

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 12 - 2010

Being a By-law to impose a fee or charge for the placement of Storm Sewer Pipe on the Owner or Occupants of lands who derive or will or may derive a benefit from the installation of a storm sewer collection system on certain lots fronting George St. West and Bruce St.

WHEREAS the Council of the Municipality of West Grey Council deems it desirable with a 2/3 majority from the residents to install storm sewer pipe and cover a storm sewer collection system on certain lots fronting George St. West and Bruce St. 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 storm sewer 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 a municipal storm sewer system 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 closing in the of a storm sewer collection system to service certain residents and properties fronting George St. West or Bruce St. or properties benefiting from The George Street West storm sewer collection system as described in Schedule "A" attached hereto, be and is hereby confirmed.
- (b) The owners or occupants of land on certain properties fronting George St. West or Bruce St. or owners or occupants of land benefiting from the closing of The George St. West storm sewer collection system as described on Schedule "A" attached are hereby designated as owners or occupants who will receive an immediate benefit from the storm 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 storm sewer collection system.
2. (a) That a storm 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 storm sewer collection system, as herein provided .

- (b) That the fee or charge for each property fronting on George St West or Bruce St. or a property connected to The George St. West storm sewer collection system is hereby levied based on the frontage or side yard of said property on George St. West, 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.
 - (a) That fifty per cent (50%) of the total cost for the George St West storm sewer collection system costs is to be paid for by all property owners of the properties fronting on George St West or connected to the George St. West storm sewer collection system listed in Schedule "A" attached hereto. The remaining fifty per cent (50%) of said cost is to be paid for by the County of Grey and The Municipality of West Grey.
 - (b) That if an owner of a certain property fronting George St, West or Bruce St. or a property connected to The George St. West storm sewer collection system 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 "total cost" as shown in the column with that Heading, being the combined total of the costs shown in the columns Headed as "Storm Sewer Connection Charge" and of said column being shown on Schedule "A" attached hereto.
 - (c) 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 1st day of May, 2010, so inform in writing the Municipality of West Grey of the owner's intention to do so. Thereafter the "total cost" as shown in the column with that Heading on Schedule "A" attached hereto shall be due and payable by the said owner within 30 days after the owner's said written confirmation.
 - (d) 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 Schedule "A" attached hereto.
4.
 - (a) Any owner of a certain property on George St. West or a property fronting George St West or Bruce St. benefiting from The George St. West storm sewer collection system described on Schedule "A" attached hereto who does not elect to pay the "total cost" of the sewer connection charge as hereinbefore 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 ten (10) 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.
 - (b) The Municipality of West Grey shall, if required, alter the amount of the "annual charge" for the cost of the connection to the storm sewer collection system as set out on Schedule "A" attached hereto, by an amendment to this by-law, after the total cost of the storm sewer collection system has been ascertained.
5. That the rate of interest payable annually as part of the "annual charge" as described in Schedule "A" attached hereto and relating to the unpaid portion of the storm sewer 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.

6. If after any property owner described on Schedule "A" elects, or is deemed to elect to pay the storm sewer connection charge imposed hereunder as an "annual charge" over 10 years, in accordance with Schedule "A" attached hereto, the said owner wishes to pay the total outstanding balance owing for the property for the storm sewer connection charge, the said owner may do so, upon providing prior written notice to the Municipality of the desire to prepay the said storm sewer connection charge. As a condition of such prepayment, the Municipality may in its discretion charge the property owner for a dollar figure 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 storm sewer connection charges for the said property.

7. (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.

8. Any person who contravenes the provisions of this by-law is guilty of an offence.

9. That this By-law shall come into force and take effect upon the third and final reading thereof.

Read a first and second time this _____ day of _____ 2010.

Read a third time and finally passed this 5th day of April, 2010.

Kevin Eccles, Mayor

Christine Robinson, CAO/Clerk