

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BYLAW No. 2023-04

Being a Bylaw 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 bylaws respecting matters within the sphere of public utilities;

AND WHEREAS the *Municipal Act*, S.O. 2001, c. 25, Section 391 authorizes a municipality to pass bylaws 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;

AND WHEREAS the Council of the Corporation of the Township of North Dundas deems it advisable and in the public interest to permit the payment of charges or fees related to water and sanitary sewer connections in the villages of Winchester and Chesterville over time to promote and support economic development, and to provide a fair, affordable and equitable service to the users;

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

1.0 Short Title

1.1 That this Bylaw shall be known as the "Capital Charges for Water and Sanitary Sewer Connections Bylaw".

2.0 Definitions

For the purposes of this Bylaw, the following definitions shall apply:

2.1 *Apartment* means a dwelling or residential building containing three or more dwelling units, all having a common entrance from the outside or a common hall or halls, and shall include *Back-to-Back and Stacked Townhouse (2+ bedrooms)*, but shall not include a townhouse or row dwellings.

2.2 *Back-to-Back and Stacked Townhouse* means a building containing a minimum of six and no more than sixteen dwelling units that is divided vertically or horizontally, where each unit is divided by a common wall, including a common rear wall without a rear yard setback and whereby each unit has an independent entrance from the outside accessed through the front yard or exterior side yard.

2.3 *Bedroom* means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room, bathroom or kitchen.

- 2.4** *Duplex* shall mean a building that is divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 2.5** *Dwelling Unit* means one or more habitable rooms in which sanitary conveniences are provided for the exclusive use of the occupants and in which a single kitchen is provided, and with an independent entrance either directly from the outside of the building or through a common corridor or vestibule inside the building.
- 2.6** *Existing Residential Building* means a residential building which can be occupied and used for residential use, and has been in existence for a minimum of two years.
- 2.7** *Mixed Use* means land, building or structures used or designed or intended for a combination of non-residential uses and residential uses;
- 2.8** *Multiple Dwelling* means a residential building containing three (3) or more separate dwelling units other than a townhouse. This definition may include a senior citizens apartment.
- 2.9** *Non-Residential Uses* means uses of land, buildings or structures for purposes other than a dwelling unit and shall include commercial, institutional, industrial uses, and other such uses and excluding agricultural uses.
- 2.10** *Residential Use* means land, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals.
- 2.11** *Row Dwelling / Townhouse* means a building or structure consisting of a series of three (3) or more dwelling units, but not more than eight (8) units in a continuous row divided vertically into separate dwelling units by a common wall above grade.
- 2.12** *Secondary Dwelling Unit* means a dwelling unit that is subsidiary to and located in the same building as an associated principal dwelling unit; and its creation does not result in the creation of a semi-detached dwelling, row dwelling or a multiple dwelling.
- 2.13** *Semi-detached Dwelling* means a residential building that is divided vertically into two (2) dwelling units.
- 2.14** *Senior Oriented Dwelling* means a dwelling unit specifically designated for seniors to provide an age-targeted residence, primarily for persons who are either retired or close to retirement, which is part of a complex of 30 or more similar units, and shall have access to shared common facilities, sometimes with indoor and outdoor swimming pools, exercise facilities, craft rooms, demonstration kitchens, and decks and patios for gathering, but shall not include a single detached dwelling.
- 2.15** *Single Detached Dwelling* means a residential building consisting of only one dwelling unit.
- 2.16** *Special Care/Special Needs Dwelling* means a building where the occupants have the right to use in common, halls, stairs, yards, common rooms, and accessory buildings; which shall not have exclusive sanitary and/or culinary facilities, that is designed to accommodate persons with specific needs, including independent permanent living arrangements, and where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels. Special care/special needs dwellings include, but are not limited to, retirement homes and lodges, nursing homes, charitable dwellings, accessory dwellings and group homes.

- 3.0 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.
- 4.0 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 bylaw.
- 5.0 Subject to Section 11 of this Bylaw, 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 7.
- 6.0 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:
 - 6.1 The Municipality shall determine the new charge payable in accordance with Section 7.
 - 6.2 The Owner of land shall receive, where applicable, one of the following credits against the amount determined under 6.1:
 - 6.2.1 The amount which applied to the use for the building in question which was in effect as of January 1, 2015; or,
 - 6.2.2 For any land which has previously paid a Water Capital Charge or a Sanitary Sewage Capital Charge under this Bylaw, the amount previously paid when such land was last assessed a Water Capital Charge or a Sanitary Sewage Capital Charge.
 - 6.2.3 Where a building has been razed or demolished within the last year, the above credits apply as if the building still existed.
 - 6.3 Where the credit under 6.2 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.

7.0 Water/Sewer Unit Determination

- 7.1 Water and Sewer residential units will be allocated according to Bylaw No. 2022-86.
- 7.2 The number of commercial / non-residential water units will depend upon the proposed development and will be as determined by the Director of Public Works.
- 7.3 The number of commercial *sewer units* will be equivalent to water units and reviewed in consideration of Ontario Building Code (OBC).
- 7.4 The fees for water and sewer allocation for residential and commercial / non-residential will be determined in accordance with Schedule "A".
- 7.5 Notwithstanding subsections 7.1, 7.2 and 7.3, the minimum number of water and *sewer units* shall each be one (1).

8.0 First Year Capital Rate Adjustment

- 8.1 For all types of development for a period of one year after occupancy and the start of water usage as determined by the Township, 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.

9.0 If any provision or requirement of this Bylaw, 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 Bylaw, 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 Bylaw shall be separately valid and enforceable.

10.0 If any amount charged under this Bylaw remains unpaid thirty (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.

11.0 Delayed Payments

11.1 The Council of the Corporation of the Township of North Dundas may enter into a delayed payment agreement with any persons for the late or delayed payment of fees and charges payable in accordance with Section 7 on such terms and conditions as Council deems appropriate.

11.2 Any delayed payment agreement authorized pursuant to Section 11.1 shall include an administration fee of \$500.00 payable to the Corporation of the Township of North Dundas.

11.3 The Council of the Corporation of the Township of North Dundas may require that a delayed payment agreement be registered on title to any lands assessed for water and sewer charges pursuant to Section 7 of this Bylaw. The person or persons liable to pay the water and sewer charges shall be responsible for the costs of registration.

12.0 The Clerk of the Township of North Dundas is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatical, semantic or descriptive nature or kind to the bylaw and schedule(s) as may be deemed necessary after the passage of this bylaw, where such modifications or corrections do not alter the intent of the bylaw.

READ and passed in Open Council, signed and sealed this 18 day of January 2023.

Schedule A amended this 16 day of August 2023.

MAYOR

CLERK

**Schedule “A”
To Bylaw No. 2023-04**

FEEES AND CHARGES

- Capital Charge for Connections

Effective Date	Capital Charges	Singles, Semis and Townhomes	Apartments 2 Bedrooms+	Apartment-Bachelor and 1 Bedroom Units	Other Multiples	Senior-Orientated Dwelling Unit	Special Care/Special Needs Dwelling Units
January 1, 2022 – December 31, 2022	Water Services	\$3,156	\$2,314	\$1,473	\$2,525	\$1,525	\$526
January 1, 2022 – December 31, 2022	Sewer Services	\$6,102	\$4,474	\$2,848	\$4,881	\$2,949	\$1,017
January 1, 2023 – August 16, 2023	Water Services	\$3,554	\$2,606	\$1,659	\$2,843	\$1,717	\$592
January 1, 2023 – August 16, 2023	Sewer Services	\$6,871	\$5,038	\$3,207	\$5,496	\$3,321	\$1,145
August 17, 2023 – December 31, 2023	Water Services	\$17,073	\$12,519	\$7,970	\$13,657	\$12,519	\$2,844
August 17, 2023 – December 31, 2023	Sewer Services	\$10,362	\$7,598	\$4,836	\$8,288	\$7,598	\$1,727

Commercial/non-residential water and sewer allocation will depend upon the type of the proposed development and capital charges will be calculated based on equivalent number of residential single/semis and Townhomes criteria.