

The Corporation of the Township of Adjala-Tosorontio

By-law No. 2023-40

A By-law to establish and fix the rates or charges for supplying water to users from the Municipal Water Works Systems and to establish procedures for the collection of water accounts

Whereas section 391 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, allows municipalities to pass By-laws imposing fees or charges for services, activities, costs and uses of property of the municipality;

AND WHEREAS Section 80 (1) of the Municipal Act, 2001, S.O. 2001, provides that a municipality may enter onto land to which it supplies a public utility to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility;

Whereas section 398 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, prescribe that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality, and

Whereas section 398 (2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, allows the Treasurer of the municipality to add fees and charges imposed by the municipality to the tax roll and collect them in the same manner as municipal taxes in certain cases; and

Whereas the Corporation of the Township of Adjala-Tosorontio deems it necessary and desirable to establish water rates for the purposes of maintaining and servicing the Municipal Water Works Systems and to establish procedures for the collection of water accounts;

Now therefore the Council of the Corporation of the Township of Adjala-Tosorontio hereby enacts as follows:

1. Billing

- (a) **That** the water rates shall be billed on four (4) billings per year for the Water Works Systems due on a date to be determined by the Treasurer for all Water Works Systems in the Municipality;
- (b) **That** should a water payment not be received by the due date; the Township shall charge a penalty of five per cent (5%) on accounts not paid by the due date;
- (c) **That** the assessed owner be billed for the water supplied and that the assessed owner is responsible for payment of the bill;

- d) **That** all fees and charges relating to supplying water to users from the Municipal Water Works System should follow the Townships' current Fees and Charges Bylaw, as amended from time to time.

2. Rates

- (a) **That** where a water meter has been installed the water rate for each and every cubic metre of water supplied shall be in accordance with water rates set out in the Township's Fees and Charges Bylaw as amended from time to time.

Metered Billing Rates

- (b) **That** the current base rate be assessed as set out in the Township's Fees and Charges Bylaw as amended from time to time as per quarterly instalments and be considered a quarterly base rate per unit. Changes may occur as recommended by future financial audit reports from time to time.
- (c) **That** where a water meter has been installed a fixed base rate as set in the Township's Fees and Charges Bylaw, as amended, shall be billed on a quarterly basis.
- (d) **That** buildings with multiple unit dwellings without water meters shall be charged the base rate charged for a single residential dwelling unit multiplied by the number of dwelling units in the building as per the current Township's Fees and Charges Bylaw.
- (e) **That** any school which does not have a meter shall be charged in accordance with the following formula:

Current School Population X Current Rate per Cu. M X Rate of 0.08 Cu. M per Student X # of School Days per Year

3. Water Meters

- (a) **That** where water meters have been installed, the water consumed as indicated by the meter shall be charged at the rates set out in the Township's User Fees and Charges Bylaw as amended;
- (b) **That** the water meter body and its meter package components remain the property of the Township. All other components including but not limited to service lines, piping, building system plumbing, and/or valves connected before

or after the meter from the property line into the building must be approved by the Municipality prior to installation and will remain the property of the owner;

- (c) **That** the registered owner of the property shall maintain easy access to the meter and its components for replacement, repair or inspection as required by the Township;
- (d) **That** where an installed water meter or any of its components has been found inoperative, unavailable or inaccessible at the time of the meter reading, due notice shall be given to the registered owner to provide the Township with the actual meter reading within one week and to have the meter and its components repaired and inspected by the Municipality within one month from the date of notice;
- (e) **That** upon inspection the water meter seal is proven to be broken or tampered with and a search of water consumption history proves that there has been a deviation in usage, the owner is subject to a fine under section 10 of this By-law;
- (f) **That** if any water meter or water system component repairs are necessary due to negligence or fault of the resident, the cost of repairs or replacement of the water meter or water system component shall be recoverable against the registered owner;
- (g) **That** failure to have the meter and/or its components repaired and inspected within one month from notice shall cause the monthly rate to be levied as per the Fees and Charges Bylaw, as amended, per month or fraction thereof for each and every month from the date of notice until the meter is repaired and inspected;
- (h) **That** failure to have the meter and its components accessible for repair, replacement or inspection shall be deemed to be failure to have the meter repaired;
- i) **That** where the water meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the readout device, the reading at the meter shall be deemed to be correct, and the Township will adjust and correct the customer's account accordingly.
- (j) **That** a residential inspection may be required if the water consumption reading is less than thirty (30) cubic meters per billing period;
- (k) **That** failure to arrange a residential inspection within fifteen (15) days from notice shall cause the monthly rate as set out in the Township's Fee and Charges Bylaw as amended, or fraction thereof for each and every month from the date of notice until an inspection has been completed;

- (l) **That** the registered owner shall be responsible for payment of the water rate charged until the test results are received for the water meter calibration;
- (m) **That** multiple unit buildings shall be served by only one water meter for the purposes of billing by the Township;
- (n) **That** all new connections to municipal water supplies be connected with water meters;
- (o) **That** no water service shall be disconnected without the prior approval of the Municipality;
- (p) **That** no water meter shall be removed, bypassed or rendered inoperable save and except for the repair and/or testing of the water meter by the Township;
- (q) **That** no water meter seal shall be removed and/or tampered with save and except for the repair and/or replacement of the seal and/or meter by the Township;
- (r) **That** the Township shall assume ownership and maintenance for all water meters installed to the satisfaction of the Township. If a meter is mechanically defective, the cost of meter repairs shall be borne by the Township. If the meter is damaged by freezing, the carelessness, willful act, or neglect of any person other than an employee or agent of the Township, the owner shall pay to the Township the cost of making a necessary repair or replacement to such meter, following the Township's Fees and Charges all such costs may be paid directly to the Township, or if not so paid, added to the water bill.
- (s) **That** if, in the opinion of the Township, the condition of the water service pipe and/or valves and of the plumbing system is such that the meter cannot be safely removed for the purpose of testing, replacing, repairing or testing in place without fear of damage to the water service pipe and valves, the Township may require the owner or occupant to make such repairs as may be deemed necessary to facilitate the removal or testing of the meter. If, upon notification, the owner does not comply with the Township's request, then the water supply to the property may be turned off at the shut-off valve during removal, replacement, repair and testing of the meter and the Township shall not be held responsible for any damages to the owner's property arising from such work.

4. Fire Hydrants

- (a) **That** no person other than a person authorized by the Township of Adjala-Tosorontio shall be permitted to open or otherwise interfere with or operate or take water from any Township owned fire hydrant;

5. Cross Connections

- (a) **That** no person shall connect, cause to be connected or allow to remain connected to the waterworks distribution system or home plumbing system any piping, fixture, container or appliance in a manner which under any circumstances may allow water, wastewater, non-potable water or any other liquid, chemical or substance to enter the water works distribution system and that every home served by Municipal water supply be served by no other supply of water without the consent of the municipality;

6. New Connections

- (a) **That** any new connection to the Municipal Water Systems must be approved and water supply allocated by resolution of Council;
- (b) **That** the owner or their agent shall apply to the Township for water and/or sewer service before the service is installed, shall pay for it at the rates as set out in in the current Township's Fees and Services Charges Bylaw. This is over and above the payment of all other appropriate Township Charges including Development Charges.
- (c) **That** the installation of any new connection to the Municipal Water Works Systems shall be under the supervision of the Director of Infrastructure and Development or designates;
- (d) **That** the costs including a ten percent administration fee incurred by the Municipality for supervising or assisting in the placement, installation or repair of new watermains or appurtenances/metering equipment shall be recoverable against the registered owner of the lands on which said work is being done;
- (e) **That** the Service Connection Fee for any new connection to connect initially to the Municipal Water Works Systems shall be levied the fee as per the Township's Fee and Charges Bylaw as amended, plus any expense in excess of the aforementioned fee. This fee will increase annually by 2.4%;
- (f) Installation - by Township - by contractor
That all water and sewer service pipes shall be installed by the Township or by Township authorized contractors engaged by the owner for the purposes of such installation, except in new land development projects where agreements with the Township require the developer or subdivider to complete such work.

7. Installation - to Township specifications – Ont. Build. Code requirements

- (a) **That** all water and sewer service pipes and private mains located within Township property shall be constructed according to the Township's standards or as approved by the Township from time to time. All water service pipes and private mains located on private property shall be constructed in accordance with the Ontario Building Code as revised from time to time and in accordance

with good engineering practices and shall require approval by the Chief Building Official or designate. Every water service and sewer lateral shall be laid in a straight line and at a right angle to a Main, as nearly as practicable. A Water Service shall be installed to each Unit of semi-detached houses, street townhouses and street link houses, unless the Director of Development and Operations has approved an alternative form of connection. Where the Ontario Building Code is silent the Township's specifications shall be applied and shall prevail.

(b) **Connection to main-Private lands**

That no water service to one Owner's building shall be installed in, over or across the property of another person or located on an easement on another Person's property, except by written consent, in the form of a registered easement agreement, of the Persons concerned and the approval of the Township. Alterations requiring repairs on private lands will be the responsibility of the property owner.

8. Additional Service Charges

(a) **That** the service charge to open or close water services, after having been connected initially, be levied as per the User Fees and Charges Bylaw as amended.

(b) **That** charges for Unmetered Water used for construction shall be levied in the amount set out in the Township's User Fees and Charges Bylaw as amended and shall be payable by the consumer. The consumer shall notify the Town as soon as it is practical for a Water Meter to be installed, such as when plumbing has been inspected and passed. During the time period when the water meter is installed until the closing date only the flat rate shall apply until property is occupied or sold to the New Owner, unless builder is also the Owner due to no sale of property.

(c) **That** the service charge to supply water on a "per occasion" basis from truck filling station or hydrant shall be levied in the amount set out in the Township's User Fees and Charges Bylaw as amended, opening and closing the valve plus the current rate per cubic metre supplied;

9. Outstanding Accounts

(a) **That** the Treasurer of the Township may direct that the residential water service be disconnected that has a billing account in arrears for ninety (90) days or more;

(b) **That** the Treasurer of the Township may direct that the outstanding water arrears be transferred to the tax roll for the property in the local municipality and collect them in the same manner as municipal taxes.

(c) **That** the Treasurer of the Township may direct that any penalties incurred due to an administrative error be written off;

- (d) **That** prior to disconnecting the water service, due to the account being in arrears, the Township shall make every reasonable attempt to provide the assessed owner with notice of the Township's intention to disconnect the water service;
- (e) **That** prior to the water service being reconnected, the assessed owner shall pay to the Township, the total amount of the billing account in arrears plus a reconnection charge as provided in the Township's current Fees and Charges Bylaw, as amended, plus any additional costs which may be incurred by the Township;

10. Penalties

- (a) **That** any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act and each day that a separate breach of this By-law occurs shall constitute a separate offence;

11. Water use Regulation

- (a) **That** the Director of Infrastructure and Development or designates or designate is authorized to implement at any time during the year any other regulation which he, in his discretion, considers advisable to limit the external use of water and this authority includes the right to ban completely the external use of water.
- (b) **That** from time to time, due to repairs or new installation of water main, water may be limited or unavailable until such repairs are made. The Director of Infrastructure and Development or designates or designate, will provide 48 hours notification of water service interruption.

12. Severability

- (a) **That** should any section of this By-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out;
- (b) **That** should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail;

13. **That** By-law 21-34 is hereby repealed on the date that this by-law comes into force and effect, and this By-law supersedes any corresponding by-laws of the Township of Adjala-Tosorontio which, through inadvertence, may not have been repealed.

14. **That** this By-law shall come into force and take effect on the day of passing hereof.

15. That, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 10th day of May, 2023.



Scott W. Anderson, Mayor



Robin Reid, Clerk