



BY-LAW 2014-78

**To amend Bylaw 2012-242 being a bylaw to enact rules and regulations for the installation, repair, maintenance, and access to Water Meters and related appurtenances within the serviced area of The Corporation of the City of Markham.
(Amendments to Water Meter By-law)**

Whereas Subsection 11(3) of the *Municipal Act, 2001, S.O. 2001.c.25* as amended, provides that a municipality may pass by-laws respecting public utilities including systems that distribute Drinking Water to the public; and,

Whereas The Corporation of the City of Markham has certain responsibilities for the distribution of Drinking Water within the jurisdiction of the City of Markham; and,

Whereas administrative amendments are required from time to time for enforcement purposes;

Now therefore the Council of The Corporation of the City of Markham enacts as follows:

1. That Water Meter By-law 2012-242 be amended as follows:

(a) **Section 1 (Definitions)**

i. **Add the definition of "Order"**

"Order" includes Notice, Work Order, Order to Comply, Order to Discontinue.

ii. **Add the definition of "Water Meter Replacement Program"**

"Water Meter Replacement Program" means an annual capital program implemented by the City of Markham to replace Water Meters at or near the end of their lifespan of approximately 20 years. This proactive annual program reduces maintenance costs, risks of Water leaks at the meter and provides accurate measurement of Water consumption by end users.

(b) **Section 3 (Administration and Enforcement):**

i. **Sub-section 3.4 be amended to replace the words "hand delivered" with the words "posted at the site of the address of the Owner shown on the most current Tax Assessment Roll".**

(c) **Section 5 (Water Meter)**

i. **Delete the following Sub Section 5.0.1(c) and Sub Section 5.0.1(d) in its entirety:**

5.0.1(c) Notwithstanding the issuance of an Occupancy Certificate, no Person shall occupy or permit occupancy of any Buildings or part thereof for which the Occupancy Certificate was issued prior to the installation of the Water Meter. In the event that a Building or part thereof is occupied contrary to the above, the Owner shall pay the City a flat-rate water charge as set out in the Fee By-law from the time of issuance of Occupancy Certificate to the time of new Water Meter installation. In the case of Infill Home, the City may install the Water Meter, as the City considers appropriate, in which event the Owner shall pay to the City the full cost of the work plus overhead and applicable tax.

5.0.1(d) In the case of a Property subject to meter replacement or installation in accordance with the City's meter maintenance program or AMR/AMI program, the City may install such Water Meter, conduit and wire for Remote Readout Unit and AMR/AMI equipment at no expense to the Owner.

and replace with the following Sub Sections 5.0.1(c), 5.0.1(d) and 5.0.1(e):

5.0.1(c) Notwithstanding the issuance of an Occupancy Certificate, no Person shall occupy or permit occupancy of any Buildings or part thereof for which the Occupancy Certificate was issued prior to the installation of the Water Meter. In the event that a Building or part thereof is occupied contrary to the above, the Owner shall pay the City a flat-rate water charge as set out in the Fee By-law from the time of first occupancy of the building as identified by the City to the time of new Water Meter installation.

5.0.1(d) In the case of Infill Home:

- i. The City shall send a Notice to the Owner/Occupier advising the Owner/Occupier to submit a Water Meter Application and schedule the installation a new Water Meter with the City or a City authorized third party agent within thirty (30) days upon receipt of such Notice;
- ii. The Notice may be served:
 - (a) personally upon the Owner or Occupier.
 - (b) mailed by regular mail to the last known address of the owner according to the current assessment rolls.
- iii. The Owner shall pay to the City the full cost of the installation a new Water Meter plus overhead and applicable tax;

5.0.1(e) In the case of a Property subject to meter replacement or installation in accordance with the City's meter maintenance program or AMR/AMI program, the City may install such Water Meter, conduit and wire for Remote Readout Unit and AMR/AMI equipment at no expense to the Owner.

ii. **Add the following sub-sections 5.2.5(b), 5.2.5(c), 5.2.5(d), 5.2.5(e) and 5.2.5(f)**

5.2.5(b) The City shall send a Notice to the Owner/Occupier advising the Owner/Occupier to schedule and replace the Water Meter with the City or a City authorized third party agent within thirty (30) days pursuant to the Water Meter Replacement Program.

5.2.5(c) Where an Owner/Occupier fails to comply with the City's Notices, the City shall serve on the Owner/Occupier an Order to schedule and replace the Water Meter with the City or a City authorized third party agent.

- 5.2.5(d) The Notice or Order may be served:
- (a) personally upon the Owner or Occupier.
 - (b) mailed by regular mail to the last known address of the owner according to the current assessment rolls.

It is an offence when,

- 5.2.5(e) an Owner/Occupier, fails to comply with an Order to schedule and replace the water meter with the City or a City authorized third party agent.
- 5.2.5(f) an Owner/Occupier, fails to comply with an Order to allow the City access to replace the water meter scheduled for replacement under the City's Water Meter Replacement Program.

(d) **Section 8 (Penalty Provisions)**

i. **Delete the following Section 8.0 in its entirety:**

"8.0 Every Person who contravenes this By-law is guilty of an offence."

and replace with the following Section 8.0:

"8.0 Every Person who contravenes this By-law or an Order is guilty of an offence."

ii. **Delete the following Sub Section 8.4 in its entirety**

"8.4 Every Person who is guilty of an offence under this By-law, upon conviction, shall be liable to the following fines , as established pursuant to the *Building Code Act*, as amended:

- (a) Upon a first conviction, to a fine of not less than Three Hundred Dollars (\$300.00) and not more than Fifty Thousand Dollars (\$50,000.00);
- (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than Four Hundred Dollars (\$400.00) and not more than One Hundred Thousand Dollars (\$100,000.00."

replace with the following Sub Section 8.4:

"8.4 Every Person who is guilty of an offence under this By-law, and upon conviction shall be subject to the following penalties as established pursuant to the *Municipal Act*:

- (a) Upon first conviction, to a fine of not less than Three Hundred Dollars (\$300.00) and not more than Fifty Thousand Dollars (\$50,000.00)
- (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than Four Hundred (\$400.00) and not more than One Hundred Thousand (\$100,000.00)
- (c) Upon conviction for a continuing offence, to a fine of not less than Three Hundred (\$300.00) and not more than Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00)."

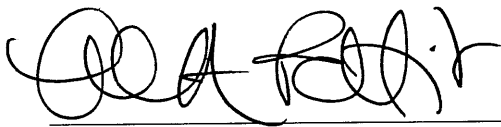
iii. **Add Sub Section 8.7 (Unpaid Fines)** as follows:

“8.7 Pursuant to Subsection 441.1 of the *Municipal Act*, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collect it in the same manner as taxes.”

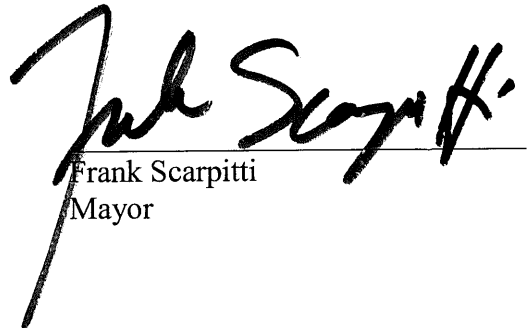
(e) **Section 9 – (General By-law Enforcement Powers)**
Add the following Sub-Section 9.2 (Obstruction) to Section 9:

“No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law.”

Read a first, second, and third time and passed on June 11, 2014.



Martha Pettit
Deputy City Clerk



Frank Scarpitti
Mayor