

# 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

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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 30<sup>th</sup> day of September, 2014.

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Eric Duncan, MAYOR

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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

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