

THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

BY-LAW NO. 2023-19

BEING A BY-LAW TO ESTABLISH WATER AND SEWER OPERATING AND MAINTENANCE RATES FOR THE YEAR 2023 FOR THE MUNICIPALITY OF KILLARNEY

WHEREAS Part XII of the Municipal Act, S.O. 2001 c. 25, as amended, provides that the Council of a local municipality may pass a by-law to set fees and charges to operate and maintain sewer and water services and collect payments required to be made under the by-law;

AND WHEREAS pursuant to O. Reg. 244/02, filed under the Municipal Act, S.O. 2001 c. 25, as amended, the Municipality of Killarney has complied with all notice as required and held a public meeting;

NOW THEREFORE the Council of the Corporation of the Municipality of Killarney hereby enacts as follows:

1.0 DEFINITIONS

- 1.1** For the purposes of this by-law, the following definitions shall apply:
 - a.** “Town” means The Corporation of the Municipality of Killarney;
 - b.** “water rate” means the rate charged for the distribution and use of water supplied by The Corporation of the Municipality of Killarney;
 - c.** “sewer rate” means a charge for the cost of sewage works;
 - d.** “water works” means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of such works;
 - e.** “sewer works” means any works for the collection, treatment, storage or disposal of sewage, or any part of such works;

2.0 APPLICATION

- 2.1** Every owner of land connected to the Town water and/or sewer works shall pay a water and/or sewer works rate;

3.0 NO EXEMPTIONS GENERALLY

- 3.1** That for the purpose of clarification, no exemptions from the water and sewer works rate shall be permitted solely because of tax exempt status under the Assessment Act.
- 3.2** Properties connected to the municipal water works or sewer works will not be eligible for rate exemptions solely by the fact that the owner chooses not to utilize the connection.

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4.0 LIMITED EXEMPTIONS

4.1 Owners whose buildings:

- (i) have been declared as unsafe by the Chief Building Official pursuant to the provisions of Section 15.9 of the *Building Code Act*; or
- (ii) whose buildings remain unoccupied after a period of twelve consecutive months commencing in June, 2008;

Shall upon application by the Owner and approval by Council pay a reduced water rate equivalent to 50% (Fifty Percent) of the per unit cost.

4.2 This reduced water rate shall apply as of January 1st of the next applicable billing year, provided there are no outstanding water and sewer billings at that time and shall continue provided the status of the building remains unchanged from the conditions in 4.1 (i) or 4.1 (ii) above. No rebates for previous years billings shall be permitted.

4.3 Once the building becomes re-connected to the municipal water works and/or deemed safe or occupied at any time, the full water rate shall be reinstated immediately.

5.0 REBATE

Owners of single-family dwellings containing an apartment unit which has been vacant for a minimum period of 90 days shall be entitled to a rebate from the established water rate upon application by the Owner and approval of Council. The amount of the rebate shall be established with reference to Policy #I-007 of the Policy Manual as contained in Resolution No. 08-015 of the Town.

6.0 ADOPTION OF 2023 ESTIMATES

6.1 Council hereby adopts the estimates of all sums required during the year 2023 for the purposes of the operation and maintenance of the Town water and sewer works in the gross amount of \$ 393,680.00 (water) + \$ 95,480.00 (sewer) = \$ 489,160.00.

6.2 The 2023 budget outlining the required estimates is attached hereto as Schedule "A" and forms part of this by-law.

6.3 The March and June 2023 Quarterly Billing Summary and 2023 Final Billing Summary are attached hereto as Schedule "B" and forms part of this by-law.

6.4 A Summary of Units Charged is attached hereto as Schedule "C" and forms part of this by-law.

6.5 WATER RATE
That the water rate for 2023 will be set at \$ 1,120.00 per unit.

6.6 SEWER RATE
That the sewer rate for 2023 will be set at \$ 280.00 per unit.

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6.7 OTHER WATER\SEWER FEES:

There will be additional fees assessed for the provision of the following services:

New Water Connection Fee	\$50.00
New Sewer Connection Fee	\$50.00
Re-Connect Fee	\$75.00
Seasonal Turn On (spring)	\$25.00
Seasonal Turn Off (fall)	\$25.00

6.8 An identification of Unit Equivalencies is attached hereto as Schedule "D" and Forms part of this by-law.

7.0 DUE DATES

7.1 The final two quarterly billing due dates for water and sewer shall become due and payable as follows:

September 1, 2023 and December 1, 2023

7.2 Non-payment of the amount on the dates stated in accordance with this section shall constitute a default.

7.3 In default of such payment or any part of the instalments by the day named for the payment of such amounts, the subsequent instalment or instalments shall forthwith become due and payable.

8.0 NOTICE OF WATER AND SEWER BILLINGS

8.1 The Treasurer shall, no later than twenty-one days prior to the due date of the first instalment, mail or cause to be mailed to the address of residence or place of business of the designated water and sewer users, a written or printed notice specifying the amount of water and sewer payable.

9.0 PAYMENT AND COLLECTION

9.1 Immediately after the due dates stated in section 7.0 of this by-law, the Treasurer shall immediately collect at once, by distress or otherwise under the provisions of the statutes, all such instalments or parts thereof that have not been paid on or before the respective dates provided, together with the said percentage penalty charges as they are incurred.

9.2 The Treasurer is hereby authorized to accept part payment from time to time on any water and sewer billings due, and to give receipt for such part payment provided that the acceptance of any such part payment shall not affect the collection of any percentage penalty charge imposed and collectable under this by-law with respect to non payment of water or sewer billings or any instalment thereof.

9.3 Where the Treasurer ascertains that sewer and water billings are uncollectible they shall be added to the tax roll and collected as such.

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10.0 METHOD OF PAYMENT

10.1 Water and sewer billings shall be payable to the Corporation of the Municipality of Killarney and are payable:

- ◆ At the Municipal Office, 32 Commissioner Street, Killarney, Ontario
- ◆ By first class mail to 32 Commissioner Street, Killarney, Ontario
P0M 2A0
- ◆ Electronically, using MasterCard or Visa, telephone number
(705) 287-2424 or 1-888-597-5721
- ◆ Via internet or telephone banking

11.0 PENALTY AND INTEREST

11.1 On all water and sewer billings of the quarterly levies, which are in default on the day following the due date, penalty of 1.25% shall be added and thereafter a penalty of 1.25% per month will be added on the first day of each and every month the default continues, until December 31, 2023.

11.2 (a) On all water and sewer billings of the quarterly levies in default on January 1st, 2024, interest will be added at the rate of 1.25% per month for each month or fraction thereof of default;

(b) On all other water and sewer billings in default on January 1st, 2024, interest shall be added at the rate of 1.25% per month or fraction thereof, and all by-laws and parts of by-laws inconsistent with this provision are hereby rescinded.

11.3 Penalties and interest on all water and sewer billings of the quarterly levies in default shall become due and payable and shall be collected forthwith as if the same had originally been imposed and formed part of such unpaid quarterly levies.

12.0 SURPLUS FUNDS

12.1 Whereas the administration and financing of water and sewer works are to be fully dedicated to specific users, therefore any year surplus adjustment shall be applied to either the Water or Sewer Works Reserves. Any year end deficit in Water or Sewer operation and maintenance billings for the current year will be recovered in the succeeding year.

13.0 SUPPLEMENTAL WATER AND SEWER BILLINGS FOR 2023

13.1 When a property is connected to the municipal water and/or sewer works following the issue of any quarterly billing, the yearly rate will be pro-rated and a bill will be issued from the date of connection. Penalty and interest charges will apply as indicated in 11.0 of this by-law.

14.0 2024 QUARTERLY WATER AND SEWER BILLINGS

14.1 The 2024 first and second quarterly water and sewer billings will each be based on 25% of the 2023 unit rate.

14.2 The 2024 quarterly billings shall become due and payable in 2 (two) instalments as follows:

March 1, 2024 and June 3, 2024

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15.0 FORCE AND EFFECT

15.1 This by-law shall take force and effect on the day of its final passing.

15.2 All by-laws and parts of by-laws inconsistent with this by-law are hereby repealed.

**READ A FIRST TIME, CONSIDERED READ A SECOND AND THIRD TIME
AND FINALLY ENACTED AND PASSED THIS 17th DAY OF MAY, 2023.**

ORIGINAL DOCUMENT SIGNED

Michael Reider, Mayor

ORIGINAL DOCUMENT SIGNED

Candy K. Beauvais, Clerk-Treasurer

**THE CORPORATION
OF THE
MUNICIPALITY OF KILLARNEY**

Schedule "A"

to

By-Law No. 2023-19

2023

SUMMARY OF WATER REVENUES

WATER MAINTENANCE CHARGES	\$ 394,240.00
WATER CONNECTION FEES	800.00
TRANSFER FROM WATER RESERVE	0.00
INTEREST EARNED WATER ARREARS	73,000.00
MISCELLANEOUS REVENUES	275,470.00
TOTAL WATER REVENUES	\$ 743,510.00

2023

SUMMARY OF WATER EXPENDITURES

WATER EXPENDITURES	\$ 743,510.00
PRIOR YEAR DEFICIT RECOVERY	0.00
TOTAL WATER EXPENDITURES	\$ 743,510.00

2023

SUMMARY OF SEWER REVENUES

SEWER MAINTENANCE CHARGES	\$ 95,480.00
SEWER CONNECTION PERMITS	0.00
SEWER DISPOSAL FEES	0.00
TRANSFER FROM SEWER RESERVE	0.00
INTEREST EARNED SEWER ARREARS	1,200.00
FEDERAL OCIF FUNDING	0.00
PROVINCIAL OCIF FUNDING	0.00
LOAN PROCEEDS	0.00
TOTAL SEWER REVENUES	\$ 96,680.00

2023

SUMMARY OF SEWER EXPENDITURES

SEWER OPERATION EXPENDITURES	\$ 96,680.00
CAPITAL EXPENSES (OCIF PROJECT)	0.00
PRIOR YEAR DEFICIT RECOVERY	0.00
TOTAL SEWER EXPENDITURES	\$ 96,680.00

**THE CORPORATION
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Schedule "B"

to

By-Law No. 2023-19

2023 WATER QUARTERLY BILLINGS

Summary of 2023 First Quarterly Billing

	Units	Rate	Amount
Water Flat Rate	Residential 188.0	\$277.50	\$ 52,170.00
	Residential (1/2 Unit) 1.0	277.50	277.50
	Commercial 146.0	277.50	40,515.00
	<u>Institutional 17.0</u>	277.50	<u>4,717.50</u>
	Total Units 352.0		\$ 97,680.00

Due Date: March 1, 2023

Summary of 2023 Second Quarterly Billing

Water Flat Rate	Residential 188.0	\$277.50	\$ 52,170.00
	Residential (1/2 Unit) 1.0	277.50	277.50
	Commercial 146.0	277.50	40,515.00
	<u>Institutional 17.0</u>	277.50	<u>4,717.50</u>
	Total Units 352.0		\$ 97,680.00

Due Date: June 1, 2023

Summary of 2023 Third Quarterly Billing

Water Flat Rate	Residential 188.0	\$282.50	\$ 53,110.00
	Residential (1/2 Unit) 1.0	282.50	282.50
	Commercial 146.0	282.50	41,245.00
	<u>Institutional 17.0</u>	282.50	<u>4,802.50</u>
	Total Units 352.0		\$ 99,440.00

Due Date: September 1, 2023

Summary of 2023 Fourth Quarterly Billing

Water Flat Rate	Residential 188.0	\$282.50	\$ 53,110.00
	Residential (1/2 Unit) 1.0	282.50	282.50
	Commercial 146.0	282.50	41,245.00
	<u>Institutional 17.0</u>	282.50	<u>4,802.50</u>
	Total Units 352.0		\$ 99,440.00

Due Date: December 1, 2023

Total Water Billing for 2023	\$ 394,240.00
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**The flat rate units may vary from billing to billing due to additions or deletions of water units.
The total Water Billing for 2023 is different from the budget due to rounding and audit reviews.**

2023 SEWER QUARTERLY BILLINGS

Summary of 2023 First Quarterly Billing

	Units	Rate	Amount
Sewer Flat Rate	Residential 178.0	\$66.25	\$ 11,792.50
	Residential (1/2 Unit) 1.0	66.25	66.25
	Commercial 145.0	66.25	9,606.25
	<u>Institutional 17.0</u>	66.25	<u>1,126.25</u>
	Total Units 341.0		\$ 22,591.25

Due Date: March 1, 2023

Summary of 2023 Second Quarterly Billing

Sewer Flat Rate	Residential 178.0	\$66.25	\$ 11,792.50
	Residential (1/2 Unit) 1.0	66.25	66.25
	Commercial 145.0	66.25	9,606.25
	<u>Institutional 17.0</u>	66.25	<u>1,126.25</u>
	Total Units 341.0		\$ 22,591.25

Due Date: June 1, 2023

Summary of 2023 Third Quarterly Billing

Sewer Flat Rate	Residential 178.0	\$73.75	\$ 13,127.50
	Residential (1/2 Unit) 1.0	73.75	73.75
	Commercial 145.0	73.75	10,693.75
	<u>Institutional 17.0</u>	73.75	<u>1,253.75</u>
	Total Units 336.0		\$ 25,148.75

Due Date: September 2, 2023

Summary of 2023 Fourth Quarterly Billing

Sewer Flat Rate	Residential 178.0	\$73.75	\$ 13,127.50
	Residential (1/2 Unit) 1.0	73.75	73.75
	Commercial 145.0	73.75	10,693.75
	<u>Institutional 17.0</u>	73.75	<u>1,253.75</u>
	Total Units 336.0		\$ 25,148.75

Due Date: December 1, 2023

Total Sewer Billing for 2023	\$ 95,480.00
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The flat rate units may vary from billing to billing due to additions or deletions of water units.
The total Water Billing for 2023 is different from the budget due to rounding and audit reviews.

**THE CORPORATION
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Schedule "C"

to

By-Law No. 2023-19

Summary of Water/Sewer Units Charged

ROLL #	CLASS OF PROPERTY	# WATER UNITS	# SEWER UNITS
RESIDENTIAL UNITS:			
	Residential Home – Full Units	183	173
5136 000 001 12000 0000 5136 000 001 03100 0000	Residential Home – Unit @ 50%	2 x 0.5	2 x 0.5
	Residential Home (separate living quarters)	5	5
Sub-Total Residential Units		189	179
COMMERCIAL UNITS:			
5136 000 001 00300 0000		10	10
5136 000 001 00600 0000		1	1
5136 000 001 00700 0039		8	8
5136 000 001 00900 0000		1	1
5136 000 001 01100 0000		3	3
5136 000 001 01300 0000		3	3
5136 000 001 01700 0000		20	20
5136 000 001 02505 0000		10	10
5136 000 001 04601 0000		2	2
5136 000 001 06400 0000		1	1
5136 000 001 10800 0000		1	1
5136 000 001 12800 0000		1	1
5136 000 001 26100 0000		1	n/a
5136 000 001 31100 0000		84	84
Sub-Total Commercial Units		146	145

INSTITUTIONAL UNITS:			
5136 000 001 00700 0000	Municipality of Killarney	1	1
5136 000 001 01200 0000	Killarney Pump House	1	1
5136 000 001 03900 0000	Roman Catholic Church	1	1
5136 000 001 06800 0000	Municipality of Killarney	1	1
5136 000 001 09600 0000	Municipality of Killarney	2	2
5136 000 001 09600 0025	Killarney Health Centre	1	1
5136 000 001 09600 0050	Killarney Ambulance Service	1	1
5136 000 001 09600 0075	Killarney Water Treatment Plant	1	1
5136 000 001 12200 0000	SCDSB – School	3	3
5136 000 001 29100 0020	ORC – 53 Charles Street	2	2
5136 000 001 29801 0000	Veteran’s Memorial Hall (New Hall)	1	1
5136 000 001 29900 0000	Killarney Community Centre	2	2
Sub-Total Institutional Units		17	17
TOTAL WATER & SEWER UNITS		352	341

Note: There are 11 units assessed as water users but are not in the sewer area

**THE CORPORATION
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Schedule “D”

to

By-Law No. 2023-19

Unit Equivalencies	
Restaurant (this includes kitchen fixtures) *	
50% of total capacity at	0.08 Unit
50% of total capacity at	0.04 Unit
*Restaurant capacity is divided in half, with one half of the total capacity assigned the full equivalency factor of 0.08 and the other half assigned a factor of 50% lower or an equivalency of 0.04	
Commercial/Public showers (per shower)	0.09 Unit
School (per person) (max occupancy)	0.06 Unit
Laundromat/Commercial (per washing Machine)	1.33 Unit
Hotel/Motel (per unit)	0.12 Unit
Docks / Outdoor Commercial Building (per tap)	0.50 Unit
Bar / Patio / Lounge (per capacity)	0.04 Unit
Campsites (per campsite)	0.04 Unit
RV/Trailer Taps (per tap)	0.50 Unit
Ice Machine	To Be Determined
Conference Rooms (per capacity)	0.04 Unit
<u>Commercial Housing</u>	
If a self-contained unit with cooking facilities	1.00 Unit
If room has sleeping quarters only, each room	0.12 Unit
Commercial Indoor/Outdoor Sprinkler Systems	To Be Determined
Fish Processing Equipment	To Be Determined
Pool Capacity (over ____ litres or size)	To Be Determined

Any building (Residential or Commercial) with a water and/or sewer connection	1.00 Unit
Residential Dwelling (self-contained unit with its own cooking facilities, etc.)	1.00 Unit
<u>Multi Unit Residential Building</u>	
6 rooms and over – Sleeping quarters with 1 common kitchen	0.12 Unit