

THE CORPORATION OF THE TOWNSHIP OF SOUTH DUNDAS

BY-LAW NO. 2007-57

A BY-LAW of the Corporation of the Township of South Dundas to establish a capital levy charge for the benefit of current and future users of the South Dundas Water Treatment Plant ("SDWTP").

WHEREAS Section 326 of the Municipal Act, 2001 allows a municipality to enact a by-law to impose a special service charge to raise the cost of providing special services;

AND WHEREAS Section 391 of the Municipal Act, 2001 allows a municipality to pass a by-law to impose a fee for capital costs related to sewage or water services on a class of persons that will receive a benefit from such services.

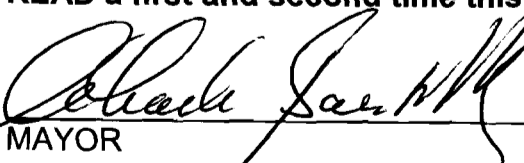
NOW THEREFORE the Corporation of the Township of South Dundas enacts as follows:

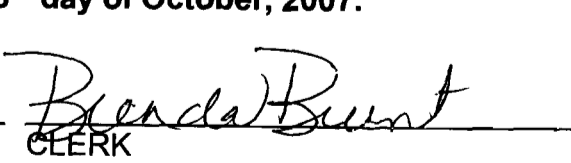
1. THAT in this by-law the following definitions shall apply:
 - a) "Benefit" means an immediate benefit or deferred benefit accruing to owners or occupants of land derived or derivable from the construction of the SDWTP;
 - b) "Capital Cost" means all costs attributable to the Township for construction of the SDWTP inclusive of interest payable on debentures to be issued for the works and imputed interest costs;
 - c) "Capital Levy Charge" means a charge imposed for the purpose of recovering a portion of the capital cost of SDWTP;
 - d) "Service Area" means that part of the geographic Township of South Dundas as outlined in Schedule "A" attached;
 - e) "User" means anyone who receives a bill for consumption of water supplied by the SDWTP and/or the owner of land or a person who has made application for an approval for the development of land upon which a water works rate is imposed;
 - f) "Vacant Land" means property on which no structure is erected.
2. THAT all of the lands within the Service Area, are hereby designated as lands in respect of which the owners and occupants thereof derive, or will, or may derive a benefit from the SDWTP and are liable for capital levy charge.
3. THAT a Capital Levy Charge for the SDWTP be charged upon the basis of an upfront charge which is payable per serviced property for the purposes of determining and assessing the Capital Levy Charge as set out in Schedule "B".
 - a) This Capital Levy Charge will be payable on or before December 31, 2007 in full or portion thereof;
 - b) If this Capital Levy Charge is not paid in full on or before December 31, 2007 then the balance will be debentured beginning in the year 2008 for the next five (5) consecutive years. There is no payout option.
4. THAT a capital levy charge shall be calculated based on a consumption charge added to the monthly water bill for the next twenty (20) consecutive years to all the benefiting users as per Schedule "B". There will be no minimum usage charge.

5. THAT one million, five hundred thousand dollars (\$1,500,000.00) of the outstanding capital water levy shall be deemed growth recovery. The interest amount shall be imposed upon all property owners in South Dundas based on the last revised Assessment Roll from MPAC and the principle payable upon vacant lands in the year in which they are improved. The Treasurer of the Township of South Dundas shall add equal installments every year, for the growth recovery, beginning in the year 2008, to the final tax bill of the property owner(s) for the next twenty (20) consecutive years
6. THAT 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, the cost of connecting the land to the system, the operation, maintenance, and repair of the water works, or the supply of water.
7. All property owners having access to both municipal water and sewage services shall connect to both municipal services and upon the issuance of the building permit including adhering to all other federal, provincial and municipal laws, by-laws and regulations, shall be assessed a Capital Levy Charge based upon subsection 3 of this By-Law, and the said Capital Levy Charge shall become due and payable immediately prior to the issuance of a building permit and/or Water Connection Permit, as per Schedule "C" and that subsection 3(b) of this By-Law shall not be applicable.
8. THAT any owner who has not chosen to pay the Capital Levy Charge pursuant to the provisions of paragraph 3(b) of this By-Law and who subsequently sells the property shall not be permitted to pay the outstanding balance of the Capital Levy Charge in full.
9. THAT all new connections shall be inspected by the agents or officers of the Township of South Dundas. Written application to the Township along with the required fee for an inspection of the new service must be received at least 48 hours prior to the date of inspection. Inspections will only be conducted between the hours of 8:30 a.m. and 3:00 p.m. Mondays to Fridays, except on statutory holidays. The Township shall establish the fee for such inspection, from time to time, and as approved by Council.
10. THAT should a court of competent jurisdiction declare any paragraph or part of a paragraph or schedule of this By-Law to be invalid or ultra vires, such paragraph or part of a paragraph 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. THAT any fees and charges not paid in accordance with the provision of this by-law shall be added to the tax roll for the property and collected in the same manner as municipal taxes.
12. Any by-law inconsistent to this by-law is hereby repealed.

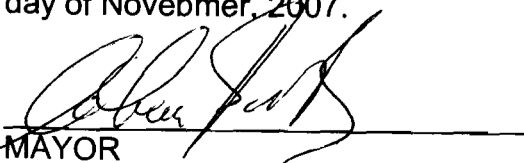
This by-law shall come into force and effect immediately.

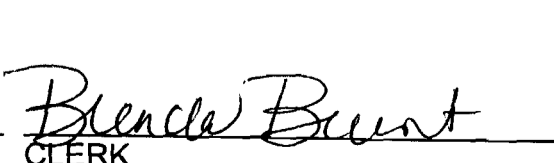
READ a first and second time this 23rd day of October, 2007.


MAYOR


CLERK

READ a third and final time and passed in open Council, signed and sealed this 6th day of November, 2007.


MAYOR


CLERK

SCHEDULE "A"

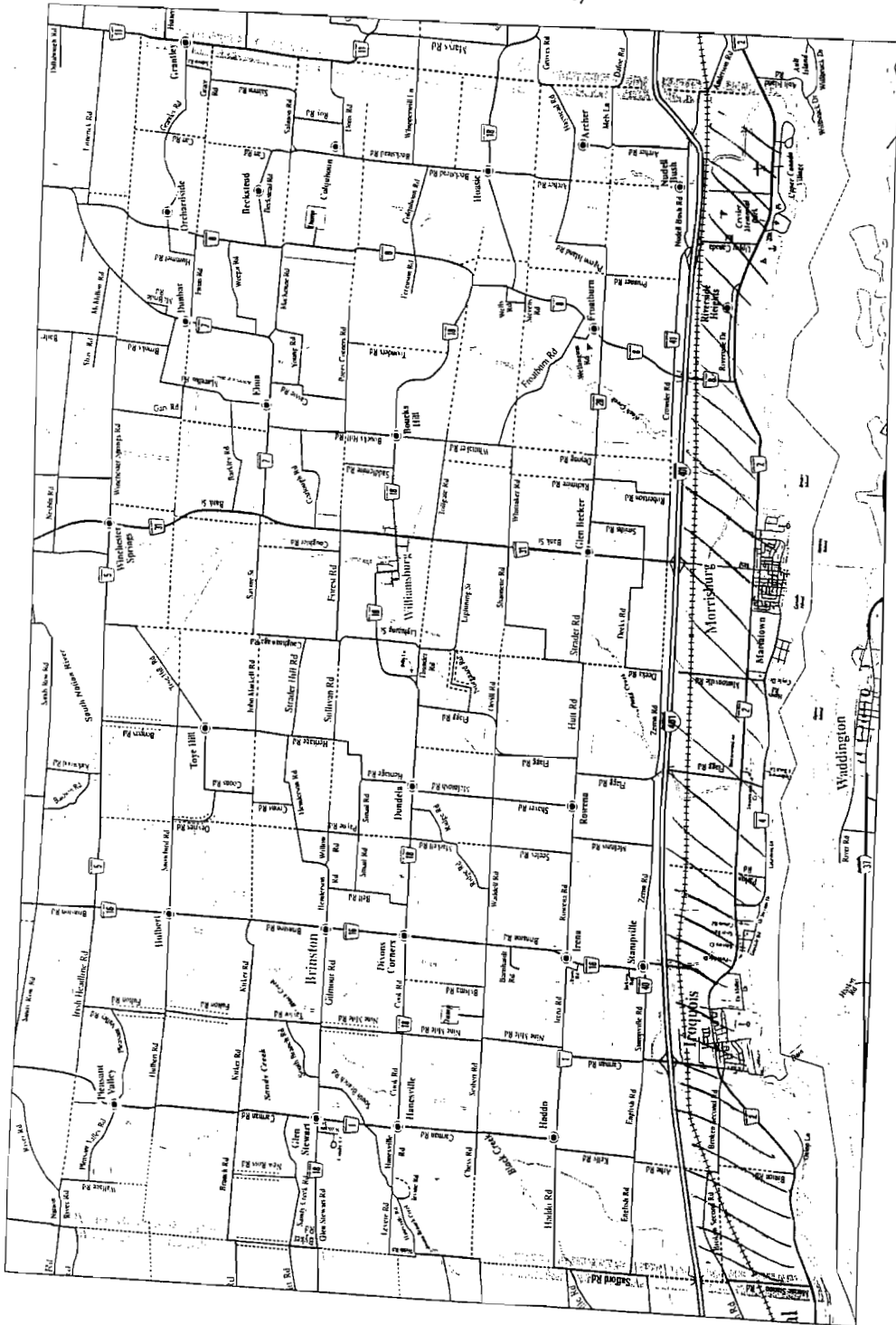
To By-Law No. 2007-57

SERVICE AREA



**TOWNSHIP OF
SOUTH
DUNDAS**

SERVICE AREA



SCHEDULE "B"

To By-Law No. 2007-57

Upfront Charge/service connection	\$2,000.00
Consumption Charge/User (no minimum charge)	.75/m ³

