

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R89-210

Bill No. 1622

BEING A BY-LAW TO AMEND THE REGIONAL WATERWORKS BY-LAW NO. R84-026, AS AMENDED, BY IMPLEMENTING THE 1990 USER FEES AND THE REGIONAL WATER DEMAND CONTROL STRATEGY

WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth on the 17th day of October, 1989 did approve of Item No. 2 of Report No. 13-89 of the Finance and Personnel Committee which authorized the 1990 User Fees effective January 1, 1990;

WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth on the 17th day of October, 1989 authorized that the appropriate Regional By-laws be changed to reflect the 1990 User Fees;

WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth on the 19th day of September, 1989 did approve of Item No. 12 of Report No. 12-89 of the Finance and Personnel Committee which authorized a Water Demand Control Strategy for the Regional Municipality of Hamilton-Wentworth;

WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth on the 19th day of September, 1989 authorized Regional Waterworks By-law No. R84-026, as amended, to be further amended to incorporate the said Water Demand Control Strategy;

AND WHEREAS it is necessary to further amend the Regional Waterworks By-law No. R84-026, as amended, to reflect the 1990 User Fees under said By-law and to incorporate the said Water Demand Control Strategy;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. That subsections 1(g) to 1(u) of Regional By-law R84-026, as amended, be renumbered as subsections 1(h) to 1(v).

2. That a new subsection 1(g) be added to Regional By-law R84-026, as amended, as follows:

1(g) "legally established income producing rental property" means,

- (i) a property listed in the Assessment Department of the relevant Area Municipality as a multiple family dwelling; or
- (ii) a property in which the owner registered on title is different from the occupant; or
- (iii) a rental property in which business taxes are paid.

2. That subsection 4(16)(d) of Regional By-law R84-026, as amended, is hereby repealed.

3. That Section 8 of Regional By-law R84-026, as amended, is hereby repealed and the following substituted therefor:

8. (1) The owner of the premises is required to be responsible for and to permit the installation of water meters equipped with remote reading devices installed,
 - (a) on all services in the Regional Area for which the owner or occupant is required to pay meter rates as set out in subsection (2) of Section 12 of this By-law; and
 - (b) on any service which is introduced into any area or premises outside the Regional Area by written agreement with the Regional Municipality; and
 - (c) on all legally established income producing rental properties, with verification from the Area Municipalities, within six (6) months of notification by the Regional Municipality of the requirement of installing a water meter; and
 - (d) on all non-metered residential properties being sold within six (6) months after the change of ownership.

- (2) All water meters shall be supplied by the Commissioner of Engineering and owned and maintained by the Regional Municipality.
- (3) Any person who installs a water meter shall comply with the installation standards of the Commissioner of Engineering.
- (4) Any metered water service in use before or after the enactment of this By-law is to remain a metered water service.
- (4) The owner or occupant of the premises on which the water meter is to be located shall be responsible for:
 - (a) the protection of the water meter and appurtenances;
 - (b) providing at all times easy access, to the satisfaction of the Commissioner of Engineering, to the water meter to a person authorized by the Regional Municipality for the purposes of meter reading, checking, repairing, installation, maintenance and removal;
 - (c) payment of the cost of repairing a meter damaged by frost or otherwise or the cost of replacing a meter lost or stolen;
 - (d) immediately notifying the Department of Engineering of any problems with the water meter which appear to require repair.
- (6) Every water meter and remote reader shall be installed and kept in a readily accessible manner with the water meter located at the point where the service pipe enters the building, except that
 - (a) where, in the opinion of the Commissioner of Engineering such location is unsuitable, the water service supplying a residential or commercial property may be continued, in a manner approved by him, under a floor from the point of entry to a suitable meter location inside the building, or

- (b) where, in the opinion of the Commissioner of Engineering, a suitable location inside a building cannot be made or where the building is more than 60m from the property line where the service pipe is to be introduced, the meter is to be installed and maintained in a readily accessible manner at the property line, in a properly drained and otherwise suitable meter chamber and such chamber is to be constructed and maintained by and at the expense of the owner or occupant of the land or building, but
 - (c) no connections for domestic purposes shall be made prior to the water meter.
- (7) Where any such water meter is not accessible to a service truck, the Regional Corporation is not liable for damage to lawns or gardens by the truck, in the event of need for such access for purposes of repair or removal, or other necessary purposes.
- (8) Every metered water service is to be provided with a suitably-valved by-pass, except
 - (a) where the service supplies only a single family dwelling unit; or
 - (b) where the service connection is under 50mm diameter; or
 - (c) where in the opinion of the Commissioner of Engineering, a by-pass is not required.
- (9) Fees for the supply of water meters and the installation of remote readers are to be paid by the owner of the premises and are as set forth in Section 1(b) of Schedule "E" to this By-law.
- (10) No person shall break, damage, destroy, deface or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with:
 - (a) any part of the Waterworks; or

- (b) any permanent or temporary device installed in a waterworks, including a water meter, for the purpose of measuring, sampling and testing of the water.

3. That Subsection 12(5) of Regional By-law R84-026, as amended, is hereby repealed and the following substituted therefor:

12. (5) The owners and occupants of all lands

- (a) within the City of Hamilton with respect to which water rates are payable and which since prior to 1975 have only a 20mm or smaller metered residential service to a separately assessed dwelling in which not more than one family resides and in which there is installed only water-using equipment normally found in a single family dwelling and in which water meters are not required to be installed pursuant to subsections 8(1)(c) and (d) of this By-law,

- (i) are not liable to pay meter rates as set forth in Schedule "G" to this By-law, but,

- (ii) are liable to pay a non-metered annual rate based on the assessment used to calculate the taxes on land and buildings for the same year as set forth in Schedule "A" to this By-law, however, any owner or occupant of lands may have a meter installed upon making application in writing to the Commissioner of Engineering and paying the fee set forth in Schedule "E" to this By-law, and he is to thereupon pay the applicable meter rate set forth in Schedule "G" to this By-law, and

- (b) within the City of Stoney Creek with respect to which water rates are payable and prior to 1975 were paying a flat rate charge and in which water meters are not required to be installed pursuant to subsections 8(1)(c) and (d) of this By-law, are not liable to pay meter rates as set forth in section 1 of Schedule "G" to this By-law, but are liable to pay a flat annual rate as set forth in Schedule "B" to this By-law, but any owner or occupant of lands may have a meter installed upon making application in writing to the Commissioner of Engineering and paying the fee set forth in Schedule "E" to this By-law, and he is to thereupon pay the applicable meter rate set forth in Schedule "G" to this By-law, and

- (c) within the City of Hamilton and the City of Stoney Creek with respect to which non-metered water rates are payable and in or upon which lands there is a pool having a capacity of more than 5m³ are to pay an annual charge for water supply to the pool as set forth in Section 6 of Schedule "E".
- (d) notwithstanding subsections (a), (b) and (c) of this section, wherever a water service is replaced or a water service agreement as referred to in section 4, subsection (10) has been entered into, the water service shall at that time become a metered water service.

4. That Schedule "E" to Regional By-law R84-026, as amended, is hereby repealed and that Schedule "E" attached to this By-law be substituted therefor.

5. In all other respects, the contents of Regional By-law R84-026, as amended, are hereby confirmed unchanged.

6. That this By-law comes into force and takes effect as of January 1, 1990.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED this 19th day of December, 1989.

Chairman

Clerk

Approved
as to form

Regional
Solicitor

SCHEDULE "E"

TABLE OF FEES FOR VARIOUS SERVICES

1.	(a)	Water service permit fee as referred to in Section 4(1)	\$21.00
	(b)	Fees for the supply of water meters and the installation of remote readers as referred to in Section 4(1):	
		Remote Reader	45.00
		16mm diameter	85.00
		20mm diameter	120.00
		25mm diameter	160.00
		38mm diameter	325.00
		50mm diameter	430.00
		100mm diameter (compound)	2,100.00
		100mm diameter (turbine)	1,370.00
		150mm diameter	3,750.00
		200mm diameter	5,250.00
		250mm diameter	7,150.00
	(c)	Owners who are not required under this By-law to have a metered water service, but voluntarily wish to have a water meter installed by the Regional Municipality,	
		(i) may pay the Regional installation costs pursuant to Section 1(a) and (b) of Schedule "E" herein, over a five (5) year period by a special charge on their quarterly water bill; or	
		(ii) will be allowed a twenty-five percent (25%) discount on the Regional installation costs pursuant to Section 1(a) and (b) of Schedule "E" herein provided that the entire net costs be paid by the Owner up front.	

Schedule "E" Continued

2.	For superintending the laying of the service connection and the laying or repairing of a yard service as referred to in Section 4(1) of this By-law	35.00
3.	For superintending the laying of the service connection and the laying or repairing of a yard service after normal working hours.	35.00
4.	For turning off water at the street as referred to in Sections 13(4) and 13(6).	35.00
5.	(a) For turning on water at the street as referred to in Section 4(1)	35.00
	(b) For turning water on and off during the same call	40.00
	(c) For turning on water at the street after it has been turned off for non-payment of rates (and which includes the charge for the previous turn off), as referred to in Section 13(6)	70.00
6.	For supplying water to a pool having a capacity of more than 5m ³ as referred to in Section 18(8), an annual charge of	40.00
7.	For service calls other than previously specified	40.00
8.	For each Special Water Service to be connected as referred to in Section 4(18)	650.00
9.	For testing of a water meter up to and including 50mm diameter as referred to in Section 9	65.00
10.	For testing of a water meter over 50mm in diameter as referred to in Section 9	160.00
11.	Flow test for firefighting design purposes.	50.00
12.	For temporary connections *	50.00
13.	For poor pressure flow tests **	47.00
14.	For fire hydrant maintenance ***	180.00

(+ meter rate)

Schedule "E" Continued

15. For installation of public drinking fountains 360.00
- * This service requires a \$200.00 deposit.
 - ** There is to be no charge for citizens in requesting poor pressure flow tests in the first instance and where a second request is made the citizen is advised by letter that there will be a \$40.00 charge.
 - *** An additional \$20.00 capital contribution is charged for each hydrant.