

**THE CORPORATION OF LOYALIST TOWNSHIP**

**BY-LAW NO. 2019-099**

**A BYLAW ESTABLISHING FEES AND CHARGES TO PAY FOR THE CAPITAL COST OF WATER WORKS AND SEWAGE WORKS IN THE FAIRFIELD WATER SERVICE AREA, LOYALIST EAST SEWAGE SERVICE AREA AND BATH SERVICE AREA**

**WHEREAS** the Municipality owns and operates within the Fairfield Water and Loyalist East Sewage Area a water treatment plant and a water pollution control plant, and their appurtenant facilities, equipment and distribution and collection systems;

**WHEREAS** the Municipality owns and operates within the Bath Service Area a water treatment plant and a water pollution control plant, and their appurtenant facilities, equipment and distribution and collection systems;

**AND WHEREAS** the owners of property located within Registered Plan No. 1081 previously entered into an agreement with the former Township of Ernestown for the provision of water and sewage services;

**AND WHEREAS** KoSa Canada Company, Bombardier Inc., and NPIF Kingston Cogen Corporation previously entered into agreements with the Township for the provision of water services;

**AND WHEREAS** Section 391 of the *Municipal Act, 2001*, authorizes Council to pass a by-law imposing fees and charges on any class of persons who derive a benefit from the water and sewer services provided by the municipality, for the purpose of contributing to the capital cost of providing those services;

**AND WHEREAS** Council has determined that every person who owns property in the Fairfield Water and Loyalist East Sewage Area derives, or will derive, a benefit from the municipality's water and sewer works and therefore should contribute to the capital cost of those works when the property is first connected to the works;

**AND WHEREAS** Council has determined that every person who owns property in the Bath Service Area derives, or will derive, a benefit from the municipality's water and sewer works and therefore should contribute to the capital cost of those works when the property is first connected to the works;

**NOW THEREFORE** the Council of the Corporation of Loyalist Township hereby enacts as follows:

1. For the purpose of this by-law
  - (a) "Actual Average Daily Flow Rate" means the actual water flow, measured in cubic meters, supplied to a lot during a calendar year divided by 365;
  - (b) "Alter" includes an increase in gross floor area for a non-residential use building or the non-residential use portion of a mixed-use building and the addition of one or more dwelling units to a residential use building or the residential use portion of a mixed use building, and "alteration" has a similar meaning;
  - (c) Not Used
  - (d) Not Used

- (e) "Bath Service Area" means that area of the Municipality receiving municipal sewer and/or water service from the Bath Sewage works or Bath Water works respectively;
- (f) "Bath Sewage Service Area" means the area of the Municipality receiving sewage services from the Bath Sewage Works
- (g) Not Used
- (h) "Bath Sewage Works" means the sewage treatment plant located in Part Lot 14, Concession Broken Front, being Part 1, Plan 29R5184, and being further described as being located in the geographic area of the former Village of Bath now known as Loyalist Township, including pumping stations, sanitary sewers and force mains, serviced by the Bath Water Pollution Control Plant;
- (i) "Bath Sewer Impost Fees Reserve Fund" means the reserve fund established by the municipality in respect of fees and charges collected to pay for the capital cost of sewage works that relate to growth or past growth;
- (j) "Bath Water Impost Fees Reserve Fund" means the reserve fund established by the municipality in respect of fees and charges collected to pay for the capital cost of water works that relate to growth or past growth;
- (k) "Bath Water Service Area" means that area of the Municipality receiving municipal water from the Bath Water Works;
- (l) Not Used
- (m) "Bath Water Works" means the water filtration plant located in Broken Front Concession, Part of Lots 11 and 16, Plan 77, geographic area of the former Village of Bath and now known as Loyalist Township, including pumping stations, distribution mains and water storage facilities serviced by the Bath Water Treatment Plant;
- (n) "Bedroom" means a habitable room larger than seven square meters, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;
- (o) "Bombardier Agreement" means the agreement between the Township and Bombardier Inc. dated July 9, 2002;
- (p) "Capital Cost" means the cost of constructing sewage works or water works, inclusive of all items of cost usually and properly chargeable to capital account, and where applicable, the interest amounts payable on the debentures to be issued for the works and the imputed interest costs;
- (q) "Charges" means any or all of Water Works Charge and/or Sewage Works Charge
- (r) "Council" means the Council of the Corporation of Loyalist Township;
- (s) "Culinary facility" means facilities designed or intended for the preparation of food, which include any combination of two or more of the following: a sink, counter, storage space, refrigerator, stove, microwave or cooking apparatus dedicated to food preparation;
- (t) "Current Value" means the value established by the Municipality in its sole discretion from time to time;
- (u) "Designated Heritage Property" means a property designated to be of cultural heritage value or interest by the Municipality under Part IV of the, Ontario Heritage Act, R.S.O. 1990, c. O. 18 or a property found within a heritage conservation district designated by the Municipality under Part V of the Ontario Heritage Act.
- (v) Not Used

- (w) "Dwelling unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons on a single lot;
- (x) Not Used
- (y) "Estimated Average Daily Flow" means the estimated daily flow of water, averaged over an annual basis, measured in cubic meters, supplied to a lot;
- (z) "Factory Street Works Charges" shall mean the water works and/or sewer works charges calculated in accordance with this by-law;
- (aa) "Factory Street Works Service Area" shall mean those properties listed in schedule "G" to this bylaw and described as Plan 91, Part of Lot 104 and Plan 91, Part of Lots 136 and 139 RP29R-2097 Part 1;
- (bb) "Factory Street Works" shall mean servicing laterals from the water main and sewer mains to the property lines for the benefit of the Factory Street service area;
- (cc) "Fairfield Water and Loyalist East Sewage Service Area" means that area of the Municipality receiving municipal sewer and/or water service from the Loyalist East Sewage System and/or the Fairfield Water Works respectively;
- (dd) "Fairfield Water Impost Fees Reserve Fund" means the reserve fund established by the municipality in respect of fees and charges collected to pay for the capital cost of water works that relate to growth or past growth;
- (ee) "Fairfield Water Service Area" means that area of the Municipality receiving municipal water service from the Fairfield Water Works;
- (ff) Not Used
- (gg) "Fairfield Water Works" means the Fairfield Water Filtration Plant located in part of Lots 40 and 41, Broken Front Concession, geographic area of the former Township of Ernestown and now known as Loyalist Township, and related pumping stations, distribution mains and water storage facilities;
- (hh) "Grade" means the average level of finished ground adjoining a building or structure at all exterior walls;
- (ii) "Historic flow demand" means non-residential uses and the non-residential portion of mixes uses, the average daily flow of water, measured in cubic meters, supplied to a lot measured over the most recent past 60 months from when flow measurements taken by the Township are available, or the average daily flow of water measured during the highest occupancy period at the lot by the Township where the lot has not been fully occupied within the most recent 60 month period;
- (jj) "KoSa Agreement" means the agreement between the Township and KoSa Canada Limited dated July 3, 2002;
- (kk) "Lot" means a parcel of land, including land exempt from taxation under the Assessment Act that is under distinct and separate ownership, is separately assessed according to the most current Assessment Roll, and the title to which may be transferred without contravening the Planning Act;
- (ll) "Loyalist East Sewage Impost Fees Reserve Fund" means the reserve fund established by the municipality in respect of fees and charges collected to pay for the capital cost of sewage works that relate to growth or past growth;
- (mm) "Loyalist East Sewage Service Area" means that area of the Municipality receiving municipal sewer service from the Loyalist East Sewage System;

- (nn) "Loyalist East Sewage System" means that area of the Municipality receiving municipal sewer service from the Loyalist East Sewage Works;
- (oo) Not Used
- (pp) "Loyalist East Sewage Works" means the water pollution control plant (sewage treatment plant) located in Part Lot 37, Concession 1, being Part 1 on Plan 29R6932, and being further described as being located in the geographic area of the former Township of Ernestown now known as Loyalist Township, including pumping stations, sanitary sewers and force mains serviced by the Amherstview Water Pollution Control Plant;
- (qq) "Mixed-use" means a building or structure that uses water and sewer services for both residential and non-residential uses.
- (rr) "Multiple dwelling" means all dwellings other than single detached dwellings, semi-detached dwellings, secondary units, and multi-residential units;
- (ss) "Multi-Residential Unit" means residential units where there is more than one fully serviced dwelling unit on an individual property and excludes secondary units as defined in this by-law.
- (tt) "Municipality" means The Corporation of Loyalist Township;
- (uu) "Non-Residential Uses" means lands, buildings or structures or portions thereof used, or designed or intended for any use other than for residential uses;
- (vv) "NPIF Kingston Cogen agreement" means the agreement between the Township and NPIF Limited Partnership and NPIF Kingston Cogen Corporation dated August 14, 2007;
- (ww) "Odessa Trunk Water Service Area" means those lots within the municipality described as "Eligible" in Schedule "D" to this by-law, the owners or occupants of which derive or will or may derive a benefit from the Fairfield Water Works;
- (xx) "Odessa Trunk Water Works Charge" shall mean the water works charge calculated in accordance with this by-law;
- (yy) "Odessa Trunk Water Works" shall mean the transmission water mains, water booster pumping station, drain chambers, diversion chambers and appurtenances constructed by the municipality and approved in Ministry of the Environment and Energy Certificate of Approval Water #7-0006-96-006, dated February 21, 1996, the location of which is more particularly described in Schedule "D" to this by-law;
- (zz) "Owner" means every person who is a registered owner of land located with the Fairfield Water Service Area, Loyalist East Sewage Service Area and Bath Service Area and any reference in this by-law to an owner in the singular shall be deemed to include the plural, where applicable;
- (aaa) "Parrott's Bay West Water Works" means the portion of the Fairfield Water Works located along Highway 33 west of Parrott's Bay;
- (bbb) "Plan 1081 Agreement" means the agreement dated October 1, 1975 between Loyalist Farms and the former Township of Ernestown as may be amended from time to time;
- (ccc) "Residential uses" means lands, buildings or structures or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multi-residential unit, a secondary unit, and the residential portion of a mixed-use building or structure;
- (ddd) "Secondary Units" shall mean a dwelling unit, whether contained within a single detached dwelling, a semi-detached dwelling or a multiple dwelling, or ancillary to a single detached dwelling, a semi-detached dwelling or a multiple dwelling including but not limited to a stand-alone structure (i.e. coach house or laneway suite) or structure constructed above an existing garage or other structure separate from the primary dwelling unit which:

- Is secondary to the primary dwelling unit and smaller in gross floor area than the primary dwelling unit;
- Cannot be conveyed as a separate parcel from the primary dwelling unit;

(eee) "Semi-detached dwelling" means a unit that shares one common wall with one adjacent dwelling unit. The common wall defines the property line that separates the two lots;

(fff) "Single detached dwelling" means a completely detached building containing only one dwelling unit;

(ggg) Sewage Works Charge means a charge on account of the capital cost of the Fairfield Water Works or Bath Water Works imposed in accordance with this by-law;

(hhh) "Timmerman Street Service Area" means those properties listed in Schedule "F" to this By-law and described as Part 1 to 5 of plan 29R768 and Part 1 of 29R2853 and Part 1 of 29R329 connected to either the Fairfield Water Works and/or the Loyalist East Sewage Works as defined by 'bb' and 'b' respectively;

(iii) "Timmerman Street Works Charge" shall mean the water works charge calculated in accordance with this by-law;

(jjj) "Timmerman Street Works" shall mean the water main, sanitary sewer main and related service connections installed by the municipality on Timmerman Street for the benefit of the Timmerman Street Service Area;

(kkk) "User fees" means fees charged by the Township on a regular basis for the supply and maintenance of ongoing sewage and water supply operations and non-growth-related capital replacement;

(III) Water Works Charge means a charge on account of the capital cost of the Bath Water Works or the Fairfield Water Works;

(mmm) "Works" includes the Bath Water Works, the Bath Sewage Works, the Fairfield Water Works and the Loyalist East Sewage Works.

2. This by-law shall apply to every person who is an Owner of property located in Loyalist Township.

### **Sewage**

3. Sewage Works Charge, being an amount to pay a portion of the capital cost of the Loyalist East Sewage System and the Bath Sewage Works is hereby imposed on each Owner or occupant of a lot in the Loyalist East Sewage Area and the Bath Service Area.

4. Not Used

5. Every person who is an Owner of a property located in Loyalist Township shall pay the Sewage Works Charge where the building or structure is altered or where a new building or structure is constructed, in accordance with the following:

1. a residential use building or the residential use portion of a mixed-use building, the Sewage Works Charge shall be calculated by multiplying the number of dwelling units of each type by the corresponding charge for the dwelling unit type, as set out in Schedule "A"; and
2. for a non-residential use building or the non-residential use portion of a mixed-use building, the Sewage Works Charge shall be calculated by multiplying the Estimated Average Daily Flow of the building by the charge in the Non-Residential column of Schedule "A".

6. Subject to section 57, where an existing residential use building or the residential use portion of a mixed-use building is altered, the Owner is entitled to a credit against the Sewage Works Charge equal to the number of dwelling units of each type that existed immediately prior to the alteration multiplied by the corresponding charge for the dwelling unit type, as set out in Schedule "A".

7. Subject to section 57, where an existing non-residential use building or the non-residential use portion of a mixed-use building is altered the Owner is entitled to a credit against the Sewage Works Charge equal to the Historic Flow Demand of the building multiplied by the charge in the non-residential column of Schedule "A".
8. Subject to section 57, where an existing building is altered such that all or a portion of the building is converted from residential use to non-residential use or vice versa, the Owner is entitled to a credit against the Sewage Works Charge that is equal to:
  1. the number of dwelling unit types, if any, that existed on the day immediately prior to the alteration multiplied by the corresponding charge for the dwelling unit type, as set out in Schedule "A"; and
  2. the Historic Flow Demand, if any, for the non-residential use portion of the building multiplied by the charge in the non-residential column of Schedule "A".
9. Subject to section 57, and despite anything to the contrary in this By-law, where an existing building is altered or converted from residential use to non-residential use or vice versa, and the Actual Average Daily Flow Rate data includes both residential and non-residential flow data that cannot be separated, the credit available to the Owner shall be calculated as if the existing use were non-residential in accordance with section 7 above.
10. Despite sections 3 and 5, lots covered by the Registered Plan 1081 Agreement are exempt from the payment of the Sewage Works Charge.
11. Despite sections 3 and 5, lots covered by the KoSa Agreement, the Bombardier Agreement and the NPIF Kingston Cogen Agreement are exempt from the payment of the Sewage Works Charge up to the maximum flow rates assigned to these facilities as per the agreements, as amended.
12. Despite sections 3 and 5, any previously undeveloped vacant lot for which the Owner or occupant of the lot has previously paid a sewage connection fee to the Municipality, as documented by the Owner or occupant in a form satisfactory to the Treasurer, or has made a payment on account of municipal sewage services under a by-law passed in accordance with the Local Improvement Act is exempt from the Sewage Works Charge unless the Estimated Average Daily Flow exceeds 480 litres per day. The existence of a connection at the property line does not alone justify waiving the Sewage Works Charge applicable pursuant to this By-law.
13. If the Sewage Works Charge calculated in accordance with Schedule "A" based on the Actual Average Daily Flow for any non-residential use property or the non-residential portion of a mixed use property over any 12 month period is greater than 115% of the Sewage Works Charge previously paid, the Owner or occupant of the property shall pay the difference between the Sewage Works Charge previously paid and the Sewage Works Charge calculated based on the Sewage Works Charge for lot calculated using the historic flow demand.
14. In no circumstance will the Township provide a credit which results in a net payment by the Township to the lot Owner.

### **Water**

15. The Water Works Charge, being an amount to pay a portion of the capital cost of the Fairfield Water Works and the Bath Water Works, is hereby imposed on each Owner or occupant of a lot in the Fairfield Water Area and Bath Service Area.
16. Not Used

17. Every person who is an Owner of a property located in Loyalist Township shall pay the Water Works Charge where the building or structure is altered or where a new building or structure is constructed, in accordance with the following:
  1. a residential use building or the residential use portion of a mixed-use building, the Water Works Charge shall be calculated by multiplying the number of dwelling units of each type by the corresponding charge for the dwelling unit type, as set out in Schedule "A"; and
  2. for a non-residential use building or the non-residential use portion of a mixed-use building, the Water Works Charge shall be calculated by multiplying the Estimated Average Daily Flow of the building by the charge in the Non-Residential column of Schedule "A".
18. Subject to section 57, where an existing residential use building or the residential use portion of a mixed-use building is altered, the Owner is entitled to a credit against the Water Works Charge equal to the number of dwelling units of each type that existed immediately prior to the alteration multiplied by the corresponding charge for the dwelling unit type, as set out in Schedule "A".
19. Subject to section 57, where an existing non-residential use building or the non-residential use portion of a mixed-use building is altered the Owner is entitled to a credit against the Water Works Charge equal to the Historic Flow Demand of the building multiplied by the charge in the non-residential column of Schedule "A".
20. Subject to section 57, where an existing building is altered such that all or a portion of the building is converted from residential use to non-residential use or vice versa, the Owner is entitled to a credit against the Water Works Charge that is equal to:
  1. the number of dwelling unit types, if any, that existed on the day immediately prior to the alteration multiplied by the corresponding charge for the dwelling unit type, as set out in Schedule "A"; and
  2. the Historic Flow Demand, if any, for the non-residential use portion of the building multiplied by the charge in the non-residential column of Schedule "A".
21. Subject to section 57, and despite anything to the contrary in this By-law, where an existing building is altered or converted from residential use to non-residential use or vice versa, and the Actual Average Daily Flow Rate data includes both residential and non-residential flow data that cannot be separated, the credit available to the Owner shall be calculated as if the existing use were non-residential in accordance with section 19 above.
22. Despite sections 15 and 17 lots covered by the Registered Plan 1081 Agreement are exempt from the payment of the Water Works Charge.
23. Despite sections 15 and 17 lots covered by the KoSa Agreement, the Bombardier Agreement and the NPIF Kingston Cogen Agreement are exempt from the payment of the Water Works Charge up to the maximum flow rates assigned to these facilities as per the agreements as amended.
24. Despite sections 15 and 17 any previously undeveloped vacant lot for which the Owner or occupant of the lot has previously paid a water connection fee to the Municipality, as documented by the Owner or occupant in a form satisfactory to the Treasurer, or has made a payment on account of municipal water services under a by-law passed in accordance with the Local Improvement Act is exempt from the Water Works Charge unless the Estimated Average Daily Flow exceeds 480 liters per day. The existence of a connection at the property line does not alone justify waiving the Water Works Charge applicable pursuant to this By-law.
25. If the Water Works Charge calculated in accordance with Schedule "A" based

on the Actual Average Daily Flow for any non-residential use property or the non-residential portion of a mixed use property over any 12 month period is greater than 115% of the Water Works Charge previously paid, the Owner or occupant of the property shall pay the difference between the Water Works Charge previously paid and the Water Works Charge calculated based on the Water Works Charge for lot calculated using the historic flow demand.

26. In no circumstance will the Township provide a credit which results in a net payment by the Township to the lot Owner.

### **Special Works Charges**

#### **Odessa Trunk Service Area**

27. Generally, lots along the County Road 6 between the Canadian National Railway track crossing and Shane Street in Odessa fronting the watermain can only connect to the Fairfield Water Works if there was a dwelling unit on the lot prior to January 1, 1999.

28. For those lots listed in Schedule “D”, only those lots identified as “Eligible” may connect to the Fairfield Water Works by paying the appropriate charges.

29. Residential lots along the Parrott’s Bay West Water Works watermain can only connect to the Fairfield Water Works if there was a dwelling unit on the lot prior to January 1, 2002 and the existing supply of water to the lot does not meet the standards in the Safe Drinking Water Act, 2002, as amended.

30. Loyalist Township By-law 99-45 (Odessa Trunk) and By-law 99-61 (Harewood Brooklands) included an additional construction cost relating to the installation of water laterals to properties and those properties were assessed an additional construction cost charge. Schedule “E” lists the properties and their respective works charges to recover the construction costs.

31. The Odessa Trunk Water Works Charge as set out in Schedule “E” to this By-law, being an amount sufficient to pay a portion of the capital costs of the Odessa Trunk Water Works, is hereby imposed upon each Owner or occupant of an eligible lot in the Odessa Trunk Service Area as set out in Schedule “D” to this By-law.

32. If a new lot is created within an existing eligible lot lying south of the CNR mainline in the Odessa Trunk Service Area, the new lot shall be deemed to be an eligible lot and the Owner or occupant of the new lot shall be liable for and pay the Odessa Trunk Water Works Charge.

#### **Timmerman Street Service Area**

33. The construction of Timmerman Street included an additional construction cost relating to the installation of water and/or sewer laterals to properties and those properties were assessed an additional construction cost charge. Schedule “F” lists the benefitting properties and their respective works charges to recover the construction costs.

34. A Timmerman Street Water Works and Timmerman Street Sewage Works charge sufficient to pay a portion of the capital costs of the Works shall be imposed upon the Owner or occupant of each lot in the Timmerman Street Service Area to which this by-law applies.

35. If a new lot is created within an existing lot in the Timmerman Street Service Area, including within an existing lot to which this by-law does not apply, the Owner or occupant of the new lot shall be liable for and pay a Timmerman Street Water Works Charge and a Timmerman Street Sewage Works Charge equal to the charge in Schedule “F.”

### **Factory Street Service Area**

36. For those lots listed in Schedule "G" related to "Factory Street service area" only these specific charges noted apply as these lots were previously serviced prior to the 2009 re-construction of Factory Street. This charge is for construction costs relating to the installation of new water and sewer laterals to the properties listed on the schedule. Charges on schedule "A" do not apply to these lots.
37. The Factory Street Water and Sewage Works Charge shall be imposed upon the Owner or occupant of each lot in the Factory Street Service Area to which this by-law applies.

### **Developer Credit Allowance (Bath Service Area)**

38. The Owners of the properties for which the developers prepaid for Water Treatment pursuant to an agreement dated March 11, 1996 with the predecessor municipality Village of Bath shall be entitled to a credit as outlined in Schedule "B" to this By-law until they have developed units which have a water demand equivalent to the water capacity purchased.
39. The Owners of the properties for which the developers prepaid for Sewer Treatment pursuant to an agreement dated February 12, 1990 with the predecessor municipality Village of Bath shall be entitled to a credit as outlined in Schedule "C" to this By-law until they have developed units which have a sewage demand equivalent to the sewage capacity purchased.

### **General**

40. Charges payable in accordance with this by-law shall be calculated and paid in full on the date that a building permit is issued in relation to a building or structure to be constructed on the property.
41. Where charges apply to property in relation to which a building permit is required, the building permit shall not be issued until the charges have been paid in full.
42. Despite sections 40 and 41, the Municipality may enter into an agreement with an Owner of a Designated Heritage Property that provides for payment of all or part of the Charges payable in accordance with this By-law upon occupancy being achieved in accordance with section 11 of the Building Code Act, 1992, S.O. 1992, c.23, or two years after a building permit is issued with respect to the Designated Heritage Property, whichever date comes first. The agreement shall be to the Municipality's satisfaction and shall include provisions respecting payment of Charges, default provisions, and provisions regarding the payment of interest where payments are not made in accordance with the agreement, amongst other things. A building permit shall not be issued in respect of a Designated Heritage Property until either an agreement is made between the Owner and the Municipality in accordance with this section, or Charges have been paid in full in accordance with section 41.
43. Despite sections 37 and 38, every Owner of a property outside of the urban area designation of the Township's Official Plan, who meets the criteria defined in the Official Plan for servicing of development outside of the urban area for connection to municipal water supply for remedial or water quality reasons, may elect to pay the applicable works Charge, together with interest at the rate of 8% per annum, calculated semi-annually, in ten (10) equal annual installments of blended principal and interest, in which event the Treasurer shall add the unpaid balance owing to the tax roll of the Owner's property and collect each annual payment in the same manner as municipal taxes.

44. Legal fees incurred by the Township, if any, associated with defining the terms and conditions for repayment provided for in section 39 above and for registering the lien against the property shall be included in the cost to be recovered by the property Owner. The legal fees shall be repaid on the same terms and conditions elected for the underlying Works Charge.
45. Every Owner who elects to pay the applicable works Charge and associated legal fees in accordance with sections 39 and 40 may at any time thereafter commute and pay in cash the outstanding principal balance of the Charge and legal fees and any accrued and unpaid interest.
46. Charges payable in accordance with this by-law shall be deposited in the Loyalist East Sewage Impost Reserve Fund, the Fairfield Water Impost Reserve Fund, the Bath Sewer Impost Reserve Fund or the Bath Water Impost Reserve Fund respectively and shall be maintained within separate sub-accounts within these Reserve Funds, to be used to cover past growth costs and fund growth related infrastructure capital costs.
47. Where an Owner applies for a building permit for the construction of a new single detached dwelling or semi-detached dwelling that is being purpose-built to contain a secondary unit, no charge shall be imposed to the secondary unit provided that:
  - (a) The secondary unit is permitted by and meets the regulations of the applicable zoning by-law; and
  - (b) The secondary unit meets the criteria set out in the Township's Official Plan
48. Notwithstanding Sections 5 and 17 above, no Charge shall be imposed under this by-law with respect to the following:
  - (a) the enlargement of an existing residential dwelling unit;
  - (b) the creation of one or two additional residential dwelling units in an existing single detached dwelling where the total gross floor area of each additional unit does not exceed the gross floor area of the existing dwelling unit; or
  - (c) the creation of one additional dwelling unit in any other type of existing residential use building provided the gross floor area of the additional unit does not exceed the gross floor area of the smallest existing dwelling unit already in the building.
49. Not Used
50. Not Used
51. The growth portion of Charges payable in accordance with Schedules "A", and the Charges payable in accordance with Schedules, "D", "E", "F", and "G" shall be adjusted annually without amendment to this by-law, commencing on January 1, 2021 and annually thereafter in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135.
52. The Charges payable in accordance with Schedules "B" and "C" are updated annually based on the original agreements in place, uncommitted reserve capacity calculations and the most recent Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135-01.
53. The Charges payable in accordance with this by-law shall be paid over and above all other rates or charges as Council may impose by by-law from time to time.
54. The Charges payable by an Owner in accordance with this by-law shall constitute a debt of the Owner to the Municipality and any amount owing shall

bear interest at the rate of 1.25% per month (15% per annum) calculated from the due date to the date of payment in full.

55. In addition to any other remedy available to the Municipality, the Treasurer may add any amount owing on account of the Charges to the tax roll for the property in respect of which the charge was payable and may collect the amount owing in the same manner as municipal taxes.
56. If any provision or requirement of this by-law or the application of this by-law to any person shall to any extent be held to be invalid or unenforceable, the remainder of the by-law or the application of such provisions or requirements to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of the by-law shall be separately valid and enforceable to the fullest extent permitted by law.
57. Where a previously connected property has not paid water or sewer user rates for a period in excess of 5 years this property will be required to pay the full applicable water and sewer works charges as applicable for that location even if a physical water and or sewer connection exists to the property line despite any exemption that might otherwise be available pursuant to this By-law.
58. Schedules “A”, “B”, “C”, “D”, “E”, “F”, and “G” attached hereto shall form an integral part of this by-law.
59. This by-law may be cited as the “Water and Sewage Works Charges By- law.”
60. This by-law repeals By-law 2018-023 and any and all by-laws or portions thereof conflicting with this by-law are hereby repealed.
61. In the event of a conflict between the provisions of this by-law and any other by-law of the municipality, the provisions of this by-law shall prevail.
62. This by-law shall come into force and take effect on November 25, 2019.

ENACTED AND PASSED THIS 25TH DAY OF NOVEMBER 2019.

Originally signed by the Mayor on November 25, 2019

Originally signed by the Clerk on November 25, 2019

## **INDEX OF SCHEDULES TO BY-LAW 2019-099**

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**BY-LAW 2019-099**  
**SCHEDULE "A"**

**Water Works Charges and Sewage Works Charges**  
**Effective January 1, 2026**

Service	Residential Single-Detached Dwelling and Semi-Detached Dwelling	Residential Multi-Residential	Residential Other Multiples	Non-Residential per daily m <sup>3</sup>
Water - Growth Portion	\$ 6,951	\$ 4,215	\$ 5,394	\$ 13,904
Water - Club Fee	\$ 2,890	\$ 1,753	\$ 2,243	\$ 6,248
Total Water	\$ 9,841	\$ 5,968	\$ 7,637	\$ 20,152
Sanitary Sewer - Growth Portion	\$ 3,035	\$ 1,840	\$ 2,355	\$ 6,074
Sanitary Sewer - Club Fee	\$ 3,548	\$ 2,152	\$ 2,754	\$ 7,670
Total Sanitary Sewer	\$ 6,583	\$ 3,992	\$ 5,109	\$ 13,744
<b>Total Combined Charge</b>	<b>\$ 16,424</b>	<b>\$ 9,960</b>	<b>\$ 12,745</b>	<b>\$ 33,895</b>

This By-law has been updated based on Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135.

**BY-LAW 2019-099**

**SCHEDULE "B"**

**Credit to Developers for Prepaid Water Treatment**

**Effective January 1, 2026**

Service	Residential Single-Detached Dwelling and Semi-Detached Dwelling	Residential Multi- Residential	Residential Other Multiples	Non-Residential per daily m <sup>3</sup>
Loyalist Meadows Ltd. *	\$ 2,491	\$ 1,511	\$ 1,933	\$ 6,827
Loyalist Residential Estates (Kaitlin Group)	\$ 1,938	\$ 1,175	\$ 1,504	\$ 5,312

\*In October 2020, it was resolved by Council that the balance of water treatment capacity originally established for J.A. Pye (Ontario) Ltd. be assigned to Loyalist Meadows Ltd.

**BY-LAW 2019-099**  
**SCHEDULE "C"**

**Credit to Developers for Prepaid Sewer Treatment**  
**Effective January 1, 2026**

Service	Residential Single-Detached Dwelling and Semi-Detached Dwelling	Residential Multi-Residential	Residential Other Multiples	Non-Residential per daily m <sup>3</sup>
Loyalist Meadows Ltd. *	\$ 3,268	\$ 1,982	\$ 2,537	\$ 8,957
Loyalist Residential Estates (Kaitlin Group)	\$ 3,268	\$ 1,982	\$ 2,537	\$ 8,957

\*In October 2020, it was resolved by Council that the balance of water treatment capacity originally established for J.A. Pye (Ontario) Ltd. be assigned to Loyalist Meadows Ltd.

This By-law has been updated based on Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135.

**BYLAW 2019-099**  
**SCHEDULE "D"**

**ODESSA TRUNK SERVICE AREA**  
**Effective January 1, 2026**

Bldg.	Eligible	Parcel	Location Description
<b>Part 1 - Hwy #33 (Speers Blvd. to County Road 6)</b>			
<b>North side</b>			
x	x	1104-010-080-01500	4595 Bath Road
	x	1104-010-080-02001	4621 Bath Road
<b>Part 2 - County Road #6 (Bath Rd. to CNR Tracks)</b>			
<b>East Side</b>			
	x	1104-010-080-03100	Con 1 Pt. Lot 35 (vacant)
	x	1104-010-080-03000	35 County Rd 6, Con BF Pt. Lot 35
	x	1104-010-080-03600	Con 1 Pt. Lot 35(vacant)
	x	1104-010-080-17801	Con 1 Pt. Lot 35, E of Cty Rd 6 (vacant)
	x	1104-010-080-03800	Con 1 Pt. Lot 35, Cty Rd. 6 E/S
x	x	1104-010-080-04000	211 County Rd. 6 N
x	x	1104-010-080-04102	4450 Taylor Kidd Blvd, Con 1 Pt. Lot 35
x	x		245 County Rd. 6 N (Water Pumping Station)
<b>West Side</b>			
	x	1104-010-080-05100	Vacant
<b>Part 3 - County Road #6 (CNR Tracks to Shane Street)</b>			
<b>East Side</b>			
	Not eligible		Bell Canada Bldg.
	Not eligible	1104-010-080-04400	Con 1 Pt. Lot 35 (vacant)
x	x	1104-010-080-04300	365 County Rd. 6 N
x	x	1104-010-090-12100	559 County Rd. 6 N
x	Not eligible	1104-010-090-12601	473 Caton Road
	Not eligible	1104-010-090-13700	486 Shane St.
	Not eligible	1104-010-090-13301	807 County Rd. 6, Con 3 Pt Lot 33
<b>West Side</b>			
x	x	1104-010-080-05002	304 County Rd. 6 N
x	x	1104-010-080-05001	320 County Rd. 6 N
x	x	1104-010-080-05000	332 County Rd. 6 N
x	x	1104-010-080-04600	410 County Rd. 6 N
x	x	1104-010-080-12200	434 County Rd. 6 N
x	x	1104-010-090-12300	534 County Rd. 6 N
	Not eligible	1104-010-090-12310	554 County Rd. 6, Con 2 Pt Lot 34 (vacant)
	Not eligible	1104-010-090-12500	Con 2 Lot 34
	Not eligible	1104-010-090-13630	Con 3 Pt Lot 33
	Not eligible	1104-010-090-13620	Con 3 Pt Lot 32

This By-law has been updated based on Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135.

**BY-LAW 2019-099**

**SCHEDULE "E"**

**Odessa Trunk Watermain and Harewood and Brooklands  
Works Charge for Additional Construction Costs  
Effective January 1, 2026**

Odessa Trunk

Civic Address	Assessment Roll	Works Charge
365 County Road 6 N	1104-010-080-04300	3,925

Harewood, Brooklands

Water - Club Fee	Assessment Roll	Works Charge
4696 Bath Road	1104-010-080-05400	1,072
4705 Bath Road	1104-010-080-18100	2,256
4750 Bath Road	1104-010-080-05720	901
4754 Bath Road	1104-010-080-05900	843
4756 Bath Road	1104-010-080-06000	875
4760 Bath Road	1104-010-080-06100	1,357
4787 Bath Road	1104-010-080-19400	1,327
4791 Bath Road	1104-010-080-19300	11,429
4809 Bath Road	1104-010-080-19800	1,157
4860a Bath Road - severance	N/A	17,469

This By-law has been updated based on Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135.

**BY-LAW 2019-099**

**SCHEDULE "F"**

**Timmerman Street Works Charge  
For Additional Construction Costs  
Effective January 1, 2026**

Civic Address	Assessment Roll	Works Charge
3 Timmerman St.	1104-010-090-08314	3,524
7 Timmerman St.	1104-010-090-08312	6,493
403 Millhaven Rd.	1104-010-090-08310	20,403

**Timmerman Street Sewage Works**

Water - Club Fee	Assessment Roll	Works Charge
3 Timmerman St.	1104-010-090-08314	12,780
5 Timmerman St.	1104-010-090-08313	12,780
7 Timmerman St.	1104-010-090-08312	12,780
403 Millhaven Rd.	1104-010-090-08310	12,780

**BY-LAW 2019-099**  
**SCHEDULE "G"**

**Factory Street Works Charges**  
**In Lieu of Schedule "A"**  
**Effective January 1, 2026**

Civic Address	Assessment Roll	Works Charge
19 Factory St., Odessa	1104-010-170-13000	4,483
150 Main Str., Odessa	1104-010-170-10100	4,912

**Factory Street Sewage Works**

Water - Club Fee	Assessment Roll	Works Charge
19 Factory St., Odessa	1104-010-170-13000	12,780
150 Main St., Odessa	1104-010-170-10100	12,780