



THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NO. 126-2004

A BY-LAW TO ENACT RULES AND REGULATIONS FOR THE OPERATION OF A WATER SUPPLY SYSTEM AND A WATER WORKS DISTRIBUTION SYSTEM AND A WASTEWATER COLLECTION SYSTEM AND A WASTEWATER TREATMENT SYSTEM IN THE TOWN OF ORANGEVILLE AND THE ESTABLISHMENT OF RATES FOR WATER AND WASTEWATER SERVICES RELATED TO THE OPERATION OF THE SYSTEMS

WHEREAS The Corporation of the Town of Orangeville has constructed and operates and maintains a water supply system and a water works distribution system and a wastewater collection system and a wastewater treatment system.

Council of the said Town deems it expedient to make certain rules and regulations for the operation of the said system and to establish water and wastewater rates and charges.

THEREFORE the Council for The Corporation of the Town of Orangeville enacts as follows:

PART I - Definitions:

In this By-law

“Customer” means the owner, tenant or occupant of premises to which water is supplied by the Town.

“Department” means Department of Public Works.

“Director” means Director of Public Works or his designate.

“Premises” means any house, building, lot or part of lot or both, in, through or past which a water service pipe runs.

“Private Main” means a water main located on private property.

“Remote Meter Reading System” means a device installed at a separate location from the water meter and used to record the consumption reading of the meter.

“Road Allowance” means land dedicated to The Corporation of the Town of Orangeville or to the Province of Ontario for a public highway.

“Sewer Services” means wastewater pipes which connect premises to the Town’s wastewater collection system.

“Street line” means a boundary of a property adjoining the road allowance,

“Temporary Water Supply Connection” means a water supply pipe which is installed for a specific short term purpose.

“Town” means The Corporation of the Town of Orangeville.

“User” means as the context requires, the applicant for water supply, the owner or occupant of or the person to whom invoices are sent for water supplied to a premises.

“Wastewater Collection System” means the sanitary sewer mains and service laterals from the sewer mains to the street line.

“Water” means potable water that is fit for human consumption.

“Water Meter” means the water meter supplied either at the cost of the user or by the Town.

“Water Service Connection” means that part of the water service pipe from the municipal water main to the street line including the shut off valve at the street line, which supplies water to any premises in the Town.

“Water Service Pipe” means the water pipes which conduct water from the water service connections to water meters.

“Water Works Distribution System” means the water mains and appurtenances, the works and the equipment under the jurisdiction of the Town for the supply and distribution of water or any part of such system.

Part II - Administration:

1. The administration of the water supply system, the water works distribution system, the wastewater collection system, and the wastewater treatment system shall be under the jurisdiction of the Department of Public Works of the Town.
2. The administration of water works and wastewater accounting, servicing and meter reading shall be under the jurisdiction of the Department of Public Works of the Town but may be delegated to such other entities as Council may, from time to time, direct.

Part III - Water and Wastewater Rates and Charges:

1. Before the initial supply of water or any subsequent reconnection to or the initial installation of a sewer service for any premises in the Town, the owner shall make application for same and the owner shall be governed by the requirements of this By-law.
2. The water consumed on all premises in the Town shall be charged for as indicated by the meter for each respective property at rates, including the base monthly charges, shown in Schedule “A” to this By-law. Wastewater charges for all premises in the Town shall be charged for based on the quantity of water consumed as indicated by the meter for each respective property at rates, including the base monthly charges, shown in Schedule “A” to this bylaw.
3. Water meters may be read and accounts rendered monthly, bi-monthly, or on any other basis at the discretion of the Town. The Town may serve bills upon the customer, by delivery or mail, either at an address supplied by the customer, or bills shall be deemed to be served upon the said customer, if they are delivered or sent by mail to the premises supplied with water.
4. When an account is not paid by due date on the bill, a late payment charge shown in Schedule “A” of this By-law will be assessed to the account and an overdue notice will be sent by mail reminding the customer of the outstanding account.
5. Fourteen (14) days after the overdue notice is mailed and, should the account remain unpaid, the Director may deliver, or cause to be delivered, a notice of disconnection to the premises supplied or the address supplied by the customer, advising the customer that unless payment is received within 48 hours, service will be disconnected.

6. When it has been necessary for a notice of disconnection to be delivered as set out in section 5 of this Part of this By-law, a collection charge shall be applied to the outstanding account. Where two (2) consecutive bills have resulted in the need for such notice of disconnection to be delivered as described herein, then a collection charge shall be applied for each occurrence. The rates for collection charges are shown in Schedule "A" to this By-law.
7. If a customer omits, neglects or refuses to pay any bill rendered, whether for water service, pipes, service charges or any other monies to which the Town may be entitled in respect of the water services to such premises, the Town may, at its discretion, shut off or reduce the flow of water to the premises and in addition to the amount owing and unpaid, a disconnection charge as shown in Schedule 'A' of this by-law will be levied against the delinquent account. All charges and amounts owing may be collected in accordance with the provisions of this by-Law and all applicable provisions of the *Municipal Act, 2001* as same may be amended from time to time. Every owner of property, even though the owner is not the occupant of the property at the time a water rate charge becomes payable in respect of the property, under this by-law, is liable to pay the rate unless it is first paid by the occupant of the property.
8. Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as shown in Schedule "A" of this By-law will be levied against the delinquent account, in addition to the applicable collection charge.
9. At the time of a change of ownership of the premises, an administrative charge as shown in Schedule "A" of this by-law will be levied by the Town to the new customer to cover the cost of administration work and the said charge will be included on the first billing to the new customer.
10. When the owner requests a temporary removal of the water meter from their premises, for any reason, the meter removal and reinstallation charge, as shown in Schedule "A" of this By-law will be applied to their account.
11. The minimum base monthly charge for providing and maintaining water supply to and wastewater collection for a premises is payable in accordance with Schedule "A". In instances when the owner of a premises terminates his account with the Town, subsequent minimum monthly charges shall be rendered to the owner of the premises until such time as a new owner applies to the Town for the supply of water.
12. Except in cases where property is being developed pursuant to the terms of a Development Agreement or a Subdivision Agreement with the Town and water services are being installed pursuant to such Agreement, all water service pipes shall be installed at the discretion of the Town with the owner of the property being serviced being responsible for the actual cost of such installation.
13. Water used during the construction phase of a building, prior to occupancy, is not required to be metered. The Town, in its sole discretion, may recover the cost of providing water and wastewater collection in accordance with the water rates for temporary connection for construction set out in Schedule "A" of the By-law.
14. Where a customer requires a temporary water supply, such customer shall apply to the Town for a connection to a fire hydrant. If the connection is approved and an agreement signed, the customer shall pay, prior to connection or when billed, the applicable charge shown in Schedule "A" of this By-law.
15. A charge for testing the accuracy of a water meter is as shown in Schedule "A" of this By-law and is payable as explained in Section 46 of Part 6 of this By-law.

Part IV - Operation of Water Works

16. No person other than a person authorized by the Director of Public Works for that purpose shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant.
17. No person other than a person authorized by the Director of Public Works for that purpose shall open or close a valve in the water works distribution system, or remove, tamper with or in any way interfere with any valve, water meter, structure, watermain or water service in the water works distribution system.
18. Except for water used for fire fighting, any other use of a Town's fire hydrant for water supply must be approved by the Director of Public Works. The method of application and payment shall be according to section 14 of Part 3 of this By-law. The terms and conditions required for granting the permit shall be at the discretion of the Town and may be changed from time to time as the Town deems necessary.
19. Any water supplied or made available for any land or building for purposes of protection of property or persons from fire or for preventing fires or the spreading of fires shall not be used for any other purpose.

Part V - Water Service Pipes

20. Any and all defects to the water service pipe, private main, meter pits, and sewer services shall be repaired by the owner of the property being serviced. Should the Town become aware of any such defect, and upon written notification to the owner, the said defect is not repaired within seven (7) days of the date of the notification or within such time as the Director of Public Works may deem necessary, then the Town may turn off the water supply to the property. If the Town is ordered to restore the water supply, then the Town may repair the defective water service pipe or sewer service and charge the cost to the owner and collect such cost according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the same manner and in the same priority as taxes. The Town shall not be held responsible for the cost of restoration.
21. No person, other than persons authorized by the Director of Public Works for that purpose shall be permitted to operate the shut-off valve to any premises.
22. All shut off valves must be left clear and accessible at all times so that the water in the water service pipe and private mains may be turned off or on as may be found necessary by the Director of Public Works.
23. All water service extensions to and including the meter and meter pit shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main and the charge for such water loss, shall be paid by the owner upon demand by the Town and the Town shall not be held responsible for any damages arising from such leakage.
24. When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. The owner or occupant may apply in writing to the Town to have the shut-off valve at the street line turned off to stop water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate shown in Schedule "A" of this By-law.

25. When any premises left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the owner or the occupant shall have no claim against the Town. Should the Director of Public Works become aware of such leaking or burst pipes, the Director of Public Works may turn off the shut-off valve at the street line and the water supply shall not be turned on until the Director of Public Works, in his/her discretion, shall consider it advisable
26. Thawing out frozen water service connection shall be the Town's responsibility. Thawing out frozen water service pipe and private mains shall be the owner's responsibility. Where any employee of the Town assists the owner in the thawing of frozen pipes on the owner's property, all such assistance work will be considered to be at the owner's risk and the owner shall have no claim against the Town by reason of such work.
27. Any hydrant situated within the road allowance is the property of the Town and shall be maintained by it; Town-owned hydrants located on private property shall be maintained by the Town. Hydrants owned and paid for by any persons other than the Town shall be maintained by such persons.
28. The Town shall renew
 - (1) the water service connection on public property at its expense and to its specifications when the piping is deemed by the Director of Public Works to be beyond repair, or does not meet municipal standards and a customer has replaced the water service pipe if such replacement is deemed necessary by the Director and replacement piping shall be in accordance with the Municipal Design standards; and
 - (2) the service lateral from the sanitary sewer main to the street line at its expense and to its specifications when the piping is deemed by the Director of Public Works to be beyond repair, or does not meet municipal standards and replacement piping shall be in accordance with the Municipal Design standards.
29. Where a consumer discontinues the use of the water service, or the Town lawfully refuses to continue any longer to supply it, the Director of Public Works may, at all reasonable times, enter the premises in or upon which the consumer was supplied with the water service, for the purpose of cutting off the supply of the water service or of making an inspection from time to time to determine whether the water service has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the Town in or upon the premises and may remove the same therefrom, doing no unnecessary damage.

Part VI - Water meters

30. Except as provided in paragraph 31 below, all water used on premises within the Town of Orangeville, except water used for fire fighting purposes, or water authorized by the Director, for construction or other purposes, shall pass through a meter approved by the Town for use upon such premises, and in addition to whatever other remedies the Town may have by law in respect to infringement of this By-law, the Town may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water.
31. The owner shall pay the base and monthly water service charge and wastewater service charge shown in Schedule "A" of this By-law, or such other flat rate charges as are set out in the said Schedule "A", in instances where the Town has determined that a water meter can not be installed, and such surcharges as are set out in Schedule "A" for customers who refuse to allow the Town to install a water meter or who refuses access to the water meter.

32. The Town may shut off or restrict the supply of water to a property if the Town requires access to the property to install, replace, repair or inspect a water meter. Any person authorized by the Town for that purpose has free access, at all reasonable times and upon notice given as set out in section 33 of this By-law, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.
33. Before shutting off or restricting the supply of water, the Town shall,
 - (1) by personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the Town intends to shut off or restrict the supply of water, if access to the property is not obtained before that date;
 - (2) ensure that a copy of the notice described in clause (a) is securely attached to the property in a conspicuous place.
34. The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after the later of,
 - (1) the day the last notice under part (a) of section 33 of this by-law was personally served;
 - (2) the day the last notice under part (a) of section 33 of this by-law was mailed; and
 - (3) the day a copy of the notice was attached under part (b) of section 33 of this by-law.
35. If the Town has shut off or restricted the supply of water under section 32 of this By-law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.
36. All charges for any of the work and services mentioned in sections 32 and 35 of this By-law will be determined by the Director as set out in Schedule "A" of this By-law and will be paid in full by the owner or the customer, as the case may be.
37. All water meters, supplied by the Town, shall be installed to conform to the Municipal Design Standards.

Where required by the Municipal Design Standards or as deemed necessary by the Director of Public Works, the owner shall supply and install an underground chamber to the satisfaction of the Director. The underground chamber will be located on the private side of the property line immediately adjacent to the road allowance and will house an inlet valve, meter and backflow preventor, if required. The owner shall be responsible for maintaining the underground chamber.
38. The location of a meter, shall not be changed by any person except with the written consent of the Director.
39. The Town will not supply, install, inspect or read private water meters, nor will the Town bill consumption on private water meters. Water supply pipes to private meters must be connected to the owner's plumbing after the Town's meter.

40. The Town and persons authorized by the Town for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the discretion of the Town. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Town, the Town may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.
41. Any leaks that may develop at the water meter or its couplings must be reported immediately to the Town. The Town is not liable for damages caused by such leaks.
42. No person, except a person authorized by the Town for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any water meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such meter and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter place in any building, the Director may forthwith, without any notice, shut off the water from such building or premises, and the water shall not be again turned on to such building or premises without the express written consent of the Director.
43. If in the opinion of the Director, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Director may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Director's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Town shall not be held responsible for any damages to the owner's property arising from such work.
44. If, for any cause, any meter shall be found to not be working properly, then the amount of water to be charged for shall be estimated on the average reading for the 12 months, when the meter was working properly, and the charge for the water for the period during which the meter was not working properly shall be based thereon.
45. A customer may, upon written application to the Town, have the water meter at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters set out in Schedule "A" of this By-law

All water meters shall be tested in accordance with American Water Works Association standards and procedures, by a properly accredited test facility as determined by the Director. If when tested, the meter is found to operate outside of applicable specifications, the Director will estimate the applicable flow volume underage or excess and a refund or bill will be made to the customer as applicable. The time frame used for the calculation of the estimate shall be limited to the four (4) month period prior to testing. If the testing determines that the meter reads in excess of the actual flow volume, the customer's deposit for the test shall be refunded.

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

PART VII - Prohibitions

47. Prohibitions under this By-law
No person shall:

- (1) Wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Town or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this By-law;
- (2) wilfully let off or discharge water so that the water runs waste or useless out of the works;
- (3) being a customer, tenant, or occupant of any house, building or other place supplied with water from the water works, waste the water or, without written consent of the Town, lend, sell or dispose of the water, give it away, or permit it to be taken or carried away;
- (4) without lawful authority open or close any valve or hydrant, or obstruct the free access to any hydrant, curbstop, valve, chamber or pipe;
- (5) throw or deposit any injurious or offensive matter into the water or water works, or upon the ice if the water is frozen, or in any way foul the water or commit any damage or injury to the works, pipes or water or encourage the same to be done;
- (6) 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
- (7) lay or cause to be laid any pipe or main to connect with any pipe or main of the water works, or in any way obtain or use the water without the consent of the Town;

PART VIII - Enforcement

48. Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.
49. The Court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.
50. Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works or to any water works plant, machinery, fitting or appurtenance thereof is liable to the Town therefore.
51. Every person who damages or causes or knowingly suffers to be damaged any water meter, water service pipe, conduit, water fitting and any related parts belonging to the Town or impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Town and for any expenses of repairing or replacing the water meter, water service pipe, conduit, wire, rod or fitting and double the value of the surplus water so consumed, all of which is recoverable under the *Provincial Offences Act*.

52. Every person who removes, destroys, damages, alters or in any way injures any water service pipe, conduit, wire, rod, pedestal, post, or other apparatus or thing belonging to the Town is guilty of an offence and on conviction is liable to a fine, to the use of the town and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

PART IX - Effective Date

53. The effective date of this By-law is January 1, 2005

PART X - Repealing Section

54. By-law 121-2002 of the Town of Orangeville is hereby repealed.

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 13TH DAY OF DECEMBER, 2004.

Drew Brown, Mayor

Susan Lankheit, Deputy Clerk

SCHEDULE "A"

1. EFFECTIVE DATES:

Rates and Charges

The rates and charges set out in this Schedule shall come into force and effect on the effective date of the By-law and shall be charged for all water used on or after that date. Water used prior to that date will be billed at the rate existing on the day before this By-law becomes effective.

Equipment Rentals

The monthly rates and charges for equipment rentals set out in this Schedule shall come into force and effect on the date which this By-law is enacted and be charged for all rentals applicable on or after that date. Rentals applicable after that date shall be billed at the rates existing on the day before this By-law was enacted.

Miscellaneous Charges

The miscellaneous rates and charges set out in this Schedule shall come into force and effect on the date which this By-law is enacted and be charged for all miscellaneous charges incurred on or after that date. Miscellaneous charges incurred prior to that date shall be charged at the rates existing on the date before this By-law was enacted.

2. BASE MONTHLY CHARGES:

Meter Size	Monthly Charge per Meter Water	Monthly Charge per Meter Wastewater	Total
3/4"	\$5.10	\$5.10	\$10.20
1"	\$6.80	\$6.80	\$13.60
1 1/2"	\$10.20	\$10.20	\$20.40
2"	\$15.30	\$15.30	\$30.60
3"	\$17.85	\$17.85	\$35.70
4" and larger	\$25.50	\$25.50	\$51.00

3. (a) METERED MONTHLY RATES:

Water and Wastewater Rates

Year	Water Per Cubic Metre Rate	Wastewater Per Cubic Metre Rate	Total Per Cubic Metre Rate
2005	0.74	0.76	\$1.50

**3. (b) PROJECTED MONTHLY RATES SUBJECT TO ANNUAL REVIEW:
Water and Wastewater Rates**

Year	Water Per Cubic Metre Rate	Wastewater Per Cubic Metre Rate	Total Per Cubic Metre Rate
2006	0.86	0.89	\$1.75
2007	0.94	1.05	\$1.99
2008	1.02	1.20	\$2.22
2009	1.10	1.38	\$2.48
2010	1.18	1.56	\$2.74
2011	1.30	1.80	\$3.10
2012	1.30	1.80	\$3.10

4. MISCELLANEOUS CHARGES:

- | | |
|---|--|
| 1. Change of Ownership Charge | \$15.00 |
| 2. Late payment charges | Compounded monthly interest
Charged at 1.5% |
| 3. N.S.F. cheques | \$25.00 + bank charges |
| 4. Collection charges | \$30.00 per trip |
| 5. Reconnection/Disconnection | |
| Per trip during regular hours | \$60.00 |
| Per trip during non-regular hours | \$120.00 |
| 6. Water arrears certificate | |
| Per property | \$15.00 |
| 7. Meter check at customer's request | |
| Up to 1" | \$300.00 |
| Over 1" | Time and materials |
| 8. Install remote water meter register | Time and materials |
| 9. Repair damaged meter | |
| 3/4" and 5/8" | \$155.00 |
| 1" and larger | Time and materials |
| 10. Any temporary hydrant/Other connection/
Temporary connection for construction | |
| Includes: Flat fee | \$110.00 plus |
| Refundable deposit | \$150.00 plus |
| Water cost | As per paragraph 3 |
| 11. Flat Rate Charge for non-metered accounts: | |
| (a) where the Town has determined a meter cannot be installed, \$527.40 per year | |
| (b) where the customer refuses to allow the Town to install or read a water meter,
the charge specified in 11 (a) plus a surcharge of 50%. | |

12. Increasing Block Rate:

The per cubic meter charges set out in the metered monthly rates table shall be increased by 35% for consumption in excess of that shown in the table below:

Meter Size	Water Consumption per Month	Wastewater Consumption per month
3/4"	>50 m ³	>50 m ³
1"	>100 m ³	>100 m ³
1 1/2"	>500 m ³	>500 m ³
2"	>1,000 m ³	>1,000 m ³
3"	>3,000 m ³	>3,000 m ³
4"	>6,000 m ³	>6,000 m ³