

# The Corporation of the Town of Essex

## By-Law Number 2452

Being a by-law to impose water charges to recover capital cost of installing water services necessary to service new users to the Town of Amherstburg's water system

**WHEREAS** the Council of the Town of Essex is authorized by Part XII of the Municipal Act, 2001, to impose a water rate charge upon owners or occupants of land within the municipality who derive or will or may derive a benefit from the construction of water works sufficient to pay all or such portion of the capital costs of such water works as Council deems appropriate;

**AND WHEREAS** the Town of Essex and the Town of Amherstburg have entered into a service allotment agreement whereby certain Town of Essex residents will be serviced using Town of Amherstburg water infrastructure (the "Water Services");

**AND WHEREAS** in order to provide such Water Services, the Town of Amherstburg is required to construct water works to service and benefit such residents connecting to the Town of Amherstburg system (the "Water Works");

**AND WHEREAS** the Town of Amherstburg and the Town of Essex have determined that the capital costs of such Water Works shall be rated against the areas serviced by the Water Works (the "Service Area") and shall be borne by the Town of Essex users located in the Service Area and connected to the Water Works, as depicted in Schedule "A" attached hereto this By-Law;

**AND WHEREAS** pursuant to Part XII of the Municipal Act, 2001, the Town of Essex, through this By-Law 2452, will set out the parameters for charging Town of Essex residents in the Service Area who are benefitting from the Water Works in accordance with the Town of Amherstburg's Schedule of Water Charges, as amended from time to time, such Schedule of Water Charges for 2025, being attached hereto as Schedule "B-1" (the "Water Charge");

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

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;

“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;

“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;

“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;

“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;

“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;

“Service Area” has the meaning ascribed thereto in the preamble to this By-Law;

“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;

“Water Charge” has the meaning ascribed thereto in the preamble to this By-Law;

“Water Services” has the meaning ascribed thereto in the preamble to this By-Law; and

“Water Works” has the meaning ascribed thereto in the preamble to this By-Law.

2. The capital costs of the Water Works shall be as described in the “Town of Amherstburg Development Charge Background Study” report, dated September 16, 2024, subject to annual review by the Town of Amherstburg.
3. The Water Charges provided in this by-law shall represent a capital charge or “buy-in” fee to provide for capital costs related to Water Services to service existing properties.
4. The Water Charge shall be imposed in the Servicing Area located in the Town of Essex. This Service Area is deemed as the benefiting users for the purposes of Part XII of the *Municipal Act, 2001*.
5. The Water Charges are set forth in Schedule “B-1”: Schedule of Water Charges and shall be imposed against all new connections to the Water Works for new and existing properties. The Water Charges set out in Schedule “B-1” and 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 By-Law of the Town of Amherstburg.
6. The Water Charges set forth in Schedule “B-1”: Schedule of Water Charges will be collected by the Town of Essex at the time of building permit issuance, or as otherwise required by applicable legislation.
7. Any Water Charges collected by the Town of Essex will be remitted to the Town of Amherstburg quarterly.
8. The following schedules to this By-Law form an integral part thereof and are incorporated into this By-Law:  
  
Schedule “A”:           Areas Subject to Water Charges  
  
Schedule “B-1”:        Schedule of Water Charges
9. If any court of competent jurisdiction finds that any provision of the By-law is invalid or is ultra vires of the jurisdiction of the Town of Essex, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-law.

10. This By-Law shall come into full force and effect upon the final passing thereof.

**Read a first, second and third time and finally passed on June 16, 2025.**

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Mayor

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Clerk