



# MUNICIPALITY OF West Elgin

## The Corporation of The Municipality of West Elgin

### By-Law 2024-42

#### **Being A By-Law to Impose Connection Requirements and Charges to Obtain Revenue to Pay the Capital Costs of Sanitary Sewer Systems**

WHEREAS the Municipality of West Elgin has constructed a sanitary sewer collection system and wastewater treatment plants, within the settlement areas of Rodney and West Lorne, hereinafter referred to as the Rodney and West Lorne Sanitary Sewer Systems;

AND WHEREAS the Municipality of West Elgin owns and operates the Rodney and West Lorne Sanitary Sewer Systems;

AND WHEREAS the Municipality of West Elgin may collect sanitary sewer connection charges from property owners required and/or desiring to connect to the system;

AND WHEREAS by subsection 11(3) Paragraph 4 of the Municipal Act, the Municipality of West Elgin, which is a lower-tier municipality, may pass by-laws within the Public Utilities (which includes collection of sanitary sewage and sewage treatment) sphere of jurisdiction and subsection 8(3) of the Municipal Act provides that a by-law under Section 11 respecting a matter may regulate or prohibit respecting the matter;

AND WHEREAS Section 391 of the Municipal Act provides that a municipality may pass by-laws imposing charges on any class of persons for capital costs payable by it for sewage and other services which will be provided by the municipality after the charges are imposed;

AND WHEREAS the Council has determined that it is desirable for new development arising from severances and plans of subdivision to contribute to the capital costs for the sanitary sewer system, pursuant to subsection 90(3) and subsection 391(2) of the Municipal Act, 2001, S.O. 2001, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN ENACTS AS FOLLOWS:

Definitions

1. In this By-law:

- a) "connection charge" means the charge by the Municipality of West Elgin to the owner of land requesting a connection to the sanitary sewer collection system;
- b) "Council" means the Council of the Municipality of West Elgin;
- c) "lot" means a parcel of land held or owned under separate ownership from the ownership of the charge or equity of redemption in abutting land and shall be described in a registered deed or other document legally capable of conveying land;
- d) "Rodney and West Lorne Settlement Areas" means the settlement areas identified in the Municipality of West Elgin Official Plan;
- e) "serviced area" means a property which abuts an in-service sanitary sewer line;
- f) "sanitary sewer capacity charge" means a charge for the capital cost of the sanitary sewer system or any part or parts thereof;
- g) "sanitary sewer system" means the Municipality of West Elgin sanitary sewer collection system, including all pipes, pumps, meters, chambers and all associated installations and equipment, providing sanitary sewer collection and treatment to the serviced areas;
- h) "Treasurer" means the Treasurer for the Municipality of West Elgin, including any Deputy or authorized alternates.

**Sanitary Sewer Connections - General**

- 2. For Multi-residential, Multi-use properties, Commercial, Industrial and Institutional properties, connection charges shall be based on the number of connections and/or water service connection size and not based on a per lot or per property basis. Sanitary sewer connection charges and timing of payment will be included in the development agreement.
- 3. All sanitary sewer connections are subject to review and approval by the Municipality of West Elgin. Connections that cannot be supported by the existing sanitary sewer collection system and wastewater treatment plant infrastructure may be subject to additional charges and/or postponement to make upgrades to the system.
- 4. All sanitary sewer connection charges shall be applied against any outstanding costs, debt and future capital improvements and upgrades to the sanitary sewer system. The funds collected shall be segregated in reserve accounts for each system and shall be used only for future capital improvements of the sanitary sewer

systems.

5. Unless otherwise specified, payment of sanitary sewer connection charges must be made upon application for a sanitary sewer connection. In all cases, full payment or a debenture commitment must be made prior to being connected to the sanitary sewer collection system.
6. The Treasurer shall be authorized to implement and conduct all administrative actions required to implement the provisions of this by-law.

### **Application of the Sanitary Sewer Connection Charge**

7. A Sanitary Sewer Connection Charge as set out in Schedule "A" shall be charged for Sanitary Sewer Connections in the following geographical areas of the Municipality of West Elgin:
  - a) All properties within the Rodney and West Lorne Settlement Areas, as defined in the Municipality's Official Plan, that may connect to the Sanitary Sewer System, including all subsequent lots created within.

### **Sanitary Sewer Connection Payment - New Development**

8. All future development requiring sanitary sewers in the serviced areas must connect to the municipal sanitary sewer system.
9. All lots created after the passage of this by-law, by consent, and not prohibited by zoning regulation or otherwise from being developed with construction, shall be subject to the sanitary sewer connection charges as set out in Schedule "A". The sanitary sewer connection charge shall be added as a condition of severance and the owner will be liable for payment of the water rates.
10. All lots created after the passage of this by-law, by registered plan of subdivision/condominium not prohibited by zoning regulation or otherwise from being developed with construction, shall be subject to the sanitary sewer connection charges as set out in Schedule "A". The sanitary sewer connection charges shall be set out in the subdivision agreement and payable prior to registration of the plan of subdivision/condominium.

### **Sanitary Sewer Connection Payment - Existing Lots**

11. Property owners of existing lots within the Rodney and West Lorne Settlement Areas with access to an existing sanitary sewer line may connect to the system subject to approval from the Municipality and payment of the Connection Charge as set out in Schedule "A".

12. Property owners of existing lots within the Rodney and West Lorne Settlement Areas without access to an existing sanitary sewer line, may connect to the system subject to approval of the Municipality, payment of the Connection Charge and Service Extension Charge as set out in Schedule "A".
13. Property owners of existing lots within a serviced or to be serviced area may elect to debenture the Sanitary Sewer Connection Charge as set out in Schedule "B".
  - i) That the Treasurer is authorized and directed to add any charge imposed hereunder which are in arrears over 120 days to the tax roll for the applicable property pursuant to and in accordance with the Municipality of West Elgin Tax Billing and Collection Procedures and the provisions of subsection 398(1) of the Municipal Act, and to collect them in the same manner as property taxes collected by the Municipality.
14. Costs for connecting to the service stub installed at the property line is the responsibility of the property owner and at the property owner's expense.

### **Intensification**

15. Sanitary Sewer Connection Charges do not apply due to residential intensification of a property that does not require an additional or increased capacity sanitary sewer connection.
16. Intensification that requires additional sanitary sewer lines and/or larger capacity lines, or where there is a significant change in sanitary sewer effluent due to redevelopment is subject to review and approval by the Municipality. Charges will be included in the Development Agreement.

### **Lien and Charge on Land**

17. The sanitary sewer rates shall be a lien and charge upon the land, and if the rate or any part thereof remains unpaid after the due date, the amount unpaid may be collected by distress or entered on the collectors' roll and collected in the same manner as municipal taxes, in accordance with section 398 of the Municipal Act, 2001.

### **Failure to Remit Payment**

18. Failure to remit payment in full upon application to the municipality for connection to the said sanitary sewer system shall prohibit actual connection to the said works.

### **By-Law Indexing**

19. The connection charges set out in Schedule "A" to this by-law shall be adjusted annually on January 1, commencing on January 1, 2025, without amendment to this by-law, in accordance with the most recent twelve month change in the 3<sup>rd</sup> Quarter Statistics Canada Non-Residential Building Construction Price Index for Toronto.

### **Schedules to the By-Law**

20. The following Schedules to this by-law form an integral part of this by-law:

- a) Schedule "A" – Sanitary Sewer Connection Charges
- b) Schedule "B" – Debenture terms and process

### **General**

21. Where the provision of any other By-Law, resolution or action of Council are inconsistent with provision of this By-Law, the provisions of this By-Law shall prevail.

22. If any clause, provision, or requirement in or under this by-law should be determined to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such clause, provision or requirement, and all other clauses, provision or requirements hereof shall continue in full force and effect.

23. This By-law may be cited as the "Sanitary Sewer Connection Charge By-law".

24. That this By-law shall come into full force and effect upon final passing.

READ A FIRST AND SECOND TIME THIS 23<sup>rd</sup> DAY OF MAY, 2024.

READ A THIRD TIME AND PASSED THIS 23<sup>rd</sup> DAY OF MAY, 2024.

  
Richard Leatham, Mayor

  
Terri Towstiu, Clerk

**Schedule “A” to By-law 2024-42**

**2024 Sanitary Sewer Connection Charges**

<b>Rodney and West Lorne Sanitary Sewer Systems</b>	
<b>Service Type</b>	<b>Connection Charge</b>
Single Family Dwelling	\$10,000.00/Unit
Semi-Detached Dwelling	\$10,000.00/Unit
Duplex	\$10,000.00/Unit
Townhouse	\$6,959.00/Unit
Row House	\$6,959.00/Unit
Other Multiple Dwelling Types with Individual Sanitary Sewer Connections	\$6,959.00/Unit
Apartment - 2+ Bedroom	\$5,437/Unit
Apartment - 1 Bedroom & Bachelor	\$4,219/Unit
<b>Commercial / Industrial – based on Water Connection Service Size</b>	
1” Water Service	\$10,000/connection
1.5” Water Service	\$13,300/connection
2” Water Service	\$15,000/connection
Over 2” Water Service	To be reviewed individually and charge included in development agreement
High Water/Wastewater Users	To be reviewed individually and charge included in development agreement
<b>Extension of the Serviced Area</b>	
Any service extension required to provide a sanitary sewer connection to an existing property and/or development site.	To be reviewed individually and applicable extension charges to be included in development agreement and/or completed by the applicant, plus Applicable Connection Charge(s) and other permit charges.
Service stub from Sanitary Sewer Line to property line	Existing properties without a Sanitary Sewer Service Stub will be reviewed individually. The applicant will be responsible for completing the connection to the sanitary sewer line, subject to obtaining all necessary approvals and permits, plus Applicable Connection Charge(s).



## **Schedule "B" to By-law #2021-46**

### **Sanitary Sewer Connection Debenture**

#### **1. PROCESS**

- a. The property owner shall submit, in writing, an application to the Treasurer requesting the Sanitary Sewer Connection Charge be debentured. Such letter shall include the property owner's names and a description of the property including the 911 address.
- b. Staff shall calculate the annual repayment amount and provide notice to the property owner of such amount to be collected annually.
- c. Staff shall set up the debenture on the applicable property tax roll for collection purposes.

#### **2. TERMS AND CONDITIONS**

- a. A debenture shall be 10 years in length.
- b. The interest rate applied shall be the 10-year Infrastructure Ontario rate. Limited to the minimum of \$5,000.00 and to the maximum of the total connection fee.
- c. The annual repayment amount shall be added to the tax roll and invoiced on the final tax bill each year, commencing with the year in which the debenture is approved, and shall be collected in the same manner as taxes.
- d. If the final tax bill has already been issued for the year in which the debenture is approved, the first annual payment shall be due and payable no later than November 30 of the following year. Failure to submit the first annual payment by the due date shall result in the amount being added to the property tax roll and collected in the same manner as taxes.
- e. The annual repayment amount shall be collected in 10 equal installments of principal plus interest.

#### **3. EARLY REPAYMENT**

- a. A property owner who has been authorized for a debenture of the sanitary sewer connection charge shall have the option of repaying the debenture prior to the 10<sup>th</sup> annual installment.
- b. A property owner shall submit, in writing, a letter to the Treasurer of the Municipality of West Elgin offering to redeem the debenture and

requesting the amount required to retire such debenture.

- c. The Treasurer shall determine the remaining principal on the debenture and the interest accrued on the principal from the 1st of September immediately prior to the submission date of the request at the rate applicable to such debenture.
- d. The Treasurer shall communicate, in writing, the amount required to redeem the debenture to the property owner.
- e. Upon receipt of the amount, the Treasurer shall remove the debenture from the applicable property tax account and no further amounts shall be collected with regards to the debenture.