

M10 SEWER CHARGES BYLAW

- 1 For the purpose of this bylaw, unless the context otherwise requires:
 - (a) “Building” means any dwelling, house, shop, store, office or any building which would require sewage services.
 - (b) “Dwelling Unit” means a living quarters, accessible from a private entrance either outside a building or in a common area within the building, that are occupied or, if unoccupied, are reasonably fit for occupancy, and that
 - (i) contains kitchen facilities within the unit; and
 - (ii) has toilet facilities that are not shared with the occupants of other dwelling units, and includes a mobile home.
 - (c) “Municipal Engineer” means the staff engineer of the Municipality or a consultant engineer engaged by the Municipality, or the Director of *Public Works* of the Municipality.
 - (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 of disability of the person having title thereto.
 - (e) “Sewer” means a sewer or drainage system constructed, purchased, or otherwise acquired by the Municipality and maintained as a public sewer or drain, and includes the trunk main, all laterals to the street/property line and any sewage treatment plant connected thereto.
 - (f) “Year” means the fiscal year of the Municipality.
 - (g) “Lot Line” means a boundary line of a lot.
 - (i) “Front Lot Line” means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line; and where such lot lines are of equal length, the front line shall be deemed to be the front lot line as established in the block of prior construction. In the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front lot line; and the opposite, shorter boundary shall be deemed to be the rear lot lines; and where such lot lines are of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.

- (ii) “Flankage Lot Line” means a side lot line which abuts the street on a corner lot.
- (iii) “Rear Lot Line” means the lot line from or opposite to the lot line.
- (iv) “Side Lot Line” means a lot line other than a front or rear lot line.
- (h) “Lot” means any parcel of land described by its boundaries.
 - (i) “Corner Lot” means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front line of said lot.
 - (ii) “Flag Lot” means a lot characterized by its location of the main body of the lot generally at the rear of another lot or otherwise separated from the street or roadway which provides access, and by a narrower prolongation extending from the main portion of the lot to the said street or roadway. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries. The minimum interior dimension of a flag lot shall be measured in the main body of the lot.
 - (iii) “Lot Area” means the total horizontal area within the lot lines of a lot.
 - (iv) “Lot Depth” means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid points of the front and rear lot lines.
 - (v) “Lot Frontage” means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of a triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a corner lot sight triangle, the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage. The definition shall not apply in the case of a flag lot, where “frontage” shall be the length of the front lot line abutting the street.
 - (vi) “Through Lot” means a lot bounded on two opposite sides by streets or a highway provided, however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this bylaw.

2. ADMINISTRATIVE:

- (1) The Municipality shall have a separate account for the sewer system operation.
- (2) The cost of the sewer service shall include:
 - (a) the direct operating and maintenance costs of the sewer systems, being the approved budget for the ensuing fiscal year;
 - (b) an allowance for the administrative costs associated with the sewer system, equal to five (5) per cent of the direct operating and maintenance costs of the system;
 - (c) a capital replacement cost equal to point nine (0.9) per cent of the of the estimated replacement cost of the physical plant, including pumping stations, treatment plants, collector and trunk sewers, force mains and outfalls;
 - (d) the replacement cost will be reviewed every five years or at the discretion of Council.
- (3) The direct operating and maintenance costs of the sewer system do not include any part of the capital cost of the system, any extension of the system, any connection to the system of **a lot** or building that existed when the system was completed, or any debt charges associated with such costs.
- (4) Any capital costs incurred for replacement of any component of a sewer system shall be paid for out of the accumulated sewer capital replacement reserve fund for the sewer system. If the accumulated sewer capital replacement reserve fund is insufficient, the cost not paid for from the accumulated capital replacement reserve fund shall be charged to the sewer system and amortized over a period not to exceed the expected useful life of a system, with interest at a rate charged to the Municipality for other borrowings of a like nature.

3. SEWER SERVICE CHARGE

- (1) The sewer service charge shall be calculated annually by dividing the cost of the sewer service by the total of the **equivalent** units (1 unit = 1 equivalent residential user). The cost of sewer service shall be calculated in accordance with Section 2. The total **equivalent** units shall be calculated in accordance with Section 5 as at January 31 in each year.
- (2)
 - (a) The sewer service charge for each year shall normally be billed on or before the first day of March of the preceding fiscal year.
 - (b) The sewer service charge is due and payable within 31 days of the date rendered.

- (c) The sewer service charge, if not paid when due, shall bear interest at the same rate as charged on unpaid taxes.
 - (d) The sewer service charge is a lien on the whole of the property subject to the sewer charge in the same manner and with the same effect as rates and taxes under the Assessment Act.
 - (e) The sewer service charge and interest thereon may be sued for and collected in the name of the Municipality in the same manner as other rates and taxes.
 - (f) 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
- (3) Prorated partial year billings will be issued for new developments connecting to existing sewers, except where the sewer construction was completed in the same fiscal year as the connection is made.**
- (4) Notwithstanding Sections 3(1) and 3(3), the sewer service charge levied on an owner of industrial, institutional or commercial land in Cornwallis Park, pursuant to Section 3(3) shall be calculated as one unit or by dividing the estimated water consumption for the remainder of the year, as determined by the Municipal Engineer, by 55,000 gallons, which ever is greater, and then multiplying by the sewer service charge calculated in accordance with Section 3(1).**

4 WHO IS LIABLE FOR SEWER SERVICE CHARGES

- (1) Every owner of land:
 - (a) on which any building is connected to the sewer line is located; or
 - (b) that fronts on any street or highway in which a sewer is situate; or
 - (c) that fronts on any right-of-way which connects to a street or highway in which a sewer is situate; or
 - (d) on which a building is situate that Council has ordered be connected to a sewer line;

shall pay to the Municipality, each year, a sewer service charge .

- (2) 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 the year in which a building on the property has been connected to the sewer, which ever is earlier.
- (3) For the purposes of this By-Law, a sewer has been installed when the Municipal Engineer has certified to Council that the system or the project of which the sewer forms part is substantially complete.
- (4) The **Municipality** shall forward a notice to each **owner of land** who is liable for the payment of the sewer charge that a sewer has been installed.
- (5)
 - (a) 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 street or highway, is not liable to pay the sewer service charge if the Municipal Engineer certifies that it would be impractical to connect any building on the land to the sewer.
 - (b) A decision by the Municipal Engineer pursuant to this Section may be appealed to Council.
 - (c) This Section applies only to land on which a building has been constructed.
 - (d) An owner of land who has been granted an exemption under this section shall not be subject to the annual sewer charge. An exemption under this section shall remain valid unless circumstances under which the exemption was granted have changed. The criteria that the Municipal Engineer shall use to determine whether an exemption should be granted shall be set out in 'Schedule B' to the bylaw.
- (6) A lot of land on which no building has been constructed and which has less than the minimum frontage or area for a lot served by a central sewer system, or a lot served by both a central sewer and a central water systems, as the case may be for the lot of land in question, as required by the Subdivision By-Law or by an applicable Land Use By-Law (which ever is stricter) is exempt from the sewer service charge.

5. SEWER SERVICE CHARGES

- (1) Each owner of land liable to pay the sewer service charge shall pay with respect to the number and kinds of buildings or equipment situate on the **land according to Schedule "A"**.
- (2) **Schedule "A" may be amended, from time-to-time by resolution of Council.**

Done and passed by Council this 17th day of **September** A.D., 2002.

Jacquie Z. Farrow-Lawrence

Jacquie Z. Farrow-Lawrence,
Municipal Clerk

BYLAW M10

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SCHEDULE “A”

<u>Feature</u>	<u>Equivalent Units</u>
Dwelling unit	1
Academic classroom in a school	1
Site in a mobile home park	1
Washing machine in a laundromat	1
Licensed bed in a nursing home or home for special care	2/3
Hotel or motel	1 plus ¼ per room
Campground or trailer park	1 plus 1/10 per site
Restaurant/lounge, lounge, tavern, pub:	
1 –10 seats	1
11-50 seats	2
for each additional 50 seats or fraction thereof	1
200 feet of frontage or fraction thereof for each lot upon which no building has been constructed and which is not in active agricultural use and meets the requirements of Sections 4(1)(b) and 4(1)(c)	1/3
1,000 feet of frontage or fraction thereof for each lot upon which no building has been constructed and which is in active agricultural use.	1/3
Industrial, commercial and institutional uses within the Cornwallis Park serviced area	1 for each 55,000 gallons per annum of water consumed during the immediately preceding calendar year, with a minimum value of one equivalent unit.
All other property	1 plus 1 for each retail premise or office space in excess of one

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SCHEDULE “B”

The Municipal Engineer may grant exemptions from charges under the Bylaw in the following circumstances:

1. the Owner of the subject property does not have the legal authority to construct and maintain a sewer between the subject property and the municipal sewer; or
2. the Owner of the subject property is, for reasons determined valid by the Engineer, unable to obtain a requisite Provincial or Federal permit to construct the sewer connection between the subject property and the municipal sewer.