

CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 30-2009

BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA WITH RESPECT TO DEVELOPMENT CHARGES

WHEREAS Section 2(1) of the New Development Charges Act, 1997, (hereinafter called the Act) enables the Council of a Municipality to pass by-laws for the imposition of development charges against lands located in the municipality where the development of the land would increase the need for municipal services as designated in the by-law and the development requires one or more of the actions set out in sub-section 2(1) of the Act;

AND WHEREAS The Corporation of the Township of East Garafraxa has determined that the development of lands within the municipality will increase the need for municipal services;

AND WHEREAS the Council of the Corporation of the Township of East Garafraxa, at its meeting of July 14, 2009 approved the recommendations of a report, entitled Township of East Garafraxa Development Charges Background Study prepared by E & T Development Services;

AND WHEREAS the Council has given notice of its development charges proposal in accordance with subsection 12(1) of the Act, and held a public meeting on July 14, 2009.

NOW THEREFORE The Corporation of the Township of East Garafraxa by its Council enacts the following:

PART 1 - DEFINITIONS

1. "Act" means the Development Charges Act, 1997, R.S.O. 1997, c.P.27.
2. In this By-Law:
 - (a) all words and phrases used in this by-law that have been defined in the Act shall have the same meaning as those words and phrases in the Act;
 - (b) words and phrases that have not been defined in either the act or this by-law, but that have been defined in the Township of East Garafraxa Zoning By-Law 60-2004, shall have the same meaning given to them in such by-law;
 - (c) if said Zoning By-Law 60-2004 is amended or is repealed and replaced with a successor by-law, the words and phrases as amended or as defined in said successor by-law shall have the same meaning in this by-law unless they are given other meanings in the Act or in this by-law;
 - (d) the reference to any statute or regulation in this by-law includes not only the state or regulation itself, but also any statute or regulation that replaces it in the future; and
 - (e) the reference to any section or subsection of any statute or regulation in this by-law includes not only the section or subsection itself but also the equivalent section or subsection in any statute or regulation that replaces it, as amended from time to time.

3. "Wind Turbine", for the purposes of this bylaw, means any wind energy system, comprising of one or more turbines, with a combined nameplate generating capacity greater than 500 kilowatts and a height greater than 100 metres, that converts energy into electricity, and consists of a wind turbine, a tower and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary.

PART II - IMPOSITION OF DEVELOPMENT CHARGES

1. Subject to the provisions of this by-law, the development charge against land shall be collected in accordance with the base rate set out in Schedule "B", which relates to the designated services as set out in Schedule "A".
2. This by-law shall apply to the residential development of all lands, buildings and structures within the Corporate limits of the Corporation of the Township of East Garafraxa, and to commercial wind turbines whether or not the land is exempted from taxation under Section 3 of the Assessment Act R.S.O. 1990, c.A.31, and development shall include placing a mobile home on land, where permitted.

3. Subsection (1) and (2) shall not apply to lands:

- a) where an existing dwelling is enlarged; or
 - b) where a maximum of two dwelling units are being created within an existing single detached dwelling or where one additional dwelling is added to any other residential building, provided that the gross floor area of the added dwelling units do not exceed the gross floor area of the existing dwelling unit; or
 - c) where a dwelling unit that existed and was used on the lands within 36 months of the enactment of this by-law is being replaced.
4. The development charge shall be collected if the development requires the issuing of a permit under the Building Code Act in relation to a building or structure, unless as otherwise provided for in an agreement under the Planning Act or Development Charges Act.
5. The building permit shall not be issued until the development charge has been paid in full.
6. Nothing in this by-law prevents Council from requiring, as a condition of an agreement under Section 51 or 53 of the Planning Act, that the owner, at his or her own expense, shall install or pay for such local services as council may require.

PART III - APPLICABLE LANDS

1. This by-law applies to all lands in the Township of East Garafraxa.
2. In the case of residential use or the residential portion of a mixed use development, the development charge shall apply to each dwelling unit.
3. In the case of commercial wind turbines, the development charge shall apply to each structure.
4. This by-law shall not apply to non-residential development.

PART IV - INDEXING

The development charge shall be adjusted, without amendment to this by-law, on the first day of January in each year, beginning January 1, 2010, in accordance with the Statistics Canada Quarterly, Construction Price Statistics.

PART V - SERVICES IN LIEU

1. Council may enter into an agreement with an owner to provide for the payment in full of a development charge before or after the issuance of a building permit.
2. Council may authorize an owner to substitute the whole or such part of the development charge applicable to the owner's development as may be specified in an agreement, by the provisions, at the sole expense of the owner, of services in lieu. Such agreement shall further specify that where the owner provides services in lieu in accordance with the agreement, Council shall give the owner a credit against the development charge otherwise applicable to the development, equal to the reasonable cost to the owner of providing the services in lieu, provided such credit shall not exceed the proportion of the development charge related to that service, payable by the owner to the municipality.
3. In any agreement under subsection (2), Council may also give further credit to the owner equal to the reasonable cost of providing services in addition to, or of a greater size or capacity, that would be required under this by-law. The credit shall not exceed the service standard used in the calculation of the development charge, and no credit shall be charged to any development charges reserve fund prescribed in this by-law.

PART VI- TIMING OF CALCULATION AND PAYMENT

1. Development charges shall be calculated and payable in full in money or by provisions of services as may be agreed upon, or by credit granted by the Act, on the date that the first building permit is issued in relation to a residential dwelling unit or wind turbine, or in a manner or at a time otherwise lawfully agreed upon.
2. Notwithstanding subsection (1), an owner may enter into an agreement with the municipality to provide for the payment in full of a development charge before building permit issuance or later that the issuing of a building permit.

PART VII - BY-LAW REGISTRATION

A certified copy of this by-law may be registered on title to any land to which this by-law applies.

PART VIII - RESERVE FUNDS

- 1) Monies received from payment of development charges shall be maintained in a separate reserve fund, and shall be used only to meet the growth-related net capital costs for which the development charge was levied under this by-law.
- 2) Where any development charge, or part thereof, remains unpaid after the due date, the unpaid amount shall be added to the tax roll and shall be collected as taxes. Where any unpaid development charges are collected as taxes, the monies so collected shall be credited to the development charge reserve fund.
- 3) The Treasurer of the Township of East Garafraxa shall, in each year, furnish to Council a statement in respect of the reserve fund established hereunder for the prior year.

PART IX - BY-LAW AMENDMENT OR REPEAL

Where this by-law or any development charge prescribed thereunder is amended or repealed either by order of the Ontario Municipal Board or by the Municipal Council, the Municipal Treasurer shall calculate forthwith the amount of any overpayment to be refunded as a result of said amendment or repeal.

PART X - ADMINISTRATION

This by-law shall be administered by the Treasurer of the Municipality.

PART XI - SCHEDULES TO THE BY-LAW

The following schedules to this by-law form an integral part of this by-law;

- 1) Schedule A - Classification of Services; and
- 2) Schedule B - components of Development Charge

PART XII - SEVERABILITY

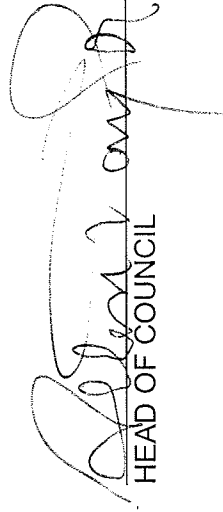
If for any reason whatsoever any provision, terminology, terminology, covenant or condition of this by-law, or any application to any person or circumstances, is to an extent held to be or rendered invalid, unenforceable or illegal, then such provisions, terminology, covenants or condition is deemed to be independent to the remainder of the by-law or any part thereof, and this by-law continues to be applicable to and enforceable to the fullest extent permitted bylaw against any person in circumstances other than those as to which it has been held or rendered invalid, unenforceable or illegal.

PART XIII - EFFECTIVE DATE

1. This by-law comes into force and effect on the 31st day of August 2009.
2. This by-law shall continue in force and effect for a term not to exceed five years from its enactment.

BY-LAW READ A FIRST AND SECOND TIME THIS 11TH day of **AUGUST 2009**

BY-LAW READ A THIRD TIME AND PASSED THIS 11TH day of **AUGUST 2009**



HEAD OF COUNCIL



CLERK

SCHEDULE 'A'

OF

BY-LAW NUMBER 30-2009

TOWNSHIP OF EAST GARAFRAXA

DEVELOPMENT CHARGES BY-LAW

CLASSIFICATION OF SERVICES

CATEGORIES OF MUNICIPAL SERVICES	SERVICE COMPONENTS
Administration	<ul style="list-style-type: none"> ➤ Furniture and Small Equipment ➤ Growth Related Studies (Official Plan, Zoning By-Law, Road Needs Study)
Transportation	<ul style="list-style-type: none"> ➤ Arterial and Collector Roads ➤ Bridges ➤ Building, Sand Domes ➤ Vehicles and Equipment
Fire Services	<ul style="list-style-type: none"> ➤ Fire Stations ➤ Fire Pumps, Tankers, Rescue Vehicles ➤ Equipment
Police Services	<ul style="list-style-type: none"> ➤ Police Station ➤ Equipment
Recreation	<ul style="list-style-type: none"> ➤ Parkland Improvements ➤ Arenas ➤ Fitness Facilities ➤ Community Centres
Library Services	<ul style="list-style-type: none"> ➤ Libraries ➤ Circulation Materials

SCHEDULE 'B'

OF

BY-LAW NUMBER 30-2009

TOWNSHIP OF EAST GARAFRAXA

DEVELOPMENT CHARGES BY-LAW

COMPONENTS OF DEVELOPMENT CHARGE

	Proposed Charge		
	Per Capita	Per Residential Unit	Per Wind Turbine
Administration	\$220.77	\$706.46	\$706.46
Transportation	\$1,485.21	\$4,752.67	\$4,752.67
Police	\$197.90	\$633.28	\$633.28
Fire	\$133.44	\$427.01	\$427.01
Recreation	\$702.22	\$2,247.10	\$0.00
Library	\$130.65	\$418.08	\$0.00
TOTAL	\$2,870.19	\$9,184.60	\$6,519.42