

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2019-13

BEING A BY-LAW TO ESTABLISH WATER AND SANITARY FEES AND CHARGES TO USERS OF THE TOWNSHIP OF WILMOT'S WATER DISTRIBUTION SYSTEMS AND SANITARY COLLECTION SYSTEM

WHEREAS Section 11(3) and (4) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended (the "Act"), allows municipalities to pass by-laws respecting public utilities;

AND WHEREAS the term "public utility" includes systems that are used to provide water and sewage services for the public;

AND WHEREAS section 391(1)(b) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of The Corporation of the Township of Wilmot enacts as follows:

Definitions

1. In this by-law:

- (a) "Appurtenance" includes a valve, valve chamber, hydrant, hydrant lead, flow meter, curb stop, maintenance access point, maintenance hole, manhole, grate, catch basin, catch basin lead, ditch inlet chamber or other minor accessory part of the Water Distribution System;
- (b) "AWWA" means American Water Works Association;
- (c) "Consumer" means an Owner, occupant, lessee or tenant of a property or any other person purchasing Services from the Township;
- (d) "Control valve" means a valve for controlling the flow of water within the distribution system;
- (e) "Council" means the municipal council of The Corporation of the Township of Wilmot;
- (f) "Curb stop" means an apparatus installed by the Township outside of a building, normally on the Property Line, used for controlling the flow of water supplied to a property;
- (g) "Highway" means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;
- (h) "Meter" means an apparatus for measuring the quantity of water used;
- (i) "Owner" means the registered owner of a property, or their agent/designate;
- (j) "Person" means an individual, sole proprietorship, partnership or corporation;
- (k) "Property Line" means the line or demarcation between properties;
- (l) "Region" means The Regional Municipality of Waterloo;
- (m) "Reservoir" means a place where water is stored or accumulated;
- (n) "Service Pipe" means the conduit for transporting water from the Watermain to a property;

- (o) "Services" means all water services supplied by the Township via the Water Distribution System and all Sanitary services provided by the Sanitary Collection System;
- (p) "Sewage" means Sanitary.
- (q) "Township" means The Corporation of the Township of Wilmot;
- (r) "Sanitary Collection System" includes all collection mains, lift/pump stations, and all appurtenances thereto;
- (s) "Water Distribution System" includes all Reservoirs, Service Pipes, Watermains and all appurtenances thereto; and,
- (t) "Watermain" means any system of pipes and appurtenances used for the transmission or distribution of potable water, but does not include plumbing to which the *Building Code Act, 1992* applies or a pumping facility.

Township Property

- 2. All appurtenances and other equipment between the Watermain and the Property Line, and all Meters, are, and shall remain, the property of the Township.
- 3. Township property that is used for, or in connection with, the supply of the Services is exempt from seizure:
 - (a) against the Owner or occupant of the property under the *Execution Act, R.S.O. 1990, c. E.24*; and,
 - (b) against a person with a leasehold interest in property for overdue rent.

Meters

- 4. All Meters shall be located in a safe and convenient place, so as to facilitate access by the Township.
- 5. All Meters shall be located as close as possible to the entrance of the Service Pipe into a building.
- 6. No Meter shall be enclosed or sufficiently inaccessible so as to prohibit it from being read, examined or removed by the Township.
- 7. The Township may, at reasonable times, enter on land to which it supplies Services in order to:
 - (a) inspect, repair, alter or disconnect the Services, machinery, equipment and other works used to supply the Services; or,
 - (b) inspect, install, repair, replace or alter a Meter.
- 8. The Township may charge a fee to the Owner, pursuant to the attached **Schedule "A"**, for denying or otherwise prohibiting access to a Meter, which would represent the reasonable costs incurred by the Township. The Township may add this fee to the tax roll for the relevant property and collect the fee in the same manner as municipal taxes.
- 9. An Owner shall be liable for any damage to a Meter, other than normal wear and tear, as determined by the Township, and should a Meter be damaged, the Township may charge the Owner the cost of repairing or replacing the Meter pursuant to the attached **Schedule "A"**.
- 10. No person, other than an employee or agent of the Township, shall be permitted to remove, inspect or tamper with a Meter or other equipment of the Township.
- 11. No person shall alter any Meter, either inside or outside of any building or other place, so as to lessen or alter the amount of water registered on the Meter.

12. Any Consumer having doubt as to the accuracy of a Meter may request that the Meter be removed and tested by notifying the Township and submitting a deposit to the Township in accordance with the attached **Schedule "A"**. If the Meter is found to meet the applicable AWWA standards for accuracy, the deposit shall be forfeited to the Township. However, if the Meter is found to not conform to the applicable AWWA standards, the deposit shall be returned to the Consumer and appropriate adjustments shall be made to the subject account.

Water Supply

13. As the Region is the sole supplier of water to the Township, the Township cannot guarantee the supply, quality or pressure of water to Consumers and failure to supply water shall not be construed as negligence on the part of the Township.

Fees and Charges

14. Fees or charges imposed upon Consumers for their use of the Services, including the consumption of water, as measured by the Meters, and any sanitary fees or charges, are all outlined in the attached **Schedules "A", "B" and "C"**.
15. Payments for all fees or charges imposed by the Township on a Consumer are due and payable by a Consumer on the date noted on the bill and there shall be a one-time seven and a half percent (7.5%) charge for late payment.

Non-Payment of Fees and Charges

16. If, after fourteen (14) days past the due date, fees or charges are still not paid, the Township may advise the Consumer that unless the fees or charges are paid within seven (7) days, the Township may discontinue the Services to the property upon which the fees or charges are due, and in the event the Services are turned off, they shall not be turned on again until such time as all arrears are paid together with the fees/charges and costs incurred on behalf of the Township for turning any of the Services off and on. The aforesaid fees/charges and costs for turning any of the Services off and on shall be at the rates outlined in the attached **Schedule "A"**.
17. If fees or charges are not paid to the Township by the Consumer in accordance with the provisions of this by-law, the Township may add the outstanding fees or charges to the tax roll for the relevant property and collect the fees or charges in the same manner as municipal taxes.

Billing Errors

18. Where billing errors have resulted in over-billing, the Consumer shall be credited with the amount erroneously billed for the relevant period, but not exceeding six (6) years.
19. Where billing errors have resulted in under-billing, the consumer shall be charged the amount erroneously not billed for a period not exceeding:
 - (a) two (2) years, in the case of a residential Consumer who was not responsible for the error; and,
 - (b) six (6) years in all other cases.

Exemption

20. Four properties shall be exempt from this by-law as their Services are provided by The Corporation of the City of Kitchener. The four properties include:
 - 57 Trussler Road
 - 109 Trussler Road
 - 121 Trussler Road
 - 131 Trussler Road

Severability

21. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having

persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

Repeal

22. By-law 2018-08 is hereby repealed.

Coming Into Force

23. This by-law shall come into force and effect on January 1, 2019.

READ a first and second time in Open Council this 11^h day of February, 2019.

READ a third time and finally passed in Open Council this 11th day of February, 2019.

Mayor

Clerk

Schedule "A"
Utility Service Fees

	2019 Rate	Criteria	Effective Date
Water Meters			
½" & ¾" Meters (Standard Residential) – plus HST	\$ 155.00	per Meter	01/01/2019
Other Size Meters – plus HST	Actual Cost	per Meter	01/01/2019
MXU Device (includes installation) – plus HST	\$ 170.00	per MXU	01/01/2019
Security Tag Replacement (Meter Sealing) – plus HST	\$ 50.00	per Meter	01/01/2019
Tail Pieces – plus HST	\$ 15.00	per Meter	01/01/2019
Remote/Mounting Bracket Assembly – plus HST	\$ 30.00	per Meter	01/01/2019
Meter Accuracy Deposit	Actual Cost	per Test	01/01/2019
Meter Installation Fee	Actual Cost	per Install	01/01/2019
Water Meter Repairs	Actual Cost	per Repair	01/01/2019
Remote Re-Wiring	Actual Cost	per Repair	01/01/2019
Water/Sanitary Services			
Service Inspections	Actual Cost	per Inspection	01/01/2019
Water Service Line Repairs	Actual Cost	per Repair	01/01/2019
Sanitary Service Line Repairs	Actual Cost	per Repair	01/01/2019
Water Main Line Repairs	Actual Cost	per Repair	01/01/2019
Sanitary Main Line Repairs	Actual Cost	per Repair	01/01/2019
Water Sampling/Testing	Actual Cost	per Test	01/01/2019
Water/Sanitary Services Administration – plus HST	10%		01/01/2019
Materials	Actual Cost		01/01/2019
Labour Charges			
Regular Working Hours – plus HST	\$ 40.00	per Hour	01/01/2019
After Working Hours (Monday – Saturday) – plus HST	\$ 60.00	per Hour	01/01/2019
After Working Hours (Sunday & Holidays) – plus HST	\$ 80.00	per Hour	01/01/2019
Vehicle Rates			
Flusher/Vacuum Truck – plus HST	\$ 190.00	per Hour	01/01/2019
Stake Truck – plus HST	\$ 40.00	per Hour	01/01/2019
Service Truck – plus HST	\$ 40.00	per Hour	01/01/2019
Pickup Truck – plus HST	\$ 35.00	per Hour	01/01/2019
Miscellaneous Services			
Water Disconnect/Reconnect	\$ 75.00	Each	01/01/2019
Camera Inspection – plus HST	\$ 155.00	per Hour	01/01/2019
Hydrant Use Permit	\$ 75.00	per Day	01/01/2019
Tapping Machine (minimum \$100) – plus HST	\$ 35.00	per Hour	01/01/2019
Sidewalk Clearing	\$ 120.00	per Hour	01/01/2019
Non-Radio Reading Charge	\$ 75.00	per Bill	01/01/2019
Valve Turning Machine Attachment	\$ 15.00	per Hour	01/01/2019

Schedule "B"
Water Rates and Charges

	2019 Rate	Criteria	Effective Date
Consumption Rates			
Water Rate	\$ 2.0514	per cubic metre	01/01/2019
Water Rate – Foxboro Green	Current RoW Wholesale Rate	per cubic metre	01/01/2019
Service Charges (Annual)			
½" & ¾" Meters (Standard Residential)	\$ 102.00	per Meter	01/01/2019
1" Meter	\$ 109.59	per Meter	01/01/2019
1½" Meter	\$ 172.79	per Meter	01/01/2019
2" Meter	\$ 224.98	per Meter	01/01/2019
3" Meter	\$ 362.00	per Meter	01/01/2019
4" Meter	\$ 530.41	per Meter	01/01/2019
6" Meter	\$ 1,171.75	per Meter	01/01/2019
Other Annual Charges (if applicable)			
Flat Rate Water Charge (non-metered properties)	\$ 1,161.22	per Service	01/01/2019
Foxboro Green Administration Charge	\$ 788.75		01/01/2019
Additional Meter Fee – ½" & ¾" Meters	\$ 18.00	per Meter	01/01/2019
Additional Meter Fee – 1" Meter	\$ 27.00	per Meter	01/01/2019
Additional Meter Fee – 1½" Meter	\$ 49.00	per Meter	01/01/2019
Additional Meter Fee – 2" Meter	\$ 60.00	per Meter	01/01/2019
Additional Meter Fee – 3" Meter	\$ 122.00	per Meter	01/01/2019
Additional Meter Fee – 4" Meter	\$ 208.00	per Meter	01/01/2019
Additional Meter Fee – 6" Meter	\$ 725.00	per Meter	01/01/2019
Other Annual Charges (if applicable)			
Account Setup Fee	\$ 30.00	per Setup	01/01/2019
Additional Water Meter Reading	\$ 30.00	per Reading	01/01/2019

Water Rates and Charges Descriptions:

Water Rates and Charges are only applicable if a property is connected to one of the Township's Waste Distribution Systems.

Consumption Rates are applied based on a consumer's consumption of water as measured by the installed meter.

Service Charges are applied based on the size of the meter measuring the water service at each property.

Other Charges and Fees are applied to a consumer only as necessary. Annual Fees are prorated based on the number of days within a billing period.

- The Flat Rate Water Charge is applied to any consumer whose property is connected to a Township Water Distribution Systems and whose consumption is not measured by a meter.
- An Additional Meter Fee is applied only if there is an additional Township owned meter located at a property.
- The Account Setup Fee is applied to the first bill of all "newly created" Wilmot Water Accounts.
- An Additional Water Meter Reading Fee is applied to an account for all readings not associated with the regularly scheduled bi-monthly reading.

Schedule "C"
Sanitary Rates and Charges

	2019 Rate	Criteria	Effective Date
Consumption Rates			
Sanitary Rate	\$ 2.5297	per cubic metre	01/01/2019
Sanitary Rate – Morningside	\$ 1.8929	per cubic metre	01/01/2019
Sanitary Rate – Foxboro Green	Current RoW Wholesale Rate	per cubic metre	01/01/2019
Service Charges (Annual)			
½" & ¾" Meters (Standard Residential)	\$ 102.00	per Meter	01/01/2019
1" Meter	\$ 109.59	per Meter	01/01/2019
1½" Meter	\$ 172.79	per Meter	01/01/2019
2" Meter	\$ 224.98	per Meter	01/01/2019
3" Meter	\$ 362.00	per Meter	01/01/2019
4" Meter	\$ 530.41	per Meter	01/01/2019
6" Meter	\$ 1,171.75	per Meter	01/01/2019
Other Annual Charges (if applicable)			
Foxboro Green Administration Charge	\$ 788.75		01/01/2019

Sanitary Rates and Charges Descriptions:

Sanitary Rates and Charges are only applicable if a property is connected to the Township's Sanitary Collection System.

- Discharge Rates are applied based on a consumer's consumption of water as measured by the installed meter.
- Service Charges are applied based on the size of the meter measuring the water service at each property.
- Other Annual Charges are applied to a consumer only as necessary and are prorated based on the number of days within a billing period.