



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 67-2016

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### Being a By-law to Adopt a Water and Wastewater Collection Policy and to Repeal By-law No. 240-96 (in part)

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**Whereas** By-law No. 240-96 passed by the Municipal Council of the Town of Fort Erie on December 9, 1996 provided for the regulation of a System of Water Works including collection procedures and terms and conditions for payment of water rates, in Parts VII and VIII thereof; and

**Whereas** By-law No. 240-96, as amended, was repealed (in part) by By-law No. 199-04, save and except Parts VII and VIII providing for collection procedures and terms and conditions for payment of water rates, and Schedule "A" providing for the rates and fees for Water and Wastewater; and

**Whereas** Schedule "A" to By-law No. 240-96 is replaced annually with the adoption of the Water and Wastewater Budget and the Rates and Fees; and

**Whereas** Report No. CS-09-2016 was considered at the Council-in-Committee Meeting held on May 16, 2016, and subsequently authorized and approved by Council, to approve a Water and Wastewater Collection Policy, and to repeal Parts VII and VIII of By-law No. 240-96; and

**Whereas** it is deemed desirable to adopt a Water and Wastewater Collection Policy, and repeal By-law No. 240-96 in part;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Water and Wastewater Collection Policy attached as Schedule "A" and forming part of this by-law, is adopted and approved.
2. **That** Parts VII and VIII of By-law No. 240-96 are repealed.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 20<sup>th</sup> day of June, 2016.**

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Mayor

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Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 67-2016 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_



## ***TOWN OF FORT ERIE***

### **Water and Wastewater Collection Policy**

#### **1. PURPOSE**

To ensure that all water and wastewater rates, fees and charges are collected in a prompt, efficient and effective manner and that procedures and policies are applied in a fair, timely and consistent manner.

#### **2. APPLICATION**

The Town and its officers and employees shall follow the procedures in this policy for water and wastewater billing and collection activities.

This policy shall be read and applied fairly with such variations, as circumstances or the nature of the subject matter require, provided the general purpose, intent, meaning and spirit of the policy are maintained.

#### **3. BACKGROUND**

This policy consolidates existing policies and establishes policies where only procedures had previously existed.

#### **4. DEFINITIONS**

In this policy:

- 4.1 ***“blank or blanking”*** means the temporary or permanent decommissioning of a pipe by means of plugging, capping, or other method approved by the Engineer.
- 4.2 ***“Engineer”*** means the Director, Infrastructure Services of the Town from time to time, or the holder of the office exercising the functions performed by the said Director, and includes his or her designate.

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- 4.3 **“fees and charges”** means the water and wastewater fees and charges established by the then current annual Water and Wastewater Budget and Rates and Fees By-law as amended or superseded.
- 4.4 **“Owner”** means the registered owner of the property or a mortgagee in possession.
- 4.5 **“Treasurer”** means the Director, Corporate Services of the Town from time to time, or the holder of the office exercising the functions performed by the said Director, and includes his or her designate.
- 4.6 **“Town”** means The Corporation of the Town of Fort Erie.
- 4.7 **“rate”** means the fee or charge established by the then current annual Water and Wastewater Budget and Rates and Fees By-law as amended or superseded.

### 5. ADMINISTRATIVE RESPONSIBILITIES

- 5.1 The Treasurer shall:
  - 5.1.1 Undertake a comprehensive review of this policy every five years. Amendments may be made at any time at the recommendation of the Treasurer and approval of Council;
  - 5.1.2 Comply with this policy; and
  - 5.1.3 Address non-compliance with this policy.
- 5.2 All Town employees shall:
  - 5.2.1 Familiarize themselves with this policy;
  - 5.2.2 Comply with this policy; and
  - 5.2.3 Report any violation of this policy to their supervisor.

### 6. WATER AND WASTEWATER RATES

- 6.1 Rates are charged in accordance with the current annual Water and Wastewater Budget and Rates and Fees By-law.
- 6.2 The method and conditions of payment for water and wastewater rates and associated fees and charges shall be established by the Treasurer in accordance with the terms of this policy.

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- 6.3 The base rate component of the water and wastewater billing as specified in the established rates will remain in effect despite the discontinuation or blanking of the water and/or wastewater service connection unless otherwise approved by the Engineer and Treasurer.
- 6.4 Overdue water and wastewater rates, fees and charges may be added to the tax roll and collected in the same manner as property taxes. When added to the tax roll, such rates, fees and charges have priority lien status against the land.

### **7. ACCOUNTS**

- 7.1 All Owners must establish a water and wastewater billing account in their own name using their current mailing address.
- 7.2 Only the Owner shall be liable for the payment to the Town of all water and wastewater rates, fees and charges.
- 7.3 The liability imposed upon an Owner by Subsection 7.2 shall remain with the Owner notwithstanding any contract or agreement to the contrary entered into by the Owner with any other person.
- 7.4 Owners may request and authorize that other specifically named persons are to be sent a copy of the billing in addition to the Owner, and will be charged the established fee.

### **8. BULK WATER HAULERS**

- 8.1 Customers wanting to purchase water in bulk must establish a bulk water account, and will be charged the established fees.
- 8.2 Account billings are sent to customers on or about the 15<sup>th</sup> day of the month.
- 8.3 The due date for payment in full is the 3<sup>rd</sup> business day of the following month.
- 8.4 Failure to receive a water bill does not preclude payment or exempt an account from penalty charges.
- 8.5 Penalty at the rate specified in the established fees will be charged on any part of the current month's bill not paid before the due date.

### **9. UNMETERED WATER SUPPLY**

- 9.1 Where a temporary water supply is provided without a meter, other than for construction purposes, the Engineer shall calculate the charge to be applied, including both base rate and consumption, based on estimated

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water usage and estimated return to the water and wastewater works system using the established rates.

- 9.2 The charge shall be paid upon the approval of the Engineer to provide a temporary water supply.

### **10. BILLINGS**

- 10.1 Water and wastewater bills are sent to the Owner on or about the 15th day of the month.
- 10.2 The due date for payment in full is the 3<sup>rd</sup> business date of the following month.
- 10.3 Failure to receive a water and wastewater bill does not preclude payment or exempt an account from penalty charges.
- 10.4 Penalty at the rate specified in the established fees will be charged on any part of the current month's bill not paid before the due date.

### **11. METHODS OF PAYMENT**

- 11.1 Cash, Interac or cheque (for accounts in good standing) at The Town's Corporate Offices, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6;
- 11.2 Pre-authorized payment (PAP);
- 11.3 Telephone or internet payment;
- 11.4 At most financial institutions in Canada;
- 11.5 Cheque by mail, post-marked at least three (3) business days prior to the due date or using the night depository; and
- 11.6 Online credit card payment.

### **12. NOTICES OF OVERDUE ACCOUNTS**

- 12.1 On or about the 10<sup>th</sup> day after the due date of a billing, the Owner of an account which has an overdue amount owing greater than a threshold established by the Treasurer, shall be sent a reminder notice, and charged the established fee.
- 12.2 On or about the 15<sup>th</sup> day after a reminder notice is sent, an Owner whose account continues to have an overdue balance greater than a threshold determined by the Treasurer shall be sent a final notice of the proposed shut-off, by personal service or prepaid mail or by posting the notice on

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the land in a conspicuous place, and the Owner shall be charged the established fee.

- 12.3 The usual shut off date is scheduled for the last Wednesday of the month following a final notice.

### **13. COLLECTION OF OVERDUE ACCOUNTS**

- 13.1 The payment of water and wastewater rates, fees and charges may be enforced by various methods, including:

- 13.1.1 Shutting off the water supply;
- 13.1.2 Adding the rates, fees and charges to the tax roll and collecting them in the same manner as property taxes;
- 13.1.3 Through a collection agency; and
- 13.1.4 Legal action.

### **14. PAYMENT ARRANGEMENTS**

- 14.1 Payment arrangements may be made with an Owner or a person receiving a duplicate copy of the bill to avoid a water supply disconnection or to reconnect the water supply for an account that has been disconnected.
- 14.2 The terms of payment arrangements will be established by the Treasurer from time to time.

### **15. WATER SUPPLY DISCONNECTION**

- 15.1 The week prior to the scheduled disconnection of the water supply, the Town will attempt to contact the Owner by telephone using the primary phone number listed on the account, to advise of the scheduled disconnection date.
- 15.2 On the designated shut-off day, the water supply will be disconnected at the curb stop.

### **16. RECONNECTION OF WATER SUPPLY**

- 16.1 The reconnection of the water supply will be made only after full payment of all overdue rates, fees and charges, plus the turn off and turn on fees specified in the established fees, or upon satisfactory payment arrangements being made as specified in Section 14.
- 16.2 Payment shall be made by cash, Interac, money order, bank draft, certified cheque, or online credit card payment.

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- 16.3 The Town will reconnect a water supply the same day if payment is received at The Town’s Corporate Offices, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 by 4:00 p.m.
- 16.4 A person 18 years or older must be present at the property for the water supply to be reconnected.

### **17. ADDITION OF OVERDUE ACCOUNTS TO THE TAX ROLL**

- 17.1 If an account for a water supply remains unpaid for more than thirty (30) days after the disconnection of the water supply, all overdue amounts will be added to the tax roll and collected in the same manner as property taxes.
- 17.2 Subsequent overdue amounts will be added to the tax roll once they have accumulated to an amount greater than a threshold determined by the Treasurer.
- 17.3 A water supply will only be reconnected after all amounts added to the tax roll are paid in full or upon satisfactory payment arrangements being made as specified in section 14.
- 17.4 Payments shall be made in cash, Interac, money order, bank draft, certified cheque, or online credit card payment.

### **18. RECOVERY OF REVENUE LOSSES**

- 18.1 The Town shall be entitled to recover from the Owner any loss of water supply or wastewater revenues which have resulted from any violation of the provisions of the Town’s By-law to Regulate the Management of a System of Water Works in the Town of Fort Erie, as amended or replaced from time to time.
- 18.2 The amount of revenue recovery shall be determined by the Treasurer in consultation with the Engineer based on the following:
  - 18.2.1 The estimated length of time over which the offence occurred and revenue was lost;
  - 18.2.2 The estimated amount of water supply used and/or wastewater discharge over that period; and
  - 18.2.3 The applicable water and wastewater established rates over that period.

### **19. LEAKS**

- 19.1 If an Owner incurs a substantial water leak that does not discharge into the wastewater works system, a request may be made in writing to the

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Treasurer, for a wastewater consumption credit on the volumes associated with the leak.

- 19.2 The Owner's written request and supporting documentation will be reviewed and considered by the Treasurer and the Engineer to determine whether a wastewater consumption credit may apply, and if so, calculate the amount of the credit.

### **20. FINAL BILLS**

- 20.1 The Owner shall notify the Town at least ten (10) business days in advance to schedule a final meter reading if the property ownership is changing.
- 20.2 The Owner shall provide a mailing address for the final bill.
- 20.3 The Owner shall be responsible for all water and wastewater rates, charges and fees, up to and including the final meter reading for the ownership change.
- 20.4 The Town may use a third party collection agency to collect an unpaid final bill.

### **21. DISPUTES AND GRIEVANCES**

- 21.1 Where a dispute arises as to a water or wastewater rate, fee or charge, the Treasurer in consultation with the Engineer, shall determine the correctness and applicability of such rate, fee or charge.
- 21.2 An appeal of the Treasurer's and Engineer's decision under Subsection 21.1 may be made to Council.

### **22. PROGRAMS**

- 22.1 Seniors Utility Relief Fund (SURF) – This annual program provides a \$100 credit to seniors sixty-five (65) years of age or older and are in receipt of the Guaranteed Income Supplement (GIS), who own and occupy their property as their primary residence.
- 22.2 Water Emergency Relief Fund (WERF) – This annual program is funded by the Town and administered by a local community service agency on its behalf. WERF grants are provided to avoid a water supply disconnection or to reconnect a water supply that has been disconnected. Accounts are referred by staff to the agency or the agency refers clients to the Town. The agency completes and adjudicates applications based on income and other criteria.



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### **23. GENERAL**

- 23.1 All references in the policy to dollar amounts are in Canadian dollars and are exclusive of applicable taxes, unless otherwise provided in the annual Water and Wastewater Budget and Rates and Fees By-law.