



Bylaw 2015-XXX

A by-law to repeal and replace Stormwater Fee By-law 2014-168

Whereas Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the “Municipal Act”) authorizes The Corporation of the City of Markham (the “City”) to exercise authority over drainage and flood control matters; and,

Whereas Section 391 of the Municipal Act authorizes the City to pass bylaws imposing fees or charges on persons for services or activities provided or done by or on behalf of it; and,

Whereas the Council for the City deems it necessary and desirable to implement a stormwater Flood Control Program for purposes of the safety and well-being of persons, and the City’s economic and environmental well-being; and,

Whereas the Council for the City deems it necessary and desirable to create a separate Stormwater Fee to fund capital projects to improve the storm drainage system;

Now Therefore the Council for The Corporation of the City of Markham enacts as follows:

1. Definitions

In this Bylaw:

- (a) “City” means The Corporation of the City of Markham;
- (b) “Council” means the Council of The Corporation of the City of Markham;
- (c) **“MPAC” means the Municipal Property Assessment Corporation;**
- (d) “Property” means any real property within the geographical boundary of the City of Markham;
- (e) “Property Owner” means an individual, partnership or corporation who owns Property;
- (f) **“Property Class” means Property within the geographical boundary of the City of Markham classified by the MPAC;**

- (g) “Residential Property” means Property within the geographical boundary of the City of Markham classified as Residential by the MPAC;
 - (h) **“Non-Residential Property” means Property within the geographical boundary of the City of Markham classified as Non-Residential by the MPAC;**
 - (i) **“Vacant Land” means Property within the geographical boundary of the City of Markham classified as Land without structures or outbuildings by the MPAC;**
 - (j) **“Stormwater” means surface and rain water, melted snow and ice, and uncontaminated water when discharged to the stormwater drainage system from freshwater swimming pools, underground drains, foundation drains and groundwater;**
 - (k) “Stormwater Fee” means the amount charged under this Bylaw based upon the rate and class of the Property;
 - (l) “Treasurer” means the Treasurer of the City or his/her delegate;
 - (m) “Tax Bill” means the property tax bill under the Municipal Act sent to Property Owners by the City;
 - (n) “Flood Control Program” means the City-wide upgrade of storm drainage systems as approved in Class Environmental Assessment or other remediation studies.
- 2. **THAT an annual Stormwater Fee be imposed on all property classes within the City of Markham, save and except those noted as exempt in this bylaw to fund a long-term Flood Control Program which includes construction of storm drainage system capital projects and administration of the stormwater program.**
 - 3. THAT an annual Stormwater Fee of \$47 per Residential Property be imposed effective 2015.
 - 4. **THAT billing of the annual Stormwater Fee for Non-Residential property classes commence in 2016 at a rate of \$29 per \$100,000 of current value assessment (CVA); AND**
 - 5. **THAT billing of the annual Stormwater Fee for vacant land properties commence in 2016 at a rate of \$29 per \$100,000 of CVA; AND**
 - 6. **THAT the Treasurer be authorized to adjust the annual Stormwater rate for Non-Residential and vacant land properties to compensate for the average change in City CVA; AND**

7. **THAT any Property with a CVA of less than \$100,000, as determined by MPAC is exempt from this by-law and shall not have a Stormwater Fee imposed upon it; AND**
8. **THAT any Property owned by the City is exempt from this by-law and shall not have a Stormwater Fee imposed upon it; AND**
9. **THAT any Property owned by a District School Board or School Authority as defined under the Ontario *Education Act*, as amended, is exempt from this by-law and shall not have a Stormwater Fee imposed upon it; AND**
10. **THAT the Stormwater Fee levied by this by-law be included as a separate line item on the tax bill of the property; AND**
11. **THAT the Stormwater Fee levied by this by-law be due and payable in conjunction with the tax bill installments of the property; AND**
12. **THAT payment of the Stormwater Fee be paid to the Treasurer at the Municipal Offices, 101 Town Centre Boulevard, Markham, Ontario, L3R 9W3; AND**
13. **THAT By-law 2014-168 be repealed in its entirety and replaced with the Stormwater Fee By-law as outlined in Appendix “A” to this staff report; and further**
14. **THAT this by-law come into force and effect on the date it is passed.**

READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON THIS XX DAY OF XX

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor