

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-Law No. 2013-48

BEING A BY-LAW TO AMEND BY-LAW 2008-02, AS AMENDED
BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF
WATER SUPPLY IN TOWN OF THE BLUE MOUNTAINS

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, in Section 11 provides that lower-tier municipality may pass by-laws respecting matters within the public utilities sphere of jurisdiction;

AND WHEREAS the *Municipal Act, 2001* S.O. 2001, c. 25 as amended, in Part III, Public Utilities, further details specific municipal powers within the public utilities sphere of jurisdiction;

AND WHEREAS Section 398 of the *Municipal Act, 2001* permits the Treasurer of the municipality to add fees and charges imposed by the municipality to the tax roll to collect them in the same manner as municipal taxes;

AND WHEREAS Council has deemed it necessary to amend By-law 2008-02 as amended to include Unconnected Vacant Lots to Part 3 Water Rates and Charges to be consistent with all other by-laws;

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 made available to members of the public information with respect to the charges.

NOW THEREFORE the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT Section 1.01, Definitions, of By-law 2008-02 as amended, being a By-law to impose water charges and sewer charges be amended as follows:

- (a) by deleting the definition of "owner or property owner" and replacing it with the following:

"owner or property owner" means the person who is the registered owner of an estate in fee simple of a property, condominium corporation and includes the registered owner in fee simple of an unconnected vacant lot;

- (b) adding the following definition of "assumed":

"assumed" means the earlier of when the Town has assumed ownership of underground works which will form part of the water system or sewage system, or both, or three years after the Town has issued a Certificate of Preliminary Acceptance in accordance with a subdivision agreement for underground works which will form a part of the water system or the sewage system or both;

- (c) adding the following definition of "development potential":

"development potential" means vacant land that is located wholly or partially within an area that is zoned pursuant to the applicable Zoning By-law that would permit the construction of a building or structure greater than 50 square metres. For greater certainty, vacant land wholly located within the Public Open Space (OS1) Zone, Private Open Space (OS2) Zone, Hazard (H) Zone, Development (D) Zone and Deferred Development (DD) Zone as set out in Zoning By-law Number 83-40 as amended, and vacant land wholly located within the Hazard H Zone as set out in Zoning By-law Number 10-77, as amended, are deemed to not have development potential;

(d) adding the following definition of "sewage system":

"sewage system" means the Town's municipal sewage system which includes works for the collection, transmission, treatment and disposal of sewage;

(e) adding the following definition of "unconnected vacant lot":


"unconnected vacant lot" means a separately assessed parcel of land with no buildings or structures erected thereon fronting on but not connected to an assumed part of the water system or the sewage system, or both, and which has "development potential";

2. THAT Part 3 of By-law 2008-02 as amended, being a By-law to provide for the regulation of water supply in Town of The Blue Mountains, be amended to include a new section, as follows:

3.18 Unconnected Vacant Lots - When an unconnected vacant lot fronts on an assumed part of the water system or the sewage system, or both, the owner shall pay the unconnected vacant lot water charge as shown in the Water Charges By-law.

3. THAT this By-law shall come into full force and effect on September 1, 2013.

ENACTED AND PASSED this *25th* day of *November*, 2013



Ellen Anderson, Mayor



Corrina Giles, Clerk