

BY-LAW NO. 50 (1970)

OF THE CORPORATION OF THE TOWN OF PELHAM

A BY-LAW TO CREATE A  
"SEWAGE WORKS AREA", AND TO  
PROVIDE FOR THE CONSTRUCTION  
OF A SYSTEM OF SEWERS THEREIN

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WHEREAS the Council of the Corporation of the Town of Pelham deem it expedient to create a SEWAGE WORKS AREA, to be known as "THE CENTRAL PELHAM URBAN SEWAGE WORKS AREA" and to construct a system of sewers therein

AND WHEREAS by Section 380 (2) of the Municipal Act, subject to the approval of the Municipal Board being first obtained, the Council may by By-law provide for imposing upon owners of land who derive or will or may derive a benefit from the sewage works, a sewer rate sufficient to pay for the whole or such portion of the capital cost of the sewage works as the By-law may specify;

AND WHEREAS Proctor and Redfern Limited, the Town Engineers', in their report recommend that the sewer rate be computed under the provisions of Section 380 (7) of the Municipal Act by a combination of a foot-frontage

rate on the lands that receive an immediate benefit therefrom plus a rate on the dollar on all ratesable property in the said Sewage Works Area herein defined;

AND WHEREAS the Town Engineers' Report estimates the total cost of the works to be \$1,485,000.00;

AND WHEREAS the Town Engineers in their Report estimate the lifetime of the said works to be THIRTY (30) years and more, and recommend that the special assessments be made payable in TWENTY (20) annual instalments;

AND WHEREAS the Council,  
declared it to be expedient and desirable to proceed with the said works;

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

(1) That that portion of the Town of Pelham as established by the Legislature of Ontario as described in Schedule "A" hereto be the same and is hereby created a SEWAGE WORKS AREA, to be known as the "CENTRAL PELHAM URBAN SEWAGE WORKS AREA"

(2) That the Town do construct sewers in the said Sewage Works Area, all as more particularly defined and described in the Town's Consulting Engineers' Report, Proctor and Radfern Limited attached hereto and made a part of this By-law and identified as Schedule "B" hereto.

(3) That the Town Engineers, Proctor and Radfern Limited, do forthwith

make the final working plans, profiles and specifications and furnish such information as may be necessary for the making of a contract for the execution of the said works; and that the said works be carried on and be executed under the superintendence and according to directions of the said Town Engineers, Proctor & Redfern Limited.

(4) That the total estimated cost of the said works, amounting to \$1,485,000.00 be assessed and levied as more particularly set out in the said Engineers' Report on the basis:

- a). That a "sewer rate" be computed under the Provisions of Section 380 (7) of The Municipal Act, as amended, by a combination of a foot frontage rate on the lands that receive an immediate benefit from the said works, plus
- b) A rate on the dollar on all rateable property in the said Central Pelham Urban Sewage Works Area as described in Schedule "A" hereto.

(5) 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;

( 6) That special assessments be paid in TWENTY (20) Annual instalments.

(7) That the Debentures be issued for the loan to be effected to pay for the cost of the works when completed shall bear interest at a rate to be determined by the Council, and shall be payable in TWENTY (20) years on the instalment plan.

(8) That a special Debenture By-law will be prepared, according to

the circumstances, to authorize the issuance of such Debentures and all necessary approvals obtained.

(9) That any person whose lands are specially assessed may commute for payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon the lands, without interest, within thirty days of notification after the special assessment rolls have been certified by the Clerk.

READ IN COUNCIL A FIRST AND SECOND TIME THIS 8<sup>th</sup> DAY OF  
JUNE, A.D. 1970.

*K. Gullett*  
ACTING MAYOR

*B. D. D.*  
CLERK

READ A THIRD TIME AND FINALLY PASSED IN COUNCIL ON THE 5<sup>th</sup>  
DAY OF APRIL A.D. 1970.

*K. Gullett*  
MAYOR

*B. D. D.*  
CLERK



BY-LAW NO. 50 (1970)

OF THE CORPORATION OF THE TOWN OF PELHAM

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A BY-LAW TO CREATE A SYSTEM OF  
SEWERS TO BE KNOWN AS CENTRAL  
PELHAM URBAN SEWAGE WORKS AREA  
AND TO PROVIDE FOR THE CONSTRUCTION  
OF A SYSTEM OF SEWERS THEREIN

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BAKER & SWAYZE  
Barristers & Solicitors  
163 Division Street  
Welland, Ontario.  
TEB:vk

## Municipality of The Township of Pelham

Meeting

JUNE 8<sup>th</sup>

1970

Moved By

*Don Allop*

Seconded by

*Leo Prugine*

That leave be granted to introduce By-law to

CREATE A "SEWAGE WORKS AREA", AND TO PROVIDE  
FOR THE CONSTRUCTION OF A SYSTEM OF SEWERS  
THEREIN

and that By-law presented herewith be read a first time.

By-law read a *FIRST* time

Moved By

*Don Allop*

Seconded by

*Leo Prugine*

That By-law now read a first time be read a second time forthwith.

By-law read a *SECOND* time

Moved By

*Don Allop*

Seconded by

*Leo Prugine*

That By-law now read a second time be read a third time forthwith.

By-law read a *THIRD* time

Moved By

*Don Allop*

Seconded by

*Leo Prugine*

That By-law now read a third time do pass, be engrossed by the Clerk, and signed and sealed by the Reeve.

*mayor*

Reeve.

APR 5, 1971

(12)

SCHEDULE "A"

BY-LAW NO. 50

OF THE CORPORATION OF THE TOWN OF PELHAM

Description of Central Pelham Urban Sewage Works Area

Comprising all or parts of the following lots

Concession 6	Lot 4
Concession 7	Lots 4, 3, 2, and 1
Concession 8	Lots 1, 2, and 3
Concession 9	Lots 1, 2, and 3

all in the Township of Pelham and -

Lot 163

Lot 162

Lot 161

Lot 160

Lot 168

Lot 172

Lot 173

Lot 177

Lot 237

in the Township of Thorold, all in the County of Welland, Province of Ontario.

Commencing at the south-east angle of the said Lot 173;

THENCE northerly along the east limit of the said Lot 173 to a point in the said east limit which is distant 300 feet measured southerly thereon from the south limit of Port Robinson Road;

THENCE easterly on a line parallel with the said south limit of Port Robinson Road a distance of 400 feet;

THENCE northerly and on a line parallel to the east limit of Station Street and its extension southerly, a distance of 2,600 feet;

THENCE north-easterly, and in a straight line to a point in the east limit of the new Regional Municipality of the Town of Pelham which said point is distant 2,000 feet measured southerly along the said east limit of the new Town from the north-east angle of the said new Town, which said north-east angle is in the south limit of the right-of-way of the Hydro Electric Power Commission of Ontario in the said Lot 160;

THENCE northerly along the said east limit of the new Town to the said northeast angle thereof;

THENCE westerly and north-westerly along the said south limit of the Hydro Electric Power Commission of Ontario right-of-way across Lots 160, 161, 162 and 163 to a point in the said south limit of the right-of-way distant 600 feet measured south-easterly thereon from the intersection of the said south limit of the right-of-way from the centreline of Pelham Street North;

THENCE south-westerly in a straight line to a point in the west limit of the said Pelham Street North which said point is distant 300 feet northerly from the south-east angle of the said Lot 1, Concession 6;

THENCE westerly and parallel to the south limit of said Lot 1, Concession 6, a distance of 200 feet;

THENCE southerly and parallel to the said west limit of Pelham Street North a distance of 300 feet to the south limit of said Lot 1, Concession 6;



THENCE westerly along the south limit of Lots 1, 2 and 3, Concession 6, to the south-west angle of the said Lot 3, Concession 6;

THENCE northerly along the west limit of the said Lot 3, Concession 6, a distance of 500 feet;

THENCE westerly and parallel to the south limit of the said Lot 4, Concession 6, to the west limit of the said Lot 4, Concession 6;

THENCE southerly along the said west limit of Lot 4, Concession 6, to the south-west angle of the said Lot 4, Concession 6;

THENCE southerly in a straight line to the north-west angle of the said Lot 4, Concession 7;

THENCE southerly along the west limit of said Lot 4, Concession 7 to a point in the said west limit distant 1,000 feet measured northerly along the said west limit from the south-west angle of the said Lot 4, Concession 7;

THENCE easterly and parallel to the south limit of said Lot 4, Concession 7, a distance of 950 feet;

THENCE southerly on a line parallel to the east limit of the said Lot 4, Concession 7, and its extension southerly, a distance of 12,200 feet;

THENCE easterly and parallel to the north limit of the said Lot 4, Concession 8, to the east limit of the said Lot 4, Concession 8;

THENCE southerly, along the said east limit of the Lot 4, Concession 8, to the south-east angle of the said Lot 4, Concession 8;

THENCE south-westerly and in a straight line to the north-west angle of said Lot 3, Concession 9;

THENCE southerly along the west limit of the said Lot 3, Concession 9, to the south-west angle thereof;

THENCE southerly and in a straight line to the north-east angle of the said Lot 3, Concession 10;

THENCE southerly along the west limit of the said Lot 3, Concession 10, a distance of 900 feet:

THENCE easterly, and on a line parallel to the north limit of said Lot 3, Concession 10, to a point in the said parallel line distant 200 feet measured westerly thereon from the west limit of Haist Street South;

THENCE southerly and parallel to the said west limit of Haist Street South a distance of 500 feet;

THENCE easterly and parallel to the said north limit of Lot 3, Concession 10, to the west limit of said Haist Street South;

THENCE easterly to a point in the west limit of Haist Street South distant 200 feet measured southerly thereon from the south limit of Quaker Road;

THENCE easterly and on a line parallel to the said south limit of Quaker Road across said Lots 2, 1, and 237 to the west limit of Lot 236, in the said Township of Thorold;

THENCE northerly along the said west limit of the said Lot 236 to the north-west angle of the said Lot 236;

THENCE northerly to the south-west angle of the said Lot 176;

THENCE northerly along the west limit of the said Lot 176 to the north-west angle thereof;

THENCE northerly and in a straight line to the point of commencement.





# Proctor & Redfern Limited

Schedule 'B' of By-Law # 50

Consulting Engineers  
39 Queen Street  
St Catharines, Ontario  
Telephone (416) 682-8606

June 4th, 1970      Project E.O. 68117

Mr. Harold Black,  
Mayor, Town of Pelham,  
c/o 43 South Pelham Street  
P.O. Box 400,  
FONTHILL, Ontario.

Dear Sir:

## Town of Pelham Sewage Works Area

We have completed our review of the recently submitted Proctor & Redfern report dated May 1969 entitled 'Report on a Sanitary Sewerage System for Fonthill', and have adapted the information in this report to conform with the new circumstances, that is, the formation of the new Niagara Regional Municipality of the Town of Pelham which came into being on January 1st, 1970. We have prepared this brief report to accompany your solicitor's draft of a by-law to create the sewage works area and to provide for the construction of sewerage works therein. We beg to report as follows:

- 1). We recommend that an area be defined to be entitled 'CENTRAL PELHAM URBAN SEWAGE WORKS AREA' as described in the Schedule attached hereto and shown on the drawing forming part of this report. The sewers proposed for construction are set out on a schedule attached hereto and are intended to serve those built up areas in the said sewage works area where there are in our opinion, a sufficient number of homes to warrant the construction thereof. The lifetime of the works proposed is estimated to be 30 years and more.
- 2). The trunk sewers are designed to serve the ultimate sewer requirements when the sewage area is fully developed.
- 3). We estimate the cost of the sewerage works proposed to serve as outlined above, at \$1,485,000.00

Continued ....



Mr. H. Black, Mayor

Project E.O. 68117

Page 2     June 4th, 1970

- 4). We recommend that the financial burden of this scheme be distributed under provisions of Section 380 of the Municipal Act:  
  
i.e. Benefitting frontage charge, plus mill rate levy on all rateable property in defined sanitary drainage area, plus a per lot charge for each private sewer connection.
- 5). The estimated cost to provide the minimum sized sewer (8-inch diameter) at a normal depth of 8 feet is \$16.00 per foot. We recommend, therefore, that the basis of assessing the 'frontage charge' on lands adjoining the proposed sewers be \$8.00 per foot frontage.
- 6). The annual frontage levy will be \$0.876 per foot, assuming 9 percent financing on a 20-year amortization basis. This will result in an annual frontage levy as follows:  
  
$$111,990 \text{ feet at } \$0.876 \text{ per foot} = \$98,103.24$$
- 7). The total annual cost of debt retirement for the sewage works proposed is \$137,154.48
- 8). The net between the total annual frontage levy and the total annual cost of debt retirement is \$39,051.24. The estimated cost of operation of the sewerage system is \$2,000.00 per year. Therefore, the total annual cost to be raised by assessment of real property on a mill rate levy is \$41,051.24
- 9). The assessment in the defined sewer area in 1969 is \$6,582,000.00
- 10). The resulting initial mill rate to be levied for the cost of debt retirement and the operation of these sewers in the defined area is 6.24 mills.

Continued ....





Mr. H. Black, Mayor

Project E.O. 68117

Page 3 June 4th, 1970

- 11). We recommend that the Town of Pelham, include in this by-law for the installation of private sewer connections (i.e. connections from the proposed sewer mains to the street line). Based upon the estimated cost of approximately \$200.00 each, and 20-year amortization of the cost at 9 percent interest, the annual cost per dwelling will be \$20.00.

12). Sample Annual Costs for Normal Sized Lots

Strathcona Drive North

Frontage charge (80 feet)	...	\$70.08
Mill Rate Assessment (\$6,000.)	...	37.44
Private Sewer Connections	...	<u>20.00</u>
Total Annual Costs	...	\$127.52

College Street

Frontage charge (55 feet)	...	\$48.18
Mill Rate Assessment (\$4,500.)	...	28.08
Private Sewer Connections	...	<u>20.00</u>
Total Annual Costs	...	\$96.26

Cherrywood Avenue

Frontage charge (70 feet)	...	\$61.32
Mill Rate Assessment (\$4,100.)	...	25.58
Private Sewer Connections	...	<u>20.00</u>
Total Annual Costs	...	\$106.90

Farm or Agricultural Property

Frontage charge (100 feet)	...	\$87.60
Mill Rate Assessment (\$5,000.)	...	31.20
Private Sewer Connections	...	<u>20.00</u>
Total Annual Cost	...	\$138.80

Continued ....



Mr. H. Black, Mayor

Project E.O. 68117

Page 4 June 4th, 1970

As infilling occurs within the described sewer works area the reduction of vacant frontage now used for agricultural purposes will increase the total annual frontage levy to the point where the mill rate levy can be reduced to zero. Accordingly the above 'Sample Annual Costs for Normal sized Lots' will be reduced by the amount of the mill rate shown.

- 13). We strongly recommend that the new Town of Pelham include in their subdividers agreement policy, a provision requiring developers of new subdivisions within the defined sanitary sewer works area be required to contribute to the municipality a 'Capital Works Levy' to offset the cost of oversizing municipal services to serve these new subdivisions. We recommend that this levy be as set out in the mentioned Proctor & Redfern report, page 30, which is quoted below:

General Levies for Trunk Works

Single Family Lot	\$500.00
Semi-detached or Duplex Lot	\$800.00
Town or Row Houses per Unit	\$350.00
Apartments, per Unit	\$150.00
Commercial, per 7,500 sq.ft. floor	\$400.00
Light industrial, per Acre	\$400.00

- 14). The works recommended in this report are for those sewerage facilities which will serve only the central Pelham Urban Works Area. Trunk works are proposed for Quaker Road and other main roads together with a Sewage Treatment Plant or a connection to the City of Welland. The costs of these trunk works and sewage treatment plant or connection to Welland is discussed in the previously mentioned Proctor and Redfern May 1969 report, and is the subject of negotiations between the City of Welland, the new Regional

Continued ...





Mr. H. Black, Mayor

Project E.O. 68117

Page 5     June 4th, 1970

Council for Niagara and the Ontario Water Resources Commission. As a result, the costs to be borne by the benefitting areas are not known and cannot be set out in any construction by-law, at the present time.

We trust that your Council will find this engineering report acceptable and will proceed with due haste to settle the question of trunk sewers and sewage treatment.

Yours very truly

Proctor & Redfern

W.D. Goodings, P. Eng.,  
Branch Office Manager.

WDG/ro