

# The Corporation of the Municipality Of South Huron

## By-Law # 39 - 2019

### Being a By-Law to provide for the setting of rates for Water and Wastewater Services in the Municipality of South Huron and to Repeal By-Law #14-2015

Whereas Council of the Corporation of the Municipality of South Huron passed By-law No. 14-2015 on March 16, 2015, being a by-law to provide for the Regulation of Water Services in the Municipality of South Huron; and

Whereas Council of the Corporation of the Town of Exeter passed By-law No. 73,1988 on November 21, 1988, being a by-law to provide for the Regulation of Waste Discharge into the municipal sewer system in the Town of Exeter; and

Whereas Council of the Corporation of the Township of Stephen passed By-law No. 24-1987 on July 7, 1987, being a by-law to provide for the Regulation of Waste Discharge into the municipal sewer system in the Township of Stephen; and

Whereas under the *Municipal Act, 2001, SO 2001*, as amended, provides under Section 11(3).4 that a lower-tier municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities; and,

Whereas the *Municipal Act, 2001, SO 2001*, as amended, provides under section 8(1) that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern their affairs as they consider appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas the *Municipal Act, 2001*, as amended, provides under Section 391 that a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

**Now Therefore Be It Resolved** that the Council of The Corporation of the Municipality of South Huron enacts as follows:

#### **Short Title**

Water and Wastewater Rates and Charges By-law

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## **Part 1 Definitions**

### **1.1 Definitions**

In this by-law:

**"All other Residential"** means a single detached dwelling, semi-detached dwelling, townhouse, condominium, mobile home, modular dwelling; as defined in this by-law.

**"Apartment Building"** means a building that is divided horizontally and/or vertically into four or more separate dwelling units with individual access, but does not include a converted dwelling or townhouse dwelling.

**"Building, Mixed-use"** means a development project containing more than one land use category (i.e. retail commercial and residential, office and residential, industrial and retail commercial, office and retail commercial) that are conceived and designed as a single structure.

**"Campground"** means a parcel of land used or maintained as an overnight tenting or camping area, where people are temporarily accommodated in tents, trailers, travel trailers, motor home or similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home or a mobile home park.

**"Commercial Property"** means a property used for the sale of goods or services and for the purposes of this By-law shall include office buildings, private nursing homes, hotels, motels, licensed premises and private clubs, and any building that is used in conjunction with these uses, but does not include any mixed-use commercial property that contains dwelling units.

**"Condominium"** means a building or buildings in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the *Condominium Act*.

**"Converted Dwelling"** means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot in which the number of dwelling units has been

increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances.

**"Customer"** shall mean any person who enters into a contract with the Municipality to take water from the Municipality or to receive water related services from the Municipality.

**"Duplex Dwelling"** means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling.

**"Dwelling Unit"** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities.

**"Engineer"** shall mean a registered professional engineer retained by the Municipality of South Huron to represent the Municipality.

**"Exeter Service Area"** shall mean the area serviced by the Exeter water distribution system and the area defined in the South Huron Official Plan, Consolidated Copy March 2004 as Schedule 'C' Land Use Plan Exeter and Schedule B-2 Land Use Plan Usborne.

**"Fourplex Dwelling"** means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling.

**"Home Based Business"** means an occupation or business conducted for profit within a dwelling by a permanent resident or owner of the dwelling.

**"Industrial Property"** means a property for the manufacturing or processing of goods or used for the storage of goods or raw materials and any property that is used in conjunction with these uses.

**"Institutional"** means facilities provided by the municipality or by any other group or organization without profit or gain for such special purposes as a hospital, school, public medical centre, daycare, public nursing home, arena, recreation center, community centre, museum, public library, scout house, drop-in centre, swimming pools, parks, playgrounds, skating rinks, etc., but does not include private parks or commercial recreation establishments.

**"Meter"** shall mean the water meter supplied and owned by the Municipality to measure the quantity of water used by the customer.

**"Modular Dwelling"** means a prefabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than 6.0 metres in width.

**"Mobile Home"** shall mean a factory built dwelling occupied or designed for occupancy by one family on a permanent basis having a floor area of not less than sixty-five square metres designed to be towed on its own chassis, notwithstanding that its running gear is or may be

removed, placed or designed to be placed on permanent foundations, and connected or designed to be connected to public utilities.

**"Multiple Dwelling"** means a building containing three (3) or more dwelling units.

**"Multi-family (bulk meter)"** shall include duplexes, triplexes, fourplexes, townhouses, trailer parks, land lease developments, recreational units and apartments with multiple dwelling units metered by one water meter (called a "bulk meter").

**"Municipality"** shall mean the Corporation of the Municipality of South Huron.

**"Owner"** shall include any person who or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.

**"Potable water"** shall mean water that is fit for human consumption.

**"Residential Property"** means any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

**"Semi-detached Dwelling"** means a building which contains two single dwellings units which are attached vertically by a common wall.

**"Sewage"** means any liquid waste containing animal, vegetable or mineral matter in solution or in suspension, except uncontaminated water.

**"Sewage related services"** shall include but not be limited to those items set out under the heading "Miscellaneous Water and Wastewater Rates and Charges" in the Water and Wastewater Rates and Charges By-Law.

**"Sewage Works"** means any works for the collection, transmission, treatment or disposal of sewage, or any part of such works, but does not include plumbing to which the 2006 Building Code Compendium, Ontario Regulation 423/06, or any amendments thereto apply.

**"Single Detached Dwelling"** means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.

**"Stephen Service Area"** shall mean the area serviced by the Stephen water distribution system and the area defined in the South Huron Official Plan, Consolidated Copy March 2004, as Schedule "B-1' Land Use Plan Stephen.

**"Townhouse"** means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling

unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.

**"Trailer, Recreational"** means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear has been removed.

**"Triplex Dwelling"** means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling.

**"Water"** shall mean potable water supplied by the Municipality.

**"Water distribution system"** shall mean mains with connections to feeder mains, feeder mains within subdivision lands, private mains, services, fire hydrants, and shut-off valves and all other appurtenances thereto.

**"Water related services"** shall include but not be limited to those items set out under the heading "Miscellaneous Water Rates and Charges" in the Water and Wastewater Rates and Charges By-Law.

**"Waterworks"** shall mean any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the 2006 Building Code Compendium, Ontario Regulation 423/06, or any amendments thereto apply.

## **Part 2**

### **Development Of Water And Wastewater Rates And Charges**

#### **2.1 Development of water and wastewater rates and charges**

The Water and Wastewater Rates and Charges contained in this by-law are approved and imposed commencing the first billing period, after May 1, 2019.

#### **2.2 Fees and charges imposed**

The fees and charges imposed by this by-law are due and payable:

- a) at the time of the transaction for which the fee or charge is imposed; or
- b) upon the due date specified in any invoice issued by the Corporation of the Municipality of South Huron to any person or party in connection with a fee or charge imposed by this by-law.

#### **2.3 Minimum Charges for Mandatory Connection Areas**

Any property within a mandatory connection area established under by-law that is not connected by the prescribed connection date shall be charged the applicable "non-

*compliance*” quarterly water and/or wastewater charge at the rates indicated in the schedule in Section 3.2(d) of this by-law. This charge will continue until such time as the property is connected.

Any property that is not connected by the prescribed connection date, that has a Council approved extension to the connection deadline shall pay the quarterly “*base charge*” at the rates indicated in the schedule in Section 3.2(a) of this by-law. This charge will continue until such time as the property is connected.

Any property that is not connected by the prescribed connection date, where an application has been submitted for approval for an extension to the connection deadline, shall pay the quarterly “*base charge*” at the rates indicated in the schedule in Section 3.2(a) of this by-law, while that application is being processed. This charge will continue until such time as the property is connected.

#### **2.4 Potential Adjustment to Wastewater Consumptive Charge for Commercial and Industrial Customers.**

Commercial and Industrial properties only, may apply to have the volume used to calculate the wastewater consumptive charge reduced to reflect volumes closer to the actual volume of wastewater discharged. The consumption volume that shall be considered for reduction is the volume of potable water that is incorporated into a product that is shipped off site in that product and is not discharged into the wastewater system.

Application for reduction in wastewater consumptive charge shall be accompanied with supporting documentation to substantiate the volume reduction and if required, may be subject to third party review at the applicant’s expense. South Huron Council shall give final approval of any application for reduction in wastewater consumptive charges.

All existing Wastewater Discharge Agreements shall continue in force until those Agreements expire.

#### **2.5 Water and Wastewater Charges for Home Based Businesses:**

Home based businesses, for the purposes of water and wastewater billings only, shall be included in the Institutional, Commercial & Industrial billing category; and shall be charged Institutional, Commercial & Industrial water and sewer rates in accordance with the applicable schedules in Part 3 of this By-Law.

#### **2.6 Wholesale Water Consumptive Charges for Large Volume Institutional Commercial & Industrial Water Consumers:**

Large volume Institutional, Commercial & Industrial consumers shall be charged a wholesale water rate for all water used above a minimum threshold of 10,000m<sup>3</sup> per month; at a rate that is 60% of the current year consumptive rate as set out in Schedule 3.1(c), Part 3 of this By-law. All water consumed up to the minimum



threshold of 10,000m<sup>3</sup> per month shall be charged at the consumptive rate set out in Schedule 3.1(c), Part 3 of this By-law. All other water charges apply, such as the Quarterly Water Base Charge, and the Exeter-Hensall Quarterly Debt Repayment Charge. If wastewater service is provided, all wastewater charges apply, such as the Quarterly Wastewater Base Charge and Wastewater Consumptive Charge.

## 2.8 Excess Wastewater Flows

For properties that have excess wastewater flows (ie. greater than the total metered water consumption), the Municipality reserves the right to quantify the wastewater flow and invoice the customer for the wastewater flows in excess of the total metered water consumption at the current by-law wastewater consumption rate per cubic meter.

### Part 3 Quarterly Water And Wastewater Rates And Charges

#### 3.1 Residential, Institutional, Commercial and Industrial Water supply rates.

All Residential, Institutional, Commercial and Industrial properties in the Municipality shall be charged:

- a) *“Base Charge”* for apartments and all other residential properties per dwelling unit and a *“Base Charge”* for Institutional, Commercial and Industrial properties based on the water service size at the property line, at a fixed rate cost per quarter at the rates indicated in the Schedule below.

Quarterly Water Base Charge	2019	2020	2021
Apartment (including duplex, triplex, fourplex and converted dwelling)	\$50.37	\$55.76	\$61.72
Apartment combined with Commercial (mixed-use, as defined)	\$50.37	\$55.76	\$61.72
All Other Residential	\$67.19	\$74.38	\$82.34
Institutional, Commercial & Industrial - 16mm (5/8"), 19mm (3/4"), 25mm (1") service size	\$67.19	\$74.38	\$82.34
Institutional, Commercial & Industrial - 32mm (1¼") service size	\$71.51	\$79.16	\$87.63
Institutional, Commercial & Industrial - 38mm (1½") service size	\$75.83	\$83.94	\$92.92
Institutional, Commercial & Industrial - 50mm (2") service size	\$83.36	\$92.27	\$102.14
Institutional, Commercial & Industrial - 100mm (4") service size	\$258.59	\$286.25	\$316.87
Institutional, Commercial & Industrial - 150mm (6") service size	\$399.95	442.73	\$490.10
Institutional, Commercial & Industrial - 200mm (8") service size	\$573.55	\$634.90	\$702.82

- b) *“Exeter-Hensall Water Supply Pipeline Debt Repayment Charge”* for apartments and all other residential properties per dwelling unit and an *“Exeter-Hensall Water Supply Pipeline Debt Repayment Charge”* for Institutional, Commercial and Industrial properties based on the water service size at the property line, at a fixed rate cost per quarter at the rates indicated in the Schedule below. The debt

repayment charge for the customers in the Stephen Service Area and the Exeter Service Area is established on a flow proportional basis.

<b>Exeter-Hensall Quarterly Debt Repayment Charge</b>	<b>Exeter</b>	<b>Stephen</b>
Apartment (including duplex, triplex, fourplex and converted dwelling)	\$52.12	\$2.98
Apartment combined with Commercial (mixed-use, as defined)	\$52.12	\$2.98
All Other Residential	\$69.52	\$3.98
Institutional, Commercial & Industrial - 16mm (5/8"), 19mm (3/4"), 25mm (1") service size	\$69.52	\$3.98
Institutional, Commercial & Industrial - 32mm (1¼") service size	\$74.00	\$4.23
Institutional, Commercial & Industrial - 38mm (1½") service size	\$78.47	\$4.47
Institutional, Commercial & Industrial - 50mm (2") service size	\$86.26	\$4.89
Institutional, Commercial & Industrial - 100mm (4") service size	\$267.65	\$15.25
Institutional, Commercial & Industrial - 150mm (6") service size	\$413.82	\$23.62
Institutional, Commercial & Industrial - 200mm (8") service size	\$593.43	\$33.95

- c) "Consumptive Charge" for all water consumption, on a per cubic metre basis, for each respective customer, per quarter at the rates indicated in the Schedule below:

<b>Description</b>	<b>Water Rates</b>		
	<b>2019</b>	<b>2020</b>	<b>2021</b>
Water Consumptive Rate (\$/m3)	\$1.77	\$1.79	\$1.80

### 3.2 Residential, Institutional, Commercial and Industrial Wastewater rates.

All Residential, Institutional, Commercial and Industrial properties in the Municipality shall be charged:

- a) "Base Charge" for apartments and all other residential properties per dwelling unit and a "Base Charge" for Institutional, Commercial and Industrial properties based on the water service size at the property line, at a fixed rate cost per quarter at the rates indicated in the Schedule below.

<b>Quarterly Wastewater Base Charge</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
Apartment (including duplex, triplex, fourplex and converted dwelling)	\$20.93	\$28.83	\$39.71
Apartment combined with Commercial (mixed-use, as defined)	\$20.93	\$28.83	\$39.71
All Other Residential	\$27.82	\$38.31	\$52.77
Institutional, Commercial & Industrial - 16mm (5/8"), 19mm (3/4"), 25mm (1") service size	\$27.82	\$38.31	\$52.77
Institutional, Commercial & Industrial - 32mm (1¼") service size	\$29.61	\$40.78	\$56.16
Institutional, Commercial & Industrial - 38mm (1½") service size	\$31.54	\$43.44	\$59.82

Institutional, Commercial & Industrial - 50mm (2") service size	\$34.57	\$47.61	\$65.57
Institutional, Commercial & Industrial - 100mm (4") service size	\$107.42	\$147.95	\$203.76
Institutional, Commercial & Industrial - 150mm (6") service size	\$166.09	\$228.75	\$315.04
Institutional, Commercial & Industrial - 200mm (8") service size	\$237.46	\$327.04	\$450.41

- b) *“Consumptive Charge”* for all wastewater discharged on a per cubic metre basis, calculated on the volume of water consumption, for each respective customer, per quarter at the rates indicated in the Schedule below:

Description	Wastewater Rates		
	2019	2020	2021
Wastewater Consumptive Rate (\$/m3)	\$1.81	\$1.81	\$1.81

- c) *“Flat Rate Charge”* for residential properties (per dwelling unit) and Institutional, Commercial and Industrial properties (per property) in a mandatory connection area, established under by-law that has wastewater service but does not have a water service, at a fixed rate cost per quarter at the rates indicated in the Schedule below. The Municipality reserves the right to calculate a per capita rate based on the estimated wastewater discharge for any Institutional, Commercial and Industrial property.

Description	Quarterly Rates		
	2019	2020	2021
Wastewater Flat Rate Charge (Base and Consumptive)	\$200.44	\$220.77	\$248.78

- d) *“Non-compliance Charge”* for residential properties (per dwelling unit) and Institutional, Commercial and Industrial properties (per property) in a mandatory connection area, established under by-law, that is not connected by the prescribed connection date, at a fixed rate cost per quarter at the rates indicated in the Schedule below.

Description	Quarterly Rate
Non-compliance Charge	\$500.00

### 3.3 Methods of Payment

The fees, charges and penalties imposed by this by-law shall be paid as follows:

- a) under sections 3.1, 3.2 and 4.1 (late payment charges) to Municipality of South Huron by cash, cheque, debit, preauthorized payment, telephone banking, internet banking or through a financial institution (if applicable).
- b) If two cheques are returned N.S.F. on any customers account, personal cheques from that customer will no longer be accepted.

**Part 4  
NON-PAYMENT**

**4.1 Non-payment of fees and charges**

Fees and charges imposed under this by-law on a person constitute a debt of the person to the Municipality. Such charges have priority lien status, and may be collected in accordance with the Municipal Statutes Law Amendment Act, 2006, and may be added to the tax roll against the property in respect of which the water service was supplied.

Multi-residential land leased properties with individual metering and tenant accounts; the owner of the multi-residential land leased property shall be responsible for payment of any tenant account that remains unpaid after sixty (60) days from the due date on the utility bill. Any unpaid tenant accounts shall have priority lien status, and may be collected in accordance with the Municipal Statutes Law Amendment Act, 2006, and may be added to the tax roll against the property in respect of which the water service was supplied.

If a defaulted account cannot be collected in accordance with the Municipal Statutes Law Amendment Act, 2006 and cannot be added to the tax roll against the property in respect of which the water service was supplied, the defaulted account shall be sent to a collection agency in accordance with the Municipal collection policy for defaulted accounts. Receivables of \$25.00 or more shall be referred to a collection agency thirty (30) days after the third collection letter is sent and the debtor has not responded. The debtor will be notified by letter that the account is being referred to a collection agency and that future correspondence should be with that agency.

**Part 5  
Previous By-Law Repealed**

**5.1 Repeal - previous by-law, By-Law 14-2015**

This by-law supersedes and replaces By-Law 14-2015, and amendments thereto, related to rates and charges for water and wastewater services of the Municipality of South Huron.

**Part 6  
Short Title**

**6.1 Short title**

The short title of this by-law shall be the “Water and Wastewater Rates and Charges By-Law”.

**Part 7**  
**Effective Date**

**7.1 Effective date**

This by-law comes into force and effect on the date of final passing.

Read a first and second time this 6<sup>th</sup> day of May, 2019

Read a third time and passed this 6<sup>th</sup> day of May, 2019

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George Finch, Mayor

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Rebekah Msuya-Collison, Clerk