THE CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 6-2020

A by-law fixing the rates for the water and sewer services and enacting rules and regulations pertaining to the use of water and water meters

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WHEREAS Section 391 of the *Municipal Act, 2001* provides that a municipality may by by-law impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Corporation of the Town of Hawkesbury decides to levy and impose a fee to defray the expenses encountered by the water and sewer services against users of said facilities, and to whom services are available;

AND WHEREAS the fee for water and sewer services shall be imposed on a combination of a flat rate and a water consumption rate;

AND WHEREAS Subsection 398 (1) of the *Municipal Act, 2001* states that fees and charges imposed by a municipality or local board on a person constitutes a debt of the person to the municipality or local board respectively;

AND WHEREAS Subsection 398 (2) of the *Municipal Act, 2001* states that the treasurer of a local municipality may add fees and charges imposed by a municipality under Part XII to the tax roll for the property to which the public utility was supplied and collect them in the same manner as municipal taxes;

AND WHEREAS Section 1 of the Ontario Regulation 581/06 states that fees and charges for the supply of water and the use of sewer system that are imposed by a municipality under the Act and added to the tax roll under Subsection 398 (2) have priority lien status.

AND WHEREAS a budget for the year 2020 in the amount of $1,971,866 is required to cover the fixed and variable expenses for the production and delivery of drinkable water;

AND WHEREAS a budget for the year 2020 in the amount of $2,498,982 is required to cover the fixed and variable expenses for the treatment of wastewater;

NOW THEREFORE, the Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. **THAT** the owner of each assessed parcel of land that is connected to the municipal water distribution system shall pay a water rate and a sewer rate based on water consumption and pay the service specific flat rate, where quarterly rates are set forth below per dwelling or dwelling unit as defined in the Zoning By-law N° 20-2018, as amended, per commercial unit as defined in the Ontario *Building Code Act* Section 1.4, as amended, per institutional unit and per industrial unit. Owners that are not connected to the sewer services shall be charged for water services only.

   THAT the owner of a registered retirement home, a licensed group home or Home for the Aged as defined respectively in the Zoning By-law N° 20-2018 and the *Long-Term Care Homes Act, 2007,* as amended, that is connected to the municipal water distribution system shall pay a water rate and a sewer rate based on water consumption and pay the service specific flat rate imposed on 1/3 of the total dwelling unit or room in the home where the per unit quarterly rates are as set forth below. For the purpose of billing, units are rounded up.

   THAT the owner of a multi-unit commercial property that is connected to the municipal water distribution system shall pay a water rate and a sewer rate based on water consumption and pay the service specific flat rate imposed on 50% of the total number of commercial units on the property, where the per unit quarterly rates are set forth below. For the purpose of billing, units are rounded up.

Consumption	**Water**	**Sewer**
Flat rate (per unit) - Quarterly	$ 39.25	$ 54.75
Per cubic meter	$ 0.97	$ 1.11

2. **THAT** the billings for water and sewer services shall be on a quarterly basis. Invoices shall be mailed to owners no later than twenty-one (21) days before the last business day of January, April, July and October, and are payable no later than the last business day of these months.

3. **THAT** in the case of payments received by mail, the date the payment is received at the Town Hall shall be taken as the date of payment. For payments that are made electronically or at a financial institution, the date the payment is transferred into the municipality's bank account shall be taken as the date of payment.

4. **THAT** a 1.25% monthly penalty charge of the gross amount of the overdue account shall be charged for all past due accounts on the morning of the fourth working day of default and on the first day of each calendar month during which the default continues without going beyond year 2020.

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5. **THAT** if and when twenty-one (21) days after the payment of an instalment has become due and remains unpaid, and under the authority of Subsection 81 (1) of the *Municipal Act, 2001,* the municipality may notify the owners of the premises with respect to which default has occurred that unless the arrears and penalty charges are paid within seven (7) days of the mailing of said notice by registered mail, the supply of water to the premises shall be shut off. The said notice shall stipulate the earliest date and the hour at which said services are to be shut off. The municipality shall not be liable for any damages to property or injury to persons by reason of shutting off water supply. The owner shall be required to pay the municipality a $60.00 fee for turning on the water supply.

6. **THAT** If the owner of any premises omits, neglects or refuses to pay any bill issued, whether for water or sewer services, pipes, meter, service charge or any other monies to which the municipality may be entitled in respect to such premises, such charges shall remain a lien on the property and may be collected in the like manner as taxes. The bill shall be deemed to be served upon the owner if it is delivered or sent by mail to the premises supplied.

7. **THAT** it shall be the responsibility of the purchaser or his solicitor to request for a meter reading prior to the closing of a transaction; otherwise the owner as per the Assessment Roll in effect at the day the bills are sent out will be responsible to pay said bill in full.

8. **THAT** the cost for a meter reading outside the quarterly scheduled readings and the issuance of each additional bill shall be $50 plus applicable taxes.

9. **THAT** where for any reason the consumption of water or the number of units on any assessed parcel of land has not been recorded correctly or where in the opinion of the Treasurer the consumption of water has been wrongly recorded, the Treasurer shall either estimate the quantity of water consumed on the historical use for the past twelve months, if available, or assess the number of units using most recent municipal official or MPAC documents, and the owner shall be liable to pay the applicable flat rate or the meter rate applicable to the consumption on the basis of such estimate or assessment. Whenever the existing number of units on any assessed parcel of land is discovered by the Treasurer to differ from any one levy, the Treasurer shall have the right to re-assess all previous levies to the date whereby this By-law took effect, and the owner shall be liable to pay the applicable flat fee on the basis of such re-assessment.

10. **THAT** if for any reasons, whether caused by the negligence or not of an owner of any premises, water fails to go through the water meter, and is therefore wasted, the Treasurer is authorized to estimate the quantity of water that has been wasted on either the historical use for the past twelve months or by estimating the amount of water according with the size of pipes and the estimated length of time the water has not gone through the water meter.

11. **THAT** where because of frost penetration on the street, or under the directions of the Waterworks Superintendent it may be expedient to allow the consumer to run water at a continuous low rate, the Treasurer shall authorize such usage and shall adjust the billing based on the historical use for the past twelve months, if available.

12. **THAT** where it has been proven by the municipality that water wasted on premises has been caused by the initial installation of the water meters, the Treasurer shall adjust the billing based on the historical use for the past twelve months, if available for the property.

13. **THAT** if owners, following the flushing of fire hydrants or otherwise directed by the Waterworks Superintendent, are recommended to let the water run before consumption, the municipality will not adjust the billing since the extra water consumption is not considered to be significant and the instructions apply throughout the municipality.

14. **THAT** the municipality does not guarantee any pre-determined water pressure or flow, or guarantee the water supplied to be free of colours or turbidity at all times.

15. **THAT** it shall be the responsibility of the owner to inspect the water meter and plumbing periodically to ensure no leaks are visible and shall report said leaks or defects immediately to the municipality. The municipality shall not be held responsible for any damages from such leaks nor for the repairs and shall not be responsible to credit the owner for water wasted.

16. **THAT** upon receipt of the bill for water and sewer services, the onus is on the owner of lands to verify the accuracy of all inscriptions thereto and to report any inaccuracies to the Treasurer of the municipality within thirty days from the date of the bill.

17. **THAT** should a Court of competent jurisdiction declare any Section or part of a Section of the present by-law to be invalid or *ultra vires*, such Section or part of a Section shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such and shall not affect the validity of the by-law as a whole or any part thereof, other than the provision or part of the Section so declared to be invalid.

18. **THAT** this by-law shall be deemed to have come into force and effect on the 1st day of January 2020.

READ A FIRST, SECOND AND ADOPTED UPON THIRD READING THIS 24th DAY OF FEBRUARY 2020.

Paula Assaly, Mayor	**Christine Groulx, Clerk**