

CITY OF ST. THOMAS

BY-LAW NO. 172 -2006

OFFICE CONSOLIDATION

(By-law 172-2006, as amended by by-laws: 185-2007, 172-2008, 176-2009, 9-2011, 172-2012, 14-2013, 167-2014, 187-2016, 156-2017, 135-2018, 140-2019, 152-2020, 174-2021 and 134-22)

A by-law for imposing a sewage service rate in the City of St. Thomas.

WHEREAS under Ontario Regulation 244/02 made under the Municipal Act, 2001, the Council of a local municipality may by-law provide in respect of the construction, operation, repair and maintenance of a sewage system and in respect of sewage service, for imposing a sewage service rate that is based on the water rates charged or chargeable in respect of land on the owners or occupants of such land who use sewage works or are supplied sewage service, and

AND WHEREAS in establishing the rate structure in this by-law upon which sewage service rates are based on calculated, Council has had regard to differentiating between classes of users, nature, volume, and frequency of use and all other relevant matter to ensure that the sewage service rates are imposed on a basis that is equitable and just.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law

"Land" includes lands, any estate or interest therein and any right or easement affecting them;

"Classified land" means land classified pursuant to Section 3 of this by-law;

"Corporation" means The Corporation of the City of St. Thomas;

"St. Thomas Energy" means St. Thomas Holding Inc. a company owned by the City of St. Thomas, appointed to collect sewage service rate revenues;

"Sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under Clause 75(1)(j) of the Ontario Water Resources Act;

"Sewage service" means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any such works.

"Sewage works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works.

"Sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, capital repair deferred maintenance and a reserve fund for any such purpose.

ADMINISTRATION OF BY-LAW

2. The administration of this by-law is assigned to the City Treasurer.

CLASSIFICATION OF LANDS

3.(1) All lands in the City of St-Thomas classified for assessment purposes by the Ministry of Finance as residential, and all other lands not classified as *Commercial and Institutional or Industrial* by Subsections 2 and 3 of this Section shall be classified as *Residential* for the purpose of this by-law.

3.(2) All lands in the City of St-Thomas classified for assessment purposes by the Ministry of Finance as commercial and institutional, which includes all lands under property

assessment codes between 400 and 499 and between 600 and 800, shall be classified as *Commercial and Institutional* for the purpose of this by-law.

- 3.(3) All lands in the City of St-Thomas classified for assessment purposes by the Ministry of Finance as industrial, which includes all lands under property assessment codes between 500 and 599, shall be classified as *Industrial* for the purpose of this by-law.
- 3.(4) The classification of land for the purpose of the by-law shall be based on the classification by the Ministry of Finance according to the last revised roll.

LIABILITY FOR RATES

- 4.(1) Every occupant of classified lands who uses sewage works or is supplied sewage service is liable to pay a sewage service rate to the Corporation in accordance with the provisions of this by-law.
- 4.(2) Subject to the provisions of Subsections 3 and 5 of this Section, every occupant of classified land who uses sewage works or is supplied sewage service is liable to pay a sewage service rate to the Corporation calculated in accordance with Section 5.
- 4.(3) Hereafter, every occupant of land is liable to pay to the Corporation the same sewage service rate that is payable by all other occupants of lands assessed as commercial or industrial by the Ministry of Finance.
- 4.(4) In November or at such other time as may be convenient, each rate for the subsequent year shall be reviewed and may be adjusted by a further bylaw but if any such rate is not reviewed, it shall apply as if reviewed.

AMOUNT OF RATES

- 5.(1) Subject to Subsection 2, the sewage service rate imposed on each occupant of lands classified by this by-law as *Residential* shall be the sum of (a) and (b) of this Subsection:
 - (a) For sanitary sewage service, an amount which is the product of
 - (i) The number of cubic metres of water supplied to the occupant of the lands so classified during the subject year in Table 1 of this by-law; and
 - (ii) The rate set forth in line 1 Table 1 for the subject year, and
 - (b) For storm sewage service, the rate set forth in line 2 or Table 1 for the subject year.
- 5.(2) The rate imposed on each occupant of lands classified by this by-law as *Residential* shall, if the lands are not connected to a municipal sanitary sewer but are capable of being so connected, be the following:
 - (a) For sanitary sewer service, the rate set forth in line 3 of Table 1 for the subject year.
 - (b) For storm sewage service, the rate set forth in line 2 of Table 1 for the subject year.
- 5.(3) The sewage service rate imposed on each occupant of lands classified by this by-law as *Commercial and Institutional* shall be the sum of (a) and (b) of this Subsection:
 - (a) For sanitary sewage service, an amount which is the product of
 - (i) The number of cubic metres of water supplied to the occupant of the lands so classified during the subject year Table 1; and

- (ii) The rate set forth in line 4 of Table 1 for the subject year, and
 - (b) For storm sewage service, the rate set forth in line 5 of Table 1 for the subject year if the area of the occupant's land is 1,800 square metres or less, but if the area is more than 1,800 square metres, the rate set forth in line 6 except that in the case of lands occupied by a church, cemetery or school board, the rate shall be as set forth in line 5. (By-law 156-2017)
- 5.(4) The sewage service rate imposed in each of the subject years on each occupant of land classified by this by-law as *Industrial* shall be the sum of (a) and (b) of the Subsection:
- (a) For sanitary sewage service, an amount which is the product of
 - (i) The number of cubic metre of water supplied to the occupant of the lands so classified during the subject year in line 1 of Table 1; and
 - (ii) The rate set forth in line 7 of Table 1 for the subject year;
 - (b) For storm sewage service, the rate set forth in line 8 of Table 1 for the subject year;
- 5.(5) Any reference in this by-law to Table 1 shall be a reference to Table 1 hereinafter set forth.

Table 1

Land Classification-Residential

Rate		2023
Line 1	Sanitary Sewer Rate \$/cubic metre	\$2.55
Line 2	Storm Sewer \$/month	\$12.29
Line 3	Special Rate/month	\$34.80

Land Classification-Commercial & Institutional

Rate		2023
Line 4	Sanitary Sewer Rate \$/cubic metre	\$0.91
Line 5	Storm Sewer \$/month	\$12.29
Line 6	Special Rate/month (property >1800 m ²)	\$169.20 / ha

Land Classification-Industrial

Rate		2023
Line 7	Sanitary Sewer Rate \$/cubic metre	\$2.10
Line 8	Storm Sewer \$/month	\$169.20 / ha

PAYMENT OF RATES

- 6.(1) A sewage service rate payable pursuant to this by-law shall be payable monthly and shall be in addition to any rate payable to the Corporation of the supply of water.
- 6.(2) Every owner of land, even though the owner is not the occupant of the land at the time a sewage service rate becomes payable in respect of the land under this by-law, is also liable to pay the rate until it is paid.
- 6.(3) If under the terms of occupation between the occupant and the owner, it is the obligation of the owner to pay the water rate for water supplied to the land,
 - (a) This by-law does not apply to the occupant of the land, and
 - (b) The owner, in addition to the water rate, is liable to pay a sewer service rate monthly to the Corporation in accordance with the provisions of this by-law.
- 6.(4) Notwithstanding subsection (1), where the rate for the supply of water is payable at

some interval other than monthly, the sewage service rate shall be due and payable at the same interval and not monthly.

ADDITIONAL TO OTHER RATES

- 7.(1) The sewage service rate imposed under this by-law is payable even if,
- (a) a sewer rate has been or is imposed under subsections 221(2) or (13) of the Municipal Act with respect to the capital cost of the same work;
 - (b) The work with respect to which it is imposed was constructed under the Municipal Act or any other general or specific Act.
- 7.(2) Notwithstanding subsection (1), no sanitary sewage service rate or storm sewage service rate imposed under this by-law is payable in respect of land if,
- (a) No water is supplied to the land by the Commission, or
 - (b) No municipal sanitary sewer pipe or storm sewer pipe is in the vicinity of the land to which the land is or can be connected by a service drain private drain connection.

NO EXEMPTION FROM RATES

8. No land is exempt from a sewage service rate imposed by this by-law by reason only that the land is exempt from taxation under the Assessment Act.

COLLECTION OF RATES

- 9.(1) St. Thomas Energy is appointed to collect sewage service rates imposed under this by-law in the same manner and at the same time as water rates.
- 9.(2) St. Thomas Energy is authorized to cause a notice to be delivered to the residence or place of business of a person mentioned in section 5 upon whom a rate is imposed.
- 9.(3) The notice shall specify the amount of the sewage service rate, the day by which payment of the rate is due, the place or places where such payment may be made and the rate imposed under subsection (5) of the first day of default.
- 9.(4) Payment of a sewage service rate is due and shall be paid at the same time as water rates.
- 9.(5) If a sewage service rate or any portion thereof remains unpaid after the day mentioned in subsection 4, a charge of five per cent (5%) of the unpaid amount shall be imposed on the first day of default as a penalty for non-payment of the rate and shall be added to the unpaid amount.
- 9.(6) The Corporation may accept part payment from time to time on account of any sewer service rate which is due and give a receipt for such part payment, but the acceptance of any such part payment does not affect the collection of any percentage charge imposed and collectable in respect of the non-payment of any sewer or storm drainage rates.
- 9.(7) The receipts arising from the collection of sewer service rates shall be paid over by the St. Thomas Energy to the City Treasurer on a monthly basis as directed by the City Treasurer.

- 9.(8) The receipts are paid over to the City Treasurer shall form part of a reserve fund of the Corporation for the purpose of the construction, operation, repair and maintenance of sewage works and the supply of sewage service.

RATES A CHARGE ON LAND

- 10.(1) A sewage service rate imposed under this by-law upon any owner or occupant of classified land is a lien and charge upon the land.
- 10.(2) If a sewage service rate or any part thereof remains unpaid after its due date,
- (a) the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, and
 - (b) the City Clerk, upon notice to the owner or occupant of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon collector's roll, and the Tax Collector shall proceed to collect it in the same way, as nearly as may be, as municipal taxes are collectable.

WATER SHUT OFF FOR DEFAULT

11. The Corporation may, on default of payment of sewage service rates by the owner or occupant of land in respect of which the rates are imposed, shut off the supply of water provided by the Corporation to such land, but the rates on default, any percentage charge imposed as a penalty, and any costs for shutting off the supply of water are nevertheless recoverable.

ACTION TO RECOVER THE AMOUNT PAYABLE

12. The amount payable to the Corporation in respect of sewer service rates, and any percentage charge imposed as a penalty is a debt and may be recovered by action in a Court of competent jurisdiction.

REPEAL

13. By-Law 207-2004 and By-Law 2-2006 are repealed, effective January 1st, 2007.

COMMENCEMENT

14. This By-law shall come into effect on January 1st, 2007.

Read a First and Second time this 18th day of December, 2006.

Read a Third time and finally passed this 18th day of December, 2006.