

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-58

**Being a by-law to establish a sewer rate to recover the
capital cost of sewage works constructed in the
Malden Sewer Area**

WHEREAS the Municipal Act, R.S.O. 1990 c.M. 45, Section 221, authorizes Council to establish a sewer rate upon owners or occupants of land who derive or will or may derive a benefit from the construction of the sewage works to pay all or such portion of the capital costs of the works as specified;

AND WHEREAS the various phases of the Malden Sewage Area project have been completed to the stage of being able to estimate total project costs;

AND WHEREAS the Ministry of Environment and Energy has approved grant funding under Project Number 88-1251-01 in the amount of \$6,986,540.99 of the total project cost estimated at \$11,845,342.74 and has issued Certificate of Approval Number 3-1833-98-996 As Amended.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:**

1. That a sewer rate be imposed on the lands in the Malden Sewage Area of which such owners or occupants are deemed to derive a benefit to pay for a portion of the capital cost for the sewage works as described in Schedule "A" hereto.
2. For the immediate benefit area as shown in Schedule "A" the sewer rate shall consist of an annual charge imposed for a period of twenty (20) years commencing in the year 2003, and shall be comprised of the following combination of rates:
 - i) the annual frontage rate on the lands that abut the streets, as shown in Schedule "A" of this by-law, may be commuted at the option of the person liable at the total charge of \$ 53.50 per foot and shall be due and payable as invoiced by the Town.
 - ii) the annual Treatment Plant/Pumping Station Capital Cost charge for each parcel of land shown in Schedule A of this By-law that has a dwelling unit constructed upon it may be commuted at the option of the person liable at the total charge of \$ 2,844.55 and shall be due and payable upon invoice by the Town.
 - iii) in the case of a vacant buildable lot the annual Treatment Plant/Pumping Station capital cost may be commuted at the option of the person liable at a total charge of \$ 1,422.28 and shall be due and payable upon invoice by the Town.
 - iv) in the case of property known as Holiday Beach, Conc. 7, Part lot 59, and Conc. 6, Part lot 57 and Part lot 58 the annual frontage rate for 150 feet may be commuted at the option of the Essex Region Conservation Authority at a total charge of \$53.50 per foot, (Total amount of \$8,025.00) and shall be due and payable upon invoice by the Town.

For the Treatment/Pumping Station component a figure equivalent to 36 homes has been established. The annual charge at the option of the Essex Region Conservation Authority may be commuted at the total charge of \$102,403.80 and shall be due and payable upon invoice by the Town.

- v) in the case of Bell's Cottage Court, 1400 Front Road, Conc. 1, Part lot 14, the annual frontage rate for 150 feet, may be commuted at the option of the owner at a total charge of \$53.50 per foot (Total amount \$8,025.00) and shall be due and payable upon invoice by the Town.

For the Treatment/Pumping Station component an annual charge per annum at the option of the owner may be commuted at the total charge of \$28,445.50 and shall be due and payable upon invoice by the Town.

The Treatment/Pumping Station component is based on 10 dwelling units which exist on the property.

- 2. a) For the deferred benefit area as shown in Schedule "A" an annual charge per acre may be commuted at a total charge of \$500.00 per acre. The properties in the Area of Future Benefit include the following:

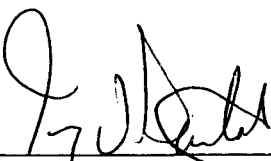
- Roll # 550 -045 @ \$ 3.59/acre
- Roll # 550-046 @ \$ 4.09/acre
- Roll # 550-047 @ \$23.46/acre
- Roll # 550-088 @ \$49.52/acre
- Roll # 550-113 @ \$38.66/acre

- 3. The capital cost of the works is to include the imputed interest cost on money supplied from the funds of the municipality to finance the owners' share of the works during construction. The rate of interest to be applied for determining the imputed interest cost shall be the interest rate, as certified in writing by the Treasurer that the municipality would have expected to pay to finance the owners' share of the cost of the work by debentures issued on the day named in the certificate.
- 4. The revenue derived in any year from the sewage rate imposed for the capital cost of the work shall be applied and used toward the payment of principle and interest due in that year upon debentures. The Council shall reduce that amount of debenture rate to be levied in any year upon the rateable property liable.
- 5. Owners or occupants of land which have not been assessed with respect to the sewage works in the Malden Sewage Area of the Town will be assessed, at the time a sewer is extended, a sewer rate sufficient to pay for such portion or percentage of the capital cost of the existing sewage works as the by-law may specify.
- 6. The sewer rate imposed in section 5 of this by-law, if not required for payment of any of the outstanding capital cost of the existing sewage works, shall be applied and used only for future capital improvements of the existing sewage works.
- 7. The sewer rate imposed on the owners or occupants of land shall be collected in the same manner as municipal taxes.
- 8. The sewer rate structure shall have regard to differences as follows:
 - i) in the case of corner lots situated at the junction or intersection of streets or highways, 100% of the flankage is exempt from the frontage sewer rate.
 - ii) in the case of lots that are triangular or irregularly shaped, a reduction or increase may be made in the foot frontage rate that otherwise would be chargeable thereon, having regard to the situation, value, and superficial area of such lots as compared with other lots, to adjust the frontage charge on a fair and equitable basis.
 - iii) in the case of lots that because of the nature of the terrain or the elevation on the sewer do not derive the same benefit as other lands fronting or abutting on the sewer, a reduction may be made in the foot frontage rate which otherwise would be


chargeable thereon, having regard to the benefit derived as compared with other lots to adjust the foot frontage rate on a fair and equitable basis.

- iv) where a lot is for any reason wholly or in part unfit for building purposes, a reduction may be made in the foot frontage rate and fixed annual charge that would otherwise be chargeable, sufficient to adjust the charges as compared with that of lots fit for building purposes on a fair and equitable basis.
 - v) where a lot has two or more limits that abut streets or highways shown in Schedule "A" hereto, and the nature of the lot is such that any or all of the works are not required, a reduction may be made in the foot frontage rate or fixed annual charge, or both, that would otherwise be chargeable thereon.
 - vi) in the case of property, which is a parcel of land separately assessed according to the last returned assessment roll, having a frontage greater than 150 feet, the maximum frontage charge shall be 150 feet.
9. The sewer rate imposed upon any owner or occupant of land is a lien and charge upon the land, and if the rate or any part thereof remains unpaid after the due date the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant, or the Clerk upon notice to the owner or occupant of the amount due for which a lien is claimed shall enter the same upon the collector's roll, and the collector shall proceed to collect it in the same way as municipal taxes are collected.

Read a **first and second time**, this 28th day of October, 2002.




MAYOR



CLERK

Read a **third time and finally passed** this 28 day of October, 2002



MAYOR



CLERK

MALDEN AREA SEW. GE PROJECT

TOWN OF AMHERSTBURG

SCHEDULE A to Bylaw 2002-58



Stantec

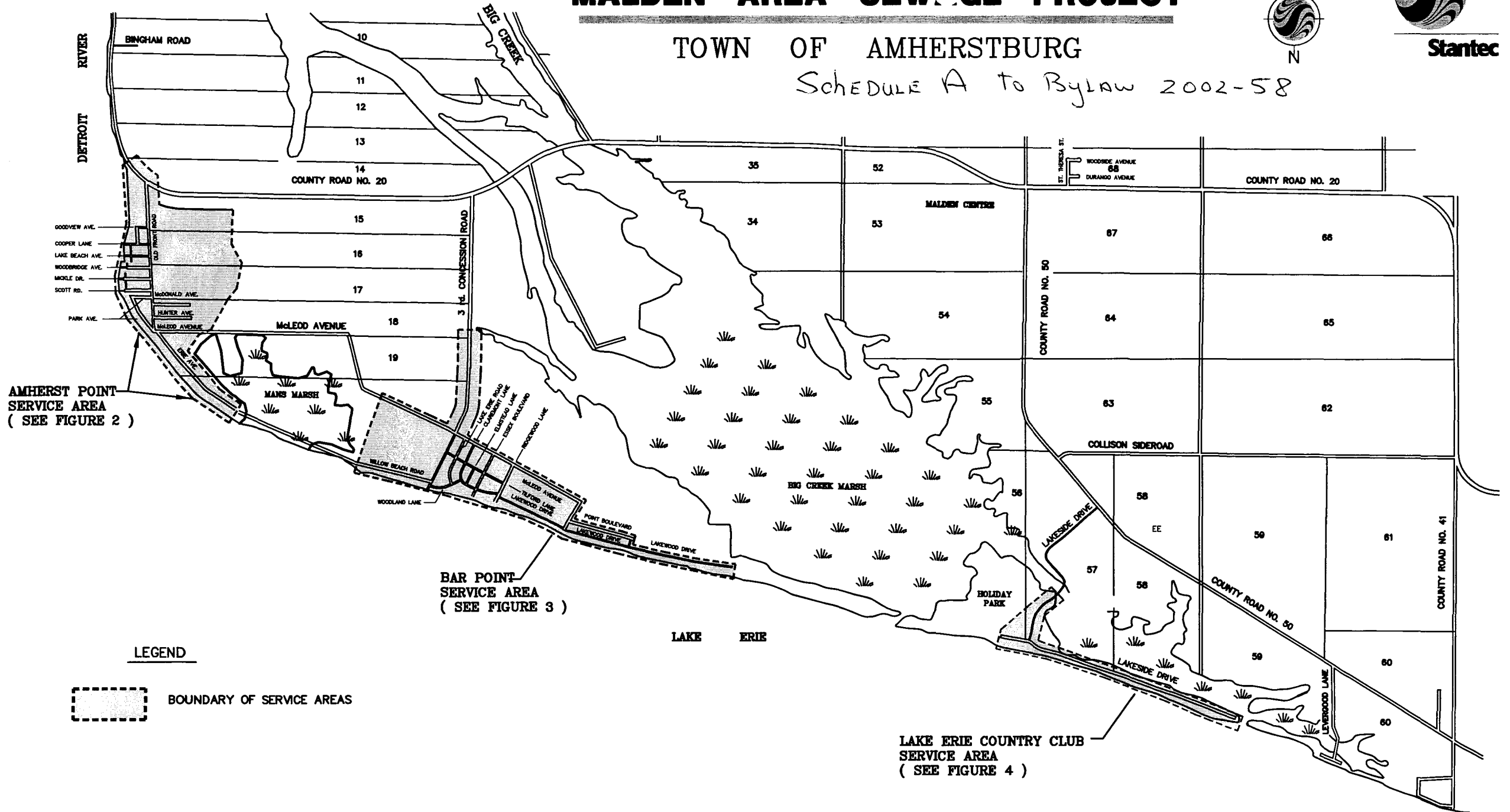




FIGURE-1

MALDEN AREA SEWAGE PROJECT

AMHERST POINT SERVICE AREA

LEGEND

-  AREA OF IMMEDIATE BENEFIT
-  AREA OF FUTURE BENEFIT



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FIGURE-2

MAIDEN AREA SEWAGE PROJECT

BAR POINT SERVICE AREA

LEGEND

-  AREA OF IMMEDIATE BENEFIT
-  AREA OF FUTURE BENEFIT



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MALDEN AREA SEWAGE PROJECT

LAKE ERIE COUNTRY CLUB SERVICE AREA

LEGEND



AREA OF IMMEDIATE BENEFIT

AREA OF FUTURE BENEFIT



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FIGURE-4