



**BY-LAW NUMBER 2016-**

**A By-law of The Corporation of the City of Barrie to authorize the billing and collection of water and wastewater services for the City of Barrie and to repeal By-law 2011-104, as amended.**

**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 8(1), provides that Sections 8 and 10 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 10, provides that a single tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein, *inter alia*; public utilities;

**AND WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c.25, Section 80, provides that a municipality may at reasonable times enter on land to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe, wire, machinery, equipment and other works; to inspect, install, repair, replace or alter a public utility meter and for such purposes, to shut off or reduce the supply of the public utility to the land; and, if a customer discontinues the use of a public utility on land or the municipality lawfully decides to cease supplying the public utility to land, to shut off the supply of the public utility; remove any property of the municipality or determine whether the public utility has been or is being unlawfully used;

**AND WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c.25, Section 81 provides that a municipality may shut off the supply of a public utility to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility are overdue, subject to the municipality providing reasonable notice of the proposed shut off to the owners and/or occupants of the land by personal service or prepaid mail or posting the notice on the land in a conspicuous place;

**AND WHEREAS** the City operates and maintains a municipal drinking water system and wastewater system within its municipal boundaries;

**AND WHEREAS** the Council of the City deems it expedient to make certain rules and regulations concerning the said drinking water system and wastewater system, in accordance with the *Municipal Act, 2001*;

**AND WHEREAS** the Council of The Corporation of the City of Barrie adopted Motion 16-G-272, the Council of the Corporation of the City of Barrie deems it expedient to pass a by-law to govern billing and collection service for water and wastewater services.

**NOW THEREFORE** the Council of The Corporation of the City of Barrie hereby enacts the following:

**DEFINITIONS**

1.0 For the purpose of this by-law:

- a) "Backflow Prevention By-Law" shall mean the Backflow Prevention and Cross Connection Control By-Law 2010-102 as amended.
- b) "City" shall mean The Corporation of the City of Barrie and its employees.
- c) "Class 1 – Water Only Exemption" shall mean a property that is connected to the municipal drinking water system that uses a private wastewater system. Only water rates will be applicable to approved Class 1 exemptions.
- d) "Class 2 – Wastewater Only Exemption" shall mean a property that is connected to the municipal wastewater system and that use a private water supply. Only wastewater rates will be applicable to approved Class 2 exemptions.

- e) “Class 3 Exemption” shall mean Industrial, Commercial and/or Institutional water users who redirect a minimum monthly average of 100m<sup>3</sup> of water away from the municipal wastewater system for the purposes of production, evaporation or once through cooling water. Approval of the Class 3 Exemption will have wastewater charges calculated as specified in the approval certificate.
- f) “condominium” shall mean all residential or non-residential properties with more than one unit and each unit may be separately owned.
- g) “contractor” shall mean a person, partnership, or corporation who contracts to undertake the execution of work authorized by the owner or the City to install or maintain watermains, service watermains, sewer laterals, meters, remote reading devices, services, hydrants and other appurtenances.
- h) “Council” shall mean the Council of The Corporation of the City of Barrie.
- i) “curb stop valve” shall mean the valve on the water service and used by the City to shut off or turn on the water supply from the City’s drinking water system to any property.
- j) “customer” shall mean any person who takes water from the City or receives water and wastewater related services from the City.
- k) “Director of Environmental Services” shall mean the Director of Environmental Services and/ or his or her designate.
- l) “Director of Finance and Treasurer” shall mean the Director of Finance and Treasurer and/ or his or her designate.
- m) “drinking water system” shall mean a system of works, excluding plumbing, that is established for the purpose of providing users of the system with drinking water and that includes anything used for the collection, production, supply or distribution of water, and a well or intake system that serves as the source or entry point of raw water supply for the system.
- n) “Extreme Cold Weather Procedure” shall allow for a deviation from standard billing practices as outlined within this By-law, whereby consumption charges normally applicable for any water that has passed through a meter are replaced with an estimated consumption based on historical usage at the property.
- o) “Fees By-law” shall mean the Fees By-law that is approved by Council on an annual basis.
- p) “frozen service” shall mean an occurrence whereby the water service is frozen at a property, water cannot be supplied to the property.
- q) “ICI water service” shall mean the pipes located on industrial, commercial or institutional (ICI) properties that are connected to the municipal drinking water system, from the watermain connection to the water meter. These pipes are the responsibility of the property owner.
- r) “meter” shall mean the water meter and all equipment, cabling and remote reading device supplied and owned by the City, however, funded, to measure the quantity of water used by the customer for billing purposes.
- s) “occupant” shall include any lessee, tenant, inmate, owner, the agent of a lessee, tenant or owner, or any person in possession of a property.
- t) “owner” shall include any and all persons or any firm or corporation that is the registered owner(s) 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 or a guardian.
- u) “plumbing system” shall mean the system of connected piping, fittings, valves, equipment, fixtures and appurtenances located downstream of the meter.
- v) “private wastewater system” shall mean a wastewater system other than the municipal wastewater system (e.g. septic tank and tiles, holding tank).
- w) “private water meter” shall mean a meter purchased and installed by the owner for secondary measurement of water consumption for the purpose of calculation exemptions.
- x) “private water supply” shall mean a water supply other than the municipal drinking water system (e.g. Well).
- y) “property” includes both public and private lands, buildings, structures, or vehicles, located in the City and which may be entitled to a water service.
- z) “Remote reading device” shall mean the municipally owned device used to transmit water meter readings for billing and monitoring purposes.
- aa) “Residential water service” shall mean the pipe located on residential property that is connected to the municipal water system from the property line to the water meter. These pipes are the responsibility of the property owner.

- bb) “seasonal service” shall mean the availability for the water to be turned off, by the City, as the occupant does not require the water service for several months. This service is only available to residential properties.
- cc) “Sewer Use By-Law” shall mean the Municipal Sewer Use By-Law 2012-172 as amended.
- dd) “Treasurer” shall mean the Treasurer of The Corporation of the City of Barrie or his or her designate(s).
- ee) “unit” shall mean a residential, commercial, institutional or industrial establishment which is separated or is capable of being separated from another establishment on the assessment roll.
- ff) “wastewater” shall mean the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source. Any water adversely affected in quality by anthropogenic influence not fit for human consumption.
- gg) “wastewater rate” shall mean a charge for the operation and maintenance of the wastewater system and the purchase of wastewater services applied to the metered usage of water and shall include a charge for depreciation, deferred maintenance, or a reserve fund for any such purpose permitted by by-law as deemed expedient by Council. The rate may include a charge for the capital cost of the wastewater system and alterations or extensions to it which includes a debt charge but does not include charges imposed under the Municipal Act, 2001 for local improvements.
- hh) “wastewater system” shall mean the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines, installations and other works designated for the collection and transmission of domestic, commercial and/or industrial wastewater and includes lands appropriated for such usage but does not include plumbing to which the Ontario Building Code or any amendments thereto apply.
- ii) “water” shall mean drinkable, potable water supplied by the City, as defined under regulation O.Reg 170/03 as amended.
- jj) “water service” shall mean the section of pipe connected to the municipal drinking water system, from the watermain to the property line or meter.
- kk) “water system” shall mean the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, outlets, underground pipelines, installations and other works designed for the delivery of drinking water to customers, such system as established by the City.
- ll) “watermain” shall mean any system of pipes and appurtenances used for the distribution of drinking water, but does not include plumbing.
- mm) “water rate” means a charge for the operation and maintenance of the drinking water system and the purchase of water and shall include a charge for depreciation, deferred maintenance, or a reserve fund for any such purpose permitted by by-law as deemed expedient by Council. The rate may include a charge for the capital cost of the drinking water system and alterations or extensions to it which includes a debt charge but does not include charges imposed under the Municipal Act, 2001 for local improvements.

## **2.0 RESPONSIBILITIES**

2.1 For the purpose of this By-Law the Director of Environmental Services is responsible for:

- a) The general operation, management and supervision of the drinking water system and the wastewater system owned by the City;
- b) The enforcement of the provisions of this By-law other than those dealing with the billing and collection of water and wastewater related charges;
- c) The management of the billing exemption program; and
- d) The performance of other duties as may from time to time be given to him or her by the Council.

2.2 For the purpose of this By-law the Director of Finance and Treasurer is responsible for:

- a) The operation, management and supervision of the billing and collection of water and wastewater related charges;
- b) The enforcement of the provisions of this By-law relating to the billing and collection of water and wastewater charges;
- c) Assisting Environmental Services with the administration of the billing exemption program; and
- d) The performance of such other duties as may from time to time be given to him or her by the Council.

### **3.0 RULES AND REGULATIONS**

- 3.1 The rules and regulations set out in this By-law shall govern and regulate the billing and collection of water and wastewater related charges.
- 3.2 Every such owner by applying for or accepting a supply of water from the City or discharging wastewater into the system shall be deemed to have expressed his or her consent to be bound by the said rules and regulations.
- 3.3 If the City becomes aware of any substantial defect including but not limited to damage to persons or property or issues that may impact water quality, the City at its discretion, may turn off the water supply to the property without advanced notice to the occupants. The City will turn on the water supply once it has been satisfied that the defect has been rectified. The turning off and on of the water supply is subject to the rates as specified in the Fees By-law.

### **4.0 WATER SUPPLY**

- 4.1 Once the water supply is available at a property or building, the owner is subject to all related charges as outlined in this By-law and the Fees By-law.

### **5.0 WATER METER INSTALLATION**

- 5.1 In accordance with the City's Water Distribution Specifications:
- a) Not more than one meter shall be installed on each parcel of land containing a commercial, industrial or institutional, condominium, apartment, house or other structure, or any combination thereof, for billing purposes;
  - b) The owner(s) shall provide a capital contribution to the City for the cost of the water meter for all service sizes up to and including 50 mm, and the cost for the remote reading device, to be paid at the time of the building permit issuance. These meters and associated remote reading devices shall be supplied and installed by the City unless otherwise provided by agreement, and shall remain the property of the City;
  - c) All meters larger than 50mm shall be supplied and installed by the owner in accordance with the City's standards and specifications and will become the property of the City at the time of occupancy. The City will be responsible for the installation and cost of the remote reading device; and
  - d) All meters shall be installed prior to occupancy.
- 5.2 If a request is made to the City to install a meter and the water service has not been installed as per the requirements outline in the Water Transmission and Distribution Guidelines and the Ontario Building Code, a 'plumbing not ready' charge in the amount specified in the Fees By-law shall be billed to the owner.
- 5.3 All properties within the City connected to the drinking water system must have an approved water meter installed prior to the use of water, and must permit the meter to be inspected in a timely manner by Water Operations field staff.

### **6.0 UNAUTHORIZED INTERFERENCE WITH METER**

- 6.1 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 meter, remote reading device, 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 or the operation of the units.
- 6.2 Should any person change, tamper with or otherwise interfere, in any way whatsoever, with any meter(s), remote reading devices, and/or equipment placed in or on any building or property, the Director of Environmental Services may forthwith, shut off the water to such building or property, and the water shall not be turned back on to such building or property without the express consent of the Director of Environmental Services. The owner and/or occupant of the property will be charged a fee for turning the water off and on, along with any applicable fines for illegal tampering and/or damage, as specified in the Fees By-law.

### **7.0 METER, REMOTE READING DEVICE REPAIRS AND MAINTENANCE**

- 7.1 The entire cost of maintaining and repairing meters and remote reading devices shall be paid for by the City unless such meter or remote reading device is damaged by the carelessness or neglect of the owner or occupant of the property on which such meter is installed and in that event the owner of the property shall pay to the City the cost of making the necessary repair to such meter and/or device.
- 7.2 If an owner does not respond to requests made by the City to gain access to the meter or remote reading device for any reason, the water supply may be turned off until such time as the owner makes suitable arrangements to have the meter and/or remote reading device inspected, repaired or installed. The charges specified in the Fees By-law for turning the water off and on shall apply.
- 7.3 If, in the opinion of the City, the condition of the water service 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 the City may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter at their expense.

- 7.4 If, upon notification, the owner does not comply with the City's request to make repairs in accordance with Section 14, then the water supply to the property may be turned off at the curb stop valve during removal, replacement, repair and testing of the meter and the owner shall pay the rate for turning water off and on as specified in Fees By-law. The City shall not be held responsible for any damages to the owner's property arising from such work.
- 7.5 If the owner, tenant or occupant misses any appointments they shall be charged a fee as specified in the Fees By-law.
- 7.6 Any leaks that may develop at the meter or its couplings must be reported immediately to the City. If an owner, tenant or occupant reports that a meter or its couplings are leaking and it is determined that the meter or coupling is not leaking or is leaking from the water service or plumbing system, a service call fee as specified in the Fees By-law shall be charge to the owner, tenant or occupant.

## **8.0 WATER AND WASTEWATER BILLING**

- 8.1 An owner or occupant or their agent, who intends to occupy a property provided with water and wastewater service shall notify the City in writing, in a timely manner so a new water wastewater billing account can be created.
- 8.2 All ownership and occupancy changes shall be subject to a new account fee in the amount specified in the Fees By-law. The new account fee shall not be applied to a builder's accounts unless the property is occupied by the builder.
- 8.3 All properties connected to the drinking water system shall be metered.
- 8.4 Every owner of land connected to the City water and/or wastewater system shall pay water and wastewater charges based on metered water consumption and fixed charges at the rates specified in the Fees By-law, unless the owner meets the criteria for the water and/or wastewater billing exemption as defined in this by-law.
- 8.5 All residential water and wastewater charges will be calculated and billed based on bi-monthly meter readings.
- 8.6 All non-residential water and wastewater charges will be calculated and billed based on monthly meter readings.
- 8.7 All water passing through the water meter shall be charged for whether used or wasted.
- 8.8 A property will be billed the residential water and/or wastewater rates as specified in the Fees By-law, if the property is being charged a residential property tax rate. Any exceptions to this are described in Section 8.7.
- 8.9 A property will be billed the general service water and/or wastewater rates as specified in the Fees By-law if the property is being charged a non-residential property tax rate or if it is a residential property that has 3 or more separate units accessing water from the same meter.
- 8.10 In the event of a dispute, the reading of the water meter register shall be the sole evidence of the quantity of water supplied to a property owner unless the meter is proven to be defective through a meter test conducted by the City. If the owner or occupant request the meter to be tested and it is found that the meter is not faulty, then the owner or occupant will be charged the appropriate fee as specified in the Fees By-Law.
- 8.11 In instances where there is a discrepancy between the water meter register and the remote reading device, the reading taken from the water meter register will be deemed to be correct.
- 8.12 If a property is occupied prior to a water meter and remote reading device being installed, the owner shall be retroactively charged for water and wastewater services at the unmetered rate for water and/or wastewater as specified in the Fees By-law, back to the date of occupancy as determined by the Treasurer and the decision of the Treasurer shall be final.
- 8.13 Where a property receives water and/or wastewater services but does not have a meter, an unmetered rate for water and/or wastewater usage shall be charged as specified in the Fees By-law. Should the subsequent year's metered consumption indicate consumption at a level that is at least 20% less than the consumption utilized in the previous year when there was no meter, the City will adjust the unmetered consumption bills retroactively for the previous year.
- 8.14 If a meter fails to register or a reading is not collected for any reason, the customer shall be charged on the basis of a reasonable estimate derived from either a previous year's consumption, an average historical consumption or the previous month's consumption, whichever is readily available.
- 8.15 If a billing calculation error is made, the account will be retroactively recalculated for a period not exceeding one year from the date of detection with resulting credits or charges being applied to the account.
- 8.16 If water and wastewater charges are added or require adjustment as a result of the provisions of this by-law not being met, the charges may be adjusted retroactively to the date at which it is determined, in the opinion of the Director of Finance and Treasurer, that the provisions were violated and the decision of the Director of Finance and Treasurer shall be final.

- 8.17 If water is supplied to only one party in a property, and the owner requests that the occupant be billed directly, the City will do so as a convenience to the owner under all of the following conditions:
- a) The owner assumes full responsibility for all charges applied to the account for the provision of water and wastewater services, including charges for service work, in the event that the occupant fails to pay; and
  - b) An Owner/Tenant agreement form be completed, signed by the owner and returned to the City in a timely manner.
- 8.18 If it is identified in a signed lease agreement that the owner is responsible for the water wastewater charges, not the occupant, the water wastewater account for that property will be reinstated into the owner's name.
- 8.19 Upon reasonable notice to the owner, the City may at any time and for any reason, discontinue billing the occupant and bill the owner directly for the water and wastewater charges of the occupant.
- 8.20 If the water is supplied to more than one tenant or unit through a single meter, the account for the water and wastewater charges shall be billed to the owner of the property.
- 8.21 All fees charged under this by-law, following the Municipal Act 2001 Section 398 (2), are considered a lien on the property no matter who consumed or wasted the water. Water and wastewater arrears will be transferred to the appropriate property tax account, following the City's policies and practices.

## **9.0 WATER AND WASTEWATER BILLING EXEMPTIONS**

- 9.1 Properties must comply with the conditions outlined in this section in order to be eligible for the applicable exemption.
- 9.2 No exemptions will be permitted solely based on the tax exempt status under the Assessment Act.
- 9.3 Properties connected to the municipal wastewater system will not be eligible for the Class 1 – Water Only Exemption solely by the fact that the owner chooses not to utilize the municipal wastewater connection. Properties will be deemed connected to the municipal wastewater system when:
- a) the building's wastewater connection extends from the municipal main and terminates either within three (3) feet of the building foundation or within the building; and
  - b) the owner has not met the criteria for a Class 1 – Water Only Exemption as set out in section 9.8.
- 9.4 Properties connected to the municipal drinking water system will not be eligible for the Class 2 – Wastewater Only Exemption solely by the fact that the owner chooses not to utilize the municipal drinking water system. Properties will be deemed connected to the municipal drinking water system when:
- a) the building's municipal drinking water connection extends from the municipal main and terminates either within three (3) feet of the building foundation or within the building; and
  - b) the owner has not met the criteria for a Class 2 – Wastewater Only Exemption as set out in section 9.9.
- 9.5 Properties connected to the municipal wastewater system and using a private water supply that do not have an approved Class 2 – Wastewater Only Exemption, will be deemed to be generating both water and wastewater. Water and wastewater consumptions will be in accordance with total daily design wastewater flows listed in Subsection 8.2.1.3 of the Ontario Building Code or, for uses not listed in Subsection 8.2.1.3, such other rate as is deemed appropriate by the Environmental Services Department.
- 9.6 Properties shall be charged a fee as specified in the Fees By-Law for any missed appointments for inspections or testing related to the City confirming the validity of the exemption.
- 9.7 Approval certificates for all exemptions will expire three (3) years from the date of issuance.
- 9.8 Class 1 – Water Only Exemption: applies to those properties connected to the municipal drinking water system and that use a private wastewater system:
- a) The owner must demonstrate that the property does not have a connection to the municipal wastewater system and;
  - b) The owner shall submit a completed Class 1 - Water Only Exemption application including a lot and flow diagram, wastewater system approval under Part VIII of the Ontario Building Code or a Use permit under Part VIII of the Environmental Protection Act, R.S.O. 1990 or its predecessors (if available);

- c) An invoice for the application fee as specified in the Fees By-Law will be sent to the owner upon receipt of the application. Should the invoice not be paid prior to the issuance of the Approval Certificate, the invoice cost will be added to the tax roll for the property. In the event there is no municipal wastewater system available at the street, the application fee does not apply;
  - d) Any exemption status will be terminated when the approval certificate expires or ownership of the property changes;
  - e) Owners must re-apply for the exemption as outlined in this section prior to the approved certificate expiration in order to continue to be eligible for the exemption;
  - f) The Owner must, upon availability of a municipal wastewater connection, as per Section 9.3 (a) of this By-law, notify the City and the Class 1 - Water Only Exemption will be terminated as of the connection date; and
  - g) The City reserves the right to verify the continued validity of the Class 1 - water only exemption status, at its discretion.
- 9.9 Class 2 - Wastewater Only Exemption: applies to those properties connected to the municipal wastewater system and use a private water supply:
- a) The owner must demonstrate that the property does not have a connection to the municipal drinking water system and;
  - b) The owner shall submit a completed Class 2 - Wastewater Only Exemption application including a lot and flow diagram;
  - c) An invoice for the application fee as specified in the Fees By-Law will be sent to the owner upon receipt of the application. Should the invoice not be paid prior to the issuance of the Approval Certificate, the invoice cost will be added to the tax roll for the property. In the event there is no municipal drinking water system available at the street, the application fee will not apply;
  - d) The owner will obtain a meter, approved by the Environmental Services Department, to measure water consumption for the calculation of wastewater charges;
  - e) The owner shall obtain the required permits and the meter installation must be approved by the Environmental Services Department;
  - f) The owner will be responsible for maintaining and repairing the meter and related equipment as required by the Environmental Services Department,
  - g) Any exemption status will be terminated when the approval certificate expires, ownership of the property changes or the owner fails to maintain or repair the meter and/or related equipment;
  - h) Owners must re-apply for the exemption as outlined in this section prior to the approved certificate expiration in order to continue to be eligible for the exemption;
  - i) Industrial, commercial and/or institutional properties must comply with the Sewer Use By-Law and Backflow Prevention By-law in order to apply or maintain the exemption status. Any non-compliance will result in the denial of the application or termination of the approved exemption;
  - j) The owner must, upon availability of municipal drinking water connection as per Section 9.4 (a) of this By-law, notify the Finance Department and the Class 2 - Wastewater Only Exemption will be terminated as of the connection date; and
  - k) The City reserves the right to verify the continued validity of the exemption status, at its discretion.
- 9.10 Class 3 Exemption: available to Industrial, Commercial and/or Institutional water users who redirect a minimum monthly average of 100 m<sup>3</sup> of water away from the municipal wastewater system due to evaporative losses in HVAC systems, water consumed in product, and once through cooling water. For the purpose of this By-Law:
- a) Multi-residential units using a single water supply will be considered a commercial water user;
  - b) The owner or tenant shall submit a completed Class 3 Exemption application including schematic and exemption meter information;
  - c) An invoice for the application fee as specified in the Fees By-law will be sent to the applicant upon receipt of the application. Should the invoice not be paid prior to the issuance of the Approval Certificate, the invoice cost will be added to either the water bill or the tax roll for the property;
  - d) The applicant shall obtain all exemption meters and/or other measuring devices, approved by the Environmental Services Department, to measure water consumption for the wastewater charge calculation;
  - e) The applicant shall obtain the required permits and will be responsible for the installation of the meter(s) and related equipment, approved by the Environmental Services Department. Any proposed schematic changes related to the exemption must be pre-approved;

- f) The applicant will be responsible for maintaining and repairing the meter(s) and related equipment, as required by the Environmental Services Department;
- g) Any exemption status will be terminated when the approval certificate expires, ownership or tenancy changes, applicant fails to maintain/repair the equipment or if any changes are made to the approved plumbing schematic;
- h) Applicants must re-apply for the exemption as outlined in this section prior to the Approved Certificate expiration in order to continue to be eligible for this exemption;
- i) Applicants must comply with the Sewer Use By-Law and Backflow Prevention By-Law in order to apply or maintain the exemption status. Any non-compliance will result in the denial of the application or termination of the approved exemption; and
- j) The City reserves the right to verify the continued validity of the exemption, at its discretion.

#### **10.0 FINAL BILLING**

- 10.1 When a customer intends to vacate the property supplied by water, he or she shall request in writing, a final meter reading, at least five days before vacating the property. A final meter reading fee will be added to the final water wastewater bill at the rate specified in the Fees By-law.
- 10.2 An owner or agent may request a water certificate, which will identify the water and wastewater charges outstanding against the property, if any, and a holdback amount required for future or final bills. The owner or agent must pay the appropriate water certificate fee as specified in the Fees By-law.
- 10.3 If the final billing of the previous occupant remains outstanding, such charges are a lien on the property. The amount shall be transferred to the property tax account along with the appropriate transfer fee as specified in the Fees By-law, in accordance with the provisions of the Municipal Act, 2001, and the City's policies and procedures.

#### **11.0 FIRE PROTECTION BILLINGS**

- 11.1 An annual charge for each private fire hydrant supplied with water from the municipal system will be applied to the water wastewater account, in a prorated monthly charge, as specified in the Fees By-law.
- 11.2 An annual charge for each private connection made to the municipal drinking water system to supply automatic sprinkler systems, standpipes or other fire protection systems will be applied to the water wastewater account, in a prorated monthly charge, as specified in the Fees By-law.

#### **12.0 COLLECTIONS**

- 12.1 Payments are due on the date indicated on the water bills and will be 35 days following the billing date.
- 12.2 Payments by mail will be processed as of the date the payment is received at City Hall.
- 12.3 Partial payments received on accounts shall be applied to penalties and interest first, and then water and wastewater charges, and any remaining amount will be applied to miscellaneous water charges and adjustments.
- 12.4 A service charge shall be applied in accordance with the Fees By-law, if a payment is dishonoured by the bank for any reason.
- 12.5 All unpaid fees and charges that are in arrears will be charged a penalty at a rate of 1.25% per month, following the City's procedures and policies.
- 12.6 All fees and charges relating to the supply of water and wastewater services or for any other expenses, fees or charges provided for in this by-law, shall be paid by the owner or occupant of the property.
- 12.7 If the fees and charges are not paid by the owner or occupant, the City will transfer the unpaid fees and charges to the appropriate property tax account as described in Section 12.8 to 12.10., in accordance with the provisions of the *Municipal Act, 2001*, The applicable transfer fees will be added at the time of the transfer, as specified in the Fees By-Law.
- 12.8 If the fees and charges remain unpaid on an owner's active water wastewater account:
  - a) the City will issue a reminder notice at least 21 days following the due date; and
  - b) if the arrears continue to remain unpaid, the arrears will be transferred to the appropriate property tax account, no sooner than 21 days after the issuance of the reminder notice, following the City's policies and procedures.
- 12.9 If the fees and charges remain unpaid on a tenant's active water wastewater account:
  - a) the City will issue a reminder notice at least 21 days following the due date;
  - b) a copy of the reminder notice will be sent to the owner at the same time;



- c) when the owner receives the reminder notice, they have the option to submit a completed Request for Consideration application, for the City to consider the account for the water shut off process;
  - d) the City will review all active tenant accounts and requests for shut off on a regular basis, and the City will determine which accounts in arrears will be moved to the water shut off process, following the City's policies and procedures;
  - e) after 14 days from the water being shut off, if the account remains in arrears, the arrears will be added to the property tax account. A notice will be sent to the owner indicating the amount that was transferred. The water will remain off until the owner advises the City to turn the water back on or payment has been received from the tenant; and
  - f) the tenant will be billed for all applicable costs and fees for the water shut off process as specified in the Fees By-law. If the costs and fees are not paid by the tenant, the City will transfer the unpaid fees and charges to the appropriate property tax account, in accordance with the provisions of the Municipal Act, 2001. The applicable transfer fees will be added at the time of the transfer, as specified in the Fees By-Law.
- 12.10 If the fees and charges remain unpaid on either an owner's or tenant's inactive (closed) water wastewater account, after the final water wastewater bill is due and no sooner than 35 days following the issuance of the final bill
- a) the City will issue a reminder notice at least 7 days following the due date; and
  - b) if the total amount owing remains outstanding, then the total amount outstanding, including the applicable transfer fees, will be transferred to the appropriate property tax account, no sooner than 14 days after the issuance of the reminder notice, following the City's policies and procedures.
- 12.11 The City reserves the right to shut off the supply of water to any premise that has unpaid fees and charges. The City shall restore the supply of water upon suitable payment to the City of such overdue amounts plus any applicable service charges, penalties and interest.

### **13.0 DISCONTINUANCE OF USE OF WATER**

- 13.1 Any customer wishing to discontinue the use of water supplied from the City's water system must make a written request to the Director of Environmental Services and if approved, ensure the following actions are completed in a timely manner:
- a) the water service is disconnected at the watermain connection;
  - b) the water meter, remote reading device and any other City owned equipment has been removed by City staff; and
  - c) the water service disconnection at the watermain must be verified visually by City staff as being complete.
- Until such time that these requirements have been met, the water and wastewater charges will continue to be calculated and billed in accordance with this By-law and the Fees By-Law.
- 13.2 For seasonal service, the residential owner or occupant will not be charged for consumption or fixed charges for the time the water is off, on a prorated basis. The applicable service fees to turn the water off and on will be billed as specified in the Fees By-Law:
- a) If the property's heating system will remain functioning during the water shut off period, the City will shut off the water at the curb box and leave the water meter in place. If the heating system should fail during the water shut off period, the City shall not be held responsible for any damages to the owner's property; and
  - b) If the property's heating system will be turned off during the water shut off period, the City will remove the water meter and turn off the water at the curb box.

### **14.0 RESPONSIBILITIES OF PROPERTY OWNER**

- 14.1 It is the owner's responsibility to ensure that all meters, remote reading devices, fixtures and pipes of every kind used in connection with the supply of water are readily accessible in a clean, dry area, protected from freezing and free from obstructions at all times, allowing for the repair or replacement of the water meter or building control valve without the use of specialized tools or equipment.
- 14.2 It is the owner's responsibility to maintain in proper working order and good repair, at its own expense, the water services, plumbing system and all its fixtures and appurtenances.
- 14.3 All water services and the meter shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced.
- 14.4 Residential property owners are responsible for repairs to all leaks located on private property, from the property line to the meter. If the leak, in the City's opinion, requires immediate attention, the City will undertake the necessary repairs or replacements. The property owner will be invoiced for the costs involved as specified in the Fees By-law.

- 14.5 Industrial, commercial, institutional or multi-residential property owners are responsible for all repairs from the watermain to the meter, in coordination with the Water Operations Branch. If the leak, in the City's opinion, requires immediate attention, the City will undertake the necessary repairs or replacements. The property owner will be invoiced for the costs involved as specified in the Fees By-law.
- 14.6 When any property is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the property and to drain the piping therein.
- 14.7 The owner or occupant may apply in writing to the City to have the curb stop valve turned off to stop the 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 as specified in the Fees By-law.
- 14.8 When any property that is 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 or water meter, neither the owner nor occupant shall have a claim against the City.
- 14.9 Should the Director of Environmental Services become aware of such leaking or burst pipes, the Director of Environmental Services shall turn off the curb stop valve, and the water supply shall not be turned on until the Director of Environmental Services, in his/her discretion, shall consider it advisable. The owner shall pay for this service at the rate as specified in the Fees By-law.
- 15.0 **FROZEN WATER SERVICES**
- 15.1 The Extreme Cold Weather Procedure is to prevent and/or manage interruptions to the City's supply of water, caused by the temporary freezing of City and/or Customer owned water pipes. It shall allow for a deviation from the standard billing practices as outlined within this By-law, whereby consumption charges normally applicable for all water that has passed through the meter are replaced with an estimated consumption value based on historical usage at the property. The Manager of Water Operations in coordination with the Manager of Revenue may activate the Extreme Cold Weather Procedure under any of the following conditions:
- a) the sum of the average daily temperature on consecutive days reaches -400 degrees Celsius, following the first confirmed fall frost event;
  - b) ground frost levels observed by Water Operations field staff, through the course of their daily activities, reaches 1.7 meters or deeper; or
  - c) it is deemed necessary by the Manager of Water Operations to ensure the continued provision of drinking water during periods of extremely cold weather.
- 15.2 Thawing of privately owned water services shall be the owner's responsibility and expense. Where any employee of the City assists the owner in the thawing of a privately owned frozen water service, the owner will be invoiced as specified in the Fees By-law. All work completed by the City shall be considered at the owner's risk, the owner shall have no claim against the City by reason of such work.
- 15.3 If the City has initiated the Extreme Cold Weather Procedure (section 15.1) and provides specific instructions in writing to the owner or occupant that they should continuously run the water, to mitigate the freezing of the buried water service, or a temporary water supply is arranged that requires the continuous flow of water:
- a) and the City determines that the frozen water service is located on municipal property, the City will adjust the water wastewater bill(s) so that the owner or occupant will not be charged for the excess water usage. The City will estimate what the normal water usage would have been before the freezing occurred. The owner or occupant will not be charged for the excess water used when the City approves the water to be continuously running; and
  - b) and the City determines that the frozen water service is located on private property, the City will not adjust their water wastewater bill for the higher consumption.
- 15.4 If the City has initiated the Extreme Cold Weather Procedure and has not directed the owner or occupant to continuously run the water, and the owner or occupant decides to do so on their own, the water wastewater bill will not be adjusted by the City. The owner or occupant will be responsible for the water wastewater bill that will include the higher consumption due to the continuous running of the water.
- 15.5 If the City determines that a house to house connection is required during the time period that the water line issue is being resolved, one tap must run constantly to prevent the temporary line between the properties from freezing. In these cases, the City will adjust the water wastewater bills of both properties as follows:
- a) if the City determines that the frozen pipes were located on municipal property, the City will adjust the water wastewater bill(s) for the property supplying the water and the property receiving the water, both will not be charged for the excess water usage. The City will estimate what the normal water usage would have been for both properties before the freezing occurred. The owner or occupant will not be charged for the excess water used when the City approves the water to be continuously running;

- b) if the City determines that the frozen pipes were located on private property, the City will adjust the water wastewater bill for the property supplying the water, using an estimated normal consumption amount, there will be no charge for the excess water usage. And the City will adjust the water wastewater bill for the receiving property to include the excess water consumption.

#### **16.0 PROHIBITIONS**

- 16.1 No person shall willfully hinder or interrupt, or cause or procure to be hindered or interrupted, the City or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this By-Law.
- 16.2 No person shall willfully or maliciously tamper with or damage any meter, remote reading device, water service, equipment or any appurtenances belonging to the City, or required for exemption purposes or willfully impair or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the water that passes through it.
- 16.3 No person shall willfully let off or discharge water so that the water runs waste or useless of the works.
- 16.4 No person being an owner or occupant or other supplied with water from the drinking water system, shall 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 or her own.
- 16.5 No person shall without lawful authority, willfully open or close any valve or hydrant, or obstruct the free access to any hydrant, valve, chamber or pipe by placing on it any building material, rubbish or other obstruction.
- 16.6 No person shall throw or deposit any injurious or offensive matter into the water, drinking water system or wastewater system or upon the ice if the water is frozen, or in any way foul the water or commit any willful damage or injury to the works, pipes or water, or encourage the same to be done.
- 16.7 No person shall willfully alter any meter or remote reading device 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.
- 16.8 No person shall lay or cause to be laid any pipe or watermain to connect with any pipe or watermain of the drinking water system, or in any way obtain or use the water without the consent of the Director of Environmental Services.

#### **17.0 ENFORCEMENT**

- 17.1 The Director of Environmental Services may at all reasonable times, enter and inspect a property to determine whether there is any unlawful use of the drinking water system or wastewater system and to provide for the enforcement of this by-law.
- 17.2 All water used on a property within the City, except water used for firefighting purposes, or water authorized by the Director of Environmental Services for construction or other purposes, shall pass through the meter approved by the City for use upon such property. 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 unlawfully used they may shut off and stop the supply of water without notice and issue fines as specified in the Fees By-law.
- 17.3 Every person who willfully or maliciously damages or causes damage to any meter, remote reading device, water service, equipment or any appurtenances belonging to the City or willfully impairs or knowingly suffers the same to be altered or impaired, so that the 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 payable to the City, and for any expenses of repairing or replacing the meter, remote reading device, water service, equipment or any appurtenances and double the value of the surplus water so consumed, all of which is recoverable under the Provincial Offences Act.

#### **18.0 PENALTY**

- 18.1 Every person who contravenes any of the provisions of any section of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence under the provisions of the *Municipal Act, 2001* s. 429
- 18.2 For the purpose of continuous offences, every person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, s 429 (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.

18.3 For the purpose of multiple offences, every person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law by the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, s. 429 (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.

19. **THAT** this By-law shall come into force and have effect on January 1, 2017.

**READ** a first and second time this 19th day of December, 2016.

**READ** a third time and finally passed this 19th day of December, 2016.

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – J. R. LEHMAN**

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**CITY CLERK – DAWN A. MCALPINE**