

# The Corporation of The Town Of The Blue Mountains

## By-Law Number 2013-27

### Being A By-Law To Impose A Charge For Summer And Winter Maintenance Services (Castle Glen Thunder Hill 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;

**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:

**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;

“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”.

### **Charges Imposed**

3. 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.
4. 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 winter maintenance services.
5. 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 section 4 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**

6. 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 Schedule “C”.

### **Collection of Cost Recovery for Summer and Winter Maintenance Services**

7. 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**

8. 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.
9. 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**

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

**Schedules**

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

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

**ENACTED AND PASSED** this 17th day of June, 2013

The Corporation of the Town of The Blue Mountains

---

Duncan R. McKinlay, Deputy Mayor

---

Corrina Giles, Clerk

**The Corporation of The Town Of The Blue Mountains**

**By-Law Number 2013-27**

**Schedule "A"**

**Benefitting Properties**

<b>Roll Number</b>	<b>Legal Description</b>	<b>Number of Units</b>
424200000217700000	PLAN 910 LOT 1	1
424200000217800000	PLAN 910 LOT 2	1
424200000217900000	PLAN 910 LOT 3	1
424200000218000000	PLAN 910 LOT 4	1
424200000218100000	PLAN 910 LOT 5	1
424200000218200000	PLAN 910 LOT 6	1
424200000218300000	PLAN 910 LOT 7	1
424200000218400000	PLAN 910 LOT 8	1
424200000218500000	PLAN 910 LOT 9	1
424200000218600000	PLAN 910 LOT 10	1
424200000218700000	PLAN 910 LOT 11	1
424200000218800000	PLAN 910 LOT 12	1
424200000218900000	PLAN 910 LOT 13	1
424200000219000000	PLAN 910 LOT 14	1
424200000219100000	PLAN 910 LOT 15	1
424200000219200000	PLAN 910 LOT 16	1
424200000219300000	PLAN 910 LOT 17	1
424200000219400000	PLAN 910 LOT 18	1
424200000219500000	PLAN 910 LOT 19	1
424200000219700000	PLAN 910 LOT 20	1
424200000219800000	PLAN 910 LOT 21	1
424200000219900000	PLAN 910 LOT 22	1
424200000220000000	PLAN 910 LOT 23	1
424200000220100000	PLAN 910 LOT 24	1
424200000220200000	PLAN 910 LOT 25	1
424200000220300000	PLAN 910 LOT 26	1
424200000220400000	PLAN 910 LOT 27	1
424200000220500000	PLAN 910 LOT 28	1
424200000220600000	PLAN 910 LOT 29	1
424200000220700000	PLAN 910 LOT 30	1
424200000220800000	PLAN 910 LOT 31	1
424200000220900000	PLAN 910 LOT 68	1
424200000221000000	PLAN 910 LOT 69	1
424200000221100000	PLAN 910 LOT 70	1
424200000221200000	PLAN 910 LOT 71	1
424200000221300000	PLAN 910 LOT 72	1
424200000221400000	PLAN 910 LOT 73	1
424200000221500000	PLAN 910 LOT 74	1
424200000221600000	PLAN 910 LOT 75	1
424200000221700000	PLAN 910 LOT 76	1
424200000221800000	PLAN 910 LOT 77	1
424200000221900000	PLAN 910 LOT 78	1
424200000222000000	PLAN 910 LOT 79	1

<b>Roll Number</b>	<b>Legal Description</b>	<b>Number of Units</b>
4242000002221000000	PLAN 910 LOT 80	1
4242000002222000000	PLAN 910 LOT 81	1
4242000002223000000	PLAN 910 LOT 51	1
4242000002224000000	PLAN 910 LOT 50	1
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
	<b>Total Benefitting Properties</b>	<b>87</b>

**The Corporation of The Town Of The Blue Mountains**

**By-Law Number 2013-27**

**Schedule "B"**

**Cost of the Winter Maintenance Services**

Blue Mountain Four Season Ltd

Winter Maintenance \$25,269.81

**Total Costs for Winter Maintenance Services \$25,269.81**

**Costs of the Summer Maintenance Services**

Town of The Blue Mountains –

Gravel Maintenance and Road Signage \$4,795.65

Bates Sand and Gravel \$3,265.42

CRS – Packer Rental \$742.85

Mechanical Advertising – Signage \$323.00

**Total Costs for Summer Maintenance Services \$9,126.92**

**TOTAL COST FOR SUMMER AND WINTER MAINTENANCE \$34,396.73**

**The Corporation of The Town Of The Blue Mountains**

**By-Law Number 2013-27**

**Schedule "C"**

**Cost of Summer and Winter Maintenance Services (Per Unit)**

Total Units = 87

\$395.36

The charges imposed by this By-law constitute a debt of the benefitting owners to the Town and are payable on the 2013 Final Property Tax bill (less the amount on the interim) and will be due on the dates the municipal taxes are due.