

THE CORPORATION OF THE TOWN OF HANOVER

BY-LAW NO. 2839-14

A By-law to enact rules and regulations for water and wastewater services and access to water meters in the Town of Hanover.

WHEREAS Section 11 of the Municipal Act, 2001, c. 25 allows a lower-tier municipality to pass bylaws respecting public utilities, including sewage collection, sewage treatment, water production, treatment, storage and distribution;

AND WHEREAS the Town of Hanover requires water meters to be installed on all residential, industrial, commercial, and institutional establishments that are serviced by the Town of Hanover municipal water and/or wastewater system;

AND WHEREAS the Town of Hanover deems it necessary and desirable to regulate the access to water meters, and to set fixed and volumetric rates for various classes of water consumers and wastewater generators;

AND WHEREAS a municipality may pass bylaws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS fees and charges imposed by a municipality on a person constitutes a debt of the person to the municipality and the treasurer of a municipality may add fees and charges to the tax roll of the property to which the public utility was supplied and collect them in the same manner as municipal taxes;

NOW THEREFORE the Council of the Corporation of the Town of Hanover enacts as follows:

1. **DEFINITIONS** – In this by-law;

“building” shall mean a structure supplied with water or wastewater treatment services by the Municipality.

“CAO/Clerk” shall mean the CAO/Clerk of the Corporation of the Town of Hanover.

“check valve” shall mean an assembly, valve, or means owned by the Municipality that prohibits the backflow of any water from the owner’s premises into the potable water supply

“consumer” for the purposes of supply of water shall mean the owner or occupant of property which is serviced by, connected to, and takes water from the Municipality’s water works or is served by the Municipality’s wastewater treatment and collection system.

“commercial unit” shall mean "The use of land, building or structure or individual commercial units thereof, for the purpose of buying and selling commodities, and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses."

“Corporation” shall mean the Corporation of the Town of Hanover.

“Council” shall mean the Council of the Corporation of the Town of Hanover.

“dwelling apartment, condominium, or retirement centre” shall mean "a building, structure, or part thereof which contains a residential dwelling unit or units as defined in **“building”**, but does not include motels, mobile homes, motor hotels, hotels or trailers."

“industrial” shall mean "The use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, trading, altering, repairing, warehousing, or storing, or transporting, or adapting for sale of any goods, substance, article or thing, or any part thereof and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services and shall include printing, farm machinery sale and service."

“institution” shall mean "Land, building, structure, or part thereof used by any organization, group, or association for the promotion of a charitable, educational, or benevolent cause and not for profit or gain. These include a children's home, home for the aged or infirm, monastery, convent, private hospital, or a training school, and all other such uses."

“meter” shall mean the water meter supplied by the Municipality to measure the quantity of water used by the consumer

“minimum charge” shall mean the charge applied to any premises with pipes connecting it to the Municipal water or wastewater collection system even if no water is used.

“multiple unit building” shall mean a single building, served by a private water service, and containing two or more living or other units not served by an individual water service pipe.

“Municipality” shall mean the Corporation of the Town of Hanover

“occupant” shall include any lessee, tenant, owner, the agent of a lessee, tenant or owner, or any person in possession of a premises.

“owner” shall include any person, persons, or any firm or corporation that is the registered owner of the property under consideration or any agent thereof, a person entitled to a limited estate in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator, and a guardian.

“potable water” shall mean water that is fit for human consumption.

“premises” shall mean the property being supplied or to be supplied with water by means of an individual service pipe or by an individual connection to the water works treatment system.

“pressure reducing valve” shall mean an assemble or valve that limits the water pressure in an owner’s premises to a level established by the Municipality as being appropriate for service.

“private water service” shall mean the pipes and fixtures used for the purpose of supplying any premises in the Municipality with water from the water works established by the Municipality and situated between the street line in front of or abutting the premises so supplied and the premises.

“remote read-out unit” shall mean the device installed at a separate location from the water meter and used to provide electronic access to the consumption reading on the meter.

“Residential Dwelling Unit” shall mean “a room or suite of two or more rooms, designed or intended for exclusive use by a person(s) or family for residential occupancy with a private entrance from outside the building or from a common hallway or stairways inside.”

“shut-off valve” shall mean the valve on the water service or private main owned and used by the Municipality to shut off or turn on the water supply from the Municipality’s water distribution system to any premises.

“Town” shall mean the Corporation of the Town of Hanover.

2. WATER METER SERVICE

- 2.1. All water supplied through existing and new private water services for use on premises connected to any of the municipally owned water systems shall pass through a meter purchased by the owner of the premises from the Municipality for use upon such premises and the rates charged shall be those fixed from time to time by the Municipality, as provided for under the Town’s Rates & Fees By-law, and the owner of the premises will be held liable for all water and wastewater treatment charges.
- 2.2. The cost of installing meters, including the cost of such meters, check valves, and pressure reducing valves, all owned by the Municipality, shall be paid by the owner of the private water service. If the meter is mechanically defective, then the cost of repairs shall be paid by the Municipality, but if the meter, check valves, or pressure reducing valve is damaged by the carelessness or neglect of any person other than an employee or agent of the Municipality, the owner of the premises shall pay to the Municipality the cost of making the necessary repair to such meter, check valves, or pressure reducing valve.
- 2.3. If a meter fails to register, the consumer will be charged for the consumption in a previous pertinent period which shall not exceed the previous twelve (12) months, for that consumer or with the consumption of a similar consumer for the applicable period as determined by the Municipality.
- 2.4. All water passing through a meter will be charged for, whether used or wasted.
- 2.5. The owner of premises to be supplied with water shall provide convenient and safe space, free of charge or rent, for the Municipality’s meter, pipes, and other appliances on said premises, and no one who is not a servant or agent of the

Municipality or otherwise lawfully entitled to do so, shall be permitted to remove, inspect, or tamper with any of the Municipality's said equipment.

- 2.6.** The owner of the premises to be supplied with water shall provide adequate heat in the premises to prevent frost damage to the meter. Any damages caused by the failure to provide adequate heat shall be repaired at the expense of the owner.

NOTE – For water lines determined by the Town to be subject to freezing, the Town shall take precautions deemed appropriate. Water and wastewater charges shall be reduced to compensate for any additional charges incurred by these precautions.

- 2.7.** The owner or occupant of premises shall provide ready and convenient access to the meter or to the remote readout unit in or on said premises so that it may be frequently read and examined by persons authorized by the Municipality for that purpose.
- 2.7.1.** Where a meter cannot conveniently be placed inside a building, it shall be placed in a meter chamber located outside the building where the water service enters the owners property, the exact location and construction of which shall be discussed with the owner or occupant of the premises and as approved by persons authorized by the Municipality, and the cost of which is paid for by the owner.
- 2.8.** Where the meter is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the meter itself and the reading on the read-out device, the Municipality will consider the reading at the meter to be correct, and will adjust and correct the consumer's account accordingly.
- 2.8.1.** Any leak that may develop at the meter, check valve or pressure reducing valve or any of their couplings shall be reported immediately to the Municipality.
- 2.9.** A meter will be removed and tested by the Municipality upon a written request from the consumer. If the meter is found to register correctly or not in excess of 3% in favour of the Municipality, the consumer requesting the test will be billed for the cost of the test and any expenses incurred in removing and testing the meter, as provided for under the Town's Rates & Fees By-law.
- 2.9.1.** If a meter, when tested, is found to register in excess of 3% in favour of the Municipality, a refund will be made to the consumer of an amount equal to such excess percentage of the water rates charged on previous water and sewer billings which in no case shall exceed twelve months prior to the testing of the said meter, and there shall be no cost charged to the consumer for undertaking the test. Provided, however, that no reduction shall be made which will reduce the water rates for the twelve (12) months prior to the testing of such meter below the minimum water rates fixed by Council.
- 2.9.2.** No reduction shall be made as provided in Section 2.9.1 if the owner or occupant of the building has not complied with the provisions of this bylaw.
- 2.10.** Billings shall be rendered on a bi-monthly basis at the discretion of the Municipality. If meters are for any reason not read on a bi-monthly basis, an average of the previous water consumption will be used for billing purposes.
- 2.10.1.** No charge for water supplied or wastewater service, for any type of service, shall be for less than the minimum fixed rate as established by Council.
- 2.10.2.** Where water is provided to a property containing a building, and the connection has not been completed in a timely manner as prescribed, a monthly flat rate equal to the under 1" meter rate will be charged to the consumer in accordance with the Town's Rates & Fees By-law.
- 2.11.** When water is supplied to a multiple unit building, the account for the water supply shall be charged to the owner or principal occupant of the premises and, in case of non-payment where any such default continues for the period set out in Section 4, the water may be shut off, notwithstanding that one or more of the occupants have paid part or all of the account to such owner or principal occupant.

- 2.12.** All sums charged for water supplied, or for expenses incurred for the repair of private water services, meters, check valves, pressure reducing valve, fixtures and all other appliances connected with the water service or for damage to the same shall be charged to the owner of the premises. If for any reason charges for water rates cannot be collected from the owner, or the occupant of the premises, the water shall be turned off in accordance with Section 4 on account of non-payment. No application for water supply for such premises shall be approved by the Municipality, notwithstanding the ownership of the said premises shall have changed, until such sums and other charges have been paid in full to the Municipality.
- 2.13.** Council may by resolution prohibit or restrict the use of water outside any building on any purpose for any purpose whatsoever as necessary. This use may include but is not limited to lawn and garden watering.
- 2.13.1.** The foregoing shall not in any way restrict any person in the fighting of fires or any other necessary uses by the Town.
- 2.14.** Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to the penalties contained in the Provincial Offences Act.

3. WATER AND WASTEWATER RATES

- 3.1.** The water and wastewater treatment service rates charged by the Municipality for water supplied through the water service connection shall be those as set out in the Town's Rates & Fees By-law as amended from time to time by bylaw.
- 3.2.** Rates for water supply and wastewater service shall be due when billed.
- 3.3.** Accounts that remain unpaid following the due date shall be subject to the collection procedures outlined in Section 4 and may be subject to disconnection of water service. A disconnection charge shall be applied to the water account and such charge shall be paid in full before the water service is reconnected.
- 3.4.** If the owner or occupant of any premises omits, neglects, or refuses to pay any bill rendered, whether for water, service pipes, meter, service charge, wastewater treatment service or any other monies to which the Municipality may be entitled in respect to such premises, the Municipality may at its discretion, shut off the water to the premises and such charges shall remain a lien on the property and may be collected in the same manner as municipal taxes. The bill shall be deemed to be served upon the owner if it is delivered or sent by mail to the premises supplied or the tenant of the premises supplied. The Corporation will not be liable for any damages to property or injury to persons by reason of shut-off of the water supply. A disconnection charge shall be applied to the water account and such charge shall be paid in full before the water service is reconnected.
- 3.5.** Late penalty charges shall be added to the account on the first day of default at a rate outlined in Section 4.
- 3.6.** Upon default of payment of an account the Town may, at its sole discretion deem the water arrears to be municipal taxes and shall add the outstanding amount to the tax roll and collect it in a like manner.
- 3.7.** The Fire Line Charge is billed to customers serviced by private (fire) sprinkler systems or hose connections, and is based on the size of their water main connection. Charges for a fire line connection shall be those as set out in the Town's Rates & Fees By-law as amended from time to time by bylaw.
- 3.8.** Miscellaneous charges for services provided by the Municipality shall be those as set out in the Town's Rates & Fees By-law as amended from time to time by bylaw.
- 3.9.** The water and wastewater service rates for customers outside the municipal boundaries of the corporation of the Town of Hanover shall be set out in the Town's Rates & Fees By-law.

4. DUE DATES AND COLLECTION POLICY

4.1. Time for Payment

- 4.1.1. **All Residential Dwelling Units, Dwelling Apartments, Condominium Units, Retirement Centre, Commercial and Institutional Units** shall be payable on a bi-monthly basis (6 billings/year), with half of the town one month and the other half the following month. All Instalments will be due on the last working day of the month.
- 4.1.2. **Industrial Units** shall be billed and payable on a monthly basis with a due date of the last working day of the month.

4.2. Collection

- 4.2.1. The Property Owner shall be billed for the service.
- 4.2.2. The due date will fall on the last working day of the month.
- 4.2.3. A **penalty** of 5% shall be added to the billed amount for non-payment by the due dates.
- 4.2.4. Water and Sewage charges are neither subject to refund nor adjustment, because of vacancy. Water and Sewage Service Rates **OR** the Basic Residential or Commercial Rate are applicable.
- 4.2.5. The rate imposed that remains unpaid on the due date shall form a lien and charge upon the land, and shall be collected in the same manner as Municipal Taxes are collected (Municipal Act 2001, Chapter 25, Section 398(2), and amendments thereto). This amount will be added to the property tax account on the first of the month following 30 days past the original due date.

5. BYLAWS REPEALED AND ENACTMENT

- 5.1. THAT By-law 2601-08 and Amending By-law 2744-11 be hereby repealed in their entirety effective January 1, 2014.
- 5.2. This By-law shall come into effect on the first day of January, 2014.
- 5.3. This By-law shall remain in full force and effect until amended or repealed by the Council of the Corporation of the Town of Hanover.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 20th day of January, 2014.

Kathi Maskell, Mayor

Michael Dunlop, CAO/Clerk