

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2010 – 16

A By-law to set Capital Costs Payable for Storm Sewer Works on a Portion of Jamieson Court in Thornton

WHEREAS Section 391 of the *Municipal Act, 2001*, SO 2001, Chapter m25, provides that a capital cost may be assessed to recover the cost of a storm sewer works system; and

WHEREAS Section 1(3) of the *Municipal Act, 2001* provides that when a fee or charge is added to the tax roll of the municipality in respect of a property and is give priority lien status, that such fee or charge may be collected in the same manner as taxes; and

WHEREAS a Public Meeting was held on March 3, 2010 at the Essa Administration Centre to allow the owners/residents affected to make representation with respect to this matter; and

WHEREAS the Council of the Corporation of the Township of Essa deems it advisable to impose a capital/connection charge to recover the capital cost of the storm sewer works;


NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Essa enacts as follows:

1. A storm sewer works capital/connection charge is hereby imposed on the properties with civic addresses of 101, 103, 105, 107, 109, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 125 and 127 Jamieson Court respectively and the lands in respect of such owners or occupants are deemed to derive benefit from these storm sewer works in the Thornton settlement area pursuant to the Municipal Act, upon the owners or occupants of the land who derive or will or may derive a benefit from the said storm sewer works, to pay for a portion of the capital cost thereof.
2. Subject to Section 1 of this by-law, the storm sewer works capital/connection charge shall be an annual charge of \$389.95 for each separately assessed parcel of residential land and such charge shall be added to the tax roll of the municipality and given priority lien status and may be collected in the same manner as taxes for a period of five years commencing in the calendar year on January 1, 2010. At the option of the person liable therefore, this storm sewer works capital/connection charge may be commuted at a flat charge of \$1,700.00 per parcel, in which case it shall be due and payable by May 1, 2010.
3. Should an owner request approval to pay off the outstanding balance prior to the expiration of the amortization period, such payout will be calculated to include the ending balance identified on the amortization schedule at the end of the calendar year in which the owner's request is made.

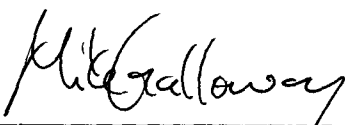
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4. If the \$1,700.00 storm sewer works capital/connection charge has not been paid in full by May 1, 2010, the Tax Collector may add the amount of \$1,700.00 plus 4.75% interest to the Collector's Roll in respect of a property, and this amount shall be given priority lien status and may be collected in the same manner as taxes.
5. Each landowner shall be responsible for the supply, installation, maintenance, repair or replacement of a backflow preventer or check valve should their foundation tiles, sump pumps and/or roof drainage systems discharge into this storm sewer system. The Township of Essa shall not be responsible for the performance of or the failure to perform of the storm sewer works and its appurtenances when such discharge systems are connected to the Jamieson Court storm sewer system.
6. Subject to the provisions of Section 5 of this by-law, the Township of Essa shall be responsible for future maintenance and repair of the said storm sewer pipe including catch basins on Jamison Court. Each landowner shall be responsible for maintaining the surface of their driveway, including any costs associated with cracking, heaving or settlement, as per approved entrance policies.
7. This By-law shall come into force and effect upon third reading.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this Seventeenth day of March, 2010.



David Guergis, Mayor



Mike Galloway, Clerk