

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 28/2014

Being a Policy By-law to establish Special Services

WHEREAS Section 307 (1) of the *Municipal Act, 2001, S.O. c. 25*, as amended, provides that all taxes shall, unless expressly provided otherwise, be levied upon the whole of the assessment for real property or other assessments made under the Assessment Act according to the amounts assessed and not upon one or more kinds of property or assessment or in different proportions. 2001, c.25, s. 307 (1);

AND WHEREAS Section 326 (1) of the *Municipal Act, 2001, S.O. c. 25*, as amended provides that a Municipality may by By-law, identify special services and related costs, to be levied to an identified designated benefitting area;

AND WHEREAS Section 326 (4) of the *Municipal Act, 2001, S.O. c. 25*, as amended, provides that for each year a By-law of a Municipality under this section remains in force, the Municipality shall, except as otherwise authorized by By-law, levy a special local Municipality levy under Section 312 on the rateable property in the area designated to raise the costs identified;

AND WHEREAS Council is desirous of establishing a Common and Special Services approach to municipal tax levy allocation and establishing a phase-in process to transition the implementation;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE HEREBY ENACTS AS FOLLOWS;

1. That the Municipality hereby establishes special services as set out in Schedule "A" attached hereto, which Schedule forms an integral part of this By-law.
2. That a ten (10) year phasing period shall commence in 2014 in order to transition the financial impact of the implementation of the common and special services tax allocation methodology, being an amount established in 2014 that shall be phased-out to decrease the tax levy in Ward 1 by \$97,500 annually and offset by an equal increase to Ward 2 such that the transition is fully phased in by 2024.
3. Any other changes to special services shall not include a phase-in unless expressly approved by Council.
4. That as part of the annual budget process, this By-law shall be reviewed in its entirety, including review of changes for that budget year pertaining to special services and any other applicable adjustments.
5. That as part of the annual budget process, the specific operating and capital net levy amount for that budget year associated with each special service shall be calculated in accordance with the related costs as outlined in Schedule "A" to this By-law.
6. That every five (5) years a more comprehensive review of this By-law be completed, including potential reconsideration of all Municipal services including those to potentially be added or removed as special services, as well as potential changes to cost determination or benefitting area for any service established as a special service.

7. That this By-law does not affect the existing direction of Council for the use of Low Level Radioactive Waste Fund principal and interest and/or reserve funds.
8. That special service rates shall be set out in the annual levy rate establishment By-law considered and passed by the Council of the Municipality and imposed on the weighted assessed values of such rateable property within the defined benefitting area as set out in Schedule "A" to this By-law.
9. That if any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this By-law shall have been declared to be invalid.
10. That By-laws 48/2003, 40/2004, 28/2006 any other By-laws pertaining to this matter are hereby repealed.
11. This By-law shall be deemed to have come into force and effect on January 1st, 2014.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 22nd day of April, 2014.

Linda Thompson, Mayor

S.C. Bernardi, Municipal Clerk

Schedule "A" to By-law 28/2014
Established Special Services

Special Service	Cost Determination	Benefitting Area
Police Service	Budgeted operating and capital net levy amount for the Ontario Provincial Police (OPP)	Ward 2
	Budgeted operating and capital net levy amount for the Port Hope Police Service (PHPS)	Ward 1
Police Service Board	Allocated share of the Police Service Board budgeted operating and capital net levy amount based on the percent of total Police Service provider cost attributed to the OPP	Ward 2
	Allocated share of the Police Service Board budgeted operating and capital net levy amount based on the percent of total Police Service provider cost attributed to the PHPS	Ward 1
Community Policing Committee	Budgeted operating and capital net levy amount for the Ward 2 Community Policing Committee	Ward 2
	Budgeted operating and capital net levy amount for the Ward 1 Community Policing Committee	Ward 1
Parking	Budgeted operating and capital net levy amount for Parking	Ward 1
Transit	Budgeted operating and capital net levy amount for Conventional and Specialty Transit	Ward 1
Crossing Guards	Budgeted operating and capital net levy amount for Crossing Guards located in Ward 2	Ward 2
	Budgeted operating and capital net levy amount for Crossing Guards located in Ward 1	Ward 1
Streetlights	Budgeted operating and capital net levy amount for Streetlights located in Ward 2	Ward 2
	Budgeted operating and capital net levy amount for Streetlights located in Ward 1	Ward 1
Sidewalks	Budgeted operating and capital net levy amount for sidewalks generally along roadways as included in the Works and Engineering Budget	Ward 1
Christmas Tree and Yard Waste Pickup	Budgeted operating and capital net levy amount for Christmas tree and yard waste pickup	Ward 1
Parks Recreation and Culture Programs	Budgeted operating and capital net levy amount for registered recreation programs administered by the Municipality which are not facility specific	Ward 1
Parks	Budgeted operating and capital net levy amount for parks located in Ward 2	Ward 2
	Budgeted operating and capital net levy amount for parks located in Ward 1	Ward 1