

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW NUMBER 128 (1971)

Being a By-law to authorize the construction of approximately 584 feet of 8-inch diameter watermain on North Pelham Street from 1,030 feet north of Hurricane Road to a point distant 1,614 feet north of said Hurricane Road and to define the 'Fonthill Water Works Area' for the purposes of assessing the Corporation's share of the cost of any future work.

WHEREAS by Paragraph 1(e) of Section 2 of the Local Improvement Act R.S.O. 1960, Chapter 223, constructing, enlarging or extending a watermain, including a main on each side or on one side only of the street, may be undertaken by the Council of the Corporation as a local improvement;

AND WHEREAS by Paragraph 1 of Section 8 of the said Local Improvement Act, the Council may pass a by-law for undertaking the work as a local improvement;

AND WHEREAS by Paragraph 1 of Section 67 of the said Local Improvement Act, the Council may, in the by-law for undertaking any work as a local improvement, define an area in the municipality and provide that the cost of the work including debenture charges and the cost of maintenance and management of the work including the cost of utilities supplied be assessed and levied on rateable property in the area;

AND WHEREAS by Section 68 of the said Local Improvement Act, a local improvement area defined under Section 67 may be amalgamated with any other such area;

AND WHEREAS it is deemed necessary and advisable to construct an 8-inch diameter watermain and appurtenances on North Pelham Street from the end of the existing watermain distance 1,030 feet north of Hurricane Road to a point 1,614 feet north of Hurricane Road;

AND WHEREAS it is deemed necessary and advisable to create or define areas in the municipality where the existing 'Fonthill' water supply and distribution system is now existing or can be extended to serve, within a reasonable period of time:

AND WHEREAS the Council has received the Town Engineer's report prepared in conformity with the Local Improvement Act, and this report has been adopted by resolution of the Council (attached hereto as Schedule 'A');

AND WHEREAS application will be made to the Council of the Regional Municipality of Niagara to borrow money for the said purposes and to issue therefore on the credit of the Regional Corporation;

BE IT THEREFORE ENACTED AND IT IS HEREBY ENACTED AS A BY-LAW OF THE CORPORATION OF THE TOWN OF PELHAM AS FOLLOWS:-

1. That the Town of Pelham do construct 584 feet of 8-inch diameter watermain on North Pelham Street from a point from the end of the existing watermain which is approximately 1,030 feet north of Hurricane Road to approximately 1,614 feet north of Hurricane Road at a total estimated cost of \$6,384.00.

2. That the Town of Pelham do define herein a water-works area under the provisions of the Local Improvement Act, Section 67 and Section 68 as set out by a metes and bounds description and marked Schedule 'B' (attached hereto) and as shown on a map of the Town which said map is attached to this by-law and marked as Schedule 'C', and that the area hereby created be known as the 'FONTHILL WATER WORKS AREA'.

3. That the Town Engineer do forthwith make such plans, profiles, and specifications and furnish such information as may be necessary for the making of a contract for the execution of the said North Pelham Street watermain extension works and that the said works be carried on and be executed under the superintendence and according to the directions of the said Town Engineer.

4. That the total estimated net cost of the said works as described in the Engineer's Report appended hereto as Schedule 'A' be assessed and levied as recommended in the Engineer's Report as follows

- a. A foot frontage rate on the lands that receive an immediate benefit from the said works, plus the cost of the watermain service connection to street line.
- b. That lands used for agricultural purposes be specially assessed for a maximum of 100 feet.
- c. That the cost of intersections and the cost of reductions to be made under Paragraph (b) above, and under Section 28 of the Local Improvement Act, be borne by the rateable properties within the 'Fonthill Water Works Area' as herein defined.

5. That the treasurer, subject to the approval of the Council may agree with any bank or person for temporary financing to meet the cost of the said works pending the completion thereof.

6. That the special assessments be paid in Ten (10) Annual installments.

7. That debentures to be issued for the loan be effected to pay for the cost of the works when completed shall bear interest at the rate to be determined by the Council and shall be payable in Ten (10) Years on the installment plan and in setting the sum to be raised annually to pay the debt the rate of interest on investments shall not be higher than the rate borne by the debentures.

8. That any person whose lands are specially assessed may commute for payment in cash, the special rates imposed thereof by paying the portion of the costs 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 By-law #72 (1970) which was given two readings by Council be and the same is hereby repealed.

READ IN COUNCIL A FIRST AND SECOND TIME THIS 22 DAY OF NOVEMBER A.D. 1971.

CLERK

MAYOR

READ A THIRD TIME AND FINALLY PASSED IN COUNCIL ON THE 16th DAY OF JUNE A.D. 1972.

CLERK

MAYOR