

BY-LAW 2012-228

**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ESTABLISH A WATER AND WASTEWATER POLICY
AND WATER AND WASTEWATER RATES AND CHARGES
IN GENERAL AND FOR SPECIAL PROJECTS**

WHEREAS the Council of the City of Greater Sudbury deems it desirable to establish a Water and Wastewater Policy and water and wastewater rates and charges;

AND WHEREAS Council of the City of Greater Sudbury has determined to construct as Special Projects, certain water works, referred to as the Lionel E. Lalonde Centre Water Servicing Project and certain sewer works, known as the South End Sewer Rock Tunnel Project and certain sewer and water works, referred to as the Kingsway Sewer and Water Project, to service and benefit users of those systems;

AND WHEREAS the Council is authorized by Section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*") to impose a water works rate or a sewer works rate, as the case may be, upon owners or occupants of land who derive or will derive a benefit from the construction of water works or sewer works or sewer and water works as the case may be, sufficient to pay all or such portion of the capital costs of those works as Council deems appropriate;

AND WHEREAS the lands to be benefitted and charged with the water works under the Lionel E. Lalonde Centre Water Servicing Project are all lands in a specified Project Area connecting to the system;

AND WHEREAS the lands to be benefitted and charged with the sewer works under the South End Sewer Rock Tunnel Project are all lands in a specified Project Area connecting to the system;

AND WHEREAS the lands to be benefitted and charged with the sewer and water works under the Kingsway Sewer and Water Project are all lands in a specified Project Area connecting to the system;

AND WHEREAS the Municipality has determined that a portion of the capital costs of each such Special Project shall be charged against the lands in the Project Area for that Special Project;

NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY HEREBY ENACTS AS FOLLOWS:

PART 1 - WATER AND WASTEWATER POLICY

1. The following policies are adopted by the Council of the City of Greater Sudbury as the Water and Waste Water Policy:

- (a) The City shall fully recover water and wastewater costs through water and wastewater rates, with the exception of water costs for fire protection which shall be recovered through the general levy;
- (b) Net water costs shall be financed by both a fixed charge and a variable consumption rate and net wastewater costs shall be recovered through a wastewater rate stated as a percentage of the water bill;
- (c) The City's sustainable capital asset management program shall be continued, for the purpose of financing the renewal of water and wastewater infrastructure systems. The water and wastewater capital allocation for this purpose shall be increased in accordance with the City's

"Financial Plan for Water and Wastewater Services", dated March 1st, 2011, as updated and approved by Council every five years, or more often as required until such time as capital contributions for water and wastewater equal 2% of the water and wastewater infrastructure replacement value;

- (d) Effective on January 1st in each year, the Chief Financial Officer / Treasurer shall establish the rates for water and wastewater for that calendar year based on the proposed net budget for the year inclusive, but not limited to, inflation adjustments and increases in sustainable capital asset management as provided in this By-law as well as changes in consumption levels. The Chief Financial Officer / Treasurer shall advise Council of these new rates and the rates set out in this By-law shall be deemed to be amended accordingly effective January 1st of that year;
- (e) Any net surplus generated from water services in any year shall be contributed to the existing Capital Financing Reserve Fund - Water and any deficiency in any year shall be funded from the same reserve fund. Any net surplus generated from wastewater services in any year shall be contributed to the existing Capital Financing Reserve Fund - Wastewater, and any deficiency in any year shall be funded from the same reserve fund; and
- (f) The water rates set for Bulk Water filling Station use shall reflect the cost of operating the Bulk Water Filling Station.

- (g) Except as otherwise provided in Subsections 2(1), 2(2), 2(3), 4(1) and Paragraph 4(2)(a), the fees provided for in this By-law shall be automatically adjusted for inflation on January 1st, 2014 and on January 1st in every year thereafter by the Chief Financial Officer / Treasurer in the amount the Chief Financial Officer / Treasurer deems appropriate, based on the greater of 3% and the September Stats Can Consumer Price Index for all items and provided further that the Chief Financial Officer / Treasurer may consider previous Index changes, and previous fee adjustments or no-adjustments in making her or his determination, and the Chief Financial Officer / Treasurer shall inform Council of these annual adjustments, and this By-law shall be deemed to have been amended accordingly.

PART II - WATER RATES AND CHARGES

Rates and Charge Imposed

2. The rates and charges set out in this Part are hereby fixed on the owner of each separately assessed parcel of land which is serviced by a watermain, whether or not a connection has been made, and on which one or more buildings or structures are situated. The rates and charges herein set out are hereby fixed as the rates and charges for the work, services and usages set out:

Water Consumption Charge - Metered Accounts

(1) For water consumed, as indicated by meter readings, the water rate shall be determined in accordance with Schedule A.

Water Consumption Charge - Flat Rate Accounts

(2) Where no meter is installed in:

- (a) a single family dwelling, a monthly flat rate determined in accordance with Schedule "A" shall be applied;
- (b) a multiple dwelling building, a monthly flat rate determined in accordance with Schedule "A" shall be applied for each dwelling unit in that multiple dwelling building; or
- (c) a commercial or industrial building, a monthly flat rate shall be estimated by the Chief Financial Officer / Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury, acting jointly, based on the metered consumption of similar establishments. Provided however, that on application by the owner, the Chief Financial Officer / Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury may, in special cases as they deem fit establish a lower monthly flat water rate to be paid.

Fixed Charge

(3) In addition to the provisions of subsection 2(1) and 2(2) above, a monthly fixed charge is hereby fixed, based on the size of the water meter, or where there is no water meter, based on the size of the water service connection determined in accordance with Schedule "A":

Standby Rates

(4) Where the water supply has been turned off for any reason, the monthly fixed charge as provided for in Subsection 2(3) shall apply, based on the size of the water meter, or where there is no water meter, based on the size of the water service connection.

Vacant Lots

(5) No fixed charge shall be applied to vacant lots, even if such lots are serviced.

Water Service Disconnect

(6) Where the City removes the water service connection at the request of the Owner, there shall be an additional charge in an amount as set out in Schedule "A" to this Bylaw for this service.

Water Service Thawing

(7) Where the City thaws a water service at the request of the Owner, there shall be an additional charge in an amount as set out in Schedule "A" to this By-law for this

Sprinkler System

(8) Where there is a sprinkler connection to a building, there shall be an additional annual charge in an amount as set out in Schedule "A" to this By-law for this service.

Notification of Pending Water Shut-Off

(9) Where the City, whether directly or through Greater Sudbury Utilities Inc. sends personal notification of a pending water shut-off due to non-payment, there shall be an additional charge for each such notice in an amount determined in accordance with Schedule "A" to this By-law.

Water Supply Shut-Offs or Turn-On Charges

(10) Where the City directly or through Greater Sudbury Utilities Inc., turns the water supply on or off to a particular property for any reason, there shall be an additional charge for each shut-off or turn-on in an amount determined in accordance with Schedule "A" to this By-law.

Payment Required to Reinstate Service

(11) Where water to a property has been turned off for non-payment, water shall not be turned on again to that property until all outstanding amounts owing to the City pursuant to this By-law which pertain to that property have been paid.

Special Rates

(12) Where by Agreement the City agrees to other special rates or charges, such Agreement shall take precedence over the rates or charges set out in this By-law.

Trip Fee

(13) A fee in the amount set out in Schedule "A" to this By-law shall be imposed for each trip made by a representative of the City of Greater Sudbury or Greater Sudbury

Utilities Inc. to a property, where such appointment has been scheduled with the owner or occupier of that property, whether or not the owner or occupier attends the appointment.

Tampering – Administrative Fee

(14) An Administrative Fee in the amount set out in Schedule “A” shall be payable by the owner of property serviced with water from the City’s watermain distribution system, in all instances where the City has investigated the interference or possible interference with any meter, hydrant, valve, curb stop, pipe or other waterworks appliance or appurtenance outside or inside the property of that owner. Such fee shall be payable in addition to any other applicable fee or fees.

Account Adjustment - Tampering

(15) In circumstances where the City has determined that a meter, hydrant, valve, curb stop, pipe or other waterworks appliance or appurtenance outside or inside a property has been tampered with, the City will adjust the water / wastewater charges for the period during which the charges were affected as a result of the tampering, to a maximum period of two years. Charges will be based on consumption levels established after the tampering with the meter, hydrant, valve, curb stop, pipe or other waterworks appliance or appurtenance outside or inside the property is remedied, in order that accurate readings can be obtained of the consumption levels. The backcharges billed in this fashion shall be due and payable on the water / wastewater billing date unless alternate payment arrangements acceptable to the City’s General Manager of Infrastructure Services or his or her authorized designate are made. Interest on unpaid amounts shall run from the due date set out on the invoice.

Private Sewer Lateral - Repeat Call Outs

(16) A fee determined in accordance with the rate set out in Schedule A to this By-law for call-outs during regular hours or after regular hours, as the case may be, shall be imposed for the second and each subsequent callout in circumstances in which repairs to private sewer laterals are not carried out in accordance with the original assessment made by City staff.

Emergency Locates

(17) A fee in the amount set out in Schedule A to this By-law shall be imposed for each emergency locate request made to Water and Wastewater Services;

Operator in Charge

(18) A fee determined in accordance with the rate set out in Schedule A to this By-law shall be imposed when the attendance of an operator in charge is required at a work site to supervise affected water and wastewater infrastructure during regular hours or after regular hours, as the case may be.

Tapping

(19) A fee determined in accordance with the rate set out in Schedule A to this By-law shall be imposed in circumstances in which City staff are required to install a new water connection on a live watermain during regular hours or after regular hours, as the case may be.

Valve Turning

(20) A fee determined in accordance with the rate set out in Schedule A to this By-law shall be imposed in circumstances in which City staff are required to turn valves on the watermain during regular hours or after regular hours, as the case may be.

Fire Flow Testing

(21) A fee determined in accordance with the hourly rate set out in Schedule A to this By-law shall be imposed in circumstances in which City staff are required to perform fire flow testing on private hydrant systems;

Hydrant Water Use

(22) In circumstances where use of City hydrants has been authorized for purposes other than City use, the user shall be charged:

- (a) a fee determined in accordance with the hourly rate set out in Schedule A to this By-law for the use of City hydrants, the setup and rental of appropriate equipment;
- (b) a consumption fee determined in accordance with the rate per cubic meter of water used; and
- (c) a damage deposit for the use of the equipment, refundable upon return of the equipment in a condition satisfactory to the General Manager of Infrastructure Services, or retained in whole or in part for application against damages. The liability of the user for the equipment shall not be restricted to the amount of the deposit;

Account Adjustment – Billing Error

(23) Where a billing error from any cause has resulted in an underbilling or overbilling of water / wastewater charges, the City will adjust the billing for the period affected by the error occurred, and where the amount of the error cannot otherwise be determined, the adjustment shall be based on the water consumption rate established after the error is detected.

Application of Adjustment

(24) Any adjustment arising from an overbilling shall be applied to reduce the amount owing on the next and subsequent invoices as necessary or refunded to the customer, if a surplus remains in circumstances where there will be no further invoices to the customer. Any additional charges resulting from an underbilling shall be added to the next following invoice and be due and payable in accordance with the invoice unless alternate payment arrangements acceptable to the City's General Manager of Infrastructure Services or his or her authorized designate are made. Interest on unpaid amounts shall run from the due date of the invoice.

Water Meter

3. (1) A fee in an amount as set out in Schedule "A" to this By-law for a water meter is hereby fixed on all owners of buildings constructed after the date of passage of this By-law. This fee shall be paid at the time a Building Permit is applied for, and shall entitle the owner to a water meter up to 2 inches in diameter to be provided by the City for use in the building. The meter shall remain the property of the City throughout, and shall not be removed from the building.

(2) A fee in an amount as set out on Schedule "A" shall be payable to replace any lost, damaged or frozen water meter.

(3) A fee in an amount as set out on Schedule "A" shall be payable to replace any water meter remote.

PART III - WASTEWATER RATES AND CHARGES

Wastewater Rates and Charges

4. The rates and charges set out in this Part are hereby fixed on the owner of each separately assessed parcel of land which is connected to a sewer main and on which one or more buildings or structures are situated. Such rates and charges are in addition to the rates and charges in Part II.

The rates and charges hereinafter set forth are hereby fixed as the rates and charges for the work, services and usages described:

Wastewater Rate

(1) A wastewater rate is hereby levied on all property owners to whom this Part applies, and whose land is connected to both a watermain and a sewermain, in the additional amount equal to the percentage specified in Schedule A of the totals of all charges that would otherwise be payable under Part II, Section 2, Subsections (1), (2) (3) and (4) hereof.

Wastewater Rate - Special

(2) A wastewater rate is hereby levied on all property owners to whom this Part applies:

- (a) and whose land is connected to a sewermain and is not connected to a watermain, at the flat rate equal to the percentage specified on Schedule A of the amount that would be charged under Part II Subsection 2(2) hereof for the annual consumption of 324 cubic metres of water and under Subsection 2(3) hereof for a 5/8" water service connection; or
- (b) whose land is connected to a sewermain and a watermain, but have little or no water consumption, at a rate to be established by the Chief Financial Officer / Treasurer and the General Manager of Infrastructure Services.

Flat Rate Adjustment

(3) On application by the owner, the Chief Financial Officer / Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury, jointly, may, in special cases as they deem fit, establish a lower flat wastewater rate to be paid than set out in Subsection 4(2).

Rebate

(4) On application by an owner who has demonstrated a significant difference between water and wastewater usage for his or her property, the General Manager of Infrastructure Services for the City of Greater Sudbury and the Chief Financial Officer / Treasurer acting jointly, may, in their discretion, authorize the payment of a rebate to the owner to compensate for an overpayment by the Owner of wastewater rates and fix the amount of any such rebate.

PART IV - ADJUSTMENTS - COLLECTION

Metered Rate Adjustments

5. (1) Where the Chief Financial Officer/Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury acting jointly and after proper investigation, determine that it would be unduly burdensome or otherwise unreasonable in the circumstances to require payment of the water or wastewater charges determined in accordance with this By-law, they may authorize such adjustment to the water or wastewater charges as they jointly determine to be appropriate in the circumstances.

(2) Upon application in writing by a consumer and provision of satisfactory evidence that plumbing problems have resulted in excess water / wastewater charges, the Chief Financial Officer/Treasurer and the General Manager of Infrastructure Services for the City of Greater Sudbury or their respective designates, acting jointly may authorize a refund to the consumer on a one time basis of 50 % of the excess water/wastewater charges as determined upon consideration of meter readings and prior usage;

(3) In circumstances in which the General Manager of Infrastructure Services or his or her authorized designate has directed a resident in writing to run water during a specified 'run water' period as a preventative measure against freezing occurring within the City lines or for temporary quality control reasons, the water / wastewater charges during the 'run water' period shall be adjusted to reflect a charge based on average consumption immediately prior to the 'run water' period. The General Manager of Infrastructure Services or his or her authorized designate may direct a meter reading be taken before and after the 'run water' period to assist in determining the adjustment.

(4) Where a commercial or industrial consumer establishes to the satisfaction of the General Manager of Infrastructure Services that a majority of the water used by that consumer is utilized in the production of a product such as ice, and where that consumer has installed a separate meter which measures the water used in production of the product, the General Manager of Infrastructure Services is authorized to refund to the consumer an amount equal to the waste water charge associated with the volume of water metered for use in the production of the product.

Interest on Overdue Accounts

6. The unpaid balance of water and wastewater accounts shall bear interest at the rate specified on Schedule A, calculated daily, from the date the account became overdue.

Overdue Amounts

7. Where any water or wastewater rates or part thereof, remains unpaid after the due date, the amount unpaid shall be a debt owing to the City of Greater Sudbury and may be recovered by action or by adding the debt to the tax roll and collecting it in the same manner as municipal taxes, as a Priority Lien.

PART V

WATERWORKS RATES TO RECOVER THE CAPITAL COST OF INSTALLING WATER SERVICES NECESSARY TO BENEFIT USERS OF THE LIONEL E. LALONDE CENTRE WATER SERVICING SYSTEM, SEWER WORKS RATES TO RECOVER PART OF THE CAPITAL COST OF THE SOUTH END SEWER ROCK TUNNEL SYSTEM AND WATER AND SEWER WORKS RATES TO RECOVER THE CAPITAL COST OF INSTALLING SEWER AND WATER SERVICES NECESSARY TO BENEFIT USERS OF THE KINGSWAY SEWER AND WATER PROJECT

Definitions

8. In this Part:

“Apartment Dwelling” means a building containing three or more Dwelling Units where the residential units are connected by an interior corridor or have a common entrance;

“Capital Cost” means the cost of constructing Sewage works or Water works, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for the works;

“Commercial” means any Non-Residential Development not defined under “Institutional” or “Industrial”;

“Commercial Office Use” means lands, building or structures used or designated for use for a practice of a profession, the carrying on of a business, occupation or conduct of non-profit organization including government;

“Development” means any activity or proposed activity in respect of land that requires one or more of the actions referred to in section 9 of this by-law and includes the redevelopment of land or the redevelopment, expansion, extension or alternation of a use, building or structure;

“Dwelling Unit” means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls;

“Gross Floor Area” means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, or between the centre lines of party walls, of all floors above Grade;

“Industrial” means lands, building or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;

“Institutional” means lands, buildings or structures used or designed or intended for use by a university, college, school board or hospital for an institutional use as defined by the applicable zoning by-law for the City of Greater Sudbury;

“Multiple Dwelling” means all dwellings other than Single-detached, Semi-detached and Row Dwellings;

“Mixed Use” means means lands, building or structures or portions thereof used, or designed or intended for use:

- (a) in the case of the Kingsway Sewer and Water Project and the South End Sewer Rock Tunnel Project as both Residential and Commercial uses or both Residential and Industrial uses; and
- (b) in the case of the Lionel E. Lalonde Centre Water Servicing Project, as both residential and non-residential uses;

“Municipality” or “City” means the City of Greater Sudbury;

“Non-Residential Use” means lands, buildings or structures of any kind whatsoever used or portions thereof, used, designed or intended to be used for other than a Residential use and includes all Commercial, Industrial and Institutional uses;

“Owner” means the owner of land or a person who has made application for an approval for the Development of land upon which a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate are imposed;

“Project Area” means the land set out in Schedule “B” with respect to the Lionel E. Lalonde Centre Water Servicing Project, the land set out in Schedule “C” with respect to the South End Sewer Rock Tunnel Project and the land set out in Schedule “G” with respect to the Kingsway Sewer and Water Project;

“Redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, or changing the use of a building or structure, or part thereof, from Residential use to Commercial or Industrial use or from Commercial or Industrial to Residential;

“Residential Uses” means lands, building or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a Single Detached Dwelling, a Semi-Detached Dwelling, a Row or Multiple Dwelling, an Apartment Dwelling, and the residential portion of a mixed-use building or structure;

“Row Dwelling” means a building divided vertically into two or more separate Dwelling Units, with at least 50% of the above-grade area of the main wall(s) on one or two sides of each Dwelling Unit attached to or the same as another Dwelling Unit;

“Semi-Detached Dwelling” means a building divided vertically into two Dwelling Units, each of which has a separate entrance and access to grade;

“Sewer Works” means any works for the collection, production, treatment, storage, supply or distribution of sewer, or any part of any such works constructed as part of the South End Sewer Rock Tunnel Project;

“Sewer Works Rate” means a charge for the capital cost of Sewer Works;

“Single-Detached Dwelling Unit” means a residential building consisting of one Dwelling Unit and not attached to another structure and includes mobile homes;

“Water and Sewer Works” means any works for the collection, production, treatment, storage, supply or distribution of water, and any works for the collection, production, treatment, storage, supply or distribution of sewer or any part of any such works constructed as part of the Kingsway Sewer and Water Project;

“Water and Sewer Works Rate” means a charge for the capital cost of the Water and Sewer Works;

“Water Works” means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works constructed as part of the Lionel E. Lalonde Centre Water Servicing Project; and “Water Works Rate” means a charge for the capital cost of Water Works.

Rates Imposed

9. (1) Every Owner of land in the Project Area for the Lionel E. Lalonde Centre Water Servicing Project shall pay to the Municipality a Water Works Rate as calculated in this by-law, whenever the Owner's lands are developed or redeveloped for Residential uses and the Development or Mixed Use Development requires an approval described in 9(4) below and the Owner's land is connected to the Water Works system.

(2) Every Owner of land in the Project Area for the South End Sewer Rock Tunnel Project shall pay the Municipality a Sewer Works Rate as applicable and as calculated in this by-law, whenever the Owner's lands are developed or redeveloped for Residential, Commercial or Industrial uses and the Development or Mixed Use Development requires an approval described in 9(4) below and the Owner's land is connected to the Sewer Works system.

(3) Every Owner of land in the Project Area for the Kingsway Sewer and Water Project shall pay the Municipality a Water and Sewer Works Rate as applicable and as calculated in this by-law, whenever the Owner's lands are developed or redeveloped for Residential, Commercial or Industrial uses and the Development or Mixed Use Development requires an approval described in 9(4) below and the Owner's land is connected to the Water and Sewer Works system.

(4) Subject to subsection 9(5), Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be, shall be calculated and collected in accordance with the provisions of this By-law and be imposed on land within a Project Area where the Development or Mixes Use Development requires:

- (a) the passing of a zoning by-law or an amendment thereto under Section 34 of the *Planning Act*;

- (b) the approval of a minor variance under Section 45 of the *Planning Act*;
- (c) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;
- (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
- (e) a consent under Section 53 of the *Planning Act*;
- (f) the approval of a description under Section 50 of the *Condominium Act*, *R.S.O. 1990, c. C.26*; or
- (g) the issuing of a permit under the *Building Code Act*, S.O. 1992, c. 23, in relation to a building or structure.

(5) Where no approval described in Subsection 9(4) above is required, the Owner shall pay a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate as calculated in this By-law when the Owner first connects to the Water Works, Sewer Works or Water and Sewer Works systems, as applicable.

Rates

10. (1) Water Works Rates against land relating to the Lionel E. Lalonde Centre Water Servicing Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "D".

(2) Sewer Works Rates against land relating to the South End Sewer Rock Tunnel Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "E".

(3) Water and Sewer Works Rates against land relating to the Kingsway Sewer and Water Project shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "F".

Calculation of Water Works Rates

11. The Water Works Rates applicable to land in the Project Area for the Lionel E. Lalonde Centre Water Servicing Project shall be calculated in the case of Residential Development or Redevelopment, or the Residential portion of a Mixed Use Development as the sum of the number of Dwelling Units as set out in Schedule "D";

Calculation of Sewer Works Rates

12. (1) The Sewer Works Rates applicable to land in the Project Area for the South End Sewer Rock Tunnel Project shall be calculated:

- (a) in the case of Residential Development or Redevelopment as the sum of the number of Dwelling Units as set out in Schedule "E";
- (b) in the case of Mixed Use Development or Redevelopment as the sum of the number of Dwelling Units for the residential portion plus the fee for the square metre area of the Commercial or Industrial portion as set out in Schedule "E"; or
- (c) for Industrial or Commercial Development or Redevelopment, based on the square metre area as set out in Schedule "E".

Calculation of Water and Sewer Works Rates

13. (1) The Water and Sewer Works Rates applicable to land in the Project Area for the Kingsway Sewer and Water Project shall be calculated:

- (a) in the case of Residential Development or Redevelopment as the sum of the number of Dwelling Units as set out in Schedule "F";

- (b) in the case of Mixed Use Development or Redevelopment as the sum of the number of Dwelling Units for the Residential portion plus the fee for the square metre area of the Commercial or Industrial portion as set out in Schedule "F"; or,
- (c) for Industrial or Commercial Development or Redevelopment, based on the square metre area as set out in Schedule "F".

When Rates Payable

14. The Owner of land for which a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate is payable shall pay the applicable rate on the date of issuance of a building permit for the Development of the land, or where no building permit is required, on the date of the connection to the system, as applicable.

Applicable Projects

15.(1) The capital Water Works for which Water Works Rates shall be charged under this by-law are the Lionel E. Lalonde Centre Water Servicing Project.

(2) The capital Sewer Works for which Sewer Works Rates shall be charged under this By-law are the South End Sewer Rock Tunnel Project.

(3) The capital Water and Sewer Works for which Water and Sewer Works Rates shall be charged under this by-law are the Kingsway Sewer and Water Project.

Water Works Rates - Additional Rates

16. The Water Works Rates imposed by this By-law shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Water Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Water Works or the supply of the water.

Sewer Works Rates - Additional Rates

17. The Sewer Works Rates imposed by this By-law shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Sewer Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Sewer Works or right to use the sewer system.

Water and Sewer Works Rates - Additional Rates

18. The Water and Sewer Works Rates imposed by this By-law shall be separate from and in addition to other rates that the City may be authorized by law to impose with respect to the cost of construction of Water and Sewer Works, the cost of connecting the land to the systems, the operation, maintenance, and repair of the Water and Sewer Works or the supply of water or right to use the sewer system.

No Exemption

19. No property is exempt from a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate imposed under this by-law by reason only that it is exempt from taxation under the *Assessment Act*, R.S.O. 1990, c. A-31.

Reduction

20. Where all or part of a Residential or Mixed Use building or structure is demolished or redeveloped, otherwise applicable Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be shall be reduced as follows:

- (a) where a Water Works Rate, a Sewer Works Rate or a Water and Sewer Works Rate has been imposed on the lands under a previous by-law, the

reduction shall be equal to the previously imposed Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate, as the case may be;

(b) where no Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate, as the case may be, has been imposed on the lands under a previous by-law, the reduction shall be calculated as in section 21 below, provided that:

- (i) the Residential or Mixed Use building or structure was occupied within five years prior to the issuance of a building permit for Redevelopment of the lands; and
- (ii) in the case where the Residential or Mixed Use building or structure is demolished, a demolition permit has been issued within five years prior to the issuance of a building permit for Redevelopment of the lands.

Calculation of Reduction

21. Where a Residential or Mixed Use building or structure qualifies for a reduction in otherwise applicable Water Works Rates, Sewer Works Rates or Water and Sewer Works Rates, as the case may be, pursuant to Section 20 above, the amount of reduction shall be equivalent to the total of:

- (a) the number of Residential Dwelling Units demolished or redeveloped multiplied by the applicable residential Water Works Rate in Schedule "D", the applicable Sewer Works Rate in Schedule "E" or the applicable Water and Sewer Works Rate in Schedule "F", as the case may be for the type of Residential Dwelling Unit demolished or redeveloped; and

- (b) the gross floor area used for Commercial or Industrial uses which has been demolished or redeveloped as the case may be multiplied by the applicable Sewer Works Rate in Schedule “E” or the applicable Water and Sewer Works Rate in Schedule “F”, as the case may be.

Maximum Reduction

22. A reduction shall not exceed the amount of the Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate as the case may be, that would otherwise be payable, and no reduction is available if the existing land use is exempt under this by-law.

No Rates Charged

23. Notwithstanding Section 9 above, no Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate as the case may be shall be imposed with respect to developments or portions of developments that result in:

- (a) an interior alteration to an existing building or structure which does not change or intensify the use of land;
- (b) the enlargement of an existing residential Dwelling Unit;
- (c) the creation of one or two additional residential Dwelling Units in an existing single detached dwelling where the total gross floor area of the additional unit(s) does not exceed the gross floor area of the existing Dwelling Unit;
- (d) the creation of one additional Dwelling Unit in a Semi-detached or Row Dwelling where the total gross floor area of the additional unit does not exceed the gross floor area of the existing Dwelling Unit; or

- (e) the creation of one additional Dwelling Unit any other existing residential building provided the gross floor area of the additional unit does not exceed the smallest existing Dwelling Unit already in the building;

Transfer to Reserves

24. (1) Monies received from payment of Water Works Rates for the Lionel E. Lalonde Centre Water Servicing Project under this By-law shall be credited to the Capital Financing Reserve Fund - Water.

(2) Monies received from payment of Sewer Works Rates for the South End Sewer Rock Tunnel Project under this By-law shall be credited to the Capital Financing Reserve Fund - Wastewater.

(3) Monies received from payment of Water and Sewer Works Rates for the Kingsway Sewer and Water Project under this By-law shall be credited to the project while construction of the project is underway and after construction is completed to the Capital Financing Reserve Fund - Water or the Capital Financing Reserve Fund - Wastewater, as determined by the Chief Financial Officer/Treasurer.

Transfer to Tax Roll

25. Where any Water Works Rate, Sewer Works Rate or Water and Sewer Works Rate or part thereof, remains unpaid after the due date, the amount unpaid shall be a debt owing to the Municipality and may be collected by action or by adding same to the tax roll and collected in the same manner as municipal taxes, as a Priority Lien.

Transfer to Reserve

26. (1) Where any unpaid Water Works Rates or part thereof are collected as municipal taxes under section 25 the monies so collected shall be credited to the reserve funds referred to in Subsection 24(1).

(2) Where any unpaid Sewer Works Rates or part thereof are collected as municipal taxes under section 25 the monies so collected shall be credited to the reserve funds referred to in Subsection 24(2).

(3) Where any unpaid Sewer Works Rates or part thereof are collected as municipal taxes under section 25 the monies so collected shall be credited to the reserve funds referred to in Subsection 24(2).

(4) Where any unpaid Water and Sewer Works Rates or part thereof are collected as municipal taxes under Section 25 the monies so collected shall be credited to the reserve funds referred to in Subsection 24(3).

PART VI -GENERAL

Priority Lien Status

27. Fees and charges for the supply of water and for the use of sewage system shall have priority lien status under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time.

Invalidity

28. In the event any provision, or part thereof, of this by-law is found by a Court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

Schedules

29. The following Schedules attached hereto are incorporated into and form a part of this By-law;

- (a) "Schedule "A" – Water Charges, Interest Rate, Water Service Charges and Bulk Water Rates";
- (b) Schedule "A-1" – Rates and Charges – Sewer Use By-law, 2010-188 as amended or replaced;
- (c) Schedule "B" - Project Area - Lionel E. Lalonde Centre Water Servicing Project;
- (d) Schedule "C" - Project Area - South End Sewer Rock Tunnel Project;
- (e) Schedule "D" - Water Works Rates - Lionel E. Lalonde Centre Water Servicing Project;
- (f) Schedule "E" - Sewer Works Rates - South End Sewer Rock Tunnel Project;
- (g) Schedule "F" - Water and Sewer Works Rates - Kingsway Sewer and Water Project; and
- (h) Schedule "G" - Project Area - Kingsway Sewer and Water Project.

30. By-law 2011-276 and any amendments thereto are hereby repealed.


Effective Date

31. This By-law shall come into force and take effect on January 1, 2013.

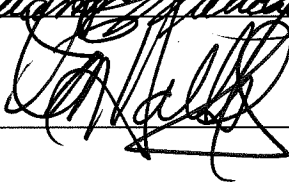
Existing Charges Survive

32. Any rates and charges as established under By-law 2011-276 as amended which were due and payable under that By-law remain due and payable notwithstanding the repeal of the By-law.

READ AND ENACTED IN OPEN COUNCIL this 11th day of December, 2012.



Mayor



Clerk

SCHEDULE A to By-law 2012-228

**WATER CHARGES, INTEREST RATE, WATER SERVICE CHARGES
AND BULK WATER RATES FOR THE 2013 CALENDAR YEAR**

Water Consumption Charge – Metered rates – see Subsection 2(1)

The rate shall be \$1.171 per cubic metre.

Water Consumption Charge – Flat Rate Accounts – see Subsection 2(2)

Where no meter is installed in a single family dwelling, or multi residential building a flat rate shall be applied that is equivalent to 27 cubic metres per single family dwelling or each unit in a multi-residential building.

Fixed Charges – see Subsection 2(3)

In addition to the Water Consumption Charges for Metered Rates or Flat Rates the fixed monthly charge based on the size of the water meter, or where there is no water meter, based on the size of the water service connection shall be:

<u>Meter/Service Size In Inches</u>	<u>Monthly Fixed Charge</u>
5/8 inches	\$ 15.71
1 inch	\$ 41.59
1 ½ inches	\$ 56.08
2 inches	\$ 112.98
3 inches	\$ 224.70
4 inches	\$ 338.11
6 inches	\$ 563.69
8 inches	\$ 906.57
10 inches	\$ 1,554.76

Wastewater Rate – see Subsection 4(1)

The applicable percentage rate where land is connected to both a watermain and a sewermain for the purposes of Subsection 4(1) is 117.9%

Wastewater Rate – Special – see Paragraph 4(2)(a)

The applicable percentage rate where land is connected to a sewermain but not to a watermain for the purposes of Paragraph 4(2)(a) is 117.9%

Interest Rate – Unpaid balance of Water and Wastewater Accounts – see Section 7

The applicable interest rate for unpaid balance of water and wastewater accounts for the purposes of section 7 is the rate established by Greater Sudbury Utilities Inc. for unpaid accounts.

Bulk Water Filling Stations

(fees and charges pursuant to Waterworks By-law 2010-214, as amended or replaced)

Bulk Water rate (see section 5.3(3) of the Waterworks By-law	\$1.91 per cubic metre
To issue a Prepaid Bulk Water Station Filling card (first time) - (see subsection 5.4(1) of the Waterworks By-law)	\$50 per customer
To issue a replacement Prepaid Bulk Water Station Filling card (see subsection 5.4(1) of the Waterworks By-law	\$20 per card

Services	FEE	HST	TOTAL
<u>Water Service Charges</u>			
water service disconnect (each occasion) -see subsection 2(6)	\$281.00	N.A.	\$ 281.00
thawing of water service at request of Owner - each occasion -see subsection 2(7)	\$635.40	\$82.60	\$ 718.00
sprinkler connection to building -per year – in addition to any other applicable charge – see subsection 2(8)	\$719.00	N.A.	\$ 719.00
private fire hydrant - per year – -see Waterworks By-law 2010-214 as amended or replaced (see paragraph 5.1(e))	\$719.00	N.A.	\$719.00
advice of pending water supply shutoff due to non-payment -see subsection 2(9)	\$ 37.00	N.A.	\$ 37.00
Water supply shut-off –see subsection 2(10)	\$ 72.00	N.A.	\$ 72.00
Trip charge for scheduled Appointments with CGS staff or GSU staff payable in addition to other applicable fees-see subsection 2(13)	\$ 37.00	N.A.	\$ 37.00
Administrative Fee Tampering payable in addition to any other applicable fee -see subsection 2(14)	\$237.00	N.A.	\$ 237.00
Water Meter (up to 2 inches in diameter) -see subsection 3(1)	\$320.00	N.A.	\$ 320.00

Services	FEE	HST	TOTAL
Replace lost, damaged or frozen water meter -see subsection 3(2) (cost of meter only)	\$ 155.00	N.A.	\$ 155.00
Replace water meter remote (cost of water meter remote only) -see subsection 3(3)	\$ 35.00	N.A.	\$ 35.00
Private sewer lateral (per hour- regular hours rate) *	\$ 82.00	N/A	\$82.00
(per hour - After regular hours rate) (second and each subsequent callout) See subsection 3(16)	\$ 123.00		\$ 123.00
Emergency locates -See subsection 3(17)	\$ 180.00	N.A.	\$ 180.00
Operator in Charge (per hour- regular hours rate) *	\$ 82.00	N/A	\$82.00
(per hour - After regular hours rate) (-See subsection 3(18))	\$ 123.00		\$ 123.00
Tapping (per hour- regular hours rate) *	\$ 82.00	N/A	\$82.00
(per hour - After regular hours rate) -See Subsection 3(19)	\$ 123.00		\$ 123.00
Valve turning *(per hour- regular hours rate) *	\$ 82.00	N/A	\$82.00
(per hour - After regular hours rate) -See Subsection 3(20)	\$ 123.00		\$ 123.00
Fire Flow Testing (per hour- regular hours rate) *	\$ 82.00	N/A	\$82.00
(per hour - After regular hours rate) -See Subsection 3(21)	\$ 123.00		\$ 123.00
Hydrant Water Use -consumption per cubic metre	\$ 1.91	N.A.	\$ 1.91
-equipment rental and setup	\$ 258.00	N.A.	\$258.00
-refundable equipment damage deposit	\$ 500.00	N.A.	\$500.00

-See subsection 3(22)

* hourly rates shall be prorated to the nearest half hour on site

**SCHEDULE "A-1" to By-law 2012-228
CHARGES UNDER THE SEWER USE BY-LAW
FOR THE 2013 CALENDAR YEAR**

Sewer Use By-law Charges

Application Fee for:	Fee in \$
Overstrength Sewage Discharge Agreement	925
Sanitary Sewer Discharge Agreement	925
Sludge Discharge Agreement	925
Lecheate Discharge Agreement	925
Hauled Liquid Waste Permit	250
Hauled Liquid Waste Permit Renewal Fee	25
Compliance Program	1,050

**CHARGES UNDER THE SEWER USE BY-LAW
FOR THE 2013 CALENDAR YEAR**

Discharge Surcharge Rates

Overstrength Sewage Discharge Agreement:

The surcharge for Overstrength Sewage under an Overstrength Sewage Discharge Agreement shall be calculated in accordance with the following formula:

$$S(dT) = WCC - WWR - V(dT) \left(0.30 \left(\frac{TSS}{350} \right) - 0.15 \left(\frac{BOD_5}{300} \right) - 0.10 \left(\frac{TPC}{1} \right) - 0.40 \left(\frac{TP}{10} \right) - 0.05 \left(\frac{TKN}{100} \right) \right)$$

- where
- S(dT) *Wastewater Surcharge* in dollars;
 - WCC *Water Consumption Charge* as provided in Schedule A to By-Law 2010-215;
 - WWR *Wastewater Rate* as provided in schedule A to By-Law 2010-215;
 - V(dT) *Total Volume*, in cubic metres, released during time interval dT;
 - TSS *Average Total Suspended Solids* in milligrams per litre as determined by lab testing during time interval dT;
 - BOD₅ *Average five-day Biochemical Oxygen Demand* in milligrams per litre as determined by lab testing during time interval dT;
 - TPC *Average Total Pheonolic Compounds* in milligrams per litre as determined by lab testing during time interval dT;
 - TP *Average Total Phosphorous* in milligrams per litre as determined by lab testing during time interval dT; and
 - TKN *Average Total Kjeldahl Nitrogen* in milligrams per litre as determined by lab testing during time interval dT.

Note: If any of the quotients given in the above equation are less than or equal to 1.0, then that expression defaults to zero. For instance:

if $TSS = 200$ such that $\frac{TSS}{350} = 0.57$ which is less than 1

then $\frac{TSS}{350}$ is set to 0.

**CHARGES UNDER THE SEWER USE BY-LAW 2010-188
FOR THE 2013 CALENDAR YEAR
As amended or replaced**

Sanitary Sewer Discharge Agreement – Surcharge

The surcharge payable for the discharge to the sanitary sewer of wastewater originating with water not from the City's water supply system shall be calculated in accordance with the following formula:

$$VWC(dT) = WCC * WWR * V(dT)$$

where	VWC(dT)	<i>Volumetric Wastewater Charge</i> , in dollars, covering the time period (dT) in question;
	WCC	<i>Water Consumption Charge</i> per cubic metre as provided in Schedule A to By-Law 2010-215;
	WWR	<i>Wastewater Rate</i> as provided in schedule A to By-Law 2010-215; and
	V(dT)	Total <i>Volume</i> , in cubic metres, released during the time period (dT) in question.

**CHARGES UNDER THE SEWER USE BY-LAW 2010-188
FOR THE 2013 CALENDAR YEAR
As amended or replaced**

Hauled Liquid Waste Tipping Fee

N.A.

Leachate Tipping Fee

The holder of a Hauled Liquid Waste permit who is discharging Leachate in accordance with a Leachate Discharge Agreement shall pay a tipping fee for Leachate determined at the rate of \$25 per cubic meter.

SCHEDULE "B"
to By-law 2012-228

Page 1 of 2

Project Area – Lionel E. Lalonde Centre Water Servicing Project

The Project Area consists of the following Parcels of Land and land conveyed from these:

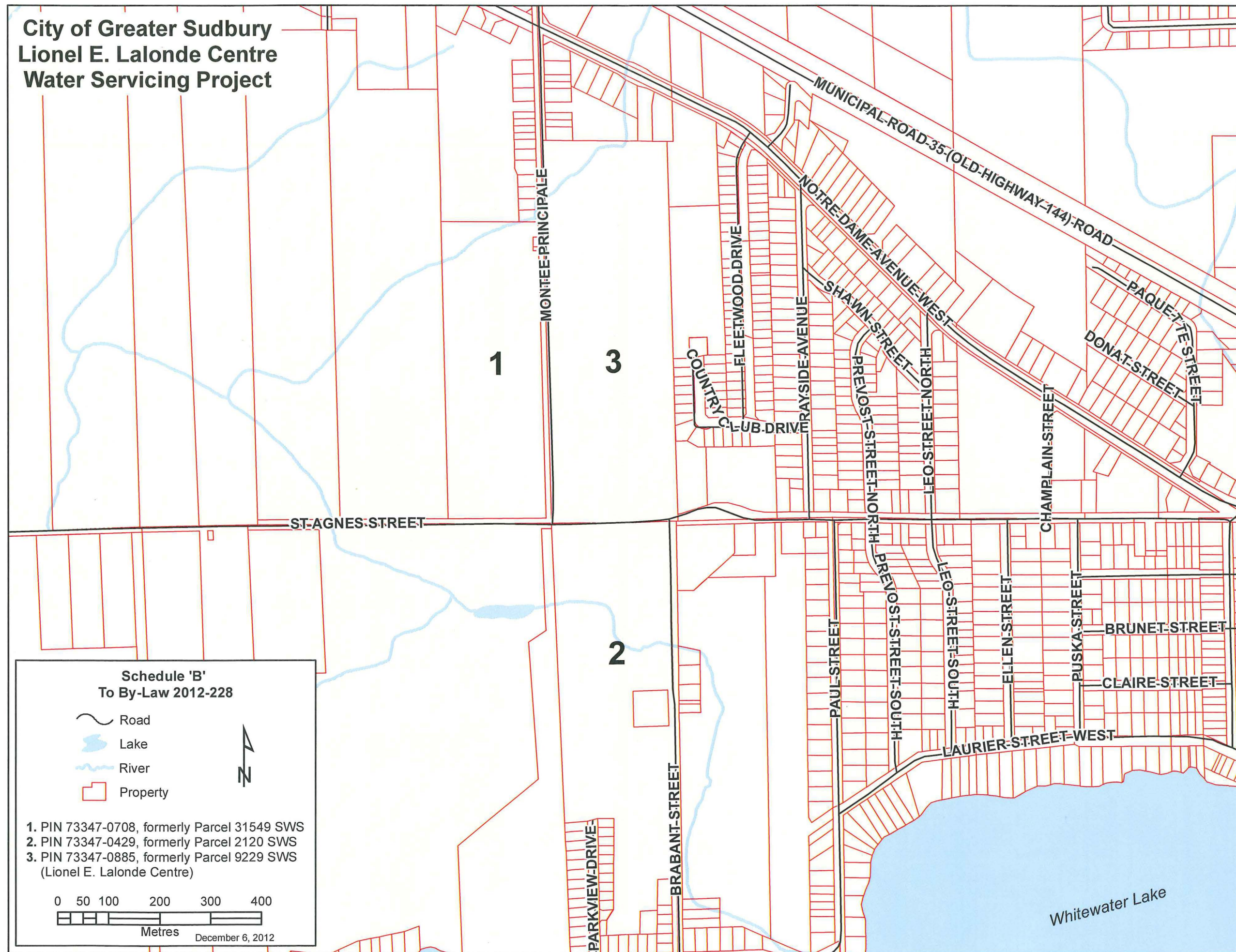
- (1) PIN 73347-0708, formerly Parcel 31549, SWS
- (2) PIN 73347-0429, formerly Parcel 2120, SWS
- (3) PIN 73347-0885, formerly Parcel 9229, SWS (Lionel E. Lalonde Centre)

**SCHEDULE "B"
to By-law 2012-228**

Page 2 of 2

Project Area – Lionel E. Lalande Centre Water Servicing Project

**City of Greater Sudbury
Lionel E. Lalonde Centre
Water Servicing Project**

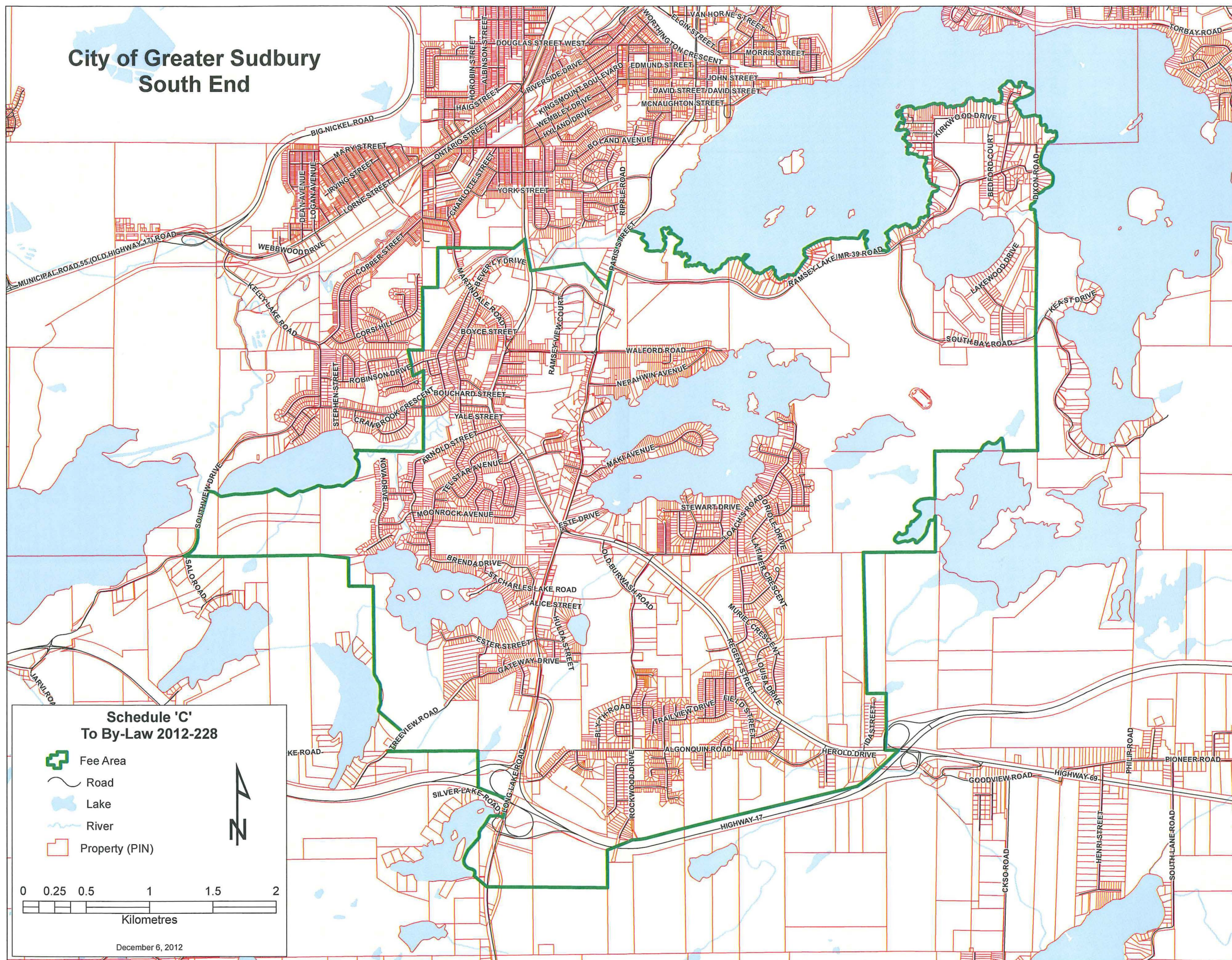


SCHEDULE "C"
to By-law 2012-228

Page 1 of 1

PROJECT AREA
SOUTH END SEWER ROCK TUNNEL PROJECT

City of Greater Sudbury South End



**SCHEDULE "D"
to By-law 2012-228**

LIONEL E. LALONDE CENTRE WATER SERVICING PROJECT

Water Works Rates

Service

Rate

Water Works

\$495.00 per residential dwelling unit

**SCHEDULE "E"
to By-law 2012-228**

**SOUTH END SEWER ROCK TUNNEL PROJECT
Sewer Rates**

Period		Section 391 Fee		
		Single-detached, Semi-detached, Row dwellings, (per unit)	Multiple Dwellings (per unit)	Commercial / Industrial (per sq. metre)
Years 1-5	Oct 26/06 to Dec 31/11	\$1,175	\$ 704	\$ 4.31
Years 6-10	Jan 1/12 to Dec 31/16	\$1,499	\$ 899	\$ 5.50
Years 11-15	Jan 1/17 to Dec 31/21	\$1,913	\$1,148	\$7.02
Years 16-20	Jan 1/22 to Dec 31/26	\$2,442	\$1,465	\$ 8.96
Years 21-25	Jan 1/27 to Dec 31/31	\$3,116	\$1,869	\$11.43
Years 26-30	Jan 1/32 to Dec 31/36	\$3,977	\$2,386	\$14.59
Years 31-35	Jan 1/37 to Dec 31/41	\$5,076	\$3,045	\$18.62
Years 36-40	Jan 1/42 to Dec 31/46	\$6,479	\$3,886	\$23.76

SCHEDULE "F"
to By-law 2012-228

KINGSWAY SEWER AND WATER PROJECT
Water and Sewer Works Rates

Period		Section 391 Fee		
		Single-detached, Semi-detached, Row dwellings, (per unit)	Multiple Dwellings (per unit)	Commercial / Industrial (per sq. metre)
Years 1-5	Nov 1/07 to Dec 31/12	\$2,617	\$1,409	\$ 9.21
Years 6-10	Jan 1/13 to Dec 31/17	\$3,502	\$1,886	\$ 12.32
Years 11-15	Jan 1/18 to Dec 31/22	\$4,687	\$2,524	\$ 16.49
Years 16-20	Jan 1/23 to Dec 31/27	\$6,272	\$3,377	\$ 22.06







**SCHEDULE "G"
to By-law 2012-228**

Page 1 of 1

KINGSWAY SEWER AND WATER PROJECT

City of Greater Sudbury Kingsway Sewer & Water Project

**Schedule 'G'
To By-Law 2012-228**

-  Project Area
-  Road
-  Lake
-  River
-  Property
-  Draft Plan of Subdivision

0 75 150 300 450 600
Metres December 6, 2012

