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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2006-54

A By-law to set Capital Costs Payable for Water Services in Thornton.

WHEREAS Section 391 of the *Municipal Act, 2001*, SO 2001, Chapter m25, provides that a capital cost may be assessed to recover the cost of a water works system; and

WHEREAS Section 1(3) of the *Municipal Act, 2001* provides that when a fee or charge is added to the tax roll of the municipality in respect of a property and is given priority lien status, that such fee or charge may be collected in the same manner as taxes; and

WHEREAS a Public Meeting was held on July 5, 2006 at the Essa Administration Centre to allow the owners/residents affected to make representation with respect to this matter; and

WHEREAS the Council of the Corporation of the Township of Essa deems it advisable to impose a capital/connection charge to recover the capital cost of water works;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Essa enacts as follows:

1. A water works capital/connection charge is hereby imposed pursuant to the Municipal Act, upon the owners or occupants of land who derive or will or may derive a benefit from the said water works, to pay for a portion of the capital cost thereof.
2. The lands in respect of which such owners or occupants are deemed to derive benefit from these water works are all lands in Thornton which can access the municipal water main.
3. (a) Subject to Sections 2, 4 and 5 of this by-law, the water capital/connection charge shall be an annual charge in the amount of \$588.40 for each separately assessed parcel of residential, commercial, institutional or multi-residential land and such charge shall be added to the tax roll of the municipality and given priority lien status for a period of fifteen years commencing in the calendar year in which the water works are connected, or when the Township's Mandatory Hook-up By-law is enforced. At the option of the person liable therefore, this water capital/connection charge may be commuted as a flat charge of \$6,613.00 per parcel, in which case it shall be due and payable upon receipt of an application for a connection permit, or the Township's Mandatory Hook-up By-law is enforced.

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112

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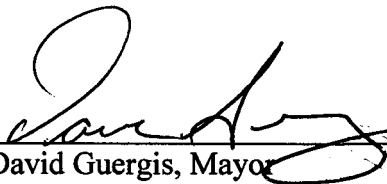
- (b) Subject to section 3(a), 4 and 5 of this by-law, any commercial or multi-residential units such as, but not limited to mobile home parks, apartments, or cooperative homes, shall be subject to an additional \$500.00 per unit reflected as a flat charge, or an annual charge in the amount of \$44.48 per unit shall be added to the tax roll of the municipality and given priority lien status for a period of fifteen years, commencing in the calendar year in which the water works are connected or the Township's Mandatory Hook-up By-law will be enforced;
 - (c) Should an owner request approval to pay off the outstanding balance prior to the expiration of the amortization period, such pay out will be calculated to include the ending balance identified on the amortization schedule at the end of the calendar year in which the owner's request is made.
4. In the event that any parcel as described in Section 2 or connected to the water mains constructed thereon is subdivided, either by Registered Plan of Subdivision or severance, a further water works rate of \$6,613.00 shall be applied for each residential, multi-residential, commercial or institutional lot, plus \$500.00 for each unit for any multi-residential, commercial or institutional property, payable either on or before any consent becomes final and binding.
5. In the event that any property owner wishes to have the water works extended so as to service their lands, the following shall apply:
- (a) The extension of the water works shall first be approved by Council provided that Council determines whether there is sufficient capacity to service the proposed extension.
 - (b) All engineering drawings relating to the extension must first be approved by the Municipality's Engineer and the Ministry of the Environment, and may be inspected by the Municipality's Engineer from time to time.
 - (c) The property owner shall execute an Agreement with the Municipality agreeing that any engineering fees incurred by the Municipality as a result of the proposed extension shall be paid by the property owner.
 - (d) Any Agreement as noted in (c) above shall also require the property owner to pay the total capital cost of the extension, together with a further water works capital/connection charge, calculated in the same way as provided in Sections 3 and 4 of this by-law for each lot being serviced by the extension, payable prior to the commencement of any work.

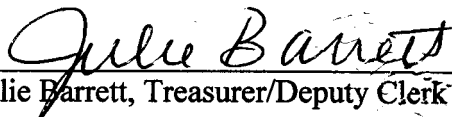
113

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6. If a connection permit has not been obtained and the capital contribution has not been paid following sufficient notice by the Township, the Clerk may add the amount of \$6,613.00 for each residential, commercial, institutional or multi-residential parcel, plus \$500.00 per unit for commercial, institutional or multi-residential to the Collector's Roll in respect of a property, and these amounts shall be given priority lien status and may be collected in the same manner as taxes.
7. This By-law shall come into force and effect upon third reading.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Fifth day of July, 2006.


David Guergis, Mayor


Julie Barrett, Treasurer/Deputy Clerk

114