

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 40-2016

Being a by-law to provide for the maintenance, management, imposition and collection of rates and charges in connection with the Municipality of Thames Centre water distribution system and the Municipality of Thames Centre sewage works system.

WHEREAS the *Municipal Act, 2001* (Ontario), as amended, (the “**Act**”) provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Public Utilities;

AND WHEREAS wastewater and waterworks fall within the sphere of public utilities;

AND WHEREAS section 8(1) of the *Municipal Act, 2001* (Ontario), provides 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 the enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS the Municipality of Thames Centre (hereinafter referred to as Thames Centre) operates and maintains a water works system and a wastewater sewage works system;

AND WHEREAS the water works and sewage works systems include any and all buildings, structures, plants, equipment, appurtenances, devices, conduits, intakes, outlets, underground pipelines and installations, and other works designed for the production, treatment, transmission, distribution and storage of water and/or wastewater, and includes lands and easements that are owned by Thames Centre for such purposes and uses;

AND WHEREAS the *Municipal Act, 2001* (Ontario), provides that municipalities may pass by-laws imposing fees and/or charges on any class of persons for services or activities done by or on behalf of it;

NOW THEREFORE The Council Of The Corporation Of The Municipality Of Thames Centre **ENACTS AS FOLLOWS:**

1. DEFINITIONS

- 1.1. “Billing Period” shall mean the period utilized by the Treasurer of the Municipality from time to time for the purpose of preparing invoices for rates and charges to be paid by consumers of water supplied through the System or owners of land serviced by the System.
- 1.2. “Council” means the elected Council of the Corporation of the Municipality of Thames Centre.
- 1.3. “Municipality” means the Corporation of the Municipality of Thames Centre.
- 1.4. “Rate” or “Rates” shall mean the price or prices for the use of water as supplied through the System.
- 1.5. “Repairs” shall include extensions, replacements, additions and improvements to any components of the System.
- 1.6. “Sewage Works” shall mean and include any main sewer, main combined sewer, main sanitary sewer or main storm sewer operated and maintained by or on behalf of the Municipality for the acceptance, collection, transmission, or disposal of sewage and storm water.
- 1.7. “System” shall mean the municipal water works and municipal sanitary sewage works and any part of thereof;

- 1.8. "Thames Centre Water System and Sewage Works Operator" shall mean the person appointed by the Council of the Municipality to carry out and be responsible for the maintenance and management of the System.
- 1.9. "Thames Centre Water Distribution System" shall mean a water distribution system located and laid out within the Municipality of Thames Centre, including the Thorndale Water Supply System and the Dorchester Water Supply System, with such additions and extensions as may be appurtenant thereto from time to time, including without limitation, mains, pumping facilities, service lines, service pipes, hydrants, and all apparatus connected to the System.
- 1.10. "Thames Centre Sewage Works System" shall mean sewage works located and laid out within the Municipality of Thames Centre, including such additions and extensions as may be appurtenant thereto from time to time including without limitation, any main sewer, main combined sewer, main sanitary sewer or main storm sewer operated and maintained on or behalf of the Municipality for the acceptance, collection, transmission, treatment and/or disposal of sewage and storm water.
- 1.11. "water works" means the expansion to the Thorndale Water Distribution System to provide water service to the Service Area and also means the Thorndale Water Distribution System constructed and maintained as a public water system by the Municipality.

2. MAINTENANCE AND REPAIRS

- 2.1. The Council of the Municipality may appoint the Thames Centre Water System and Sewage Works Operator by by-law or resolution, and may fix the remuneration therefor and other terms of such appointment, and for those purposes, may enter into such agreement or agreements with the Thames Centre Water System and Sewage Works Operator, from time to time, as may be deemed necessary or expedient.
- 2.2. The Council of the Municipality may enter into such agreements with other contractors as may be deemed necessary or expedient in order to ensure the proper maintenance of the System.
- 2.3. The cost of any necessary repairs to the System to the **property lines water shut off (curbstop)** of properties serviced by the System shall be performed by the Thames Centre Water System and Sewage Works Operator, or such outside contractors as may be appointed or contracted for by the Municipality, as aforesaid, and the costs of same shall be borne by the System as a whole.
- 2.4. The necessary repairs to waterlines on any property served by the System from the **property line water shut off (curbstop)** thereof to the outflow side of the water meter shall be **performed and completed by the Thames Centre Water System and Sewage Works Operator, or by a contractor or contractors appointed by the Municipality, as aforesaid, provided that the costs of such repair shall constitute a charge to the owner of the affected property and shall be invoiced to such owner as set forth below. the responsibility of the homeowner. The Municipality owns and is responsible for the water meter, but all valves, backflow preventers, etc. attached to the meter are the responsibility of the homeowner.**

3. RATES AND CHARGES

- 3.1. The rates for the supply of water works through the System are established pursuant to the Tariff of Fees By-law.

- 3.2. The rates for the operation and provision of sewage works through the System are established pursuant to the Tariff of Fees By-law.
- 3.3. The rates of water works and sewage works shall be adjusted annually commencing with the first Bi-Monthly Billing in each new year 2016 and with the first Bi-Monthly Billing in each year thereafter, in accordance with the most current Thames Centre Water and Wastewater Rate Study the Statistics Canada Ontario Consumer Price Index (CPI) for the most current 12 month period.
- 3.4. The volume of water supplied to any property and/or lot during any billing period or periods shall be determined by reference to readings of meters placed on the lot and/or buildings and such readings shall be deemed to be conclusive with respect to the amount of water supplied. The Municipality or the Thames Centre Water System and Sewage Works Operator, as the case may be, may estimate the amount of water supplied for billing purposes without making meter readings, from time to time, provided that all the necessary adjustments shall be made upon completion of the next ensuing meter reading.
- 3.5. All water passing through the meter shall be charged for whether used or wasted.
- 3.5.1. No person shall directly or indirectly discharge or cause or permit the discharge of sewage containing water originating from a source other than the Municipalities water supply, into a sanitary sewer, municipal or private sewer connection to any sanitary sewer. Specifically, no property shall be connected to the sewage works unless that property is connected to and fully supplied by a Thames Centre Water System.
- 3.6. Wastewater usage shall be charged in full unless the property owner is able to prove beyond a reasonable doubt to the Director of Environmental Services Public Works that a portion of the metered water did not enter the sewage works system and meets the following conditions to be eligible for a one-time 40% reduction in the wastewater portion of the bill plus subject to an inspection fee as outlined by the Tariff of Fees By-law:
- (a) The bi-monthly volume must be at least three times the average billing period use
 - (b) Cannot be as a result of pool or hot tub filling, irrigation, car washing or other discretionary water uses
 - (c) There must be proof of a repair
- 3.7. The cost of the sewage works shall be made in accordance with recorded inflow/infiltration volumes from any property and/or lot during any billing period or periods shall be determined by reference to inflow / infiltration volumes for the lot and/or buildings and such volumes shall be deemed to be conclusive with respect to the amount of sewage works utilized. Provided that the Municipality or the "Thames Centre Water System and Sewage Works Operator", as the case may be, may estimate the amount of sewage works used for billing purposes, from time to time, provided that all the necessary adjustments shall be made upon completion of the next inflow / infiltration volume calculation.
- ~~3.08 Section 3.07 above the cost of sewage works for a lot and/or property does not apply to any lot and/or property located within the Catherine Street Sewer System. For each lot and/or property connected to the Catherine Street Sewer~~

~~system, the Sewage Works Service Rate shall be calculated at 100% of the water works consumption rate as calculated per billing period.~~

3.8. The Treasurer of the Municipality shall prepare invoices for all rates and charges applicable to each property and/or lot serviced by the System (water works and/or sewage works), which invoices shall be sent to the owner or occupier of such property and/or lot, as the case may be, by first class mail and/or bulk mail in respect of each billing period.

3.9. Such invoices shall be payable on the 20th day of the month following the month end reading date, and such payment for must be received at the Municipal Officer, 4305 Hamilton Road, Dorchester, Ontario, N0L 1G3.

4. PROHIBITIONS AND PENALTIES

4.1. Every person who:

- a) willfully hinders or interrupts the Municipality or any of its officers, contractors, agents, servants or workers, or the Thames Centre Water System and Sewage Works Operator, in the exercise of any of the powers conferred by this by-law or by the Public Utilities Act, as aforesaid;
- b) willfully lets off or discharges water;
- c) being a tenant, occupant, or inmate of any house, building or other place supplied with water from the System, improperly wastes the water, or without the consent of the Municipality, lends, 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;
- d) without lawful authority willfully opens or closes any hydrant, or obstructs the free access to any hydrant, stop-cock, chamber, pipe or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;
- e) willfully alters 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;
- f) lays or causes to be laid any pipe or main to communicate with any pipe or main of the System, or in any way obtains or uses the water without the consent of the Municipality;
- g) alters, relocates, makes repairs to or performs maintenance on the System without the consent of the Municipality;
- h) construct any work under, upon over or through any area where the System is immediately located without first obtaining the approval of the Municipality, provided that this shall not apply to any other municipal authority who may have jurisdiction over the lands on which the system is situated; and
- i) contravenes any provision of the By-law is guilty of an offence under the Provincial Offences Act, R.S.O. 1990, c. P.33.
- j) The Council of the Municipality may pass resolutions regulating the time, extent and/or nature of water usage in respect of water supplied through the System and all owners and/or occupiers of affected properties shall abide by such resolution.

5. This By-law shall come into force and take effect upon the final passing thereof.

6. That By-law No. 78-2008 passed on the 15th day of December, 2008 and By-law No. 75-2005 passed on the 24th day of October, 2005 be repealed on the day this by-law comes into force and takes effect.

READ a FIRST and SECOND time this 11th day of April, 2016.

READ a THIRD time and **FINALLY PASSED** this 11th day of April, 2016.

Mayor, J. Maudsley

Clerk, M. Lewis