



The Corporation of
THE TOWNSHIP OF LANARK HIGHLANDS

COUNCIL AGENDA

Thursday, December 15th, 2011

**Immediately Following the Public Meeting- Development Charges at 7:00 p.m.
Lanark Highlands Municipal Office - 75 George Street, Lanark, Ontario
Council Chambers**

**7:00 p.m. Public Meeting – Development Charges*

**Following Council Meeting*

Chair, Mayor Peter McLaren

- 1. CALL TO ORDER**
- 2. MOMENT OF SILENT MEDITATION**
- 3. ROLL CALL**
- 4. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**
- 5. APPROVAL OF AGENDA**

*Suggested Motion by Councillor Tom Lalonde
“THAT, the agenda be adopted as presented.”*

- 6. APPROVAL OF COUNCIL MINUTES**

*Suggested Motion by Councillor Bob Mingie
“THAT, the minutes of the Lanark Highlands Township Council meeting held on
November 24th, 2011 be approved as circulated.”*

- 7. DELEGATIONS & PRESENTATIONS**

- i) 2011 Award Presentations
 - Volunteer Award
 - Senior of the Year
- ii) 2011 Small Business Awards
 - Young Entrepreneur
 - Social Responsibility
 - Community Spirit
 - Economic Growth

8. COMMUNICATIONS

None

9. REPORTS

- i) **Committee of the Whole: November 22nd, 2011 Meeting – attached pages 4-8**
Chair, Deputy Mayor Brian Stewart.

Suggested Motion by Deputy Mayor Brian Stewart

“THAT, the Thirty Fourth (34th) Report of the Committee of the Whole for 2011 be adopted as presented.”

- ii) **Committee of the Whole: December 6th, 2011 Meeting – attached pages 9-13**
Chair, Deputy Mayor Brian Stewart.

Suggested Motion by Deputy Mayor Brian Stewart

“THAT, the Thirty Fifth (35th) Report of the Committee of the Whole for 2011 be adopted as presented.”

10. MOTIONS

- i) None.

11. BY-LAWS

- i) **By-Law No. 2011-1156: Development Charges By-Law – attached, pages 14-30**

Suggested Motion by Councillor Ken Sinclair:

“THAT, By-Law No. 2011-1156, being a by-law to establish Development Charges , be read a first, second and third time short and passed and signed by the Mayor and Clerk.”

12. IN-CAMERA ITEMS

None.

13. NEW/OTHER BUSINESS

- i) **County of Lanark Update(s) (verbal).**
Mayor Peter McLaren and Deputy Mayor Brian Stewart.

A copy of the County’s Agendas and Minutes can be found on the County website at the following link: <http://www.county.lanark.on.ca/Page418.aspx>

*Suggested Motion by Councillor Bob Mingie:
“THAT, the County of Lanark Update(s) (verbal) be received for information.”*

14. NOTICE OF MEETINGS

Committee of the Whole: 2:30 p.m. Tuesday, January 10th, 2012
Committee of the Whole: 2:30 p.m. Tuesday, January 24th, 2012
Council: 7:00 p.m. Thursday, January 26th, 2012

15. CONFIRM COUNCIL PROCEEDINGS

i) **By-Law No. 2011-1157: Confirmation By-Law – attached, pages 31-32**

*Suggested Motion by Councillor Bob Sutcliffe:
“THAT, By-Law No. 2011-1157, being a by-law to confirm the proceedings of the Council meeting held on December 15th, 2011, be read a first, second and third time short and passed and signed by the Mayor and Clerk.”*

16. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

- *None at this time.*

17. ADJOURNMENT

18. SINGING OF “O CANADA”

*Ross Trimble,
CAO/Clerk*

*Peter McLaren,
Mayor*



To the Members of Lanark Highlands Township Council.

We, the Members of your Committee of the Whole beg leave to report Section "A" as information and Section "B" as follows:

Community Services

"A" 1. Report of the Lanark Highlands Business and Tourism Association Board (verbal).

Councillor Bob Mingie reported on the following:

- AGM scheduled for December 5th, 2011.
- Board is looking for new members.

"A" 2. Report on Volunteer Awards (verbal)

CAO/Clerk Ross Trimble provided an update on the volunteer awards and requested direction from the Committee due to scheduling conflicts.

"B" 2. RESOLUTION #COW-2011-570

MOVED BY: Peter McLaren
SECONDED BY: Tom Lalonde

"THAT, the award for Volunteer of the Year be presented at the December 6th COW meeting;

AND THAT the remaining awards be presented at the December 15th Council meeting."

ADOPTED

"A" 3. Report on Volunteer Awards

"B" 3. RESOLUTION #COW-2011-571

MOVED BY: Derek Love
SECONDED BY: Bob Sutcliffe

"THAT, staff coordinates with the appropriate ward councillor in contacting the award winners."

ADOPTED

Corporate Services

"A" 4. Report on Draft Procedural By-Law

The Committee reviewed the draft and provided the following comments:

- Rotating the Chair for the Committee of the Whole.
- Deputy Mayor section be removed as discussed.
- For staff to research the role of the Chair regarding discussions.
- That staff investigate previous changes made to the existing draft.

“B” 4. RESOLUTION #COW-2011-572

MOVED BY: Tom Lalonde
SECONDED BY: Ken Sinclair

“**THAT**, staff investigate the points brought forward and report back at the January COW meeting.”

ADOPTED

“A” 5. 2012 Draft Council, Committee Calendar

“B” 5. RESOLUTION #COW-2011-573

MOVED BY: Bob Mingie
SECONDED BY: Peter McLaren

“**THAT**, the Report of the Lanark Highlands Youth Centre Inc. Board (verbal) be received for information.”

ADOPTED

Building, Planning & Protective Services

“A” 6. Report on Amending Building By-Law 2004-481 (verbal)

The Committee of the Whole reviewed the By-Law 2004-481 and discussed the current process for dealing with individuals building without a permit.

“B” 6. RESOLUTION #COW-2011-574

MOVED BY: Ken Sinclair
SECONDED BY: Bob Sutcliffe

“**THAT**, staff investigates the matter and report back at the January COW meeting.”

ADOPTED

“A” 7. Report of the Municipal Drug Strategy Committee (verbal)

Councillor Derek Love reported on the following:

- Presentation from Glenn Barnes of the Dave Smith Treatment Centre.
- Presentation from Jennifer Adams of the Lanark, Leeds & Grenville District Health Unit regarding the Needle exchange program.
- YAK presentation, “Why, A Youth perspective on Drugs.”
- OPP Video, “Not Ready to Go.”

“A” 8. Report on Road Development Agreement (Kenney)

Planning Administrator/Deputy Clerk, Rob Wittkie reported on changes required to the existing By-Law and agreement requested by Tay Valley Township.

“B” 8. RESOLUTION #COW-2011-576

MOVED BY: Bob Mingie
SECONDED BY: Derek Love

“THAT, the Committee of the Whole approve the amended documents with the By-Law and agreement to be prepared for the November 24th, 2011 Council meeting.

ADOPTED

“A” 9. Report on County OPP Costing

Councillor Derek Love reported on the request from the County of Lanark for the OPP to provide costing for police services.

“B” 9. RESOLUTION #COW-2011-577

MOVED BY: Bob Mingie
SECONDED BY: Bob Sutcliffe

“THAT, the Council for the Township of Lanark Highlands chooses to remain with the status quo, and elects to not participate in requesting the Ministry of Community Safety and Correctional Services advise of the availability and costing for policing of the Township of Lanark Highlands by the Ontario Provincial Police.”

ADOPTED

Public Works & Waste Management Committee

“A” 10. Report #PMMW-12-2011 Development Agreement, Use of Unopened Road Allowance Concession 6 & 7, Lot 26 & 27 Geographic Township of Darling

“B” 10. RESOLUTION #COW-2011-578

MOVED BY: Bob Sutcliffe
SECONDED BY: Tom Lalonde

“THAT, Council adopts a By-law to enter into a Development Agreement with Mr. Peter Koktan to use a portion of the unopened allowance between Concessions 6 & 7 adjacent to Lots 26 and 27, Geographic Township of Darling, Township of Lanark Highlands for the purpose of connecting and accessing his existing dock and boat lift on the north shore of White Lake.

AND THAT the agreement be amended to be binding and end at any time.”

ADOPTED

New/Other Business

“A” 11. Renovations to MERA.

“B” 11. RESOLUTION #COW-2011-579

MOVED BY: Bob Sutcliffe
SECONDED BY: Tom Lalonde

“THAT, the Committee of the Whole approve the request provided that the applicant meet all requirements under the building code;

AND THAT all expenses will be the applicant’s responsibility.”

ADOPTED

“A” 12. New Photocopier purchase.

“B” 12. RESOLUTION #COW-2011-580

MOVED BY: Bob Sutcliffe
SECONDED BY: Bob Mingie

““THAT the Committee of the Whole approves that staff move forward in the purchase of two new photocopiers.”

ADOPTED

“A” 13. Well Tender for White Lake Community Centre.

“B” 13. RESOLUTION #COW-2011-581

MOVED BY: Bob Sutcliffe
SECONDED BY: Bob Mingie

“THAT the Committee approves the quote by Saunders Well Drilling in the amount of \$900 for construction of a new well at the White Lake Community Centre.”

ADOPTED

All of which is respectfully submitted by:

Chair, Brian Stewart

**Direction by the Mayor:
Council may remove items in Section "B" to be voted on separately prior to
introducing a motion to accept the report in its entirety.**

Moved and Seconded by:

Moved By:

Seconded By

Adopted this 15th, day of December 2011

Peter McLaren, Mayor

Ross Trimble, Clerk



To the Members of Lanark Highlands Township Council.

We, the Members of your Committee of the Whole beg leave to report Section “A” as information and Section “B” as follows:

Communications

“A” 1. **County of Huron Resolution supporting ODRAP funding for Wood Lot Damage.**

“B” 1. **RESOLUTION #COW-2011-588**

MOVED BY: Peter McLaren
SECONDED BY: Bob Mingie

“**THAT**, the Council of the Corporation of Township of Lanark Highlands supports the resolution by the County of Huron regarding ODRAP funding for Wood lot damage.”

ADOPTED

“A” 2. **County of Huron Resolution supporting Social functions being held in farm buildings.**

“B” 2. **RESOLUTION #COW-2011-589**

MOVED BY: Peter McLaren
SECONDED BY: Tom Lalonde

“**THAT**, the Council of the Corporation of Township of Lanark Highlands supports the resolution by the County of Huron regarding social functions being held in farm buildings.”

ADOPTED

“A” 3. **Ontario Good Roads Association, Final call for nominations for 2012-2013 Board of Directors.**

“A” 4. **Township of Muskoka Lakes Resolution supporting Municipal Planning Authority for Renewable Energy Projects.**

“B” 4. **RESOLUTION #COW-2011-591**

MOVED BY: Peter McLaren
SECONDED BY: Derek Love

“**THAT**, the Council of the Corporation of Township of Lanark Highlands supports the resolution by the Township of Muskaka Lakes regarding Municipal Planning Authority for Renewable Energy Projects .”

ADOPTED

Community Services

- “A” 5. **Report of the Lanark Highlands Youth Centre Inc. Board (verbal).**
Councillor Tom Lalonde reported on the following:
- Christmas tree lighting in the village of Lanark on Thursday December 8th, 2011.
 - Fund raising for the Youth Centre.
- “A” 6. **Report of the Lanark Highlands Business and Tourism Association Board (verbal).**
Councillor Bob Mingie reported on the following:
- AGM meeting on December 5th, 2011.
 - Changes to the Board of Directors.
 - Developing an action plan.
 - Retaining new members.
- “A” 7. **Report of the Township of Lanark Highlands and North Lanark Community Health Centre – Joint Planning Committee**
Mayor Peter McLaren and Deputy Mayor Brian Stewart reported on the following:
- Working together with the Township with respect to emergency management requirements.
 - The success of the dentist program.
- “A” 8. **Report CS-13-2011 Ultra Violet Water Disinfection Systems Middleville Community Centre**
- “B” 8. **RESOLUTION #COW-2011-595**

MOVED BY: Bob Mingie
SECONDED BY: Derek Love

“**THAT**, Report #Community Services-13-2011 Ultra Violet Water Disinfection Systems be received by the Committee of the Whole and that the Committee recommend approval for the installation of a new Ultra Violet Disinfection System in the Middleville Community Centre and a refit of the old system which is to remain in the Fire Hall. Staff recommends the tender be awarded to Valley Plumbing & Water Treatment @ \$ 2,635.00 plus taxes. The funding for this project could be taken from the water/sewer reserves.

ADOPTED

Corporate Services

- “A” 9. **2012 Draft Council, Committee Calendar**

“B” 9. RESOLUTION #COW-2011-596
MOVED BY: Ken Sinclair
SECONDED BY: Bob Mingie

“THAT, the 2012 Council Committee Calendar be approved as a mended.
ADOPTED

“A” 10. 2012 Budget Schedule discussion

“B” 10. RESOLUTION #COW-2011-597
MOVED BY: Bob Mingie
SECONDED BY: Ken Sinclair

“THAT, Council meet at 1:00 p.m. each Monday afternoon beginning on January 9th, 2012 to prepare the 2012 municipal budget.
ADOPTED

“A” 11. 2012 Township Tour discussion

“B” 11. RESOLUTION #COW-2011-598
MOVED BY: Bob Mingie
SECONDED BY: Tom Lalonde

“THAT, staff prepares a 2012 Township tour schedule.”
ADOPTED

“A” 12. 2012 Highland Voice discussion

“B” 12. RESOLUTION #COW-2011-599
MOVED BY: Bob Mingie
SECONDED BY: Tom Lalonde

“THAT, staff proceeds in preparing a 2012 edition of the Highland Voice.”
ADOPTED

Building, Planning & Protective Services

“A” 13. Report #CBO-12-2011 Building Department Report – November 2011

“B” 13. RESOLUTION #COW-2011-600
MOVED BY: Bob Mingie
SECONDED BY: Tom Lalonde

“THAT, Report #CBO-12-2011 Building Department Report - November 2011, be received for information.”
ADOPTED

“A” 14. Report #FS-09-2011 Structure Fire 108 Clyde Lane

“B” 14. RESOLUTION #COW-2011-601

MOVED BY: Bob Mingie

SECONDED BY: Bob Sutcliffe

“THAT, Report #FS-09-2011.” is received by the Committee of the Whole for information.

ADOPTED

Public Works & Waste Management Committee

“A” 15. Report #PMMW-13-2011 2 YEAR EXTENSION TO EXISTING WASTE AND RECYCLING SERVICES AT WASTE SITES / TRANSFER STATIONS CONTRACT PW2008-02”

“B” 15. RESOLUTION #COW-2011-602

MOVED BY: Bob Sutcliffe

SECONDED BY: Derek Love

“THAT, Council for the Township of Lanark Highlands extend the current “Waste & Recycling Services at Waste Sites & Transfer Stations Contract PW2008-02” with Mr. Ewen Alexander for an additional 2 years, until December 31st 2013.

ADOPTED

All of which is respectfully submitted by:

Chair, Brian Stewart

**Direction by the Mayor:
Council may remove items in Section "B" to be voted on separately prior to
introducing a motion to accept the report in its entirety.**

Moved and Seconded by:

Moved By:

Seconded By

Adopted this 15th, day of December 2011

Peter McLaren, Mayor

Ross Trimble, Clerk

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

BY-LAW NO. 2011-1156

**BEING A BY-LAW TO ESTABLISH
DEVELOPMENT CHARGES**

WHEREAS, Section 2 (1) of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended, provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to where the by-law applies;

AND WHEREAS, a development charge background study has been completed as per Section 10 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

AND WHEREAS, a public meeting was held on December 15th, 2011 as per Section 12 of the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

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**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2011-1156**

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**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2011-1156**

**PART 1
DEFINITIONS**

2.0 DEFINITIONS

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

- 2.1 **Accessory** - means when used to describe a use, building or structure, that the use, building or structure is naturally or normally incidental, subordinate and exclusively devoted to a main use, building or structure located on the same lot therewith.
- 2.2 **Act** - means the *Development Charges Act, 1997, as amended*.
- 2.3 **Building** - means a structure having a roof supported by columns or walls or directly on the foundation and used for the shelter and accommodation of persons, animals or goods and without limiting the foregoing, includes buildings as defined in the *Building Code Act*.
- 2.4 **Capital Cost** - means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or under an agreement:
- (a) to acquire land or an interest in land, including a leasehold interest;
 - (b) to improve land;
 - (c) to acquire, lease, construct or improve buildings and structures;
 - (d) to acquire, lease, construct or improve facilities including:
 - (i) rolling stock with an estimated life of seven years or more,
 - (ii) furniture and equipment other than computer equipment, and
 - (ii) materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*.
 - (e) to undertake studies in connection with any of the matters in clauses (a) to (d),
 - (f) to prepare a development charges background study, and
 - (g) for interest on money borrowed to pay for costs described in clauses (a) to (d) above.

- 2.5 **Commercial Use** - means any use permitted in a commercial zone other than a residential use as described by the zoning by-law of the municipality and any amendments thereto.
- 2.6 **Condominium Act** – means the *Condominium Act, 1998, S.O. 1998, c.19, as amended*.
- 2.7 **Council** - means the Council of the Corporation of the Township of Lanark Highlands.
- 2.8 **Designated Area (Benefiting Area)** - means an area defined by a map, by text, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction or purchase of a service or services.
- 2.9 **Development** - means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or change of use thereof, and includes redevelopment.
- 2.10 **Development Charge** - means a charge imposed against the land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the By-Law applies.
- 2.11 **Duplex** - means a building that is divided horizontally into two separate dwelling units, each of which has an independent entrance.
- 2.12 **Dwelling Unit** - shall mean one or more rooms in a building used or designed and intended to be used as a single, independent, and separate house-keeping establishment in which food preparation and sanitary facilities are provided and which has a private entrance from outside the building or from a common hallway or stairway inside the building, but does not mean or include a tent, sleeping cabin, hunt camp, recreational vehicle, or a room or suite of rooms in a boarding house, hotel, motel, motor hotel, or tourist home.
- 2.13 **Farm Building** - means a *building* or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds, but excludes a manure storage facility and a silo.
- 2.14 **Front-Ending Agreement** - means an agreement made under section 44 of the *Development Charges Act, 1997*.
- 2.15 **G.S.T.** - means the Federal Government's Goods and Services Tax.
- 2.16 **Grade** - means the average level of proposed or finished ground adjoining a building at all exterior walls.

- 2.17 **Gross Floor Area** - means the total area of all floors above *grade* of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of any party wall that separates one occupancy from another.
- 2.18 **Hunt Camp** – means a building or structure intended to provide basic shelter and accommodation on a temporary basis for persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other outdoor forms of recreation. The building or structure shall not exceed 41.8 m² [450 ft.²] in gross floor area and shall not be serviced with indoor plumbing nor wired to provide an electrical service. The building or structure shall not exceed the height required to accommodate one (1) storey and a sleeping loft.
- 2.19 **Industrial Building** - means a building used for or in connection with:
- (a) manufacturing, producing, processing, storing or distributing something;
 - (b) research or development in connection with manufacturing, producing or processing something;
 - (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed if the retail sales are at the site where the manufacturing, production or processing takes place;
 - (d) office or administrative purposes, if they are:
 - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
 - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution.
- 2.20 **Industrial Use** - means the use of land, building or structures for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services or as otherwise defined in the zoning by-law.
- 2.21 **Local Board** - means a local board as defined in the *Municipal Affairs Act*, other than a board defined in subsection 1 (1) of the *Education Act*.
- 2.22 **Local Services** - means those services related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under Section 51 or 53 of the *Planning Act*.

- 2.23 **Mobile Home** - means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.
- 2.24 **Multiple Dwelling** - shall mean a residential use building containing more than two dwelling units.
- 2.25 **Municipality** - shall mean the Corporation of the Township of Lanark Highlands;
- 2.26 **Net Capital Cost** - means the capital cost less capital grants, subsidies and other contributions made to the *municipality* or that the Council of the *municipality* anticipates will be made, including conveyances or payments under Sections 51 and 53 of the *Planning Act* in respect of the capital cost.
- 2.27 **Non-Residential Uses** - means uses of land, buildings or structures for purposes other than a dwelling unit and shall include commercial, institutional, industrial, agricultural uses, parks and open spaces, and other such uses.
- 2.28 **Owner or Owners** - means the owner of land or a person who has made application for approval for the development of land upon which a development charge is imposed.
- 2.29 **Place of Worship** - means that part of a building or structure that is exempt from taxation as a place of worship under the *Assessment Act*.
- 2.30 **Planning Act** – means the *Planning Act, 1990, R.S.O. c.P.13, as amended*.
- 2.31 **Recreational Vehicle** – means any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for living, sleeping, eating or accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Examples include a motor home, tent trailer, a camper trailer, a recreational trailer, a fifth wheel or a bus converted into a motor home or a park model trailer, as defined. A recreational vehicle shall not be deemed to include a mobile home or a manufactured home. The definition of a recreational vehicle shall not be interpreted to include recreational equipment such as boats, boat or vehicle trailers, personal water craft, snowmobiles, all terrain vehicles (ATVs) or other equipment used for recreational purposes and which are normally stored or parked on a lot.
- 2.32 **Residential Uses** - means uses of land, buildings or structures designed or intended to be used as living accommodations for any length of time for one or more individuals.

- 2.33 **Row Dwelling** - means a residential building that is divided vertically into three (3) or more dwelling units.
- 2.34 **Semi-Detached Dwelling** - means a residential building that is divided vertically into two dwelling units, each of which has an independent entrance.
- 2.35 **Services** - means municipal services designated in this By-Law or in an agreement made under Section 44 of the *Act*, as applicable.
- 2.36 **Single Detached Dwelling** - means a residential building consisting of one (1) dwelling unit and not attached to another structure.
- 2.37 **Silo** - means a building or structure designed and used for the storage of grain, fodder, feed or other food to be fermented and/or used as feed for livestock and shall include a cylindrical pit or tower, bunker or grain bin whether vertical or horizontal.
- 2.38 **Sleep Cabin** – means an accessory building or structure, located on the same lot as the principle building or structure, the accessory use being for sleeping accommodations in which sanitary facilities may be provided, but shall not contain cooking facilities.
- 2.39 **Square Metre or Square Foot** - means that portion of a building or structure (expressed in metres or feet or any fraction thereof) actually depicted, described or utilized for any use as illustrated in a site plan under the *Planning Act* or the *Building Code Act*.
- 2.40 **Standard of Services** - means those standards which govern the quantity, quality or form, method, delivery, operation or manner in which services are constructed or installed and which have been duly approved by Council and which comply with Section 5 (1) (4) of the *Development Charges Act, 1997*.
- 2.41 **Structure** - means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground.

PART 2 APPLICATION

3.0 DESIGNATED AREAS

- 3.1 The designated area within which development charges are imposed by this by-law are all lands, buildings and structures within the geographic limits of the Township of Lanark Highlands.

4.0 DESIGNATED SERVICES

- 4.1 The municipal services for which development charges shall be imposed are as follows, and as set out in Schedules "A" and "B" attached to and forming part of this By-Law:

- 4.1.1 Transportation Services
- 4.1.2 Fire Services
- 4.1.3 Recreation and Cultural Services
- 4.1.4 Capital Studies

5.0 DESIGNATED USES OF LAND, BUILDINGS OR STRUCTURES

- 5.1 The uses of land, buildings or structures for which development charges are hereby imposed are as follows, and are also as set out in Schedule "A" attached to and forming part of this By-Law:

- 5.1.1 Residential uses as defined in Section 2.32 of this By-Law.

**PART 3
DEVELOPMENT CHARGES**

6.0 DEVELOPMENT CHARGES

- 6.1 Development charges shall apply to and shall be calculated and collected in accordance with the provisions this By-Law on land to be developed for residential development where, the development of the land would-increase the need for services and the development requires one or more of the following,
- (a) the passing of a zoning by-law or of an amendment thereto under section 34 of the *Planning Act*;
 - (b) the approval of a minor variance under section 45 of the *Planning Act*;
 - (c) a conveyance of land to which a by-law passed under Section 50 (7) of the *Planning Act*;
 - (d) the approval of a plan of subdivision under Section 51 of the *Planning Act*;
 - (e) a consent under Section 53 of the *Planning Act*;
 - (f) the approval of a description under Section 50 of the *Condominium Act*;
 - (g) the issuing of a permit under the *Building Code Act*, in relation to a building or structure.
- 6.1.1 Where two or more of the actions described in Subsection 6.1 (a) to (g) are required in order to develop land, only one development charge shall be calculated and collected in accordance with the provisions of this By-Law.
- 6.1.2 Notwithstanding Subsection 6.1.1, if two or more of the actions described in Subsection 6.1 (a) to (g) occur at different times, and if the subsequent action has the effect of increasing the need for all or some of the services designated in Schedule "A", an additional development charge shall be calculated and collected in accordance with the provisions of this By-Law.

6.2 Residential Uses

The development charges in respect of net capital costs for services for residential uses shall be as set out in Schedule "B", attached to and forming part of this By-Law except that no charge shall apply as set out in Schedule "C" of this By-Law titled Exemptions and Exceptions.

7.0 CUMULATIVE CHARGES

- 7.1 The development charges shall be cumulative by adding together the calculated development charge for each of the applicable services to be used together with any interest charges, as set out in Schedule "A".
- 7.2 For multiple use buildings, the development charge shall be the cumulative total of the applicable charges for each respective land use within the building.

8.0 REDEVELOPMENT

8.1 Residential

An owner who has secured the necessary approvals may demolish and replace an existing residential use or a non-residential use is not be subject to the development charges set out in Schedule "B" with respect to the development being replaced.

PART 4 ADMINISTRATION

9.0 WHEN DEVELOPMENT CHARGE PAYMENT IS DUE

9.1 Payment of Development Charge

- 9.1.1 Development charges shall be calculated and payable in full in money or by provision of services as may be agreed upon, or by credit granted by the Act, on the date that a building permit is issued in relation to a building or structure on land to which a development charge applies.
- 9.1.2 Where development charges apply to land in relation to which a building permit is required, the building permit shall not be issued until the development charge has been paid in full.
- 9.1.3 Notwithstanding Subsections 9.1.1 and 9.1.2, an owner may enter into an agreement with the municipality to provide for the payment in full of one or more development charges before a building permit is issued or later than the issuing of a building permit.
- 9.1.4 *G.S.T.* shall not be collected as a surcharge to the payment of a *development charge*.

9.2 Collection of Unpaid Development Charges

If the development charge or any part thereof imposed by the municipality remains unpaid after the due date, the amount unpaid shall be added to the tax roll as taxes as per Section 32 of the *Development Charges Act, 1997*.

9.3 Complaints about Development Charges

An owner may complain in writing to the Council of the municipality in respect of the development charge imposed by the municipality on the owner's development subject to the provisions of Section 20 of the *Development Charges Act, 1997*.

10.0 INDEXING

10.1 Council may adjust the development charges in this by-law once annually in accordance with the "*Construction Price Statistics*" index as published by Statistics Canada quarterly (catalogue number 62-007). Such adjustments shall not require an amendment to this By-Law.

11.0 RESERVE FUND

11.1 A reserve fund for revenues received from development charges is hereby established and shall be called the development charges reserve fund.

11.2 The development charges reserve fund shall be used to meet the net capital costs for which the development charge was levied under this By-Law.

11.3 The Treasurer of the municipality shall maintain separate accounts under the development charges reserve fund including interest earned thereof for each municipal service category set out in Section 4.1 of this By-Law.

11.5 Income received from investments of the development charge reserve fund shall be credited to the development charges reserve fund account for the designated municipal service category (per Section 4.1 of this By-Law) in relation to which the investment income applies.

12.0 REPORTING

12.1 The Treasurer shall prepare an annual financial statement for the development charges fund, as prescribed under Section 12 of *Ontario Regulation 82/98* and to submit the statement for Council's consideration and within 60 days thereafter, to submit such statement to the Minister of Municipal Affairs and Housing.

13.0 REFUNDS FOR BY-LAW AMENDMENT OR APPEAL

- 13.1 The municipality shall pay interest on a refund as per the provisions of the *Act* at a rate not less than the Bank of Canada rate in effect on the date this Development Charges By-law comes into force.

14.0 EXCEPTIONS AND EXEMPTIONS

- 14.1 Exceptions and Exemptions are as set out in Schedule "C" of this By-Law.

15.0 OTHER BY-LAWS AND REGULATIONS

- 15.1 Nothing in this By-Law shall exempt any person from complying with the requirements of any other By-Law, agreement or legislation in force.
- 15.2 If an owner or former owner has, before the coming into force of this development charges by-law, paid all or any portion of a charge related to development pursuant to an agreement under section 51 or 53 of the *Planning Act* or a predecessor thereof with respect to land within the area to which the by-law applies, the municipality shall give a credit for the amount of the charge paid.
- 15.3 If an owner or former owner has, before the coming into force of this development charges by-law, provided services in lieu of the payment of all or any portion of a charge related to development pursuant to an agreement under section 51 or 53 of the *Planning Act* or a predecessor thereof with respect to land within the area to which the by-law applies, the municipality shall give a credit for an amount equal to the reasonable cost to the owner or to the former owner of providing the services.
- 15.4 Under this By-Law, the municipality may give a credit for work done against all or a portion of one or more services for which a development charge may be imposed and may allow the credit to be applied to a different service either at the time of entering into an agreement or afterwards, provided that the municipality has first agreed to allow a person to perform such work. However, no credit shall be given for any work that relates to an increase in the level of service that exceeds the ten (10) year average level of service as adopted by the municipality.
- 15.5 Any credit may only be used by the holder of the credit or the holder's agent and may not be transferred unless the holder and person to whom it is to be transferred have agreed in writing, and the municipality also agrees to the transfer and undertakes to transfer the paid credit or credits.
- 15.6 If a conflict exists between the provisions of this development charge by-law and an agreement referred to in Subsection 15.2 or 15.3, the provisions of the agreement prevail to the extent of the conflict.

15.7 If a conflict exists between the provisions of this development charges by-law and any other agreement between the municipality and an owner or former owner with respect to land within the area to which the by-law applies, the provisions of the agreement prevail to the extent that there is a conflict.

16.0 STANDARD OF SERVICES

16.1 The standards for services within the Corporation of the Township of Lanark Highlands shall be those as set out from time-to-time by Council and shall be the ten (10) year average level of service for any eligible service under the *Act*.

17.0 BY-LAW REGISTRATION

17.1 A certified copy of this By-law may be registered on title to any land to which this by-law applies and may be done at the sole discretion of the municipality.

18.0 SCHEDULES TO THE BY-LAW

18.1 The following schedules to this By-Law form an integral part of this By-Law:

Schedule "A" - Uses of Land, Buildings or Structures Subject to Development Charge

Schedule "B" - Development Charge for Designated Uses of Land, Buildings or Structures

Schedule "C" - Exceptions and Exemptions

19.0 ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

20.0 BY-LAWS TO BE REPEALED

THAT, By-Law No. 2009-1000 is hereby repealed and insofar as it applies to the services affected by this By-Law, any By-Laws previously passed under the *Development Charges Act* or its predecessor with respect to development charges are hereby repealed.

21.0 EFFECTIVE DATE

ENACTED AND PASSED this 15th day of December, 2011 for a term of three (3) years.

Peter MaLaren, Mayor

Ross Trimble, Clerk

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2011-1156**

SCHEDULE "A"

**Uses of Land, Buildings or Structures Subject to Development Charges
Indicated by an "X"**

MUNICIPAL SERVICE		Residential Uses	Hunt Camp
1	Transportation Services	X	X
2	Fire Services	X	X
3	Recreation and Cultural Services	X	Nil
4	Capital Studies	X	Nil

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2011-1156**

SCHEDULE "B"

Development Charge for Designated Uses of Land, Buildings or Structure

Effective from December 15th, 2011 to October 27th, 2014

Development Charges for Residential Uses			
Municipal Service		Residential Charge per dwelling unit	Hunt Camp
1	Transportation	\$1405.97/dwelling unit	\$93.17
2	Fire Services	\$156.83/dwelling unit	\$156.83
3	Recreation and Culture	\$316.28/dwelling unit	Nil
4	Capital Studies	\$120.92/dwelling unit	Nil
Total Charge		\$2,000.00/dwelling unit	\$250.00

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2011-1156**

SCHEDULE "C"

14.0 EXCEPTIONS AND EXEMPTIONS

14.1 Residential Uses

- 14.1.1 for the creation of up to two additional dwelling units in a single detached dwelling provided that the gross floor area of the additional dwelling unit or dwelling units is less than or equal to the gross floor area of the dwelling unit already in the building;
- 14.1.2 for the creation of up to one additional dwelling unit in a semi-detached, duplex or row dwelling provided that the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building;
- 14.1.3 for the creation of up to one additional dwelling unit in any residential building not described in 14.1.1 or 14.1.2 provided that the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building.

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

BY-LAW NO. 2011-1157

**A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE
CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
AT ITS MEETING HELD ON
December 15th, 2011**

WHEREAS, Section 5 of *the Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that the powers of a municipality shall be exercised by its council;

AND WHEREAS, Section 9 of *the Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5(3), provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, it is deemed expedient that the proceedings of the Council of the Corporation of the Township of Lanark Highlands at its meeting be confirmed and adopted by By-Law;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

1. GENERAL REGULATIONS

- 1.1 THAT**, the actions of the Council of the Corporation of the Township of Lanark Highlands at its meetings held on the 15th, day of December, 2011 in respect of each recommendation contained in the reports of the Committees and each motion and resolution passed and other action taken by the Council of the Corporation of the Township of Lanark Highlands at its meetings is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law.
- 1.2 THAT**, the Mayor and Proper Signing Official of the Corporation of the Township of Lanark Highlands are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of the Township of Lanark Highlands referred to in the preceding section hereof.

**THE CORPORATION OF THE TOWNSHIP OF LANARK HIGHLANDS
BY-LAW NO. 2011-1157**

1.3 THAT, the Mayor and/or Deputy Mayor and Clerk and/or Deputy Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation of the Township of Lanark Highlands.

2. ULTRA VIRES

Should any sections of this by-law, be declared by a court competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 15th, day of December, 2011.

Peter McLaren, Mayor

Ross Trimble, Clerk