

# THE CORPORATION OF THE TOWN OF MIDLAND

## BY-LAW 2021-9

A By-law to establish rates for water and sewer services related to the operation of the systems and to repeal By-law 2019-84.

**WHEREAS** The Corporation of the Town of Midland has constructed and operates and maintains a water supply system, a water distribution system, a sewage collection system and a sewage treatment system;

**AND WHEREAS** Sections 9, 11 and Part XII of the *Municipal Act, 2001*, S.O. 2001 c. 25, (the Act) and the Regulations thereto enable a municipality to impose by By-law fees or charges on persons for the supply of water and the use of a sewage system;

**AND WHEREAS** Ontario Regulation 581/06 provides that fees or charges imposed for the supply of water and the use of a sewage system under the Act and added to the tax roll under Subsection 398(2) of the Act have priority lien status as described in Section 1 of the Act;

**AND WHEREAS** the Municipal Council of The Corporation of the Town of Midland deems it expedient to establish water and sewer rates and charges;

**AND WHEREAS** the Town of Midland has given notice and held a public meeting on February 17, 2021, in accordance with By-law 2009-20;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:**

### **A - Administration**

- A.1. The operation, servicing and administration of the water supply system, the water distribution system, the sewage collection system and the sewage treatment system shall be under the jurisdiction of the Water & Wastewater Department of the Town.
- A.2. The administration of waterworks and sewer works accounting, servicing and meter reading shall be under the jurisdiction of the Water & Wastewater Department of the Town but may be delegated to such other entities as Council may from time to time direct.

### **B - Water and Sewer Service Rates and Charges**

- B.1. Water supplied to premises in the Town, as indicated by the water meter, shall be charged for each respective property at the Consumption Charge Rate and a Base Monthly Charge Rate both as shown in Schedule 'A' to this By-law. Sewer service charges for all premises in the Town connected to the sewage collection system shall be based on the quantity of water supplied, as indicated by the water meter for each respective property and charged at the Sewer Discharge Rate and a Base Monthly Charge Rate as shown in Schedule 'A' to this By-law.

B.2. Users of the sewer system who do not purchase all water from the Corporation of the Town of Midland, but who discharge sewage into the sewer system shall, at their cost, install private devices or meters to measure and record in gallons or litres, sewage entering the sewer works of the Corporation. The design, components, installation and operation of such devices or meters shall be subject to the approval of the Manager, Water & Wastewater. Should commercial or industrial users not install such devices, the Town shall apply the sewage service rate to the volume of water indicated on the Water Use Permit as issued by the Ontario Ministry of the Environment and Climate Change, or where such properties are exempt from a Water Use Permit, the volume of water shall be calculated based on the area indicated in the property assessment records for the property serviced, as follows:

Industrial Zoned Property:	35,000 litres/ha/day
Commercial Zoned Property:	45,000 litres/ha/day

- B.3. Water meters may be read and accounts rendered monthly, quarterly or on any other basis determined appropriate by the Town. The Town may serve bills upon the customer, by delivery or mail, either at an address supplied by the customer, or bills shall be deemed to be served upon the said customer if they are delivered or sent by mail to the premises supplied with water.
- B.4. When the owner requests a temporary removal of the water meter from their premises, for any reason, the meter removal and reinstallation charge, as shown in Schedule 'B' of this By-law, will be applied to their account.
- B.5. The minimum base monthly charge for providing and maintaining water supply to any serviced premise is payable in accordance with Schedule 'A'.
- B.6. No person shall operate a curb stop. Only Town of Midland certified waterworks operator personnel shall operate a curb stop. A fee shall be paid by every person requesting a water service shut off and turn on, as set out in Schedule 'B' of this By-law.

### **C - Accepted Payment Options**

- C.1. Payments are payable to "The Corporation of the Town of Midland", 575 Dominion Avenue, Midland, ON, L4R 1R2 and must be received in the Finance Department at the Town Hall on or before the due date indicated on the utility invoice in order to avoid penalty and interest.
- C.2. The following payment methods are accepted for property taxes:
- (i) Payments may be received in person during regular business hours at the "TAX & PAYMENTS" counter at the Town Hall (575 Dominion Avenue, Midland) by cash, cheque and debit card;
  - (ii) Cheques may be dropped into the after-hours mailbox located outside the west entrance of Town Hall;
  - (iii) Cheques may be mailed; however, the cheques must be received in the Finance Department on or before the due date indicated on the utility invoice in order to avoid penalty and interest;
  - (iv) Payments may be made by telephone or internet banking. Taxpayers

wishing to pay in this manner need to be aware that currently the typical processing time for Canadian financial institutions to transfer a payment to the Town's account can be at least 3 business days. This means that payment made in this manner should incorporate enough lead time in advance of the due date to avoid penalties and interest.

- (v) Payments may be made in person at most Canadian financial institutions. As noted in (d) above, the typical processing time for Canadian financial institutions to transfer a payment to the Town's account is at least 3 business days. This means that sufficient payment processing time should be considered when making payments at financial institutions to ensure the payment is received in advance of the due date.

- C.3. The Town offers a Pre-Authorized Payment (PAP) Plans. PAPs are only available to those account holders who are not in arrears. A completed Pre- Authorized Payment (PAP) Agreement must be submitted and approved to begin the enrollment process.
- C.4. US cash will not be accepted. Payment tendered by cheque or bank draft in US funds will be accepted based on the exchange rate established by the Town's bank on the day of the deposit less a 5% charge for administration (ie: should the exchange rate for the day be 30%, the exchange rate offered to the taxpayer will be 25%).
- C.5. Payments that are returned by the bank marked "insufficient funds or non-sufficient funds" will be subject to an NSF fee as set out in the Town of Midland's by-law that establishes the comprehensive Town rates and fees schedule.
- C.6. An account holder enrolled in a PAP program who has had a payment returned by the bank will be automatically removed from the program. An account holder may re-enroll in the PAP program after keeping their tax account current for twelve months.

#### **D - Collection Methods**

- D.1. When an account is not paid by the due date on the bill, a late payment charge, shown in Schedule 'B' of this By-law, will be assessed to the account and an overdue notice will be sent by mail reminding the customer of the outstanding account.
- D.2. Fourteen (14) days after the overdue notice is mailed and, should the account remain unpaid, the Manager, Water & Wastewater or the Town's Director of Finance may deliver, or cause to be delivered, a Notice of Transfer to Taxes to the premises supplied or the address supplied by the customer, advising the customer that unless payment is received within 48 hours, that all unpaid amounts will be added to taxes and collected in like manner as taxes, as provided for under the Municipal Act.
- D.3. If a customer omits, neglects or refuses to pay any bill rendered, whether for water or sewer service, materials, service charges or any other monies to which the Town may be entitled in respect of the water and wastewater services to such premises, the Town may, at its discretion, shut off or reduce the flow of water to the premises and in addition to the amount owing and unpaid, a disconnection

charge as shown in Schedule 'B' of this By-law will be levied against the delinquent account. Such charges and amounts owing are a lien and charge upon the property and may be collected in like manner as taxes. Every owner of property, even though the owner is not the occupant of the property at the time a water or wastewater rate charge becomes payable in respect of the property under this By-law, is also liable to pay the rate until it is paid.

- D.4. Where it has been necessary to take administrative action as a result of non-payment, a Water Administrative Fee charge as shown in Schedule 'B' of this By-law will be levied against the delinquent account.

### **E - Fire Hydrants & Fire Protection Systems**

- E.1. Water supplied from fire hydrants shall be used for firefighting only. No other use of a Town's fire hydrant for water supply will be permitted.
- E.2. Any water supplied or made available for any land or building for purposes of protection of property or persons from fire or for preventing fires or the spreading of fires shall not be used for any other purpose.
- E.3. Property owners who own a private fire hydrant that does not have backflow prevention devices installed to the Town's Engineering Standards will be required to pay annually the Private Hydrant Annual Maintenance fee as listed in Schedule B.

### **F - Water Meters**

- F.1. All water used on premises within the Town of Midland, except water used for firefighting purposes, shall pass through a meter approved by the Town for use upon such premises, and in addition to whatever other remedies the Town may have by law in respect to infringement of this By-law, the Town may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water. The water used will be billed at an estimated volume plus a \$500 administrative penalty fee.
- F.2. The owner shall pay the base and monthly water service charge and waste water service charge shown in Schedule 'A' of this By-law, or such other flat rate charges as set out in Schedule 'B' in instances where the Town has determined that a water meter cannot be installed, and such surcharges as are set out in Schedule 'B' for customers who refuse to allow the Town to install a water meter or who refuse access to the water meter.
- F.3. Before taking Administrative Action for unpaid accounts, the Town shall:
- (i) send a reminder notice by personal service to unpaid accounts with accounts with at least a \$50.00 balance within 14 days of the due date giving 14 days to pay in full;
  - (ii) send Overdue Account notice by personal service to unpaid accounts with at least a \$50.00 balance and no arrangements made for payment, within 28 days of the account due date to pay in full or disconnection will occur without further notice;
  - (iii) deliver personal on-site notice if the current address of the owner is not

known, such notice to be posted on the land in a conspicuous place.

- F.4. Before restricting the supply of water for any other reason that the Town deems necessary, the Town shall:
- (i) by personal service or by registered mail, serve the owners and occupants of the property as shown on the last returned assessment roll of the municipality with a notice of the date upon which the Town intends to shut off or restrict the supply of water, if access to the property is not obtained before the date;
  - (ii) ensure that a copy of the notice described in clause (i) is securely attached to the property in a conspicuous place.
- F.5. Where the customer continually refuses to allow the Town to install or read a water meter, after four (4) notices, the Town may choose to install a metering pit at property line, said installation to be charged to the customer as set out in Schedule 'B' of this By-law.
- F.6. The Town shall not shut off or restrict the supply of water unless it has made reasonable efforts to get access to the property and has been unable to get access within fourteen (14) days after issuance of a Notice of Disconnect.
- F.7. If the Town has shut off or restricted the supply of water, the Town shall restore the supply of water as soon as practicable after obtaining access to the property.
- F.8. Where the municipality has established that a water meter has failed to register accurately, the municipality shall estimate the quantity of water consumed. The recorded consumption prior to such failure will be the basis of estimating quantities consumed during the failure.
- F.9. A customer may, upon written application to the Town, have the water meter at his or her premises tested for accuracy of registration. Every such application shall be accompanied by a deposit of the fee for testing water meters set out in Schedule 'B' of this By-law. All water meters shall be tested in accordance with American Water Works Association Standards and Procedures. If when tested, the meter is found to operate outside of applicable specifications, the Manager, Water & Wastewater will estimate or cause to be estimated, the applicable flow volume underage or excess and a refund or charge will be made to the customer as applicable. The time frame used for the calculation of the estimate shall be limited to the four (4) month period prior to testing. If the testing determines that the meter reads in excess of the actual flow volume, the customer's deposit for the test shall be refunded.
- F.10. Where the water meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the read-out device, the Town will consider the reading at the meter to be correct and will adjust and correct the customer's account accordingly.
- F.11. Where a discrepancy is acknowledged between the reading at the register of the water meter itself and the reading on the read-out device, as noted in Section F.10, or any other acknowledged discrepancy, the Town will adjust the customer's account to a maximum of 3 years from the date of discovery.

F.12. Where a new water meter is to be installed on an existing service for the purposes of new building construction, the Town will undertake an inspection of the existing private service pipe to ensure it is in compliance with the Town's standards. A service inspection fee shall be charged at the rate set out in Schedule 'B' of this By-law. If the pipe is found to be non-compliant, the customer will be required to upgrade the private service pipe at their expense. Refusal to upgrade the private service pipe could result in the Town refusing to install a new water meter.

### **G - Enforcement**

G.1. Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

### **H - Repeal of Existing By-law**

H.1. Town of Midland By-law Number 2019-47 is hereby repealed.

### **I - Effective Date**

1.1 . This by-law shall come into force and effect on the final passage thereof.

1.2. When more than one rate applies to one billing period, all consumption and basic monthly charges will be prorated, or considered as evenly spread over the number of days in the reading period, such that the appropriate applicable rates will be applied to the appropriate number of days in each portion of the billing period.

1.3 . The miscellaneous rates and charges set out in Schedule 'B' shall come into force and effect on March 1, 2020 and be charged for all miscellaneous charges incurred on or after that date.

**BY-LAW PASSED AND ENACTED THIS 17TH DAY OF MARCH 2021.**

**THE CORPORATION OF THE TOWN OF MIDLAND**

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**STEWART STRATHEARN - MAYOR**

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**KAREN DESROCHES - CLERK**

# Schedule "A" to By-law 2021-9 Water Rates

## 1.1 Water and Sewer Service Rates: Effective April 1, 2021

<b>1.1(a) BASE MONTHLY CHARGES : (based on size of water meter)</b>				
	<b>Base Monthly Charge</b>	<b>Base Monthly Charge</b>	<b>Base Monthly Charge</b>	<b>Base Monthly Charge</b>
<b>Meter Size</b>	<b>WATER(\$)</b>	<b>SEWER(\$)</b>	<b>WATER(\$)</b>	<b>SEWER(\$)</b>
	<b>01-Mar-20</b>	<b>01-Mar-20</b>	<b>01-Apr-21</b>	<b>01-Apr-21</b>
3/4"	\$11.60	\$13.47	\$12.18	\$14.01
1"	\$24.11	\$27.97	\$25.31	\$29.09
1 1/2"	\$53.01	\$61.50	\$55.66	\$63.96
<b>2"</b>	\$96.45	\$111.92	\$101.27	\$116.40
3"	\$204.90	\$237.78	\$215.15	\$247.29
<b>4"</b>	\$361.59	\$419.62	\$379.67	\$436.40
6"	\$482.17	\$559.52	\$587.50	\$581.90
8"	\$542.37	\$629.39	\$569.49	\$654.57
10"	\$602.65	\$699.36	\$632.78	\$727.33

<b>1.1(b) VOLUME CHARGE</b>				
	<b>Water Consumption</b>	<b>Sewage Discharge</b>	<b>Water Consumption</b>	<b>Sewage Discharge</b>
	<b>Rate per cubic metre(\$)</b>	<b>Rate per cubic metre (\$)</b>	<b>Rate per cubic metre(\$)</b>	<b>Rate per cubic metre (\$)</b>
	<b>2020</b>	<b>2020</b>	<b>2021</b>	<b>2021</b>
Standard rate	\$1.55	\$1.80	\$1.63	\$1.87

## Schedule "B" to By-law 2021-9 Water Miscellaneous

1	Late payment Charges	Charged at same rate as Tax Arrears
2	N.S.F. Cheques	Charged at same rate as Composite Fees By-law
3	Water Administrative Fee	\$75
	Duplicate Billing Request	\$15
	Minimum 1-hour call	\$110.00/hour
	Calls after hours minimum 3 hours	\$165/hour
4	To turn the water supply on or off to a private water service, at the curb box, other than a new service. Rates apply if service is completed within 3 hours.	
	Per call during regular hours	\$80 each
	Per call during non-regular hours	\$270 each
5	Water Meter accuracy check at Customers' request	
	Up to 1" (Up to 25mm)	\$100
	Over 1" (Over 25mm)	Time and materials
	Billing History Report	\$15
	Datalog Consumption Report	\$30
6	Water Meter	
	Supply Water Meter and essential components	Time and materials
	Install Water Meter	Time and materials
	Repair damaged Water Meter	Time and materials
	Removal of Water Meter	Time and materials
	Inspection Fee or New Meters (applicable to new meters requiring a building permit)	\$50
	Service Charge for Inspection call back or missed appointment	\$60/each callback
7	Temporary connection for building construction	
	Includes: Base fee	\$250 plus
	Refundable deposit	\$1000 plus
	Water Cost	At current rates
	Weekly Meter Rental Rate	\$50
8	Install of new services on Town property (Full Securities are to be provided by the homeowner/builder based on construction estimate prior to the work commencing)	Time and materials or actual cost if work completed by a private contractor
9	Tapping Fee for new services	\$250/each



## Schedule "B" to By-law 2021-xx Water Miscellaneous

10	Water Haulage/Filling Station	
	(a) up to 23 cubic meters	\$30
	(b) greater than 23 cubic meters	\$30 plus current consumption fee on all water supplied
11	Water Service Pipe Inspection Fee (applicable to new meters on existing service for new building construction)	\$50
12	Private Hydrant Annual Maintenance	\$175/hydrant
13	Sanitary Wastewater Lateral Video Inspection during regular hours	\$250 per visit
14	Root treatment of sanitary wastewater lateral	\$175 per treatment
	Blocked or Damaged Drains	
	Minimum 1-hour call	\$110/hour
	Calls after hours minimum 3 hours	\$165/hour
	Annual Sewer Surcharge Rates	
	Laboratory Costs after noted first exceedance	Actual Costs
	BOD5	\$1.11/kg
	Suspended Solids	\$1.03/kg
	TKN	\$1.28/kg
	Total Phosphorus	\$3.44/kg
15	Sanitary wastewater lateral/repair/replacement on Town property	\$1,500
16	Flat Rate Charge for non-metered or estimated read accounts:	
	(a) For single family residential unit, where the Town has determined a meter cannot be installed, a flat water rate based on current rates applied against an average level of household consumption	
	(b) Where the customer refuses to allow the Town to install or read a water meter, the charge specified in 16(a) plus a surcharge of \$50 per month	
	(c) Where the customer refuses to allow the Town to install or read a water meter, after four (4) notices, the Town may choose to install a metering pit at property line to be charged to the customer at time and materials charge	
17	Hauled Septage and Holding Tank Waste disposal shall be charged as follows:	
	(a) Sewer Service Rate for Hauled Septage	\$0.25/gallon minimum charge 1000 gallons per load
	(b) Sewer Service Rate for Hauled Portable Toilet Waste or Hauled Marine Holding Tank Waste	\$0.10/gallon minimum charge per load 1000 gallons
	(c) Administrative Fee for wastes (a), (b) and (c) originating from outside boundaries of the Town of Midland	\$30 per address