



The Corporation of the Town of Fort Erie By-law 44-2026

Being a By-law to Assume Ownership and Responsibility of the Stormwater Management System for The Oaks at Six Mile Creek Subdivision, Plan (59M-455), (Westwind Niagara Developments Inc. Alfred Beam)

Whereas Section 11 of the *Municipal Act*, 2001, S.O. c.25, as amended, authorizes the Council of a municipality to pass by-laws respecting matters within its jurisdiction, including public services such as water, sewage, stormwater, and roads; and

Whereas The Corporation of the Town of Fort Erie entered into a Subdivision Agreement with Westwind Niagara Developments (the “Developer”) pursuant to By-law 134-2017, to provide for the development of the lands known as The Oaks at Six Mile Creek Phases 1, 2, and 3 (the “Subdivision”); and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely:

- a) by Council passing an Assumption By-law for Primary Services after the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Primary Services; and
- b) by Council passing an Assumption By-law for Secondary Services after the Director of Infrastructure has approved the Certificate of Final Acceptance for Secondary Services; and

Whereas pursuant to the Subdivision Agreement the Storm Water Management System has been constructed and maintained by the developer; and

Whereas the Primary Services excluding Storm Water Management were assumed by By-Law 75-2025 passed on August 25, 2025; and

Whereas it is deemed appropriate and in the public interest for the Town to assume the Storm Water Management System for the said Subdivision;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following primary services, as defined and constructed in accordance with the Subdivision Agreement between the Town and the Developer, and shown on the approved servicing plans for the Oaks and Six Mile Creek Phases 1, 2, and 3, are hereby assumed by the Town of Fort Erie into its ownership and responsibility, pursuant to the Certificate of Final Acceptance of primary services namely:
 - a) The Storm Water Management Pond;
 - b) Any storm water management appurtenances;

- 2. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 22nd day of June 2026.

Mayor

Clerk