

**THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-
LAKEFIELD**

BY-LAW NO. 2003-107

Being a by-law to impose water and sanitary sewer charges to recover the capital cost of installing water and sanitary sewer services necessary to provide service to new users of the system within the Lakefield South New Development Area.

WHEREAS the Township of Smith-Ennismore-Lakefield (the "Township") has determined to construct certain water and sewage works to service and benefit new users connecting to the systems pursuant to its powers under section 391 of the *Municipal Act*, R.S.O. 2001, c. 25 as amended (the "*Municipal Act*");

AND WHEREAS the Council is authorized by section 391 of the *Municipal Act* to impose charges upon owners or occupants of land who derive or will or may derive a benefit from the construction of water and sanitary sewer works sufficient to pay all or such portion of the capital costs of the works as Council deems appropriate;

AND WHEREAS the lands to be benefited and imposed with the water and sanitary sewer charge are the lands denoted in the map on Schedule "B" to this by-law;

AND WHEREAS the Township has determined that the capital costs of such water and sanitary sewer works shall be charged against the lands outlined in the geographic area in Schedule "B" and shall be borne by the new users connecting to the systems from time to time of said lands;

NOW THEREFORE, the Council of the Township of Smith-Ennismore-Lakefield enacts as follows:

1. For the purposes hereof, the following words, when used in this by-law, shall have the following meanings:

- a) “benefit” means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of water or sanitary sewer works, and
 - (i) “immediate benefit” means the benefit that accrues and is derived or derivable immediately upon completion of the works, and
 - (ii) “deferred benefit” means the benefit that accrues upon completion of the works, but which is not derived or derivable therefrom until a water or sanitary sewer main upon which the land will abut is constructed as part of the works;

- b) “capital cost” means the cost of constructing water or sanitary sewer works, inclusive of all items of cost usually and properly chargeable to a capital account, and where applicable, the interest on money borrowed to pay for the constructed works;

- c) “sanitary sewer works” means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;

- d) “sanitary sewer charge” means a charge for the capital cost of sanitary sewer works;

- e) “water works” means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of such works;

- f) “water works charge” means a charge for the capital cost of water works.

2. In this by-law:

- a) “apartment unit” means any residential dwelling unit within a building containing three or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor;

- b) “commercial” means any non-residential development not defined under “institutional” or “industrial”;
 - c) “industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public where such uses are accessory to an industrial use, but does not include the sale of commodities to the general public through a warehouse club;
 - d) “institutional” means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and shall include, but without limiting the generality of the foregoing, places of worship, and special care facilities;
 - e) “multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment house dwellings;
 - f) “non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;
 - g) “semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal walls, but no other parts, attached or another dwelling unit where the residential units are not connected by an interior corridor;
 - h) “single-detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure and includes mobile homes.
3. The capital cost of the water and sanitary sewer works shall be as described in the “Township of Smith-Ennismore-Lakefield Area-Specific Development

Charges and Charges under Section 391 of the *Municipal Act*, Re: Extension of Municipal Services to the Lakefield South New Development Area” report dated July 24, 2003, and is subject to annual budget review by the Township of Smith-Ennismore-Lakefield.

4. The water and sanitary sewer works rate provided in this by-law shall provide for the capital costs related to the treatment and transmission of water and the treatment and collection of sewage, but shall not include localized works to service individual properties.
5. The water and sanitary sewer works rates shall be imposed on all lands denoted on the map on Schedule “B” to this by-law. These areas are defined to be the benefiting area as considered to be appropriate by Council.
6. The water and sanitary sewer rates are set out in part (i) of Schedule “A” and shall be imposed against all new connections to the water and sanitary sewer services.
7. Notwithstanding paragraph 6., with the agreement of the Township, discounted water and sewer rates as set out in part (ii) of Schedule “A” may be imposed against new connections to the water and sanitary sewer services if such connection occurs within 90 days of services becoming available.
8. Notwithstanding paragraph 6., if a development charge for water and sanitary sewer services has been paid, no further charge for water and sanitary sewer services shall be imposed under this by-law.
9. Water and sanitary sewer charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on the first anniversary date of this by-law and each anniversary date thereafter, in accordance with the Statistics Canada Quarterly Construction Price Statistics.
10. The following schedules to this by-law form an integral part thereof:

Schedule “A” - Residential Water and Sanitary Sewer Charges

Schedule "B" - Map of the Benefiting Area

11. This by-law shall come into force on the day following the date of passage.

ENACTED AND PASSED this 9th day of September, 2003.

REEVE

CLERK

SCHEDULE "A"
TO BY-LAW NO. 2003-107
WATER AND SANITARY SEWER CHARGES
(updated for 2006 index)

i) Water and Sanitary Sewer Charges:

	residential			
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments		Other Multiples
		2 Bedroom +	Bachelor & 1 Bedroom	
Water and Sanitary Sewer Charge	\$5,119.	\$3,412.	\$2,388.	\$3,941.

ii) Discounted Water and Sanitary Sewer Charges¹:

	residential			
	Single-Detached Dwelling & Semi-Detached Dwelling	Apartments		Other Multiples
		2 Bedroom +	Bachelor & 1 Bedroom	
Water and Sanitary Sewer Charge	\$4,077.	\$2,718.	\$1,902.	\$3,138.

¹ Discounted water and sanitary charges are applicable when connection to services occurs within 90 days of services becoming available (see paragraph 7 of the by-law).

SCHEDULE "B"
TO BY-LAW NO. 2003-107

LAKEFIELD SOUTH BENEFITING AREA

