

**Loyalist Township Staff Report
Water and Sewer Charges and
Rates - Public Meeting and By-laws
Public Meeting Meeting**



Report Number: SR- 1216

Meeting: Regular Council - 12 Nov 2019
Type: Public Meeting
Department: Business Services Department
Report Date: November 1, 2019
Author: Brianne MacNevin
Attachments: Yes
Number of Attachments: 2

Executive Summary:

Loyalist Township entered an agreement with Hemson Consulting Ltd. ("Hemson") to undertake a review of connection charges and water and sewer rates. The results of this rate study were presented to Council on July 29, 2019 with consultations with developers and public occurring on August 26 and September 23, 2019. The results of the public consultation were documented and reported to Council on October 15, 2019. The attached by-laws modify the connection charges and water and sewer user rates as directed by Council.

Recommendation:

That the report from the Senior Financial Analyst, November 1, 2019 re: Water and sewer charges and rates - public meeting and by-laws, be received and the following be approved:

1. That by-law 2019-100, a by-law respecting water and sewage user rates and services charges in Loyalist Township, intend to be adopted at next regular Council meeting occurring on November 25, 2019 and thereby repealing by-law 2018-116 and any and all by-laws of portions thereof conflicting with this by-law; and
2. That by-law 2019-099, a by-law establishing fees and charges to pay for the capital cost of water works and sewage works in the Fairfield water service area, the Loyalist East sewage service area, and Bath service area, intend to be adopted at next regular Council meeting occurring on November 25, 2019 and thereby repealing by-law 2018-023 and any and all by-laws or portions thereof conflicting with this by-law

Background:

Various reports to Council in relation to this rate study resulted in the passing of the following resolutions from Council:

Resolution SP.2019.09 - July 29, 2019

Moved by Deputy Mayor Hegadorn and Seconded by Councillor Townend that the report from the Senior Financial Analyst, July 24, 2019, re: Draft Results of Water and Sewer Rates Study, be received and the following be adopted:

1. That the findings of Hemson Consulting Ltd. be received and accepted in principle.
2. That staff be directed to coordinate a meeting with the development community to review the connection charge scenario as directed by Council.
3. That staff be directed to coordinate an open house with the ratepayer community, to review the water and sewer user rates scenarios as directed by Council with two scenarios being: Option 1 (remain status quo: 60:40 fixed/consumption ratio); and Option 2 (change the ratio more heavily to consumption at a 40:60 fixed/consumption transition).
4. That the outcome of the meeting with developers and public open house be reported back to Council for direction before preparing the by-laws to establish the connection charges and user rates.

Resolution 2019.17.4 - October 15, 2019

Moved by Deputy Mayor Hegadorn and Seconded by Councillor Budarick that the report from the Senior Financial Analyst, October 9, 2019, re: Water and Sewer Charges and Rates - Results of Developer and Public Consultations, be received and the following be adopted:

1. That Council direct staff to bring a draft by-law reflecting the proposed connection charges.
2. That Council direct staff to bring two draft by-laws for consideration, reflecting the following user rate scenarios brought to public consult:
 - a. Status quo 60:40 fixed/consumption cost recovery with annual increases as outlined in the scenario.
 - b. Transitional 40:60 fixed/consumption cost recovery over the planning period as outlined in the scenario.
3. That Council approve the following changes to the upcoming draft connection charge by-law:
 - a. Exemption for intensification of new housing through a building permit application for the construction of a second residential unit on an existing lot where a principal residential dwelling has already been established.
 - b. Exemption for intensification of existing housing through creation of one or two additional residential dwelling units in an existing residential dwelling where the total gross floor area of the additional unit does not exceed the gross floor area of the existing dwelling unit.
4. That Council approve the following changes to the upcoming draft user rate by-law:
 - a. Multi-residential units shall be charged the fixed portion of the rate by number of equivalent residential units ("ERUs") to correlate with consumption patterns, rather than number of units.

Resolution 2019.17.5 - October 15, 2019

Moved by Councillor Porter and Seconded by Councillor Parks that staff bring a report back to Council that outlines options for large families with regards to water and sewer rates and how the Township can provide relief to residents with large families.

Resolution 2019.7.6 - October 15, 2019

Moved by Councillor Porter and Seconded by Councillor Budarick that staff bring a report back to Council regarding bulk water rates, with a comparison of the Township rates to other surrounding municipalities.

Resolution 2019.18.9 - October 28, 2019

Moved by Councillor Townend and Seconded by Councillor Budarick that the report from the Senior Financial Analyst, October 23, 2019 re: Water and Sewer Rate Study - Draft By-laws and Update, be received and that staff are directed to bring a final version of connection charges by-law to November 12 meeting.

Resolution 2019.18.10 - October 28, 2019

Moved by Councillor Porter and Seconded by Councillor Gordon that staff are directed to bring a final version of user rate by-law to November 12 meeting reflecting a transition to 40:60 fixed/consumption over 10 years with annual rates as outlined in Appendix A of Staff Report-1200 and to also bring additional information to Council in regards to how multi-residential rates can be looked at in the future.

Resolution 2019.18.11 - October 28, 2019

Moved by Councillor Budarick and Seconded by Councillor Townend that bulk water rates remain at status quo with annual increases correlating with general user rates.

Resolution 2019.18.12 - October 28, 2019

Moved by Councillor Budarick and Seconded by Councillor Townend that staff be directed to post public notice for comment to occur on November 12.

Status:

The attached by-laws were prepared for adoption by Council based on direction received to date. Further to the changes outlined in Staff Report-1200 and as a result of Hemson's review, Section 1(ddd) was further defined to conform with standard wording specific to secondary units.

Analysis:

Overall impact to various user groups with respect to all water and sewer rate scenarios were outlined to Council in previous staff reports and presentations prepared by Hemson. These included commercial/industrial/institutional users with low to high equivalent residential units ("ERUs") and consumption volume, multi-residential units at various ERU levels, and residential users with low to high volume consumption. Additionally, service addresses were analyzed to determine where the majority fall in terms of current consumption patterns.

Financial Considerations:

The proposed connection charges and user rates are crucial in ensuring the financial sustainability of the Township's water and sewer systems.

Council is reminded of the following financial implications outlined in previous staff reports with respect to the water and sewer user rate by-law attached to this report:

- Debt issuances forecasted approximate \$6 million and \$2.8 million for water and sewer respectively over 10 years
- Annual repayment limit (limit being 25% of own-source revenue) specific to only the water system is projected to range between 9% and 14%, with the limit at 10% by 2029
- Annual repayment limit (limit being 25% of own-source revenue) specific to only the sewer system is projected to range between 8% and 17%, with the limit at 8% by 2029
- Accumulation of reserve funds by 2024 is forecasted to reach 3.6% of projected replacement cost in that year which will assist with the following:
 - Smoothing of annual rate adjustments while projecting significant spikes in capital costs in some years
 - Cash-flow for unexpected capital costs
 - Future potential rebate programs to encourage conservation (subject to Council approval of program and funding method)
 - Further adherence to asset management regulation (O.Reg. 588/17) by contributing towards annual capital requirements of current asset inventory and securing future grants that require this compliance

Options:

Several options have been presented to Council in previous staff reports.

Consultation:

In addition to Hemson's calculations, the rate study process was completed in consultation with the Director of Business Services, the Director of Economic Growth & Community Development, the Director of Community & Customer Services (former Utilities Manager), and the Utilities Manager.

Regulatory/Policy Compliance Implications:

The Township is required to submit a water financial plan in order to retain its drinking water license as per Ontario Regulation 453/07.

Link to Strategic Plan:

Address the Township's Municipal Infrastructure Needs, Provide a Well-Managed and Effective Municipal Government, Strengthen the Township's Financial Position

Attachments:

[By-Law 2019-099 - Water and Sewage Establishing Fees and Charges - Capital Costs](#)

[By-Law 2019-100 - Water and Sewage User Rates and Service Charges](#)

Approved By:

Stephen Dickey, Director of Business
Services/Treasurer
Steven Silver, Chief Administrative Officer

Status:

Approved - 05 Nov 2019
Approved - 05 Nov 2019

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW NO. 2019-099

A BYLAW ESTABLISHING FEES AND CHARGES TO PAY FOR THE CAPITAL COST OF WATER WORKS AND SEWAGE WORKS IN THE FAIRFIELD WATER SERVICE AREA, LOYALIST EAST SEWAGE SERVICE AREA AND BATH SERVICE AREA

WHEREAS the Municipality owns and operates within the Fairfield Water and Loyalist East Sewage Area a water treatment plant and a water pollution control plant, and their appurtenant facilities, equipment and distribution and collection systems;

WHEREAS the Municipality owns and operates within the Bath Service Area a water treatment plant and a water pollution control plant, and their appurtenant facilities, equipment and distribution and collection systems;

AND WHEREAS the owners of property located within Registered Plan No. 1081 previously entered into an agreement with the former Township of Ernestown for the provision of water and sewage services;

AND WHEREAS KoSa Canada Company, Bombardier Inc., and NPIF Kingston Cogen Corporation previously entered into agreements with the Township for the provision of water services;

AND WHEREAS Section 391 of the *Municipal Act, 2001*, authorizes Council to pass a by-law imposing fees and charges on any class of persons who derive a benefit from the water and sewer services provided by the municipality, for the purpose of contributing to the capital cost of providing those services;

AND WHEREAS Council has determined that every person who owns property in the Fairfield Water and Loyalist East Sewage Area derives, or will derive, a benefit from the municipality's water and sewer works and therefore should contribute to the capital cost of those works when the property is first connected to the works;

AND WHEREAS Council has determined that every person who owns property in the Bath Service Area derives, or will derive, a benefit from the municipality's water and sewer works and therefore should contribute to the capital cost of those works when the property is first connected to the works;

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

1. For the purpose of this by-law
 - (a) "Actual Average Daily Flow Rate" means the actual water flow, measured in cubic meters, supplied to a lot during a calendar year divided by 365;
 - (b) "Alter" includes an increase in gross floor area for a non-residential use building or the non-residential use portion of a mixed-use building and the addition of one or more dwelling units to a residential use building or the residential use portion of a mixed use building, and "alteration" has a similar meaning;
 - (c) Not Used
 - (d) Not Used

- (e) "Bath Service Area" means that area of the Municipality receiving municipal sewer and/or water service from the Bath Sewage works or Bath Water works respectively;
- (f) "Bath Sewage Service Area" means the area of the Municipality receiving sewage services from the Bath Sewage Works
- (g) Not Used
- (h) "Bath Sewage Works" means the sewage treatment plant located in Part Lot 14, Concession Broken Front, being Part 1, Plan 29R5184, and being further described as being located in the geographic area of the former Village of Bath now known as Loyalist Township, including pumping stations, sanitary sewers and force mains, serviced by the Bath Water Pollution Control Plant;
- (i) "Bath Sewer Impost Fees Reserve Fund" means the reserve fund established by the municipality in respect of fees and charges collected to pay for the capital cost of sewage works that relate to growth or past growth;
- (j) "Bath Water Impost Fees Reserve Fund" means the reserve fund established by the municipality in respect of fees and charges collected to pay for the capital cost of water works that relate to growth or past growth;
- (k) "Bath Water Service Area" means that area of the Municipality receiving municipal water from the Bath Water Works;
- (l) Not Used
- (m) "Bath Water Works" means the water filtration plant located in Broken Front Concession, Part of Lots 11 and 16, Plan 77, geographic area of the former Village of Bath and now known as Loyalist Township, including pumping stations, distribution mains and water storage facilities serviced by the Bath Water Treatment Plant;
- (n) "Bedroom" means a habitable room larger than seven square meters, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- (o) "Bombardier Agreement" means the agreement between the Township and Bombardier Inc. dated July 9, 2002;
- (p) "Capital Cost" means the cost of constructing sewage works or water works, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for the works and the imputed interest costs;
- (q) "Charges" means any or all of Water Works Charge and/or Sewage Works Charge
- (r) "Council" means the Council of the Corporation of Loyalist Township;
- (s) "Culinary facility" means facilities designed or intended for the preparation of food, which include any combination of two or more of the following: a sink, counter, storage space, refrigerator, stove, microwave or cooking apparatus dedicated to food preparation;
- (t) "Current Value" means the value established by the Municipality in its sole discretion from time to time;
- (u) "Designated Heritage Property" means a property designated to be of cultural heritage value or interest by the Municipality under Part IV of the, Ontario Heritage Act, R.S.O. 1990, c. O. 18 or a property found within a heritage conservation district designated by the Municipality under Part V of the Ontario Heritage Act.
- (v) Not Used

- (w) "Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons on a single lot;
- (x) Not Used
- (y) "Estimated Average Daily Flow" means the estimated daily flow of water, averaged over an annual basis, measured in cubic meters, supplied to a lot;
- (z) "Factory Street Works Charges" shall mean the water works and/or sewer works charges calculated in accordance with this by-law;
- (aa) "Factory Street Works Service Area" shall mean those properties listed in schedule "G" to this bylaw and described as Plan 91, Part of Lot 104 and Plan 91, Part of Lots 136 and 139 RP29R-2097 Part 1;
- (bb) "Factory Street Works" shall mean servicing laterals from the water main and sewer mains to the property lines for the benefit of the Factory Street service area;
- (cc) "Fairfield Water and Loyalist East Sewage Service Area" means that area of the Municipality receiving municipal sewer and/or water service from the Loyalist East Sewage System and/or the Fairfield Water Works respectively;
- (dd) "Fairfield Water Impost Fees Reserve Fund" means the reserve fund established by the municipality in respect of fees and charges collected to pay for the capital cost of water works that relate to growth or past growth;
- (ee) "Fairfield Water Service Area" means that area of the Municipality receiving municipal water service from the Fairfield Water Works;
- (ff) Not Used
- (gg) "Fairfield Water Works" means the Fairfield Water Filtration Plant located in part of Lots 40 and 41, Broken Front Concession, geographic area of the former Township of Ernestown and now known as Loyalist Township, and related pumping stations, distribution mains and water storage facilities;
- (hh) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (ii) "Historic flow demand" means non-residential uses and the non-residential portion of mixed uses, the average daily flow of water, measured in cubic meters, supplied to a lot measured over the most recent past 60 months from when flow measurements taken by the Township are available, or the average daily flow of water measured during the highest occupancy period at the lot by the Township where the lot has not been fully occupied within the most recent 60 month period;
- (jj) "KoSa Agreement" means the agreement between the Township and KoSa Canada Limited dated July 3, 2002;
- (kk) "Lot" means a parcel of land, including land exempt from taxation under the Assessment Act that is under distinct and separate ownership, is separately assessed according to the most current Assessment Roll, and the title to which may be transferred without contravening the Planning Act;
- (ll) "Loyalist East Sewage Impost Fees Reserve Fund" means the reserve fund established by the municipality in respect of fees and charges collected to pay for the capital cost of sewage works that relate to growth or past growth;
- (mm) "Loyalist East Sewage Service Area" means that area of the Municipality receiving municipal sewer service from the Loyalist East Sewage System;

- (nn) "Loyalist East Sewage System" means that area of the Municipality receiving municipal sewer service from the Loyalist East Sewage Works;
- (oo) Not Used
- (pp) "Loyalist East Sewage Works" means the water pollution control plant (sewage treatment plant) located in Part Lot 37, Concession 1, being Part 1 on Plan 29R6932, and being further described as being located in the geographic area of the former Township of Ernestown now known as Loyalist Township, including pumping stations, sanitary sewers and force mains serviced by the Amherstview Water Pollution Control Plant;
- (qq) "Mixed-use" means a building or structure that uses water and sewer services for both residential and non-residential uses.
- (rr) "Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, secondary units, and multi-residential units;
- (ss) "Multi-Residential Unit" means residential units where there is more than one fully serviced dwelling unit on an individual property and excludes secondary units as defined in this by-law.
- (tt) "Municipality" means The Corporation of Loyalist Township;
- (uu) "Non-Residential Uses" means lands, buildings or structures or portions thereof used, or designed or intended for any use other than for residential uses;
- (vv) "NPIF Kingston Cogen agreement" means the agreement between the Township and NPIF Limited Partnership and NPIF Kingston Cogen Corporation dated August 14, 2007;
- (ww) "Odessa Trunk Water Service Area" means those lots within the municipality described as "Eligible" in Schedule "D" to this by-law, the owners or occupants of which derive or will or may derive a benefit from the Fairfield Water Works;
- (xx) "Odessa Trunk Water Works Charge" shall mean the water works charge calculated in accordance with this by-law;
- (yy) "Odessa Trunk Water Works" shall mean the transmission water mains, water booster pumping station, drain chambers, diversion chambers and appurtenances constructed by the municipality and approved in Ministry of the Environment and Energy Certificate of Approval Water #7-0006-96-006, dated February 21, 1996, the location of which is more particularly described in Schedule "D" to this by-law;
- (zz) "Owner" means every person who is a registered owner of land located with the Fairfield Water Service Area, Loyalist East Sewage Service Area and Bath Service Area and any reference in this by-law to an owner in the singular shall be deemed to include the plural, where applicable;
- (aaa) "Parrott's Bay West Water Works" means the portion of the Fairfield Water Works located along Highway 33 west of Parrott's Bay;
- (bbb) "Plan 1081 Agreement" means the agreement dated October 1, 1975 between Loyalist Farms and the former Township of Ernestown as may be amended from time to time;
- (ccc) "Residential uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multi-residential unit, a secondary unit, and the residential portion of a mixed-use building or structure;
- (ddd) "Secondary Units" shall mean a dwelling unit, whether contained within a single detached dwelling, a semi-detached dwelling or a multiple dwelling, or ancillary to a single detached dwelling, a semi-detached dwelling or a multiple dwelling including but not limited to a stand-alone structure (i.e. coach house or laneway suite) or structure constructed above an existing garage or other structure separate from the primary dwelling unit which:

- Is secondary to the primary dwelling unit and smaller in gross floor area than the primary dwelling unit;
 - Cannot be conveyed as a separate parcel from the primary dwelling unit;
- (eee) "Semi-detached dwelling" means a unit that shares one common wall with one adjacent dwelling unit. The common wall defines the property line that separates the two lots;
- (fff) "Single detached dwelling" means a completely detached building containing only one dwelling unit;
- (ggg) Sewage Works Charge means a charge on account of the capital cost of the Fairfield Water Works or Bath Water Works imposed in accordance with this by-law;
- (hhh) "Timmerman Street Service Area" means those properties listed in Schedule "F" to this By-law and described as Part 1 to 5 of plan 29R768 and Part 1 of 29R2853 and Part 1 of 29R329 connected to either the Fairfield Water Works and/or the Loyalist East Sewage Works as defined by 'bb' and 'b' respectively;
- (iii) "Timmerman Street Works Charge" shall mean the water works charge calculated in accordance with this by-law;
- (jjj) "Timmerman Street Works" shall mean the water main, sanitary sewer main and related service connections installed by the municipality on Timmerman Street for the benefit of the Timmerman Street Service Area;
- (kkk) "User fees" means fees charged by the Township on a regular basis for the supply and maintenance of ongoing sewage and water supply operations and non-growth-related capital replacement;
- (lll) Water Works Charge means a charge on account of the capital cost of the Bath Water Works or the Fairfield Water Works;
- (mmm) "Works" includes the Bath Water Works, the Bath Sewage Works, the Fairfield Water Works and the Loyalist East Sewage Works.
2. This by-law shall apply to every person who is an owner of property located in Loyalist Township.

Sewage

3. Sewage Works Charge, being an amount to pay a portion of the capital cost of the Loyalist East Sewage System and the Bath Sewage Works is hereby imposed on each owner or occupant of a lot in the Loyalist East Sewage Area and the Bath Service Area.
4. Not Used
5. Every person who is an owner of a property located in Loyalist Township shall pay the Sewage Works Charge where the building or structure is altered or where a new building or structure is constructed, in accordance with the following:
1. a residential use building or the residential use portion of a mixed-use building, the Sewage Works Charge shall be calculated by multiplying the number of dwelling units of each type by the corresponding charge for the dwelling unit type, as set out in Schedule "A"; and
 2. for a non-residential use building or the non-residential use portion of a mixed-use building, the Sewage Works Charge shall be calculated by multiplying the Estimated Average Daily Flow of the building by the charge in the Non-Residential column of Schedule "A".
6. Subject to section 57, where an existing residential use building or the residential use portion of a mixed-use building is altered, the owner is entitled to a credit against the Sewage Works Charge equal to the number of dwelling units of each type that existed immediately prior to the alteration multiplied by the corresponding charge for the dwelling unit type, as set out in Schedule "A".

7. Subject to section 57, where an existing non-residential use building or the non-residential use portion of a mixed-use building is altered the owner is entitled to a credit against the Sewage Works Charge equal to the Historic Flow Demand of the building multiplied by the charge in the non-residential column of Schedule "A".
8. Subject to section 57, where an existing building is altered such that all or a portion of the building is converted from residential use to non-residential use or vice versa, the owner is entitled to a credit against the Sewage Works Charge that is equal to:
 1. the number of dwelling unit types, if any, that existed on the day immediately prior to the alteration multiplied by the corresponding charge for the dwelling unit type, as set out in Schedule "A"; and
 2. the Historic Flow Demand, if any, for the non-residential use portion of the building multiplied by the charge in the non-residential column of Schedule "A".
9. Subject to section 57, and despite anything to the contrary in this By-law, where an existing building is altered or converted from residential use to non-residential use or vice versa, and the Actual Average Daily Flow Rate data includes both residential and non-residential flow data that cannot be separated, the credit available to the owner shall be calculated as if the existing use were non-residential in accordance with section 7 above.
10. Despite sections 3 and 5, lots covered by the Registered Plan 1081 Agreement are exempt from the payment of the Sewage Works Charge.
11. Despite sections 3 and 5, lots covered by the KoSa Agreement, the Bombardier Agreement and the NPIF Kingston Cogen Agreement are exempt from the payment of the Sewage Works Charge up to the maximum flow rates assigned to these facilities as per the agreements, as amended.
12. Despite sections 3 and 5, any previously undeveloped vacant lot for which the owner or occupant of the lot has previously paid a sewage connection fee to the Municipality, as documented by the owner or occupant in a form satisfactory to the Treasurer, or has made a payment on account of municipal sewage services under a by-law passed in accordance with the Local Improvement Act is exempt from the Sewage Works Charge unless the Estimated Average Daily Flow exceeds 480 litres per day. The existence of a connection at the property line does not alone justify waiving the Sewage Works Charge applicable pursuant to this By-law.
13. If the Sewage Works Charge calculated in accordance with Schedule "A" based on the Actual Average Daily Flow for any non-residential use property or the non-residential portion of a mixed use property over any 12 month period is greater than 115% of the Sewage Works Charge previously paid, the owner or occupant of the property shall pay the difference between the Sewage Works Charge previously paid and the Sewage Works Charge calculated based on the Sewage Works Charge for lot calculated using the historic flow demand.
14. In no circumstance will the Township provide a credit which results in a net payment by the Township to the lot owner.

Water
15. The Water Works Charge, being an amount to pay a portion of the capital cost of the Fairfield Water Works and the Bath Water Works, is hereby imposed on each owner or occupant of a lot in the Fairfield Water Area and Bath Service Area.
16. Not Used

17. Every person who is an owner of a property located in Loyalist Township shall pay the Water Works Charge where the building or structure is altered or where a new building or structure is constructed, in accordance with the following:
 1. a residential use building or the residential use portion of a mixed-use building, the Water Works Charge shall be calculated by multiplying the number of dwelling units of each type by the corresponding charge for the dwelling unit type, as set out in Schedule "A"; and
 2. for a non-residential use building or the non-residential use portion of a mixed-use building, the Water Works Charge shall be calculated by multiplying the Estimated Average Daily Flow of the building by the charge in the Non-Residential column of Schedule "A".
18. Subject to section 57, where an existing residential use building or the residential use portion of a mixed-use building is altered, the owner is entitled to a credit against the Water Works Charge equal to the number of dwelling units of each type that existed immediately prior to the alteration multiplied by the corresponding charge for the dwelling unit type, as set out in Schedule "A".
19. Subject to section 57, where an existing non-residential use building or the non-residential use portion of a mixed-use building is altered the owner is entitled to a credit against the Water Works Charge equal to the Historic Flow Demand of the building multiplied by the charge in the non-residential column of Schedule "A".
20. Subject to section 57, where an existing building is altered such that all or a portion of the building is converted from residential use to non-residential use or vice versa, the owner is entitled to a credit against the Water Works Charge that is equal to:
 1. the number of dwelling unit types, if any, that existed on the day immediately prior to the alteration multiplied by the corresponding charge for the dwelling unit type, as set out in Schedule "A"; and
 2. the Historic Flow Demand, if any, for the non-residential use portion of the building multiplied by the charge in the non-residential column of Schedule "A".
21. Subject to section 57, and despite anything to the contrary in this By-law, where an existing building is altered or converted from residential use to non-residential use or vice versa, and the Actual Average Daily Flow Rate data includes both residential and non-residential flow data that cannot be separated, the credit available to the owner shall be calculated as if the existing use were non-residential in accordance with section 19 above.
22. Despite sections 15 and 17 lots covered by the Registered Plan 1081 Agreement are exempt from the payment of the Water Works Charge.
23. Despite sections 15 and 17 lots covered by the KoSa Agreement, the Bombardier Agreement and the NPIF Kingston Cogen Agreement are exempt from the payment of the Water Works Charge up to the maximum flow rates assigned to these facilities as per the agreements as amended.
24. Despite sections 15 and 17 any previously undeveloped vacant lot for which the owner or occupant of the lot has previously paid a water connection fee to the Municipality, as documented by the owner or occupant in a form satisfactory to the Treasurer, or has made a payment on account of municipal water services under a by-law passed in accordance with the Local Improvement Act is exempt from the Water Works Charge unless the Estimated Average Daily Flow exceeds 480 liters per day. The existence of a connection at the property line does not alone justify waiving the Water Works Charge applicable pursuant to this By-law.
25. If the Water Works Charge calculated in accordance with Schedule "A" based

on the Actual Average Daily Flow for any non-residential use property or the non-residential portion of a mixed use property over any 12 month period is greater than 115% of the Water Works Charge previously paid, the owner or occupant of the property shall pay the difference between the Water Works Charge previously paid and the Water Works Charge calculated based on the Water Works Charge for lot calculated using the historic flow demand.

26. In no circumstance will the Township provide a credit which results in a net payment by the Township to the lot owner.

Special Works Charges

Odessa Trunk Service Area

27. Generally, lots along the County Road 6 between the Canadian National Railway track crossing and Shane Street in Odessa fronting the watermain can only connect to the Fairfield Water Works if there was a dwelling unit on the lot prior to January 1, 1999.
28. For those lots listed in Schedule "D", only those lots identified as "Eligible" may connect to the Fairfield Water Works by paying the appropriate charges.
29. Residential lots along the Parrott's Bay West Water Works watermain can only connect to the Fairfield Water Works if there was a dwelling unit on the lot prior to January 1, 2002 and the existing supply of water to the lot does not meet the standards in the Safe Drinking Water Act, 2002, as amended.
30. Loyalist Township By-law 99-45 (Odessa Trunk) and By-law 99-61 (Harewood Brooklands) included an additional construction cost relating to the installation of water laterals to properties and those properties were assessed an additional construction cost charge. Schedule "E" lists the properties and their respective works charges to recover the construction costs.
31. The Odessa Trunk Water Works Charge as set out in Schedule "E" to this By-law, being an amount sufficient to pay a portion of the capital costs of the Odessa Trunk Water Works, is hereby imposed upon each owner or occupant of an eligible lot in the Odessa Trunk Service Area as set out in Schedule "D" to this By-law.
32. If a new lot is created within an existing eligible lot lying south of the CNR mainline in the Odessa Trunk Service Area, the new lot shall be deemed to be an eligible lot and the owner or occupant of the new lot shall be liable for and pay the Odessa Trunk Water Works Charge.

Timmerman Street Service Area

33. The construction of Timmerman Street included an additional construction cost relating to the installation of water and/or sewer laterals to properties and those properties were assessed an additional construction cost charge. Schedule "F" lists the benefitting properties and their respective works charges to recover the construction costs.
34. A Timmerman Street Water Works and Timmerman Street Sewage Works charge sufficient to pay a portion of the capital costs of the Works shall be imposed upon the owner or occupant of each lot in the Timmerman Street Service Area to which this by-law applies.
35. If a new lot is created within an existing lot in the Timmerman Street Service Area, including within an existing lot to which this by-law does not apply, the owner or occupant of the new lot shall be liable for and pay a Timmerman Street Water Works Charge and a Timmerman Street Sewage Works Charge equal to the charge in Schedule "F."

Factory Street Service Area

36. For those lots listed in Schedule "G" related to "Factory Street service area" only these specific charges noted apply as these lots were previously serviced prior to the 2009 re-construction of Factory Street. This charge is for construction costs relating to the installation of new water and sewer laterals to the properties listed on the schedule. Charges on schedule "A" do not apply to these lots.
37. The Factory Street Water and Sewage Works Charge shall be imposed upon the owner or occupant of each lot in the Factory Street Service Area to which this by-law applies.

Developer Credit Allowance (Bath Service Area)

38. The owners of the properties for which the developers prepaid for Water Treatment pursuant to an agreement dated March 11, 1996 with the predecessor municipality Village of Bath shall be entitled to a credit as outlined in Schedule "B" to this By-law until they have developed units which have a water demand equivalent to the water capacity purchased.
39. The owners of the properties for which the developers prepaid for Sewer Treatment pursuant to an agreement dated February 12, 1990 with the predecessor municipality Village of Bath shall be entitled to a credit as outlined in Schedule "C" to this By-law until they have developed units which have a sewage demand equivalent to the sewage capacity purchased.

General

40. Charges payable in accordance with this by-law shall be calculated and paid in full on the date that a building permit is issued in relation to a building or structure to be constructed on the property.
41. Where charges apply to property in relation to which a building permit is required, the building permit shall not be issued until the charges have been paid in full.
42. Despite sections 40 and 41, the Municipality may enter into an agreement with an owner of a Designated Heritage Property that provides for payment of all or part of the Charges payable in accordance with this By-law upon occupancy being achieved in accordance with section 11 of the Building Code Act, 1992, S.O. 1992, c.23, or two years after a building permit is issued with respect to the Designated Heritage Property, whichever date comes first. The agreement shall be to the Municipality's satisfaction and shall include provisions respecting payment of Charges, default provisions, and provisions regarding the payment of interest where payments are not made in accordance with the agreement, amongst other things. A building permit shall not be issued in respect of a Designated Heritage Property until either an agreement is made between the owner and the Municipality in accordance with this section, or Charges have been paid in full in accordance with section 41.
43. Despite sections 37 and 38, every owner of a property outside of the urban area designation of the Township's Official Plan, who meets the criteria defined in the Official Plan for servicing of development outside of the urban area for connection to municipal water supply for remedial or water quality reasons, may elect to pay the applicable works Charge, together with interest at the rate of 8% per annum, calculated semi- annually, in ten (10) equal annual installments of blended principal and interest, in which event the Treasurer shall add the unpaid balance owing to the tax roll of the owner's property and collect each annual payment in the same manner as municipal taxes.

44. Legal fees incurred by the Township, if any, associated with defining the terms and conditions for repayment provided for in section 39 above and for registering the lien against the property shall be included in the cost to be recovered by the property owner. The legal fees shall be repaid on the same terms and conditions elected for the underlying Works Charge.
45. Every owner who elects to pay the applicable works Charge and associated legal fees in accordance with sections 39 and 40 may at any time thereafter commute and pay in cash the outstanding principal balance of the Charge and legal fees and any accrued and unpaid interest.
46. Charges payable in accordance with this by-law shall be deposited in the Loyalist East Sewage Impost Reserve Fund, the Fairfield Water Impost Reserve Fund, the Bath Sewer Impost Reserve Fund or the Bath Water Impost Reserve Fund respectively and shall be maintained within separate sub-accounts within these Reserve Funds, to be used to cover past growth costs and fund growth related infrastructure capital costs.
47. Where an owner applies for a building permit for the construction of a new single detached dwelling or semi-detached dwelling that is being purpose-built to contain a secondary unit, no charge shall be imposed to the secondary unit provided that:
 - (a) The secondary unit is permitted by and meets the regulations of the applicable zoning by-law; and
 - (b) The secondary unit meets the criteria set out in the Township's Official Plan
48. Notwithstanding Sections 5 and 17 above, no Charge shall be imposed under this by-law with respect to the following:
 - (a) the enlargement of an existing residential dwelling unit;
 - (b) the creation of one or two additional residential dwelling units in an existing single detached dwelling where the total gross floor area of each additional unit does not exceed the gross floor area of the existing dwelling unit; or
 - (c) the creation of one additional dwelling unit in any other type of existing residential use building provided the gross floor area of the additional unit does not exceed the gross floor area of the smallest existing dwelling unit already in the building.
49. Not Used
50. Not Used
51. The growth portion of Charges payable in accordance with Schedules "A", and the Charges payable in accordance with Schedules, "D", "E", "F", and "G" shall be adjusted annually without amendment to this by-law, commencing on January 1, 2021 and annually thereafter in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135.
52. The Charges payable in accordance with Schedules "B" and "C" are updated annually based on the original agreements in place, uncommitted reserve capacity calculations and the most recent Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135-01.
53. The Charges payable in accordance with this by-law shall be paid over and above all other rates or charges as Council may impose by by-law from time to time.
54. The Charges payable by an owner in accordance with this by-law shall constitute a debt of the owner to the Municipality and any amount owing shall

bear interest at the rate of 1.25% per month (15% per annum) calculated from the due date to the date of payment in full.

55. In addition to any other remedy available to the Municipality, the Treasurer may add any amount owing on account of the Charges to the tax roll for the property in respect of which the charge was payable and may collect the amount owing in the same manner as municipal taxes.
56. If any provision or requirement of this by-law or the application of this by-law to any person shall to any extent be held to be invalid or unenforceable, the remainder of the by-law or the application of such provisions or requirements to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of the by-law shall be separately valid and enforceable to the fullest extent permitted by law.
57. Where a previously connected property has not paid water or sewer user rates for a period in excess of 5 years this property will be required to pay the full applicable water and sewer works charges as applicable for that location even if a physical water and or sewer connection exists to the property line despite any exemption that might otherwise be available pursuant to this By-law.
58. Schedules "A", "B", "C", "D", "E", "F", and "G" attached hereto shall form an integral part of this by-law.
59. This by-law may be cited as the "Water and Sewage Works Charges By-law."
60. This by-law repeals By-law 2018-023 and any and all by-laws or portions thereof conflicting with this by-law are hereby repealed.
61. In the event of a conflict between the provisions of this by-law and any other by-law of the municipality, the provisions of this by-law shall prevail.
62. This by-law shall come into force and take effect on November 25, 2019.

ENACTED AND PASSED THIS 25TH DAY OF NOVEMBER 2019.

MAYOR

CLERK

INDEX OF SCHEDULES TO BY-LAW 2019-099

Schedule A Water Works and Sewage Works Charges

Schedule B Credit to Developers for Prepaid Water Treatment

Schedule C Credit to Developers for Prepaid Sewage Treatment

Schedule D Odessa Trunk Service Area Definitions

Schedule E Odessa Trunk, Harewood and Brooklands Additional Works Charges

Schedule F Timmerman Street Additional Works Charges

Schedule G Factory Street Water and Sewage Works Charges

**BY-LAW 2019-099
SCHEDULE "A"**

**Water Works Charges and Sewage Works Charges
Effective January 1, 2020**

Service	Residential Single-Detached Dwelling and Semi- Detached Dwelling	Residential Multi-Residential	Residential Other Multiples	Non-Residential per daily m3
Water – Growth portion	\$4,655	\$2,823	\$3,613	\$9,312
Water – Club fee	\$2,890	\$1,753	\$2,243	\$6,248
Total Water	\$7,545	\$4,576	\$5,856	\$15,560
Sanitary sewer – Growth portion	\$2,032	\$1,232	\$1,577	\$4,067
Sanitary sewer – Club fee	\$3,548	\$2,152	\$2,754	\$7,670
Total Sanitary sewer	\$5,580	\$3,384	\$4,331	\$11,737
Total combined charge	\$13,125	\$7,960	\$10,187	\$27,297

**BY-LAW 2019-099
SCHEDULE "B"**

**Credit to Developers for Prepaid Water Treatment
Effective January 1, 2020**

Service	Residential Single-Detached Dwelling and Semi-Detached Dwelling	Residential Multi- Residential	Residential Other Multiples	Non- Residential per daily m3
J. A. Pye (Ontario) Ltd.	\$1,668	\$1,308	\$1,476	\$3,870
Loyalist Residential Estates (Kaitlin Group)	\$1,297	\$1,018	\$1,147	\$3,010
Total	\$2,965	\$2,326	\$2,623	\$6,880

**BY-LAW 2019-099
SCHEDULE "C"**

**Credit to Developers for Prepaid Sewer Treatment
Effective January 1, 2020**

Service	Residential Single-Detached Dwelling and Semi-Detached Dwelling	Residential Multi- Residential	Residential Other Multiples	Non- Residential per daily m3
J. A. Pye (Ontario) Ltd.	\$1,597	\$1,252	\$1,412	\$3,705
Loyalist Residential Estates (Kaitlin Group)	\$1,597	\$1,252	\$1,412	\$3,705
Total	\$3,194	\$2,505	\$2,825	\$7,410

**BYLAW 2019-099
SCHEDULE "D"**

**ODESSA TRUNK SERVICE AREA
Effective January 1, 2020**

Bldg.	Eligible	Parcel	Location Description
Part 1 - Hwy #33 (Speers Blvd. to County Road 6)			
North side			
x	x	110401008001500	4595 Bath Road
	x	110401008002001	4621 Bath Road
Part 2 - County Road #6 (Bath Rd. to CNR Tracks)			
East Side			
	x	110401008003100	Con 1 Pt. Lot 35 (vacant)
	x	110401008003000	35 County Rd 6, Con BF Pt. Lot 35
	x	110401008003600	Con 1 Pt. Lot 35(vacant)
	x	110401008017801	Con 1 Pt. Lot 35, E of Cty Rd 6 (vacant)
	x	110401008003800	Con 1 Pt. Lot 35, Cty Rd. 6 E/S
x	x	110401008004000	211 County Rd. 6 N
x	x	110401008004102	4450 Taylor Kidd Blvd, Con 1 Pt. Lot 35
x	x		245 County Rd. 6 N (Water Pumping Station)
West Side			
	x	110401008005100	Vacant
Part 3 - County Road #6 (CNR Tracks to Shane Street)			
East Side			
	Not eligible		Bell Canada Bldg.
	Not eligible	110401008004400	Con 1 Pt. Lot 35 (vacant)
x	x	110401008004300	365 County Rd. 6 N
x	x	110401009012100	559 County Rd. 6 N
x	Not eligible	110401009012601	473 Caton Road
	Not eligible	110401009013700	486 Shane St.
	Not eligible	110401009013301	807 County Rd. 6, Con 3 Pt Lot 33
West Side			
x	x	110401008005002	304 County Rd. 6 N
x	x	110401008005001	320 County Rd. 6 N
x	x	110401008005000	332 County Rd. 6 N
x	x	110401008004600	410 County Rd. 6 N
x	x	110401008012200	434 County Rd. 6 N
x	x	110401009012300	534 County Rd. 6 N
	Not eligible	110401009012310	554 County Rd. 6, Con 2 Pt Lot 34 (vacant)
	Not eligible	110401009012500	Con 2 Lot 34
	Not eligible	110401009013630	Con 3 Pt Lot 33
	Not eligible	110401009013620	Con 3 Pt Lot 32

**BYLAW 2019-099
SCHEDULE "E"**

**ODESSA TRUNK WATERMAIN AND HAREWOOD AND BROOKLANDS
WORKS CHARGE FOR ADDITIONAL CONSTRUCTION COSTS
Effective January 1, 2020**

Odessa Trunk

Civic Address	Assessment Roll #	Works Charge
365 County Rd 6 N	110401008004300	\$2,628

Harewood, Brooklands

Civic Address	Assessment Roll #	Works Charge
4696 Bath Road	110401008005400	\$718
4705 Bath Road	110401008018100	\$1,510
4750 Bath Road	110401008005720	\$604
4754 Bath Road	110401008005900	\$565
4756 Bath Road	110401008006000	\$586
4760 Bath Road	110401008006100	\$909
4787 Bath Road	110401008019400	\$889
4791 Bath Road	110401008019300	\$812
4809 Bath Road	110401008019800	\$775
4825 Bath Road	110401008019890	\$378
4860a Bath Road – severance		\$11,699

**BYLAW 2019-099
SCHEDULE "F"**

**TIMMERMAN STREET WORKS CHARGE
FOR ADDITIONAL CONSTRUCTION COSTS
Effective January 1, 2020**

Timmerman Street Water Works

Civic Address	Assessment Roll #	Water Works Charge
3 Timmerman St.	110401009008314	\$2,360
7 Timmerman St.	110401009008312	\$4,349
403 Millhaven Rd.	110401009008310	\$13,665

Timmerman Street Sewage Works

Civic Address	Assessment Roll #	Sewage Works Charge
3 Timmerman St.	110401009008314	\$8,560
5 Timmerman St.	110401009008313	\$8,560
7 Timmerman St.	110401009008312	\$8,560
403 Millhaven Rd.	110401009008310	\$8,560

**BYLAW 2019-099
SCHEDULE "G"**

**FACTORY STREET WORKS CHARGES
IN LIEU OF SCHEDULE "A"**

Effective January 1, 2020

Factory Street Water Works

Civic Address	Assessment Roll #	Water Works Charge
19 Factory St., Odessa	110401017013000	\$3,002
150 Main St., Odessa	110401017010100	\$3,290

Factory Street Sewage Works

Civic Address	Assessment Roll #	Sewage Works Charge
19 Factory St., Odessa	110401017013000	\$3,002
150 Main St., Odessa	110401017010100	\$2,667

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW NO. 2019-100

A By-law Respecting Water and Sewage User Rates and Service Charges in Loyalist Township

WHEREAS The Corporation of Loyalist Township (the "Township") owns, operates and maintains the Fairfield Water Works and the Bath Water Works;

AND WHEREAS the Township owns, operates and maintains the Loyalist East Sewage Works and the Bath Sewage Works;

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 and sewage works and services;

AND WHEREAS the Council of the Township deems it desirable and expedient to pass a by-law respecting water and sewage services in order to ensure a continued supply of water and sewage services to those persons in Loyalist 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 for capital costs payable by the Township for sewage and water services which the Township will provide to those persons after the fees and charges are imposed;

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 Ontario Regulation 581/06 made under the *Municipal Act, 2001*, authorizes that fees and charges imposed by the municipality to the tax roll have priority lien status;

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

NOW THEREFORE The Corporation of Loyalist Township hereby enacts as follows:

1. Definitions

- 1.1. "Bath Water Works" shall mean the water filtration plant located in Broken Front Concession, Part of Lots 11 and 16, Plan 77, geographic area of the former Village of Bath and now known as Loyalist Township, including pumping stations, distribution mains and water storage facilities serviced by the Bath Water Treatment Plant.
- 1.2. "Bath Sewage Works" shall mean the sewage treatment plant located in Part Lot 14, Concession Broken Front, being Part 1, Plan 29R5184, and being further described as being located in the geographic area of the former Village of Bath now known as Loyalist Township, including pumping stations, sanitary sewers and force mains, serviced by the Bath Water Pollution Control Plant.
- 1.3. "Bill date" shall mean the date on which a bill for a water user rate and/or service charge and/or sewer user rate and/or service charge is rendered.
- 1.4. "Council" shall mean the Council of The Corporation of Loyalist Township.
- 1.5. "Dwelling Unit" shall mean a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;
- 1.6. "Equivalent Residential Unit" or "ERU" means the sum of the equivalent number of residential units deemed to exist on multi-residential, industrial, commercial and institutional properties in the service areas to which water or sewage services are provided, as determined in accordance with this by-law.
- 1.7. "Fairfield Water Works" shall mean the Fairfield Water Treatment plant located in part of Lots 40 and 41, Broken Front Concession, geographic area of the former Township of Ernestown and now known as Loyalist Township, and related pumping stations, distribution mains and water storage facilities.
- 1.8. "Loyalist Sewage Works" means the sewage treatment plant located in Part Lot 37, Concession 1, being Part 1 on Plan 29R6932, and being further described as being located in the geographic area of the former Township of Ernestown now known as Loyalist Township, including pumping stations, sanitary sewers and force mains serviced by the Amherstview Water Pollution Control Plant.
- 1.9. "Multi-residential units" shall mean residential units where there is more than one fully serviced dwelling unit on an individual property and excludes secondary units as defined by the Development Charges Act as amended.
- 1.10. "occupant" means any person other than the 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
- 1.11. "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.
- 1.12. "Penalty date" means the date that is 20 days after the bill date.
- 1.13. "Secondary Units" shall mean additional units developed in existing buildings or ancillary structures consistent with the definition for Secondary Units as per the Development Charges Act, as amended,
- 1.14. "Sewage Works" shall mean all sewage treatment, collection, transmission, pumping and disposal systems now or in the future owned and operated by or for the Township.
- 1.15. "Single family unit" shall mean all residential properties consisting of only one dwelling unit.

- 1.16. "Township" shall mean The Corporation of Loyalist Township.
- 1.17. "Water Works" shall mean all water treatment, distribution, storage and pumping systems now or in the future owned and operated by or for the Township.
- 1.18. "Works" for the purpose of this by-law shall mean "Water Works" and/or "Sewage Works".

2. Authority

- 2.1. Council shall be responsible for the operation of the Works, 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 Works.

3. Water User Rates

- 3.1. Every owner and occupant of property to which the Township supplies water from the Water Works shall be jointly and severally responsible for payment of a water User Rate for the property consisting of a monthly flat rate and a consumption rate determined in accordance with this by-law, with the exception that properties which have never been occupied and for which no occupancy permit has been issued are exempt from Water User Rates.
- 3.2. The consumption rate component of the water user rate for a property shall be calculated by multiplying the metered amount of water consumed in cubic metres by the consumption rate in Schedule '1' to this by-law.
- 3.3. The monthly flat fee for water user rates for one single family unit shall be calculated by multiplying one times the equivalent residential units ("ERUs") on the property by the monthly flat rate charge in Schedule '1' to this by-law.
- 3.4. The monthly flat rate component of the water user rate for industrial, commercial, institutional and multi-residential properties shall be calculated by multiplying the equivalent residential units ("ERUs") on the property by the monthly flat rate charge in Schedule '1' to this by-law.
- 3.5. The ERUs for an industrial, commercial, institutional or multi-residential property shall be calculated annually by dividing the three year average daily amount of metered water supplied to the property by the average daily amount of metered water supplied to single family residential properties in the same water area during the immediately preceding twelve (12) month period as determined by the Township.
- 3.6. Residential properties shall not be considered multi-residential units if the property contains only a single residence plus secondary unit(s).
- 3.7. If the three year average daily amount of metered water supplied to a commercial, industrial, institutional or multi-residential property is not available, or if there is a change in use of the property that, in the opinion of the Township, will result in a significant change in the quantity of water that will be supplied to the property in future, the Township may estimate the number of ERUs for the property based on the amount of water supplied to the property to date and to comparable properties with comparable uses in the Township.
- 3.8. If there has been a significant reduction in the quantity of water supplied to a commercial, industrial, institutional or multi-residential property in a particular year, the Township may, upon request of the property owner, recalculate the number of ERUs for the property based on the reduced amount of water consumed and adjust the flat rate component of the water user rate payable by the owner of the property.
- 3.9. Miscellaneous fees and charges associated with water services are listed in Schedule '3' of this by-law.

4. Sewer User Rates

- 4.1. Every owner and occupant of property to which the Township supplies sanitary sewage services from the Sewage Works shall be jointly and severally responsible for payment of a sewage user rate for the property consisting of a monthly flat rate and a consumption rate determined in accordance with this by-

law, with the exception that properties which have never been occupied and for which no occupancy permit has been issued are exempt from Sewer User Rates.

- 4.2. The consumption rate component of the sewage user rate for a property shall be calculated by multiplying the metered amount of water in cubic metres by the consumption rate in Schedule '2' to this by-law.
- 4.3. The monthly flat fee for water user rates for one single family unit shall be calculated by multiplying one times the equivalent residential units ("ERUs") on the property by the monthly flat rate charge in Schedule '1' to this by-law.
- 4.4. The monthly flat rate component of the sewer user rate for industrial, commercial, institutional and multi-residential properties shall be calculated by multiplying the equivalent residential units ("ERUs") on the property by the monthly flat rate charge in Schedule '2' to this by-law.
- 4.5. The provisions of sections 3.5, 3.6, 3.7, and 3.8 of this by-law shall apply, with necessary modifications, to the calculation of the number of ERUs for the purpose of determining the flat rate component of the sewage user rate for commercial, industrial, institutional and multi-residential properties.
- 4.6. Miscellaneous fees and charges associated with sewer services are listed in Schedule '3' of this by-law.

5. Billing, Payment and Security Deposits

- 5.1. A water and/or sewage user rate and/or service charge payable in accordance with this by-law shall be billed to the owner of the property on a bi-monthly 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.
- 5.2. Despite section 5.1, the Treasurer may, if requested in writing by the owner, send the bill for payment of a water and/or sewage user rate and/or 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.
- 5.3. All amounts owing on account of a water and/or sewage user rate and/or service charge shall be paid to the Township on the due date at the Odessa Municipal Offices or at such other place as may be set out on the bill.
- 5.4. If the Township is requested to send the bill for water and sewage services to a person who is a new 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 and/or sewage user rate and/or service charge, or both.
- 5.5. The amount of security that the Treasurer may request be posted in accordance with section 5.4 shall equal the amount of the water and/or sewage user rate and/or service charge for two months for the property as estimated by the Treasurer based on previous levels of consumption on the property or, if the Township has not previously supplied water to the property, the levels of consumption for similar properties elsewhere in Loyalist Township.
- 5.6. 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 continue paying a water and/or sewage user rate and/or 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 and/or sewage user rate and/or service charge, or both.
- 5.7. The amount of security that the Treasurer may request be posted in accordance with section 5.6 shall equal the greater of:
 - 5.7.1. \$150.00, or
 - 5.7.2. the amount of the water and/or sewage user rate and/or service charge for two months for the property as estimated by the Treasurer based

on previous levels of consumption on the property.

- 5.8. The Treasurer may accept security in the form of cash or any other type of negotiable security suitable to the Treasurer.

6. Remedy if Default of Payment

- 6.1. If an amount owing on account of a water and/or sewage user rate and/or service charge is not paid on or before the penalty date, a penalty of 3.25% of the amount owing shall be added to the amount owing and be payable to the Township.
- 6.2. If the original amount owing on account of a water and/or sewage user rate and/or service charge is not paid on or before the subsequent bill date, an additional penalty of 6.5% of the original amount owing shall be added to the amount owing and be payable to the Township.
- 6.3. A water and/or sewage user rate and/or service charge payable by the owner and occupant of a property constitutes a joint and several debt of the owner and occupant to the Township.
- 6.4. If a water and/or sewage user rate and/or service charge is not paid within 60 days from the penalty date, the Treasurer may, in addition to any other remedies available to the Township, add the amount owing including the added penalty to the tax roll of the property to which the utility was supplied and the Township may proceed to collect it in the same manner as municipal taxes.
- 6.5. Any amount owing on account of a water and/or sewage user rate and/or 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.

If an owner or occupant fails to pay a water and/or sewage user rate and/or 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.
- 6.6. If the supply of water to a property is shut off by the Township in accordance with section 6.5, it 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 3 to this by-law.

7. Validity

- 7.1. It is declared that notwithstanding that any Part or Parts of this by-law, or sections thereof, that 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 thereof shall be deemed to be severable and that all other Parts or sections of this by-law are separate and independent there from and enacted as such.

8. By-law Administration

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

9. By-laws Repealed

- 9.1. Loyalist Township By-law 2018-116 and any and all by-laws or portions thereof conflicting with this by-law are hereby repealed.

10. Short Title

- 10.1. This by-law may be referred to as the "Water and Sewage User Rates and Service Charges By-law".

11. Effective Date

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

ENACTED AND PASSED THIS 25TH DAY OF NOVEMBER 2019.

MAYOR

CLERK

SCHEDULE 1 TO BY-LAW 2019-100
LOYALIST TOWNSHIP
SCHEDULE OF WATER SERVICE FEES

	Effective Billing Period Ending	Consumption Rate (per cubic meter)	Flat Rate per Month (per residential unit or equivalent residential unit)
Fairfield Water Works – Amherstview users	February 15, 2020	\$2.52	\$28.50
Fairfield Water Works – Odessa, Harewood & Brooklands Users	January 15, 2020	\$2.52	\$28.50
Bath Water Works	January 15, 2020	\$2.52	\$28.50
Bulk Water Hauler	<u>Beginning</u> January 1, 2020	\$3.58	

**SCHEDULE 2 TO BY-LAW 2019-100
LOYALIST TOWNSHIP
SCHEDULE OF SEWAGE SERVICE FEES**

	Effective Billing Period Ending	Consumption Rate (per cubic meter)	Flat Rate per Month (per residential unit or equivalent residential unit)
Loyalist East Sewage Works – Amherstview users	February 15, 2020	\$2.05	\$25.50
Loyalist East Sewage Works – Odessa Users	January 15, 2020	\$2.05	\$25.50
Bath Sewage Works	January 15, 2020	\$2.05	\$25.50

**SCHEDULE 3 TO BY-LAW 2019-100
LOYALIST TOWNSHIP**

**SCHEDULE OF MISCELLANEOUS WATER AND SEWER SERVICE CHARGES
(subject to tax where applicable)**

WATERWORKS SYSTEM

1. Water service permit	Per connection - \$35
2. Water meter	Residential - \$400 Industrial, commercial, institutional - cost of meter plus \$50 administration fee
3. Testing water meter at customer's request	Regular hours - \$150 per meter
4. Turning water service on/off for maintenance and/or repair	Regular hours - no charge After hours - \$200
5. Turning water service on/off due to non-payment of account	Turning water off - \$75 Turning water on - no charge
6. Water service request requiring attendance by Township staff	After hours - \$200 plus the cost of plumbing contractor
7. Stock premium fee for water service material not listed in Schedule A of the Waterworks By-Law	Per connection - \$250
8. Service pipe leak repair	Per repair - actual cost plus 20%
9. Water hauler key deposit*	Per set of keys (1 meter and 1 gate) - \$100
10. Water hauler usage deposit*	Per account - \$200

*See also Township Policy Bulk Water Haulers.

SEWAGE SYSTEM

1. Sewer service permit	Per connection - \$35**
2. Sewer service request requiring attendance by Township staff	After hours - \$200 plus the cost of plumbing contractor
3. Service pipe leak repair	Per repair - actual cost plus 20%

**If application is for water service connection also, only one permit fee applies.