

**CLEARBROOK WATERWORKS DISTRICT CAPITAL EXPENDITURE CHARGE
BYLAW NO. 141**

A Bylaw to authorize development charges and regulations for future and continuing development of land within the District and to provide for the time and manner of payment.

Whereas pursuant to Section 714 (as of June 5, 2019) of the Local Government Act the Trustees may, by bylaw, fix capital expenditure charges under the terms and conditions as set on in the bylaw;

And whereas the capital expenditure charges may be fixed for the sole purpose of providing funds to the District to pay the capital cost of providing, constructing, altering, or expanding water facilities or order to service directly or indirectly, the development in respect to which the charges are fixed;

And whereas in the opinion of the Trustees the charges fixed by this bylaw are related to capital costs attributable to projects identified in the capital expenditure program of the improvement district;

The Board of Trustees of the Clearbrook Waterworks District ENACTS AS FOLLOWS:

INTERPRETATION

In this Bylaw, unless the context otherwise requires, the following words and terms shall have the meanings as follows:

“COMMERCIAL” means a premises or space within a premise/residence which is used, or to be used for a commercial pursuit.

"COMMON AREAS" means recreation rooms, hobby or activity rooms, workshops, offices, hallways, stairways, washrooms, locker rooms, laundry or janitor rooms, basements, car parks, garages, storage rooms, electrical rooms, machine rooms, mechanical rooms, boiler rooms, or any other rooms used by tenants or residents.

"DISTRICT" means the *Clearbrook Waterworks District*.

“INSTITUTIONAL” means the building or buildings that are dedicated to education, public service, or culture.

"LIVING AREA" in a multiple dwelling situation, means all living and sleeping areas, but not including common areas as defined herein.

"METERED SERVICE" means a service having attached hereto a meter for determining the quantity of water used.

“MULTI-RESIDENTIAL” means housing where two or more separate housing units (excluding secondary suites) for residential inhabitants are contained within one building or several buildings within one complex (usually apartments, condominiums, or cooperatives).

"PARCEL OF LAND" means any lot, block or other area in which land is held or into which it is divided.

"PROPERTY OWNER" means the registered owner of said property.

"ROWHOME RESIDENCE" means a single-family residence arranged in a row with a minimum of three nearly identical dwelling units

"SECONDARY SUITE" means a second dwelling unit located within a single-family residence.

"SERVICE" means the supply of water from the District to any residential or commercial premises, including all pipes, taps, valves, connections or other things necessary for the purpose of such supply.

"SINGLE FAMILY RESIDENCE" means a residence with one family residing in it. Where a residence has a second kitchen provided for a second family (e.g. a secondary suite) and it is occupied, it is no longer a single-family residence. Where a residence has a business use for commercial pursuit, it is no longer a single-family residence.

"TOWNHOME RESIDENCE" means a single-family residence that is usually connected to a similar residence by a common sidewall and ownership does include individual ownership of the land.

"TRUSTEES" means the Trustees of the *Clearbrook Waterworks District*, or their duly authorized representatives.

"USABLE FLOOR SPACE" means any and all areas of a building which are enclosed, and/or covered including basements and parkades, but not including uncovered balconies or other open areas.

"WORKS" or "WATERWORKS" means the waterworks systems of the *Clearbrook Waterworks District*.

1. APPLICABILITY

This Bylaw shall apply to all waterworks systems owned and operated by the *Clearbrook Waterworks District*.

2. CAPITAL EXPENDITURE CHARGES

Whereas it is considered that due to future and continuing development of land within the District, and

Whereas it is considered that much of this development will be multiple occupancy residential, it will be necessary at a future date to construct new wells, enlarge mains, close loops and to otherwise in various ways augment the works of the District in order to ensure an adequate supply of water to serve the District, and

Whereas it is considered that the costs of such augmenting of the works of the District shall be borne by the persons developing land within the District,

- a) In addition to other charges applicable under other bylaws of the District, every person who develops land must pay the applicable Capital Expenditure Charge as set out in Schedule "A" attached to and forming part of this bylaw.
- b) Every person who obtains:

- i. Approval of a subdivision of a parcel of land under the Land Title Act or the Strata Property Act; or,
 - ii. Approval of an application for service
- Will pay at the time of the approval of the subdivision or the approval of the application for service, as the case may be, to the district the applicable Capital Expenditure Charges as set out in Schedule "A" attached to and forming part of this bylaw.
- c) A Capital Expenditure Charge is not payable where:
 - i. A Capital Expenditure Charge has previously been paid for the same development, unless as a result of further development new capital cost burdens will be imposed on the District; or
 - ii. The development does not impose new capital cost burdens on the District.
 - d) When a building is demolished and replaced by a new building of equal size or larger, a credit, per Schedule "A" will be given toward the Capital Expenditure charge for the new building. However, when a property has been rezoned from residential to commercial or any zoning other than single family residential, no credits for demolition will be issued.
 - e) All sums of money, collected for Capital Expenditure Charges, shall be part of the Capital Expenditure Reserve fund and shall be disbursed from time to time, only by the passage of a bylaw by the Trustees.

3. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision rendering it to be invalid shall not affect the validity of the remainder.

5. REPEAL

This bylaw repeals Bylaw No. 125.

This Bylaw may be cited as the **CAPITAL EXPENDITURE CHARGE BYLAW, BYLAW NO. 141.**

Introduced and given first reading by the Trustees on the 20th day of June 2019.

Reconsidered and finally passed by the Trustees on the 20^h day of June 2019.

Seal

A true copy of Bylaw No. registered in the office of the Inspector of Municipalities this 5 day of July 20 19

Deputy Inspector of Municipalities

Chair of the Trustees

Corporate Administrator

I hereby certify that this is a true copy of Bylaw No. 141.

Corporate Administrator

Capital Expenditure Charges

BYLAW NO. 141 - SCHEDULE 'A'

1. INITIAL REGISTRATION FEE		\$ 150.00
2. CONNECTION FEES		Total cost
3. METER INSTALLATION		Total cost
4. CAPITAL EXPENDITURE CHARGES	CEC (\$/m ²)	CEC(\$/ft ²)
a) Single family residences based on usable floor space	3.24	0.30
a. Secondary suite within a single-family home	9.88	0.92
b) Townhome and rowhome residences based on usable floor space	6.83	0.63
c) Multi-residential based on usable floor space	9.88	0.92
d) Commercial and institutional based on usable floor space	4.46	0.41
5. CAPITAL EXPENTURE CREDITS FOR DEMOLITIONS AND REPLACEMENTS		
<p>a) Single family residences: All (100%) of the square footage of the demolished building will be credited toward the new CEC charges, providing proof of the demolished building size has been documented with the District, prior to demolition. Foundation dimensions shall be used to determine building size. <i>[Note Bylaw item 3.c., rezoning]</i></p> <p>b) When a commercial building is demolished and replaced by a building of equal size or larger, All (100%) of the demolished building square footage will be credited towards CEC charges of the new building, providing proof of the demolished building size was documented with the District before demolition took place. <i>[Note Bylaw item 3.c., rezoning]</i></p>		
6. DISCONNECTION CHARGE		
Actual cost to locate, disconnect and cap		Total cost (minimum \$250.00)
7. RECONNECT WATER SERVICE PREVIOUSLY DISCONNECTED		
Total cost of re-connection as incurred by the District.		Total cost