

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

BY-LAW NO. BL-2022-05

Being a By-law to Repeal and Replace By-Law 2013-71 for the Impose Water and Sanitary Sewer Connection Charges, to recover the Capital Cost of Installing Water and/or Sanitary Sewer Services necessary to meet the added demands on the system as a result of New or Altered Construction or Change of Building Use.

WHEREAS the Council of the Corporation of the Township of Cramahe has determined it to be in the public interest to collect connection charges to finance system improvements required as a result of new demands on the municipal water and/or sewer systems;

AND WHEREAS the Council is authorized by s. 391 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, to impose fees or charges upon persons owning land who derive or will derive a benefit from the provision of municipal services such as the municipal construction of water and/or sanitary sewer works sufficient to pay all or such portion of the capital costs of the works as Council deems appropriate;

AND WHEREAS the lands to be benefited and charged with charges for the construction of municipal water and/or sanitary sewer works are lands within the Service Area;

NOW THEREFORE, the Council of the Corporation of the Township of Cramahe hereby enacts as follows:

Definitions

1. In this By-Law:
 - a. "benefit" means the benefit to an Owner of a Lot within Service Area of connecting to municipal Water Works and/or Sanitary Sewer Works installed adjacent to the Owner's Lot and, notwithstanding the generality of the foregoing, includes water supply that provides fire protection;
 - b. "Capital costs" means the cost of constructing Water Works and/or Sanitary Sewer Works, inclusive of all items of cost usually and properly chargeable to a capital account, and where applicable, the interest amounts payable on the debentures to be issued for such works;

- c. "Combined Residential and Non-Residential Building" means a building containing:
 - i. a dwelling unit or dwelling units; and
 - ii. space devoted to other purposes not accessory to the dwelling unit(s) only;
- d. "Connection Charge(s)" means the charge(s) imposed in accordance with the provisions of this By-Law for recovering the capital costs associated connecting to Water Works and/or Sanitary Sewer Works provided or done by or on behalf of the Township;
- e. "Council" shall mean the Council of the Corporation of the Township of Cramahe;
- f. "Dwelling Unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, sleeping and sanitary facilities;
- g. "Gross floor area" means the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, except for:
 - (a) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (b) loading facilities above or below grade; and
 - (c) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;
- h. "Institution" means a building that is occupied by persons for whom a bed is provided, part or all of which is financially subsidized by federal, provincial or municipal governments, but does not include schools.
- i. "Lot" shall mean a parcel of land under distinct and separate ownership from adjoining lands and being separately assessed according to the most current assessment roll at the time the Connection Charge(s) is due and payable in accordance with the provisions of this By-Law;
- j. "Owner" means the registered owner of a Lot;

- k. "Private Service Connection(s)" means and includes the services, pipes, fixtures, facilities, or things located on private property to be used for the purpose of supplying any Lot in the Service Area with Water Works and/or Sanitary Sewer Works;
- l. "Sanitary Sewer Works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
- m. "Service Area" means the area serviced with Works in the urban boundaries of the Township of Cramahe;
- n. "Township" shall mean the Corporation of the Township of Cramahe;
- o. "Water Works"" means any public works for the collection, production, treatment, storage, supply, or distribution of water, or any part of such works;
- p. "Works" means the Water Works and/or Sanitary Sewer Works.

Connection Charges Imposed

- 2. Connection Charges calculated in accordance with the provisions of this By-Law are hereby authorized.
- 3. Every Owner of a Lot in the Township shall pay to the Township a Connection Charge whenever a Lot is developed as follows:
 - a. any new construction on a Lot within the Service Area requiring a building permit, prior to the issuance of a building permit;
 - b. the connection of existing buildings on a Lot within the Service Area to the Works, prior to connection to the Works;
 - c. a change of use for an existing building that requires a zoning by-law amendment, prior to approval of the zoning by-law amendment.
- 4. The Connection Charge(s) imposed by this By-Law are not development charges as defined in the *Development Charges Act*, 1997, c.27 and its regulations as implemented under By-Law No. 2018-35, as amended.
- 5. Every Connection Charge(s) imposed by this By-Law constitutes a debt of the Owner of the Lot to the Township. The Treasurer of the Township may add the Connection Charge(s) imposed by this By-Law to the tax roll for such Owner's Lot.
- 6. The Connection Charges collected under this By-Law shall be deposited directly into the Township's Capital Improvement Reserve Fund and shall

not be used for any purpose other than to increase system capacities or to effect process improvements.

Calculation of Connection Charge(s)

7. Subject to the provisions of this By-Law, Connection Charge(s) against a Lot shall be imposed, calculated, and collected in accordance with the rates set out in Schedule "A" to this By-Law.
8. The Connection Charge(s) with respect to the use of any land, buildings or structures shall be calculated as follows:
 - a. In the case of residential dwelling units, the amounts set out in Schedule "A", Table 1.
 - b. In the case of all other buildings or structures, the Connection Charge(s) shall be calculated as the product of the gross floor area of such building or structure multiplied by the corresponding total amount for such gross floor area, as set out in Schedule A, Table 2.
 - c. In the case of Combined Residential and Non-Residential Buildings, the amounts set out in Schedule "A", Table 1 shall apply to the dwelling unit(s) and the amounts set out in Schedule "A", Table 2 shall apply to the remaining portion of the building.
 - d. In the case of construction involving an addition to an existing building, the Connection Charge shall apply to any additional dwelling unit(s) for residential construction.
 - e. In the case of an Institution, the amounts set out in Schedule "A", Table 2 would apply to each individual institutional bed.
9. The Township shall estimate the gross floor area based on information available to it including but not limited to MPAC assessment data and building files. In the event the Owner disputes the gross floor area calculation, the Owner may provide to the Township a gross floor area calculation supported by building plans (certified by a registered building practitioner under the *Building Code Act*, an Ontario Land Surveyor or an architect or professional engineer duly licensed in the Province of Ontario) to the satisfaction of the Township as the basis for seeking an adjusted calculation.

Exemptions

10. This By-Law does not apply to:
 - a. every residential building, having not more than two dwelling units, that was erected prior to January 1, 1975;

- b. every building, other than a residential building, with a gross floor area of not more than 300 square metres, that was erected prior to January 1, 1975;
 - c. buildings on residentially zoned Lots that are not used as dwelling unit(s) or for commercial or industrial purposes, such as detached garages, garden sheds and similar buildings.
11. For every Lot for which a fee for water and/or sanitary sewer has been paid within ten (10) years prior to the due date of the Connection Charge, the Connection Charge shall be reduced to the extent of the prior fee.

Payment Options

12. Every Owner who is liable for a Connection Charge(s) as provided herein shall:
- a. have the option to commute the applicable Connection Charge(s) by making a single cash payment to the Township of the full amount of the Connection Charge(s). Such Owner must make the single cash payment on or before the due date, failing which the person will be deemed to have selected the installment payment option described in subparagraph b. below; or
 - b. Default to the option of paying the full cost on an installment basis over a [month/year] period following the due date for payment of the Connection Charge(s) pursuant to the provisions of this By-Law. Under this option, an interest rate equal to the Township's internal borrowing rate shall be payable and shall be applied to the principal amount. The installment and interest amount shall be added to the tax account of the Owner and shall be due on normal tax due dates, provided that an Owner may pay the total outstanding balance (which shall include all applicable interest) in full at any time.

Private Service Connections

13. Every Owner affected by the provisions of this By-Law shall be responsible, at his, her or its own cost, to install a Private Service Connection(s) sufficient to properly connect to the Water Works and/or Sanitary Sewer Works.
14. Connections to the Water Works and/or Sanitary Sewer Works shall be made at the same time as the construction and installation of the Private Service Connection(s). Where Water Works and/or Sanitary Sewer Works have been installed to service a Lot, the Owner shall be required to connect to both the Water Works and Sanitary Sewer Works.
15. Lot Owners shall be solely responsible for all costs and liability for making the Private Service Connection(s) from the street line containing the Works to the buildings/structures on the Lot.

16. In accordance with the provisions of Section 436 of the Municipal Act, 2001 S.O. 2001, c. 25 as amended from time to time, the Township may enter on any Lot or land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the requirements of this By-Law have been complied with.

17. Where the Owner of a Lot has:

- a. failed to install the Private Service Connection(s) as required by this By-Law, or;
- b. failed to disconnect a septic system and or well as required by this By-Law; or
- c. has failed to comply with any requirement of this By-Law

the Township may, at any reasonable time, in accordance with the provisions of Section 446 of the Municipal Act, 2001 S.O. 2001, c. 25 as amended from time to time, enter onto the Lot and into buildings, including dwelling units, for the purpose of making any such connection and/or disconnection required under this By-Law, and the cost of such connection and/or disconnection shall be at the expense of the Owner and recoverable on the tax roll of the Lot.

18. (a) Every Owner shall disconnect and cease use of the existing septic system(s) on the Lot prior to connection to the Sanitary Sewer Works. Existing septic systems shall be decommissioned in accordance with the *Building Code Act*, its regulations and other applicable law.

(b) Every Owner shall disconnect the existing well water system from the buildings on the Owner's Lot upon connection to the Water Works and shall ensure there is no cross-connection with the municipal water supply. Upon connection to the Water Works, no person shall use an existing well for supplying drinking water to any buildings on the Owner's Lot.

By-Law Indexing

19. The Connection Charge(s) imposed pursuant to this By-Law shall be adjusted annually on the 1st day of January, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Non-Residential Building Construction Price Index (CANSIM Table 327-0043).

Severability

20. If any term or provision of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such term or provision of this By-Law to all persons other than those to whom it was held to be invalid or unenforceable shall not be affected thereby and each term and provision of this By-Law shall be separately valid and enforceable to the full extent permitted by law.

Headings for Reference Only

21. The headings inserted in this By-Law are for convenience of reference only and shall not affect the construction of or interpretation of this By-Law.

By-Law Registration

22. A certified copy of this By-Law may be registered on title to any land to which this By-Law applies.

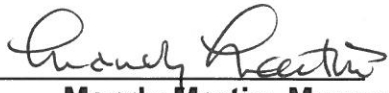
General

23. The Connection Charges imposed by this By-Law shall be separate from and in addition to any other rates that the Township may be authorized by law to impose with respect to the cost of construction of the Works or any of them, the operation, maintenance and repair of the Works or the supply of water.
24. Any reference in this By-Law to an Owner in the singular shall be deemed to include the plural, where applicable.
25. The Schedules attached hereto form an integral part of this By-Law as if recited in full herein.
26. Every person who contravenes any provision of this By-Law is guilty of an offense and upon conviction is liable to a fine of not more than \$10,000.

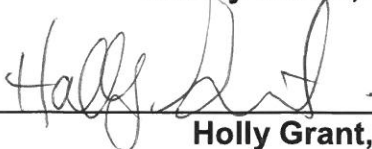
Effective Date

27. This By-Law repeals and relaces any previous by-law and/or schedules pertaining to By-Law 2013-71.
28. This By-Law shall come into force and effect on the date it is finally passed.

Read a first, second and third time and finally passed this 15 day of February 2022.



Mandy Martin, Mayor



Holly Grant, Clerk

SCHEDULE "A"
To By-law No. 2022-05, as amended
Water and Sewer Charge

Item	Residential (Note 1)	Water Charge	Sewer Charge
1	Each dwelling unit (per unit)	\$1,437.91	\$4,162.48
2	Each dwelling unit of a building subsidized by a government and constructed exclusively for senior citizens (per unit)	\$718.96	\$2,081.24
3	Mobile homes (per unit)	\$1,437.91	\$4,162.48
	Non-Residential, Commercial, Industrial, Institutional and Educational (Note 1)		
4	Each institutional bed (Note 2) (per unit)	\$718.96	\$2,081.24
5	Floor area up to 250m ² including space below ground level with public access (per sq m)	\$ 0.00	\$ 0.00
6	Additional floor area greater than 250m ² including space below ground level with public access (Note 3) (per sq m)	\$2.13	\$6.26

Note 1: These rates above are the minimums that shall apply. The Municipality may impose higher charges where it is considered that water consumption and/or sewage discharge will have a significant impact upon the water and/or sewage systems.

Note 2: Areas used as entrance lobbies, offices, fitness facilities and commercial spaces are subject to commercial rates. Common rooms, kitchen and dining, hallways, linen storage and like areas are exempt. Group homes are included in this category. In case of medical facilities all areas used for medical purposes shall be included in the per bed charge.

Note 3: Areas used as entrance lobbies, offices, fitness facilities and commercial spaces including dining and kitchen areas are subject to commercial rates. Hallways, linen storage & like areas are exempt.