

# THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

## BY-LAW NO. 56-09

### *A By-Law to Impose Water and Sanitary Sewage Charges for Services Provided which Relate to the Municipal Water and Sanitary Sewage Systems*

**WHEREAS** sections 9, 10 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (hereinafter the “Act”) authorize the Corporation of the Municipality of North Grenville (hereinafter the “Municipality”) to pass by-laws respecting the treatment, storage and distribution or collection of water and sanitary sewage throughout the Municipality;

**AND WHEREAS** the Corporation of the Municipality of North Grenville (the “Municipality”) has determined that all Owners of land who are not subject to the payment of development charges and who connect to or modify their existing need for water or sanitary sewage from the municipal water or sanitary sewage systems shall be subject to a water and/or sanitary sewage charge pursuant to the Municipality’s powers under the Act;

**AND WHEREAS** the lands to be benefited and charged with the water and sanitary sewage charges under this by-law are the water and sanitary sewage servicing areas as provided in Schedule “A”;

**AND WHEREAS** the Municipality has determined that the water and sanitary sewage charges shall be based upon the capital costs for improvements to the water and sanitary sewage systems of the Municipality and such capital costs shall be borne by the Owners of land connecting to the systems from time to time and by those existing Owners who modify their need for water and/or sanitary sewage service;

**NOW THEREFORE** the Council of the Corporation of the Municipality of North Grenville enacts as follows:

### **1.0 Short Title**

- 1.1 This by-law shall be known as the “Water and Sanitary Sewage Works Charge By-Law”.

### **2.0 Definitions**

2.1 In this by-law:

- (1) “Benefiting Area” means the area identified on Schedule “A” of this by-law;
- (2) “Building Connection” means the pipe and related appurtenances which connect the Lateral Connection to the building or structure which are to be installed in accordance with the Municipality’s requirements;
- (3) “Change of Land Use Classification” means any change in the land use classification attributed or determined pursuant to Schedule “B” of this by-law and shall include an increase or decrease in the square footage used to calculate a non-residential rate;
- (4) “Council” means the Council of the Corporation of the Municipality of North Grenville;
- (5) “Dwelling Unit” means a building or structure or any part thereof, which is used, designed or intended to be used as a domestic establishment in which one or more persons may reside and which are provided with separate kitchen, exit and sanitary facilities, for their exclusive use;

- (6) “Lateral Connection” means the pipe and related appurtenances leading from the Municipality’s water and/or sanitary sewage distribution lines to the property line which are installed in accordance with the Municipality’s requirements;
- (7) “Owner” means the person(s) who is/are the registered owner(s) of Land which shall include an occupant, a tenant or their authorized agent;
- (8) “Sanitary Sewage Collection System” means the sanitary sewage treatment and collection system of the Municipality which includes the Sanitary Sewage Works;
- (9) “Sanitary Sewage Works” means the capital works to the Sanitary Sewage Collection System as described in the “North Grenville Water and Wastewater Charges under the *Development Charges Act* and Part 12 of the *Municipal Act, 2001*” report, dated September 2006 as amended by the addendum to such report dated August 2007, and the Municipality of North Grenville 2009 Development Charge Background Study, subject to annual review by the Municipality;
- (10) “Sanitary Sewage Works Charge” means the charge for the capital cost of the Sanitary Sewage Works as set out in Schedule “B” (which may include all costs related to the administration and enforcement of this By-Law), but does not include a Lateral Connection, a Building Connection, any other permit fees, development charges, construction, and material costs, nor user fees or user rates established by by-laws or any other costs related to the connection to the Sanitary Sewage Collection System;
- (11) “Water Distribution System” means the water treatment and distribution system of the Municipality which includes the Water Works;
- (12) “Water Works” means the capital works to the Water Distribution System as described in the “North Grenville Water and Wastewater Charges under the *Development Charges Act* and Part 12 of the *Municipal Act, 2001*” report, dated September 2006 as amended by the addendum to such report dated August 2007, and the Municipality of North Grenville 2009 Development Charge Background Study, subject to annual review by the Municipality;
- (13) “Water Works Charge” means the charge for the capital cost of the Water Works as set out in Schedule “B” (which may include all costs related to the administration and enforcement of this By-Law), but does not include a Lateral Connection, a Building Connection, any other permit fees, development charges, construction, and material costs, nor user fees or user rates established by by-laws or any other costs related to the connection to the Water Distribution System.

### **3.0 Water Works and Sanitary Sewage Charges**

- 3.1 A Water Works Charge is hereby imposed upon all Owners of land within the Benefiting Area which seek to establish a new connection to the Water Distribution System of the Municipality and which are not otherwise subject to a development charge with respect to such connection. The determination of the Water Works Charge shall be made by classifying the land use within the uses described in Schedule “B”.
- 3.2 A Sanitary Sewage Works Charge is hereby imposed upon all Owners of land within the Benefiting Area which seek to establish a new connection to the Sanitary Sewage Collection System of the Municipality and which are not otherwise subject to a development charge with respect to such connection. The determination of the Sanitary Sewage Works Charge shall be made by classifying the land use within the uses described in Schedule “B”.

- 3.3 With respect to any land which is already connected to either the Water Distribution System or the Sanitary Sewage Collection System, or both, and becomes subject to a Change of Land Use Classification as set out in Schedule “B” and which is not otherwise subject to a development charge, a Water Works Charge and/or Sanitary Sewage Works Charge shall be payable and shall be determined as follows:
- 3.3.1 The Municipality shall determine the new charge payable in accordance with Schedule “B”, as amended;
- 3.3.2 The Owner of land shall receive, where applicable, one of the following credits against the amount determined under 3.3.1:
- 3.3.2.1 the amount which applied to the land use classification for the land in question which was in effect as of the date of passage of this By-Law; or,
- 3.3.2.2 for any land which has previously paid a Water Works Charge or a Sanitary Sewage Works Charge under this By-Law, the amount previously paid when such land was last assessed a Water Works Charge or a Sanitary Sewage Works Charge.
- 3.3.3 Where the credit under 3.3.2 exceeds the amount of the Water Works Charge or Sanitary Sewage Works Charge being imposed, the amount of such charge shall be zero but there shall not be any repayment to an Owner.
- 3.3.4 The determination of the Water Works Charge or Sanitary Sewage Works Charge and any applicable credits shall be done separately and any available credits shall not be applied to the other charge, if applicable.
- 3.4 The Water Works Charge and Sanitary Sewage Works Charge as imposed herein are based on the estimated capital costs of the Water Works and Sanitary Sewage Works, and shall be amended, if required, upon completion of the said works to reflect actual capital costs of the said works.
- 3.5 The capital cost of the water and sanitary sewage works shall be as described in the “North Grenville Water and Wastewater Charges under the *Development Charges Act* and Part 12 of the *Municipal Act, 2001*” report, dated September 2006 as amended by the addendum to such report dated August 2007, and the Municipality of North Grenville 2009 Development Charge Background Study, subject to annual review by the Municipality.
- 3.6 The water charges provided in this By-Law shall provide for the capital costs related to the entire Water Distribution System including but not limited to the supply, treatment, storage, pumping and transmission of water but shall not include localized works to service individual properties including but not limited to Building Connections, Lateral Connections or any other costs to connect to such service.
- 3.7 The sanitary sewage charges provided in this By-Law shall provide for the capital costs related to the entire Sanitary Sewage Collection System including but not limited to the treatment, pumping and collector trunk mains for collecting sewage but shall not include localized works to service individual properties including but not limited to Building Connections, Lateral Connections or any other costs to connect to such service.
- 3.8 The Water Works Charge shall be imposed in all water servicing areas identified on Schedule “A” within the Municipality, as amended from time to time. These areas are deemed as the areas which will be receiving service in accordance with Part 12 of the Act.
- 3.9 The Sanitary Sewage Works Charge shall be imposed in all sanitary sewer servicing areas identified on Schedule “A” within the Municipality, as amended from time to time. These areas are deemed as the areas which will be receiving service in accordance with Part 12 of the Act.

#### **4.0 Payment of Charges**

- 4.1 The charges imposed in this by-law shall become due and payable to the Municipality upon:
- 4.1.1 an application for a building permit under the *Building Code Act* (Ontario), as amended which is not otherwise subject to a development charge with respect to such permit;
  - 4.1.2 a connection or an application for a connection to the Water Distribution System or Sanitary Sewage Collection System for a new or existing building or structure which is not otherwise subject to a development charge with respect to such connection;
  - 4.1.3 any development of a property which requires a connection to the Water Distribution System or Sanitary Sewage Collection System or which results in a Change of Land Use Classification as set out in Schedule "B" and which is not otherwise subject to a development charge with respect to such development.
- 4.2 A building permit application under the *Building Code Act* shall not be deemed complete unless all amounts payable under this By-Law are paid in full.
- 4.3 If any portion of the Water Works Charge or Sanitary Sewage Works Charge remains unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected and subject to interest in the same manner as municipal taxes and subject to all of the penalties and interests provided in any By-Law authorizing the collection of unpaid taxes as prescribed by the Act.
- 4.4 Notwithstanding the provisions of this by-law, if a development charge for water services has been paid for the same water service, no further charge for water services will be imposed under this by-law.
- 4.5 Notwithstanding the provisions of this by-law, if a development charge for sanitary sewage or wastewater service has been paid for the same sanitary sewage service, no further charge for sanitary sewer services will be imposed under this by-law.

#### **5.0 Miscellaneous**

- 5.1 Where a use or building places increased demands on the Water Distribution System or Sanitary Sewage Collection System, Council may increase the charges contemplated herein for such use or building to account for such increased demands on the Water Distribution System or Sanitary Sewage Collection System.
- 5.2 All charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, on each anniversary date of the passage of this By-Law, in accordance with the Statistics Canada Quarterly Construction Price Statistics.

#### **6.0 Exemptions**

- 6.1 This by-law shall not apply to:
- 6.1.1 Accessory buildings which may include but not be limited to detached garages, barns, garden sheds and similar buildings provided that it does not result in a Change of Land Use Classification from that which is set out in Schedule "B".
  - 6.1.2 Any change in use or renovation, alteration, addition, intensification or enlargement of a building where it does not result in a Change of Land Use Classification from that which is set out in Schedule "B".

- 6.2 For all properties which paid a frontage rate under By-Law 25-91 of the former Town of Kemptville (as amended by By-Law 55-91 of the former Town of Kemptville), the amount of the Sanitary Sewage Works Charge assessed hereunder shall be reduced by an amount which is equal to the frontage rate assessed against such properties under By-Law 25-91 of the former Town of Kemptville, as amended.

## **7.0 Penalties**

- 7.1 Every person who contravenes any provision of this by-law is guilty of an offence and, on conviction, is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

## **8.0 Administration**

- 8.1 The Municipal Treasurer shall administer this by-law on behalf of the Corporation.
- 8.2 The charges collected under this by-law shall be deposited directly into a special water works and sanitary sewage works reserve fund as outlined in Section 9 of this By-Law.

## **9.0 Reserve Fund**

- 9.1 A reserve fund for amounts collected under this by-law is hereby established and shall be designated as the “Water Works and Sanitary Sewage Works Reserve Fund”.
- 9.2 The reserve fund shall be used to meet the capital costs including the cost of constructing the Water Works or Sanitary Sewage Works, inclusive of all items of cost usually and properly chargeable to the capital account for which the charges are levied under this by-law and all administration and enforcement costs relating to this By-Law.
- 9.3 The Treasurer of the Municipality shall maintain a separate account for the Water Works and Sanitary Sewage Works Reserve Fund which shall include interest earned thereon.
- 9.4 Income received from investments of the Water Works and Sanitary Sewage Works Reserve Fund shall be credited to the said reserve fund account in relation to which the investment income applies.

## **10.0 Severability**

- 10.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

## **11.0 Other By-Laws and Regulations**

- 11.1 Nothing in this by-law shall exempt any person from complying with the requirements of any other applicable by-law, agreement or legislation.

## **12.0 By-Law Registration**

- 12.1 A copy of this by-law may be registered on title to any Land to which this by-law applies at the discretion of the Municipality.

**13.0 Effective Date**

13.1 This by-law shall come into force on the date of passing.

13.2 The following schedules to this by-law form an integral part thereof:

- |               |  |
|---------------|--|
| Schedule A, - | Benefiting Areas subject to water and sanitary sewage charges                    |
| Schedule B -  | Land Use Classifications for Water Works Charge and Sanitary Sewage Works Charge |

ENACTED AND PASSED  
THIS 10<sup>TH</sup> DAY OF AUGUST, 2009.

---

BILL GOOCH  
Mayor

---

CAHL POMINVILLE  
Clerk

**THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE  
SCHEDULE "A" TO BY-LAW NO. 56-09**

**THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE  
SCHEDULE "B" TO BY-LAW NO. 56-09**

SERVICE	Apartments 2 Bedrooms + Bath & 1 Bedroom	RESIDENTIAL				
		Single & Apartments	Multiple Dwellings	(Per ft <sup>2</sup> of Gross Floor Area)		
<b>URBAN SERVICE AREA (WITHIN SERVICE AREA 1)</b>						
Water Treatment Plant		\$2,172	\$1,288	\$814	\$1,438	\$0.66
<b>URBAN SERVICE AREA (OUTSIDE SERVICE AREA 1)</b>						
Water Treatment Plant		\$2,172	\$1,288	\$814	\$1,438	\$0.66
Wastewater Services		\$8,186	\$4,855	\$3,444	\$5,420	\$2.48
Water Services		\$1,002	\$594	\$422	\$663	\$0.30