

By-law 2018-2

A By-Law of the City of Greater Sudbury to Establish a Water and Wastewater Policy and Water and Wastewater Rates and Charges in General and for Special Projects

Whereas Council of the City of Greater Sudbury deems it desirable to establish a Water and Wastewater Policy and Water and Wastewater Rates and Charges;

And Whereas Council of the City of Greater Sudbury has determined to construct as Special Projects, certain water works, referred to as the Lionel E. Lalonde Centre Water Servicing Project and certain sewer works, known as the South End Sewer Rock Tunnel Project and certain sewer and water works, referred to as the Kingsway Sewer and Water Project, to service and benefit users of those systems;

And Whereas Council is authorized by section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*") to impose a water works rate or a sewer works rate, as the case may be, upon owners or occupants of land who derive or will derive a benefit from the construction of water works or sewer works or sewer and water works as the case may be, sufficient to pay all or such portion of the capital costs of those works as Council deems appropriate;

And Whereas the lands to be benefitted and charged with the water works under the Lionel E. Lalonde Centre Water Servicing Project are all lands in a specified Project Area connecting to the system;

And Whereas the lands to be benefitted and charged with the sewer works under the South End Sewer Rock Tunnel Project are all lands in a specified Project Area connecting to the system;

And Whereas the lands to be benefitted and charged with the sewer and water works under the Kingsway Sewer and Water Project are all lands in a specified Project Area connecting to the system;

And Whereas the City has determined that a portion of the capital costs of each such Special Project shall be charged against the lands in the Project Area for that Special Project;

Now Therefore the Council of the City of Greater Sudbury Hereby Enacts as Follows:

Definitions

1A. The words and phrases listed below when used in this By-law shall have the following meanings ascribed to them:

“After Hours” means hours other than those defined in “Regular Business Hours”;

“Appurtenances” means the accessory or other item associated with a Meter including but not limited to: the remote reader, the wires, the bypass valve and owned by the City of Greater Sudbury;

“City” means the City of Greater Sudbury as constituted as a body corporate on January 1, 2001 by section 2 of the *City of Greater Sudbury Act*, 1999, S.O. 1999, c. 14, or the geographic area of the City of Greater Sudbury as the context requires;

“City Records” means records created or maintained by or on behalf of or for the benefit of the City pertaining to this By-law, the *Water Supply By-law* or the *Sewer Use By-law*, and where applicable, include records created or maintained by City contractors or agents for the purpose of delivering services required under this By-law, the *Water Supply By-law* or the *Sewer Use By-law*;

“City’s Water Distribution System” means the buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground pipelines and installations, and other works designed for the transmission, distribution and storage of Potable Water by the City, and includes lands occupied for such purposes and uses;

“Combination Meter” means a form of Meter which combines a meter designed to measure high flow volumes of water consumption and a meter designed to measure low water consumption volumes;

“Connection Approval Date” means the exact date the Water Service was inspected and approved by a City employee as shown in City Records;

“Construction Period” means period beginning on the Connection Approval Date and ending the earlier of:

- a) the date the water Meter is installed, inspected and approved by a City employee; and
- b) the first occupancy of the building being constructed;

“Daily Average Consumption” means the consumption per day calculated based on consumption for a period of time divided by the number of days in that same period;

“GM” means the person holding the position of the City’s General Manager of Growth and Infrastructure from time to time, and includes his or her authorized designate;

“Meter” means the Meter installed on a Private Property in accordance with the Water Supply By-law, for the purpose of measuring the flow of water for billing purposes and includes the tampering seal and the Meter register pin;

“Operator in Charge” means a City employee who is a licensed operator designated as an Operator In Charge of a subsystem in accordance with the *Safe Drinking Water Act*, 2002, S.O. 2002, C.32 as amended or replaced from time to time and the regulations there under or the person determined to be the Operator in Charge by the Overall Responsible Operator as that term is used in the *Safe Drinking Water Act*, 2002;

“Owner” includes any registered owner or tenant of Private Property and includes the authorized agent in lawful control of the Private Property and the Person who holds the account to which the rates and charges in this by-law are billed;

“Person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust and a corporation;

“Private Property” means land, together with any buildings or structures thereon to which a Sewer Service or Water Service is available;

“Plumbing” means a system of water works that comprise a water system and includes equipment such as pipes, valves, fittings, fixtures and other appurtenances installed on a Private Property and that is connected to the City’s Water Distribution System at the Street Line;

“Regular Business Hours” means 8:00 a.m. to 4:00 p.m. Monday to Friday excluding statutory and civic holidays;

“Sewer Connection” means the device which allows the City to open or close the sewer flow from the Sewer Service;

“Sewer Service” means the physical connection of a private sewer service to City’s sewer service at the Street Line;

“Street Line” means the boundary between a Private Property and the City’s road allowance;

“Temporary Water Service” means the connection of the Water Service from a City fire hydrant or from the Plumbing on a Private Property to the Plumbing on another Private Property;

“Treasurer” means the individual appointed to the position of Treasurer from time to time and includes his or her authorized designates;

“Water Connection” means the device which allows the City to open or close the water flow from the Water Service;

“Water Service” means the physical connection of the Plumbing to the City’s Water Distribution System at the Street Line; and

“Water Supply By-law” means the City’s By-law 2010-214, being a By-law respecting the supply of water, the management and maintenance of the waterworks systems of the City, as amended or replaced from time to time.

Part 1 - Water and Wastewater Policy

1. The following policies are adopted by the Council of the City of Greater Sudbury as the Water and Wastewater Policy:

- (a) The City shall fully recover water and wastewater costs through water and wastewater rates, with the exception of water costs for fire protection which shall be recovered through the property tax levy.
- (b) Net water costs shall be financed by both a fixed charge and a variable consumption rate and net wastewater costs shall be recovered through a wastewater rate stated as a percentage of the water rate, including the fixed and variable water rates.
- (c) The City's sustainable capital asset management program shall be continued, for the purpose of financing the renewal of water and wastewater infrastructure systems. The water and wastewater capital allocation for this purpose shall be increased in accordance with the City's "Financial Plan for Water and Wastewater Services", dated March 1st, 2011, as updated and approved by Council every five years, or more often as required until such time as capital contributions for water and wastewater equal 2% of the water and wastewater infrastructure replacement value.
- (d) Effective on January 1st in each year, the Treasurer shall establish the rates for water and wastewater for that calendar year based on the proposed net budget

for the year inclusive, but not limited to, inflation adjustments and increases in sustainable capital asset management as provided in this By-law as well as changes in consumption levels. The Treasurer shall advise Council of these new rates and the rates set out in this By-law shall be deemed to be amended accordingly effective January 1st of that year.

- (e) Any net surplus generated from water services in any year shall be contributed to the Capital Financing Reserve Fund - Water and any deficiency in any year shall be funded from the same reserve fund. Any net surplus generated from wastewater services in any year shall be contributed to the Capital Financing Reserve Fund - Wastewater, and any deficiency in any year shall be funded from the same reserve fund.
- (f) The water rates set for bulk water filling station use shall reflect the cost of operating the bulk water filling station.
- (g) The fees provided for in sections 6, 7, 8, 9, 10 and 12 in this By-law shall be automatically adjusted for inflation on January 1st, 2019 and on January 1st in every year thereafter by the Treasurer in the amount the Treasurer deems appropriate, based on the greater of 3% and the September Stats Can Consumer Price Index for all items and provided further that the Treasurer may consider previous Index changes, and previous fee adjustments or non adjustments in making her or his determination, and the Treasurer shall inform Council of these annual adjustments, and this By-law shall be deemed to have been amended accordingly.

Delegation

2.-(1) The administration of this By-law is assigned to the GM who is delegated the authority to:

- (a) make all decisions required of GM under this By-law, in consultation with the Treasurer;
- (b) perform all administrative functions, incidental to and necessary for the due administration and implementation of this By-law;
- (c) establish and amend from time to time, such forms, documents, and such standards, protocols and procedures as the GM, in consultation with the Treasurer, may determine are required to implement and administer this By-law; and

- (d) sign on behalf of the City such authorizations, service agreements, H₂O to Go – Water Buggy use agreements or other documents as may be required in the implementation and administration of this By-law.

(2) The GM may delegate the performance of any one or more of his or her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The GM may continue to exercise any function delegated during the delegation.

(3) Where the Owner believes that the By-law has been incorrectly applied by a Person to whom the GM has delegated authority, the Owner may make a written request addressed to the GM for a reconsideration of the decision.

(4) Every such request shall be reviewed in accordance with protocols established by the GM. The decisions of the GM are final and not subject to appeal.

Part II -Water Rates And Charges

Water Consumption Rates and Charges

Water Consumption Charge - Meter Installed

3. Where a Meter has been installed on a Private Property, water consumption charges for water consumed on that Private Property shall be based on volume as determined by Meter readings multiplied by the per cubic metre water consumption rate set out in Schedule "A".

Water Consumption Charge - Before Meter Installed - Construction Period

4.-(1) During a Construction Period on a Private Property, the water consumption charges for water consumed at that Private Property will be charged at the applicable construction monthly flat rate as set out in Schedule "A" based on the size of the Water Service to that Private Property, as shown in City Records.

Water Consumption Rates - Constructed Properties - No Meter Installed

(2) Except as provided in subsection 4(1), where no Meter is installed on a Private Property on which there is a building or structure, water consumption charges for water consumed on that Private Property shall be charged at the flat monthly rate set out in Schedule "A" for a unit multiplied by the number of units on the Private Property. For the purposes of this subsection a unit is all or part of a Private Property designed and intended to be separately occupied for residential, commercial, industrial or institutional purposes.

Water Fixed Rates and Charges

Water Fixed Rates and Charges and Exceptions

5.-(1) In addition to the water consumption charges provided for in sections 3 and 4 above, a fixed monthly charge shall be charged for each Private Property which has a Water Connection available, commencing on the Connection Approval Date as shown in City Records. The fixed monthly charge shall apply whether or not the Water Connection is open and whether or not there is a building or structure on the Private Property. The fixed monthly charge shall be in the amount determined in accordance with Column B of the chart below, for the circumstances described on the corresponding line in Column A of the chart below:

	Column A Circumstances	Column B Determinant for Fixed Charge Rate set out in Schedule A
(a)	Where the Meter installed on the Private Property is not a Combination Meter	the rate will be based on the size of the Meter
(b)	Where there is no Meter installed on the Private Property	the rate will be based on the rate for a 5/8 inch Water Service
(c)	Where there is a Combination Meter installed either in a water meter chamber or in an outbuilding on a Private Property which measures all water consumed on that Private Property and: (i) the Private Property served by the Combination Meter is used solely for residential purposes; and (ii) there is a private fire hydrant connected after the meter; and (iii) based on the number of residential units on the property, the high flow meter forming part of the Combination Meter, is primarily intended or designed to measure water used for fire flow rather than water used for residential use	the rate will be determined January 1 st each year based on the size of the Meter within the Combination Meter which measured more than 50% of the water consumed in the prior year, and for the first calendar year or part calendar year after installation where there is no prior consumption history, based on the size of the smaller Meter within the Combination Meter
(d)	Where a Combination Meter is installed on the Private Property which does not meet all of the elements in (c) above	The rate will be based on the size of the larger Meter within the Combination Meter

(2) Although no consumption charges apply under sections 3 or 4, a fixed monthly charge in the amount equal to the rate set out in Schedule A for a 5/8 inch Water Service will be applied to each Private Property which:

- (a) has no building or structure;
- (b) has a Water Connection available, according to City Records; and
- (c) does not have a Connection Approval Date shown in City Records.

(3) Any Owner who is being charged a fixed rate pursuant to subsection 5(2), and believes the City Records showing a Water Connection are in error, may apply to the City to have an excavation conducted to determine if there is a Water Connection available to the Private Property. The Owner shall submit an application in the form established by the GM from time to time, submit such information or documentation as may be required pursuant to the application and pay to the City the amount estimated by the GM as the cost of the work required to excavate, inspect and restore the site.

(4) Upon receipt of a complete application and payment of the estimated costs the GM shall arrange for an excavation and inspection of the applicable area to determine if there is a Water Connection to the Property and the subsequent restoration.

(5) In the event that the excavation and inspection reveals that no Water Connection is in place to service the Private Property, the GM shall refund:

- (a) the amount paid to the City as the estimated costs; and
- (b) such amounts as may have been paid to date for the fixed charges under subsection 5(2), to a maximum of 2 years prior to the determination of the error. No interest shall be payable on the amount refunded; and

(6) In the event that the excavation and inspection confirms there is a Water Connection, the Owner of the Private Property shall be responsible to pay to the City the actual costs of the work to excavate, inspect and restore the site. The amount paid as the estimate shall be applied against the actual costs. If the actual costs exceed the estimated costs, the Owner of the Private Property shall pay any additional amount owing. If the actual costs are less than the estimated costs, the City shall refund any surplus amount to the Owner.

Fire Protection Sprinkler System

6.- (1) An annual fire protection sprinkler system charge in the amount established in Schedule "A" to this By-law shall be charged where there is a fire protection sprinkler system on Private Property connected to the City's Water Distribution System, either by a direct connection or a connection through the Plumbing. This charge shall be in addition to the water consumption charge in sections 3 and 4 and in addition to the fixed monthly charge in section 5(1). The Charge shall commence upon the date of connection of the fire protection sprinkler system to the City's Water Distribution System as shown in City Records.

(2) In the event it comes to the attention of the City by any means that there is a fire protection sprinkler system on a Private Property connected to the City's Water Distribution System which does not show in City Records, in addition to the then current year's annual fire protection sprinkler system charge, there shall be a charge which is the lesser of:

- (a) the total of the annual fire protection sprinkler system charge calculated from the date of connection of the fire protection sprinkler system to the City's Water Distribution system, until the end of the year prior to the year in which the City learned of the fire protection sprinkler system connection; or
- (b) the lesser of the total of the fire protection sprinkler system charges applicable in:
 - (i) the two years prior to the year in which the City determined that there was a fire protection sprinkler system connected to the City's Water Distribution System; and
 - (ii) the period of time the Owner owned the Private Property prior to the City determining there was a fire protection sprinkler system connected to the City's Water Distribution System.

(3) The onus is on the Owner to provide evidence of the date on which the fire protection sprinkler system was connected or title to the Private Property was acquired. In the absence of evidence satisfactory to the GM, the amount in 6(2)(b)(i) shall apply.

Fees for Specific Services

Water Meter and Appurtenances

7.-(1) A fee determined in accordance with Schedule "A" shall be payable at the time a building permit is applied for the installation and provision of a Meter and Appurtenances in a Private Property. Upon payment of the fee, the City will provide a Meter up to 2 inches in diameter and Appurtenances for installation on the Private Property to which the building permit applies in accordance with the *Water Supply By-law*. Despite the payment provided for in this subsection 7(1), the Meter and Appurtenances shall remain the property of the City, and once installed on a Private Property shall not be removed from the Private Property except by the City or its agents and payment of the applicable fee determined in accordance with subsection 7(2).

(2) A fee determined in accordance with Schedule "A" shall be charged to replace a Meter, to repair a Meter, to replace a water meter remote or to repair a water meter remote. Where a Meter is more than 20 years old, the fee for replacement shall be 50% of the fee otherwise payable to replace a Meter, as shown in Schedule "A".

(3) The fee charged in subsection 7(2) shall be billed at the time of the repair or replacement of the Meter or Water Meter Remote and does not depend on and is not related to who owned the Private Property at the time of, or who was or may have been responsible for the damage, loss or freezing or other event which led to the need to repair or replace the Meter or the Water Meter Remote.

(4) The City shall determine in its sole discretion, if the Meter should be repaired or replaced.

(5) In addition to the rates in section 7(2), a trip fee shall be charged in accordance with Schedule "A", where it is determined by the City that attendance at the Private Property was necessary as a result of an action or inaction by the Owner of the Private Property, and was not the result of an inherent defect in the Meter or any Appurtenance.

(6) A fee in the amount set out in Schedule "A" shall be charged, per occurrence in the event:

- (a) the Owner does not attend the Private Property within 15 minutes of a scheduled appointment; and
- (b) the Owner cancels a scheduled appointment with less than 24 hours notice.

Water Shut off

8. A fee determined in accordance with Schedule "A" shall be charged in the event that:
- (a) notification is mailed, advising of a pending shut off of a Water Connection to a Private Property due to non-payment or non access; and
 - (b) a Water Connection to the Private Property is turned on or off for any reason.

Use of a City Fire Hydrant

9. In circumstances where a Person has been authorized to use a City fire hydrant for private use, in accordance with the *Water Supply By-law*, the Person shall be:
- (a) charged a fee determined in accordance with Schedule "A" for the rental of City equipment required for use of the City fire hydrant and staff time to setup and takedown the equipment; and
 - (b) required to provide a damage deposit in the amount set out in Schedule "A" for the use of the City equipment. The damage deposit shall be paid in advance of the provision of the equipment and shall be refunded upon return of the equipment provided, in a condition satisfactory to the GM, or retained in whole or in part for application against the cost to repair damage to the equipment which

occurred while the equipment is out of the control of the City. The liability of the Person approved to use a City fire hydrant for any damage to or loss of the equipment provided for the use of the City fire hydrant shall not be restricted to the amount of the deposit.

H₂O to Go – Water Buggy

10. A fee determined in accordance with Schedule A shall be charged for the delivery, use and staffing of the City's portable water trailer known as the H₂O to Go – Water Buggy, payable upon the Person entering into an agreement for use of the H₂O to Go – Water Buggy.

Part III - Wastewater Rates and Charges

Rates and Charges Imposed

11.-(1) The rates and charges set out in this Part apply to every Private Property which has Sewer Service. If the Private Property also has Water Service, the rates and charges herein are in addition to the rates and charges applicable in Part II.

Wastewater Rate - with Water Service

(2) A wastewater rate shall be charged in all instances where a Private Property has Sewer Service and also has Water Service. The wastewater charge shall be calculated for that Private Property by multiplying the percentage specified in Schedule "A" as the wastewater rate by the total of:

- (a) the water consumption charges pursuant to sections 3 and 4; and
- (b) the water fixed charge pursuant to subsection 5(1) or subsection 5(2).

Wastewater Rate - no Water Service

(3) A wastewater charge shall be charged in all instances where a Private Property has Sewer Service but does not have Water Service. The wastewater charge shall be calculated by multiplying the percentage specified on Schedule "A" as the wastewater rate by the total of:

- (a) a fixed annual consumption of 252 cubic metres of water; and
- (b) the water fixed charge pursuant to subsection 5(1) or subsection 5(2) based on a 5/8" Water Service.

**Part IV - Rates that can Apply to Water and/or
Wastewater Services**

Attendance at Private Property

12.-(1) A fee determined on a time spent basis at the hourly rate in Schedule "A" for Regular Business Hours and After Hours as the case may be, shall be charged in each of the following instances:

- (a) the Plumbing or private sewer laterals on the Private Property is thawed upon request;
- (b) a City Employee attends for fire flow testing to a private fire hydrant in accordance with requirements of the *Ontario Fire Code*;
- (c) a Temporary Water Service is installed, repaired or removed on a Private Property upon request;
- (d) an Operator In Charge attends at a Private Property to supervise work on water and wastewater infrastructure in accordance with requirements of the *Safe Drinking Water Act*. The GM, may, in his or her sole discretion, determine if attendance is required;
- (e) tapping into the City's Water Distribution System or sewer collection system;
- (f) turning a valve on the water main which is part of the City's Water Distribution System for the purpose of control, providing access, altering flow, changing water quality or stopping the flow within or from the City's Water Distribution System;
- (g) relocating a Meter or Appurtenance at the request of the Owner;
- (h) replacing or repairing the Plumbing at the request of the Owner; and
- (i) thawing a frozen service resulting from non-compliance with a direction in writing by the GM to run water at a Private Property during a specified 'run water' period as a preventative measure against freezing occurring within the City's Water Distribution System.

(2) In addition to the hourly rates, in subsection 12(1)(h), the City will charge the Owner for the cost of any parts purchased as required to replace or repair the Plumbing at the request of the Owner.

(3) A fee shall be charged on a per occasion basis at the rate set out in Schedule A for the clearance of a private sewer lateral blockage, in the event that the Owner requests this service and has entered into an agreement with the City in the form established by the GM.

Billing Principles

General Guidelines Accounts

13.-(1) An account for a Private Property shall first be established as of the date shown in City Records that a Water Service has been connected and in the event that there is no water service, the date that the Sewer Service has been connected. The account can be created on the initiative of the City and in such case shall be created in the name of the registered Owner of the Private Property. Applicable charges will be billed to the account in accordance with this By-law.

(2) An account for water and wastewater charges for a Private Property may be created in City Records in the name of a tenant or other occupier of Owner of the Private Property upon such Person providing the information requested by the City. The account will be billed to the Person who opened the account at the address provided for that purpose.

(3) An account for water and wastewater charges for a Private Property may be closed in City Records if the then current account holder requests the closure and a request to open an account for the Private Property is received from a different Person.

(4) In the event that a Person who requests a new water/wastewater account be opened in his or her name, has an outstanding balance on another water/wastewater account, the outstanding balance from the account can be transferred to the new account and collected.

(5) The opening of an account for water and wastewater charges in the name of a Person who is not the registered Owner shall not relieve the registered Owner from liability for the payment of the fees, rates and charges under this By-law.

(6) Accounts for water and wastewater rates and charges are maintained by the City's contractor, *Greater Sudbury Hydro Plus Inc.*, but for the purposes of this By-law form part of City Records.

(7) Billing of water and waste water charges is performed by *Greater Sudbury Hydro Plus Inc.* on behalf of the City, and the billing cycles are determined by *Greater Sudbury Hydro Plus Inc.*

City Records Deemed Accurate

14.-(1) In the absence of evidence to the contrary, the City Records shall be deemed to be an accurate reflection of the Connection Approval Dates, meter readings, time spent on tasks, notice dates and all other matters for purposes of billing under this By-law.

(2) The onus shall be on the Person challenging the City Records to provide evidence satisfactory to the GM of an error in the City Records.

Overdue Amounts

15.-(1) Interest on unpaid amounts owing for water or wastewater rates or charges under this By-law shall run from the due date of the billing until payment in full at the rate established by *Greater Sudbury Hydro Plus Inc.* for unpaid accounts, calculated daily.

(2) Where any water or wastewater rates or charges or part thereof, remains unpaid after the due date, the City may, in addition to any other remedies, add the amount outstanding to the tax roll for the Private Property and collect it in the same manner as municipal taxes, as a priority lien as that term is used in the *Municipal Act, 2001*.

Contract Rates

16. Despite anything else provided for in this By-law, where by written Agreement the City agrees to water or wastewater rates or charges which differ from those set out in this By-law, such Agreement shall take precedence over the rates or charges set out in this By-law.

Part V - Adjustments

Principles of Adjustment

17.-(1) Where a rate or charge under this By-law is established as a monthly or annual rate or charge, the rate or charge shall be automatically adjusted on a pro rata basis to reflect the number of days in the month or the number of days in the year, or the number of days in the billing cycle, as the case may be, that the rate or charge applies to.

(2) Where a written request is received by the GM for an adjustment to a billing in accordance with subsection 2(3) of this By-law, the onus shall be on the Person making the request to provide such information and documentation, and allow such inspections and investigations as may be requested by the GM, to assist in assessing the Person's application or other request.

(3) Where the GM has established protocols or identified information required to process a request for an adjustment or other request under this By-law, the request for an adjustment need not be processed unless the appropriate protocols have been followed and necessary information provided.

(4) Where the City has determined that there has been a billing error for water or waste water charges charged for any Private Property, and subject to any provision to the contrary, the City will adjust the billing for the Private Property to correct the error, provided that the error occurred:

- (a) while the billing account was in the name of the Person requesting the adjustment; and
- (b) in the two year period prior to the date the error is identified or drawn to the attention of the City.

(5) A billing adjustment shall reflect the water consumption rate or other charges applicable to the period of time in which the error was made or to which the adjustment relates, even though the By-law establishing that rate is no longer in effect.

(6) Where the amount of the adjustment required to the billing relates to water consumption, the adjustment shall be calculated in accordance with section 19, 20, 21 or 22 as may be applicable.

(7) Where water consumption charges are adjusted, then wastewater charges shall also be adjusted.

Application of Adjustment

18.-(1) Any billing adjustment arising from an over billing of rates or charges under this By-law shall be applied to reduce the amount owing on the next and subsequent billings to the account for that Private Property to which the adjustment relates until the full benefit of the adjustment has been applied. Nothing herein prevents a refund to the Person entitled, if a surplus remains in circumstances where there will be no further billings submitted for that account.

(2) Any additional charges resulting from an under billing of rates or charges under this By-law shall be added to the next billing for the account for the Private Property following the determination of the amount of the additional charge and shall be due and payable in accordance with the terms of billing unless a repayment arrangement has been approved by the Treasurer in accordance with subsection 24(3), in which case, payments shall be made in accordance with the repayment arrangement.

Discretionary Adjustments

19. Where the GM has determined, based on the information available at the time, that it would be unduly burdensome or otherwise unreasonable in the circumstances to require payment of certain water or wastewater charges determined in accordance with this By-law, the GM may authorize an adjustment to the amount of the water or wastewater charges to reflect an amount which is reasonable in the circumstances. The Person requesting the adjustment shall submit the request and such supporting material as may be required in accordance with protocols established by the GM.

Water Consumption Adjustment – Result of Damaged Meter, etc.

20.-(1) In the event that the GM is satisfied, based on information available to him or her, that the water consumption shown in City Records does not accurately reflect water actually used on a Private Property as a result of damage to a Meter, the GM may authorize an adjustment to the billing.

(2) The adjustment pursuant to subsection 20(1) shall be determined as follows:

- (a) calculate the Daily Average Consumption for the Private Property for a period of time after the damage to the Meter is remediated and multiply that Daily Average Consumption rate by the lowest of:
 - (i) the number of days that the Meter was damaged, where such date is known;
 - (ii) the number of days between the date the Owner acquired the Private Property and the date the damage to the Meter is remediated; and
 - (iii) 730 days (2 years).
- (b) charge the difference between the amount calculated for the shortest period in paragraph 20(2)(a) and the amount originally billed.

(3) The water consumption charges calculated in subsection (2) shall be in addition to the charges for the replacement or repair of the damaged Meter pursuant to subsections 7(2) and 7(5) whether or not the Owner caused or was aware of the damage.

(4) The onus is on the Owner to provide evidence of the date on which the Meter was damaged for the purposes of paragraph 20(2)(a). Where no satisfactory evidence is available, the adjustment period will be the lesser of clauses 20(2)(a)(ii) or 20(2)(a)(iii).

Water Consumption Adjustments – Frozen Water

21.-(1) In circumstances in which the GM has given direction in writing to run water at a Private Property during a specified 'run water' period as a preventative measure against freezing occurring within the City's Water Distribution System, the water consumption charges during the specified 'run water' period shall be adjusted to reflect a consumption charge based on a Daily Average Consumption:

- (a) for the September to December meter reading period, in the case of Private Properties identified in City Records as properties on which freezing has taken place within the City Water Distribution System for 3 prior years; and
- (b) for the same time period in the previous year as the period for which the run water order was in effect, for all other Private Properties except as described in paragraph 21(1)(a).

(2) Where there is a freezing occurrence in the City's Water Distribution System affecting a Private Property which has not received a notice pursuant to subsection 21(1), the City staff who attended on the Private Property may exercise the authority of the GM and give oral direction that the Owner should run water as a preventative measure against future freezing until directed by the GM to stop the run water period. The water consumption charges during the 'run water' period shall be adjusted to reflect a consumption charge based on a Daily Average Consumption for the same period in the prior year.

(3) The GM may direct a Meter reading be taken before and after the specified 'run water' period in subsection 21(1) or 21(2). The start date for the calculation period for the adjustment in subsections 21(1) and 21(2) shall be the date of the Meter reading taken immediately prior to the run water period, and if a Meter reading is not taken at the time, the date of the last Meter reading prior to the commencement of the specified run water period, and the end date of the calculation period shall be the date of the Meter reading taken at the end of the run water period and if no Meter reading is taken at that time, at the next following Meter reading.

(4) In the event that the City is provided with at least 30 days advance notice in writing that the Private Property subject to a 'run water' direction by the City will be unoccupied during all or part of the 'run water' period, the City will not use the Average Daily Consumption rate as provided in subsection 21(1). Instead, during the 'run water' period the City will prorate the consumption based on the number of days the City is advised that the Private Property was occupied and will not charge water consumption rates for the days that the City was advised the

Private Property was unoccupied. Nothing shall prevent an adjustment should the City discover the information provided to it was inaccurate.

(5) Where a Person chooses to run water as a preventative measure to prevent freezing in the Plumbing, in the absence of written direction from the GM to 'run water', there shall be no adjustments to the billing during the period that water was left to run.

Water Consumption Adjustments - Temporary Quality Control Reasons

22.-(1) In circumstances in which the GM has given direction in writing to run water at a Private Property during a specified 'run water' period for temporary quality control reasons, the water consumption charges during the specified 'run water' period shall be adjusted to reflect zero consumption during the period specified. The water is to be run until the City has determined, in its sole discretion that the water quality has returned to an acceptable level.

(2) The GM may direct a Meter reading be taken before and after the specified 'run water' period to be able to accurately bill from the start of the specified 'run water' period to the end of the specified 'run water' period and in such instance, the adjustment described in subsection 22(1) shall be calculated based on the Meter readings taken before and after the run water period. If no Meter reading was obtained on the date that the City Employee attended the Private Property, the adjustment will run from the date of the last Meter reading.

Water Consumption Adjustments - Temporary Water Service

23.-(1) Where the City has installed a Temporary Water Service due to construction occurring on the City's Water Distribution System which interrupts the Owner's access to the City's Water Distribution System, the billing for the period that the Temporary Water Service is in effect, will be calculated in accordance with on the flat rate consumption charge applicable during a Construction Period on a Private Property, determined in accordance with section 4.

(2) Where the City has installed a Temporary Water Service due to frozen water in the City's Water Distribution System or the Plumbing which connects the Plumbing of two Private Properties, the City will read the Meter of each affected Private Property and:

- (a) the Owner of the Private Property supplying the water through the Temporary Water Service will not be billed for any water consumption during the period that the Temporary Water Service is connected; and
- (b) the Owner of the Private Property receiving the water through the Temporary Water Service will be billed for consumption for the period that the Temporary

Water Service is connected, based on the Daily Average Consumption for the same time period in the prior year.

Water Rates and Charges Adjustment

24.-(1) In the event it comes to the attention of the City by any means that there is an error in the City Records regarding the size of a Meter or Water Service or regarding the number of dials on a Meter or the multiplier applied to the Meter, which has resulted in a billing error in the water charges for the Private Property, the GM may authorize an adjustment of the billing.

(2) The adjustment pursuant to subsection 24(1) shall be determined as follows:

- (a) calculate the water rate or charge that should have been charged for the period of time the error has occurred for the shorter of:
 - (i) the period in which the billing account was in the name of the Person requesting the adjustment; and
 - (ii) the two year period prior to the date the error is identified or drawn to the attention of the City.
- (b) adjust the account the difference between the amount charged to the Owner for the shorter period in (2)(a) and the amount originally billed.

(3) Upon application in writing and due consideration of any special circumstances made known to the Treasurer, the Treasurer, where, in his or her sole discretion determines it is in order to do so, may authorize a repayment schedule for billing errors noted in section 24(1) and establish any applicable terms and conditions. The Treasurer may enter into an agreement setting out the terms and conditions of the approved repayment schedule.

Wastewater Consumption Adjustment - Production of Product Including Water

25.-(1) The GM may authorize a reduction in the wastewater consumption charge for a Non Residential Private Property upon application in writing by the Owner of that Private Property supported by:

- (a) evidence satisfactory to the GM that:
 - (i) a majority of the water used by that Private Property is utilized in the production of a product; and
 - (ii) a private deduct water meter is installed on the Private Property of a type which measures the water used in the production of the product in addition to the Meter which measures the water consumed at the Private Property; and

- (b) Meter readings for both the Meter measuring the water consumed on the Private Property and for the private deduct water meter measuring the volume of water used for that product.

(2) The reduction authorized under subsection 25(1) is determined by deducting an amount equal to the wastewater charge otherwise applicable to the volume of water used in the production of the product, as shown by the readings on the Meter and the private deduct water meter readings.

Rebate for Hauled Liquid Waste (HLW) from Holding Tanks

26.-(1) The Owner of a Private Property on which there is a liquid waste holding tank of a type approved by the Sudbury and District Health Unit may apply to the GM, quarterly, for rebate of a part of the tipping fees paid to a HLW hauler who has discharged at the City's receiving station, liquid waste hauled from the holding tank on the Owner's Private Property.

(2) Any application under subsection 26(1) shall be supported by evidence satisfactory to the GM:

- (a) that there is a liquid waste holding tank on the Private Property of a type approved by the Sudbury and District Health Unit; and
- (b) of the amount paid in fees to a HLW hauler to haul liquid waste from that holding tank to the City's receiving centre.

(3) In the case of portable holding tanks that are not attached to a Private Property, the Owner of the portable holding tanks may apply to the GM, quarterly, for rebate of a part of the tipping fees paid for discharge at the City's receiving station, liquid waste from these portable holding tanks. The application shall be supported by evidence of the amount paid to the City in tipping fees for discharge from that portable holding tank to the City's receiving centre.

(4) Where an application under subsections 26(1) or 26(3) is approved, the City shall pay a rebate to the Owner determined in accordance with Schedule "A" per cubic metre of hauled liquid waste discharged at the City's receiving centre, attributable to that holding tank.

(5) The GM may establish protocols for the submission of applications under subsections 26(1) and 26(3), and in such case, applications will be processed only in accordance with such protocols.

(6) Applications under subsections 26(1) and 26(3) must be received no later than the last day of February in the year following the year of application. All applications received after this date will be denied.

Part VI - Special Projects

Waterworks Rates to Recover the Capital Cost of Installing Water Services Necessary to Benefit Users of the Lionel E. Lalonde Centre Water Servicing System, Sewer Works Rates to Recover Part of the Capital Cost of the South End Sewer Rock Tunnel System and Water and Sewer Works Rates to Recover the Capital Cost of Installing Sewer and Water Services Necessary to Benefit Users of the Kingsway Sewer and Water Project

Definitions

27. In this Part:

“Apartment Dwelling” means a building containing three or more Dwelling Units where the residential units are connected by an interior corridor or have a common entrance;

“Capital Cost” means the cost of constructing Sewage works or Water works, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for the works;

“City” means the City of Greater Sudbury;

“Commercial” means any Non-Residential Development not defined under “Institutional” or “Industrial”;

“Commercial Office Use” means lands, building or structures used or designated for use for a practice of a profession, the carrying on of a business, occupation or conduct of non-profit organization including government;

“Development” means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 27 of this by-law and includes the redevelopment of land or the redevelopment, expansion, extension or alternation of a use, building or structure;

“Dwelling Unit” means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

“Gross Floor Area” means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, or between the centre lines of party walls, of all floors above Grade;

“Industrial” means lands, building or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“Institutional” means lands, buildings or structures used or designed or intended for use by a university, college, school board or hospital for an institutional use as defined by the applicable zoning by-law for the City of Greater Sudbury;

“Multiple Residential Dwelling” means all dwellings other than Single-detached, Semi-detached and Row Dwellings;

“Mixed Use” means lands, building or structures or portions thereof used, or designed or intended for use:

- (a) in the case of the Kingsway Sewer and Water Project and the South End Sewer Rock Tunnel Project as both Residential and Commercial uses or both Residential and Industrial uses; and
- (b) in the case of the Lionel E. Lalonde Centre Water Servicing Project, as both residential and non-residential uses;

“Non-Residential Use” means lands, buildings or structures of any kind whatsoever used or portions thereof, used, designed or intended to be used for other than a Residential use and includes all Commercial, Industrial and Institutional uses;

“Owner” means the owner of land or a person who has made application for an approval for the Development of land upon which a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate are imposed;

“Project-Area” means the land set out in Schedule “D” with respect to the Lionel E. Lalonde Centre Water Servicing Project, the land set out in Schedule “F” with respect to the

South End Sewer Rock Tunnel Project and the land set out in Schedule "H" with respect to the Kingsway Sewer and Water Project;

"Redevelopment" means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure, or part thereof, from Residential use to Commercial or Industrial use or from Commercial or Industrial to Residential;

"Residential Uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a Single Detached Dwelling, a Semi-Detached Dwelling, a Row or Multiple Residential Dwelling, an Apartment Dwelling, and the residential portion of a mixed-use building or structure;

"Row Dwelling" means a building divided vertically into two or more separate Dwelling Units, with at least 50% of the above-grade area of the main wall(s) on one or two sides of each Dwelling Unit attached to or the same as another Dwelling Unit;

"Semi-Detached Dwelling" means a building divided vertically into two Dwelling Units, each of which has a separate entrance and access to grade;

"Sewer Works" means any works for the collection, production, treatment, storage, supply or distribution of sewer, or any part of any such works constructed as part of the South End Sewer Rock Tunnel Project;

"Sewer Works Rate" means a charge for the capital cost of Sewer Works;

"Single-Detached Dwelling Unit" means a residential building consisting of one Dwelling Unit and not attached to another structure and includes mobile homes;

"Water and Sewer Works" means any works for the collection, production, treatment, storage, supply or distribution of water, and any works for the collection, production, treatment, storage, supply or distribution of sewer or any part of any such works constructed as part of the Kingsway Sewer and Water Project;

"Water and Sewer Works Rate" means a charge for the capital cost of the Water and Sewer Works;

"Water Works" means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works constructed as part of the Lionel E. Lalonde Centre Water Servicing Project; and

"Water Works Rate" means a charge for the capital cost of Water Works.

Rates Imposed

28.-(1) Every Owner of land in the Project Area for the Lionel E. Lalonde Centre Water Servicing Project shall pay to the City a Water Works Rate as calculated in this by-law, whenever the Owner's lands are developed or redeveloped for Residential uses and the Development or Mixed Use Development requires an approval described in subsection 28(4) below and the Owner's land is connected to the Water Works system.

(2) Every Owner of land in the Project Area for the South End Sewer Rock Tunnel Project shall pay the City a Sewer Works Rate as applicable and as calculated in this by-law, whenever the Owner's lands are developed or redeveloped for Residential, Commercial or Industrial uses and the Development or Mixed Use Development requires an approval described in subsection 28(4) below and the Owner's land is connected to the Sewer Works system.

(3) Every Owner of land in the Project Area for the Kingsway Sewer and Water Project shall pay the City a Water and Sewer Works Rate as applicable and as calculated in this by-law, whenever the Owner's lands are developed or redeveloped for Residential, Commercial or Industrial uses and the Development or Mixed Use Development requires an approval described in subsection 28(4) below and the Owner's land is connected to the Water and Sewer Works system.

(4) Subject to subsection 28(5), Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be, shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land within a Project Area where the Development or Mixes Use Development requires:

- (a) the passing of a zoning by-law or an amendment thereto under section 34 of the *Planning Act*;
- (b) the approval of a minor variance under section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
- (e) a consent under section 53 of the *Planning Act*;

- (f) the approval of a description under section 50 of the *Condominium Act, R.S.O. 1990, c. C.26*; or
- (g) the issuing of a permit under the *Building Code Act, S.O. 1992, c. 23*, in relation to a building or structure.

(5) Where no approval described in subsection 28(4) above is required, the Owner shall pay a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate as calculated in this By-law when the Owner first connects to the Water Works, Sewer Works or Water and Sewer Works systems, as applicable.

Rates

29.-(1) Water Works Rates against land relating to the Lionel E. Lalonde Centre Water Servicing Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "E".

(2) Sewer Works Rates against land relating to the South End Sewer Rock Tunnel Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "G".

(3) Water and Sewer Works Rates against land relating to the Kingsway Sewer and Water Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "I".

Calculation of Water Works Rates

30. The Water Works Rates applicable to land in the Project Area for the Lionel E. Lalonde Centre Water Servicing Project shall be calculated in the case of Residential Development or Redevelopment, or the Residential portion of a Mixed Use Development as the sum of the number of Dwelling Units as set out in Schedule "E".

Calculation of Sewer Works Rates

31. The Sewer Works Rates applicable to land in the Project Area for the South End Sewer Rock Tunnel Project shall be calculated:

- (a) in the case of Residential Development or Redevelopment as the sum of the number of Dwelling Units as set out in Schedule "G";
- (b) in the case of Mixed Use Development or Redevelopment as the sum of the number of Dwelling Units for the residential portion plus the fee for the square metre area of the Commercial or Industrial portion as set out in Schedule "G"; or

- (c) for Industrial or Commercial Development or Redevelopment, based on the square metre area as set out in Schedule "G".

Calculation of Water and Sewer Works Rates

32. The Water and Sewer Works Rates applicable to land in the Project Area for the Kingsway Sewer and Water Project shall be calculated:

- (a) in the case of Residential Development or Redevelopment as the sum of the number of Dwelling Units as set out in Schedule "I";
- (b) in the case of Mixed Use Development or Redevelopment as the sum of the number of Dwelling Units for the Residential portion plus the fee for the square metre area of the Commercial or Industrial portion as set out in Schedule "I"; or,
- (c) for Industrial or Commercial Development or Redevelopment, based on the square metre area as set out in Schedule "I".

When Rates Payable

33. The Owner of land for which a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate under this Part is payable shall pay the applicable rate on the date of issuance of a building permit for the Development of the land, or where no building permit is required, on the date of the connection to the system, as applicable.

Applicable Projects

34.-(1) The capital Water Works for which Water Works Rates shall be charged under this Part are the Lionel E. Lalonde Centre Water Servicing Project.

(2) The capital Sewer Works for which Sewer Works Rates shall be charged under this By-law are the South End Sewer Rock Tunnel Project.

(3) The capital Water and Sewer Works for which Water and Sewer Works Rates shall be charged under this by-law are the Kingsway Sewer and Water Project.

Water Works Rates - Additional Rates

35. The Water Works Rates imposed by this Part shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Water Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Water Works or the supply of the water.

Sewer Works Rates - Additional Rates

36. The Sewer Works Rates imposed by this Part shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Sewer Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Sewer Works or right to use the sewer system.

Water and Sewer Works Rates - Additional Rates

37. The Water and Sewer Works Rates imposed by this Part shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Water and Sewer Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Water and Sewer Works or the supply of water or right to use the sewer system.

No Exemption

38. No property is exempt from a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate imposed under this Part by reason only that it is exempt from taxation under the *Assessment Act*, R.S.O. 1990, c. A-31.

Reduction

39. Where all or part of a Residential or Mixed Use building or structure is demolished or redeveloped, otherwise applicable Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be shall be reduced as follows:

- (a) where a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate has been imposed on the lands under a previous by-law, the reduction shall be equal to the previously imposed Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate, as the case may be;
- (b) where no Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate, as the case may be, has been imposed on the lands under a previous by-law, the reduction shall be calculated as in section 40 below, provided that:
 - (i) the Residential or Mixed Use building or structure was occupied within five years prior to the issuance of a building permit for Redevelopment of the lands; and
 - (ii) in the case where the Residential or Mixed Use building or structure is demolished, a demolition permit has been issued within five years prior to the issuance of a building permit for Redevelopment of the lands.

Calculation of Reduction

40. Where a Residential or Mixed Use building or structure qualifies for a reduction in otherwise applicable Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be, pursuant to section 39 above, the amount of reduction shall be equivalent to the total of:

- (a) the number of Residential Dwelling Units demolished or redeveloped multiplied by the applicable residential Water Works Rate in Schedule "E", the applicable Sewer Works Rate in Schedule "G" or the applicable Water and Sewer Works Rate in Schedule "I", as the case may be for the type of Residential Dwelling Unit demolished or redeveloped; and
- (b) the gross floor area used for Commercial or Industrial uses which has been demolished or redeveloped as the case may be multiplied by the applicable Sewer Works Rate in Schedule "G" or the applicable Water and Sewer Works Rate in Schedule "I", as the case may be.

Maximum Reduction

41. A reduction shall not exceed the amount of the Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate as the case may be, that would otherwise be payable, and no reduction is available if the existing land use is exempt under this by-law.

No Rates Charged

42. Notwithstanding section 28 above, no Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate as the case may be shall be imposed with respect to developments or portions of developments that result in:

- (a) an interior alteration to an existing building or structure which does not change or intensify the use of land;
- (b) the enlargement of an existing residential Dwelling Unit;
- (c) the creation of one or two additional residential Dwelling Units in an existing single detached dwelling where the total gross floor area of the additional unit(s) does not exceed the gross floor area of the existing Dwelling Unit;
- (d) the creation of one additional Dwelling Unit in a Semi-detached or Row Dwelling where the total gross floor area of the additional unit does not exceed the gross floor area of the existing Dwelling Unit; or

- (e) the creation of one additional Dwelling Unit in any other existing residential building provided the gross floor area of the additional unit does not exceed the smallest existing Dwelling Unit already in the building.

Transfer to Reserves

43.-(1) Monies received from payment of Water Works Rates for the Lionel E. Lalonde Centre Water Servicing Project under this By-law shall be credited to the Capital Financing Reserve Fund - Water.

(2) Monies received from payment of Sewer Works Rates for the South End Sewer Rock Tunnel Project under this By-law shall be credited to the Capital Financing Reserve Fund - Wastewater.

(3) Monies received from payment of Water and Sewer Works Rates for the Kingsway Sewer and Water Project under this By-law shall be credited to the project while construction of the project is underway and after construction is completed to the Capital Financing Reserve Fund - Water or the Capital Financing Reserve Fund -Wastewater, as determined by the Chief Financial Officer/Treasurer.

Transfer to Tax Roll

44. Where any Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate or part thereof imposed under this Part, remains unpaid after the due date, the amount unpaid shall be a debt owing to the City and may be collected by action or by adding same to the tax roll and collected in the same manner as municipal taxes, as a Priority Lien.

Transfer to Reserve

45.-(1) Where any unpaid Water Works Rates or part thereof are collected as municipal taxes under section 44 the monies so collected shall be credited to the reserve funds referred to in subsection 43(1).

(2) Where any unpaid Sewer Works Rates or part thereof are collected as municipal taxes under section 44 the monies so collected shall be credited to the reserve funds referred to in subsection 43(2).

(3) Where any unpaid Sewer Works Rates or part thereof are collected as municipal taxes under section 44 the monies so collected shall be credited to the reserve funds referred to in subsection 43(2).

(4) Where any unpaid Water and Sewer Works Rates or part thereof are collected as municipal taxes under section 44 the monies so collected shall be credited to the reserve funds referred to in subsection 43(3).

Part VII - General

Invalidity

46. In the event any provision, or part thereof, of this By-law is found by a Court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

Schedules

47. The following Schedules attached hereto are incorporated into and form a part of this By-law;

- (a) Schedule "A" - Rates and Charges;
- (b) Schedule "B" – Rates and Charges per By-law 2010-214 as amended or replaced;
- (c) Schedule "C" – Rates and Charges, per By-law 2010-188 as amended or replaced;
- (d) Schedule "D" - Project Area - Lionel E. Lalonde Centre Water Servicing Project;
- (e) Schedule "E" - Water Works Rates- Lionel E. Lalonde Centre Water Servicing Project;
- (f) Schedule "F"- Project Area - South End Sewer Rock Tunnel Project;
- (g) Schedule "G" - Sewer Works Rates - South End Sewer Rock Tunnel Project;
- (h) Schedule "H" - Project Area - Kingsway Sewer and Water Project; and
- (i) Schedule "I" - Water and Sewer Works Rates - Kingsway Sewer and Water Project.

48.-(1) By-law 2017-6 and any amendments thereto are hereby repealed.

(2) The repeal of By-law 2017-6 as amended does not affect:

- (a) any offence committed against the By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof;
- (b) any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment;

- (c) the previous operation of any By-law so repealed; or
- (d) any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the By-law so repealed.

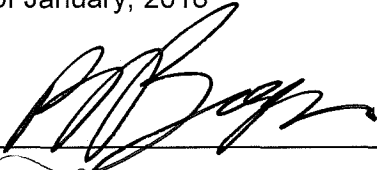
Existing Charges Survive

49. Any rates and charges as established under By-law 2017-6 as amended which were due and payable under that By-law remain due and payable notwithstanding the repeal of the By-law.

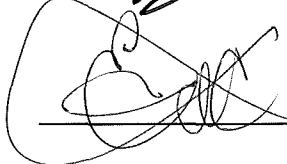
Effective Date

50. This By-law shall come into full force and take effect upon passage.

Read and Passed in Open Council this 9th day of January, 2018



Mayor



Clerk

Schedule A to By-law 2018-2
Rates and Charges as per this by-law

Part II - Water Rates and Charges

Note: Fees in this Part are not subject to HST

Note: Hourly rates in this Part shall be prorated to the nearest half hour on site

Section 3 Water Consumption Charge

Section	Description	Rate	Per
3	Meter installed	\$ 1.602	Cubic Meter
4 (1)	Before Meter Installed - Construction Period	Meter installed rate x 5 cubic meters (flat rate) per month	n/a
4 (2)	Properties - No Meter Installed	Meter installed rate x 21 cubic meters (flat rate) per month	n/a

Section 5 Water Fixed Charge

Meter/Water Service size	Rate	
5/8 inches	\$ 19.89	Month
1 inch	\$ 49.72	Month
1 1/2 inches	\$ 99.44	Month
2 inches	\$ 159.11	Month
3 inches	\$ 318.21	Month
4 inches	\$ 497.21	Month
6 inches	\$ 994.42	Month
8 inches	\$ 1,591.07	Month
10 inches	\$ 2,287.16	Month
5 (4)	Pre-paid excavation costs to confirm existence of water service	Estimated Occasion

Section	Description	Rate	Per
6(1)	Fire Protection Sprinkler System, per Private Property	\$ 834.00	year
7(1)	Provision and installation of a Meter (up to 2 inches in diameter) and Appurtenances	\$ 368.00	Meter
7(2)	Replace Meter {less than 20 years old}		
	5/8 inch positive displacement	\$ 175.00	Meter
	1 inch positive displacement	\$ 333.00	Meter
	1 1/2 inch positive displacement	\$ 631.00	Meter
	2 inch positive displacement	\$ 791.00	Meter
	2 inch Tru/Flo	\$ 2,389.00	Meter
	3 inch turbine	\$ 1,203.00	Meter
	3 inch Tru/Flo	\$ 2,890.00	Meter
	4 inch turbine	\$ 2,173.00	Meter
	4 inch Tru/Flo	\$ 4,688.00	Meter
	6 inch turbine	\$ 3,852.00	Meter
	6 inch Tru/Flo	\$ 8,720.00	Meter
7(2)	Replace Meter {20 years old or more}		
	Based on size of Meter as per cost above to replace Meter {less than 20 years old} x rate	50%	Meter
7(2)	Repair a Meter	\$ 50.00	Occasion
7(2)	Replace or repair Water Meter Remote	\$ 40.00	Remote
7(5)	Trip Charge	\$ 42.00	Occasion
7(7)(a)	Missed appointment fee	\$ 50.00	Occasion
7(7)(b)	Cancellation within 24 hours of scheduled appointment fee	\$ 50.00	Occasion
8(a)	Notification of pending Water Connection shut off	\$ 42.00	Occasion,
8(b)	Water Connection turn on or off	\$ 82.00	per hour
9	Use of City Fire Hydrant	\$ 299.00	Occasion
9 (a)	Rental of Equipment and staff time for set up and take down	\$ 299.00	Occasion

Schedule A to By-law 2018-2
Rates and Charges as per this by-law

9 (b)	Refundable equipment damage deposit	\$	500.00	Occasion
10	H2O to GO Water Buggy Rental - non- profit	\$	265.00	Occasion
10	H2O to GO Water Buggy Rental - profit	\$	595.00	Occasion

Part III - Wastewater Rates and Charges

Note: Fees in this Part are not subject to HST

Section	Description	Rate	Per
11(2)	Wastewater rate - with Water Service	112.7%	n/a
11(3)	Wastewater rate - no Water Service	112.7%	n/a

Part IV - Rates that can apply to water and/or wastewater services

Note: Fees in this Part are not subject to HST

Section	Description	Rate	Per
Attendance at Private Property for:			
12(1)(a)	Thawing of Plumbing or private sewer laterals on Private Property		
	Regular Business Hours	\$	188.00 Hour
	After Hours	\$	286.00 Hour
Attendance at Private Property for any of the following:			
12(1)(b)	Private Fire Hydrant fire flow testing		
12(1)(c)	Installation, repair or removal of a Temporary Water Service		
12(1)(d)	Operator In Charge		
12(1)(e)	Tapping		
12(1)(f)	Valve Turning		
12(1)(g)	Relocation of a Meter or Appurtenance		
12(1)(h)	Replacement or repair of Plumbing		
12(1)(i)	Thawing a frozen service resulting from non-compliance to a run water request		
	Regular Business Hours	\$	95.00 Hour
	After Hours	\$	143.00 Hour
12(2)	Part required for the repair or replacement of Plumbing at the request of Owner	Actual Cost + HST	Part
12(3)	Clearance of a private sewer lateral blockage upon request	\$	635.00 Occasion

Part V - Adjustments

Section	Description	Rate	Per
26(1) and 26 (3)	Rebate for Hauled Liquid Waste	\$	Cubic meter
			16.50

Schedule B to By-law 2018-2
Rates and Charges as per by-law 2010-214, as amended or replaced

Service Connections

Section	Description	Rate	Per
3 (a)	Service connection	Actual costs + HST	connection
3 (e)	Service connection - variances	Actual costs + HST	connection

Note: Fees in this Part are not subject to HST

Private Fire Hydrant fee

Section	Description	Rate	Per
5.1(e)	Private Fire Hydrant, per hydrant	\$ 834.00	year

Fire Hydrant water consumption rate

Section	Description	Rate	Per
5.2 (2)	Water consumption at the bulk water rate	\$ 2.56	Cubic Meter

Bulk Water Filling Stations

Section	Description	Rate	Per
5.3(3)	Bulk Water rate	\$ 2.56	Cubic Meter
5.4(1) (c)	Issuance of a prepaid bulk water station filling card	\$ 50.00	Company
5.4(2)	Additional/Replacement of a prepaid bulk water station filling card	\$ 20.00	Card

Meter Testing

Section	Description	Rate	Per
6(j)	Meter testing charge - request by Consumer or Owner	Actual costs + HST	test

Schedule C to By-law 2018-2
Rates and Charges as per by-laws 2010-188 and 2017-217, as amended or replaced

Note: Fees in this Part are not subject to HST

Hauled Liquid Waste

Section	Description	Rate	Per
15(10)(a)	Hauled liquid waste from septic and/or holding tanks	\$	33.00 Cubic Meter
	Issuance of a sludge/septic station filling card	\$	50.00 Company
	Additional/Replacement of a sludge/septic station filling card	\$	20.00 Card

Sludge Tipping Fees

Section	Description	Rate	Per
17(2)	For sludge which is generated from a source other than a City owned or operated municipal facility and which has a solid content not exceeding 2%	\$	18.58 Cubic Meter
17(2)	For sludge which is generated from a source other than a City owned or operated municipal facility and which has a solid content of 4%	\$	37.16 Cubic Meter
17(2)	For sludge which is generated from a source other than a City owned or operated municipal facility and which has a solid content exceeding 2% but less than 4%	A rate between the rates above, adjusted proportionately to reflect the percentage of solid content	Cubic Meter

Leachate Tipping Fees

Section	Description	Rate	Per
	Tipping Fee	\$	25.75 Cubic Meter

Application Fees

Section	Description	Rate	Per
17(2)	Overstrength Sewage Discharge Agreement	\$	995.00 Application
17(2)	Sanitary Sewer Discharge Agreement	\$	995.00 Application
17(2)	Sludge Discharge Agreement	\$	995.00 Application
17(2)	Leachate Discharge Agreement	\$	995.00 Application
15(2)(c)	Hauled Liquid Waste Permit	\$	270.00 Permit
15(2)(c)	Hauled Liquid Waste Permit Renewal Fee	\$	63.00 Renewal
18(3)(g)	Compliance Program	\$	1,130.00 Application
17(2)	Overstrength Sewage Discharge Agreement Renewal Fee	\$	225.00 Renewal
17(2)	Sanitary Sewer Discharge Agreement Renewal Fee	\$	225.00 Renewal
17(2)	Sludge Discharge Agreement Renewal Fee	\$	225.00 Renewal
17(2)	Leachate Discharge Agreement Renewal Fee	\$	225.00 Renewal
18(3)(g)	Compliance Program Renewal Fee	\$	225.00 Renewal

Backflow Prevention (established in By-law 2017-217, Prevention of Backflow into Municipal Drinking Water)

Section	Description	Rate	Per
12(1)(a)	Preventer Test Tag	\$	43.00 pkg 100
12(2)(e)	Processing Fee for Test and Inspection Report	\$	30.00 Report
17(1)(d)	Processing Fee for Cross Connection Survey Report	\$	64.00 Report
19(2)(c)	Processing Fee for Backflow Compliance Program	\$	64.00 Program
20(4)(c)	Review and Updating of List of Qualified Persons	\$	20.00 Person

Schedule C to By-law 2018-2
Rates and Charges as per by-law 2010-188, as amended or replaced

Note: Fees in this Part are not subject to HST

Discharge Surcharge Rates

Overstrength Sewage Discharge Agreement:

The surcharge for Overstrength Sewage under an Overstrength Sewage Discharge Agreement shall be calculated in accordance with the following formula:

$$S(dT) = WCC * WWR * V(dT) \left\{ 0.30 \left(\frac{TSS}{350} \right) + 0.15 \left(\frac{BOD_5}{300} \right) + 0.10 \left(\frac{TPC}{1} \right) + 0.40 \left(\frac{TP}{10} \right) + 0.05 \left(\frac{TKN}{100} \right) \right\}$$

Where	S(dT)	Wastewater Surcharge in dollars;
	WCC	Water Consumption Charge as provided in Schedule A to By-Law 201X-XXX;
	WWR	Wastewater Rate as provided in schedule A to By-Law 201X-XXX;
	V(dT)	Total Volume, in cubic metres, released during time interval dT;
	TSS	Average Total Suspended Solids in milligrams per litre as determined by lab testing during time interval dT;
	BOD ₅	Average five-day Biochemical Oxygen Demand in milligrams per litre as determined by lab testing during time interval dT;
	TPC	Average Total Pheonolic Compounds in milligrams per litre as determined by lab testing during time interval dT;
	TP	Average Total Phosphorous in milligrams per litre as determined by lab testing during time interval dT; and
	TKN	Average Total Kjeldahl Nitrogen in milligrams per litre as determined by lab testing during time interval dT.

Note: If any of the quotients given in the above equation are less than or equal to 1.0, then that expression defaults to zero. For Instance:

$$\text{if TSS} = 20 \text{ such that } \frac{TSS}{350} = 0.57 \text{ which is less than } 1, \text{ then } \frac{TSS}{350} \text{ is set to } 0.$$

Sanitary Sewer Discharge Agreement - Surcharge:

The surcharge payable for the discharge to the sanitary sewer of wastewater originating with water not from the City's water supply system shall be calculated in accordance with the following formula:

$$VWC(dT) = WCC * WWR * V(dT)$$

Where	VWC(dT)	Volumetric Wastewater Charge, in dollars, covering the time period (dT) in question;
	WCC	Water Consumption Charge per cubic metre as provided in the Schedule A to By-Law 201X-XXX.
	WWR	Wastewater Rate as provided in Schedule A to By-Law 201X-XXX
	V(dT)	Total Volume, in cubic metres, released during the time period (dT) in question.