

By-Law Number 24-***

of

The Regional Municipality of Waterloo

A By-law to Impose a Charge Upon Owners of Land Who Derive or Will Derive
a Benefit from the Water System Located in the Community of Petersburg in
the Township of Wilmot

WHEREAS The Regional Municipality of Waterloo (the “Region”) has jurisdiction over water production, treatment and storage pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Municipal Act”);

AND WHEREAS the Region has authority pursuant to section 391 of the Municipal Act to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Region was ordered pursuant to section 114 of the *Safe Drinking Water Act*, S.O. 2002, c. 32 (“SDWA”) to take over the operation of the water production, treatment and storage component for the private communal water system located in the community of Petersburg in the Township of Wilmot that was formerly owned and operated by Paul Knipfel (the “Petersburg Water System”);

AND WHEREAS section 114 of the SDWA provides that the Region may impose fees and charges it considers necessary to recover from the users of the Petersburg Water System all costs it incurs in operating, maintaining or repairing the system in accordance with the directions issued pursuant to the said Order;

AND WHEREAS section 326 of the Municipal Act allows an upper-tier municipality to pass a by-law to recover certain costs for a special service to a designated area and to direct the applicable lower-tier municipality to levy a special upper-tier levy on a property to recover the costs;

AND WHEREAS section 398 of the Municipal Act allows an upper-tier municipality to request that the treasurer of a local municipality add fees and charges to the tax roll of a property and collect them in the same manner as municipal taxes;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WATERLOO ENACTS AS FOLLOWS:

1. In this By-Law:

(1) “assumption charge” means the charge for the Region’s costs to take over and repair the Petersburg Water System as calculated pursuant to Schedule “A” of this By-law or recalculated in accordance with section 4 of this By-law;

(2) “owner” means the person or persons registered on title as the owner or owners of the property;

(3) “Petersburg Water System” means the water system located in the community of Petersburg in the Township of Wilmot, as identified in Schedule “B” of this By-law, that was formerly owned and operated by Paul Knipfel;

(4) “Region” means The Regional Municipality of Waterloo;

(5) “Township of Wilmot” means The Corporation of the Township of Wilmot; and

(6) “Treasurer” means the Treasurer of the Region, his or her designate, or any successor position.

PART I – ASSUMPTION CHARGE

2. (1) Every owner of a property that is connected to the supply line for the Petersburg Water System on the date this By-law comes into full force and effect shall pay an assumption charge within 180 days of the date of any invoice.

(2) The Region may charge interest at the rate of 12% per annum against any owner who fails to pay the assumption charge within 180 days of the invoice.

3. (1) Notwithstanding section 2 of this By-law, an owner of a property that is connected to the Petersburg Water System on the date this By-law comes into full force and effect may apply in writing to the Region, and the Region may permit, that the owner pay the assumption charge on a deferred basis in accordance with the terms and conditions of this section.

(2) The owner shall pay the assumption charge as calculated in accordance with this section over the period of 10 years through equal payments in the same manner as municipal taxes. The owner may pay the Region the balance of any deferred assumption charge at any time prior to the expiration of the 10 year deferral period. The outstanding balance of the assumption charge will be paid in full upon sale and transfer of the property.

(3) The owner shall pay interest on any deferred assumption charge fixed at the rate of the then current Bank of Canada Prime Rate plus 1.0% per annum.

PART II – NEW CONNECTIONS

4. (1) Where an owner of a property that lies along the supply line for the Petersburg Water System requests in writing that its property be connected to the Petersburg Water System then the owner shall pay the Region an assumption charge calculated in accordance with subsection (2) of this section.

(2) Where a new property is connected to the Petersburg Water System then the assumption charge shall be recalculated based upon the Capital Cost of the Water System Upgrade as set out in Schedule “A” of this By-law divided by the new water connection and all existing water connections and the owner shall pay the recalculated assumption charge accordingly.

(3) Where the assumption charge is recalculated and paid pursuant to this section, then the Region shall reimburse or credit, as applicable, any property owner who has already paid the assumption charge or entered into a deferred payment based on the difference between the amount of the assumption charge paid or to be paid and the amount of the recalculated charge.

(4) Subsection (3) of this section shall apply even if the property owner who paid the assumption charge has transferred ownership of the property, and in such circumstances, any reimbursement or credit by the Region shall be paid or credited to the current owner of the property at the time of the reimbursement or credit.

(5) Every assumption charge imposed pursuant to this section shall be paid in full to the Region before the connection is permitted.

(6) This section and any requested connection shall only apply if the Township of Wilmot consents and the Region confirms there is sufficient water supply or capacity in the Petersburg Water System.

PART III – GENERAL

5. Schedules “A” and “B” shall form part of this By-law.
6. (1) Without limiting any other remedy, the Treasurer shall have all necessary authority to request that the treasurer of the Township of Wilmot add any outstanding assumption charge and interest under this By-law to the tax roll to the property that was connected to the Petersburg Water System and collect them in the same manner as municipal taxes.

(2) The Treasurer shall also have all necessary authority to direct that the Township of Wilmot levy a special upper-tier levy upon a property that is the subject of an approved deferred assumption charge pursuant to this By-law and to collect such in the same manner as municipal taxes.
7. The Treasurer shall have all necessary authority to prescribe administrative forms and agreements required under this By-law.
8. This By-law may be cited as the “Petersburg Water System Fees and Charges By-law”.
9. If any section or sections of this By-law or parts of it are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts of it shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue to be in full force.
10. This By-law shall come into full force and effect upon final passing.

By-law read a first, second and third time and finally passed in the Council

Chamber in the Regional Municipality of Waterloo this day of , A.D., 2024.

Regional Clerk

Regional Chair

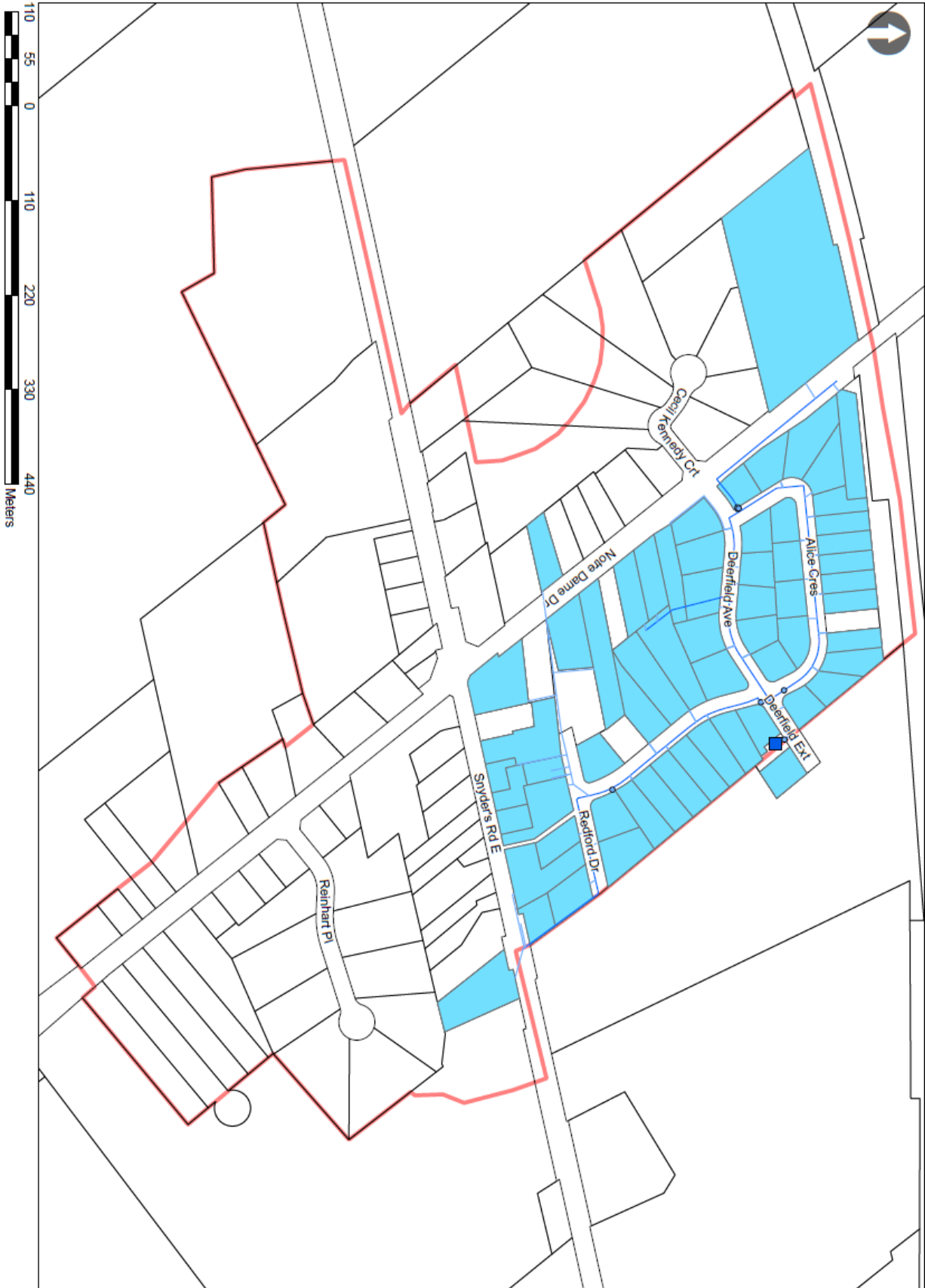
SCHEDULE “A”

ASSUMPTION CHARGE


Capital Cost of Water System Upgrade: \$358,869.51
Existing Properties Connected and Serviced with Water: 62
Current Assumption Charge Per Property: \$5,788

SCHEDULE "B"

Time: 10:38 AM Date: 2024-11-06 Author: DolKevin Document Path: I:\Development and Distribution\Projects\Petersburg\Petersburg Water System Properties.aprx



Petersburg Water Supply System
Benefiting Properties



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