

The Corporation of the Township of Huron-Kinloss



BY-LAW

2020-32

By-Law To Amend the Municipally Owned Water System Policies
for the Township of Huron-Kinloss

WHEREAS The Council for The Corporation of the Township of Huron-Kinloss deems it expedient to establish policies;

AND WHEREAS the Municipal Act S.O. 2001, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

AND WHEREAS the Council for The Corporation of the Township of Huron-Kinloss passed By-Law 2018-126 being the Municipally Owned Water Systems Policies Amendment By-Law and it is now deemed desirable to further amend the policy;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

- 1.0 That the Corporation of the Township of Huron-Kinloss Council hereby adopts the amended Municipally Owned Water System Policies for the Township of Huron-Kinloss as contained in the attached Schedule "A" to this by-law.
- 2.0 That By-Law No. 2018-126 is hereby repealed.
- 2.0 This by-law shall come into full force and effect upon final passage.
- 3.0 This by-law may be cited as the "Adopt Amended Municipally Owned Water System Policies By-Law"

READ a FIRST and SECOND TIME this 16th day of March, 2020.

READ a THIRD TIME and FINALLY PASSED this 16th day of March, 2020.

A handwritten signature in black ink, appearing to be "Mitch Twolan".

Mitch Twolan, Mayor

A handwritten signature in black ink, appearing to be "Emily Dance".

Emily Dance, Clerk



The Corporation of the Township of Huron-Kinloss

Policy & Procedures

Section: 4.0 Public Works

Policy: Municipally Owned Water System Policies

By-Law: 2020-32

Date: 27 August 2001

Revision: 16 March 2020

Coverage:

This policy applies to all municipally owned water systems in the Township of Huron-Kinloss.

Policy Statement:

The Township of Huron-Kinloss owns and operates a number of communal water systems. The purpose of this policy is to establish policies and procedures with respect to operations and financing of municipal water systems, to give Council and staff guidance in applying rate charges to finance municipal water systems, to provide a procedure for the Township to evaluate and take over private systems, if requested and to set out basic operational policies with respect to the use of the municipal water systems.

Legislative Authority:

Section 11 (3) 4. Municipal Act, 2001, S.O. 2001, c. 25

Contents:

Township of Huron-Kinloss Policies and Procedures Manual for Municipally Owned Water Systems (see Schedule "A" attached)



TOWNSHIP OF HURON-KINLOSS

POLICIES AND PROCEDURES MANUAL

FOR

MUNICIPALLY OWNED WATER SYSTEMS

March 2020

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1.0 Purpose

The Township of Huron-Kinloss owns and operates a number of communal water systems. Historically, before municipal restructuring, these systems operated independent of each other, serving very defined areas. Although they will continue to serve specific areas because of geography and demand, the Township would like to integrate the operations of these systems through the use of policies and procedures. This will promote efficiency in operations and consistency in how the systems are financed.

The purpose of this manual is:

- to establish policies and procedures with respect to operations and financing of municipal water systems.
- to give Council and staff some guidance in applying rate charges to finance the operations of the water systems.
- to provide a procedure for the Township to evaluate and take over private systems if requested.
- to set out basic operational policies with respect to the use of the municipal water systems.

2.0 Background

2.1 General

The Municipality operates four major comprehensive communal water supply and distribution systems.

a) Lakeshore Area Waterworks

This system services the Lake Huron Shoreline Area of the Township from Point Clark north to Kincardine. The system was constructed in the mid 1990's and consists of four water supply wells with backup, water storage and interconnecting trunk waterline. The system is designed with a capacity to supply all existing and potential lots in the service area. At the present time (March 2020) the system supplies water via distribution systems to 2406 customers. There are still private water supply systems within the Lakeshore service area. All properties, both existing municipal customers and lots served by private systems, have been assessed a Major Facilities Charge, under the Municipal Act, to pay for the major components of the system. Newly created lots are assessed for this charge under the Development Charges Act.

b) Ripley Water Works

This system serves the urban area of the former Village of Ripley. It consists of groundwater well supply with backup, water storage and distribution watermain servicing all properties in the Village. A major upgrade to the system was undertaken in the mid 1990's. Newly created properties are assessed a Development Charge for water under the Development Charges Act. At the present time, the system supplies water to 357 customers.

c) Lucknow Water Works

This system serves the urban area of the former Village of Lucknow. It consists of groundwater well supplies, water storage and distribution watermain. At this time, the system supplies water to 664 customers.

d) Whitechurch Water Works

This system serves the former Hamlet of Whitechurch. It consists of groundwater well supplies, water storage and distribution watermain. At this time, the systems supplies water to 40 customers.

2.2 Cost Recovery

All properties within the Township do not have municipal water supply. Therefore, the cost of operating municipal water systems has been self-financing or user-pay. In Ripley and Lucknow, capital works are financed through a combination of water works distribution rates and water service rates. Users of the Whitechurch Water System pay only the annual water service rate with a separate charge for capital works. Prior to 2019, Lakeshore Water distribution upgrades were funded by a separate capital charge. The Township changed this process through the implementation of a water works distribution rate effective January 1, 2020.

3.0 Basic Principles

3.1 New Development

All new development, by subdivision or severance, will be required to connect to the municipal water supply if it is available.

3.2 Mandatory Connection

Properties on a private system will be encouraged to connect to the municipal system where it is available. Generally, the Township will not require mandatory connection to the municipal system. However, the Township reserves the right to require mandatory connection, but will do so by the passage of a separate by-law.

3.3 Existing Private Systems

If existing private systems request that the Township allow them to connect to a municipal system or request that the Township take over the operation, the Township, in the interest of its ratepayers, will consider all requests and attempt to accommodate them.

4.0 Definitions

“Commitment to service” - This applies to some vacant lots that are adjacent to municipal water system distribution lines. Although they have not been built on, the lots were deemed to have a right to connect because the original water system was designed to provide them direct service, usually as part of the subdivision approval process.

Note: Within the Lakeshore Area Water System service area, the past payment of a “Major Facilities Charge” does not constitute a “commitment to provide service” by the Township.

“Major facilities” - shall consist of all source facilities, including treatment, storage and pumping facilities and all watermain normally greater than 150 mm.

“Major Facilities Charge (MFC)” - This charge was assessed to every property (whether a municipal customer or not) within the service area of the Lakeshore Area Water System to pay for the installation of major facilities which will be capable of providing a supply of water for the service area. Council considers the major facilities charge to be both a direct and indirect benefit for all of the affected property owners.

5.0 Connections to Municipal Systems

5.1 Within Existing Service Areas

5.1.1 New Development

a) Lots Created by Severance

Where an extension of the water distribution system is required to service any newly created properties, the Township will construct the extension. The cost of the project will be recovered from all benefiting properties along the extension.

b) Lots Created by Plan of Subdivision

The developer of a subdivision will pay all the costs associated with extending the water distribution system to service the development, including all costs for distribution watermain within the development and any applicable Development Charge. Unless otherwise directed by the Township, all watermains within subdivisions shall be constructed to the boundary of the development, even if it is not necessary to do this to service the lots in the development. This will be done at the expense of the developer.

5.1.2 Existing Development

Where property owners not previously serviced by a municipal water system, request in writing that they be serviced, and this would require a minor (one or two block) extension of the existing system, the Township will construct the extension and recover the costs from the benefiting properties along the extension.

The property owner(s) will be required to enter into an agreement with the Township of Huron-Kinloss before any construction is to commence.

5.2 Outside the Limits of Existing Service Areas

Where property owners outside of the existing service area of a municipal system, request in writing that they want municipal supply, the Township will consider their request. In the case of a minor extension (one or two blocks) being required, the Township will construct the extension. The cost of the extension will be recovered from all the benefiting properties serviced by the extension, when they connect. The properties will also be subject to a Major Facility Charge/Existing Water Works Charge, as determined by the Township, to pay for a share of the existing facilities that the Township owns, which will supply the water. If a mandatory connection by-law is not enacted, the Township will fund any construction shortfall through the appropriate Waterworks Distribution Watermain Capital Reserve.

5.3 Outside Municipal Boundaries

Where a Municipality, on behalf of their residents, requests that the Township of Huron-Kinloss extend a municipally operated system to their limits, the Township of Huron-Kinloss shall determine the feasibility of such a request.

Where the Township of Huron-Kinloss has agreed to construct the necessary extension to the municipal operated system so as to provide municipal water service to the requesting municipality, the requesting municipality shall pay all costs for the extension. Costs include, but are not limited to construction, installation of water meters, fire hydrants, legal fees, engineering fees, and a buy in cost for the Major Facilities, as determined by the Township.

The requesting Municipality shall enter into an agreement with the Township of Huron-Kinloss before any construction is to commence.

6.0 Replacement of Existing Distribution Water Main

This section applies to where new distribution mains are constructed to replace existing Township owned and operated mains.

6.1 The Lakeshore Area Water Supply

The cost of replacement of existing distribution water main will be funded through annual water works distribution rate charge. Every property serviced by the lakeshore area water system will be assessed this cost. The monies collected will be transferred to the Lakeshore Area Water Capital Reserve until such time as required to fund construction.

6.1.1 No Mandatory Connection

a) Existing Municipal Customers

Along the route of a water main, where a mandatory connection by-law is not in place, existing municipal customers shall be reconnected if their distribution main is taken out of service.

b) New Customers

If a non-municipally serviced customer chooses to make a connection, they shall pay a Major Facilities Charge and a Water Main and Lateral Charge, as applicable.

6.1.2 Mandatory Connection

a) Existing Municipal Customers

Along the route of a water main, where a mandatory connection by-law is in place, existing municipal customers shall reconnect the building to the watermain.

b) New Customers

All non-municipally serviced properties along the watermain shall connect the building to the watermain and shall be assessed a Major Facilities Charge and a Water Main and Lateral Charge, as applicable.

6.2 The Lucknow and Ripley Area Water Supply

The cost of replacement of existing distribution water main will be funded through annual water works distribution rate charge. Every property within the former Village boundaries will be assessed this cost. The monies collected will be transferred to the Lucknow or Ripley Water Works Distribution Watermain Capital Reserve until such time as required to fund construction.

6.2.1 No Mandatory Connection

a) Existing Municipal Customers

Along the route of a water main, where a mandatory connection by-law is not in place, existing municipal customers shall be reconnected if their distribution main is taken out of service.

b) New Customers

If a non-municipally serviced customer chooses to make a connection, they shall pay a Major Facilities Charge and a Water Main and Lateral Charge, as applicable.

6.2.2 Mandatory Connection

a) Existing Municipal Customers

Along the route of a water main, where a mandatory connection by-law is in place, existing municipal customers shall reconnect the building to the water main.

b) New Customers

All non-municipally serviced properties along the water main shall connect the building to the watermain and shall be assessed a Major Facilities Charge and a Water Main and Lateral Charge, as applicable.

6.3 The Whitechurch Water Supply

6.3.1 No Mandatory Connection

a) Existing Municipal Customers

The properties will be assessed the Standard Flat Rate per Lot Charge, equivalent to that charged for a new distribution main. If a new service connection is required, then the Standard Connection Charge will be assessed as well. This will be determined at the time of connection.

b) New Customers

If a non-municipally serviced customer chooses to make a connection, they shall pay the Major Facilities Charge, Standard Flat Rate per Lot Charge and Standard Connection Charge.

6.3.2 Mandatory Connection

a) Existing Municipal Customers

The properties will be assessed the Standard Flat Rate per Lot Charge. If a new service connection is required, then the Standard Connection Charge will be assessed as well. This will be determined at the time of reconnection.

b) New Customers

All non-municipally serviced properties along the watermain shall connect the building to the

watermain and shall be assessed the Major Facilities Charge, Standard Flat Rate Per Lot Charge and Standard Connection Charge.

7.0 Assumption of Private Communal Water Systems

7.1 General

The Township will consider requests to take over the operation of private communal water systems if it receives a written request from the owner(s). Upon receipt of a request the Director of Public Works will conduct a preliminary investigation of the subject system in order to ascertain basic operating information. He will then report to Council on the system and make recommendations regarding the conditions under which it should be assumed.

7.2 Systems Within the Service Area of an Existing Municipal System

If the private system is within the service area of an existing municipal system or can be reasonably accessed by a nearby municipal system, the municipality will consider assuming the system and supplying the customers from existing municipal resources. The following costs will be assessed to the users of the private system if required to affect this.

- Any capital costs, including legal, engineering and surveying to connect the private system to an existing municipal system.
- A Major Facility Charge/Existing Water Works Charge, as determined by the municipality, to pay a share of existing facilities that the municipality owns which will supply the new customers.
- Any upgrade of the existing private distribution system, which is required in the opinion of the Director of Public Works. The distribution system upgrade may be undertaken at any time, not necessarily at the time of assumption.

If required the owner(s) of the private system will grant legal access to the municipality by agreement, easement or permanent transfer of property.

7.3 Systems that are Outside Existing Municipal Service Areas

If it is determined that a private system cannot be reasonably connected to an existing municipal system, the Director of Public Works will investigate what is required to bring the system to the municipal standard.

The following will be required of every system proposing to be assumed and operated by the municipality, using the existing supply source.

- An Engineer's Report will be prepared.
- The capital costs, including legal, engineering and surveying of bringing the system up to the municipal standards and the ODWS, will be assessed against the users of the system.
- The Director of Public Works will assess the general condition of the distribution system. If he/she is of the opinion that the distribution system is below municipal standards it will be replaced and the cost of the replacement will be assessed against the users of the system.
- The owner(s) of the private system will grant legal access by agreement and/or easements to the land upon which the system is situated. If possible a permanent transfer of property to the municipality is preferred.

8.0 Charge Rates

8.1 Water Service Rate - Lakeshore, Lucknow, Ripley and Whitechurch Area Water Supply

8.1.1 All consolidated costs associated with the operation of the above-mentioned systems including, but not limited to:

- labour costs
- chemicals
- power
- pumphouse, watermain repairs and maintenance
- hydrant replacement, repairs and maintenance
- chemicals
- water quality testing
- office overhead
- reserve

will be funded through a water service rate as established in the Water and Wastewater Fees By-law as amended from time to time.

8.1.2 Any properties connected outside the municipal boundaries of the Township of Huron-Kinloss shall pay an amount equal to 1.25 times the water service rate.

8.1.3 The water service rate may be a metered rate or a flat rate, as decided by the Township.

8.2 Water Works Distribution Rate - Lucknow, Ripley and Lakeshore Area Water Supply

8.2.1 In order to fund replacement of distribution water mains in Lucknow, Ripley and along the lakeshore, a special annual charge will be assessed in addition to the operating rate charge.

8.3 Standard Flat Rate Per Lot Charge

8.3.1 Will be equal to the estimated average cost of constructing a typical distribution water main, including applicable valves, fittings, engineering, interest cost, etc.

8.4 Standard Connection Charge

8.4.1 Will be equal to the estimated average cost of constructing a 19 mm diameter individual service connection including valves, fittings, water meters (if required), and backflow prevention device (if required, engineering, interest cost, etc.).

8.4.2 If a larger diameter service is required, the Township will establish the additional costs and increase the Standard Connection Charge accordingly.

8.5 Major Facilities Charge - Lakeshore Area Water Supply

8.5.1 Will be equal to the total estimated cost of constructing all of the Major Facilities divided by the total number of properties expecting to be served.

8.5.2 Any properties connected outside the municipal boundaries of the Township of Huron-Kinloss shall pay an amount equal to 2 times the Major Facilities Charge, or as otherwise established by Council.

8.6 Major Facilities Charge – Lucknow & Ripley Area Water Supply

- 8.6.1 Will be equal to the total estimate cost of constructing all of the Major Facilities divided by the total number of properties expecting to be served.

8.7 Major Facilities Charge – Whitechurch Area Water Supply

- 8.7.1 Will be equal to the total estimated cost of constructing all of the Major Facilities divided by the total number of properties expecting to be served.
- 8.7.2 Any properties connected outside the municipal boundaries of the Township of Huron-Kinloss shall pay an amount equal to 1.5 times the Major Facilities Charge, or as otherwise established by Council.

8.8 Outside Township of Huron-Kinloss Boundaries

The Municipality outside the Township of Huron-Kinloss shall at its cost, be responsible for all maintenance, including repair of breaks, leaks, repairs, replacements and any upgrades of that part of the water supply system that is presently located within their corporate boundaries.

8.9 Terms of Payment

Any person applying to the Township for a supply of water shall pay to the Township the charge set by Council for installing the necessary water service connection, either a) in advance of the installation, or b) shall make arrangements for payment satisfactory to the Township Treasurer.

After the payment referred to in the preceding section has been made to the Township, and approval is received from the Township for said connection, the Director of Public Works shall arrange for the installation of the necessary water service.

8.10 Review of Standard Charges

The Director of Public Works will review charge rates yearly and make a recommendation to Council as to the need to change these given the current costs of construction. The current charges shall be as established in the Township of Huron-Kinloss Water and Wastewater Fees By-law as amended from time to time.

9.0 General Provisions

9.1 Water Service Connection Permit

- 9.1.1 No person shall make any connection or reconnection to the Township's water works system without first having obtained a permit from the Township, and such permit shall be called "Water Service Connection Permit".
- 9.1.2 The application for supply of water to each property shall be accompanied by the requisite fees as established by the Township of Huron-Kinloss' Water and Wastewater Fees By-Law, as amended from time to time.
- 9.1.3 Service Connection permit fees will not be collected from applicants who are connecting to the system pursuant to a Mandatory Hook-Up By-Law.
- 9.1.4 No person shall make connection or connections whatsoever to any water service connection or service pipe without the written consent of the Director of Public Works being first obtained. The

owner of the property on which an unlawful connection has been made shall be responsible for the water rates or charges which would have been payable in addition to being liable for any other penalty provided by by-law or any Act or Acts of the Legislative Assembly of Ontario or the Parliament of Canada.

- 9.1.5 No person shall under any circumstances connect any faucet, tap, hydrant or appliance of any kind whatsoever to any water service or service pipe without the written consent of the Director of Public Works.
- 9.1.6 No person supplied with water by the Corporation shall be entitled to use such water for any purpose other than those stated in his or her application.
- 9.1.7 No person being the owner, occupant, tenant or inmate of any house, building or other property supplied with water by the Corporation shall rent, sell or dispose of such water or give away or permit the same to be carried away or used or apply such water to the use or benefit of any other person.

9.2 Timing of Installation

- 9.2.1 Unless the Director of Public Works otherwise directs, in writing, no water service connection shall be installed between the first day of December in any year and the first day in April in the following year.
- 9.2.2 Where the Director of Public Works is of the opinion that a water service connection may be safely installed between the first day of December in any year and the first day of April in the following year, he may permit such water service connection to be installed upon such terms and conditions, as he may deem necessary.

9.3 Metering Facilities

- 9.3.1 All water supplied to commercial/industrial, institutional users and farms shall be metered, and the rates charged shall be those fixed from time to time by the Township, as provided for in the Public Utilities Act, R.S.O. 1990.
- 9.3.2 Existing (as of August 2001) commercial/industrial, institutional users and farms connected to the Lucknow, Ripley or Whitechurch Area Water Systems shall install a water meter on application of a building permit.
- 9.3.3 All meters shall be furnished and installed by the Director of Public Works or agent.
- 9.3.4 The cost of installing commercial and farm water meters, including the cost of such meters shall be assessed to the owner or occupant of the property.
- 9.3.5 In the event a water meter is mechanically defective, the Township shall pay for the cost of repairs. The property owner shall be liable for any repair to the water meter where the meter is damaged by the carelessness or neglect of any person, other than an employee or agent of the Township. The owner of the property shall pay to the Corporation the cost of making the necessary repair to such meter.
- 9.3.6 If a meter fails to register, the consumer will be charged for the average consumption for the pertinent period as determined by the Director of Public Works.
- 9.3.7 All water passing through a meter will be charged for whether used or wasted.

- 9.3.8** The owner of property to be supplied with water agrees to provide convenient and safe space free of charge or rent for the Township's meters, pipes and other appliances on said property, and further agrees that no one who is not a servant or agent of the Township or otherwise lawfully entitled to do so, shall be permitted to remove, inspect or tamper with any of the Township's equipment.
- 9.3.9** The owner or occupant of property shall provide ready and convenient access to the meter in said property so that it may be frequently read and examined by the municipal inspectors.
- 9.3.10** A meter will be removed and tested upon request. If it is found to register correctly or not in excess of 3% in favour of the Corporation, the expense of removing and testing the meter will be paid by the person requesting such test.
- 9.3.11** One meter only shall be placed in each building, apartment or other commercial property in the Township, and the plumbing shall be so arranged that all water used on such commercial property shall pass through such meters and the owner of the property will be held liable for water charges.
- 9.3.12** The Corporation may enter into agreements with owners to provide for the installation of water services or meters in any manner satisfactory to Council.
- 9.4 Access**
- 9.4.1** Trunk mains and distribution mains shall only be installed on municipally owned property, or upon easements granted to the municipality for water service provision.
- 9.4.2** Where lots without frontage desire connection to the municipal water system, it shall be the owner(s)' responsibility to grant a suitable easement in favour of the municipality for water service provision.
- 9.4.3** Costs for establishment of suitable easements referred to in Section 9.4.2 shall be the responsibility of the owner(s) making the request.
- 9.5 Interconnection**
- 9.5.1** There shall be no connection between the water service connection or service pipe and any cisterns, wells, privies, privy vaults or cesspools.
- 9.6 Accounts**
- 9.6.1** When water is supplied to a multiple family dwelling, the account for the water supply shall be charged to the owner or principal occupant of the property and in case of non-payment, where any such default continues for a period of six months, the water may be shut off under authority of the Public Utilities Act, notwithstanding that one or more of the occupants, have paid part or all of the account to such owner or principal occupant.
- 9.6.2** All sums charged for water supplied, or for expenses incurred, by the repair of private water pipe services, meters, fixtures and all other appliances connected with the water service or for damage to the same shall be charged to the owner of the property. If for any reason charges for water rates cannot be collected from the owner, or the occupant of the property, for a continuous period of six months, the water shall be turned off under authority of the Public Utilities Act on account of non-payment. No application for water supply for such property shall have changed, until such sums and other charges have been paid in full to the Township.

9.6.3 The Township may establish a charge in the Township's Water and Wastewater Fees By-Law for disconnecting and re-connecting any water service, for non-payment.

9.6.4 Whenever any persons taking a supply of water from the Corporation fail to comply with the provisions of these policies in any respect, the Director of Public Works may, without notice to such persons, turn off the water and the water shall not be turned on again until all the provisions of these policies are complied with and a sum, as may be established by the Township's Water and Wastewater Fees By-Law, is paid to the Township to cover the cost of turning the water off and on.

Failure to pay water rates as and when the same become due and payable shall be considered to be a failure to comply with the provisions of these policies.

9.7 Other Provisions

The Township agrees to use due diligence in providing a regular and uninterrupted service, but does not guarantee a constant water supply or the maintenance of unvaried pressure, and will not be liable for damages to the customer by reason of any failure in respect thereof.

In case of making repairs or construction of new work in connection with the water works system, the Director of Public Works may shut off the water to the consumer without notice, and keep it shut off as long as may be necessary and the Corporation shall not be liable for any damage resulting from the water being shut off.

The Director of Public Works, or any person duly authorized by him for the purpose, must at all reasonable hours, upon presentation of satisfactory identification, be given free access to all parts of every building to which the water is supplied, for the purpose of inspection and examination of meter, fixtures and pipes of every kind used in conjunction with the supply of water to or the use of water on such property.

Whenever water has been turned off for non-payment of the water charge or for purposes of repair on construction or for any other necessary or proper purposes, no person will be permitted to turn it on again who is not duly authorized to do so by the Director of Public Works.

No person or persons, who are not duly authorized by the Director of Public Works, shall open or close any valve hydrant or gate in the street mains, or molest or interfere with the same in any manner