

THE CORPORATION OF THE TOWN OF THESSALON

BY-LAW NUMBER 2297

Being a By-law to impose and collect water service rates for water services through the Town of Thessalon Water Distribution System.

WHEREAS Section 391 of the Municipal Act, 2001, authorizes the Council of the Corporation of the Town of Thessalon to pass a by-law to impose a fee or charge on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the persons to be benefited and charged with the Water Service Rates are Thessalon Customers or Huron Shores Customers as defined in para. 1 of this by-law;

AND WHEREAS the Council of the Town of Thessalon deems it expedient to pass a by-law imposing such water service rates and to repeal By-law Number 1933.

NOW THEREFORE the Council of the Corporation of the Town of Thessalon hereby **ENACTS AS FOLLOWS:**

1. Definitions:
 - (a) "Council" means the Council for the Corporation of the Town of Thessalon;
 - (b) "Huron Shores Customer" means those owners of land, whose land is located within the Municipality of Huron Shores and whose land is connected to the Town of Thessalon Water Distribution System;
 - (c) "Town of Thessalon" means the Corporation of the Town of Thessalon;
 - (d) "Thessalon Customer" means those owners of land, whose land is located within the Town of Thessalon and whose land is connected to the Town of Thessalon Water Distribution System;
 - (e) "Water Service Rate" means the rate charged for the cost of water works supplied by the Corporation of the Town of Thessalon as calculated in Schedule "A" attached to and forming part of this by-law.
2. Every Thessalon Customer shall be charged a Water Service Rate as calculated in Schedule "A" attached hereto and forming part of this by-law.
3.
 - (a) Every Huron Shores Customer shall be charged 131 percent of the corresponding Water Service Rate charged to Thessalon Customers. Every Huron Shores Customer shall also pay a \$5.00 per month surcharge;
 - (b) The surcharge described in para. 3(a) shall be collected and used to establish a reserve for repairs to the Municipality of Huron Shores water main. In establishing this reserve, the Town of Thessalon does not assume responsibility for any repair costs which are in excess of this reserve.
4. Thessalon Rental Customers and Huron Shores Rental Customers:
Effective April 30th, 2012 the owner of a rental unit will be responsible for payment of water and sewer service accounts for the premises occupied by his/her tenant(s).
5.
 - (a) Payment: All bills from the Town of Thessalon shall normally be mailed bi-monthly and/or e-billed by the last business day of the month and shall be due and payable on or before the sixteenth (16th) of the following month ("due date"). All bills from the Town of Thessalon that have metered accounts shall be mailed and/or e-billed monthly.
 - (b) An additional amount of three percent (3%) shall be added to all bills not paid in full by the due date;
 - (c) Thessalon Customers or Huron Shores Customers whose bills have not been paid by the 16th of the following month, as outlined in para. 5(a), shall be given until the 16th day of the month following the due date for payment in full of the arrears and all outstanding Water Service Rates and any current Water Service Rates and

Sewer Service Rates (as set out in the current by-law to impose and collect sewer service rates). A failure to pay Water Service Rates by the 16th day of the month following the due date of the invoice shall result in the Customer receiving a delinquent notice advising them that service will be disconnected on the first working day of the next month. Accordingly, a Customer's water service shall not be turned on again until the full amount of the said indebtedness is paid, along with payment of the service charges for turning the service off and on, as set out in para. 6 below. The Town of Thessalon may use any further method of securing payment of the indebtedness available to it pursuant to the Municipal Act, 2001.

Notwithstanding Section 5 (c) above, when the Town Superintendent deems that seasonal temperatures have reached below freezing, water shall not be disconnected due to possible damage that may occur to the shut off valve while attempting to turn the water off. Failure to pay all outstanding water as of the 16th day of April of the current year shall result in the Customer receiving a delinquent notice advising the Customer that service will be disconnected if the account is not paid in full by the 30th of April. All delinquent accounts will be scheduled for disconnection on the first working day of the month of May.

6. (a) Services Charges: Thessalon Customers shall be billed a service charge of \$30.00 for disconnecting (shutting off) or attempting to disconnect from the Town of Thessalon Water Distribution System. Thessalon Customers shall be billed a \$30.00 service charge for reconnecting to the Thessalon Water Distribution System. Only one service charge shall be charged to a Thessalon Customer regardless of the number of municipal valves that are required to be disconnected or reconnected per Customer request. There shall be no service charge for disconnecting and reconnecting for repair purposes, however, there will also be no discount on the water bill for that period of time the water is disconnected for repair purposes;
- (b) Huron Shores Customers shall be billed a service charge of \$40.00 for the disconnecting (shutting off) or attempting to disconnect from the Town of Thessalon Water Distribution System. Huron Shores Customers shall be billed a \$40.00 service charge for reconnecting to the Thessalon Water Distribution System. Only one service charge shall be charged to a Huron Shores Customer regardless of the number of municipal valves that are required to be disconnected or reconnected per Customer request. There shall be no service charge for disconnecting and reconnecting for repair purposes, however, there will also be no discount on the water bill for that period of time the water is disconnected for repair purposes;
- (c) Where a Thessalon Customer or Huron Shores Customer requests that its water services be temporarily shut off (the owner and/or his designate must be present) and where the Town of Thessalon, using its staff, can physically shut off the Customers' water at the street or on the property owner's premises, the Customer shall be billed, in addition to the applicable service charge as set out in para. 6 (a) or (b), a minimum monthly maintenance fee of 25% of the applicable Water Service Rate as set out in Schedule "A" and 25% of the Sewer Service Rate as set out in the current by-law to impose and collect sewer service rates, during the period of temporary shut off;
- (d) Where a Thessalon Customer or Huron Shores Customer requests that its water services be temporarily shut off but where the Town of Thessalon is unable to, using its staff, physically shut off the property owner's water at the street or property owner's premises, the Customer shall continue to pay the applicable Water Service Rate as set out in Schedule "A" and the applicable Sewer Service Rates as set out in the current by-law to impose and collect sewer service rates;
- (e) If a Thessalon Customer or Huron Shores Customer owns property which contains multiple apartments and/or units and an apartment or unit does not have a separate shut off valve, the Customer shall have the option of installing a separate shut off valve, at its own cost and expense;
- (f) If a Thessalon Customer or Huron Shores Customer requests that an apartment or unit be permanently shut off from the Town of Thessalon Water Distribution System, (the owner and/or his designate must be present), the apartment or unit

shall be physically shut off at the street or on the property owner's premises and a service charge as set out in para. 6 (a) or (b) shall apply. In addition, the Customer shall sign an agreement, in the form set out in Schedule "B" attached hereto and forming part of this by-law ("Agreement"), evidencing the Customer's request. Should the apartment or unit not be able to be shut off at the street or on the property owner's premises, the Customer shall still pay the service charge as set out in para. 6 (a) or (b) and sign the Agreement. The Town of Thessalon reserves the right to monitor the use of the apartment or unit and if, at any time the Town of Thessalon believes that the apartment or unit continues to be used as a separate residence, the Town of Thessalon may apply all applicable Water Service Rates, Service Charges and Sewer Service Rates as set out in the current by-law to impose and collect sewer service rates to the Customer back to the date the Agreement was executed;

- (g) The Treasurer of the Town of Thessalon shall charge the current bank charge plus forty-five dollars (\$45.00) to any account for which payment was tendered by cheque, pre-authorized debit, on-line banking or telephone banking transaction where such cheque, pre-authorized debit, on-line banking or telephone banking payment is not honoured by the Bank or Trust Company named on such cheque, pre-authorized debit, on-line banking or telephone banking transaction.
- 7.
- (a) No Thessalon Customer or Huron Shores Customer shall opt off the Town of Thessalon Water Distribution System in order to provide their own source of drinking water;
 - (b) Where the Town of Thessalon water service is available, owners of land whose land is located within the Town of Thessalon shall be required to connect into the Town of Thessalon Water Distribution System. Once connected into the Town of Thessalon Water Distribution System, the owners of land, whose land is located in the Town of Thessalon shall be prohibited from using wells, septic systems or any similar water systems;
 - (c) A cross connection with other water sources such as wells, cisterns or surface water is prohibited for those persons where the Town of Thessalon water service is available. The Town reserves the right to inspect all premises and to specify the type of back flow preventer to be installed, at the owner's expense, when deemed necessary;
 - (d) Once a building is removed from an existing property and is not connected to the Town of Thessalon Water Distribution System, a charge shall no longer apply until such time a building is erected on the property.
8. The Town of Thessalon shall prohibit any new connections into the Town of Thessalon Water Distribution System by owners of land, whose land is located in the Municipality of Huron Shores.
9. All waterline breaks on private property shall be fixed forthwith. Failure to comply within forty-eight (48) hours will result in the Customers water service being turned off, either by Town forces or by someone designated by the Town Superintendent. All applicable Service Charges as set out in para. 6 shall apply.
10. In the case of multiple family dwellings or commercial premises with a number of units where separate Stop-and-Drains are not provided for each separate family unit or commercial unit, the owner of the land, whose land is located in the Town of Thessalon or the Municipality of Huron Shores and is connected to the Town of Thessalon Water Distribution System and is using water from the Town of Thessalon Water Distribution System shall be liable to pay any Water Service Rates, Service Charges and/or Sewer Service Rates (as set out in the current by-law to impose and collect sewer service rates) which are not paid, and such Water Service Rates, Service Charges and/or Sewer Service Rates (as set out in the current by-law to impose and collect sewer service rates) may be collected by the Town of Thessalon in accordance with the provisions of the Municipal Act, 2001.

11. Council may limit the use of water for any purpose, or limit the hours of using the same, whenever Council deems it necessary.
12. No person shall in any way interfere with any hydrant, valve, stop-cock, or other water works appliances outside of his own premises.
13. No person shall in any way interfere with any meter, or pipe leading to such meter, whether inside or outside his premises.
14. All owners or users of large industrial and/or commercial boilers taking water from the Town of Thessalon Water Distribution System shall have tanks of sufficient size to ensure that they have a supply of water in cases where water service from the Town of Thessalon's Water Distribution System is temporarily shut down for repairs and/or emergency situations and/or other purposes by the Town of Thessalon. All owners or users of house boilers shall be fitted with suitable check-valves to prevent accidents from collapse or damage in case water is suddenly shut or drawn off from the water main or service pipe.
15. Council and/or the Water Committee designated by Council shall have full power and authority to use its discretion, in the event of any or all emergencies, to curtail the use and/or supply of water to any or all Thessalon Customers or Huron Shores Customers, or to determine the period(s) of time during which the use of water may be limited or entirely discontinued. It is the intention of Council, where practical, to provide Customers with reasonable notice of such curtailment of use or supply.
16. Additional charges shall be paid by a Thessalon Customer, or Huron Shores Customer, where water pipes are found to be frozen within the Thessalon Customer's property line or where the water pipes are found to be frozen within the Municipality of Huron Shores. These additional charges shall be billed to the Customer within 15 days after thawing in accordance with fees outlined in Schedule "A". Any additional charge payable shall be equal to or less than the cost incurred by the Town of Thessalon to thaw the pipe. Where water pipes are found to be frozen on Town of Thessalon property or on a road right-of-way within the Town of Thessalon, the Town of Thessalon will assume responsibility for the cost of thawing the frozen pipes.
17.
 - (a) No person shall take water from a hydrant without first receiving prior approval from the Town Superintendent. The person, requesting the water from a hydrant, shall pay to the Town the amount as set out in Schedule "A";
 - (b) The Town of Thessalon Fire Department and the Huron Shores Fire Department are authorized and permitted to use water from the Town of Thessalon Water Distribution System as long as the water is being taken from water hydrants which have been designated by Council as water hydrants to be used for fire fighting purposes.
18. The Water Service Rates and charges imposed under this by-law on a Thessalon Customer constitutes a debt by the Thessalon Customer to the Town. Water Service Rates and Charges set out in this by-law have priority lien status and the Treasurer of the Town of Thessalon may add the Water Service Rates and charges under this by-law to the tax roll for the property owned by the Thessalon Customer and collect such in the same manner as municipal taxes.
19.
 - (a) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of \$300.00;
 - (b) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
20. In the event any provisions or part thereof, of the this by-law is found by a court of competent jurisdiction to be ultra vires, such provisions or part thereof, shall be deemed to be severed and the remaining portion of such provisions and all other portions of this by-law shall remain in full force and effect.

21. By-law Numbers 1933, 2089 and 2233 are hereby rescinded.

22. This by-law shall come into force and take effect upon the final passing thereof.

PASSED in Open Council this 15th day of April, 2019.

Mayor

Seal

Clerk-Treasurer

Schedule "B"

**Town of Thessalon
By-law Number 2297**

Removal of an Apartment or Unit from the Town of Thessalon Water Distribution System

Name: _____

Service Address: _____

Billing/Mailing Address: _____

I, _____, owner of _____,

hereby request that the Corporation of the Town of Thessalon (the "Town") permanently shut off the apartment or unit located at _____ and further described

as _____ (the "Unit") from the Town's Water

Distribution System as the Unit will no longer be used as a separate residence. I further

acknowledge and understand that if, in the future, I plan on renting, leasing or otherwise

providing the Unit to third parties for consideration, I shall immediately notify the Town in

writing to this effect and failure to do so may result in the Town, under authority of the current

by-law to impose and collect water service rates, invoicing me for all Water Service Rates as

set out in the current by-law to impose and collect Water Service Rates and Sewer Service

Rates as set out in the current by-law to impose and collect Sewer Service Rates, back from

the date of the signing of this agreement.

Property Owner's Signature

Date

Witness