

SOUTH FRONTENAC TOWNSHIP

BY-LAW 2009-08

A BY-LAW RESPECTING WATER SERVICE CHARGES IN SOUTH FRONTENAC TOWNSHIP

WHEREAS The Corporation of the Township of South Frontenac (the "Township") owns, operates and maintains the Sydenham Water Treatment Plant System;

AND WHEREAS Section 11 (2) of the Municipal Act, 2001, S.O. 2001, Chapter 25 authorizes the Township to pass by-laws respecting public utilities that includes water works and services;

AND WHEREAS the Council of the Township deems it desirable and expedient to pass a by-law respecting water services in order to ensure a continued supply of water services to those persons in South Frontenac Township to whom such services are supplied by the Township;

AND WHEREAS Section 391(1) of the Municipal Act, 2001 authorizes the Township to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the Township;

AND WHEREAS before passing this by-law, the Township held a public meeting on December 18th, 2007, at which any person who attended had an opportunity to make representation with respect to the matter;

AND WHEREAS notice of the public meeting at which Council intended to pass this by-law was given notice to the public, which notice set out

- (a) a description of the service or activity for which the fees and charges are being imposed,
- (b) the amount of the fees and charges, and
- (c) the rationale for imposing the fee or charge.

AND WHEREAS section 81(1) of the Municipal Act, 2001, authorizes the municipality to shut off the supply of a public utility to land if fees or charges payable by the owners or occupants of the land for the supply of the utility are overdue;

AND WHEREAS section 83 of the Municipal Act, 2001, authorizes a municipality to require, as a condition of supplying or continuing to supply a public utility, reasonable security be given for the payment of fees and charges for the supply of the public utility;

AND WHEREAS Section 398 of the Municipal Act, 2001, authorizes the Treasurer to add fees and charges imposed by the municipality to the tax roll for a property to which a public utility has been supplied and to collect them in the same manner as municipal taxes;

AND WHEREAS Council of the Township wishes to impose fees and charges to recover the costs of providing water services to the users thereof;

NOW THEREFORE the Council of the Corporation of the Township of South Frontenac hereby enacts as follows:

Definitions

1. In this by-law,

- (a) "**Council**" shall mean the Council of The Corporation of the Township of South Frontenac;
- (b) "**Dwelling Unit Equivalent**" or "**DUE**" means the equivalent number of residential units that are deemed to exist on a property in the ICI Group as determined in accordance with this by-law;

- (c) **"ICI Group"** means those properties, or parts of properties, serviced by the Sydenham Water Treatment Plant System that do not contain a residential unit;
- (d) **"occupant"** means any person other than an owner who occupies property, and any reference in this by-law to an occupant in the singular shall be deemed to include the plural, where applicable;
- (e) **"owner"** means the registered owner or owners of a property and any reference in this by-law to an owner in the singular shall be deemed to include the plural, where applicable;
- (f) **"residential unit"** means a group of rooms in a building which is designated and used or intended to be used as a single, independent and separate housekeeping establishment in which food preparation and sanitary facilities are provided for the use of the occupants, and which has a private entrance from outside the building or from a common hallway or stairway inside the building, but does not mean or include a tent, cabin, trailer, mobile home, or a room or suite of rooms in a boarding house, hotel, motel, motor hotel, or tourist home.
- (g) **"Sydenham Water Treatment Plant System"** shall mean the water treatment plant located in the Hamlet of Sydenham, located in the Township of South Frontenac, and its related pumping stations, distribution mains and water storage facilities;
- (h) **"Township"** shall mean The Corporation of the Township of South Frontenac.

Authority

2. Council shall be responsible for the operation of the Sydenham Water Treatment Plant System, including the setting of fees and charges, the engaging of employees, the payment of accounts and all other things necessary for the successful operation of the Sydenham Water Treatment Plant System.

Water Service Charges

3. Every owner and occupant of property to which the Township supplies water from the Sydenham Water Treatment Plant System shall be jointly and severally responsible for payment of a water service charge for the property consisting of a monthly flat rate, a consumption rate and, if applicable, miscellaneous fees and charges, all of which shall be determined in accordance with this by-law.
4. If a property has been granted an exemption from the obligation to connect to the Sydenham Water Treatment Plant System, every owner and occupant of the property shall be jointly and severally responsible for payment of a water service charge consisting only of a monthly flat rate, which shall be determined in accordance with this by-law.
5. Effective January 1, 2008, a water service charge shall be charged monthly for all properties that are connected to, or are capable of being connected to, or have been granted an exemption from the requirement to connect to the Sydenham Water Treatment Plant System.
6. The consumption rate component of the water service charge for a property shall be calculated by multiplying the amount of water consumed in excess of 18 cubic meters per month as measured at the meter for the property by the consumption rate in Schedule "A" to this by-law.
7. The amount to be charged in accordance with Section 7 will be calculated by multiplying the actual amount of water consumed as measured at the meter for the property by the consumption rate in Schedule "A" to this by-law.

8. Subject to Section 10, the monthly flat rate component of the water service charge for a property, or the part of a property that is used as a residential unit, shall be calculated by multiplying the number of residential units on the property by the monthly flat rate charge per unit as set out in Column 2 of Schedule "A" to this by-law.
9. If a property has been granted an exemption from the requirement to connect to the Sydenham Water Treatment Plant System, the monthly flat rate component of the water service charge for a property, or the part of a property that is used as a residential unit, shall be calculated by multiplying the number of residential units on the property by the monthly flat rate charge per unit as set out in Column 3 of Schedule "A" to this by-law.
10. The monthly flat rate component of the water service charge for a property, or the part of a property, that is in the ICI Group shall be calculated by multiplying the number of DUE's for the property by the monthly flat rate charge per unit set out in Schedule "A" to this by-law.
11. For the purpose of Section 11, the DUE's for a property in the ICI Group shall be calculated annually by dividing the amount of water supplied to the property by the average amount of water supplied to residential units during the same twelve (12) month period as determined by the Township.
12. When the average yearly amount of water supplied to a property in the ICI Group is not available, or if there is a change in use of the property, which in the opinion of the Township, will result in significant change in the quantity of water that will be supplied to the property in future, the Township may estimate number of DUE's for the property based on amount of water supplied previously to the property and/or to properties with comparable uses in the Township.
13. Miscellaneous fees and charges associated with the supply of water services shall be charged and be payable in accordance with Schedule "B" to this By-law.

Billing, Payment and Security Deposits

14. A water service charge payable in accordance with this by-law shall be billed to the owner of the property on a quarterly basis at the owner's address as shown on the last revised assessment roll and shall be deemed to have been received on the third business day after the date on which the bill was mailed.
15. Despite Section 14, the Treasurer may, if requested in writing by the owner, send the bill for payment of a water service charge to the occupant of the property at the address of the property, but nothing herein relieves the owner or occupant of their joint and several obligations to pay the bill when due.
16. All amounts owing on account of a water service charge shall be paid to the Township on the due date at the Municipal Offices or at such other place as may be set out on the bill.
17. If the Township is requested to send the bill for water services to a person who is an occupant of the property, the Treasurer may, as a condition of the Township supplying water to the property, require the occupant to post security for payment of future water service charges.
18. The amount of security that the Treasurer may request be posted in accordance with Section 17 shall be the equivalent of the water service charge for two months for the property as estimated by the Treasurer based on previous quantities of water supplied to the property or, if the Township has not previously supplied water to the property, the quantity of water supplied to similar properties elsewhere in the Township.
19. If the Township has shut off the supply of water to a property, or if the Treasurer has reasonable grounds to believe based on past payment history that an owner or occupant of a property may be unable to pay, or to continue paying a water service charge when

due, the Treasurer may, as a condition of the Township supplying or continuing to supply water to the property, require the owner or occupant, as the case may be, to post security for payment of future water service charges, or both.

20. The amount of security that the Treasurer may request be posted in accordance with Section 19 shall equal the greater of:
 - (a) \$75.00, or
 - (b) the amount of the water service charge for two months for the property as estimated by the Treasurer based on previous quantities of water supplied to the property.
21. The Treasurer may accept security in the form of cash or any other type of negotiable security suitable to the Treasurer.

Remedy if Default of Payment

22. If an amount owing on account of a water service charge is not paid on the due date, the billed amount shall increase by 5 percent and be payable to the Township.
23. A water service charge payable by the owner or occupant of a property constitutes a joint and several debt of the owner and occupant owing to the Township.
24. If a water service charge is not paid when due, the Treasurer may, in addition to any other remedies available to the Township, add the amount owing to the tax roll of the property to which the water was supplied and the Township may proceed to collect it in the same manner as municipal taxes.
25. Any amount owing on account of a water service charge that is added to the tax roll of a property shall bear interest at the rate of 1.25% per month (15% per annum) from the first day of the month after the date on which the amount is added to the tax roll to the date of payment.
26. If an owner or occupant fails to pay a water service charge when due, the Township may, in addition to any other remedies available to it, shut off the supply of water to the property.
27. Prior to the Township shutting off the supply of water to a property in accordance with Section 26, the Township shall give written notice at least 14 days prior to the date on which the water service will be shut off to the owner and occupant of the property,
 - (a) by personal service, or
 - (b) by posting the notice on the property in a conspicuous place,
 - (c) or by prepaid mail sent to the owner at the owner's address according to the last revised assessment roll and to the occupant at the address of the property, in which case the notice shall be deemed to be received on the third business day after the notice was mailed.
28. If the supply of water to a property is shut off by the Township in accordance with Section 26, the monthly flat rate component payable for the property shall continue to accrue and the water service shall not be turned on until after payment of all amounts owing to the Township, including any charge for turning off and on the supply of water as set out on Schedule "B" to this by-law.

Validity

29. It is declared that notwithstanding that any part or parts of this by-law, or sections thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Township to enact, such part or parts or sections shall be deemed to be severable and all other parts or sections of this by-law are separate and independent there from and enacted as such.

By-law Administration

30. The Treasurer shall be responsible for the administration of this by-law.

Short Title

31. This by-law may be referred to as the "Water Service Charges By-law".

Expiry

32. This by-law shall apply to water rates in the year 2009 and remain in effect unless amended or repealed by Council.

Effective Date

33. This by-law shall be in force and take effect on the date of its passing.

Dated at the Township of South Frontenac this 3rd day of February 2009.

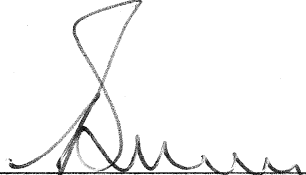
Read a first and second time this 3rd day of February 2009.

Read a third time and finally passed this 3rd day of February 2009.

**The Corporation of the
Township of South Frontenac**



Gary Davison, Mayor



Gordon Burns, Clerk-Administrator

SCHEDULE A TO BY-LAW 2009-08
SOUTH FRONTENAC TOWNSHIP
SCHEDULE OF WATER SERVICE FEES

Property	Column 1 Consumption Rate (per cubic meter) in excess of 18 m3/month	Column 2 Flat rate per month (per non-exempt residential unit or DUE)	Column 3 Flat rate per month (per exempt residential unit)
Residential Unit	\$0.25	\$41.76	\$37.26
Industrial, Commercial and Institutional	\$0.25	\$41.76	N/A

SCHEDULE B TO BY-LAW 2009-08

SOUTH FRONTENAC TOWNSHIP

SCHEDULE OF MISCELLANEOUS WATER SERVICE CHARGES

1. Water Service Permit	Per connection \$25.00
2. Water Service Inspection	Per connection \$25.00
3. Water Meter	Residential \$150.00 ICI – Cost of meter plus \$50 administration fee
4. Water Meter Testing at customer's request	Regular hours \$25.00 After hours \$75.00
5. Turning Water Service ON/Off for maintenance and/or repair	Regular hours \$25.00 After hours \$75.00
6. Bulk Water Usage Charge applicable when customer takes water on a bulk basis. (includes commercial water hauling operations).	Annual fixed charge \$50 Commodity charge \$0.25/m³