

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

BY-LAW NO. 2013-71

A By-law to Impose Water Rates and Sewer Rates to Recover the Capital Cost of Installing Water and 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 Section 391 of the Municipal Act, 2001. S.O. 2001, c.25 (the "Municipal Act") authorizes a local municipality by by-law to impose a waterworks and sewer rate upon owners or occupants of land who derive or will derive benefit from the construction of water and sewer works sufficient to pay all or such portion of the capital costs of the works as Council deems appropriate;

AND WHEREAS it is the opinion of the Council that all buildings which require or which benefit either directly or indirectly from water and/or sewer service which are erected, altered or enlarged pursuant to a building permit or which exist and are subsequently connected to the water and sewer system may impose a load on the water and /or sewer system of the Township of Cramahe by reason of which expenditures may be required to provide additional system capacity which would not otherwise be required;

AND WHEREAS the Council, as owner of the water and sanitary wastewater systems, wishes to ensure that the Municipality has the capital to finance system improvements required as a result of new demands on the water and/or sewer systems;

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

DEFINITIONS:

1. In this bylaw:
 - (a) "Combined residential and non-residential building" means a building containing:
 - (i) A dwelling unit or dwelling units; and
 - (ii) Space devoted to other purposes which space is not accessory to a dwelling unit(s) only;
 - (b) "Council" means the Council of the Corporation of the Township of Cramahe;
 - (c) "Dwelling Unit" means one room or two or more rooms connected together or with access one to another with private lavatory and kitchen intended for use as a separate unit in the same building and constituting an independent housekeeping unit for residential occupancy;
 - (d) "Floor Space" means for the purposes of determining the water and sewer rate includes the inside floor area of all finished floor space at or above ground level plus floor space below ground level to which the public has access, and finished shall mean a covering other than bare earth or loose material;
 - (e) "Indirect Benefit" means that a building constructed or to be constructed on a property that would not otherwise have been placed there had not water or sewer service or both been available and the meaning shall include all enclosed floor space of buildings of an industrial or commercial nature with a finished floor;

regardless of whether water or sewer connections or both are made to these buildings. Water supply that provides fire protection shall also be considered an indirect benefit;

- (f) "Institutional" 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, other institutional buildings such as but not limited to schools are not included. Office and commercial space within such facilities shall be considered as industrial/commercial space.
- (g) "Municipality" means the Corporation of the Township of Cramahe;
- (h) "Owner" means the owner of land or a person who has made application for an approval for the development of land upon which a Water and Sewer Rate is imposed;
- (i) "Reserve Fund" means the Capital Improvement Reserve Fund;
- (j) "Service Area" means the area serviced with water and sewer services systems;
- (k) "Systems" means the works for the drawing, treatment, and distribution of water and the collection, treatment and disposal of sanitary sewage; and
- (l) "Water and Sewer Rate" or "Impost Fees" means the fees or charges levied at the initial servicing of a building or premises with water and/or sewer services but do not include permit fees, construction, and material costs or user fees as set by the Commission or user rates by-law.

APPLICATION:

2. Every Owner of land in the Municipality shall pay to the Municipality a Water and Sewer Rate, as applicable and as calculated in this by-law, whenever the Owner's lands are developed as follows:
 - (a) all new construction within the existing Service Area;
 - (b) existing buildings within the existing Service Area which are subsequently connected to the System after being erected and occupied;
 - (c) existing buildings on property which is serviced with water and sewer services subsequent to the building being erected and occupied; and
 - (d) existing buildings that have a change in use where an amendment is made to the zoning for that building.
3. The Water and Sewer Rates against land shall be imposed, calculated and collected in accordance with the base rates set out in Schedule "A".
 - (a) in the case of a residential building or the residential part of combined residential and non-residential building, a charge shall be imposed for each dwelling unit, as set out in Schedule "A".

- (b) in the case of a non-residential building or the non-residential part of a combined residential and non-residential building, a charge shall be imposed for each square metre of gross floor area, as set out in Schedule "A".
- 4. Building additions shall have Water and Sewer Rates imposed, calculated and collected for the additional dwelling units or additional floor area.

EXEMPTIONS:

- 5. This by-law does not apply to:
 - (a) every building on land in respect of which an agreement has been entered into with the Municipality under Section 51 of the *Planning Act*, R.S.O. 1990, c. P13 or a predecessor thereof;
 - (b) every building on land in respect of which a contribution to provide sanitary sewers or water supply facilities has been made within the ten years prior to the application for a building permit, to the extent of the contribution so made;
 - (c) every residential building, having not more than two dwelling units, that was erected prior to January 1, 1975;
 - (d) every residential building, having not more than two dwelling units, that is to be erected on a lot created prior to January 1, 1975;
 - (e) every building, other than a residential building with an inside floor area of not more than 300 square metres, that was erected prior to January 1, 1975;
 - (f) every building or any land which cannot be reasonably serviced by the Municipal sewer and/or water system;
 - (g) buildings on primarily residential property which are not used as a dwelling unit or units and which are not connected to water and sewer services which are not used for commercial or industrial purposes, namely detached garages, garden sheds and similar buildings.

ADMINISTRATION:

- 6. The Water and Sewer Rates collected under this By-Law shall be deposited directly to the Municipality's Capital Improvement Reserve Fund and shall not be used for any purpose other than to increase system capacities or to effect process improvements.
- 7. Except as provided below, the Owner of land for which Water and Sewer Rates are payable must pay the applicable rate before a building permit is issued for the development of the land, or where no building permit is required, before the connection of water or sewer service is made.
- 8. Payment of the applicable Water and Sewer Rates may be deferred for up to one year at the request of the Owner and upon payment of an administrative fee of \$500.00. Water and sewer service to the property in question shall not be connected or activated until such time as all amounts owing under this by-law have been paid in full.

9. Interest at a rate of 15% per annum (1.25% per month) shall be added to the unpaid portion of the Water and Sewer Rates on the first day of each month that an amount remains outstanding. The unpaid amount of the Water and Sewer Rates including interest constitute a debt of the person to the Municipality and may be registered as a lien against the property to which the Water and Sewer Rates apply. A building permit shall not be issued until after the lien is registered.
10. The amount owing, including interest, may be added by the Treasurer of the Municipality to the tax roll for the property to which Water and Sewer Rates apply.
11. The Water and Sewer Rates imposed pursuant to this by-law shall be adjusted by the Council annually, without amendment to this by-law, commencing on the 1st of January of 2015 and every January 1st thereafter by the Statistics Canada Quarterly Construction Price Index, non-residential construction.


FEE REDUCTIONS:

12. New or altered construction on property upon which a building now exists shall have Water and Sewer Rates levied on the entire building as detailed in Schedule "A", reduced by the equivalent of that which would have been collected for a new structure of the type removed or replaced.
13. Buildings constructed prior to its property being serviced with water and sewer and to which local improvement charges have been levied for the provision of water and sewer services shall have the Water and Sewer Rates reduced by the applicable amount of the local improvement charges.
14. Additionally, the Council may waive Water and Sewer Rates, in whole or in part.


MISCELLANEOUS:

15. The rates imposed by this by-law shall be separate from and in addition to any other rates that the Municipality may be authorized by law to impose with respect to the cost of construction of water works or sewage works, the cost of connecting the land to the System, the operation, maintenance, and repair of the water works or sewage works, or the supply of the water.
16. Nothing in this by-law shall limit the Municipality from levying additional charges required to directly support an individual undertaking which will place extra ordinary demands on the System.
17. This by-law shall come into force and take effect on the date it is finally passed.

Read a first and second time and finally passed this 17th day of December 2013.



Mayor, Marc Coombs



CAO/Clerk, Christie Alexander