

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /17

Being a by-law to establish water and wastewater charges and to repeal By-law 1749/16

WHEREAS Section 391 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended, provides that a municipality may pass by-laws imposing fees or charges for services or activities provided, for costs payable for services or activities provided or done by or on behalf of the municipality and for use of its property including property under its control;

WHEREAS the Corporation of Haldimand County deems it necessary to impose water and wastewater fees and charges;

WHEREAS the Council of The Corporation of Haldimand County has, from time to time, established various fees and charges for water and wastewater supply, services, activities and use of County property;

AND WHEREAS the Council of The Corporation of Haldimand County deems it expedient to enact a by-law establishing and requiring the payment of water and wastewater fees for supply, services, activities and use of County property,

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. **THAT** the water and wastewater fees and charges as set out in Schedules "A" through "E" attached hereto and forming part of this by-law are hereby established and adopted by the Council of the Corporation of Haldimand County.
2. **THAT** unless otherwise prescribed, no request by any person for any water and wastewater supply, service, activity or use of County property described in Schedules "A" through "E" will be processed or provided by any County Official, unless and until the person requesting the water and wastewater supply, service, activity or use of County property has paid the applicable water and wastewater fee or charge in the prescribed amount as set out in Schedules "A" through "E" to the County.
3. **THAT** in the event that any water and wastewater supply, service, activity or use of County property is requested by a person, and a fee or charge for such water and wastewater supply, service, activity or use of County property has not been specifically provided for in Schedules "A" and "D" hereto, a water and wastewater fee or charge shall be calculated by County staff utilizing the formula described in Schedule "E", attached hereto and forming part of this by-law, and such water and wastewater fee or charge shall be deemed to be a water and wastewater fee or charge otherwise established and adopted by Council and shall be deemed to be included in Schedules "A" through "D".
4. **THAT** in the event that any information, service, activity or use of County property is obtained or incurred by a person, and a fee or charge for such information, service, activity or use of County property has not been specifically provided for in Schedules "A" through "D" hereto, a fee or charge shall be calculated by County staff utilizing the formula described in Schedule "E", attached hereto and forming part of this by-law, and such fee or charge shall be deemed to be a fee or charge otherwise established and adopted by Council and shall be deemed to be included in Schedules "A" through "D".

5. **THAT** unless otherwise prescribed, the fees and charges established by this by-law shall be payable to The Corporation of Haldimand County by cash, money order, certified cheque, cheque or debit card when due.
6. **THAT** where any payment is received on account, the payment will first be applied against late payment charges owing according to the length of time the charges have been owing, with charges imposed earlier being discharged before charges imposed later. The payment will then be applied against the total amount owing according to the length of time they have been owing, with amounts imposed earlier being discharged before amounts imposed later.
7. **THAT** a percentage of one and one-quarter percent (1¼%) shall be imposed as a penalty for non-payment of fees and charges remaining unpaid on the first day following the last day for payment of such fees and charges and thereafter, an additional charge of one and one-quarter percent (1¼%) shall be imposed and shall be added to any remaining fees and charges remaining unpaid on the first day of such calendar month in which the default continues until a new by-law is established.
8. **THAT** Council delegate the authority to the Treasurer to adjust penalty/interest applied above under the following conditions: (i) if the County has applied said penalty/interest in error, at the sole discretion of the County, 100% of the penalty/interest applied will be removed; or (ii) if the County, at its sole discretion, was negligent or contributed in part to the application of the penalty/interest in error, 50% of the penalty/interest will be removed. All further adjustments to penalty/interest require specific Council approval or an appeal to the applicable Provincial court.
9. **THAT** Council delegate the authority to the Treasurer to write off small unpaid balances under \$10 as the Treasurer deems appropriate.
10. **THAT** Council delegate the execution of this by-law to the Treasurer.
11. **THAT** in the event any part of this by-law, including any part of Schedules “A” through “D”, is determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the by-law shall be severable and that the remainder of this by-law including the remainder of Schedules “A” through “D”, as applicable, shall continue to operate and to be in force and effect.
12. **THAT** in the event another by-law of The Corporation of Haldimand County establishes a fee or charge for water and wastewater services that is not referenced by this by-law and that is not inconsistent with this by-law, the fee or charge established by that or other by-law shall be deemed to be included in Schedules “A” through “D” attached hereto.
13. **THAT** the fees and charges set out in this by-law shall be effective for any bills issued on or after January 1, 2018 for services rendered on or after January 1, 2018.
14. **THAT** any provision of any by-law that is inconsistent with this by-law shall be hereby repealed.
15. **THAT** this by-law shall be known as the “Water and Wastewater Fees and Service Charges By-law”.
16. **THAT** By-law No. 1749/16 and any amendments thereto are hereby repealed in their entirety.

17. **AND THAT** this by-law shall be effective January 1, 2018.

READ a first and second time this 11th day of December, 2017.

READ a third time and finally passed this 11th day of December, 2017.

MAYOR

CLERK