

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

BY-LAW NUMBER 2022-092

being a by-law to adopt a "Residential Development
Subdivision Security Maintenance Policy"

Whereas the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

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

Whereas the Council of The Township of Southgate has deemed it desirable to adopt a Residential Development Subdivision Security Maintenance policy for the Township of Southgate,

Now therefore be it resolved that the Corporation of the Township of Southgate hereby enacts as follows:

1. **That** the "Residential Development Subdivision Security Maintenance Policy", attached hereto as Schedule A is hereby adopted; and
2. **That** this by-law shall come into force and effect on the date of its passing.

Read a first, second and third time and finally passed this 6th day of July, 2022.

John Woodbury – Mayor

Lindsey Green – Clerk

Southgate Development Policy D-14

Township of Southgate Residential Development Securities & Maintenance Policy D-14

Residential Development Projects Security Requirement Chart:

Project Type	Flat Fee Security	Internal Securities Requirement	External Securities Requirement	Minimum Security Level
Site Alteration Agreement	\$3,000 for Single Resident Lot	Engineering Estimate Report		
Pre-servicing Agreement		10%	100%	
Subdivision Agreement No Pre-servicing Work		100%	100%	
Subdivision Agreement with Preliminary Acceptance Completed Work> Uncompleted Work>		10% 115%	10% 115%	
Final Acceptance reflects the end of the warranty period for all site works		0%		

Note: HST Security may be calculated at 2% of total security requirements for municipal LC requirements.

Southgate Development Policy D-14

Security Aggregating and Reductions based on Multiple Developments and Project History

The Township of Southgate will consider requests from developers in writing for security reductions of up to 20% (twenty percent) of the project security requirement from a developer that has multiple developments in the municipality. The development conditions that must be met to qualify for a Southgate Council approved security reduction are the following:

- The Township has never had to draw on the developer's posted securities in the last five (5) years to remedy complaints or concerns not addressed by the developer or their subcontractors. If the Township undertakes the investigation of resident servicing complaints, deploys resources and/or completes infrastructure repairs the Public Works department in their opinion feels was necessary that the developer, developer's engineer, servicing contractor and/or residential builder would not address to the satisfaction of the municipality acting reasonably, the developer would not qualify for this security reduction; and
- That the developer shall have a requirement for in excess of \$4,000,000.00 (five million dollars) in posted securities in the form of a letter of credit or financial bonding; and
- That the developer shall have in excess of \$10,000,000.00 (ten million dollars) in completed work being roadway and servicing infrastructure assets installed that has received or not received "Preliminary Acceptance".

Residential Development Projects - Maintenance Responsibility

Subdivision maintenance Developer responsibility during project construction and warranty period until both occupancy conditions have been met, lot grading approvals and the "Final Acceptance" warranty period has expired are:

1. Summer Road Maintenance - Street sweeping & surface maintenance
2. Winter Road Maintenance - Snowplowing & sanding/salting operations
3. General Maintenance - All roadway and street signage
4. General Road Maintenance - Manhole safety & stormwater catch basins
5. Stormwater Pond maintenance
6. Streetlight infrastructure maintenance
7. Streetlight electrical bill payment (*see conditions for earlier acceptance in the approved subdivision agreement*)
8. Parkland, equipment and fencing

The following conditions must also be met for the Township to assume the subdivision maintenance listed above being:

1. 75% Residential Unit Building Permit Occupancy approved; and
2. Approved Lot Grading Certificates provided by the Developer for the residential properties.