THE CORPORATION OF THE TOWNSHIP OF HORNEPAYNE
BY-LAW NO. 1919

2022 WATER AND SEWER RATES

WHEREAS part XII of the *Municipal Act, 2001* provides that despite any Act a Municipality may pass By-Laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it; and,

WHEREAS it is deemed necessary to charge fees and charges equal to the cost of providing the water and sewer system and services;

THEREFORE the Council of the Township of Hornepayne, pursuant to part XII of the *Municipal Act, 2001*, Section 391 hereby enacts as follows:

1.0 General Provisions – Municipal Water System

1.1 This By-Law shall apply to all Municipal Water Systems located within the geographical boundaries of the Township of Hornepayne ("Township"). These geographical boundaries shall be known as the Municipal Water Area.

1.2 No person shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the Municipal Water System, or in any way obtain or use the Municipal Water Supply without consent from the Township and without the use of a Township sanctioned contractor/worker.

1.3 No person, being an owner, tenant, occupant, or resident of any apartment, commercial or residential building supplied with water from the Municipal Water System, shall improperly waste water.

1.4 No person, being an owner, tenant, occupant, or resident of any apartment, commercial or residential building supplied with water from the Municipal Water System, shall lend, sell, or dispose of water, give water away, permit water to be taken or carried away, use or apply water to the use or benefit of another, or to any use or benefit other than the person's own, or increase the supply of water without consent of the CAO/Clerk or Public Works Manager. This shall include the furnishing of water from one building connected to the Municipal Water System to another building.

1.5 All main line water pipes, main line isolation valves, and water service lines on Township property, up to and including the curb stop valves and brass fitting connecting the curb stop to the private service line, remain the property of the Township.

1.6 The CAO/Clerk, Public Works Manager, and/or Operator are authorized to take such measures as are necessary and proper to ensure an adequate and continuous Municipal Water Supply and to safeguard the hygienic purity thereof within the drinking water objectives as established by the Ministry of the Environment, Conservation and Parks or such other approval authority.

1.7 The CAO/Clerk, Public Works Manager, Operator, or other duly authorized employee, may, in the case of an emergency which may imperil the supply or quality of water, shut off the Municipal Water Supply and take such remedial action as may be necessary. Such remedial action may include limiting or temporarily discontinuing the supply of water in any area or restricting the use of water for any specific purposes.

1.8 When the CAO/Clerk, Public Works Manager, Operator, or other duly authorized employee deems it necessary to limit or shut off the Municipal Water Supply due to an emergency situation, the Township shall not be liable for damages incurred due to such action. Reasonable efforts shall be made by the Township to notify the affected owners. The CAO/Clerk or Public Works Manager shall report to Council all such incidents and action taken as soon as practicable.

2.0 Requirement for Connection to, and Regulation of, Municipal Water System

2.1 Every owner of a property located within the Municipal Water Area who wishes to connect an existing building to the Municipal Water System must apply in writing via Schedule "C" of this By-Law to the Public Works Manager. All applications for connection to the Municipal Water System shall be accompanied by the Connection Fee set out in Schedule "B" of this By-Law.

2.2 Every new building constructed on a property located within the Municipal Water Area shall be connected to the Municipal Water System. An application for connection (Schedule "C" of this By-Law) to the Municipal Water System shall be filed with the Public Works Manager prior to the issuance of a building permit and shall be accompanied by the Connection Fee set out in Schedule "B" of this By-Law. The application for connection shall be included in the documents to be reviewed by the Building Department.

2.3 The Township reserves the right to refuse any application for connection to the Municipal Water System if the existing system is at capacity or where excess capacity has been allocated to other properties within the Municipal Water Area.

2.4 A property owner may apply in writing to Council for an exemption from connection to a Municipal Water System. Council, or a Committee designated by Council, shall consider all requests and may grant an exemption unless such exemption would be in conflict with any written requirement, order or approval by a Medical Officer of Health, Public Health Inspector, the Ministry of the Environment, Conservation and Parks, or any other approval authority.

2.5 Notwithstanding Section 2.4, no owner of a property located within the Municipal Water Area with an established connection to the Municipal Water Supply shall be granted an exemption in order to permanently disconnect from the Municipal Water System.

2.6 Where the water works must be extended from the water main to the property line in order to provide for a new water service connection, the owner shall, in addition to the Connection Fee, be responsible for the cost of the installation of the water works from the water main to the property line and beyond. If this work is arranged by the Township, the Public Works Manager shall provide an estimate of this cost at the time of application and the owner shall deposit said amount with the Township prior to issuance of the connection permit.

2.7 Pursuant to Section 2.6, in the event that the actual cost of the water service connection from the water works to the property line is less than the owner's deposit, a refund cheque shall be issued for the difference. 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 days, the outstanding balance may be applied to the water & sewer account and collected in the same manner as the water & sewer charges.

2.8 Every building connected to the Municipal Water System shall have its own individual connection with the exception of an Apartment or Commercial Building which contains multiple units where wyes shall be provided.

2.9 Any owner of a building to be connected to the Municipal Water System shall install, if not already provided, a gate type control valve and backflow preventer on the water service. The control valve shall have the capability to be drained and shall be mounted so the valve can be drained when the water supply distribution service is shut off. This control valve is in addition to the curb stops on the service pipe at the property line.

2.10 No person shall commit any willful damage, or injury to the water works, pipes or water, or encourage same to be done.

3.0 Water Usage and Restrictions

3.1 No person shall willfully let off or discharge water so that the water runs waste or useless out of the Municipal Water System.

3.2 The Township reserves the right to discontinue the Municipal Water Supply, as deemed necessary by the CAO/Clerk, Public Works Manager and/or Operator, to stop and prevent waste.

3.3 Failure to comply with any requirements relative to the protection of a Municipal Water Supply shall be sufficient reason for immediate discontinuance of water service by the Township until such time as it is determined that the requirements of the Township and the Ontario *Building Code Act* have been met.

3.4 The CAO/Clerk, Public Works Manager, Operator or other duly authorized employee, may take such measures as deemed necessary to regulate or suspend any or all use of water distributed through a hose, or any other attachment, for street, lawn or garden watering, or for any fountain or object, or for any other similar purpose. An order issued by a Township employee to suspend lawn watering or any other similar purpose shall remain in effect until the CAO/Clerk, Public Works Manager and/or Operator has revoked it. No person shall use water for lawn watering or any other similar purpose when an Order for suspension is in effect.

4.0 General Provisions – Municipal Sanitary Sewer System

4.1 This By-Law shall apply to all Municipal Sanitary Sewer Systems located within the geographical boundaries of the Township of Hornepayne ("Township"). These geographical boundaries shall be known as the Municipal Sanitary Sewer Area.

4.2 No person shall lay or cause to be laid any pipelines or conduits, pumping stations and/or force mains to communicate with any sanitary pipelines or force mains of the Municipal Sanitary Sewer System or in any way obtain or use the Municipal Sanitary Sewer System without consent from the Township and without the use of a Township sanctioned contractor/worker.

4.3 All pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage up to the private sewage line, remain the property of the Township.

4.4 The property owner is responsible for the sewer line from the building to the main sanitary sewer line.

4.5 The CAO/Clerk, Public Works Manager, and/or Operator are authorized to take such measures as are necessary and proper to ensure continuous movement of Municipal Sanitary Sewer System.

5.0 Requirement for Connection to, and Regulation of, Municipal Sanitary Sewer System

5.1 Every owner of a property located within the Municipal Sanitary Sewer Area who wishes to connect an existing building to the Municipal Sanitary Sewer System must apply in writing via Schedule "C" of this By-Law to the Public Works Manager. All applications for connection to the Municipal Sanitary Sewer System shall be accompanied by the Connection Fee set out in Schedule "B" of this By-Law.

5.2 Every new building constructed on a property located within the Municipal Sanitary Sewer Area shall be connected to the Municipal Sanitary Sewer System. An application for connection (Schedule "C" of this By-Law) to the Sanitary Sewer System shall be filed with the Public Works Manager prior to the issuance of a building permit and shall be accompanied by the Connection Fee set out in Schedule "B" of this By-Law. The application for connection shall be included in the documents to be reviewed by the Building Department.

5.3 The Township reserves the right to refuse any application for connection to the Municipal Sanitary Sewer System if the existing system is at capacity or where excess capacity has been allocated to other properties within the Municipal Sanitary Sewer Area.

5.4 A property owner may apply in writing to Council for an exemption from connection to a Municipal Sanitary Sewer System. Council, or a Committee designated by Council, shall consider all requests and may grant an exemption unless such exemption would be in conflict with any written requirement, order or approval by a Medical Officer of Health, Public Health Inspector, the Ministry of the Environment, Conservation and Parks, or any other approval authority.

5.5 Notwithstanding Section 5.4, no owner of a property located within the Municipal Sanitary Sewer Area with an established connection to the Municipal Sanitary Sewer System shall be granted an exemption in order to permanently disconnect from the Municipal Sanitary Sewer System.

5.6 Where the sewer works must be extended from the sewer main to the property line in order to provide for a new sewer service connection, the owner shall, in addition to the Connection Fee, be responsible for the cost of the installation of the sewer works from the sewer main to the property line and beyond. If this work is arranged by the Township, the Public Works Manager shall provide an estimate of this cost at the time of application and the owner shall deposit said amount with the Township prior to issuance of the connection permit.

5.7 Pursuant to Section 5.6, in the event that the actual cost of the sewer service connection from the sewer works to the property line is less than the owner's deposit, a refund cheque shall be issued for the difference. 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 days, the outstanding balance may be applied to the water & sewer account and collected in the same manner as the water & sewer charges.

5.8 Every building connected to the Municipal Sanitary Sewer System shall have its own individual connection with the exception of an Apartment or Commercial Building which contains multiple units where sanitary tees and/or wyes shall be provided.

5.9 No person shall break, damage, destroy, deface, or tamper or cause or permit the breaking, damaging, destroying, defacing or tampering with any part of the Municipal Sanitary Sewer System.

6.0 Municipal Sanitary Sewer System Restrictions

6.1 No person shall discharge or deposit or cause or permit the discharge or deposit of matter of a kind, directly or indirectly, to the Municipal Sanitary Sewer System, including, but not limited to:

a. Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the sewage flow in a sanitary sewage works, including but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, fibers, feathers, grease, tar, plastics, wood, garbage, animal guts or tissues, paunch manure, fats, greases, oils and whole blood;

b. Substances of any type or at any temperature or in any quantity which may be or may become a health or safety hazard to a sewage works employee;

c. Substances which may be or may become harmful to a sanitary sewage system;

d. Substances which may cause the sanitary sewage system effluent to contravene any requirement by or under the Ontario Water Resources Act, or the Environmental Protection Act;

e. Substances which may interfere with the proper operation of a sanitary sewage system;

f. Substances which may impair or interfere with any sewage treatment process; or,

g. Substances which is or may result in a hazard to any person, animal, property or vegetation.

7.0 Fees and Charges Adopted

7.1 Council does confirm and ratify the fees and charges in Schedule "A" to water and sewer rates attached to and forming an integral part of this By-Law.

7.2 The fees and charges as set out in Schedule "A" shall be invoiced to the owners or occupants of the land four times per year.

7.3 Water and sewer charges shall be due and payable no less than twenty-one (21) days from the date of the billing.

7.4 Water and sewer charges shall be payable to the Township of Hornepayne and may be paid in person during regular office hours, through online banking (CIBC, Northern Credit Union, Scotiabank, or RBC) or by mail to the Township of Hornepayne, 68 Front Street, P.O. Box 370, Hornepayne, ON P0M 1Z0.

7.5 A default of payment of any water and sewer charges shall result in the application of a monthly interest rate of 1.25 percent being applied against the outstanding amount due and owing for the said quarter or any prior quarters for which default has occurred.

7.6 Should the Corporation of the Township of Hornepayne incur fees and charges in the collection of the water and sewer rates fees set out in Schedule "A", then such fees and charges shall be added to the outstanding balance due and owing.

7.7 A $25.00 flat rate shall be applied to the account for the cost of sending a notice via registered mail, or any other traceable form of mailing.

7.8 The Treasurer of the Corporation of the Township of Hornepayne may also add any unpaid water and sewer charges, interest fees and any collection fees resulting from such charges incurred or imposed by this Municipality pursuant to this By-Law, to the tax roll for the subject property being served and may collect such amounts by any manner provided for in law, including but not limited to collecting said amounts in the same manner as Municipal taxes, per section 398(2) of the *Municipal Act, 2001*.

7.9 The Treasurer is hereby empowered to accept partial payment from time to time on water and sewer accounts.

7.10 Where a billing error has resulted in over-billing, the account shall be credited with an amount equal to any overpayment during the twelve (12) month period preceding the discovery of the error by the Township.

7.11 Where a billing error has resulted in under-billing, the account shall be charged an amount equal to any underpayment during the twelve (12) month period preceding the discovery of the error by the Township. Where a property has changed ownership during the twelve (12) month period, the water shall only be charged the amount attributed to the current owner.

8.0 Service Fees

8.1 Fees for services provided other than water and sewer rates are as listed in Schedule "B" attached hereto and form an integral part of this By-Law.

9.0 Multiple Family Residential Units (Tenancy Properties)

9.1 The owner may apply, in writing, to the Treasurer to authorize the invoicing of the water and sewer charges to go directly to their tenant. The owner and tenant shall both be required to sign the prescribed form (Schedule "D") which shall be witnessed and signed by the Treasurer or designate for authorization to be complete.

9.2 The Municipality shall allow property owners of multiple family residential units to receive a reduction in their water and sewer charges providing the municipality is notified, in writing, of any vacant units, by the last business day of each month.

10.0 Daily Rentals

10.1 The owner of a property who provides daily rental services of units and/or rooms is required to remit payment, per unit at the daily residential water and sewer rate as prescribed in Schedule "A" of this By-Law. This amount is in addition to the base annual rate already invoiced to the homeowner for the provision of basic services.

10.2 Should the property owner choose not to remit payment based on daily rentals, the property owner shall be invoiced an additional annual charge at the residential rate, in addition to their base annual rate.

11.0 Leaking Services on Private Property

11.1 A daily service charge, as prescribed in Schedule "A" of this By-Law, shall be charged to homeowners/business owners for leaking water services in which it is evident the leak is the responsibility of the homeowner/business owner, and the owner has chosen not to take remedial action or complete repairs.

11.2 This time period shall not exceed thirty (30) days and can be shortened at the discretion of the Municipality (see Section 9.0 of the Water & Sewer Line Repair Policy).

12.0 Non-Payment of Fees and Charges

12.1 If an account remains unpaid for a period of ninety (90) days, the Treasurer shall notify the owner and/or occupant by Registered Mail that the Municipal Water Supply may be discontinued by the Township.

12.2 If the owner has opted to have invoices sent directly to the tenant a copy of the notice shall go both to the owner and to the tenant.

12.3 In the event the water service has been discontinued due to non-payment of arrears (all property classes), the service shall not be reinstated until the account, including the disconnection and reconnection fees, are paid in full. All outstanding charges and fees shall be paid in cash or by debit/credit.

13.0 By-Law to Continue to Following Year

13.1 The water and sewer rates and service charges as per attached Schedules "A" and "B" shall continue to be in effect for the first quarter billing in the following calendar year. Once the Township establishes and adopts the water and sewer rates for the following calendar year, the new rates shall take effect and, if any increase/decrease is passed, the second, third and fourth quarter invoices shall reflect the changes as per the new By-Law.

14.0 Miscellaneous

14.1 If any provision of this By-Law is inconsistent with any other Act, the provisions of the applicable Act shall prevail.

The following Schedules form an integral part of this By-Law:

Schedule "A": 2022 Water and Sewer Rates
Schedule "B: 2022 Service Charges
Schedule "C": Application for Connection to Water/Sewer System
Schedule "D": Owner/Tenant Agreement

By-Law No. 1878 is hereby repealed.

This By-Law shall have an effective date of January 1st, 2022.

Read a first and second time this 13th day of April 2022.

Read a third time and finally passed this 13th day of April 2022.

Presiding Officer

CAO/Clerk

SCHEDULE "A"
TO
BY-LAW NO. 1919

2022 WATER AND SEWER RATES

CUSTOMER TYPE	WEIGHTING BASED ON SINGLE DETACHED EQUIVALENT	WATER	SEWER	TOTAL
Residential	1	$ 1,099.51	$ 678.80	$ 1,778.31
Commercial	1.4	$ 1,539.31	$ 950.31	$ 2,489.63
Multi-Residential Agreement #1	22.5	$ 24,738.97	$ 15,272.91	$ 40,011.88
Multi-Residential Agreement #2	17.5	$ 19,241.42	$ 11,878.93	$ 31,120.35
Railway	28.5	$ 31,336.02	N/A	$ 31,336.02
Detached Bay	1	$ 1,099.51	$ 678.80	$ 1,778.31
Additional Bay	0.7	$ 769.66	$ 475.16	$ 1,244.81
Algoma District School Board – per room (29)	1	$ 1,099.51	$ 678.80	$ 1,778.31
Huron Superior Catholic District School Board – per room (25)	1	$ 1,099.51	$ 678.80	$ 1,778.31
Churches & Meeting Halls	1	$ 1,099.51	$ 678.80	$ 1,778.31
Hospital – per bed (20)	1.715	$ 1,885.66	$ 1,164.14	$ 3,049.80
Legion	2	$ 2,199.02	$ 1,357.59	$ 3,556.61
Hotel/Motel	10	$ 10,995.10	$ 6,787.96	$ 17,783.06
Grocery Store	2.5	$ 2,748.77	$ 1,696.99	$ 4,445.76
Arena	25	$ 27,487.74	$ 16,969.90	$ 44,457.64
Curling Club	2.4	$ 2,638.82	$ 1,629.11	$ 4,267.93
Fire Hall/Township Hall/Library	1.4	$ 1,539.31	$ 950.31	$ 2,489.63
Airport	1.4	$ 1,539.31	$ 950.31	$ 2,489.63
Public Works Facility	1.4	$ 1,539.31	$ 950.31	$ 2,489.63
Daily Rate	Various	Respective customer type rate/365 i.e. Residential $1,099.51/365 =$3.01 Commercial $1,539.31/365 =$4.22	Respective customer type rate/365 i.e. Residential $678.80/365 =$1.86 Commercial $950.31/365 =$2.60	

SCHEDULE "B"
TO
BY-LAW NO. 1919

2022 SERVICE CHARGES

SERVICE	CHARGE/FEE
New Connection to Water Distribution System	$200.00
New Connection to Sewer System	$200.00
Emergency or Maintenance Repairs	
Water Shut-Offs	$30.00
Water Turn-Ons	$30.00
Non-payment of account	
Water Shut-Offs	$100.00
Water Turn-Ons	$100.00
Water/Sewer Line Repairs	Shall be in accordance with the Township of Hornepayne's Water & Sewer Line Repair Policy
Bulk Water	$14.51/$m^3$
	$0.065964/imperial gallon
Minimum Charge	5,000 imperial gallons

Note: Canada uses Imperial gallons

1 imperial gallon = 0.00454609 m^3

1 m^3 = 219.969 imperial gallons

SCHEDULE "C"
TO
BY-LAW NO. 1919

APPLICATION FOR CONNECTION TO WATER/SEWER SYSTEM

Application for Water and/or Sewer Service Connection and Agreement
Between the Corporation of the Township of Hornepayne and

_____ of _____
(Name) (Address)

Phone No.:_____

Roll No. _____

For the Provision of Water/Sewage Service (circle one):

1. I, the undersigned, (hereinafter called the consumer) do hereby request the Township of Hornepayne (hereinafter called the "Municipality") to make the necessary connections and provide water/sewage (circle one) service at the premises listed above and I undertake and agree to be bound by the rules and regulations and general conditions as stated herein and in the current Water & Sewer Rate By-Law or other By-Law as may be established from time to time by the Municipality.

2. This agreement shall not be binding upon the Municipality until accepted by it through its proper officers and shall not be modified or affected by any promise, agreement or representation, by any agent or employee of the Municipality, unless incorporated in writing into the agreement before acceptance.

3. The Consumer vacating the above listed premises without notifying the Municipality is liable for all subsequent accounts until a new consumer is registered at the vacated location. It is the Consumer's responsibility and in their best interest to advise the Municipality in writing when they vacate the premises where they are registered for water/sewage service.

4. The Consumer agrees that, upon the request of the Municipality at its discretion, they shall make a deposit to be held by the Municipality without interest as a guarantee that the Consumer shall fulfill all the terms of this agreement.

5. The Consumer shall provide all plumbing on the premises and all water/sewer lines connecting premises with the point of connection with the Township of Hornepayne's sanitary sewer and the Municipal Water Supply and maintain same in efficient condition with proper devices.

6. The Consumer agrees not to make any changes in, or additions to, their plumbing or connecting water/sewer lines after same has been installed by the Consumer and inspected by the Municipality and Operator except with the written consent of the Municipality and with the use of a Township sanctioned contractor/worker.

7. It is agreed that the signatures of the parties hereto shall be binding upon their successors or assigns, and that the vacating of the premises herein named shall not release the Consumer from this agreement, except at the option, and by written consent of the Municipality.

Signed By: _____
Consumer

Signed By: _____
Township of Hornepayne

SCHEDULE "D"
TO
BY-LAW NO. 1919

OWNER/TENANT AGREEMENT

I, _____ being the owner of Property
(Name)

with Assessment Roll Number _____

and having the Civic Address of _____

do hereby grant permission to the Treasurer of the Township of Hornepayne to

issue all water and sewer invoices directly to my tenant,

_____ at the following mailing address:
(Name)

_____

_____

_____

☐ **Please forward me a copy of all water & sewer invoices**

☐ **Please do not forward me a copy of all water & sewer invoices**

Should my tenant fail to pay the water and sewer invoices as forwarded to them, I, as the owner of the Property, do hereby understand that I shall be held responsible to make payment in full for any and all charges with relation to the above noted property.

OWNER: _____
(Signature)

DATE: _____

PHONE NO.: _____

TENANT: _____
(Signature)

DATE: _____

PHONE NO.: _____

TREASURER: _____
(Signature)

DATE: _____

SCHEDULE "E"
TO
By-Law No. 1919

2022 WATER AND SEWER CHARGES
DAILY RENTALS

Date Range	Number of Rentals	Daily Rate	Total Owed to Municipality
		1st Quarter	
January			
February			
March			
TOTAL 1st Quarter			
		2nd Quarter	
April			
May			
June			
TOTAL 2nd Quarter			
		3rd Quarter	
July			
August			
September			
TOTAL 3rd Quarter			
		4th Quarter	
October			
November			
December			
TOTAL 4th Quarter			

REMITTANCE SCHEDULE

1ST QUARTER	-	**DUE & PAYABLE APRIL 15TH, 2022**
2ND QUARTER	-	**DUE & PAYABLE JULY 15TH, 2022**
3RD QUARTER	-	**DUE & PAYABLE OCTOBER 15TH, 2022**
4TH QUARTER	-	**DUE & PAYABLE JANUARY15TH, 2023**