

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #395 (1976)

Being a by-law to provide for the construction of a water distribution system within "Pelham Water Area #1" and to establish certain water rates, upon real property within the said Water Area.

WHEREAS under the provisions of the Municipal Act, R.S.O. 1970, Section 354 (1), Paragraph 53, by-laws may be passed by the Councils of local municipalities for authorizing the extension of waterworks without the assent of electors if the by-law authorizing the undertaking has been approved by the Ontario Municipal Board and passed by a vote of three-fourths of all members of the Council;

AND WHEREAS the Council of the Corporation of the Town of Pelham has by By-law #386 (1976) established a water area known as Pelham Water Area #1;

AND WHEREAS the Director of the Regional Health Unit has determined the existence of a large number of polluted private wells now serving some of the properties within the said Pelham Water Area #1;

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 Pelham Water Area #1;

AND WHEREAS the Council of the Corporation of the Town of Pelham has authorized by By-law #386 (1976) the Town Engineer to proceed with the preparation of engineering construction drawings and cost estimates;

AND WHEREAS the Town Engineer, Proctor & Redfern Limited, in its report dated December 20th., 1976, advises that the total estimated construction cost of the water distribution system for the said Pelham Water Area #1 is \$322,400.00;

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

con't.....

AND WHEREAS the Council by three-fourths vote thereof has declared it to be 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 Municipal Act, R.S.O. 1970, Section 362, Paragraph 2, by-laws may be passed by Councils of local municipalities, subject to the approval of the Ontario Municipal Board, which provide for imposing of a waterworks rate upon owners of land who derive or will or may derive a benefit from the waterworks;

AND WHEREAS under the provisions of the Municipal Act, R.S.O. 1970, Section 362, Paragraph 8, waterworks rates may be computed by a combination of foot frontage rate on the lands that receive an immediate benefit from the work and a mill rate on the assessed value of the lands within the Water Area;

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

(1) THAT the Town do construct watermains in the said Pelham Water Area #1, established by By-law #386 (1976), all as more particularly defined and described by the Towns Consulting Engineer, Proctor & Redfern Limited letter dated December 20th., 1976, attached hereto and made a part of this by-law and identified as Schedule "A" hereto.

(2) THAT the lands adjoining the streets described in the By-law establishing Pelham Water Area #1, be serviced by the said works.

(3) THAT the total estimated cost of \$322,400.00 for the said works be assessed and levied on the following basis:

- (a) a special mill rate assessed on all assessable properties within the said Pelham Water Area #1 plus, where applicable;
- (b) a special frontage rate assessed on all lands that front onto the waterworks plus, where applicable,
- (c) a special frontage rate to be assessed on all lots to which a water service is constructed. Each lot so serviced will be assessed for one foot frontage, additional to the rates provided in sub-paragraphs (a) and (b) of this section.

(4) THAT the Notice of Application to the Ontario Municipal Board, appended hereto as Schedule "B" to this by-law be inserted in the local newspapers as prescribed by the Ontario Municipal Board.

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(5) THAT any person whose lands are specially assessed may commute for payment in cash the special rate imposed thereof 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.

(6) THAT the Town's consulting engineering firm of Proctor & Redfern Limited do forthwith call tenders on the work upon receipt of approval from the Minister of the Environment.

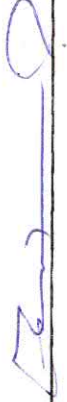
(7) THAT the Treasurer, subject to the approval of Council may agree with any bank or person for temporary financing to meet the cost of the said works pending the completion thereof.

(8) THAT the debentures to be issued for the loan to be effected to pay for the cost of the works when completed shall be issued by the Regional Municipality of Niagara and shall be payable in twenty (20) years on the installment plan, and shall bear interest at such rate as Council of the Regional Municipality of Niagara may determine.

(9) THIS By-law shall not come into force or take effect until it has been approved by the Ontario Municipal Board.

READ IN COUNCIL A FIRST TIME,
THIS 22nd. DAY OF December,
1976 A.D.


MAYOR


CLERK

READ A SECOND AND THIRD TIME,
AND FINALLY PASSED BY THREE-
FOURTHS VOTE OF ALL MEMBERS
OF COUNCIL, THIS 10th. DAY
OF January , 1977 A.D.


MAYOR


CLERK



The Proctor & Redfern Group

Proctor & Redfern Limited
Consulting Engineers and Planners
110 James Street
St. Catharines, Ontario L2R 7E8
Telephone (416) 688-4272 Telex 061-5233
December 20th, 1976 Project EO 76248

SCHEDULE "A"
to
BY-LAW #395 (1976)

Mr. L.C. Hunt,
Clerk-Treasurer
Town of Pelham
P.O. Box 400
FONTHILL, Ontario
L0S 1E0

Dear Sir:

Fenwick Water Distribution System
Pelham Water Area Number One
Town of Pelham

We are pleased to submit our report on the project to provide water services to the Fenwick Community of the Town of Pelham (Pelham Water Area Number One).

a). Cost Estimates

Our estimate of cost to construct the project is as follows:

i). Construction Costs

6,630 feet of 6-inch diameter watermain at \$12. per foot	...	\$79,560.
4,950 feet of 8-inch diameter watermain at \$15. per foot	...	\$74,250.
26 hydrants at \$1,500. each	...	\$39,000.
196 house connections at \$300. each	...	\$58,800.
21 valves at \$300 each	...	\$ 6,300.

Sub-Total Forward \$257,910.

Continued

CLERK



Mr. L.C. Hunt

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	Sub-Total Forward	...	\$257,910.
ii). Interim financing (allow)	...		\$ 10,000.
iii). Engineering Inspection (allow)	...		\$ 20,000.
iv). Contingency Allowance	...		\$ 34,490.
Total estimated construction cost	...		\$322,400.

Based on 10.5 percent financing, the annual repayment cost for twenty years will be \$39,170.

b). Cost Recovery

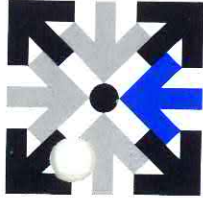
The Public Works and Utilities Committee has recommended to Council that the cost of the work be recovered as follows:

- i). by a special mill rate assessed on all properties within Pelham Water Area Number One. This special mill rate is to cover the cost of hydrants, work at intersections, and non assessable frontage. The special mill rate is estimated at 7.12 mills annually for 20 years.
- ii). by a special frontage rate assessed on properties that front onto the work. The maximum assessable frontage shall be 150 feet. Flankage of lots shall be exempt up to a maximum of 150 feet. The special frontage rate is estimated at \$1.03 per foot annually, for 20 years.
- iii). by a water service fee. Each lot to which a water service is constructed will be assessed the cost of the service. This assessment will take the form of a special frontage rate assessed on one foot of each lot serviced. This water service fee is estimated at \$45.55 annually for 20 years.

c). Life of the Project

The life span of the work will be more than 20 years.

Continued



Mr. L.C. Hunt

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d). Description of the Work

The proposed work is for watermains and related appurtenances to service the Pelham Water Area Number One along the following streets:

<u>Street</u>	<u>From</u>	<u>To</u>
1. Canboro Road East	Church Street S.	Approximately 200 feet east of Balfour Street
2. Canboro Road West	Church Street S.	Approximately 850 feet west
3. Church Street	Canboro Road E.	Toronto-Hamilton-Buffalo Railway Right-of-way
4. Welland Road	Church Street	Gardner Street
5. Gardner Street	Welland Road	Canboro Road East
6. Maple Street N.	Canboro Road E.	1,600 feet north

We trust this report is complete for your purposes.

Yours very truly

The Proctor & Redfern Group

G.K. Strachan

G.K. Strachan, P. Eng.

GKS/ro

THE ONTARIO MUNICIPAL BOARD

NOTICE OF APPLICATION BY
THE CORPORATION OF THE TOWN OF PELHAM
FOR APPROVAL OF A BY-LAW FOR CONSTRUCTING
WATERMAINS AND IMPOSING A WATER RATE

.....
CLERK

TAKE NOTICE THAT:

1. The Council of the Corporation of the Town of Pelham intends to apply to the Ontario Municipal Board for approval of a Water Distribution System described in Schedule 'B' set forth below in the Pelham Water Area Number One consisting of Fenwick Community, at an estimated total cost of \$322,400.00 and intends to charge \$95,440 of the cost of the works as a water rate for a period of twenty (20) years upon the lands as shown within the line on the map produced herewith, that will or may derive a benefit therefrom and \$153,460.00 will be charged on a frontage basis, and \$73,500.00 on a 'per connection' charge basis. Anyone requiring further details may view the metes and bounds description and the detailed plan at the Municipal Offices.

2. It is proposed to raise the part of the annual payments by a frontage rate of \$1.03 per foot per year, and the balance of the annual payments at an annual water rate estimated at 7.12 mills, and an annual charge per connection of \$45.55. The following is an example of the annual charge of an average dwelling property having a frontage of 75 feet and assessed at \$5,000.00.

Frontage charge on 75 feet at \$1.03 per foot	... \$ 77.25
Mill rate assessment, \$5,000.00 at 7.12	... \$ 35.60
Private water service connections (annual 20 years)	... \$ 45.55
Total Annual Charge	... \$158.40

3).(a) The area upon which such water rate is to be levied is as described in Schedule 'A'. The fontage rate is to be charged on the lands abutting on the streets or portions of streets on which the ~~water~~ are to be constructed as shown on Schedule 'B' set out below which is set out in By-Law No. _____ which may be examined in the Clerk's office, Town of Pelham at any time during regular business hours.

(b) The following exemptions will be granted:

- (1) Lands will be charged a maximum of 150 feet frontage.
- (2) Flankage deductions up to a maximum of 150 feet.

4). Any ratepayer may, within twenty-one (21) days after the first publication of this notice, sent by prepaid post to the Clerk of the Town of Pelham, at the address given below, a notice in writing stating his objections to such approval or to the imposition of the special rate.

5). The Ontario Municipal Board may approve the said special rates pursuant to the statute and may approve of the said works, but before doing so it may appoint a time and place for a public hearing when any objection will be considered, but notice of such hearing will be given only to those persons who have given notice of objection as provided for above.

DATED at Town of Pelham, this _____ day of _____ 197 ____.

L.C. Hunt, Clerk-Treasurer
Town of Pelham
P.O. Box 400
Fonthill, Ont., LoS 1E0

THIS IS THE _____ PUBLICATION OF THE NOTICE.

SCHEDULE 'B'

PELHAM WATER AREA NUMBER ONE

Schedule of Water Works Proposed

<u>Street</u>	<u>From</u>	<u>To</u>
Canboro Road East	Church Street South	Approximately 200 feet east of Balfour Street
Canboro Road West	Church Street South	Approximately 850 feet west
Church Street	Canboro Road East	Toronto-Hamilton-Buffalo Railway Right-of-way
Welland Road	Church Street	Gardner Street
Gardner Street	Welland Road	Canboro Road East
Maple Street North	Canboro Road East	1,600 feet north.

S C H E D U L E

"C"

NOTICE OF APPLICATION BY THE CORPORATION OF THE TOWN OF PELHAM FOR APPROVAL OF A BY-LAW TO PROVIDE FOR THE PREPARATION OF CONSTRUCTION DRAWINGS AND APPROVAL OF SAME FOR A WATER DISTRIBUTION SYSTEM TO SERVE LANDS WITHIN THE TOWN OF PELHAM TO BE DEFINED AS THE "PELHAM WATER AREA NO. 1" OF THE TOWN OF PELHAM AND IMPOSING A SPECIAL LEVY OR RATE ON THE DOLLAR ON ALL REAL PROPERTY WITHIN THE SAID AREA.

TAKE NOTICE THAT:

1. The Council of the Corporation of the Town of Pelham intends to apply to the Ontario Municipal Board for approval to prepare construction drawings for a water distribution system to service lands within the "Pelham Water Area No. 1" of the Town of Pelham. The accompanying map (Schedule "B") illustrates the extent of the water area. Details of the exact limits of the area are described in a Metes and Bounds Description attached as Schedule "A" to the by-law. This by-law and attached Schedules may be seen at the office of the Clerk of the Municipality.

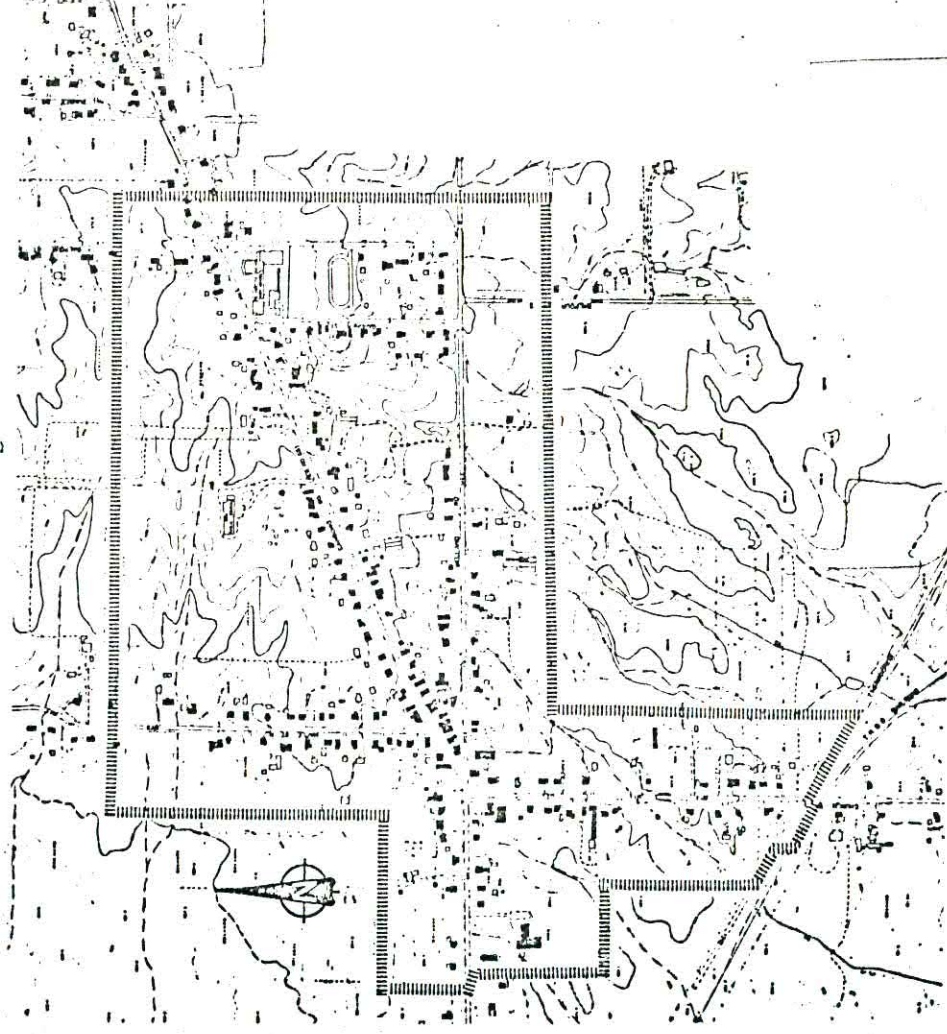
2. All real property within the said water area will be subject to a special levy or rate on the dollar (*). This additional rate of 1.44 mills will be assessed over a 20-year period.

*Based on a maximum expenditure of \$20,000.00 for the preparation of the construction drawings.

3. Any ratepayer may, within twenty-one (21) days after the first publication of this notice, send by prepaid post to the Clerk of the Town of Pelham, at the address given below, a notice in writing stating his objections to such approval or to the imposition of the special rate.

4. The Ontario Municipal Board may approve the said Water Area and the said rates pursuant to the statute and may approve of the said design of the water distribution, but before doing so may appoint a time and place for a public hearing when any objection will be considered, but notice of such hearing will be given only to those persons who have given notice of objection as provided for above.

THIS IS THE FIRST PUBLICATION OF THE
NOTICE SCHEDULE "B"



Map of the Pelham Water
Area No. 1 of the Town
of Pelham

DATED AT THE TOWN OF PELHAM THIS
8th. DAY OF November, 1976

L. C. HUNT, A.M.C.T.
CLERK-TREASURER
TOWN OF PELHAM
43 South Pelham Street
P. O. Box 400
FONTHILL, Ontario
LOS 1E0