

WATER WORKS POLICY

1. Watermain Petition

Council may authorize the preparation of an engineer's report for the construction of water works after the acceptance of a sufficiently signed petition containing a majority of properties. (Greater than 50%).

The form of petition shall be prepared by the Clerk's Department and shall contain a list of property owners and descriptions of the area requesting the water works in accordance to the last returned assessment roll. (Sample form attached.)

The Clerk shall upon receipt of the petition determine that a majority of properties (greater than 50%) exist prior to submitting the petition for Council's approval.

2. Authorization of Water Works

Council may authorize the engineer to proceed with the preparation of construction plans and tendering of the water works after the acceptance of the engineer's report and the approval of the owners of a majority of properties, should a majority not be obtained the petition is lost and any and all costs accumulated to date shall be apportioned equally between the petitioners, or occupants of land that would permit the water works area to obtain a majority of greater than 50% of the properties.

Council may in emergency situations authorize the preparation of an engineer's report and proceed with the construction of the water works.

3. Acceptance of Tender

Council may accept a tender for water works and proceed to construction in the event that the tender is equal to or less than the engineer's estimate of cost for construction. Should the tender accepted exceed the engineer's estimates the approval of the majority of property owners or occupants greater than 50% is required.

4. Payment of Costs

On final completion of the water works, Council may prescribe the method of collection of payment for the water works and shall permit the assessed property owners the opportunity to pay all or a portion of the assessed cost 45 days from receipt of an invoice with the balance with interest to be collected in the same manner as taxes.

5. Assessment of Water Works

Council shall assess the cost of the waterworks by placing a fixed charge for each parcel of land designated by by-law, which is a parcel reportedly assessed according to the last returned assessment roll.

6. Exceptions of Water Works

All properties abutting a proposed watermain will be assessed at full rate with the following exceptions:

- a) A property which abuts an existing watermain will be exempt from assessment for the cost of the proposed new main.
- b) A property which extends between concession roads, does not have a dwelling fronting on the proposed main, but does have an existing dwelling fronting on the next concession road will be exempt from assessment for the cost of the proposed new main.
- c) A corner property which does not have a dwelling fronting on the proposed main, but does have a dwelling fronting on an un-serviced sideroad will be exempt from assessment for the cost of the proposed main only if the location of the dwelling is such that it is closer to the next concession road and therefore, more logically serviced from that direction.

- d) Properties originally classified as being exempt will be reclassified to fully assess status if the condition of the property changes such that the original exemption is no longer valid.
- e) A property that would normally be classified as being exempt will be reclassified to fully assess status if so requested by the property owner.
- f) In unusual circumstances or special conditions not covered by the foregoing criteria, Council will determine a means of assessing costs in a fair and equitable manner.
- g) In the event of a severance (consent) of a property or new owners on an existing watermain, the newly created lot is subject to water assessment costs at the same rate previously assessed on the main.
- h) In the event of a previously exempted property on a watermain being reclassified to fully assessed status, the property owner shall pay the previously assessed cost levied at the time of installing the main.
- i) Funds received from the collection of water frontage rates as a result of newly created lots or reclassification of existing lots will be deposited to a watermain reserve account for future maintenance to the water works.

7. Installation of Private Service Connections

Any installation of a private water service connection from the street line to the structure requiring water, will require a building permit from the municipality.

The issuing of a water meter will form part of the building permit process.

- a) Cost of installing a private service connection on a watermain that previously did not have a service for the ratepayers shall be charged by the following method.

All residential construction shall be ¾" diameter private service connections the normal ¾" household connection and shall be charged out on the basis of the actual cost to the Town. The property owner is required to deposit with the Town an amount of \$1,000.00 prior to any work being commenced.

8. General

The conditions and policies contained in this policy statement may vary for water works required for Commercial, Greenhouses and Plans of Subdivision.

APPENDIX – 1

WATER WORKS POLICY

Legal Authority:

Section 221 & 222 of the *Municipal Act* S.O. 1990

Definition:

“Benefits”	means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or desirable from the construction of sewage or water works
“Immediate Benefit”	means the benefit that occurs and is derived or desirable immediately upon completion of the works.
“Deferred Benefit”	means the benefit that accrues upon completion of the works but which is not derived or desirable therefrom until a sewer or watermain upon which the land will abut is constructed as part of the works.
“Water Works Rate”	means a charge for the capital cost of water works Council in authorizing the construction of water works may by by-law impose a water works rate upon owners or occupants of land who derive, or will, or may derive a benefit therefrom sufficient to pay all or such portion of the capital costs of the works as the by-law may specify.

Computation of Water Works Rate

- 1) A meter frontage rate on the lands that receive an immediate or deferred benefit from the works.
- 2) A hectarage rate or rates on any or all of the lands which rates may differ as receiving an immediate or deferred benefit.
- 3) A fixed charge for each parcel of land designated by by-law, which is a parcel separately assessed according to the last returned assessment roll.
- 4) Any other method which the Council considers to be fair.

Cost of Existing Works

Land that has not, or owners or occupants that have not been assessed with respect to existing water works that may form part of a water works to be constructed by means of which an immediate benefit from the existing works accrues to the owner or occupants. Council may by by-law provide for imposing a water works rate sufficient to pay for such portion or percentage of the capital cost of the existing water works as specified for the outstanding capital costs of the existing water works shall be applied and used only for future capital improvements of the existing water works.

APPENDIX – 1

WATER WORKS POLICY – (Continued)

Apportionment

If a new part or parcel of land is created within an existing part or parcel of land in respect of which a water works rate has been imposed Council may impose the rate on each new parcel or part and the revenue received is not required for payment of any of the outstanding capital costs shall be used only for future capital improvements of the water works.

Exception from Rates

No property is exempt from a water works rate imposed by reason only that is exempt from taxation under the Assessment Act, but Council may by by-law exempt any property, or class of property from all or part based on the amount of service received or amount of benefit derived.

APPENDIX – 2

WATER WORKS POLICY

PETITION FOR WATER WORKS

To: The Mayor and Municipal Council

Town of Kingsville

WE HEREBY PETITION that Council of the Town of Kingsville authorize the preparation of an engineer's report for the installation of water works for the area described below:

ALL AND SINGULAR those parcels and tracts of land situate, lying and being in the Town of Kingsville, County of Essex and Province of Ontario and being composed of those parts of Farm Lots _____ and being on the north side of _____, a distance of approximately _____ kms.

ALL AND SINGULAR those parcels and tracts of land situate, lying and being in the Town of Kingsville, County of Essex and Province of Ontario and being composed of those parts of Farm Lots _____ south side of _____ a distance of approximately _____ kms.

The property owners of the undersigned land within the above-mentioned area (owners' list attached) petition that:

- (a) THE said area be defined as Water Works Area with the installation of water mains, service connections as required.
- (b) THAT the said Private Water Service Connections be installed by the property owners subject to all necessary permits obtained from the Municipality prior to installation.
- (c) THAT an Engineer's Report be prepared to determine the feasibility and cost to the property owners. It is further understood that should the report not be accepted by the Petitioners, that any and all costs accumulated to date will be apportioned equally between the Petitioners in the event that the water works does not proceed.

NAME & ADDRESS OF PETITIONER	SIGNATURE	CONC., LOT OR PLAN NO.	ROLL NUMBER

We, being the owner(s), also acknowledge that any costs associated with the preparation of a **Preliminary Engineering Report** shall be paid by the Petitioners, as listed in the petition, in equal proportions.

Water petition filed this _____ day of _____, 200____ .

Authorized Employee, Town of Kingsville

Date Passed: January 30, 2002