

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #413 (1977)

Being a by-law to define and establish
"Pelham Water Works Area #1" and to
provide the construction of a water
distribution system within "Pelham
Water Works Area #1" and to establish
certain water rates upon real property
within the said Water Works 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 water works 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 Council;

AND WHEREAS under the provision of the said Municipal
Act, Section 362 (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 362 (4) of
the said Municipal Act, by-laws passed under Section 362 (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 Medical Officer of Health of the
Niagara Regional Health Unit has determined the existence of a
large number of polluted wells now serving some of the properties
within the said Pelham Water Works 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 dis-
tribution system together with all necessary appurtenances to
serve the lands within the Pelham Water Works Area #1;

AND WHEREAS the Town Engineer estimates that the
total construction cost of the water distribution system for
the said Pelham Water Works Area #1 is \$645,000;

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

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Environment to proceed with the construction of the said distribution system;

AND WHEREAS under the provisions of the said Municipal Act, Section 362 (8), water works rates may be computed by a combination of foot frontage rate on the lands that receive an immediate benefit from the said work and a mill rate on the assessed value of the lands within the Water Works Area;

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 known hereafter as the "Pelham Water Works Area #1".
- (2) THAT the Town do construct water works in the said Pelham Water Works Area #1, all as more particularly defined and described in Schedule "B" attached hereto and forming part of this by-law.
- (3) THAT the lands adjoining the streets described in Schedule "B" contained in Pelham Water Works Area #1 as described in Schedule "A" 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 \$645,000 for the said works be assessed and levied on the following basis:
 - (a) a special mill rate of 11.55 mills assessed on all assessable properties within the said Pelham Water Works Area #1 annually for twenty (20) years plus where applicable;
 - (b) a special frontage rate of \$0.96 per foot assessed on all lands that front onto the water works up to a maximum assessable frontage of 150 feet with flankage to be exempt up to a maximum of 150 feet annually for twenty (20) years plus where applicable;
 - (c) a special frontage rate for connection charge of \$36.71 per foot for one foot annually for twenty (20) years assessed on all lots to which a water service is constructed which is additional to the rates provided in sub-paragraphs (a) and (b) of this section.
- (6) 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.

(7) THAT any person whose lands are specially assessed pursuant to 5 (b) or 5 (c) may commute for payment in cash the special frontage rate 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.

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

(9) 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.

(10) THAT the debentures 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 twenty (20) years on the installment plan, and shall bear interest at such rate as Council of the Regional Municipality of Niagara may determine.

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

(12) THAT By-laws #386 (1976) and By-law #395 (1976) which were not acted upon by Council or the Ontario Municipal Board be rescinded.

READ IN COUNCIL A FIRST AND
SECOND TIME THIS 25th. DAY
OF APRIL, 1977 A.D.


MAYOR


CLERK

READ A THIRD TIME AND FINALLY PASSED
BY A VOTE OF THREE-FOURTHS OF ALL
MEMBERS OF COUNCIL, THIS 25th. DAY
OF APRIL, 1977 A.D.


MAYOR


CLERK