

**BY-LAW NUMBER 73 - 2009
OF
THE CORPORATION OF THE MUNICIPALITY OF MEAFORD**

**BEING A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF
MEAFORD WITH RESPECT TO DEVELOPMENT CHARGES**

WHEREAS Section 2(1) of the Development Charges Act, 1997 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

WHEREAS The Corporation of the Municipality of Meaford 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 Municipality of Meaford has given Notice of its Development Charges Proposal in accordance with subsection 12(1) of the Act, and held a public meeting on August 17th, 2009; and

WHEREAS the Council of the Corporation of the Municipality of Meaford has, by Resolution Number _____, determined that no further Public Meeting is required in accordance with Section 12(3) of the Development Charges Act, 1997;

NOW THEREFORE Council of the Corporation of the Municipality of Meaford hereby enacts as follows:

PART 1 – DEFINITIONS

1. “Act” means the Development Charges Act, 1997, c.27.
2. In this by-law:

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;

Words and phrases that have not been defined in either the Act or this by-law, but that have been defined in the Comprehensive Zoning By-laws applying to lands within the former corporate limits of Meaford (By-law 631-1974), Sydenham (By-law 1993-11) and St. Vincent (By-law 613) shall have the same meaning given to them in such by-laws;

If Zoning By-law No.’s 631-1974, 1993-11 and 613 are amended or repealed and replaced with a successor by-law, the words and phrases as amended or as defined in said successor by-law shall have the same meaning in this by-law unless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;

The reference to any statute or regulation in this by-law includes not only the statute or regulation itself, but also any statute or regulation that replaces it in the future; and

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. “Meaford Urban Water Service Area” means:
 - a) lands that are currently serviced by the former Town of Meaford Water System; and/or
 - b) lands where a municipal water main connected to the former Town of Meaford water system, because of its location within the municipal right-of-way in front of lands, is capable of servicing the lands at the time of building permit.

PART II – IMPOSITION OF DEVELOPMENT CHARGES

1. This By-law applies to all lands in the Municipality of Meaford.
2. Any development or redevelopment of lands, buildings or structures for residential purposes is deemed to require the provision, enlargement and/or expansion of the services referred to in Schedule ‘A’.
3. Subject to the provisions of this By-law, Development Charges against lands shall be imposed, collected and allocated to the service areas as set out in Schedule ‘B’, which relates to the services which are set out in Schedule ‘A’.
4. This By-law shall apply to the development of all lands, buildings and structures within the Corporate limits of the Corporation of the Municipality of Meaford, whether or not the land is exempt from taxation under Section 3 of the Assessment Act, R.S.O. 1990, c.A.31.
5. The Development Charge shall be collected when the development requires the issuing of a permit under the Building Code Act, 1992 in relation to a building or structure.
6. Development Charges shall be calculated and payable in full in money (cash or certified cheque in Canadian funds) or by provisions of services as may be agreed upon, or by credit granted by the Act.
7. The amount of the Development Charge payable in accordance with this By-law shall be reduced by the amount of the Development Charge already paid in accordance with the Act or the Development Charges Act, 1989, plus interest, with the interest being calculated by determining the average prime interest rate as set by the Bank of Canada in the five years prior to the application for building permit submission, with that rate applied on a yearly basis from when the original Development Charge was paid.

PART III – EXEMPTIONS

1. This by-law shall not apply to development on lands that are owned by and used for the purposes of:

A Board of Education; and

The Municipality or local board thereof.

2. No Development Charge shall be payable for the redevelopment of a dwelling unit that has been demolished, provided that a building permit for the redevelopment is issued within five years of the date that a demolition permit has been issued.

3. Development Charges are not payable where:

Two or less dwelling units are being added to a single detached dwelling, provided the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the dwelling unit already in the building; or,

One dwelling unit is being added to a semi-detached dwelling or a townhouse dwelling, provided the gross floor area of the additional unit is less than or equal to the gross floor area of the dwelling unit already in the building; or

One dwelling unit is being added to an building containing apartment dwellings or a building containing dwellings which are not considered to be single detached, semi – detached or townhouse dwellings, provided the gross floor area of the additional unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building; or

Commercial, industrial or institutional floor area is being replaced as part of a redevelopment scheme; or

An industrial building is being enlarged by 50 percent or less.

PART IV – LOCAL SERVICES

Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Sections 51 or 53 of the Planning Act, that the owner, at his or her expense, shall install or pay for local services as Council may require.

PART V – INDEXING

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

PART VI – REPEAL OF FORMER BY-LAW

By-law 66-2004 is hereby repealed as of the date of this by-law coming into force.

PART VII – EXPIRY OF BY-LAW

This By-law shall continue in force and effect for a term of not more than one year from the date of its coming into force.

PART VIII – ADMINISTRATION

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

PART IX – SCHEDULES TO THE BY-LAW

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

Schedule A – Classification of Services;

Schedule B – Components of Development Charge; and

Schedule C – Amount of Development Charge.

PART X – SEVERABILITY

If for any reason whatsoever any provision, 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 of 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 by law against any person in circumstances other than those as to which it has been held or rendered invalid, unenforceable or illegal.

PART XI – EFFECTIVE DATE

This by-law comes into force and effect on the date of its enactment.

* * * * *

READ a FIRST and SECOND time this 17th day of August, 2009.

READ a THIRD time and finally passed this 17th day of August, 2009.

Original Signed by

Michael Traynor, Deputy Mayor

Original Signed by

Pamela Fettes, Deputy Clerk

SCHEDULE "A" TO BY-LAW NUMBER 73-2009

Classification of Services

| | | | |
|--|---|---|--|
| ITEM | | | |
| TRANSPORTATION | | | |
| Road upgrades Road equipment Buildings | | | |
| FIRE + EMERGENCY | | | |
| Fire stations Fire vehicles Equipment Master Plan | | | |
| RECREATION | | | |
| Parkland development Arena Community centres Pool Recreation Master Plan | | | |
| ADMINISTRATION | | | |
| Official Plan update Secondary Plan Development Charges Study Community Improvement Plan Office equipment | | | |
| POLICE SERVICES | | | |
| LIBRARY Owen Sound Capital Fees Materials, software and equipment Furniture and staff supplies Building | | | |
| SEWER AND WATER | | | |
| Water Treatment Plant Sewage Treatment Plant Water and Sewage Study | | | |
| Item | Residential Share of Total in Meaford Urban Water Service Area | Residential Share of Total outside of Meaford Urban Water Service Area | Commercial/ Industrial/Inst Share of Total |

SCHEDULE "B" TO BY-LAW NUMBER 73-2009

Components of Development Charge

| |
|--|
| ITEM |
| TRANSPORTATION |
| Road upgrades Road equipment Buildings |
| FIRE + EMERGENCY |
| Fire stations Fire vehicles Equipment Master Plan |
| RECREATION |
| Parkland development Arena Community centres Pool Recreation Master Plan |
| ADMINISTRATION |

SCHEDULE "C" TO BY-LAW NUMBER 73-2009

Amount of Development Charge

| | Effective Date to repeal of By-law |
|---|---------------------------------------|
| Singles/Semis (Per Dwelling Unit) | |
| Meaford Urban Water Service Area | \$3,253.79 |
| Outside Meaford Urban Water Service Area | \$3,109.72 |
| Apartments/Townhouses/Other (Per Dwelling Unit) | |
| Meaford Urban Water Service Area | \$2,603.04 |
| Meaford Urban Non-Water Service Area | \$2,487.77 |
| Commercial/Industrial/Institutional (Per Sq. M.) | |
| Meaford Urban Water Service Area | \$7.12 |
| Meaford Urban Non-Water Service Area | \$6.81 |
| Special Area Charge applying to Service Study Area in Lots 15 to 18, Concession BF and A(Sydenham). Note: This charge is in addition to basic charge and is per dwelling unit | \$2,500.00 |