

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2013-160

**BEING A BY-LAW TO AUTHORIZE CONNECTIONS TO A
SEWERMAIN AND WATERMAIN AND IMPOSE A SEWER AND WATER
CONNECTION CHARGE ALONG SURREY DRIVE
IN THE CITY OF NORTH BAY
(AND TO REPEAL BY-LAW 2013-124)**

WHEREAS Council deems its desirable to impose a water and sewer connection charge, pursuant to Section 391(2) of the *Municipal Act*, S.O. 2001, c.25, as amended, for the deferred benefit upon the owners of the lands on the north side of Surrey Drive described as Plan M312, Lot 81, Plan 312, Lot 82 and Plan M312, Lot 91 who connect to the sewermain and watermain installed on Surrey Drive at the expense of Laurentian Heights Limited, being the owner of the lands on the balance of the Surrey Drive, Phase 1 Subdivision.

AND WHEREAS the proposed sewer and water connection charge represents a per developed lot charge for the cost of the works as Certified by the City Engineer;

AND WHEREAS any funds collected hereunder have been agreed to be repaid to the builder of the subdivision, Laurentian Heights Limited, pursuant to Schedule "E" Section 3, of the Surrey Drive, Phase 1 Subdivision Agreement;

AND WHEREAS the owner of Plan M312, Lot 82 has paid the connection charge and therefore is no longer bound by the terms of this by-law.

AND WHEREAS by Resolution No. 2013-314 passed on May 13th, 2013, Council authorized a by-law to impose the sewer and water connection charge;

AND WHEREAS notice of the intention to impose the sewer and water connection charge has been mailed to the registered owners of Plan M312, Lot 81 and Plan M312, Lot 91;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1 In this By-Law:

- (a) "Capital costs" means the construction costs of constructing a sewermain and watermain on Surrey Drive inclusive of all items of costs chargeable to the capital account, together with appurtenances and connections and excluding any charge for engineering design, field inspection or project management.
- (b) "Sewermain" means the new sewermain built in phases from 2009 to 2013 within the Surrey Drive road allowance, together with all appurtenances connections laterals to the owner's side of the property line between each parcel and the road allowance.
- (c) "Watermain" means the new watermain built in phases from 2009 to 2013 within the Surrey Drive road allowance, together with all appurtenances connections laterals to the owner's side of the property line between each parcel and the road allowance.

- 2 (a) A sewer and water connection charge of \$40,157.76 is hereby levied and imposed on Plan M312, Lot 81 and a sewer and water connection charge of \$48,389.35 is hereby levied and imposed on Plan M312, Lot 91, as of and when the owner of the subject lands agrees in writing to connect to the watermain and sewermain on Surrey Drive, which sum is to be payable on or before such connection.

- (b) The connection cost shall be adjusted for inflation based upon the City's bank prime lending rate plus 1%, compounded annually, commencing January 1, 2010 for Plan M312, Lot 81 and January 1, 2014 for Plan M312, Lot 91.
 - (c) Any owner who elects in writing to pay the said sewer and water connection charge over a period of time shall pay the cost over a term not to exceed ten (10) years at an interest rate of the City's bank prime lending rate plus 1%, compounding annually.
- 3 The City Engineer of the City shall acquire and make available such plans, profiles and specifications and furnish such information as may be necessary for the making of the connection to the sewermain and watermain.
- 4 The works shall be carried out and executed in a good and workmanlike manner according to the directions and orders of the City Engineer.
- 5 Owners of Plan M312, Lot 81 and Plan M312, Lot 91 may connect to the sewermain and watermain for a payment in cash of the sewer and water connection charge imposed under Sections 2(a), and 2(b).
- 6
 - (a) The Chief Financial Officer shall take all such steps as are necessary to impose the charges set out herein, to determine the applicable charges for each property, to create a Special Sewer and Water Works Connection Charge Collectors Roll therefor, and the decision of the Chief Financial Officer shall be final and binding.
 - (b) The Chief Financial Officer shall act in good faith and may make such adjustments as may be required having regard to what is just and equitable.
 - (c) The Manager of Revenues and Taxation shall bill and collect such charges according to the installment schedule of the levy for interim and final municipal taxes for payment of the sewer and water connection charge if a property owner elects to defer payment in the manner referred to in Section 2(c).
 - (d) The Clerk, shall upon notice from the City Treasurer of the amount due and the person by whom it is due and of the lands upon which the sewer and water connection charge applies, enter any such unpaid amounts as referred to in Section 2(c) upon the Collector's Roll and collect them in the same manner as taxes.
 - (e) All sewer and water connection charges referred to in Section 2(c) shall be subject to a percentage charge payable by the property owner as a penalty for non-payment of any part thereof of one and one-quarter percent (1.25%) on the first day of the calendar month immediately following the due date and on the first day of each calendar month thereafter in which default continues.
- 7
 - (a) Any funds received hereunder with the exception of penalty charges referred to in Section 6 (e) shall be forwarded within sixty (60) days to Laurentian Heights Limited after payment through a service contract as part of the building permit process.
 - (b) If an owner elects to defer payment as referred to in Section 2(c) then the Chief Financial Officer shall forward the principal amount of such deferred payment to Laurentian Heights Limited after payment through a service contract as part of the building permit process.
- 8 This by-law shall be in force and effect for 75 years from the day of being passed.

9 That By-Law 2013-124 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 2nd DAY OF JULY, 2013

READ A SECOND TIME IN OPEN COUNCIL THIS 2nd DAY OF JULY, 2013

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 2ND DAY OF JULY, 2013.

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MAYOR ALLAN McDONALD

CITY CLERK CATHERINE CONRAD

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