

- (b) Water consumption registered on the water meter shall be billed in accordance with current City water rates.
- (c) No monthly construction water rate shall apply provided the water meter remains installed, undamaged, sealed and functioning properly.
- (d) Payment for all construction water shall be due immediately following use.
- (e) The City shall shut off the supply of water to the property if the fees and charges for the construction water are not paid in full when due.
- (f) The City shall not be obligated to turn the water on until the time that the construction water charges have been paid in full.

23.04 **Shut-off and Turn-on by Request Fees:** The owner or occupier shall pay to the City, for any shut off or turn on of the water supply to a property, the amount specified in the Consolidated Fees By-Law.

23.05 **Water and Wastewater Service Charges:**

- (a) A special meter reading charge as identified in the Consolidated Fees By-Law shall be charged to an individual service account when a reading is required for billing purposes at a time other than during the normal billing cycle.
- (b) A new account fee charge shall be charged to an individual service account at the time that the new account is commenced as per the Consolidated Fees By-Law.
- (c) A duplicate bill fee shall be charged as identified in the Consolidated Fees By-Law when a request has been made to provide the account holder with an additional copy of the bill.
- (d) Where an account holder has submitted a post-dated cheque for payment, and has requested the cheque be returned, a fee will be charged for the retrieval and return of the payment as identified in the Consolidated Fees By-Law.
- (e) Where an account holder has erroneously made an electronic payment to an account which is no longer in their name, the first transfer to the correct account will be done upon request at no charge, but when there are subsequent errors of the same nature made a fee will be charged for transferring the payment as identified in the Consolidated Fees By-Law.
- (f) An administration fee will be charged to accounts when the outstanding balance on the water/wastewater account is transferred to the municipal property tax account for the subject property for collection purposes.
- (g) Where a statement of activity on an account has been requested, a fee shall be charged as identified in the Consolidated Fees By-Law.
- (h) Where an invoice or notice is sent by registered mail a fee shall be charged and added to the service account as identified in the Consolidated Fees By-Law.
- (i) Where a duplicate receipt is requested for a service account, a fee will be charged for each year requested, as identified in the Consolidated Fees By-Law.
- (j) Where a payment has been returned to the City by a financial institution for any reason other than account holder deceased, a

returned payment fee will be charged, as identified in the Consolidated Fees By-Law.

- (k) Where a notice is hand delivered to a property in a collection effort, a fee shall be charged and added to the service account as identified in the Consolidated Fees By-Law.
- (l) Where a utility certificate is requested to provide the financial status of an account, a fee will be charged for the certificate as outlined in the Consolidated Fees By-Law.
- (m) Where a final notice is required in respect of collection of delinquent accounts, a fee will be charged to the service account, as outlined in the Consolidated Fees By-Law.
- (n) Only one water meter per water service shall be supplied for billing purposes.
- (o) Where a service has been disconnected for failure to pay an outstanding amount or a provision of this By-law has not been complied with, a fee shall be charged, as identified in the Consolidated Fees By-Law.
- (p) Where a service has been disconnected as identified in 23.05 (o) and is to be reconnected a fee will be charged as set out in the Consolidated Fees By-Law.
- (q) The owner or occupier of each separately assessed parcel of land that is connected to a watermain and in which a water meter has been installed shall pay a consumption rate as set forth in Schedule "A" of this By-law. This charge shall commence upon the installation of the meter by the City at the property.
- (r) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the City shall pay a fixed rate charge for water as set forth in Schedule "A" of this By-Law, commencing upon installation of the meter by the City at the property.
- (s) The owner or occupier of each separately assessed parcel of land that fronts a watermain and is subject to the requirements of By-Law 2014-255 "Mandatory Connection By-Law" shall pay a fixed rate charge for water as set forth in Schedule "A" of this By-Law, commencing three (3) months following written notification of commencement of fees.
- (t) The owner or occupier of each separately assessed parcel of land that is connected to the sanitary sewer system shall pay a sewer consumption rate based upon water consumption shown through the water meter as set out in Schedule "A" of this By-Law.
- (u) The owner or occupier of each separately assessed parcel of land that has been issued a water meter by the City and will be connecting to the sanitary sewer system shall pay a fixed rate charge for sewer usage as set forth in Schedule "A" of this By-Law, commencing upon issuance of the meter by the City.
- (v) The owner or occupier of each separately assessed parcel of land that fronts a sanitary sewer main and is subject to the requirements of By-Law 2014-255 "Mandatory Connection By-Law" shall pay a fixed rate charge for sewer as set forth in Schedule "A" of this By-Law, commencing three (3) months following written notification of commencement of fees.
- (w) The owner or occupier of each separately assessed parcel of land that is connected to a watermain where a water meter has not been

installed shall pay a calculated water flat rate as set out in Schedule "A" of this By-Law.

- (x) The owner or occupier of each separately assessed parcel of land that is connected to the sewer system, and where the water consumption is not measured through a water meter, shall pay a calculated sewer flat rate for sewer charges as set out in Schedule "A" of this By-Law.
- (y) The owner or occupier of each separately assessed parcel of land who receives sewage service but not receive water supply service from the City, shall pay a calculated sewer flat rate as set forth in Schedule "A" to this By-Law.
- (z) The rates set out in Schedule "A" of this By-Law are effective upon passage of this By-law and may be amended from time to time.
- (aa) Where customers are invoiced for more than one flat rate charge per unit, these charges are based upon historical calculations undertaken prior to amalgamation, and will continue until repealed.

23.06 Billing and Payment Requirements:

- (a) The City's Revenue and Taxation Division shall invoice residents on a quarterly basis, or at an alternate frequency as approved by Council, except where otherwise indicated in this By-Law.
- (b) Where necessary, quarterly invoices may be based upon estimates until the next reading may be obtained from the property.
- (c) In the case of payments received by mail, the date the payment is received shall be taken as the date of payment.
- (d) In the event the Treasurer determines that:
 - i. A meter is defective;
 - ii. A meter is not registering the correct amount of water used;
 - iii. The water meter reading has been incorrectly recorded;
 - iv. The person authorized to do so has been unable to obtain a water meter reading;
 - v. No water meter reading has been remitted to the City by the occupant or owner when requested to do so;
 - vi. A meter is unsealed or has an unsealed by-pass valve;
 - vii. A meter has not been installed; or
 - viii. The City implements an estimated reading program.

The Treasurer shall be entitled to estimate the water consumption at a property based on either the average consumption as shown by subsequent readings from a properly functioning meter accurately registering the water consumed at the property, or based on historical average consumption for the same or similar premises or use as shown by an accurately registering meter at such premises during a similar time period and invoice the owner or occupier accordingly for both water and wastewater use.

- (e) Under special circumstances where it is, in the opinion of the Director of Public Works, expedient to allow or direct an owner or occupier to run water continuously, the Director may authorize such usage and in such cases the City shall adjust the water invoice to conform to the owner or occupier's normal pattern of water usage. This does not include water usage under the Freeze Prevention Program.

- (f) The City has the right to estimate consumption based upon use and water service size during provision of unmetered temporary water service.
- (g) Partial payments on sewer and water accounts that are in arrears shall be applied in each instance to the arrears longest outstanding.
- (h) Notwithstanding any water that may be lost or not consumed at a property as a result of a break, malfunction or leak in a private water system, the owner or occupier shall be liable for the payment of all water fees in relation to any such water.
- (i) In the event that a property has more than one owner or occupier, each owner or occupier shall be jointly and severally liable for payment of the utility account.
- (j) Where a deposit of a tenant has been received by the City, it shall be considered a guarantee that the tenant will observe and obey the rules and regulations of this By-Law and will pay any amounts due to the City.
- (k) Where a tenant has been responsible for the payment of water and wastewater rates, upon vacating the premises, immediate notification shall be given by the owner to the City. Upon receipt of such notice, the meter will be read and the tenant deposit, where applicable, less the amount of the water and/or wastewater account, shall be returned by the City by mail to the tenant.
- (l) Where an amount remains owing on a tenant's account after the application of the deposit, and the final invoice remains unpaid for a period exceeding thirty (30) days, the property owner will be advised of the balance owing, and a request for payment will be made.
- (m) If the balance on a tenant's account remains outstanding for over sixty (60) days, the amount will be transferred to the property taxes for the property where the water and/or wastewater services were provided and collected in the same manner as taxes.
- (n) An administration fee will be added to the water and/or wastewater account prior to an outstanding amount being transferred to the municipal property taxes for the subject property, for collection as identified in the Consolidated Fees By-Law.
- (o) All water and wastewater rates and other charges shall be a lien and charge upon the land of the owner, whether consumed by the owner of the land, or a tenant of the land.

23.07 **Late Payment Charges:** All fees and charges, including water and wastewater service rates, which are in arrears, levied under this section and which are added to the water accounts, shall be subject to a late payment charge, as identified in the Consolidated Fees By-Law.

Section 24.00: High Water Bill Adjustment Appeals Committee

24.01 **High Water Bill Adjustment Appeals Committee:** A High Water Bill Adjustment Appeals Committee is established to hear and rule on appeals against High Water Bill Adjustment decisions.

24.02 **Authority:** The High Water Bill Adjustment Appeals Committee may recommend to Council approval of high water bill adjustments without prejudice or precedent to any other similar matter.

- 24.03 **Composition and Appointment:** The High Water Bill Adjustment Appeals Committee shall be comprised of three members of Council appointment by Council.
- 24.04 **Term:** The Term of the Appointment of the High Water Bill Adjustment Appeals Committee shall be the same as the term of Council.
- 24.05 **Administration:** The High Water Bill Adjustment Appeals Committee shall ensure that a member of City staff is assigned the role of secretary to the Committee with duties and obligations required in accordance with the Municipal Act.
- 24.06 **Governance:** The High Water Bill Adjustment Committee shall be governed by the City's Procedural Water and Wastewater By-Law as amended from time to time by Council.

Section 25.00: General Provisions

25.01 Access:

- (a) No person shall deny access to the City to a property for any purpose as provided for in this By-Law.
- (b) No person shall deny access to the City to a property where that person has been given reasonable notice by the City, as the case may be, of the intent to exercise a power of entry in accordance with the *Municipal Act, 2001*.
- (c) The City may, in accordance with the requirements of this By-Law, enter upon a property to which water is supplied and wastewater collected by the City:
 - i. To inspect, repair, alter or disconnect the service pipes or wire, machinery, equipment and other works used to supply water and collect wastewater;
 - ii. To read, inspect, install, repair, replace, maintain or alter a water meter;
 - iii. To inspect a backflow prevention device;
 - iv. To determine whether water has been, or is being, unlawfully used; or
 - v. To shut off or reduce the supply of water.
- (d) If an owner or occupier discontinues the use of water at a property or the City lawfully decides to cease supplying water to land or property, the City may enter on the land or property:
 - vi. To shut off the supply of water;
 - vii. To remove any property of the City from the property; or
 - viii. To determine whether water has been, or is being unlawfully used.
- (e) The powers of entry of the City are subject to section 435 to 439, inclusive, of the *Municipal Act, 2001*.

25.02 Inspection:

- (a) Notwithstanding any other provision in this By-Law, an employee, officer or agent of the municipality may enter on a property at any reasonable time for the purpose of carrying out an inspection to

determine compliance with this By-Law or an order or direction issued in accordance with this By-Law.

- (b) For the purposes of any inspection, the City may:
- i. Require the production for inspection of documents or things relevant to the inspection;
 - ii. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - iii. Require information from any person concerning a matter related to the inspection; and
 - iv. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (c) No person shall fail or refuse to comply with a request by the City to produce for inspection any document or thing or information relevant to the inspection carried out by the City in accordance with Section 25.02.

25.03 The City may enter upon lands for the purposes of an inspection and the other activities set out in subsection 25.02 (a) or (b) under an order issued under section 438 of the *Municipal Act, 2001*.

- (a) Where a provincial court judge or justice of the peace has issued an order authorizing the City to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this section, no person, when requested to do so by the respective Director, shall neglect or refuse to produce or deliver any information or documents or things required by this By-Law.

25.04 Obstruction:

- (a) No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not.
- (b) No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the Director(s) or Treasurer or their respective designate or any City personnel, agents or contractors in the exercise of an activity, power or performance of a duty under this By-Law or the administration or enforcement of this By-Law.
- (c) The activities of the Director(s) or Treasurer or their respective designate or any City personnel, agents or contractors referred to in subsection 25.04 (b) may include, without limitation, the following:
- i. Entering in or upon, at any reasonable time without a warrant, any land, property or premises, except premises being used as a dwelling house in which case reasonable notice shall be provided under this By-Law and the *Municipal Act, 2001*; or
 - ii. Making such tests or taking such samples as the City deems necessary; or
 - iii. Inspecting or observing any plant, machinery, equipment, work activity or documents; or
 - iv. Reading, repairing, maintaining, altering, disconnecting, removing, replacing, installing or sealing a water meter, remote

readout unit, backflow prevention device or any related item or any or all of the foregoing.

25.05 Protection from Damage:

- (a) No person shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:
 - i. Any part of the water and/or sewage works; or any seal placed thereon, or attached thereto, or
 - ii. Any permanent or temporary device installed in or on the water and/or sewage works for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the City may deem necessary for the administration of this By-Law or the operation or maintenance of the water and/or sewage works.

25.06 Damage to the Waterworks: any owner or person receiving water from the waterworks shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-Law and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the waterworks or to properly protect water from contamination or any other damage including the cost of investigation, disinfection, repairing or replacing any part of any waterworks damaged or water contaminated thereby.

25.07 Damage to the Sewage Works: any owner or person conveying wastewater to the sewage works shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this By-Law and By-law 2016-006 "Establish Management and Use of Sewer Works", as amended, and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the sewage works.

25.08 Unauthorized Entry to Water and Sewage Works: Unless specifically authorized by the Director, no person shall enter into any chamber, structure, building or property associated with the water and/or sewage works.

25.09 Offences:

- (a) Every person who contravenes any provision of this By-Law, and every director or officer of a corporation, who knowingly concurs in a contravention by the corporation of any provision of this By-Law is guilty of an offence.
- (b) Any fine imposed under Section 26.00 shall be payable in addition to any fees and charges payable under this By-Law.
- (c) Every person who:
 - i. Willfully hinders or interrupts, or causes or procures to hinder or interrupt the City, or any of its officers, agents or servants, in the exercise of any of the powers conferred by this By-Law; or

- ii. Willfully or negligently lets off or discharges water so that it runs waste or useless out of the waterworks system; or
- iii. Every person found operating or tampering with a shut-off valve in any way may be prosecuted as provided for by this By-Law.
- iv. Without lawful authority willfully opens or closes any hydrant, or obstructs the free access to any hydrant, shutoff valve, chamber, pipe, or hydrant chamber, by placing on it any building material rubbish, or other obstruction; or
- v. Throws or deposits any injurious, or offensive matter into the water or waterworks, or upon ice, if the water is frozen, or in any way fouls the water or commits any willful damage or injury to the waterworks, pipes or water, or encourages the same to be done; or
- vi. Willfully alters any meter placed upon any service pipe or connection therewith, within or upon any building or other place, so as to lessen or alter the amount of water registered; or
- vii. Lays, or causes to be laid, any pipe or main to communicate with any pipe or main of the waterworks, or in any ways obtains or uses the water without the consent of the City; or
- viii. Being a tenant, occupier or inmate of any house, building or other place supplied with water from the waterworks; improperly wastes the water or without the consent of the City, lends, sells or disposes of the water, gives away, or permits it to be taken or carried away, used or applied to the use or benefit of another, or to any use and benefit other than his own or increases the supply of the water agreed for;

Is guilty of an offense, under this By-Law.

- (d) Every owner or occupier who willfully or knowingly impairs or alters a meter, or knowingly causes the same to be altered or impaired, so that the meter indicates less than the amount of water through it, shall be liable to pay the City double the value of the water indicated as having passed through the meter and in cases of non-payment of such expenses and charges, the water supply may be shut off by the City and not turned on again until all such expenses and charges are paid in full to the City and this, without prejudice, to the right of the City to bring action against such person to recover such expenses and charges in any court having competent jurisdiction.
- (e) This By-Law may be enforced by Municipal Law Enforcement Officer, the Treasurer, the Director of Public Works and the Director Engineering and Corporate Assets.

Section 26.00: Enforcement, Offence and Penalties

- 26.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer or any person appointed by Council.
- 26.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended and to any other applicable penalty.

- 26.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25 as amended.
- 26.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O.2001, c.25, as amended.
- 26.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

Section 27.00: General Enforcement Powers

- 27.01 **Restraining Order:** If this By-Law is contravened, in addition to any other remedy or penalty imposed by this By-Law, the contravention may be restrained by application by the City under the provisions of section 440 of the *Municipal Act, 2001*.

27.02 Order to Discontinue Activity:

- (a) Under the provisions of section 444 of the *Municipal Act, 2001*, the Director(s) or Treasurer may order any person who has contravened this By-Law or who has caused or permitted the contravention of this By-Law or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
- (b) Any person who contravenes an order under subsection 27.03 (a) is guilty of an offence.

27.03 Work Order:

- (a) Under the provisions of section 445 of the *Municipal Act, 2001*, the Director(s) or Treasurer may order any person who has contravened this By-Law or who has caused or permitted the contravention of this By-Law or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.
- (b) Any person who contravenes an order under subsection 27.03 (a) is guilty of an offence.

27.04 Remedial Action:

- (a) In accordance with section 446 of the *Municipal Act, 2001*, where any matter or thing is required to be done under this By-Law, in default of it being done by the person directed or required to do so, that matter or thing may be done by the City which shall be at that person's expense and the City may recover the costs incurred for doing such matter or thing from the person directed or required to do it by adding the costs

to the tax roll and collecting them in the same manner as municipal property taxes.

- (b) For the purposes of subsection 27.04 (a), the Director(s) or Treasurer may enter upon the subject property at any reasonable time.

27.05 Document Retention: The owner shall retain any document to be produced for inspection or approval or retained under this By-Law by an owner of a property for a period of seven (7) years.

27.06 Notice:

- (a) Where an order is issued by the Director(s) or Treasurer, the person to whom the order is made shall be deemed to have received the order on the date it is posted in a conspicuous place at the subject property or delivered in person or three days after being posted by first class prepaid mail to the person at the last known address provided to the Director(s) or Treasurer, or where no address for the person has been provided, by first class prepaid mail to the address for the person identified on the tax rolls.
- (b) The manner of delivery, set out in subsection 27.06 (a), shall be in the discretion of the Director(s).

Section 28.00: Contact Information

28.01 For administering or enforcing the requirements under this By-Law or any other applicable By-Law or By-Law of the City, the City may require an owner of a property provided with a service connection or equipped with a water meter, or an owner of a property where a water meter is to be installed, to provide them with:

- (a) That owner's full name, mailing address and telephone number;
- (b) The full name, mailing address and telephone number of any occupiers of the property; and
- (c) The full name, mailing address and telephone number of a person authorized by the owner to provide the City with access to the water meter or the location where a water meter is to be installed.

28.02 Every owner shall provide the Treasurer with a current contact name and telephone number within twenty-eight (28) days of a change in ownership or occupancy of a property.

Section 28.00: Administration and Effective Date

28.01 Administration of the By-law: The Director of Public Works, Director of Engineering and Corporate Assets and Treasurer is responsible for the administration of this by-law.

28.02 The Treasurer's authority in relation to this By-law is delegated to the Manager of Revenue and Taxation.

28.03 The Director of Public Works' authority in relation to this By-law is delegated to the Manager of Environmental Services and/or the Supervisor of Water and Wastewater Operations.

28.04 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 6th day of March, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule “B” – Rates/Fees for Septage Disposal as per “A By-Law to Govern Septage Disposal at City of Kawartha Lakes Sewage Works

Standard Septage Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$49.76	\$55.03	\$60.85	\$67.29	\$74.41
Rate per m ³	\$10.94	\$12.09	\$13.37	\$14.79	\$16.35

Holding Tank Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$20.66	\$28.47	\$39.21	\$54.02	\$74.41
Rate per m ³	\$4.54	\$6.26	\$8.62	\$11.87	\$16.35

Abattoir Waste

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$20.66	\$28.47	\$39.21	\$54.02	\$74.41
Rate per m ³	\$4.54	\$6.26	\$8.62	\$11.87	\$16.35

Leachate

	2015	2016	2017	2018	2019
Rate per 1000 gal	\$6.31	\$6.46	\$6.62	\$6.79	\$6.96
Rate per m ³	\$1.39	\$1.42	\$1.46	\$1.49	\$1.53

- **Registration Fee of \$50.00 for all owners/haulers.**
- **Administration Fee for Septage Hauled from Outside Municipal Boundaries – Flat rate of \$7.00 per tonne.**
- **Environmental Compliance Charge – Flat rate of \$100 per load for Abattoir Waste.**