

(amended By-law 134-2015, Sept. 21/15)
(amended By-law 42-2016, March 29/16)
(amended By-law 57-2017, Apr. 10/17)
(amended By-law 37-2018, Feb. 26/18)
(amended By-law 60-2019, May 6/19)

BY - LAW NUMBER 13-2014

A BY-LAW TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF SEWAGE SYSTEM CHARGES

Passed the 20th day of January, 2014.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, enables municipalities to pass By-laws imposing fees or charges for services or activities provided or done by or on behalf of it and for adding fees and charges to the tax roll and collecting them in the same manner as municipal taxes;

AND WHEREAS Ontario Regulation 581/06 made under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that where fees or charges imposed for the use of a sewage system are added to the tax roll, such fees and charges have priority lien status;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

“Access” means any part of a property that lies within 30.5 metres of a sewage system.

“Clerk” means the City Clerk of The Corporation of the City of Windsor.

“Commission” means the Windsor Utilities Commission.

“combined sewer” means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer.

“commercial” includes industrial, and institutional.

“Corporation” means The Corporation of the City of Windsor.

“Council” means the Council of The Corporation of the City of Windsor.

“excess summer consumption” means summer consumption in excess of winter consumption. For the purposes of this definition winter consumption is calculated by averaging the actual monthly water usage during the winter consumption period of the prior year.

“flow differential” means the amount of water consumed by a customer of the Commission that does not discharge to the Corporation’s sewage system.

“sanitary sewer” means a sewer for the collection and transmission of domestic, commercial, institutional and industrial sewage, or any combination thereof;

“sewage” means any discharge to the sewage system.

“sewage service rate” means the fee charged for the operation, repair, maintenance and expansion of a sewage system and includes a fee for depreciation, deferred maintenance or a reserve fund for any such purpose.

“sewage system” means any system owned or operated by the Corporation for the collection, transmission, treatment or disposal of sewage or any part of such system and includes any sanitary sewer, combined sewer, storm sewer or any land drainage works maintained by the Corporation.

“storm sewer” means a sewer for the collection and transmission of uncontaminated water, stormwater, drainage from land or from a watercourse, or any combination thereof.

“summer consumption” means monthly water usage by a customer of the Commission during the summer consumption period.

“summer consumption period” means time period from May 1st to October 31st.

“Treasurer” means the Chief Financial Officer and City Treasurer of The Corporation of the City of Windsor.

“water rate” means a fee or charge that is imposed by the Commission for the supply of water.

“water usage” means actual water used as determined by the Commission for the supply of water.

“water system” means any system for the collection, production, treatment, storage, supply or distribution of water, or any part of any such system.

“winter consumption” means the average monthly water usage by a customer of the Commission during the winter consumption period.

“winter consumption period” means time period from November 1st to April 30th.

2. SEWAGE SERVICE RATE

2.1 There is hereby imposed upon owners or occupants of the lands used for residential purposes in the City of Windsor, who have access to a sewage system, a monthly sewage service rate composed of a fixed sewer surcharge rate by meter size as set out in Schedule “A”, plus a variable sewer surcharge rate based on actual water usage as set out in Schedule “B”.

2.2 There is hereby imposed upon owners or occupants of the lands used for commercial purposes in the City of Windsor, who have access to a sewage system, a monthly sewage service rate composed of a fixed sewer surcharge rate by meter size as set out in Schedule “A”, plus a variable sewer surcharge rate based on actual water usage as set out in Schedule “B”.

2.3 Variable sewer surcharge rates will be calculated as follows:

- (a) During the winter consumption period, the variable sewer surcharge rate will be applied to the actual water usage by a customer of the Commission; and
- (b) During the summer consumption period, the variable sewage rate will be applied to the actual water usage by a customer of the Commission and reduced by the variable sewer surcharge rate applied to the excess summer consumption.

- 2.4 The sewage service rate is deemed to be a user fee and no property shall be exempt from such fee by reason only that it is exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A31, as amended.
- 2.5 The Commission shall have charge of and the power and responsibility for the billing and collection of the sewage service rate. It shall bill such rates in conjunction with its billing of the water rate charged or chargeable in respect of all lands in the City of Windsor.
- 2.6 The Commission shall assess and collect a penalty for late payment and such penalty shall be equal to the penalty prescribed by it for the late payment of the water rate it charges.
- 2.7 The sewage service rate shall be collected in accordance with the billing and collection schedule practice of the Commission and the Commission may, in accordance with its own policies, refund such charges billed to administrative errors.
- 2.8 All monies collected by the Commission that constitute sewage service rate shall be trust monies held for the benefit of the Corporation and shall be payable to the Corporation on the first day of each month. The Commission shall account for such monies, and the Corporation's auditors shall report on the activities and position of such collection.
- 2.9 The monies received by the Corporation from the Commission pursuant to this section constitute a reserve fund in accordance with Section 417(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, for the operation, repair, maintenance and expansion of a sewage system and includes a fee for depreciation, deferred maintenance or a reserve fund for any such purpose.
- 2.10 Despite the other provisions of s. 2, and s. 3 of this by-law, in the event that the Commission requires access to the sewer system in connection with the Commission's operations at the Albert H. Weeks Water Treatment Plant, the Commission shall pay to the Corporation a monthly sewage service rate, which will be invoiced monthly by the Corporation. The sewage service rate shall be calculated based solely on the Variable Sewer Surcharge Rate for the Commercial Sewer Service Rate set out in Schedule "B" and the daily flow to sewer data submitted by the Commission to the Corporation on a monthly basis. The daily flow to sewer data is to be measured by a sewage flow meter installed by the Commission to the satisfaction of the Corporation. On an annual basis the Commission shall submit to the Corporation flow meter calibration certificates for the previous 12 months.(added B/L 134-2015, Sept.21/15)

3. FEE REDUCTIONS AND RELATED APPEALS

- 3.1 Despite the provisions in this By-law:
 - (a) Owners or occupants of lands used for commercial purposes may apply to the Corporation to obtain a sewage service rate rebate for water used and not returned to a sewage system. Such application shall be made in writing and shall be supported by evidence, satisfactory to the Corporation, of proper metering of reduced discharge into a sewage system.
 - (b) Owners or occupants of lands used for residential purposes and located more than 30.5 metres from and not connected to a sanitary or combined sewer may apply to the Corporation to obtain a sewage service rate fee exemption.
- 3.2 An appeals committee is hereby established composed of such Corporation employees as may be directed by the Treasurer.

- (a) The appeals committee may make general rules regulating its practice and procedure.
- 3.3 Any owner or occupant may apply for a rebate or exemption outlined in section 3.1 of this By-law. Application shall be made to the Clerk, on the application form that is attached to this By-law as "Appendix A". All supporting material indicated on the application form shall be submitted with the form before any application will be processed by the Corporation.
- 3.4 An application for rebate or exemption will be considered where:
 - (a) The provisions of section 3.1 of this By-law apply; or
 - (b) The flow differential exceeds 20% of water consumption.
- 3.5 The Clerk shall forward the application for appeal to the appeals committee, which will prepare and submit a decision outlining the merits of the appeal, if any, and any other advice and assistance in respect to such appeal.
 - (a) The appeals committee shall provide the appellant and Clerk with a copy of the full text of its decision.
- 3.6 No rebate or exemption to the sewage service rate shall be given for the purpose of lawn and garden watering unless there is a dedicated seasonal service meter for lawn and garden watering. **(Section 3.6, deleted and substituted By-law 42-2016, March 29/16)**
- 3.7 For owners or occupants of lands used for commercial purposes, all meters or other measuring devices shall be provided and maintained by the applicant and the applicant is required to provide a third party certificate of meter calibration dated within the previous 12 months to the Clerk. The certificate must indicate a degree of measuring device accuracy of plus or minus 10% prior to any device recalibration.
- 3.8 The Corporation shall be entitled to conduct an inspection of the appellant's premises to verify all information to the rebate application.
- 3.9 Flow differential measurement that is not based on direct metering must be approved by the appeals committee.
- 3.10 For the purposes of an application for sewage service rate rebate, it is deemed that since all Commission customers who use water service have some water usage that does not discharge into the Corporation's sewage system, the sewage service rate for all owners or occupants of lands used for commercial purposes who receive sewage service rate rebate shall be calculated on the basis of 125% of their monthly discharge into the sewage system. All such accounts shall be subject to a minimum sewage service rate based on a consumption of 45.5 cubic metres per month.
- 3.11 Any rebate in the sewage service rate and the sewer levy fee given to owners or occupants of lands used for commercial purposes as a result of an application, shall take effect retroactive to the date on which the application was filed and shall apply only to the account in question and to the land in question only while the ownership or occupancy of, as the case may be, remains with the person in whose name the application was filed.
- 3.12 Owners or occupants eligible for a sewage service rate rebate may be reimbursed only those approved amounts collected during the previous and current taxation year. Rebates will be paid to the applicant in the form of a cheque.
- 3.13 Owners or occupants in arrears with regard to payments for water rates or sewer surcharges shall not be entitled to any rebate so long as such arrears are outstanding.

3.14 If an owner or occupant applies for and is denied a rebate or exemption for or is not satisfied with the amount of rebate or exemption provided, he or she may appeal the decision of the appeals committee to Council.

- (a) An appeal to Council must be filed within 20 days of the date of decision of the appeals committee. Appeal shall be in the form of a letter to the Clerk, with a copy of the original rebate or exemption application and all required supporting materials attached.
- (b) The Clerk will ensure the appeal is placed before Council and shall notify the applicant and Treasurer of the date that Council will consider the appeal and the applicant shall be afforded the opportunity to appear as a delegation to Council, in accordance with the provisions contained in the Corporation's Procedure By-law.
- (c) The Decision of Council is final and binding.

4. GENERAL PROVISIONS

4.1 The fees imposed under this By-law constitute a debt of the person to the Corporation and the Corporation may add these fees or charges to the tax roll of the property that has access to the sewage system and collect them in the same manner as municipal taxes. Such fees have priority lien status as described in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

4.2 By-law 45-2013 is hereby repealed.

4.3 This by-law shall come into force and take effect as of January 1, 2014.

EDDIE FRANCIS, MAYOR

CLERK

First Reading - January 20, 2014

Second Reading- January 20, 2014

Third Reading - January 20, 2014

SCHEDULE “A” TO BY-LAW 13 -2014

2019 FIXED SEWER SURCHARGE RATES BY METER SIZE

Residential Accounts

Stand Alone Fixed Sewer Surcharge
\$17.38

Commercial Accounts

Meter Size		Stand Alone Fixed Sewer Surcharge
1”	25mm	\$108.11
1 ½ ”	40mm	\$253.26
2”	51mm	\$422.76
3”	75mm	\$759.81
4”	100mm	\$1,345.45
6”	150mm	\$2,456.70
8”	200mm	\$4,093.34
10”	250mm	\$6,743.23

(Schedule B deleted and substituted – By-law 57-2017, April 10, 2017)
(Schedule B deleted and substituted – By-law 37-2018, Feb. 26/18)
(Schedule B deleted and substituted – By-law 60-2019, May 6/19)

SCHEDULE “B” TO BY-LAW 13-2014

<u>2019 VARIABLE SEWER SURCHARGE RATES</u>	
<u>Residential</u> Sewer Service Rate	\$2.90 per cubic meter of water used
<u>Commercial</u> Sewer Service Rate	\$1.20 per cubic meter of water used

APPENDIX A TO BY-LAW NUMBER 13 -2014

APPLICATION FOR SEWAGE SERVICE RATE REBATE

Name of Applicant:

Company (if applicable):

Property Address:

Mailing Address (if different than property address):

Phone Number: _____

Status: Owner OR Occupant

Discharge Point (check one):

Storm Sewer

Sanitary Sewer

Other (specify) _____

Method used to determine volume discharged (check one):

Sewage meter

Product consumption

Other (specify) _____

Attach Copy of:

Water Bills issued by the Commission supporting the application;

Volume subject to rebate with supporting documentation;

If volume is determined by meter, copy of 3rd party calibration certificate for meter (dated within the previous 12 months).

Please submit to:

City Clerk

The Corporation of the City of Windsor

P.O. Box 1607

350 City Hall Square West, Room 530

Windsor, ON N9A 6S1

Signature of Applicant: _____

Date: _____

NOTE: Please keep a photocopy of your completed application and supporting documentation. If you are not satisfied with the amount of rebate granted or if you are denied rebate or exemption, you can appeal the decision to Council within 20 days of receipt of the decision by filing a copy of this form and supporting documentation with the Clerk. Refunds or retroactive to the current and previous taxation year only.