

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2004 - 119

**A BY-LAW TO PROVIDE FOR THE SUPPLY AND DELIVERY
OF WATER AND TO PROVIDE FOR THE MAINTENANCE AND
MANAGEMENT OF WATERWORKS AND THE IMPOSITION
AND COLLECTION OF WATER RATES**

WHEREAS By-law Number 10894, the City's "Water Management By-law" passed in 1996 has been altered and amended in text and detail with numerous subsequent amending by-laws;

AND 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 "Consolidated Water Management By-law 2004" and to repeal By-law 10894 and all subsequent amendments thereto.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

PART A – OPERATIONS

Short Title

1.1 This By-law shall be known as the "Consolidated Water Management By-law 2004".

Definitions

2.1 In this By-law the following definitions apply:

- (a) **"Corporation"** means The Corporation of the City of Welland;
- (b) **"Council"** means the Council of The Corporation of the City of Welland;
- (c) **"Engineer"** means the Engineer or his designate of the Corporation 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;
- (d) **"Chief Building Official"** means the Chief Building Official of the Corporation;
- (e) **"Meter"** means the water meter installed for the purpose of measuring water supplied by the waterworks system of the Corporation;
- (f) **"Owner"** means and includes the owner and occupant of any premises
- (g) **"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 water service pipe as defined by the **Ontario Building Code, S.O. 1992, c.23**, as amended;
- (h) **"Treasurer"** means the Treasurer of the Corporation of the City of Welland;
- (i) **"Water Service"** means the pipes and fittings used for the purposes of supply and delivery of water to a private water service at a street line or limit of a road allowance and shall include a Corporation's cock, service pipe, curb stop, post and service box and any and all other appurtenances thereto;
- (j) **"Waterworks"** means the transmission pipes of the Corporation which are tapped to water service and includes all valves, fittings and appurtenances; and

- (k) “**Appurtenance**” or “**Appurtenances**” means and includes electronic communication register, touch pad, and any new equipment or technology replacing the same.

Interpretation

3.1 In this by-law, Statutory references are to Statutes of Ontario and the Regulations made thereunder, and shall be deemed to refer to such Statutes and Regulations as are amended, consolidated, re-enacted and in force from time to time; and

3.2 In this by-law, all words shall be read with all changes of gender and number required by the context or circumstances.

General Provisions

4.1 The Corporation’s Waterworks shall consist of all waterworks under the jurisdiction of the Corporation within the corporate limits.

4.2 The Corporation shall manage and maintain the waterworks in accordance with the provisions of the **Municipal Act, S.O. 2001, c.25, Public Utilities Act, R.S.O. 1990, c.P.52, Ontario Water Resources Act, R.S.O. 1990, c.O.40**, and the **Building Code Act, S.O. 1992, c.23**, this by-law and any other applicable law in force from time to time.

4.3 The Engineer shall be responsible for the maintenance and repair of the waterworks and direction and supervision of the use thereof and of supplying water therefrom.

4.4 The Engineer may enter any premises of any watertaker at all reasonable hours upon reasonable notice to examine the pipes, meters, remote readers, 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.

4.5 No person except a person authorized by the Engineer shall tap or make any connection to any portion of the waterworks.

4.6 No person shall in any way interfere with, obstruct or conceal any hydrants, valve, curb stop, service pipe, stopcock, meter, remote reader, or other waterworks appurtenance.

4.7 No person shall:

- (i) willfully hinder or interrupt, or cause or procure to hinder or interrupts 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 4.2;
- (ii) shall willfully let off or discharge water so that the water runs waste or useless out of the waterworks;

- (iii) being a tenant or 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 of 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 upon the ice, if the water is frozen, 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) 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.

4.8 The Engineer 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, remote reader and appurtenances, and for the placing of meters, remote readers and appurtenances on any service pipe served by the waterworks.

4.9 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 seven (7) days of being notified by the Engineer. 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. The Engineer is hereby empowered to turn off the water supply until the necessary repairs have been made by owner or the Corporation.

4.10 The Corporation does not guarantee the supply or quality 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 by reason of inadequate supply of water or by reason of the Corporation restricting the supply of water or for refusing the supply of water.

4.11 The Corporation may cause the water services to any building or premises to be shut off when the Engineer believes, on reasonable grounds, that there has been a contravention of any of the provisions in the relevant legislation referred to in paragraph 4.2, 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.

4.12 Where the Corporation has caused a water services 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.

4.13 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 the purposes, upon payment of the requisite fee in accordance with Schedule "A" hereto, a Public Works Employee will attend upon the premises to turn on the service.

4.14 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 Engineer, and without further paying all fees including shut off and turn on fees set forth in Schedule "A".

4.15 Where the Corporation has been requested to shut off or turn on the supply of water to a private water service the Corporation shall not shut off or turn on such supply of water until the applicant has paid the fee prescribed in Schedule "A" of this by-law.

4.16 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 watermains 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 purposes whatsoever, and the Corporation may, when authorized by Resolution of 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.

4.17 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.

4.18 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 Engineer. Such restrictions shall be advertised in the local media prior to implementation.

Municipal Fire Hydrant

- 5.1
- (i) The design, location, installation, separation and maintenance of all fire hydrants within the City shall be in accordance with current City Standards.
 - (ii) No person shall open, carry from or tamper in any manner with a fire hydrant connected to City mains unless a written permit is obtained from the Engineer. However, this does not apply to employees of the Fire Department engaged in the pursuit of regular duties.
 - (iii) The Engineer shall be notified of the use of any hydrant by the Fire Department.
 - (iv) Wrenches other than regulation hydrant wrenches must 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.
 - (v) The general use of hydrants for construction purposes will be restricted to a hydrant used under permit and an independent valve for regulating flow must be used. In addition, a separate accepted backflow preventing device must be used. The main valve of such hydrant must be opened fully at the beginning of each workday and remain open until the finish of work on that day, when it shall be completely closed.
 - (vi) 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.
 - (vii) 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.
 - (viii) No person shall park an automobile, truck or vehicle of any description within a distance of 3 meters (9.8 feet) of any hydrant measured along

the curb line or along the shoulder of any roadway immediately adjacent to the hydrant.

- (ix) 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 City Engineer. Private fire hydrants shall not be operated except in the case of fire, for fire protection purposes, unless special permission of the City Engineer is obtained.
- (x) The relocation of a municipal fire hydrant shall be undertaken only where the owner has prepaid the estimated cost of the work and the owner shall pay the balance of the actual cost forthwith after completion of the work and receipt of a bill therefore.
- (xi) The Engineer 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.
- (xii) Any high rise building or any buildings which are determined by the Engineer and Fire Chief to be a high risk building which requires the use of a booster pump shall incorporate a check valve device located before the pump in order to protect the City's waterworks system.

Fire Systems

- 5.2 (i) Any industrial, commercial or domestic private fire system which uses chemicals in the system shall incorporate a reduced pressure backflow preventer as determined and approved by the City Engineer and Fire Chief.
- (ii) All fire lines and domestic services for industrial and commercial buildings shall be installed and operated as separate services from the property line of the building unless otherwise approved in writing by the City Engineer and Fire Chief.

Hydrant Permit

5.3 A hydrant permit shall be issued to an applicant upon the applicant paying the fee and satisfying the conditions set forth in Schedule "A" to this by-law and the hydrant permit issued in respect of such application.

Relocation of a Municipal Fire Hydrant

5.4 (i) 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 receipt of a billing for the same.

(ii) The billing of the cost of water on hydrant use in the fee prescribed in Schedule "A" of this by-law, together with a deposit as set forth in Schedule "A" for the actual cost of metered water used. When a backflow preventing device is furnished, an additional daily rental fee will be charged.

(iii) In obtaining water from a fire hydrant in conformity with the foregoing section, no leakage will be tolerated. The hydrant permit shall be rescinded for any violation and appropriate fees for damage will be assessed.

Replacing Installation of Water for Certain Purposes

6.1 No installation of water service or private water service shall be undertaken for the purpose of providing service to an infilling lot, or a replacement lot, or a lot for new development, until the owner shall first have paid to the Corporation the fee or charge for installation of the water service, meter and any other appurtenances thereto, in accordance with Schedule "A" of this by-law.

Installation of Water Service and Private Water Service

7.1 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**.

7.2 Every water service and private water service shall have a minimum depth of cover of 1.6 metres or an equivalent amount of insulation acceptable to the City's Inspector.

7.3 Every private water service entering a building which does not contain a basement shall be insulated in a manner acceptable to the City's Inspector.

7.4 A "Master Meter" shall be installed for all multi-family developments on a per water service basis (lateral from the municipal water line to the property line) as determined and approved by the Corporation.

7.5 Where only one of several buildings, owned by the same person, fronts on 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, the Engineer shall determine the number and size of water service to be provided in accordance with good engineering practice.

7.6 All private water services shall be inspected by a City Inspector before backfilling commences.

7.7 All materials used in the supply and installation of water services and private water services shall be in accordance with the **Ontario Building Code**.

7.8 The size of water service shall be determined by the Engineer, provided that in no case shall such water service have an inside diameter of less than the appropriate standard determined by the Engineer.

7.9 The Corporation shall endeavour, where possible, to allow the installation of a water service and private water services where requested by the owner, but in every case, the Corporation shall have the right to determine the nature of the service connection required, the position, and location of such water service and private water service.

7.10 All water service shall be installed by the Corporation or an agent authorized by it upon payment of the fee or charges therefore prescribed in Schedule "A" to this by-law.

7.11 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 City's standards, the Corporation shall cause the services to be shut off until all defects are determined to be remedied.

7.12 The charge to be paid to the Corporation for the taping of the main pipe shall be as set out in Schedule "A" of this by-law and shall be paid by the owner at the time the installation of such work is sought under Section 5 hereof.

7.13 The private water service shall be maintained by and at the expense of the owner.

7.14 No water service will be approved for any building or premises unless a minimum of 150 millimeters inside diameter watermain extends in the Corporation's road allowance adjacent to the property on which such building or premises is located; provided that where the watermain is less than such inside diameters, a water service may be approved, if the Engineer deems it acceptable.

Water Service Operation

8.1 Where the Corporation has caused the water service to be shut off because of waste, a leak or defect in a pipe or appurtenance, the Engineer shall not cause or permit the water service to be turned on against until satisfactory evidence has been received by the Engineer that all repairs which he considers necessary have been made.

8.2 Where an owner of a residential property requests that a service connection be installed of a larger size than that prescribed by current city standards of a residential property, any and all costs associated with the installation of a larger size shall be borne by the owner.

8.3 At the request of an application and where a demolition permit has been secured from the Corporation, a minimum of seventy-two (72) hours notice shall be required for the turning off the water supply at the property line of the municipal service and the removal of the water detector(s).

8.4 Where an applicant requests the continuance of the use of an existing water service notwithstanding the demolition of a building, the exposure of the water service at the property line is required. The water service shall be exposed at the expense of the applicant to ensure that the water service is in accordance with the current Corporation's standards. If the water service is not in accordance with the current Corporation's standards, the water service shall be up-dated to such standards, at the sole expense of the applicant. The cost of such work and the work to be done shall include the discontinuance of the existing municipal service at the water main.

8.5 Unless previously authorized by the Engineer, no service located on private property shall be used to supply water for more than one property.

8.6 Materials used in the construction of a water service on private property shall correspond in all particulars with the Corporation's standards and all private water services shall be inspected by authorized Corporation personnel prior to back filling.

8.7 No person shall tap or make any improper connection or communication whatever with any of the private pipes or mains in the Corporation's streets or lanes, or on any premises or private property whereby water can be diverted for improper or unauthorized use.

Meters

9.1 That effective January 1st, 2005, all development, both new and existing, shall have mandatory water meters installed and that all water meters shall be read and billed.

9.2 That during the course of 2004, existing water meters installed in residential development which are not being read and billed according to use, shall hereby be required to

be read and the readings used to calculate the Sewer and Water bill and that any revenue shortfall resulting from this program shall be charged to the Reserve Fund.

9.3 **Multi-Family Residences (save and except Semi-Detached Residences and Street Townhouses)**

Every multi-family residence, save and except semi-detached residences and street townhouses shall be serviced with one or more water services as approved and authorized by the Corporation, to each of which shall be installed with a master meter as authorized by the Corporation.

9.3.1 That a Modified Universal Meter Installation Program shall commence on April 1st, 2005, with a targeted end date of March 31st, 2009, mandating that all residential properties shall have water meters installed and that all water meters shall be read and billed.

9.3.2 That effective April 1st, 2005, the Modified Universal Meter Installation Program shall begin by having water meters installed and that all water meters shall be read and billed upon the following:

- (a) voluntary requests;
- (b) new residential development; and
- (c) residential properties which are sold or otherwise change of ownership.

9.3.3 In order to ensure that the targeted end date of March 31, 2009 is achieved for having all water meters installed in all residential properties, all owners shall have the water meters installed by the Deadline Dates as set out in third column of the chart in Schedule "D". The respective Deadline Date for each owner shall be determined by the flat rate water bill for that owner for that period set out in the first column of the chart in Schedule "D". The owner would have the time periods set out in the second column of the chart in Schedule "D" to get the water meter installed with the ultimate Deadline Date as set out in the third column. If an owner does not have a water meter installed by the respective Deadline Date, then that owner's new flat water rate in the owner's next billing cycle (as set out in the fourth column of the charter in Schedule "D") would, be equal to three (3) times the flat water rate as currently established by Council.

9.3.4 Where an owner fails to allow a water meter installation by the Deadline Date, any and all additional costs for the installation will be charged to the owner.

Existing

9.4 That effective January 1st, 2004, the cost of such mandatory installation of 5/8" by 3/4" water meters in all Single Family Dwellings, Semi-Detached Residences, Townhouses, Condominiums, Street Townhouses and Street Condominiums, shall be absorbed by the Corporation, at no direct cost to users.

9.5 All meters and related appurtenances shall be provided, controlled and maintained by the Corporation, except as otherwise provided herein.

9.6 Installation costs for all new and existing multi-family residences and all new and existing commercial, industrial and institutional uses shall be charged an installation fee in accordance with Schedule "A" hereto.

9.7 Where a meter or any appurtenance thereto has been installed without full compliance with the provisions of this by-law, the Corporation may cause the water service to be shut off until the installation has been remedied to the satisfaction of the Engineer.

9.8 Where a meter or any appurtenance thereto has been damaged due to the negligence or willful act of the owner, the Corporation shall repair or replace the same, as necessary, at the owner's expense.

9.9 Where a meter is installed on the exterior of any building or premises, or in any unheated building or premises, the owner shall provide or maintain a suitable frost-roof chamber for the meter.

9.10 The owner of any building or premises serviced by water service shall provide proper and sufficient space in such building for the installation of such meter and electronic communications register and touch pad, as the Engineer deems necessary and shall keep such space easily accessible to the Corporation at all times for reading and maintenance purposes.

9.11 Any meter or any appurtenance thereto found to be defective, where such defect is not due to negligence or willful act of the owner, shall be repaired or replaced, as necessary, by the Corporation at its expense.

9.12 At the request of the owner, the Corporation may have a meter tested for accuracy at the expense of the owner and the cost of such test shall be paid in accordance with Schedule "A" hereto. If the meter, electronic communication and touch pad should be found to be defective or inaccurate, the Corporation shall refund the fee paid of the owner and shall repair or replace the meter, electronic communication and touch pad at the Corporation's expense.

9.13 The Corporation shall have the right to seal any meter, electronic communication and touch pad, at any time, and no person shall break or damage any seal attached to the same. If any such seal has been broken or damaged for any cause, the owner shall forthwith report the breakage or damage to the Engineer who shall cause the same to be resealed.

9.14 During the installation or removal of a meter, or any paraphernalia connected therewith, where pipe is damaged as a consequence of a defective condition of the pipe, new

pipe shall be installed at the owner's sole expense, in accordance with the current Corporation's standards.

9.15 The cost of downsizing or upsizing a meter, and the cost of all work incurred in connection therewith, shall be paid in full by the owner and the estimated cost of such work shall be paid in advance of the work being undertaken and the balance payable, if any, shall be due forthwith thereafter.

9.16 Seals shall be placed on all meters and all by-pass valves on such paraphernalia related thereto as is appropriate, in order to prevent unauthorized interference with the said meters and by-pass valves. Where tampering with meters or by-pass valves is found, the owner shall be charged in accordance with the by-law and the water consumption shall be charged in accordance with Section 10.2.

9.17 For the purposes of this section and the by-law, the minimum size of the meter shall be one size smaller than the service pipe except where the City Engineer permits another size, based on sound engineering practice.

Rates and Charges

10.1 The rates, charges and penalties, if any, for the use of water supplied from the waterworks and any other costs or charges for the management, maintenance, installation or otherwise, in connection with the supplying of water to any water take shall hereinafter be called the rates and shall be as outlined on Schedules attached to this by-law and as determined from time to time by Council by by-law.

10.2 Where a meter has been tested pursuant to Section 9.12, 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 the service 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 estimate the amount of water used and 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.

10.3 Where it has been determined that a meter, electronic communication register, or touch pad, which has been found to be defective or inaccurate, has verified by more than 3% in the 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.

10.4 Where any account for the installation of water services, for supplying and installing a meter, electronic communication register, or touch pad, for water rates, for water service charges, for repairs, inspection 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 over due and unpaid for more than fifteen (15) days after the date on which such account is due and payable, the Treasurer shall cause a first notice in writing to be sent by 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 Corporation notifying the owner the account is overdue. Unless such account is paid within fifteen (15) days after the date of the first notice, a final notice will be mailed notifying the owner of the final date of payment. The property will be tagged for non-payment, notifying that 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, 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.

10.5 In all cases, the owner of the premises shall be the responsible party for payment of 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.

10.6 Pursuant to the provisions of the **Municipal Act, 2001**, as amended from time to time, any amount payable to the Corporation is a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by the relevant provisions for the collection of real property taxes.

10.7 No watertaker shall be entitled to any reduction or refund in the rates and charges for the supply of water because of non-taking of same by the watertaker, unless such watertaker has first given notice in writing to the Treasurer, and has paid the appropriate shut-off fee and all outstanding water accounts, if any, and thereupon the watertaker shall be relieved of the water consumption fee in respect of this service only.

10.8 No building permit shall issue for the construction of a building or building extension, where a metered water service is required by the provisions of this by-law, until the owner has first completed an application for such service and paid the applicable fee required, in accordance with Schedule "A" through the by-law.

Charges and Billings

11.1 All billings for metered water and sewer service rates shall be set separately by by-law.

11.2 Consumption of water shall be charged on the basis authorized and directed in accordance with the rates and charges fixed and set forth from time to time by by-law.

11.3 Water and other charges shall be charged and billed to the owner of the premises regardless of tenancy or occupation of the property; save and except that the owners of commercial, industrial and institutional uses may additionally identify divisions of their property and the occupants thereof for the purpose of separate billing for each such units under the owner's name.

11.4 Where for vacation and other purposes the owner determines to have the water service shut off to reduce costs, upon written notice by the owner to the tenant of such intent, and upon payment of the shut off fee described in Schedule "A" hereto, and the payment of all outstanding accounts of the owner, the owner service shall be shut off and thereupon the consumption rate or cost portion only of the bill shall be deleted from all water billings to the owner, until the service is restored.

11.5 The reading of the water meter shall be deemed for all purposes to be the sole sufficient and accurate measurement of the quantity of water supplied to a property until the meter is proven to be defective after proper testing, in accordance with the Engineer's directives.

11.6 When a meter fails to register accurately, or where a meter is removed for any reason or purpose, the quantity of water consumed during the period of such failure or removal shall be determined by the average for that type of account determined by computer analysis and the consumer shall be liable for all charges based upon this estimate.

11.7 For the purposes of billing, having due reference to section 11.6 hereof, the Treasurer shall provide a best estimate based upon available record, as to the duration of the failure, or removal of the meter.

11.8 Where any consumption of water supplied to a property by the City is not properly recorded, the Treasurer shall reserve the right to estimate an input usage for the property and shall employ the rates and charges applied to accurate metered water flows as the basis for any such estimate, the Treasurer may utilize the average of the last eight readings as the basis of the estimate.

Penalties

12.1 (i) A penalty, determined by applying to the due balance set in each bill the penalty rate set from time to time by by-law shall be imposed upon all bills unpaid after the due date provided in the bill.

(ii) If the rates and charges shown on a bill, including the penalty imposed by subsection 12(1)(i) hereof, remains unpaid thirty (30) days after the due date on the bill, the water supply shall be shut off to the premises for which the billing is supplied, and such supply shall not be restored until all rates and charges in arrears, including penalty, are paid in full, together with the charges set forth in Schedule "A" for the turning on of the water service.

(iii) Failure to receive a bill shall not exempt the owner from liability for a payment therefore, or for the penalty imposed in accordance with this section, nor from the consequences of non-payment resulting in the shutting off of the water supply.

(iv) An application for water service for any property shall not be accepted where the owner has any building for water service in respect of any property within the City of Welland unpaid for a period of thirty (30) days after the due date.

(v) 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 Schedule "A" to this by-law, whichever is the greater, and such fees or costs shall be added to any outstanding account for water service.

Minimum Flow

13.1 The Municipality shall generally provide a minimum flow at the rate of six (6) gallons per minute at the curb stop located at the property boundary and upon the owner prepaying the required fee as set forth in Schedule "A" to this by-law. The Corporation shall cause a minimum flow test to be undertaken and if the test discloses a water rate less than six (6) gallons per minute the owner shall be entitled to a refund of the fee paid, less a twenty--\$20--dollar administration cost. Thereafter, the Corporation shall use its best endeavour to increase the flow to the said flow rate.

Other Offences

14.1 No person or persons shall:

- (i) willfully hinder or interrupt, or cause or permit to be hindered or interrupted, the City or any of its authorized officers, contractors, agents, servants or workmen in the exercise of any of the powers conferred by this by-law;

- (ii) willfully let off or discharge water so that water runs waste or useless from the City's waterworks system;
- (iii) being an owner, tenant, lessee or inmate of any building, structure or property supplied with water from the waterworks; lend, sell or dispose of water, give it away, permit it to be taken or carried away, use of, apply it to the use or benefit of another, or permit any use and/or benefit other than his own, increase the supply of water and agree for or improperly waste water;
- (iv) deposit any injurious, noisome or offensive matter into the water or waterworks system, or upon the ice if the water is frozen, or in any way foul the water or commit any willful damage or injury to the waterworks system, the pipes or water or encourage the same to be done;
- (v) Willfully alter any meter placed upon any service pipe or connected therewith, within or without any other property so as to less or alter in any manner the amount of water consumption registered;
- (vi) use water during a period when the use of water has been prohibited or restricted by City Council in any manner inconsistent with the prohibition or restriction; or
- (vii) turn on the water service at a curb box without authorization and which contradicts Section 6.1

Schedules

15.1 Schedules "A" and "B" attached hereto shall be and form for all purposes part of this by-law. Schedule "C" hereto is provided for information and assistance only. (Schedule "D" has been added pursuant to By-law 2008-138)

Schedule "A" (Text and Details)

15.2 In this by-law it is intended that all numbers, dollar figures, and formulae provided therein, together with all of the text language, details, statements, directions and notes and every other part of the said schedule shall be and form part of the by-law to be read and construed as an integral part of the by-law.

Schedule "B" (Forms)

15.3 The use of the forms provided in Schedule "B" is approved but not required. Other provisions of this by-law notwithstanding, the failure to use a form or the use of any form which is not in compliance with that form provided in Schedule "B" hereto, shall not be or be deemed to be illegal, nor to invalidate any process or undertaking under this by-law, so long as

the meaning of any document actually used is clear and in apparent compliance with the relevant provisions of this by-law.

Schedule "C"

15.4 Schedule "C" provides various schematics, which are provided for clarification and information purposes only.

Penalties

16.1 (i) Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to the penalties contained in the **Provincial Offences Act, R.S.O. 1990, c.P.34**, as amended.

17.1 That By-laws Numbered 10894, 10907, 10942, 10972, 11164, 11328, 2001-72, 2002-63, 2002-200, 2003-52 and 2004-19 shall be and the same are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
17th DAY OF **August, 2004**.

"Damian Goulbourne" MAYOR

"Craig A. Stirtzinger" CLERK

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER **2007 - 192**

SCHEDULE "A"

Note that all fees and charges relating to By-law 2004-119 have been established by By-law 2007- 191, as amended from time to time.

Please refer to By-law 2007- 191 and all subsequent amendments for the Corporation's current fees and charges.

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW 2004- 119

SCHEDULE "B"



HYDRANT USE PERMIT

Date: _____

Applicant: _____

Address: _____

Phone: _____

Purpose of Usage: _____

From: _____ to _____

Hydrant Key #: _____

Damage Deposit: \$150.00 (Payable in addition to Flat Rate)

Fixed Consumption Rate: \$466.00

WE, THE APPLICANTS, DO HEREBY AGREE TO COMPLY WITH THE SET REGULATIONS AND FEES.

Applicant(s) _____

BY-LAW NUMBER 2004- 119

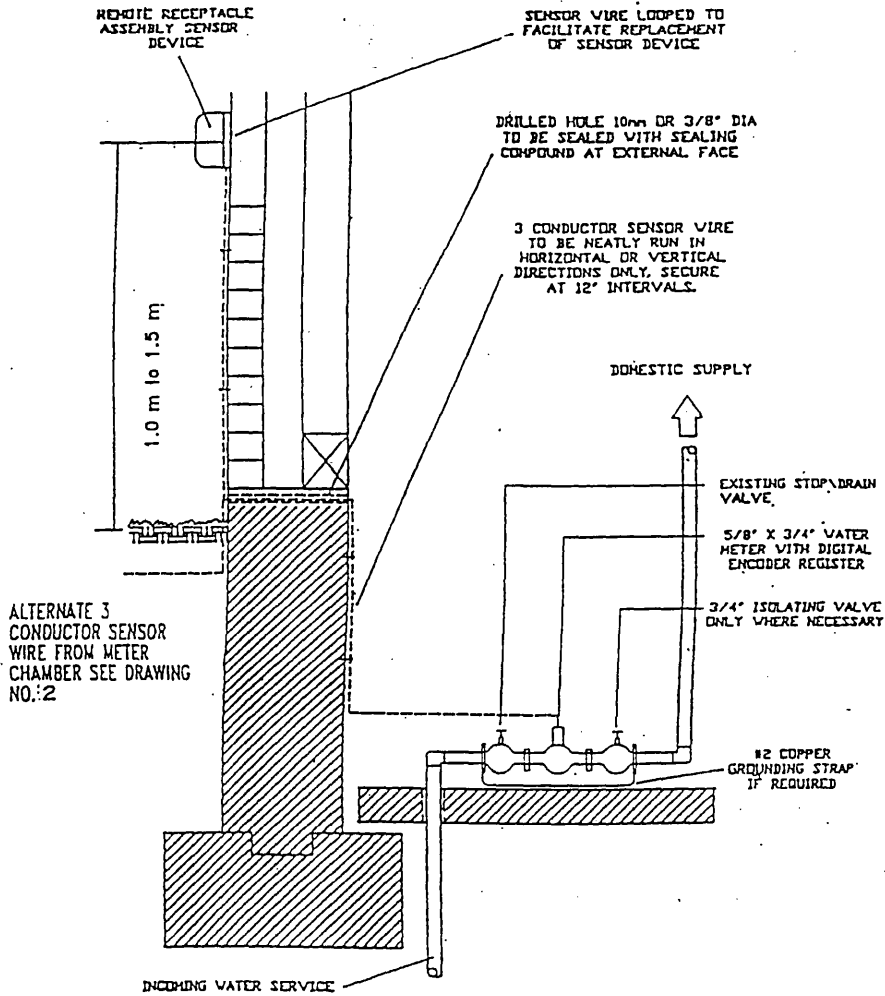
SCHEDULE "B"

(continued)

**REGULATIONS REGARDING THE USE OF FIRE HYDRANTS IN
THE CITY OF WELLAND**

1. No person, contractor, Regional Authority, Board or Commission may use a hydrant within the boundaries of the City of Welland without **WRITTEN AUTHORITY** from the City of Welland.
2. Anyone wishing to use a fire hydrant must apply for a Hydrant Permit authorized by the City of Welland.
3. Prior to the issuance of such a permit, the applicant must provide a damage deposit of \$150.00 in addition to the fixed consumption rate of \$466.00, payable to the City of Welland.
4. Upon receipt of the \$150.00 damage deposit, the applicant will be allowed to use **ONLY** the designated hydrant locations equipped with backflow preventors to maintain proper water quality control. There will be **NO** use of hydrants that are not equipped with backflow preventors at anytime.
5. Upon completion of the hydrant use and return of the key(s), the applicant will be reimbursed the damage deposit, provided the applicant has not incurred any damages specified in Section 7.
6. The applicant will be liable for any damages to the hydrant control valve, meter and backflow preventor during the period of utilization. Any damages will be deducted from the \$150.00 damage deposit. If the total exceeds the deposit amount, the balance will be invoiced for the additional cost.
7. The Fire Department of the City of Welland has complete priority over the use of any hydrant, at any time, and may disconnect any hose or valve from the hydrant without prior notice to the applicant.
8. No permit will be issued for hydrant use during the period of November 1 to March 31, unless special arrangement is made with the City Engineer.
9. The applicant agrees to pay the current fixed consumption rate of \$466.00 per yearly hydrant permit during the period of April 1 to October 31.

SCHEDULE "C"



CITY OF WELLAND
 TYPICAL WATER
 METER INSTALLATION



CG&S
 CH2M GORE & STORRIE LIMITED

DATE APRIL, 1996

FILE 111T 79808 0

SCALE N.T.S.

DWG. No. 1

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW 2004 - 119

SCHEDULE "D"

Flat Rate Billing Cycle	Time Period for Meter Installation	Deadline Date for Meter Installation	Time of Next Bill as Per The Billing Cycle
Beginning of September	September & October	October 31, 2008	December, 2008
Beginning of November	November & December	December 31, 2008	February, 2009
Beginning of January	January & February	February 28, 2009	April, 2009