

AGENDA
Township of North Dundas
636 St. Lawrence Street Winchester ON
Wednesday January 20, 2021 1:00 PM

Page

- 1. Call Meeting to Order by Resolution**
- 2. Adoption of Agenda**
 - a) Additions, Deletions or Amendments
All matters listed under Consent Agenda, are considered to be routine and will be enacted by one motion. Should a Council member wish an alternative action from the proposed recommendation, the Council member shall request that this matter be moved to the appropriate section at this time.
- 3. Disclosure of Pecuniary Interest and General Nature Thereof**
- 4. Adoption of Minutes**
- 5. Delegations**
- 6. Closed Session**
- 7. Open Session**
- 8. Action Requests**
 - a) Finance
 - b) Economic Development and Communications
 - c) Public Works
 - d) Waste Management
 - e) Planning Building and Enforcement
 - f) Recreation and Culture
 - g) Fire
 - h) CAO

- i) Clerk
- 9. Tenders and Quotations
- 10. By-laws
 - a) [By-Law No. 60-2014 Capital Charge Schedule "A"](#) 3 - 8
- 11. Key Information
- 12. Consent Agenda
- 13. Boards and Committees
- 14. Motions and Notices of Motions
- 15. Petitions
- 16. Council Comments and Concerns
- 17. Unfinished Business
- 18. Ratification By-law
 - a) [By-Law No. 2021-13](#) 9
- 19. Adjournment by Resolution



ACTION REQUEST – CAO	
To:	Mayor and Members of Council
Date of Meeting:	December 14, 2021
Subject:	By-Law No. 60-2014 Capital Charge Schedule “A”

RECOMMENDATION:

That the Council of the Township of North Dundas authorize and direct that Schedule “A” of By-law 60-2014 be amended to include rates effective as of January 1, 2021 as attached, this 20th day of January, 2021.

BACKGROUND:

Draft by-law 2020-59, a by-law to set capital charges for water and sanitary sewer connections received first reading on December 15, 2020. This by-law was to replace the current capital charge by-law. At the January 19, 2021 regular Council meeting, Council deferred consideration and further readings of the proposed by-law with the intent of setting a special meeting to further consider the issue.

This morning, it was determined that although the Stay Home Provincial Orders prevent us from issuing residential building permits at this time, permit applications can still be accepted. The charges in effect at the time of the application apply, not the charges at the time of the issuance of the permit.

Schedule A of By-law 60-2014 included rates effective until December 31, 2020. This means that we do not have a by-law with current capital charge rates. Therefore, we are requesting that Council amend schedule A of the existing capital charges by-law 60-2014 to include rates to take effect as of January 1, 2021.

The rates on the proposed by-law have been set at the amounts recommended by staff. Council can choose to change the amounts, but should consider that reduced fees result in less funds available for the required capital projects and potential increased fees in the future.

Council can further consider the proposed by-law 2020-59 at a later date and make further change to these rates at that time.

OPTIONS AND DISCUSSION:

- 1. Approve Schedule A as presented - Recommended.**
- 2. Revise the capital charges in Schedule A and approve it.**

3. **Do not revise by-law 60-2014** - Not recommended. The Township will not be able to collect water and sewer capital charges for any building permits that are submitted while we do not have a charge in place. This will result in the need to increase the capital charge, once a new one is adopted, to make up for any shortfall in funds.

FINANCIAL ANALYSIS:

Council has been provided with cost estimates for proposed capital projects to meet growth projections for the next 20 years. The capital costs in 0-3 years are expected to be \$5,100,000. The total cost over 20 years is expected to be \$45,000,000. A combination of capital charges, reserve and reserve funds, tax levy and government funding will be needed to move forward to install the infrastructure to accommodate the 20-year growth projections. Reduced fees now, will result in increased fees for developers/connections in future years and/or increased usage fees for all water and sewer customers.

OTHERS CONSULTED:

Director of Planning
CBO
Director of Public Works

ATTACHMENTS:

By-law 60-2014 with revised schedule A

PREPARED BY:



Angela Rutley, BBA
CAO

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BY-LAW NO. 60-2014

Being a by-law to set capital charges for water and sanitary sewer connections in the Township of North Dundas

WHEREAS the *Municipal Act*, S.O. 2001, c. 25, Section 11 provides that a municipality may pass by-laws respecting matters within the sphere of public utilities;

WHEREAS the *Municipal Act*, S.O. 2001, c. 25, Section 391 authorizes a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it, and that fees or charges for capital costs related to 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 the *Municipal Act*, S.O. 2001, c. 25, Section 398 authorizes the collection of water and sewer fees and charges in the same manner as municipal taxes;

AND WHEREAS the Council of the Corporation of the Township of North Dundas has approved recommendations in the Drinking Water and Wastewater System Rate Report and Drinking Water Financial Plan prepared by Sharratt Water Management Ltd for the Township's Water and Wastewater Systems that are consistent with the requirements of the *Sustainable Water and Sewage Systems Act, 2002*;

AND WHEREAS the recommendations included setting capital charges for water and sanitary sewer connections in the villages of Winchester and Chesterville to facilitate lifecycle planning, support sustainability and economic development, and provide a fair, affordable and equitable service to the users of the system;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF NORTH DUNDAS enacts as follows:

1. No new development shall be permitted to be serviced on private services (well and/or septic system) where piped municipal services are readily available, or where they could be reasonably extended, as determined by Council;
2. Prior to connection to the municipal water and/or sewer systems, the applicant shall first obtain a connection permit from the Township at the rate set out in the rate by-law;
3. Prior to connecting to the existing water and sanitary sewer mains in the Township, the applicant shall pay the capital charges as determined in Section 5.
4. With respect to any building which is already connected to either the Water Distribution

System or the Sanitary Sewage Collection System, or both, and requires a Building or Change of Use Permit under the Building Code, a Water Capital Charge and/or Sanitary Sewage Capital Charge shall be payable and shall be determined as follows:

- 4.1 The Municipality shall determine the new charge payable in accordance with Section 5
- 4.2 The Owner of land shall receive, where applicable, one of the following credits against the amount determined under 4.1:
 - 4.2.1 The amount which applied to the use for the building in question which was in effect as of the date of passage of this By-Law; or,
 - 4.2.2 For any land which has previously paid a Water Capital Charge or a Sanitary Sewage Capital Charge under this By-Law, the amount previously paid when such land was last assessed a Water Capital Charge or a Sanitary Sewage Capital Charge.
 - 4.2.3 Where a building has been razed or demolished within the last year, the above credits apply as if the building still existed.
- 4.3 Where the credit under 4.2 exceeds the amount of the Water Capital Charge or Sanitary Sewage Capital Charge being imposed, the amount of such charge shall be zero but there shall not be any repayment to an Owner

5. WATER/SEWER UNIT DETERMINATION:

- 5.1 *Sewer units* will be calculated based on estimated sanitary sewage flow as determined on Tables 8.2.1.3.A and 8.2.1.3.B of the Ontario Building Code (OBC) 2006. (attached as schedule B)
- 5.2 The number of *water units* is deemed to be equal to the number of sewer units.
- 5.3 A *sewer unit* shall mean 1600L/day sanitary sewage flow (3 bedroom residential *dwelling unit*).
- 5.4 A *dwelling unit* means a suite operated as a single housekeeping unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- 5.5 The number of *sewer units* will be determined as follows:
 - Estimated sanitary sewage flow on Tables 8.2.1.3.A or 8.2.1.3.B of the OBC 2006
1600L/day
- 5.6 Notwithstanding subsections 5.1 and 5.5, the minimum number of *sewer units* shall be one (1).

6. FIRST YEAR, NON-RESIDENTIAL, CAPITAL RATE ADJUSTMENT:

Notwithstanding Section 5, for a period of one year after the start of water usage, the municipality may determine the actual amount of metered water that was used over the year and recalculate the number of *water and sewer units* and the capital charge based on this flow. A refund for overpayment or a bill for additional amounts outstanding will be issued to the property owner.

7. If any provision or requirement of this by-law, or the application thereof to any person or land shall, to any extent, be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the by-law, or the application of it to all persons, other than those in respect of whom it is held to be invalid or unenforceable shall not be affected thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.
8. If any amount charged under this by-law remains unpaid 30 days after it has been invoiced, the outstanding amount will be added to the tax roll for the property to which it applies and collected in the same manner as municipal taxes.
9. This By-law shall come into effect on October 1, 2014, and remain in effect until repealed and/or replaced.

READ and passed in Open Council, Signed and Sealed this 30th day of September, 2014.

Eric Duncan, MAYOR

Jo-Anne McCaslin, CLERK

Schedule "A"
To By-law No. 60-2014

FEES AND CHARGES

- Capital Charge for Connections

Effective Date	Charge per Water Unit	Charge per Sewer Unit
September 30, 2014-December 31, 2014	\$1,738.00	\$2,875.00
January 1, 2015 – December 31, 2015	\$1,786.66	\$2,955.50
January 1, 2016 – April 30, 2016	\$1,802.73	\$2,982.09
May 1, 2016 - December 31, 2016	\$1,802.73	\$3,042.09
January 1, 2017 – December 31, 2017	\$1,840.59	\$3,105.97
January 1, 2018 – December 31, 2018	\$1,864.52	\$3,146.35
January 1, 2019 – December 31, 2019	\$1,911.14	\$3,225.01
January 1, 2020 – December 31, 2020	\$1,943.62	\$3,310.34
January 1, 2021	\$3,000.00	\$12,300.00

2014 rates passed on September 30, 2014, By-law 60-2014
 2015 rates passed on December 10, 2014 Resolution #19
 2016 rates passed on December 8, 2015 Resolution #27
 2016 rates passed on May 10, 2016 Resolution #9
 2017 rates passed on December 13, 2016 Resolution #13
 2018 rates passed on December 12, 2017 Resolution #19
 2019 rates passed on December 11, 2018 Resolution #10
 2020 rates passed on December 10, 2019 Resolution # 19
 2021 rates passed on January 20, 2021 Resolution # _____

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BY-LAW No. 2021-13

Being a By-law of the Corporation of the Township of North Dundas to adopt, confirm and ratify matters dealt with by resolution.

WHEREAS the *Municipal Act, 2001*, as amended, provides that the powers of the Corporation of the Township of North Dundas, shall be exercised by By-law.

AND WHEREAS in many cases, action which is taken or authorized to be taken by the Township of North Dundas does not lend itself to the passage of an individual By-law;

NOW THEREFORE the Council of the Township of North Dundas enacts as follows:

- 1.0** That the actions of the Township of North Dundas at the Emergency Meeting held on January 20, 2021 in respect of each motion, resolution and other action taken by the Township of North Dundas at its meeting are, except where the prior approval of the Local Planning Appeal Tribunal or other authority is required by law, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
- 2.0** That where no individual By-law has been or is passed with respect to the taking of any action authorized in or by the above-mentioned minutes or with respect to the exercise of any powers by the Township of North Dundas in the above-mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein and thereby or required for the exercise of any powers therein by the Township of North Dundas.
- 3.0** That the Mayor and Members of Council of the Township of North Dundas are hereby authorized and directed to do all things necessary to give effect to the said action of the Township of North Dundas to obtain approvals where required and except as otherwise provided, the Mayor, or in the absence of the Mayor the alternate Head of Council, and the Municipal Clerk, or in the absence of the Municipal Clerk, the Deputy Clerk, are hereby directed to execute all documents necessary on behalf of the Township of North Dundas.

READ and passed in Open Council, signed and sealed this 20th day of January, 2021.

MAYOR

CLERK