

**THE CORPORATION OF THE CITY OF BROCKVILLE
BYLAW NO. 57-2001**

**A BY-LAW TO IMPOSE A SEWER RATE UNDER THE PROVISIONS OF THE
MUNICIPAL ACT, SECTION 221, SUBSECTION (2) AND (13) AND (23)**

WHEREAS Section 221, Subsection (2) of the Municipal Act, R.S.O. 1990 Chapter 45 as amended provides that Council of a local municipality in authorizing the construction of sewage works may by by-law impose a sewer rate upon owners or occupants of land who derive or will or may derive a benefit therefrom sufficient to pay all or such portion of the capital costs of the works as the by-law may specify:

AND WHEREAS Section 221 Subsection (13) and (14) of the Municipal Act, R.S.O. 1990 Chapter 45, as amended, provide for the imposition of a sewer rate to pay for a portion or percentage of the capital cost of existing sewage works even if the capital cost has in whole or in part been paid;


AND WHEREAS pursuant to Section 221, Subsection (23) of the Municipal Act, R.S.O. 1990 Chapter 45, as amended, if the Council does not impose a sewage service rate it may by by-law include as part of a sewage rate a charge that could otherwise be imposed as a sewer service rate;

THEREFORE the Council of the Corporation of the City of Brockville enacts as follows:


1. In this by-law:
 - a) "sewer rate" means a charge for the capital cost of sewage works, and for the purposes of this by-law shall include a sewage service rate
 - b) "sewage service rate" means a charge for the operation, repair and maintenance of sewage works and includes a charge for depreciation, deferred maintenance or a reserve fund for such purpose.
2. There is imposed a sewer rate upon the owners or occupants of lands from which the sewage is received, treated or disposed of by The Corporation of the City of Brockville. The sewer rate for the year 2001 and all subsequent years shall be set as one hundred percent (100%) of the water rates. The sewage rate shall be collectable in the same manner as water rates.
3. The sewer rate imposed shall be collectable by The City of Brockville. The sewer rate imposed hereunder upon any owner or occupant of land is a lien and charge upon the land, and, if the rate or any part thereof remains unpaid after the due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupants, or the clerk of the municipality, upon notice to the owner or occupant of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way, as nearly may be, as municipal taxes are collectable. No property is exempt from a sewer rate imposed under subsection (2) or (13) or from a sewage service rate imposed under subsection (20) by reason only that it is exempt from taxation under the Assessment Act, but the council of a local municipality may by by-law exempt any property or class of property from all or part of the rate based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works.

4. The Board of an elementary school or secondary school as defined in the Education Act is liable to sewer rate imposed by this By-Law, notwithstanding the provisions of Section 3 of the Assessment Act.
5. The proceeds net of operating sewer expenditures of the charges authorized by this by-law shall be deemed to be a reserve fund known as the "Water Pollution Control Plant Sewer Service Rate Reserve Fund", established under the provisions of Section 221 (1) of the Municipal Act, R.S.O. 1990, Chapter 45.
6. Council may from time to time develop policies, procedures or special arrangements for the purpose of monitoring and billing non-standard sewer users.
7. That By-law 245-92 be and is hereby repealed.

GIVEN UNDER THE SEAL OF THE CORPORATION
OF THE CITY OF BROCKVILLE AND PASSED THIS
10TH DAY OF JULY A.D., 2001



MAYOR



CLERK