

THE CORPORATION OF THE VILLAGE OF BURK'S FALLS
BY-LAW NO. 14-2012

BEING A BY-LAW FOR THE MANAGEMENT, MAINTENANCE AND
REGULATION OF THE VILLAGE OF BURK'S FALLS
WATERWORKS/WASTEWATER WORKS

WHEREAS s.11ss (3) of the Municipal Act, S.O. C. 25, 2001 as amended provides municipalities to pass by-laws under their sphere of jurisdiction;

AND THAT s. 11ss (3) s.s.1 of allows for Public Utilities.

WHEREAS s. 78 ss (1) of the Municipal Act S.O. C.25, 2001 as amended for the purpose of providing a water public utility, a municipality may, at any reasonable time, subject to section 19 and despite section 27, enter on highways in or outside of the municipality to install, construct and maintain pipes and other works for the distribution of water without the consent of the body which owns the highway.

AND WHEREAS s.79 (1) provides if a municipal has the consent of an owner or occupant to connect a public utility to a part of a building and other parts of the building belong to different owners or are in the possession of different occupants, the municipality may at reasonable times, without consent, enter on their land and install, construct and maintain pipes, wires equipment, machinery and other works necessary to make the connection.

AND WHEREAS s. 80 ss (1) of the Municipal Act S.O. C 25, 2001 as amended provides that a municipality may, at reasonable times, enter on land to which it supplies a public utility,

a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or

b) to inspect, install, repair, replace or alter a public utility meter;

AND WHEREAS s 80(2) of the Municipal Act S.O. c. 25 for the purpose of subsection (1) a municipality may shut off or reduce the supply of the public utility to the land;

AND WHEREAS s.80 (3) of the Municipal Act S.O. c.25 states if a customer discontinues the use of a public utility on land or a municipality lawfully decides to cease supplying the public utility to land, the municipality may enter on the land:

a) to shut off the supply of the public utility

b) to remove any property of the municipality; or

c) to determine whether the public utility has been or is being unlawfully used.

AND WHEREAS s. 81ss(1),(2), (3),)4) of the Municipal Act S.O. C.25 2001 as amended allows for the municipality to shut off the supply of water, the conditions for which water may be shut off , the notice to be provided and the recovery of fees;

AND WHEREAS s. 8 2(1) of the Municipal Act S.O. c.25, 2001 as amended provides that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to a municipality or to the land of any person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given.

AND WHEREAS s.83 of the Municipal Act, S.O. C. 25, 2001 as amended allows the municipality to require a reasonable security to be given for the payment of fees and charges for the supply of the public utility;

AND WHEREAS C 398 (2.1) of the Municipal Act S.O. C 25, 2001 as amended allows the treasurer of a municipality to add fees and charges imposed by the municipality to the tax roll and collect them in the same manner as municipal taxes;

THEREFORE it is necessary and expedient to make provision for the management of the Burk's Falls Water and Wastewater works;

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*NOW THEREFORE THE MUNICIPALITY OF THE VILLAGE OF BURK'S FALLS
HEREBY ENACTS AS FOLLOWS:*

1. There shall be no deduction made from any bill of water/sewer for non-use of same.
2. The Disconnection/Re-connection fee for non-payment of current billings shall be set as per Schedule "B".
3. That no application shall be entertained for the supply of water to any premises or person in respect of which rates are due to the Corporation until such indebtedness is paid.
4. Any person vacating any premises that have been supplied with water, or who is desirous of discontinuing the use thereof, must give due notice of the same at the Municipal office, otherwise he/she will be held liable for the rate therefore.
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 - a) No property owner shall be permitted in the Village boundaries to create a private well, as they must connect to the Municipal Water Services. Such connection requires an extension of a watermain, it will be at the cost of the property owner and provided all provincial regulations are met.
 - b) Before providing water services whether residential or commercial to a tenant of a property, the Municipality requires a consumer deposit to place the account in the tenant's name. The deposit shall be in the amount of three times the minimum water/sewer billing paid to the Corporation. The Deposit will be in cash or in a form acceptable to the Treasurer. The Deposit will be returned to the tenant one year from the date of deposit if the accounts are in good standing. No interest will be paid on consumer deposits. The billing will remain in the name of the property owner until such time as the consumer deposit is paid in full. A letter signed by the landlord stating he/she will be responsible for outstanding accounts is also acceptable.
 - c) Before commencing any new works, it shall be the duty of the property owner to make application to the Municipal Council. All applications for water and sewer shall be made in writing upon forms supplied by the Municipal Office. That application shall state the size and kind of service pipe to be used, the name and side of the street, and the civic address and the number of the lot, the full name of the owner and occupant of the property, the purpose or purposes for which the water is to be used and all other particulars pertaining to a full understanding of the subject. No connections shall be made between the first day of December and the first day of April unless recommended by the Village Foreman and approved by Council.
 - d) Upon application being made and approved by Council, the Corporation will lay all service pipes for the supply of water to the premises from the main to the street-line or boundary. Every property shall be equipped with a remote water meter free of cost.
 - e) The onus shall lie upon the water-taker to show that the pipe laid within his premises is in accordance with the requirements of the Corporation; and unless such be shown to the satisfaction of the Village Foreman, connection shall not be made with the street pipe.
 - f) All service pipes upon the premises of water-takers shall be laid to a depth of not less than four feet below the level of the surrounding grounds, and where they cross at or near other excavations, they shall be properly protected against settlement, except where used for lawn or garden purposes only.
6. If any water service on private property is damaged or needs repair, it will be the responsibility of the property owner to hire personnel to effect said repair. Those personnel will use parts compatible with the part currently in use. Village employees will shut off water at the lot line. If Village employees for some unforeseen reason must enter private property to turn off water, two or more employees will do so at owner's expense. Village employees will not enter private property to make repairs.

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7. That this by-law shall constitute the Village of Burk's Falls Water & Sewer policy which may be amended by Council as and when required. And that any matter not covered in this by-law shall be dealt with specifically by Council and added to the By-law.

8. Rescinds Past By-laws:

The passing of the by-law hereby rescinds by-law 13-2011.

9. This by-law shall come into effect immediately upon the Third Reading.

AS READ A FIRST TIME THIS 26th DAY OF JUNE, 2012

AS READ A SECOND TIME THIS 26th DAY OF JUNE, 2012

**AS READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL
THIS 26th DAY OF JUNE, 2012.**

REEVE, CATHY STILL

CLERK, KIM DUNNETT

SEAL

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SCHEDULE 'A'

As per the Municipal Act, S.O. C.25, 2001, P.81 (3) the Village of Burk's Falls shall use the following notices for discontinuance of water/sewer services for nonpayment of accounts:

The current billing sent out will be for a two month period be due at the end of the month (the last Friday of the month) as follows:

January & February billing sent out March 1 due March 31

March & April billing sent out May 1 due May 31

May & June billing sent out June 1 due June 30

July & August billing sent out September 1 due September 30

September & October billing sent out November 1 due November 30

November & December billing sent out January 1 due January 31

It is noted that should month end be on a Saturday or Sunday bills will be due on the last Friday of the month.

A penalty of 1.25% per month will be charged on those accounts that are not paid by the due date and calculated monthly.

The first notice of arrears will be sent out 5 days after the due date of the current billing.

Failure to pay two (2) consecutive billings will result in a notice sent out 5 days after the final due date advising that the services will be disconnected on or about the 20th of the month. Payment must be received by noon of the date of disconnection.

SCHEDULE 'B'

Disconnection of Services:

Disconnection of services will occur on the date notified in the arrears statements sent out to the customer as per Schedule 'A' under the authority of the Municipal Act c.25, 2001, s81 (2).

Services will not be disconnected on a Friday and will take into consideration Statutory Holidays.

The Disconnection fee of \$100.00 (One Hundred Dollars) shall apply plus payment of arrears prior to re-connection of services.

Temporary Disconnection of Services for Seasonal Use:

The municipality will disconnect services to a property at the request of the property owner for safety reasons, however, the property owner will be required to continue paying the minimum bi-monthly bill.