



The Corporation of the Municipality of South Huron

By-Law #50-2017

Being a by-law to impose a sewage works charge to recover the capital cost of the Grand Bend Sewage Treatment Facility and Pumping Station 2 Projects

Whereas Section 5 of the *Municipal Act, S.O. 2001, c. 25* as amended, provides that the powers of the Municipal Council shall be exercised by By-Law, unless the municipality is specifically authorized to do otherwise; and

Whereas Section 11 of the *Municipal Act, S.O. 2001, c. 25* as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting the health, safety and well-being of persons; and

Whereas Section 391 of the *Municipal Act, S.O. 2001, c. 25* as amended, provides the authority to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and further provides that a fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time. The costs included in a fee or charge may include costs incurred by the municipality related to administration, enforcement and the establishment, acquisition and replacement of capital assets. A fee or charge may be imposed whether or not it is mandatory for the municipality imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property; and

Whereas Section 398 of the *Municipal Act, S.O. 2001, c. 25* as amended, provides that the fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality; and further provides that the Treasurer of a local municipality may add fees and charges imposed by the municipality to the tax roll for property in the local municipality to which a public utility was supplied and collect them in the same manner as municipal taxes; and

Whereas Section 414 of the *Municipal Act, S.O. 2001, c. 25* as amended, provides that, after a debt has been contracted under a by-law, the municipality shall not, until the debt and interest have been paid, (a) repeal the by-law or any by-law appropriating money from any source for the payment of the debt or the interest including the surplus income from any work financed by the debt; or (b) alter any by-law referred to in clause (a) so as to diminish the amount to be raised annually; and

Whereas under the provisions of Ontario Regulation 581/06 as amended under the *Municipal Act, S.O. 2001* allows for 'priority lien status' for the recovery of fees or charges for the supply of water and use of a sewage system imposed by a municipality or local board under Part XII of the Act, they may be added to the tax roll under subsection 398 (2) of the Act.

Now therefore be it resolved that the Council of the Corporation of the Municipality of South Huron enacts as follows:

1. Definitions

“Benefiting persons” means an individual, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of an individual within the service area, as set out in Schedule A, that receive a benefit of the sewage works.

“Benefiting property owners” means the registered owner of properties within the service area, as set out in Schedule A, that receive a benefit of the sewage works.

“Lot” means a parcel of land described in a deed or other document legally capable of conveying an interest in land; or a parcel of land shown as a lot on a Registered Plan of Subdivision, Plan of Condominium or a lot created by way of consent or by any other approval provision under the Planning Act of Ontario;

“Owner” shall mean an owner, part owner, joint owner, tenant in common or joint tenant, land leased tenant, trustee, executor, guardian, an agent or a Mortgagee of the whole or any part of any parcel of real property who receives an existing benefit.

“Household Equivalency” means equal to a single family residential lot.

“ICI” means Industrial, Commercial, Institutional

“Residential Development” means any development under the Planning Act of Ontario that contains residential units consisting of a self-contained set of rooms located in a building or structure, is used or intended for use as residential premises, and contains kitchen and bathroom facilities that are intended for the use of the residential unit only.

“Service Area” means Zone 2 and Zone 2C as established by the Grand Bend Area Sewage Collection System Class Environmental Assessment Environmental Study Report and as set out on Schedule A.

“Sewage works charge” means a charge imposed by by-law upon all owners or occupants of property within the service area connected to the Municipal Sewage System to pay for the capital cost of the sewage works.

“Sewage Works” means any works for the collection, transmission, treatment and disposal of sewage, or any part of any such works, but does not include plumbing or other works to which the Ontario Building Code Act or its regulations apply.

2. Schedules

The map of the Grand Bend Sewage Treatment Facility and Pumping Station 2 projects service area, identified as Schedule “A” and attached hereto forms an integral part of this by-law.

The list of benefiting persons/property owners and total cost as calculated for the benefiting person/property owner for the Grand Bend Sewage Treatment Facility and Pumping Station 2 projects, identified as Schedule “B” and attached hereto forms an integral part of this by-law.

3. Description Of Work

The Municipality has constructed and installed the Sewage Works for properties in the service area. The expenses incurred by the Municipality for the Sewage Works includes without limitation all construction costs relating directly or indirectly to the Sewage Works, engineering expenses, legal fees and disbursements, administrative costs and all other expenses relating to the Sewage Works.

The final cost of the Sewage Works is as follows;

a) Grand Bend Sewage Treatment Facility	\$2,491,181.87
b) Pumping Station 2	<u>\$226,357.50</u>
Total Cost of the Work	\$2,717,539.37

4. Recovery Of Cost Of Work

The cost recovery will be from benefitting persons/property owners in the defined service area of Phase 1 of the Grand Bend Sewage Treatment Facility project as established by the Environmental Assessment process and shall include all existing users and those properties where sewer service is available.

The Municipality shall recover the cost of the Sewage Works as follows:

a) Future Development within the Service Area	\$543,507.87
b) Benefiting persons/property owners within the Service Area	\$2,174,031.50

With respect to the Future Development in Section 4 (a), all future developments within the Service Area shall pay a fee of \$4,800.00 per household equivalency until the requisite amount of revenue has been received by the Municipality to recover the cost of the Sewage Works as set out in Section 4 (a). This Future Development charge shall be paid in full upon the earlier of the final passage of any Zoning By-law amendment, final approval of any Site Plan or the issuance of any Building permit for the proposed development.

Should sewage treatment capacity not be available at the time of future development, the proposed development property shall not be permitted to be connected to the sewage collection system and the owner of the proposed development property shall pay the actual cost to expand the capacity of the sewage treatment facility.

5. Expansion Of Sewage Works

If the sewage collection system is expanded to service existing developed properties within the existing service area, each lot connected, or available to be connected, shall pay a fee of \$4,800.00 per lot and each ICI property connected, or available to be connected, shall pay a fee of \$4,800.00 per household equivalency, based on phase 1 of the sewage treatment facility.

This future connection charge shall be paid in full upon the completion of the sewage collection system and as soon as service is available.

Should sewage treatment capacity not be available at the time of expansion of sewage collection system, existing properties shall not be permitted to be connected to the sewage collection system and the owners of the existing developed property shall pay the actual cost to expand the capacity of the sewage treatment facility.

6. Sewage Works Charge

- a) For Owners in the service area the per household Sewage Works Charge shall be determined by taking the total cost of the projects less the amount deferred to future development and divide it by the total Household Equivalency and this amount shall be payable by the Owner to the Municipality in accordance with the terms of this by-law.
- b) For the purpose of this by-law the total household equivalency has been determined to be 629.
- c) The Owners shall pay to the Municipality the Sewage Works Charge set out in Schedule "B".

7. Determination Of Residential Household Equivalencies

The following method shall be used to determine a per household equivalency for the benefiting residential properties in the service area;

- a) A single family lot equals one household
- b) A lot within a Plan of Condominium equals one household
- c) A home site in a land leased property equals one household
- d) A vacant lot equals one household
- e) A vacant lot within a Plan of Condominium equals one household
- f) A vacant home site in a land leased property equals one household

8. Determination Of ICI Household Equivalencies

The following method shall be used to determine a per household equivalency for the benefiting Institutional, Commercial and Industrial properties in the service area. If the first methodology does not apply, the next methodology will be used, until the ICI equivalency is determined. The Municipality has the sole discretion to determine the methodology used.

- a) Institutional, Commercial and Industrial properties with a sewage capacity allocation established through an individual Environmental Study Report, Site Plan or Plan of Subdivision approval process, the per household equivalency shall be based on the capacity allocation prorated using the average per household sewage flow established for the design of the Grand Bend Area Sewage Treatment Facility of 373m³ per year.
- b) Institutional, Commercial and Industrial properties without a sewage capacity allocation, the per household equivalency shall be based on a five year average of the individual metered sewage flow, where this data exists, prorated using the average per household sewage flow established for the design of the Grand Bend Area Sewage Treatment Facility of 373m³ per year.

- c) Institutional, Commercial and Industrial properties without a sewage capacity allocation and where no individual metered sewage flow data exists, the per household equivalency shall be based on a five year average of the individual metered drinking water consumption prorated using 80% of the average per household drinking water consumption in Stephen Ward of 200m³ per year.
- d) Institutional, Commercial and Industrial properties without a sewage capacity allocation, no metered sewage and no metered drinking water data, the per household equivalency shall be based on theoretical sewage flows using Section 8 of the Ontario Building Code prorated using the per household sewage flow established for the design of the Grand Bend Area Sewage Treatment Facility of 373m³ per year.
- e) The minimum per household equivalency for all Institutional, Commercial and Industrial properties shall be one (1) household and all per household equivalencies greater than one (1) household shall be rounded to the closest single digit number, with less than 0.50 rounded down and more than or equal to 0.50 shall be rounded up to the closest single digit number.
- f) Vacant Institutional, Commercial, Industrial and Residential lots shall be equivalent to one (1) household.

9. Payment Of Costs

The Owner may at their option pay the full amount of the cost as calculated in Schedule "B" in one lump sum on or before the end of business day (4:30 pm) on October 16, 2017. If the full amount is not paid in one lump sum on or before the end of business day (4:30 pm) on October 16, 2017, the amount payable to the Municipality by the benefiting persons/property owners shall be debentured over a twenty (20) year period payable by quarterly installments and shall be reflected on an amended Schedule "B".

Quarterly installments will be recovered on utility bills as a separate identified debt charge for properties with a utility bill account, and as a separate identified amount on tax bills for properties that do not have a utility account.

10. Collection

The Municipality shall have the right to impose charges for interest, penalties and collection costs for charges owed to the Municipality that are due and unpaid under this By-law. All such charges, interest, penalties and collection costs shall be added to the tax roll for all properties within the Municipality that are owned by the Owner. All such charges, interest, penalties and collection costs may be collected by the Municipality in like manner as taxes as authorized by Section 398 of the Municipal Act, 2001.

11. Application Of Other By-Laws

Nothing in this by-law shall relieve any person from any obligation to comply with the requirements of any other by-law or legislation.

12. Validity

Should any section, clause or provision of this by-law be held by a Court of competent jurisdiction to be invalid, in whole or in part, the validity of the remainder of that section, clause or provision and the validity of the remainder of the by-law shall not be affected thereby. Each section, clause or provision of this by-law are hereby deemed to be separate and distinct sections, clauses or provisions.

13. Conflicting By-Laws

Where any section, clause or provision of this by-law conflicts with any section, clause or provision of any other by-law of the Municipality, the section(s), clause(s) or provision(s) that establish(es) the higher standard shall prevail.

14. Every person who contravenes any of the provisions of this by-law is guilty of an offence under the *Provincial Offences Act*.

15. This by-law comes into force and effect on the date of final passing.

Read a first and second time this 5th day of September, 2017

Read a third and final time and finally passed this 5th day of September, 2017

Maureen Cole, Mayor

Genevieve Scharback, Clerk

Grand Bend Sewage Treatment Facility & Pumping Station 2 Projects – Service Area

Schedule A



TAX ROLL #	UTILITY ACCOUNT #	LOT/ HOMESITE	TOTAL COST
040032012010000	432210.01		\$ 3,456.33
040032012020000	432122.01		\$ 3,456.33
040032012030000	421230.01		\$ 3,456.33
040032012040000	432124.00		\$ 3,456.33
040032012050000	432012.00		\$ 3,456.33
040032012060000	432013.01		\$ 3,456.33
040032012070000	432014.01		\$ 3,456.33
040032012080000	432128.01		\$ 3,456.33
040032012090000	432129.00		\$ 3,456.33
040032012100000	432017.02		\$ 3,456.33
040032012110000	432211.00		\$ 3,456.33
040032012120000	432019.01		\$ 3,456.33
040032012130000	432020.00		\$ 3,456.33
040032012140000	432025.02		\$ 3,456.33
040032012150000	432026.02		\$ 3,456.33
040032012160000	432027.00		\$ 3,456.33
040032012170000	432217.02		\$ 3,456.33
040032012270000	432134.00		\$ 3,456.33
040032012280000	432228.00		\$ 3,456.33
040032012290000	421229.02		\$ 3,456.33
040032012300000	403212.02		\$ 3,456.33
040032012310000	400321.00		\$ 3,456.33
040032012320000	432120.00		\$ 3,456.33
040032012330000	431233.02		\$ 3,456.33
040032012340000	431213.01		\$ 3,456.33
040032012350000	400320.00		\$ 3,456.33
040032012360000	432136.00		\$ 3,456.33
040032012370000	201237.00		\$ 3,456.33
040026004000000	260400.00		\$ 3,456.33
040034089000000	348900.00		\$ 286,875.39
040020013000000	201300.00		\$ 58,757.61
040020012010000	201201.00		\$ 138,253.20
040024006000000	246000.00		\$ 17,281.65
040024006020000	706650.00		\$ 20,737.98
040026002000000	042601.00		\$ 117,515.22
040026002000000	042602.00	1	\$ 3,456.33
040026002000000	000002.00	2	\$ 3,456.33
040026002000000	000003.00	3	\$ 3,456.33
040026002000000	000004.03	4	\$ 3,456.33
040026002000000	000005.01	5	\$ 3,456.33
040026002000000	000006.00	6	\$ 3,456.33
040026002000000	000007.01	7	\$ 3,456.33
040026002000000	000008.01	8	\$ 3,456.33
040026002000000	000009.00	9	\$ 3,456.33

TAX ROLL #	UTILITY ACCOUNT #	LOT/ HOMESITE	TOTAL COST
040026002000000	000010.00	10	\$ 3,456.33
040026002000000	000011.01	11	\$ 3,456.33
040026002000000	000012.02	12	\$ 3,456.33
040026002000000	000013.01	13	\$ 3,456.33
040026002000000	000014.01	14	\$ 3,456.33
040026002000000	000015.00	15	\$ 3,456.33
040026002000000	000016.01	16	\$ 3,456.33
040026002000000	000017.01	17	\$ 3,456.33
040026002000000	000018.00	18	\$ 3,456.33
040026002000000	000019.01	19	\$ 3,456.33
040026002000000	000020.01	20	\$ 3,456.33
040026002000000	000021.00	21	\$ 3,456.33
040026002000000	000022.03	22	\$ 3,456.33
040026002000000	000023.01	23	\$ 3,456.33
040026002000000	042603.00	24	\$ 3,456.33
040026002000000	000025.01	25	\$ 3,456.33
040026002000000	000026.00	26	\$ 3,456.33
040026002000000	000027.01	27	\$ 3,456.33
040026002000000	000028.00	28	\$ 3,456.33
040026002000000	000029.00	29	\$ 3,456.33
040026002000000	000030.00	30	\$ 3,456.33
040026002000000	000031.01	31	\$ 3,456.33
040026002000000	000032.00	32	\$ 3,456.33
040026002000000	000033.01	33	\$ 3,456.33
040026002000000	000034.00	34	\$ 3,456.33
040026002000000	000035.00	35	\$ 3,456.33
040026002000000	000036.00	36	\$ 3,456.33
040026002000000	000037.00	37	\$ 3,456.33
040026002000000	000038.00	38	\$ 3,456.33
040026002000000	000039.00	39	\$ 3,456.33
040026002000000	000040.00	40	\$ 3,456.33
040026002000000	000041.00	41	\$ 3,456.33
040026002000000	000042.00	42	\$ 3,456.33
040026002000000	000043.00	43	\$ 3,456.33
040026002000000	000044.01	44	\$ 3,456.33
040026002000000	000045.00	45	\$ 3,456.33
040026002000000	000046.00	46	\$ 3,456.33
040026002000000	000047.01	47	\$ 3,456.33
040026002000000	000048.00	48	\$ 3,456.33
040026002000000	000049.00	49	\$ 3,456.33
040026002000000	000050.01	50	\$ 3,456.33
040026002000000	000051.06	51	\$ 3,456.33
040026002000000	000052.01	52	\$ 3,456.33
040026002000000	000053.01	53	\$ 3,456.33

TAX ROLL #	UTILITY ACCOUNT #	LOT/ HOMESITE	TOTAL COST
040026002000000	000054.00	54	\$ 3,456.33
040026002000000	000055.00	55	\$ 3,456.33
040026002000000	000056.01	56	\$ 3,456.33
040026002000000	000057.00	57	\$ 3,456.33
040026002000000	000058.02	58	\$ 3,456.33
040026002000000	000059.01	59	\$ 3,456.33
040026002000000	000060.00	60	\$ 3,456.33
040026002000000	000061.00	61	\$ 3,456.33
040026002000000	000062.00	62	\$ 3,456.33
040026002000000	000063.01	63	\$ 3,456.33
040026002000000	000064.02	64	\$ 3,456.33
040026002000000	000065.00	65	\$ 3,456.33
040026002000000	000066.00	66	\$ 3,456.33
040026002000000	000067.01	67	\$ 3,456.33
040026002000000	000068.01	68	\$ 3,456.33
040026002000000	000069.00	69	\$ 3,456.33
040026002000000	000070.00	70	\$ 3,456.33
040026002000000	000071.00	71	\$ 3,456.33
040026002000000	000072.00	72	\$ 3,456.33
040026002000000	000073.00	73	\$ 3,456.33
040026002000000	000074.00	74	\$ 3,456.33
040026002000000	000075.01	75	\$ 3,456.33
040026002000000	000076.00	76	\$ 3,456.33
040026002000000	042604.00	77	\$ 3,456.33
040026002000000	000078.00	78	\$ 3,456.33
040026002000000	000079.00	79	\$ 3,456.33
040026002000000	000080.01	80	\$ 3,456.33
040026002000000	000081.01	81	\$ 3,456.33
040026002000000	000082.01	82	\$ 3,456.33
040026002000000	000083.00	83	\$ 3,456.33
040026002000000	000084.00	84	\$ 3,456.33
040026002000000	000085.00	85	\$ 3,456.33
040026002000000	000086.00	86	\$ 3,456.33
040026002000000	000087.01	87	\$ 3,456.33
040026002000000	000088.00	88	\$ 3,456.33
040026002000000	000089.01	89	\$ 3,456.33
040026002000000	000090.01	90	\$ 3,456.33
040026002000000	042605.00	91	\$ 3,456.33
040026002000000	000092.00	92	\$ 3,456.33
040026002000000	000093.01	93	\$ 3,456.33
040026002000000	000094.01	94	\$ 3,456.33
040026002000000	000095.01	95	\$ 3,456.33
040026002000000	000096.00	96	\$ 3,456.33
040026002000000	000097.01	97	\$ 3,456.33

040026002000000	000098.00	98	\$ 3,456.33
040026002000000	000099.01	99	\$ 3,456.33
040026002000000	111000.00	100	\$ 3,456.33
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040026002000000	000107.01	107	\$ 3,456.33
040026002000000	00108.00	108	\$ 3,456.33
040026002000000	00109.00	109	\$ 3,456.33
040026002000000	000110.01	110	\$ 3,456.33
040026002000000	000111.00	111	\$ 3,456.33
040026002000000	000112.00	112	\$ 3,456.33
040026002000000	000113.02	113	\$ 3,456.33
040026002000000	000114.01	114	\$ 3,456.33
040026002000000	042606.00	115	\$ 3,456.33
040026002000000	000116.00	116	\$ 3,456.33
040026002000000	000117.01	117	\$ 3,456.33
040026002000000	000118.01	118	\$ 3,456.33
040026002000000	000119.00	119	\$ 3,456.33
040026002000000	000120.00	120	\$ 3,456.33
040026002000000	000121.02	121	\$ 3,456.33
040026002000000	000122.00	122	\$ 3,456.33
040026002000000	000123.01	123	\$ 3,456.33
040026002000000	000124.00	124	\$ 3,456.33
040026002000000	000125.02	125	\$ 3,456.33
040026002000000	000126.00	126	\$ 3,456.33
040026002000000	000127.02	127	\$ 3,456.33
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040026002000000	000133.01	133	\$ 3,456.33
040026002000000	000134.00	134	\$ 3,456.33
040026002000000	000135.00	135	\$ 3,456.33
040026002000000	000136.02	136	\$ 3,456.33
040026002000000	000137.03	137	\$ 3,456.33
040026002000000	000138.00	138	\$ 3,456.33
040026002000000	042607.00	139	\$ 3,456.33
040026002000000	000140.01	140	\$ 3,456.33
040026002000000	000141.00	141	\$ 3,456.33
040026002000000	000142.00	142	\$ 3,456.33
040026002000000	000143.01	143	\$ 3,456.33
040026002000000	000144.01	144	\$ 3,456.33
040026002000000	000145.02	145	\$ 3,456.33

040026002000000	000146.01	146	\$	3,456.33
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040026002000000	000152.00	152	\$	3,456.33
040026002000000	000151.03	153	\$	3,456.33
040026002000000	000154.00	154	\$	3,456.33
040026002000000	000155.01	155	\$	3,456.33
040026002000000	000156.02	156	\$	3,456.33
040026002000000	000157.01	157	\$	3,456.33
040026002000000	000158.00	158	\$	3,456.33
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040026002000000	000161.01	161	\$	3,456.33
040026002000000	000162.02	162	\$	3,456.33
040026002000000	000163.02	163	\$	3,456.33
040026002000000	000164.00	164	\$	3,456.33
040026002000000	000165.02	165	\$	3,456.33
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040026002000000	000181.04	181	\$	3,456.33
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040026002000000	000189.00	189	\$	3,456.33
040026002000000	000190.02	190	\$	3,456.33
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040026002000000	000216.02	216	\$ 3,456.33
040026002000000	000217.00	217	\$ 3,456.33
040026002000000	000218.00	218	\$ 3,456.33
040026002000000	000219.00	219	\$ 3,456.33
040026002000000	220000.01	220	\$ 3,456.33
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040026002000000	000226.01	226	\$ 3,456.33
040026002000000	000227.02	227	\$ 3,456.33
040026002000000	000228.00	228	\$ 3,456.33
040026002000000	000229.00	229	\$ 3,456.33
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040026002000000	000240.01	240	\$ 3,456.33
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040026002000000	000244.00	244	\$ 3,456.33
040026002000000	000245.00	245	\$ 3,456.33
040026002000000	000246.00	246	\$ 3,456.33
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040026002000000	000248.01	248	\$ 3,456.33
040026002000000	042608.00	249	\$ 3,456.33
040026002000000	000250.02	250	\$ 3,456.33
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040026002000000	000252.02	252	\$ 3,456.33
040026002000000	000253.01	253	\$ 3,456.33
040026002000000	000254.00	254	\$ 3,456.33
040026002000000	000255.00	255	\$ 3,456.33
040026002000000	000256.01	256	\$ 3,456.33
040026002000000	000257.00	257	\$ 3,456.33
040026002000000	000258.03	258	\$ 3,456.33
040026002000000	000259.00	259	\$ 3,456.33
040026002000000	000260.01	260	\$ 3,456.33
040026002000000	000261.01	261	\$ 3,456.33
040026002000000	000262.02	262	\$ 3,456.33
040026002000000	000263.01	263	\$ 3,456.33
040026002000000	000264.00	264	\$ 3,456.33
040026002000000	000265.02	265	\$ 3,456.33
040026002000000	000266.00	266	\$ 3,456.33
040026002000000	000267.00	267	\$ 3,456.33
040026002000000	000268.02	268	\$ 3,456.33
040026002000000	000269.01	269	\$ 3,456.33
040026002000000	000270.01	270	\$ 3,456.33
040026002000000	000271.01	271	\$ 3,456.33
040026002000000	000272.02	272	\$ 3,456.33
040026002000000	000273.01	273	\$ 3,456.33
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040026002000000	000288.01	288	\$ 3,456.33

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040026002000000	000329.00	329	\$	3,456.33
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040026002000000	000385.01	385	\$	3,456.33

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