

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 28-2011

BEING A BY-LAW TO ESTABLISH FEES AND CHARGES FOR MUNICIPAL WATER SERVICES UPON THE OWNERS OR OCCUPANTS OF LANDS AND PREMISES CONNECTED TO THE MUNICIPAL WATER SYSTEM WITHIN THE TOWNSHIP AND TO PROVIDE FOR COST RECOVERY OF REMEDIAL ACTION UNDERTAKEN BY THE TOWNSHIP IN RESPECT OF THE MUNICIPAL WATER SYSTEM AND TO REPEAL BY-LAW 30-2006

**WHEREAS** section 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25 authorizes a lower tier municipality to pass by-laws with respect to public utilities;

**AND WHEREAS** section 391(1) of the Municipal Act, 2001, authorizes a municipality to pass bylaws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality;

**AND WHEREAS** section 398 of the Municipal Act, 2001, authorizes the Treasurer of a municipality to add fees and charges imposed by the municipality to the tax roll for a property to which the public utility was supplied and to collect them in the same manner as municipal taxes;

**AND WHEREAS** Ontario Regulation 581/06 made under the Municipal Act, 2001 authorizes that fees and charges for certain public utilities imposed by the municipality and added to the tax roll have priority lien status;

**AND WHEREAS** Section 446 of the Municipal Act, 2001 authorizes a municipality to undertake remedial action and recover costs incurred;

**AND WHEREAS** the Corporation of the Township of East Garafraxa (the "Township") owns, operates and maintains water system, in the Township;

**AND WHEREAS** the Council of the Township of East Garafraxa considers it necessary and expedient to pass a by-law establishing water rates in order to ensure a continued supply of water services to those persons in the municipality serviced with the municipal water system;

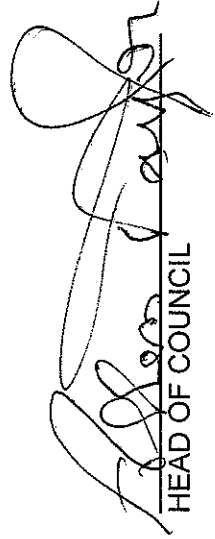
**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA HEREBY ENACTS AS FOLLOWS:**

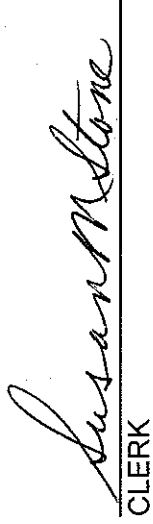
1. Water rates to become effective on January 1, 2011 are established as set out in Schedule "A" attached hereto.
2. By-law No. 30-2006 (being a By-law to establish water rates upon the owners or occupants of lands and premises connected to the municipal water system within the Township and to provide for cost recovery of remedial action undertaken by the Township in respect of the municipal water system) is hereby repealed.
3. The water rates established pursuant to By-law Number 28-2011 will remain in force and effect until December 31, 2015.
4. In the event that any part of a water system owned by the Township is damaged by any person other than by any employee, agent, contractor, consultant or workman of the Township, the Township may direct that such a person undertake remedial action to repair the water system at the person's sole expense. If the person does not undertake the remedial action as directed by the Township, then the Township may undertake any necessary remedial action at the person's expense.
5. The Township may recover the costs of any remedial work done by the Township pursuant to Section 4 of this By-law from the person required or directed to undertake the remedial work by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

- 6. The fees and charges authorized and imposed pursuant to this By-law may be added to the tax roll for the property and collected by the Township in its sole and absolute discretion in the same manner and with the like remedies as municipal taxes.
- 7. This by-law shall come into force and take effect on January 1, 2011.

**BY-LAW READ A FIRST AND SECOND TIME THIS 8<sup>TH</sup> DAY OF NOVEMBER 2011**

**BY-LAW READ A THIRD TIME AND PASSED THIS 8<sup>TH</sup> DAY OF NOVEMBER 2011**

  
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HEAD OF COUNCIL

  
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CLERK

**SCHEDULE "A" - WATER RATES**

(1) *All properties in the Municipal Water Service Area.*

- a. Effective January 1, 2011 an annual flat rate operating/lifecycle charge of \$1,109.00.
- b. Effective January 1, 2012 an annual flat rate operating/lifecycle charge of \$1,109.00.
- c. Effective January 1, 2013 an annual flat rate operating/lifecycle charge of \$1,109.00.
- d. Effective January 1, 2014 an annual flat rate operating/lifecycle charge of \$1,109.00.
- e. Effective January 1, 2015 an annual flat rate operating/lifecycle charge of \$1,109.00.