

The Corporation of the Town of Essex

By-Law Number 2385

Being a by-law to impose water and wastewater charges to recover capital cost of installing water and wastewater services necessary to service new users to the system

WHEREAS the Town of Essex (the “Town”) has determined to construct certain water and sewage works to service and benefit new users connecting to the system pursuant to its powers under Part 12 of the *Municipal Act, 2001*, as amended (the “*Municipal Act*”);

AND WHEREAS the Council of the Town is authorized by Part 12 of the *Municipal Act* to impose a water and/or sewer rate upon owners or occupants of land who derive or will or may derive a benefit from the construction of water and wastewater works sufficient to pay all or such portion of the capital costs of the works as Council deems appropriate;

AND WHEREAS the lands to be benefited and charged with the water and wastewater charges are the water and wastewater servicing areas indicated in Schedule “A”;

AND WHEREAS the Town has determined that the capital costs of such water and wastewater works shall be rated against the servicing areas and shall be borne by the new users connecting to the systems from time to time of said lands;

NOW THEREFORE be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

1.1 In this By-law the following items shall have the corresponding meanings:

“apartment unit” means any residential unit within a building containing more than four dwelling units where the units are connected by an interior corridor;

“bedroom” means a habitable room which can be used as sleeping quarters, but does not include a bathroom, living room, dining room or kitchen;

“bona fide farm uses” means the proposed development will qualify as a farm business operating with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs and be assessed in the Farmland Realty Tax Class by the Ontario Property Assessment Corporation;

“Council” means the Council of the municipality;

“detached dwelling unit” has the same meaning as a “single detached dwelling unit” for the purposes of this by-law.

“dwelling unit” means either (1) a room or suite of rooms used, or designed or intended for use, by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, or (2) in the case of a special care/special need dwelling, a room or suite of rooms used, or designed or intended for use, by one person with or without exclusive sanitary and/or culinary facilities, or more than one person in sanitary facilities are directly connected and exclusively accessible to more than one room or suite of rooms;

“existing” means the number, use and size that existed as of the date this by-law was passed and for which development charges for water and/or wastewater services were not imposed;

“farm building” means that part of a bona fide farming operation encompassing barns, silos and other ancillary development to an agricultural use, but excluding a residential use;

“gross floor area” means:

- (a) in the case of a residential building or structure, the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the dwelling unit from any other dwelling unit or other portion of a building; and
- (b) in the case of a non-residential building or structure, or in the case of a mixed- use building or structure in respect of the non-residential portion thereof, the total area of all building floors above or below grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a non-residential use and a residential use, except for:
 - (i) a room or enclosed area within the building or structure above or below that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
 - (ii) loading facilities above or below grade; and
 - (iii) a part of the building or structure below grade that is used for the parking of motor vehicles or for storage or other accessory use;

“local board” means a school board, public utility, commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Town of Essex or any part or parts thereof;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“municipality” means the Corporation of the Town of Essex;

“non-residential use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use;

“Official Plan” means the Official Plan adopted for the Town, as amended and approved;

“owner” means the owner of land or a person who has made application for a connection to water and/or wastewater services for an existing property;

“place of worship” means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act, R.S.O. 1990, Chap. A.31*, as amended, or any successor thereof;

“residential dwelling” means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging or rooming houses;

“residential use” means the use of a building or structure or portion thereof for one or more Dwelling Units. This also includes a Dwelling Unit on land that is used for an Agricultural Use;

“row dwelling” means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit;

“semi-detached dwelling” means a dwelling unit in a residential building consisting of two dwelling units having one vertical wall or one horizontal wall, but not other parts, attached or another dwelling unit where the residential unit are not connected by an interior corridor;

“servicing agreement” means an agreement between a landowner and the municipality relative to the provision of municipal services to specified land within the municipality;

“single detached dwelling unit” means a residential building consisting of one dwelling unit and not attached to another structure;

“special care/special need dwelling” means a building containing two or more dwelling units, which units have a common entrance from street level;

- (a) Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
- (b) Which may or may not have exclusive sanitary and/or culinary facilities;
- (c) That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and
- (d) Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels,

and includes, but is not limited to, a retirement home or lodge, nursing home, charitable dwelling, group home and hospice.

“town” means the area within the geographic limits of the Town of Essex;

“zoning by-law” means the zoning by-law of the Town of Essex, including the former Village of Essex, the former Township of Essex or any successor thereof passed pursuant to Section 34 of the *Planning Act*.

2. The capital cost of the wastewater works shall be as described in the “Town of Essex Development Charge Background Study” report, dated July 26, 2024, subject to annual review by the Town.
3. The water and wastewater charges provided in this by-law shall represent a capital charge or “buy-in” fee to provide for the capital costs related to water and wastewater services to service existing properties.
4. The water and wastewater charge shall be imposed in the servicing areas identified in Schedule A, within the Town of Essex, as amended from time to time. These areas are deemed as the benefiting areas as provided by Part 12 of the *Municipal Act*.
5. The wastewater charges are set forth in Schedules B-1 and B-2 and shall be imposed against all new connections to wastewater services for existing properties.
6. Notwithstanding clause 5, if a development charge for wastewater services has been paid, no further charge for wastewater services will be imposed under this by-law.
7. The water charges are set forth in Schedules B-3 and shall be imposed against all new connections to water services for new and existing properties.
8. Water and wastewater charges imposed pursuant to this by-law shall be adjusted annually, without amendment to this By-law in accordance with the prescribed index in the *Development Charges Act*.
9. Water and Wastewater charges imposed pursuant to this by-law with respect to the industrial service area in Ward 2 shall be adjusted based on the actual capital cost of the works undertaken.
10. The following schedules to this by-law form an integral part thereof:
 - Schedule A: Areas Subject to Water and Wastewater Charges
 - Schedule B-1: Schedule of Wastewater Charges for Urban Service Areas of the Town
 - Schedule B-2: Schedule of Wastewater Charges for the Industrial Service Area
 - Schedule B-3: Schedule of Water Charges for the Industrial Service Area
 - Schedule C-1 - Map of Ward 1 – Essex Service Area (Wastewater)
 - Schedule C-2 - Map of Ward 2 – McGregor Service Area (Wastewater)
 - Schedule C-3 - Map of Ward 3 – Colchester South Service Area (Wastewater)
 - Schedule C-4 - Map of Ward 4 – Harrow Service Area (Wastewater)
 - Schedule C-5 - Map of Industrial Service Area (Wastewater)
11. If any court of competent jurisdiction finds that any provision of this By-law is invalid or is ultra vires of the jurisdiction of the Town, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-law.
12. This by-law shall come into force on the 7th day October, 2024.

Read a first, a second, and a third time and finally passed on October 7, 2024.

Mayor

Clerk

[Month Day, Year].

Schedule “A” to By-law No. 2385
Areas Subject to Water and Wastewater Charge

Wastewater

Ward 1 – Essex Service Area

Ward 2 – McGregor Service Area

Ward 3 – Colchester South Service Area

Ward 4 – Harrow Service Area

Industrial Service Area

Water

Industrial Service Area

Schedule “B-1” to By-law No. 2385
Schedule of Charges for Urban Service Areas of the Town

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)
Ward 1 - Essex Service Area	1,136	749	692	478	389	0.48
Ward 2 - McGregor Service Area	15,144	9,984	9,230	6,372	5,188	1.37
Ward 3 - Colchester South Service Area	7,137	4,705	4,350	3,003	2,445	0.71
Ward 4 - Harrow Service Area	5,207	3,433	3,173	2,191	1,784	2.20

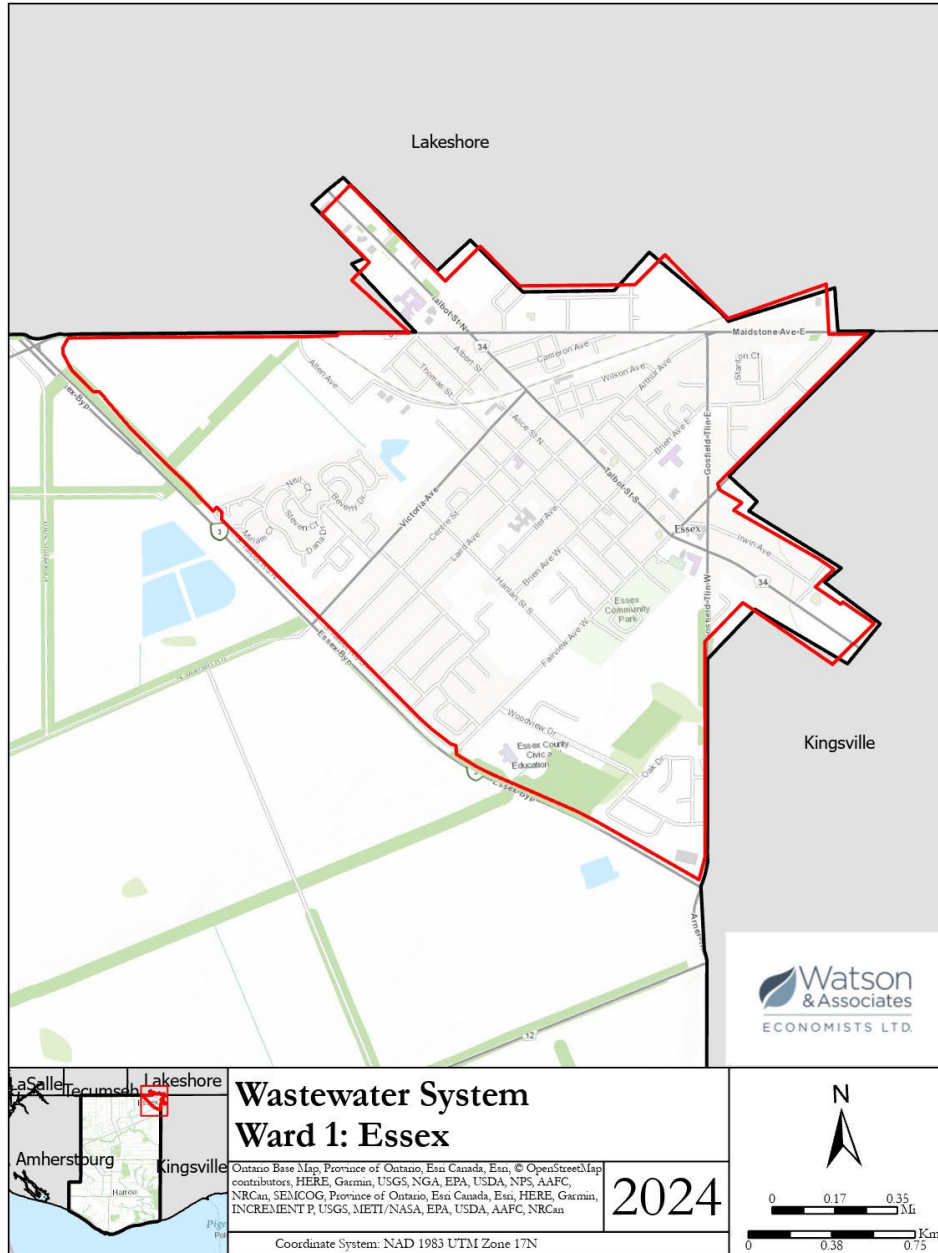
Schedule “B-2” to By-law No. 2385
Schedule of Wastewater Charges for Industrial Service Area

Land Parcel	Parcel Size (ha)	Applicable Capital Charges
14028 Pinkerton Sideroad	3.94	\$ 216,717
14016 Pinkerton Sideroad	6.22	\$ 342,151

Schedule “B-3” to By-law No. 2385
Schedule of Water Charges for Industrial Service Area

Land Parcel	Parcel Size (ha)	Proportion al Share of Flow (%)	Applicable Capital Charges
0 County Road 8 (North)	1.79	4.2%	\$ 32,827
0 County Road 8 (South)	17.16	40.2%	\$ 313,982
14028 Pinkerton Sideroad	3.94	9.2%	\$ 72,144
14016 Pinkerton Sideroad	6.22	14.6%	\$ 113,901
14978 14th Concession	13.53	31.7%	\$ 247,645
Total	42.65	100%	\$ 780,499

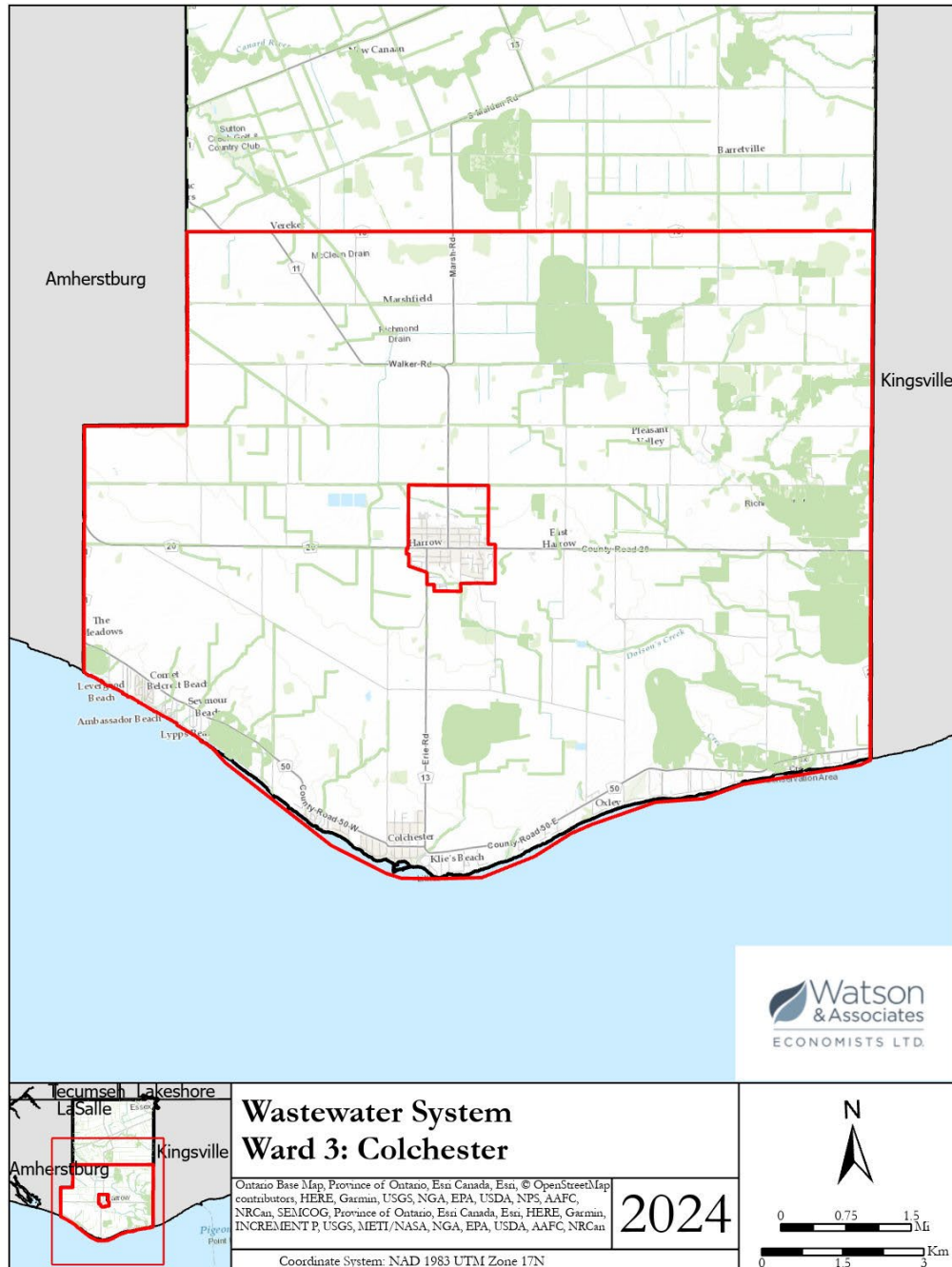
SCHEDULE "C-1"
TO BY-LAW NO. 2385
MAP OF WASTEWATER SYSTEM WARD 1: ESSEX



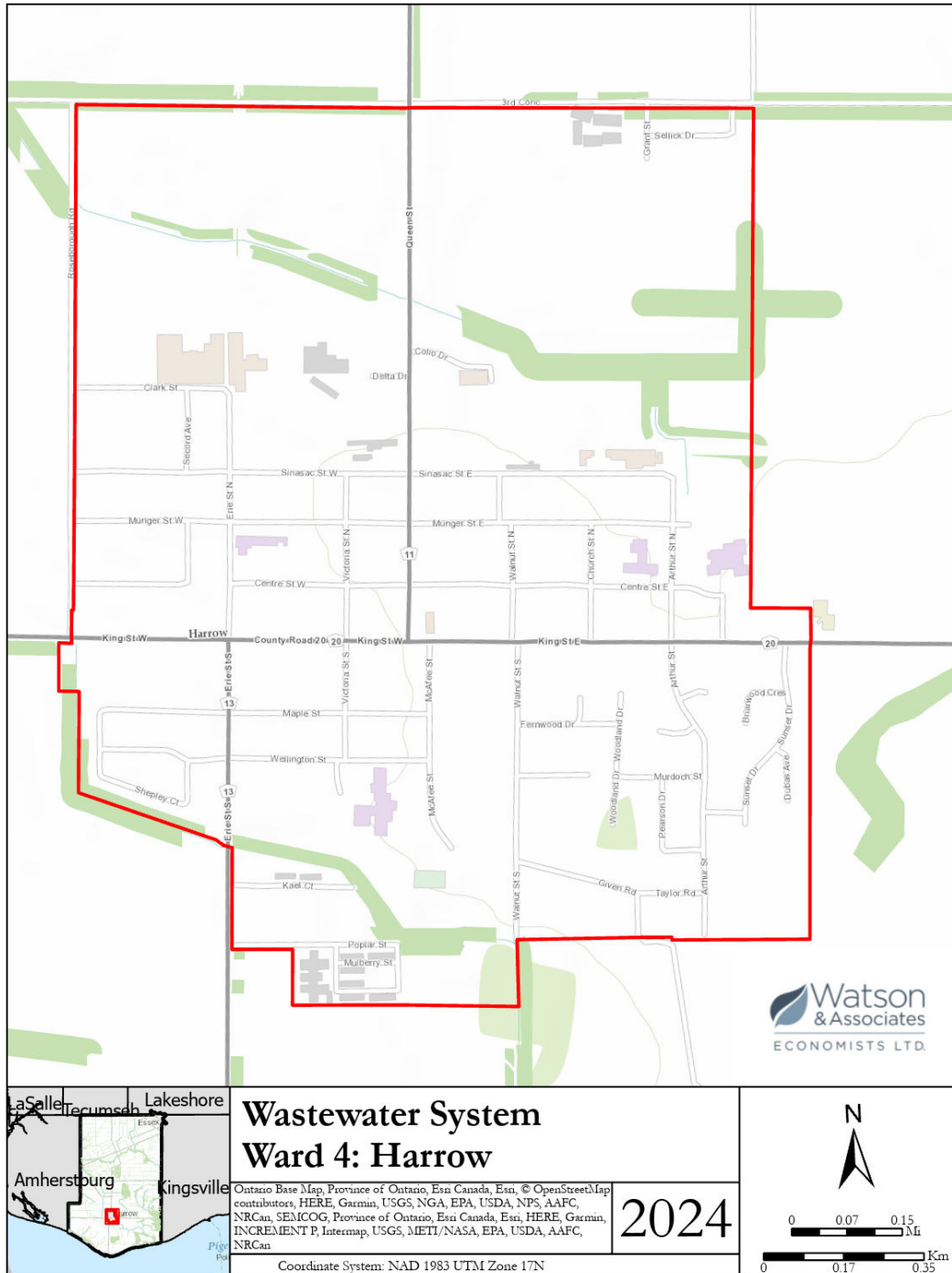
SCHEDULE "C-2"
TO BY-LAW NO. 2385
MAP OF WASTEWATER SYSTEM WARD 2: MCGREGOR



SCHEDULE "C-3"
TO BY-LAW NO. 2385
MAP OF WASTEWATER SYSTEM WARD 3: COLCHESTER



SCHEDULE "C-4"
TO BY-LAW NO. 2385
MAP OF WASTEWATER SYSTEM WARD 4: HARROW



Wastewater System
Ward 2a: Industrial Service Area

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2024

Coordinate System: NAD 1983 UTM Zone 17N

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