

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NO. 124-2001

A BY-LAW TO GOVERN AND REGULATE THE IMPOSITION OF CHARGES TOWARDS  
THE PRE-INSTALLED CONSTRUCTION OF LATERAL WATER AND SEWER SERVICES  
AND CONNECTIONS TO PROPERTIES FRONTING ON  
THE AIRPORT AND JONES ROADS

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**WHEREAS** Section 220.1 of the *Municipal Act*, R.S.O. 1990, Chapter M45, as amended permits the council of a municipality to impose fees and charges for the use of services and the use of municipal property;

**AND WHEREAS** the Municipal Council of the Corporation of the City of Kenora has authorized the construction of water works and sewage works on Airport Road and Jones Road;

**AND WHEREAS** the Municipal Council of the Corporation of the City of Kenora has deemed it expedient to pre-install lateral service pipes and connections to the properties fronting on the works, with the intention of recovering the cost thereof at the time of connection to services;

**NOW THEREFORE** the Municipal Council of the City of Kenora enacts as follows:

1. **Definitions:**

In this By-Law:

- (a) "**Frontage**" means all that portion of a parcel of land abutting on the Airport Road or the Jones Road and measured between lot lines.
- (b) "**Lot**" means a parcel of land which may be lawfully conveyed pursuant to the *Planning Act*, R.S.O. 1990.
- (c) "**Industrial, Commercial, Institutional**" means any land other than land deemed to be residential pursuant to the provisions of this by-law.
- (d) "**Prime Rate**" means, in respect of any year, the prime rate of interest charged by the Royal Bank of Canada to its best commercial customers, as published on January 2<sup>nd</sup> of that year.
- (e) "**Residential**" means land which has been zoned R-1, R-2, R-3, RM, or RR Residential pursuant to the Town of Jaffray Melick Zoning By-Law.
- (f) "**Sewage Works**" means the sewage main on the Airport Road and the Jones Road, from Parcel No. 22392 on the Airport Road to Parcel No. 38845 on the Jones Road.
- (g) "**Waterworks**" means the municipal water main on the Airport Road and the Jones Road, from Parcel No. 22392 on the Airport Road to Parcel No. 38845 on the Jones Road.
- (h) "**Zoning By-Law**" means The Town of Jaffray Melick Comprehensive Zoning By-Law L37/95.

2. **Authorization of Works:**

- 2.1 The Council of the City of Kenora hereby authorizes the construction of municipal water lateral connections in accordance with engineering drawings dated July 13<sup>th</sup>, 2001 and marked as Drawing Nos. 04 to 38 from Parcel No. 22392 on Airport Road to Parcel No. 38845 on the Jones Road (the "water service lines").
- 2.2 The Council of the City of Kenora hereby authorizes the construction of lateral sewage connections in accordance with engineering drawings dated July 13<sup>th</sup>, 2001 and marked as Drawing Nos. 04 to 38 from Parcel No. 22392 on the Airport Road to Parcel No. 38845 on the Jones Road (the "sewage service lines").
- 2.3 Each vacant residential property shall be provided with one water and sewer service.
- 2.4 A separate water and sewer service shall be provided in respect of each existing detached residential building.
- 2.5 Each industrial, commercial or institutional property shall be provided with a separate water and sewer service for each separate user or occupant utilizing separate buildings.

3. **Water Service Fees - Waterworks:**

- 3.1 Each owner of land described in Schedule "A" hereto, fronting on the waterworks, shall pay a water service line fee as set out in Column 5 of the said schedule based on the frontage set out in Column 1 of the said Schedule "A" at a frontage rate of \$75.00 per metre frontage in accordance with the following formulas:

3.1.1 **Residential Properties:**

- (a) In respect of a vacant residential lot or a residential lot upon which no residential dwelling has been constructed, the water service line fee shall be based on a minimum frontage of 30 metres and maximum frontage of 50 metres;
- (b) In respect of a residential lot upon which there is constructed a single residential building, the waterworks frontage rate shall be based on a minimum frontage of 30 metres on a maximum frontage of 50 metres;
- (c) In respect of a residential lot upon which there has been constructed more than one detached residential dwelling unit, the water service line fee shall be based on a minimum frontage of 30 metres times the number of detached dwellings, and a maximum frontage of 50 metres times the number of detached dwellings.

3.1.2 **Industrial, Commercial, Institutional:**

- (a) In respect of any lot designated as industrial, commercial or institutional, the water service line fee shall be based on a minimum frontage of 50 metres and a maximum frontage of 100 metres;
- (b) In the case of an industrial, commercial or institutional lot which is occupied by more than one separate business, institution, or organization, in separate buildings, the land of each occupier shall be assessed as a separate lot for the purposes of calculating the water service line fee.

3.1.3 **Land Exempt:**

No water service line fee shall be payable in respect of any land which is unsuitable

for development pursuant to the Zoning By-Law.

4. **Water Service Connection Charge:**

- 4.1 Each owner of land shall pay an additional waterworks connection charge of \$500.00 for each service connection provided, as set out in Column 3 of Schedule "A".

5. **Sewage Service Fees:**

- 5.1 Each owner of land described in Schedule "A" attached hereto, fronting on the sewage works shall pay a sewage service line fee as set out in Column 4 of the said schedule based on the frontage set out in Column 1 of the said Schedule "A" at rate of \$75.00. per metre frontage in accordance with the following formulas:

5.1.1 **Residential Properties:**

- (a) In respect of a vacant residential lot or a residential lot upon which no residential dwelling has been constructed, the sewage service line fee shall be based on a minimum frontage of 30 metres and maximum frontage of 50 metres;
- (b) In respect of a residential lot upon which there is constructed a single residential building, the sewage service line fee shall be based on a minimum frontage of 30 metres on a maximum frontage of 50 metres;
- (c) In respect of a residential lot upon which there has been constructed more than one detached residential dwelling unit, the sewage service line fee shall be based on a minimum frontage of 30 metres times the number of detached dwellings, and a maximum frontage of 50 metres times the number of detached dwellings.

5.1.2 **Industrial, Commercial, Institutional:**

- (a) In respect of any lot designated as industrial, commercial or institutional, the sewer service line fee shall be based on a minimum frontage of 50 metres and a maximum frontage of 100 metres;
- (b) In the case of an industrial, commercial or institutional lot which is occupied by more than one separate business, institution, or organization, in separate buildings, the land of each occupier shall be assessed as a separate lot for the purposes of calculating the sewage service line fee.

5.1.3 **Land Exempt:**

No sewer service line fee shall be payable in respect of any land which is unsuitable for development pursuant to the Zoning By-Law.

6. **Sewage Service Connection Charge:**

- 6.1 Each owner of land shall pay an additional sewer connection charge of \$500.00 for each service connection provided, as set out in Column 2 of Schedule "A" attached hereto.

7. **Payment of Charges and Fees:**

- 7.1 No property shall be connected to the waterworks or the sewage works until such time as all of the applicable water and sewage service fees and connection charges and applicable

interest have been paid in respect of the said property. In the event that a property is connected prior to payment of the fees and charges, such fees and charges shall be due and payable at the time of connection.

- 7.2 The owner of any affected property may pay, or pre-pay, the service charges and the connection charges at any time prior to December 31<sup>st</sup>, 2003 without interest or penalty.
- 7.3 The amount payable in respect of service charges and connection fees shall bear interest from January 1<sup>st</sup>, 2004 at the prime rate plus 2% per year compounded yearly.
- 7.4 No interest charges shall accrue on the services charges or connection fees after December 31<sup>st</sup>, 2013.
- 7.5 Any affected property owner may apply to the Clerk of the City for an exemption or reduction in the service or connection charges provided for herein, and the Council of the Municipal Corporation of the City of Kenora may, in extraordinary circumstances, permit a reduction or exemption from such fees or charges.

8. **Additional Service Connections:**

- 8.1 The owner of any affected land may apply to the City, prior to the installation of the main lines in front of such property, for the installation of such additional sewage or water service lines as such owner may deem appropriate. The owner of property requesting such additional service lines pursuant to this provision shall pay the additional service charges and connection fees as provided for herein for additional residential dwellings, or industrial, commercial or institutional occupiers, as the case may be, forthwith upon installation of the service lines in accordance with Sections 3, 4, 5 and 6 hereof.
- 8.2 The owner of any affected land may at any time apply for the installation of additional sewage or water service lines to such property as the owner may deem necessary. Such additional lines, if approved by the City, shall be paid for at the time of installation, and the charges imposed shall not be less than the amount which would have been payable under Section 8.1.

9. **Default in Payment:**

Where an owner or occupier fails to pay a service charge or connection fee, as provided for herein, the same may be collected, in addition to any other method available, by adding same to the tax roll of any property owned within the City by the person responsible for payment of same.

10. **In Force:**

This by-law shall be effective and come into force on the third and final reading thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 24th DAY OF SEPTEMBER, 2001.

BY-LAW READ A THIRD AND FINAL TIME THIS 13th DAY OF NOVEMBER, 2001.

THE CORPORATION OF THE CITY OF KENORA

Per: David Canfield MAYOR  
DAVID CANFIELD

Per: Joanne McMILLIN CLERK  
JOANNE McMILLIN