

CITY OF ST. THOMAS

BY-LAW NO. 44 -2000

OFFICE CONSOLIDATION

(By-law 44-2000, as amended by by-laws: 17-2002, 169-2002, 163-2003, 217-2004, 3-2006, 173-2006, 136-2007, 186-2007, 171-2008, 179-2009, 10-2011, 179-2011, 15-2013, 79-2013, 166-2013, 182-2014, 186-2016, 144-2017, 157-2017, 134-2018, 125-2019, 139-2019, 151-2020, 33-2021, 135-2022, 125-2023 and 129-2024)

A by-law to provide for the regulation of Water Supply in the City of St. Thomas.

BY-LAW INDEX

**Part 1
DEFINITIONS**

- 1.1. Definitions
 - Building – defined
 - Catastrophic Water Charges Assistance Program – defined (By-law 125-2019)**
 - City – defined
 - Contractor – defined
 - Cross Connection – defined
 - Customer – defined
 - Developer – defined
 - Engineer – defined
 - External use of water – defined
 - Main – defined
 - Meter – defined
 - Meter pit – defined
 - Meter Wire – defined (By-law 144-2017)**
 - Municipal Address – defined
 - Occupant – defined
 - Owner – defined
 - Plumbing system – defined
 - Potable water – defined
 - Premises – defined
 - Private main – defined
 - Rates – defined (By-law 136-2007)**
 - Remote read-out unit – defined
 - Service extension – defined
 - Service stub – defined
 - Shut-off valve – defined
 - Single detached residence – defined
 - Subdivider – defined
 - Water – defined
 - Water Distribution System – defined
 - Water related services – defined
 - Water Service Pipe – defined
 - Waterworks – defined

**Part 2
APPLICATION FOR WATER SERVICE**

- 2.1. Application and payment prior to installation
- 2.2. Installation – payment required
- 2.3. Disconnection of service – payment

**Part 3
WATER RATES AND CHARGES**

- 3.1. Application for water supply
- 3.2. Water measured by meters
- 3.3. Meter reading and billing

- 3.4. Late payment charge and overdue notice
- 3.5. Notice of disconnection
- 3.6. Collection – charge
- 3.7. Non-payment charge and overdue notice
- 3.8. Notice of disconnection
- 3.9. Collection – charge
- 3.10. Temporary removal and reinstallation of meter – charge
- 3.11. Minimum monthly charge – who payable by
- 3.12. Service installation charge
- 3.13. Temporary water supply – application and charge
- 3.14. Meter testing charge

Part 4 SECURITY DEPOSITS

- 4.1. Deposit is security for payment
- 4.2. Deposit applied as payment

Part 5 OPERATION OF WATER SYSTEM

- 5.1. Conditions on water supply
- 5.2. Authority for water supply
- 5.3. Unauthorized operation of fire hydrants – offence
- 5.4. Unauthorized operation or interference – offence
- 5.5. Use of water from hydrants
- 5.6. Improper use of water from fire service – offence

Part 6 WATER SERVICES

- 6.1. Installation – by City – by contractor
- 6.2. Installation – to City specifications
- 6.3. Connection to main – prior application
- 6.4. Installation – alteration – approval by City
- 6.5. Installation inspection by City
- 6.6. Installation – access for inspection
- 6.7. Disconnection of service
- 6.8. Maintenance of service stub – City
- 6.9. Maintenance of service extension and private main – owner
- 6.10. Operation of shut-off valves
- 6.11. Access to shut off valves
- 6.12. Responsibility for protection, water loss, damage
- 6.13. Responsibility – vacant and unheated premises
- 6.14. Responsibility – water damage
- 6.15. Responsibility for frozen pipes – City – owner
- 6.16. Responsibility for hydrant maintenance
- 6.17. Renewal of service – City – owner
- 6.18. Access – removal – inspection – fittings

Part 7 WATER METERS

- 7.1. Water to be metered – remedy for violation
- 7.2. Supply – installation – ownership – replacement
- 7.3. Installation – maintenance – repair – access
- 7.4. Notice required - access
- 7.5. No shut off – reasonable effort – gain access
- 7.6. Restoration of water supply – as soon as practicable
- 7.7. Charges – meters – owner to pay
- 7.8. Every building metered – Engineer’s discretion
- 7.9. Installation to City Specifications
- 7.10. Meter location – Engineer to consent to change
- 7.11. Private meters – owner responsibility
- 7.12. Reading meter – access
- 7.13. Valve maintenance – responsibility of owner

- 7.14. Leaks must be reported
- 7.15. Interference with meter not permitted
- 7.16. Owner responsible to repair piping
- 7.17. Non-functioning meter - amount of water estimated
- 7.18. Meter testing for customer – deposit – conditions
- 7.19. Meter reading supersedes remote device reading

Part 8

CROSS CONNECTIONS AND BACKFLOW PREVENTION

- 8.1. Foreign substances not to enter water
- 8.2. Inspection for cross connections - access
- 8.3. Access to be provided on written notice
- 8.4. Order to install control device
- 8.5. Failure to install – notice – water shut-off
- 8.6. Additional device on service
- 8.7. Installation to City specification
- 8.8. Inspection and testing – paid by customer
- 8.9. Failure to test device – notification – water shut-off
- 8.10. Repair – replacement – by customer
- 8.11. Removal of device – permission by City

Part 9

PROHIBITIONS

- 9.1. Prohibitions under this by-law

Part 10

ENFORCEMENT

- 10.1. Fine – for contravention
- 10.2. Continuation – repetition – prohibited – by order
- 10.3. Offence – additional – damage to waterworks
- 10.4. Offence – additional – wilful damage
- 10.5. Offence – additional – injuring waterworks

Part 11

EFFECTIVE DATE

- 11.1. Effective date

Schedule “A”

2023 SCHEDULE OF RATES AND CHARGES

Schedule “B”

CATASTROPHIC WATER CHARGES ASSISTANCE PROGRAM

WHEREAS the *Public Utilities Act, R.S. 0. 1990, c. P. 52*, as amended provides that the Corporation of a local municipality may acquire, establish, maintain and operate waterworks;

AND WHEREAS the said *Act* in section 28 provides that by-laws may be passed by the council for the maintenance and management of the works;

THEREFORE the Municipal Council of The Corporation of the City of St. Thomas enacts as follows:

Part 1

DEFINITIONS

- 1.1. **Definitions**

In this by-law:

Building - defined

"building" shall mean a structure supplied with water by the City of St. Thomas.

Catastrophic Water Charge Assistance Program - defined

"Catastrophic Water Charge Assistance Program" means the program and application process available to provide financial assistance through the reduction of the homeowner's excessive water/sewer bill. (By-law 125-2019)

City - defined

"City" shall mean The Corporation of the City of St. Thomas.

Contractor - defined

"contractor" shall mean a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the City to install or maintain mains, service mains, services, hydrants and other appurtenances.

Cross Connection - defined

"cross connection" shall mean any temporary, permanent or potential water connection that may allow backflow of contaminants, pollutants, infectious agents, other material or substance that will change the water quality in the waterworks distribution system and includes swivel or changeover devices, removable sections, jumper connections and bypass arrangements.

Customer - defined

"customer" shall mean any person who enters into a verbal or written contract with the City to take water from the City or to receive water related services from the City.

Developer - defined

"developer" shall mean the owner or party specifically named in a Development Agreement or in a Subdivision Agreement.

Engineer - defined

"engineer" shall mean the City Engineer for the City of St. Thomas or the City Engineer's authorized representative.

External Use of Water - defined

"external use of water" shall mean the use of water for any purpose outside the walls of any building located at a municipal address.

Main - defined

"main" shall mean every water pipe, except services and portions of private mains as herein defined, installed on the public road allowance or on any other land upon which the City has obtained easements.

Meter - defined

"meter" shall mean the water meter supplied and owned by the City to measure the quantity of water used by the customer.

Meter Pit - defined

"meter pit" shall mean any exterior chamber or pit approved by the Engineer for the purpose of containing a water meter.

Meter Wire - defined

"meter wire" shall mean wire connecting meter to remote reader installed and be maintained by the owner. (By-law 144-2017)

Municipal Address - defined

"municipal address" shall mean a building or buildings identified by a number pursuant to City of St. Thomas By-Law 147-95, as amended, or as provided for in any successor by-law thereto.

Occupant - defined

"occupant" shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premise.

Owner - defined

"owner" shall include any person who or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.

Plumbing System - defined

"plumbing system" shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances contained in plumbing that begins, is located and is connected immediately after the meter.

Potable Water - defined

"potable water" shall mean water that is fit for human consumption.

Premises - defined

"premises" shall mean any house, tenement, building, lot, or part of a lot, or both, in, through, or past which water service pipes run.

Private Main - defined

"private main" shall mean a pipe connected to a main and installed on private property and from which more than one service and/or hydrant lateral are connected.

Rates - defined

"Rates" shall mean the water consumption charge applicable for the consumption of water as supplied by Water Distribution System. As shown in Schedule "A", the City of St Thomas Rate is composed of the Blended Supply Rate - a combination of the Secondary Supply Rate and the Primary Supply Rate prorated based on flow, the Common Infrastructure Rate - the capital component common to the entire system which funds the portion of the Waterworks composed of water mains equal to or larger than 300mm in diameter including all pumping facilities and includes operating costs for the distribution system, and the St. Thomas Capital Infrastructure Rate which funds the portion of the Water System owned by the City of St Thomas and consisting of water mains less than 300mm in diameter. The St. Thomas and Suburban Area Rate is common to all users of the system and is composed of the Blended Water Supply Rate and the Common Infrastructure Rate. **(By-law 136-2007)**

Remote Read-Out Unit - defined

"remote read-out unit" shall mean the device installed at a separate location from the water meter and used to record the consumption reading of the meter.

Service Extension - defined

"service extension" shall mean the portion of a water service pipe from the property line to the meter location, or for a fire service to the inside of the exterior wall of a structure, ie. an extension of a service stub.

Single Detached Residence - defined

"single detached residence" shall mean a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.

Subdivider - defined

"subdivider" shall mean the owner or party specifically named in a Subdivision Agreement.

Water - defined

"water" shall mean potable water supplied by the City.

Water Distribution System - defined

"water distribution system" shall mean mains with connections to feeder mains, feeder mains within subdivision lands, private mains, services, fire hydrants, and shut-off valves and all other appurtenances thereto.

Water Related Services - defined

"water related services" shall include but not be limited to those items set out under the heading "Miscellaneous Charges" in Schedule "A" of this by-law.

Water Service Pipe - defined

"water service pipe" shall mean the pipe and fittings that convey potable water from a connection on a main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure.

Waterworks - defined

"waterworks" shall mean any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the *Building Code Act, 1997* applies, or any amendments thereto apply.

Part 2 APPLICATION FOR WATER SERVICE

2.1. Application and payment prior to installation

The owner or their agent shall apply to the City for a water service and before the service is installed, shall pay for it at the rates shown in Schedule "A" of this by-law or on such other basis as the Engineer may at any time or from time to time determine.

2.2. Installation - payment required

The installation of the water service will not be scheduled or commenced in any way until the application and payment have been made.

2.3. Disconnection of service - payment

When an owner discontinues the use of a water service for water supply to a premise, the owner shall pay to the City a charge as shown in Schedule "A" of this by-law for disconnecting the meter for such service from the water distribution system.

Part 3 WATER RATES AND CHARGES

3.1. Application for water supply

Before the initial supply of water or any subsequent reconnection to any premises in the City, the owner shall make application for the same, and the owner shall be governed by the requirements of this by-law.

3.2. Rates for Water measured by Meters

The Water consumed on all Premises in the City and for municipalities or persons outside of the City of St. Thomas connected to the Waterworks shall be charged for as indicated by the Meter on each respective property at rates shown in Schedule "A" of this by-law. **(By-law 136-2007)**

~~Water measured by meters~~

~~The water consumed on all premises in the City shall be charged for as indicated by the meter on each respective property at rates shown in Schedule "A" of this by-law.~~

3.3. Meter reading and billing

Water meters may be read and accounts be rendered monthly, bi-monthly or on any other basis at the discretion of the City. The bill shall be deemed to be served upon the customer if it is delivered or sent by mail to the premises supplied.

3.4. Late payment charge and overdue notice

When an account is not paid by the due date stated on the bill, a late payment charge, as shown in Schedule "A" of this by-law, will be assessed to the account and, seven (7) days after that date, an overdue notice will be sent by mail reminding the customer of the outstanding account.

3.5. Notice of disconnection

Fourteen (14) days after the overdue notice is mailed and, should the account remain unpaid, the Engineer will deliver or cause to be delivered a notice of discontinuation to the service address, advising the customer that unless payment is received within 48 hours, service will be disconnected. **(By-law 17-2002)**

~~Fourteen (14) days after the overdue notice is mailed and, should the account remain unpaid, a notice of disconnection the Engineer will deliver or cause to be delivered to the service address, advising the customer that unless payment is received within 48 hours, service will be disconnected.~~

3.6. Collection – charge

When it has been necessary for a notice of disconnection to be delivered as set out in section 3.5 of this Part of this by-law, a collection charge shall be applied to the outstanding account. Where two (2) consecutive billings have resulted in the need for such notice of disconnection to be delivered in as described herein, then a collection charge shall be applied for each occurrence. The rates for collection charges are shown in Schedule "A11 of this by-law.

3.7. Non-payment- water shut off - lien

If the customer at any premises omits, neglects or refuses to pay any bill rendered, whether for water service pipes, meter, service charge or any other monies to which the City may be entitled in respect of water services to such premises, the City may, at its discretion, shut off or reduce the flow of the water to the premises. Such charges shall remain a lien on the property where they have been incurred by the owner of the property and may be collected in accordance with the procedures permitted by section 31 of the *Public Utilities Act*.

3.8. Reconnection - charge

Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as shown in Schedule 11A11 of this by-law, will be levied against the delinquent account, in addition to the applicable collection charge.

3.10. Change of occupancy - charge

At the time of a change of occupancy, an administrative charge as shown in Schedule II A II of this bylaw will be levied by the City to the new customer to cover the cost of administrative work, and the said charge will be included on the first billing to the new customer.

3.11. Temporary removal & reinstallation of meter - charge

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.

3.12. Minimum monthly charge - who payable by

The monthly base charge, as shown in Schedule "A" of this By-law, for providing and maintaining Water supply to a property is applicable for every Water Meter owned and read by the City. In instances when the Occupant of a Premises terminates his account with the City subsequent monthly base charges shall be rendered to the Owner of the Premises until such time as a new Occupant applies to the City for the supply of Water. **(By-law 136-2007)**

~~The minimum monthly charge for providing and maintaining water supply to a property is applicable for every water meter owned and read by the City. In instances when the occupant of a premises terminates his account with the City, subsequent minimum monthly charges shall be rendered to the owner of the premise until such time as a new occupant applies to the City for the supply of water.~~

3.13. Service installation charge

All water service pipes, except those to lands being developed under a City development or subdivision agreement wherein the main is installed, may be installed on an actual cost basis at the owner's expense.

3.14. Temporary water supply - application and charge

Where a customer requires a temporary water supply to fill a swimming pool or for other use, such customer shall apply to the City 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.

3.15. Meter testing charge

The charge for testing the accuracy of a water meter is as shown in Schedule "A" of this by-law and is explained in section 7.18 of Part 7 of this by-law.

3.16. Catastrophic Water Charge Assistance Program

The owner can apply to the City for a one-time water charge assistance program through the application process in Schedule 'B' of this by-law.

**Part 4
SECURITY DEPOSITS**

4.1. Deposit is security for payment

Whenever an application is made to the City for a supply of water, the City may, in its discretion, before furnishing such supply, require the customer to make a deposit of such sum of money as it may consider advisable as shown in Schedule "A" of this by-law. Each such deposit shall be security for payment for all water passing through the meter of the service in respect to which such deposit was made until the customer shall have notified the City in writing to discontinue such service.

4.2. Deposit applied as payment

Where a deposit has been made pursuant to section 4.1 of this Part of this by-law, and the water supplied to the customer has not been paid for on demand as may be provided by the City's by-laws and regulations, then the deposit, or as much of it as shall be necessary, shall be applied in payment for such water, and the water service shall be discontinued until further monies have been paid to the City sufficient to again bring up the deposit to the amount required.

Part 5 OPERATION OF WATERWORKS

5.1. Conditions on water supply

The City agrees to use reasonable diligence in providing a regular and uninterrupted supply and quality of water, but does not guarantee a constant service or the maintenance of unvaried pressure or quality or supply of water and is not liable for damages to the customer caused by the breaking of any water service pipe or attachment, or for shutting off of water to repair or to tap mains, if reasonable notice of the intention to shut off the water is given.

5.2. Authority for Water Supply

The City in its own right shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all waterworks plant and equipment within its boundaries serving the City of St. Thomas to establish whether and the terms upon which municipalities or persons outside the City of St. Thomas may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers; and the City of St. Thomas as Administering Municipality of the Secondary System for the Water Supply Systems, shall have the sole responsibility, authority, power and capacity to construct, maintain and operate all waterworks plant and equipment in conjunction with this system to establish whether and the terms upon which municipalities or persons outside the City of St. Thomas may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers.

5.3. Unauthorized operation of fire hydrants - offence

No person other than a person authorized by the Engineer for that purpose shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant, **and this to include any hydrant located within private property. (By-law 17-2002)**

5.4. Unauthorized operation or interference - offence

No person other than a person authorized by the Engineer 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.

5.5. Use of water from hydrants

Except for water used for fire fighting, any other use of a City's **or private** fire hydrant for water supply must be approved by the Engineer. The method of application and payment shall be according to section 3.14 of Part 3 of this by-law. The terms and conditions required for granting the permit shall be at the discretion of the City and may be changed from time to time as the City deems necessary. **(By-law 17-2002)**

5.6. Improper use of water from fire service - offence

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 6 WATER SERVICE PIPES

6.1. Installation - by City - by contractor

All water service pipes shall be installed by the City or by contractors engaged by the owner for the purposes of such installation, except in new land development projects where agreements with the City require the developer or subdivider to complete such work.

6.2. Installation - to City specifications

All water service pipes and private mains located within City property shall be constructed according to the City's Standard specifications and drawings (hereinafter called "standard contract documents") as approved by the Engineer from time to time. All water service pipes and private

mains located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance with good engineering practices and shall be approved by the Chief Building Official. Where the Ontario Building Code is silent, the City's specifications shall be applied and shall prevail.

6.3. Connection to main - prior application

The installation of the water service pipe connection will not be scheduled or commenced in any way until the customer has met the requirements of this by-law.

6.4. Installation - alteration - approval by City

For any new water service pipe or private main installation, or alteration of existing water service pipes or private mains, the owner must apply for approval from the City for such work as specified in the City's standard contract documents and the City's specifications.

6.5. Installation inspection by City

All water service pipes and appurtenances installed, including those required by a City Subdivision or Development Agreement, must be inspected by the City as specified in the City's standard contract documents and the City's specifications, the charge for which inspection is as specified in Schedule "A" of this by-law.

6.6. Installation - access for inspection

The City and persons authorized by the City for inspection shall be, at all times, entitled to enter any premises for the purposes of examining pipes, connections and fixtures which are used in connection with the water service pipe and/or service main.

6.7. Disconnection of service

At the discretion of the Engineer, and where applicable, the water service pipe must be disconnected at the watermain, the watermain plugged, and the curb box and rod removed at the owner's expense. All work must be inspected by the City of St. Thomas, and the charge for such inspection is as shown in Schedule "A" of this by-law.

6.8. Maintenance of service stub - City

The water service stub shall be maintained by the City at the City's expense.

6.9. Maintenance of service extension and private main - owner

Any and all defects to the water service extension, private main and meter pits, shall be repaired by the owner of the property being serviced. Should the City 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 Engineer may deem necessary, then the City may turn off the water supply to the property. If the City is ordered to restore the water supply, then the City may repair the defective water service pipe and charge the costs 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 like manner as taxes. The City shall not be held responsible for the cost of restoration. The ownership and responsibility of each part of the water service and meter are illustrated in Standards W-08 and ~~W-20~~ **W-21** of the St. Thomas Design Guidelines. **(By-law 144-2017)**

~~Any and all defects to the water service extension, private main and meter pits, shall be repaired by the owner of the property being serviced. Should the City 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 Engineer may deem necessary, then the City may turn off the water supply to the property. If the City is ordered to restore the water supply, then the City may repair the defective water service pipe 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 like manner as taxes. The City shall not be held responsible for the cost of restoration.~~

6.10. Operation of shut-off valve

No person, other than persons authorized by the Engineer for that purpose shall be permitted to operate the shut-off valve to any premises.

6.11. Access to shut-off valves

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 Engineer.

6.12. Responsibility for protection, water loss, damage

All water service extensions to and including the meter shall be properly protected from frost and any other damage all 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 determined by the Engineer, shall be paid by the owner upon demand by the City, and the City shall not be held responsible for any damages arising from such leakage.

6.13. Responsibility - vacant and unheated premises

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 City to have the shut-off valve 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.

6.14. Responsibility - water damage

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 City. Should the Engineer become aware of such leaking or burst pipes, the Engineer shall turn off the shut-off valve, and the water supply shall not be turned on until the Engineer, in his/her discretion, shall consider it advisable.

6.15. Responsibility for frozen pipes - City - owner

Thawing out frozen water service stubs shall be the City's responsibility. Thawing out frozen service extensions and private mains shall be the owner's responsibility. Where any employee of the City 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 City by reason of such work.

6.16. Responsibility for Hydrant Maintenance

Any hydrant situated within the road allowance is the property of the City and shall be maintained by it; City-owned hydrants located on private property shall be maintained by the City. Hydrants owned and paid for by any persons other than the City shall be maintained by such persons through a written agreement with the City.

6.17. Renewal of service - City - owner

The City shall renew service stubs on public property at its expense and to its specifications when:

- a) piping is deemed by the Engineer to be beyond repair;
- b) the existing pipe material is lead and supplies a single detached residence provided the owner is prepared to replace the service extension before the City replaces the service stub. Replacement piping shall conform to the specifications of the City. Replacement pipe shall be the same size as existing or the minimum size for the area. If an owner requests a larger size, the owner shall pay the difference in material cost.

6.18. Access - removal - inspection - fittings

Where a consumer discontinues the use of the water service, or the City lawfully refuses to continue any longer to supply it, the Engineer 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 City in or upon the premises, and may remove the same therefrom, doing no unnecessary damage.

**Part 7
WATER METERS**

7.1. Water to be metered - remedy for violation

All water used on premises within the City of St. Thomas, except water used for fire fighting purposes, or water authorized by the Engineer, for construction or other purposes, shall pass through the meter supplied by the City for use upon such premises, and in addition to whatever other remedies the City may have by law in respect to infringement of this by-law, the City 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.

7.2. Supply- installation - ownership - replacement

The owner shall pay the water service charge shown in Schedule "A" of this bylaw before the City will supply the owner with a meter and the meter must be installed prior to occupancy of the building. The meter shall remain the exclusive property of the City and may be removed as and when the City may see fit, upon the same being replaced by another meter, or for any reason which the City may, in its discretion, deem sufficient. The ownership and responsibility of each part of the water service and meter are illustrated in Standards W-08 and ~~W-20~~ **W-21** of the St. Thomas Design Guidelines. **(By-law 144-2017)**

~~The owner shall pay the refundable charge shown in Schedule "A" of this by-law before the City will supply the owner with a water meter and the water meter must be installed prior to occupancy of the building. The water meter shall be installed by the owner but shall remain the exclusive property of the City and may be removed as and when the City may see fit, upon the same being replaced by another water meter, or for any reason which the City may, in its discretion, deem sufficient. If a satisfactory final inspection of the water meter and service installation has not been conducted by the City within 6 months of the City supplying the water meter, then the deposit as shown in Schedule "A" shall be forfeited. It is the responsibility of the owner to arrange to have a satisfactory final inspection upon completion of the water meter and water service installation. Initial inspections conducted by the City will be completed at no charge to the owner; all subsequent inspections, if required, will cost the owner the amount shown in Schedule "A". (By-law 217-2004)~~

~~The owner shall pay the water service charge shown in Schedule "A" of this by-law before the City will supply the owner with a meter and the meter must be installed prior to occupancy of the building. The meter shall remain the exclusive property of the City and may be removed as and when the City may see fit, upon the same being replaced by another meter, or for any reason which the City may, in its discretion, deem sufficient.~~

7.3. Installation - maintenance - repair - access

The City may shut off or restrict the supply of water to a property if the City requires access to the property to install, replace, repair or inspect a water meter. Any person authorized by the City for that purpose has free access, at all reasonable times, and upon notice given as set out in section 7.4 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.

7.4. Notice required - access

Before shutting off or restricting the supply of water, the City shall,

- a) 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 City intends to shut off or restrict the supply of water if access to the property is not obtained before that date;
- b) ensure that a copy of the notice described in clause a) is securely attached to the property in a conspicuous place.

7.5. No shut off - reasonable effort - gain access

The City 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,

- a) the day the last notice under part (a) of section 7.4 of this by-law was personally served;
- b) the day the last notice under part (a) of section 7.4 of this by-law was mailed; and
- c) the day a copy of the notice was attached under part (b) of section 7.4 of this by-law.

7.6. Restoration of water supply - as soon as practicable

If the City has shut off or restricted the supply of water under section 7.3 of this by-law, the City shall restore the supply of water as soon as practicable after obtaining access to the property.

7.7. Charges - meters - owner to pay

All charges for any of the work and services mentioned in sections 7.3 and 7.6 of this by-law will be determined by the Engineer 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.

7.8. Every building metered - Engineer's discretion

~~Every separate building to which water is being supplied shall be furnished with a separate water meter, supplied by the City except where non-compliance is acceptable to the Engineer. Additional water meters, supplied by the City, may only be installed at the discretion of the Engineer.~~

Every separate building, and in the instances of buildings with multi unit, then every separate unit, to which water is being supplied shall be furnished with a separate water meter, supplied by the City except where non-compliance is acceptable to the Engineer. Additional water meters, supplied by the City, may only be installed at the discretion of the Engineer. **(By-law 17-2002).**

7.9. Installation to City Specifications

~~All water meters, supplied by the City, shall be installed to conform to the specifications of the City.~~

The water service entering the building shall be installed within one metre inside the front foundation wall with the water meter installed within 1 ~ metres of the foundation wall. An accessible shut off valve shall be installed between the water meter and foundation wall. The owner is responsible for the installation of the water meter in accordance with this by-law. **(By-law 217-2004)**

7.10. Meter location - Engineer to consent to change

The location of a meter, when once installed to the specifications of the City, shall not be changed by any person except with the consent of the Engineer.

7.11. Private meters - owner responsible

The City will not supply, install, inspect or read private water meters, nor will the City bill consumption on private water meters. Water supply pipes to private meters must be connected to the owner's plumbing after the City's meter.

7.12. Reading meter - access

The City and persons authorized by the City 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 City. 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 City, the City 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.

7.13. Valve maintenance - responsibility of owner

The owner shall be responsible for maintaining, in good working order, the inlet valve to the meter if the service is over 25mm diameter and the outlet and by-pass valves for all meters, and shall ensure that such valving is accessible.

7.14. Leaks must be reported

Any leaks that may develop at the water meter or its couplings must be reported immediately to the City. The City is not liable for damages caused by such leaks.

7.15. Interference with meter not permitted

No person, except a person authorized by the City 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 placed in any building, the Engineer 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 consent of the Engineer.

7.16. Owner responsible to repair piping

If, in the opinion of the Engineer, 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 Engineer 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 Engineer'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 City shall not be held responsible for any damages to the owner's property arising from such work.

7.17. Non-functioning meter - amount of water estimated

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 previous **six (6) 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. **(By-law 17-2002)**

7.18. Meter testing for customer - deposit - conditions

Any customer may, upon written application to the City, 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. If the meter is found to register correctly, slow or not to exceed three per cent (3%) in favour of the City when tested at a flow rate of one gallon (4.54 litres) per minute, the customer's deposit shall be forfeited towards the cost of the test. Any additional expense of removing and testing of the meter will be paid for in full by the customer. If the meter is found, when tested to register in excess of three per cent (3%), a refund will be made to the customer equal to such excess percentage of the amount of the account for the period of four (4) months prior to such testing of the meter, plus the customer's deposit for the test.

7.19. Meter reading supersedes remote device reading

Where the water meter is equipped with a remote read-out unit of any type and a discrepancy of 3% or less occurs between the reading at the register of the water meter and the reading on the read-out device, no adjustments will be made to the customer's account. Where a discrepancy of more than 3% occurs between the two readings, the City will consider the reading at the water meter to be correct and will adjust and correct the customer's account accordingly. The adjustment will be prorated over a period of up to 5 years, depending on how long the existing customer has had the same meter, with the applicable water rate used for each year to calculate the cost. **(By-law 217-2004)**

~~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 City will consider the reading at the meter to be correct, and will adjust and correct the customer's account accordingly.~~

~~Should there be a discrepancy between the reading at the meter register and the remote read out device which results in a corresponding significant additional consumption charge then the aforementioned additional charge may be paid by a mutually agreed upon repayment schedule within a payment period not to exceed twenty-four (24) months.~~

~~Upon each and every final meter reading (change of ownership, billing source, discontinuance of required service, etc.) the meter reading shall be specifically taken at the meter register. (By-law 17-2002)~~

Part 8

CROSS CONNECTIONS AND BACKFLOW PREVENTION

8.1. Foreign substances not to enter water

No person shall connect, cause to be connected, or allow to remain connected to the waterworks distribution system any piping, fixture, fitting, container or appliance, in a manner which under any circumstances, may allow water, waste water, non-potable water, or any other liquid, chemical or substance to enter the water works distribution system. This means for "protection from contamination" shall be in accordance with the requirements of the *Ontario Building Code Act, 1997*, as amended from time to time.

8.2. Inspection for cross connections - access

Any person authorized by the City for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any water service pipe is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any water service pipe, wire, rod or cross connection within or without the building.

8.3. Access to be provided on written notice

Where access is not provided, a written notice by the City will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the City may at its discretion, shut off the supply of Water to the Premises until such time as the access is provided. Where the Engineer has evidence that foreign substances are entering the water distribution system due to a connection on a premises contrary to section 8.1, the Engineer may in his discretion, shut off the supply of water on the same day written notice is given. **(By-law 136-2007)**

~~Where access is not provided, a written notice by the City will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the City may, at its discretion, shut off the supply of water to the premises until such time as the access is provided.~~

8.4. Order to install control device

If a condition is found to exist which is contrary to section 8.1 of this by-law, the City shall immediately carry out an inspection and shall issue such order or orders to the customer as may be required to obtain compliance with section 8.1 of this by-law.

8.5. Failure to install - notice - water shut-off

If the customer to whom the City has issued an order fails to comply with that order, the Engineer, at his/her discretion, may:

- a) Give notice to the customer to correct the fault, at his/her expense, within a specified time period and, if the notice is not complied with, the Engineer may then shut off the water service or services; or
- b) Without prior notice, shut off the water service or services.

8.6. Additional device on service

Notwithstanding sections 8.1, 8.4 and 8.5 of this by-law, where a risk of possible contamination of the water works distribution system exists in the opinion of the Engineer or an approved authority, a customer shall, on notice from the City, install on his/her water service pipe a cross connection control device, approved by the City, in addition to any cross connection control devices installed in the customer's water system at the source of potential contamination.

8.7. Installation to City specification

Cross connection control or backflow prevention devices, when required by the City, shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B64, 10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices", as amended from time to time.

8.8. Inspection and testing - paid by customer

All cross connection control devices shall be inspected and tested at the expense of the customer, upon installation, and thereafter annually, or more often if required by the City, by personnel approved by the City to carry out such tests to demonstrate that the device is in good working condition. The customer shall submit a report on a form approved by the Engineer or any or all tests performed on a cross connection control device within fourteen (14) days of a test, and a record card shall be displayed on or adjacent to the cross connection control device on which the tester shall record the address of the premises, the location, type, manufacturer, serial number and size of the device, and the test date, the tester's initials, the tester's name (if self employed) or the name of his employer and the tester's licence number.

8.9. Failure to test device - notification - water shut-off

If a customer fails to have a cross connection control device tested, the City or approved authority may notify the customer that the cross connection control device must be tested within four (4) days of the customer receiving the notice. If the customer fails to have the device tested within the time allowed, the Engineer may shut off the water service or water services until the cross connection control device has been tested and approved as required by section 8.8 of this by-law.

8.10. Repair - replacement - by customer

When the results of a test referred to in section 8.8 of this by-law show that a cross connection control device is not in good working condition, the customer shall make repairs or replace the device within four (4) days. If a customer fails to repair or replace the device within the time allowed, the Engineer may shut off the water service until such repair or replacement has been made.

8.11. Removal of device - permission by City

No person shall without the permission of the City remove any cross connection control or backflow prevention devices installed as a requirement of provincial legislation notwithstanding the fact that the applicable provincial regulation has been rescinded.

**Part 9
PROHIBITIONS**

9.1. Prohibitions under this by-law

No person shall

- a) wilfully hinder or interrupt, or cause or procure to be hindered or interrupted, the corporation or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this by-law;

- b) wilfully let off or discharge water so that the water runs waste or useless out of the works;
- c) being a customer, tenant, 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 City, 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 his own or increase the supply of water agreed for;
- d) without lawful authority wilfully open or close any valve or hydrant, or obstruct the free access to any hydrant, stopcock, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction;
- e) throw or deposit any injurious 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 wilful damage or injury to the works, pipes or water, or encourage the same to be done;
- f) wilfully 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
- g) lay or cause to be laid any pipe or main to connect with any pipe or main of the waterworks, or in any way obtain or use the water without the consent of the corporation

Part 10 ENFORCEMENT

10.1. Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to a fine of not more than \$2,500, exclusion of costs and each and every fine is recoverable under the *Provincial Offences Act*.

10.2. Continuation - repetition - prohibited - by order

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.

10.3. Offence - additional - damage to waterworks

Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any water public utility works, or to any waterworks plant, machinery, fitting or appurtenance thereof is liable to the City therefor.

10.4. Offence - additional - wilful damage

Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, lamp, lustre, water service pipe, conduit, wire, rod or water fitting belonging to the City or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the water meter indicates less than the actual amount of the water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the City, and for any expenses of repairing or replacing the water meter, lamp, lustre, 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*.

10.5. Offence - additional - injuring waterworks

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

Part 11 EFFECTIVE DATE

11.1. Effective Date

This by-law comes into force on the final passing thereof.

READ a First and Second time this 3rd day of April, 2000

READ a Third time and Finally passed this 3rd day of April, 2000

ORIGINAL SIGNED BY:

Peter J. Leack, City Clerk

ORIGINAL SIGNED BY:

Joanne Brooks, Mayor

SCHEDULE 'A'

2025 Schedule of Rates and Charges

Monthly Base Charge (\$ / Meter)	
Meter Size (*)	2025
5/8"	17.75
3/4"	25.02
1"	35.31
1 1/2"	56.46
2"	91.86
3"	148.65
4"	293.15
6"	507.75
Consumption Rates (\$/m³)	
Common Water Rate	0.2063
Blended Water Rate	1.2300
St. Thomas and Suburban Area Rate	1.4363
St. Thomas Capital Rate (**)	0.7785
St. Thomas Consumption Rate	2.2168
Large Food Processors First 850 m ³ /month	2.2168
Large Food Processors After 850 m ³ /month	1.6626

<u>Bulk Water Rate</u>	\$3.07 per cubic meter
<u>Change of Occupancy</u>	\$30.00
<u>Non-payment of Account</u>	Initial Interest Charge of 1.5% 18% compounded annually
NSF cheque	\$15.00 plus Bank Charges
Collection Charge	\$30.00
<u>Arrears Certificate</u>	\$15.00 per property
<u>Reconnection after regular hours</u>	\$150.00
<u>Disconnect and Reconnect at Owners Expense</u>	
Up to and including 1"	\$50.00
Over 1"	Actual Costs
<u>Inspections</u>	
Water Service and Water Meter Inspections, after initial inspection fails	\$100.00 per inspection
<u>Meter checked for accuracy at Customers request and found to be accurate</u>	
Up to and including 1"	\$300.00
Over 1"	Actual Costs
<u>After Hours Non-Emergency Service Call</u>	\$150.00
<u>Tapping Mains</u>	
Up to and including 2"	\$300.00 / tap
4" and above	\$150.00 / inch
<u>Security Deposit</u>	
Up to and including 1-1/2"	\$75.00
Over 2"	\$150.00
<u>Repair Damaged Meter</u>	

Residential

Labour and Equipment	Regular Hours		\$100.00
	After Regular Hours		\$150.00
Material	Replace Water Meter	5/8"	\$300.00
		3/4"	\$350.00
		1"	\$400.00
		1 1/2"	\$700.00
		2	\$800.00

Commercial and Industrial

Actual Time and Materials

New Connections where DC Charges are not applicable

1" water service (no sewer)	\$6000.00
1" water service and above (no sewer)	Time and Materials
1" water service and below AND 6" sewer and below	\$8000.00
1" water service and above AND/OR 6" sewer and above	Time and Materials
6" sewer service and below (no water)	\$6000.00

Fire Hydrant Charge – Private Hydrants

\$300 annual fee for each hydrant routinely maintained by the City at the request of the Owner. Repairs will be charged on an actual time and material basis, and payment must be received by January 31 of that year, to ensure maintenance by the City.

(*) The monthly base charge expressed as a fixed cost per month for each water meter is also proposed to be adjusted on an annual basis, as such adjustment will help maintain the revenues that are needed for the basic maintenance of the system if/as water consumption patterns decline over time.

(**) NOTE: the charge may be increased where the actual Statistics Canada Non-Residential Construction Price Index is greater than 4.2% for the capital component of the rates and greater than 2.1% for the operating component of the rate.

SCHEDULE 'B'

Catastrophic Water Charge Assistance Program

PURPOSE:

A program to provide one-time water forgiveness to homeowners who have received high water charges due to a catastrophic event.

APPLICATION:

1. The homeowner shall submit the application form to the City for approval prior to credit being issued to their account by the City's water billing provider.
2. The application must be submitted before the next water/sewer bill is issued to the homeowner.
3. The subsidy will only allow for a one (1) time financial assistance *per* municipal residential address.
4. In order to qualify, the homeowner's water/sewer bill charges must be three (3) times above the 12-month average water usage.
5. The allowable credit would be 50% of the excess amount of the water/sewer bill, based on the 12-month average water usage, and only up to a maximum reimbursement of \$500.
6. The program will not allow for retroactive payments from past events occurring before the program was requested by Council.
7. The homeowner shall not Qualify for the program if the home was vacant or premises were unattended for more than 48 hours when the plumbing failure occurred.
8. The Homeowner shall be disqualified from the program if the water/sewer usage was due to damage (i.e. broken pipe due to construction) or neglect (i.e. failing to keep temperature inside home at acceptable level), or intentional usage (i.e. Filling of outdoor pool)
9. Under the discretion of the City Engineer, the application approval may be deemed ineligible under this program.

ELIGIBILITY FOR PROGRAM

The applicant for the Catastrophic Water Charge Assistance Program must meet the following criteria in order to qualify for the Program:

- The applicant must be the named registered account holder for the water/sewer billing, collected through the City's water billing provider;
- Their account with the City's water billing provider must be in good standing;
- They must reside in a residential zoned property;
- There must be no other outstanding debts to the City of St. Thomas;
- They must meet all other conditions as set out in the application process above.

DISCONTINUATION OF PROGRAM

The terms of the Program are subject to change. Council may periodically review the Program Guidelines to determine if the Program should continue, be modified, or cease to issue any new assistance. The City may discontinue the Program at any time, without notice.