

The Corporation of The Town of The Blue Mountains

By-law Number 2014 - 11

Being a By-law to impose Water Charges and Sewer Charges

Whereas the Water By-law (2008-02) as amended, provides for the operation of the water system, the requirements for the supply of water to properties, the installation of water meters on properties, the imposition of rates and charges for the supply of water to properties and other water related matters;

And Whereas Sections 9, 11 and Part XII of the *Municipal Act, 2001*, as amended, (the *Act*) and the *Regulations* thereto enable a municipality to impose by By-law fees or charges on persons for the supply of water and the use of a sewage system;

And Whereas *Ontario Regulation 581/06* provides that fees or charges imposed for the supply of water and the use of a sewage system under the Act and added to the tax roll under Subsection 398(2) of the Act have priority lien status as described in Section 1 of the Act;

And Whereas the Council deems it necessary to impose upon the owners water charges for the supply of water to pay the costs of providing the water system and supplying water to the owners;

And Whereas the Council deems it necessary to impose a charge upon the owners of unconnected vacant lots fronting on the water system for the associated costs to replace water infrastructure;

And Whereas the Council deems it necessary to impose upon the owners sewer charges for the use of the sewage system to pay the costs of providing the sewage system for the use of the owners;

And Whereas the Council deems it necessary to impose a charge upon owners of unconnected vacant lots fronting on the sewage system for the associated costs to replace sewer infrastructure;

And Whereas the Town has held a public meeting before passing this By-law and has provided notice of the public meeting and its intention to pass this By-law and made available to members of the public information with respect to the water charges and the sewer charges.

Now Therefore the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

Definitions

1. In this By-law, including the recitals thereto:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

“assumed” means the earlier of when the Town has assumed ownership of underground works which will form part of the water system or sewage system, or both, or three years after the Town has issued a Certificate of Preliminary Acceptance in accordance with a subdivision agreement for underground works which will form a part of the water system or sewage system or both;

“charges” means the water charges or the sewer charges or both and includes late payment charges;

“Council” means the Council of The Corporation of the Town of The Blue Mountains;

“development potential” means vacant land that is located wholly or partially within an area that is zoned pursuant to applicable Zoning By-law that would permit the construction of a building or structure greater than 50 square metres. For greater certainty, vacant land wholly

located within the Public Open Space (OS1) Zone, Private Open Space (OS2) Zone, Hazard (H) Zone, Development (D) Zone and Deferred Development (DD) Zone as set out in Zoning By-law Number 83-40 as amended, and vacant land wholly located within the Hazard H Zone as set out in Zoning By-law Number 10-77, as amended, are deemed to not have development potential;

“land” includes buildings and structures;

“owner” or “property owner” means the person who is the registered owner of an estate in fee simple of a property and includes the registered owner in fee simple of an unconnected vacant lot;

“person” includes a corporation and the heirs, executors, administrators, successors, assigns or other legal representatives of a person to whom the context can apply according to law;

“potable water” means water that is fit for human consumption;

“property” means a separately assessed parcel of land connected to or fronting on the water system or the sewage system or both and includes a condominium unit in a condominium corporation and the common elements in a condominium corporation;

“sewage system” means the Town’s municipal sewage system which includes works for the collection, transmission, treatment and disposal of sewage;

“sewer charges” means the sewer user rates and the sewer related charges imposed on the owners by this By-law for the use of the sewage system at the rates and in the amounts set out in Schedule “B”;

“sewer related services” means the sewer related services described in Schedule “B”;

“Town” means The Corporation of the Town of The Blue Mountains;

“Treasurer” means the person holding the title of Director of Finance and IT Services (Treasurer) for the Town or designate;

“unconnected vacant lot” means a separately assessed parcel of land with no buildings or structures erected thereon fronting on but not connected to an assumed part of the water system or the sewage system, or both, and which has “development potential”;

“water” shall mean potable water supplied by the Town;

“Water By-law” means the Town’s By-law for the regulation of the water supply in the Town in force at any given time;

“water charges” means the water supply rates and the water related charges imposed on the owners by this By-law for the supply of water at the rates and in the amounts set out in Schedule “A”;

“water meter” means the water meter supplied and owned by the Town or a water meter owned by an owner and approved by the Town used to measure the quantity of water supplied to the owner;

“water related services” means the water related services described in Schedule “A”;

“water system” means the Town’s municipal drinking-water system as defined in the *Safe Drinking Water Act, 2002*, S.O. 2002, c.32, as amended and includes works for the collection, production, treatment, storage, supply and distribution of water;

Unless the context otherwise requires in this By-law, words importing the singular include the plural and vice versa.

Water and Sewer Charges

2. The water charges set out in Schedule "A", which are all charges for the supply of water, and the sewer charges set out in Schedule "B", which are all charges for the use of the sewage system, are approved and imposed on the owners commencing January 1, 2014, save and except the charges for bulk water sales, holding tank water and septage waste, which will be imposed commencing May 1, 2014.

Water Supply Rates and Sewer Use Rates

3. The rates for the water supplied to all properties and the rates charged for the use of the sewage system shall be charged to the owners on a per cubic meter basis measured by the water meter on the property, a flat rate basis or a minimum rate basis as the case may be at the rates shown on Schedules "A" and "B" respectively.

Water Related Charges and Sewer Related Charges

4. The water related charges for the water related services and the sewer related charges for the sewer related services applicable to a property shall be charged to the property owner in the amounts shown on Schedules "A" and "B" respectively.

Charges Due and Payable

5. The charges imposed by this By-law are due and payable:
 - (a) Upon the due date specified on any invoice issued by the Town to any owner in connection with a charge imposed by this By-law; or
 - (b) At the time of the transaction for which a charge is imposed by this By-law.

Late Payment Charges and Interest Charges on Payments in Default

6. A late payment charge of 1.25 per cent of the amount due and unpaid shall be imposed on all charges which are in default on the day following the due date. An interest charge of 1.25 per cent of the amount of the charge due and unpaid will be imposed each month thereafter for the non-payment of charges, but will not start to accrue before the first day of default.

Non-payment of Charges

7. The charges imposed by this By-law constitute a debt of the owner to the Town, may be added by the Treasurer to the tax roll for the owner's property and collected in the same manner as municipal taxes in accordance with Subsection 398(2) of the Act. The charges added to the tax rolls under Subsection 398(2) of the Act have priority lien status as described in Section 1 of the Act.
8. The Treasurer is hereby authorized to add the charges which are in default to the tax rolls for properties to which the water was supplied or which used the sewage system.
9. On all charges which are in default and added to the tax roll by the Treasurer in accordance with Section 8, a penalty of 1.25 per cent per month will be added on the first day of each and every month the default continues until December 31 in the current year. On all charges in default on January 1 of the following year, interest will be added at the rate of 1.25 per cent per month for each month or fraction thereof of default.
10. The Town may in accordance with Section 81 of the Act shut off the supply of water to a property if the water charges or the sewer charges or both payable by the property owner are overdue and in default.

Application to the Ontario Municipal Board

11. No application shall be made to the Ontario Municipal Board under Clause 71(c) of the

Ontario Municipal Board Act on the grounds that the water charges imposed under this By-law are unfair or unjust.

Capital Water Charges

12. The water charges and the sewer charges imposed by this By-law are in addition to any capital water charges or capital sewer charges which have been imposed by the Town or may imposed by the Town in the future to pay the capital costs of the water system or the sewage system or any parts thereof.

Administration

13. This By-law shall be administered and enforced by the Town.

Schedules

14. Schedules "A", "B" and "C" are hereby declared to form part of this By-law.

By-law in Force

15. This By-law shall come into force and take effect on the 1st day of January, 2014.
16. By-law 2013-6 as amended and By-law 2013-49 is hereby rescinded and repealed.

Enacted and passed on this 3rd day of March, 2014.

Ellen Anderson, Mayor

Corrina Giles, Clerk

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Schedule “A”

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Water Supply Rates

Fixed Charge

Meter Size	Rate (per month)
5/8" ¹	\$ 26.96
3/4"	\$ 28.70
1"	\$ 33.93
1 1/2"	\$ 40.91
2"	\$ 60.08
3"	\$ 201.26
4"	\$ 253.55
6"	\$ 375.56

Tiered Incremental Rates

Meter Size	Rate (per m ³ per two month period)
>10 – 30 m ³	\$ 1.91
>30 – 60 m ³	\$ 2.08
>60 – 90 m ³	\$ 2.26
over 90 m ³	\$ 2.44

Other Charges

Charge	Rate
Bulk Water Sales	\$ 3.07 per m ³
Unconnected Water Rate (temporary disconnection, unconnected service)	Same as “Fixed Charge per Month”
Unconnected Vacant Lot Water Rate	\$ 17.43 per month
Flat Rate Charge	\$ 36.51 per month, 5/8” meter equivalent
Minimum Water Charge	Same as “Fixed Charge per Month”

¹ Multiple condominium or residential-type units serviced by one meter are deemed to be serviced by one 5/8” meter per condominium unit for the purposes of this By-law

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Schedule “A”

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Water Related Charges

Charge	Rate	
Service connection application/inspection	\$ 50.00	per connection
Service installation re-inspection	\$ 50.00	per each inspection subsequent to
Service disconnection charge	\$ 50.00	per connection
Service reconnection charge	\$ 50.00	per connection
Late payment charge on unpaid billing	1.25%	applied to due and unpaid charges on current billing
Interest charge on unpaid billing	1.25%	applied each month thereafter to due and unpaid charges
Collection charge - deliver notice of disconnection	\$ 25.00	per connection/billing
Administrative charge - change of ownership or occupant (includes reading meter to final charge)	\$ 30.00	per instance
Utility Bill Reprint	\$ 2.00	per utility bill
Transfer Fee – for incorrect payment to account		Initial request no charge for account holder
Second and each subsequent instance	\$ 20.00	per instance
Temporary removal and reinstallation of meter	\$ 100.00	per removal and reinstallation
Seasonal Address Change	\$ 10.00	per instance
Testing meter for accuracy	\$ 100.00	per 5/8" water meter test
Service disconnection inspection	\$ 50.00	per inspection
Hydrant maintenance fee	\$ 96.00	per hydrant per year plus HST
5/8" meter (radio activated)	\$ 450.00	per meter
Landscape watering permit (new landscaping only)	\$ 50.00	per permit
Landscape watering deposit (new landscaping only)	\$ 50.00	per permit
Use of water during restricted/prohibited time		
First instance	No cost	written warning
Second instance	\$ 150.00	per instance
Third and each subsequent instance	\$ 300.00	per each subsequent instance
Utility certificate - account status	\$ 60.00	per account
Additional Services (Additional Equipment, Material, Resources to include but not limited to retaining a private contractor, equipment rental, additional material etc.)	100%	of cost
Cross Connection Control Program		
Application Fees (one fee for all persons registered within Company)	\$ 100.00	One Time
Tester Renewal fee	\$ 75.00	Annually
Survey Review	\$ 100.00	Every 5 years
Annual Test Result Review	\$ 50.00	Annually per device
Removal of Device Application (accompany survey)	\$ 50.00	One Time
Test Tags	\$ 5.00	Annually per device
Air Gap Certification Review	\$ 35.00	Annually

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Schedule “B”

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Sewer Use Rates

Fixed Charge

Meter Size	Rate (per month)
5/8" ²	\$ 22.63
3/4"	\$ 24.10
1"	\$ 28.52
1 1/2"	\$ 34.41
2"	\$ 50.62
3"	\$ 169.93
4"	\$ 214.12
6"	\$ 317.23

Tiered Incremental Rates

Meter Size	Rate (per m ³ per two month period)
>10 – 30 m ³	\$ 1.58
>30 – 60 m ³	\$ 1.73
>60 – 90 m ³	\$ 1.89
over 90 m ³	\$ 2.05

Other Charges

Charge	Rate
Unconnected Water Rate (temporary disconnection, unconnected service)	Same as “Fixed Charge per Month”
Unconnected Vacant Lot Water Rate	\$ 14.73 per month
Flat Rate Charge (no meter installed – newly constructed building)	\$ 30.53 per month 5/8” meter equivalent
Minimum Sewer Charge (water service shut off for non-payment, temporary removal of water meter)	Same as “Fixed Charge per Month”
Holding Tank Wastewater (originating in the Town of The Blue Mountains)	\$ 4.25 per m ³
Septage Waste “B” (10,000-15,000 mg/L) (originating in Town of The Blue Mountains)	\$ 24.50 per m ³
Septage Waste “A” (3,000-10,000 mg/L) (originating in Town of The Blue Mountains)	\$ 15.00 per m ³
Holding Tank Wastewater (originating outside Town of The Blue Mountains)	\$ 4.60 per m ³
Septage Waste “B” (10,000-15,000 mg/L) (originating outside Town of The Blue Mountains)	\$ 27.20 per m ³
Septage Waste “A” (3,000-10,000 mg/L) (originating outside Town of The Blue Mountains)	\$ 16.10 per m ³
Leachate (1,000-3,000 mg/L)	\$ 6.50 per m ³

² Multiple condominium or residential-type units serviced by one meter are deemed to be serviced by one 5/8” meter per condominium unit for the purposes of this By-law.

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Schedule “B”

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Sewer Related Charges

Charges	Rate	
Service connection application	\$ 50.00	per connection
Service installation re-inspection	\$ 50.00	per each inspection subsequent to the first inspection
Late payment charge on unpaid billing	1.25%	applied to due and unpaid charges on current billing
Interest charge on unpaid billing	1.25%	applied each month thereafter to due and unpaid charges
Collection charge (included in Water Collection Charge)		per connection/billing
Administrative charge (included in Water Administrative Charge)		per service
Service Disconnection Inspection	\$ 50.00	per inspection
Additional Services (Additional Equipment, Material, Resources to include but not limited to retaining a private contractor, equipment rental, additional material etc.)	100%	of cost

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Schedule “C”

Water Consumption Appeal Process

It is the responsibility of the property owner or the tenant of the property to maintain the property in good repair. Any faulty plumbing should be repaired in a timely manner. From time to time, however, there may be plumbing problems that are not easily detected, which may result in higher than usual water consumption. The Town will only consider an appeal if reasonable care has been taken to maintain the property. Appeals will only be considered after all other avenues have been exhausted.

The intent of the appeal process is to assist those residential water users previously on flat rate billing, that are either unaware of the fact that they had leaking plumbing, or are unaware of the impact the leaking plumbing will have on their utility bill now based in part on consumption flow. The adjustment will assist the property owner to understand the relationship between the volume of water used and the resulting cost. This appeal process is established to authorize a one-time only reduction to metered water consumption due to a faulty plumbing problem (for example a leaky water faucet or a leaking toilet) but does not include loss of water due to frozen pipes, water cooled air conditioners and water pressure sump pumps.

A request for an adjustment to water consumption must be made in writing to the Town; within 30 days from the utility bill statement date for the period that the problem occurred. An appeal will only be considered for the period in which the problem occurred. The requester will explain the nature of the problem, the length of time that the problem was in effect, and will confirm that the problem has since been corrected; paid invoices indicating that repairs were made to correct the problem may be required upon the Town’s request. Additional information or documentation may also be required at the discretion of the Town. All decisions of the Town are final.

Water charges and sewer charges are each comprised of a fixed charge and a charge based on metered water consumption. Consideration will be given to reducing the charges based on water consumption only. Any reduction will apply to the water consumption charge and, where applicable, to the sewer charge based on water consumption; the fixed charges will not be adjusted.

The billing adjustment will be the difference between the utility customer’s estimated normal water consumption for the period under review and their actual water consumption for that period in cubic metres, multiplied by the total of the water consumption charge plus the sewer charge based on water consumption (where applicable) in effect for that period. The maximum billing adjustment will be 80% of the actual water consumption charge and if applicable the associated sewer consumption charge. The estimated normal water consumption for the period under review will be determined by the Town in consultation with the utility customer, but the Town’s determination will be final. Adjustments will not be made where the difference is less than \$5. Any adjustment will be posted to the utility customer’s account.

An adjustment may be made to metered water consumption or sewer charges with the approval of the Manager of Revenue.