

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 01-134

A BY-LAW TO PROVIDE FOR THE
REGULATION OF WATER SUPPLY AND
RATES AND CHARGES IN THE
TOWN OF LINCOLN

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

AND WHEREAS the *Public Utilities Act* provides that by-laws may be passed by the council for the maintenance and management of the works;

WHEREAS the *Public Utilities Act*, as amended provides that the council of a municipal corporation may pass by-laws for fixing the rates or charges for the cost of waterworks and the cost of water and to provide for the collection of such rates or charges;

AND WHEREAS the Council of the Town of Lincoln adopted By-law number 70-54 on June 15, 1970, being a by-law to, amongst other matters, fix rates and charges for the installation of water services, and for the water thereby supplied;

AND WHEREAS By-law 70-54 was subsequently amended most recently by By-law 99-27;

AND WHEREAS the Council of the Town of Lincoln deems it necessary and expedient to repeal By-law 70-54, as amended, and enact this by-law ;

THEREFORE the Council of The Corporation of the Town of Lincoln enacts as follows:

PART I DEFINITIONS AND SCHEDULE A

1. In this By-law, including in Schedule A attached hereto:
 - a. "Building" means a structure supplied with water by the Town of Lincoln;
 - b. "Bulk water user" means any customer who draws water from a pipe located at the Town's Bulk Water Stations;
 - c. "Town" means The Corporation of the Town of Lincoln;
 - d. "Contractor" means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner or the Town to install or maintain mains, service mains, services, hydrants and other appurtenances;
 - e. "Cross connection" means 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;
 - f. "Customer" means an owner, as defined in this by-law, who enters into a verbal or written contract with the Town to take water from the Town or to receive water related services from the Town;
 - g. "Developer" means the owner or party specifically named in a Development Agreement or in a Subdivision Agreement;
 - h. "Director" means the Director of Public Works for the Town of Lincoln or

- their authorized representative;
- i. "External use of water" means the use of water for any purpose outside the walls of any building located at a municipal address;
 - j. "Main" means 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 Town has obtained easements;
 - k. "Meter" means the water meter supplied and owned by the Town to measure the quantity of water used by the customer;
 - l. "Meter pit" means any exterior chamber or pit approved by the engineer for the purpose of containing a water meter;
 - m. "Municipal address" means a building or buildings identified by a number pursuant to Town of Lincoln By-Law B-1, as amended, or as provided for in any successor by-law thereto;
 - n. "Occupant" includes any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premises;
 - o. "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, but shall not include a lessee, tenant, or the agent of a lessee or tenant;
 - p. "Plumbing system" means 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;
 - q. "Potable water" means water that is fit for human consumption;
 - r. "Premises" means any house, tenement, building, lot or part of a lot, or both, in, through, or past which water service pipes run;
 - s. "Private main" means a pipe connected to a main and installed on private property and from which more than one service and/or hydrant lateral are connected;
 - t. "Remote read-out unit" means the device installed at a separate location from the water meter and used to record the consumption reading of the meter;
 - u. "Service extension" means 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, i.e. an extension of a service stub;
 - v. "Service stub" means the portion a later service pipe from a main to the property line which will always include one control valve;
 - w. "Shut-off valve" means the valve on the water service or private main owned and used by the Town to shut off or turn on the water supply from the Town's waterworks distribution system to any premises;
 - x. "Single detached residence" means 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;
 - y. "Subdivider" means the owner or party specifically named in a Subdivision Agreement;
 - z. "Water" means potable water supplied by the Town;
 - aa. "Water distribution system" means 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;

- bb. "Water related services" shall include but not be limited to those items set out in Schedule A of this By-law;
- cc. "Water service pipe" means 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;
- dd. "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*, or any amendments thereto apply;

1(2) Schedule A is integral to and forms part of this by-law.

PART II APPLICATION FOR WATER SERVICE

- 2. Application and payment prior to installation
The owner shall apply to the Town for a water service and before the service is installed and shall pay for it at the rates shown in Schedule "A" of this by-law.
- 3. 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.
- 4. Disconnection of service - payment
When an owner discontinues the use of a water service for water supply to a premises, the owner shall pay to the Town a charge as shown in Schedule "A" of this by-law for disconnecting the meter for such service from the water distribution system.

PART III WATER RATES AND CHARGES

- 5. Application for water supply
Before the initial supply of water or any subsequent reconnection to any premises in the Town, the owner shall make application for the same, and the owner shall be governed by the requirements of this by-law.
- 6. Water measure by meters
The water consumed on all premises in the Town shall be charged for as indicated by the meter on each respective property at rates, including the base monthly charges, shown in Schedule "A" of this by-law.
- 7. 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 Town. The Town may serve bills upon the owner, by delivery or mail, either at an address supplied by the owner or bills shall be deemed to be served upon the owner if they are delivered or sent by mail to the premises supplied.
- 8. 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.
- 9. Notice of disconnection
Fourteen (14) days after the overdue notice is mailed and, should the account remain unpaid, the Director will deliver or cause to be delivered, a notice of disconnection to the service address and to the premises supplied, advising the customer and the occupant that unless payment is received within 48 hours, service will be disconnected.

10. **Collection - charge**
When it has been necessary for a notice of disconnection to be delivered as set out in section 9 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 as described herein, then a collection charge shall be applied for each occurrence. The rates for collection charges are shown in Schedule "A" of this by-law.
11. **Non-payment - water shut off - lien**
If the owner of 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 Town may be entitled in respect of the water services to such premises, the Town may, at its discretion, shut off or reduce the flow of water to the premises and in addition to the amount owing and unpaid, a disconnection charge as shown in Schedule "A" of this by-law, will be levied against the delinquent account. Such charges and amounts owing are a lien and charge upon the property and may be collected in accordance with section 31 of the *Public Utilities Act*.
12. **Reconnection - charge**
Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as shown in Schedule "A" of this by-law, will be levied against the delinquent account, in addition to the applicable collection charge.
13. **Change of occupancy - charge**
At the time of a change of ownership, an administrative charge as shown in Schedule "A" of this by-law will be levied by the Town to the new customer to cover the cost of administrative work, and the said charge will be included on the first billing to the new customer.
14. **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.
15. **Minimum monthly charge - who payable by**
The minimum monthly charge for providing and maintaining water supply to a property is applicable for every water meter owned and read by the Town. In instances when the owner of a premises terminates his account with the Town, subsequent minimum monthly charges shall be rendered to the owner of the premises until such time as a new owner applies to the Town for the supply of water.
16. **Service installation charge**
All water service pipes, except those to lands being developed under a Town development or subdivision agreement wherein the main is installed, may be installed on an actual cost basis at the owner's expense.
17. **Construction water charge**
Water used during the construction phase of a building, prior to occupancy, is not required to be metered. The Town will recover the cost of this water by adding a charge, in accordance with the water rates for temporary connection for construction set out in Schedule "A" of this By-law, to the cost of the owner's water service.
18. **Temporary water supply - application and charge**
Where a customer requires a temporary water supply, such customer shall apply to the Town for a connection to a fire hydrant. If the connection is approved and an agreement signed, the customer shall pay, prior to connection or when billed, the applicable charge shown in Schedule "A" of this by-law.

19. 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 63 of Part 7 of this by-law.

PART IV SECURITY DEPOSITS

20. Deposit is security for payment

Whenever an application is made to the Town for a supply of water, or prior to reconnection of a water service that has been discontinued in accordance with Part III of this By-law, the Town may, in its discretion, before furnishing or reconnecting such supply, require the customer to make a deposit of such sum of money as it may consider advisable. 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 Town in writing to discontinue such service.

21. Deposit applied as payment

Where a deposit has been made pursuant to section 20 of this Part of this By-law, and the water supplied to the customer has not been paid for on demand and in accordance with this By-law, 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 Town sufficient to again bring up the deposit to the amount required.

PART V OPERATION OF WATERWORKS

22. Conditions on water supply

The Town 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 water to repair or to tap mains. Where practical the Town shall give reasonable notice of its intention to shut off the water but where emergency repairs are required, or any other emergency arises, as determined by the Director, such notice need not be given.

23. Authority for water supply

The Town 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 Town of Lincoln, to establish whether and the terms upon which municipalities or persons outside the Town of Lincoln may be allowed to connect to the said waterworks as consumers, and the rates to be charged for water delivered to such consumers.

24. Unauthorised operation of fire hydrants - offence

No person other than a person authorized by the Director of Public Works for that purpose shall be permitted to open or otherwise interfere with or operate or take water from any fire hydrant.

25. Unauthorised operation or interference - offence

No person other than a person authorized by the Director of Public Works for that purpose shall open or close a valve in the water works distribution system, or remove, tamper with or in any way interfere with any valve, water meter, structure, watermain or water service in the water works distribution system.

26. Use of water from hydrants

Except for water used for fire fighting, any other use of a Town's fire hydrant for water supply must be approved by the Director of Public

Works. The method of application and payment shall be according to section 18 of Part 3 of this by-law. The terms and conditions required for granting the permit shall be at the discretion of the Town and may be changed from time to time as the Town deems necessary.

27. 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 VI WATER SERVICE PIPES

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

29. Installation - to Town specifications - Ont. Build. Code requirements
All water service pipes and private mains located within Town property shall be constructed according to the Town's Municipal Design Standards as approved by the Director of Public Works 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 Town's specifications shall be applied and shall prevail.

30. Connection to municipal main – Fire Lines
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.

No person shall connect to or interfere in any way with the municipal main, unless they are a properly qualified operator pursuant to Ontario Regulation 539/98 and have prior written authorization from the Director of Public Works.

Private fire lines may be allowed connection to the municipal system subject to the following criteria and all other provisions of this section:

- a) Properties requesting fire lines must have frontage on the watermain to which connection is requested.
- b) Within the urban areas of the Town, fire lines will be allowed to new developments and redevelopments, including residential, commercial, institutional and industrial.
- c) Outside of identified urban areas fire lines will only be permitted to existing commercial, institutional or industrial operations or similar redevelopments.
- d) The maximum diameter of private fire lines permitted is 150mm.
- e) All private fire lines over 100 metres in length must be metered at the property line with an approved Fire Underwriter's Survey device.
- f) A check valve must be incorporated into the fire line before connecting to a building.
- g) All fire lines must have a shut off valve at the property line. Any fire line over 100mm diameter that crosses a road must be valved at both the connection to the municipal main and at the property line.
- h) All technical details, inspection and testing pertaining to the design, construction and commissioning of the fire line shall be to the satisfaction of the Director of Public Works and the Fire Chief.
- i) In addition to the above, the necessary permit from the Public Works Department, which outlines additional restrictions on use, maintenance reporting requirements, fees, etc. must be obtained.

31. Installation - alteration - approval by Town

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 Town.

32. **Installation inspection by Town**
All water service pipes and appurtenances installed, including those required by a Town Subdivision or Development Agreement, must be inspected by the Town, and the charge for such inspection is as specified in Schedule "A" of this by-law.
33. **Installation - access for inspection**
The Town and persons authorized by the Town for inspection shall be, at all times, entitled to enter any premises from the purposes of examining pipes, connections and fixtures which are used in connection with the water service pipe and/or service main.
34. **Disconnection of service**
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 Town of Lincoln, and the charge for such inspection is as shown in Schedule "A" of this By-law.
35. **Maintenance of service stub - Town**
The water service stub shall be maintained by the Town at the Town's expense.
36. **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 Town become aware of any such defect, and upon written notification to the owner, the said defect is not repaired within seven (7) days of the date of the notification or within such time as the Director of Public Works may deem necessary, then the Town may turn off the water supply to the property. If the Town is ordered to restore the water supply, then the Town may repair the defective water service pipe and charge the cost to the owner and collect such cost according to law, and until paid, such cost shall remain a lien on such property, and may also be collected in the same manner and in the same priority as taxes. The Town shall not be held responsible for the cost of restoration.
37. **Operation of shut-off valve**
No person, other than persons authorized by the Director of Public Works for that purpose shall be permitted to operate the shut-off valve to any premises.
38. **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 Director of Public Works.
39. **Responsibility for protection, water loss, damage**
All water service extensions to and including the meter and meter pit shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main and the charge for such water loss, shall be paid by the owner upon demand by the Town, and the Town shall not be held responsible for any damages arising from such leakage.
40. **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 Town 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.

41. **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 Town. Should the Director of Public Works become aware of such leaking or burst pipes, the Director of Public Works may turn off the shut-off valve, and the water supply shall not be turned on until the Director of Public Works, in his/her discretion, shall consider it advisable.
42. **Responsibility for frozen pipes - Town - owner**
Thawing out frozen water service stubs shall be the Town's responsibility. Thawing out frozen service extensions and private mains shall be the owner's responsibility. Where any employee of the Town assists the owner in the thawing of frozen pipes on the owner's property, all such assistance work will be considered to be at the owner's risk, and the owner shall have no claim against the Town by reason of such work.
43. **Responsibility for Hydrant Maintenance**
Any hydrant situated within the road allowance is the property of the Town and shall be maintained by it; Town-owned hydrants located on private property shall be maintained by the Town. Hydrants owned and paid for by any persons other than the Town shall be maintained by such persons through a written agreement with the Town.
44. **Renewal of service - Town - owner**
The Town shall renew service stubs on public property at its expense and to its specifications when:
(a) piping is deemed by the Director of Public Works to be beyond repair;
(b) Replacement piping shall be in accordance with the Municipal Design Standards.
45. **Access - removal - inspection - fittings**
Where a consumer discontinues the use of the water service, or the Town lawfully refuses to continue any longer to supply it, the Director of Public Works may, at all reasonable times, enter the premises in or upon which the consumer was supplied with the water service, for the purpose of cutting off the supply of the water service or of making an inspection from time to time to determine whether the water service has been or is being unlawfully used or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the Town in or upon the premises, and may remove the same therefrom, doing no unnecessary damage.

PART VII WATER METERS

46. **Water to be metered - remedy for violation**
All water used on premises within the Town of Lincoln, 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 Town for use upon such premises, and in addition to whatever other remedies the Town may have by law in respect to infringement of this by-law, the Town may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water.
47. **Supply - installation - ownership - replacement**
The owner shall pay the water service charge shown in Schedule "A" of this by-law before the Town 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 Town and may be removed as and when the Town may see fit, upon the same being replaced by another meter, or for any reason which the Town may, in its discretion, deem sufficient.

48. Installation - maintenance - repair - access
The Town may shut off or restrict the supply of water to a property if the Town requires access to the property to install, replace, repair or inspect a water meter. Any person authorized by the Town for that purpose has free access, at all reasonable times, and upon notice given as set out in section 49 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.
49. Notice required - access
Before shutting off or restricting the supply of water, the Town 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 Town 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.
50. No shut off - reasonable effort - gain access
The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after the later of,
- (a) the day the last notice under part (a) of section 49 of this by-law was personally served;
 - (b) the day the last notice under part (a) of section 49 of this by-law was mailed; and
 - (c) the day a copy of the notice was attached under part (b) of section 49 of this by-law.
51. Restoration of water supply - as soon as practicable
If the Town has shut off or restricted the supply of water under section 48 of this by-law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.
52. Charges - meters - owner to pay
All charges for any of the work and services mentioned in sections 48 and 51 of this by-law will be determined by the Director of Public Works as set out in Schedule "A" of this by-law and will be paid in full by the owner or the customer, as the case may be.
53. Installation to Town Specifications
All water meters, supplied by the Town, shall be installed to conform to the Municipal Design Standards.
- Where required by the Municipal Design Standards or as deemed necessary by the Director of Public Works, the owner shall supply and install an underground chamber to the satisfaction of the Director. The underground chamber will be located on the private side of the property line immediately adjacent to the road allowance and will house an inlet valve, meter and backflow preventor, if required. The owner shall be responsible for maintaining the underground chamber.
54. Meter location - Director of Public Works to consent to change
The location of a meter, shall not be changed by any person except with the consent of the Director of Public Works.
55. Private meters - owner responsible
The Town will not supply, install, inspect or read private water meters, nor will the Town bill consumption on private water meters. Water supply pipes to private meters must be connected to the owner's plumbing after the Town's meter.
56. Reading meter - access

The Town and persons authorized by the Town for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the discretion of the Town. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Town, the Town may, at its discretion, shut off the supply of water to the premises until such time as free and clear access to the water meter is provided.

57. Valve maintenance - responsibility of owner
The owner shall supply and install the inlet valve to the water meter to the satisfaction of the Director of Public Works. The owner shall be responsible for maintaining in good working order.
58. Leaks must be reported
Any leaks that may develop at the water meter or its couplings must be reported immediately to the Town. The Town is not liable for damages caused by such leaks.
59. Interference with meter not permitted
No person, except a person authorized by the Town for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any water meter, or with the seals placed thereon, or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such meter, and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter place in any building, the Director of Public Works 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 Director of Public Works.
60. Owner responsible to repair piping
If, in the opinion of the Director of Public Works, the condition of the water service pipe and/or valves and of the plumbing system on such piping is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Director of Public Works may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Director of Public Work's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Town shall not be held responsible for any damages to the owner's property arising from such work.
61. 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 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.
62. Meter testing - deposit - conditions
A customer may, upon written application to the Town, have the water meter at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters set out in Schedule "A" of this by-law.

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

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

PART VIII CROSS CONNECTIONS AND BACKFLOW PREVENTION

64. Protection from Contamination
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 waterworks distribution system. The 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.
65. Inspection for cross connections - access
Any person authorized by the Town 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, or cross connection within or without the building.
66. Access to be provided on written notice
Where access is not provided, a written notice by the Town will be issued allowing fourteen (14) days to provide access. If access is not provided within this time frame, the Town may, at its discretion, shut off the supply of water to the premises until such time as the access is provided.
67. Order to install control device
If a condition is found to exist which is contrary to section 65 of this by-law, the Town shall a) issue such order or orders to the customer as may be required to obtain compliance with section 64 of this by-law, and b) without prior notice, shut off the water service or services.
68. Installation to required standards
Cross connection control or backflow prevention devices, when required by the Town, shall be installed in accordance with the Ontario Building Code and "CAN/CSA-B65, 10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices" as amended from time to time.
69. 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 Town, by personnel approved by the Town to carry out such tests to demonstrate that the device is in good working condition. The customer shall submit a report to the Chief Building Official 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.
70. Failure to test device - notification - water shut-off
If a customer fails to have a cross connection control device tested, the Town 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 Director of Public Works shall 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.

71. **Repair - replacement - by customer**
When the results of a test referred to in section 72 of this by-law show that a cross connection control device is not in good working condition, the Director of Public Works shall shut off the water service until such repair or replacement has been made, by the owner.
72. **Removal of device - permission by Town**
No person shall without the permission of the Town 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 IX USE OF WATER EXTERNALLY

73. **Regulations - use of water - June, July and August**
For the purpose of limiting the consumption of water as necessary:
- (a) During the months of June, July and August, the external use of water is permitted:
 - (i) on even calendar dates at only those municipal addresses ending with numbers 0,2,4,6,8;
 - (ii) on odd calendar dates at only those municipal addresses ending with numbers 1,3,5,7,9.
 - (b) The Director of Public Works is authorized to implement at any time any other regulation which he, in his discretion, considers advisable to limit the external use of water, including the drawing and use of water by water haulers either from municipally designated hauling stations or from privately owned hauling stations, and this authority includes the right to ban completely the external use of water, including the right to ban completely the drawing and use of water by water haulers as described in this clause.
 - (c) Notice of the implementation of a water use regulation by the Director of Public Works and the effective date thereof shall be given immediately in a manner determined by the Director of Public Works.
 - (d) Upon the announcement of the implementation of a water use regulation, no person shall use water except in accordance with the provisions of such regulation.

PART X PROHIBITIONS

74. **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 consent of the Town, 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 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
- (h) use water externally during the months of June, July and August in any year except in accordance with the regulations set out in Part 9 of this by-law.

PART XI ENFORCEMENT

75. Fine - for contravention
Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.
76. 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.
77. 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 Town therefore.
78. 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 Town 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 water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Town, and for any expenses of repairing or replacing the water meter, 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*.
79. 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 Town is guilty of an offence and on conviction is liable to a fine, to the use of the Town, and is also liable for all damages occasioned thereby, which are recoverable under the *Provincial Offences Act*.

Part 12 PREVIOUS BY-LAW REPEALED

80. Repeal - previous by-law -
By-law 70-54, and all amendments thereto, of the Town of Lincoln, is repealed effective on the date that this By-law comes into effect.

PART XIII EFFECTIVE DATE

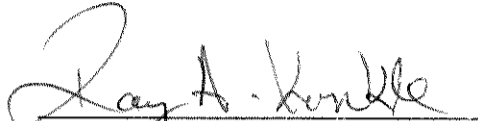
81. Effective Date

This by-law comes into force upon final passage hereof.

BY-LAW read a FIRST time this 03rd day of December 2001.

BY-LAW read a SECOND time this 17th day of December 2001

BY-LAW read a THIRD time and FINALLY PASSED THIS 17th day of December 2001.



Mayor: Ray A. Konkle



Clerk: Troy J. McHarg

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|-----|--|---------------------------------------|
| | Collection charges | \$30.00 per trip |
| 3. | Reconnection/Disconnection | |
| | Per trip during regular hours | \$ 60.00 |
| | Per trip during non-regular hours | \$120.00 |
| 4. | Water arrears certificate | |
| | Per property | \$15.00 |
| 5. | Meter Check at Customer Request | |
| | Up to 1" | \$300.00 |
| | Over 1" | Time and materials |
| 6. | Install remote water meter register | Time and materials |
| 7. | Repair damaged meter | |
| | 3/4" and 5/8" | \$155.00 |
| | 1" and larger | Time and Material (\$155.00 minimum) |
| 8. | Water main Tapping Fee | |
| | Per tap | \$110.00 plus materials |
| 9. | Any Temporary Hydrant/Other Connection | |
| | Includes: Flat fee | \$ 110.00; plus |
| | Refundable deposit | \$150.00 ; plus |
| | Water cost | \$0.71/ cubic metre |
| 10. | Inspecting Waterworks Installations | |
| | Regular hours | \$55.00 per hour |
| | Overtime hours | \$220.00 per hour |