

<b>THE TOWN OF PLYMPTON-WYOMING</b>			
Subject:	<b>Municipal Drain Assessment Billing, Payment, and Debentures</b>	<b>Section HR</b>	<b>Policy 56</b>
Effective Date:	<b>June 12, 2024</b>	Approved By:	
Revision Date:		Council	

## 1. Purpose

- 1.1. This policy sets out the Municipality's process for billing, payment, and eligibility for debenture, of Drainage Works within the Municipality and, where applicable, Neighbouring Municipalities when contemplated in a Report, including for the Maintenance, Repair, Improvement, and Construction of Drainage Works.

## 2. Definitions

- 2.1. "Act" means the *Drainage Act*, R.S.O. 1990, c. D.17.
- 2.2. "Drainage Assessment" means the amount or proportion of the cost of Drainage Works assessed against a parcel of land or road for benefit, outlet liability, and injuring liability as set out in a Report.
- 2.3. "Construction and Improvement Assessments" means the net costs of the construction of Drainage Works and/or Improvements calculated as the total assessment of costs minus any applicable grants and/or allowances for the construction of Drainage Works and/or Improvements.
- 2.4. "Construction or Improvement Drain" means the construction, modification, or addition to a municipal drain, where fees are recovered by all lands, roads, and utilities within the watershed, as determined by the appointed Engineer within the most recent Engineer's Report.
- 2.5. "Council" means the elected council of the Municipality.
- 2.6. "Drainage Works" has the meaning ascribed to it under the Act.
- 2.7. "Debenture" means a loan financing arrangement with the Municipality with respect to the cost of Drainage Works assessed in a Report.
- 2.8. "Development" means the creation of a new lot(s), plans of condominium, commercial or industrial development subject to a site plan under the Planning Act
- 2.9. "Improvement" has the meaning ascribed to it under the Act.
- 2.10. "Maintenance" has the meaning ascribed to it under the Act.

- 2.11. “Maintenance and Repair Assessments” means the net costs of Maintenance and/or Repair calculated as the total assessment of costs minus any applicable grants for Maintenance and/or Repair.
- 2.12. “Municipality” means the Corporation of the Town of Plympton-Wyoming.
- 2.13. “Owner” has the meaning ascribed to it under the Act.
- 2.14. “Neighbouring Municipality” and “Neighbouring Municipalities”, as applicable, means the City of Sarnia, Township of Warwick, Township of Enniskillen, and/or the Municipality of Lambton Shores.
- 2.15. “Property” or “Properties”, as applicable, has the meaning ascribed to it under the Act.
- 2.16. “Public Utility” has the meaning ascribed to it under the Act.
- 2.17. “Report” has the meaning ascribed to it under the Act.
- 2.18. “Repair” has the meaning ascribed to it under the Act.

### **3. General**

- 3.1. Where the Municipality is required to raise the whole or any part of the cost of Drainage Works, Council will impose upon the lands assessed the assessment with which it is chargeable, in accordance with the Act. The amount so imposed will be payable by the Owner on the terms and conditions set out in a construction by-law passed by Council.
- 3.2. Drainage Assessments added to property taxes will be collected in like manner to property taxes, and penalties and interest charges will apply to any outstanding amounts.

### **4. Maintenance and Repair**

- 4.1. Maintenance and Repair Assessments will be charged in accordance with the Act and sent to Owners at the time of billing.
- 4.2. Maintenance and Repair Assessments under ten dollars (\$10.00) will be paid from general funds by the Municipality.
- 4.3. Maintenance and Repair Assessments over ten dollars (\$10.00) will have the full balance added to the current year’s final tax bill for the Property.
- 4.4. Maintenance and Repair Assessments are not eligible for Debenture.

### **5. Construction and Improvement**

- 5.1. Construction and Improvement Assessments will be charged in accordance with the Act and sent to Owners at the time of billing.
- 5.2. Construction and Improvement Assessments under \$1,500.00 will have the full balance added to the current year’s final tax bill for the Property.
- 5.3. Construction and Improvement Assessments equal to or over \$1,500.00 will be eligible for Debenture in accordance with Section 6.

- 5.4. Construction and Improvement Assessments equal to or over \$1,500.00 will have the full balance added to the current year's final tax bill for the Property if an Owner does not Debenture.

## 6. Debentures

- 6.1. Debenture is only available for:
  - 6.1.1. Construction and Improvement Assessments that are equal to or over \$1,500.00;
- 6.2. For greater clarity, Debenture is not available for:
  - 6.2.1. Maintenance and/or Repair Assessments; or
  - 6.2.2. Construction or Improvement Assessments for properties where the Construction or Improvement project is designed to accommodate current or future development of a property.
  - 6.2.3. Construction or Improvement Assessments for public utilities or any government agency.
- 6.3. The Municipality's *Request for Debenture Form* shall be completed and returned by the Owner to the Municipality's drainage clerk by the requested due date, otherwise the full assessed amount will be added to the final tax bill for the Property.
- 6.4. The Debenture cannot be cancelled by the Owner once it has been issued.
- 6.5. The Debenture shall bear interest at a fixed rate equal to two percent (2%) more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of the Debenture.
- 6.6. The Debenture, including any interest, will be repaid by being added to the final property tax bill. The amount owed will be split over three (3) equal, annual payments with the first payment being collected in the calendar year following the issuance of billing.