

## **SCHEDULE “F”**

### **THE CAPE BRETON REGIONAL MUNICIPALITY - WATER UTILITY**

#### **SCHEDE OF RULES AND REGULATIONS**

#### **GOVERNING THE SUPPLY OF WATER AND WATER SERVICES**

***(Effective August 1, 2005)***

1. In these Rules and Regulations, unless the context otherwise requires, the expression:

**“Municipality”** means the Cape Breton Regional Municipality [CBRM]

**“Utility”** means the Water Utility of CBRM.

**“Customer”** means a person, firm or corporation who, or which, contracts to be supplied with water at a specific location or locations.

**“Domestic Service”** means the type of service supplied to the owner or his authorized agent or to the occupant or tenant of any space or area occupied for the distinct purpose of a dwelling house, rooming house, apartment, flat, etc.

**“Metered Rate Service”** means that type of service charged for at metered rates and is supplied to customers other than those supplied by fixture and flat rate service. Metered rate service is required for all new services.

**“Regular Working Hours”** means the hours of operation whereby utility employees are compensated at a regular rate of pay;

2. **LIABILITY FOR PAYMENT OF WATER BILL:** An agreement or contract is deemed to exist between a customer and the Utility for the supply of water service at such rates and in accordance with these Regulations by virtue of:

- a) the customer applying for and receiving approval for water service;
- b) the customer who is a party to an agreement pursuant to clause (a) moves out of the premises, in which case the customer shall remain jointly and severally liable for the water service account up to the date the Utility is notified that the customer wishes to terminate the supply of water service.

At the discretion of the Utility, a property owner who rents or leases a

property or self-contained unit to a tenant or lessee may be required to open an account for the provision of water at the property rented or leased.

- c) Any person, business or corporation that receives water service without the consent of the Utility, shall be liable for the cost of such water service which cost shall be determined in the sole discretion of the Utility based upon its reasonable estimate of the amount of water utilized.

3. **DEPOSITS:** When required, an Applicant for service shall deposit with the Utility a sum equal to the estimated charges for such service for a period of six months. The estimated charges will be based on the flat rate for flat rate customers, and on the minimum bill for metered rate customers. This deposit shall be held by the Utility as collateral security for the payment of the customer's bills, but is not to be considered as a payment on account thereof. When the customer ceases to use the service and discharges all his liability to the Utility in respect of such service, the deposit shall be returned to him with interest at the rate of 4% per annum, not compounded.
4. **REFUSAL OF SERVICE:** Service may be refused or suspended to any customer who has failed to discharge all of his liabilities to the Utility, or who is in breach of these Regulations. Liabilities shall include any monies owed to the Utility by any customer for services received as per Section 2 of these Regulations.
5. **PAYMENT OF BILLS:** Bills shall be rendered to each customer at intervals of approximately three months and are due and payable when rendered. Bills not paid within 30 days of the date rendered, shall incur an interest charge of 1.25% per each month or part thereof.
6. **ADJUSTMENT OF BILLS:**
  - (a) If the seal of a meter is broken or if a meter does not register correctly, the bill for that water service shall be estimated in accordance with the best data available. Any customer desiring to question a water bill must do so in writing within 30 days of the bill being rendered.
  - (b) Customers Under-billed - Should it be necessary for the Utility to make a billing adjustment as a result of a customer being under-billed for any reason, such adjustment shall be retroactive for a maximum of four billing periods or one year, whichever is the longest. Notwithstanding the above, in the event that a billing adjustment is the result of the customer's illegal connection to the water system or wilful interference or damage of metering equipment (where they exist), the billing adjustment in such circumstances will not be limited to one year or four billing periods, but rather the customer shall be responsible for all payments of such accounts from the date such illegal connections or interference to meter equipment took place.

(c) Customer Over-billed - Shall it become necessary for the Utility to make a billing adjustment as a result of a customer being over-billed for any reason, such adjustment will be estimated by the Utility, and the Utility will be responsible for payment of the over-billed amount with interest calculated on the basis of current simple interest paid by the bank.

7. **ESTIMATED READINGS FOR BILLING PURPOSES - METERED CUSTOMERS:**

If the Utility is unable to obtain a meter reading for billing purposes, after exercising due diligence in the usual practice of meter reading, the bill for that service shall be estimated in accordance with the best data available, subject, however, to the provision that in no circumstance will an estimated reading be used for more than two consecutive billing periods. If an estimated bill is rendered for two consecutive billing periods, the Utility shall notify the customer by regular mail that arrangements must be made for the Utility to obtain a reading and failing such arrangements, the Utility may suspend service until such arrangements are made. When such meter reading has been obtained, the previous estimated bill or bills shall be adjusted accordingly.

8. **SUSPENSION OF SERVICE FOR NON-PAYMENT OF BILLS:** The Utility shall have the right to enter onto a customer's premises within reasonable hours to suspend service to customers whose bills remain unpaid for more than 40 calendar days after the date rendered.

9. **PUBLIC FIRE PROTECTION SERVICE CHARGE:** The Utility shall annually render to CBRM an account for fire protection service. The account shall be calculated in the manner set out in the most recent schedule of rates and payable within 30 days of the date rendered.

10. **WATER TO BE SUPPLIED BY METER:** Where meters exist now or in the future, water supplied to a customer shall be measured by a water meter. With the exception of old metering devices already installed, the meter shall be installed with a remote reading device. A remote reading device shall consist of either a radio transmitter attached to the meter register, or a touch pad or visual device which is wired from the register to the outside of the building and easily accessible by the meter reader. The two units combined form a the total metering system. The Utility shall use the remote reading device for regular readings as a means of establishing water consumption for billing purposes and for leak detection purposes. In the event of a discrepancy between the remote reading device and the meter register, the meter register shall govern. The Utility may at any time install a meter on the premises of any customer. The Utility shall determine the size and type of meter to be installed in each case. All meters shall be the property of the Utility.

The Utility may change size and/or type of meter on a customer's service if, in the opinion of the Utility, the current meter size or type is no longer consistent with the customer demand.

11. **INSTALLATION AND REMOVAL OF METERS:** Meters and Remote Reading Devices shall be installed or removed only by duly authorized representatives of the Utility and no other person shall install, alter, change or remove a meter or Remote Reading Device without the written permission of the Utility. The plumbing and connections shall be properly prepared to receive the installation of such meters to the approval of and without expense to the Utility.
12. **METER READERS:** Each Meter Reader shall be provided with an official identification, which he/she shall exhibit on request.
13. **ACCESS TO CUSTOMER'S PREMISES:** Representatives of the Utility shall have right of access to all parts of a customer's property or premises at all reasonable hours for the purpose of inspecting any water pipes, or fittings, or appliances, or discontinuing service, or for the purpose of installing, removing, repairing, reading or inspecting meters. The Utility shall have the right to suspend service to any customer who refuses such access.
14. **LOCATION OF METERS:** The Utility shall have the right to refuse service to, or suspend the service of, any customer who does not provide a place that, in the opinion of the Utility, is suitable for the meter. It should be in the building served, at or near the point of entry of the service pipe, in a place where it can be easily read and where it will not be exposed to freezing temperatures.

Where the premises of a customer are of such a nature that a meter cannot be properly installed in a building or if the building is not sufficiently frost-proof as to guarantee the safety of the meter, the Utility may order the construction of a suitable frost-proof box in which the meter can be installed. Service to such premises may be refused or suspended until such a frost-proof box approved by the Utility is installed.

15. **DAMAGE TO WATER METERS:** Each customer shall be responsible for the meter installed on his service and shall protect it. He shall be liable for any damage to the meter resulting from carelessness, hot water or steam, or the action of frost or from any other cause not the fault of the Utility or its employees. The cost to the Utility occasioned by such damage to the meter shall be paid by the customer. If after the rendering of a bill by the Utility to the customer for such cost the same is not paid within 40 days from the date rendered, the supply of water to the customer concerned may be suspended until all charges are paid.

16. **METER TESTING:** On the request of a customer to have his meter tested, the Utility will charge the customer the actual cost of making the test. If the test shows that the meter is over-registering by more than one and one half percent (1½ %) for positive displacement meters and three percent (3%) for turbine or compound meters, the sum so deposited will be refunded to the customer. If the test reveals that the meter is measuring below the tolerances described above, the deposit shall not be refunded to the customer. Where the Utility chooses to change the customer's meter due to under registration, the customer's deposit shall be refunded.
17. **PLUMBING TO BE SATISFACTORY:** All plumbing, pipes and fittings, fixtures, and other devices for conveying, distributing, controlling, or utilizing water which are used by a customer and are not the property of the Utility, shall be installed in the manner provided by the Regulations of and be approved by the proper official of the CBRM Water Utility and/or the operators of the Utility. The water shall not be turned on (except for construction or testing purposes) until the applicant for service has satisfied the Utility that these requirements have been met. The supply of water may be discontinued to any customer at any time if, in the opinion of the proper official of CBRM and/or the operator of the Utility, the plumbing, pipes, fittings, fixtures, or other devices as hereinbefore mentioned, or any of them, fail to comply with the above requirements, or if any part of the water system of such customer or the meter is in any unsuitable, dirty, unsanitary or inaccessible place. Service shall not be reestablished until such condition is corrected to the satisfaction of the Utility.
18. **CROSS CONNECTION CONTROL & BACKFLOW PREVENTION:**

At the discretion of the utility all new water customers may be required to install a backflow prevention device suitable for use as prescribed in Appendix B "Guide to the Assessment of Hazard" in the latest revision of CSA B10 and CSA B64 series.

  - (a) No owner, customer or other person hereinafter collectively referred to in this rule and regulation as "person" shall connect, cause to be connected, or allow to remain connected to the water system, or plumbing installation, without the express written consent of the Utility, any piping fixtures, fittings, container or appliance in a manner which, under any circumstances, may allow water, wastewater, or any other liquid, chemical or substance, to ingress or egress the water system.
  - (b) Where, in the opinion of the Utility, there may be a risk of contamination to the potable water system, notwithstanding the provisions of subparagraph (a), the Utility may require the customer, at the customer's sole cost and expense, to install at any point on the customer's water service connection or water service pipe, one or more backflow prevention (BFP) devices, which devices shall be of a quality and type approved by the Utility.

- (c) All BFP devices shall be maintained in good working order. Such devices must be inspected and tested by a certified tester, approved by the Utility, at the expense of the customer. Such inspections shall take place upon installation, and thereafter annually, or more often if required by the Utility. The customer shall submit a report in a form approved by the Utility on any or all tests performed on a BFP device within 30 days of a test. A record card shall be displayed on or adjacent to the BFP device on which the tester shall record the name and address of the owner of the device; the location, type, manufacturer, serial number and size of the device; and the test date, the tester's initials, the tester's name, the name of his employer, and the test's license number.
- (d) Installation, maintenance, field-testing and selection of all BFP devices shall fully conform to the latest revision of CSA B64.10 and CSA B64 series.
- (e) In the event of any breach, contravention or non-compliance by a person of any of the provisions and regulations in sub-paragraphs (a), (b), (c) or (d), the Utility may:
  - (i) suspend water service to such person, or
  - (ii) give notice to the person to correct the breach, contravention or non-compliance within 96 hours, or a specified lesser period. If the person fails to comply with such notice, the Utility may immediately thereafter suspend water service to such person.

19. **DANGEROUS CONNECTIONS:** No connection shall be permitted to any installation; equipment or source in such a manner as may allow any contamination to pass from such installation, equipment or source into the Utility's water supply system. If any such connection exists the Utility may discontinue the supply of water to such customer.

20. **PROHIBITED DEVICES:**

- (a) Service may be refused or suspended by the Utility to any customer who installs or uses any device or appurtenance, as, for example, booster pumps, quick-opening or quick-closing valves, flushometers, water operated pumps or siphons, standpipes, or large outlets for supplying locomotives or ships, etc., which may occasion sudden large demands of short or long duration, thereby requiring oversize meters and pipe lines, or affect the stability or regulation of water pressure in the Utility's system. Permission to install or use any such device or appurtenance must be obtained from the Utility, which permission shall specify what special arrangements, such as elevated storage tanks, surge tanks or equalizing tanks, etc., must be provided by the

customer.

(b) **Meter By-Pass**

No customer shall create a plumbing configuration which results in the by-pass of a water meter without the expressed written permission of the Utility.

21. **IMPROPER USE OR WASTE OF WATER:** No customer shall permit the improper use or waste of water, nor shall he sell or give water to any person except upon such conditions and for such purposes as may be approved in writing by the Utility.
22. **SERVICE PIPES:** Upon receipt of an application for service to any premises located on any portion of a street through which portion a main water pipe is laid and which premises are not already provided with water service, the Utility shall install a service pipe which is considered to be of suitable size and capability. No pipe smaller than 3/4" in diameter shall be laid for any service.

The cost of supplying and laying a 3/4" service pipe and fittings between the main pipe and the street line shall be paid by the Utility. From the street line to the premises the cost shall be paid by the customer.

For service larger than 3/4" the whole cost shall be borne by the customer, less the cost of a 3/4" service from the main to the street line.

Should any person make application for more than one service to his premises, the decision as to the necessity of the additional service shall be made by the Utility, and if the additional service is installed, the total cost thereof from the main to the customer's premises shall be paid by such applicant.

All services must be installed in accordance with the Rules and Regulations of CBRM and to the satisfaction of the Utility.

When a service has been installed without objection from the customer as to the location of the same, no subsequent removal of or alteration to the position of the pipe shall be made except at the expense of the customer requesting such removal or alteration.

23. **REPAIRS TO SERVICE:** If a leak or other trouble, (including freezing), occurs it shall be repaired as soon as possible. The Utility reserves the right to shut off any bad leaks immediately. If the leak or trouble occurs in a service line providing non-fire protection water supplies between the main and the property line it shall be repaired by the Utility at its expense.

If the leak or trouble occurs elsewhere in a service line providing non-fire protection water supplies, it shall be repaired by the customer at his/her expense. If the leak or trouble occurs in a service line which provides private fire protection services (sprinkler or hydrant) it shall be repaired by the customer at his expense. The Utility may make such repairs for any customer provided the customer agrees to pay the cost of same. When required, each customer desiring the Utility to do such work shall deposit with the Utility a sum equal to the estimated cost of the work, prior to commencement of the work.

If a leak occurs on the customer's portion of his service pipe and, after being notified of same, he refuses or unduly delays to have repairs made, the Utility may enter the customer's property to effect necessary repairs and/or may discontinue the supply of water to such service pipe if, in its opinion, such action is necessary in order to prevent wastage of water or damage to public property. The Utility shall notify the customer affected of its intention to enter the customer's property or to discontinue such supply. The Customer shall pay all costs associated with any repairs completed under this Section.

24. **UNAUTHORIZED EXTENSIONS, ADDITIONS OR CONNECTIONS:** No person shall, without the written consent of the Utility, make or cause to be made any connections to any pipe or main or any part of the water system or in any way obtain or use water therefrom in any manner other than as set out in these Regulations.
25. **SPECIAL SERVICE CHARGE:** A special service charge of \$25.00 shall be made to each customer receiving a necessary or requested service, such as the shutting off or turning on of water service or other special services not provided for elsewhere in these Regulations. In the case where the shutting off is requested because there is no operable shut off valve serving the dwelling, an isolation valve may be installed.
26. **SEASON FOR LAYING PIPES:** The Utility shall not be required to lay any pipe at any season of the year or at any time which, in its opinion, is not suitable, as per CBRM Service Delivery Policy.
27. **PRIVATE FIRE PROTECTION:** Fire protection lines within buildings shall be installed so that all pipes will be open and readily accessible for inspection at any time, and no connection for any purpose other than fire protection shall be made thereto. Unless approved by the Utility in writing, no fire protection line shall be connected in any way to a metered service.
28. **LIABILITY OF UTILITY:** The Utility shall not be deemed to guarantee an uninterrupted supply or a sufficient or uniform pressure and shall not be liable for any damage or injury caused or done by reason of the interruption of supply, variation of pressure or on account of the turning off or turning on of the water for

any purpose.

29. **INTERFERENCE WITH THE UTILITY PROPERTY:** No person, unless authorized by the Utility in writing, shall draw water from, open, close, cut, break, or in any way injure or interfere with any fire hydrant, water main, water pipe, or anything the property of the Utility or obstruct the free access to any hydrant, stop cock, meter, railway siding, building, etc., provided, however, that nothing in the paragraph contained shall be deemed to prevent an officer or member of the Fire Department engaged in the work of such Department, from using any hydrant or other source of water supply of the Utility for such purpose.
30. **SUSPENDING SERVICE FOR VIOLATION:** Whenever, in the opinion of the Utility, violation of any of these Rules and Regulations is existing or has occurred, the Utility may cause the water service to be suspended from the premises where such violation has occurred or is existing and may keep the same so suspended until satisfied that the cause for such action has been removed.
31. **REQUESTS FOR CONNECTION OR RECONNECTION:** A Charge of \$50.00 will be paid for water service connected or reconnected outside of Regular Working Hours. There will not be a charge for water service connected or reconnected during regular working hours.
32. **SPRINKLER SERVICE MAINS AND HYDRANT SYSTEM:** The customer shall be responsible for the cost of installing and maintaining a sprinkler service pipe from the main in the street to the building. It shall include a proper size control valve so that the service may be shut off if necessary. If requested by the applicant, a domestic service pipe may be connected to the sprinkler service pipe, but only if it is connected outside the building foundation wall and is provided with and approved shutoff valve located outside the building to permit control of the domestic service pipe without the necessity to enter the building. Before any domestic service pipe is connected to a sprinkler service pipe, the applicant must obtain approval from the appropriated authority and provide the Utility with a certified copy of such approval. The Utility shall supervise the installation of same. When the private fire protection system includes private hydrants, these hydrants must be flushed during the Utility's regular flushing periods, under the supervision of the Utility's personnel. These hydrants shall be maintained in a manner, or on a regular basis as approved by the Utility.
33. **PRESSURE REDUCING VALVES:** Where, in the opinion of the Utility, it is necessary for proper water service, a customer shall install on the service pipe, between the meter and the shut off valve on the supply side of the meter, a pressure reducing valve of a type satisfactory to the Utility. The customer shall be responsible for the cost of installing and maintaining the pressure reducing valve at all times.

34. **PRESSURE RELIEF VALVES**: Whenever a pressure reducing valve has been installed by a customer in accordance with Regulation 33, the customer shall, for his own safety and protection, install on his hot water boiler and any other hot water heating device connected to the building's plumbing system, a pressure relief valve of an approved type, as well as an approved temperature limiting device. It shall be the customer's responsibility to maintain and keep in service the pressure relief valve at all times.

35. **WATER CONSERVATION DIRECTIVES**: The Utility may enact water conservation directives to its customers, if in the opinion of the Utility, such directives will permit the Utility to provide a reliable, continuous supply of water to all customers.

During such times as these directives may be enacted, customers who do not comply with the directives may have their water supply suspended until such time as the customer agrees to comply with the directives or upon suspension of the water conservation directives, whichever occurs first.

36. **THEFT**: Water service may be discontinued to any customer where there is evidence of Theft.