

CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 32-2019

By-law to impose fees and charges for works done by the Town for water and sewer connection to Cartier Boulevard

WHEREAS section 11(3) of the *Municipal Act 2001* (the “**Act**”) provides that a lower tier municipality may pass by-laws respecting public utilities, including water and sewage systems, and;

WHEREAS subsection 391(1) (a) of the **Act** authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it, and;

WHEREAS subsection 391(2) of the **Act** provides that a fee or charge imposed for capital costs related to services or activities may be imposed on a person not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time, and;

WHEREAS section 398(1) of the **Act** provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality, and;

WHEREAS section 398(2) of the **Act** states that the treasurer of a local municipality may add fees and charges imposed by the municipality to the tax roll and collect them in the same manner as municipal taxes, and;

WHEREAS in June 2014, at the request of the current owner of two parcels of land identified as Lot 1 and 2 in the sketch attached Schedule “A” to this By-law and legally described in Schedule “B” to this By-law (collectively the “**Lands**” and individually “**Lot 1**” and “**Lot 2**”), the Town installed two new 150mm diameter water services and one new 200mm diameter sanitary sewer service within Cartier Boulevard to the boundary of the Lands (the “**Services**”), and;

WHEREAS the current owner of the Lands has been advised of the cost incurred by the Town with respect to the installation of the **Services** and has agreed that this amount should be repaid to the Town with interest as stipulated in this By-law upon construction of a connection to any of the Services from the Lands.

NOW THEREFORE, the Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. **THAT** a charge representing the proportionate share of the total cost of the **Services** attributed to each of Lot 1 and Lot 2 as identified in Schedule “C” to this By-law (a “**Charge**”) shall be imposed upon Lot 1 and Lot 2 and paid by the owner(s) of such lands accordance with the provisions of this By-law.

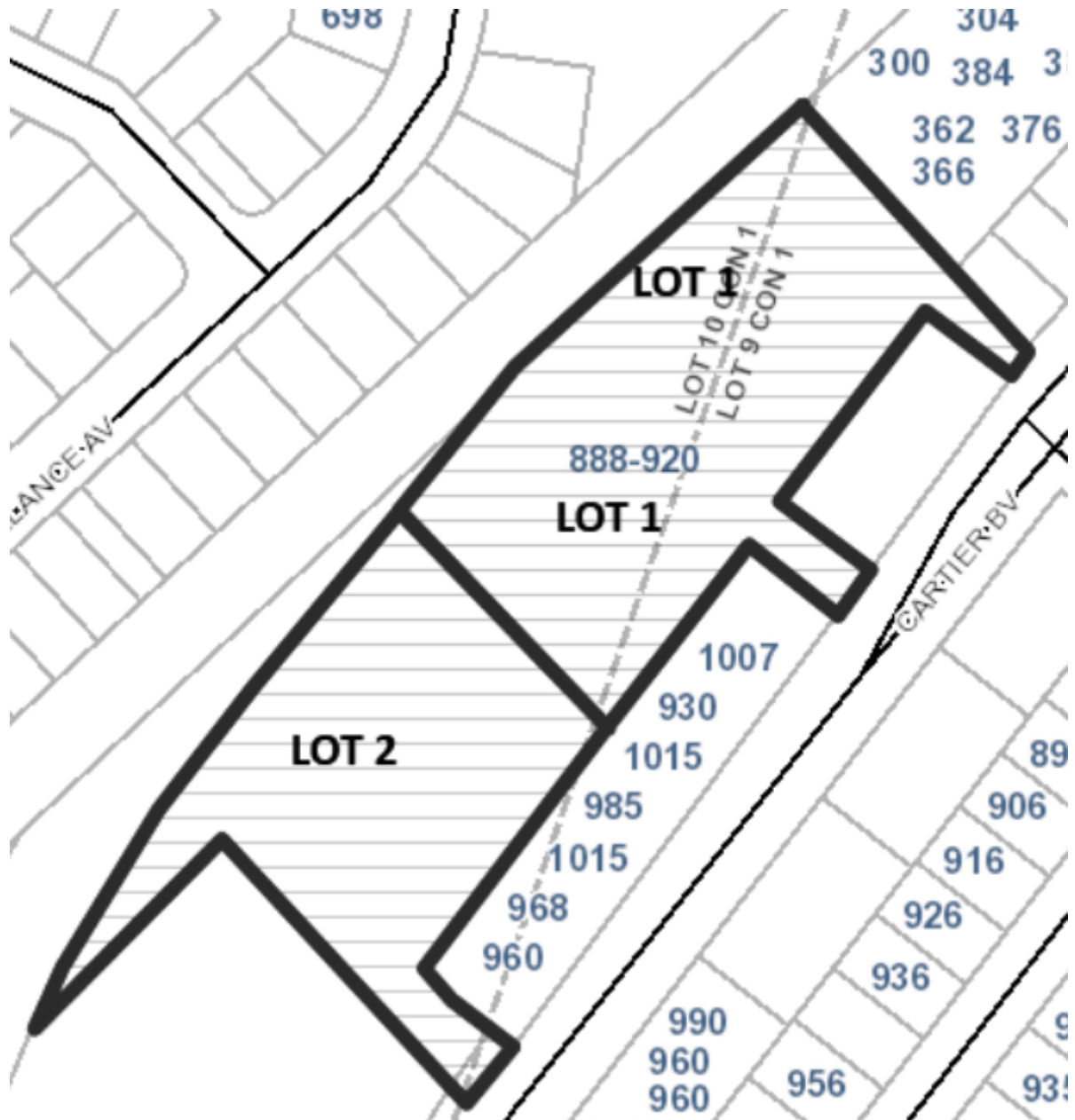
2. **THAT** interest on each **Charge** shall accrue from May 27, 2019 at the rate of 4.7% compounding annually and shall be paid annually by the owner(s) of Lot 1 and Lot 2 on or before the date on which municipal property taxes are due and payable with respect to Lot 1 and Lot 2.
3. **THAT** the full amount of each **Charge**, in addition to any unpaid accrued interest, shall be paid by the owner(s) of Lot 1 on the date that the first connection to any of the Services is made from any part of Lot 1 and by the owner(s) of Lot 2 on the date that the first connection to any of the Services is made from any part of Lot 2.
4. **THAT** any **Charge** and interest thereon constitute a debt of the person to the Town and, if unpaid following the date these amounts are due, the treasurer of the Town is directed to add the unpaid amount to the tax roll for Lot 1 or Lot 2, as applicable, and such amount shall be collected in the same manner as municipal taxes and shall be subject to the same penalty and interest rates as municipal taxes.
5. **THAT** any connection from any part of the **Lands** to the **Services** shall be completed at the sole cost of the owner(s) of the relevant part of the **Lands** at the time that such connection is made and in accordance with all applicable legislation, by-laws, policies, rules and regulations.
6. **THAT** the **Charges** imposed by this By-law shall be separate from and in addition to any other rates, fees or charges that the Town may impose from time to time with respect to the capital cost of providing sanitary sewer or water works and/or the cost of operating, maintaining and repairing such works, as may be amended from time to time by the Town or any successor thereto.
7. **THAT** this By-law shall come into force and take effect on the date of the passing thereof.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 27th DAY OF MAY 2019.**

Paula Assaly, Mayor

Christine Groulx, Clerk

Schedule "A" of By-law N° 32-2019



Schedule “B” of By-law N° 32-2019

Description of Lot 1 and Lot 2

Lot 1:

FIRSTLY:

PIN 54172-0234

PCL 12-8 SEC M18, PT LT 12 PL M18 PT 9-10 46R-1380; HAWKESBURY

SECONDLY:

PIN 54172-0232

PCL 12-6 SEC M18; PT LT 12 M18 PT 8 & 11-13 46R-1380; HAWKESBURY

THIRDLY:

PIN 54172-0265

PT LT 12 PL M18 PTS 1 TO 2&5, 46R1380 S&E PTS 2,3& 9 46R7665; HAWKESBURY

Roll # 060-00200400

Lot 2:

PIN 54172-0260

PT LT 12 PL M18 PTS 1 TO 3 46R1436 S&E PT1, 46R7665 TOWN OF
HAWKESBURY

SECONDLY

PIN 54172-0247

PCL 11-7 SEC M18; PT LT 11 PL M18 PT 1 46R299; HAWKESBURY

Roll # 060-00200403

Schedule "C" of By-law N° 32-2019

CHARGE

LOT	PROPORTIONATE SHARE	CHARGE
1	66.67%	\$33,853.60
2	33.33%	\$16,924.26