

The Corporation Of The Town Of The Blue Mountains

By-law Number 2015-27

Being a By-law to impose a charge for an Engineering Assessment and summer and winter Maintenance Services for Castle Glen Thunderhill Development

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 on persons for winter maintenance services;

And WHEREAS the highways were dedicated as public highways on the plans;

And Whereas the Town has not passed a by-law pursuant to the Act assuming the highways for public use and the Town is not responsible in law for maintaining and keeping the highways in a reasonable state of repair, including providing summer and winter maintenance services;

And Whereas the person performing winter maintenance services on behalf of the benefitting owners has advised the Town and the benefitting owners that it no longer intends to provide the winter maintenance services effective December 31, 2011 and the benefitting owners have requested the Town to provide the winter maintenance services;

And Whereas the Town has agreed to provide the summer and winter maintenance services at benefitting owners sole cost and expense;

And Whereas the Council deems it necessary to impose upon the benefitting owners a charge to pay the cost of providing the summer and winter maintenance services:

And Whereas the Town has entered into a contract with an engineering firm to undertake an engineering condition assessment to determine the state of the existing infrastructure and examine options for improvements;

And Whereas the Council deems it necessary to impose upon the benefitting owners a charge to pay the cost of the engineering condition assessment;

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

Definitions

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

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

“benefit” means a benefit accruing to the benefitting owners which is derived or derivable from the winter maintenance services;

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

“benefitting property” means a separately assessed property fronting on a highway as described in Schedule “A”;

“cost” means the costs incurred by the Town of providing the summer and winter maintenance services;

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

“Engineering Condition Assessment” means the completed Thunderhill Subdivision Condition Assessment - Town of the Blue Mountains, File No. 213272 completed by Gamsby and Mennerow BluePlan Engineering Ltd. dated September 2014;

“highways” means the streets and lanes dedicated as public highways on the plans;

“plans” means Registered Plans 910 and 921.

“summer maintenance services” means gravel maintenance and road signage.

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

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

“unit” means a residential dwelling unit;

“winter maintenance services” means snowplowing and sanding the highways and includes other maintenance work on the highways related to snowplowing and sanding

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.

Costs

2. The cost of the summer and winter maintenance services to be paid by the benefitting owners is set out in Schedule “B”.
3. The cost of the Engineering Condition Assessment to be paid by the benefitting owners is set out in Schedule “D”

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 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 charge for summer and winter maintenance services on a per unit basis in the amounts set out in Schedule “C” is hereby imposed on each of the benefitting owners to pay cost of the summer and winter maintenance services.
6. A charge for an Engineering Condition Assessment on a per unit basis in the amounts set out in Schedule “E” is hereby imposed on each of the benefitting owners to pay costs of the Engineering Condition Assessment.
7. 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 charges as set out in sections 5 and 6 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.

Charges Due and Payable

8. The charges imposed by this By-law constitute a debt of the benefitting owners to the Town and are due and payable in accordance with the provisions of Schedules “C” and “E.”

Collection of Cost Recovery for Summer and Winter Maintenance Services and the Engineering Condition Assessment

9. The Treasurer is hereby authorized and directed to add the charges to the tax rolls for the benefitting properties in accordance with subsection 398(2) of the Act and to collect the charges in the same manner as municipal taxes.

Non-payment of Fees

10. On all charges which are in default on the day following each due date a penalty of 1 ¼ per cent shall be added and thereafter a penalty 1 ¼ per cent 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 charges in default on January 1 of the following year, interest will be added at the rate of 1 ¼ per cent per month for each month or fraction thereof of default.
11. No application shall be made to the Ontario Municipal Board under clause 71(c) of the *Ontario Municipal Board Act* on the grounds that the winter maintenance services charges imposed under this By-law are unfair or unjust.

Administration

12. This By-law shall be administered and enforced by the Treasurer.
13. This By-law is not a by-law to assume the highways for public use.

Schedules

14. Schedules "A", "B", "C", "D" and "E" are hereby declared to form part of this By-law.
15. This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 22nd day of June, 2015

The Corporation of the Town of The Blue Mountains

John McKean, Mayor

Corrina Giles, Clerk

The Corporation Of The Town Of The Blue Mountains

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Schedule "A"

Benefitting Properties

Roll Number	Legal Description	Number of Units
4242000002177000000	Plan 910 Lot 1	1
4242000002178000000	Plan 910 Lot 2	1
4242000002179000000	Plan 910 Lot 3	1
4242000002180000000	Plan 910 Lot 4	1
4242000002181000000	Plan 910 Lot 5	1
4242000002182000000	Plan 910 Lot 6	1
4242000002183000000	Plan 910 Lot 7	1
4242000002184000000	Plan 910 Lot 8	1
4242000002185000000	Plan 910 Lot 9	1
4242000002186000000	Plan 910 Lot 10	1
4242000002187000000	Plan 910 Lot 11	1
4242000002188000000	Plan 910 Lot 12	1
4242000002189000000	Plan 910 Lot 13	1
4242000002190000000	Plan 910 Lot 14	1
4242000002191000000	Plan 910 Lot 15	1
4242000002192000000	Plan 910 Lot 16	1
4242000002193000000	Plan 910 Lot 17	1
4242000002194000000	Plan 910 Lot 18	1
4242000002195000000	Plan 910 Lot 19	1
4242000002197000000	Plan 910 Lot 20	1
4242000002198000000	Plan 910 Lot 21	1
4242000002199000000	Plan 910 Lot 22	1
4242000002200000000	Plan 910 Lot 23	1
4242000002201000000	Plan 910 Lot 24	1
4242000002202000000	Plan 910 Lot 25	1
4242000002203000000	Plan 910 Lot 26	1
4242000002204000000	Plan 910 Lot 27	1
4242000002205000000	Plan 910 Lot 28	1
4242000002206000000	Plan 910 Lot 29	1
4242000002207000000	Plan 910 Lot 30	1
4242000002208000000	Plan 910 Lot 31	1
4242000002209000000	Plan 910 Lot 68	1
4242000002210000000	Plan 910 Lot 69	1
4242000002211000000	Plan 910 Lot 70	1
4242000002212000000	Plan 910 Lot 71	1
4242000002213000000	Plan 910 Lot 72	1
4242000002214000000	Plan 910 Lot 73	1
4242000002215000000	Plan 910 Lot 74	1
4242000002216000000	Plan 910 Lot 75	1
4242000002217000000	Plan 910 Lot 76	1
4242000002218000000	Plan 910 Lot 77	1
4242000002219000000	Plan 910 Lot 78	1
4242000002220000000	Plan 910 Lot 79	1
4242000002221000000	Plan 910 Lot 80	1
4242000002222000000	Plan 910 Lot 81	1
4242000002223000000	Plan 910 Lot 51	1
4242000002224000000	Plan 910 Lot 50	1

Roll Number	Legal Description	Number of Units
4242000002225000000	Plan 910 Lot 49	1
4242000002226000000	Plan 910 Lot 48	1
4242000002227000000	Plan 910 Lot 47	1
4242000002228000000	Plan 910 Lot 46	1
4242000002229000000	Plan 910 Lot 45	1
4242000002230000000	Plan 921 Lot 1	1
4242000002231000000	Plan 921 Lot 2	1
4242000002232000000	Plan 921 Lot 3	1
4242000002233000000	Plan 921 Lot 4	1
4242000002234000000	Plan 921 Lot 5	1
4242000002235000000	Plan 921 Lot 6	1
4242000002236000000	Plan 921 Lot 7	1
4242000002237000000	Plan 921 Lot 8	1
4242000002238000000	Plan 921 Lot 9	1
4242000002239000000	Plan 921 Lot 10	1
4242000002240000000	Plan 921 Lot 11	1
4242000002241000000	Plan 921 Lot 12	1
4242000002242000000	Plan 921 Lot 13	1
4242000002243000000	Plan 921 Lot 14	1
4242000002244000000	Plan 921 Lot 15	1
4242000002245000000	Plan 921 Lot 16	1
4242000002246000000	Plan 921 Lot 17	1
4242000002247000000	Plan 921 Lot 18	1
4242000002248000000	Plan 921 Lot 19	1
4242000002249000000	Plan 921 Lot 20	1
4242000002250000000	Plan 921 Lot 21	1
4242000002251000000	Plan 921 Lot 22	1
4242000002252000000	Plan 921 Lot 23	1
4242000002253000000	Plan 921 Lot 24	1
4242000002254000000	Plan 921 Lot 25	1
4242000002256000000	Plan 921 Lot 26	1
4242000002257000000	Plan 921 Lot 27	1
4242000002258000000	Plan 921 Lot 28	1
4242000002259000000	Plan 921 Lot 29	1
4242000002259010000	Plan 921 Lot 30	1
4242000002260000000	Plan 921 Lot 31	1
4242000002260010000	Plan 921 Lot 32	1
4242000002261000000	Plan 921 Lot 33	1
4242000002261010000	Plan 921 Lot 34	1
4242000002262000000	Plan 921 Lot 35	1
	Total Benefitting Properties	87

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Schedule "B"

Cost of the Winter Maintenance Services

Blue Mountain Four Season Ltd

Winter Maintenance \$18,618.25

Total Costs for Winter Maintenance Services \$18,618.25

Costs of the Summer Maintenance Services

Town of The Blue Mountains –

Shoulder Grading \$942.55

Spot Grading \$1,222.50

Re-grading of Pot Holes \$558.22

Total Costs for Summer Maintenance Services \$2,723.27

TOTAL COST FOR SUMMER AND WINTER MAINTENANCE \$21,341.52

The Corporation Of The Town Of The Blue Mountains

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Schedule "C"

Cost of Summer and Winter Maintenance Services (Per Unit)

Total Units = 87

\$245.30

The charges imposed by this By-law constitute a debt of the benefitting owners to the Town and are payable on the 2015 Final Property Tax bill (less the amount on the interim) and will be due on the dates the municipal taxes are due.

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Schedule "D"

Cost of Engineering Condition Assessment

Gamsby and Mannerow BluePlan Engineering Ltd.

Engineering Services \$73,331.82

Total Costs for Engineering Condition Assessment **\$73,331.82**

The Corporation Of The Town Of The Blue Mountains

By-law Number 2015-27

Schedule "E"

Cost of Engineering Condition Assessment (Per Unit)

Total Units = 87

\$842.90

The charges imposed by this By-law constitute a debt of the benefitting owners to the Town and are payable on the 2015 Final Property Tax bill (less the amount on the interim) and will be due on the dates the municipal taxes are due.