



## MUNICIPALITY OF THE COUNTY OF PICTOU SEWER CHARGES BY-LAW

1. This By-law may be cited as the “*Sewer Charges By-law*”.

### **DEFINITIONS**

2. In this By-law, unless the context otherwise requires, the expression:
  - (a) “building” means any dwelling, mobile home, mini home, house, shop, store, office or any building which would require sewerage services;
  - (b) “clerk” means the Clerk of the Municipality;
  - (c) “Council” means Council of the Municipality;
  - (d) “engineer” means the employee of the Municipality designated by the Chief Administrative Officer to be the Engineer for the Municipality;
  - (e) “equivalent user units” means the equivalent user units contained in Schedule “A” to this By-law;
  - (f) “mini home” includes a dwelling unit designed for transportation after fabrication whether on its own wheels, or on a flat bed or other trailer;
  - (g) “mobile home” means any vehicle or similar portable structure and extension thereof, having no integral foundation other than wheels, jacks, or skirtings, so designed or constructed as to permit occupancy for year round dwelling purposes, and having a flush toilet and a bath or shower;
  - (h) “mobile home park” means any plot of ground upon which two or more mobile homes, or mini homes, occupied for dwelling or sleeping purposes, are located for a period exceeding three weeks, except for tourist purposes;
  - (i) “mobile home space” means a tract of land, within a mobile home park, or designated for the accommodation of one mobile home or mini home;

- (j) “municipality” means the Municipality of the County of Pictou or the area contained within its municipal boundaries as the context requires;
- (k) “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 or 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;
- (l) “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;
- (m) “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, and includes any part thereof of addition thereto;
- (n) “storm sewer” means a sewer and all related structures designed exclusively for the collection and transmission of uncontaminated water, storm water, drainage from lands or from any watercourse or any of them;
- (o) “Treasurer” means the Treasurer of the Municipality;
- (p) “wastewater” means any liquid waste containing animal, vegetable, mineral, or chemical matter in solution or suspension carried from any premises;
- (q) “Year” means the fiscal year of the Municipality.

### **EXCLUSION OF EXISTING MOBILE HOME PARKS**

3. This by-law does not apply to any mobile home park for which a permit for its initial construction was or should have been issued before April 1, 1996.

### **EQUIVALENT USER UNITS, OPERATIONAL DATES, ETC.**

4. (1) Subject to the provisions of this by-law, equivalent user units shall be as computed and calculated as per Schedule “A” to this by-law, and Schedule “A” forms part of this by-law.

(2) Equivalent user units may be attributed to a particular lateral and an account rendered for sewer capital charges based upon that attribution when the number of equivalent user units can be calculated with reasonable certainty by the Engineer, notwithstanding there may be no structure on the land, and the number of equivalent user units attributed to a particular lateral may be revised from time to time if, in the opinion of the Engineer, circumstances require such a revision, and where there is such a revision, any account for sewer capital charges may be adjusted accordingly.

(3) Notwithstanding any other provision of this by-law:

- (a) no single lateral connection except a garden suite shall be valued at less than 1.0 equivalent user units; and
- (b) in addition to any other equivalent user units in or on a mobile home park to which subsection 6(1) applies, every mobile home space in a mobile home park to which subsection 6(1) applies shall be assessed at 1.0 equivalent user units.

5. For the purpose of this by-law, a sewer or sewerage system or any part thereof is deemed to have become operational only on the date the engineer certifies to the Chief Administrative Officer of the Municipality that the system or sewerage system or project of which the sewer or sewerage system forms part is operational.

### **SEWER CAPITAL CHARGE**

6. (1) From the date the sewerage system becomes operational, and thereafter, the following persons shall be liable to pay and shall pay a sewer capital charge as calculated in subsection (2) of this section:

- (a) every owner of land containing a building, any part of which is within two hundred feet of a sewerage system; and,
- (b) every owner of a mobile home park for which the initial permit for its construction was or should have been issued after April 1, 1996, the nearest part of which land is not more than two hundred feet from any portion of a sewerage system, and,
- (c) every owner of vacant land described in section 8(3); and,
- (d) any other owner of land who has requested the installation of a lateral connection and for whom the lateral connection has been installed.

(2) The sewer capital charge for the persons described in subsection (1) of this section shall be calculated as follows:

(a) for the first equivalent user unit or part thereof, the sum of \$2,500.00; and

(b) for any connection in which the equivalent user units are or become greater than one, \$2,500.00 for the first equivalent user unit plus \$250.00 for each additional equivalent user unit or part thereof.

(3) The sewer capital charges described in subsections 1 and 2 of this section of the by-law shall not be levied against an owner if the owner is in possession of a valid exemption certificate issued by the Municipal Engineer pursuant to Section 8(1) of the Municipality of the County of Pictou's Sewer Connection By-Law.

(4) Upon expiration of the exemption certificate, the sewer capital charge shall be levied in the amount described in Subsection 2 of this section of the by-law.

(5) The sewer capital charge described in subsection 2(a) of this section of the by-law may be reduced in accordance with the Municipality of the County of Pictou's Policy 2001-08-32 Low Income Capital Charges Tax Exemption.

### **INCREMENTAL EQUIVALENT USER UNITS**

7. Where either:

(a) an owner of land is connected to a sewerage system; or

(b) the construction of a public sewer lateral or laterals to the boundary of vacant land has occurred; and

(c) the owner uses the land in such a way that there is or will be an increase in the number of equivalent user units attributable to a lateral connection,

unless that use is a garden suite, that owner shall be liable to pay, and shall pay, an additional sewer capital charge for each such additional equivalent user unit or part thereof on each such public sewer lateral, which shall be equal to the number of such additional equivalent user units or part thereof, times \$250.00.

### **VACANT LAND**

8. (1) Subject to subsection (2) of this section, no sewer capital charge shall be payable by an owner of vacant land.

(2) Notwithstanding subsection (1) of this section, the owner of vacant land which fronts on any street or highway in which a sewerage system is or will be situated, may request the installation of one or more public sewer laterals from the sewerage system to the boundary of the owner's property.

(3) Where a public sewer lateral or laterals from the sewerage system to the boundary of the owner's vacant land is, or are, so constructed, and the land is still vacant on the date construction of the public sewer lateral is complete, that owner shall be deemed to be an owner of land containing a building, part of which is within two hundred feet of a sewerage system within the meaning of Section 6(1)(a), in respect of each such public sewer lateral, and shall be liable to pay, and shall pay, for each such public sewer lateral, a sewer capital charge equal to the charge for the greater of one equivalent user unit or the number of equivalent user units attributed to that public sewer lateral under section 4(2) of this by-law.

(4) Land is vacant under this by-law if, on the date an account for sewer capital charges is rendered, there is no reasonable basis upon which the Engineer can attribute a number of equivalent user units to the public sewer lateral or laterals.

## **SEWER SERVICE CHARGE**

9 Every owner

- (a) of land on which any building is connected to a sewerage system; and
- (b) of land on which a building is situated that is required to be connected to a sewerage system or which Council has ordered connected to a sewerage system; and
- (c) of land containing a mobile home park to which this by-law applies,

shall be liable to pay, and shall pay, an annual sewer service charge for the maintenance and operation of the sewerage system of the Municipality.

10 (1) For each year the Municipality shall calculate the sewer service charge to be paid by each owner of land referred to in section 9 of this by-law, by dividing the total estimated operating and maintenance cost of all of the Municipality's sewerage systems for that year, by the total number of equivalent user units actually operating on those sewerage systems at the time of the calculation, times the number of equivalent user units actually operating on that owners' land at the time of the calculation.

(2) For the purpose of calculating the sewer service charge for a garden suite, the number of equivalent user units shall be 1.0 equivalent user units per garden suite.

(3) Where any sewerage system is deemed to have become operational on any date after the beginning of the year, the annual sewer service charge for that part year on that system shall be pro-rated from the date of the connection of the service to that lateral to the end of the year in question.

11. (1) An owner of land that fronts on any street or highway in which a sewer is situate, or that fronts on a right of way which connects to such a street or highway, is not liable to pay the sewer service charge if the Engineer certifies that it would be impractical to connect any building on the land to the sewer.

(2) A decision of the Engineer pursuant to this Section may be appealed to the Council, and Council has the power to confirm, reverse or vary the decision as it sees fit, or to make any other decision as it sees fit.

(3) This section applies only to land upon which a building has been constructed.

### **BILLINGS & ENFORCEMENT**

12. (1) Sewer capital charges and sewer service charges shall be levied on the owners of all properties liable to pay the same.

(2) The Treasurer, from time to time, may render accounts for sewer capital charges and for sewer service charges or any portion thereof as soon as the cost of the same are known, or reasonably can be estimated, and such accounts, whether for the whole of such charges or for any portion thereof, may be based on such estimates.

(3) The Treasurer shall forward a notice that a sewer has been installed to each person who appears to him to be liable for the payment of a sewer capital charge or a sewer service charge, but the failure to forward such a notice shall not invalidate or defeat any sewer capital charge or sewer service charge, or prevent interest from accruing thereon, and nothing but the payment in full of the sewer capital charges and the sewer service charges, and any interest thereon shall discharge the liability to pay any such charges so made.

13. (1) Subject to section (3) of this section, accounts for sewer capital charges and sewer service charges shall be due and payable when rendered.

(2) Sewer capital charges, and sewer service charges, shall bear interest at the annual rate set from time to time by Council by policy, and interest shall be calculated from thirty (30) days after the date the account is rendered.

(3) Notwithstanding subsection (1) of this section, sewer capital charges, at the option of the owner, may be paid in installments over a period of three (3) years, and the entire amount, from time to time outstanding and unpaid, shall bear interest at the rate set from time to time by Council by policy.

(4) An account is rendered under this by-law on the date it bears.

14. (1) The sewer capital charge and the sewer service charge and interest on each are, and each is, a first lien on the real property, and the lien arises and attaches and becomes effective as the work is done, or the service is provided, or the interest is charged, and the interest accrues from day to day, as the case may be.

(2) The sewer capital charge and the sewer service charge and interest thereon may be collected in the same manner as other taxes and at the option of the Treasurer of the Municipality are collectible at the same time, and by the same proceedings, as other taxes.

## **GARDEN SUITES**

15. (1) In this section,

- (a) “family member” means mother, father, mother-in-law or father-in-law of the owner of the principal residence lot;
- (b) “garden suite” means a relocatable single storey dwelling unit, not exceeding 1000 square feet in floor area, designed and intended to provide accommodation to a family member and to be located as a non-permanent second dwelling unit on a principal residence lot only for so long as required for the intended purpose;
- (c) “principal residence” means the actual, inhabited principal residence of the lot owner;
- (d) “principal residence lot” means the single lot of land upon which is located the principal residence, and upon which is located, or is proposed to be located, a garden suite;

(2) Notwithstanding anything else in this by-law, but subject to subsection (3) of this section, where an owner of land installs a garden suite on a principal residence lot, inhabited, or to be inhabited, by a family member, it shall be served by a separate sewer lateral, and the principal lot owner shall be liable to pay, and shall pay, two sewer capital charges as follows:

- (a) upon installation, a first sewer capital charge is due and payable, equal to 20% of the capital charge that otherwise would be payable

on the date the installation of the sewer lateral for the garden suite was made; and

- (b) upon the date the garden suite ceases to be inhabited by a family member, or the principal residence lot is subdivided so that the garden suite is on a separate lot, or the principal residence lot is sold, transferred or conveyed, except to a son or daughter or son-in-law or daughter-in-law who continues the use of the garden suite for a family member, a second sewer capital charge is due and payable equal to 80% of the sewer capital charge that otherwise would be payable if the sewer lateral for the garden suite was being installed on the date upon which occurs the first of the events listed in this sub-clause.

(3) Notwithstanding sub-section (2) of this clause, where an owner of land installs a garden suite on a principal residence lot and where that garden suite ceases to be inhabited by a family member, the second sewer capital charge referred to in sub-section (2)(b) of this clause shall not be payable by the owner where the owner, in accordance with directions to be given by the Engineer, disconnects the garden suite from the sewerage system.

(4) The Engineer shall certify to the Treasurer the dates upon which any of the events referred to in subsection (2) of this section have occurred, and his certificate shall be conclusive evidence of its contents.

(5) No garden suite shall be connected to a sewerage system unless the owner of the principal residence lot first files a certificate and undertaking with the Engineer which:

- (a) certifies that the garden suite is or will be inhabited only by a family member; and
- (b) undertakes that the principal lot owner will advise the Engineer in writing when the garden suite has been removed from the principal residence lot, or when the garden suite ceases to be inhabited by a family member, or when the principal residence lot has been subdivided, sold, transferred or conveyed; and
- (c) undertakes to pay the Municipality the first and second sewer capital charges as herein provided.

(6) The purpose of this part is to provide for the levying of sewer capital charges on garden suites and it does not in any way imply a grant or a permission to construct or locate a garden suite on any property or to its use after construction or location.



## **MULTIPLE CONNECTIONS**

16. (1) In this section;

- (a) “accessory building” means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use;
- (b) “accessory use” means a customarily subordinate and incidental to a main use of land or building and located on the same lot, which in the sole discretion of the Engineer, or the Engineer’s designate, would not overburden or otherwise adversely impact the sufficiency of existing lateral(s) of the sewerage system serving the lot;
- (c) “dwelling” means a building occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, motel, apartment hotel or a travel trailer;

(2) Subject to all requirements of the Sewer Connection By-Law, with the approval of the Engineer, or the Engineer’s designate, the Municipality will permit an owner of a dwelling to connect an accessory building to the sewerage system, through the same lateral servicing the dwelling.

(3) Subject to all other requirements of the Sewer Connection By-Law and approval of the Engineer or the Engineer’s designate, the connection of the accessory building to the sewerage system may be made by connecting the plumbing of the accessory building to the plumbing of the dwelling.

(4) A connection made to the sewerage system pursuant to this section shall not result in;

- (a) a capital charge as prescribed in Section 6 of this by-law;
- (b) a sewer service charge as described in Section 9 of this by-law.

(5) Notwithstanding subsection 4 of this section of the by-law, the Municipality will impose the capital charge as prescribed in Section 6 of this by-law and a sewer service charge as prescribed in Section 9 of this by-law if;

- (a) the accessory building is used to operate a home based business;
- (b) the accessory building is used for the purposes of a sleeping place by one or more persons; or

- (c) in the sole discretion of the Engineer, or the Engineer's designate, the use of the accessory building becomes such as to overburden or otherwise adversely impact the sufficiency of the existing lateral(s) of the sewerage system serving the lot on which the accessory building is located.

17. The Sewer Charges By-law of the Municipality, approved by Municipal Council on September 4, 2012 is repealed on and not before the date upon which this By-law becomes effective.

**THIS IS TO CERTIFY** that the foregoing is a true copy of a By\_Law duly adopted at a duly called meeting of the Municipal Council for the Municipality of the County of Pictou held on the 2<sup>nd</sup> day of April, 2012.

**GIVEN** under the hands of the Municipal Clerk and under the corporate seal of the Municipality this 5<sup>th</sup> day of September, 2012.

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BRIAN CULLEN, MUNICIPAL CLERK

<u>Advertising</u>	<u>1<sup>st</sup> Reading</u>	<u>2<sup>nd</sup> Reading</u>
The News	03/13/13	04/17/13
The Advocate	03/13/13	04/17/13

**SCHEDULE "A"**

<b>Type of User</b>	<b>Number of Equivalent User Units</b>	<b>Additional Use</b>	<b>Additional Units</b>
Single Family Dwelling	1.00	With a Private Swimming Pool add	1.00
		With a doctor or dentist office add	
		With a beauty or barber shop add	
Mobile Home	1.00	With a Private Swimming Pool add	1.00
		With a doctor or dentist office add	
		With a beauty or barber shop add	
Individual Apartment	1.00		
Senior Citizens Home (1 <sup>st</sup> Unit)	1.00	Each additional unit add	1.00
Rooming House, Boarding House, Convent, Institutional Dormitory up to five beds	1.00	For each additional bed add	0.20
Hospitals & Homes with Medical Care Facilities	1.00	Without Laundry Facilities add per bed	0.50
		With Laundry facilities add per bed	0.75
Institution with Laundry Facilities & Without Medical Care Facilities	1.00	Add per bed	0.50
Schools, per person (staff & student)	1.00	Add 0.08 per person(Staff & Student)	
Doctor's Office, Dentist's Office, Beauty or Barber Shop	1,00		
Tourist Trailer Park with hook-up facilities per space	0.20	Each additional bathroom facility add	0.30
Hotels, Motels, & Tourist Cottages with housekeeping facilities, per room or unit	1.00	With housekeeping facilities per room or unit add	0.50
		Without housekeeping facilities per room or unit	0.30
		With Swimming Pool	1.00
Tourist Home	1.20	Each additional bathroom add	0.30
Stores, Banks, Clubs, Recreational Facilities & places of business, including Industrial	1.00	Each additional washroom facility add	0.50
Churches, Church Halls, per free standing structure	1.00		

Type of User	Number of Equivalent User Units	Additional Use	Additional Units
Buildings owned by Fraternal Organizations, per free standing structure	1.00		
Fire Halls & Fire Stations	1.00		
Laundromat	1.00	For each machine add	2.00
Service Stations with washroom facilities	1.00		
Car Wash Facilities, each bay	1.00		
Restaurant, Cafeteria, Snack Bar	1.00	For each 10 seats add	0.25
Licensed Restaurant, Lounge, Dining Room or Club	1.00	For each five seats add	0.75
Drive-in Restaurant or Theatre with Canteen	1.00	First Washroom facility add	1.00
		For each additional washroom facility	0.50