

# THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

## BY-LAW NUMBER 2016-15

### BEING A BY-LAW TO PROVIDE WATER AND SEWER FEES AND CHARGES AND TO REGULATE THE USE OF SUCH UTILITIES.

**WHEREAS** section 391 of the *Municipal Act, 2001 S.O. 2001, c, 25*, authorizes Council to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

**AND WHEREAS** section 81 of the *Municipal Act, 2001 S.O. 2001, c, 25*, provides that a municipality may shut off the supply of a public utility by the municipality to land if fees or charges associated therewith are overdue;

**NOW THEREFORE** the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

#### 1. DEFINITIONS

**"Fees"** wherever the word fees is used it shall include fees and charges  
**"Charges"** wherever the word charges is used it shall include fees and charges

#### 2. DUTIES OF THE DIRECTOR OF INFRASTRUCTURE AND PLANNING

The supply and distribution of water in the municipality shall be supervised and administered by the Director of Infrastructure and Planning who shall, under the direction of the Chief Administrative Officer, perform the following duties:

- 1) have charge of all water works systems of the Municipality and be responsible for their operation, maintenance, repair and extension;
- 2) should any emergency condition arise in the water works which shall imperil the water supply, or its distribution:
  - a) take all remedial measures as may be necessary or proper, which may include limiting or stopping the supply of water in any area or restricting the use for any specific purpose;
  - b) expend such money and employ such persons as may be necessary to restore the water supply to normal conditions;

- c) report to the Chief Administrative Officer as soon as practical after such measures have been taken;
- 3) such other duties as may from time to time be assigned by the Chief Administrative Officer or by Council.

### **3. DUTIES OF THE TREASURER**

The Treasurer of the Municipality, or those properly delegated by him/her shall perform the following duties:

- 1) read meters, invoice and collect water and sewage charges, and all other fees;
- 2) direct the collection of water and sewage charges, and all fees;
- 3) issue water certificates in conjunction with a final reading of the water meter and a final bill to the owner of the property along with the tax certificate when a written request has been received.

### **4. WATER AND SEWAGE CHARGES**

- 1) Water and sewer charges are hereby imposed upon the owners of lands supplied with water service and sewer service in accordance with the provisions of this By-law.
- 2) Owners shall be imposed water and sewer charges in accordance with Schedule "A" attached hereto.
- 3) The administrative fee for water service connection as set out in Schedules "A" hereto and forming part of this by-law shall be added to the water account.

### **5. ESTIMATED CONSUMPTION**

- 1) Where for any reason the consumption of water in a property has not been recorded or where in the opinion of the Treasurer the consumption of water has been wrongly recorded, the Treasurer shall estimate the quantity of water consumed and the owner shall be liable to pay the meter charge applicable to the consumption on the basis of such estimate.
- 2) Where because of frost penetration on the street it may be expedient to allow the consumer to run water at a continuous rate to prevent freezing the service pipe, the Treasurer shall estimate the quantity of water and shall authorize such usage

and shall adjust the billing to conform with normal consumption for the property.

## **6. PAYMENT AND DEFAULT**

- 1) The consumption charges and annual flat charges shall be billed together on a quarterly basis. Invoices shall be mailed to owners no later than twenty-one (21) days before the last business day of January, April, July and October, and are payable no later than the last business days of these months.
- 2) Overdue accounts shall incur 1.5% interest per month, calculated on the first day of each month.
- 3) A notice of arrears shall be delivered by prepaid mail fifteen (15) days after the due date of the water and sewer bill.
- 4) Partial payments on accounts which are in arrears shall be applied in each instance to the arrears longest outstanding.
- 5) A Second notice to shut off the supply shall be sent by prepaid mail the second business day of the month following the issuance of the first notice of arrears. From this date, owners will have ten (10) days to pay all outstanding charges, failing which the the Treasurer are authorized to restrict or shut off the supply of water to the property.
- 6) Full service will be restored upon payment of all outstanding fees and charges together with an additional service charge as set out in Schedules "A".

## **7. WATER AND SEWER CHARGES AND OTHER CHARGES A LIEN**

- 1) All water and sewer service charges and other related charges shall be a debt of the person, to the municipality, pursuant to Section 398 (1) of the *Municipal Act, 2001*.
- 2) Water and sewer accounts which are past due shall be deemed to be in arrears and shall be added to the tax roll for the property to which water and sewer service was supplied and collected in the same manner as municipal taxes, pursuant to section 398(2) of the *Municipal Act, 2001*.

## **8. WATER METERS**

- 1) All owners of property connected to the Municipality's water distribution system shall install a water meter, a back flow preventer and related appurtenances as part of said owners' obligation to make connection to the water distribution system.
- 2) All water meters shall be purchased at the issuance of the building permit.
- 3) The owner of the premises on which the water meter is to be located, shall, prior to the City opening the water to the property:
  - a) provide a suitable place, acceptable to the City, for the installation of the meter;
  - b) have the Public services external clerk inspect and seal the meter.
- 4) The owner or occupant of the premises on which the water meter is to be located shall be responsible for:
  - a) the protection of the meter;
  - b) providing at all times easy access to the meter to any person authorized by the City for the purposes of meter reading, sealing, checking, repairing, installation and removal.
- 5) Should an owner of property required to install a meter fail to do so within thirty (30) days of receipt of notice from the Municipality requiring the owner to do so, the Municipality may enter upon the property and install the meter, a back flow preventer and appurtenances at the sole expense of the owner, and the Municipality may collect the costs in doing so by action in or in like manner as municipal taxes.

## **9. OFFENCES AND PENALTIES**

- 1) No person shall:
  - a) fail to install a water meter as required under the provisions of this By-law;
  - b) make, allow or permit any connection or connections from a private water system, well or any other form of water supply whatsoever to a building serviced by the municipal works system;

- c) fail to provide a suitable place to install a meter;
  - d) fail to protect a meter;
  - e) fail to provide easy access to the meter;
  - f) wilfully hinder or obstruct any Public services external clerk or municipal law enforcement officer in the exercise of his duties;
  - g) wilfully open or close any hydrant without any written approval from the Director of Infrastructure and Planning;
  - h) obstruct free access to any fire hydrant;
  - i) allow or permit to throw or deposit any substance or material or offensive matters into the water or water works;
  - j) tamper with or wilfully damage any pipes;
  - k) allow or permit the alteration of any meter placed upon any service pipe;
  - l) allow or permit water to be obtained from the utility without paying the prescribed fees;
  - m) allow or permit any curb stop valve at the property line to be opened or closed without any written approval of the Public services external clerk.
  - n) Allow or permit any water main valves to be opened or closed without any written approval from the Director of Infrastructure and Planning.
- 2) The City of Clarence-Rockland may turn off or restrict the supply of water to a building or lands where any or all of the provisions of this By-law have been violated. The supply of water shall not be turned on again or restored to normal until the cause of the shutting off or restriction has been removed or remedied and a service charge as set forth in Schedules "A" has been paid.
- 3) The City of Clarence-Rockland may, at the request of the owners or occupants, turn on/off or restrict the supply of

water to a building or lands subject to a service charge as set forth in Schedules "A" of this By-law.

- 4) Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction shall forfeit and pay a penalty as provided for in the Provincial Offences Act, 1990, R.S.O., Chapter P.33 and amendments thereto.
- 5) Notwithstanding subsection 3), where a corporation is convicted of an offence under this By-law, a minimum penalty of \$1,000.00 shall be imposed for the first offence and not more than the maximum penalty provided for in the Provincial Offences Act, 1990, R.S.O., Chapter P .33 for the second or subsequent offences.

## **10. ENFORCEMENT**

The provisions of the By-law shall be enforced by the Public services external clerk or the municipal law enforcement officer.

## **11. ORDER PROHIBITING**

When a person has been convicted of an offence under the provisions of the By-law, any court of competent jurisdiction thereafter may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act by person convicted directed towards the continuation or repetition of the offence.

## **12. SEVERABILITY**

It is declared that if any section or subsection or part or parts thereof be declared by any competent Court of Law to be illegal shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

**13. REPEAL**

By-law numbers 2013-153, 2015-31 and 2015-175 are hereby repealed.

The fees and charges established by this by-law shall take precedence over any other fees and charges previously adopted by any previous by-law, resolution and/or policy.

**READ, DONE AND PASSED IN OPEN COUNCIL THIS 17<sup>TH</sup> DAY OF FEBRUARY 2016.**

  
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**GUY DESJARDINS, MAYOR**

  
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**MARYSE ST-PIERRE, DEPUTY CLERK**

**SCHEDULE "A" TO BY-LAW No. 2016-15  
as amended by By-law No. 2016-168**

**1. WATER AND SEWER CHARGES**

i) Owners of metered properties that are serviced by the public utilities system shall be invoiced for water and sewer charges as follows:

a) Flat annual charge for:

Water service	\$148.00 per unit
Sewer service	\$147.00 per unit

**PLUS**

b) Consumption charge

Water per cubic meter \$1.2560

Sewer per cubic meter \$1.6538

ii) Owners of non-metered properties that are serviced by the public utilities system shall be invoiced for water and sewer charges as follows:

a) Flat annual charge for:

Water service	\$148.00 per unit
Sewer service	\$147.00 per unit

**PLUS**

b) Flat consumption charge of \$56.59 per month

iii) Villages (excluding vacant lands) who have frontage on the water distribution system and are not serviced by the water distribution system shall be invoiced for water charges as follows:

a) Flat annual charge for:

Water service	\$148.00 per unit
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## **2. SEWER CHARGES**

Sewer charges for properties in the former Township of Clarence who are on the private/public septic system shall be imposed a flat service charge as stated below:

1856 Labonté	\$653 / year
1860 Labonté	\$745 / year
1862 Labonté	\$562 / year

## **3. CAPITAL CONNECTION CHARGES**

A capital connection charge will be levied to all existing users that wish to connect to the municipal water and sewer system. The fixed charge to connect to each service is as follows:

Water service	\$3,277 per connection
Sewer service	\$2,633 per connection

## **4. OTHER CHARGES**

- a. Opening of water accounts is subject to a non-refundable administrative fee of \$45.00.
- b. A \$60.00 administrative fee, per visit, to inspect and seal the water meter and to open the water service.
- c. Service representative calls to collect overdue accounts / delivery of "Door hanger" last notice to collect overdue accounts, following notice to shut off water supply, will result in a \$45.00 charge per account.
- d. A \$60.00 per service charge will be imposed for the inspection of a service and/or to turn on/off the supply of water on account of By-law violation or non-payment of water bill, and to reinstate supply following the turning off of the supply for By-law violation or non-payment.
- e. A \$60.00 per service charge will be imposed when the Public Services external clerk, at the request of the owners or occupants, is required to turn on/off the supply of water to a property between 8:00 AM and 4:30 PM, Mondays through Fridays (except statutory holidays). Otherwise the service charge to be imposed will be the actual cost to the municipality for a call out plus 10% administrative fee with a minimum charge of \$110.00.

- f. The cost of supply and installation of water meters, thawing of services or other services will be as determined by the Director of Infrastructure and Engineering plus an administrative charge.
- g. A \$45.00 administrative fee will be imposed for a final meter read.
- h. Water Meter leak detection: work order requested by (owner or occupant) \$50.00