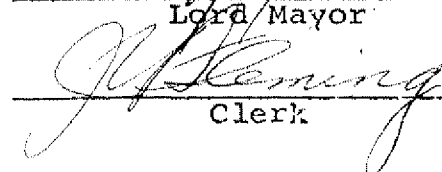
PASSED this 19th day of December, 1977.

THE CORPORATION OF THE TOWN OF
NIAGARA-ON-THE-LAKE

PER:



Lord Mayor



Clerk

READ A FIRST TIME THIS 19th DAY OF December, 1977
READ A SECOND TIME THIS 19th DAY OF December, 1977
READ A THIRD TIME AND PASSED THIS 19th DAY OF December
1977

TOWN OF NIAGARA-ON-THE-LAKE

SCHEDULE "A" TO BY-LAW NO

WATER RATESMetered Rates

Minimum Rate Per Quarter

	After Discount Date	Discount	Before Discount Date
For the first 8,000 gals. or fraction thereof	\$ 9.68	\$.88	\$ 8.80
Second Rate Per Quarter For the next 8,000 to 1,000,000 gals. of water consumption per thousand gals. or fraction thereof	\$.88	\$.08	\$.80
Third Rate Per Quarter For all water consumption in excess of 1,000,000 gals. per thousand gals. or fraction thereof	\$.66	\$.06	\$.60

A discount on accounts rendered will be allowed prior to discount dates as provided above.

ADDITIONAL CHARGES

Debenture Service Charges in the former Niagara Township Water Area and additional charges for for the Niagara Urban Service Area are set forth in paragraphs 34 and 35.

MULTIPLE OCCUPANCY:

Where more than one self contained dwelling unit or commercial or industrial unit are supplied through a common water meter the minimum rate shall be charged for each of the units, and an additional charge made for any water consumption in excess of the number of units times 8,000 gallons at the appropriate rate as above set forth for water usage in excess of the minimum.

OTHER WATER RATESWater Tickets for Bulk Water

A Bulk Water ticket may be obtained at the rate of \$1.40 per ticket for which a person shall be entitled to one load of water of 1,000 gallons or less.

Schedule "A" to By-law No.

Irrigation Rates

In order to qualify for rates under this Section a two inch meter with a Y hydrant connection and three valves must be acquired at the rate of \$125.00 for each seasonal use and there shall be deposited a hydrant rental deposit in the sum of \$250.00. Water shall then be charged for as follows:

0 - 1,000 gallons	flat	\$20.00
1 - 8,000 gallons		\$ 1.10 per thousand gallons or fraction thereof
8,000 gallons and over		\$.80 per thousand gallons or fraction thereof

Sewer Service Charge

77% on the gross amount of the water consumption charge if the property being serviced by water is connected to a sanitary sewer system.

OTHER CHARGES

Installation of water service piping, water meter and remote reader.

The cost of installing each water service from the centre of the street (regardless where the watermain is located) to the limit of the street line shall be:

	<u>On Road Allowance 66' or less</u>	<u>On Road Allowance Greater than 66'</u>
3/4" Service (Standard)	\$ 325.00	\$ 350.00
1" Service	\$ 445.00	\$ 470.00
1 1/2" Service	on cost basis	

For Service or cost basis, a deposit will be required as determined by the Works Superintendent. The final costs shall be calculated on a cost plus basis, taking into consideration material, labour, equipment and 10% overhead.

On and Off Charges

The charge for turning the water supply on or off to a private water service, other than a new service,

7:30 a.m.	-	4:00 p.m.	-	Monday - Friday	\$6.00 flat rate for each on or off
4:00 p.m.	-	7:30 a.m.	-	Monday - Saturday	\$37.00 flat rate for each on or off
Sundays and Holidays					\$50.00 flat rate, for each on or off

Schedule "A" to By-law No.

Remote Reader installed on existing water meters up to 1 inch - \$40.00

Meter Rebates - up to 1", 1/2 of cost of new meter

(Where a meter is in excess of a one inch meter the meter may be acquired by the Town at an amount to be negotiated)