

TOWNSHIP OF RIDEAU LAKES

BY-LAW _____

A BY-LAW TO IMPOSE SPECIAL SERVICES CHARGES TO RECOVER THE CAPITAL COSTS TO UNDERTAKE WATER LEVEL REGULATION FOR BASS LAKE

WHEREAS the municipality has determined that it is in the public interest to regulate the water level of Bass Lake;

AND WHEREAS the regulation of the water level on Bass Lake (the "special service" to be provided under this By-law) benefits only those properties fronting on Bass Lake and no other property or resident in the Township;

AND WHEREAS the special service is not provided generally in the Township and is not available to other residents of the Township;

AND WHEREAS the regulation of the water level requires the construction of certain capital works as authorized by this By-law and which capital works form part of the special services benefitting the owners of properties fronting on Bass Lake;

AND WHEREAS the total capital cost to construct the water regulation structure is estimated to be \$ -- --, and which amount shall be finalized in accordance with the process set out in this By-law;

AND WHEREAS Sections 8, 11 and 326 of the *Municipal Act, 2001*, authorize the municipality to impose a special service charge to recover costs for the construction of the water regulation structure;

AND WHEREAS the Municipality may recover costs incurred to deliver the special service from the owners of land who derive an immediate benefit, or will in future derive a benefit, from the construction of the water regulation structure, sufficient to pay all or such portion of the capital costs of the special services as may be specified in this By-law;

AND WHEREAS Council deems it necessary to impose a charge on the current residents fronting on Bass Lake sufficient to pay 50% of the capital costs to construct the water regulation structure, including all associated costs as defined in this By-law;

AND WHEREAS Council has determined that the methods for calculating the charges set out in this By-law are fair and it is in the public interest to provide to lot owners a grant equal to 50% of the special service costs as calculated in this By-law;

AND WHEREAS Section 398 of the *Municipal Act, 2001*, provides that any charge imposed by the municipality is a debt owed by the person to the municipality, which if not paid when due, may be added to the tax roll of the person's property and collected in the same manner as municipal taxes;

NTD: 326 allows the charge to be a special tax levy – which makes collection much easier. Council can consider if it wants to proceed as a charge only or as a levy

NOW THEREFORE the Council of The Corporation of the Township of Rideau Lakes hereby enacts as follows:

1. For the purpose of this by-law,
 - a) "lot" means a parcel of land, including land exempt from taxation under the *Assessment Act R.S.O. 1990, c. A-31*, as amended, that is under distinct and separate ownership, is separately assessed according to the most current assessment roll, and the title to which may be transferred without contravening the *Planning Act R.S.O. 1990, c. P-13*, as amended;
 - b) "Municipality" means The Corporation of the Township of Rideau Lakes;
 - c) "special service" means the construction of a water level regulation structure to control the level of water in Bass Lake; and
 - d) "special service costs" includes all costs associated with the construction of the water level regulation structure, including without limitation, all costs for the design, permitting, land acquisition, survey work, legal costs, engineering costs, permit costs, construction costs and any reasonable future costs for annual inspections for the life of the structure, all as calculated in this By-law.
2. This by-law shall apply to every lot with frontage on Bass Lake as identified on Schedule "A".
[NTD: each lot should be listed in a schedule to the by-law]
3. The special service costs shall be calculated by the Township upon completion of the special service and upon payment of all costs for the works. The owners of lots fronting on Bass Lake identified in Schedule "A" shall be provided with a notice setting out the total special service costs and the proportionate costs per lot as calculated in accordance with this By-law within 30 days of Council approving the total costs of the special service.
4. Upon approval of the special service costs, the Township shall apportion the special service costs using the following formula. **[NTD: this could be based on frontage, assessed value or a combination of both, depending on what is deemed fair by Council]**
5. Council acknowledges that it is in the public interest to provide each lot owner with a one-time grant for 50% of the special service costs attributed to their lot. 50% of the special service cost shall be paid from General Revenue, with the remaining amount not covered by the grant portion paid by each lot owner.

- 6. Each lot owner shall pay their proportionate share of the special service costs in three (3) equal annual instalments. The first payment shall be made no later than December 31, 2020, with each following payment made on or before the 31st of December in each of 2021 and 2022.
- 7. If an owner fails to pay in full the amount of the special service charge on or before the due date specified above, the owner shall be deemed to be in default of this By-law and interest shall accrue at a **rate of – per annum**, calculated annually.
- 8. All payments shall be applied only to repayment of the costs incurred by the Municipality for the special services costs. Payments shall be applied first to any interest, and then to the principal of the charge owed.
- 9. All special services costs charges together with all accrued interest, if any, shall be a debt of the lot owner to the Municipality and the Treasurer may add the amount owing to the tax roll of the owner’s lot and may collect it in the same manner as municipal taxes.
- 10. In addition to Section 9, the Treasurer is also authorized to cause a certificate of lien for the amount owing to be registered against title to the owner’s lot where any owner is in default of their payment obligations under this By-law.
- 11. Any reference in this By-law to an owner in the singular shall be deemed to include the plural, where applicable, and each of owner of a lot shall be jointly and severally liable to pay any amount imposed in respect of the lot in accordance with this By-law.
- 12. If any provision or requirement of this By-law or the application of this By-law to any person shall to any extent be held to be invalid or unenforceable, the remainder of the By-law or the application of such provisions or requirements to all other persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of the By-law shall be separately valid and enforceable to the fullest extent permitted by law.
- 13. Schedule “A” attached hereto shall form an integral part of this By-law.
- 14. This by-law shall take effect and come into force upon a final passing.

Read and finally passed this __ day of _____, 2020.

THE CORPORATION OF THE
TOWNSHIP OF RIDEAU LAKES

, Mayor

, Clerk

Schedule "A"

Benefitting Lots

DRAFT