

THE CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 23-2010

A by-law fixing the rates for the use of water supplied by the Town of Hawkesbury for the year 2010

WHEREAS the Corporation of the Town of Hawkesbury considers necessary and expedient to fix the rates to be charged for the use of water supplied by the Town;

AND WHEREAS Section 391 of the Municipal Act, 2001 S.O. 2001, c. 25 provides that a municipality may by by-law impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Corporation of the Town of Hawkesbury desires to levy and impose a fee to defray the expenses of water supply services to the people to who the water supply services are available;

AND WHEREAS the Council of the Corporation of the Town of Hawkesbury desires to levy and impose a monthly fee to defray the expenses of water supply services to the owners of all new units within the Town of Hawkesbury connected to the water supply facilities in accordance with the supplementary assessment rolls issued by the Municipal Property Assessment Corporation;

AND WHEREAS Subsection 1 of Section 398 of the Municipal Act, 2001 states that fees and charges imposed by a municipality or local board on a person under Part XII constitutes a debt of the person to the municipality or local board respectively;

AND WHEREAS Subsection 2 of Section 398 of the Municipal Act, 2001 states that the Treasurer of a local municipality may add fees and charges imposed by a municipality under Part XII to the tax roll for the property to which the public utility was supplied and collect them in the same manner as municipal taxes;

AND WHEREAS Section 1 of the Ontario Regulation 581/06 states that fees and charges for the supply of water that are imposed by a municipality under the Act and added to the tax roll under Section 398 (2) have priority lien status;

NOW THEREFORE the Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. **THAT** a water service fee is hereby imposed upon the owners or occupants of lands within the limits of the Corporation of the Town of Hawkesbury which are connected to the water supply services in accordance with the classification hereinafter defined:

The classifications are the following:

Class "A"	-	Residential and Multi-Residential non-metered
Class "B"	-	Commercial non-metered
Class "C"	-	Industrial metered
Class "D"	-	Serviced residential vacant lands
Class "E"	-	Unserviced residential vacant lands
Class "F"	-	Commercial units without water services
Class "G"	-	Commercial metered
Class "H"	-	Unserviced lands with dwelling unit(s)
Class "I"	-	External water sources and discharge or dump of waste water in the town sewer system
Class "J"	-	Water air cooling system and water cooling refrigerating system

2. **THAT** the water service rate that is hereby imposed for the classifications mentioned in Section 1 hereof shall be as per Schedule "A" attached hereto and forming part of the present by-law.
3. **THAT** the owners of all lands within the limits of the Town of Hawkesbury who are required to install a water meter are responsible for all meter and installation costs.
4. **THAT** all owners of new units in the Town of Hawkesbury as per the supplementary assessment roll(s) shall be levied and imposed a monthly rate from the date of occupancy specified in the supplementary assessment roll to the end of the current calendar year.
5. **THAT** the monthly rate as required in Section 4 hereof shall be determined by using as its numerator the special rate as determined in Section 2 hereof and using as its denominator 12 and consequently multiplying the results by the number of months of occupancy as indicated in Section 4 hereof.
6. **THAT** a ten percent (10%) penalty charge of the gross amount of the overdue account shall be levied for all past due accounts.
7. **THAT** any surpluses or deficits created in the calendar year as a result of water supply services shall be forwarded and carried over to the following subsequent year and used in the calculation process unless otherwise directed by the Council by resolution.

8. **THAT** the dates of payment of water supply services under the present by-law shall be as follows:
- a) All classes except for properties on a metered rate:
- | | |
|------------------------------|-------------------|
| Due date – First instalment- | May 28, 2010 |
| Due date – Second instalment | - August 27, 2010 |
- b) All classes on a metered rate:
- | | |
|------------------------------|--|
| Due date – First instalment- | May 2010 (for the months of December 2009, January, February and March 2010) |
| Due date – Second instalment | - August 2010 (for the months of April, May, June and July 2010) |
| Due date – Third instalment | - December 2010 (for the months of August, September, October and November 2010) |
9. **THAT** if and when twenty-one (21) days after the payment of an instalment has become due and remains unpaid, the Corporation of the Town of Hawkesbury may notify the owners or occupant of the premises with respect to which default has occurred that unless the arrears and penalty charges are paid within seven (7) days of the mailing of said notice by registered mail, the supply of water to the premises shall be shut off. The said notice shall stipulate the earliest date and the hour at which said services are to be shut off. The owner or occupant shall be required to pay the Corporation of the Town of Hawkesbury a \$60.00 fee for the shut off and the re-opening of the water supply services.
10. **THAT** should a Court of competent jurisdiction declare any section or part of a section of the present by-law to be invalid or *ultra vires*, such section or part of a section shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such and shall not affect the validity of the by-law as a whole or any part thereof, other than the provision or part of the section so declared to be invalid.
11. **THAT** the present by-law shall be deemed to have come into force and effect on the 1st day of January 2010.
12. **THAT** by-law N° 17-2009 is hereby repealed.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING THIS
29th DAY OF MARCH 2010.**

Mayor

Clerk

Schedule "A" – By-law N° 23-2010

Class "A" The owners of all lands and buildings within the limits of the Town of Hawkesbury are liable to pay a non-metered annual rate of \$260.28 per unit.

Class "B" The owners of all lands and buildings within the limits of the Town of Hawkesbury are liable to pay a non-metered annual rate of \$370.00 per unit except for the following:

Bars and restaurants	\$1030.00
Hair Salon	\$380.00
Garage	\$742.00
Groceries	\$1,100.00

Class "C" The owners of all lands within the limits of the Town of Hawkesbury with a metered service are liable to pay industrial meter rates per thousand gallons used with a minimum annual fee of \$738.00

0 to 100,000 gallons	\$3,855
100,001 to 500,000 gallons	\$3,264
500,001 to 1,000,000 gallons	\$2,595
1,000,001 and over	\$2,156

Class "D" The owners of all serviced residential vacant lands within the limits of the Town of Hawkesbury are not liable to pay water fees.

Class "E" The owners of all unserviced residential vacant lands within the limits of the Town of Hawkesbury are not liable to pay water fees

Class "F" The owners of commercial units without water services within the limits of the Town of Hawkesbury are not liable to pay water fees.

Class "G" The owners of all lands within the limits of the Town of Hawkesbury with a metered service are liable to pay commercial meter rates per thousand gallons used with a minimum annual fee of \$738.00.

0 to 100,000 gallons	\$3,855
100,001 to 500,000 gallons	\$3,264
500,001 to 1,000,000 gallons	\$2,595
1,000,001 and over	\$2,156

The water metered service rate that shall be imposed upon the classes of business shall be car washes, laundries and coin laundries.

- Class "H" The owners of all unserviced lands with dwelling unit(s) within the limits of the Town of Hawkesbury are not liable to pay water rates.
- Class "I" The owners of all lands within the limits of the Town of Hawkesbury who use external water sources and discharge or dump their waste water in the town sewer system shall be metered and are liable to pay a sewer rate as per By-law N° 23-2010 respecting sewage service rate for 2010.
- Class "J" The owners of all lands within the limits of the Town of Hawkesbury who use water air cooling system and water cooling refrigerating system shall be metered and shall pay a metered rate of \$3.855 per thousand gallons with a minimum charge of \$738.00 per annum.

The water service rate that shall be imposed upon hospitals/homes for the elderly shall be as follows:

Hawk. & District General Hospital Inc	\$20,352.00
Residence Prescott-Russell	\$23,638.00
Place Mont Roc	\$ 5,300.00
Residence Goulet	\$ 1,200.00
Place Rideau	\$ 1,800.00
McGill Manor	\$ 3,960.00

The water service rate that shall be imposed upon schools shall be \$26.00 per classroom X 12 months.

The water service rate that shall be imposed upon hotels and motels shall be as follows:

\$126.00 per room, lounge and/or conference hall plus 25% for bar services, plus 25% for kitchen or restaurant services

The water service rate that shall be imposed upon service and social clubs with permanent address shall be as follows:

Royal Canadian Legion	\$1,350.00
Knights of Columbus	\$1,350.00
Club D'Age D'Or 50	\$1,350.00
All others	\$1,350.00