

The Corporation of the Township of Huron-Kinloss



# BY-LAW

2009-112

**BY-LAW TO AUTHORIZE THE ESTABLISHMENT OF A MAJOR FACILITIES CHARGE AS IT PERTAINS TO EXISTING RIPLEY & LUCKNOW AREA WASTEWATER SYSTEMS AND EXISTING RIPLEY, LUCKNOW AND WHITECHURCH AREA WATER SYSTEMS**

**WHEREAS** By-law 90-311 of the former Corporation of the Village of Ripley authorized the establishment of sewage works in the Village of Ripley and authorized the imposition of a sewer rate sufficient to pay for the capital costs of the said system;

**AND WHEREAS** the sewage works have now been constructed in the Village of Ripley pursuant to the aforesaid By-law 90-311;

**AND WHEREAS** By-law 90-316 of the former Corporation of the Village of Ripley authorized the establishment of a connection charge and required owners of buildings within the Village of Ripley to connect to the Ripley sewage system;

**AND WHEREAS** By-law 5-1989 of the former Corporation of the Village of Lucknow authorized the establishment of sewage works in the Village of Lucknow and authorized the imposition of a sewer rate sufficient to pay for the capital costs of the said system;

**AND WHEREAS** the sewage works have now been constructed in the Village of Lucknow pursuant to the aforesaid By-law 5-1989;

**AND WHEREAS** By-laws 14-1990 and 15-1990 of the former Corporation of the Village of Lucknow authorized the establishment of a connection charge and required owners of buildings within the Village of Lucknow to connect to the Lucknow sewage system;

**AND WHEREAS** By-laws 2003-06 and 2007-31 of the Corporation of the Township of Huron-Kinloss authorized the construction of water works in the hamlet of Whitechurch;

**AND WHEREAS** By-law 2009-111 authorized the establishment of a charge and imposed said charge on the benefitting property owners;

**AND WHEREAS** the charges envisaged by the aforementioned By-laws were restricted to developed lands located within the corporate boundaries of the former Village of Ripley and Lucknow and the geographic boundaries of the hamlet of Whitechurch;

**AND WHEREAS** one or more property owners located outside the corporate boundaries of the former Village of Ripley and Lucknow and newly developed properties may wish to hook up to the existing Ripley & Lucknow sewage and water systems and one or more property owners outside the boundaries of the hamlet of Whitechurch may wish to hook up to the existing water system;

**AND WHEREAS** Section 391(1) of the Municipal Act 2001, states that a municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control;

**AND WHEREAS** the Township wishes to install new sewage and waterworks;

**NOW THEREFORE** the Council of the Corporation of the Township of Huron-Kinloss  
**ENACTS AS FOLLOWS:**

**1.0 DEFINITIONS**

- 1.1 "Connection Permit" shall mean a permit that grants permission for the connection to the municipality's water works or sewer works system.
- 1.2 "Corporate" shall mean the boundaries of the Township of Huron Kinloss.
- 1.3 "Institution" shall mean only for the purposes of this by-law a nursing/retirement or senior institution with common kitchen facilities.
- 1.4 "Lucknow" shall mean the former boundaries of the Village of Lucknow
- 1.5 "Major Facilities- Wastewater" shall mean shall consist of all source facilities, including main sewers, pumping stations, treatment facilities and appurtenances.
- 1.6 "Major Facilities - Water" shall mean shall consist of all source facilities, including treatment, storage, reservoir and pumping facilities and all watermain normally greater than 150 mm.
- 1.7 "Ripley" shall mean the former boundaries of the Village of Ripley or Village of Lucknow
- 1.8 "Wastewater Main & Lateral" shall mean the sewage collection system and individual service connection including, applicable valves, fittings backflow preventers (if required, engineering and interest costs etc.)
- 1.9 "Water main & Lateral" shall mean distribution watermain and individual service connection including, applicable valves, fittings backflow preventers (if required, engineering and interest costs etc.)
- 1.10 "Whitechurch" shall mean the boundaries of the hamlet of Whitechurch.

**2.0 MAJOR FACILITIES CHARGE- WATER**

- 2.1 Any person being the owner of property located outside the Village of Ripley wishing to connect into the Ripley Area Water System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.2 Any person being the owner of property that is a non-residential use that is determined to be a large volume user by the Director of Public Works located outside the Village of Ripley wishing to connect into the Ripley Area Water System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.3 Any institution located outside the Village of Ripley wishing to connect into the Ripley Area Water System shall pay a 70% (seventy) reduction in the Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.4 Any person being the owner of property located outside the Village of Lucknow wishing to connect into the Lucknow Area Water System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.5 Any person being the owner of property located outside the corporate limits wishing to connect into the Lucknow Area Water System shall pay 1.5 times Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.6 Any person being the owner of non-serviced property located within the Village of Lucknow wishing to connect into the Lucknow Area Water System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.7 Any person being the owner of a newly created lot located within the corporate limits wishing to connect into the Lucknow Area Water System shall pay a Major Facilities

Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.

- 2.8 Any institution located within the corporate limits wishing to connect into the Lucknow Area Water System shall pay a 70% (seventy) reduction in the Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.9 Any institution located outside the corporate limits wishing to connect into the Lucknow Area Water System shall pay 1.5 times the Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.10 Any person being the owner of property that is a nonresidential use that is determined to be a large volume user by the Director of Public Works wishing to connect into the Lucknow Area Water System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.12 Any person being the owner of property located outside the hamlet of Whitechurch wishing to connect into the Whitechurch Water System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.13 Any person being the owner of property located outside the corporate limits wishing to connect into the Whitechurch Water System shall pay 1.5 times Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.14 Any person being the owner of a newly created lot located within the corporate limits wishing to connect into the Whitechurch Water System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 2.15 In addition to the aforementioned charges any person or institution is responsible for the water main and lateral fee as established by the Township's Water and Wastewater Fees By-Law, as amended.

**3.0 MAJOR FACILITIES CHARGE-WASTE WATER**

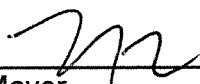
- 3.1 Any person being the owner of property located outside the Village of Ripley wishing to connect into the Ripley Area Sewage System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.2 Any person being the owner of property that is a non-residential use that is determined to be a large volume user by the Director of Public Works located outside the Village of Ripley wishing to connect into the Ripley Area Sewage System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.3 Any institution located outside the Village of Ripley wishing to connect into the Ripley Area Sewage System shall pay a 70% (seventy) reduction in the Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.4 Any person being the owner of property located outside the Village of Lucknow wishing to connect into the Lucknow Area Sewage System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.5 Any person being the owner of property located outside the corporate limits wishing to connect into the Lucknow Area Sewage System shall pay 1.5 times Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.6 Any person being the owner of non-serviced property located within the Village of Lucknow wishing to connect into the Lucknow Area Sewage System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.

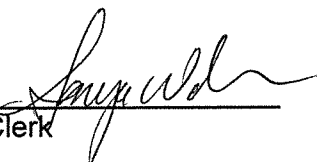
- 3.7 Any person being the owner of a newly created lot located within the corporate limits wishing to connect into the Lucknow Area Sewage System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.8 Any institution located within the corporate limits wishing to connect into the Lucknow Area Sewage System shall pay a 70% (seventy) reduction in the Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.9 Any institution located outside the corporate limits wishing to connect into the Lucknow Area Sewage System shall pay 1.5 times the Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.10 Any person being the owner of property that is a nonresidential use that is determined to be a large volume user by the Director of Public Works wishing to connect into the Lucknow Area Sewage System shall pay a Major Facilities Charge as established by the Township's Water and Wastewater Fees By-Law, as amended.
- 3.11 In addition to the aforementioned charges any person or institution is responsible for the wastewater main and lateral fee as established by the Township's Water and Wastewater Fees By-Law, as amended.

#### **4.0 GENERAL PROVISIONS**

- 4.1 No person shall make any connection or reconnection to the Municipality's water works or wastewater system without first having obtained a permit from the Township and such permit shall be called "Water/Wastewater Connection Permit".
- 4.2 In addition to the charges as set out in Sections 2 and 3 of this By-law, any person wishing to connect to the existing sewage and waterworks or the new sewage and waterworks shall also pay a user charge as more particularly set out in Township of Huron-Kinloss Water & Wastewater Fees By-law.
- 4.3 The provision of Section 398(1) of the Municipal Act 2001, c.25 provides that fees and charges imposed by a municipality on a person under this Part constitute a debt of the person to the municipality.
- 4.4 The provision of Section 398(2) of the Municipal Act 2001, c.25 states that the treasurer of a local municipality may add fees and charges imposed by the municipality under this part to the tax roll and collect them in the same manner as municipal taxes;
- 4.5 That By-law Number 2009-65 and any other by-law conflicting with the provisions in this by-law are hereby repealed and rescinded.
- 4.6 This by-law may be cited as the 'Establish Major Facilities Charge By-law'
- 4.7 This by-law shall come into force on the date of its passage.

**READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED** this 16th day of November, 2009.

  
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Mayor

  
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Clerk