

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH GLENGARRY  
BY-LAW 38-10  
FOR THE YEAR 2010**

***BEING A BY-LAW TO SET BI-MONTHLY WATER AND SEWER RATES FOR THE GLEN WALTER AREA, LANCASTER/SOUTH LANCASTER AREA AND ANNUAL RATES FOR THE KENNEDY REDWOOD ESTATES AREA, GREEN VALLEY AREA AND TO CONSOLIDATE IMPOSE FEES IN THE TOWNSHIP OF SOUTH GLENGARRY.***

**WHEREAS** Section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting matters within certain spheres of jurisdiction including public utilities;

**AND WHEREAS** the Council of the Corporation of the Township of South Glengarry, during 2009, enacted by-laws No. 39-09 and No. 46-09, to amend by-law No. 39-09, to set new rates to cover the costs of operating and maintaining the above noted water and sewer systems;

**AND WHEREAS** the rates set in 2009 were based on a semi-annual billing for metered accounts;

**AND WHEREAS** the Council now deems it advisable to change the billing schedule to a bi-monthly billing for metered users;

**AND WHEREAS** By-laws No. 39-09 and No. 46-09 need to be rescinded;

**AND WHEREAS** the *Municipal Act* 2001 Section 391(1) permits a Municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other Municipality or any local board; and for the use of its property including property under its control;

**AND WHEREAS** the Council of the Corporation of the Township of South Glengarry has directed that Impose Fees be charged in serviced areas of the Township for water and sewer connections as per the provisions contained in Schedule E;

**THEREFORE** the Council of the Corporation of the Township of South Glengarry enacts as follows:

1. **THAT** Schedule "A" to this by-law be hereby adopted as the Schedule of Rates and Fees for the Glen Walter Water and Sewer area.
2. **THAT** Schedule "B" to this by-law be hereby adopted as the Schedule of Rates Fees for the Lancaster/South Lancaster Water and Sewer area.
3. **THAT** Schedule "C" to this by-law be hereby adopted as the Schedule of Rates and Fees for the Green Valley Sewer area.
4. **THAT** Schedule "D" to this by-law be hereby adopted as the Schedule of Rates and Fees for the Kennedy Redwood Estates Water area.

5. **THAT** Schedule "E" to this by-law be hereby adopted as the Schedule of Impose Fees in the Township of South Glengarry.
6. **THAT** the Schedule of Rates and Fees for metered services shall apply to all billings issued after the November 2010 regular billing and on January 1, 2011 for billings charged on tax accounts and impose fees.
7. **THAT** By-Law No. 39-09 and No. 46-09 are hereby repealed.

***READ A FIRST, SECOND, AND THIRD TIME, PASSED, SIGNED, AND SEALED IN OPEN COUNCIL THIS 27<sup>TH</sup> DAY OF SEPTEMBER 2010.***

***MAYOR:*** \_\_\_\_\_

***CLERK:*** \_\_\_\_\_

**Schedule "A"****Glen Walter System**

<b><u>Rate Description</u></b>	<b><u>Rate</u></b> <b><u>(per two (2) months)</u></b>	
<b><u>Base Usage Rates (Water &amp; Sewer)</u></b>		
Flat Rate Service Fee	\$59.55	per unit – per two months
Rate for water (per cubic metre of water)	\$1.69	
Rate for sewage (per cubic metre of water)	\$1.26	
Minimum consumption billing (19.3 cubic metres per two months and non transferable between periods)	\$57.00	
<b><u>Base Usage Rates (Water only)</u></b>		
Flat Rate Service Fee	\$34.00	per unit – per two months
Rate for water (per cubic metre of water)	\$1.69	
Minimum consumption billing (19.3 cubic metres per two months and non transferable between periods)	\$32.62	per two month period

The Treasurer shall add to all overdue accounts, interest at the rate of 1 ¼ % per month, on the first day of each month, for each month or fraction thereof on the principal amount that remain unpaid. The interest added shall not be compounded.

The flat rate service fee shall be reviewed by Council in the second year of each term of Council based on a long and short term capital plan submitted by Administration.

The following shall be reviewed by Council in the second year of each term of Council:

The water rates for the Glen Walter system and Lancaster system shall be equal and the sewage rates shall be 75% of the water rates. The usage rates for water and sewage shall be adjusted each year by the Treasurer. Any excess revenues of each system shall be used for current capital, capital reserves or to pay previous deficits of the system. Council will be notified of the proposed rate adjustments 28 days in advance of it taking affect and users shall be notified through an advertisement in a local newspaper and on each user's bill for the period preceding the rate adjustments. If the required rate adjustment is more than five percent above the previous rate then approval by Council Resolution in Open Session shall be required.

**Schedule “B”**

**Lancaster System**

<b><u>Rate Description</u></b>	<b><u>Rate</u></b> <b><u>(per two (2) months)</u></b>	
<b><u>Base Usage Rates (Water &amp; Sewer)</u></b>		
Flat Rate Service Fee	\$59.55	per unit – per two months
Rate for water (per cubic metre of water)	\$1.69	
Rate for sewage (per cubic metre of water)	\$1.26	
Minimum consumption billing (19.3 cubic metres per two months and non transferable between periods)	\$57.00	

The Treasurer shall add to all overdue accounts, interest at the rate of 1 ¼ % per month, on the first day of each month, for each month or fraction thereof on the principal amount that remain unpaid. The interest added shall not be compounded.

The flat rate service fee shall be reviewed by Council in the second year of each term of Council based on a long and short term capital plan submitted by Administration.

The following shall be reviewed by Council in the second year of each term of Council:

The water rates for the Glen Walter system and Lancaster system shall be equal and the sewage rates shall be 75% of the water rates. The usage rates for water and sewage shall be adjusted each year by the Treasurer. Any excess revenues of each system shall be used for current capital, capital reserves or to pay previous deficits of the system. Council will be notified of the proposed rate adjustments 28 days in advance of it taking affect and users shall be notified through an advertisement in a local newspaper and on each user’s bill for the period preceding the rate adjustments. If the required rate adjustment is more than five percent above the previous rate then approval by Council Resolution in Open Session shall be required.

**Schedule "C"**

**Green Valley (Sewers Only)**

<b><u>Rate Description</u></b>	<b><u>Rate</u></b> <b><u>(per year)</u></b>	
<b><u>Base Usage Rates</u></b>		
Flat Rate Service Fee	\$377.94	per unit – per year

The following shall be reviewed by Council in the second year of each term of Council:

The flat rate service fee shall be adjusted each year by the Treasurer to cover the long run operating and capital costs of the Green Valley system. Council will be notified of the proposed fee adjustment 28 days in advance of it taking affect and users shall be notified through an advertisement in a local newspaper and on each user's bill for the period preceding the fee adjustment. If the required fee adjustment is more than five percent above the previous fee then approval by Council Resolution in Open Session shall be required.

**Schedule “D”**

**Kennedy Redwood Estates System (Water Only)**

<b><u>Rate Description</u></b>	<b><u>Rate</u></b>	
	<b><u>(per year)</u></b>	
<b><u>Base Usage Rates</u></b>		
Flat Rate Service Fee (vacant and built-up lots)	\$311.70	per unit – per year
User Flat Rate Fee (built up lots)	\$571.45	per unit – per year

The following shall be reviewed by Council in the second year of each term of Council:

The flat rate service fees and user flat rate fees shall be adjusted each year by the Treasurer to cover the long run operating and capital costs of the Kennedy Redwood Estates system. In these calculations the user flat rate fee shall be increased at the same rate as the flat rate service fee. Council will be notified of the proposed fee adjustments 28 days in advance of it taking affect and users shall be notified through an advertisement in a local newspaper and on each user’s bill for the period preceding the fee adjustments. If the required fee adjustment is more than five percent above the previous fee then approval by Council Resolution in Open Session shall be required.

**Schedule "E"**

**Impose Fees for the Township of South Glengarry**

1. **THAT** where lawfully permitted Impose Fees established by this by-law are hereby imposed on the serviced areas as hereinafter set forth.
2.
  - a) **THAT** the Single-Family Residential Impose Fee for fully serviced areas is established at a flat rate of \$10,506 for the first 335 square meters of finished floor area plus \$51.68 per additional square meter, and, for single serviced areas a flat rate of \$5,253 for the first 335 square meters of finished floor area plus \$25.84 per additional square meter.
  - b) **THAT** the Multi-Unit Residential Impose Fee for fully serviced areas is established at a flat rate of \$3151.80 per unit plus \$51.68 per square meter of floor area, and, for single serviced areas a flat rate of \$1575.90 per unit plus \$25.84 per square meter of floor area. Such floor area shall be inclusive of all floor area within each unit as well as any other floor area within the building that has any significant fixtures (significant to be determined at the sole discretion of the Township's Chief Building Official or designate).
  - c) **THAT** where a Single-Family Residence also contains an accessory apartment there shall be a Single-Family Residential Impose Fee as well as, in fully serviced areas, a flat rate of \$1891.08 plus \$51.68 per square meter of floor area in the accessory apartment, and, in single serviced areas a flat rate of \$945.54 plus \$25.84 per square meter of floor area in the accessory apartment.
  - d) **THAT** the Non-Residential Impose Fee shall be established at an amount as recommended by Administration based on the expected usage.
  - e)
3. **THAT** notwithstanding the passage of this by-law, all Subdivision Agreements that have been duly executed prior to the passage of this by-law having not addressed Impose Fees shall remain exempt from any Impose Fees. Any Agreement having addressed Impose Fees will be bound by the Agreement.
4. **THAT** the Impose Fee imposed by this by-law shall be calculated and be payable in money on the date that a Building Permit is issued in relation to a building or structure on land to which the Impose Fee applies, or in a manner or at a time otherwise lawfully agreed upon.
5. **THAT** notwithstanding the passage of this by-law, the impose fees in new Subdivisions shall be half the rate established in this by-law unless the Subdivision Agreement specifies a different rate.
6. **THAT** if any portion of this by-law is ruled invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the remainder of the by-law shall remain valid and binding.

The impose fees shall be adjusted for inflation each year by the Treasurer. Council will be notified of the proposed fee adjustments 28 days in advance of it taking affect and users shall be notified through an advertisement in a local newspaper and on each user's bill for the period preceding the fee adjustments. If the required fee adjustment is more than

five percent above the previous fee then approval by Council Resolution in Open Session shall be required.