

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 2007 – 23

A BY-LAW TO PROVIDE FOR THE ADMINISTRATION, MAINTENANCE,
OPERATION AND REGULATION OF WATERWORKS.

WHEREAS pursuant to the Public Utilities Act, R.S.O. 1990, c. P.52 and the amendments thereto, a Corporation of a local municipality may enact a by-law to provide for the administration, maintenance, operation and regulation of Waterworks.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF PEMBROKE "THE CITY" ENACTS AS FOLLOWS:

SECTION 1 - GENERAL1.1 DEFINITION

- a) The term "curb stop" means a water service shut off valve located in a water service pipe between the water main and the building. This valve is operated by a valve key and is used to start stop flows in the water service line to a building.
- b) The term "fee" is a fee as outlined in the Schedule of Fees and Service Charges, as provided by the Treasury Department of the City of Pembroke.
- c) The term "occupant" means the person in occupation or having charge, management or control of any premises, whether on his own account or as the agent of any person.

1.2 APPLICATION

This by-law shall regulate:

- a) the design, installation, repair, maintenance, extension and replacement of all systems of connected piping, fittings, valves, meters and appurtenances that receive water from a public watermain and convey the water into and within a building or to a place of use on the property; and
- b) the use of water supplied by the City water distribution system.

1.3 AUTHORITY

- 1.3.1 The Operations Committee of the Pembroke City Council shall have general direction of the Waterworks.
- 1.3.2 The Treasury Department shall have responsibility for the collection of revenue derived from the works, the payment of all disbursements connected therewith, and the supervision of all ledgers of accounts or otherwise.
- 1.3.3 The Manager of Operations and his agents or his designate shall possess the authority to exercise the powers conferred by the Public Utilities Act and he or his authorized agents shall have the authority to enter upon the premises of all water takers at any reasonable hour to examine or to locate the service pipes, piping, fittings, valves, fixtures, meters and appurtenances. Unless the urgency of the situation demands otherwise, reasonable hours shall be between 8:00 a.m. and 4:00 p.m. In the case where immediate action is required to protect or to minimize the wastage of water, the Manager of Operations or his agents may take whatever action is deemed necessary.
- 1.3.4 The Operations Department shall receive all applications for the turning off or the turning on of water and all applications shall be made in writing on a form prescribed by the City.

SECTION 2 – CONVEYANCE OF WATER

- 2.1 Water within the City's main lines will be under the sole control of the City.
- 2.2 Water which leaves the City's main lines will be the homeowner's responsibility.

SECTION 3 – SCHEDULE OF RATES AND PAYMENT OF CHARGES

- 3.1 Charges for water supplied by the City shall be in accordance with the City of Pembroke By-law 83-93 and its amendments, which include:
 - a) water supplied on a flat-rate basis;
 - b) water supplied on a metered-rate basis;

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- c) meter rental rates; and,
 - d) any penalty, monetary or otherwise, according to the terms and conditions of the City of Pembroke By-law 83-93 and its amendments.
- 3.2 In any case, where the water shall have been turned off from any premises by reason of the non-payment of the charges for water supplied, including the meter rental charges, the water shall not again be turned on to such premises until, in addition to the charges due, the person or persons in default shall have paid a further charge, as stated in the City of Pembroke By-law 83-93 and its amendments, to cover the costs of turning off and turning on the water.
- 3.3 The charge for water supplied on a flat-rate basis as per the City of Pembroke By-law 83-93 and its amendments, shall become due and payable to the City when the installation of the water service pipe has been completed from the public watermain to the property line.
- 3.4 The charge referred to in Section 3.8 of this By-law shall be made in advance for the period from the date of completion of the installation to the next due date and the water shall not be turned on to the premises until payment is received in full.
- 3.5 Any person or persons vacating any premises for a period in excess of (3) three months that have been supplied with water from the Waterworks and who are desirous of discontinuing use thereof will be held responsible for the payment of applicable charges up to the time when the City receives proper notice of the request, in writing, in which case an additional charge for the turning off of the water, as stated in the City of Pembroke By-law 83-93 and its amendments, shall be paid to the City at the time when the request is received.
- 3.6 Notwithstanding Section 3.10 of this By-law, should the owner of a property decide he wishes to permanently abandon a water service pipe, he shall, in addition to the charges referred to in Section 3.9, be responsible for all costs incurred by the City to shut off the water service pipe at the main stop when the same is deemed necessary by the Manager of Operations or his designate.
- 3.7 All water rates shall be payable by owners of all lands and all houses, stores, offices, buildings, parts of buildings or premises, held, let or occupied as separate tenements in the said City and supplied with water from the Waterworks.
- 3.8 In all cases where the meter indicates that the total minimum meter bill would be less than the unit water rates, the City shall charge and collect the same rates as if no meter had been introduced.
- 3.9 Water takers supplied with water from the City shall not be entitled to notice of turning off or turning on the water, and the City shall not be liable for any damages sustained by any person unlawfully turning off or turning on of the water. Where the supply of water has been cut off pursuant to this By-law, no person shall have any claim against the City or its agents or officers, by reason of turning on or cutting off or refusal to turn on the water.
- 3.10 Except where herein otherwise provided, water supplied directly to residents outside the City limits shall be charged as per the City of Pembroke By-law 83-93 and its amendments. The applicants for such water supply to pay the cost of the service pipes and of the introduction of water. No water shall be supplied to residents outside the City limits unless written permission is first obtained from City Council and standards are met regarding installation (i.e. backflow preventers).
- 3.11 Notwithstanding any of the provisions set out in this By-law, the Council may, on the recommendation of the Manager of Operations or his designate, require any person or persons supplied with water by the said City to install a meter. When such meter is so installed, the rates and charges referred to in the City of Pembroke By-law 83-93 and its amendments, shall apply. Such meter to be paid for by the property owner, and be the property of the City. The cost of installing the meter, per the City standards and requirements, is to be paid for by the person(s) or City using the water.

SECTION 4 - TAMPERING WITH OR THEFT OF CITY PROPERTY

- 4.1 No person shall tamper or interfere with the City Distribution System, nor shall any person, except as authorized by the Operation Manager or his designate, connect to or operate any pipe, valve, meter, hydrant, or other part of the City Distribution System.

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- 4.2 Water from the City's supply shall not be supplied, sold, provided or diverted to anyone whether or not such person is a customer of the City, without the written consent of the City.
- 4.3 A person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine of not less than \$500.00 in addition to all associated costs, and/or prosecution.

SECTION 5 – RESPONSIBILITY OF THE CORPORATION

- 5.1 A water meter is required under the direction of the Manager of Operations or his designate and under this By-law for the recording of all water taken by the property owner from the City Water Distribution Systems.
- 5.2 The City shall supply at a cost to the owner, the required water meter(s), which shall remain the property of the City.
- 5.3 INSTALLATION OF METERS
- a) All requests for water service connections shall be accompanied by a permit and payment for a water meter of the required size as determined by the City. The water meter shall be installed by the applicant and inspected by the City.
- b) Meters shall be installed as follows:
- i) One water meter is required for each single residential unit service connection.
 - ii) For the purpose of this By-law, a condominium development shall be served by one water meter for each private service; an industrial or commercial development shall be deemed to be one building and shall be served by one water meter per service connection.
- c) Multiple residential units shall be served by one meter per private service.
- d) All residential water meters shall be installed to City standards and requirements.
- e) All commercial and industrial water meters shall be installed in accordance with the direction of the Manager of Operations or his designate, as to size and location.
- f) The entire cost of installing and inspecting the initial water meter shall be at no cost to the City.
- g) All water meters shall be owned by the City. All new residential units must have a water meter installed according to City standards. The meter installation will be inspected by the City and if the installation does not comply with City standards, the water supply will be shut off and will not be turned on again until the meter assembly meets City standards.
- h) Whenever water meters have been installed for the measurement of water, the owner or occupant of the premises where such meters have been or are placed, shall take all reasonable precautions to protect such meter assembly and its connections from physical or environmental damage (frost, hot water or other causes). Repairs or replacement shall be at no cost to the City.
- 5.4 The City shall maintain water service pipes between the public watermain and the property line in good repair, if and for so long as the same is deemed maintainable or repairable by the Manager of Operations or his designate.
- 5.5 The City assumes no responsibility to undertake any work on private service connections. Should the City agree to undertake such work, the work shall be confined to that part of the water supply system outside any and all buildings or structures, in which case the property owner shall authorize the work and agree, in writing, to assume all costs. Should the owner fail to fulfill these requirements and there is, in the City's sole opinion, a threat to other property or public safety, the City may turn off the water at the owner's expense.
- 5.6 The City will, in every case, determine the position in the street in which the pipe to be used in supplying any premise is to be installed.

SECTION 6 – RESPONSIBILITY OF THE PROPERTY OWNER

- 6.1 The owner of each property taking water from a public watermain shall have total responsibility, including all costs to install, to maintain in good repair and to protect from frost, the piping, fittings, valves, fixtures and all appurtenances, at the City's sole discretion, from the curb stop to the building or as located on private property, for the conveyance of water into and within the building or to a place of use on the private property.

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- a) All new water service connections shall be installed with a backflow preventer in accordance with City standards and specifications, to include the accurate completion of a Cross Connection/Backflow Prevention Survey;
- b) All alterations to a water service and/or interior potable water systems shall include the installation of a backflow preventer to City standards and specifications;
- c) The backflow preventer shall be of an approved type, subject to the approval of the City's Operations and Utilities Departments; and,
- d) All costs associated with the installation of the backflow preventer shall be the responsibility of the property owner.

6.2 It shall be the responsibility of the Property Owner to pay the cost of thawing a water service if frozen between the curb stop and the building (private property).

6.3 After the first thawing on City property (per season) and notification is given to leave the water run to prevent further freezing, the property owner will be responsible for the cost of all subsequent thawing operations, and the City will adjust the water rates to accommodate the running water.

6.4 Where a lead water service pipe is in use on the City section of the service, between the water main and the curb stop, the City will schedule the replacement of the water service, to City standards. If a lead water service is discovered on the property owner's section, between the curb stop and the building, the City will notify the owner, and the owner shall replace the water service, to City standards, within 6 months of the notification, at the property owner's expense. Should the property owner fail to replace the water service within 6 months of the notification, the City shall turn off the water service until the lead service has been replaced, to City standards and approval.

6.5 ACCESS TO WATER METER ASSEMBLY

- a) The owner or occupant shall provide ready and convenient access to the meter and remote so that it may be frequently read, examined, maintained, repaired or replaced by authorized City employees or approved agents.
- b) Every owner or occupant of premises where a water meter is installed, maintained repaired or replaced, shall ensure that the periodic reading and inspection of such meters by the authorized agents of the City or other authorized persons is facilitated in all reasonable ways. Failure of the owner or occupant to do so, or to make reasonable arrangements for such reading or inspections, is in contravention of this By-law.

6.6 TESTING OF WATER METERS

- a) A water meter will be removed and tested upon request, once the payment of a deposit is received. If it is found to register correctly and does not exceed one and one-half percent (1.5%) more consumption when tested, a minimum charge, equal to the deposit, will be made. All associated expenses shall be at no cost to the City.
- b) If the meter is found, when tested, to register in excess of one and one-half percent (1.5%) a refund will be made to the consumer equal to such excess percentage of the amount of the account for the period from the last meter reading prior to such testing of the meter, plus the deposit. No such reduction shall be made when the owner or occupant of the building has not complied with the provisions of this By-law.
- c) If, in the opinion of the Manager of Operations or his designate, the condition of the private service pipe is such that the meter cannot be safely removed without fear of damage to the private service pipes, the Manager of Operations or his designate may require the owner to make such repairs as may be deemed necessary to facilitate the removal of the meter.
- d) The City will make periodic inspections or tests of meters on the distribution system and reserves the right to substitute other meters for existing meters owned by the City or to substitute a City-owned meter for a privately owned meter.

6.7 MAINTENANCE AND REPAIR OF METERS

Only authorized employees of the City, or agents duly authorized by the Manager of Operations or his designate shall disconnect or take apart any meter or branch or in any manner disturb the seal or any other part of the meter.

6.8 METER CHAMBERS

- a) Where the Manager of Operations or his designate deems the construction of a frost-proof chamber or chambers is necessary to house the water meter or

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meters, it shall give notice, in writing, mailed to the consumer, and the owner shall provide a drained frost-proof chamber or chambers. The plans and specifications shall be subject to the approval of the Manager of Operations or his designate.

- b) The cost of providing and maintaining such a frost-proof chamber and all connections thereto, and of keeping the chamber or chambers readily accessible at all times, shall be at the expense of the owner.
- 6.9 In the case where a problem occurs on a water service pipe or on the private piping system located on private property and where the owner or person having authority over the property resides outside of the City boundaries or is not immediately available, the Manager of Operations or his authorized agent may take whatever action is deemed necessary to protect public or private properties or to stop the wastage of water, and the City shall not assume any responsibility for taking such action, even though the property owner or person having authority over the property may not have been given notice of the action.
- 6.10 In the case of new installations or the extension of an existing system, all work shall satisfy the plumbing requirements of the Ministry of the Environment, the City Building Inspector and the Manager of Operations or his authorized representative who shall approve the work prior to the work being covered.

6.11 OPERATION AND INSPECTION – PRESSURE, SUPPLY AND QUALITY

a) The City does not guarantee pressure, nor continuous supply of water, nor does it accept responsibility at any time for the maintenance of pressure on its lines, nor for increases or decreases in pressure. The City reserves the right at any and all times, without notice, to change operating water service for the purposes of making repairs, extensions, alterations or improvements, or for any other reason, and to increase or reduce pressure at any time. Neither the City, its officers, employees or agents shall incur any liability of any kind whatsoever by reason of the cessation in whole or in part of water pressure or water supply, or changes in operating pressures, or by reason of the water containing sediments, deposits or other foreign matter.

b) Customers depending on a continuous and uninterrupted supply of water or having processes or equipment that require particularly clear or pure water shall provide such emergency storage, over-size piping, pumps, tanks and surge tanks, filters, pressure regulators, check valves, additional service pipes, or other means for a continuous and adequate supply of water suitable to their requirements.

6.12 WATER USE RESTRICTIONS

- a) For the purpose of this Section and Regulations made hereunder, sprinkling shall be understood to include the distribution of water by sprinkling or any other means on lawns, gardens, or other outdoor areas.
- b) City Council may, from time to time, impose restrictions on sprinkling, or change or revoke such restrictions, and in so doing may make the restrictions applicable at specified times or on specified days and may differentiate between classes of customers or areas of the City.
- c) In the event that the City deems any portion of the plant of the Waterworks being disabled or being threatened with disablement, or if 22,730 m³ daily are being supplied, or if for any reason the Manager of Operations or his designate is of the opinion that the use of the Waterworks should be curtailed, the City may direct that:
- i) no person in a residential area shall use any lawn sprinkler or other appliance for sprinkling or watering by pressure or direct from the City Waterworks, any lawn, boulevard, yard or garden, or any pavement, sidewalk or roadway.
 - ii) no person in a commercial, industrial, institutional, open space or hazard area shall use any lawn sprinkler or other appliance for sprinkling or watering by pressure or direct from the City Waterworks any lawn, boulevard, yard or garden, or any pavement, sidewalk or roadway.
- d) Notice of any water use restrictions may be provided to water purchasers and the provisions of the restrictions shall apply to said water purchasers, so as to ensure the safety and security of the system.

SECTION 7 – PROCEDURE

7.1 APPLICATION

The owner of the property or his authorized agent shall submit a written application to the Operations Department on a form prescribed by the City.

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7.2 INSTALLATION

- 7.2.1 The property owner shall be responsible for the permit, the installation and inspection of the new service and all related costs.
- 7.2.1 The owner of a property shall install and maintain all piping, fixtures, valves and appurtenances located on his property in proper working condition and any water, which is wasted due to the lack of proper installation or maintenance, shall be considered a violation of this By-law. The Manager of Operations or his designate will inspect the installation from the property line to the building. Approval will be denied where the installation has been covered prior to the inspection.
- 7.2.2 Should a property owner request a water service having a pipe diameter larger than the standards, the property owner shall bear the additional costs for pipe and fittings for the section from the watermain to the property line, as determined and approved by the City.
- 7.2.3 Should a property owner request more than one (1) water service to his premises, the property owner shall be responsible for all costs, including overhead charges, for that section located on the public road allowance, as determined and approved by the City. Each water service and installation will be subject to the installation.
- 7.2.4 Immediately on completion of any plumbing work in connection with the supply or use of water, the owner of the property shall file, with the Manager of Operations or his authorized representative, a statement, in writing, to indicate the completed works.
- 7.2.5 Restoration of surface within the City Right-of-Way shall be completed in accordance with the City's specifications, and by contractors pre-approved by the City.

7.3 REPAIR/REPLACEMENT

- 7.3.1 City is responsible for keeping in repair the service pipes laid down from the main pipe to the curb stop.
- 7.3.2 All property owners shall be responsible to obtain a permit to repair that section of a water service located from building to curb stop with the work to be done by an approved contractor, as determined by the City. The property owner shall be responsible for all costs associated with this repair.
- 7.3.3 Where a property owner decides to employ a third party to repair that section of a water service located from building to curb stop,
- a) the third party must be a qualified contractor per City standards and requirements;
 - b) a Water Service Installation permit must be purchased and approved;
 - c) the City shall not turn on the water supply until such time as the complete installation has been inspected and approved by the Manager of Operations or his authorized representative;
 - d) work shall be pre-approved by the City of Pembroke.

7.4 LOCATION

- 7.4.1 In the case where the location of the proposed water service pipe, as indicated by the property owner or his agent, is not to the approval of the Manager of Operations or his authorized representative, the property owner must adhere to the terms and conditions of this By-law.
- 7.4.2 The property owner or his agent shall assume total responsibility for maintaining the marker stake at the location approved by the Manager of Operations or his authorized representative and should this marker stake be moved or relocated, reinstatement will be made at the expense of the property owner.

SECTION 8 – DESIGN, MATERIALS AND SPECIFICATIONS

- 8.1 A water service pipe from the public watermain to the building or place of use shall be:
- a) not less than 19mm in diameter;
 - b) of copper pipe unless otherwise approved by the Manager of Operations or his designate;

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- c) placed to a depth that will provide a minimum cover of 2.2 meters.
- d) provided with a main stop located on the watermain, when directed by and to a design approved by the Manager of Operations or his designate;
- e) provided with a curb stop complete with box or chamber located on the public road allowance adjacent to the property line, with the design approved by the Manager of Operations or his designate;
- f) of a size and location on the public road allowance, approved by the Manager of Operations or his designate;
- g) on the premises of the water taker, be protected from frost and provided with adequate protection against settlement or movement which could cause damage to the piping, fittings, valves or appurtenances; and,
- h) provided with a stop and drain cock attached to every supply pipe, at a point immediately inside the building to provide for future maintenance and to provide for the draining of the piping system inside the building.

8.2 When a public watermain is available, each separate house or premise or each building only when single ownership is maintained, shall be supplied by a single water service pipe from the public watermain.

8.3 Should the owner of a building wish to sell a part or parts of the building, he shall, prior to completing the transaction, make satisfactory arrangements with the City, for the installation of a water service pipe or pipes to supply that part or parts of the building to be sold.

SECTION 9 – PROHIBITIONS AND PENALTIES

- 9.1 Every person who,
- a) willfully hinders or interrupts, or causes to be hindered or interrupted the City, or any of its officers, contractors, agents, servants or workmen, in the exercise of any of the powers conferred by this By-law;
 - b) willfully lets off or discharges water so that the water runs waste or useless out of the Waterworks;
 - c) being a tenant, occupant of any house, building or other place supplied with water from the Waterworks, improperly wastes the water or, without the consent of the City, lends, sells or diverts 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, or increases the supply of water agreed for;
 - d) without lawful authority, willfully opens or closes any hydrant or obstructs the free access to any hydrant, curb stop, chamber, pipe or hydrant-chamber, by placing on it any building material, rubbish or other obstruction;
 - e) throws or deposits any injurious 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 willful damage or injury to the works, pipes, or water, or encourages the same to be done;
 - f) willfully alters any meter placed upon any service pipe or connected therewith, within or outside of any building or other place, so as to lessen or alter the amount of water registered;
 - g) installs or causes to be installed 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 City; or
 - h) willfully ignores any portion or provision of this By-law,

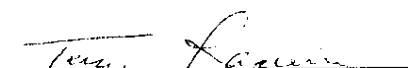
is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33 and its amendments.

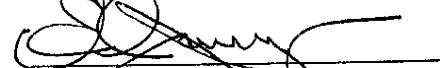
SECTION 10

All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision hereof shall not affect the remaining sections.

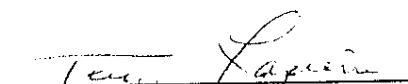
This By-law shall come into full force and effect upon third and final reading.

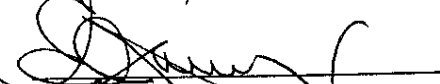
READ A FIRST AND SECOND TIME this 3rd day of April, 2007.


Chief Administrative Officer


Mayor

READ A THIRD TIME AND PASSED this 3rd day of April, 2007.


Chief Administrative Officer


Mayor