

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NO. 2019-183

BEING A BY-LAW TO IMPOSE WATER AND SANITARY SEWER CONNECTION CHARGES TO RECOVER THE CAPITAL COST OF INSTALLING WATER AND/OR SANITARY SEWER WORKS IN THE URBAN SERVICE AREA

WHEREAS the City of Belleville has determined it to be in the public interest to construct certain water and/or sanitary sewer works within portions of the Urban Service Area;

AND WHEREAS the Council is authorized by s. 391 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, to impose fees or charges upon persons owning land who derive or will derive a benefit from the provision of municipal services such as the municipal construction of water and/or 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 charged with charges for the construction of municipal water and/or sanitary sewer works are lands within the Urban Service Area;

NOW THEREFORE, the Council of the City of Belleville enacts as follows:

Definitions

1. In this By-Law:
 - a. "benefit" means the benefit to an Owner of a Lot within the Urban Service Area of connecting to municipal Water Works and/or Sanitary Sewer Works installed adjacent to the Owner's Lot;
 - b. "Capital cost" means the cost of constructing Water Works and/or Sanitary Sewer Works, inclusive of all items of cost usually and properly chargeable to a capital account, and where applicable, the interest amounts payable on the debentures to be issued for such works;
 - c. "City" shall mean the Corporation of the City of Belleville;
 - d. "Connection Charge(s)" means the charge(s) imposed in accordance with the provisions of this By-Law for connecting to Water Works and/or Sanitary Sewer Works provided or done by or on behalf of the City;

- e. "Council" shall mean the Council of the Corporation of the City of Belleville;
- f. "Dwelling Unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, sleeping and sanitary facilities;
- g. "Gross floor area" means the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, except for:
 - (a) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (b) loading facilities above or below grade; and
 - (c) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;
- h. "Lot" shall mean a parcel of land under distinct and separate ownership from adjoining lands and being separately assessed according to the most current assessment roll at the time the Connection Charge(s) is due and payable in accordance with the provisions of this By-Law;
- i. "Notice" means the notice issued by the City that Connection Charge(s) are payable, and that Private Service Connections are required in accordance with the provisions of this By-Law;
- j. "Owner" means the registered owner of a Lot;
- k. "Private Service Connection(s)" means and includes the services, pipes, fixtures, facilities, or things located on private property to be used for the purpose of supplying any Lot in the Urban Service Area with Water Works and/or Sanitary Sewer Works;
- l. "Sanitary Sewer Works" means any public works for the collection, transmission, treatment or disposal of sewage, or any part of any such works;
- m. "Single Detached Dwelling" means the whole of a building containing one Dwelling Unit only;
- n. "Urban Service Area" means that area within the City shown as "Urban Service Area" on Schedule "B" of this By-Law.

- o. "Water Works"" means any public works for the collection, production, treatment, storage, supply, or distribution of water, or any part of such works;
- p. "Works" means the Water Works and/or Sanitary Sewer Works.

Connection Charges Imposed

- 2. Connection Charges calculated in accordance with the provisions of this By-Law are hereby authorized.
- 3. Upon completion of the construction of a Water Works and/or Sanitary Sewer Works project within the Urban Service Area, the Connection Charges authorized by and calculated in accordance with the provisions of this By-Law shall be established for each Lot serviced or capable of being serviced by the Water Works and/or Sanitary Sewer Works. The applicable Connection Charge(s) shall be payable as set out in the provisions of this By-Law.
- 4. When the City determines it is advisable to impose the applicable Connection Charges, the City shall issue a Notice to the Owner(s) of each and every Lot serviced or capable of being serviced by the Water Works and/or Sanitary Sewer Works advising that each such Owner shall have a period of up to ten (10) years from the date of the Notice to construct and install at the Owner's sole expense a Private Service Connection(s) to connect to the Water Works and/or Sanitary Sewer Works, failing which such connection(s) to the Water Works and/or Sanitary Sewer Works (as the case may be) shall become mandatory and in such event the provisions of Paragraphs 16 and 17 of this By-Law shall apply.
- 5. The Notice shall also provide that each such Owner shall pay the applicable Connection Charge(s) within ninety (90) days of the date of the Notice or select the option of paying the applicable Connection Charge(s) on an installment basis, as set out in Paragraph 12 of this By-Law.
- 6. Every Owner of a Lot who receives a Notice pursuant to this By- Law shall fully comply with such Notice and the requirements of this By- Law.
- 7. The Connection Charge(s) imposed by this By-Law are not development charges as defined in the *Development Charges Act*, 1997, c.27 and its regulations as implemented under By-Law No. 2016-18, as amended.
- 8. Every Connection Charge(s) imposed by this By-Law constitutes a debt of the Owner of the Lot to the City. The Treasurer of the City may add the Connection Charge(s) imposed by this By-Law to the tax roll for such Owner's Lot.

Calculation of Connection Charge(s)

9. Subject to the provisions of this By-Law, Connection Charge(s) against a Lot shall be imposed, calculated, and collected in accordance with the rates set out in Schedule "A" to this By-Law.
10. The Connection Charge(s) with respect to the use of any land, buildings or structures shall be calculated as follows:
 - a. In the case of a single detached dwelling, the amounts set out in Schedule "A", Table 1.
 - b. In the case of all other buildings or structures to be connected to the Waterworks and/or Sanitary Sewer Works, the Connection Charge(s) shall be calculated as the product of the gross floor area of such building or structure multiplied by the corresponding total amount for such gross floor area, as set out in Schedule "A", Table 2.
11. The City shall estimate the gross floor area based on information available to it including but not limited to MPAC assessment data and building files. In the event the Owner disputes the gross floor area calculation, the Owner may provide to the City a gross floor area calculation supported by building plans (certified by a registered building practitioner under the *Building Code Act*, an Ontario Land Surveyor or an architect or professional engineer duly licensed in the Province of Ontario) to the satisfaction of the City as the basis for seeking an adjusted calculation.

Payment Options

12. Every Owner who is liable for a Connection Charge(s) as provided herein shall:
 - a. have the option, up to and including ninety (90) days from the date of the Notice from the City, to commute the applicable Connection Charge(s) by making a single cash payment to the City in the full amount of the Connection Charge(s). Such Owner must make the single cash payment on or before the said ninety (90) days, failing which the person will be deemed to have selected the installment payment option described in subparagraph b. below; or
 - b. Default to the option of paying the full cost on an installment basis over a ten (10) year period following the date set out in the Notice provided to such Owner pursuant to the provisions of this By-Law. Under this option, an interest rate equal to the City's internal borrowing rate shall be payable and shall be applied to the principal amount. The installment and interest amount shall be added to the tax account of the Owner and shall be due on normal

tax due dates. Provided that an Owner may pay the total outstanding balance (which shall include all applicable interest) in full at any time.

Process for Obtaining a Connection

13. Every Owner affected by the provisions of this By-Law shall be responsible, at his, her or its own cost, to install a Private Service Connection(s) sufficient to properly connect to the Water Works and/or Sanitary Sewer Works.
14. Connections to the Water Works and/or Sanitary Sewer Works shall be made at the same time as the construction and installation of the Private Service Connection(s). Where Water Works and/or Sanitary Sewer Works have been installed to service a Lot, the Owner shall be required to connect to both the Water Works and Sanitary Sewer Works.
15. Lot Owners shall be solely responsible for all costs and liability for making the Private Service Connection(s) from the street line containing the Works to the buildings/structures on the Lot.
16. In accordance with the provisions of Section 436 of the Municipal Act, 2001 S.O. 2001, Chapter 25 as amended from time to time, the City may enter on any Lot or land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the requirements of this By-Law have been complied with.
17. Where the Owner of a Lot has:
 - a. failed to install the Private Service Connection(s) as required by this By-Law, or;
 - b. failed to disconnect a septic system and or well as required by this By-Law; or
 - c. has failed to comply with any requirement of this By-Law

the City may, at any reasonable time, in accordance with the provisions of Section 446 of the Municipal Act, 2001 S.O. 2001, Chapter 25 as amended from time to time, enter onto the Lot and into buildings, including dwelling units, for the purpose of making any such connection and/or disconnection required under this By-Law, and the cost of such connection and/or disconnection shall be at the expense of the Owner and recoverable on the tax roll of the Lot.
18. Where a Notice has not been issued but Water Works and/or Sanitary Sewer Works are available, the process for obtaining a connection to the Water Works and/or Sanitary Sewer Works shall be as follows:

- a. a person may make written application to the City upon the appropriate form, showing the purposes for which the service is required. Such application shall be signed by the Owner of the Lot to be supplied with the service, or by his or her agent duly authorized in writing;
 - b. the Owner shall, prior to the City's approval of any such request, execute an agreement with the City agreeing that the Owner shall be subject to all provisions of this By-Law and such other matters as Council requires; and
 - c. the Owner of each Lot to be serviced by the connection shall be liable for the payment of a Connection Charge(s) calculated in accordance with the provisions of this By-Law.
19. (a) Every Owner shall disconnect and cease use of the existing septic system(s) on the Lot prior to connection to the Sanitary Sewer Works. Existing septic systems shall be decommissioned in accordance with the *Building Code Act*, its regulations and other applicable law.
- (b) Every Owner shall disconnect the existing well water system from the buildings on the Owner's Lot upon connection to the Water Works and shall ensure there is no cross-connection with the municipal water supply. Upon connection to the Water Works, no person shall use an existing well for supplying drinking water to any buildings on the Owner's Lot.

By-Law Indexing

20. The Connection Charge(s) imposed pursuant to this By-Law shall be adjusted annually on the 1st day of January, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Non-Residential Building Construction Price Index (CANSIM Table 327-0043).

Severability

21. If any term or provision of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such term or provision of this By-Law to all persons other than those to whom it was held to be invalid or unenforceable shall not be affected thereby and each term and provision of this By-Law shall be separately valid and enforceable to the full extent permitted by law.

Headings for Reference Only

22. The headings inserted in this By-Law are for convenience of reference only and shall not affect the construction of or interpretation of this By-Law.

By-Law Registration

23. A certified copy of this By-Law may be registered on title to any land to which this By-Law applies.

General

24. Any reference in this By-Law to an Owner in the singular shall be deemed to include the plural, where applicable.

25. The Schedules attached hereto form an integral part of this By-Law as if recited in full herein.

26. Every person who contravenes any provision of this By-Law is guilty of an offense and upon conviction is liable to a fine of not more than \$10,000.

Effective Date

27. This By-Law shall retroactively apply to all Water Works and/or Sanitary Sewer Works constructed and installed from January 1, 2011 onward.

Read a first time this 15th day of **October, 2019**.

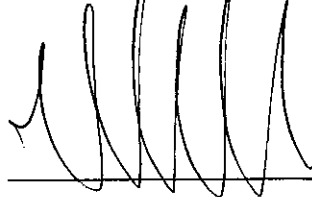
Read a second time this 15th day of **October, 2019**.

Read a third time and finally passed this 15th day of **October, 2019**.



MITCH PANCIUK

MAYOR



MATT MACDONALD

CITY CLERK

SCHEDULE "A"**TABLE 1**

Service	Per Single Detached Dwelling
Water	\$3,728
Sanitary Sewer	\$4,594
Total	\$8,322

TABLE 2

Service	All other buildings or structures (per ft² of Gross Floor Area)
Water	\$1.02
Sanitary Sewer	\$0.68
Total	\$1.70

SCHEDULE "B"

Urban Service Area

CITY OF BELLEVILLE - OFFICIAL PLAN

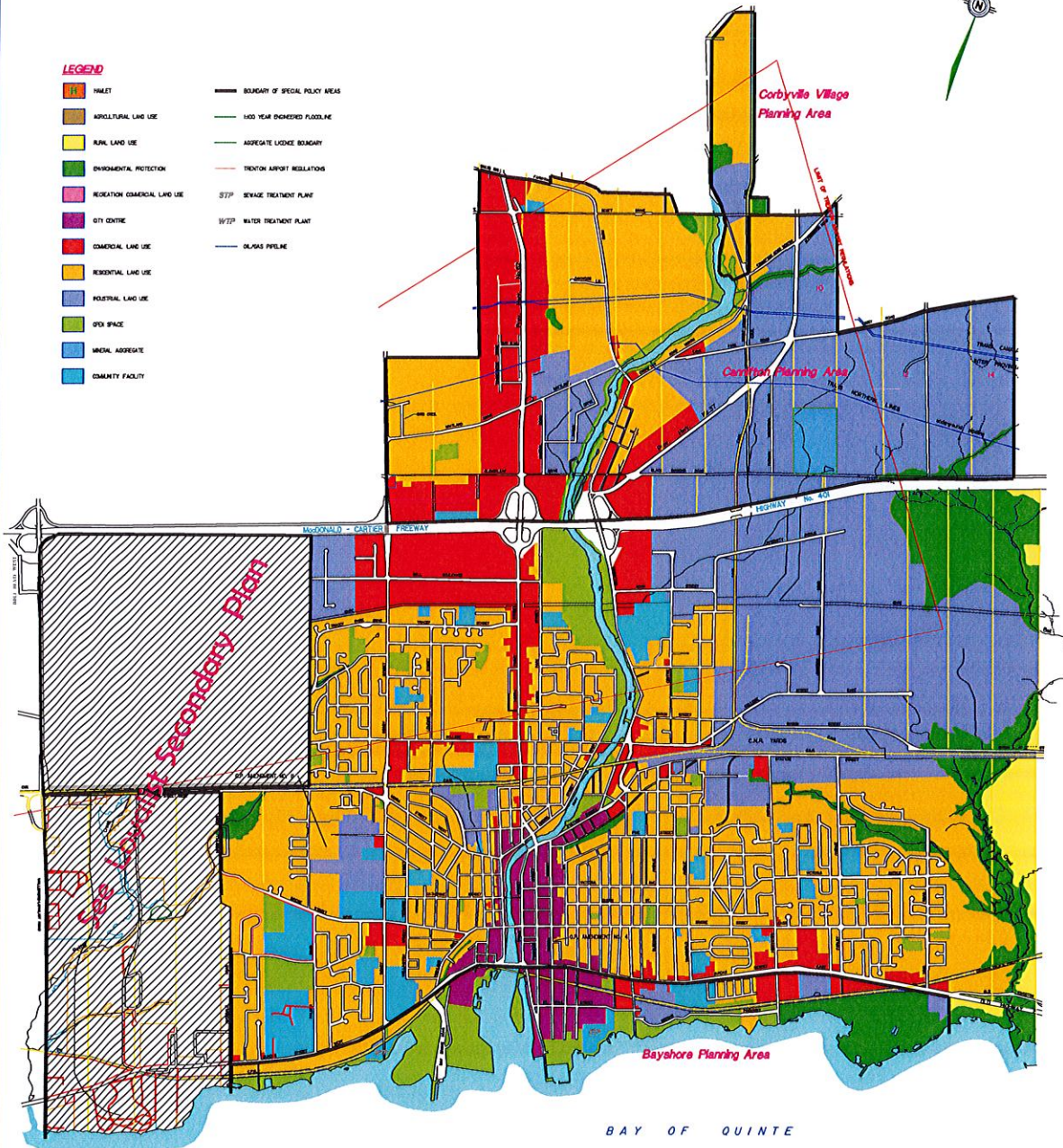
SCHEDULE 'B'

LAND USE PLAN - URBAN SERVICED AREA



LEGEND

- | | |
|--------------------------------|----------------------------------|
| TRAIL | BOUNDARY OF SPECIAL POLICY AREAS |
| AGRICULTURAL LAND USE | 100 YEAR DEMERSED FLOODLINE |
| RURAL LAND USE | AGGREGATE LICENSE BOUNDARY |
| ENVIRONMENTAL PROTECTION | TRENTON AIRPORT REGULATIONS |
| RECREATION COMMERCIAL LAND USE | STTP SEWAGE TREATMENT PLANT |
| CITY CENTRE | WTPP WATER TREATMENT PLANT |
| COMMERCIAL LAND USE | DUGAS PIPELINE |
| RESIDENTIAL LAND USE | |
| INDUSTRIAL LAND USE | |
| OPEN SPACE | |
| MINOR AGGREGATE | |
| COMMUNITY FACILITY | |



Atinley		CONSULTING ENGINEERS	
BRILL, MORD	PAUL, HOLLANDER	JOE, WILSON	
KEON, K.A.	DEWES, K.A.		
STYAN, S.J.A./S.A.	WILSON, S.M./S.A.	OWEN, S.S./S.A.	



REVISED UP TO AND INCLUDING
AMENDMENT NO. 16 (APPROVED NOVEMBER 8, 2010)