

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2016)-20107

A by-law to impose stormwater fees or charges in the City of Guelph.

WHEREAS section 391 of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the City has constructed, and is operating, maintaining and upgrading a Stormwater System;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

Imposing Fees and Charges

1. The City hereby imposes fees or charges on persons for stormwater services and activities provided or done by or on behalf of the City, in accordance with Schedule "A" to this By-law.
2. Except where otherwise indicated, the fees or charges indicated in this By-law do not include applicable taxes, which shall be added to the fees or charges.
3. Except where otherwise indicated, the fees or charges indicated in this By-law, if not paid when due, are subject to a late payment charge, calculated in accordance with City policy. Currently the late payment charge is 1.5% per month (18% per year) added to the outstanding amount on the first day of each following month until paid.

Administration

4. The City Engineer shall be responsible for the administration of this By-law, and may prescribe all forms and procedures necessary to implement this By-law, and may amend such forms and procedures from time to time as he or she determines necessary.
5. Where the City Engineer is authorized to make any decision or determination under this By-law, he or she may make such decision or determination in his or her sole and absolute discretion.
6. In accordance with agreements made from time to time by the City with a Billing Agent, the Billing Agent shall carry out billing and collection services in respect of the stormwater fees and charges for the City.

Geographic Limits

7. Unless otherwise specified in this By-law, all provisions of this By-law apply everywhere within the geographic limits of the City.

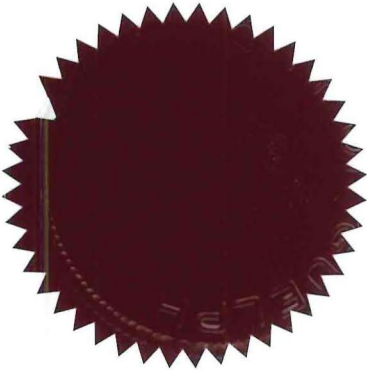
Interpretation

8. If any provision of this By-law or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, then such invalidity does not affect other provisions or applications of this By-law which can be given effect without the invalid provision or application, and to this end, the provisions of this By-law are severable.

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9. This By-law is to be construed and interpreted with all changes in number and gender as may be required by the context.

PASSED this THIRD day of NOVEMBER, 2016.



Handwritten signature of Cam Guthrie in blue ink.

CAM GUTHRIE – MAYOR

Handwritten signature of Stephen O'Brien in black ink.

STEPHEN O'BRIEN - CITY CLERK

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Schedule "A"

Stormwater Fees or Charges

Definitions

1. In this By-law the following terms shall have the corresponding meanings:
 - (a) "Account Holder" means a person whose property is Eligible Property, and upon whom, in the opinion of the City Engineer, Stormwater Fees or Charges may be imposed;
 - (b) "Billing Agent" means the City or the contractor of the City responsible for the billing, collection and related customer service and account administration in respect of Stormwater Fees or Charges;
 - (c) "City" means The Corporation of the City of Guelph;
 - (d) "City Engineer" means the officer or employee of the City who:
 - i. Holds the position at the City of City Engineer,
 - ii. Holds a successor position at the City with responsibility for subject matters similar to those of the City Engineer,
 - iii. Holds the position of Deputy Chief Administrative Officer responsible for subject matters which include those which are the responsibility of the City Engineer or successor position,
 - iv. Holds the position of Chief Administrative Officer of the City, or
 - v. Acts in place of any of the foregoing;
 - (e) "Data Sources" means the City's best available information applicable to calculating Stormwater Fees and Charges, including:
 - i. The Municipal Property Assessment Corporation's assessment classification data,
 - ii. The Billing Agent's account information,
 - iii. The City's Geographic Information Systems data, including remote sensing, such as by aerial imagery, and
 - iv. Development and/or redevelopment information;
 - (f) "Dwelling Unit" means a dwelling unit as defined in the City's Official Plan from time to time;
 - (g) "Eligible Property" means a property other than a property that, because of its nature, cannot, in the opinion of the City Engineer, be the subject of Stormwater Fees or Charges;
 - (h) "Impervious Surfaces" means surfaces covered by materials that are highly resistant to the infiltration or uptake of water in response to rainfall, snowmelt, or irrigation, and that are generally limited to land development that increases the runoff contribution due to any change, disruption, or disturbance of the natural landscape; by way of examples, Impervious Surfaces include parking, rooftops, sidewalks, patios, gravel areas that are subject to pedestrian, bicycle or vehicular traffic or permanent storage loads, recreational hardcourts, and trails that are subject to pedestrian, bicycle or vehicular traffic;
 - (i) "Non-residential" means not used for habitation;
 - (j) "Residential" means used for habitation;
 - (k) "Stormwater Billing Unit" means a scale used to determine the Stormwater Fees or Charges for an Eligible Property, calculated as follows:
 - i. For Residential portions of a property, the number of Dwelling Units multiplied by 1.0, and

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- ii. For Non-residential portions of a property, the amount of surface area occupied by Impervious Surfaces divided by 188 square metres, rounded to the nearest decimal, and with a minimum value of 1.0;
- (l) "Stormwater Rate" means the following base charge for each Stormwater Billing Unit for a month: \$4.00;
- (m) "Stormwater Fees or Charges" means fees or charges in respect of the Stormwater System; and
- (n) "Stormwater System" means the City's infrastructure system designed to manage stormwater flow and land drainage through collection, transmission, detention and treatment.

Role of City Engineer

- 2. Using the Data Sources, the City Engineer shall determine:
 - (a) Which properties within the geographic limits of the City are Eligible Properties, and, for each, who is the Account Holder;
 - (b) The extent to which each Eligible Property is Residential or Non-residential; and
 - (c) The total number of Stormwater Billing Units for each Eligible Property.
- 3. The City Engineer may revise the determinations of Eligible Properties, Account Holders, Residential and Non-residential categorizations and the number of Stormwater Billing Units, as the City's Data Sources change from time to time, including changes arising from:
 - (a) Routine updates to the Municipal Property Assessment Corporation's assessment classification data;
 - (b) Account information changes reported by the Billing Agent;
 - (c) Routine updates to the City's Geographic Information Systems data, remote sensing or aerial imagery; and
 - (d) Targeted reviews or updates of properties undergoing development or redevelopment.

Role of Billing Agent

- 4. Beginning January 1, 2017, the Billing Agent shall bill each Account Holder the Stormwater Fees or Charges based on the product of the number of Stormwater Billing Units for the Account Holder's Eligible Property and the Stormwater Rate, for the applicable monthly billing period.
- 5. The Billing Agent shall bill each Account Holder any applicable late payment charges.
- 6. If the Billing Agent provides similar services in respect of other City fees or charges, the Billing Agent shall consolidate all its services in respect of City fees or charges to the extent possible. For example, the Billing Agent shall bill all City fees or charges on the same monthly bills, although each type of fee or charge is itemized separately on the bills.

Role of Account Holder

- 7. The Account Holder's Stormwater Fees or Charges, including any late payment charges, are due and payable upon receipt of the bill.

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Appeals

8. An Account Holder may appeal whether, in respect of the Account Holder's bill:
 - (a) The applicable property is Eligible Property;
 - (b) The Account Holder qualifies as an Account Holder;
 - (c) The portion of the property determined to be Residential is actually Residential;
 - (d) The portion of the property determined to be Non-residential is actually Non-residential;
 - (e) The number of Dwelling Units is accurate;
 - (f) The amount of surface area occupied by impervious surfaces is accurate; and/or
 - (g) Some other error has been made in the Account Holder's bill.
9. An Account Holder who wishes to commence an appeal under this By-law shall complete the City's appeal notice and submit it to the City Engineer within thirty (30) calendar days after receiving the bill to which the appeal relates.
10. Upon receipt of an incomplete appeal notice from an Account Holder, the City Engineer may require further information or material from the Account Holder prior to consideration of the appeal.
11. Upon receipt of a complete appeal notice, the City Engineer shall, within the applicable time specified below after receiving the appeal notice, review the appeal and provide a written decision to address the appeal. The foregoing applicable time shall be as follows:
 - (a) Within the first year after this By-law comes into force: ninety (90) calendar days; and
 - (b) After the first year after this By-law comes into force: thirty (30) calendar days.
12. The decision of the City Engineer on an appeal is final and binding.
13. During the periods of an Account Holder's preparation and submission of an appeal and the City Engineer's consideration of the appeal, the Account Holder shall continue to pay all other bills not under appeal.
14. The City Engineer may, in his or her decision on an appeal, adjust any factor in the Stormwater Fees or Charges bill, which was the subject of the appeal, for any previous bills for a period of up to one (1) year before the date of the complete appeal notice, and for subsequent bills.
15. The City Engineer may, in accordance with his or her decision on an appeal, apply any applicable changes to the Account Holder's account.