

THE CORPORATION OF LOYALIST TOWNSHIP**BY-LAW NO. 2010-101****A By-law Respecting Water and Sewage 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 Amherstview Sewage Works, the Bath Sewage Works and the Odessa Sewage Works;

AND WHEREAS the Loyalist East Sewage Works represents the physically connected Amherstview Sewage Works and Odessa 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;

AND WHEREAS KoSa Canada Company and Bombardier Inc. previously entered into agreements with the Township for the provision of water service;

AND WHEREAS Kingston Cogen Limited Partnership and NPIF Kingston Cogen Corporation previously entered into an agreement with the Township for the provision of water service;

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

1. Definitions

- 1.1. "Amherstview 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.
- 1.2. "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.
- 1.3. "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.
- 1.4. "Bill date" shall mean the date on which a bill for a water service charge and/or sewer service charge is rendered.
- 1.5. "Bombardier Agreement" means the agreement between the Township and Bombardier Inc. dated July 9th, 2002.
- 1.6. "Cogen Agreement" means the agreement between the Township and Kingston Cogen Limited Partnership and NPIF Kingston Cogen Corporation dated August 14, 2007 with an effective date of May 1, 2008.
- 1.7. "Council" shall mean the Council of The Corporation of Loyalist Township.

- 1.8. "Equivalent Residential Unit" or "ERU" means the equivalent number of residential units deemed to exist on industrial, commercial and institutional properties in the Township to which water or sewage services are provided, as determined in accordance with this by-law.
- 1.9. "Fairfield Water Works" shall mean 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.
- 1.10. "Harewood and Brooklands Water Area" shall mean that geographic area of the Township in which properties located west of County Road 6 to County Road 26 (Jim Snow Drive), northerly to County Road 23 (Taylor-Kidd Blvd.) and westerly 460 metres along County Road 23 are connected to the Highway 33 watermain for the purpose of receiving water services from the Fairfield Water Works.
- 1.11. "KoSa Agreement" means the agreement between the Township and KOsa Canada Limited dated July 3rd, 2002.
- 1.12. "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 and connected sanitary sewers and force mains formerly serviced by the Odessa Water Pollution Control Plant.
- 1.13. "Odessa Sewage Works" shall mean the Odessa Water Pollution Control Plant located in Part Lot 31, Concession 4, Odessa and being further described as being located in the geographic area of the former Township of Ernestown now known as Loyalist Township, and related pumping stations, sanitary sewers and force mains.
- 1.14. "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
- 1.15. "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.
- 1.16. "Penalty date" means the date that is 20 days after the bill date.
- 1.17. "Sewage Works" shall mean all public works for the collection, transmission, treatment or disposal of sewage or any part of any such works.
- 1.18. "Township" shall mean The Corporation of Loyalist Township.
- 1.19. "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.

- 1.20. "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 Service Charges

- 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 service charge for the property consisting of a monthly flat rate and a consumption rate determined in accordance with this by-law.
- 3.2. The consumption rate component of the water service charge 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 rate component of the water service charge for a property shall be calculated by multiplying the number of residential units or equivalent residential units ("ERU's") on the property by the monthly flat rate charge in Schedule '1' to this by-law.
- 3.4. The ERU's for an industrial, commercial or institutional 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.
- 3.5. If the three year average daily amount of metered water supplied to a commercial, industrial or institutional 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 ERU's 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.
- 3.6. If there has been a significant reduction in the quantity of water supplied to a commercial, industrial or institutional property in a particular year, the Township may, upon request of the property owner, recalculate the number of ERU's for the property based on the reduced amount of water consumed and adjust the flat rate component of the water service charge payable by the owner of the property.
- 3.7. Miscellaneous fees and charges associated with water services are listed in Schedule '4' of this By-law.

4. Sewer Service Charges

- 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 service charge 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 Service Charges.
- 4.2. The consumption rate component of the sewage service charge 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. 4.3 The monthly flat rate component of the sewage service charge for a property shall be calculated by multiplying the number of residential units or equivalent residential units ("ERU's") on the property by the monthly flat rate charge in Schedule '2' to this by-law.
- 4.4 The provisions of sections 3.4, 3.5 and 3.6 of this by-law shall apply, with necessary modifications, to the calculation of the number of ERU's for the purpose of determining the flat rate component of the sewage service charge for commercial, industrial and institutional properties.
- 4.5 Miscellaneous fees and charges associated with sewer services are listed in Schedule '4' of this By-law.

5. Bombardier, KoSa and Cogen Agreements

- 5.1. Despite anything in this by-law to the contrary,
- 5.1.1. the owner and occupant of the property to which the KoSa Agreement applies shall pay only a water service charge that is calculated in accordance with the terms of the KoSa Agreement; and
- 5.1.2. the owner and occupant of the property to which the Bombardier Agreement applies shall pay only a water service charge that is calculated in accordance with the terms of the Bombardier Agreement; and
- 5.1.3. the owner and occupant of the property to which the Cogen Agreement applies shall pay only a water service charge that is calculated in accordance with the terms of the Cogen Agreement.

6. Billing, Payment and Security Deposits

- 6.1. A water service charge and a sewage 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.

- 6.2. Despite section 6.1, the Treasurer may, if requested in writing by the owner, send the bill for payment of a water or sewage 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.
- 6.3. All amounts owing on account of a water service charge or sewage 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.
- 6.4. 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 or sewage service charges, or both.
- 6.5. The amount of security that the Treasurer may request be posted in accordance with section 6.4 shall equal the amount of the water service charge and sewage 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.
- 6.6. 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 or sewage 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 or sewage service charges, or both.
- 6.7. The amount of security that the Treasurer may request be posted in accordance with section 6.6 shall equal the greater of:
- 6.7.1. \$150.00, or
- 6.7.2. the amount of the water service charge and sewage service charge for two months for the property as estimated by the Treasurer based on previous levels of consumption on the property.
- 6.8. The Treasurer may accept security in the form of cash or any other type of negotiable security suitable to the Treasurer.

7. Remedy if Default of Payment

- 7.1. If an amount owing on account of a water service charge or sewage 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.
- 7.2. If the original amount owing on account of a water service charge or sewage 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.
- 7.3. A water service charge or sewage 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.
- 7.4. If a water service charge or sewage 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.
- 7.5. Any amount owing on account of a water service charge or sewage 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 service charge or sewage 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.

- 7.6. If the supply of water to a property is shut off by the Township in accordance with section 7.5, 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.

8. Validity

- 8.1. 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.

9. By-law Administration

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

10. By-laws Repealed

10.1. Loyalist Township By-laws 2009-122 and any and all by-laws or portions thereof conflicting with this by-law are hereby repealed.


11. Short Title

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

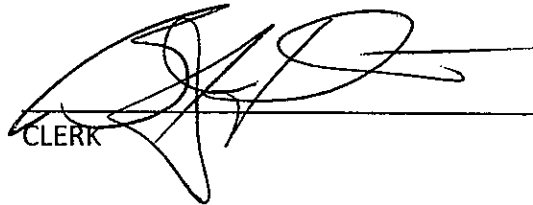
12. Effective Date

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

ENACTED AND PASSED THIS 27TH DAY OF SEPTEMBER, 2010.



REEVE



CLERK

SCHEDULE 1 TO BY-LAW 2010-101

LOYALIST TOWNSHIP

SCHEDULE OF WATER SERVICE FEES

	<u>Effective billing period ending</u>	<u>Consumption Rate (per cubic meter)</u>	<u>Flat Rate per month (per residential unit or equivalent residential unit)</u>
Fairfield Water Works – Amherstview users	October 15, 2010	64¢	\$25.06
Fairfield Water Works – Odessa and Harewood & Brooklands Users	November 15, 2010	64¢	\$25.06
Bath Water Works	November 15, 2010	64¢	\$29.94
Companies ¹	September 30, 2010	\$2.17	
Bulk Water Hauler	September 30, 2010	\$2.17	

¹ Companies are subject to a minimum "Annual Base Service Rate" as defined in the Agreements for a "Guarantee Period" (period of 10 years commencing March 1, 2003)

SCHEDULE 2 TO BY-LAW 2010-101

LOYALIST TOWNSHIP

SCHEDULE OF SEWAGE SERVICE FEES

	<u>Effective billing period ending</u>	<u>Consumption Rate (per cubic meter)</u>	<u>Flat Rate per month (per residential unit or equivalent residential unit)</u>
Loyalist East Sewage Works - Amherstview Users	October 15, 2010	64¢	\$18.68
Loyalist East Sewage Works - Odessa Users	November 15, 2010	64¢	\$18.68
Bath Sewage Works	November 15, 2010	64¢	\$32.49

SCHEDULE 3 TO BY-LAW 2010-101

LOYALIST TOWNSHIP

WATER AND SEWER BILLING AND COLLECTION CHARGES

(subject to tax where applicable)

WATER SERVICE TURNING OFF AND ON CHARGES

	OFF	ON*
During Township business hours	\$75.00	nc
After regular Township business hours	Nc	\$175.00

* Water is only turned on after account is paid
nc means no charge

**SCHEDULE 4 TO BY-LAW 2010-101
LOYALIST TOWNSHIP**

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

WATERWORKS SYSTEM

1. Water Service Permit	▪ Per connection	\$35.00
2. Water Meter	▪ Residential	\$400.00
	▪ ICI	Cost of meter plus \$50 administration fee
3. Testing Water Meter at customer's request	▪ Regular hours	\$25.00
	▪ After hours	\$175.00
4. Turning Water Service On/Off for maintenance and/or repair	▪ Regular hours	nc
	▪ After hours	\$175.00
5. Water service request requiring attendance by Township staff	▪ After hours	\$175.00
6. Stock Premium Fee for water service material not listed in Schedule A of the Waterworks Bylaw	▪ Per connection	\$250
7. Service Pipe Leak Repair	▪ Per Repair	Actual costs plus 20%
8. Water Hauler Key Deposit*	▪ Per set of keys (1 meter and 1 gate)	\$100
9. Water Hauler Usage Deposit*	▪ Per account	\$200

*See also Township Policy Bulk Water Haulers

SEWAGE SYSTEM

1. Sewer Service Permit	▪ Per connection	\$35.00**
2. Sewer Service request requiring attendance by Township staff	▪ After hours	\$175.00 plus the cost of plumbing contractor
3. Service Pipe Leak Repair	▪ Per Repair	Actual costs plus 20%

* nc means no charge

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