

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW # 2912 (2007)

Being a by-law to construct a watermain in the Pelham Water Distribution System on Rice Road between Regional Road #20 and the municipal boundary between the Town of Pelham and the City of Welland under the Municipal Act, S.O. 2001, c.25, as amended.

WHEREAS the Municipal Act, S.O. 2001, c.25 as amended, Section 11 (1) states that a single-tier municipality may pass by-laws respecting matters within the following sphere of jurisdiction, (4) public utilities;

AND WHEREAS Section 90 (1) states that despite Section 3 of the Assessment Act, land that is exempt from a special upper-tier levy under section 311 or a special local municipality levy under section 312 for raising costs related to sewage works or water works;

AND WHEREAS Section 90 (2) states that despite subsection (1), the upper-tier municipality and the local municipality, as the case may be, may exempt any class of land from all or part of the levy describe in that subsection;

AND WHEREAS Section 90 (3) states that despite any Act, if new parcels of land are created from existing parcels of land in respect of which a municipality has imposed a tax or fee to raise costs related to sewage works or water works, the municipality may impose the tax or fee on each new parcel;

AND WHEREAS Section 391 (1) states that despite any Act, a municipality and a local board may pass by-laws imposing fees or charges on any class of persons:

- (a) for service or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- (c) for the use of its property including property under its control;

AND WHEREAS Section 391 (2) states that a fee or charge imposed under subsection (1) for capital costs related to sewage or water services or activities may be imposed on persons not receiving an immediate benefit from the services or activities by who will receive a benefit at some later point in time;

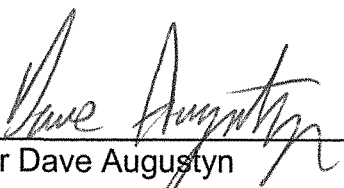
AND WHEREAS Section 396 (2) states that a by-law set out when and in what manner fees and charge are to be paid;

AND WHEREAS Council of the Town of Pelham has adopted Niagara Region Policy Plan Amendment 2-2007 Connections to a Municipal Watermain for land uses on the east side of Rice Road, Town of Pelham between Regional Road #20 and the municipal boundary between the Town of Pelham and the City of Welland;


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

- (1) THAT a watermain will be constructed on Rice Road between Regional Road #20 and the municipal boundary between the Town of Pelham and the City of Welland complete with the installation of services.
- (2) THAT the lifetime of the work be estimated at 50 years.
- (3) THAT 20mm copper water services will be installed as required.
- (4) THAT hydrants and valves will be installed as required.
- (5) THAT the cost of each service installation is \$1119.71 for 20mm diameter services and \$2170.00 for 25mm diameter services. All properties with an existing dwelling that are not serviced with municipal water will have a 20mm diameter or 25mm diameter copper service installed, complete with main stop and curb stop to the property line.
- (6) THAT the total cost is \$33,600.45 (including service connections).
- (7) THAT the owners' total charges are \$33,600.45 in accordance with the attached Schedule "A".
- (8) THAT the actual annual rate charge is based on a five year estimated interest rate of 6%.
- (9) THAT this by-law shall come into force and take effect upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
5th DAY OF NOVEMBER, 2007 A.D.



Mayor Dave Augustyn



CLERK Cheryl Miclette