

**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY**

**BY-LAW NUMBER 75- 2008**

**Being a By-law to impose a fee or charge for a Sewer Connection Charge and/or a Water Connection Charge on the Owner or Occupants of land who derive or will or may derive a benefit from the installation of a sanitary sewer collection system on George Street East**

**WHEREAS** the Council of the Municipality of West Grey deems it desirable to install a sanitary sewer collection system on George Street East as described in Schedule A.

**AND WHEREAS** Section 391, subsection (1) (a) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the Council of a local municipality may by By-law impose a fee or charge on any class of persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Section 391, subsection (2) of the Municipal Act, 2001, provides that a fee or charge imposed under subsection (1) for capital costs related to sanitary sewer services and/or water 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.

**AND WHEREAS** it is the policy of the Municipality of West Grey to provide that fees and charges imposed for municipal sewer and/or water systems shall not exceed the cost (as defined in section 391(3) of the Municipal Act, 2001), of providing the service.

**AND WHEREAS** it is the policy of the Municipality of West Grey to calculate long-term financing based on the rate of interest that the municipality would expect to pay to finance the owner's share of the cost of the work using the interest rate obtained from the Municipality's Financial Institution two weeks following the due date established in the Rating By-law, provided that an additional 1% will be charged for administration of the by-law.

**NOW THEREFORE** the Council of the Corporation of the Municipality of West Grey enacts as follows:

1. (a) That the extension of a sewer collection system to service residents and properties on George Street East as described in Schedule "A" attached hereto, be and is hereby confirmed.
  - (b) The owners or occupants of land on George Street East as described on Schedule "A" attached are hereby designated as owners or occupants who will receive an immediate benefit from the sewer collection system, an "immediate benefit" for the purpose of this by-law being a benefit that accrues and is derived or derivable there from immediately upon completion of the works, whether or not the said lands are immediately connected to the sewer collection system.
2. (a) That a sewer rate being a fee or charge be and is hereby imposed on and shall be recovered from the owners and occupants of the lands fronting on the streets listed in Schedule "A" attached hereto, said fee or charge being imposed in order to pay for the portion of the total capital cost, as defined in section 391(3) of the Municipal Act, 2001, and including the cost of the construction of the said sewer collection system, as herein provided.
  - (b) That the fee or charge for each property fronting on George Street East is hereby levied based on the frontage of said property on George Street East, and the fee or charge for each property shall be in the amount shown on Schedule "A" attached hereto and which fee or charge is designated on Schedule "A" for each specific property as identified by its assessment roll number.
3. That any owner of property fronting on George Street East as described on Schedule "A" attached hereto is required to connect to the sewer collection system pursuant to Municipality of West Grey By-law 65-2008, being a bylaw to require mandatory connections to municipal water and sanitary sewage works.
4. (a) That if an owner of a property on George Street East as described on Schedule "A" attached hereto elects as provided herein to pay at one time the total amount

of the fee or charge required by this by-law to be paid by the owner or occupants of said property, the amount the said property owner shall pay is the amount described as the "Sewer Charge" as shown in the column with that Heading being shown on Schedule "A" attached hereto.

- (b) An owner who elects to pay at one time the total amount of the fee or charge being the total sewer connection charge for a property in accordance with subsection (a) of this section, shall before the 31st day of December, 2008, so inform in writing the Municipality of West Grey of the owner's intention to do so. Thereafter the "Sewer Charge" as shown in the column with that Heading on Schedule "A" attached hereto shall be due and payable by the said owner within 90 days after the owner's said written confirmation.
  - (c) If an owner fails before the required date set out in subsection (b) of this section to so notify the Municipality of this intention, the owner shall be deemed to have elected to pay the "Annual Charge" as hereinafter provided in section 5 of this by-law.
5.
  - (a) Any owner of property on George Street East described on Schedule "A" attached hereto who does not elect to pay the "Sewer Charge" of the sewer connection charge as hereinbefore provided in section 4 of this by-law, shall pay the "Annual Charge" as described in Subsection 5 (b) and shall pay by March 31, 2009 the portion of the Sewer Charge that is "50% Eligible for Source Water Grant" in the amount shown in the "50% Eligible for Source Water Grant" column for each property identified on Schedule "A" attached hereto.
  - (b) Any owner of property on George Street East described on Schedule "A" attached hereto who does not elect to pay the "Sewer Charge" of the sewer connection charge as hereinbefore provided in section 4 of this by-law, shall pay the "Annual Charge" in the amount shown in the "Annual Charge" column for each property identified on Schedule "A" attached hereto, and which said "Annual Charge" shall be payable in each year thereafter for a period of fifteen (15) years. This amount shall be due in each said year on the due date relating thereto as set out in each year on the property tax bill for the said property.
  - (c) The Municipality of West Grey shall, if required, alter the amount of the "Annual Charge" for the cost of the connection to the sewer collection system as set out on Schedule "A" attached hereto, by an amendment to this by-law, after the total cost of the sewer collection system has been ascertained.
6. That the rate of interest payable annually as part of the "Annual Charge" as described in section 5 and relating to the unpaid portion of the sewer connection charge for each property described on Schedule "A" attached hereto will be set at the borrowing rate obtained from the financial institution of the Municipality plus 1% per annum to cover the administration costs of the Municipality relating to the by-law procedures.
7. If after any property owner described on Schedule "A" elects, or is deemed to elect to pay the sewer connection charge imposed hereunder as an "Annual Charge" over 15 years, in accordance with section 5 of this by-law, the said owner wishes to pay the total outstanding balance owing for the property for the sewer connection charge, the said owner may do so, upon providing prior written notice to the Municipality of the desire to prepay the said sewer connection charge. As a condition of such prepayment, the Municipality may in its discretion charge the property owner for an administration fee for processing the said prepayment, plus require the payment to the Municipality of any interest prepayment charges owing to any financial institution relating to the amortization of the outstanding sewer connection charges for the said property.
8. Where, under the provision of the By-law any property that is deemed to be wholly or in part unfit for building purposes, and the "Sewer Charge" as shown in the column with that Heading being shown on Schedule "A" attached hereto is deferred, and where at some future date the said property becomes suitable for building purposes, said property shall, at the time it becomes so suitable, be assessed the full "Sewer Charge" as shown in the column with that Heading being shown on Schedule "A" attached hereto.

9. (a) If any person who is responsible for the payment of any fee or charge imposed by this by-law fails to pay the same to the Municipality when payment of the fee or charge is due, the Municipality may in addition to any other right in law add any such outstanding amount or amounts owing for the fee or charge to the tax roll for the property, and may collect the outstanding amount or amounts together with penalty and interest thereon in like manner as municipal taxes.
- (b) The said property shall remain subject to the payment of any outstanding amount or amounts owing for the fee or charge imposed by this bylaw, and the owner or owners from time to time of the said property shall be liable for the same until the total outstanding for the fee or charge, including applicable penalty or interest is paid in full to the Municipality.
10. Any person who contravenes the provisions of this by-law is guilty of an offence.
11. That By-law No. 71-2008 is hereby rescinded.
12. That this By-law shall come into force and take effect upon the third and final reading thereof.

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Read a first and second time this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

Read a third time and finally passed this 3<sup>rd</sup> day of November, 2008.

\_\_\_\_\_  
Kevin Eccles, Mayor

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Christine Robinson, CAO/Clerk



Municipality of West Grey

- SCHEDULE A to BY-LAW # -2008 -

George Street East (Cross St. to Rock St.) - Sewer Servicing	
Sewer Construction Length	665.93 feet
Total Benefitting Length	665.93 feet
As per schedule below	

Project Costs	Invoice #	Description	SEWER
Vendor			
Cedarwell Excavating	2011799	- equipment, sand, trucking, labour, job materials	\$ 50,218.32
Cedarwell Excavating	2012714	- adjust manhole, remove fill due to lower road grade	\$ 1,507.50
Road Maintenance Specialists	06/02/08-06/12/08	- equipment rental	\$ 125.00
Henderson Paddon	693/640	- engineering	\$ 6,361.30
<b>TOTAL</b>			<b>\$ 58,212.12</b>

Note: Lateral Charges are included with the Sewer Construction Costs.

<b>Sewer Frontage Chargeable to Benefitting Property Owners ( 75% )</b>	
Net sewer main cost/gross length =	\$ 58,212.12 / 665.93
Benefitting Property Owner Share ( 100% )	<b>\$ 87.41 / ft</b>

Roll No.	Owner	Benefitting Frontage	Sewer Charge	50% Eligible for Source Water grant	Sewer Charge NET of Grant	Reason for Charge
260-002-12800	McInnis Mervyn/Audrey	60	\$ 5,244.89	\$ (2,622.45)	\$ 2,622.44	
260-002-12700	Challen Phyllis	75.06	\$ 6,561.35	\$ (3,280.68)	\$ 3,280.67	
260-002-12601	ERS Holdings Ltd	60	\$ 5,244.89	\$ (2,622.45)	\$ 2,622.44	HOLDING - charge deferred
260-002-12600	Schutz Erben R Estate	83.94	\$ 7,337.60	\$ (3,668.80)	\$ 3,668.80	HOLDING - charge deferred
260-002-12500	Cullingford Jason/Gaynor	80	\$ 6,993.18	\$ (3,496.59)	\$ 3,496.59	
260-002-12400	Gray Jack	136.18	\$ 11,904.14	\$ (5,952.07)	\$ 5,952.07	
260-002-12200*	Davidson Ron/Corrina	98.75	\$ 8,632.21	\$ (4,316.11)	\$ 4,316.10	
*only 98.75' of total 197.5' frontage is deemed benefitting?			\$ -		\$ -	
<b>TOTALS</b>		<b>665.93</b>	<b>\$ 58,212.12</b>	<b>\$ (25,959.15)</b>	<b>\$ 32,252.97</b>	

Annual Charge	15
Interest Rate	7.00%
% Paid	165%
	\$287.93
	\$360.20
	\$383.91
	\$653.51
	\$473.88
	\$2,159.43