

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. 1255 (1989)

Being a by-law to establish certain water rates upon real property within Pelham Water Area No. 8.

WHEREAS under the provisions of the Municipal Act, R.S.O. 1980, Section 210 (1), Paragraph 51, by-laws may be passed by the Councils of local municipalities for authorizing the extension of water works without the assent of electors, if the by-law authorizing the undertaking has been approved by the Ontario Municipal Board;

AND WHEREAS under the provisions of the said Municipal Act, Section 218 (2), by-laws may be passed by Councils of local municipalities, subject to the approval of the Ontario Municipal Board, which provide for the imposing of a water works rate upon owners of land who derive or may derive a benefit from the water works;

AND WHEREAS under provisions of Section 218 (4) of the said Municipal Act, by-laws passed under Section 218 (2) shall designate the land for which the owners or occupants are made liable for the water rates imposed and where the land designated does not comprise all lands within the municipality may define the water works area in the by-law;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it expedient and necessary to provide for the supply of potable water by the construction of a water distribution system together with all necessary appurtenances to serve the lands within the area as described on Schedule "A" attached hereto;

AND WHEREAS the Town Engineer estimates that the total construction cost of the water distribution system for the said area described in the attached Schedule "A" is \$36,520.00;

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AND WHEREAS the estimated lifetime of the said water distribution system is 20 years or more;

AND WHEREAS the Council deems it expedient and desirable upon obtaining the approval of the Ministry of the Environment to proceed with the construction of the said distribution system;

AND WHEREAS under the provisions of the said Municipal Act, Section 218 (8), water works rates may be computed by a metre frontage rate on the lands that receive an immediate benefit from the said work;

AND WHEREAS Section 219 (1) of the Municipal Act, R.S.O. 1980, authorizes Councils of local municipalities to require owners of buildings in a defined area to connect the said buildings to the water works;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

(1) THAT the lands described in Schedule "A" attached hereto and forming part of this by-law be established and become known as the "Pelham Water Area No. 8."

(2) THAT the Town do construct water works in the area described in Schedule "A" attached hereto and forming part of this by-law.

(3) THAT the lands adjoining the streets described in Schedule "B" be serviced by the said water works.

(4) THAT Council adopt the estimated cost of the work as more particularly defined and described in Schedule "C" attached hereto and forming part of this by-law.

(5) THAT the total estimated cost of \$36,520.00 for the said works be assessed and levied on the following basis:

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(a) a special frontage rate of \$35.22 per metre assessed on all lands that front onto the water works up to a maximum assessable frontage of 46 metres with flankage to be exempt up to a maximum of 92 metres annually for ten (10) years, plus where applicable;

(b) a connection charge of \$68.14 per annum for ten (10) years assessed on all residential lots to which a water service is constructed, which is additional to the rates provided in sub-paragraph (a) of this section.

(6) THAT owners of all existing buildings within the water area connect those buildings which contain water and/or sewage facilities to the water works within two (2) years of the completion of the water works and that all new buildings or renovated buildings which are equipped with water and/or sewage facilities be required to connect to the water works immediately upon completion of construction or renovation of the building.

(7) THAT the Notice of Application to the Ontario Municipal Board be given in the appropriate form in accordance with instructions from the Ontario Municipal Board.

(8) THAT any person whose lands are specially assessed pursuant to 5 (a) or 5 (b) may commute for payment in cash the special frontage rate and connection charge imposed thereon by paying the portion of the cost of construction assessed upon such lands, without interest within thirty (30) days of notification after the special assessment rolls have been certified by the Clerk.

(9) THAT the Town Engineers do forthwith prepare the necessary construction drawings and call tenders for the work upon receipt of approval from the Ministry of the Environment.

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(10) THAT the Treasurer, subject to the approval of Council, may agree with any bank or person for temporary financing to meet the cost of the said water works pending the completion thereof.

(11) THAT the debentures, in the amount of \$36,520.00 to be issued for the loan to be effected to pay for the cost of the water works when completed shall be issued by the Regional Municipality of Niagara and shall be payable in ten (10) years on the installment plan, and shall bear interest at such rate as Council of the Regional Municipality of Niagara may determine.

(12) THAT this by-law shall come into force and effect upon approval of the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
15th. DAY OF MAY, 1989 A.D.

MAYOR

CLERK