

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 34-2019

Being a by-law to impose a Water Rate and Sewage Rates

WHEREAS pursuant to section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25 (the “Act”), a municipality may pass by-laws imposing fees or charges on persons:

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- c) for the use of its property including property under its control,

and such fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time.

AND WHEREAS the costs included in a fee or charge may include costs incurred by the municipality related to administration, enforcement and the establishment, acquisition and replacement of capital assets.

AND WHEREAS section 394(2) of the Act provides that a fee or charge may be based on, be in respect of or be computed by reference to the location of the property, the physical characteristics of property, including buildings and structures on the property, or the zoning of property or other land use classification.

AND WHEREAS section 1 of the Act indicates that the definition of a “public utility” includes a system that is used to provide water and sewage for the public.

AND WHEREAS section 398 of the Act indicates that fees and charges for the supply of a public utility imposed by a municipality on a person constitute a debt of the person to the municipality and that such fees and charges may be added to the tax roll for the property in the municipality to which the public utility was supplied and be collected in the same manner as municipal taxes.

AND WHEREAS section 81 of the Act provides that, in addition to recovering all fees and charges payable, a municipality may, on reasonable notice, shut off the supply of a public utility to land if fees or charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue.

AND WHEREAS Council of The Corporation of the Town of Kingsville deems it expedient to consolidate the provisions of the aforementioned by-laws, establish new Sewage Service Areas and impose a Water Rate and Sewage Rates.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

Definitions

1. "Commercial" means property classified as such by the Municipal Property Assessment Corporation.
2. "Foreign Worker Housing" means a building used for the residential housing of workers who work in the agriculture industry, including, but not limited to, work in a Greenhouse.
3. "Greenhouse" means any building or portion of a building producing Greenhouse Sewage which is discharged into the Sewage Works, either directly or through a secondary treatment process.
4. "Greenhouse Sewage" means Sewage resulting directly from the process of growing plants, including, but not limited to watering, fertilizing, cultivating and/or exhibiting plants, in a building with transparent or semi-transparent walls and/or roof, under controlled conditions.
5. "Industrial" means property classified as such by the Municipal Property Assessment Corporation.
6. "Multi-residential" means property classified as such by the Municipal Property Assessment Corporation.
7. "Residential" means property classified as such by the Municipal Property Assessment Corporation.
- 7.1 "Residential Unit" means a self-contained set of rooms located in premises and contains kitchen and bathroom facilities that are intended for the use of the unit only.
8. "Sewage" means any liquid waste containing animal, vegetable or mineral or nutrient matter in solution or in suspension.
9. "Sewage Rate" means the fee and charge imposed for the purpose of raising funds to pay all or a portion of the capital costs of the Sewage Works or for the operation, repair and maintenance of the Sewage Works and any reserve fund for such purpose.
10. "Sewage Area 1 Rate" means the corresponding Sewage Rate for the identified property or building located in the area indicated in Schedule B attached to and forming part of this By-law and serviced by the "Cottam Facility".
11. "Sewage Area 2 Rate" means the corresponding Sewage Rate for the identified property or building located in the area indicated in Schedule B attached hereto and forming part of this By-law and serviced by the "Lakeshore West Facility".
12. "Sewage Area 3 Rate" means the corresponding Sewage Rate for the identified property or building located in the area indicated in Schedule B attached hereto and forming part of this By-law and serviced by the "Kingsville Facility".
13. "Sewage Works" means the collection, transmission, storage, treatment and disposal of Sewage and any systems or works required for the same.
14. "Water" means potable water.
15. "Water Rate" means the fee and charge imposed for the purpose of raising funds to pay for Water and all or a portion of the capital costs of the Water Works or for the operation, repair and maintenance of the Water Works and any reserve fund for such purpose.

16. "Water Works" means the provision and distribution of Water and any systems or works required for the same.

Water Rate

17. The Water Rate as set out in Schedule "A" attached hereto and forming part of this By-law is hereby imposed on those owners, occupants or tenants of property who benefit from or who may benefit from Water Works.
18. Municipally owned splash pads shall be exempt from the Distribution Rate outlined in Schedule A.

Sewage Rates

19. The Sewage Rates as set out in Schedule "C" attached hereto and forming part of this By-law are hereby imposed on those owners, occupants or tenants of the following:
- a) a property or building that is connected to the Sewage Works, or
 - b) a property that is not connected to the Sewage Works, but has the facilities to produce Sewage and has frontage adjacent to any part of the Sewage Works.
20. For greater certainty:
- a. In the Residential Area, in the event there are one or more Residential Units on the property or in the building, the Sewer Rate imposed shall be imposed for each Residential Unit;
 - b. The owner, occupant or tenant of the remainder of the property upon which a Greenhouse (or portion thereof) or Foreign Worker housing is located shall remain subject to the Sewage Rate applicable to that property.
21. The owners, occupants or tenants of property or that portion of a property as described in Schedule "D" are exempt from section 19 of this By-law.
22. The owners, occupants or tenants of properties described in Schedule "E" are exempt from section 19 of this By-law until such time as said property is connected to the Sewage Works.
23. Funds raised from Sewage Rates shall be allocated as follows:
- a. 25% Capital Reserve
 - b. 75% Operation of Sewage System

General

24. In the event that a property does not appear to be, in whole or in part, within a Sewage Area as indicated in Schedule B, such property shall be deemed to be within the Sewage Area that is closest to said property.
25. If any court finds that any provision of this By-law is ultra vires or invalid, such provision shall be deemed to be severable and shall not invalidate any other provisions of this By-law which shall remain in full force and effect.
26. By-law 19-2018 and all amendments thereto, be and are hereby repealed.

27. This by-law, and all attached schedules shall come into effect, April 1, 2019.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
25th DAY OF MARCH, 2019.**

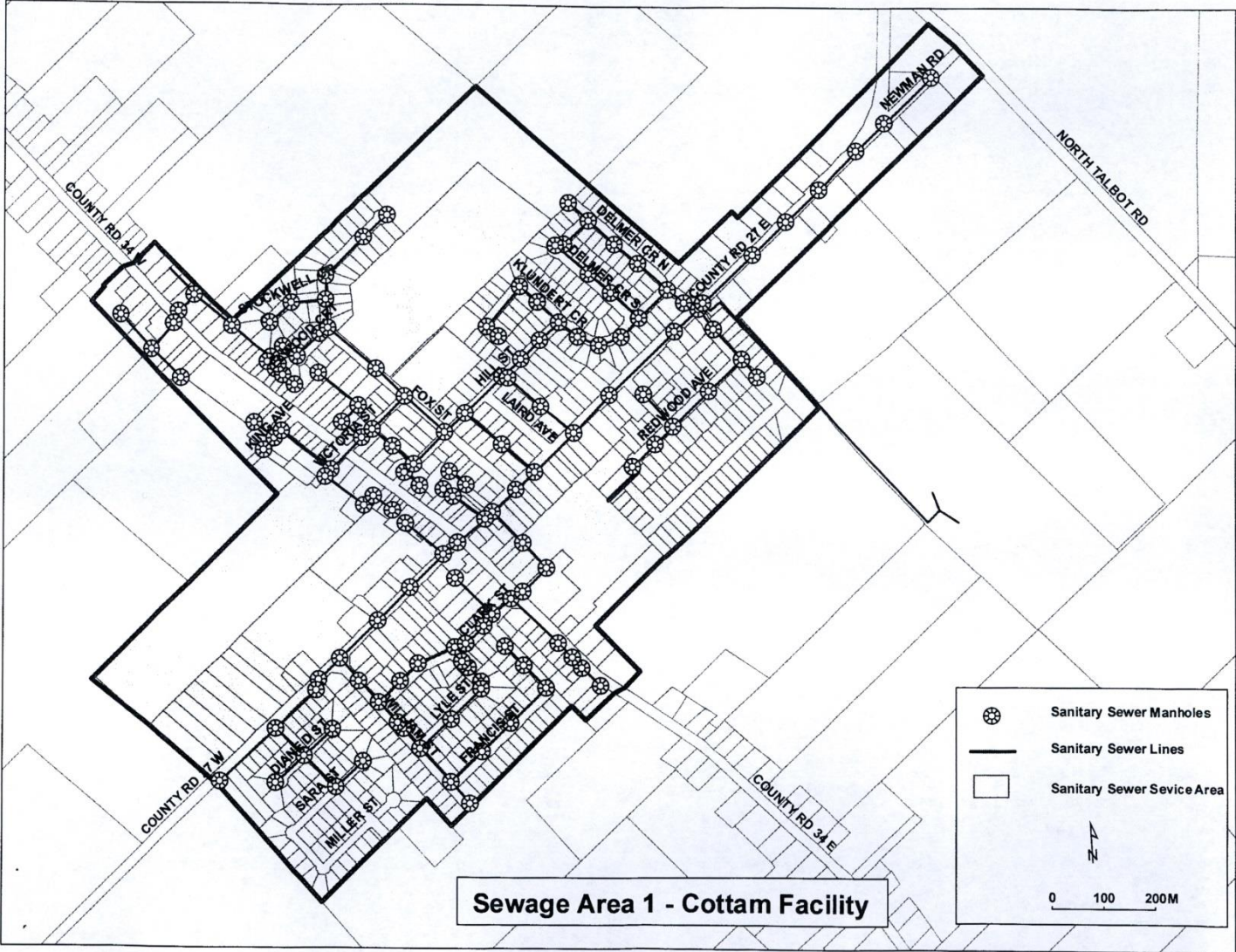
MAYOR, Nelson Santos

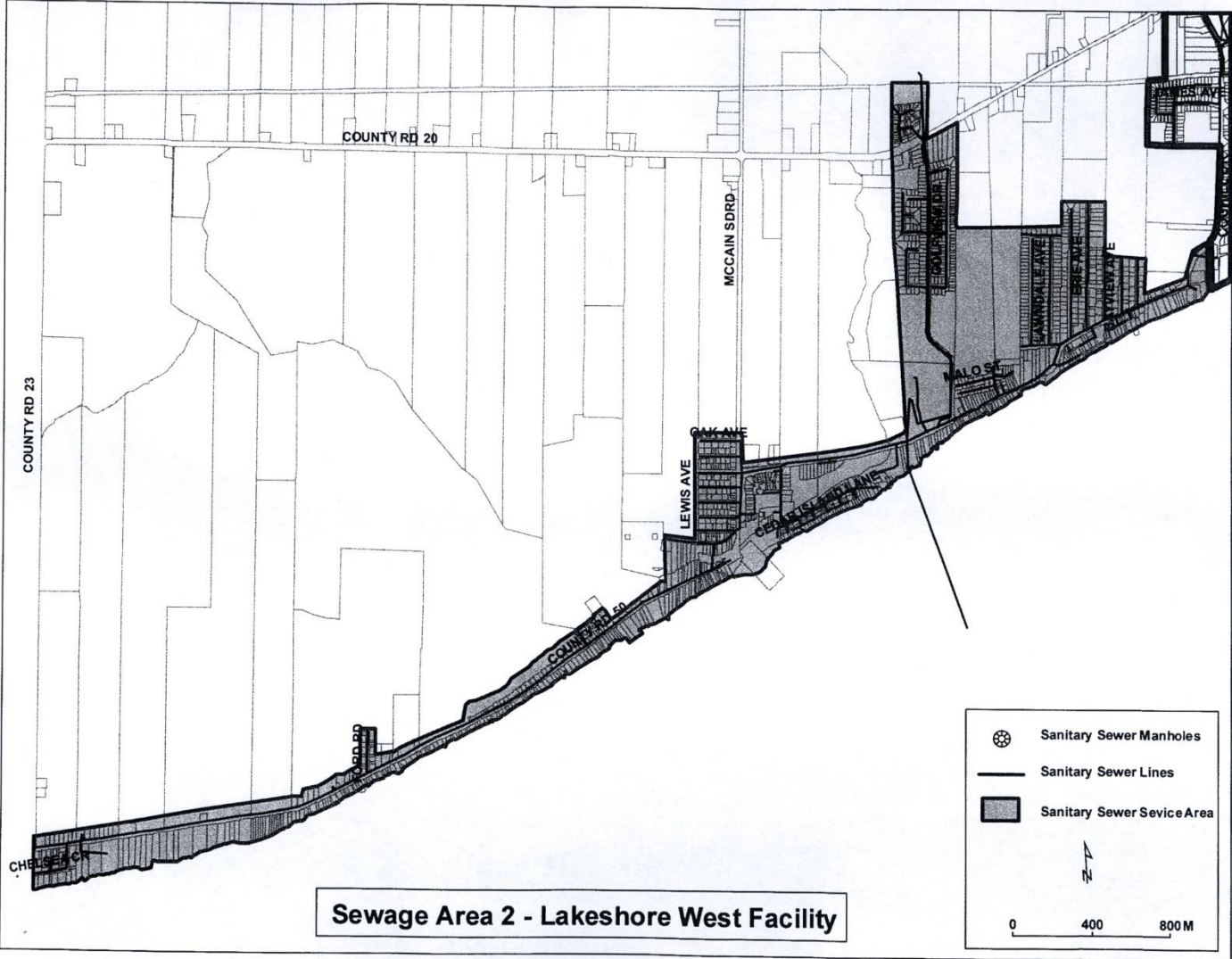
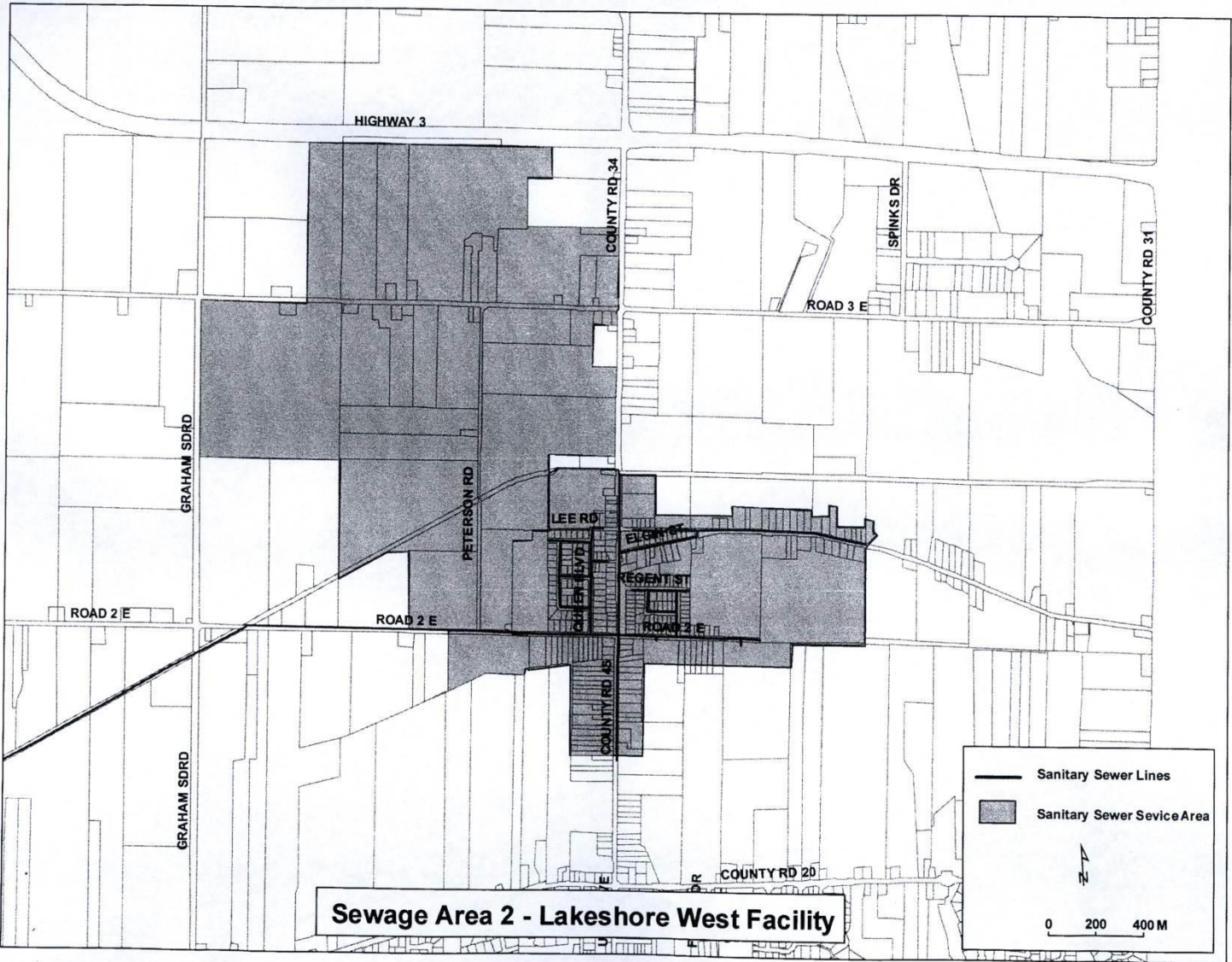
CLERK, Jennifer Astrologo

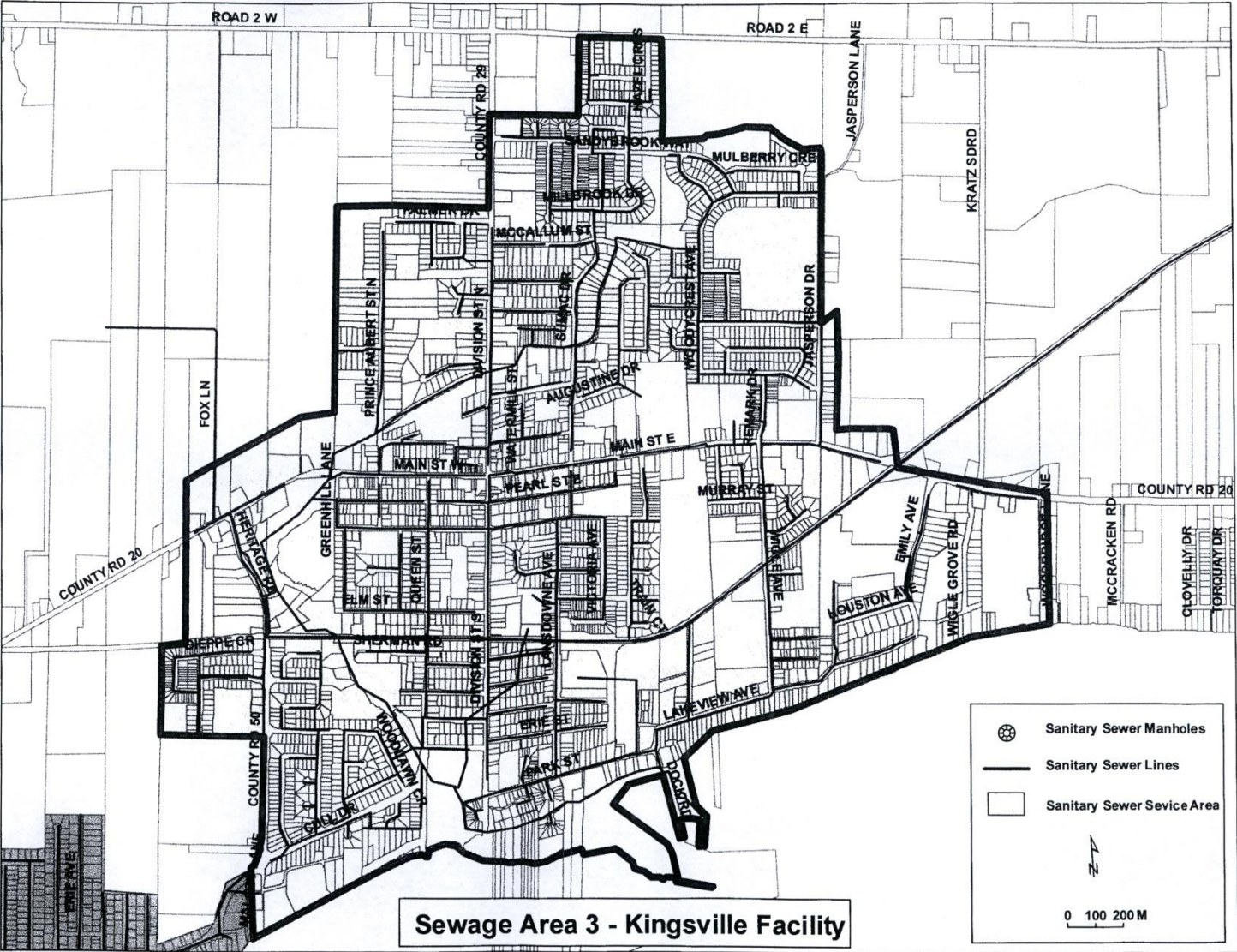
SCHEDULE “A”

Type of Rate	Rate per m ³	Capital Surcharge Rate per Quarter
Wholesale	\$0.62	N/A
Distribution	<u>\$0.35</u>	<u>\$20.25</u>
TOTAL	\$0.97	\$20.25

SCHEDULE "B"







SCHEDULE “C”

Property or Building	Sewage Area 1 Rate Cottam Facility	Sewage Area 2 Rate Lakeshore West Facility	Sewage Area 3 Rate Kingsville Facility	
Residential	\$89.00	\$87.00	\$87.00	per quarter per residential unit
Multi-Residential, Commercial, Industrial	130%	130%	130%	of total water charges
Greenhouse	\$1.29	\$1.29	\$1.29	per cubic meter of sewage discharge
Foreign Worker Housing	Occupant Load / 3.2 x \$89.00	Occupant Load / 3.2 x \$87.00	Occupant Load / 3.2 x \$87.00	per quarter

SCHEDULE “D”

Irrigation Systems located on a Commercial property if such system is independently metered

Ice Making Systems located on the property owned by the Town of Kingsville and the Kingsville Port Users Association and existing as of the date of the passing of this By-law (includes the former Kingsville Fisherman’s Co-Op Ice; 215 Industry Road, LaNassa Seafood Ice Water Meter and All Temp Foods Ltd. Ice Water Meter)

197 Pineway Park
137 County Road 34E
143 County Road 34E
1875 County Road 34 E

SCHEDULE “E”

203 County Road 34 W
198 County Road 27E
204 County Road 27E
46 County Road 27 W
48 County Road 27 W
50 County Road 27 W
54 County Road 27 W
56 County Road 27 W
58 County Road 27 W
60 County Road 27 W
62 County Road 27 W
68 County Road 27 W