

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

BY-LAW 2017-012

A By-law to regulate Municipal Wastewater Systems including connection fees and to establish Wastewater Service Rates for owners or occupants of land within the Wastewater System Service Areas and to repeal and replace By-law 2016-004

(Wastewater Regulation & Rate By-law)

WHEREAS under Section 11 (1) of the *Municipal Act, 2001*, S.O 2001, Ch. 25 herein referred to as the "Act", establishes that the Township of Springwater as a lower tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS under Section 11(3) provides that a municipality may pass by-laws to regulate matters within its sphere of jurisdiction; and

WHEREAS Section 87 of the Act provides that a municipality may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system of the municipality or into any other sewage system the contents of which ultimately empty into the municipal sewage system and may conduct tests and take samples for this purpose; and

WHEREAS Hemson Consulting presented the Water and Wastewater Rate Study at a meeting held October 7, 2013; and

WHEREAS the subject of Water and Wastewater Rates were deliberated at meetings open to the public on November 16, 2016, December 6 & 7, 2016; and

WHEREAS the Water and Wastewater Rate was reported in the consolidated 2017 budget as presented at a meeting open to the public on November 16, 2016; and

WHEREAS notice of the proposed Water and Wastewater rate increases was provided in a Staff Report on November 16, 2016; and

WHEREAS Section 391(1) of the Act provides that a municipality may pass by-laws imposing fees or charges on any class of persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- (c) for the use of its property including property under its control; and

WHEREAS Section 391(2) of the Act provides that a fee or charge imposed under Subsection 391(1) for capital costs related to sewage or water services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time; and

WHEREAS Section 398 (1) of the Act provides that fees and charges imposed by a municipality or local board on a person constitute a debt of the person to the municipality or local board, respectively; and

WHEREAS Section 398 (2) of the Act, provides the Treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges.

WHEREAS the Council of The Corporation of the Township of Springwater deems it desirable and necessary to pass a by-law imposing a Sewage Service Rate upon owners or occupants of land who use Municipal Sewer Systems and to repeal and repeal and replace By-law 2016-004;

NOW THEREFORE the Council of The Corporation of the Township of Springwater enacts as follows:

1. DEFINITIONS

For the purpose of this by-law,

- 1.1 "**Commercial Building**" shall mean all commercial, industrial or institutional buildings and includes any residential units within a Commercial Building serviced by the same meter;
- 1.2 "**Council**" shall mean the Council of The Corporation of the Township of Springwater;
- 1.3 "**Director of Finance**" shall mean the Treasurer of The Corporation of the Township of Springwater or designate;
- 1.4 "**Director of Fire and Emergency Services**" shall mean a person appointed by Council under the *Fire Protection and Prevention Act* or designate;
- 1.5 "**Director of Public Works**" shall mean the Director of Public Works of the

Township of Springwater, or designate or such other person or agency as may be appointed by Council from time to time for the purposes of overseeing the Municipal Sewer Systems;

- 1.6 **"Municipal Sewage System"** shall mean the Sewage Works constructed in the former Village of Elmvale and any extensions thereto in the former Township of Flos, the Snow Valley Sewage Service Area and the Centre Vespra Sewage Service Area and shall also include any extensions to the Sewage Works constructed under any by-law or Agreement of the Township or its predecessors, but shall not include any private sewage works which have not been acquired, established, maintained or operated by the Township or its predecessors;
- 1.7 **"Multi-Residential"** shall mean residential buildings with four (4) or more units where such units are serviced by a single meter;
- 1.8 **"Owner"** shall mean the assessed owner(s) as identified on the Assessment Roll for Taxation purposes, as amended;
- 1.9 **"Person"** shall mean an individual human being, his/her personal agent, heir, successors and assigns and shall include a corporation with or without share capital;
- 1.10 **"Residential Building"** shall include residential buildings comprised of three (3) or less units and includes any residential unit in a Multi-Residential or Commercial Building serviced by a separate meter;
- 1.11 **"Sewage Service Area"** shall mean the area within the Township of Springwater serviced by the Elmvale, the Snow Valley Sewage System and the Centre Vespra Sewage System;;
- 1.12 **"Sewage Works"** shall mean any works for the collection, transmission, treatment and disposal of sewage, or any part of any such works, but does not include plumbing or other works to which the *Ontario Building Code Act* or its regulations apply;
- 1.13 **"Sewer Rate"** means a charge for the capital cost of Sewage Works constructed under the provisions of any by-law or agreement.
- 1.14 **"Sewer Service Rates"** means a charge imposed by by-law upon all owners or occupants of property connected to the Municipal Sewage System to pay for the operation, repair or maintenance of the sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for any such purpose;
- 1.15 **"Township"** shall mean The Corporation of the Township of Springwater;
- 1.16 **"Unit"** shall mean an assessed or assessable unit within a Multi-Residential, Commercial or Residential Building, and shall include an apartment located

within a single family dwelling.

2. GENERAL PROVISIONS

- 2.1 This By-law shall apply to the Municipal Sewage System located within the Township of Springwater as defined in this By-law.
- 2.2 No person shall lay, or cause to be laid, any pipe or sewer main to communicate with any pipe or sewer main of the Municipal Sewage System, or in any way use the Municipal Sewage System without the written permission of the Director of Public Works.
- 2.3 Any extensions or connections to the Municipal Sewage System shall be constructed in accordance with the Township of Springwater Engineering Standards.
- 2.4 All pipes, valves, fittings and other equipment between the municipal sewer main and the property line shall remain the property of the Township.
- 2.5 All pipes, valves, fittings and other equipment between the property line and a building shall remain the property of the owner. The owner shall be responsible for the satisfactory operation, cleaning, repairing, replacement and maintenance of the connection from the property line to the buildings.
- 2.6 A backflow preventer or check valve shall be installed on all connections to a sewer lateral and such valve shall be accessible.
- 2.7 The Township does not guarantee the continuous operation of the Municipal Sewage System. Failure of the Municipal Sewage System shall not be construed as neglect on the part of the Township, its officers or employees.
- 2.8 The Director of Public Works shall be responsible for the operation and maintenance of the Municipal Sewage System.
- 2.9 In accordance with Section 449 of the *Municipal Act*, S.O. 2001 as amended, no proceeding based on nuisance, in connection with the escape of sewage from sewage works, shall be commenced against, the Township, a member of a municipal council or of a local board; or an officer, employee or agent of a municipality.

3. REQUIREMENTS FOR CONNECTION TO THE MUNICIPAL SEWAGE SYSTEM

- 3.1 Every building located within the former Village of Elmvale and existing at the time of the passage of By-law 97-137 which is not connected to the Municipal Sewage System may connect to the Municipal Sewage System,

subject to the granting of sewer allocation for capacity at the Elmvale Sewage Treatment Plant.

- 3.2 All new buildings located within the Snow Valley and/or Centre Vespra service areas shall connect to the Municipal Sewage System.
- 3.3 In the event that an owner of a building described in Section 3.1 or 3.2 above makes a request to connect to the Municipal Sewage System, an application for connection shall be filed with the Director of Public Works and shall be accompanied by the Connection Fee as set out in Schedule A attached hereto and forming part of this By-law.
- 3.4 Every new building constructed on property located within the former Village of Elmvale, the Snow Valley service area or the Centre Vespra service area shall be connected to the Municipal Sewage System, subject to the following:
 - 3.4.1 An application for connection to the Municipal Sewage System shall be filed with the Director of Public Works prior to the issuance of a building permit; and
 - 3.4.2 An application shall be accompanied by the Connection Fee as set out in Schedule A attached hereto and forming part of this By-law; and
 - 3.4.3 In addition to the Connection Fee, the owner shall be responsible for the cost of the service connection from the Sewage Works to the property line, where applicable. An estimate of this cost shall be provided by the Director of Public Works at the time of application and the owner shall deposit said amount with the Township prior to issuance of the connection permit; and
 - 3.4.4 In the event that the actual cost exceeds the deposit, the owner shall be invoiced for the difference. If payment of said invoice is not received within 90 day, the Director of Finance is authorized to place the outstanding balance on the Tax Roll to be collected in the same manner as taxes.
- 3.5 No connection to the Municipal Sewage System shall be made until a permit has been issued by the Director of Public Works. No such permit shall be issued until the Connection Fee and/or Deposit as required under this Section is paid to the Township. In the event that the connection is for a new building, no building permit shall be issued until such time as a connection permit is issued by the Director of Public Works.
- 3.6 The Township reserves the right to refuse any application for connection to the Municipal Sewage System, if the Municipal Sewage System or any portion thereof, is at capacity or where any and all excess capacity has been allocated to other properties within the Sewage Service Area. The allocation of excess

capacity shall be subject to such policy as Council may establish from time to time.

3.7 An Owner may apply in writing to Council for an exemption from connection to the Municipal Sewage System. Council, or a Committee designated by Council, shall consider any such request and may only grant such an exemption where:

3.7.1 written approval is received from the Director of Public Works; and

3.7.2 written approval is received from the Medical Officer of Health, and

3.7.3 written approval is received from the Chief Building Official or such other approval agency responsible for private septic systems; and

3.7.4 written approval is received from the Ministry of the Environment or such other approval authority for communal sewage systems; and

THAT in addition to the above noted requirements, an exemption from connection may only be granted when:

3.7.5 it has been determined that the Municipal Sewage System is at capacity or any excess capacity has been allocated to service other properties within the Sewer Service Area in accordance with Council policy; and

3.7.6 it is anticipated that there is no potential for any future allocation of sewage capacity which could service the subject property; and

FURTHER THAT an exemption granted under this Section shall not relieve the owner from payment of any minimum Sewage Service Rate or any other Sewer Rate assessed against the subject property.

3.8 Notwithstanding Section 3.7, no owner of property located within the Sewage Service Area where a building is connected to the Municipal Sewage System shall be granted an exemption in order to disconnect any such building from the Municipal Sewage System.

3.9 Every building connected to the Municipal Sewage System shall have its own individual connection. Buildings which contain multiple units may be required to have a separate connection for each unit, if and where deemed necessary by the Director of Public Works. The Connection Fee as set out in Schedule A of this By-law shall apply on a per connection basis.

3.10 The owner shall be held liable for any damage to the Municipal Sewage System which may be willfully caused by the owner, or result from carelessness or negligence on the part of the owner, or on the part of any person acting for, or

on behalf of, the owner.

- 3.11 Any owner who desires a change in the location, arrangement or size of the connection to the Municipal Sewage System shall apply in writing to the Director of Public Works. The Director of Public Works shall provide a written estimate of the cost of carrying out this change. The owner shall deposit with the Township an amount equal to the estimated value of the works prior to the commencement of the works. In the event that the actual cost exceeds the estimate, the owner shall pay upon demand the difference. If payment is not received within 90 days, the Director of Finance is authorized to place the outstanding balance on the Tax Roll to be collected in the same manner as taxes.
- 3.12 The Chief Building Official may require the installation of a grease interceptor in accordance with the *Building Code Act, 1992, S.O 1992, c.23*.
- 3.13 In the event that a grease interceptor is required, the owner shall ensure that proper maintenance is carried out and Township officials shall be permitted at any reasonable time to inspect the premises upon 24 hours written notification to the owner by registered mail, courier or hand delivery.
- 3.14 Where the Township determines that the owner has failed to properly maintain a grease interceptor, the owner shall be liable for all costs associated with any damage or maintenance required to the Municipal Sewage System.

4. CONNECTION BY PROPERTIES OUTSIDE SEWAGE SERVICE AREA

- 4.1 In the event that an owner of property outside of the Sewage Service Area wishes to make application to connect to the Municipal Sewage System, the owner shall make application in the same manner as set out in Section 3 above.
- 4.2 In addition to any Connection Fee as required under Section 3 above, any owner of property outside of the Sewage Service Area shall also make a capital contribution to the Sewer Reserve Fund prior to connection to the Sewage Works. The amount of this capital contribution shall be negotiated between the Township and the owner at the time of connection.
- 4.3 Where an extension of the Municipal Sewage System is required to service a property outside of the Sewage Service Area, the Township may require an owner to enter into an Agreement to provide for the construction of the Sewage Works and the payment of all associated costs to extend the system.

5. SEWAGE SERVICE RATE

- 5.1 An owner of property located within the Sewage Service Area shall be subject to Sewer Service Rates upon connection of a building to the Municipal Sewage System.

- 5.2 The Director of Finance and/or designate shall calculate Sewer Rates to be assessed against each unit in accordance with the fixed monthly rate and consumption charge per cubic metre as set out in Schedule A of this By-law.
- 5.3 The Director of Finance and/or designate shall issue bills to the owner of each unit based on the applicable Sewer Service Rates. Sewer Service Charges shall be added to the water bills and be billed and collected in the manner prescribed for Water Rates in this By-law (Water Regulation & Rates By-law) or any successor thereof.
- 5.4 Where a building connected to the Elmvale, Snow Valley or Centre Vespra Sewage System is not currently connected to the Municipal Water System, Sewer Service Charges shall be billed separately in the same manner and the Director of Public Works may require that a meter be installed on the well inlet pipe.
- 5.5 The Owner of every building connected to the Elmvale, Snow Valley or Centre Vespra Sewage System shall pay to the Township upon demand the Sewer Service Charges assessed against each unit, subject to the following:
- 5.5.1 an Owner may apply, in writing to the Director of Finance, to authorize the billing of Sewer Service Charges to a Tenant. Said application shall be signed by both the Owner and the Tenant.
- 5.5.2 an Owner who has opted to have Sewer Service Charges billed directly to a Tenant is not relieved from the financial responsibility of said Charges should the Tenant default.
- 5.6 Metered water usage during the billing period shall be used to calculate the Sewer Service Charges. For the purpose of calculating the Sewer Service Rates, 220 gallons equals 1 cubic metre.

6. OFFENCES AND PENALTIES

- 6.1 No person shall make, cause or permit any connection into the Municipal Sewage System without having obtained approval under this By-law.
- 6.2 No person shall cause or permit the discharge of any storm water, surface water, ground water, rain runoff, roof drain water, foundation drain water, or water from any other drainage system including any unpolluted cooling water or unpolluted industrial process water into the Municipal Sewage System.
- 6.3 No person shall discharge or cause to be discharged any of the following waters or wastes into the Municipal Sewage System:
- 6.3.1 Any liquid or vapour having a temperature higher than 150 degrees Fahrenheit;

- 6.3.2 Any water or waste which may contain more than 100 milligrams per litre by weight of fat, oil or grease;
 - 6.3.3 Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 - 6.3.4 Any underground garbage;
 - 6.3.5 Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flows in the Sewage Works or other interferences with the proper operation of the Sewage Works;
 - 6.3.6 Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans or animals or creating any hazard in the receiving waters of the Sewage Treatment Plant;
 - 6.3.7 Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the Sewage Treatment Plant;
 - 6.3.8 Any noxious or malodorous gas or substance capable of creating a public nuisance;
 - 6.3.9 Any other injurious, noisome or offensive matter.
- 6.4 No person shall commit any willful damage, or injury to the Municipal Sewage System, or any part thereof, or encourage the same to be done.
- 6.5 No person shall discharge into any natural outlet or storm sewer any sanitary sewage, industrial waste or polluted water.
- 6.6 Every person who:
- (a) willfully hinders or interrupts, or causes or procures to be hindered or interrupted the Township, its officers, contractors, agents, servants, or workers in the exercise of any of the powers conferred under this By-law, or
 - (b) who contravenes any provision of this By-law
- is guilty of an offence and is subject to a penalty pursuant to Section 426(1) of the *Municipal Act, S.O. 2001*, as amended.
- 6.7 The conviction of an offender upon the breach of any provisions of this By-

law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach.

7. MISCELLANEOUS

- 7.1 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
- 7.2 If any provisions of this By-law are inconsistent with any other Act, the provisions of the applicable Act shall apply.
- 7.3 Where the context permits, words importing the singular also include more than one persons, parties or things of the same kind. Where the context permits, words importing the masculine gender, also include female as well as male.
- 7.4 Despite the repeal of an earlier Sewer By-law, the rates and charges set out therein that were in effect on the day any such rates and charges became payable, shall continue to apply to the rates and charges which became payable prior to the date upon which this by-law comes into effect.

8. REPEAL

- 8.1 THAT By-law 2016-004 is hereby repealed effective February 1, 2017.

9. ENACTMENT

- 9.1 THAT this By-law shall take force upon the date of passage and such rates are effective February 1, 2017.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 25th day
of January, 2017.

Bill French, Mayor

Renée Chaperon, Clerk

SCHEDULE "A"

WASTEWATER RATES AND FEE SCHEDULE

Wastewater Rates		
Rate Structure	2017 Rates	
	Residential	Commercial
Fixed Fee:	\$30.27	\$37.84
Consumption Rate:		
0 – 15 cubic meter/month	\$1.997	\$1.997
16-30 cubic meter/month	\$2.098	\$1.997
31-45 cubic meters/month	\$2.621	\$1.997
45 + cubic meters/month	\$3.671	\$1.997

MISCELLANEOUS FEES:

Connection Fee \$ 75.00 per property, except as otherwise provided
by By-law or Agreement

Note * - if more than 1 unit is serviced by a single meter, the consumption levels shall be multiplied by the number of units to calculate the consumption level. For example, a building with two units serviced by one meter would pay the lowest rate for up to 30 cubic metres of consumption, or 15 cubic metres * 2 units.