

THE CITY OF WINNIPEG

WATER WORKS BY-LAW
NO. 504/73

A By-law of THE CITY OF WINNIPEG to revise and consolidate certain By-laws relating to the Water Works Utility, the Fixing of Water Rates and the Billing and Collection thereof.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "**Water Works By-law.**"

DEFINITIONS

2. Where used herein
amended 6595/95

"**application**" means a contract, expressed or implied, for any of the customary services provided or supplied by, or in connection with the Water Works Utility.

"**approved**" means approved by the Designated Officer.

"**customary service(s)**" means any work or service provided or supplied by the Water Works Utility in the performance of its normal function of a publicly owned and operated water utility.

"**customer**" means a property owner, tenant, occupant or person in charge or control of a premises, accepting or using any of the customary services provided or supplied by, or in connection with the Water Works Utility.

"**deposit**" means the payment in advance of a work or service to be rendered by the Water Works Utility. As applied to the supply of water, "**deposit**" means the payment required to cover the accrued expense incurred by the Water Works Utility to give service for a quarterly period.

"designated officer" means the Director of Water and Waste or such other person as may be authorized in writing by said Director of Water and Waste to exercise some or all of the powers vested in him by this By-law.

amended 139/2010

"Director" means the Director of Water and Waste for the City of Winnipeg or designate.

added 139/2010

"multiple metering" means more than one water meter installed by the Water Works Utility on a single water service to a premises.

"person" includes a firm, partnership or corporation.

"premises" means property (land or real estate) conveyed by a deed. Where the context so requires, **"premises"** means the building(s) thereon, or a subdivision thereof.

"quarter" or **"quarterly"** as a measure of time may mean three calendar months, or a period of time between two meter reading dates, and may commence on any day of any month.

"service" includes not only the supply of water from the City's Water Works Utility but also any hydrant, fire service (sprinkler), stand-by or any other of the customary services provided or supplied by or in connection with the Water Works Utility. Where the context so requires, **"service"** means a water service pipe.

"utility" means any system, works, plant, pipe line, equipment, or service as further defined in Section 544 of *The City of Winnipeg Act*.

"water works system" means the Water Works Utility.

"Water Works Utility" means the Water Works Utility owned and operated by the City consisting of the Operating Division and Water Works and Waste Disposal Division and the Water Works Office shall be the office of the Director of the Water Works and Waste Disposal Division.

DEPOSITS

3. The Water Works Utility may charge a deposit for any of its customary services. No interest shall accrue or be paid on such deposit.

DEPOSIT RATES

(a) For the Supply of Water

The deposit to be charged for a premises may be based on:

- (i) An estimation of the water to be consumed quarterly, or other period at the said premises.
amended 669/74
- (ii) Or from any other information or source available.
amended 669/74

Notwithstanding, the Designated Officer may vary a deposit and from time to time review and revise deposits.

(b) For Work to be Done, or Service to be Provided or Supplied by the Water Works Utility

In all cases where a person is required by this By-law to pay in advance any cost or charge in connection with any work to be done or service provided or supplied by, or in connection with the Water Works Utility, such person, before the work is commenced or the service provided or supplied, shall deposit with the Designated Officer such estimated cost or charge.

APPLICATIONS FOR WATER SERVICE TURN ON

4. A person requiring water service from the Water Works Utility shall make application to the Designated Officer. The Designated Officer may require any request for water service to be made on the basis of the signature of the applicant.

CLASSES OF WATER SERVICES (FOR WATER APPLICATION PURPOSES) AND RESPONSIBILITY FOR APPLICATIONS

- 5. (a) Single unit family dwellings and single unit commercial premises.
- (b) Other than single unit family dwellings and single unit commercial premises having one water service connection and individual water meters.
- (c) Other than single unit family dwellings and single unit commercial premises having one water service connection and one water meter.

In (a) and (b), the owner, tenant, occupant or person in charge or control of the property shall make application for water service. In (c), the owner of the premises shall make application for the water service.

CANCELLATION OF WATER SERVICE CONTRACT

6. The customer shall notify the Designated Officer immediately the water service is no longer required at a premises, and the Water Works Utility shall turn off the supply of water to the said premises as provided for in this By-law unless a prior application for water service is received.

DISPOSITION OF DEPOSIT

7. Upon termination of the water service contract the customer shall be rendered a finalized account showing the disposition of the deposit where applicable.

TRANSFER OF DEPOSIT AND INDEBTEDNESS

8. In cases where a customer has terminated the water service contract at a premises and is reapplying for water service at a different premises within the City, the deposit shall be transferred. Any indebtedness shall also be transferred and shall be subject to the same penalty for non-payment as though there had been no change in premises.

CLASSES OF WATER RATES

9. The classes of water rates are as shown in the attached Schedule A.

FEES AND LICENSES DEFINED

10. The Fees and Licenses are as shown in the attached Schedule B.

INSTALLATION OF WATER METERS

11. Each water service connection supplying a premises shall be metered, except fire service (sprinkler), and normally only one water meter will be supplied for each such water service connection. In certain circumstances the Designated Officer may authorize multiple metering of a water service connection supplying a premises which has been subdivided, and in such cases more than one meter will be supplied.

CONSUMPTION OF WATER AS SHOWN BY METER READINGS

12. *repealed 86/2009*

ESTIMATING CONSUMPTIONS

13. Where a meter is found not in use or out of proper working order or the scheduled reading is not obtained, or where no meter is installed, the Designated Officer shall estimate the consumption of water used for any quarter or other period based on the amount of water consumed during the time the meter was working or from any other information or source available, and such estimate shall be the basis for billing the customer for water used.

DAILY BASIC SERVICE CHARGES – CITY-OWNED METERS

- 14. (a) Subject to this section, a daily basic service charge set out in Schedule A of this By-law, based on the size of the meter monitoring the property, is payable by the owner of property which is connected to both the water service and wastewater service and which is monitored by a City-owned meter.
- (b) A percentage of the daily basic service charge referred to in clause (a), determined by the Director, is payable by the owner of property which is connected to only the water service and which is monitored by a City-owned meter.
- (c) A percentage of the daily basic service charge referred to in clause (a), determined by the Director, is payable by the owner of property which is connected to only the sewer service and which is monitored by a City-owned meter.
- (d) The percentages of the daily basic service charge determined by the Director under clauses (b) and (c) must not total more than 100%.
amended 86/2009 (entire section 14)

DAILY BASIC SERVICE CHARGES – PRIVATELY-OWNED METERS

- 14.1 (a) Subject to this section, a daily basic service charge set out in Schedule A of this By-law is payable by the owner of property which is connected to both the water service and wastewater service and which is monitored by a privately-owned meter.
- (b) A percentage of the daily basic service charge referred to in clause (a), determined by the Director, is payable by the owner of property which is connected to only the water service and which is monitored by a privately-owned meter.

- (c) A percentage of the daily basic service charge referred to in clause (a), determined by the Director, is payable by the owner of property which is connected to only the sewer service and which is monitored by a privately-owned meter.
- (d) The percentages of the daily basic service charge determined by the Director under clauses (b) and (c) must not total more than 100%.
added 86/2009 (entire section 14.1)

BILLING OF DAILY BASIC SERVICE CHARGES

- 14.2 (a) Basic service charges may be billed quarterly, monthly or in other periods of time determined by a designated officer.
- (b) Where an account has been finalized, a final bill for the basic service charges that have accrued since the previous periodic bill is payable by the owner. The first periodic bill since the initiation of an account, containing the basic service charges that have accrued since the account was initiated, is payable by the owner.
added 86/2009 (entire section 14.2)

PAYMENTS

15. All payments of charges and other services may be made at one of the City's designated agents if paid no later than the due date on the bill.
amended 7882/2001
- (1) Overdue Accounts
Overdue payments must be made at the Water Utility's office designated on the bill. Overdue accounts may be subject to interest charges as outlined in Schedule "A" – Interest on Overdue Accounts. The Water Utility may forward overdue accounts to a private collection agency for collection.
added 7882/2001

DIVISION OF CITY INTO DISTRICTS

16. For the convenient and economical reading of water meters the Designated Officer after consultation with the appropriate Community Committee may divide the City into districts and from time to time change the boundaries of any district or the dates of commencement of the quarterly periods therein. Notwithstanding that this By-law requires services to be paid for by quarterly periods, such period may be changed and the amount varied accordingly in any instance where the same is necessitated by a change in a district made pursuant hereto.

APPLICATION FOR WATER SERVICE CONNECTION

17. Applications for a water service connection shall be made to the Designated Officer on a form supplied by him. Upon request, the applicant shall supply a set of drawings showing fixtures and whatever information may be necessary.

PERMIT FEE

18. At the time of making application for a water service connection or disconnection when a service is no longer required, the applicant shall pay a permit fee for each application in the amount authorized in Schedule "B" attached to and forming part of this By-law.

amended 9/7/75

19. (a) **Cost and Installation of Services**

The applicant shall pay the cost of installation of the water service connection from the street watermain to the property line. The service may be installed only by employees of the Water Works Utility or by a person regularly licensed by the City to perform that type of work.

(b) *repealed 7/1/2015*

LICENSEE TO BE QUALIFIED

20. No license shall be issued to any person who, at the time of his application, fails to furnish a certificate of qualification satisfactory to the Designated Officer.

LICENSE FEE

21. No license shall be issued by the Designated Officer until the applicant has paid the required fee as set forth in the Schedule "B" attached to and forming part of this By-law. The City's copy of the license shall be signed by the applicant and will state that he will replace and restore the street to a condition satisfactory to the City, that he will keep barricades by day and barricades and lights by night at the location of all work in progress and maintain the same in good order to the satisfaction of the City, and that he will conform in all respects to the rules, regulations and by-laws of the City and to any applicable statute of the Province of Manitoba pertaining to streets or works done therein.

EXPIRY AND RENEWAL OF LICENSE

22 (1) Subject to subsection (2), a license issued under this By-law expires on December 31 of the year in which the license has been issued or renewed.

22 (2) Notwithstanding subsection (1), a Designated Employee may renew a license if:

- (a) the license holder otherwise qualifies for a renewal; and
- (b) the license holder pays the license renewal fee plus any applicable administrative fee set out in Schedule "B" to this By-law by March 1 of the year after the year in which the licence has been issued or renewed.

amended 141/2011

22 (3) If a license has not been renewed by January 31 of the year after the year in which the licence has been issued or renewed, it is automatically suspended until it is renewed. A license that has not been renewed by March 1 of the year after the year in which the licence has been issued or renewed may not be renewed; in order to obtain a license, the former license holder must meet the requirements imposed on an applicant for an initial license and pay the fee set out in Schedule "B" for an initial license.

amended 138/2010

LIABILITY INSURANCE

23. Every person to whom a license is issued under this By-law shall maintain on file with the City's Corporate Risk Manager a certificate of insurance evidencing general liability insurance in an amount of not less than two million (\$2,000,000.00) dollars inclusive; such policy shall add The City of Winnipeg as an additional insured with evidence of cross liability, as well as contractor's equipment and products and completed operations cover; 15 days notice of cancellation to be included and the deductible to be paid by the contractor. All requirements to be expressly stated on the certificate.

amended 201/2007

NUMBER OF SERVICES TO BE INSTALLED

24. Except as provided in Sections 32 and 34 herein, only one service pipe adequate to serve the premises shall be installed in the street.

INSPECTION OF WATER SERVICE INSTALLATION

25. Where a water service is installed by a licensed contractor, the Designated Officer must be notified in advance of backfilling the service at the watermain and at the street line so that an inspection may be made of such installation. The Designated Officer must be notified before 1100 hours for any inspection required in the afternoon of the same day and prior to 1600 hours the day previous for any inspection required in the morning. Inspections will be made only on regular working days unless special arrangements are made by the contractor who shall be liable for all extra expense arising out of such special arrangements.

A service permit fee as set out in section 1 of Schedule "B" is payable in advance for each inspection referred to in that section.

added 174/2008

SIZE OF WATER SERVICES

26. The Designated Officer shall determine the size of water service in the street and in the property necessary to adequately serve the premises and no person shall install a service smaller than the size so determined. The minimum size of service permitted for any premises is three-quarters of one inch (3/4") inside diameter.

DEPTH OF SERVICE PIPE

27 (1) A water service, either in the street or in private property, shall be placed at least seven feet six inches (7'6") below the surface of the ground, but shall not be deeper than nine feet (9') in the ground unless a greater depth is approved.

amended 138/2010

27(2) Before a lot grading deposit may be released under subsection 6(5) of the Lot Grading By-law, a Designated Officer must conduct a final inspection to determine that the water service is operable and is properly located in compliance with subsection (1). The final inspection must be requested by the property owner.

added 138/2010

27(3) If a Designated Officer determines at a second inspection that water service is not operable or is not located in compliance with this By-law, the property owner must, prior to a third or subsequent inspection, pay the Water Services Re-inspection Fee set out in Schedule "B".

added 138/2010

TYPES OF SERVICE PIPES

28. For all permanent construction only approved types of pipe and appurtenances shall be used.

STOP COCKS AT STREET LINE

29. An approved water stop cock (or stop and drain cock or valve) and approved box shall be provided at or near the street line for control of water to the premises served. This stop cock and box shall not be operated except by employees of the Water Works Utility nor shall any person tamper or interfere with the same. The water service pipe on the property shall be connected to the stop cock and where the Water Works Utility installs the street portion, the owner shall provide extra service pipe not less than one foot (1') in length at the street line to facilitate this connection. Adaptors necessary to connect different types or sizes of property pipe to the Water Works Utility stop cock shall be provided by the owner.

MAINTENANCE OF STREET PORTION

30. The Water Works Utility shall maintain that portion of the water service from the street watermain to the property line at no cost to the owner; however, when such service is no longer required, the owner shall pay the cost of disconnecting it at the watermain. If not paid by the owner, the cost may be added to the taxes against the premises and collected in the same manner as ordinary municipal taxes.

30.1 Before demolishing a building that has a water service or private water service connection, the owner must provide a deposit in an amount set out in section 23 of Schedule "B". The deposit shall be returned to the current owner of the property only when the water service or private water service is reused or disconnected in accordance with this By-law and to the satisfaction of the designated employee. If the water service or private water service is not reused or disconnected in accordance with this By-law and to the satisfaction of the designated employee within 18 months, the Water Utility may use the deposit to pay the costs of disconnecting the water service or private water service. That part of the deposit that is not used to pay these costs must be returned to the person who provided it. Costs in excess of the deposit are a debt due and owing by the current owner of the property.

added 174/2008

OWNER'S STOP AND DRAIN COCK

31. A stop and drain cock connected to the service pipe shall be placed inside the wall of the building as close as practical to the point at which the service pipe enters the building. The owner shall maintain the stop and drain cock in good mechanical condition and ensure that it is operable in cases of emergency.

INTERCONNECTION OF INTERIOR SERVICE

32. Two or more services to the same building shall not be connected to each other except by special permission given by the Designated Officer and in all such cases only after satisfactory valve and piping layout drawings have been received and approved by the Designated Officer. Adequate check valves are required on each water service line to prevent back siphoning in case of shut down.

A special interconnection between a Sprinkler and a Domestic service may be permitted by the Designated Officer where it is desirable to ensure a continuous water supply and to avoid the laying of temporary hose lines during interruption of service. Except as provided in Section 38 (1) herein, the interconnection of any other water supply to that of the Water Works Utility is prohibited.

BOOSTING DEVICES

33. No booster pump or other boosting device shall be connected directly to a Water Works Utility watermain or to a service line without the approval of the Designated Officer.

TEMPORARY WATER SUPPLY

34. After giving to any customer notification deemed adequate by the Designated Officer, the Water Works Utility may shut off the water service of a customer in order to make repairs to the water system. In case of emergency such as a watermain break or where in the opinion of the Designated Officer considerable damage may be caused, watermains or services may be shut off without notification. Where a customer requires an uninterrupted water supply he shall make arrangements with the Designated Officer to ensure the same. The Designated Officer will recommend action at the customer's expense as he deems necessary to supply uninterrupted water service.

Fees as set out in sections 20 and 21 of Schedule "B" are payable when a temporary water supply is provided through a hose line rental or a water tank rental.

added 174/2008

CUSTOMERS NOT TO FURNISH WATER TO OTHERS

35. No customer, except with the written consent of the Designated Officer, shall furnish water to or permit any other person to take water from his premises.

WASTE OF WATER PROHIBITED

36. Except by written permission of the Designated Officer, no person shall permit water to run through any outlet to prevent freezing or to run for any other purpose longer than necessary for its proper use, and the Designated Officer may, when he deems necessary, turn off the water or take such other lawful action as he deems proper to restrain and prevent wastage of water.

DRAINING PIPES WHEN WATER TURNED OFF

37. The owner or occupant of any premises who requests the Water Works Utility to turn off the water service to such premises shall, before such turn-off is made, close the stop and drain cock, and drain all water from the system of water pipes and plumbing fixtures in the premises, and the owner shall thereafter cause the said stop and drain cock to be kept closed and the said pipes and plumbing fixtures kept free from water until the Water Works Utility is notified that water is again required for the premises.

CROSS CONNECTIONS AND BACKFLOW PREVENTION

38 (1) In this section

“air gap” means the unobstructed vertical distance through air between the lowest point of the water supply outlet and the flood level rim of the fixture or device into which the outlet discharges;

“backflow” means the flow of water, whether mixed with another substance or not, back into the City’s water system through a water service pipe that has been connected to premises;

“backflow prevention device” means a device or assembly which prevents the backflow of water into the potable water system;

“CAN/CSA-B64.10” means the *Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers* manual published by the Canadian Standards Association and any replacement document published by the Canadian Standards Association;

“cancellation” means that the licence no longer exists and the person must reapply for a new licence in order to legally test backflow prevention devices;

“initial training course” means a training course determined by the Director to provide the knowledge and skills necessary to conduct tests of backflow prevention devices;

“licence” means a backflow prevention device tester licence issued under s. 38.1;

“operating condition” in reference to a backflow prevention device, means that it meets the standards for operation set out in CAN/CSA-B64.10;

“re-certification course” means a training course determined by the Director to adequately refresh and update the knowledge and skills of a currently licensed backflow prevention device tester to the point where he or she can continue to competently conduct tests of backflow prevention devices;

“suspension” means that the permit, licence or authorization is temporarily ineffective for a specified period of time;

“test report” means a document in a form acceptable to the Director in which the results of a test of backflow prevention devices on a premises are set out; and

“test tag” means a document issued by the designated officer which can be attached to the backflow prevention device to indicate information such as the location and type of device and the name and employer of the tester.

38 (2) A person must not connect or cause to be connected, and the owner and occupant of premises must not permit to be connected, a pipe, fixture, fitting, container or appliance in a manner which, under any circumstances, permits or facilitates backflow into the City's water system.

38 (3) The owner and occupant of premises

- (a) used for any of the purposes or occupations or containing anything identified as having a severe degree of hazard in the current version of “Guide to Degree of Hazard” contained in CAN/CSA-B64.10; or
- (b) identified by the Director, either by address or by category of use or occupancy, and posted on the City website as being at a high risk of backflow;

must ensure that air gaps or backflow prevention devices are installed which are sufficient, in the opinion of a designated officer, to prevent backflow from the premises and from any fixtures on the premises. Once installed, the owner and occupant must ensure that air gaps and backflow prevention devices are maintained in compliance with the Manitoba Plumbing Code and CAN/CSA B64.10.

38 (4) If a backflow prevention device has been installed on premises, the owner or occupant of premises must ensure that

- (a) the backflow prevention device is tested before the anniversary of the date it has been installed, cleaned, repaired, relocated or tested previously;

- (b) the test required by clause (a) is conducted by an individual licensed under section 38.1 to test backflow prevention devices;
 - (c) the results of the test required by clause (a) are received by the designated officer within 30 days after the test has been conducted; and
 - (d) the backflow prevention device is maintained in an operating condition at all times.
- 38 (5) Even where a backflow prevention device has been installed, the obligation in subsection (4) does not apply if the designated officer
- (a) has determined that the premises are no longer being used in a way that falls into a category set out in subsection (3); and
 - (b) notifies the owner or occupant in writing that it is not necessary to comply with subsection (4).
- 38 (6) If a backflow prevention device is found not to be in an operating condition or if the Director has reason to believe that it may not be in an operating condition, as part of the powers granted to him or her by this By-law and The City of Winnipeg Charter, the Director may shut off the water supply to the premises until the backflow prevention device is repaired or replaced.

LICENSING OF BACKFLOW PREVENTION DEVICE TESTERS

- 38.1 (1) An individual is entitled to be issued an initial backflow prevention device tester licence by a designated officer if he or she meets the following criteria:
- (a) the individual has within 90 days prior to the date of the application successfully completed an initial training course;
 - (b) the individual pays the applicable fee set out in Schedule B; and
 - (c) the individual has not been issued a licence that is currently suspended or has been cancelled for a period that is not expired.
- 38.1 (2) Subject to subsection (8), in order to qualify for a renewal of a licence as set out in subsection 22(2) the licence holder must have within the past five years successfully completed an initial training course or a re-certification course.
- amended 141/2011*

- 38.1 (3) Notwithstanding subsection 22(3), the Director may vary the requirement of subsection (1)(a) and allow a licence to be issued to a former licence holder on the basis of the licence holder having successfully completed a re-certification course within the previous 90 days, if the Director concludes that the licence holder's skill and knowledge can be adequately assured through successfully completing a re-certification course rather than an initial training course.
- 38.1 (4) A designated employee may suspend or cancel a licence if:
- (a) the licence holder has failed to comply with the requirements of subsection 38.2(1);
 - (b) the past conduct of the licence holder creates a reasonable concern that the he or she will not comply with subsection 38.2(1) in the future; or
 - (c) the applicant provided false or misleading information in the application that had an effect on the decision to grant the licence.
- 38.1 (5) Before suspending or cancelling a licence under subsection (4), the designated employee must:
- (a) notify the licence holder in writing that suspending or cancelling the licence is being considered;
 - (b) provide in writing the reasons why suspending or cancelling the licence is being considered; and
 - (c) give the licence holder a reasonable opportunity to be heard concerning the possible suspension or cancellation of the licence.
- 38.1 (6) If a designated employee decides to cancel a licence, he or she must identify a date before which, or a time frame within which, the licence holder is not permitted to reapply for the licence.
- 38.1 (7) A decision concerning the suspension or cancellation of a licence must be sent to the licence holder in accordance with The City of Winnipeg Charter and is subject to appeal.
- 38.1 (8) The designated officer may implement the requirement imposed by subsection (2) over a period of up to five years. During this transitional period, the designated officer may renew the licences of some licence holders notwithstanding that they do not comply with subsection (2).

added 141/2011

BACKFLOW PREVENTION TESTING

- 38.2 (1) A licence holder must:
- (a) provide the owner and occupant of premises with a written test report within 14 days after the test is conducted;
 - (b) if a backflow prevention device is not in an operating condition, report this fact to the designated officer and to the owner and occupant of the premises immediately and, in any event, within two working days of the test; and
 - (c) immediately upon completion of a backflow prevention device test, accurately and fully provide the information required on a test tag and affix the test tag to the backflow prevention device or to the building at a point immediately adjacent to the device.
- 38.2 (2) No person other than a licensed backflow prevention device tester who is conducting a test of the device may remove a test tag, alter the information contained on it or write on a test tag.
amended 139/2010 (entire subsection 38)

WATER FOR CONSTRUCTION PURPOSES

39. Charges for water services required for construction purposes shall be determined by the Designated Officer.

PROVISION OF METERS

40. (a) The Water Works Utility shall determine the size of meter to be installed in any premises for measuring all water other than for fire fighting use and shall provide and maintain such meter. The owner shall provide a sufficient space as close as possible to the stop and drain cock in the building or premises to allow the Water Works Utility to place the meter in a horizontal position. The owner or occupant must at all times have the meter accessible so that it may be readily examined and read by employees of the Water Works Utility;
- (b) Where a person requests testing of the City meter, a fee will be charged as shown in Schedule "B" (Meter Test Fee). If the meter test results show that the meter is over registering outside of the current specifications of the American Water Works Association, the meter test fee will be refunded.
amended 201/2007

NO BRANCH EXCEPT ON OUTLET SIDE OF METER

41. Except as provided in Sections 42 and 51 (5), no branch shall be taken off the service pipe other than on the outlet side of the meter, except one that by-passes around the meter shall be provided by and at the expense of the owner on service two inches (2") in diameter and larger and the service shall be so valved that the meter can be removed for repairs or for testing and water supply to the premises maintained. Valves on the by-pass shall be sealed by the Designated Officer and a seal shall not be broken excepting in case of a leak or clog in the meter or connections. Any person who breaks or authorizes the breaking of a seal shall notify the Designated Officer within six hours after such breaking and failure to do so will render such breaking liable to the penalties provided for breach of this By-law.

MULTIPLE METERING

42. Multiple metering of premises may be provided by the Water Works Utility under special agreement. In the case of a building containing a number of stores or other subdivisions, where separate accounting of water use is required, the Water Works Utility will provide an individual meter to each subdivision, read it and submit a separate account provided that the owner

- (a) files with the Designated Officer a plan of the building plumbing;
- (b) provides sufficient space at a single location as close as possible to the stop and waste control in the building for the installation of the required bank of meters in a horizontal position, where they may be easily read and are readily accessible for removal, repair or replacement;
- (c) provides adequate facilities for proper designation of the subdivision supplied by each meter for billing purposes;
- (d) accepts full responsibility for any errors in consumption by individual customers resulting from plumbing connections between subdivisions, damage to meters from freezing, loss of meters, and the illegal use of water where a water service has been discontinued;
- (e) accepts full responsibility for all uncollectible subdivision water accounts; and
- (f) renders the meters readily accessible to Water Works Utility employees at all reasonable times.

The Designated Officer shall provide, upon request, a standard drawing showing the minimum requirements for the installation of multiple meters.

TAMPERING WITH METER FORBIDDEN

43. Should any person alter any meter placed by the Water Works Utility upon any water service pipe or connection therewith, inside or outside any house, building or other place, so as to alter the amount of water registered thereby, unless specially authorized by the Designated Officer for that particular purpose and occasion, such person is liable to the penalties imposed for breach of this By-law. If any meter of the Water Works Utility is lost or removed from the premises, the owner shall pay for replacement of the meter. The cost of the meter, if not paid by the owner, may be added to the taxes against the premises and collected in the same manner as ordinary municipal taxes.

UTILITY TO BE NOTIFIED OF FAILURE OF METER

44. In the case of breakage, stoppage or irregularity in a water meter, the customer shall notify the Designated Officer immediately upon such condition being discovered. All installation, repair and disconnection of any water meter shall be performed only by Water Works Utility employees authorized to do such work.

DAMAGE TO METERS BY HOT WATER

45. Where a hot water system on any property is so constructed that backflow of hot water damages any water meter, the Water Works Utility will, at the expense of the owner, renew or repair such meter, and all charges for removing, renewing or repairing and replacing the meter, if not paid by the owner, may be added to the taxes on the property and collected in the same manner as ordinary municipal rates. If a check valve is or has been installed by the owner to prevent hot water from reaching a water meter, then there shall also be installed on the boiler side of such check valve, a relief valve of a pattern approved by the Designated Officer.

DAMAGE TO METERS BY FROST

46. Every owner of property served by the water works system shall maintain that place where the service pipe enters the premises and where any water meter is situated at a temperature at all times sufficient to prevent the water service and meter or meters of the Water Works Utility from being damaged by frost. Should a water meter be damaged by frost, the Water Works Utility will remove, repair or renew and replace the same at the expense of the owner. The cost of such work if not paid by the owner may be added to the taxes against the premises and collected in the same manner as ordinary municipal taxes.

FIRE SERVICE CONNECTIONS

47. A fire service connection shall include a direct or indirect pipe line connection to the Water Works Utility watermain for the purpose of providing a supply of water to a sprinkler system, either of the wet or dry type, a standpipe with or without attached hose, and a private fire hydrant or any other apparatus or fire protection system, for the purpose of extinguishing fires in a building or other premises. Connections for public fire protection provided by the Water Works Utility are not included.

APPLICATION FOR FIRE SERVICE CONNECTIONS

48. Every owner making application for a fire service connection shall in each case file with the Designated Officer a set of drawings of the premises to be served showing the location and size of any building or buildings; the number, size and location of fire hose outlets, if any; the location and size of private fire hydrants, if any; the number, type and location of sprinkler heads, if any, and the location of all valves, pipes, tanks and other appurtenances, wherever the same are situated upon the premises.

SIZE OF CONNECTIONS

49. The required size of each fire service connection shall be determined by the Designated Officer and shall depend on the size of the street main; the available pressure on the main and the nature and capacity of the fire protection equipment in the premises to be served, provided, however, that the diameter of the fire service connection shall not be larger than the diameter of the watermain in the street to which it is connected.

OWNER TO PAY COST OF INSTALLATION

50. The cost of installing the street portion of a fire service connection, if to be installed by the Water Works Utility, shall be paid to the Water Works Utility in advance by the owner of the premises to be served by the connection.

REGULATIONS GOVERNING USE OF FIRE SERVICES

51. (1) No water shall be drawn from the fire service pipes for any purpose whatsoever except for extinguishing fire or for the testing of the system by the Water Works Utility or by any authorized person, except as provided for in Sections 32 and 34 herein.

- (2) No connection shall be made between the fire protection system and any other water system in the premises served thereby other than any of those approved under Sections 32 and 34 of this By-law.
- (3) A valve on a hose outlet, drain cock or any other appurtenance shall be of such a type that it may be sealed by the Water Works Utility, and whenever any such valve is opened, the customer shall immediately notify the Designated Officer so that the same may be resealed. Any person opening or authorizing the opening of any such valve who fails to notify the Designated Officer within six hours of any such opening shall be guilty of a breach of this By-law.
- (4) A closed sprinkler system, both wet or dry, shall be supplied by a separate line direct from the watermain in the street, or by a single combined Fire Stand Pipe and Sprinkler service line. The Domestic supply must be provided by a separate direct line from the watermain in the street.

Where a sprinkler system containing less than 9 sprinkler heads is installed to protect against special hazard(s) in an otherwise unsprinklered building, such system may be connected to the regular metered water supply, providing that the water supply is adequate to supply the number of sprinklers.

amended 2029/78

- (5) A fire standpipe may be supplied by a separate line direct from the watermain in the street or by a single combined Fire and Domestic service line. In the latter case, the fire standpipe connection shall be made on the watermain side of the water meter. Every fire standpipe service shall be provided at the expense of the owner and shall have an approved detector check valve complete with a detector meter and check valve on the detector meter line.

MAINTENANCE OF FIRE SERVICES

52. The owner of premises served by a fire service connection shall pay to the Water Works Utility from time to time as the work is done, the cost, as certified by the Designated Officer of

- (a) repairing, renewing, supporting and making structural alterations in or removing any such fire service pipe, regardless of the reason for which such work may be deemed by the Designated Officer to be necessary; and
- (b) making good, to the satisfaction of the Designated Officer, any subsidence in or damage to any street resulting from the performing of any work specified in paragraph (a), or from water leakage from such fire service.

NOT RESPONSIBLE FOR FAILURE OF SERVICE

53. The Water Works Utility shall not be liable for loss or damage by reason of low pressure or interruption or failure of service in any fire service connection for any cause, and the Water Works Utility may, at any time, discontinue the supply of water without any notice to the owner of any premises served by any fire service connection or fire protection system.

UNAUTHORIZED USE OF HYDRANTS PROHIBITED

54. The use of fire hydrants other than by the City Fire Department for fire fighting and Water Works Utility employees for testing and maintenance purposes is prohibited except as provided in Section 55.

PERMITS FOR USE OF FIRE HYDRANTS

55. The Designated Officer upon written application by a person may permit water to be used temporarily from a fire hydrant where no other supply can be conveniently obtained.

PROCEDURES FOR USE OF HYDRANTS

56. Every applicant shall, for each individual hydrant, make application to the Designated Officer for the use of water therefrom and obtain a permit for the use of such hydrant. Deposits and charges required for the use of water and a connection to a hydrant are as set forth in the Schedule "B" attached hereto and forming part of this By-law.

Upon the expiry of each thirty-day period and for each individual job or contract, every permittee shall obtain a permit renewed or extended by the Designated Officer and shall pay the required fees.

USE OF HYDRANTS BY PUBLIC AUTHORITIES

57. Subject to supplementary regulations and charges approved by City Council, fire hydrants may be used by other City Departments for furnishing water for street sprinkling or flushing, flushing sewers, street repairs, flooding rinks, watering boulevards or for any other purposes approved by the Designated Officer.

USE OF HYDRANTS IN COLD WEATHER

58. Every person authorized to use fire hydrants between the First day of November of any year and the Thirtieth day of April of the year next following shall notify the Designated Officer immediately of such use so that every hydrant so used may be inspected, pumped dry, repacked and serviced.

RELOCATION OF FIRE HYDRANTS

59. (1) Where an existing hydrant interferes with a property owner's use or proposed use of his property, the hydrant may be relocated by the Water Works Utility at the expense of the property owner making the request.
- (2) Where, at the request of a property owner, the grade of an existing street is altered so that an existing hydrant will not be at the proper elevation with respect to the new grade established, such hydrant shall, upon written application by such owner, be raised or lowered by the Water Works Utility at the expense of the said property owner.

OBSTRUCTION OF HYDRANTS

60. Nothing shall be constructed, erected or planted which interferes or is liable to interfere with the use of a fire hydrant. Sufficient clearance shall be maintained adjacent to every hydrant to permit easy connection of hoses and complete operation of such hydrant from all directions using regular hydrant wrenches and hose spanners.

REMEDIES FOR DEFAULT IN PAYMENT

- 61(1) Where there is a default in payment for any rates, penalties, or services provided under this By-law, the City may enforce payment by shutting off the supply of water or by suit at law before any court of competent jurisdiction or by distress and sale of the goods and chattels of the occupant of the property in which such water or service is consumed or used, or of any goods and chattels in the occupant's possessions wherever they be found within the City, such distress and sale to be levied and made in the same manner, so far as may be, as a distress and sale by law on a tenant for rent, and to provide that all such rates and penalties until paid shall be a lien on such property, and that in the case of rates, penalties and charges for water supplied or services rendered in connection with the Water Works Utility, the same may be added to the taxes on such property and collected in the same manner as ordinary municipal rates.

amended 5811/91; 138/2010

61 (2) Where the supply of water has been turned off to enforce payment as outlined in Clause 61(1), the Water Works Utility may charge a turn-on fee as listed in Schedule "B" when water service is restored to such premises.

added 5811/91; amended 138/2010

61(3) Where City employees attend to premises in order to disconnect the supply of water as permitted in subsection 61(1) and payment of an outstanding sum is made to the City employees at or near the premises, thereby forestalling the disconnection of the water supply, a on-site collection fee set out in Schedule B is payable to recover the costs of collecting the outstanding balance at the site.

added 138/2010

PENALTIES FOR OFFENSES

62. Any person who

- (1) lays or causes to be laid any pipe or main to communicate with any pipe or main of the City's Water Works, or in any way obtains or uses any water thereof, without the consent of the City, shall forfeit and pay to the City the sum of Fifty Dollars (\$50.00), and also a further sum of Ten Dollars (\$10.00) for each day the pipe or main so remains, and the City may recover those sums, together with costs of suit, in addition to the value of the water taken, by civil action in any court of competent jurisdiction.
- (2)
 - (a) wilfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted, the City or its servants, agents, contractors, or workmen, or any of them, in the exercise of the powers and authorities granted herein as to water works, plant, or equipment or water supply; or
 - (b) wilfully or maliciously lets off or discharges any water so that it runs waste or useless out of the City's Water Works System; or
 - (c) throws or deposits any injurious, noisome, or offensive matter into the water or the City's Water Works or upon the ice, or in any way fouls them or commits any wilful damage or injury to the City's Water Works or water, or encourages any of those things to be done;

is guilty of an offense and liable, on summary conviction, for each such offence to a fine of Fifty Dollars and costs on conviction, or to imprisonment for a term not exceeding thirty days, or to both such a fine and such an imprisonment; and he is also liable to an action at law, at the suit of the City, to make good any damage done by him.

PENALTY FOR POLLUTION OF WATER SUPPLY

63. Any person who

- (a) bathes or washes, or cleanses any cloth, wool, leather, skin, or animal, or places any nuisance or offensive thing, in any lake, river, pond, source, or fountain from which the water of the City is obtained and within one mile from the source of supply for the Water Works; or
- (b) conveys, casts, throws, or puts, any filth, dirt, dead carcasses, or other noisome or offensive thing in any of the waters mentioned in clause (a) and within the distance therein mentioned from the source of supply; or
- (c) causes, permits, or suffers, the water of any sink, sewer, or drain to run or to be conveyed into any of the waters mentioned in clause (a); or
- (d) causes any other thing to be done whereby the waters mentioned in clause (a) may in anywise be tainted or fouled;

is guilty of an offence and liable, on summary conviction, for each such offence to a fine not exceeding Fifty Dollars and costs on conviction, or to imprisonment for a term not exceeding thirty days, or to both such a fine and such an imprisonment.

64. (a) All by-laws, resolutions and orders passed prior hereto by any area municipality as defined in Section 1 of *The City of Winnipeg Act* and still in force, relating to the Water Works Utility, the Fixing of Water Rates and the Billing and Collection thereof shall hereinafter cease to have effect.

amended 6595/95

(b) Without limiting the generality of subsection (a), the following by-laws and any amendments thereto made from time to time, are hereby repealed;

1. The City of Winnipeg By-law No. 15452;
2. The City of Winnipeg By-law No. 17661;
3. The City of Winnipeg By-law No. 19666;
4. The Rural Municipality of Charleswood By-law No. 755;
5. The City of East Kildonan By-law No. 2650;
6. The City of East Kildonan By-law No. 4737;
7. The Rural Municipality of Fort Garry By-law No. 5196;
8. The Rural Municipality of North Kildonan By-law No. 1806;
9. The Rural Municipality of Old Kildonan By-law No. 763;
10. The City of St. Boniface By-law No. 4463;
11. The City of St. James By-law No. 9456;
12. The City of St. James-Assiniboia By-law No. 607/71;

13. The Town of Tuxedo By-law No. 1043;
14. The City of Transcona By-law No. 788;
15. The City of West Kildonan By-law No. 52/66/A;
16. The City of West Kildonan By-law No. 47/65/A;
17. The City of St. Vital By-law No. 5148

RECORD SEARCH FEE

65. Subject to *The Freedom of Information and Protection of Privacy Act*, upon payment of the applicable fee, a person is entitled to receive, in respect of a property, account histories and other records which the City has in its possession.

amended 59/2008; 31/2015

POWERS OF DESIGNATED OFFICERS

66. Designated officers have the powers of a designated employee under The City of Winnipeg Charter to administer and enforce this By-law, including conducting inspections and remedying a violation of this By-law. When an emergency arises that affects or could affect the health or safety of persons or affects or could affect property, designated officers have the authority to take whatever actions or measures are necessary to meet the emergency and to eliminate or reduce its effects.

added 139/2010

APPEALS

67. (1) A decision made or order issued pursuant to this By-law that is permitted by *The City of Winnipeg Charter* to be appealed may be appealed to the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment.

added 139/2010; amended 113/2015

67. (2) Appeals made under subsection (1) must be in writing and accompanied by the applicable appeal fee set out in Schedule B.

added 139/2010

SAFETY WATCH REQUIRED

68. Where an excavation in the street is conducted within 3.0 meters of a water feeder main or the aqueduct, the Designated Officer is authorized to require that a safety watch be provided by the City in order to ensure that the work is done safely and does not damage or undermine the City's infrastructure. The fee is the product of the number of hours needed to conduct the safety watch multiplied by the hourly rate established by Council.

added 139/2013

COMMENCEMENT OF BY-LAW

This By-law shall be deemed to come into force on the first day of October, 1973.

DONE AND PASSED in Council assembled, this 7th day of November, 1973.

SCHEDULE A*amended 55/2012; 151/2012***Rates**

1(1) Subject to subsection (2), the following rates apply to water delivered on and after January 1, 2013, January 1, 2014 and January 1, 2015.

Customer Groups	Rate/cm January 1, 2013	Rate/cm January 1, 2014	Rate/cm January 1, 2015 and thereafter
Domestic per cubic metre from 0 to 272 cubic metres per quarter	\$1.39	\$1.42	\$1.45
Intermediate per cubic metre from 272.1 to 2,720 cubic metres per	\$1.25	\$1.31	\$1.38
Industrial per cubic metre over 2,720 cubic metres per quarter	\$1.25	\$1.31	\$1.38

1(2) If January 1, 2013, January 1, 2014 or January 1, 2015 occur part-way through a billing period, the rates in effect prior to and after those dates are applicable on a pro-rated basis to the entire amount of water delivered.

Daily Basic Service Charges

2(1) The following Daily Basic Service Charges for City-owned meters apply on and after January 1, 2013, January 1, 2014 and January 1, 2015 (see clause 14(a)):

Meter Size (inches)	Rate / day January 1, 2013	Rate / day January 1, 2014	Rate / day January 1, 2015
5/8	\$ 0.25	\$ 0.30	\$ 0.35
3/4	\$ 0.26	\$ 0.31	\$ 0.36
1.0	\$ 0.30	\$ 0.35	\$ 0.40
1.5	\$ 0.34	\$ 0.41	\$ 0.48
2.0	\$ 0.47	\$ 0.56	\$ 0.64
3.0	\$ 1.44	\$ 1.67	\$ 1.86
4.0	\$ 1.79	\$ 2.08	\$ 2.31
6.0	\$ 2.62	\$ 3.03	\$ 3.36
8.0	\$ 3.57	\$ 4.12	\$ 4.56
10.0	\$ 4.52	\$ 5.21	\$ 5.76

2(2) The following Daily Basic Service Charges for privately-owned meters apply on and after

January 1, 2013, January 1, 2014 and January 1, 2015 (see clause 14.1(a)):

Private Meter	Rate / day January 1, 2013	Rate / day January 1, 2014	Rate / day January 1, 2015
	\$ 0.20	\$ 0.25	\$ 0.30

SCHEDULE B
to the Water Works By-law No. 504/73
amended 139/2013; 31/2015; 71/2015

The fees and charges payable under the provisions of the Water Works By-law No. 504/73 are as follows:

- | | | | |
|----|---------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------|
| 1. | Service permit fee (section 25) | As of
April 1, 2015 | As of
Jan. 1, 2016 |
| | (a) Single domestic service | \$125.00 | \$130.00 |
| | (b) Other than single domestic service | \$190.00 | \$220.00 |
| | (c) Extra charge for inspections conducted after regular working hours, including weekends and civic holidays | \$200.00 | \$216.00 |
| | (e) Re-inspection during regular working hours | \$60.00 | \$70.00 |
| 2. | Contractor's license | As of
April 1, 2015 | As of
Jan 1, 2016 |
| | (a) Initial fee | \$370.00 | \$400.00 |
| | (b) Annual renewal | \$210.00 | \$225.00 |
| | (c) Administration fee for late renewal | \$52.00 | \$52.00 |
| 3. | Multiple metering | | |
| | Permit fee | | \$ 99.00 |
| 4. | Damaged or lost meters (section 45 and 46) | | |
| | Fees to replace meters that are damaged or lost: | | |
| | <u>Meter Size (Inches)</u> | <u>Fee</u> | |
| | 5/8" | \$151.00 + GST | |
| | 3/4" | \$191.00 + GST | |
| | 1" – 2" | Actual cost + \$ 135.00 + GST | |
| | 3" – 10" | Actual cost + \$170.00 + GST | |
| 5. | <i>repealed 71/2015</i> | | |
| 6. | Use of fire hydrants | | |
| | (a) Charges payable after approval and before use of a fire hydrant: | | |
| | (i) use of each hydrant for up to 30 days | | \$208.00 |
| | (ii) for each additional month after 30 days of use | | \$58.00 |
| | (b) Deposit for use of water | | \$104.00 |
| | (Final billing is based on actual water used.) | | |

7. Rental of water meters

Monthly rental fee:

<u>Meter Size (Inches)</u>	<u>Monthly Rental Fee</u>
5/8" – 3/4"	\$99.00 + GST
1" – 2"	\$104.00 + GST
3"	\$155.00 + GST

8. Thawing water services

(a) Property zoned residential	\$312.00
(b) Property zoned other than residential	
(i) First hour or portion	\$255.00
(ii) Each additional half-hour or portion	\$62.00

9. Hydrant rental

Annual rental fee per hydrant	\$176.00
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10. Backflow prevention device tester licence fee

(a) Initial licence fee	\$ 135.00
(b) Licence renewal fee	\$ 93.00
(c) Administration fee for late renewal	\$ 52.00

11. Water sold at standpipe \$3.60/m³12. *repealed 7/1/2015*

13. Key guard deposit fee

Deposit fee for key access to standpipes (per key)	\$265.00
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14. On-site collection and turn-off fee

On-site collection fee	\$ 52.00
Water turn-on fee (after water service has been shut off)	\$104.00

15. Appointment fee

(a) Field crew:	
First appointment	No charge
Each subsequent appointment	\$133.00
(b) Inspector:	
First appointment	No charge

	Each subsequent appointment	\$51.00
16.	Backflow preventer rental with lockable box	
	(a) per unit - per week	\$182.00
	(b) per unit - per month	\$520.00
17.	Meter test fee	
	(a) meters 5/8" - 3/4" large	\$84.00 + GST
	(b) meters 1" and larger	\$208.00 + GST
18.	Record search fees	
	(a) Environmental record search not including account histories (per address)	\$104.00 + GST
	(b) Record search account history only	
	(i) Bill reprint fee	
	• most recent four quarters	No charge
	• bills subsequent to July 1, 2009	\$10.00 + GST
	(ii) Record search account history, per hour (for records predating July 1, 2009)	\$40.00 + GST
	(c) Property account balance confirmation for law firms (to be implemented when an on-line account balance subscription service is available) <i>amended 7/1/2015</i>	\$16.00 + GST
	(d) <i>repealed 7/1/2015</i>	
	(e) Cross-connections and backflow prevention record search	\$115.00 + GST
19.	Application for new water service connection or re-use of existing connection (section 18)	
	(a) Single family residential	\$ 33.00
	(b) Other than single family residential	\$182.00
20.	Install and remove temporary water service	
	Hose line rental, for each installation and removal	\$426.00
21.	Water tank rental - including cost of water	

(a)	Delivery and first day rental	\$275.00
(b)	Each additional day of rental	\$ 21.00
(c)	Additional tank refills (includes pick-up and drop-off)	\$228.00
22.	Leak testing (at request of property owner or contractor)	
(a)	Leak testing only	\$565.00 + GST
(b)	Obtaining clearances and leak testing	\$675.00 + GST
23.	Deposit for abandonment of water service or private water service (section 30.1)	\$1,300.00
24.	Voluntary cross-connections and backflow prevention inspection (at request of, or with consent of, owner)	
	<ul style="list-style-type: none"> • includes inspection of entire premises to identify potential cross-connection and backflow situations, inspection of all existing backflow prevention devices, issuance of letter certifying compliance or non-compliance with By-law requirements 	\$470.00
25.	Water services box	
	First and follow-up inspection	no charge
	Third and subsequent inspections	\$260.00
26.	Appeal fee	\$256.00
27.	Safety watch fee (section 68)	
	For each hour or portion thereof that City employee's supervision is necessary	\$205.00