

CORPORATION OF THE TOWNSHIP OF RUSSELL

By-law # 2019-098

Being a by-law for the collection of charges for capital costs related to the construction, improvement and expansion of the sanitary system within the community of Russell, Township of Russell, to extend "Water and Sanitary Services to properties within the area of Embrun Commercial Park".

WHEREAS sections 9, 10 and 11, of the *Ontario Municipal Act, 2001*, S.O. 2001, c. 25 as amended provides powers and broad authority to municipalities to establish By-laws to govern the structure of the Municipality and its local boards; and

WHEREAS sections 9, 10, 11 and 391 of the Act authorize the Municipality to impose fees or charges on persons for services provided by the Municipality; and

WHEREAS section 391 of the Act provides that charges imposed for capital costs related to services may be imposed on Owners of land not receiving an immediate benefit from the services but who will receive a benefit at some later point in time; and

WHEREAS section 398 of the Act provides that charges imposed by a municipality on a person constitute a debt of the person to the Municipality, may be added to the tax roll for the property and collected in the same manner as municipal taxes; and

WHEREAS section 446 of the Act provides that a Municipality may recover the costs of bringing a property into compliance with a by-law and that such recovery may be from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes; and

WHEREAS the finance department presented report FS 17A-2019, dated June 17, 2019 to Council with respect to the financing of Water and Sewer Commercial Park, and

WHEREAS the Municipality has completed the installation of an expansion of the Water and Sanitary System including the installation of water and sanitary services and has installed services to the property line only to each of the twenty-three (23) properties within the Embrun Commercial Park, and

WHEREAS, Schedule "A", attached hereto, includes the detailed cost distribution by property for the water and sewer works, and;

WHEREAS the Municipality has identified, either by way of a debenture or internal borrowings, for the cost recovery for debt associated with a portion of the capital costs incurred by the Municipality in constructing the Works in the amount of One Million, Six Hundred and sixty-two thousand, two hundred and seventy-one dollars and forty-eight cents (\$1,662,271.48), and;

WHEREAS those cost, plus interest, if applicable, is to apportioned in this By-law as a charge to the listed benefitting owners as a Water - Sewer Service Charge under this By-law; now therefore be it,

NOW THEREFORE be it resolved that the Council of the Corporation of the Township of Russell hereby enacts as follows:

1.0 SHORT TITLE

1.1 That this By-law is the "**Embrun Commercial Park Water and Sewer Servicing Charge By-law**".

2.0 DEFINITIONS

2.1 For the purposes of this By-law, the following definitions shall apply:

Act means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;

By-law means this By-law as it may be amended from time to time. The recitals to, and the Schedules attached to this By-law are considered integral parts of it;

Building Connection shall mean the pipe and related appurtenance that connects the Lateral Connection to the building or structure, which shall be installed in accordance with the Municipality's requirements;

Council means the Municipal Council of the Corporation of the Township of Russell;

Land / Lands means lots described municipally as 100, 110, 115, 125, 130, 140, 145, 165, 189, 195 on Bay St; and 315, 325, 330, 335, 345, 355, 371 New York Central St and 210, 225 Industrial St and; 593, 717, 735 Notre-Dame St and; 1044 St-Guillaume Rd; and properties for an new commercial park area as more particularly described on Schedule "A" attached hereto and forming part of this By-law;

Lateral Connection means the pipe and related appurtenances within the road allowance leading from the Municipality's water and/or sanitary sewer trunk to the property line or the water distribution main to the property line that are installed in accordance with the Municipality's requirements;

Municipality shall mean the Corporation of the Township of Russell;

Owner or Owners means the person(s) who is / are the registered owner(s) of the Lands, upon which a Water and/or Sewer Works Service Charge is imposed under this By-law;

Sanitary System means all sewers, sewer systems, sewage pumping stations, sewer lagoons, water pollution control plants and all other works for the collection, acceptance, transmission, treatment or disposal of sanitary sewage in the Community of Embrun;

Sewer Works Charge means the charge for the capital cost of the Works (which may include all preparation, administration and enforcement costs) as set out in this By-law but does not include a Building Connection, any other permit fees, development charges, construction and material costs, nor user fees or user rates established by by-laws;

Water Distribution System means all water, water feeder mains, water mains, water valves, water reservoirs, water services, distribution systems and all other works for the distribution, acceptance, transmission, treatment of water in the community of Embrun;

Water Service Charge means the charge for the capital cost of the Works (which may include all preparation, administration and enforcement cost) as set out in this By-law but does not include a Building Connection, any other permit fees, development charges, nor user fees or user rates established by other by-laws;

Water Works means those works to install the main trunk sewer and Lateral Connections in the road within the Embrun Commercial Park area.

3.0 WORKS CHARGE

3.1 SEWER

A Sewer Works Charge consisting of the trunk line construction cost and the Lateral Connections cost total in the amount One Million one hundred and sixty-two thousand ninety-six dollars and seventy-nine cents (\$1,162,096.79) is hereby imposed and apportioned upon each Land Owner as calculated and listed in Schedule "A" to this by-law.

3.2 WATER

A Water Service Charge in the amount of five hundred thousand, one hundred and seventy-four dollars and sixty-eight cents (\$500,174.68) is hereby imposed and apportioned upon each Land Owner as calculated in the Schedule "A" list.

4.0 CONNECTION

4.1 Each Owner of Land which is subject to the Sewer Works Charge who connects to the Sanitary System shall be responsible for the construction of a Building Connection, to be constructed in accordance with the requirements of the Municipality and all applicable laws. Each Owner shall seek and obtain the written approval of the Municipality before connecting to the Sanitary System. Such connection shall not be completed without the written authorization of the Municipality and all necessary permits shall have been obtained before any such connection is completed.

4.2 Each Owner of Land who connects to the Water Works shall be responsible for the construction of a Building Connection and the installation of a water meter, to be constructed as per the requirements of the Municipality, and in accordance with all applicable laws. Each Owner shall obtain the approval of the Municipality before connecting to the Works. Such connection shall not be completed without the written authorization of the Municipality and all necessary permits shall have been obtained before any such connection is completed.

5.0 PAYMENT OF WATER AND/OR SEWER WORKS CHARGES

5.1 Owners shall elect to pay the Water and/or Sewer Works Charge in accordance with one of the following options:

- Option 1: Paid in full as of July 31st, 2019
- Option 2: 10 years – 2.92% annual interest
- Option 3: 15 years – 3.12% annual interest
- Option 4: 20 years – 3.26% annual interest

5.2 The outstanding amount of the Water and/or Sewer Works Charge may be paid in full by July 31st, 2019 (Option 1). If the amount is not paid by the due date and no other payment options have been selected, the total

amount due in Option 1 shall be shall be deemed to be added to the tax roll and collected as a special charge in the same manner as municipal taxes and subject to all of the penalties and interests provided in the Act or any By-Law authorizing the collection of unpaid taxes as prescribed by the Act.

- 5.3 If either Options 2 through 4 are chosen by the Owner, by notice to the Municipality on or before July 31, 2019, each year for the duration of the amortization period, the payment by way of a commuted payment (plus interest to the date of such commuted payment) payable to the Municipality, shall be added to the tax roll and shall be collected as a special charge in the same manner as municipal taxes and subject to all of the penalties and interests provided in the Act or any By-Law authorizing the collection of unpaid taxes as prescribed by the Act.
- 5.4 The annual payments for the Water and/or Sewer Works Charge shall be considered due and payable until the amounts owing for principal and interest have been fully paid.
- 5.5 The portion of the Water and/or Sewer Works Charge payable during any year of the amortization period shall be added to the tax roll and shall be collected as a special charge in the same manner as municipal taxes and subject to all of the penalties and interests provided in the Act or any By-Law authorizing the collection of unpaid taxes as prescribed by the Act.
- 5.6 The outstanding amount of the Water and/or Sewer Works Charge may be paid by way of a commuted payment (plus interest to the date of such commuted payment) to the Municipality at any time after July 31st 2019.

6.0 PENALTIES

- 6.1 Every person who contravenes any provision of this By-Law is guilty of an offence and, on conviction, is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, C.P.33, as amended.
- 6.2 If any requirement of this By-law is not completed in accordance with the requirements of the Municipality, the Owner shall repair such defective work or material within ten (10) days of a notice requiring such repair having been sent by first class pre-paid mail to the address for such

property which appears on the Municipality's tax roll. If the Owner fails to repair such work, the Municipality may repair the work, including the right to enter upon the Land, and the cost of such repairs shall be added to the tax roll for the property and collected in the same manner as municipal taxes.

- 6.3 In the event that an Owner fails and/or refuses to make a required connection to the Sanitary System or fails and/or refuses to have a Building Connection installed in accordance with the Municipality's requirements or fails to perform any other thing required to be done under this By-law, the Municipality may direct that such thing be done at the Owner's expense and for this purpose may authorize the entry in and upon the Land of the Owner and the Municipality may recover such expense by action or in the same manner as municipal taxes.

7.0 ADMINISTRATION

- 7.1 The Municipal Treasurer shall administer this By-law on behalf of the Municipality.

- 7.2 All monies collected pursuant to this By-law shall be used to reimburse the cost of the Works.

8.0 OTHER BY-LAWS AND REGULATIONS

- 8.1 Nothing in the By-law shall exempt any person from complying with the requirements of any other applicable By-law, agreement or legislation.

9.0 BY-LAW REGISTRATION

- 9.1 A copy of this By-law may be registered on title to any Land to which this By-law applies at the discretion of the Municipality.

10.0 SEVERABILITY

- 10.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

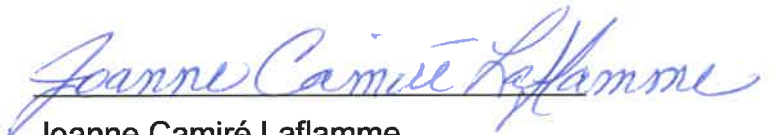
11.0 EFFECTIVE DATE

11.1 This By-law shall come into force and take effect upon final reading thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
17TH DAY OF JUNE 2019.



Pierre Leroux
Mayor



Joanne Camiré Laflamme
Clerk

SCHEDULE A - BY-LAW NO 2019-098

Township of Russell

Share of Water-Sanitary-Storm Sewer Cost for the Embrun Commercial Park

	ROLL NUMBER 03 06 000	DESCRIPTION	COMMERCIAL PARK WATER / SANITARY COST SHARING - DIVIDED BY FRONTAGE		TOTAL COSTS	GRANT WATERMAIN	Sanitary services	Water Main Services	TOTAL
			LOT NO.	STREET / ROAD					
1	006 03810 0000	CON 6 PT LOT 10 RP50R433 PT PART 2 / RP50R10270 PART 1	100	Bay	\$ 29,997.27	\$ (11,606.60)	\$ -	\$ 18,390.67	\$ 18,390.67
2	006 03822 0000	CON 6 PT LOTS 9, 10 RP50R2372 PART 1 RP50R10270 PART 2	110	Bay	\$ 23,554.97	\$ (9,113.93)	\$ -	\$ 14,441.04	\$ 14,441.04
3	006 03814 0000	CON 6 PT LOT 9 50R7152 PT 1/ RP50R2372 PT 3	130	Bay	\$ 41,021.91	\$ (15,872.27)	\$ -	\$ 25,149.64	\$ 25,149.64
4	006 03827 0000	CON 6 PT LOT 9 RP50R2301 PART 1	140	Bay	\$ 20,809.30	\$ (8,051.57)	\$ -	\$ 12,757.73	\$ 12,757.73
5	006 03824 0000	CON 6 PT LOTS 9,10 RP50R1410 PART 1	115	Bay	\$ 119,547.31	\$ (14,036.14)	\$ 82,535.77	\$ 22,975.40	\$ 105,511.17
6	006 03811 0000	CON 6 PT LOT 9 RP50R1410 PART 5	125	Bay	\$ 129,751.10	\$ (14,723.34)	\$ 89,325.25	\$ 25,702.52	\$ 115,027.76
7	006 03828 0000	CON 6 PT LOT 9 RP50R2372 PART4 PT PART 5	145	Bay	\$ 124,326.91	\$ (14,093.86)	\$ 85,482.45	\$ 24,750.61	\$ 110,233.06
8	006 03821 0000	CON 6 PT LOT 9 RP50R4149 PART 1	165	Bay	\$ 95,333.60	\$ (11,386.55)	\$ 65,905.04	\$ 18,042.01	\$ 83,947.05
9	006 03830 0000	CON 6 PT LOT 9 RP50R4143 PART 2	189	Bay	\$ 73,328.16	\$ (8,607.10)	\$ 49,817.65	\$ 14,903.41	\$ 64,721.06
10	006 03823 0000	CON 6 PT LOT 9 RP50R5867 PARTS 1 TO 3	195	Bay	\$ 82,337.53	\$ (9,487.29)	\$ 56,679.94	\$ 16,170.30	\$ 72,850.24
11	006 03820 0000	CON 6 PT LOT 9 RP50R2725 PARTS 1, 2	225	Industriel	\$ 62,449.54	\$ -	\$ 62,449.54	\$ -	\$ 62,449.54
12	006 03818 0000	CON 6 PT LOT 9 PT LOT 10 RP50R2169 PART 1	315	New York Central	\$ 117,952.38	\$ (12,975.58)	\$ 82,185.37	\$ 22,791.43	\$ 104,976.80
13	006 03819 0000	CON 6 PT LOT 9 PT LOT 10 RP50R2726 PART 1	325	New York Central	\$ 104,413.76	\$ (11,988.98)	\$ 71,196.63	\$ 21,228.15	\$ 92,424.78
14	006 03832 0000	CON 6 PT LOT 9 RP50R5867 PT PART 4	330	New York Central	\$ 52,989.96	\$ (6,329.07)	\$ 36,632.47	\$ 10,028.42	\$ 46,660.89
15	006 03826 0000	CON 6 PT LOT 9, 10 RP50R2891 PART 1	335	New York Central	\$ 50,815.39	\$ (6,069.34)	\$ 35,129.17	\$ 9,616.88	\$ 44,746.05

		COMMERCIAL PARK WATER / SANITARY COST SHARING - DIVIDED BY FRONTAGE			TOTAL COSTS	GRANT WATERMAIN	Sanitary services	Water Main Services	TOTAL
ROLL NUMBER 03 06 000	DESCRIPTION	LOT NO.	STREET / ROAD						
16	006 03825 0000	CON 6 PT LOT 9 RP50R2934 PART 1 / RP50R4147 PART 1	345	New York Central	\$ 74,403.40	\$ (8,886.67)	\$ 51,435.79	\$ 14,080.94	\$ 65,516.73
17	006 03831 0000	CON 6 PT LOT 9 RP50R4673 PART 1 / RP50R10541 PT 5	355	New York Central	\$ 80,957.30	\$ (9,669.46)	\$ 55,966.56	\$ 15,321.27	\$ 71,287.84
18	005 03010 0000	CON 5 PT LOT 10 RP50R1110 PART 1 PT	593	Notre-Dame	\$ 63,490.51	\$ -	\$ -	\$ 63,490.51	\$ 63,490.51
19	005 02710 0000	CON 5 PT LOT 10 RP50R9211 PART 1	1044	St-Guillaume	\$ 68,506.46	\$ -	\$ -	\$ 68,506.46	\$ 68,506.46
20	006 03801 0000	CON 6 PT LOT 9 RP50R988 PART 1 RP50R8395 PARTS 2	735	Notre-Dame	\$ 46,686.36	\$ -	\$ 46,686.36	\$ -	\$ 46,686.36
21	006 03802 0000	CON 6 PT LOT 9 RP50R988 PART 2	210	Industriel	\$ 46,686.36	\$ -	\$ 46,686.36	\$ -	\$ 46,686.36
22	006 04500 0000	CON 6 PT LOT 9 RP50R10765 PTS 1 & 7	New Commercial Park	North of the trail	\$ 211,451.34	\$ -	\$ 154,202.09	\$ 57,249.25	\$ 211,451.34
23	006 03835 0000	CON 6 PT LOT 9 RP50R2169 PART 2, PART 3	371	New York Central	\$ 129,869.94	\$ (15,511.54)	\$ 89,780.35	\$ 24,578.06	\$ 114,358.41
			TOTAL		\$ 1,850,680.75	\$ (188,409.28)	\$ 1,162,096.79	\$ 500,174.68	\$ 1,662,271.48