



# Policy

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## POL.COR.13.21

### Unconnected Vacant Lots Fronting Municipal Water and Wastewater Services

<b>Policy Type:</b>	Corporate Policy (Approved by Council)
<b>Date Approved:</b>	September 16, 2013
<b>Department:</b>	Finance and IT Services
<b>Staff Report:</b>	FIT.13.34 and revised by FIT.13.57
<b>By-Law No.:</b>	N/A
<b>Revised:</b>	November 13, 2013

#### Policy Statement

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The Corporation of the Town of The Blue Mountains (herein referred to as “the Town”) is committed to ensuring long term financial sustainability for the water and wastewater systems.

#### Purpose

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The purpose of this policy is to ensure that all properties benefitting from water and wastewater infrastructure are contributing to the ultimate replacement of the water and wastewater infrastructure. Water and wastewater systems are designed to service all lands. Although not utilizing the system directly, adjacent unconnected lots fronting municipal services benefit from having the availability of the service. A portion of the cost of maintaining the systems is attributable to ensuring the availability of capacity throughout the systems for unconnected lots.

#### Application

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This policy applies to unconnected vacant lots fronting municipal water and wastewater services, earlier of when the Town has assumed ownership of the underground works which will form part of the water 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 part of the water or sewage system, or both and where the vacant land has development potential.

## Definitions

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Act means the *Municipal Act, 2001*, S.O. 2001, c25 as amended.

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.

Owner or property owner means the person who is the registered owner of an estate in fee simple of a property.

Property means a separately assessed parcel of land connected to or fronting on the water or sewage system or both.

Treasurer means the Director of Finance & IT Services (Treasurer) for the Town of The Blue Mountains or designate.

Vacant Lot means any property with no dwelling that is not connected to a municipal water or wastewater system to which water or wastewater service is available.

## Procedures

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Vacant lots fronting on a water and wastewater system have the benefit in that the moment that a decision is made to improve the property, the main service is available to be connected to. There is a cost to the municipality in maintaining and replacing the system.

The Infrastructure Renewal Fee (less the 5m<sup>3</sup> minimum usage) will be charged based on the following criteria:

- 1) The vacant land fronts municipal water and/or wastewater services, and;
- 2) The vacant land has development potential

Registered Plans of Condominium will be charged the Infrastructure Renewal on each un-built unit.

Development Land will be charged one Infrastructure Renewal Fee.

The Infrastructure Renewal Fee (less the 5m<sup>3</sup> minimum usage) will be billed on a semi-annual basis using the criteria set out in this policy.

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When the vacant lot connects to municipal services the property will move to the regular bi-monthly billing cycle of a fixed charge and a tiered consumption rate.

### **Appeal Process**

A request for an adjustment to the Infrastructure Renewal Fee must be made in writing to the Town stating why the unconnected vacant lot does not meet the criteria of development potential or fronts municipal owned water and/or wastewater services. The Director of Planning and Building and the Treasurer will make the final determination on if an adjustment warranted.

### **Exclusions**

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The Infrastructure Renewal Fee will not be charged on vacant land that fronts municipal wastewater services only. Currently the Town would not allow connections to wastewater services without being connected to water for billing purposes.

### **References and Related Policies**

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None.

### **Consequences of Non-Compliance**

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- 1) The charges imposed constitute a debt of the owner to the Town, may be added by the Treasurer to the tax roll for the owner's property and collected in the same manner as municipal taxes in accordance with subsection 398(2) of the Act. The 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.
- 2) The Treasurer is hereby authorized to add the charges which are in default to the tax rolls.
- 3) On all charges which are in default and added to the tax roll by the Treasurer in accordance with Section 8, a penalty of 1.25 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 1.25 per cent per month for each month or fraction thereof of default.