

**RESOLUTION TO AMEND
THE SEWER SERVICE CHARGE BY-LAW (BY-LAW #52)**

BE IT ENACTED by the Council for the Municipality of the County of Richmond, pursuant to the *Municipal Government Act*, S.N.S. 1998, C.18, as am.

THAT By-law #52, being the **Sewer Service Charge By-law**, is amended as follows:

1. By adding immediately after subsection 1(i) the following:
 - (j) **“Major Capital Sewer Project”** means a project for the construction, expansion, upgrade, replacement, or installation of sewerage systems which satisfies criteria determined by Council by policy and which is included by resolution of Council on the Municipality’s List of Major Capital Sewer Projects.
 - (k) **“Municipal Contribution”** means a contribution made by the Municipality to a Major Capital Sewer Project pursuant to the Major Capital Sewer Projects Policy and as defined therein.
2. By amending subsection 3.(3)(a) to add immediately after the words “upgrade of the sewerage system”, the following:

, provided that where a Municipal Contribution has been made by the Municipality pursuant to the Major Capital Sewer Project Policy, that Municipal Contribution shall be excluded from the total capital cost of the installation and upgrade of the sewerage system for the purposes hereof;

MUNICIPALITY OF THE COUNTY OF RICHMOND

SEWER SERVICE CHARGE BY-LAW

BY-LAW #52

1. In this by-law, unless the context otherwise requires, the expression:

- (a) "Building" means any dwelling, house, shop, store, office or any building which would require sewerage services;
- (b) "Engineer" means the Engineer for the Municipality and includes the Superintendent of Works;
- (c) "Municipality" means the "Municipality of the County of Richmond".
- (d) "Owner" means a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building and includes a trustee, an executor, an administrator, a guardian, an agent, a mortgagee in possession of any other persons having the care or control of any land or building in case of the absence or disability of the person having title thereto;
- (e) "Sewer" means a pipe, conduit, drain, open channel, or ditch used for the collection and transmission of wastewater, stormwater, or uncontaminated process or cooling water;
- (f) "Sewerage System" means all pipes, mains, equipment, buildings and structures for collecting, pumping or treatment of wastewater and operated by the Municipality, but does not include a storm sewer;
- (g) "Storm Sewer" means a sewer and all related structures designed exclusively for the collection and transmission of uncontaminated water, stormwater, drainage from land or from any watercourse or any of them;
- (h) "Water Utility" means the Water Utility of the Municipality.
- (i) "Year" means the fiscal year of the Municipality.

2. Every owner of lands in the Municipality

- (a) on which any building is connected to a sewerage system;
- (b) on which a building is situate that council has ordered connected to a sewerage system;

shall pay to the Municipality an annual "Sewer Service Charge" for the construction and maintenance of the sewerage system.

3. (1) Annually, the Municipality shall calculate each owners' Sewer Service Charge by dividing the total annual cost of the sewerage system by the sum of the annual revenues of the Water Utility from water rates for the previous fiscal year and the total of the deemed water rates calculated pursuant to subsection (2), and multiplying the fraction that results by each owner's water rate or deemed water rate.

(2) Every owner of property who is a non-user of the Water Utility but is a user of the sewerage system shall be assigned a deemed water rate which shall equal the average of the water rates charged to a similar class of users by the Water Utility in the previous fiscal year.

(3) The total annual cost of the sewerage system shall consist of the following:

- (a) The annual portion of the principal and interest accrued or to be due in the current year of the total capital cost of the installation and upgrade of the sewerage system;
- (b) Any amount determined annually by the Municipality is an appropriate contribution to a reserve fund established for the purpose of financing future sewerage system capital improvements;
- (c) The annual estimated maintenance and operation expenses of the sewerage system;
- (d) Any deficit existing from the previous year; and
- (e) An amount determined by the Municipality necessary to provide for the abatement, losses and expenses which may occur on the collection of the sewer service charges for the current year which may not be collected or collectable.

4. (1) Sewer service charges shall be levied on the owners of all properties liable to pay the same commencing in the year following the year in which a sewer has been installed or upgraded or the year in which the building on the property has been connected to the sewer, whichever is the earlier.

(2) For the purposes of this by-law, a sewer has been installed or upgraded when the Municipal Engineer has certified to the Council that the system or project of which the sewer forms part is substantially complete.

5. (1) The sewer service charge shall be due and payable 30 days after billing.

(2) The sewer service charge, if not paid by the due date, shall bear interest at the same rate as charged on unpaid taxes.

6. (1) The sewer service charge is a lien on the whole of the property subject to the sewer service charge in the same manner and with the same effect as rates and taxes under the Assessment Act.

(2) The sewer service charge and interest thereon may be sued for and collected in the same manner as other rates and taxes.

(3) Land is liable to be sold for unpaid sewer service charges in the same manner and with the same effect as for unpaid rates and taxes pursuant to the Assessment Act.

7. (1) Every person connecting to the sewerage system shall pay, prior to the Municipality providing the connection, a connection charge in the amount of \$400.00.

(2) Nothing in this Section means that the Municipality is responsible for any part of a sewer connection that is not in a public street, highway or sewer easement.

8. This By-law shall take effect on the first day of April, 1996. Thereinafter all sewer service charges shall be levied as provided for in this By-law.

9. Notwithstanding Section 10 any person who at the date this By-law takes effect owes an outstanding sewer charge for the installation of an existing sewerage systems, the provisions of By-law 29 the Capital Cost of Sewer Construction shall apply until the said charge is paid in full; however, should a system be constructed or upgraded all costs incurred shall be governed by the provisions of this By-law.

10. Nothing in this by-law shall affect the operation of Sections 16 to 36 of By-law 29, the Capital Cost of Sewer Construction.

