

**A BY-LAW TO ADOPT A STORMWATER MANAGEMENT SERVICES CHARGE BY THE TOWN OF COBOURG**

**WHEREAS** the Municipal Act, 2001, S.O. 2001 (the “Act”), authorizes a municipality to pass by-laws imposing fees and charges pertaining to a stormwater system pursuant to sections 9, 10, 11 and 391 of the Act;

**AND WHEREAS** Council deems it necessary and desirable to create a separate stormwater charge to fund the operation, maintenance and capital projects pertaining to stormwater management;

**AND WHEREAS** the creation of a separate stormwater charge to fund stormwater management (the “Stormwater Charge”) will bring greater transparency to the cost of providing and maintaining the stormwater management service within the Town;

**AND WHEREAS** it is deemed just that the cost of operating, maintaining and upgrading the stormwater management service is paid for by those who benefit from this service;

**AND WHEREAS** Council desires that the charges for stormwater be determined on the basis of a study as prepared for Council by Watson and Associates Economists Limited dated April 28, 2022;

**THEREFORE BE IT ENACTED** by the Municipal Council of the Corporation of the Town of Cobourg as follows:

**1. DEFINITIONS**

1.1 In this by-law,

“Act” means the Municipal Act, 2001, S.O. 2001

“Appeal” means a process by which a person challenges information that has been associated with the Stormwater Charge account.

“Billing Error” means an error in the preparation of the Stormwater Charge Account, resulting in an undercharge or overcharge caused by a gross or manifest error in the preparation of the Stormwater Charge account that is clerical or factual in error, including transposition of figures, a typographical error or similar errors.

“By-law” means this Stormwater Management Charge By-law

“Council” means the Council for the Corporation of the Town of Cobourg

“Person” includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust and a

natural person in his or her capacity as a trustee, executor, administrator, or other legal representative.

“Property Type” means the grouping of property codes, as assigned by the Municipal Property Assessment Corporation (MPAC), that have a similar runoff coefficient ie. commercial, industrial, institutional, agricultural/Vacant, residential (low density), residential (medium density), residential (high density).

“Runoff Coefficient” means the estimated percentage of a property’s area that is covered by impervious features. Rooftops and paved surfaces are impervious features.

“Stormwater Funding Requirement” means the annual amount of funding required to for the Town to provide the Stormwater Management Service.

“Stormwater Management Service” means the work performed and the infrastructure used, controlled, maintained or operated by the Town to manage stormwater flow and drainage and all appurtenances thereto owned, and includes, but is not limited to, storm sewers, catch basins, storm service connections, drains, pipes, overland conveyance systems including road corridors, culverts, channels, ditches, rivers, streams, creeks, ravines and watercourses, stormwater management facilities including landscaping features, storage ponds or tanks, and oil and grease interceptors that control quantity or quality of stormwater runoff, pumping stations, outfalls, swales and all equipment laid within any highway or road allowance, Town right-of-way or easement or Town property used for the collection, transmission, detention and treatment of stormwater or uncontaminated water.

“Town” means the Corporation of the Town of Cobourg in the County of Northumberland.

“Treasurer” means the Town Treasurer/Director of Corporate Services or his/her designate.

## 2. SCOPE

- 2.1 A stormwater charge (the “Stormwater Charge”) is to be imposed upon all real property in the Town with the exception of real property owned by the Town and real properties that are legally exempt from municipal user fees and charges.
- 2.2 See Appendix C for the list of real properties that are exempt from municipal user fees and charges.

## 3. DETERMINING STORMWATER CHARGE

- 3.1 The following equation shall be used to determine the Stormwater Charge:
- 3.2 
$$\text{Stormwater Charge} = \text{Property Size (ha)} \times \text{Runoff Coefficient} \times \text{Property Type Stormwater Rate}$$
- 3.3 Property Size for non-condominium properties is determined by the Municipal Property Assessment Corporation and is the area identified on the tax roll for the subject property.
- 3.4 Property Size for condominium properties is the size of the condominium corporation’s parcel divided by the number of condominium properties on the parcel.



- 3.5 Runoff Coefficient is determined by the Property Type's estimated impervious percentage. See Appendix B for the Runoff Coefficients of the Property Types.
- 3.6 The Property Type Stormwater Rate per hectare shall be set out annually by Council in the Stormwater Charge By-law.

#### 4. STORMWATER CHARGE ADJUSTMENT

- 4.1 The Stormwater Charge may be revised in either of the following instances:
  - a) An adjustment may arise whereby the Municipal Property Assessment Corporation updates the subject property's assessment resulting from an Appeal.
  - b) An internal adjustment may arise whereby the Town revises, modifies, or amends the Stormwater Charge due to various factors, including:
    - i. updates to the Municipal Property Assessment Corporation's assessment data for the subject property;
    - ii. updates to the Town's zoning by-law;
    - iii. updates to the procedure determining a properties' Type or Runoff Coefficient
    - iv. change in Stormwater Funding Requirement as approved by Council.

#### 5. INVOICING

- 5.1 The Stormwater Charge shall be invoiced under the property's utility bill as issued by Lakefront Utility Services Incorporated (LUSI) and identified separately thereunder as a stormwater charge.
- 5.2 The Stormwater Charge shall be payable upon receipt of the invoice included in the utility bill, and every owner in receipt of such invoice shall ensure payment thereof before the due date thereon.
- 5.3 Late payment charges of 1.5% per month, compounded monthly shall be applied to any fees or charges remaining unpaid following the due date on the invoice.
- 5.4 The Treasurer shall have delegated authority and is authorized to adjust the Stormwater Charge with respect to any property, to the extent that it is deemed appropriate due to a Billing Error. In this instance, the Stormwater Charge Invoice may be retroactively recalculated for a period not exceeding one (1) year from the date of detection of the Billing Error with resulting credits or charges to the property owner's stormwater account, and the decision of the Treasurer shall be final and binding.

#### 6. STORMWATER CHARGE ADDED TO TAX ROLL

- 6.1 Pursuant to subsection 398(2) of the Act and in accordance with the Town's Fee and Charges By-law, the Stormwater Charge may be added to the tax roll of the property to which the Stormwater Charge applies and shall then be collected in the same manner as municipal taxes.

7. APPEALS

7.1 A person who requests an Appeal will not be required to pay a service fee for any of the appeals outlined in Appendix A which outlines the Appeal processes.

7.2 The filing of an Appeal does not negate the requirement for the appellant (the "Appellant") to pay the Stormwater Charge.

7.3 Adjustments made as a result of an Appeal shall be retroactive up to the date of the receipt of the Appeal by the Treasurer.

8. SHORT TITLE

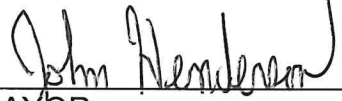
8.1 The short title of this By-law shall be the "Stormwater Management Services Charge By-law".

9. EFFECTIVE DATE

9.1 This By-law shall come into force and have effect on JULY 1, 2022.

ENACTED THIS 27<sup>TH</sup> DAY OF JUNE, 2022.

By-law read and passed in Open Council this 27<sup>TH</sup> day of June 2022.

  
MAYOR

  
MUNICIPAL CLERK

**Appendix A: Appeal process for the Stormwater Charge**

Category	Explanation	Appeal Mechanism	Appeal Decision Made by
Legal Exemption	The entity occupying the subject property area is or is not legally subject to municipal fees and charges.	An Appellant must file a Stormwater Charge Appeal	Treasurer or her/his delegate
Incorrect property size used to calculate charge	Property size used for calculation is or is not correct.	An Appellant must file a Stormwater Charge Appeal	Treasurer or her/his delegate

## Appendix B: Property Types and Runoff Coefficients

<b>Property Type</b>	<b>Runoff Coefficient</b>
Commercial	0.90
Industrial	0.80
Institutional	0.75
Agricultural/Vacant	0.20
Residential (Low Density)	0.45
Residential (Medium Density)	0.60
Residential (High Density)	0.75

## **Appendix C: List of Properties Exempt from Municipal User Fees and Charges**

### **1. District School Boards and School Authorities**

Pursuant of section 58 of the Education Act, R.S.O. 1990, a by-law imposing fees and charges does not apply to a district school board or a school authority