

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 105-2021
FOR THE YEAR 2021**

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 the *Municipal Act 2001*, c.25 S 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act 2001*, c. 25 S 5 (3) provides that the powers of every council are to be exercised by by-law;

AND 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 *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;

NOW 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 and 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** Schedule “F” to this by-law be hereby adopted
7. **THAT** the Schedule of Rates and Fees for metered services shall apply to all billings issued after the January 2022 regular billing and on January 1, 2022 for billings charged on tax accounts and impose fees.
8. **THAT** By-Law No. 38-10 and No. 74-16 are hereby repealed.

***READ A FIRST, SECOND, AND THIRD TIME, PASSED, SIGNED, AND
SEALED IN OPEN COUNCIL THIS 20TH DAY OF DECEMBER 2021.***

MAYOR:

CLERK:

Schedule "A"**Glen Walter System**

<u>Rate Description</u>	<u>Rate (per two (2) months)</u>
<u>Base Usage Rates (Water & Sewer)</u>	
Flat Rate Service Fee	\$95.33 per unit – per two months
Rate for water (per cubic metre of water)	\$2.49
Rate for sewage (per cubic metre of water)	\$1.87
Minimum consumption billing (19.3 cubic metres per two months and nontransferable between periods)	\$84.17
<u>Base Usage Rates (Water only)</u>	
Flat Rate Service Fee	\$52.37 per unit – per two months
Rate for water (per cubic metre of water)	\$2.49
Minimum consumption billing (19.3 cubic metres per two months and nontransferable between periods)	\$48.08 per two-month period

The rates will be raised by 3% on the 1st of January each year from 2022 to 2026.

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**

<u>Rate Description</u>	<u>Rate (per two (2) months)</u>
<u>Base Usage Rates (Water & Sewer)</u>	
Flat Rate Service Fee	\$60.40 per unit – per two months
Rate for water (per cubic metre of water)	\$2.49
Rate for sewage (per cubic metre of water)	\$1.87
Minimum consumption billing (19.3 cubic metres per two months and nontransferable between periods)	\$84.17

The rates will be raised by 3% on the 1st of January each year from 2022 to 2026.

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)

<u>Rate Description</u>	<u>Rate (per year)</u>	
<u>Base Usage Rates</u>		
Flat Rate Service Fee	\$540.00	per unit – per year

The rates will be raised by 3% on the 1st of January each year from 2022 to 2026.

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)

<u>Rate Description</u>	<u>Rate (per year)</u>	
<u>Base Usage Rates</u>		
Flat Rate Service Fee (Vacant and built-up lots)	\$1,107.50	per unit – per year

The rates will be raised by 3.75% on the 1st of January each year from 2022 to 2025 and then 3% on the 1st of January 2026

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 is established at \$10,506 per hook up for fully serviced areas and \$5,253 per hook up for single service areas.
 - b) **THAT** the Multi-Unit Residential Impose Fee is established at \$62.82 per square meter of finished floor area for the first 167 square meters and \$55.28 per each additional square meter of finished floor area for fully serviced areas and \$31.41 per square meter of finished floor area for the first 167 square meters and \$27.64 per each additional square meter of finished floor area for single serviced areas. Such floor area shall be inclusive of all floors, including the basement, but exclusive of common areas in a multi-unit development that does not have any significant fixtures (significant to be determined by the Township's Chief Building Official or designate).
 - c) **THAT** the Non-Residential Impose Fee shall be established at an amount as recommended by Administration based on the expected usage.
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.

Schedule “F”

Multi Units and Single Units

Rate Description

1. **THAT** the Multi Units (MU) be charged at a rate similar to Single Units (SU), meaning that there is one minimum billing and one flat fee (collectively known as the ‘minimum’) per unit.

In example: a MU with 8 units was previously charged 1 minimum and subsequently paid for usage greater than 19.3 m³ and as of 2016, the MU with 8 units would have been charged 8 minimums and pay for usage greater than 154.4m³ (19.3m³ x 8) but now will pay 60% per subsequent unit.

2. **THAT** the 1 minimum for 1 unit MU situation ceases and be replaced with 1 minimum for the 1st unit and 60% of a minimum for all subsequent units.

In example: a MDU with 8 livable units, where the first unit is charged a single ‘minimum’ and subsequent units are charged a percentage of said fees, starting at 60%.

Year	1 st Unit (A)	Subsequent Units (B)	Total fees charged (A) + (B)
2017	1	7 @ 40% = 2.8	1 + 2.8 = 3.8
2018	1	7 @ 50% = 3.5	1 + 3.5 = 4.5
2019	1	7 @ 60% = 4.2	1 + 4.2 = 5.2
THE SUBSEQUENT UNIT RATE INCREASES STAY SET AT 60%			
2020	4	7 @ 70% = 4.9	1 + 4.9 = 5.9
2021	4	7 @ 80% = 5.6	1 + 5.6 = 6.6
2022	4	7 @ 90% = 6.3	1 + 6.3 = 7.3
2023	4	7 @ 100% = 7.0	1 + 7.0 = 8.0 (which = 1 for 1)

THAT any MU discovered on subsequent revisions of the MU list, will be charged at 1 minimum for the first unit and 60% for subsequent units.

THAT the list of MU be reviewed periodically, but no less than once every two years, by administration and revised accordingly as needed.