

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2023-53

A BY-LAW to amend By-Law No. 2017-58, to enact rules and regulations to inspect, install, repair, replace or alter water meters and related appurtenances, including the penalties for offences.

WHEREAS *the Municipal Act, 2001*, as amended, gives the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act;

AND WHEREAS *the Municipal Act, 2001*, as amended, authorizes a municipality to pass By-laws respecting matters within the sphere of public utilities;

WHEREAS the Council of the Municipality of South Dundas deems it necessary to provide for and regulate the supply and use of water, to prohibit the wrongful use of water and every other matter or thing related to or connected therewith that may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practicing of frauds with regard to the water so supplied;

AND WHEREAS by By-law, the policy of the Municipality of South Dundas is to install water meters on all residential, industrial, commercial, and institutional establishments located within the hamlet areas of Morrisburg and Iroquois including premises outside of the hamlet areas that are connected to the South Dundas Water Works;

AND WHEREAS Part 7 (Plumbing) of the *Ontario Building Code*, as amended, pursuant to the *Building Code Act, S.O. 1992*, requires every municipality to regulate the connection of individual water services to a municipal potable water works;

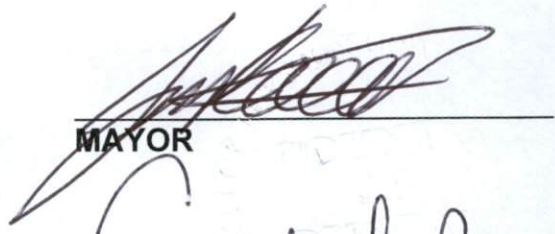
AND WHEREAS the Council of the Municipality of South Dundas deems it necessary to authorize the mandatory use and installation of water meters in the hamlet areas of Morrisburg and Iroquois including premises outside of the hamlet areas of Morrisburg and Iroquois area that are connected to the Water Works;

AND WHEREAS the Council of the Municipality of South Dundas now deems it necessary to authorize and regulate the mandatory installation, repair, maintenance and access to water meters and the penalties for offences within the hamlet areas of Morrisburg and Iroquois including premises outside of the hamlet areas of Morrisburg and Iroquois area that are connected to the Water Works.

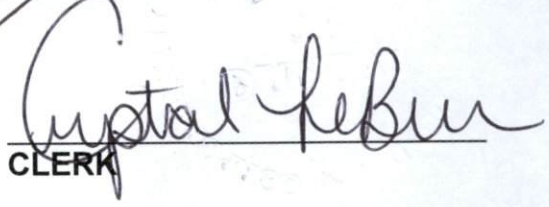
NOW THEREFORE the Council of The Corporation of the Municipality of South Dundas enacts as follows:

1. That the rules and regulations contained in the By-law as set out in Schedule "C" attached hereto and forming part of this By-law shall be hereby adopted.
2. That all Appendices contained in the By-law attached hereto and forming part of this By-law shall be hereby adopted.
3. That this By-law shall include any occurrences between January 1, 2023 – July 10, 2023.
4. This By-law shall come into effect on July 10, 2023.

READ and passed in open Council, signed and sealed this 10th day of July, 2023.

A handwritten signature in black ink, appearing to be "Michael", written over a horizontal line.

MAYOR

A handwritten signature in black ink, appearing to be "Crystal Weber", written over a horizontal line.

CLERK

**Appendix 1 to Schedule "C" of By-Law 2017-58 Water Rates, Sewer Surcharge Rates and
Miscellaneous Charges**

I, _____ hereby request an adjustment to my water & sewer invoice dated
_____ (YYYY/MM/DD) for Account #: _____.

The reason for the request is:

The circumstances that led to my situation is:

Furthermore, I hereby declare and agree to the following:

1. I consider the above invoice to be abnormally high and have not intentionally or knowingly contributed to this high usage.
2. I agree that, upon the sale of the property to which this affidavit applies, this agreement shall become null and void and all outstanding balances at the time of the sale will be paid in full.
3. I also acknowledge the fact that this provision to adjust a water/sewer invoice will be available to me only once in a lifetime at any location.

Dated this ____ day of _____, 20__

Owner/Tenant

Witness

Schedule "C" to By-Law 2017-58

Water Rates, Sewer Surcharge Rates and Miscellaneous Charges

Procedure to allow for the adjustment of abnormally high water/wastewater invoices.

- 1) Only persons which are the actual names on the invoices can make a request for relief of the water and sewer invoice.
- 2) All requests are to be in writing and must state the reason for the request and the circumstances that led to the situation.
- 3) All requests are to be addressed to the Director of Water and Wastewater and shall be considered by a Committee including the Treasurer, CAO and Director of Water and Waste Water.
- 4) The Director of Water and Wastewater will investigate all requests and present a report to the Committee with water use history attached and provide a recommendation regarding any relief of water/sewer invoices.
- 5) The Committee will consider invoice relief under special circumstances only. Preventative maintenance items will not be considered "special circumstance" under this policy.
- 6) All requests for relief are to be dealt with by the Committee for approval.
- 7) Customers will only have one adjustment of abnormally high water/sewer invoice granted (it is one-time relief only; any future charges shall be paid for in full by the property owner).
- 8) If a customer contests the meter and the meter is proven to be correct, the customer is charged the cost to ship, install, uninstall, and test the meter.
- 9) If the Committee refuses the request, it can be appealed to be discussed at Council in Closed Session.
- 10) The person(s) appealing the Committee decision must attend the corresponding Closed Session meeting.

The committee may determine:

- That all or part of the invoice may be waived, however, historical use cannot be waived.

Schedule "C" to By-Law 2017-58

Water Rates, Sewer Surcharge Rates and Miscellaneous Charges

Procedure to allow for the adjustment of abnormally high water/wastewater invoices.

- 1) Only persons which are the actual names on the invoices can make a request for relief of the water and sewer invoice.
- 2) All requests are to be in writing and must state the reason for the request and the circumstances that led to the situation.
- 3) All requests are to be addressed to the Director of Water and Wastewater no later than 60 days after receipt of bill and shall be considered by a Committee including the Treasurer, CAO and Director of Water and Waste Water.
- 4) Reasonable efforts (including hiring a plumber) to locate the leak and initiate repairs must occur within 14 calendar days of initial notification; plumbing must meet all government regulations; not include costs associated with failure or repair.
- 5) Requests will be capped at \$5,000 per claim.
- 6) The Director of Water and Wastewater will investigate all requests and present a report to the Committee with water use history attached and provide a recommendation regarding any relief of water/sewer invoices.
- 7) The Committee will consider invoice relief under special circumstances only. Preventative maintenance items will not be considered "special circumstance" under this policy.
- 8) All requests for relief are to be dealt with by the Committee for approval.
- 9) Customers will only have one adjustment of abnormally high water/sewer invoice granted (it is one-time relief only; any future charges shall be paid for in full by the property owner).
- 10) If a customer contests the meter and the meter is proven to be correct, the customer is charged the cost to ship, install, uninstall, and test the meter.
- 11) If the Committee refuses the request, it can be appealed to be discussed at Council in Open Session.
- 12) The person(s) appealing the Committee decision must attend the corresponding Council Meeting in Open Session meeting.

The committee may determine:

- That all or part of the invoice may be waived, however, historical use cannot be waived.