

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NO. 4018-2017

**A BY-LAW TO ENACT USE RATES, RULES AND REGULATIONS
FOR THE SUPPLY OF WATER AND SANITARY SEWAGE SERVICE
IN THE COUNTY OF PRINCE EDWARD.**

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting financial management of the municipality;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides 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, for costs payable by it for services or activities provided, and for the use of its property including property under its control;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws for the construction, maintenance and management, of a water and a sanitary sewage public utility, and to impose fees and charges;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, C 25, as amended, provides that a fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the service or activities but who will receive a benefit at some later point in time;

AND WHEREAS the Council of the Corporation of the County of Prince Edward deems it necessary to enact rules and regulations, to establish rates and charges and for the installation, repair, maintenance and provision of a water and sanitary sewage public utility in the County of Prince Edward;

NOW THEREFORE the Council of the Corporation of the County of Prince Edward enacts as follows:

SHORT TITLE:

1. This By-law shall be known as the "Water and Sanitary Sewage Rates, Rules and Regulations By-law".

DEFINITIONS:

2. In this By-law;
 - (a) BUILDING shall mean any building or structure supplied with a public utility by the County;
 - (b) COUNCIL shall mean the Council of the Corporation of the County of Prince Edward;
 - (c) COUNTY shall mean the Corporation of the County of Prince Edward;
 - (d) CUSTOMER shall mean the owner, owner's agent or occupant of a premises which is serviced by, or connected to, and who uses a public utility supplied by the County, and shall include a person who has entered into a contract for public utility services with the County and who may or may not currently be connected to the public utility;

- (e) DWELLING UNIT means an arrangement of one or more habitable rooms with its own private entrance containing sleeping, food preparation and sanitary facilities occupied or capable of being occupied by an individual or individuals as an independent and separate housekeeping unit and provided for the use of such individual or individuals, but does not include a Park Model Trailer conforming to National Standard of Canada CAN CSA-Z241.0-92 or similar standard that is up to a maximum size of 50 square meters, tourist trailer, mobile camper trailer or tent;
- (f) METER shall mean a meter supplied and owned by the County used to measure the quantity of a public utility used by the customer, and which forms the basis for computing the user charges for the use of the public utility;
- (g) METER CHAMBER shall mean any exterior chamber or pit approved by the County's Public Works Department for the purpose of containing a meter;
- (h) MULTIPLE UNIT BUILDING shall mean a single building served by a single water service pipe, and containing two or more dwelling units or two or more commercial or industrial units or any combination thereof;
- (i) OCCUPANT shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premises being supplied with a public utility by the County;
- (j) OWNER shall include every person, partnership, corporation or other legal entity that is the registered owner of the premises being supplied with a public utility by the County;
- (k) PERSON includes an individual, firm, partnership, associate or corporation;
- (l) PREMISES shall mean the land and/or building being supplied with a public utility and includes every portion of a multiple unit building separately supplied;
- (m) PRIVATE SERVICE shall mean the pipes and fixtures used for the purpose of supplying any premises in the County with a public utility from the municipal water or sanitary sewage systems established by the County and situated between the property line in front of or abutting the premises so supplied and the meter on the premises;
- (n) PUBLIC UTILITY shall mean the water supply system and/or the sanitary sewage system that is owned and managed by the County and which is connected to any building of any type or land or premises and for which the customer is charged rates for use of the water and/or sanitary sewage;
- (o) REMOTE METER READ UNIT shall mean the device installed at a separate location from the water meter and used to provide electronic access to the consumption reading on the water meter;
- (p) SHUT-OFF VALVE shall mean the valve private service owned and used by the County to shut off or turn on the private service supplied from the respective public utility system; and
- (q) SINGLE DWELLING shall mean a single dwelling, which is free-standing, separate and detached from other main buildings or main structures, including a split-level dwelling.

USE RATES, INVOICING AND PAYMENT:

3.

- (a) The water and/or sanitary sewage use rates charged by the County for the public utility shall be those set out on Schedules 'B', 'C', 'D' and 'E' attached hereto and forming part of this By-law, unless the same are changed from time to time by by-law of Council as provided for under Part XII of the *Municipal Act*, 2001 and O.Reg. 244/02.
- (b) The customer shall be liable for all public utility use rates and miscellaneous charges for services rendered in accordance with Schedules 'A', 'B', 'C', 'D' and 'E'.
- (c) The County, or its agents, will periodically read the meter to determine the consumption of the public utility during the period since the last reading, and generate an account invoice to the customer indicating the required use fees and charges to be paid to the County for the use of the public utility.
- (d) If a County representative is unable to obtain a meter reading, a Meter Reading Card will be left at the customer's premises for the customer to complete and provide to the County. If the Meter Reading Card is not returned to the County or its representative before the customer's invoice is processed, then an estimate of use will be made and an account invoice will be issued. The estimated account invoice will be based, where possible, on previous consumption records at the customer's location. The requirements of this By-law shall apply equally to estimated account invoices.
- (e) Payment to the County of accounts shall be made in accordance with Schedules 'A', 'B', 'C', 'D' and 'E' attached hereto and forming part of this By-law. Total charges for the public utility shall be due when specified on the account invoice.

A late payment charge as set out in accordance with Schedule "A" attached hereto shall be charged on all accounts not paid in full on or before the fifteenth (15) day after the date upon which accounts are rendered.

- (f) When a public utility is supplied to a multiple unit building the account invoice for the public utility shall be charged to the owner or agent of the premises.
- (g) If the customer omits, neglects or refuses to pay in full any account invoice rendered, whether for the public utility, service pipes, meter, service charge or any other monies to which the County may be entitled in respect to such premises, the County may, at its discretion, under the authority of Section 81(4) of the *Municipal Act*, 2001, S.O. 2001 c.25, and in accordance with the procedure for notice set out in Schedule "A" to this By-law, shut off the public utility to the premises and such charges may be collected in like manner as taxes. The account invoice shall be deemed to be served upon the customer if it is delivered or sent by mail to the premises supplied. The County will not be liable for any damages to property or injury to persons by reason of the shut off of the public utility. In the case where the public utility supplies a multiple unit building, this section applies notwithstanding that one or more of the occupants or tenants have paid part or all of the account to such owner, agent or principle occupant of the multiple unit building.
- (h) In the case there are any arrears of water or sanitary sewage rates, or any other rates or charges owing to the County, charged against any premises, the public utility shall not be reconnected until all such arrears are paid. The County reserves the right to collect the account for the public utility supplied, and all other charges, by any means available to it.

- (i) Where it has been necessary to discontinue service as a result of non-payment, a "re-connect charge" will be levied against the delinquent account, in addition to the applicable collection charge. The re-connect charge rate is shown on Schedule "B" attached hereto.
- (j) At the time of a change of occupancy, a "change of occupancy or customer" charge will be levied by the County to the new customer. The charge, as shown on Schedule "B" attached hereto shall be included on the first account invoice to the new customer.
- (k) Where applicable, when a customer requests a temporary removal of the meter from his/her premises for any reason, the "meter removal and re-installation charge", in accordance with Schedule "B" attached hereto, will be applied to his/her account.
- (l) Where the customer has requested a disconnection of the public utility, the "base charge" will still be applied during the period of disconnection.

GENERAL:

4. Every person who,

- (a) willfully hinders or interrupts, or causes or permits to be hindered or interrupted, the County, or any of its officers, contractors, agents, servants or workers, in the exercise of any of the powers conferred by the *Municipal Act, 2001, S.O. 2001, c.25*, or this By-law;
- (b) willfully discharges water out of the municipal water system so that the water runs to waste or is otherwise useless;
- (c) improperly wastes the water;
- (d) without the consent of the County, lends, distributes, sells or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than the premises serviced;
- (e) exceeds the consumption of water agreed for;
- (f) without lawful authority willfully opens or closes any fire hydrant, or obstructs the access to any fire hydrant, system operating valve, meter chamber, private service valve or hydrant valve by placing on it any obstruction;
- (g) throws or deposits or allows to be deposited, any injurious, noisome or offensive matter into the public utility system, or upon the ice if the water is frozen, or in any way fouls the public utility or commits any willful damage or injury to the public utility, pipes, valves, meters or appurtenances, or encourages the same to be done;
- (h) willfully tampers with or alters any County meter; or
- (i) lays or causes to be laid any pipe or main to connect with any pipe or main of the municipal public utility, or in any way obtains or uses the public utility without the consent of the County;

is guilty of an offence.

5. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction, is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
6. In addition to other sanctions and remedies provided in this bylaw, the County may turn off or restrict the public utility to any customer where such customer has violated any of the provisions of this bylaw, and may refuse to restore normal service until the violation has been terminated or remedied. The County will not be liable for any damage to property or injury to person by reason of shut-off of water supply. A reconnect charge will apply.
7. All water supplied through any private water service for use on or in any premises in the County shall:
 - (a) pass through a meter;
 - (b) supply only the premises intended to be serviced; and
 - (c) pass through a meter and be charged for, whether used or wasted.
8. The owner of the premises supplied with water shall:
 - (a) provide a convenient and safe space, free of charge or rent, for the County's meter, pipes and other appurtenances on the said premises, and further agrees that no one, except an employee or agent of the County, shall be permitted to remove, repair, replace or inspect any of the County's said equipment;
 - (b) provide ready and convenient access to the meter in the owner's premises so that it may be regularly read and examined by persons authorized by the County for that purpose;
 - (c) place every meter in such location as the persons authorized by the County shall direct. If possible, the water meter shall be installed in the basement of buildings, and shall be located immediately after the first shut off valve on the premise's private service, so as to ensure that all water supplied to the premises passes through the meter. In the event that a building has no basement, the water meter shall be installed in another location in the building or in a meter chamber as directed by the persons authorized by the County. Where a meter is placed in a meter chamber, the location and construction of the meter chamber shall be determined by the County after consultation with the owner or occupant of the premises;
 - (d) not change the location of the meter except with the written consent of the County;
 - (e) provide ready and convenient access to the connection to the sanitary sewage system in the owner's premises so that it may be accessed and examined by persons authorized by the County for that purpose;
 - (f) pay to the County the cost of making the necessary repairs or replacement of any meter damaged by carelessness or neglect of any person other than an employee or agent of the County; and
 - (g) provide adequate heat in the premises to prevent frost damage to the meter. In the

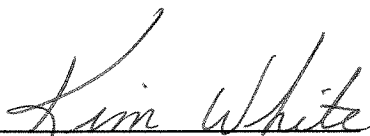
event that the owner will be away from the premises for an extended period of time, the owner shall be required to notify the County within fifteen (15) days of departure so the owner in consultation with County can take the proper precautions to prevent frost damage, failing which repair or replacement will be at the expense of the owner.

9. If a meter fails to register:
 - (a) the customer will be charged for the average consumption at the customer's premises for the pertinent period as determined by the County in its sole and absolute discretion;
 - (b) the customer may request that the meter be removed and tested by the County upon a written request from the customer and receipt of the meter removal and re-installation charge as shown on Schedule "B" attached hereto;
 - (c) and when tested is found to register correctly or not in excess of 3% in favour of the County, the customer's deposit shall be forfeited towards the cost of the test and any expense incurred in removing and testing the meter;
 - (d) or when tested is found to register in excess of 3% in favour of the County, a refund will be made to the customer of an amount equal to such excess amount of the consumptive charges paid for the previous account invoice period prior to the testing of the said meter plus the customer's meter removal and re-installation charge. No reduction shall be made in the base charge(s) over the period in question;
 - (e) no reduction shall be made if the customer has not complied with the provisions of this By-law; and
 - (f) where the meter is equipped with a remote meter read unit and a discrepancy occurs between the reading at the register of the meter itself and the reading on the remote meter read unit, the County will consider the reading at the meter to be correct, and will adjust and correct, if necessary, the customer's account accordingly.
10. Only one County meter shall be installed per private service per premises, and the plumbing so arranged that all consumption or discharge per premises passes through the appropriate meter.
11. Customers having previously installed plumbing, a lawn irrigation system, or any other water consuming system or device that is connected to the private water service at a location that is before the water meter location, as required by Section 8(c), shall be required to alter, forthwith, the connection to the private water service in such a manner that all water provided to the premises passes through the water meter to conform with section 8(c).
12. Any leak that may develop at the meter or its couplings must be reported immediately to the County. The County shall not be held responsible for any damage from such leaks.
13. Where a customer refuses the County access to premises to install, inspect or maintain water meters, or to inspect and access the connection to the sanitary sewage system, the County may exercise its statutory authority under the *Municipal Act, 2001*, as amended, and may seek a warrant to allow access in furtherance of such authority. For the period of time in which access to the premises to install, inspect or maintain water meters is denied by the customer, the County, in its sole and absolute discretion, shall be entitled to establish a rate for the supply of water in such amount as the County, in its sole and absolute discretion, deems reasonable.
14. All previous by-laws of the County, including by-laws enacted by predecessor municipal

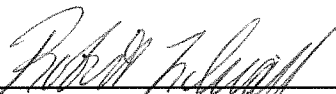
corporations or public utility corporations, dealing with the same subject matter as this By-law are hereby repealed but only to the extent that such previous by-laws deal with the same subject matter as contained in this By-law.

15. Schedules 'A', 'B', 'C', 'D' and 'E' attached hereto form part of this By-law.
16. The provisions of this By-law shall come into force and effect on the 1st day of July, 2017.
17. By-law 3008-2012, 3700-2015 and 3829-2016 are hereby repealed upon this by-law coming into force and effect.

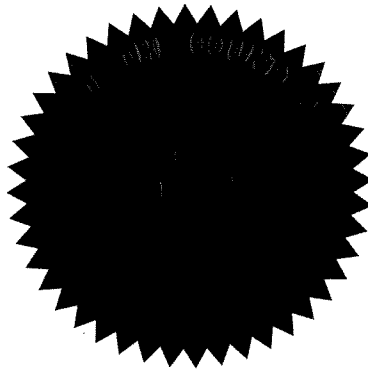
Read a first, second, and third time and finally passed this 27th day of June, 2017.



Kim White, CLERK



Robert L. Quaiff, MAYOR



THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

**SCHEDULE 'A' OF BY-LAW NO. 4018-2017
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PROCESS FOR DELINQUENT ACCOUNTS

1. Late payment charge and production of overdue notices

When an account is not paid within fifteen (15) days from the date the account invoice is rendered, a 5% late payment charge will be added to the account. A reminder notice of the unpaid account, including the late payment charge will be mailed to the customer.

Not less than one week following the reminder notice a final notice will be mailed to the customer if the account remains unpaid.

2. Notice of Disconnection

Should the account remain unpaid, not less than one week after the final notice is mailed, a Notice of Disconnection will be delivered by hand by an employee or agent of the County to the customer or an adult occupant at the service address or posted on the premises in a conspicuous place. The Notice of Disconnection will advise that unless payment in full is received within forty-eight (48) hours, public utility service will be disconnected.

3. Collection Charge

When it has been necessary to deliver a Notice of Disconnection, a Collection of Delinquent Accounts Charge as per Schedule 'B' shall be charged to the outstanding account.

4. Disconnection and Reconnection Charge

Where it has been necessary to disconnect a public utility service as a result of non-payment, a Disconnect Charge as per Schedule 'B' shall be added to the account.

If and when the service is reconnected, a Reconnect Charge as per Schedule 'B' shall be added to the account.

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SCHEDULE 'B' OF BY-LAW NO. 4018-2017

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MISCELLANEOUS CHARGES

- Change of Occupancy or customer to be billed \$24.00
- Collection of Delinquent Accounts \$20.00/trip
- Cheques returned due to insufficient funds \$40.00

1. WATER DISTRIBUTION SERVICES

- Water service or meter installation inspection (1 hour min) \$60.00/hr
- New meter installation or replacement (plus meter cost) \$250.00
- Purchase of New Water Meter 5/8" or 3/4" \$175.00
- Larger Sized meters (over 3/4 " at Cost
- Customer requested Service Shut-off & Turn-on (same day) \$50.00
- Disconnect Charge - shut off at curb stop \$25.00
- Reconnect Charge - turn on at curb stop \$25.00
- Meter removal or re-installation for testing \$300.00
- Repair, raise, lowering Curb Box for driveway paving etc. \$100.00
- After hour call-out charge for any of the above \$100.00 additional
- Miscellaneous Services – \$60.00/hr

New Water Service Installations

- Live Tap Service Connection material and excavation supplied by owner \$200.00

- County installed –minimum charge & down payment \$2,500.00
Final costs will be established and invoiced upon completion of the work
 - time and materials
 - excavation or boring costs
 - gravel restoration
 - actual rock excavation costs
 - actual paving costs
 - actual curb and/or sidewalk restoration or ditch/lawn restoration

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

SCHEDULE 'B' OF BY-LAW NO. 4018-2017

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2. SANITARY SEWAGE COLLECTION SERVICES

Lateral Service

- Clearing of obstruction in main line N/C
- Clearing of obstruction in private service lateral – regular hours \$175.00
- Clearing of obstruction in private service lateral – statutory holiday \$340.00
- Camera Inspection at the time of clearing obstruction - additional \$40.00
- Camera Inspection Only – regular hours \$175.00
- These rates are the minimum rates for a 2 hour service call. All additional time beyond 2 hours will be charged at \$60.00 / hr/ staff and includes all vehicles& equipment.
- After hour call-out charge for any of the above \$100.00 additional charge
- Miscellaneous Services \$60.00/hr

New Sanitary Service Installations

- County installed –minimum charge & down payment \$ 2,500.00
Final costs will be established and invoiced upon completion of the work
 - time and materials
 - excavation or boring costs
 - gravel restoration
 - actual rock excavation costs
 - actual paving costs
 - actual curb and/or sidewalk restoration or ditch/lawn restoration

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

SCHEDULE 'C' OF BY-LAW NO. 4018-2017

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RATES FOR ALL METERED WATER SERVICE AREAS

WATER RATES	July 1	Jan. 1	Jan. 1	Jan. 1	Jan. 1
	2017	2018	2019	2020	2021
<u>Monthly Base Charge (by meter size)</u>					
5/8"	28.36	29.30	30.26	31.26	32.29
3/4"	28.36	29.30	30.26	31.26	32.29
1"	56.73	58.60	60.52	62.52	64.57
1 1/2"	85.09	87.89	90.79	93.78	96.86
2"	141.82	146.49	151.31	156.29	161.44
3"	255.28	263.68	272.36	281.33	290.59
4"	397.10	410.17	423.67	437.62	452.02
6"	567.28	585.95	605.24	625.17	645.75
Multi-Unit Customers - rate	17.87	18.46	19.13	19.76	20.41
Multi-Unit Customers - percentage	.63	.63	.63	.63	.63
<u>Consumptive Rate</u>					
Constant Rate (\$/m3)	2.12	2.28	2.44	2.61	2.79

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

SCHEDULE 'D' OF BY-LAW NO. 4018-2017

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UN-METERED & OTHER SERVICES

1. APPROVED and CONNECTED but UN-METERED SERVICES

(Picton/Hallowell/Bloomfield/Wellington/Ameliasburg/Peats Point/Carrying Place-Consecon Service Areas)

For any un-metered water service, bills shall be produced as follows:

- a) the fixed meter rate for the size of the service, plus
- b) a volume charge that is estimated to be average consumption of all other services of the same size.

2. BULK WATER

a) Bulk water purchase rates per cubic meter:

	July 1, 2017	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021
Bulk Water Purchase Rate	\$4.13				

- b) Minimum monthly charge for all keypass holders for bulk water -\$20.00
- c) One time keypass deposit charged to all keypass holders for bulk water - \$50.00
- d) Recovery cost of water used during construction (after service installation up to the time of occupancy permit);

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

SCHEDULE 'D' OF BY-LAW NO. 4018-2017

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UN-METERED & OTHER SERVICES

	<u>Bi - Monthly</u>	
One to 5 units	\$	100.00
6 units to 12 units	\$	200.00
13 units to 26 units	\$	400.00
Over 26 units	\$	800.00

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

SCHEDULE 'E' OF BY-LAW NO. 4018-2017

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SANITARY SEWAGE SERVICE & OTHER RATES

1. RATES FOR SANITARY SEWAGE SERVICE

SANITARY SEWAGE RATES FOR PICTON AND WELLINGTON:

	July 1st	Jan. 1	Jan 1.	Jan 1.	Jan 1.
	2017	2018	2019	2020	2021
<u>Monthly Base Charge (by meter size)</u>					
5/8"	40.34	41.19	42.05	42.94	43.84
3/4"	40.34	41.19	42.05	42.94	43.84
1"	80.68	82.37	84.10	85.87	87.67
1 1/2"	121.02	123.56	126.16	128.80	131.51
2"	201.70	205.93	210.26	214.67	219.18
3"	363.06	370.68	378.47	386.41	394.53
4"	564.76	576.62	588.72	601.09	613.71
6"	806.79	823.74	841.04	858.70	876.73
Multi-Unit Customers - rate	25.50	26.03	26.58	27.14	27.71
Multi-Unit percentage of single-unit	.63	.63	.63	.63	.63
<u>Consumptive Rate</u>					
Constant Rate (\$/m3)	2.84	3.10	3.37	3.58	3.58

2. RATES FOR SEPTAGE & HOLDING TANK DISPOSAL

Septage and holding tank disposal rates per cubic meter:

	July 1,	January	January	January	January
	2017	1, 2018	1, 2019	1, 2020	1, 2021
Septage Waste Disposal Rate	\$77.03				
Holding Tank Waste Disposal	\$23.50				