

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 24-093

BEING a By-law to enact rules and regulations for the maintenance and operations of, and connection to, a system of water works in the Town of Almonte and providing penalties for violations thereof;

WHEREAS the Municipal Act, s.o. 2001, c. 25, Section 11(1), provides that a Municipality may provide any service or thing that the Municipality considers necessary or desirable for the public;

AND WHEREAS section 11(2) of the Municipal Act, s.o. 2001, c. 25, states that a Municipality may pass By-laws, respecting services and things that the Municipality is authorized to provide under subsection (1);

AND WHEREAS section 11(3) of the Municipal Act states that a Municipality may pass By-laws, respecting matters within the following spheres of jurisdiction: Public utilities, Highways, and Drainage and flood control;

AND WHEREAS Section 86.1 of the Municipal Act states that a Municipality may adopt a policy providing for the allocation of water supply and sewage capacity;

Now the Council of the Municipality of Mississippi Mills enacts as follows:

DEFINITIONS

For the purposes of this By-law, the following definitions shall apply:

- 1.1. Annual Development Allocation means the total number of units of Water Capacity and/or the total number of units of Sanitary Sewer Capacity which may be allocated for development.
- 1.2. Applicant means the Owner of Land or the authorized agent of the Owner.
- 1.3. Application Date means the date that the Municipality receives a completed Capacity Allocation Request application form and all applicable fees.
- 1.4. Capacity Allocation means the granting of Water Capacity, Sanitary Sewer Capacity or both.
- 1.5. CAO means the Chief Administrative Officer of the Corporation of the Municipality of Mississippi Mills.

1.6. Capacity Allocation Request means an application for the allocation of a specified number of units of Sanitary Sewer Capacity or Water Capacity, or both, to serve a parcel of land.

1.7. Council means the Municipal Council of The Corporation of the Municipality of Mississippi Mills.

1.8. Development Application means an application for the development of Land or building(s) which shall include but not be limited to:

- a) Plans of Subdivision or Condominium which have draft approval from Lanark County or registration;
- b) Site Plan applications which have executed agreements registered on title;
- c) Consent applications which have received conditional approval;
- d) Part Lot Control for lots within a Registered Plan of Subdivision; and
- e) Committee of Adjustment applications which have received conditional approval.

1.9. Land means any existing lot of record and any new lot of record created by Transfer/Deed of Land, Plan of Subdivision or Condominium Plan.

1.10. Prescribed form means the Municipality's Capacity Allocation Form, amended from time to time.

1.11. Owner or Owners means the person(s) who is/are the registered owner(s) of Land.

1.12. Project means a development project which requires Water Capacity, Sanitary Sewer Capacity or both.

1.13. Sanitary Sewer Capacity means a unit of capacity within the Sewage Treatment System as set out in the demand calculations provided by the applicant and confirmed by the Municipality.

1.14. Sewage Treatment System means the sanitary sewage treatment system of the Town of Almonte.

1.15. Municipality means the Corporation of the Municipality of Mississippi Mills.

1.16. Water Capacity means a unit of capacity within the Water Treatment System set out in the demand calculations provided by the applicant and confirmed by the Municipality.

1.17. Water Treatment System means the well supply and treatment system of the Town of Almonte.

2. WATER TREATMENT SYSTEM AND SEWAGE TREATMENT SYSTEM CAPACITY

2.1. After the effective date of this By-law, in accordance with Section 4.9 of Zoning By-law 11-83, no application for a Building Permit which requires Water Capacity and Sanitary Sewer Capacity shall be issued by the Municipality until the associated Capacity Allocation Request has been approved in accordance with the provisions of this By-law.

2.2. After the effective date of this By-law, no draft approval for a Plan of Subdivision, Consent or Part Lot Control, Condominium, or approval of a Site Plan application which requires Water Capacity or Sanitary Sewer Capacity shall be granted by the Municipality until an associated Capacity Allocation Request has been approved by the Municipality in accordance with the provisions of this By-law.

2.3. The Municipality shall determine, annually, the available units of Water Capacity and Sanitary Sewer Capacity based on the uncommitted reserve capacity of the Sewage Treatment Plant and Water Treatment System.

2.4. Any use of Sanitary Sewer Capacity or Water Capacity shall be in accordance with the Municipal Sewer Use By-law and Water Works By-law respectively.

2.5. No Owner shall exceed the allocated capacity that they were granted with respect to a project on their land.

2.6. At no time, shall allocation be granted beyond the uncommitted reserve capacity of the Sewage Treatment Plant and Water Treatment System.

3. DETERMINATION OF THE ANNUAL DEVELOPMENT ALLOCATION

3.1. On or before the end of the first quarter of each year, Council shall approve the Annual Development Allocation.

3.1.1. The Director of Roads and Public Works and the Director of Development Services and Engineering shall present a joint report to Council which provides the appropriate Annual Development Allocation to be available for development.

3.1.2. Staff shall not, in any year, approve the allocation of Water Capacity or Sanitary Sewer Capacity which exceeds the available capacity set out in the Annual Development Allocation, as amended.

4. APPLICATION PROCEDURES

4.1. No person shall receive approval of a Development Application without first applying for and obtaining approval of a Capacity Allocation Request in accordance with the provisions of this By-law.

4.2. A Capacity Allocation Request shall be submitted to the Municipality on the Municipality's Capacity Allocation application form, and include all relevant information, and be accompanied by any required fees in accordance with the Municipality's Fees and Charges By-law.

4.3. A Capacity Allocation Request submitted to the Municipality with respect to a Development Application shall be completed in accordance Capacity Allocation Policy. An application which is inconsistent with the aforementioned documents shall be deemed incomplete and will not be processed until the application is complete to the satisfaction of the Municipality.

4.4. The Municipality shall review for completeness all Capacity Allocation Requests and notify the Applicant if the application is deemed complete or incomplete within approximately fifteen (15) days after the Application Date. Where additional time is needed to evaluate the application for completeness, the Municipality may extend the review period for up to fifteen (15) days and will notify the Applicant prior to the expiration of the thirty (30) day review period.

4.5. Should the application be deemed incomplete, the Municipality shall indicate, on the notice, what additional information is required to properly evaluate the application.

4.6. In the event the Applicant does not submit the required additional information within fifteen (15) days from the date the notice of incomplete application is sent, the application shall be deemed abandoned by the applicant.

4.7. Changes to the Application after the Application Date will only be accepted to reduce the Capacity Allocation requested. Any changes to the Application to increase the Capacity Allocation after the Application has been deemed Complete, will not be accepted and a new Application will be required.

4.7.1. Staff may recommend to Applicants to reduce their Capacity Allocation Request after the application has been deemed complete and request that the applicant amend their application accordingly.

4.8. Water Capacity and Sanitary Sewer Capacity calculations made in support of an application shall be in accordance with the provisions of the Allocation Policy. The calculation methodology shall be maintained by the Director of Development Services and Engineering and updated from time to time without the need to amend this By-law.

4.9. Capacity Allocation is only applicable to the Land and the Project which is the subject of the Application. Capacity Allocation is not allocated to the Owner of the Land and as such is not transferable. Capacity Allocation cannot be transferred to different Land(s) or Project(s) or to a different Project on the same Land.

5. EVALUATION OF APPLICATIONS FOR CAPACITY ALLOCATIONS AND AWARDING OF ALLOCATION

5.1. When evaluating Projects which should receive Capacity Allocation, Municipal staff shall evaluate the applications taking into consideration the evaluation criteria contained in the Municipality's Allocation Policy and the Annual Development Allocation.

5.2. Staff shall evaluate and score the applications in accordance with the Allocation Policy within thirty (30) days of deeming the application complete.

5.3. The CAO shall make the final decision as to whether to approve or reject all applications and may approve an application at a reduced Capacity Allocation.

5.4. When making decisions on applications the CAO shall consider the Municipality's Allocation Policy as amended from time to time and the Annual Development Allocation.

5.5. The allocation, rejection or addition to a priority waitlist of a Capacity Allocation Request shall be confirmed in writing to the applicant.

6. EXPIRY OF CAPACITY ALLOCATION

6.1. All Capacity Allocations granted pursuant to this By-law shall expire two (2) years after the date they are awarded if they are not used.

6.2. Notwithstanding Section 6.1, the date of Capacity Allocation expiry may be extended, at the discretion of the CAO, beyond two (2) years if:

6.2.1. At least 80% of building permits have been issued to such Capacity Allocation; or

6.2.2. An agreement has been entered into with respect to the applicable Development Application and the construction of services has commenced within six (6) months of the execution of the agreement.

6.3. Notwithstanding Section 6.1, the two (2) year period for the expiry of Capacity Allocation may be reduced at the discretion of the CAO if no progress milestones have been reached within a period of time as set out in the Capacity Allocation Policy, as amended from time to time.

6.4. The expiration of the Capacity Allocation shall apply to all Water Capacity and/or Sanitary Sewer Capacity allocated to a Project.

7. TIMING FOR USE OF THE ALLOCATION

7.1. No Land or Project for which a Capacity Allocation has been approved shall receive additional Capacity Allocation until such time as building permits

have been issued for 80% of the previous Capacity Allocation to the Land or Project.

7.2. The CAO may grant a temporary exemption to the provisions of Section 7.1 of this By-law, in accordance with the Capacity Allocation Policy.

8. PRIOR ALLOCATIONS OF WATER CAPACITY AND SANITARY SEWER CAPACITY

8.1. Where an Owner has entered into a Site Plan Agreement with the Municipality for a Project prior to the date of passing of this By-law, then it is assumed that the Capacity Allocation is equal to the amount required to complete the Project as detailed in the Plans and Studies listed in the Site Plan Agreement and as approved by the Municipality.

8.2. Where an Owner has received Draft Plan Approval for a Plan of Subdivision or Plan of Condominium, or Conditional Approval for a Consent application prior to the date of passing of this By-law, then it is assumed that the Capacity Allocation is equal to the Draft Approved Plan and details in the Plans and Studies listed in the Draft Plan Conditions or Conditional Approval of Consent.

8.2.1. Notwithstanding Section 8.2, if a condition exists as part of conditions of draft plan approval which contains details pertaining to the allocation of capacity or requirements for receiving capacity then the draft plan condition shall take precedence.

9. REVIEW AND MONITORING

9.1. All reviewing and monitoring shall be in accordance with the Capacity Allocation Policy, as amended.

10. EXEMPTIONS

10.1. This By-law shall not apply to the following developments which may require a development application:

10.1.1. Any municipal or county development located on municipal or county property, or on private lands through a public private partnership, including but not limited to, daycare facility, recreation facility or park, affordable housing, and municipal offices including Lanark County affordable housing development.

10.1.2. The construction of accessory buildings, if there is no increase in the demand for water or sewage capacity created by the use and occupancy of the accessory buildings, other than indicated in 10.1.5.

10.1.3. Any change of use or renovation, relocation, alteration, addition, intensification or enlargement of a building where there is no increase in the number of residential units, other than indicated 10.1.5 of the renovated, relocated, altered, intensified or enlarged building.

10.1.4. The demolition and replacement of an existing building or the restoration, reconstruction or replacement of an existing structure where there is no increase in the number of units, other than indicated in 10.1.5 of the created by the use and occupancy of the building or structure.

10.1.5. The development of Additional Residential Units (ARUs) located within an existing dwelling or in a detached accessory structure in accordance with Zoning By-law 11-83.

10.1.6. ICI development which includes an expansion to an existing use equal or less than 50% of the existing gross floor area calculated as per Zoning By-law 11-83 and where there is not a substantial increase in water demand or sewage generation as determined by the Municipality.

10.2. Any dispute as to whether a use or building is entitled to an exemption or part-exemption shall be determined at the discretion of the CAO. This decision is final and not subject to appeal.

11. PROHIBITIONS

11.1. No person shall contravene any provision of this By-law or the Municipal Capacity Allocation Policy.

12. PENALTIES

12.1. Every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine not to exceed the limits of the Provincial Offences Act., R.S.O. 1990, c. P33 as amended.

12.2. A Person who is convicted of an offence under this By-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and the total of all of the daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3)2 of the Municipal Act, 2001, S.O. 2001, c.25, as amended.

13. SHORT TITLE

13.1. The short title of this By-law shall be the Capacity Allocation By-law.


14. SEVERABILITY

14.1. If any section, subsection or part or parts thereof be declared by a Court of Law to be bad, illegal or ultra-vires, such section, sub section or part or parts

shall be deemed to be severable and all parts shall be deemed to be separate and independent and enacted as such.

THAT This By-law shall come into force and take effect on the day of its passing.

BY-LAW read, passed, signed and sealed in open Council this 10th day of December 2024.



Christa Lowry, Mayor



Jeanne Harfield, Clerk

