

The Corporation of The Town of The Blue Mountains

By-law Number 2017 – 18

Being a By-law to impose Capital Sewer Charges for the use of the Town's Sewage System (Craigeith Service Area –Arlberg Crescent)

Whereas sections 9, 11 and Part XII of the Municipal Act, 2001, as amended, (the Act) and the Regulations thereto enables a municipality to impose by By-law, fees or charges for the use of a sewage system;

And Whereas Ontario Regulation 581/06 provides that fees or charges imposed for the use of a sewage system under the Act and added to the tax roll under subsection 398(2) of the Act have priority lien status as described in section 1 of the Act;

And Whereas the sewage system which consists of the sewage collection works and the sewage plant will provide a benefit to the benefitting owners and the future benefitting owners;

And Whereas the Council deems it necessary to impose upon the benefitting owners a capital sewer charge for the use of the sewage system to pay a portion of the capital cost of the sewage collection works and to pay a portion of the capital cost of the sewage plant;

And Whereas the Council intends to impose a capital sewer charge upon the future benefitting owners at some later point in time when the sewage system is extended to provide sewage service to their properties;

And Whereas the Town has held a public meeting before passing this By-law and has provided notice of the public meeting and its intention to pass this By-law and has made available to members of the public information with respect to the capital sewer charge;

Now therefore the Council of The Corporation of the Town of The Blue Mountains enacts as follows:

Definitions

1. In this By-law, including the recitals thereto:

“Act” means the Municipal Act, 2001, as amended;

“benefit” means an immediate benefit accruing to the benefitting owners which is derived or derivable from the sewage system;

“benefitting owner” means the registered owner of an estate in fee simple of a benefitting property;

“benefitting property” means each separately assessed property connected to or fronting on the sewage system as set out in Schedule “A”;

“capital cost” means the cost of constructing the sewage collection works and the sewage plant, inclusive of all items of cost usually and properly chargeable to a capital account, and where applicable, the interest amounts payable on the debentures to be issued for these works and the imputed interest cost on the money supplied from the funds of the Town to finance the benefitting owners’ share of the cost of these works;

“capital sewer charge” means the capital sewer charge on a per unit basis in the amount set out in Schedule “D” which includes the capital sewer charge (sewage collection works) and the capital sewer charge (sewage plant) as set out in Schedule “D”;

“Council” means the Council of The Corporation of the Town of The Blue Mountains;

“future benefit” means a benefit accruing to the future benefitting owners which will be derived or derivable from the sewage system at some later point in time when the sewage system is extended to provide sewage service to their property;

“future benefitting owner” means the registered owner of an estate in fee simple of a future benefitting property as set out in Schedule “A”;

“future benefitting property” means each separately assessed property as set out in Schedule “A”;

“sewage plant” means the Craigeith Wastewater Treatment Plant for the treatment and disposal of sewage;

“sewage system” means the sewage plant and the sewage collection works, all of which are necessary for the collection, transmission, treatment and disposal of sewage;

“Town” means The Corporation of the Town of The Blue Mountains;

“Treasurer” means the person appointed by Council, as the Treasurer for the Town or their designate;

“unit” means a residential dwelling unit.

Unless the context otherwise requires in this By-law, words importing the singular include the plural and vice versa and words importing gender includes all genders.

Capital Costs

2. The capital cost of the sewage collection works and the portions of this capital cost to be paid by the benefitting owners and the future benefitting owners are set out in Schedule “B”.

3. The capital cost of the sewage plant and the portions of this capital cost to be paid by the benefitting owners and the future benefitting owners are set out in Schedule “B”;

Charges Imposed

4. The roll number and description of each benefitting owner’s benefitting property and the number of units on each benefitting property for which a capital sewer charge is imposed by this By-law are set out in Schedule “A”. Any benefitting property shown as vacant land on the latest revised assessment roll shall be deemed to have one unit on it for the purposes of this By-law.

5. A capital sewer charge for the use of the sewage system on a per unit basis in the amounts set out in Schedule “D” is hereby imposed on each of the benefitting owners to pay for a portion of the capital cost of the sewage collection works and to pay for a portion of the capital cost of the sewage plant.

6. In accordance with section 90(3) of the Act, if new parcels of land are created from existing benefitting properties or new units are constructed on existing benefitting properties, the capital sewer charge as set out in Section 5 is imposed on the benefitting owner of the new parcel of land or of the new unit in the manner set out in this By-law.

7. A capital sewer charge for the use of the sewage system on a per unit basis in an amount to be determined by the Council will be imposed on each of the future benefitting owners by a By-law enacted by the Council at some later point in time when the sewage system is extended to provide sewage service to the future benefitting owners.

Notification

8. The Treasurer shall forthwith after the enactment of this By-law mail to the benefitting owners, by prepaid regular mail, a copy of this By-law together with an explanation of this By-law and a payment election form prescribed by the Treasurer for the purpose of the benefitting owners making the election referred to in section 12.

Charges Due and Payable

9. The capital sewer charges imposed by this By-law constitute a debt of the benefitting owners to the Town and subject to Section 10, are hereby due and payable on June 30, 2017.

10. In the event a benefitting owner makes the election provided for in section 12 by June 30, 2017, the capital sewer charge imposed on that benefitting owner by this By-law shall become due and payable in the amounts, at the times and in accordance with Section 12 and the instalment provisions as set out in Schedule "D".

11. In the event a benefitting owner fails to make an election provided for in Section 12 by June 30, 2017 the full amount of the capital sewer charge imposed on that benefitting owner by this By-law shall become due and payable on June 30, 2017.

Payment Option

12.(1) A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than June 30, 2017, in the form prescribed by the Treasurer in accordance with Section 8, to pay the capital sewer charge in instalments, with interest thereon as set out in Schedule "D".

(2) Subject to Section 12(3), a benefitting owner may at any time pay the whole of the unpaid balance of the capital sewer charge together with interest thereon to the date of payment.

(3) In the event of a benefitting owner selling, conveying or transferring title to the benefitting property to any person or corporation the unpaid balance of the capital sewer charge and interest thereon shall forthwith become due and payable.

Collection of the Capital Sewer Charges

13. The Treasurer is hereby authorized and directed to add the capital sewer charges to the tax rolls for the benefitting properties set out in Schedule "A" in accordance with Subsection 398(2) of the Act and to collect the capital sewer charges in the same manner as municipal taxes.

14. The capital sewer charges added to the tax rolls under Subsection 398(2) of the Act have priority lien status as described in Section 1 of the Act, and the capital sewer charges, including interest:

(1) may be collected in the same manner as taxes on the benefitting property;

(2) may be recovered with costs as a debt due to the Town from the assessed owner of the benefitting property at the time the capital sewer charges are added to the tax roll and from any subsequent owner of the benefitting property or any part of it;

(3) are a special lien on the property in the same manner as are taxes under Subsection 349(3) of the Act; and

(4) may be included in the cancellation price under Part XI of the Act in the same manner as are taxes on the benefitting property.

Non-payment of Charges

15. On all Capital sewer charges which are in default on the day following each due date a penalty of 1 ¼ percent shall be added and thereafter a penalty 1 ¼ percent per month will be added on the first day of each and every month the default continues until December 31 in the current year. On all capital sewer charges in default on January 1 of the following year, interest will be added at the rate of 1 ¼ percent per month for each month or fraction thereof of default.

Application to the Ontario Municipal Board

16. No application shall be made to the Ontario Municipal Board under clause 71 of the Ontario Municipal Board Act on the grounds that the capital sewer charges imposed under this By-law are unfair or unjust.

Administration

17. This By-law shall be administered and enforced by the Treasurer.

Schedules

18. Schedules "A", "B", "C" and "D" are hereby declared to form part of this By-law.

19. This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 8th day of May, 2017.

John McKean, Mayor

Corrina Giles, Town Clerk

The Corporation of The Town of The Blue Mountains

By-law Number 2017 – 18

Schedule "A"

Benefitting Properties

| ROLL NUMBER | LEGAL DESCRIPTION | NUMBER OF UNITS |
|-------------|---|-----------------|
| 00000332100 | PLAN 824 PT LOT 2 RP 16R6901 PART 1 | 2 |
| 00000332200 | PLAN 824 PT LOT 1 | 2 |
| 00000332205 | PLAN 824 PT LOT 3 16R1624 PART 6 RP 16R6901 PART 3 | 1 |
| 00000332300 | PLAN 824 PT LOTS 2 AND 3 RP 16R1624 PART 5 RP 16R6901 PART 2 | 1 |
| 00000332301 | PLAN 824 PT LOT 4 RP 16R1624 PART 4 | 2 |
| 00000332302 | PLAN 824 PT LOT 4 RP 16R1624 PART 3 | 2 |
| 00000332303 | PLAN 824 PT LOT 5 RP 16R1624 PART 2 | 1 |
| 00000332304 | PLAN 824 PT LOT 5 RP 16R1624 PART 1 | 1 |
| 00000332305 | PLAN 824 PT LOT 6 RP 16R10341 PART 1 | 1 |
| 00000332306 | PLAN 824 LOT 7 | 1 |
| 00000332310 | PLAN 824 LOT 8 PT LOT 9 RP 16R8276 PARTS 2 AND 3 | 3 |
| 00000332315 | PLAN 824 PT LOT 9 | 1 |
| 00000332320 | PLAN 824 LOT 10 | 1 |
| 00000332400 | PLAN 824 LOT 11 RP 16R5468 PART 1 | 1 |
| 00000332401 | PLAN 824 LOT 12 | 1 |
| 00000332402 | PLAN 824 PT LOT 13 RP 16R1166 PART 2 | 1 |
| 00000332403 | PLAN 824 PT LOT 13 RP 16R1166 PART 1 | 1 |
| 00000332404 | PLAN 824 LOT 14 | 1 |

The Corporation of The Town of The Blue Mountains

By-law Number 2017 – 18

Schedule "B"

Capital Cost of the New Sewage Works

| | |
|---|---------------------|
| Construction Costs | \$324,148.21 |
| Engineering Costs | <u>\$49,249.40</u> |
| SUB-TOTAL | \$373,397.61 |
| Less: Non-Recoverable Costs | <u>\$47,033.64</u> |
| TOTAL | \$326,363.97 |
| Total Benefitting Units (as per Schedule A) | 24 |
| Capital Costs incurred per unit | \$13,598.50 |

The Corporation of The Town of The Blue Mountains

By-law Number 2017 – 18

Schedule "C"

Description and Capital Cost of the Existing Sewage Works

Based on the Master Servicing Plan and as identified in the Development Charges Background Study, each benefitting property owner has been imposed with the Craigleith Wastewater Treatment Plant capital infrastructure cost equivalent as follows:

| | |
|--|------------|
| Craigleith Wastewater Treatment Plant per Unit Cost (Detailed under by-law 2014-51 and further indexed each year) | \$2,142.00 |
|--|------------|

Total Capital Sewer Charges Imposed

| | |
|---------------|------------|
| Per Unit Cost | \$2,142.00 |
|---------------|------------|

The Corporation of The Town of The Blue Mountains

By-law Number 2017 – 18

Schedule “D”

Capital Sewer Costs –Local Servicing (per unit)
New Sewage Works \$13,598.50 (Interest Bearing)

Capital Sewer Charge –Sewage Plant (per unit)
\$2,142.00 (Interest Bearing)

Total Capital Sewer Charge Imposed (per unit)
\$15,740.50

Payment Options

A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than June 30, 2017, in the form prescribed by the Treasurer in accordance with Section 7, to pay the capital sewer charge in instalments as follows:

(a) the capital sewer charge (Sewage Plant) of \$2,142 and the capital sewer cost (Local Servicing) of \$13,598.50 together with interest thereon at the rate of 3.07% per annum over a period of Twenty (20) years in four instalments per year, excluding 2017 which will be payable on the final two instalments (which include a portion of the capital sewer charge and interest thereon). Instalments will be due on the dates the municipal taxes are due in each and every year from and including the third instalment in 2017 to and including the last municipal tax instalment of 2036 (such instalments to be applied first in payment of the interest due from time to time, and the balance applied in reduction of the capital sewer charge owing), and the balance of these capital sewer charges with interest thereon as aforesaid shall be due and payable on the date of the last municipal tax instalment of 2036.