

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1002

**A bylaw to impose fees for water services.**

The Council of the Corporation of the Village of Cumberland in open meeting assembled enacts as follows:

1. This bylaw may be cited as “Water Rates Bylaw No. 1002, 2014”.
2. In this bylaw,

“**ICI**” means a parcel principally used for industrial, commercial, or institutional purposes as defined in the Village of Cumberland Zoning Bylaw as amended or re-enacted from time to time and may include one or more dwelling units as an ancillary use;

“**duplex dwelling unit**” means a dwelling unit within a building divided into two dwelling units neither of which is a secondary suite and each of which is occupied or intended to be occupied as a permanent home or residence of one family, each of which has a separate and independent entrance.

“**dwelling unit**” means a self-contained residential unit consisting of one or more rooms designed, occupied, or intended for occupancy by a family, as a separate household with sleeping and sanitary facilities and not more than one set of kitchen and cooking facilities;

“**residential**” means a parcel used for the occupancy and use of no more than two dwelling units, and includes a single family dwelling, and a single family dwelling with one suite and/or a coach house, and does not include a duplex dwelling;

“**multi-family**” means a parcel used for the occupancy of three or more dwelling units, and includes attached or detached townhouses, apartments, and mobile home parks and does not include a duplex dwelling;

**Fees**

3. The water system service fees set out in Schedule A to this bylaw are imposed on the owners of real property, and are payable by all owners of premises where a water connection has been installed, or is required to be installed, to the property and where plumbing is installed on the premises and is connected to the Village of Cumberland water system.

4. The water system service fees imposed by this bylaw are comprised of a fixed charge and a water consumption charge.
5. Where an owner of real property has denied entry on or into a property to permit the installation of a water meter, the charge of double the flat rate fees set out in Schedule A to this bylaw, based on the use of land or real property, are imposed on the owner of that real property, and are payable by that owner of real property.
6. The fees imposed by this bylaw come into effect on the date set out in Schedule A.

#### **Parcel Classification**

7. Where multiple users of multiple classifications of uses exist and are serviced by a common connection line, the parcel is deemed to be an "ICI" parcel for the purpose of this bylaw.
8. A strata development, regardless of the number of internal lots or structures, shall have only one metered domestic connection to the water system except in the case of a strata duplex which shall have a metered domestic connection for each strata duplex dwelling unit.

#### **Collection of Fees**

9. Fees imposed under this bylaw will be billed quarterly and are due and payable on the billing date.
10. Each individual meter shall, whenever possible, be read once in every billing period.
11. Failure to receive an invoice will not be accepted as a reason for non-payment of the imposed fee.
12. The fees imposed are due and payable to the Corporation of the Village of Cumberland.
13. Invoicing for new connections will commence the month an occupancy permit has been issued and the fixed charge will be prorated for the duration of the remaining quarter.
14. Where a strata corporation exists, except in the case of a strata duplex, a single bill will be provided to the corporation incorporating all the meters within the strata.
15. A 10% penalty shall be added to all charges set out in Schedule A which are not paid prior to 30 days from each billing date.
16. A charge imposed under this Bylaw which remains unpaid on the 31<sup>st</sup> day of December in any year shall be deemed to be taxes in arrears on the land or real property on which

the charge was imposed, and may be recovered as provided in section 258 of the Community Charter.

### **Application for Leak Adjustment**

17. The Financial Officer is authorized to make an adjustment to a water bill in the case of abnormal water consumption caused by a leak in situations where:
- (a) the customer demonstrates that the leak was caused by circumstances beyond the customer's control, such as a break in the service line, a mechanical malfunction, water theft, vandalism, or unusual or emergency conditions,
  - (b) the abnormal water consumption was not caused by leaks in a customer's plumbing system or fixtures, including faucets and toilets, or leaks in an irrigation system located on the property,
  - (c) in the opinion of the manager of operations, the customer was not negligent or at fault in connection with the leak,
  - (d) the customer provides proof that all leaks have been repaired to the satisfaction of the manager of operations who may have the repair inspected,
  - (e) the customer provides proof that the abnormal water consumption was caused by leaks originating on the customer's side of the property line,  
*[Bylaw 1011]*
  - (f) the customer submits a leak adjustment application and has repaired the leak within 45 days of the billing date showing the abnormal water consumption,
  - (g) no other leak adjustment has been approved for the same account within the previous 24 months period, and
  - (h) the applicant has paid the leak adjustment application fee set out in Schedule A to this bylaw.
18. The Financial Officer may deny a leak adjustment application if it is determined that the customer has not sufficiently met the criteria in the previous section.
19. If the Financial Officer approves a leak adjustment, the customer must assume responsibility for:
- (a) the average amount of water consumed, estimated as per section 21, at the applicable water charge set out in Schedule A to this bylaw.
  - (b) 20% of the water consumed as a result of the leak at the applicable water charge set out in Schedule A to this bylaw to a maximum amount of \$1000,  
*[Bylaw 1011]*
- and the Village of Cumberland shall absorb the remainder of the cost of water consumption.
20. A leak adjustment shall not be considered for water consumption which is recorded after 45 days of the billing date showing the abnormal water consumption.

### Water Consumption Estimation

21. If for any reason the Financial Officer is required to estimate water consumption for an account for any given period, the following procedure will be followed:
- (a) the estimate shall be based on the water consumption for the same period in the previous year and the bill for the following consumption period will be based on the total consumption for those two billing periods less what was billed for the first period;
  - (b) where no sufficient history exists to produce the reasonable estimate set out in clause (a), the estimate will be based on the average water consumption in the past 6 months for that account for the period;
  - (c) where no sufficient history exists to produce a reasonable estimate set out in clause (a) or (b), the Financial Officer may estimate the consumption based on an average of similar properties in the same area for that period.

### Repeal

21. "Corporation of the Village of Cumberland Water Rates Bylaw No. 861, 2007" and all amendments thereto is repealed.

<b>READ A FIRST TIME THIS</b>	<b>11<sup>TH</sup></b>	<b>DAY OF</b>	<b>FEBRUARY</b>	<b>2014.</b>
<b>READ A SECOND TIME THIS</b>	<b>11<sup>TH</sup></b>	<b>DAY OF</b>	<b>FEBRUARY</b>	<b>2014.</b>
<b>READ A THIRD TIME THIS</b>	<b>24<sup>TH</sup></b>	<b>DAY OF</b>	<b>FEBRUARY</b>	<b>2014.</b>
<b>ADOPTED THIS</b>	<b>10<sup>TH</sup></b>	<b>DAY OF</b>	<b>MARCH</b>	<b>2014.</b>

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Mayor

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Corporate Officer

Schedule A

[Bylaw 1118, 2019]

**Water Charges**

1. Water System Service Fees:

(a) Fees effective January 1, 2019:

Parcel Classification	Fixed Charge	Water Consumption Charge Rate
Residential:	\$50.00 per quarter	\$0.72 per cubic meter
Duplex Dwelling Unit:	\$50.00 per quarter	\$0.72 per cubic meter
Multi-Family:	\$43 per unit per quarter	\$0.70 per cubic meter
ICI:	Based on the meter size shown in section 2 of this schedule	\$1.09 per cubic meter

(b) Fees effective January 1, 2020:

Parcel Classification	Fixed Charge	Water Consumption Charge Rate
Residential:	\$51.25 per quarter	\$0.72 per cubic meter
Duplex Dwelling Unit:	\$51.25 per quarter	\$0.72 per cubic meter
Multi-Family:	\$41.50 per unit per quarter	\$0.71 per cubic meter
ICI:	Based on the meter size shown in section 2 of this schedule	\$1.09 per cubic meter

**ICI Fixed Charge**

2. The fixed charge for ICI parcel classification is based on the meter size of the service connection to the property as follows:

(a) Fees effective January 1, 2019:

Meter size:	5/8"	3/4"	1"	1.25"	1.5"	2"	3"	4"	6"
Quarterly charge:	\$37.00	\$44.00	\$58.00	\$73.00	\$86.00	\$113.00	\$169.00	\$225.00	\$336.00

(b) Fees effective January 1, 2020:

Meter size:	5/8"	3/4"	1"	1.25"	1.5"	2"	3"	4"	6"
Quarterly charge:	\$39.00	\$46.00	\$60.00	\$76.00	\$90.00	\$118.00	\$176.00	\$235.00	\$351.00

3. Flat Rate Fees:

	<b>Use of Land or Real Property</b>	<b>Water Flat Charge effective January 1, 2019</b>	<b>Water Flat Charge effective January 1, 2020</b>
(a)	For each dwelling unit:	\$104.00 per quarter	\$105.25 per quarter
(b)	For a motel, hotel, or non-profit seniors' housing (per room/unit):	\$47.00 per quarter	\$60.00 per quarter
(c)	For a lodging house or hostel (per bed):	\$21.00 per quarter	\$25.00 per quarter
(d)	For a school (per classroom):	\$54.00 per quarter	\$70.00 per quarter
(e)	For a church or a recreation hall:	\$61.00 per quarter	\$70.00 per quarter
(f)	For a medical clinic:	\$177.00 per quarter	\$200.00 per quarter
(g)	For a restaurant, pub, or bar:	\$177.00 per quarter	\$200.00 per quarter
(h)	For a coffee shop or take out:	\$118.00 per quarter	\$130.00 per quarter
(i)	For a business, store, or office (per suite):	\$61.00 per quarter	\$70.00 per quarter
(j)	For a beauty parlour, medical office, or veterinarian (per suite):	\$118.00 per quarter	\$130.00 per quarter
(k)	For a laundromat:	\$286.00 per quarter	\$320.00 per quarter
(l)	For a service station:	\$146.00 per quarter	\$165.00 per quarter
(m)	For a car wash:	\$286.00 per quarter	\$320.00 per quarter
(n)	For regional hospital laundry:	\$9125.00 per quarter	\$10120.00 per quarter
(o)	For any use not identified in this table (per washroom):	\$61.00 per quarter	\$70.00 per quarter

**Administration Charge**

4. Leak adjustment administration fee: \$20.00

**Bulk Water**

5. Charges for bulk water are imposed as determined pursuant to an agreement for the purchase and sale of bulk water.