

THE CORPORATION OF THE TOWN OF ERIN

BY-LAW NUMBER 15-42

Being a By-law to enact rules and regulations and to establish water service rates and service fees for the water systems servicing the Town of Erin, and to repeal By-laws 11-23 and 02-96.

WHEREAS The Corporation of the Town of Erin operates water production, treatment, storage and distribution systems;

AND WHEREAS pursuant to Section 11 of the *Municipal Act, 2001*, (the "Act") The Town of Erin has the responsibility for public utilities, including water distribution, production, treatment and storage within the Town of Erin and the collection, production and treatment of such water and the financing thereof by a municipal corporation or local board thereof and all provisions of any special act relating to such collection and treatment of such water apply;

AND WHEREAS Section 11(9) of the Act provides that a by-law may be passed with respect to services or things provided by any person to the extent necessary;

AND WHEREAS Part III of the Act (Specific Municipal Powers) under the heading "Public Utilities" contains specific powers and provisions with respect to such systems;

AND WHEREAS Part XIV of the Act (Enforcement) provides that the Town of Erin may pass By-laws providing that any person who contravenes a by-law passed under the Act is guilty of an offence, and contains other enforcement provisions;

AND WHEREAS the Town of Erin is permitted to impose water fees and charges under Part XII of the Act; and Section 398 of the Act provides that the Treasurer may add charges so imposed to the tax roll for the property to which the said Public Utilities were supplied and collect them in the same manner as taxes; and further O. Reg. 440/02 provides that charges so added to the tax roll for the supply of water have priority lien status as provided for in Section 1 of the Act;

NOW THEREFORE the Council of The Corporation of the Town of Erin enacts as follows:

1 Application

That the rules and regulations set out in this By-law shall govern and regulate the financing of any system of the municipal water works owned by the Town of Erin and shall be considered to form a part of the contract between the Town of Erin and the owner, or occupant, of a property in which municipal water is supplied by the Town of Erin.

2 Definitions:

That in this By-law, the following terms are defined as:

"Municipal Water User" means the owner or occupant of a property receiving municipal water service by way of written agreement/authorization of the Town of Erin Water Department.

"Town of Erin Water Department" is a department of the Corporation of the Town of Erin as established in accordance to the Municipal Act as a public utility providing municipal water to the Town of Erin.

“Customer” means the owner, tenant or occupant of premises to which water is supplied by the Town of Erin.

“Premises” means any house, building, lot or part of lot or both, where water service is supplied.

“Public Utility” means water system service.

“Town of Erin” means The Corporation of the Town of Erin.

“User” means as the context requires, the applicant for water supply, the owner or occupant of or the person to whom invoices are sent for water supplied to a premises.

“Water” means potable water that is fit for human consumption.

“Water Meter” means the water meter and backflow preventer valve as approved by the Town of Erin and purchased by the property owner through the Town of Erin and installed by a licensed plumber.

“Water Service Connection” means that part of the water service pipe from the municipal water main to the street line including the shut off valve at the street line, which supplies water to any premises in the Town of Erin.

3 **Connection Fees**

3.1 An Infrastructure Tap In (ITI) Fee will be applied to all new water service installations that will be servicing an existing building. See Schedule “B” of this by-law.

3.2 Where the water component of development charges have been imposed, the ITI fee does not apply.

4 **Billing**

4.1 The Town of Erin Water Department administers all matters relating to billing, and collection of water accounts in accordance with Schedules A & B.

4.2 Before the initial supply of water or any subsequent reconnection to water service for any premises in the Town of Erin, the owner shall make application for same and the owner shall be governed by the requirements of this By-law.

4.3 The water consumed on all premises in the Town of Erin shall be charged for as indicated by the rates shown in Schedule “A” to this By-law. In this By-law and Schedule “A” the word “charge” and the word “rate”, both in the singular and the plural, have the same meaning.

4.4 Water meters shall be read or stipulated rates charged and accounts rendered quarterly, or on any other basis at the discretion of the Town of Erin Water Department. The Town of Erin may serve bills upon the customer, by delivery or mail, either at an address supplied by the customer, or bills shall be deemed to be served upon the said customer, if they are delivered or sent by mail to premises supplied with water.

4.5 All accounts shall be due and payable on or before the due date as printed on the billing invoice. That upon default of payment interest will be calculated at 1.25% per month on outstanding balances and added to the account on the first day of each calendar month in which default continues.

- 4.6 Additional charges in accordance with Schedule "B" shall be added to the Quarterly Water Bill.
- 4.7 The minimum monthly base charge for providing and maintaining water supply to any premises is payable per unit, in accordance with Schedule A. In instances when the occupant of any premise terminates their account with the Town of Erin, subsequent minimum monthly base charge shall be rendered to the owner of the premises until such time as a new occupant applies to the Town of Erin for the supply of water.
- 4.8 The Town of Erin is authorized to accept Pre-Authorized Payments (PAP) for provision of municipal water on behalf of the Town of Erin Water Department.
- 4.9 Information concerning the Pre-Authorization Payments will be made available to all water system users within the Town of Erin through the billing process.
- 4.10 The pre-authorization payments will consist of;
- a) Ten (10) equal monthly payments will be adjusted annually to the amounts required by the annual water bill. The monthly payments will be due on the 16th of each month from January to October or the next business day if the 16th falls on a weekend or a statutory holiday. The adjustment will be made on the 16th of November or the next business day if the 16th falls on a weekend or a statutory holiday.
- or
- b) Quarterly pre-authorized payments of actual per bill amounts will be due on the quarterly due date of the actual water bill issued.
- 4.11 Cost of Non-Sufficient Funds, (NSF) or PAP declining shall be added to the owners water account in accordance with Schedule "B".
- 4.12 Where PAP has been declined two (2) consecutive periods the customer will be removed from the PAP plan, and will then receive printed invoices payable according to billing cycle.
- 4.13 All costs incurred for service from the lot line to the residence will be the sole responsibility of the property owner, including cost incurred by tenants.
- 4.14 If, for any cause, a water meter fails to register, or the water meter is found to be not working properly, the water usage shall be deemed "unmetered" and the water user shall be billed at two and a half times the average annual water consumption for the same period as determined by the Town of Erin Water Department. An adjustment shall be made to the account upon the next actual meter read. The unmetered charges will be indicated on the water bill as "manual estimate." Upon receipt of the "manual estimated" water bill, the owner must contact the water department with an actual read and to arrange an appointment with the Town of Erin Water Department to have the water meter inspected.
- 4.15 When a municipal water user disputes the meter reading of water consumption indicated on the water bill, a meter reading verification test can be performed by The Town of Erin Water Department for an amount identified in Schedule "B"
- 4.16 When the owner requests a temporary removal of the water meter from their premises, for any reason, the water meter removal and reinstallation shall be done entirely at the expense of the Property Owner by a licensed plumber.

- 4.17 The Town of Erin, in its sole discretion, may recover the cost of providing water during the construction phase of a building, from connection until occupancy, in accordance to the flat rate set out in Schedule "A" of this By-law.

5 Collection

- 5.1 When an account is not paid by due date on the water bill, a late payment charge shown in Schedule "A" of this By-law will be added to the account and an overdue notice shall be sent by mail reminding the customer of the outstanding amount.
- 5.2 If the account has not been paid within ninety (90) days after the due date, the municipality may shut off the supply of the public utility by the municipality to land, provided that the municipality shall provide forty-eight (48) hours notice to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place, and if the notice is given by prepaid mail the forty-eight hour period shall commence on the third day after the date of the mailing.
- 5.3 (a) If a customer omits, neglects or refuses to pay any bill rendered, whether for water service pipes, water service charges or any other monies to which the Town of Erin may be entitled in respect of the water services to such premises under this By-law, the Town of Erin may, at its discretion, shut off the flow of water to the premises and in addition to the amount owing and unpaid, a disconnection charge as shown in Schedule "B" of this by-law, will be levied against the delinquent account.
- (b) The treasurer may add charges imposed under this By-law for the supply of a public utility to the tax roll for the property to which the public utility was supplied, and collect them in the same manner as municipal taxes.
- (c) Pursuant to subsection 398 (2) of the Act every property to which Public Utility Services have been supplied, regardless of the party to whom they were supplied, may have the charges therefore added to the tax roll for the property and they may be collected in the same manner as municipal taxes.
- (d) With respect to Landlord and Tenant situations where the tenancy commences on, before or after the effective date of this By-law, the Landlord shall provide the Tenant with water services, and those services will be supplied to the Landlord/Property Owner who shall be the account holder and be responsible for the payment of the same as a debt to the municipality.
- 5.4 Where it has been necessary to discontinue service as a result of non-payment, a reconnection charge as shown in Schedule "B" of this by-law will be levied against the delinquent account.

6 Validity and Severability

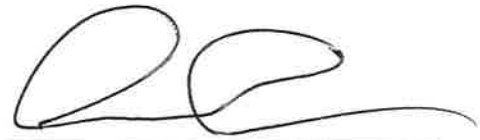
- 6.1 It is hereby declared that notwithstanding any of the sections or provisions of this by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of the Council to enact, such sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of this by-law as a whole or part thereof and all other sections of this by-law shall be deemed to be separate and independent therefrom and enacted as such.

7 Repeal of By-law

7.1 The By-Law # 11-23, including Schedule "A" & "B" ,By-Law # 02-96, including Schedule "A" and all sections relating to the billing, collecting, fees, rates and charges of the water systems of the Town of Erin are hereby repealed and replaced by this By-law on such date that this By-law comes into force.

7.2 This By-law comes into force and effect on January 1, 2016.

Passed in open Council on October 20, 2015



Mayor



Clerk

**Town of Erin
Schedule "A"
By-Law # 15-42
Water Billing**

WATER CONSUMPTION RATES					
Description	2016	2017	2018	2019	2020
Constant Rate(commencing Jan.1,2016) Per cubic meter (m ³)	\$ 3.99	\$ 3.99	\$ 3.99	\$ 3.99	\$ 3.99

MONTHLY BASE CHARGES					
Service Unit Description	2016	2017	2018	2019	2020
<2" Service	\$ 15.39	\$ 15.39	\$ 15.39	\$ 15.39	\$ 15.39
2" Service	\$ 30.77	\$ 30.77	\$ 30.77	\$ 30.77	\$ 30.77
4" Service	\$ 55.45	\$ 55.45	\$ 55.45	\$ 55.45	\$ 55.45
Multi-residential Services*	\$ 15.39 per dwelling unit	\$ 15.39 per dwelling unit	\$ 15.39 per dwelling unit	\$ 15.39 per dwelling unit	\$ 15.39 per dwelling unit
All Other Residential Users	\$ 15.39	\$ 15.39	\$ 15.39	\$ 15.39	\$ 15.39

*The base charge for all multi-resident premises shall be charged as per the number of units on the premises.

FLAT RATE CHARGE					
	2016	2017	2018	2019	2020
Flat Rate* (annual charge)	\$ 487.41	\$ 487.41	\$ 487.41	\$ 487.41	\$ 487.41

*For those water customers that do not have meters (where installation of meters is deemed by the Town of Erin to be impractical).

PENALTY	
Late Payment Charge (all water customers)	1.25% per month

**Town of Erin
Schedule B
By-law 15-42
Services & Fees**

Water Operator Services	Fee
Service Charges During Regular Work Hours (7:00am – 4:30pm Mon-Thurs, 7:00am – 11:00am Fri) -Operate/Disconnect/Reconnect water service -Water Valve Inspection -Water Meter Inspection/Verification	\$84.00/hour <i>1 hour minimum</i>
Service Charges Outside Regular Work Hours including weekends and statutory holidays (regular work hours are 7:00am – 4:30pm Mon-Thurs, 7:00am – 11:00am Fri) -Operate/Disconnect/Reconnect water service -Water Valve Inspection -Water Meter Inspection/Verification	\$168.00/hour <i>1 hour minimum</i>

Administration Charges	Fee
Non-Sufficient Funds (NSF) charge	\$25.00
Water Arrears Certificate	\$40.00
Water Arrears transfer to Tax Roll	\$250.00
Change of Occupancy -includes Water Meter Inspection and Initial Meter Reading	\$84.00

New Water Service Installation Charges	Fee
Infrastructure Tap In (ITI) Fee (Where the water component of development charges have been imposed, the ITI fee does not apply)	\$3,122.00
Installation of ¾" water service to the property line (the cost is based on the applicable time, equipment use and material for the installation including restoration from the water main to the property line)	\$6,350.00 + <i>applicable taxes</i> may be subject to additional fees in special circumstances
Installation of 1" water service to the property line (the cost is based on the applicable time, equipment use and material for the installation including restoration from the water main to the property line)	\$6,500.00 + <i>applicable taxes</i> may be subject to additional fees in special circumstances
Installation of Water services over 1" TBA at the discretion of the Water Superintendent (the cost shall be based on the applicable time, equipment use and material for the installation including restoration from the water main to the property line)	Time & Material
Water Meters and appurtenances	Current Market Value + 10%

Fines	Fee
Replacement Charges for Damaged Equipment	Time & Material
Meter Tampering Charge (This fee is applicable when a customer has tampered with the meter in any way, whether or not it actually affects the meter reading. It is assessed based on field investigation by a Town of Erin Water Operator)	\$650.00
Illegal access to municipal water	\$650.00