

# THE CORPORATION OF THE TOWN OF HAWKESBURY

## By-law N° 24-2010

### A by-law fixing the rates for the use of sewage services for the year 2010

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**WHEREAS** the Corporation of the Town of Hawkesbury has entered into an agreement with Ontario Clean Water Agency for the operations of the Waste Water Treatment Plant;

**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 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 special rate to defray the expenses of sewage services against users of the sewage facility;

**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 sewage services to the owners of all new units within the Town of Hawkesbury connected to the sewer system 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 states that fees and charges imposed by a municipality or local board or 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 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 the municipal taxes;

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

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

1. **THAT** the sewage service rate is hereby imposed upon the owners or occupants of land which are supplied with sewage services.

2. **THAT** the sewage rates, minimum billing amounts including a fixed and flat rate for sewage services, be according to Schedule "A" attached hereto and forming part of the present by-law.
3. **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.
4. **THAT** the monthly rate as required in Section 3 of the present by-law 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 3 hereof.
5. **THAT** a ten percent (10%) penalty charge of the gross amount of the overdue account shall be levied for all past due accounts.
6. **THAT** any surpluses or deficits created in the calendar year as a result of sewage treatment services shall be forwarded and carried over to the following subsequent year and used in the calculation process unless otherwise directed by Council by resolution.
7. **THAT** the dates of payment of sewer rates 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)

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8. **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 owner 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 the said notice by registered mail, the supply of water to the premises in question shall be shut off. The said notice shall stipulate the earliest date and the hour at which the said services are to be shut off. The owner or occupant shall be required to pay the Corporation of the Town of Hawkesbury \$60.00 for fee for the shut off and re-opening of the water supply services.

9. **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.
10. **THAT** the present by-law shall be deemed to have come into force and effect on the 1<sup>st</sup> day of January 2010.
11. **THAT** By-law N° 18-2009 is hereby repealed.

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

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**Mayor**

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**Clerk**

**Schedule "A" of By-law N° 24-2010**

**Class "A" - Residential and Multi-Residential non-metered**

Year 2010: 94.4% of Class "A" water service fee

**Class "B" - Commercial non-metered**

Year 2010: 116.20% of Class "B" water service fee

**Class "C" - Industrial metered**

Year 2010: 116.20% of Class "C" water service fee  
with a minimum annual charge of  
\$857.56

**Class "G" - Commercial metered**

Year 2010: 116.20% of Class "G" water service fee  
with a minimum annual charge of  
\$857.56