

**THE WINDSOR UTILITIES COMMISSION
BY - L A W N U M B E R 94 - 2017**

A BY-LAW TO PROVIDE FOR THE CONSTRUCTION,
MAINTENANCE, MANAGEMENT, AND CONTROL OF THE
WATER WORKS IN THE CITY OF WINDSOR

Passed the 29th of November, 2017

WHEREAS by the *City of Windsor Act 1936*, The Windsor Utilities Commission was vested with the powers, rights, authorities, privileges and immunities of a municipal Utilities Commission under the *Public Utilities Act* and the works under its control were declared to be Public Utilities within the meaning of that Act;

AND WHEREAS pursuant to Section 195 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, a public utility commission established or deemed to have been established under the *Public Utilities Act*, which existed on December 31, 2002, is deemed to be a municipal service board established under the *Municipal Act, 2001*, and continues with the same name, composition and service area and has the same powers and the same control and management of the same services as it had on that day;

AND WHEREAS The Windsor Utilities Commission controls, manages, and maintains the water works distribution system in The City of Windsor and the Commission deems it expedient to enact this By-law to provide for the construction, maintenance, management, and control of the Waterworks in The City of Windsor;

THEREFORE The Windsor Utilities Commission enacts as follows:

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A. DEFINITIONS

In this By-law:

“**AMR**” means Automatic Meter Reading Device;

“**Approved Authority**” means persons approved by WUC to work on the Waterworks in the City of Windsor;

“**AWWA**” means American Water Works Association;

“**AUXILIARY WATER SUPPLY**” means when applied to Premises, any water supply on or available to the Premises other than the primary potable supply for the Premises;

“**Building**” means a structure supplied with water by The Windsor Utilities

Commission;

“Building Code Act” means the *Building Code Act*, 1992, S.O. 1992, c.23 and the Regulations enacted thereunder, as amended from time to time, or any Act and Regulation enacted in substitution therefore;

“City” means The City of Windsor;

“Cross Connection Control Device” means a device that prevents the potential cross connection of non-potable materials to interact with the potable water system;

“Construction Water” means Water supplied to a Premises during construction prior to occupancy;

“Contractor” means a person, firm, or corporation who contracts to undertake the execution of work commissioned by an Owner or the City to install or maintain watermains, services, hydrants, and other appurtenances;

“Cross Connection Control Device” means

“CSA” means Canadian Standards Association;

“Customer” means any person who receives water or water related services from The Windsor Utilities Commission;

“DCVA” means Double Check Valve Assembly;

“Developer” means the Owner or sub-divider specifically named in the Subdivision Agreement or Development Agreement;

“DWQMS” means Drinking Water Quality Management Standards;

“Enwin” means Enwin Utilities Limited;

“ICI” means Industrial Commercial Institutional Premises;

“Meter” means the water meter supplied and owned by The Windsor Utilities Commission to measure the quantity of water used by the consumer;

“Meter Pit” means any exterior pit or chamber approved by The Windsor Utilities Commission for the purpose of housing a Meter;

“Municipality” means The Corporation of the City of Windsor and includes its employees, servants and agents;

“OBC” means Ontario Building Code;

“Owner” means any person, firm, or corporation that is the registered Owner of their Premises;

“OPSS” means Ontario Provincial Standards Specifications;

“Person” means any person, firm or corporation having control over property to which this by-law applies and includes the Owner registered on the title of the property and any occupant of any building located on such property;

“Potable Water” means water that is fit for human consumption;

“Premises” means any building, tenement, property or lot by or to which water service pipes run;

“Private Fire Service” means a pipe connected to a watermain and installed on private property for the sole purpose of fire suppression;

“Private Service” means the portion of the water service pipe from the property line into the building for which the customer is responsible for;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and the Regulations enacted thereunder, or any Act and Regulation enacted in substitution therefore;

“Remote Read-Out Unit” means the device installed on or in the area of the Meter and used to read and transfer the Water consumption data of the Meter;

“RP” means Reduced Pressure Backflow Preventer;

“Schedule A” means WUC’s fees and charges schedule;

“Service Stub” means the portion of the water service pipe from the watermain to the property line for which WUC is responsible;

“Shut-Off Valve” means the valve on the water service pipe used by WUC to shut off or turn on the water from the Water Distribution System to any Premises;

“Tester” means a WUC approved person that can test backflow preventers in the City of Windsor;

“Water Distribution System” means every water pipe, except service pipes installed on public property or on any land upon which The Windsor Utilities Commission has obtained easements or has access rights;

“Water Fixed Charge” means the monthly infrastructure connection charge for

water as set in the attached Schedule “A”;

“**Water Usage Charge**” means the monthly charge for water as measured by the Meter as set out in the attached Schedule “A”;

“**Watermain Replacement Levy Charge**” means the monthly charge for system sustainment and renewal as set in the attached Schedule “A”;

“**Waterworks**” means any works for the collection, production, treatment, storage, supply, transmission and distribution of water by The Windsor Utilities Commission, or any part of any of those works including the water service connection, but does not include plumbing to which the *Building Code Act* or any amendments thereto apply;

“**WUC**” means The Windsor Utilities Commission; and any agent or contractor retained or approved by WUC to do any work on its behalf;

“**WUC Specifications**” means The Windsor Utilities Commission Design Guidelines and Specifications for water pipes and other Waterworks equipment that WUC prescribes as being in force for the installation, maintenance and alteration of any part of the Waterworks.

B. USE AND RECEIPT OF WATER

- (1) No person shall use, cause or permit water supplied to them by WUC to be used other than in or on the Premises at which it is supplied.
- (2) No person shall sell or resell water supplied to them by WUC without the prior approval of WUC.
- (3) No person shall obtain water without paying the applicable charges, fees or rates for that water.
- (4) No person shall operate a fire hydrant, except for firefighting purposes.
- (5) Subsections (1)-(4) do not apply to:
 - (a) Any member of the City’s fire department using water for firefighting purposes.
 - (b) Any person WUC assigns to work on the Waterworks, acting in the course of their assignment.
- (6) (a) No contractor requiring water for construction purposes shall use a fire hydrant for that purpose.
 - (b) Contractors shall either use Bulk Fill Stations for construction water or the other

construction water method provided in Section J of this By-law.

- (7) (a) No person shall open or close a valve or remove, tamper with or in any way interfere with any valve, meter, structure, watermain or water service in the Waterworks, private services.
- (b) Subsection (7) (a) does not apply to any person WUC assigns to work on the Waterworks, acting in the course of their assignment.
- (8) No person shall use any water WUC supplies to any Premises for purposes of fire protection or fire prevention for any other purpose.
- (9) WUC may, in its discretion, discontinue supplying water to any Premises where there is known to be a leak that is not being remedied in the time and manner WUC has directed the Owner or tenant of the Premises to remedy.

C. APPLICATION FOR WATER SERVICE

- (1) Any person who requires
 - (a) Water to be supplied to a Premises or
 - (b) A change to the existing water service to the Premises shall submit an application to the City and pay the City all prescribed fees.
- (2) An application under subsection C(1) shall include such plans as WUC and the City may require.
- (3) WUC shall not begin to supply or change a water service until a complete application has been filed and all applicable fees have been paid in full.
- (4) A person who requires water to be supplied to a proposed land development, shall enter into a written agreement with WUC in WUC's standard form.

D. INSTALLATION OF WATER SERVICES

- (1) A water service installation shall only be installed by a WUC approved contractor engaged by the Owner, at the Owner's sole expense.
- (2) Any water service pipe installed within the public right-of-way shall be constructed according to WUC Specifications.
- (3) Any private service and private fire service water pipes to be installed on private property shall be

- (a) Constructed in accordance with the OBC;
 - (b) Constructed in accordance with good engineering practices; and
 - (c) Approved by WUC and the City before construction begins, and after construction is completed.
- (4) Where the OBC does not prescribe a construction or installation standard, WUC Specifications shall be applied.
- (5) If a person connects Premises to the Waterworks in a manner other than as approved by WUC or the City, WUC may:
 - (a) Require the Owner or contractor to re-excavate the connection for inspection and testing and, if WUC or the City considers it necessary, may require the Owner to reinstall or repair the connection to be in full compliance with WUC Specifications and City requirements, all at the expense of the Owner; or
 - (b) Shut off or disconnect the water supply until the Owner is in full compliance with WUC Specifications and any City requirements, all at the expense of the Owner.
- (6) No water service shall be connected inside a Premises that is also connected to an Auxiliary Water Supply.
- (7) All water service pipes and related equipment installed on private property shall be inspected either by the City, or, if installed in accordance with a Subdivision Agreement, by a WUC approved inspector.
- (8) All water service pipes and related equipment installed on public property shall be inspected by a WUC approved inspector, and the inspection charged to the Owner at a price specified in WUC's Miscellaneous Charge Schedule.
- (9) WUC shall be entitled, at all reasonable hours, to enter any Premises for the purposes of examining pipes, connections, meters, and fixtures which are used in connection with the water service pipe and/or watermain.
- (10) No person shall install or cause the installation of a water service connection that services more than one Premises.
- (11) No person shall tap a water service into a WUC main without prior approval from WUC.

- (12) Every Owner shall, at their sole expense, install the water services the Owner requires from the watermain tap up to and including the works on private property according to current WUC Specifications and all, applicable legal requirements such as the OBC, Water Quality Standards and OPSS.
- (13) The minimum size water service connection shall be no less than described in WUC Specifications.
- (14) For all new ICI construction requiring a domestic water service and a fire service to their Premises, only one tap shall be attached to the watermain with a meter installed near the property line, and the fire and domestic services shall split after the meter as described in WUC Specifications.
- (15) Any private fire service pipe which uses chemicals in the system must include a reduced pressure backflow prevention device as determined by WUC and the City and in accordance with Section I of this by-law, the OBC and CSA B64.10 Standards and Specifications.
- (16) WUC shall decline to permit any looping of a watermain through private property unless the watermain is owned and maintained by WUC and is in an easement or is otherwise approved by WUC.
- (17) (a) If an existing water service connection is to be replaced by a new one, the existing connection shall be disconnected from the watermain and the shut-off valve removed, at the same time as the new connection is installed.

(b) The Owner shall pay all costs associated with the disconnection of the existing water service and the new connection including excavation and restoration.
- (18) Only WUC and its approved contractors shall tap the watermain and this shall be done with a WUC agent present.
- (19) The Owner is responsible for payment of all costs associated with tapping the watermain, including excavation, restoration and the water tap.
- (20) WUC shall renew Service Stubs on public property at its expense when:
 - (a) A Service Stub is found by WUC to be beyond repair;
 - (b) The existing Service Stub is substantially composed of lead, provided that the Owner has requested WUC to replace the Service Stub and has completed replacement of the private service pipe and all interior plumbing before WUC replaces the Service Stub. The Owner shall be required to prove the interior plumbing contains no lead piping, joints or solder through a City permit or inspection report.

E. DISINFECTION, SAMPLING AND TESTING OF PRIVATE WATER SERVICE PIPES AND PRIVATE FIRE SERVICE PIPES

- (1) No person shall connect or permit to be connected any private service pipes or private fire service pipes until after the private water service or fire service pipes have been flushed, disinfected and tested in accordance with this section, using WUC Specifications, DWQMS, and NFPA 24.
- (2) The Owner shall install a backflow prevention device during testing, to WUC's satisfaction, in accordance with WUC Specifications.
- (3) Only WUC approved persons shall:
 - (a) Conduct all water sampling;
 - (b) Ensure that the samples they take are transported to a laboratory licensed by the Ontario Ministry of the Environment and Climate Change for the provision of drinking water testing services.
- (4) WUC shall pay for the initial disinfection, sampling and testing.
- (5) If the initial disinfection, fails the testing, additional disinfection will be required, at the Owner's cost, in accordance with WUC's Miscellaneous Charge Schedule.
- (6) Any leakage tests conducted for watermain piping shall be in accordance with OPSS.

F. MAINTENANCE OF PRIVATE WATER SERVICES, PRIVATE FIRE SERVICES

- (1) WUC shall maintain the Service Stub at its expense.
- (2) No Owner shall fail to keep all of the parts of private service pipes and private fire service pipes on their Premises in good working order and repair at all times.
- (3) No Owner shall fail to repair any leak, defect or malfunction in, of or on the private service pipe or private fire service pipes on that Owner's Premises, including in valves, fittings or corroded piping, as soon as possible after becoming aware of them.
- (4) If the Owner fails or refuses to make any repair required by subsections (2) or (3) the City may issue the Owner an order to comply with direction from WUC to do the necessary work, and the Owner shall have 7 days to comply.
- (5) If the Owner fails to comply with an order under subsection (4) in a timely manner, WUC may disconnect the Premises from the watermain by shutting off the valve at the property line until all repairs have been completed to the satisfaction of WUC.

- (6) Every Owner of Premises shall ensure that all private service pipes and private fire service pipes on those Premises are fully protected from freezing.
- (7) An Owner is responsible for any damage incurred from freezing of any private service pipe or private fire service pipe on that Owner's Premises.
- (8) When any Premises are left vacant or without heat the Owner shall protect the water service from freezing by contacting WUC to have the meter removed and the water shut off at the valve near the property line.
- (9) If an Owner requests WUC to assist in thawing frozen pipes on that Owner's Premises, all work done shall be at the Owner's sole risk and expense and the Owner thereby waives any claim whatsoever that the Owner might otherwise have against WUC for doing that work.

G. MAINTENANCE OF PRIVATE FIRE HYDRANTS

- (1) No person shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a privately owned fire hydrant which, under any circumstances, may allow water, wastewater or any liquid or substance to enter the City's water supply system.
- (2) No person shall in any way interfere with any part of a privately owned fire hydrant.
- (3) No person shall draw water from a privately owned fire hydrant except for firefighting purposes or otherwise, as WUC may permit.
- (4) Prior to any person acting under the authority of section G (3), the person shall have:
 - (a) Successfully completed training in the proper operation and maintenance of a fire hydrant to the satisfaction of WUC; and
 - (b) The equipment and control valves necessary to operate the fire hydrant in compliance with any published WUC requirements.
- (5) All privately owned fire hydrants within the WUC service area shall meet or exceed published WUC Specifications.
- (6) No person shall obstruct the free access to any privately owned fire hydrant by placing building materials, earth, snow, rubbish or any other obstructive matter around the hydrant so as cause it to be obstructed.
- (7) No person shall cause or permit a privately owned fire hydrant to be concealed from view by any type of building, shrubbery or other object.

- (8) If the private fire hydrant is such that it will be susceptible to damage by vehicular traffic, bollards are to be installed, at the Owner's cost, in sufficient number to protect the hydrant. Bollards to be installed per City Specifications.
- (9) Every Owner shall ensure that all its privately owned fire hydrants are installed and maintained according to:
 - (a) The Ontario Fire Code,
 - (b) The Building Code Act;
 - (c) NFPA 24 – Installation of Private Fire Service Mains and their Appurtenances,
 - (d) WUC Guidelines and Specifications, and
 - (e) City of Windsor Specifications.
- (10) WUC owns and shall maintain any fire hydrant situated within the road allowance.
- (11) WUC shall maintain City-owned fire hydrants located on private property.
- (12) A privately owned fire hydrant shall be maintained at the sole expense of the Owner by a WUC approved contractor engaged by the Owner.
- (13) Every Owner of a privately owned fire hydrant shall exercise due regard to its installation, location, orientation and proximity to site structures, and shall obtain the Chief Fire Officials prior approval. Any privately owned fire hydrant which, in the Chief Fire Officials opinion, was not installed as per their prior approval shall be corrected within 30 days of the Chief Fire Officers so informing the Owner, at the sole responsibility and cost of the Owner.
- (14) Every Owner of a privately owned fire hydrant shall retain a qualified inspector to prepare and submit to WUC, annually, an inspection report for each such fire hydrant, using an approved form available from WUC. WUC will present this report to the Chief Fire Official for review.
- (15) The Chief Fire Official may issue a notice requiring the fire hydrant Owner (i) to carry out any recommendations in the inspection report and (ii) to complete any other requirements they consider necessary for full compliance with this By-law. All items in this notice shall be corrected within 30 days of receipt of the notice at the sole expense of the Owner.
- (16) The Owner of a privately owned fire hydrant to be commissioned shall arrange for inspection, testing and approval by WUC prior to commissioning.

- (17) Every Owner of a fire hydrant shall maintain all written records of tests and corrective measures for such hydrants for at least 2 years and shall make these records available for WUC's inspection without charge during normal business hours.
- (18) Every Owner of a fire hydrant shall submit its annual inspection reports via email, courier or physical delivery to:

The Windsor Utilities Commission
 4545 Rhodes Drive
 P.O. Box 1625, Stn 'A'
 Windsor, ON N9A5T7
 Email: info@enwin.com

- (19) Any person who hinders or obstructs a person lawfully carrying out the enforcement of this By-law is guilty of an offence, and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
- (20) Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.
- (21) Every director and every officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence and, upon conviction is liable to a minimum fine of \$500.00 and maximum fine of \$100,000.00.
- (22) Each new day of an offence under this By-law is a continuing offence and charges may be laid for each day or part of each day during which the offence continues, and the person, director or officer, as the case may be, is, upon conviction, liable:
- (a) For each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00. However, despite subsections (20) and (21), the total of all fines for each included offence is not limited to \$100,000.00;
- (b) Where the person convicted is a corporation, notwithstanding subsection (21), the total of all fines for each included offence is not limited to \$100,000.00.

H. PRIVATE WATER SERVICE ABANDONMENTS

- (1) If a building or structure is demolished or substantially demolished, the water service connection shall be abandoned. The abandonment work shall be done by a WUC approved contractor at:

- (a) The property line valve if the property Owner is to re-use the service for future development or is selling the property as a serviced lot, or
 - (b) The watermain if there are no plans to use the existing water service in the future.
- (2) The Owner shall pay all costs associated with the abandonment including excavation, restoration and the disconnection of the water service.
- (3) The Owner shall fill out a Demolition Application and a Request for Information Application at the City. The City will send the applications to WUC to confirm the discontinuation of water services for a building prior to demolition.
- (4) The Owner shall contact WUC to schedule the removal of the water meter prior to demolition.
- (5) No person shall demolish a building, or permit a building to be demolished until the final water meter reading has been obtained and WUC has recovered the water meter and AMR unit.
- (6) If the Owner, or contractor working under the direction of the Owner demolishes the building and prevents WUC from receiving the water meter and AMR unit, in accordance with subsection (5), the Owner shall pay WUC an amount equal to the cost of a new water meter and AMR unit of the same type and size as was unable to be recovered.
- (7) In addition to the amounts payable under subsection (6), the Owner shall pay for the amount of water consumption, from the last water meter reading to the date of disconnection of the water service connection from the waterworks, as estimated by WUC.
- (8) Despite subsections (5), (6) and (7), the Owner shall be exempt from returning the water meter and AMR unit if the demolition is done because the building had a fire, making it unsafe to retrieve the water meter and AMR unit.
- (9) The Owner or contractor working under the direction of the Owner shall obtain a water service abandonment permit from the WUC office, and shall deposit the amounts to be paid, as stipulated on the WUC Miscellaneous Charges Schedule.
- (10) The water service shall only be abandoned by a WUC approved contractor, in the presence of a WUC approved representative. After WUC's approved representative has approved the abandonment, the Owner or contractors deposit will be refunded by mail.
- (11) No work on the abandonment shall be done until the abandonment permit and demolition permit and all applicable fees have been paid.

I. CROSS CONNECTION AND BACKFLOW PREVENTION

- (1) No person shall connect, cause to be connected, or allow to remain connected to the Waterworks, directly or indirectly, any piping, fixture, fitting, container, or other device which may allow water, waste, or any other deleterious substance to enter the Waterworks.
- (2) Section I shall not apply to firefighters carrying out fire protection services under the Fire Protection and Prevention Act.
- (3) If WUC or an Approved Authority believes that there is a risk of contamination of the Waterworks, a person who WUC or the Approved Authority notifies of this risk shall, install and use a Cross Connection Control Device approved by WUC or the Approved Authority.
- (4) The Owner shall install, maintain and test the Cross Connection Control Device on its Premises in accordance with CSA Standard B64.10-07/B64.10.1-07, the Building Code Act, and the terms and conditions of any Water Permit issued for the device.
- (5)
 - (a) The person having the installation duty under subsection I(3) shall pay for the cost of inspection and testing of the Cross Connection Control Device upon installation, and thereafter annually, or more often if required by WUC or Approved Authority.
 - (b) The Tester shall submit a report to WUC on WUC's approved form, for every test performed on a Cross Connection Control Device, within 7 days of the test, and shall place a record card to be prominently and continuously displayed on or adjacent to the Cross Connection Control Device on which the Tester shall have recorded the information WUC requires.
- (6) When a test indicates that a Cross Connection Control Device is not in good working condition, the person responsible for the device under subsection I(3) shall repair or replace it within three days, and within three days thereafter, deliver to WUC a Tester's report, as described in I(5)(c), demonstrating that the Cross Connection Control Device then in place is in good working condition.
- (7) No person shall remove a Cross Connection Control Device without prior approval from WUC.
- (8) WUC or the Approved Authority shall be allowed access onto and into any Premises connected to the Waterworks to perform an inspection under Section I:
 - (a) Without prior notice if WUC has determined that a Waterworks emergency exists or may reasonably arise, for which immediate access to the Premises is necessary; and

- (b) In all other circumstances, upon at least 48 hours' notice from the Approved Authority.
- (9) If any of the following events occur on any Premises:
- (a) The person to whom WUC or an Approved Authority has issued an order has failed to comply with that order in a timely manner; or
 - (b) The person failed to provide access to WUC or the Approved Authority when required; or
 - (c) The person failed to have a Cross Connection Device tested or a Tester's report delivered as and when required under this By-law,
- (10) WUC and/or an Approved Authority, may, in its discretion:
- (a) Shut off the water without further notice if WUC has determined that an emergency that exists or may reasonably arise with the Premises; or
 - (b) In all other circumstances, deliver a final notice to the person to correct or comply with a prior order or notice within a specified time and, if the final notice is not complied with, shut off the water without any further notice.
- (11) (a) No person shall remove or modify, or cause or permit the removal, or modification of, a Cross Control Connection Device after it has been installed,
- (b) Subsection I(11)(a) shall not apply to removal or modification if the person has delivered to WUC, at least to clear days earlier, a written notice with, (i) particulars of the device location, (ii) a copy of the most recent Tester's report on the device, and (iii) the removal or modification is thereafter carried out to repair or replace the device quickly, or replace it with another device that meets or exceeds the provisions of this By-law and the Building Code Act.
- (12) WUC or an Approved Authority may issue such orders to a person who owns or occupies a Premises as WUC or the Approved Authority may deem necessary to obtain compliance with this By-law.
- (13) WUC may require use of forms which WUC considers useful for the compliance of this By-law.
- (14) Any order or notice given under this By-law shall be deemed to have been received by the person to whom it is addressed on the earliest of:
- (a) Personal delivery;
 - (b) 24 hours after posting conspicuously on the Premises; or

- (c) The third day [excluding Saturdays, Sundays, and statutory holidays] after mailing it by prepaid registered mail to the last known address in WUC's records.
- (15) Every person who hinders or obstructs WUC or an Approved Authority in carrying out the enforcement of this By-law is guilty of an offence under this By-law.
- (16) All ICI Premises shall have a backflow preventer installed on their private service pipe and private fire service per OBC, CSA Standards and WUC Specifications,
- (17) All new construction on ICI Premises shall install a premise backflow preventer located where the private service enters the building.
- (18) All new watermains, private service pipes or private fire service pipes as described in WUC Design Guidelines and Specifications are required to have a backflow preventer installed prior to disinfection, sampling and testing according to Section E of this bylaw, WUC Specifications and AWWA Specifications.
- (19) All existing ICI Premises that require the installation of a backflow preventer under this By-law may install a DCVA type backflow preventer provided that its hazard level remains minor or moderate as specified in CSA B61.10-01. If the hazard level is severe, an RP type backflow preventer shall be installed.
- (20) In all new construction of ICI Premises an RP type backflow preventer shall be installed.
- (21) Zone protection shall be installed as per OBC and CSA Specifications.

J. CONSTRUCTION WATER AND TEMPORARY WATER SERVICE

- (1) The Owner shall pay the cost of water used during construction of any Premises as part of, and at the time of the Building Permit Application obtained from the City.
- (2) For residential Premises the Owner shall pay for 3 months of construction water, and for ICI Premises, for 5 months of construction water, after which the water meter shall be installed to avoid service disruption.
- (3) If the water meter is not installed by the time required under subsection J (2), the water will be shut off until the meter has been installed.
- (4) If the Owner or contractor working for the Owner requires a temporary water service other than for mentioned under subsection J (2), they may apply for a temporary water service in the same manner as specified in Section C of this By-law.

- (5) A temporary water service under subsection J (4) shall have a meter and backflow preventer installed before the water will be turned on as described in WUC Specifications.
- (6) The Owner shall protect the temporary water service, water meter and backflow preventer from freezing.
- (7) After the Owner or contractor has finished using the temporary water service it shall be abandoned at the watermain.
- (8) The maximum diameter of a temporary water service shall be as mentioned in the WUC Design Guidelines and Specifications unless WUC has previously approved a larger diameter.

K. FLOW TESTING PUBLIC FIRE HYDRANTS

- (1) No person other than WUC approved agents shall perform a Hydrant Flow Test on any public hydrant.
- (2) Anyone performing a Hydrant Flow Test on a public hydrant shall first obtain a flow test permit from WUC and pay the fee as set on WUC's Miscellaneous Charge Schedule.
- (3) A fire hydrant flow test permit holder shall conduct the test under the supervision of a WUC approved person.
- (4) A WUC approved contractor shall make an appointment with WUC and attend the property at the time of the appointment.

L. FIRE HYDRANT RELOCATION

- (1) A person may apply for a permit at the City and submit drawings to WUC for the relocation of a fire hydrant.
- (2) If WUC approves the hydrant relocation in accordance with WUC Specifications, the applicant shall pay all applicable permit fees and all costs associated with the relocation of the fire hydrant at the City.
- (3) A WUC approved contractor under the direction of the applicant shall relocate the fire hydrant under the direction of WUC.
- (4) No relocation work shall commence until the permit has been obtained, all applicable fees have been paid and a WUC approved person is on site to inspect the relocation.

- (5) Every Owner shall ensure that all fire hydrants located on their Premises or on public property adjacent to their Premises are clearly visible and unobstructed at all times in accordance with the *Ontario Fire Code Regulation 388/97*.
- (6) No Owner or occupier shall permit any obstruction or encroachment, including snow, in front of or within one meter of any side of a fire hydrant located on their Premises or on public property adjacent to their Premises. If any obstruction or encroachment, including snow, is caused by the City. The City shall be responsible to remove it.
- (7) If an Owner fails to provide the proper clearances on or around the fire hydrant as required by subsection L (6) within 24 hours of being notified by WUC, WUC approved persons may remove any and all obstructions or encroachments and the Owner shall pay WUC all costs associated with the removal.

M. METERING, RATES, AND CHARGES FOR WATER

- (1) Other than for firefighting purposes, only a person, authorized by WUC shall use or permit the use of water that has not passed through a meter.
- (2) WUC shall supply water meters for all buildings to which a water service connection is provided.
- (3) For residential meters, WUC shall supply connection fittings and water meter flanges up to 50mm in diameter.
- (4) For ICI Premises, the Owner or contractor working on behalf of the Owner shall be responsible for supplying the connection fittings, water meter flanges and conduit for the meter installation, all at the sole expense of the Owner.
- (5) Every Owner of Premises supplied with water by WUC shall have a water meter installed and in use at that Owner's Premises.
- (6) The Premises Owner may determine its meter size, subject to WUC's right to modify the meter sizes to align with the range of flow to the Premises.
- (7) On ICI Premises with a private fire service pipe the water meter shall be the size of the private fire service piping, and the Owner shall be billed the fixed rate of the size of the private domestic water service pipe.
- (8) Any person who uses water in contravention of B(2), shall pay WUC the applicable fees and charges of all water so used.
- (9) Every Owner shall, at reasonable times and on reasonable notice, provide WUC with unobstructed access to that person's Premises to permit WUC to install, remove or perform work of any kind on a water meter.

- (10) The Owner shall ensure that the location of the meter is accessible without a ladder or climbing over or removing any obstacle.
- (11) When requested by WUC, an Owner shall remove any insulating or other material limiting or obstructing access to the water meter.
- (12) If the Owner wishes to replace any of the material removed under M(11), the Owner shall do this in accordance with WUC specifications for water meters and all applicable laws, at the Owner's sole expense.
- (13) No person, shall alter or tamper, or permit someone else to alter or tamper, with any water meter or otherwise interfere with the proper registration of the quantity of water that should pass through a water meter.
- (14) No person shall connect or permit to be connected any pipe or thing to a private service pipe or private fire service pipe upstream of a water meter.
- (15) If WUC determines that a seal on a by-pass valve or a water meter has been tampered with or broken, WUC may chain and lock the by-pass valve in the closed position or remove the bypass and reseal the water meter, at the sole expense of the Owner.
- (16) If WUC determines that the condition of a private service pipe or private fire service pipe or valves on piping adjacent to the water meter prevents the water meter from being properly or safely tested, calibrated or repaired in place or removed for these purposes, the Owner shall, at the Owner's sole expense, repair or, if necessary, replace the equipment, to enable WUC to test, calibrate, repair or remove the water meter.
- (17) If an Owner does not carry out the work as required in M(16), WUC may shut off the water supply until this work has been completed to WUC's satisfaction.
- (18) If, WUC determines that a private service pipe or private fire service pipe or any valves or fittings leak, or is likely to develop a leak, WUC may shut off the water supply to the Premises until the Owner, at its sole expense, has done the work required to stop or prevent leakage.
- (19) WUC will replace, at its own expense, any meter it finds to be defective or past its useful life.
- (20) The Owner shall pay the cost of replacing any meter lost, stolen or damaged (including by freezing) in the amount specified on WUC Miscellaneous Charge Schedule.
- (21) The Owner shall notify WUC immediately of any breakage, stoppage irregularity or loss of a water meter.

- (22) The cost of downsizing or upsizing a meter shall be the sole responsibility of the Owner, who and shall pay the amounts specified in the WUC Miscellaneous Charge Schedule for disconnection and reconnection.
- (23) On all new ICI construction, WUC shall supply only one meter per Premises, and any additional meters shall be installed downstream from the WUC meter, at the Owner's sole expense.
- (24) WUC may require an Owner to have a new meter and related equipment installed by WUC under a new WUC meter installation or replacement program.
- (25) No person shall install a water meter other than as required by this chapter, unless the installation has been authorized by WUC.
- (26) No Owner or contractor working under the direction of the Owner shall install a by-pass around a meter or backflow preventer unless approved by WUC.
- (27) Water by-pass around a meter is only allowed on a water service that requires 24 hour water with no interruptions, as approved by WUC.
- (28) All Premises with an existing by-pass around the meter shall be sealed at the by-pass valve by WUC.
- (29) No person other than WUC may break any seal placed upon a by-pass valve.
- (30) All fittings, flanges, valves, AMR units and any other appurtenances needed to connect the meter shall be installed by a contractor prior to having the meter installed by WUC.
- (31) WUC will not install, inspect or read private meters, or bill consumption based on private meters. All private meters must be connected downstream of WUC meters.
- (32) At any Premises where a meter is to be installed, the Owner shall provide space for the meter without any obstructions, in a location approved by WUC.
- (33) A meter, conduit and wire for the AMR unit shall be installed prior to any occupancy of a new or substantially renovated Premises.
- (34) All new construction on an ICI property shall have the meter installed in a chamber close to the property line as prescribed in the WUC Specifications.
- (35) No Owner shall obstruct or permit the obstruction of a meter chamber.
- (36) No Owner shall place shrubs, trees or other landscaping within one meter of the meter chamber.

- (37) Every Owner shall be responsible for maintaining, repairing and replacing any water meter chamber containing a water meter for the Owner's property and for keeping it in a safe condition.
- (38) Every Owner of a Premises with a meter chamber or seasonal meter chamber shall remove or cause to be removed from the meter chamber, and shall dispose of, all materials which are non-essential to the proper functioning of the meter.
- (39) The removal and disposal of the materials required by M(38) shall be in compliance with all applicable laws pertaining to disposal of those materials.
- (40) At WUC's request, and upon reasonable notice, every Owner shall provide WUC with access to any meter chamber or seasonal chamber.
- (41) Every Customer or Owner in the City who receives water shall pay water charges comprised of a Water Fixed Charge, a Water Usage Charge and Water Replacement Levy as defined in this By-law and as set out in Schedule "A". In addition to the charges outlined in this By-law, additional charges and fees included on Schedule "A" and WUC's Miscellaneous Charge Schedule may apply.
- (42) The meter may be read manually or electronically.
- (43) When water rates change during a billing period, the Water Fixed Charge and Water Usage Charge shall be prorated for that billing period in accordance with the standard procedures of Enwin Utilities Limited, WUC's billing provider.
- (44) When an account is not paid by the due date stated on the bill, a late payment charge, as prescribed in Schedule "A", will be added to the account.
- (45) If the account plus any late payment charge remains unpaid for an unreasonable length of time, a notice of disconnection shall be sent to the customer, warning that unless payment is received within 5 days, the water service will be disconnected.
- (46) If the Customer does not pay any WUC bill issued, WUC may, at its discretion, shut off or reduce the flow of water to the Premises. WUC shall provide reasonable notice of the proposed shut off or reduction to the customers and occupants of the Premises by personal service, registered mail, email or texting, telephone messaging, or by posting the notice on the Premises in a conspicuous place. Unpaid water bills have priority lien status, and may be collected in accordance with the *Municipal Act, 2001*.
- (47) If the Customer and/or occupant of any Premises refuses to allow WUC or WUC agents entry to the Premises to do any work on the meter or the AMR unit, WUC may, at its discretion, shut off or reduce the flow of water to the Premises. WUC shall provide reasonable notice of the proposed shut off to the customers and/or occupants by any of the methods set out in M(46).

- (48) When the Owner requests a temporary removal of the meter, the meter disconnection fee in WUC's Miscellaneous Charge Schedule shall apply.
- (49) With a change of occupancy, the administrative charge prescribed in Schedule "A" shall apply, and will be included on the first billing to the new Customer.
- (50) When an Owner requests that WUC test a meter outside of WUC's normal repair, maintenance and testing program, WUC shall, at the sole expense of the Owner, test the meter and charge the Owner at the rates in the Schedule "A". If the test shows the meter to be faulty according to AWWA standards for accuracy, WUC shall refund or waive its charges for the test.
- (51) If WUC's testing finds that a meter over-registers the combined weighted average flow rate in accordance with AWWA standards for accuracy, WUC shall credit the Owner's account with the difference between the amount billed and the amount that should have been billed had the meter been recording accurately.
- (52) The credit adjustment in M(51) shall cover a maximum of 24 months, but if the Owner can verify that WUC was notified more than 24 months before WUC did the testing of concerns about meter accuracy, the Owner shall be entitled to a credit adjustment extended beyond 24 months by that number of months.
- (53) Despite M(52), if the meter had been installed, replaced or tested and calibrated within the 24 month period prior to the test, then instead of the adjustment set out in M(51), WUC shall credit the Owner with the difference as set out in M(51) from the date the water meter was installed, replaced or tested and calibrated.
- (54) Despite M(51-53), if the accuracy test indicates over-registration by no more than 1.5% then no credit shall be applied to the Owner's account and the Owner shall not receive a refund for the cost of the test.
- (55) The weighted average used to determine the accuracy of a meter shall be in accordance with AWWA standards for accuracy.
- (56) If WUC determines that the seal on the meter has been tampered with or broken or if the meter has not functioned correctly, bills for the supply of water shall be adjusted, retroactively, in accordance with WUC's estimate of the amount of water actually supplied. A tampering charge shall also apply if the seal has been tampered with.
- (57) If WUC makes a billing increase adjustment as a result of a Customer having been under-billed through no fault of the Customer, the adjustment shall be for a maximum of two prior years using the following methods:
 - (a) Use account holder's average consumption billed over a similar period of time, if available, or over one or more past billing periods;

- (b) Use account holder's average consumption billed over one or more future billing periods;
 - (c) If M (57) (a) or (b) is unavailable Apply the average consumption of customers from a similar customer group.
- (58) If the under-billing was caused by the Customer's fault through unauthorized connection to the Waterworks, interference with or damaging of the metering equipment, the maximum billing increase adjustment shall be the length of time the meter has been installed or 4 years (whichever is greater).
- (59) In the ordinary course, WUC may bill the Customer in accordance with WUC's estimate of the Customer's water consumption, for no more than 3 consecutive billing periods. If the Customer has not provided a reasonable opportunity for meter reading for more than three consecutive billing periods, WUC may give the customer reasonable notice, in accordance with M(46), that the water will be shut off by a specified date unless the customer makes appropriate arrangements for WUC to obtain a reading prior to that date. When the meter reading has been obtained, the previous estimated billing shall be adjusted accordingly.
- (60) WUC may obtain a meter reading at least once every 12 months to ensure accuracy of the readings.
- (61) No person shall change or permit the location of a meter to be changed after the meter is installed, without WUC's prior approval.
- (62) An Owner may take out a permit from WUC to change the location of a water meter on that Owner's property.
- (63) WUC shall not approve a meter relocation if:
 - (a) The prescribed fees have not been paid; or
 - (b) The proposed relocation is not in accordance with OBC specifications or any other WUC requirements.
- (64) Every Owner shall permit WUC to inspect a private service or private fire service relocation before backfilling and installing the relocated meter.
- (65) If an Owner has backfilled over the private service pipe or private fire service pipe prior to the WUC inspection, the Owner shall, at the Owner's expense, remove all materials, uncover the pipe and permit inspection.
- (66) All relocation work and material shall conform to WUC Specifications and the Building Code Act.

- (67) If an Owner fails to relocate a meter or private service or private fire service pipe in accordance with M(66), WUC may order the Owner to remove any defective equipment and install new equipment at the Owner's expense. Unless the Owner complies with this order in a timely manner WUC may turn off the water supply until such repairs are made as ordered.
- (68) No person other than WUC may install, or permit to be installed, a temporary spacer piece in or on a Premises instead of a meter, except for temporary construction water until the meter is installed as per Section J.

N. SEASONAL WATER SERVICE CONNECTION

- (1) If an Owner requires a permanent service connection that will be used only for a portion of each year, and the same portion of each year, the Owner may apply for a permit at the City.
- (2) The Owner shall pay all costs associated with the installation of the seasonal service.
- (3) WUC shall provide all disconnections and re-connections of seasonal meters. The Owner shall pay the disconnection/reconnection fees specified in the Schedule "A".
- (4) Seasonal meters shall be installed in a meter chamber in accordance with WUC Specifications, unless otherwise approved by WUC.
- (5) The seasonal meter chamber shall be located on the Owner's Premises, near the property line.
- (6) The Owner shall be solely responsible for the installation and maintenance of the seasonal meter chamber.
- (7) The Owner shall have a backflow preventer and a backflow preventer enclosure installed for the seasonal service, in accordance with WUC Specifications. This equipment shall be installed, tested and maintained in accordance with Section I of this By-law.

O. WATER TO BE SHUT OFF AND TURNED ON

- (1) A Customer shall notify WUC at least 48 hours before the time they require WUC to shut off or turn on the water supply to a property.
- (2) If the water supply is to be shut off permanently, the Customer shall also request the removal of the meter.

- (3) If the water supply is to be shut off temporarily and the meter is to remain in place the Owner shall continue to pay the fixed charges for the meter prescribed in Schedule 'A' unless other arrangements have been made with WUC prior to shutting off the water.
- (4) The Customer shall make an appointment with WUC so that WUC may shut off or turn on the water supply at the shut-off valve.
- (5) The Customer or representative shall attend the property at the time of the appointment to ensure that WUC has access to the meter and shut-off valve.
- (6) In the case of an emergency, the advance notice requirements in P(1) do not apply but the Customer shall provide the notice as soon as possible in the circumstances.
- (7) The Customer shall pay WUC the amount specified in the Schedule "A" for any shut off or turn on of the water supply.
- (8) No person other than WUC shall turn on or shut off the water supply to a Premises.
- (9) If WUC has shut off the water supply, no person other than WUC shall turn on or permit turning on the water supply.
- (10) WUC may shut off the supply of water if:
 - (a) Payment of any charges, fees or rates the Customer has been billed is overdue;
 - (b) A late fee imposed under this chapter remains unpaid after the time required for payment of the late fee has expired;
 - (c) A leak or other fault found on the private service pipe or private fire service pipe is creating or likely to create injury to persons or damage to adjacent properties;
 - (d) WUC determines that an immediate threat of contamination to any part of the Waterworks may endanger public health or safety; or
 - (e) An emergency or potential emergency exists and an Owner or occupier has not provided WUC immediate unobstructed access to the Premises.
- (11) If WUC has shut off the water to a Customer for any reason, WUC shall not be required to turn on the water until all outstanding charges in arrears have been paid in full, or arrangements satisfactory to WUC have been made to pay all charges, and any other WUC orders have been complied with.
- (12) An Owner whose water has been shut off or turned on under P(10) shall pay WUC the charge specified in the Schedule "A" for shutting off or turning on the water.

- (13) If there is a water emergency or potential emergency, WUC shall provide only such notice of impending shut off as may be practical in the circumstances.
- (14) WUC shall not be liable for any damage or loss, whether original or consequential, caused by the stoppage, interruption or reduction of the water supplied to the land or Premises of any person as a result of an emergency, breakdown, repair or extension of the Waterworks if, WUC gives notice of its intention to stop, interrupt or reduce the water supply that is reasonable in the circumstances..

P. WATER CONSERVATION AND WATER USE RESTRICTIONS

- (1) If WUC determines that there is insufficient water in any part of the Waterworks, to maintain an appropriate volume of water for safe and efficient operation, or insufficient water pressure for firefighting purposes, WUC may issue a water use restriction order.
- (2) A water use restriction order may be imposed on such persons or Premises in WUC's service area, as WUC considers necessary to address the insufficiency of water.
- (3) WUC shall give notice, that is reasonable in the circumstances, to the intended recipients of a water use restriction order, the date on which it is to take effect and the conditions of the order.
- (4) A water use restriction order may contain any or all of the following prohibitions or limitations:
 - (a) Watering lawns, gardens, sports fields, grassy areas, golf courses, or other vegetation;
 - (b) Filling swimming pools, wading pools, hot tubs, garden ponds, fountains and other outdoor water features;
 - (c) The use of devices for outdoor water play;
 - (d) Washing motor vehicles;
 - (e) The use of outdoor misting systems; and
 - (f) Filling tanker trucks, tanks, containers, or any large storage device that holds over 100 litres of water.

- (5) Despite Q(4)(a), WUC may exempt or place lesser restrictions on, watering tee-off areas and putting greens on golf courses, newly sodded or seeded lawns, newly planted trees, nurseries, turf farms or tree farms.
- (6) Water used for firefighting purposes, training of firefighters or otherwise necessary for the health or safety of persons or animals shall be exempt from the restriction order.
- (7) No person shall use or cause or permit the use of water in contravention of a water use restriction order under this chapter.
- (8) Once the situation that gave rise to the issuance of the water use restriction order is no longer in effect, WUC shall withdraw the water use restriction order.

Q. CONTACT INFORMATION

- (1) For administering or enforcing any WUC By-law, WUC may require an Owner of a Premises equipped or to be equipped with a meter to provide WUC with:
 - (a) The Owner's full name, telephone numbers and email address;
 - (b) The same information for:
 - i. Any occupiers of the Premises and
 - ii. Any person authorized by the Owner to provide WUC with access to the meter or the place where the meter is to be installed.
- (2) Every Owner shall provide WUC with a current contact name and telephone number prior to the installation of a meter on their Premises.

R. ACCESS & OBSTRUCTION

- (1) WUC may, upon reasonable notice, enter onto and into a Premises to which it supplies water:
 - (a) To inspect, maintain, repair, alter or disconnect the service pipe or other equipment used to supply water;
 - (b) To read, inspect, install, repair, replace, maintain or alter a meter;
 - (c) To inspect a backflow prevention device; or
 - (d) To shut off or reduce the supply of water.

- (3) If an Owner discontinues the use of water or WUC decides to cease supplying water to a Premises, WUC may, upon reasonable notice, enter the Premises:
 - (a) To shut off the water;
 - (b) To remove any of WUC's equipment or property from the Premises; or
 - (c) To determine whether water has been, or is being, unlawfully used.

S. PREVIOUS BY-LAW REPEALED

- (1) By-law number 12, 65, 88 and 90, and all amendments to these By-laws, are hereby repealed.

T. EFFECTIVE DATE

This by-law comes into force and effect on the date it is passed.

Read for a 1st time: November 29, 2017

Read for a 2nd time: November 29, 2017

Read for a 3rd time and finally passed: November 29, 2017

**The Windsor Utilities Commission
By-Law # 94
Schedule A**

Effective November 29, 2017

Monthly Water Rates

Basic Consumption:	Effective January 1, 2017	\$0.557 per cubic metre
	Effective January 1, 2018	\$0.600 per cubic metre
Water Main Replacement Levy:	45% of the monthly fixed charge and basic consumption charge	
Monthly Fixed Charges:	Based on the size of meter:	
	5/8" (15mm)	\$16.84
	3/4" (20mm)	\$20.45
	1" (25mm)	\$30.04
	1 1/2" (40mm)	\$70.37
	2" (51mm)	\$117.47
	3" (75mm)	\$211.12
	4" (100mm)	\$373.85
	6" (150mm)	\$682.62
	8" (200mm)	\$1,137.38
	10" (250mm)	\$1,873.68
Fill Station Bulk Rate:	\$1.96/m ³	

Customer Administration

Change of Occupancy (Account Set Up)	\$13.50
Credit Reference Check	\$15.00
Letter of Reference	\$15.00
Arrears Certificate	\$15.00
Duplicate Invoices (bill reprint)	\$15.00
NSF / Returned Payment Fee	\$15.00
Billing History Fee	\$15.00
Late Payment Charge Monthly	1.5%
Late Payment Charge Annually	19.56%

**The Windsor Utilities Commission
By-Law # 94
Schedule A**

Effective November 29, 2017

Collection Charge (No Disconnect) \$30.00

If the field representative attends the customer's property to disconnect service for non-payment and payment is made by the customer during the field visit, with provision of acceptable proof of payment, the customer's service will not be disconnected but the account will be assessed a Collection Visit Charge of \$30 (plus HST) which will appear on a future billing.

Disconnection / Reconnection - Seasonal Services \$65.00

Seasonal water meters that service irrigation systems, service parks, cemeteries, sports fields, as well as other seasonal applications are reconnected in the spring and disconnected in the fall. The Reconnection charge of \$65 will be applied at the time the service is turned on. During the months that the service is disconnected, no fixed or consumption charges will apply. Once the service is reconnected, fixed and consumption charges will resume.

Disconnection / Reconnection - Non-Payment \$65.00

When a water service has been disconnected for non-payment, full payment of arrears is required in order for the service to be reconnected. A reconnection fee of \$65 will be assessed at the time the service is turned on. The account will continue to bill monthly fixed charges during the period of disconnection. Once the service is reconnected, fixed and consumption charges will resume.

Disconnection / Reconnection – Temporary \$65.00

Construction/Repairs

When a service is disconnected on a temporary basis to facilitate construction or repairs, a disconnection fee of \$65 will be assessed to the customer's account. The account will continue to bill monthly fixed charges during the period of disconnection. Once the service is reconnected, fixed and consumption charges will resume.

Snowbirds and other extended disconnections

When a service is disconnected during the winter months or at other times for extended periods at the request of the customer, a disconnection fee of \$65 will be assessed to the customer's account. The account will continue to bill monthly fixed charges during the period of disconnection. Once the service is reconnected, fixed and consumption charges will resume.

The Windsor Utilities Commission
By-Law # 94
Schedule A

Effective November 29, 2017

Water Meter Dispute Charge **\$200.00**

If the customer requests that their water meter be removed and sent for testing to validate the accuracy of the meter, they will be subject to a charge of \$200 if the test results indicate that the meter was registering accurately.

Special Reads, per read **\$30.00**

Charge to be assessed when a special read is necessitated outside the normal meter reading schedule.