

THE CORPORATION THE TOWN OF BANCROFT

BY-LAW NO. 44-2006

WATER AND WASTE WATER RATES BY-LAW

A By-law to adopt the rates for water and waste water services related to the operation of the systems;

WHEREAS The Corporation of the Town of Bancroft has constructed and operates and maintains a water supply system, a water works distribution system, a waste water collection system and a waste water treatment system;

AND WHEREAS the Town of Bancroft is permitted to adopt water and waste water rates under Part 12 of the Municipal Act, 2001;

AND WHEREAS the Town of Bancroft has given notice and held a public meeting September 24, 2003 in accordance with the Municipal Act 2001 and Ontario Regulation 244/02;

NOW THEREFORE the Council of the Town of Bancroft hereby **ENACTS** as follows:

Part I – Definitions

In this By-Law:

- a. "Town" means The Corporation of the Town of Bancroft,
- b. "Department" shall mean Department of Administration,
- c. "CAO" shall mean the Town of Bancroft Chief Administrative Officer,
- d. "Remote Meter Reading System" means a device installed at a separate location from the water meter and used to record the consumption reading of the meter,
- e. "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,
- f. "Water" means potable water that is fit for human consumption
- g. "Water Meter" means the water meter supplied either at the cost of the user or by the Town,
- h. "Customer" means the owner, tenant or occupant of premises to which water is supplied by the Town,
- i. connection means any new connection that the owner must make to the water and or waste water distribution system,
- j. connection charge means the fee set by the municipality that the owner must pay for a new connection;

Part II – Administration

1. The Administration of the water supply system, the water works distribution system, the waste water collection system, and the waste water treatment system shall be under the jurisdiction of Department of Public Works.
2. The administration of water works and waste water accounting, servicing and meter reading shall be under the jurisdiction of the Department of Finance.

Part III – Water and Waste Water Rates and Charges:

1. The water consumed on all premises in the Town shall be charged for as indicated by the meter for each respective property at rates, including the base monthly charges, shown in Schedule "A" to this bylaw. Waste water charges for all premises in the Town shall be charged for based on the quantity of water consumed as indicated by the meter for each respective property at rates, including the base monthly charges, shown in Schedule "A" to this bylaw.
2. Water meters may be read and accounts rendered monthly, bi-monthly, or on any other basis at the discretion of the Town. The Town 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 the premises supplied with water.
3. When an account is not paid by due date on the bill, a later payment charge shown in Schedule "A" of this bylaw will be assessed to the account and an overdue notice will be sent by mail reminding the customer of the outstanding account.
4. Fourteen (14) days after the overdue notice is mailed and, should the account remain unpaid, the CAO may deliver, or cause to be delivered, a notice of disconnection to the premises supplied or the address supplied by the customer, advising the customer that unless payment is received within 48 hours, service will be disconnected.

5. When it has been necessary for a notice of this connection to be delivered, as set out in section five of this part of this bylaw, a collection charge shall be applied to the outstanding account. Where two (2) consecutive bills have resulted in the need for such notice of this connection to be delivered, as described herein, then a collection charge shall be applied for each recurrence. The rates for collection charges are shown in Schedule "A" to this by law.
6. If the customer omits, neglects or refuses to pay any bill rendered, whether for water service pipes, service charges or any other monies to which the Town may be entitled in respect of the water services to such premises, the Town may, at its discretion, shut off or reduce the flow of water to the premises and in addition to the amount owing and unpaid, a disconnection charge as shown on Schedule "A" of this the bylaw, will be levied against the delinquent account. Such charges and amounts owing are a lien and charge upon this property and may be collected in accordance with Section 31 of the Public Utilities Act. Every owner of property, even though the owner is not the occupant of the property at the time a water charge becomes payable in respect of the property, under this bylaw, is also liable to pay the rate until it is paid.
7. Where it has become necessary to discontinue service as a result of non payment, a reconnection charge, as shown in Schedule "A" of this bylaw, will be levied against the delinquent account, in addition to the applicable collection charge.
8. When the owner requests a temporary removal of the water meter from their premises, for any reason, then a meter removal and reinstallation charge, as shown in Schedule "A" of this bylaw, will be applied to their account.
9. The minimum base monthly charge for providing and maintaining water supply to and wastewater collection for a premises is payable in accordance with Schedule "A". In instances when the owner, of a premise, terminates his account with the Town, subsequent minimum monthly charges shall be rendered to the owner of the premises until such time as a new owner applies to the Town for the supply of water.
10. A charge for testing the accuracy of a water meter is as shown on Schedule "A" of this by law.

Part IV – Water Service Pipes

11. Where at customer discontinues the use of the waters service, or the Town lawfully refuses to continue to supply it, the CAO may, at all reasonable times, enter the premises in or upon which the customer was supplied with the water service, for the purpose of cutting off the supply of the water service, or of making an inspection from time to time to determine whether the water service has been or is being unlawfully used, or for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the Town in or upon the premises and may remove the same therefrom, doing no unnecessary damage.

Part V – Water Meters

12. Except as provided in paragraph 13 below, all water used on premises within the Town of Bancroft, except water used for firefighting purposes or water authorized by the CAO for construction or other purposes, shall pass through a meter approved by the Town for use upon such premises, and in addition to whatever other remedies the Town may by law in respect to infringement of this bylaw, the Town may, upon ascertaining that water has being used which does not passed through the meter of such premises, forthwith, without notice, shut-off and stop the supply of water.
13. The owner shall pay the base and monthly water service charge and wastewater service charge shown in Schedule "A" of this bylaw, or such other flat rate charges as are set out in the said Schedule "A", in instances where that Town has determined that a water meter cannot be installed, and such surcharges as are set out in Schedule "A" for customers who refuse to allow all the Town to install a water meter and or who refuse access to the water meter.
14. The Town may shut-off or restrict the supply of water to a property if the Town requires access to that property to install, replace, repair, or inspect a water meter. Any person authorized by the Town for that purpose has free access, at all reasonable times and upon notice as set out in Section 32 of this bylaw, to all parts of every building or other premises to which any water service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any water the service pipe or connection within or without the building as he/she considers expedient for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.
15. Before the supply of water is interrupted, the Town shall,
 - a. By personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the municipality, with a notice of the date upon which the Town intends to shut-off or restrict the supply of water, give access to the property is not obtained before that date;
 - b. Insure that a copy described in clause (a) is securely attached to the property in a conspicuous place.

16. The Town shall not shut-off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen days after the later of,
- a. The day the last notice under part (a) of the section 15 of this in by law was personally served;
 - b. The day the last notice under part (a) of a section 15 of this by law was mailed; and
 - c. The day a copy of the notice was attached under part B. of section 15 of this by law.

17. If the Town has shut-off or restricted the supply of water under the section 31 of this by law, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.

18. All charges of the work and services mentioned in sections of 31 and 34 of this and bylaw will be determined by the CAO as set out in Schedule "A" of this bylaw and will be paid in full by the owner or the customer, as the case may be.

19. All water meters, supplied by the Town, shall be installed to conform to the Municipal Design Standards.

Where required by the Municipal Design Standards or as deemed it necessary by the CAO, the owner shall supply and install an underground chamber to the satisfaction of the CAO. The underground chamber will be located on the private side of the property line immediately adjacent to the road allowance and will house an inlet valve, meter and backflow preventor, if required. The owner shall be responsible for maintaining the underground chamber.

20. The location of a meter shall not be changed by any person except with the consent of the CAO.

21. The Town will not supply, install, inspect or read private water meters, nor will the Town bill consumption on private water meters. Water supply pipes to private meters must be connected to the owners plumbing after the Town's meter.

22. The Town and persons authorized by the Town for that purpose shall be allowed access to the premises and be provided free and clear access to the meter where water is being supplied at all reasonable times for the purpose of reading, at the discretion of the Town. Where such access to the premises and/or free and clear access to a meter is not provided by the occupant within fourteen (14) days upon written notification by the Town, the Town may, at its discretion, shut-off the supply of water to the premises until such time as free and clear access to the water meter is provided.

23. Any leaks that may develop at the water meter or its couplings must be reported immediately to the Town. The Town is not liable for damages caused by such leaks.

24. No person, except a person authorized by the Town for that purpose, shall be permitted to open, or in any way whatsoever to tamper with any water meter, or with the seals placed thereon, or do any manner of things which may interfere with the proper registration of the quantity of water passing through such meter and should any person change, tamper with or otherwise interfere, in any way whatsoever, with any water meter placed in the building, the CAO may forthwith, without any notice, shut-off the water from such building or premises, and the water shall not be again turned on to such building or premises without the expressed consent of the CAO.

25. If in the opinion of the CAO, the condition of the water service pipe and/or valves and/or the plumbing system on such piping 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, they 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 CAO'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 Town shall not be held responsible for any damages to the owner's property arising from such work.

26. If, for any cause, any meter shall be found to not be working properly, then the amount of water to be charged for shall be estimated on the average reading for the previous months, when the meter was working properly, and the charge for the water for the period during which the meter was not working properly shall be based thereon.

27. A customer may, upon written application to the Town, have the water meter at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit fee for testing water meters as a set out in Schedule "A" of this bylaw.

All water meters shall be tested in accordance with American Water Works Association Standards and procedures, by a properly accredited test facility as determined by the CAO. If when tested, the meter is found to operate outside of applicable specifications, the CAO will estimate the applicable full volume underage or excess and a refund or bill will be made to the customer as applicable. The time frame used for the calculation of the estimate shall be limited to the four (4) month period prior to testing. If the testing determines that the meter reads in excess of the actual full volume, the customer's deposit for the test shall be funded.

28. 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 read-out device, the Town will consider the reading at the meter to be correct and will adjust and correct the customer's account accordingly.

Part VI - Connections

29. Where the owner is required to connect to the water and/or waste water distribution system, the owner shall pay the connection charge as set out in Schedule "A" subject to the following exemptions:
- a.) where a previous owner has caused a connection to be installed to the system but it has never been connected to a dwelling or any other type of building;
 - b.) where a developer has installed a connection as part of its obligations contained in the Development Agreement

Part VII - Prohibitions

30. Prohibitions under this By-law

No person shall:

- a. Willfully hinder or interrupt, or cause or procure to be hindered or interrupted, the Corporation or any of its officers, contractors, agents, servants or workers, in the exercise of any of the power conferred by this bylaw;
- b. Willfully alter any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered.

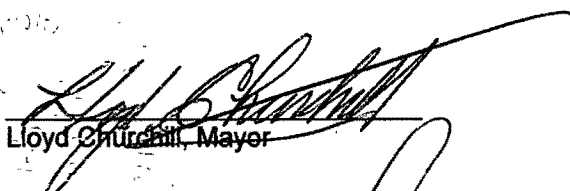
Part VII - Enforcement

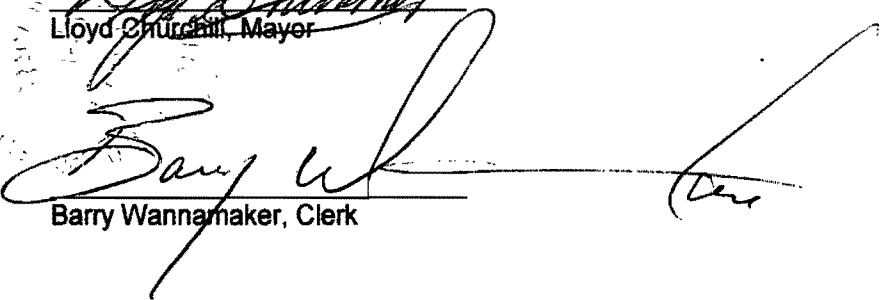
31. Any person who contravenes any provision of this bylaw is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.
32. The Court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and the order shall be in addition to any other penalty imposed on the person convicted.
33. Every person who willfully or maliciously damages or causes or knowingly suffers to be damaged any water meter, water service pipe, conduit, water fitting and all related parts belonging to the Town or willfully impairs or knowingly suffers the same to be altered or impairs, so that the water meter indicates less than the actual amount of water that passes through it, is guilty of an offence and on conviction is liable to a fine, to the use of the Town and for any expenses of repairing or replacing the water meter, lamp, lustre, water service pipe, conduit, wire, rod for fixing and double the value of the surplus water so consumed, all of which is recoverable under the Provincial Offences Act.

Part VIII - Effective Date

34. This by law comes into force upon final passage thereof and replaces By-laws Numbered 43-99, 11-2000, 32-2003 and 04-2005.

Read a first, second, and third time and finally passed this 12th day of December 2006.


Lloyd Churchill, Mayor


Barry Wannamaker, Clerk

1. EFFECTIVE DATES:

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| 1. Late Payment Charges | Compounded monthly interest charged at 1.5 % |
| 2. N.S.F. Cheques | \$ 25.00 + bank charges |
| 3. Collection Charges | \$ 30.00 per trip |
| 4. Reconnection/Disconnection | |
| Per Trip during regular hours | \$ 60.00 |
| Per Trip during non-regular hours | \$ 120.00 |
| 5. Water Arrears Certificate
(per property) | \$ 25.00 |
| 6. Meter check at customer's request | |
| up to 1 " | \$ 300.00 |
| 1" and larger | Time and materials |
| 7. Install remote water meter register | Time and materials |
| 8. Repair damaged meter | |
| < 1" | \$ 155.00 |
| > 1" | Time and materials |
| 9. Flat Rate charge for non-metered accounts: | |
| a. where the Town has determined a meter cannot be installed as shown in table above | |
| b. where the customer refuses to allow the Town to install or read a water meter, the charge specified in 9 (a) plus a surcharge of 50 % | |
| 10. Connection Charges for new connections: | |
| a.) a new waterworks connection charge shall be \$ 850.00 plus a frontage fee \$6.00 per ft. | |
| b.) a new waste water connection charge shall be \$ 1,000.00 plus a frontage fee of \$3.58 per ft. | |