

**THE CORPORATION OF THE CITY OF BELLEVILLE**

**BY-LAW NUMBER 2009-209**

**A BYLAW TO ESTABLISH RATES AND PROCEDURES FOR WATER AND WASTEWATER**

**WHEREAS** the Municipal Act 2001, S.O. 2001, Chapter 25, s. 391(1) requires Council to pass a by-law to fix rates for services or activities provided;

**AND WHEREAS** the Municipal Act 2001, S.O. 2001, Chapter 25, s. 81 (1) and s, 81 (2) authorize a public utility to shut off the supply of water if fees and charges payable for water or wastewater services are overdue;

**AND WHEREAS** the Municipal Act 2001, S.O. 2001, Chapter 25, s. 398 (2), authorizes the collection of water and wastewater rates in the same manner as municipal taxes;

**AND WHEREAS** the Municipal Act 200, S.O. 2001, Chapter 25, s. 83 authorizes a municipality to collect reasonable security for the payment of fees and charges for the supply of the public utility;

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:**

**PART I - Definitions:**

In this By-law

1. BUILDING shall mean a structure supplied with water or wastewater services
2. CITY means The Corporation of the City of Belleville,
3. CONSUMER shall mean the owner or occupant of property which is serviced by, connected to, and who takes water from a Municipal water system and discharges waste to a wastewater system
4. CORPORATION shall mean the Corporation of the City of Belleville.
5. COUNCIL shall mean the Municipal Council of the Corporation of the City of Belleville.
6. CUSTOMER means the owner, tenant or occupant of premises who has signed a contract to receive water or wastewater services from Belleville Water
7. GENERAL SERVICE shall mean the applicant for water and wastewater services, the owner or occupant of and the person to whom invoices are sent for water and wastewater services supplied to any premises in which the water supplied is used directly or indirectly for or in the carrying on of any business, trade, institution or commercial undertaking.

8. METER means the water meter supplied and owned by the Municipality to measure the quantity of water used and released to the wastewater system by the consumer
9. MULTIPLE UNIT PROPERTY shall mean a single building, served by single water and wastewater service pipes and containing two or more units
10. MUNICIPALITY shall mean the Corporation of the City of Belleville.
11. OCCUPANT shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of premises.
12. OWNER shall include any person or any firm or corporation that is the registered owner of the property under consideration of any agent thereof, a person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator and a guardian.
13. PREMISES shall mean the property being supplied or to be supplied with water or wastewater services and includes the portion of a multiple occupancy premises separately supplied.
14. PRODUCT METER measures the amount of water utilized in a commercial operation or production process, which is not discharged into the wastewater system.
15. SANITARY SEWER means a sewer for the collection and transmission of sewage and to which storm, surface and ground waters are not intentionally admitted;
16. SERVICE AREA means the area within and outside of the City of Belleville municipal boundaries to which water and wastewater services are provided by Belleville Water
17. SINGLE RESIDENTIAL DWELLING shall mean a single dwelling, which is freestanding, separate and detached from other main buildings or main structures, including a split-level dwelling.
18. WATER means potable water that is fit for human consumption,
19. WASTEWATER means the composite of water and water-carried wastes from residential, commercial, industrial or institutional premises or any other source

**Part II - Administration:**

1. The City water utility shall be operated under "Belleville Water".
2. The office of Belleville Water is located at 195 College Street West, Belleville, Ontario. The customer service, billing and collections, as well as water distribution functions reside at this location. The water treatment department is located at the utility's water treatment plant at 2 Sidney Street, Belleville, Ontario.
3. The administration of the water treatment, distribution, servicing and metering functions of Belleville Water, shall be under the jurisdiction of the Environmental & Operational Services Department of the Corporation of the City of Belleville.

4. The administration of the water accounting, invoicing and collecting functions of Belleville Water shall be under the jurisdiction of the Finance Department of the Corporation of the City of Belleville.
5. Belleville Water is responsible for billing and collecting wastewater revenue for the City of Belleville.

### **Part III - Account Administration**

1. Each consumer or his duly authorized agent who desires to receive water and wastewater services shall sign an Application for Service.
2. The water meter is the property of Belleville Water. In accordance with Section 80 (1) of the Municipal Act, 2001, S.O. 2001, Chapter 25, Belleville Water maintains the right to enter on the customer's premises to inspect, read, repair or replace the water meter.
3. Belleville Water may at reasonable times, enter onto the land to inspect, repair, alter or disconnect the service pipe or equipment in accordance with Section 80 (1) of the Municipal Act, 2001, S.O. 2001, Chapter 25.
4. Water meters shall generally be read and accounts rendered monthly for General Service accounts and bi-monthly for Residential accounts. Belleville Water may serve bills upon the customer, by delivery or mail, to an address supplied by the customer.
5. If a Belleville Water representative is unable to obtain a meter reading, a Water Meter Reading Card will be left at the customer's premises for the customer to complete. Customers may also contact Belleville Water at 966-3651 to leave a message with their meter reading. If Belleville Water does not receive a meter reading before the customer's water bill is due to be processed, an estimated bill will be issued. An estimated bill will be based, where possible, on previous consumption records at the customer's location. The rules contained in this bylaw governing regular bills shall apply to estimated bills.
6. Where water is supplied to a multiple unit property and measured with a single meter, the account for the water and wastewater services shall be charged to the owner of the property.
7. Where water is supplied to a multi unit property with a single service lateral, the account for the water and wastewater shall be charged to the owner of the property.
8. For unmetered services existing on the date this bylaw comes into effect, the account for the water and wastewater services shall be charged to the owner of the property who shall pay the monthly flat rate charges as set out in Schedule "B" of this bylaw.
9. Where water supply to a multiple-unit property is not metered, as per paragraph 8 above, all charges for water and wastewater services will be billed to the owner at

the applicable flat rate charge per month shown on Schedule "B" of this bylaw multiplied by the number of units in the property.

10. Further to section 8 above, where a unit in an unmetered multiple-unit property is vacant, the applicable water and wastewater monthly flat rate charges shown on Schedule "B" will still apply, as the water service is deemed available.

11. Payments on account shall be made to Belleville Water in accordance with Schedule "B" attached hereto and forming part of this bylaw:

a) Bills are payable by the due date specified on the bill which is normally 30 days from the date of mailing except for final bills which are due 15 days from the date of mailing.

b) The following payment options are available at the date this bylaw is passed:

▪ Mail

Payments are deemed received on the date of postmark.

▪ In person at the office at 195 College Street West, Belleville

▪ Night Deposit at the office at 195 College Street West, Belleville

▪ At all major financial institutions, including telephone and Internet banking. For all financial institution payments, the payment is deemed received on the date processed by the bank.

▪ Pre-Authorized Payment Plans

○ Equal (Budget) Plan – Provides for eleven equal payments based on the estimated annual bill plus a reconciliation payment or credit based on actual water and wastewater charges and payments to date. This plan is offered to Residential customers only.

○ Actual Payment Plan - The actual amount of the customer bill is paid on the due date directly from the customer's bank account. This plan is available to both Residential and General Service customers.

Both plans require a signed customer authorization as well as a void cheque.

12. A Late Payment Charge, as shown in Schedule "B" of this bylaw, shall be assessed to all accounts not paid in full within 30 calendar days of the date of mailing or delivery of the customer's bill.

a) Where payment is made by mail, payment will be deemed to be made on the date postmarked.

b) Additional charges may be assessed for costs associated with the continued non-payment of amounts due, including costs of additional notice and of disconnecting and reconnecting water services.

- c) All charges and amounts imposed by this by-law and owing by the property owner have priority lien status and are a lien and charge upon the property, collectible in the same manner as taxes in accordance with Section 398 (2) of the Municipal Act 2001, S.O. 2001, Chapter 25.
13. Where it is necessary for Belleville Water staff to make a trip to the customer premises to personally collect account arrears, a Collection Charge, as shown in Schedule "B", will be assessed to the account.
14. When the occupancy of a premises changes, a Change of Occupancy charge as shown in Schedule "B" of this by-law will be levied to cover the cost of administrative work. The charge will be included on the first bill issued to the new customer.
15. When the owner requests a temporary removal of the water meter for construction purposes, their account will be charged based on the relevant labour and equipment costs.
16. The monthly Fixed Charges for providing and maintaining water and wastewater services to a property are payable in accordance with Schedule "B". In instances where the property is vacant, the water meter temporarily removed or the service otherwise disconnected, the monthly Fixed Charges shall continue to be rendered.
17. Further to section 16 above, where a rental unit is vacant, the owner will be responsible for the payment of all Fixed Charges as well as any charges for water used and wastewater discharged at the premises in accordance with Schedule B.
18. Where a water meter is damaged and must be replaced the charges shown in Schedule "B" of this bylaw will apply.
19. Where an Arrears Certificate is requested for a property, the charge shown in Schedule "B" of this bylaw will apply.
20. Where a customer's cheque is returned from a financial institution due to insufficient funds, a returned cheque charge shown on Schedule "B" of this bylaw will apply.

#### **Part IV - Water Rates and Charges**

1. Water consumed at all metered premises in the Belleville Water service area shall be charged for as indicated by the meter for each respective premises at rates, including the Monthly Fixed Charges, shown in Schedule "B" to this By-law.
2. If for any reason, a water meter is found not to be functioning properly; consumption will be estimated based on the average reading for previous months. Where the water meter is equipped with a remote register and a reading discrepancy occurs between the remote and the meter, the reading on the meter will be utilized. Water accounts may be adjusted accordingly for a period not exceeding 2 years.
3. Wherever possible, except for water used for fire fighting purposes, or water authorized by Belleville Water for construction or other purposes, all water used on premises within the service area of Belleville Water, shall pass through a meter

approved for use upon such premises. In addition to whatever other remedies the City may have by law in respect to infringement of this By-law, the City may, upon ascertaining that water has been used which has not passed through the meter of such premises, forthwith, without notice, shut off and stop the supply of water.

4. Pursuant to Section 83 of the Municipal Act, 2001, S.O. 2001, Chapter 25, where the customer applying for water services from Belleville Water is not the owner of the property, a Security Deposit as shown in Schedule A of this By-law will be charged.
5. Where a bulk water carrier desires to purchase water from the Belleville Water bulk filling station, an access card will be provided and a card deposit fee as shown in Schedule B of this By-law will be charged. If the carrier has account arrears in excess of 90 days, the deposit will be applied to the balance and the access card will be deactivated.
6. If a customer omits, neglects or refuses to pay any bill rendered, whether for water, service pipes, meter, service charges or any other monies to which Belleville Water may be entitled in respect of the water services to such premises, Belleville Water may, after providing reasonable notice in accordance with Sections 81 (3) of the Municipal Act, 2001, S.O. 2001, Chapter 25, shut off or reduce the flow of water to the premises.
7. Water used during the construction phase of a building, prior to occupancy, is not required to be metered. Belleville Water will charge the owner of the property a Water Building Charge as set out in Schedule "B" of this bylaw.
8. Where water service to a property has been discontinued as a result of non-payment, a Reconnection Charge as shown in Schedule "B" of this By-law will be levied against the delinquent account, in addition to the applicable Collection Charge.
9. Where the owner of a property has requested a seasonal disconnection of the water service, the account Disconnection/Reconnection charge as set out in Schedule "B" will apply

**Part V - Wastewater Rates and Charges**

1. Wastewater usage for all metered premises in the Belleville Water service area shall be charged for as indicated by the water meter for each respective premises at rates, including the Monthly Fixed Charges, shown in Schedule "B" to this By-law. The usage charge shall apply for all premises supplied with a connection to the wastewater system.
2. General Service Customers, who utilize water in their operations that is not discharged to the wastewater system, may apply to the Environmental & Operational Services department to have a product meter installed at their premises. The water measured by the product meter will be deducted from the total water consumption to determine periodic wastewater charges.
3. Sanitary Waste Haulers will be charged in accordance with Schedule "B" for waste delivered to the Sewage Treatment Plant.

THAT BY-LAW NUMBER 2009-78, A BY-LAW TO ESTABLISH WATER RATES AND PROCEDURES FOR BELLEVILLE WATER, IS HEREBY REPEALED.

**THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.**

Read a first time this day of

Read a second time this day of

Read a third time and finally passed this day of

NEIL ELLIS	MAYOR

JULIE C. ORAM	CITY CLERK

**Schedule “A” to By-Law No. 2009-xxx**

**Security Deposits - Water**

1. Security Deposits shall be required from the following Customers:
  - a) All Residential tenant customers who have not established a good payment record over two consecutive years with Belleville Water
  - b) All Residential tenant customers who are unable to provide satisfactory proof that they have a good payment record over two consecutive years with another utility.
  - c) All Residential customers who have a poor payment record with Belleville Water or from whom collection of future charges cannot be reasonably assured.
  - d) All General Service tenant customers who have not established a good payment record over three consecutive years with Belleville Water. With respect to this section, the following entities will be exempt:
    - Federal, Provincial and Municipal governments
    - Chartered Banks and Trust Companies
  - e) All General Service customers who have a poor payment record with Belleville Water or from whom collection of future charges cannot be reasonably assured.
  - f) All Bulk Water hauler customers who have not established a good payment record over three consecutive years with Belleville Water.
  
2. Security Deposits shall be in the form of cash, negotiable face-value securities issued by Governments, Chartered Banks or Trust Companies, or Irrevocable Letters of Credit from a Chartered Bank in a form acceptable to Belleville Water.
  
3. For Residential Customers, the Security Deposit shall be as shown in Schedule “B”.
  
4. For General Service Customers, the amount of the Security Deposit shall be equal to the estimated bill for two billing periods. Where the customer has experienced a delay in making payments, the foregoing amount may be increased to ensure adequate security to Belleville Water.
  
5. a) The following system will be used to evaluate a customer’s payment record:

Action	Demerit Points
Reminder Notice	1
NSF Cheque	2
Final Notice	3
Disconnection of Water Service	4



b) A good payment record is defined as follows:

<b>Residential</b>	No more than 6 Demerit Points accumulated over 2 consecutive years
<b>General Service – monthly billing</b>	No more than 18 Demerit Points accumulated over 3 consecutive years
<b>General Service – bimonthly billing</b>	No more than 9 Demerit Points accumulated over 3 consecutive years

6. Simple interest will be earned on all security deposits of \$100.00 or more, except those held for a period of six months or less. Interest on cash deposits will be paid at the time the deposit is refunded or applied to the account. The annual rate of interest will be reviewed and revised by Belleville Water from time to time.
7. Security deposits will be reviewed each billing cycle and those customers with a good payment record with Belleville Water, for the period defined below, will be returned:

<b>Residential</b>	The last consecutive 2 year period
<b>General Service</b>	The last consecutive 3 year period

8. Where the customer has not maintained a good payment record, the deposit will be held, and, in the event the customer discontinues services with Belleville Water be applied to the final account.