

MUNICIPALITY OF THE COUNTY OF KINGS



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BY-LAW # 27A

SEWER CHARGE BY-LAW

Part 1

1. For the purpose of this by-law, unless the context otherwise requires:
 - (a) "Municipal Clerk" - means the clerk of the Municipality of the County of Kings.
 - (b) "Sewer District" - means all that area of land included within the boundaries of the Municipality of the County of Kings.
 - (c) "Sewer Line" - means a sewer or drainage system constructed, purchased or otherwise acquired by the Municipality and maintained as a public sewer or drain.
 - (d) "Building" - means any dwelling, house, shop, store, office or any building which would require sewage services.
 - (e) "Lot" - means any piece or parcel of land on which a building could be lawfully located.
 - (f) "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 other person having the care or control of any land or building in case of the absence or disability of the person having the title thereto.
 - (g) "Single Family Dwelling" - means a residential property ordinarily occupied by a single family excluding roomers, boarders and ancillary apartments, and also includes each unit in a duplex or single attached dwelling.
 - (h) "Municipal Engineer" - means the staff engineer of the Municipality or a Consultant Engineer engaged by the Municipality or other competent person appointed by Council.
2. Every owner of land which is serviced by a sewer line or is fronting on any street or highway within the Municipality which street or highway has had a sewer line installed as directed by Council pursuant to the Sewer Connection By-Law shall pay to the Municipality of the County of Kings a charge known as the Sewer Service Charge for both the construction and maintenance of such sewer line and drainage

- system and the operation of any sewer treatment facility, as set out in the Policy for Fees.
3. The owner of a property situated within 100 feet of the upper end of termination of a sewer shall pay the same rate as if the sewer was to pass in front of such property.
 4. The sewer service charge shall form a lien and charge upon the lands in respect of which it is payable and shall have priority over every grant, deed, lease or other conveyance, and over every judgement, mortgage or other lien or encumbrance whatsoever affecting the property or the title thereto.
 5. Sewer service charge shall be due from the date when the sewer in respect of which it is charged has been laid and ready for connection, which date shall be determined by the Municipal Council.
 6. The Municipal Council shall notify the owner of the basis of the sewer service charge assessment to him and the account payable.
 7. Sewer service charge shall be due and payable on the date for payment of general rates in each year.
 8. Sewer service charge and interest thereon, if remaining unpaid when due, may be sued for and collected in the name of the Municipality in the same manner as the ordinary rates and taxes payable to the Municipality may be sued for and collected.
 9. In the event that any property liable for sewer service charge be sold for non-payment of property taxes, the Municipal Clerk may deduct from the proceeds of such sale the full amount for which such property is then liable for sewer service charge although the whole may not have been then payable.
 10. No person shall connect any private sewer or drain to a municipal sewer without first obtaining permission therefore from the Municipal Engineer.
 11. It shall be the duty of the Municipal Engineer on the request of the Municipal Clerk to inspect any private drain or line which it is proposed to connect to the municipal sewer and to give his report thereon to the Municipal Clerk. The Municipal Clerk shall not permit any such connection to be made unless the same be approved by the Municipal Engineer, or by the Municipal Council in the absence of the Municipal Engineer provided, however, that any person dissatisfied with the decision of the Municipal Engineer may appeal such decision to Municipal Council.
 12. No connection to the municipal sewer shall be made except under the supervision of the Municipal Engineer.
 13. No person shall injure, break, or remove any portion of the sewer system or its appurtenances without permission of the Municipal Council.

14. No person shall throw or deposit or cause to be thrown or deposited in any sewer opening or receptacle connected with the sewer system, any ashes, cinders, rags, oil, grease, tar or other matter or things liable to clog or injure the sewer system of the Municipality.
15. The Municipal Council shall have the power to stop and prevent from discharging into the sewer system of the Municipality any private sewer or drain through which substances are discharged which are liable to injure the sewer or obstruct the flow of sewage.
16. The Municipal Council may grant to any owner of property not liable to sewer service charge, the privilege of connecting his premises with the municipal sewer upon payment of such a sum of money in lieu of sewer service charge as the Municipal Council may determine.
17.
 - (1) In addition to the basic sewer charge, the owner or occupier of every building, other than a single unit family dwelling discharging into the public sewer system an amount of sewage exceeding the volume of 40,000 gallons per year, shall be charged rates for each building as set out in the Policy for Fees.
 - (2) For the purpose of determining the number of gallons in subsection (1) the amount of sewage discharge shall be according to a meter where one is installed and where there is no meter installed it shall be determined in accordance with Schedule "A".
 - (3) In making the calculation referred to in subsections (1) and (2) the total volume of sewage for each individual building shall be calculated and charged for separately from any other buildings belonging to the same owner, as set out in the Policy for Fees.

Part 2

18. All words in Part 2 shall have the same meaning as in Part 1 other than "Dwelling" shall mean a Building, or portion thereof, occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units.
19. Part 2 shall apply only in areas within the boundaries of the Municipality lying outside of "Growth Centres" as that term is defined in the Municipal Planning Strategy of the Municipality and shall apply only to sewer lines constructed after November 7, 1995.
20. Notwithstanding Part 1 and in addition to the requirements of Part 1 there shall be Sewer Capital Charge as herein described.
21. Every owner of a lot outside of a Growth Centre upon which there is a building which is serviced by a sewer line constructed after November 7, 1995 or is fronting

on any street or highway within the Municipality, which street or highway has had after November 7, 1995 a sewer line installed as directed by Council pursuant to By-law 27B, shall pay to the Municipality a charge known as the Sewer Capital Charge for the construction of such sewer line and drainage system, as follows:

- (a) A charge of \$4,000 for the Avonport and Greenwich Road South Sewer Systems for each building and, in the case of public schools the sum of \$4,000 for each academic classroom.
 - (b) A charge of \$5,000 for the Wolfville Ridge Hamlet Sewer System, Phase 1 for each building and, in the case of public schools the sum of \$5,000 for each academic classroom.
22. The owner of a lot within 100 feet of the upper end of termination of a sewer upon which there is a Building shall pay the same Sewer Capital Charge as if the sewer was to pass in front of such property.
23. The Sewer Capital Charge shall form a lien and charge upon the lands in respect of which it is payable and shall have priority over every grant, deed, lease or other conveyance, and over every judgement, mortgage or other lien or encumbrance whatsoever affecting the property or the title thereto.
24. For Buildings existing as of November 7, 1995 the Sewer Capital Charge shall be due 60 days from the date when the sewer in respect of which it is charged has been laid and ready for connection, which date shall be determined by filing of a certificate of completion by the Municipal Engineer.
25. For Buildings constructed after November 7, 1995 the Sewer Capital Charge shall be due from the time of issuance of a sewer connection permit for such Buildings by the Department of Environmental Services of the Municipality.
26. The Municipal Treasurer shall notify the owner of any such lands of the basis of the sewer Capital Charge assessment to him and the amount payable.
27. In the event that any property liable for Sewer Capital Charge be sold for non-payment of property taxes, the Municipal Clerk or Municipal Treasurer as the case may be, may deduct from the proceeds of such sale the full amount for which such property is then liable for Sewer Capital Charge although the whole may not have been then payable.
28. The Sewer Capital Charge levied under this By-law:
 - (a) Is a lien on the whole of the property which is subject to the charge according to this By-law and the lien has the same effect as a lien for rates and taxes under the Assessment Act; and
 - (b) Is collectible at the option of Council in the same manner as are rates and taxes under the Assessment Act; and

- (c) Shall be due and payable sixty days after filing of a certificate of completion by the Municipal Engineer and shall bear interest after that date as hereinafter provided.
29. (a) The Sewer Capital Charge may, at the election of the owner of a property, be paid in installments over a period of ten (10) years, subject to an interest rate determined from time to time by resolution of the Council of the Municipality and calculated on a declining balance.
- (b) If the owner defaults in any one annual instalment, the entire balance becomes due and owing.
- (c) The rate or charge when in default or overdue shall, both as to the unpaid balance and accrued interest at the time of default, bear interest at the rate so determined by resolution of the Council.
30. Sewer service shall not be provided for areas lying outside of Growth Centres other than for lots having frontage immediately along the portion of the street or highway under which the trunk sewer line of the Municipality is constructed.

SCHEDULE "A"

Board Houses (number of boarders x 50 gallons per day)

Hospitals (patients + staff x 100 gallons per day)

Institutions other than hospitals (patients + staff x 50 gallons per day)

Offices (per employee x 8 gallons per day)

Picnic Park (no. of patrons x 5 gallons per day x days of operation)

Resort or Trailer Camps (no. of patrons x days of operation x 30 gallons per day)

Restaurant (per meal served x 2 gallons per day)

Additional for bars, etc. (no. of patrons x days of operation x 1 gallon per day)

Rooming Houses (no. of roomers x 20 gallons per day)

Car Wash (per vehicle served x 50 gallons)

Self-Service Laundry (no. of customers x 25 gallons)

Apartment Houses (per apartment x 90 gallons per day)

Mobile Home Parks (75 gallons per day x no. of units)

Motels (per bed space x 25 gallons per day)

Service Stations (same as single family residence)

Retail or Wholesale Outlet containing sink or toilet facility shall be charged as if it were a single family dwelling.

History of this By-law

Amended -	July 2, 1974	April 12, 1990	June 3, 1997
	November 1, 1977	May 15, 1991	July 6, 1999
	October 2, 1979	May 19, 1992	June 5, 2001
	June 7, 1983	May 18, 1993	June 4, 2002
	October 5, 1983	June 6, 1995	August 5, 2003
	April 15, 1986	December 5, 1995	June 1, 2004
	April 22, 1987	June 4, 1996	July 5, 2005
	May 17, 1988	December 3, 1996	June 6, 2006
	April 4, 1989	January 7, 1997	May 1, 2007