

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW 2021-018

BEING A BY-LAW TO ESTABLISH GUIDELINES FOR THE PURPOSE OF ESTABLISHING FRONTAGE RATES AND A FUNDING FEE FOR DEVELOPERS FOR AMHERST DRIVE WIDENING – SPEERS BOULEVARD WESTERLY TO COUNTY ROAD 6, AMHERSTVIEW, GEOGRAPHIC ERNESTOWN, IN LOYALIST TOWNSHIP

WHEREAS Section 391 of the *Municipal Act, 2001, c.25*, authorizes a municipality to impose fees or charges on persons:

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- c) for the use of its property including property under its control;

AND WHEREAS Council deems it desirable to establish a funding fee mechanism for development related costs;

NOW THEREFORE the Council of The Corporation of Loyalist Township enacts as follows:

Section 1 Definitions

1.1. For the purpose of this By-law the following definitions shall apply:

- a) "Boulevard" shall mean the area between the curb face and the outside limit of the right of way and includes such features as streetlights, sidewalks, street landscaping and utility infrastructure;
- b) "Council" shall mean the Council of The Corporation of Loyalist Township;
- c) "Director" shall mean the Director of Economic Growth and Community Development Services or designate for The Corporation of Loyalist Township;
- d) "Highway" includes the entire right-of-way of a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles;
- e) "Municipality" shall mean The Corporation of Loyalist Township;
- f) "Person" shall include a corporation or partnership;
- g) "Subdivider" means the person who applies for either a subdivision or site plan agreement under this bylaw.

Section 2 Administration

- 2.1. The Director or designate is responsible for the administration of this by-law.

Section 3 Application of Frontage Rates

- 3.1. For all development agreements with frontage on Amherst Drive between Speers Boulevard and County Road 6, there will be a special charge for the estimated construction costs for the boulevards related to the planned improvements to Amherst Drive. The boulevard costs are defined as construction costs from the curb face to the property line and, more specifically, include fill placement and grading, topsoil and sod, sidewalks on both sides, curbs, street lighting and underground duct trenches for all utilities, and street trees as per the Jewell Engineering drawings as amended.
- 3.2. For that section of Amherst Drive that is adjacent to the municipal park, the sidewalk on the south side of Amherst Drive will be located within the park, in close proximity to Amherst Drive and there will be no sidewalk on the south side of the right of way at this location.
- 3.3. This charge is in addition to the Development charge and impost fees that may be assessed to the development project separately. The fee will become due immediately prior to the date that the subdivision agreement is to be registered.
- 3.4. All subdivision agreements that have frontage along Amherst Drive in this area will contribute a payment at the time the subdivision agreement is executed equal to the applicable frontage rate multiplied by their frontage length (meters) and in accordance with Schedule 'A' attached hereto. The frontage length in each phase will include the width of any streets and entrances which intersect with Amherst Drive with the exception of Speers Blvd. and County Road 6. Where plans of subdivisions are bordered by streets intersecting with Amherst Drive, the calculation should include one half of the street width.
- 3.5. If an applicable subdivision agreement contains a non-residential component the municipality may, at its own discretion, defer the due date of the application of the frontage fee for the non-residential portion until such time as the site plan agreement for this site is completed. In this case the fee would be due immediately before the Site Plan Agreement is registered.
- 3.6. If a property adjacent to this section of Amherst Drive has not been charged the proposed frontage fee within one year of the roadway project's (substantial) completion, the frontage fee for the undeveloped property will become due at that date, even if the widening project is completed in phases.
- 3.7. Fees paid under the provisions of this By-law shall be deposited to an interest bearing reserve fund established for the purpose of funding the construction costs identified in 3.1 above.
- 3.8. Despite the obligation to pay the fee immediately prior to plan registration, a subdivider may defer payment of the fee on the condition that it enters into an Agreement to Defer Payment of Frontage Fees with the Municipality.

- 3.9. The Mayor and the Chief Administrative Officer are hereby authorized to execute such Agreement to Defer Payment of Frontage Fees on behalf of The Corporation of Loyalist Township.
- 3.10. Pursuant to section 398(2) of the Municipal Act, any outstanding monies owed with respect to improvements to Amherst Drive may be added to the tax roll of the property in respect of the money owed and shall be collected in the same manner as Municipal taxes.
- 3.11. The existing Township parkland, located south of Amherst Drive and with the legal description: Ernestown Conc. 1 Pt Lot 35 and 36 RP29R-9203 Part 1, will not be subject to the frontage fee.

Section 4 Validity

- 4.1. If a court of competent jurisdiction declares any provision, or part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.


Section 5 Penalty

- 5.1. Every person who contravenes any provisions of this by-law shall be guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act and to any other applicable penalties.

Section 6 Effective Date

- 6.1. That By-law 2012-114 and any other by-laws or portions thereof conflicting with this by-law are hereby repealed.
- 6.2. This by-law shall come into force and take effect upon the date of its passing.

ENACTED AND PASSED THIS 8th day of MARCH, 2021.

<p>Richard Bresee <small>Signed with ConsignO Cloud (2021/11/25) Verify with verifio.com or Adobe Reader.</small></p>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">notarius</div>	MAYOR
<p> <small>Signed by Debbie Chapman (2021/11/25) Verify with verifio.com or Adobe Reader.</small></p>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">notarius</div>	CLERK

SCHEDULE 'A' to By-law 2021-018

A rate schedule has been developed with annual rates based on 2020 construction cost estimates and factors for both interest and inflation.

The rate is the fee charged per lineal metre of frontage.

Frontage Fees

Year	Rate per metre*
2021	\$649.68

- * The Charges payable in accordance with Schedule 'A' shall be adjusted annually without amendment to this by-law, commencing on January 1, 2022 and annually thereafter in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Non-Residential Construction Price Index, Table 18-10-0135.