

# Corporation of the City of Clarence-Rockland

## By-law 2024-117

Being a By-Law to regulate the use of water and sewer.

Whereas section 81 of the Municipal Act, 2001 S.O. 2001, c, 25, provides that a municipality may shut off the supply of a public utility to lands, if fees or charges associated therewith are overdue;

Therefore, the Council of the City of Clarence-Rockland enacts as follows:

### 1. Definitions

*Fees:* wherever the word fees is used it shall include fees and charges.

*Charges:* wherever the word charges is used it shall include fees and charges.

### 2. Duties of the Director of Operations

The supply and distribution of water in the municipality shall be supervised and administered by the Director of Operations who shall, under the direction of the Chief Administrative Officer, perform the following duties:

- 1) have charge of all water works systems of the Municipality and be responsible for their operation, maintenance, repair and extension;
- 2) should any emergency condition arise in the water works which shall imperil the water supply, or its distribution:
  - a) take all remedial measures as may be necessary or proper, which may include limiting or stopping the supply of water in any area or restricting the use for any specific purpose;
  - b) expend such money and employ such persons as may be necessary to restore the water supply to normal conditions;
  - c) report to the Chief Administrative Officer as soon as practical after such measures have been taken;
- 3) such other duties as may from time to time be assigned by the Chief Administrative Officer or by the Council.

### 3. Duties of the Treasurer

The Treasurer of the Municipality, or those properly delegated by him/her shall perform the following duties:

- 1) read meters, invoice and collect water and sewage charges, and all other fees;
- 2) direct the collection of water and sewage charges, and all fees;
- 3) issue water certificates in conjunction with a final reading of the water meter and a final bill to the owner of the property when a written request has been received. The Tax Analyst/Collector may sign certificates on behalf of the Treasurer/Delegate before they are issued.

### 4. Water and sewage charges

- 1) Water charges are hereby imposed upon the owners of lands supplied with water service in accordance with the provisions of Schedule "P" of the Clarence-Rockland User Fee By-law, as amended from time to time.
- 2) Sewer charges are hereby imposed upon the owners of lands supplied with sewer service in accordance with the provisions of Schedule "Q" of the Clarence-Rockland User Fee By-law, as amended from time to time.

### 5. Estimated consumption

- 1) Where for any reason the consumption of water in a property has not been recorded or where in the opinion of the Treasurer the consumption of water has been wrongly recorded, the Treasurer shall estimate the quantity of water consumed and the owner shall be liable to pay the meter charge applicable to the consumption on the basis of such estimate.
- 2) Where because of frost penetration on the street it may be expedient to allow the consumer to run water at a continuous rate to prevent freezing the service pipe, the Treasurer shall estimate the quantity of water and shall authorize such usage and shall adjust the billing to conform with normal consumption for the property.

## 6. Payment and default

- 1) The consumption charges and annual flat charges shall be billed together on a quarterly basis. Invoices shall be mailed to owners no later than twenty-one (21) days before the last day of January, April, July and October, and are payable no later than the last days of these months.
- 2) Overdue accounts shall incur 1.5% interest per month, calculated on the first day of each month.
- 3) A first notice of arrears shall be delivered by prepaid mail ten (10) days after the due date of the water and sewer bill.
- 4) Partial payments on accounts which are in arrears shall be applied in each instance to the arrears longest outstanding.
- 5) A second notice shall be sent by prepaid mail by the fifth business day of the month following the issuance of the first notice of arrears stating that the amount due will be transferred to tax if not paid within 15 days.
- 6) Water and sewer accounts which are not paid on time shall be deemed to be in arrears and will be added to the tax roll, in lieu of service shut off, for the property to which water and sewer service was supplied and collected in the same manner as municipal taxes, pursuant to section 398(2) of the *Municipal Act, 2001*. Transfer fees are added to each account as set out in the User Fee By-law.

## 7. Water and sewer charges and other charges a lien

- 1) All water and sewer service charges and other related charges shall be a debt of the person to the municipality, pursuant to Section 398 (1) of the Municipal Act, 2001.

## 8. Water meters

- 1) All owners of property connected to the Municipality's water distribution system shall install a water meter, a back flow preventer and related appurtenances as part of said owners' obligation to make connection to the water distribution system.
- 2) All water meters shall be purchased at the issuance of the building permit.

- 3) The owner of the premises on which the water meter is to be located, shall, prior to the City opening the water to the property:
  - a) provide a suitable place, acceptable to the City, for the installation of the meter;
  - b) have the Public services external clerk inspect and seal the meter.
- 4) The owner or occupant of the premises on which the water meter is to be located shall be responsible for:
  - a) the protection of the meter;
  - b) providing at all times easy access to the meter to any person authorized by the City for the purposes of meter reading, sealing, checking, repairing, installation and removal.
- 5) Should an owner of property required to install a meter fail to do so within thirty (30) days of receipt of notice from the Municipality requiring the owner to do so, the Municipality may enter upon the property and install the meter, a back flow preventer and appurtenances at the sole expense of the owner, and the Municipality may collect the costs in doing so by action in or in like manner as municipal taxes.
- 6) Property owners may request to have water meters tested should they not agree with readings. Testing fees, as set out in Schedule "P" of the User Fee By-law, as amended, are added to the water account of the property should the meter be deemed to be functioning properly. If the meter is not functioning properly, the owner is not charged the testing fee.

## 9. Offences and penalties

- 1) No person shall:
  - a) fail to install a water meter as required under the provisions of this By-law;
  - b) make, allow or permit any connection or connections from a private water system, well or any other form of water supply whatsoever to a building serviced by the municipal works system;

- c) fail to provide a suitable place to install a meter;
  - d) fail to protect a meter;
  - e) fail to provide easy access to the meter;
  - f) willfully hinder or obstruct any Public services external clerk or municipal law enforcement officer in the exercise of his duties;
  - g) willfully open or close any hydrant without any written approval from the Director of Operations;
  - h) obstruct free access to any fire hydrant;
  - i) allow or permit to throw or deposit any substance or material or offensive matters into the water or water works;
  - j) tamper with or willfully damage any pipes;
  - k) allow or permit the alteration of any meter placed upon any service pipe;
  - l) allow or permit water to be obtained from the utility without paying the prescribed fees;
  - m) allow or permit any curb stop valve at the property line to be opened or closed without any written approval of the public services external clerk.
  - n) Allow or permit any water main valves to be opened or closed without any written approval from the Director of Operations.
- 2) The City of Clarence-Rockland may turn off or restrict the supply of water to a building or land where any or all of the provisions of this By-law have been violated. The supply of water shall not be turned on again or restored to normal until the cause of the shutting off or restriction has been removed or remedied and a service charge as set forth in Schedules "P" of the User Fee By-Law, as amended, has been paid.
- 3) The City of Clarence-Rockland may, at the request of the owners or occupants, turn on/off or restrict the supply of water to a building or lands subject to a service charge as set forth in Schedules "P" of the User Fee By-law, as amended.

- 4) Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction shall forfeit and pay a penalty as provided for in the Provincial Offences Act, 1990, R.S.O., Chapter P.33 and amendments thereto.
- 5) Notwithstanding subsection 3), where a corporation is convicted of an offence under this By-law, a minimum penalty of a \$1,000.00 shall be imposed for the first offence and not more than the maximum penalty provided for in the Provincial Offences Act, 1990, R.S.O., Chapter P .33 for the second or subsequent offences.

## 10. Enforcement

The provisions of this By-law shall be enforced by the public services external clerk or the municipal law enforcement officer.

## 11. Order prohibiting

When a person has been convicted of an offence under the provisions of this By-law, any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act by a person convicted directed towards the continuation or repetition of the offence.

## 12. Severability

It is declared that if any section or subsection or part or parts thereof be declared by any competent Court of Law to be illegal shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

## 13. Repeal

By-law number 2023-96 is hereby repealed.

Read, passed and adopted in open council this 11th day of December 2024.

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Mario Zanth, Mayor

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Monique Ouellet, Clerk