

**THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW
BY-LAW NUMBER 15-42**

**BEING A BY-LAW TO RECOVER THE CAPITAL COST RELATED
TO THE CONSTRUCTION OF SANITARY SEWERS FOR THOSE
RECEIVING A PRESENT OR FUTURE BENEFIT FROM THE
SERVICES AND ACTIVITIES OF THE TOWNSHIP OF CLEARVIEW
WITHIN THE COMMUNITY OF STAYNER TO EXTEND SERVICE
(the "STAYNER MOWAT STREET NORTH SANITARY SERVICING
BY-LAW - 2015")**

WHEREAS the Municipal Council of The Corporation of the Township of Clearview (the "Municipality") has determined to construct and install certain improvements to sanitary services located within the community of Stayner that will provide a present or future benefit to the owners of those properties identified in Schedule "A" to this by-law in accordance the cost estimates more particularly itemized and set out therein;

AND WHEREAS Section 8 of the Municipal Act, 2001, R.S.O. 2001, c.25, as amended (the "Municipal Act") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 11 of the Municipal Act provides that a lower tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting matters more particularly set out in subsection 11(2) including, inter alia, services and things that a municipality is authorized to provide under subsection 11(1);

AND WHEREAS municipalities are authorized to enact by-laws with respect to waste management including the collection and treatment of sewage within the jurisdiction of the municipality as provided in the Municipal Act,

AND WHEREAS Section 391 of the Municipal Act authorizes a municipality to impose a fee or charge for capital costs related to services or activities provided by the Municipality on persons who derive or will derive a benefit from sanitary sewers constructed or installed to provide municipal services;

AND WHEREAS the persons to be charged for the capital costs incurred by the Municipality for its services or activities related to the construction and improvement of sanitary sewers are owners of land for which an immediate or future benefit will be derived;

AND WHEREAS the Municipality has determined that the capital costs of the improvements and the construction and installation of sanitary shall be recovered

through a charge imposed upon the land owned by those persons who derive or will derive a benefit at such time and in such manner as provided in this by-law;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Clearview enacts as follows:

1. That Schedule "A" form part of this by-law.
2. That this By-Law shall come into force and effect on the date of final passing thereof.

By-Law 15-42 read a first, second and third time and finally passed this 25th day of May, 2015.


MAYOR/COUNTY COUNCILLOR


CLERK

SCHEDULE "A"

CORPORATION OF THE TOWNSHIP OF CLEARVIEW

BY-LAW 15-42

STAYNER MOWAT STREET NORTH SANITARY SERVICING BY-LAW

In this By-law:

- a) "Capital Costs" means the cost of design, construction, improvement of Sanitary Sewers (collectively referred to as the "Works") including consultants costs and financing charges all as more particularly set out and broken down in the estimate of capital costs set out in Schedule "B" to this by law and deemed to be inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for the cost of the Works;
 - b) "Municipality" means The Corporation of the Township of Clearview;
 - c) "Property" means those properties located within the boundaries shown in the map appended as Schedule "A" and as more particularly identified by assessment roll number or registered plan number and designated lot as shown in Schedule "B" to this by-law and against which the estimated Capital Costs are to be assessed as a special fee or charge and recovered in the same manner as taxes;
 - d) "Works" means as the sanitary sewer construction and improvements more particularly detailed in Schedule "C" to this by-law.
2. Every Owner of a Property identified in Schedule "B" to this by-law (the "Benefiting Land") shall pay to the Municipality the charge or charges imposed pursuant to this by-law to recover the Capital Costs incurred by the Municipality (the "Capital Cost Recovery Charge") for its services and activities provided in the construction and improvement of the Works as described herein. For greater certainty, the Capital Cost Recovery Charge shall consist of:
- (A) a frontage and capacity charge for each property; and
 - (B) a service charge for each standard sized individual service connection for sanitary sewer required to service properties within the Benefiting Land.
- To the extent that oversized service connections are required, the Owner shall be responsible for the any incremental cost increase over and above the standard service connection charge otherwise payable.
3. Owners requiring future connections on frontage that has been exempted from the Capital Cost Recovery Charge payable pursuant to this by-law shall be subject to any cost recovery conditions that may be imposed by the Municipality arising through any planning or municipal approval that requires additional service capacity to be provided to a property within or beyond the Benefiting Land area or that requires additional connections to be made arising from:

- (A) the creation of a new lot or lot(s);
 - (B) increases the number of serviced buildings on a property by more than one; or
 - (C) increases the size of a building located on a property by a factor of more than 50%.
4. The Owner of land for which a Capital Cost Recovery Charge is payable shall pay the applicable charge within thirty (30) days of the date of issuance of an invoice therefore by the Municipality unless otherwise provided in this by-law.
 5. That an expenditure in the amount of Eighty Two Thousand Three Hundred and Fifty Six Dollars (\$82,356.00), being the net estimated cost of the project after application of permissible grant funding, be approved and that the Treasurer be directed to raise the funds required for the expenditure through the sale and issuance of debentures/short term borrowing by the Municipality to be repaid over a term of not more than twenty (20) years at such rate as Council may determine.
 6. Prior to the issuance of an invoice for the Capital Cost Recovery Charge and after completion of the Works, the Municipality shall have published and issued to the Owners a statement of the final costs of the Works. An Owner shall have thirty (30) days from the date of publication and issuance of the statement to request a hearing before a committee of revision (the "Committee") to make submissions regarding any proposed adjustments to the Capital Cost Recovery Charge to be collected with respect to an individual Property. The hearing by the Committee shall take place within fifteen (15) days of the date of receipt by the Clerk of the Municipality of the request for a hearing made in writing by the Owner. The Committee, which shall be composed of three (3) members of Council appointed for the purpose of reviewing and, if appropriate in its determination, adjusting the Capital Cost Recovery Charge on such basis as the Committee deems reasonable, shall render its decision to the Owner within five (5) business days of the date of the hearing in writing with a copy to the Clerk. The decision of the Committee shall be final and binding.
 7. Every Owner of an Existing House on a Property as more particularly identified in Schedule "B" presently serviced by a septic sewerage system is required to apply for a building permit for plumbing alteration to connect to the Works and decommission the existing septic system following receipt of notice in writing from the Municipality that the Works have been constructed and are ready for servicing connection. The servicing connection and decommissioning of the existing septic system shall be completed by the Owner prior to December 31, 2020 unless otherwise agreed to by the Municipality in writing failing which the Municipality shall be entitled to proceed with the connection and decommissioning work on behalf of the Owner and at the Owner's cost pursuant to the remedies available under Part XIV of the Municipal Act including the rights of remedial action set out in Section 446.
 8. Every Owner of a Property that is subject to a Capital Cost Recovery Charge imposed under this by-law shall have the right but not the obligation to pre-pay the amount owing in full or in part to the Municipality on or before January 4, 2016 failing which the remaining applicable Capital Cost Recovery Charge shall be converted to a locked in loan with interest accruing and payable over a term of 20 years. The loan amount together with interest shall be added to the tax roll for the Property by the Treasurer for the Municipality to be collected annually during the term of the loan with no possibility for prepayment.
 9. On or before September 1, 2015, every Owner of a Property that is subject to a Capital Cost Recovery Charge imposed under this by-law shall inform the Municipal Treasurer in writing,

the dollar amount that will be paid up-front and the dollar amount that will be financed under section 8 of this by-law.

10. 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 services and activities generally provided throughout the Municipality in relation to improvements and maintenance.
11. No Property is exempt from payment of the Capital Cost Recovery Charge imposed under this by-law by reason only that is exempt from taxation under the Assessment Act.
12. Where any Capital Cost Recovery Charge remains unpaid after its due date, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as municipal taxes.
13. This by-law shall be administered by the Municipal Treasurer.
14. The following schedules to this by-law form an integral part thereof:

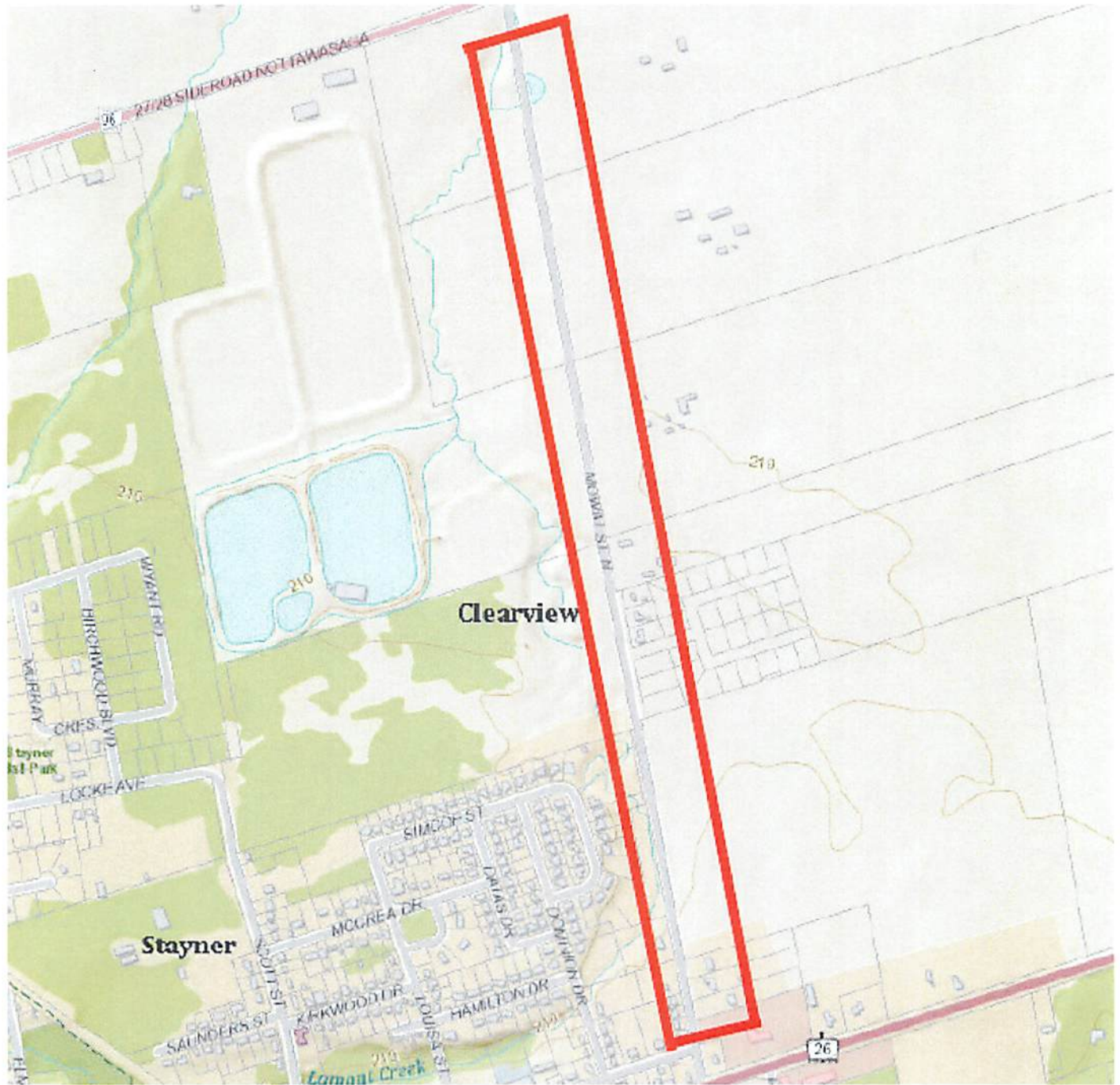
Appendix "A" - Map Illustrating Boundaries of Benefiting Land

Appendix "B" - Properties Subject to Capital Cost Recovery Charge and Estimated Cost Breakdown for the Works

Appendix "C" - Detailed Description

15. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

Appendix "A"
Mowat Street North Map



Appendix "B"
By-Law # 15-42

Properties Subject to Capital Cost Recovery Charge and Estimated Cost Breakdown for the Works

Roll #	Municipal Address	Current situation	Existing House (includes plant capacity)	Vacant Lot (sewer installation cost)
010 002 04941	279 Mowat Street	house	\$7333.21	
010 002 04941	279 Mowat Street	possible lot (declined by owner)		\$2217.61
010 002 04906	275 Mowat Street	house	\$7333.21	
010 002 04905	271 Mowat Street	house	\$7333.21	
010 002 04904	267 Mowat Street	house	\$7333.21	
010 002 04903	n/a	vacant lot *		\$2217.61
010 002 04902	n/a	vacant lot		\$2217.61
010 002 04901	n/a	vacant lot		\$2217.61
020 001 09602	216 Mowat Street	house	\$7333.21	
020 001 09601	212 Mowat	house	\$7333.21	
020 001 09601	212 Mowat	possible lot (declined by owner)		\$2217.61
020 001 09718	210 Mowat Street	serviced	Exempt	
020 001 09717	208 Mowat Street	serviced	Exempt	
020 001 09716	206 Mowat Street	serviced	Exempt	
010 002 04706	213 Mowat Street	house	\$7333.21	
010 002 04704	209 Mowat Street	house	\$7333.21	
010 002 04702	205 Mowat Street	house	\$7333.21	
010 002 04500	7044 Highway 26	subdivision	Exempt	
010 002 05000	299 Mowat	outside settlement area	Exempt	
010 002 05100	329 MOWAT ST N	outside settlement area	Exempt	
010 002 05200	359 MOWAT ST N	outside settlement area	Exempt	
010 002 10200	270 MOWAT ST N	flood plain	Exempt	
010 002 13000	330 MOWAT ST N	flood plain	Exempt	
020 001 09715	204 MOWAT ST N	serviced	Exempt	
010 002 13400	5825 27/28 Sideroad	vacant land *		\$2217.61
010 002 12800	300 Mowat	vacant land *		\$2217.61
		sub total	\$65998.89	\$15523.27
		Total	\$81522.16	
		* Clearview owned	<u>\$6652.83</u>	
		Total to recover	\$74869.33	
		10% contingency	<u>\$7486.93</u>	
		Estimated maximum Loan required	\$82,356.26	

* 1 connection paid through admin for vacant lot;
2 connections paid by Parks. Future consideration

Appendix "C"

By-Law # 15-42 Description of Works

The Works consist of the following items:

Sanitary sewer to be constructed on Mowat Street North from Highway 26 to 27/28 Sideroad. Construction will include services, maintenance holes, and restoration where required. In addition, where necessary, any work that may be required to be completed by the Municipality at the cost of individual Property Owners who fail to decommission sanitary septic systems in accordance with the terms of this by-law.

Properties outside the Stayner settlement area are exempt.

Properties that are undevelopable due to flood plain are exempt.

Properties that have existing municipal sanitary service are exempt.

All other existing vacant lots and all properties with houses on Mowat Street North will receive sanitary service connection and are subject to cost recovery by the Township of Clearview in accordance with the terms of this by-law.