

**BY-LAW NUMBER 2019-**

**A By-law of The Corporation of the City of Barrie to authorize the installation of sanitary servicing on Harvie Road, Essa Road to Thrushwood Drive, and the recovery of the capital cost connected therewith by imposing a sanitary service rate under Section 326 of the *Municipal Act, 2001* S.O. 2001, c. M.45.**

**WHEREAS** Section 10 of the *Municipal Act, 2001*, S.O. 2001, provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein including, *inter alia*, public utilities;

**AND WHEREAS** subsection 326 (1) of the *Municipal Act, 2001*, authorizes the council of a local municipality, in authorizing the installation of special services, to pass a by-law to

- (a) identify a special service;
- (b) determine which of the costs, including capital costs, debenture charges, charges for depreciation or a reserve fund, of the municipality are related to that special service;
- (c) designate the area of the municipality in which the residents and property owners receive or will receive an additional benefit from the special service that is not received or will not be received in other areas of the municipality;
- (d) determine the portion and set out the method of determining the portion of the costs determined in clause (b) which represent the additional costs to the municipality of providing the additional benefit in the area designated in clause (c);
- (e) determine whether all or a specified portion of the additional costs determined in clause (d) shall be raised under subsection (4);

**AND WHEREAS** subsection 326 (4) (a) of the *Municipal Act, 2001*, authorizes the council of a local municipality, in authorizing the installation of sanitary services, to levy a special local municipality levy under section 312 on the rateable property in the area designated in clause (1) (c) of Section 326 to raise the costs as determined in clause 1 (e) of Section 326 thereby imposing a sanitary service 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** the Council of The Corporation of the City of Barrie deems it expedient to proceed with the installation of sanitary servicing on Harvie Road, Essa Road to Thrushwood Drive as approved by motion 18-G-126.

**NOW THEREFORE** the Council of The Corporation of the City of Barrie enacts the following:

1. **THAT** The Corporation of the City of Barrie proceed with the installation of sanitary servicing on Harvie Road, Essa Road to Thrushwood Drive, as approved by motion 18-G-126.
2. **THAT** the capital costs of the sanitary services works shall be a sanitary service works rate imposed on and recovered from the owners or occupants of land who derive or will or may derive a benefit therefrom as provided in Subsection 326 (1) (c) of the *Municipal Act, 2001*, S.O. 2001, c. M.45 for the land designated in Schedule "A" to this by-law in addition to any other sanitary services works rate payable by such owners or occupants.
3. **THAT** any owner or occupant whose land derives or will or may derive a benefit as a result of the sanitary services works to be completed in accordance with this by-law shall pay the sanitary works rate imposed herein computed on the basis of a per metre frontage charge plus lateral costs or such other method as the City Treasurer may determine on a fair and equitable basis.

4. **THAT** when the works are complete the sanitary service rate will be recalculated based on actual costs incurred and property owners will be advised of the final sanitary service rate and be given the choice of making payment in accordance with the following options:
- (a) the owner agrees to connect to the sanitary works at the time of substantial completion and payment in full of the principal amount of the apportioned share of the capital costs at the time the capital cost of the sanitary service works as has been determined by the Corporation.;
  - (b) the owner agrees to connect to the sanitary works at the time of substantial completion and entering into a 10 year financing plan, *plus* interest with the Corporation to make annual payments equal to 1/10<sup>th</sup> of the apportioned share of the capital costs of the sanitary service works as determined by the Corporation. Annual installments will be billed on the Interim and Final Property Tax bill each year and collected like taxes.
  - (c) the owner agrees to connect to the works subsequent to substantial completion and within the 10 year period following substantial completion provided that, at the time of connection, the owner shall pay or agrees to pay as follows:
    - (i) the full amount plus interest, of the apportioned share of the capital cost of the works, or
    - (ii) payment in accordance with subsection 4 (b) above at the time of connection with the balance of the apportioned share of the capital cost payable in equal annual installments during the remainder of the 10 year term for the project, commencing from the date of connection with necessary modifications.
  - (d) Connection in the 10<sup>th</sup> year following substantial completion or at any time thereafter upon payment of the principal amount plus interest, of the apportioned share of the capital cost owing.
6. **THAT** should an owner or occupant sever or subdivide a parcel of land to which this by-law applies, the amount owed to the City of Barrie at the time of such severance or subdivision, whether or not the parcel of land has been connected to the sanitary service works, shall be paid to the City of Barrie as a condition of severance or subdivision approval.
7. **THAT** if any provision or requirement of this by-law or the application of it to any person shall, to any extent, be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the by-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this by-law shall be separately valid and enforceable.
8. **THAT**, Pursuant to Section 326(1) (d), the City shall enter into agreements with property owners whose land is deemed exempt from their share of the sanitary services charges based on their inability to build on the property as it is Environmentally Protected (EP) to require them or their successors and/or assigns to pay the charges, when the property is rezoned to permit development.
9. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

**READ** a first and second time this 25<sup>th</sup> day of November, 2019.

**READ** a third time and finally passed this 25<sup>th</sup> day of November, 2019.

**THE CORPORATION OF THE CITY OF BARRIE**

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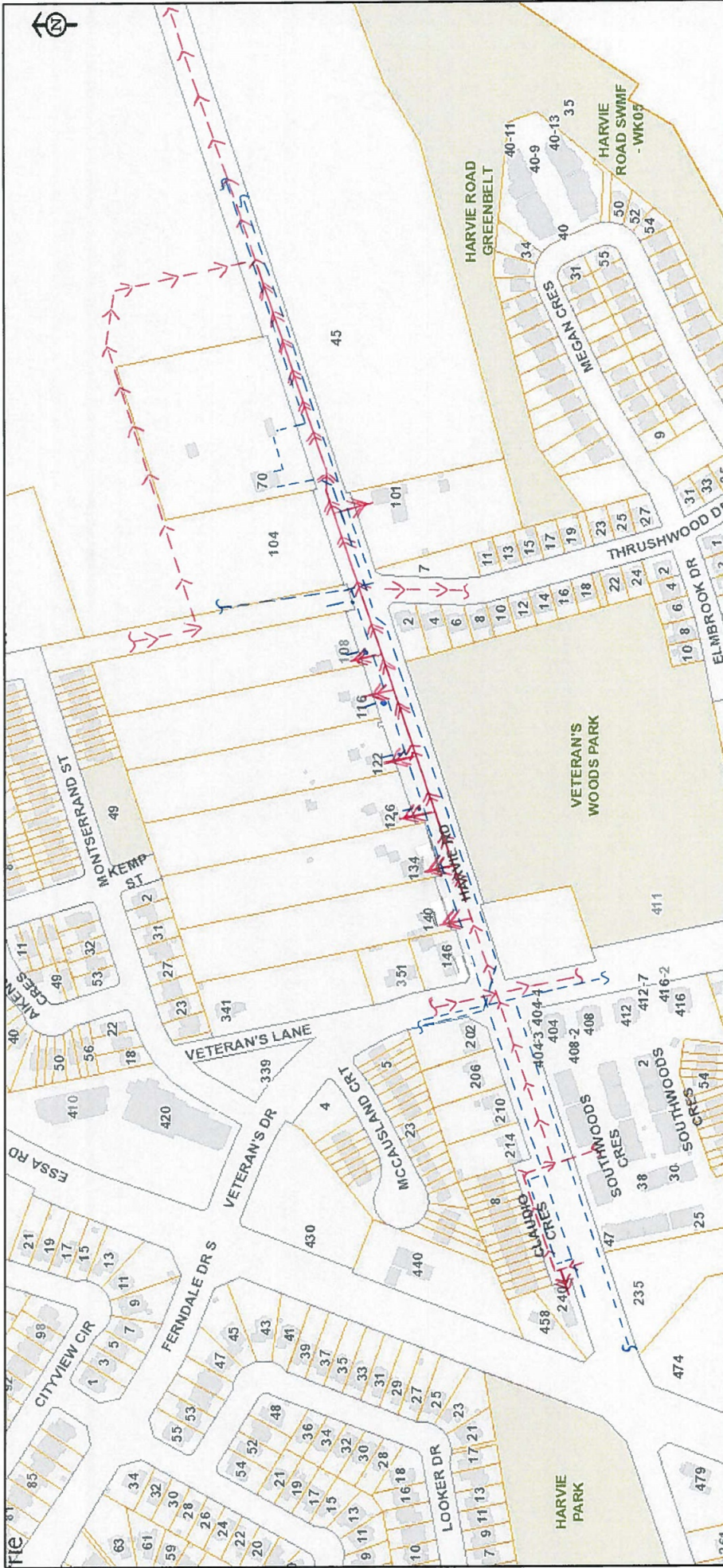
**MAYOR – J. R. LEHMAN**

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**CITY CLERK – WENDY COOKE**

SCHEDULE 'A'

Harvie Road Water & Sanitary Servicing



LEGEND:

- EXISTING WATERMAIN ————
- PROPOSED WATERMAIN —————
- EXISTING SANITARY - - - - -
- PROPOSED SANITARY —————