

**VILLAGE OF MIDWAY
BY-LAW NO. 227 (1992)**

A by-law to regulate the rates, terms and conditions under which water from the municipal water utility may be supplied and used.

The Council of the Village of Midway, in open meeting assembled, enacts as follows:

1. INTERPRETATION

"CLERK" in this by-law, unless the context otherwise required, "Clerk" means the Clerk of the Village of Midway.

"WATER CONNECTION" means the water line extending from the water main to the property line of the property being serviced or about to be serviced;

"CONSUMER" means any person, or company or corporation who is the owner or agent for the owner of any premises to which water is supplied or made available from the works and also any person who is the occupier of any such premises, and also includes any person who is actually a user of the said works;

"SERVICE-PIPES" means that portion of the water supply line extending from the property line of the property concerned to the building situated thereon, and joining the water connection to the plumbing system at the building;

"WATER MAINS" means any water service under the control of the municipality which is intended for public use;

"WATER SERVICE" means the supply of water from the waterworks to any person, and all the taps, valves, meters, connections and other things necessary to any actually used for the purpose of such supply;

"WORKS" means the waterworks of the Village of Midway.

2. APPLICATION FOR SERVICE

(1) Application in the form of "Schedule B" attached to and forming part of this by-law for the supplying of water to any property shall be made and delivered to the Clerk, and must be signed by the owner of such property or his duly authorized agent signing as such or by the consumer applying for such service. Each application, when signed by the potential customer, shall be an agreement whereby the customer agrees to abide by the terms and conditions of this by-law, and amendment thereto.

(2) Upon approval of the application by the Clerk, he may turn on or cause to be turned on, the water service to the consumers premises.

3. APPLICATION FOR SERVICE NEW CONNECTIONS

(1) Application for making a new connection shall be made in writing, and must be signed by the owner of the property or his authorized agent.

- (2) Upon receipt of an application for connection for a service of up to 1.90 centimetres (3/4 inch) size with the required fee of \$600.00, the service from the main to the lot line shall be laid as soon as possible.
- (3) Any connection which is in frozen ground as determined by the Clerk, the connection charge shall be an amount equal to the cost of the water connection including all materials, labour, equipment and overhead. The estimated cost of the connection as determined by the Clerk shall be tendered with the application. At the completion of the work the Clerk shall certify the actual costs and any refund to which the owner is entitled shall be paid forthwith, and any excess of the actual costs over the estimated costs shall be paid within thirty days (30) days. Any amount remaining unpaid on the 31st day of December shall be added to the real property tax roll in respect of that real property as taxes in arrears.
- (4) Where an applicant applies for a water service connection and the installation of such a connection requires the removal and replacement of asphalt and other hard surface road materials, the applicant shall be required to pay for the removal and replacement of such hard surface. Payment to be in an amount equal to the expenditure made by the municipality for the removal and replacement of the aforesaid hard surface.

4. SERVICE PIPES

- (1) Before any person shall install or construct any water service, or commence doing any construction work in relation to or in connection with such service, he shall notify the Clerk in specification which shall show;
 - (a) the purpose for which the water is to be used, the size of pipes and the number of outlets in connection with such an installation;
 - (b) a description of the materials which the applicant proposed to use in connection with such installation or construction.
- (2) The installation of service pipes shall be the responsibility of the property-owner but shall conform to specifications approved by the Clerk.
- (3) All underground pipes on any premises shall be placed below the frost line, and in no case, not less than 1.828 meters (6 feet) below the surface of the ground.
- (4) it shall be the duty of every consumer to provide that all taps, fittings and other things connected with the service within the premises are in good order and installed and connected in accordance with the provisions of the building and plumbing by-laws.
- (5) Every premise shall have a properly placed stop and waste cock at every property line and shut off valve at the main line.
- (6) When the owner's service pipe plans and water connection application have been approved he may proceed with the installation of the service pipes.

When the service pipes have been installed, but before the excavation is backfilled, the Clerk shall be notified that such work is

ready for inspection and he shall make such inspection within two days thereafter, excluding Sundays and Holidays.

- (7) The backfilling of the service pipes shall not be commenced until the Clerk has signified in writing that he is satisfied that the materials and workmanship employed are to his satisfaction and that the pertinent sections of this and other by-laws have been adhered to.
- (8) The Clerk or any other officer or employee of the municipality shall refuse to turn on water to any premises not complying with this section.
- (9)
 - (a) In the event of leakage, freezing or other conditions which causes the interruption of supply in the service pipe, repairs shall be the responsibility of the consumer. If the consumer feels that such conditions are present in the municipality's connection pipe, and not in the consumer's service pipe, he shall deposit with the municipality a sum of money equal to the Clerk's estimate of the cost of excavation and backfilling required.
 - (b) In the event the municipality's connection pipe is faulty and is the cause of the consumer's complaint, the municipality shall repair such faults and return the deposit to the consumer. If there is no fault found in the municipalities connection pipe, the consumer shall forfeit that portion of the deposit in the amount equal to the actual cost of the work, any surplus being returned to the consumer. The consumer shall have the right to inspect the site of the excavation by the municipality and satisfy himself as to the condition of the connection pipe.
- (10) Every consumer shall provide for each service to his premises a pressure-reducing valve in the event the water pressure in the main serving his premises shall be or become so great as may cause damage.

5. **RATES**

- (1) There is hereby imposed and levied a water user rate upon all users of water supplies by the municipal water utility.
- (2) The Clerk shall classify each consumer in accordance with the categories set out in Schedule "A", attached to and forming part of this by-law, and the consumer is liable for the appropriate rate.
- (3)
 - (a) The user rate shall be due and payable annually at the office of the collector, Municipal Office as follows:
 - (b) The water rental payable under schedule "A" of the by-law shall be levied annually on the second of July.
 - (c) Any charge remaining unpaid on the thirty-first day of December shall be deemed to be taxes in arrears in respect of the property and shall forthwith be entered on the real property tax roll by the Collector as taxes in arrears.
 - (d) A new consumer shall be charged with the full monthly rate if his application is received on or before the 15th day of the month, otherwise he shall be charged one-half of the monthly charge.

- (e) A rebate may be allowed if a consumer gives notice in

writing in advance that he is leaving the premises. Such rebate shall be limited to the remaining full monthly rates which have been paid.

- (4)
 - (a) No contractor, builder or other person shall use for building purposes of any kind any water from any pipe or main of the waterworks or from any other consumer without the written approval of the Clerk.
 - (b) Applications for such service shall be made in the manner prescribed in section 3 of this by-law and the user shall agree to pay the rates applicable, the connection fee if one is required and to properly protect the supply pipes, meter and other facilities of the waterworks.
- (5)
 - (a) No person, except an employee of the municipality in the course of his employment, or a member of the municipal fire department on duty, shall without written authority of the Clerk, open any hydrant, standpipe or valve or use any water therefrom. Such authority shall reserve to the municipality the right to stop such use at any time for any reason without liability for damages resulting therefrom in any manner whatsoever.
 - (b) Every person who receives such authority shall deposit with the Clerk a cash bond of fifty dollars (\$50.00) and the municipality may deduct from such bond whatever charges shall be payable to the municipality in its reasonable discretion for the use of the water and from damages to the main, hydrant, standpipe or valve.
 - (c) Every person who uses water from any hydrant or standpipe shall pay to the municipality on demand the minimum charge of Twenty Dollars (\$20.00) or the sum of Ten Dollars (\$10.00) per consecutive days for such use or any part thereof, whichever sum shall be the greater.

6. REGULATIONS

- (1) No person shall destroy, injure or tamper with any hydrant, or other fixture of the waterworks, and no person shall in any manner interfere or meddle with the water connection or works in any street, or make any additions or alterations to the water system or any connection, or turn on or off any corporation stop-cock, service valve or gate-valve without express approval of the Clerk.
- (2) No person shall sell or dispose of water from the municipal water system, or give it away to any person or persons, whomsoever, or use or supply it to the use of benefit of others.
- (3) No connection or cross connection between the municipal water system and any other water system or source of water supply shall be permitted, "after adoption of this by-law."
- (4) No person shall obstruct at any time or in any manner the access to any hydrant, valve, stop-cock or other fixture connected with the works, and should any person obstruct such access the Clerk or any other employee or servant of the municipality may, by his order, remove such obstruction and the expense of such removal shall be charged to and paid by the person so offending, and on non-payment thereof, on demand, the municipality may recover the said expense in a Court of Competent Jurisdiction.

- (5) No person shall obstruct or prevent the Clerk or any person authorized by him from carrying out any or all of the provisions of this by-law, nor shall any person refuse to grant the Clerk or any

person authorized by him, permission to inspect any water service work at any reasonable time.

7. ADMINISTRATION

- (1) The Clerk is hereby authorized and directed to have a general supervision over the municipal waterworks system and to see that the provisions of this by-law are carried out.
- (2) The Clerk shall have the power, subject to the consent of the Council, to appoint assistants and inspectors for the purpose of effectively carrying out the provisions of this by-law, and wherever the Clerk is authorized or directed to perform any act or duty under this by-law, such act or duty may be performed by any inspector or employee authorized by the Clerk to perform such act or duty.
- (3) Nothing contained in this by-law shall be constructed to impose any liability on the municipality to service any person or premises or to give a continuous supply of water to any person or premises.
- (4) The Municipality shall not be liable for the failure of the water supply in consequence of any accident or damage to the works, or to excessive pressure or lack of pressure, or any temporary stoppage thereof on account of alterations or repairs, whether such failure arises from the negligence of any person in the employment of the municipality or other person whomsoever, or through natural deterioration or obsolescence of the municipality's system or otherwise, howsoever; but in the event of such failure or stoppage continuing for more than five consecutive days, an equitable reduction shall be made on all rates or services affected thereby.
- (5) The Municipality may, without notice, disconnect the water service to any premises for any of the following reasons, and the municipality shall not be liable for damages by reason of discontinuing water service for such reasons:
 - (a) unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;
 - (b) non-payment of rates;
 - (c) failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water;
 - (d) for repairs;
 - (e) for want of supplies;
 - (f) for employing any pump, booster or other device for the purpose of, or having the effects of, increasing water pressure in service lines, without obtaining the approval of Council;
- (6) The Council may in its discretion, whenever the public interest so requires, suspend or limit the consumption of water from the municipal water system, or may regulate the hours of use, or may further prescribe the manner in which such water may be used.

8. OFFENSES

Any person who violates any provisions of this by-law shall be

deemed to have committed an offence and is punishable in accordance with the offence act; and each day on which the violation occurs shall be considered a separate offence.

9. **CITATION**

This by-law may be cited as the "Water Rates and Regulation by-law No. 227, 1992."

10. By-law 186, (1988) is hereby repealed.

READ A FIRST TIME THIS 19th DAY OF OCTOBER , 1992.

READ A SECOND TIME THIS 19TH DAY OF OCTOBER , 1992.

READ A THIRD TIME THIS 19TH DAY OF OCTOBER , 1992.

RECONSIDERED AND ADOPTED THIS 2ND DAY OF NOVEMBER , 1992.

MAYOR

CLERK

I hereby certify this to be a true and correct copy of by-law 227 (1992) Water Rates and Regulations.

R.J. Hatton
Administrator

**VILLAGE OF MIDWAY
BY-LAW NO. 227**

SCHEDULE 'A'

This Schedule "A" will apply to the area within the Boundary of the Village of Midway.

RESIDENTIAL

Flat Rate of \$10.00 per month

COMMERCIAL - MONTHLY CHARGE

Apartment buildings, or blocks or units per dwelling unit, rented or empty \$10.00

Medical Clinic \$25.00

Auto Courts, Motels, per dwelling unit rented or empty \$10.00

Barber Shops \$15.00

Beauty Salons \$15.00

Butcher Shops \$15.00

Cafe, Coffee Shop, Dining Room \$35.00

Dentist \$15.00

Dry Cleaners \$35.00

Florists & Greenhouses \$15.00

Hotels \$40.00

Poolroom \$15.00

Public Garages & Service Stations \$15.00

Stores, Offices, Office Building \$10.00

Public Halls, Clubs, Theatres \$25.00

Bakery \$15.00

Building Contractor \$15.00

Curling Clubs \$25.00

Arena \$30.00

INDUSTRIAL - MONTHLY CHARGE

Laundries and small industrial users \$100.00

Car Wash \$120.00

**SCHEDULE 'B'
ATTACHED TO AND FORMING PART
OF BY-LAW NO. 227**

**APPLICATION FOR THE SUPPLY OF
WATER FROM THE**

VILLAGE OF MIDWAY

I/WE

owner/agent of owners, hereby make application for the supply of water to Legal Description of Property to be Serviced:

and agree to abide by the terms and conditions as established by By-law 227 and amendments thereto, regulating the supply and use of the water utility of the municipality.

Date _____ 19____ .

Signature of Owner/Agent

Administration:

Connection Fee \$_____Date

Receipt

**PUBLIC WORKS - PART 2 - (ENSURE SECTIONS OF BY-LAW 227
COMPLIED WITH)**

- (a) Date Connection Completed main to property line. _____
- (b) Cost of Work
- (c) Date Work Completed on property of Applicant
- (d) Inspection of connection completed _____ Date
approved/not approved.
- (e) Water Connection Card with details completed _____
Date

Inspectors Signature

Distribution:

Completed copy with all details to be submitted to Municipal Clerk - (NOTE) This copy to be returned within one month.

Administration - Water User Card completed _____
Date

- Billings to commence _____
Date

SIGNATURE