

The Corporation of The Town of The Blue Mountains

By-law Number 2016 – 30

Being a By-law to impose Capital Sewer Charges for the use of the Town's Sewage System (Camperdown Service Area –Wensley Drive and Peaks Road)

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 collection works” means all of the sewage collection works described in Schedule “B” necessary for the collection and transmission of sewage in and from the Camperdown Service Area to the sewage plant, or any part of such works;

“sewage plant” means the Thornbury 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 15, 2016.
10. In the event a benefitting owner makes the election provided for in section 12 by June 15, 2016, 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 15, 2016 the full amount of the capital sewer charge imposed on that benefitting owner by this By-law shall become due and payable on June 15, 2016.

Payment Option

12.

- (1) A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than June 15, 2016, 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 or times 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 on this 9th day of May, 2016.

John McKean, Mayor

Corrina Giles, Clerk

The Corporation of The Town of The Blue Mountains

By-law Number 2016 – 30

Schedule "A"

Benefitting Properties

Roll Number	Legal Description	Number of Units
6380010000	GREY CONDO PLAN 1 LEVEL 1	1
6380020000	CON 5 PT LOT 25 PT LOT 26	1
6380030000	CON 5 PT LOT 25 PT LOT 26	1
6380040000	CON 5 PT LOT 25 PT LOT 26	1
6380050000	GREY CONDO PLAN 1 LEVEL 1	1
6380060000	CON 5 PT LOT 25 PT LOT 26	1
6380070000	CON 5 PT LOT 25 PT LOT 26	1
6380080000	CON 5 PT LOT 25 PT LOT 26	1
6380090000	CON 5 PT LOT 25 PT LOT 26	1
6380100000	CON 5 PT LOT 25 PT LOT 26	1
6380110000	CON 5 PT LOT 25 PT LOT 26	1
6380120000	CON 5 PT LOT 25 PT LOT 26	1
6380130000	CON 5 PT LOT 25 PT LOT 26	1
6380140000	CON 5 PT LOT 25 PT LOT 26	1
6380150000	CON 5 PT LOT 25 PT LOT 26	1
6380160000	CON 5 PT LOT 25 PT LOT 26	1
6382010000	PLAN 903 PT LOT 1 RP 16R7823	1
6382020000	PLAN 903 LOT 2	1
6382030000	PLAN 903 LOT 3	1
6382040000	PLAN 903 LOT 4	1
6382050000	PLAN 903 LOT 5	1
6382060000	PLAN 903 LOT 6	1
6382070000	PLAN 903 LOT 7	1
6382080000	PLAN 903 LOT 8	1
6382090000	PLAN 903 LOT 9	1
6382100000	PLAN 903 LOT 10	1
6382110000	PLAN 903 LOT 11	1
6382120000	PLAN 903 LOT 12	1
6382130000	PLAN 903 LOT 13	1
6382140000	PLAN 903 LOT 14	1
6382150000	PLAN 903 LOT 15	1
6382160000	PLAN 903 LOT 16	1
6382170000	PLAN 903 LOT 17	1
6382180000	PLAN 903 LOT 18	1
6382190000	PLAN 903 LOT 19	1
6382200000	PLAN 903 LOT 20	1
6382210000	PLAN 903 LOT 21	1
6382220000	PLAN 903 LOT 22	1
6382230000	PLAN 903 LOT 23	1
6382240000	PLAN 903 LOT 24	1

Roll Number	Legal Description	Number of Units
6382250000	PLAN 903 LOT 25	1
6383000000	CON 5 PT LOT 26 PLAN 903 PT	1
6384000000	CON 5 PT LOT 26 RP 16R6771	3
6422000000	CON 5 PT LOT 25 PT LOT 26	75

Future Benefitting Units

Roll Number	Legal Description	Number of Units
6384200000	CON 5 PT LOT 26 RP 16R771 PART 2	5

The Corporation of The Town of The Blue Mountains

By-law Number 2016 – 30

Schedule “B”

Capital Cost of the New Sewage Works;

Construction Costs	\$1,391,993.92
Engineering Costs	<u>\$321,495.45</u>
SUB-TOTAL	\$1,713,489.37
Less: Non-Recoverable Costs	<u>\$979,725.15</u>
TOTAL	\$733,764.22
Total Benefitting Units (as per Schedule A)	125
Capital Costs incurred per unit	\$5,870.11

The Corporation of The Town of The Blue Mountains

By-law Number 2016 – 30

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 Thornbury Wastewater Treatment Plant and Camperdown Wastewater Collection capital infrastructure cost equivalent as follows

Thornbury Wastewater Treatment Plan

Per Unit Cost	\$3,661.00
---------------	------------

Camperdown Wastewater Collection

Per Unit Cost	\$6,546.00
---------------	------------

(Detailed under by-law 2014-51

And further indexed each year)

Total Capital Sewer Charges Imposed

Per Unit Cost	\$10,207.00
---------------	-------------

The Corporation of The Town of The Blue Mountains

By-law Number 2016 – 30

Schedule “D”

Capital Sewer Costs – Local Servicing

(per unit)

New Sewage Works

\$5,870.11 (Interest Bearing)

Capital Sewer Charge – Sewage Plant

(per unit)

\$3,661.00 (Interest Bearing)

Capital Sewer Charge – Camperdown Area Specific Sewage Collection Works

(per unit)

\$6,546.00 (Non-Interest Bearing)

Total Capital Sewer Charge Imposed

(per unit)

\$16,077.11

Payment Options

A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than June 15, 2016, in the form prescribed by the Treasurer in accordance with Section 8, to pay the capital sewer charge in instalments as follows:

(a) the capital sewer charge (Collection Works) of \$6,546 over a period of Fifteen (15) years in four instalments per year. Instalments will be due on the dates the municipal taxes are due in each and every year from and including the first instalment in 2016 to and including the last municipal tax instalment of 2030, and the balance of this capital sewer charge shall be due and payable on the date of the last municipal tax instalment of 2030, and

(b) the capital sewer charge (Sewage Plant) of \$3,661 and the capital sewer charge (Local Servicing) of \$5,870.11 together with interest thereon at the rate of 2.85% per annum over a period of Fifteen (15) years in four instalments per year (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 first instalment in 2016 to and including the last municipal tax instalment of 2030 (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 2030.