

THE MUNICIPALITY OF NORTH PERTH

BY-LAW NUMBER 101-2023

Being a by-law to authorize the construction and supply of water and wastewater systems and to establish a serviced area to impose connection requirements and charges to obtain revenue to pay the capital costs thereof.

WHEREAS The Municipality of North Perth was requested by the majority of property owners within the North East Master Plan Area ("**Serviced Area**") to investigate the supply of municipal water and wastewater systems within the Serviced Area;

AND WHEREAS the Council of The Municipality of North Perth appointed an engineer to design municipal water and wastewater systems within the Serviced Area;

AND WHEREAS The Municipality of North Perth proposes to construct and supply municipal water and wastewater systems within in the Serviced Area (together, the "**Systems**") and impose certain connection requirements and charges thereon to pay for the capital costs of the Systems;

AND WHEREAS by subsection 11(3) Paragraph 4 of the Municipal Act, 2001, SO 2001, c. 25 (the "**Act**"), The Municipality of North Perth, which is a lower-tier municipality, may pass by-laws within the "Public services" (which includes collection of sanitary sewage and sewage treatment) sphere of jurisdiction and subsection 8(3) of the Act provides that a by-law under section 11 respecting a matter may regulate or prohibit anything in relation to the matter;

AND WHEREAS section 391 of the Act provides that a municipality may pass by-laws imposing charges on any class of persons for capital costs payable by it for water, wastewater, and other services which will be provided by the municipality after the charges are imposed;

NOW THEREFORE the Council of The Municipality of North Perth enacts as follows:

1. For clarity, the Serviced Area is identified as the area within the broken boundary line on Schedule "A" attached hereto.
2. That all future development requiring sanitary sewers and/or water in the Serviced Area must connect to the Systems (as applicable).
3. That all developed or built on properties within the Serviced Area that currently have a septic tank or holding tank for sewage purposes and/or a well for water purposes must connect to the Systems (as applicable) within ten (10) years of the Systems being made available by The Municipality of North Perth ("**Final Decommissioning Date**").
4. Connection to the Systems is the responsibility of the property owner and shall be at their sole cost and expense.
5. That all connection to the Systems must be inspected by a municipal building official.
6. That all septic tanks, holding tanks, and wells must be decommissioned on or before the Final Decommissioning Date by the property owners at their sole costs and expense, and in accordance with the requirements set out in Schedule "B" attached hereto.
7. That the Manager of Operations and the Manager of Environmental Services for The Municipality of North Perth are authorized and directed to take all steps and follow the processes necessary or desirable in order to duly implement and carry out the construction and supply of the Systems.
8. That the final cost (including Harmonized Sales Tax) of the capital works for the

Systems is as follows:

- \$5,095 per developed connection to Residential/Commercial/Industrial municipal water service (which includes a building permit fee of \$100); and
- \$20,960 per developed connection to Residential/Commercial/Industrial municipal wastewater services (which includes a building permit fee of \$125).

(together, the “**Water & Wastewater Servicing Charge**” or “**WWSC**”)

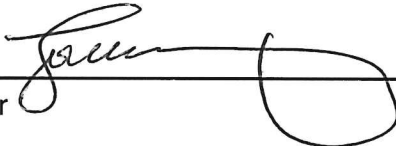
9. The WWSC, which for clarity totals \$26,055 per developed connection, is hereby imposed on each property owner within the Serviced Area requiring a connection for the recovery of capital costs incurred by The Municipality of North Perth for the construction and supply of the Systems.
10. Notwithstanding the foregoing, and for clarity, the cost of connection to the Systems for all lots within the Serviced Area which are undeveloped and/or without septic tanks, holding tanks, or wells, will be satisfied through an area rate development charge.
11. Each property owner will be notified and invoiced by The Municipality of North Perth in respect of their WWSC when the Systems become available for connection. The full amount of the WWSC shall be due and payable by each property owner to The Municipality of North Perth at the Municipal Office of 330 Wallace Avenue North, Listowel, Ontario, N4W 1L3 on or before the 31st day of December 2023.
12. Notwithstanding the foregoing, the property owners, by notifying the Treasurer on or before December 31, 2023 using the prescribed form set out in Schedule “C” attached hereto, may elect to pay the WWSC in equal annual installments and make blended equal annual payments (including principal and interest) over a period of fifteen (15) years with interest thereon calculated at a rate of six (6) percent rate per annum, calculated yearly and not in advance (“**Annual Payments**”). The Annual Payments shall be due and payable to The Municipality of North Perth each year commencing in 2024, and in the same manner each year as the first installment of or payment under the final tax bill for realty taxes for the applicable property is collected by The Municipality of North Perth.
13. For clarity, in the event that any property owner does not pay the WWSC imposed herein on or before the 31st day of December 2023, and has not made an election to make Annual Payment as provided for in paragraph 12, they shall be deemed to have elected to make Annual Payments.
14. That the Treasurer is authorized and directed to add any charge imposed hereunder which has not been paid on or before December 31, 2023, or as otherwise noted, to the tax roll for the applicable property pursuant to and in accordance with the provisions of subsection 398(1) of the Act, and to collect them in accordance with paragraph 12 above.
15. That all properties connected to the Systems require the installation of a water meter to determine the volumetric water and wastewater charge. The water meter will be supplied, installed, inspected and read from time to time by the Municipality of North Perth and its representatives or agents are authorized to enter all properties for such purposes.
16. That as of the date of connection to the Systems or December 31, 2033, whichever is earlier, the property owner will be subject to service charges or a non-connection fee under the User Fee By-law 160-2015 as amended or replaced.
17. If any clause, provision, or requirement in or under this by-law should be

determined to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such clause, provision or requirement, and all other clauses, provisions or requirements hereof shall continue in full force and effect.

18. By-Law 45-2023 of The Municipality of North Perth is hereby repealed.

READ a first and second time this 18th day of September, 2023.

READ a third time and finally passed this 18th day of September, 2023.

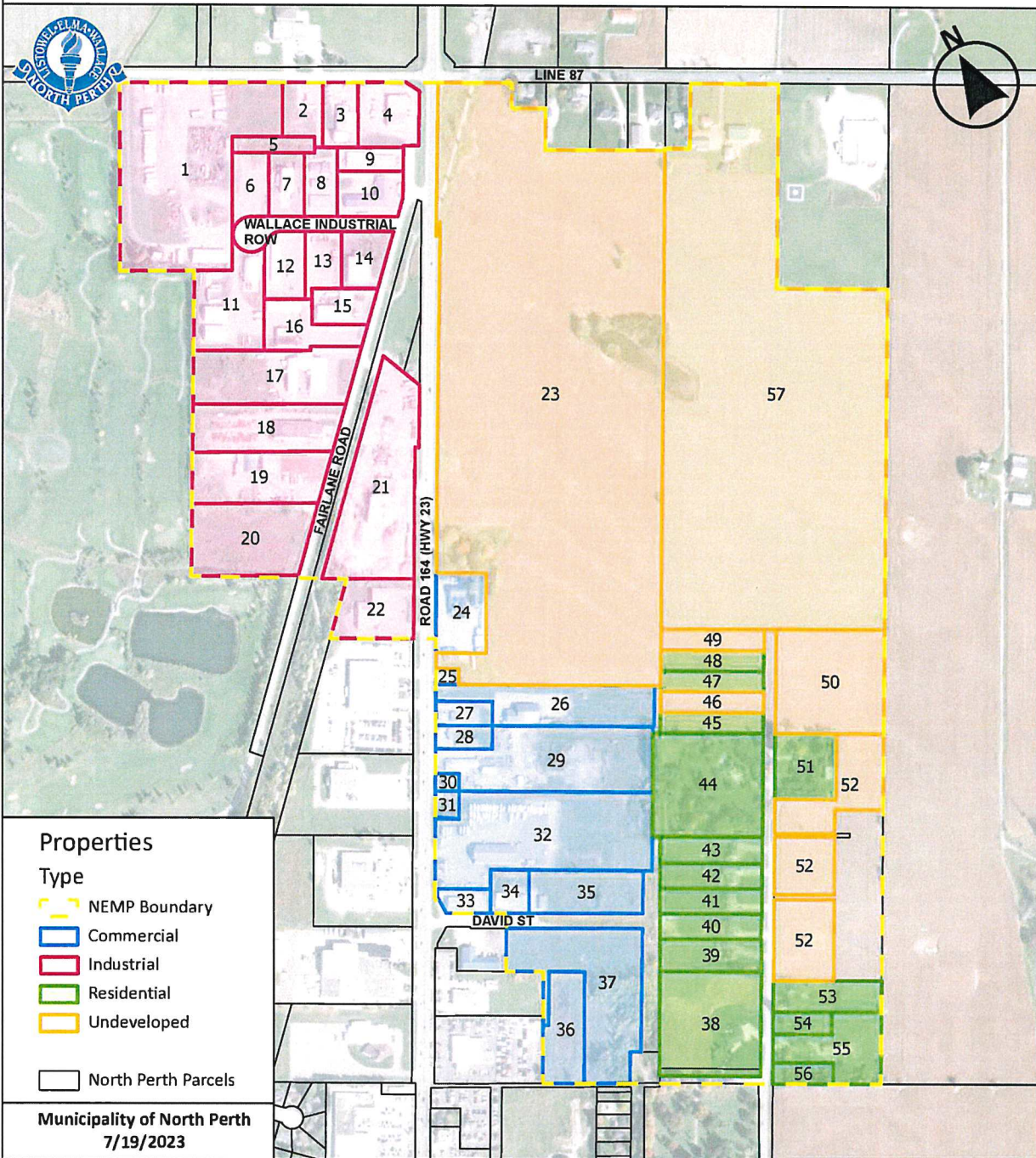


Mayor



Clerk

SCHEDULE A BY-LAW 101-2023



Industrial		
Number	Roll Number	Type
1	314041000113010	Industrial Developed
2	314041000112904	Industrial Developed
3	314041000112902	Industrial Developed
4	314041000112906	Industrial Developed
5	314041000113000	Industrial Developed
6	314041000112918	Industrial Developed
7	314041000112916	Industrial Developed
8	314041000112914	Industrial Developed
9	314041000112908	Industrial Developed
10	314041000112912	Industrial Developed
11	314041000112920	Industrial Developed
12	314041000112922	Industrial Developed
13	314041000112924	Industrial Developed
14	314041000112926	Industrial Developed
15	314041000112928	Industrial Developed
16	314041000112930	Industrial Developed
17	314041000112932	Industrial Developed
18	314041000112933	Industrial Developed
19	314041000112935	Industrial Developed
20	314041000112955	Industrial Developed
21	314041000112900	Industrial Developed
22	314041000112810	Industrial Developed

Commercial		
Number	Roll Number	Type
24	314041000111000	Commercial Developed
25	314041000111100	Commercial Developed
26	314041000111300	Commercial Developed
27	314041000111200	Commercial Developed
28	314041000111710	Commercial Developed
29	314041000111400	Commercial Developed
30	314041000111500	Commercial Developed
31	314041000111600	Commercial Developed
32	314041000111700	Commercial Developed
33	314041000111805	Commercial Developed
34	314041000111807	Commercial Developed
35	314041000111820	Commercial Developed
36	314041000111902	Commercial Developed
37	314041000111900	Commercial Developed

Residential		
Number	Roll Number	Type
38	314041000110615	Residential Developed
39	314041000110625	Residential Developed
40	314041000110627	Residential Developed
41	314041000110629	Residential Developed
42	314041000110631	Residential Developed
43	314041000110633	Residential Developed
44	314041000110415	Residential Developed
45	314041000110315	Residential Developed
47	314041000110318	Residential Developed
48	314041000110319	Residential Developed
49	314041000110402	Residential Developed
51	314041000110500	Residential Developed
52	314041000110650	Residential Developed
53	314041000110600	Residential Developed
54	314041000110640	Residential Developed
55	314041000110600	Residential Developed
56	314041000110640	Residential Developed

Undeveloped		
Number	Roll Number	Type
23	314041000110900	Undeveloped Commercial
46	314041000110317	Undeveloped Residential
49	314041000110320	Undeveloped Residential
50	314041000110300	Undeveloped Residential
52	314041000110400	Undeveloped Residential
57	314041000110205	Undeveloped Residential

Schedule "B" to By-Law No. 101-2023

Plumbing Alterations & Hook Up:

An application for a building permit (under Section 8(1) of the Building Code Act, 1992, S.O. 1992, c. 23) shall be submitted for any exterior plumbing alterations which shall include information such as pipe sizes, type of connections, type of pipe, location, etc and no work shall proceed until said permit has been issued.

For clarity, an inspection is required for installation prior to backfilling and hookup to the Systems. These inspection fees are included in the WWSC.

A building permit is required (under Section 8(1) of the Building Code Act, 1992, S.O. 1992, c. 23) for interior plumbing alterations and information is required to be submitted as above. A building permit must be issued prior to starting work and inspection notification will be noted on the permit.

Fees for the building permit noted above are also included in the WWSC.

Decommissioning of Septic and Holding Tanks:

Septic and holdings tanks shall be pumped by a certified/licensed sewage hauler. An invoice or letter from the licensed sewage hauler will be required as proof that the septic of holding tanks have been pumped.

Septic and holdings tanks shall be either removed or filled with sand or an acceptable alternative as approved by the Chief Building Official.

The Building Department for The Municipality of North Perth shall be informed by the property owner or an agent acting on their behalf when the septic and holding tanks have been properly decommissioned, and an inspection will be performed by the Municipality of North Perth prior to completing final grading and seed/sod. Costs for the inspection are included in the WWSC.

Decommissioning of Wells:

Abandoned wells must be decommissioned by a qualified person/company as per O Reg 903, R.R.O. 1990.

Schedule "C" to By-Law No. 101-2023

Municipal Water and/or Wastewater Service Charge Payment Election Form

I (We),

(please print names of property owners)

Being the property owners of roll # _____,

Having the municipal address of:

Elect to pay the final cost for the capital works totaling **\$26,055** via:

- 1. Payment in full on or before December 31, 2023; or
- 2. Equal annual blended payments (including principal and interest) over a period of fifteen (15) years with interest thereon being calculated at a rate of six (6) percent rate per annum, calculated yearly not in advance and with such payments due and payable each year commencing in 2024, collected/payable in the same manner as the first installment or payment in respect of realty taxes for my property. By choosing this method, it is understood that this loan may not be paid off earlier than indicated.

(please select a box)

By signing this form, I (We) am (are) assuming responsibility for payment in foregoing manner.

(Signature of property owner)

(date)

(Signature of property owner)

(date)