



Bill No. 050

**BY-LAW NUMBER 2011-**

**A By-law of The Corporation of the City of Barrie to authorize the installation of sanitary servicing for Mapleview Drive East, between Huronia Road and Welham Road and for the recovery of the capital cost connected therewith by imposing a wastewater service rate under Section 326 of the *Municipal Act, 2001* S.O. 2001, c. M.45.**

**WHEREAS** Section 11 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) of the *Municipal Act, 2001*, authorizes the council of a local municipality, in authorizing the installation of special 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 wastewater 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 wastewater servicing on Mapleview Drive East between Huronia Road and Welham Road as approved by motion 11-G-055.

**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 wastewater servicing Mapleview Drive East between Huronia Road and Welham Road, as approved by motion 11-G-055.
2. **THAT** the capital costs of the wastewater services works inclusive of interest shall be a wastewater 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) 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 wastewater 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 wastewater services works to be completed in accordance with this by-law shall pay the wastewater works rate imposed herein computed on the basis of a per metre frontage charge plus lateral costs or such other method as the Treasurer may determine on a fair and equitable basis.

4. **THAT** the wastewater service works rate shall be a lien and charge upon the land and, if the rate or any part thereof remains unpaid after the due date established, the amount unpaid may be entered on the collector's roll in the same way, as nearly as may be, as municipal taxes are collectible.
5. **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 wastewater service works, shall be paid to the City of Barrie as a condition of severance or subdivision approval.
6. **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.
7. **THAT** The Treasurer be authorized to internally finance the property owner's share of the costs the amount of \$57,900 using the ten year Canada Savings Bond rate at the time of billing as the interest rate.
8. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

**READ** a first and second time this 9<sup>th</sup> day of May, 2011.

**READ** a third time and finally passed this 9<sup>th</sup> day of May, 2011.

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – J.R. LEHMAN**

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**CITY CLERK – DAWN A. MCALPINE**

APPENDIX ‘A’

LEGEND

EX. WATERMAIN

PROP. WATERMAIN

FUT. WATERMAIN

PROP. SANITARY SEWER

FUT. SANITARY SEWER

