

**Authority:** Item 5, Audit, Finance &  
Administration Committee  
Report 16-006 (PED14120(c))  
CM: April 27, 2016

**Bill No. 149**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-149**

#### **To Amend the Waterworks By-law No. R84-026**

**WHEREAS** on March 20, 1984, the Council of The Regional Municipality of Hamilton-Wentworth passed Regional By-law R84-026, being a by-law respecting the management and maintenance of the waterworks system of The Regional Municipality of Hamilton-Wentworth and the establishment of water rates and charges;

**AND WHEREAS** under the *City of Hamilton Act, 1999*, The Regional Municipality of Hamilton-Wentworth was dissolved on January 1, 2001 and the City of Hamilton stands in the place of The Regional Municipality of Hamilton-Wentworth for all purposes;

**AND WHEREAS** under the *City of Hamilton Act, 1999*, every by-law of an old municipality, such as the former Regional Municipality of Hamilton-Wentworth, that is in force on December 31, 2000 is deemed to be a by-law of the City of Hamilton until it expires or is repealed or amended to provide otherwise;

**AND WHEREAS** on April 27, 2016 the Council of the City of Hamilton approved Item 5 of Audit, Finance and Administration Committee Report 16-006, to amend By-law R84-026 by expanding upon existing provisions regarding the testing of water meters for accuracy and related billing adjustments to consumer accounts, and approved the Water and Wastewater/Storm Extraordinary Circumstance Bill Adjustment Policy;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Section 1 of By-law R84-026 is amended by adding the following definition immediately after the definition of "approved":

"AWWA Standards" means the standards adopted by the American Waterworks Association, which include *Manual M6, Water Meters – Selection, Installation, Testing and Maintenance*, as amended or replaced from time to time.

2. Section 1 of By-law R84-026 is further amended by adding the following definition immediately after the definition of “City of Hamilton Water and Wastewater Consecutive Estimated Accounts Policy”:

“City of Hamilton Water and Wastewater/Storm Extraordinary Circumstance Bill Adjustment Policy” means the policy approved by the Council of the City of Hamilton at its meeting of April 27, 2016 as Item 5 of the Audit and Administration Committee Report 16-006, as amended or replaced from time to time. This policy may be found at the Office of the City Clerk for the City of Hamilton.

3. Section 9 of By-law R84-026 is deleted and replaced with the following new section 9:

**Water Meter Accuracy**

9. (1) The accuracy of all water meters measuring consumption for billing purposes shall be measured in accordance with the AWWA Standards.
- (2) An owner may apply to the General Manager of Public Works to have a water meter tested for accuracy by submitting a written request on a prescribed form together with payment of a water meter testing fee set out in section 11 of Schedule “E” of this By-law.
- (3) Water meter testing carried out by the General Manager of Public Works upon receipt of a complete application under subsection 9(2) may be carried out at the premises or off-site.
- (4) If, in the opinion of the General Manager of Public Works the condition of the service extension or valves of the plumbing system is such that a meter cannot be tested in its place and cannot be removed for the purpose of testing, repairing or replacing, without damage to the premises, water service, water control valves, or if the premises contains any designated substance, as defined in the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, as amended or replaced from time to time:
  - (a) the General Manager of Public Works may require the owner to make such repairs as may be deemed necessary to facilitate the testing or removal of the meter, and

- (b) the repairs shall be made to the sole satisfaction of the General Manager of Public Works, and at the sole expense of the owner prior to the water meter accuracy testing being carried out.
  - (5) Where a water meter tested for accuracy under subsection 9(3):
    - (a) is found to under-register or be within 2% of the upper accuracy limit set out in the AWWA Standards for all three flow rates, no adjustments will be made to the account for metered water rates; or
    - (b) is found to exceed 2% of the upper accuracy limit set out in the AWWA Standards at one or more of the tested flow rates, the water meter will be calibrated or removed from service, the account for metered water rates will be adjusted, and the testing fee will be credited to the account.
  - (6) The metered water rate account adjustment under paragraph 9(5)(b) will:
    - (a) be for a rate equal to the difference between the upper accuracy limit set out in the AWWA Standards and the accuracy percentage registered by the meter test, and
    - (b) not exceed a period of 120 days from the date the water meter is calibrated or removed from service.
4. Section 12 of By-law R84-026 is amended by adding the following new subsection (13):

**Unexplained or Extraordinary Charges**

- (13) The Owner or Occupant of the lands to which water is supplied by the City of Hamilton shall immediately report to the City any abnormally high water and wastewater/storm billing resulting from unexplained, extraordinary or unusual circumstances. Where unexplained consumption increase or extraordinary or unusual circumstances are present, the City of Hamilton Water and Wastewater/Storm Extraordinary Circumstance Bill Adjustment Policy may apply to provide adjustments to fees and charges paid or payable for metered rate accounts in the circumstances specified in the Policy.

5. Subsection 13(5) of By-law R84-026 is amended by deleting the word “In” from the first line of the subsection and replacing it with “Except as otherwise provided in section 9 of this By-law, in”
6. This By-law comes into force as of the day it is passed.

**PASSED** this 25<sup>th</sup> day of May, 2016.

---

F. Eisenberger  
Mayor

---

J. Pilon  
Acting City Clerk