

**THE CORPORATION OF THE TOWN OF MONO**

**BYLAW NUMBER 2002-52**

**A BY-LAW** to impose water works rates to recover the capital cost of construction and installation of upgraded municipal water works in the Town of Mono to meet Provincial requirements.

**WHEREAS** the Drinking Water Protection Regulation 459/00, as amended, made pursuant to the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, requires that municipalities evaluate their existing municipal water works and upgrade their infrastructure in accordance with new provincial standards;

**AND WHEREAS** the Town of Mono undertook an environmental assessment pursuant to the *Environmental Assessment Act*, R.S.O. 1990 c. E. 18, as amended, to rationalize the operations of the existing municipal water works, known as Cardinal Woods, Coles Subdivision, and Purple Hill water systems, including consideration of alternative methods to provide water service in a cost effective manner;

**AND WHEREAS** the Town of Mono is proceeding to implement the recommendations of the Phase 1-2 Class EA for the Determination of Water Supply Delivery study dated March 2001, including the connection of the Coles Subdivision and Purple Hill water systems;

**AND WHEREAS** the Town of Mono is required to connect the Coles Subdivision and Purple Hill water systems in accordance with Certificate of Approval Number 6059-5BQR6B dated August 2, 2002 for the Purple Hill water system;

**AND WHEREAS** the Council of the Corporation of the Town of Mono is authorized under s. 221 of *Municipal Act* R.S.O. 1990 c. M. 45, as amended, to impose water rates sufficient to pay for all or a portion of the capital cost of the municipal water works upon owners or occupiers of land who derive a benefit from the water works;

**AND WHEREAS** the Council of the Corporation of the Town of Mono is authorized under s. 222 of the *Municipal Act* R.S.O. 1990 c. M. 45, as amended, to require owners of buildings in a defined area within the municipality to connect to water works of the municipality;

**AND WHEREAS** the Council of the Corporation of the Town of Mono has deemed it desirable to impose water works rates, as set by this By-law, for the capital cost of the upgraded Town water works against the benefiting lands as defined by this By-law;

**NOW THEREFORE** the Council of the Corporation of the Town of Mono enacts as follows:

**PART I – Definitions**

1. In this By-law:

- (i) “benefit” means a benefit accruing to owners or occupants of land serviced by the municipal water works and which benefit is derived or derivable from the construction of the water works;
- (ii) “immediate benefit” means the benefit that accrues and is derived or derivable immediately upon completion of the water works to those owners or occupants of land;
- (iii) “capital cost” means the cost of constructing the upgraded water works, inclusive of all items of cost usually and properly chargeable

to capital account, together with the interest payable on the financing for the works;

- (iv) "capital improvements" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (v) "municipal water works" means the municipal works for the collection, production, treatment, storage, supply or distribution of water, and any part of such works, and includes the existing water works owned and operated by the Town of Mono, collectively being the Cardinal Woods, Purple Hill and Coles Subdivision water systems, and includes the upgraded municipal water works;
- (vi) "non-residential" means parcel or lot, and includes the buildings or structures appurtenant thereto, not occupied or capable of being occupied in whole or in part for human habitation. Non-residential includes those lands designated, zoned and used for commercial, industrial and institutional purposes, and includes any legal non conforming commercial, industrial and institutional uses;
- (vii) "residential" means parcel or lot, and includes the buildings appurtenant thereto, occupied or capable of being occupied as the home or residence of one or more persons. Residential includes those lands designated, zoned and used for residential purposes, and includes any legal non conforming residential uses;
- (viii) "upgraded water works" means the capital improvements to the existing municipal water works, including the improvements to the works for the collection, production, treatment, storage, supply or distribution of water, and any part of such works, and includes the description of the OSTAR projects as set out in Table 4-1a of the Addendum Report dated November, 2002 of the Water Long Term Financing Analysis, and which table is attached as Schedule "A" to this By-law;
- (ix) "water works rate" means a charge for the capital cost of the upgraded water works.

## **PART II – Construction of Works and Financing**

- 2. The undertaking of the upgraded water works listed as the OSTAR Projects at the estimated cost set forth in Schedule "A" attached hereto, is hereby authorized.
- 3. For the purpose of paying for part or all (as the case may be) of the cost of the upgraded water works, the Town Treasurer is authorized to take all necessary steps required to finance the cost of the upgraded water works including the issuing of debentures and/or borrowing and certifications as may be required or permitted by law.

## **PART III – Administration**

- 4. The water work rates imposed by this By-law shall be upon the residential and non-residential lands set out in Schedules "B-1" and "B-2", attached hereto, and such lands are deemed to derive both a benefit and immediate benefit from the water works.
- 5. The water works rate imposed by this By-law shall be imposed upon the owners or occupants of each residential and non-residential parcel of land or lot, as the case

may be, in accordance with the terms set out in Schedule "C", to recover the capital cost of the upgraded water works.

6. The residential rate shall be imposed on the owners or occupants of each residential parcel or lot as the case may be within the areas denoted on Schedules "B-1" and "B-2".
7. The non-residential rate shall be imposed upon the owner or occupants of each non-residential parcel of land or lot, as the case may be, in accordance with the per hectare rate set out in Schedule "C" and as identified by the assessment roll no. assigned to that parcel of land or lot as of the date of passage of this By-law.
8. All owners or occupants, as the case may be, of the lands as shown on Schedules "B-1" and "B-2" shall receive municipal water bills. The water works rate shall be applied to the water bills, shall be first billed at the time of the issuance of the next municipal water bill and shall be shown as a separate charge. The quantum of the charge shall be in accordance with the terms of section 9 or section 10, as the case may be.
9. The "annual section 221 charge" as listed on Schedule "C" shall be applied to the water bills rendered by the Town to the owners or occupants for a period of 10 years in accordance with the terms found in Schedule "C". The annual charge shall be divided and apportioned across the water bills issued by Town each year so that the total paid each year equates to the "annual section 221 charge. However, should the owner or occupant give notice as set out in section 10 below, then that section governs the billing of the section 221 charge. Should no such notice be given in accordance with that section, then the owner or occupant is deemed to have chosen not to commute the value.
10. At the option of the owner or occupant as the case may be, the owner or occupant may on or before March 14, 2003, notify the Clerk of the Town in writing that the owner or occupant chooses to commute the water works rate for cash payment(s) in accordance with the terms found in Schedule "C", that is to pay the "Total Section 221 charge" (without interest being accrued) in the calendar year 2003. Such "Total Section 221 charge" shall be apportioned on the 2003 water bills to be paid as part of the water bills, unless the cash payment is received in full by the Town on or before March 14, 2003.
11. The water works rate shall be payable by an owner or occupier under this By-law for the upgraded water works, notwithstanding any other payments or contributions made by the owner or occupier towards the municipal water works.
12. If a new residential part or parcel of land is created or if a new residential accessory unit is legally established within the lands shown on Schedules "B-1" and "B-2", and irrespective of whether a water works rate has been previously paid under this By-law, the owner or occupier shall be liable to make payment of the "Residential" "Total Section 221 charge" as set out in Schedule "C". If a new non-residential part or parcel of land is created within the lands shown on Schedules "B-1" and "B-2", all outstanding "Non-Residential Properties" "Total Section 221 charge" set out in Schedule "C" applicable to the property being divided (including the remnant part or parcel) shall be payable. Notwithstanding section 9, such payment shall be made prior to the land division being final, or the accessory unit being occupied, as the case may be.
13. For each new residential connection to the municipal water works for lands outside Schedules "B-1" and "B-2" (and provided such connections are not subject to agreements required under the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, including subdivision agreements, development agreements et al.), the "Residential" "Total Section 221 charge" set out in Schedule "C" attached hereto, shall be paid prior to connection. For any other residential connection and/or non-residential connection for lands outside Schedules "B-1" and "B-2", conditions of approval together with subdivision and/or development agreements, or any other

agreements under the *Planning Act*, R.S.O. 1990 c. P. 13, as amended, shall require the construction of infrastructure and/or payment of contribution to the municipal water works on such terms as Council may so determine. Such payments, construction of infrastructure or contributions set out in this section are in addition to those fees, rates and requirements set out in section 14 below, including Town of Mono By-law No. 2002-22 as amended.


14. The rates imposed by this By-law shall be separate from and in addition to any other rates that the Town may be authorized by law to impose with respect to the cost of construction of water works, the cost of connecting to the works, the operation, maintenance, and repair of the works or the supply of water, and is in addition to the fees, rates and requirements of Town of Mono By-law No. 2002-22, as amended.
15. The water works rates imposed by this By-law are a lien and charge upon the land upon which the said rates are imposed, and if the said rates or any part thereof remain unpaid after the due date, the Clerk may enter upon the collector's roll the amount due, by whom it is due and the land upon which a lien is claimed and the tax collector shall proceed to collect it in the same way as municipal taxes are collectable.

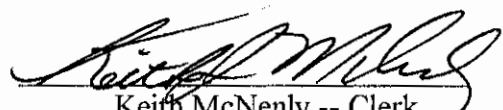
**PART IV – Connections to Water Works**

16. The water works rate provided in this By-law shall not include localized works to connect or to service individual properties.
17. Owners of buildings situated on lands within Schedules "B-1" and "B-2" shall connect to the municipal water system and said connection shall be made at the owner's expense. The establishment of private wells to service such buildings is prohibited within the lands on Schedules "B-1" and "B-2";
18. Where the owners of buildings situated on lands within Schedules "B-1" and "B-2" are notified by the Town that they are required to connect to the municipal water system and should the owners fail to do so within nine months after being so notified, the Town may install the connection at the owner's expense and recover the cost by action or in like manner to municipal taxes.
19. This By-law shall come into force on 10<sup>th</sup> day of December, 2002.

By-law read a first and second time on this 10<sup>th</sup> day of December, 2002.

By-law read a third time on this 10<sup>th</sup> day of December, 2002.

  
John Creelman -- Mayor

  
Keith McNenly -- Clerk

SCHEDULE "A"

Table 4-1a  
Town of Mono  
Water Capital Funding Plan for OSTAR Projects

| Description  | Capital Expenditures<br>(in current \$) |  |                                | Benefit Area <sup>2</sup> |  |
|--|---|--|--------------------------------|---------------------------|--|
|  | Gross<br>Capital<br>Expenditures        | Less:<br>Grant & Resv.<br>Funding <sup>1</sup> | Net<br>Capital<br>Expenditures | Population<br>Equivalents | Charge<br>per Capita<br>(Population<br>Equivalent) |
| <b>1. OSTAR Projects</b>                                       |   |  |                                |                           |  |
| 1.1 Engineer's Report  | 80,786                                  | 51,917   | 28,869                         |                           |  |
| 1.2 Environmental Assessment                                   | 75,811                                  | 48,719   | 27,092                         |                           |  |
| 1.3 MOE Order Improvements                                     | 42,330                                  | 27,203   | 15,127                         |                           |  |
| 1.4 Engineer's Review Improvements                             | 26,520                                  | 17,043   | 9,477                          |                           |  |
| 1.5 Cardinal Woods Operational Changes to Pumphouse and System | 221,850                                 | 142,570  | 79,280                         |                           |  |
| 1.6 Connection of Coles and Purple Hill                        | 409,020                                 | 262,854  | 146,166                        |                           |  |
| 1.7 Miscellaneous  | 88,434                                  | 56,831   | 31,603                         |                           |  |
| 1.8 Decommissioning of Purple Hill                             | 56,182                                  | 36,105   | 20,077                         |                           |  |
| 1.9 Upgrades and Operational Changes at Coles                  | 314,670                                 | 202,220  | 112,450                        |                           |  |
| 1.10 Engineering (15%)   | 172,933                                 | 111,134  | 61,799                         |                           |  |
| 1.11 Project Management (5%)                                   | 57,645                                  | 37,045   | 20,600                         |                           |  |
| 1.12 Contingency (2%)  | 23,058                                  | 14,818   | 8,240                          |                           |  |
| 1.13 GST Tax (3%)  | 34,587                                  | 22,227   | 12,360                         |                           |  |
| <b>OSTAR Projects - Subtotal</b>                               | <b>1,603,826</b>                        | <b>1,030,687</b>                               | <b>573,140</b>                 | <b>1,359</b>              | <b>422</b>   |

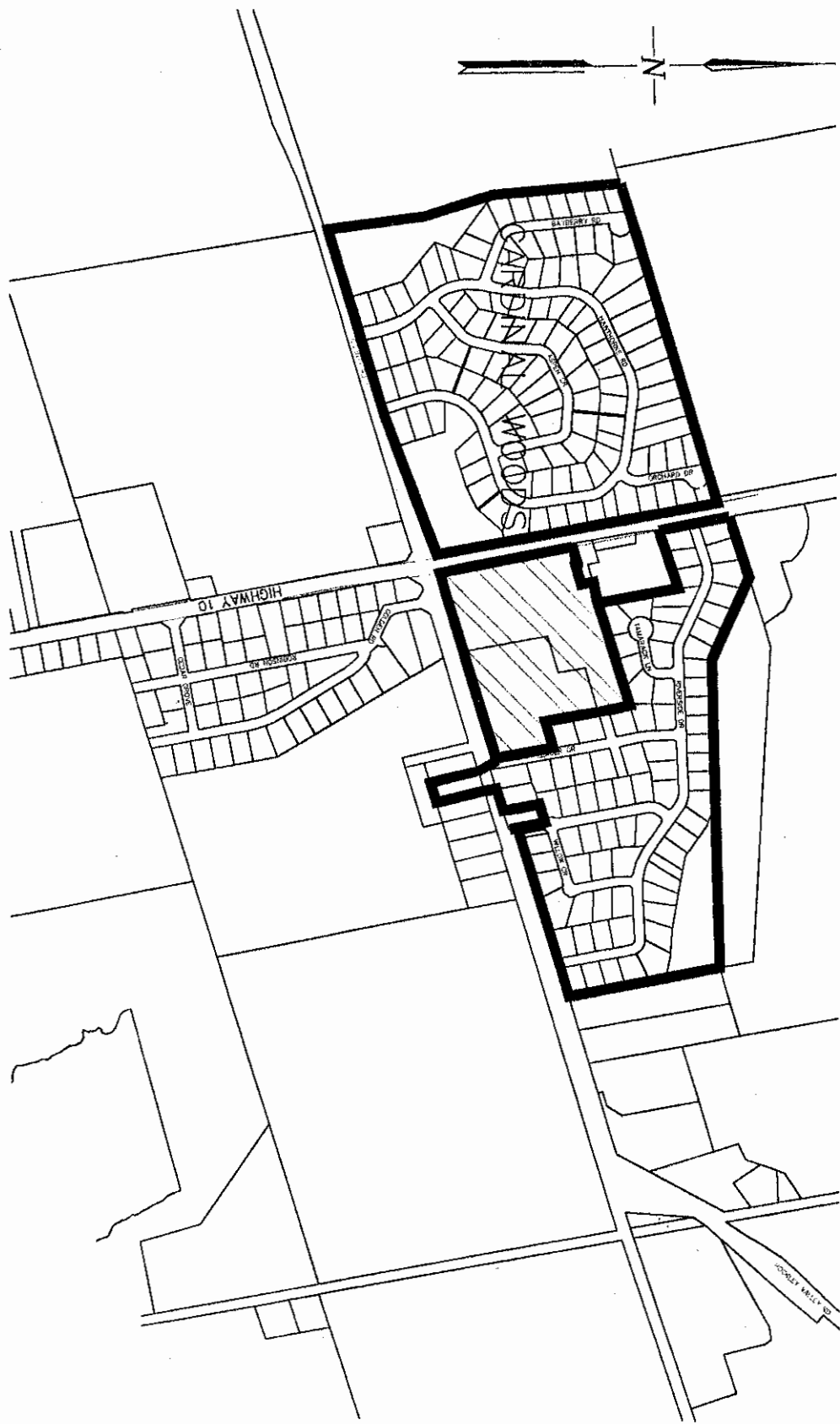
| BENEFIT AREA   |       |
|--|-------|
| Purple Hill, Cardinal Woods, Coles & Other Residential |       |
| Annual s.221 Payments                                  | 422   |
| 2.1 Charge per Capita                                  | 1,521 |
| 2.2 Charge per Residential Lot <sup>3</sup>            | 302   |
| 2.3 Existing Residential Lots                          |       |
| 2.4 Charge per Non-Residential Hectare <sup>4</sup>    | 4,049 |
| 2.5 Existing Non-Residential Hectares                  | 28.10 |

|   | Municipal Act s. 221 - Financial Plan |               |               |               |               |               |               |               |               |               |               |
|---|---------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
|   | 2002                                  | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | 2011          | 2012          |
| <b>3. Annual s.221 Payments<sup>5</sup></b> |                                       |               |               |               |               |               |               |               |               |               |               |
| 3.1 - Existing Residential Lots             |                                       | 62,411        | 62,411        | 62,411        | 62,411        | 62,411        | 62,411        | 62,411        | 62,411        | 62,411        | 62,411        |
| 3.2 - Existing Non-Residential Hectares     |                                       | 15,460        | 15,460        | 15,460        | 15,460        | 15,460        | 15,460        | 15,460        | 15,460        | 15,460        | 15,460        |
| <b>TOTAL s.221 Payments</b>                 |                                       | <b>77,871</b> | <b>77,871</b> | <b>77,871</b> | <b>77,871</b> | <b>77,871</b> | <b>77,871</b> | <b>77,871</b> | <b>77,871</b> | <b>77,871</b> | <b>77,871</b> |



<sup>1</sup> OSTAR project grants based on July 11, 2002 OSTAR grant application (\$1,546,030 x 2/3 = \$1,030,687).  
<sup>2</sup> Benefit Area - Residential includes Cardinal Woods (191 lots), Purple Hill (109 lots) and Other Residential (2 lots). Non-Residential includes Coles (18.5 ha.) and Cardinal Woods (9.6 ha.).  
<sup>3</sup> Based on existing persons per unit (p.p.u.) of 3.61.  
<sup>4</sup> Based on equivalent population factor of 9.6 persons per hectare.  
<sup>5</sup> Assuming, 6% interest and 10-year term.  
 Numbers may not calculate precisely due to rounding.



SCHEDULE "B-2" TO BYLAW NUMBER 2002-52



LEGEND

-  NON RESIDENTIAL
-  RESIDENTIAL

N.T.S

**SCHEDULE "C"**

**SUMMARY OF RESIDENTIAL  
S.221 CHARGE**

| Description                       | Charge per<br>Residential<br>Lot |
|-----------------------------------|----------------------------------|
| Total s.221 charge                | \$1,521                          |
| Annual s. 221 charge <sup>1</sup> | \$206.66                         |

<sup>1</sup> Calculated assuming 6% interest rate and 10-year term.

**SUMMARY OF EXISTING NON-RESIDENTIAL PROPERTIES  
AND CORRESPONDING S.221 CHARGE**

| Roll #                            | Lot Size in<br>Hectares<br>(rounded to 2<br>decimals) | Total s.221<br>Charge per<br>Hectare<br>(rounded to<br>nearest \$) | Total s.221<br>Charge<br>(rounded to<br>nearest \$) | Annual <sup>1</sup><br>s.221<br>Charge per<br>Hectare (\$) | Annual <sup>1</sup><br>s.221<br>Charge (\$) |
|-----------------------------------|---|--|---|--|---|
| <b>COLES SUBDIVISION</b>          |   |  |   |  |   |
| 22-12-000-005-23900-0000          | 1.49  | \$4,049  | \$6,033   | \$550.18   | \$819.77                                    |
| 22-12-000-005-23905-0000          | 0.69  | \$4,049  | \$2,794   | \$550.18   | \$379.62                                    |
| 22-12-000-005-23915-0000          | 2.51  | \$4,049  | \$10,163  | \$550.18   | \$1,380.95                                  |
| 22-12-000-005-23920-0000          | 0.63  | \$4,049  | \$2,551   | \$550.18   | \$346.61                                    |
| 22-12-000-005-23925-0000          | 0.43  | \$4,049  | \$1,741   | \$550.18   | \$236.58                                    |
| 22-12-000-005-23930-0000          | 0.47  | \$4,049  | \$1,903   | \$550.18   | \$258.58                                    |
| 22-12-000-005-23935-0000          | 1.18  | \$4,049  | \$4,778   | \$550.18   | \$649.21                                    |
| 22-12-000-005-23940-0000          | 1.36  | \$4,049  | \$5,507   | \$550.18   | \$748.24                                    |
| 22-12-000-005-23951-0000          | 0.89  | \$4,049  | \$3,604   | \$550.18   | \$489.66                                    |
| 22-12-000-005-23957-0000          | 0.66  | \$4,049  | \$2,672   | \$550.18   | \$363.12                                    |
| 22-12-000-005-23960-0000          | 0.40  | \$4,049  | \$1,620   | \$550.18   | \$220.07                                    |
| 22-12-000-005-23965-0000          | 0.61  | \$4,049  | \$2,470   | \$550.18   | \$335.61                                    |
| 22-12-000-005-23975-0000          | 2.92  | \$4,049  | \$11,823  | \$550.18   | \$1,606.53                                  |
| 22-12-000-005-24010-0000          | 0.54  | \$4,049  | \$2,186   | \$550.18   | \$297.10                                    |
| 22-12-000-005-24015-0000          | 0.54  | \$4,049  | \$2,186   | \$550.18   | \$297.10                                    |
| 22-12-000-005-24020-0000          | 0.54  | \$4,049  | \$2,186   | \$550.18   | \$297.10                                    |
| 22-12-000-005-24025-0000          | 0.55  | \$4,049  | \$2,227   | \$550.18   | \$302.60                                    |
| 22-12-000-005-24030-0000          | 0.53  | \$4,049  | \$2,146   | \$550.18   | \$291.60                                    |
| 22-12-000-005-24035-0000          | 0.54  | \$4,049  | \$2,186   | \$550.18   | \$297.10                                    |
| 22-12-000-005-24040-0000          | 0.54  | \$4,049  | \$2,186   | \$550.18   | \$297.10                                    |
| 22-12-000-005-24045-0000          | 0.54  | \$4,049  | \$2,186   | \$550.18   | \$297.10                                    |
| <b>CARDINAL WOODS SUBDIVISION</b> |   |  |   |  |   |
| 22-12-000-006-04700-0000          | 3.78  | \$4,049  | \$15,305  | \$550.18   | \$2,079.68                                  |
| 22-12-000-006-04800-0000          | 5.82  | \$4,049  | \$23,565  | \$550.18   | \$3,202.05                                  |

<sup>1</sup> Calculated assuming 6% interest rate and 10-year term.