

# THE CORPORATION OF THE CITY OF KAWARTHA LAKES

## By-law No. 2006 - 291

**BEING A BY-LAW TO IMPOSE SANITARY SEWER AND WATER RATES TO RECOVER THE CAPITAL COSTS OF PROVIDING SANITARY SEWER AND WATER SERVICE TO USERS OF THE SYSTEM (EXISTING URBAN AREA).**

**WHEREAS** the City of Kawartha Lakes (the "City") has determined to construct certain sanitary sewer and water works to provide services and benefit users connected to the system 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 a sanitary sewer and/or water rate upon owners or occupants of land who derive or will or may derive a benefit from the construction of sanitary sewer and/or water 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 charged the sanitary sewer and water rate are the lands denoted in the map on Schedule "B" to this by-law;

**AND WHEREAS** the City has determined that the capital costs of such sanitary sewer and water works shall be rated against the lands outlined on 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 City of Kawartha Lakes enacts this By-law 2006-291.

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 sanitary sewer and water 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 there from until a sewermain and/or watermain upon which the land will abut is constructed as part of the works;
  - b) "capital cost" means the cost of constructing sanitary sewer and water works, inclusive of all items of cost usually and properly chargeable to the capital account, and where applicable, the interest amounts payable on the borrowing for the works;
  - c) "lot" shall mean a parcel of land under distinct and separate ownership from adjoining lands and being separate assessed according to the most current assessment roll at the time the sanitary sewer and water works rate is due and payable as prescribed by the terms of this By-law;

- d) "Municipality" shall mean the Corporation of the City of Kawartha Lakes;
  - e) "sanitary sewer works" means any works for the collection, treatment, disposal of wastewater, or any part of any such works;
  - f) "sanitary sewer works rate" means a charge for the capital cost of sanitary sewer works.
  - g) "water works" means any works for the collection, production, treatment, storage, supply or distribution of water, or any part of any such works;
  - h) "water works rate" means a charge for the capital cost of water works.
2. The capital costs of the sanitary sewer works and water works shall be as described in the report titled "City of Kawartha Lakes Area Specific Development Charges Background Study / Municipal Act Capital Charge Study", dated August 15, 2006, prepared by C.N. Watson and Associates Ltd., and are subject to annual budget review by the City.
  3. The sanitary sewer works and water works rates provided in this by-law shall provide for the capital costs related to sanitary sewer and water services but shall not include localized works on private property to connect the service to individual properties.
  4. The sanitary sewer works and water works rates shown in Schedule "A" to this by-law shall be imposed upon the owner or occupant of each lot or part of a lot of the lands denoted on the map on Schedule "B" to this by-law. This area is deemed as the benefiting area for the sanitary sewer works and water works.
  5. The sanitary sewer works and water works rates shall be calculated by multiplying the rates specified in Schedule "A" by the net developable area identified by owners or occupants contained in Schedule "C" attached hereto.
  6. Any owner or occupant of land who is liable for the sanitary sewer works and water works rates and is listed on Schedule "C" as provided herein may:
    - a) commute such rate by making a single cash payment, as identified on Schedule "C", to the City up to and including ninety (90) days after the connection to the sanitary sewer works and/or water works. Such owner must identify his or her intention to make the single cash payment on or before 30 days prior to the expiry of the commutation period failing which the person will be deemed to have selected the installment option described in subparagraph b, below;
    - b) select the option of paying the full cost on an installment basis over the ten (10) year period following the connection to the sanitary sewer works and/or the water works. For land owners electing to pay the charges on an installment basis, an interest rate of 5% per annum shall be payable and shall be applied to the principle amount and shall be due on normal water/sewer bill due dates.
    - c) pay the total outstanding balance in full at any time within the ten year period.

7. Should additional lands become available for development on any parcel, or any additional lands which are not currently considered as serviceable from the sanitary sewer works and water works, these lands shall be required to pay the relevant charges per hectare.
8. The sanitary sewer works and water works rates authorized and imposed pursuant to this By-law may be added to the tax roll for the property and collected by the City in its sole and absolute discretion in the same manner and with the like remedies as municipal taxes.
9. The following schedules to this by-law form an integral part thereof:
  - Schedule "A" - Sanitary Sewer Works and Water Works Rates
  - Schedule "B" - Map of the Benefiting Area
  - Schedule "C" - Schedule of Benefiting Owners
10. This by-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 10<sup>th</sup> day of October, 2006.

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**Mayor**

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**Clerk**

**City of Kawartha Lakes  
Schedule "A"  
to By-law No. 2006 - 291**

**Sanitary Sewer Works and Water Works Rates**

The following charges are for parcels receiving sanitary sewer and water services, as defined on Schedule "B", and are in effect from by-law passage:

Sub-Area	Sanitary	Water	Total
	\$/ha.	\$/ha.	\$/ha.
NA	\$302	\$-	\$302
E1	25,252	19,210	44,462



**City of Kawartha Lakes  
Schedule "C"  
to By-law No. 2006 - 291  
Schedule of Benefiting Owners**

**SANITARY SEWER SERVICES**

Area Ref. No.	Development Type	Gross Area (ha.)	Net Developable Area (ha.)	Benefiting Area	Benefiting Area (Net Developable Area)	
					NA	E1
2a Existing	Residential	0.15	0.13	E1		0.13
4a Existing	Residential	2.18	1.96	E1		1.96
16a Existing	Residential	0.05	0.05	E1		0.05
17a Existing	Residential	0.15	0.14	E1		0.14
18a Existing	Residential	0.05	0.05	E1		0.05

**WATER SERVICES**

Area Ref. No.	Development Type	Gross Area (ha.)	Net Developable Area (ha.)	Benefiting Area	Benefiting Area (Net Developable Area)	
					NA	E1
16a Existing	Residential	0.05	0.05	E1		0.05
17a Existing	Residential	0.15	0.14	E1		0.14
18a Existing	Residential	0.05	0.05	E1		0.05