



THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW NO. 2024-75

A By-Law to Impose A Water Connection Charge Upon Owners of Land Who Derive or Will or May Derive a Benefit From Connecting to The Water Distribution System Water Works.

WHEREAS the Council of the Corporation of the Municipality of West Elgin is accumulating and maintaining a reserve for future capital requirements for the Municipality's water distribution system;

AND WHEREAS the Council would like to provide an alternative payment method for such water rates;

AND WHEREAS the Council has determined that it is desirable for such properties to contribute to the reserve for future capital requirements for the Municipality's water distribution system upon connection to such system, pursuant to sections 11 and 391 of the Municipal Act, 2001, S.O. 2001, as amended;

AND WHEREAS the Council has determined that it is desirable for new development arising from severances and plans of subdivision to contribute to the reserve for future capital requirements for the Municipality's water distribution system, pursuant to subsection 90(3) and subsection 391(2) of the Municipal Act, 2001, S.O. 2001, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN ENACTS AS FOLLOWS:

Definitions

1. In this By-law:

- a) "connection charge" means the fee charged by the Municipality of West Elgin to the owner of land requesting a connection to the water distribution system;
- b) "Council" means the Council of the Municipality of West Elgin;
- c) "lot" means a parcel of land held or owned under separate ownership from the ownership of the fee or equity of redemption in abutting land and shall be described in a registered deed or other document legally capable of conveying

land;

- d) "serviced areas" means any property within the Municipality of West Elgin which abuts an in-service water line;
- e) "settlement area" means the Settlement Areas defined in the Municipality of West Elgin Official Plan,
- f) "settlement area connection" means a water connection to a property within a settlement area;
- g) "subdivision development connection" means a water connection to a property being created through a Plan of Subdivision;
- h) "Treasurer" means the Treasurer for the Municipality of West Elgin, including any Deputy or authorized alternates;
- i) "water rate" means a charge for the capital cost of the water works or any part or parts thereof;
- j) "water system" means the Municipality of West Elgin water distribution system, including all pipes, pumps, meters, chambers and all associated installations and equipment, providing water to the serviced areas.

Water Connections – General

- 2. No lots or properties located outside of the serviced areas will be permitted to connect to the distribution system.
 - a) Notwithstanding Section 2, Council may, upon written application, consider expanding the serviced area to permit lots to connect to the distribution system. Upon receipt of a request, Council will determine the process to consider and evaluate the request. Subject to Council's approval, all costs associated with the extension of, installation of and connection to the water distribution system would be the responsibility of the property owner(s).
- 3. Except as otherwise provided in this By-law, all land uses are to be charged on the same basis and at the same rates.
- 4. Water connection charges will be based on the size of the service requested, type of development proposed and geographic area of the property to be connected.
- 5. For Multi-residential and Multi-use properties, connection fees shall be based on the number of connections and/or connection size and not based on a per lot or per property basis. Water connection charges and timing of payment will be included in

the development agreement.

6. Connections to the water distribution system shall be completed and/or supervised by personnel or authorized agents of the Municipality of West Elgin.
7. Water connection charges for existing properties and those created through the consent process, include all costs associated with installation of a service to the property line, including labour, materials, and contracted services. All installation and costs on private property are responsibility of the property owner.
8. Subdivision development owners are responsible for installation of all water distribution services within the plan of subdivision and/or development area, including any upgrades required to the water distribution system as set out in the subdivision agreement. Water connection charges are allocated for future capital improvements of the water works systems.
9. All water connections are subject to review and approval by the Municipality of West Elgin. Connections that cannot be supported by the existing water distribution system infrastructure may be subject to additional charges and/or postponement to make upgrades to the system.
10. All water connection charges, less costs to install the service, shall be segregated annually in a reserve account and shall be used only for future capital improvements of the water works system.
11. Unless otherwise specified, payment of water connection charges must be made upon application for a water connection. In all cases, full payment must be made prior to being connected to the water distribution system.
12. The Treasurer shall be authorized to implement and carry out all administrative actions required to implement the provisions of this by-law.

Water Connections – Existing Lots

13. For existing lots within a Settlement Area that are not connected and have not already paid a water connection charge according to municipal records, the connection charge shall be as set out in Schedule “A” – Existing Settlement Area with Water Service.
14. For all other existing lots that are not connected and have not already paid a water connection charge according to municipal records shall be subject to the water connection rates as set out in Schedule “A” – Existing Rural Area with Water Service.

Water Connections – New Development

- 15. All lots created after the passage of this by-law, and its predecessors, by consent, and not prohibited by zoning regulation or otherwise from being developed with construction, shall be subject to the water connection charges as set out in Schedule "A" - Existing Settlement Area with Water Service or Existing Rural Area with Water Service, as applicable. The water connection charge shall be added as a condition of as a condition of severance and the owner will be liable for payment of the water rates.

- 16. All lots created after the passage of this by-law, and its predecessors, by registered plan of subdivision, and not prohibited by zoning regulation or otherwise from being developed with construction, shall be subject to the water charges as set out in Schedule "A" – New Subdivision Development. The water connection charges shall be set out in the subdivision agreement and payable prior to registration of the plan of subdivision.

Payment of Water Rates

- 17. The water rates shall become due and payable in full upon application to the municipality for a connection to water distribution system, with the exception of lots created by consent or plan of subdivision.

- 18. For lots created subsequent to passage of this by-law as stipulated in paragraph 15, the water rates shall become due and payable in full as a condition of severance.

- 19. For lots created subsequent to passage of this by-law as stipulated in paragraph 16, the water rates shall become due and payable in full as set out in the subdivision agreement.

Alternative Payment Option – Paragraphs 13, 14 and 15 Only

- 20. For Connection Charges levied under paragraphs 13, 14 and 15, a property owner may apply to the Municipality of West Elgin, prior to the water rates becoming due and payable, to have the water connection fee debentured. The process, terms and conditions for such a debenture are set out in Schedule "B" to this by-law.

Lien and Charge on Land

- 21. The water rates shall be a lien and charge upon the land, and if the rate or any part thereof remains unpaid after the due date, the amount unpaid may be collected by distress or entered on the collectors' roll and collected in the same manner as municipal taxes, in accordance with section 398 of the Municipal Act, 2001.

Failure to Remit Payment

- 22. Failure to remit payment in full upon application to the municipality for connection to the said water works shall prohibit actual connection to the said works.

By-Law Indexing

23. The connection charges set out in Schedule "A" to this by-law shall be adjusted annually on January 1, commencing on January 1, 2025, without amendment to this by-law, in accordance with the most recent twelve month change in the Statistics Canada Non-Residential Building Construction Price Index for Toronto.

Schedules to the By-Law

24. The following Schedules to this by-law form an integral part of this by-law:

- a) Schedule "A" – Water Connection Rates
- b) Schedule "B" – Water Connection Debenture Process

General

25. Where the provision of any other By-Law, resolution or action of Council are inconsistent with provision of this By-Law, the provisions of this By-Law shall prevail.

26. If any clause, provision, or requirement in or under this by-law should be determined to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such clause, provision or requirement, and all other clauses, provision or requirements hereof shall continue in full force and effect.

27. This By-law may be cited as the "Municipality of West Elgin Water Connection By-law".

28. That this By-law shall come into full force and effect upon final passing.

Read a first, second, and third time and finally passed this 14^h day of November 2024.

Richard Leatham, Mayor

Terri Towstiuć, Clerk

Schedule "A" to By-law #2024-

Water Connection Rates

| Connection Size | Per Lot or Unit Connection Fee | | |
|------------------------|---------------------------------------|--|---|
| | New Subdivision Development | Existing Settlement Area with Water Service | Existing Rural Area with Water Service |
| 1" | \$5,000.00 | \$10,000.00 | \$15,000.00 |
| 1.5" | \$6,651.00 | \$13,301.00 | \$19,952.00 |
| 2" | \$7,500.00 | \$14,999.00 | \$22,499.00 |
| 4" | \$8,349.00 | \$16,699.00 | \$25,048.00 |
| 6" | \$9,713.00 | \$19,426.00 | \$29,138.00 |

Plus costs for Materials, Labour and Machine Time provided by the Municipality of West Elgin.

Schedule "B" to By-law #2024-
Water Connection Debenture Process

1. PROCESS

- a. The property owner shall submit, in writing, a letter to the Treasurer of the Municipality of West Elgin, requesting the water charge be debentured. Such letter shall include the property owner's names and a description of the property including the 911 address.
- b. Staff shall calculate the annual repayment amount and provide notice to the property owner of such amount to be collected annually.
- c. Staff shall set up the debenture on the applicable property tax roll for collection purposes.

2. TERMS AND CONDITIONS

- a. A debenture shall be 10 years in length.
- b. The interest rate applied shall be the current 10-year Infrastructure Ontario Amortizing rate plus 2%. The debenture amount shall be a minimum of \$5,000.00, up to the maximum of the total connection fee.
- c. The annual repayment amount shall be added to the tax roll and invoiced on the final tax bill each year, commencing with the year in which the debenture is approved, and shall be collected in the same manner as taxes.
 - i. If the final tax bill has already been issued for the year in which the debenture is approved, the first annual payment shall be added to the final tax bill for the following year.
- d. The annual repayment amount shall be collected in 10 equal installments of principal plus interest.

3. EARLY REPAYMENT

- a. A property owner who has been authorized for a debenture of the water connection charge shall have the option of repaying the debenture prior to the 10th annual installment.
- b. A property owner shall submit, in writing, a letter to the Treasurer of the Municipality of West Elgin offering to redeem the debenture and requesting the amount required to retire such debenture.

- c. The Treasurer shall determine the remaining principal on the debenture and the interest accrued on the principal from the 1st of September immediately prior to the submission date of the request at the rate applicable to such debenture.
- d. The Treasurer shall communicate, in writing, the amount required to redeem the debenture to the property owner.

Upon receipt of the amount, the Treasurer shall remove the debenture from the applicable property tax account and no further amounts shall be collected with regards to the debenture.