

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #702 (1981)

Being a by-law to authorize the construction
of a sewer works and to establish certain
sewer rates upon real property within Pelham
Sewer Works Area No. 2.

WHEREAS the Council of the Corporation of the Town of Pelham
deems it necessary and desirable to create a Sewer Works Area to be known
as "Pelham Sewer Works Area No. 2" and to construct a system of sewers
therein;

AND WHEREAS under the provisions of The Municipal Act, R.S.O.
1970, Section 354 (1) 53, by-laws may be passed by Councils of local municipi-
palities to enlarge a public utility undertaking;

AND WHEREAS under the provisions of The Municipal Act, R.S.O.
1970, Section 362, by-laws may be passed subject to the approval of the
Ontario Municipal Board for imposing upon owners or occupants or land, who
derive or will or may derive a benefit from the sewage works, a sewer rate
sufficient to pay for the whole of the capital cost of the works;

AND WHEREAS under provisions of Section 362 of The Municipal
Act, the lands for which the owners or occupants are made liable for the
sewer rate imposed shall be designated in the by-law;

AND WHEREAS the Town Engineer estimates that the total con-
struction cost of the sewer system for the said area described in the
attached Schedule "A" is \$1,286,100;

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

AND WHEREAS under the provisions of The Municipal Act, R.S.O.
1970, Section 362 (7), sewer rates may be computed by a combination of
metre frontage rates on the lands that receive an immediate benefit from
the said works and a mill rate on the assessed value of the lands within
the Sewer Works Area;

AND WHEREAS Section 362 (a) (1) of The Municipal Act, R.S.O.
1970 authorizes Councils of local municipalities to require owners of
buildings in a defined area to connect the said buildings to the sewage
works;

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 are hereby created a Sewer Works Area and

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become known as the "Pelham Sewer Works Area No. 2."

(2) THAT the sewer works be constructed within the Sewer Works Area as shown on the plan described as Schedule "B" attached hereto and forming part of this by-law.

(3) THAT Council adopted the estimated cost of the work as more particularly defined and described in Schedule "C" attached hereto and forming part of this by-law.

(4) THAT the total estimated cost of \$1,286,100 less available grants for the said works be assessed and levied on the following basis:

(a) a special mill rate of 13.54 mills assessed on all assessable properties within the area described in Schedule "A" annually for twenty (20) years plus where applicable;

(b) a special frontage rate of \$5.28 per metre assessed annually for twenty (20) years on all lands that front onto the sewer works up to a maximum assessable frontage of 46 metres, with flankage to be exempt up to a maximum of 92 metres, plus where applicable;

(c) a connection charge of \$73.17 per annum for twenty (20) years.

(5) THAT any person whose lands are specially assessed pursuant to Section 4 (b) or 4 (c) may commute for payment in cash, the special frontage rate imposed thereon by paying the portion of the cost of construction assessed upon the lands, without interest within thirty (30) days of notification after the special assessment rolls have been certified by the Clerk.

(6) THAT owners of all existing buildings within the sewer works area connect those buildings which contain water and/or sewage facilities to the sewage works within two (2) years of the completion of the sewage works and that all new buildings or renovated buildings which are equipped with water and/or sewage facilities be required to connect to the sewage works immediately upon completion of construction or renovation of the building.

(7) 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.


(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 borrowing to meet the cost of said sewage works pending the completion thereof.

(10) THAT the debentures in the amount of \$359,000 to be issued for the loan to be effected to pay for the cost of the sewer 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 the Council of the Regional Municipality of Niagara may determine.

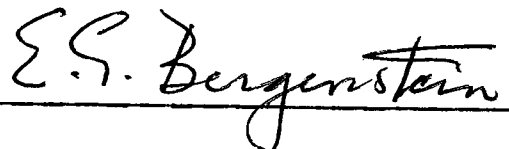
(11) THAT this by-law shall not come into force or take effect until it has been approved by the Ontario Municipal Board.

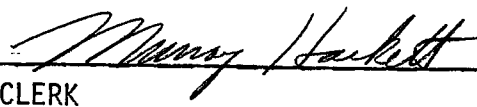
READ BY COUNCIL A FIRST AND SECOND
TIME, THIS 15th. DAY OF JUNE, 1981
A.D.


MAYOR


CLERK

READ A THIRD TIME AND FINALLY PASSED
BY COUNCIL THIS 21st. DAY OF JULY,
1981 A.D.


MAYOR


CLERK