



**BEING A BY-LAW TO ESTABLISH AND ADOPT A STORMWATER MANAGEMENT CHARGE BY THE TOWN OF COBOURG AND REPEAL BY-LAW 057-2024.**

**WHEREAS** the Town of Cobourg has assumed ownership, and is operating, maintaining and rehabilitating its Stormwater Management Services; and

**WHEREAS** subsection 228 (2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“Municipal 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 rehabilitating the stormwater management service is primarily to facilitate the removal (drainage) of stormwater from publicly accessed infrastructure such as all municipal roads and publicly owned lands paid for by those who benefit from this service those being all owners of property within the Town of Cobourg; 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 and as amended by Option B of the Stormwater Rate Study Review dated May 29, 2024.

**NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS 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

**“Data Sources”** used means the Town of Cobourg’s best available information applicable to calculating Stormwater Charges, including: i. The Municipal Property Assessment Corporation's assessment classification data, ii. The Town of Cobourg Billing Service Provider's account information, iii. The Town of Cobourg’s Geographic Information System data, iv. The Town of Cobourg’s tax roll information, and v. Development and/or redevelopment information.

**“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, 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.

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

**“Town of Cobourg Billing Service Provider”** means the entity that provides billing services for the Stormwater Fee on behalf of the Town of Cobourg.

**“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 that are exempt from municipal user fees and charges.
- 2.2 See Appendix “A” for the list of real properties that are exempt from municipal user fees and charges.

## **3. DETERMINING STORMWATER CHARGE**

- 3.1 The Stormwater Charge shall be a flat rate per each individual residential unit as defined by using the Data Sources.
- 3.2 The Stormwater Charge shall be a flat rate for each Industrial, Commercial and Institutional properties, as defined by using the Data Sources, and an additional charge for land area in excess of one (1) acre (0.40469 hectares).
- 3.3 Property size for Industrial, Commercial and Institutional properties is determined by the Municipal Property Assessment Corporation or other Data Sources.
- 3.4 The Stormwater Charge for vacant lands shall apply to cemeteries.

## **4. STORMWATER CHARGE**

- 4.1 The flat rate for all properties and additional rate per hectare for Industrial, Commercial and Institutional properties shall be reviewed and set out by Council every five (5) years;
- 4.2 The rates listed in Schedule ‘B’ attached hereto shall come into full force and effect on January 1, 2023.

## **5. STORMWATER CHARGE ADJUSTMENT**

- 5.1 The Stormwater Charge may be revised in either of the following instances:
  - a) An adjustment may arise whereby the Town revises, modifies, or amends the Stormwater Charge due to various factors, including but not limited to:
    - 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 for calculating the rates for each property type;
    - iv. change in Stormwater Funding Requirement as approved by Council.

## **6. INVOICING**

- 6.1 The Stormwater Charge shall be invoiced by the Town of Cobourg’s Billing Service Provider and identified as a stormwater charge.
- 6.2 The Town of Cobourg’s Billing Service Provider shall carry out billing and collection services in respect of the stormwater charges for the Town of Cobourg.

- 6.3 The Stormwater Charge shall be payable upon receipt of the invoice and every owner in receipt of such invoice shall ensure payment thereof before the due date thereon.
- 6.4 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.
- 6.5 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.

## **7. STORMWATER CHARGE ADDED TO TAX ROLL**

- 7.1 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.

## **8. APPEALS**

- 8.1 A person who requests an Appeal will not be required to pay a service fee for any of the appeals outlined in Appendix C which outlines the Appeal processes.
- 8.2 The filing of an Appeal does not negate the requirement for the appellant (the "Appellant") to pay the Stormwater Charge.
- 8.3 Adjustments made as a result of an Appeal shall be retroactive up to one (1) year from the date of receipt of the Appeal by the Treasurer.

## **9. SHORT TITLE**

- 9.1 The short title of this By-law shall be the "Stormwater Charge By-law".

## **10. REPEALED BY-LAWS**

- 10.1 That By-law 057-2024 is hereby repealed when this By-law comes into effect.

- 10.2 READ and finally passed in Open Council this 18th day of December, 2024

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Lucas Cleveland, Mayor

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Brent Larmer, Clerk

## **Appendix A: 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.

2. Real property owned by the Town of Cobourg, excluding Northam Industrial Park lands.

**APPENDIX B: Stormwater Charge Rates**

**Table 1: Flat Rate for All Property Types**

2023	2024	2025	2026	2027
\$84.40	\$87.35	\$93.40	\$99.86	\$106.52
2028	2029	2030	2031	2032
\$113.64	\$121.27	\$124.44	\$127.72	\$131.25

**Table 2: Additional Rate for Commercial, Institutional and Industrial Property Types Over 0.040469 Hectares\***

2023	2024	2025	2026	2027
\$2,030.91	\$2,102.00	\$2,259.40	\$2,428.44	\$2,619.43
2028	2029	2030	2031	2032
\$2,824.98	\$3,046.22	\$3,157.60	\$3,272.61	\$3,385.55

\*Table 2 rates are in addition to flat rates noted in Table 1

**APPENDIX C: Appeal process for 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  (Applies to Industrial, Commercial, Institutional properties only)	Property size used for calculation is or is not correct.	An Appellant must file a Stormwater Charge Appeal	Treasurer or her/his delegate