

**NOTE: This consolidation is prepared for convenience only. For accurate Reference, the original By-laws should be reviewed.**

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2006-67

**As Amended by By-law Nos. 2007-12, 2007-78 & 2008-53**

**BEING A BY-LAW TO IMPOSE CHARGES TO OBTAIN REVENUE TO PAY THE CAPITAL CHARGES FOR THE WORKS RELATING TO THE WESTSHORE WATER & SEWER SYSTEM**

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WHEREAS the Council of the Corporation of the Township of Severn enacted By-law No. 2001-147 to authorize the construction of a water works system and a sewer works system for the Westshore Service Area;

AND WHEREAS the Council of the Corporation of the Township of Severn enacted By-law No. 2003-83 to authorize the issuance of debentures for the unfinanced portion of the works for the Westshore Service Area;

AND WHEREAS the construction of the works for the Westshore Service Area is now complete;

AND WHEREAS the *Municipal Act*, S.O. 2001, c. 25 (the "Act"), Part XII, Section 391.(1), provides that a municipality may pass By-laws imposing fees or charges on any class of persons:

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services and activities provided or done by or on behalf of any other municipality or local board; and
- (c) for the use of its property including property under its control;

AND WHEREAS the Act, Part XII, Section 391.(2), provides that a fee or charge imposed under Subsection 391.(1) of the Act for capital costs related to sewage 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 the Act, Section 5(3), provides that the powers of a municipality shall be exercised by By-law;

AND WHEREAS it is deemed expedient to provide for the fees and charges for payment of capital costs incurred by the Corporation of the Township of Severn on behalf of the benefiting property owners located within the Westshore Service Area;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. Definitions

**"Municipality"** shall mean the Corporation of the Township of Severn.

**"Property Owner"** shall mean the current registered owner of a property within the Westshore Service Area

**"Sanitary Sewer Works"** shall mean the sewage treatment plant, sewer mains, lateral connections to a private line and all appurtenances servicing the Westshore Service Area.

**“Treasurer”** shall mean the Director of Corporate Services/Clerk-Treasurer appointed by the Council of the Corporation of the Township of Severn.

**“Water Works”** shall mean the water treatment facility, water mains and lateral connections to a private property line servicing the Westshore Service Area.

2. Service Area

2.1 That the Westshore Service Area shall be as defined in Schedule “A” attached hereto and forming part of this By-law.

3. Fees & Charges

3.1 That a charge for the payment of capital costs incurred by the Municipality on behalf of the benefiting Property Owners of the properties located within the Westshore Service Area, less any government funding, development charges and other revenue to be collected for the works relating to the Sanitary Sewer and Water Works, is hereby imposed on the class of persons being Property Owners deemed to have street frontage within the said Westshore Service Area where the Sanitary Sewer and Water Works have been authorized.

3.2 That in accordance with Section 3.1 herein, this By-law shall apply to the properties and civic addresses identified under the headings “Assessment Roll No.” and “Civic Addresses” as outlined in Schedule “B” attached hereto and forming part of this By-law.

3.3 That the charges imposed under this By-law upon any property or Property Owner is a lien and charge upon the land.

3.4 That the amount of the charges imposed on the said class of persons shall be based on the total estimated costs for the provision of the Sanitary Sewer and Water Works and shall be the sum of amounts determined in accordance with Sections 3.5 and 3.6 of this By-law.

3.5 That the portion of total estimated costs of the Sanitary Sewer and Water Works which pertains to the frontage of properties as listed in Schedule “B” attached hereto, less the applicable share of grants, development charges and other revenue, shall be divided by the total frontage for the Sanitary Sewer and Water Works to determine a Frontage Cost Rate per metre.

3.6 That, in addition, the portion of the total estimated costs that is attributable to common costs of the Sanitary Sewer and Water Works, less the applicable share of grants, development charges and other revenue, shall be shared equally among the benefiting Property Owners and shall be divided by the total number of chargeable connections as listed in Schedule “B” attached hereto and forming part of this By-law.

3.7 That the minimum frontage for the purposes of calculating the Frontage Cost Rate under this By-law shall be 15.24 metres.

4. Payment Options

- 4.1 That the total estimated charges imposed herein with respect to the properties set out in Schedule "B" attached hereto and forming part of this By-law be and they are hereby due and payable upon enactment of this By-law with payment to be made in accordance with this Section 4.
- 4.2 That subject to Subsection 4.6 herein, the charges referred to herein or the balance thereof owing may be prepaid in full at any time during the duration of the debenture period.
- 4.3 That the property owners of the properties set out in Schedule "B" attached hereto and forming part of this By-law may elect to pay the said charges in instalments to offset the debt service charges (including principal and interest) that the municipality will be required to pay in connection with the debentures to be issued by the municipality over a period of thirty (30) year, together with interest thereon at rate(s) equal to the interest rate(s) determined to be payable by the municipality in respect of the debentures, following settlement of the issue of the debentures.
- 4.4 That the annual payments under Subsection 4.3 herein shall become due and payable to the municipality commencing in 2007 on the same date and in the same manner in each year as the first and second instalments of, or payment under, the final tax bill for property taxes for the applicable property collected by the municipality.
- 4.5 That a penalty/interest of one and one-quarter percent (1 1/4%) of the amount of taxes due and unpaid are to be imposed as penalty/interest for the non-payment of taxes on the first day of default and the first day of each month thereafter.
- 4.6 That in the event that any such property owner or property owners do not pay the charges imposed herein and have not made an election to pay the charges over the thirty (30) year period provided for in Subsection 4.3 herein and have not so notified the Treasurer before the charges are added to the tax roll, then the charges shall be deemed to be payable over the thirty (30) year period provided for in Subsection 4.3 herein.
- 4.7 That pursuant to the Act, Section 398. (2), the Treasurer is hereby authorized and directed to add any charge imposed hereunder which has not been paid on or before **July 14, 2006** to the tax roll for the applicable property and to collect all such charges in the same manner as property taxes collected by the municipality.

5. New Parcels of Land

- 5.1 That in accordance with Section 90.(3) of the Act, if new parcels of land are created from existing parcels of land following the enactment of this By-law, the Treasurer is authorized to impose the charge on each new parcel in the manner set out in this By-law.

6. Exemptions

- 6.1 That the properties outlined in Schedule "C" attached hereto and forming part of this By-law are hereby exempted from all charges contained herein but should the property be developed at a later date, a charge for the Sanitary Sewer and Water Works shall be imposed in the manner set out in this By-law.

6.2 That the properties outlined in Schedule “C” attached hereto and forming part of this By-law, exclusive of those owned by the municipality, shall be subject to recovery of full costs at the time of any development on the subject lands.

7. Invalidity

7.1 That if any clause, provision or requirement in or under this By-law should be determined to be invalid or unenforceable in whole or part, such invalidity or unenforceability shall attach only to such clause, provision or requirement and all other clauses, provisions or requirements hereof shall continue to be in full force and effect.

8. Title

8.1 This By-law may be referred to as “**The Westshore Water & Sewer System Debenture By-law**”.

9. Effect

9.1 That this By-law shall come into force and effect on the date of passing thereof.

By-law read a first and second time this 15<sup>th</sup> day of June, 2006.

By-law read a third time and finally passed this 15<sup>th</sup> day of June, 2006.

CORPORATION OF THE TOWNSHIP OF SEVERN

*Phil Sled*

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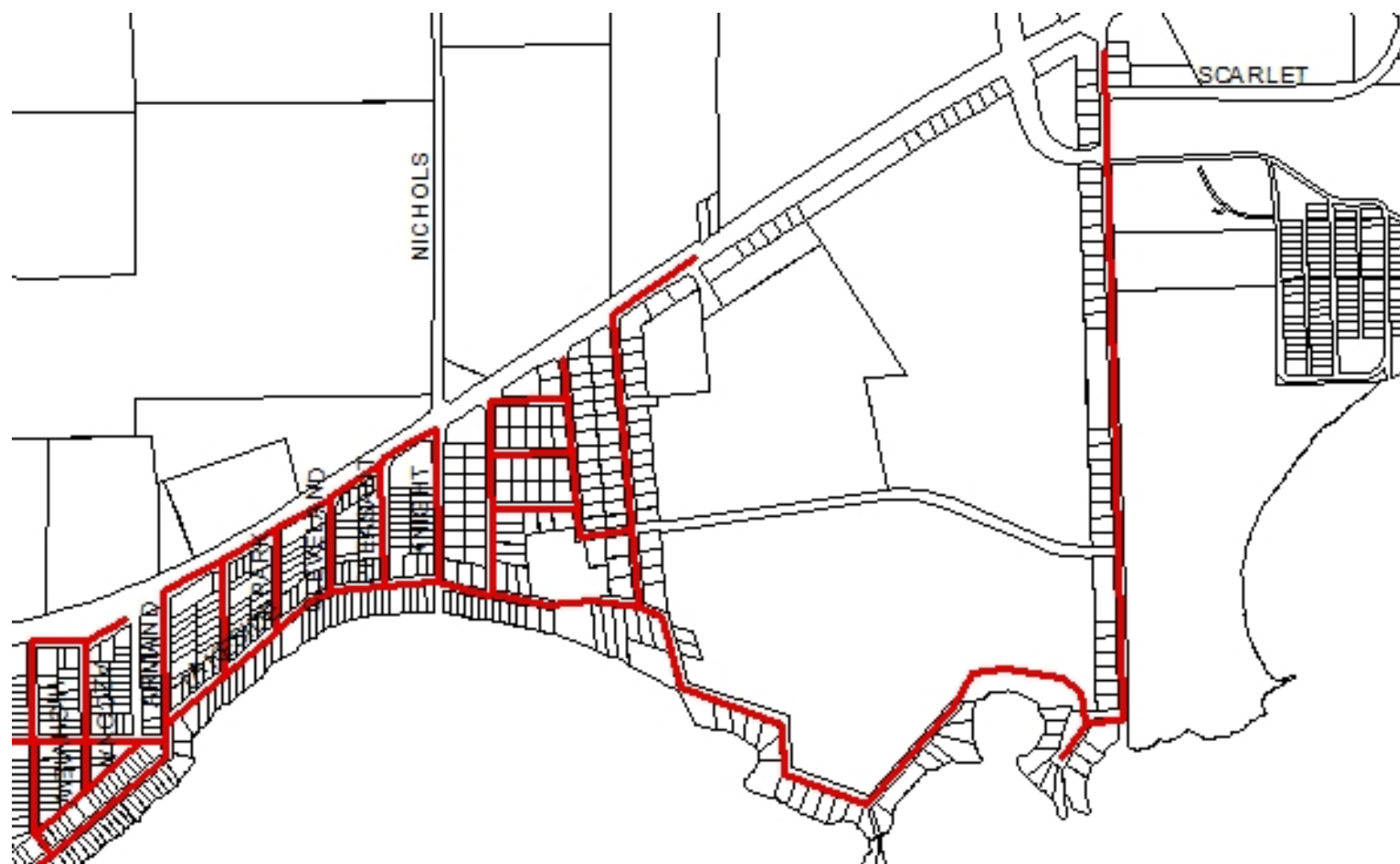
MAYOR

*W. Henry Sander*

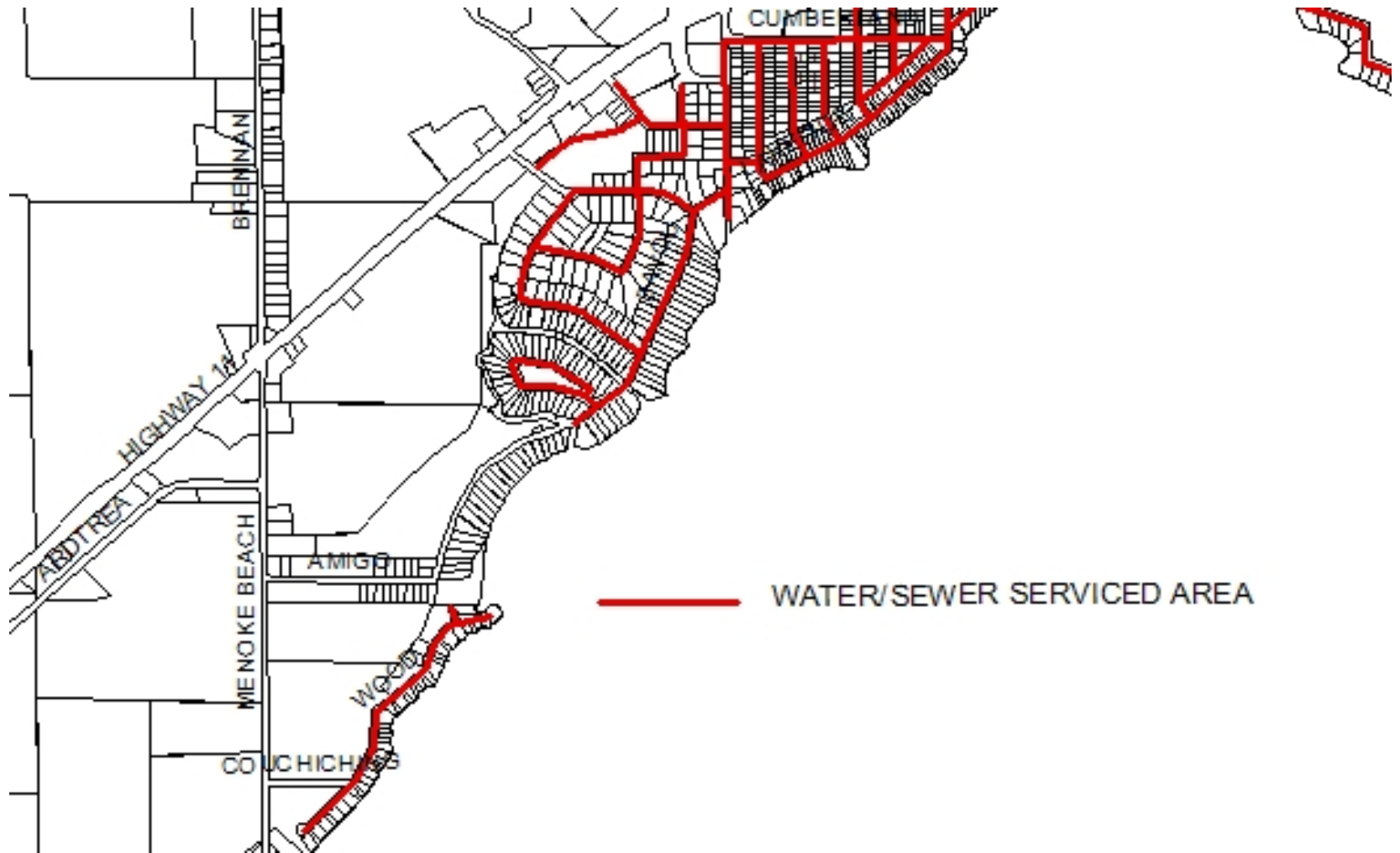
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CLERK-TREASURER

**SCHEDULE "A" TO BY-LAW NO. 2006-67**  
**Westshore Water & Sewer System – Service Area**



SCHEDULE "A" TO BY-LAW NO. 2006-67 (cont'd)



**SCHEDULE "B" TO BY-LAW NO. 2006-67**

**List of Properties & Property Owners**

**SCHEDULE "C" TO BY-LAW NO. 2006-67**

**Exemptions**

<b>T</b>	<b>PROPERTY ROLL NO.</b>	<b>STATUS</b>	<b>CIVIC ADDRESS</b>	<b>ACTUAL FRONTAGE (M)</b>	<b>CHARGEABLE TO FRONTAGE (M)</b>	<b>ACTUAL CONNECTION</b>	<b>CHARGEABLE CONNECTION</b>
VL	7-183-24	Township – Exempt	3571 Timberline Avenue	45.03	0.00	1	0
VL	7-183-26	Township – Exempt	3581 Timberline Avenue	44.94	0.00	1	0
VL	7-194-50	MTO – No Connection	3400 Bayou Road	107.99	0.00	0	0
VL	7-219	Park Lot – Exempt	3575 Bayou Road	22.86	0.00	1	0
VL	7-220	Part Lot – Exempt	3581 Bayou Road	22.86	0.00	1	0
VL	7-252	Township – Exempt	3677 Shadow Creek Road	25.91	0.00	1	0
VL	7-253	Township – Exempt	3671 Shadow Creek Road	25.91	0.00	1	0
VL	7-270	Township – Exempt	3676 Shadow Creek Road	42.69	0.00	1	0
VL	7-344	Part Lot – Exempt	2751 Lakeside Drive	15.24	0.00	1	0
VL	7-621-10	UNION GAS – No Connection	2710 Cumberland Road	12.19	0.00	0	0
VL	8-181	MTO – No Connection	3174 Goldstein Road	30.48	0.00	0	0
VL	8-182-01	MTO – No Connection for 8-209-01	3164 Goldstein Road	30.48	0.00	0	0
VL	8-COM	Common Area	Common Area	81.72	0.00	2	0

<b>PROPERTIES AFFECTED BY EASEMENT AGREEMENTS</b>			
R	7-060	\$250.00 Capital Fee	2496 Point Corazza Vista
VL	7-065	\$250.00 Capital Fee	2437 Amigo Drive