

## TOWN DIGBY BY-LAW # 2001-04

### A BY-LAW RESPECTING THE REGULATIONS OF SEWER CHARGES

RESOLVED by the Council of the Town of Digby that the following be enacted and that the Clerk forward appropriate copies to the Minister of Municipal Affairs.

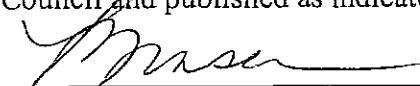
#### SEWER CHARGES BY-LAW

1. This By-law may be cited as the "Sewer Charges By-law".
2. 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 sewer services;
  - (b) "Building Code" means the Building Code in force in the Town
  - (c) "Town" means the Town of Digby;
  - (d) "Owner" means a part owner, joint owner, tenant 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, storm water, 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 Town of Digby, 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, storm water, drainage from land or from any watercourse or any of them;
  - (h) "Water Utility" means the Water Utility of the Digby Water Commission.
  - (i) "Year" means the fiscal year of the Town.

- (j) "Engineer" means the Engineer for the Town and includes the Superintendent of Public Works.
  - (k) "User" means the owner or occupant of property which is serviced by, connected to, or makes use of the sewage system.
  - (l) "Industrial Premises" means any structure or part thereof which is occupied by some person or persons and is not included under the word "Building".
  - (m) "Property" means all Land, Buildings, and Industrial Premises.
3. For the purpose of the administration of this By-Law, any representative of the Town may, upon production of their identification, enter any building, or industrial premises to observe, measure and sample the flow of sewage to any sewer.
4. Sewer services shall not be supplied to any building or industrial premises or establishment outside the boundaries of the Town, except as provided by special agreement with the adjacent Municipality. In such cases the Town may charge and collect rates and charges for the use of its sewerage system based on equivalent units as set out in Schedule A of this By-Law.
5. Every owner and or tenant of property;
- (a) on which any building is connected to the sewer system;
  - (b) that fronts on any street or highway in which a sewer is situate;
  - (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 connected to a sewerage system;
- shall pay to the Town an annual "Sewer Service Charge" for the operations and maintenance of the sewer system of the Town.
6. The Town shall annually calculate and collect the Sewer Service Charge as follows:
- (a) The total actual operation & maintenance costs including collection mains or pipes, force mains, pumping stations, sewerage treatment plant or other similar treatment facilities for pollution control of the previous year, shall be divided by the water consumption provided by the water utility. The Sewer Service Charge will be applied per Schedule B.
  - (b) Any surplus or deficit in the Sewer Service Charge shall be included in proceeding years calculations.

- (c) A user of the Sewer system who is not a user of the water utility shall pay a Sewer Service Charge based on the average water usage charged to a similar class of user of the Water Utility.
- (d) A user of the Water Utility that is determined by the Town's Engineer to be not serviced by the Sewer System shall be exempt from the Sewer Service Charge.
- (e) The Sewer Service Charge shall be applied to the Water Utility's bi-monthly bill. All bills are due and payable under the same regulations as the Water Utility Bill.
- (f) Sewer Service charges shall be levied on the owners and or tenants 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, whichever is the earlier.
- (g) For the purposes of this by-law, a sewer has been installed when the Municipal Engineer has certified to the Council that the system or project of which the sewer forms part is substantially complete.
- (h) The Clerk shall forward a notice to each person who would be liable for the payment of a sewer service charge, that a sewer has been installed.
- (i) 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.
- (j) The sewer service charge and penalties thereon may be sued for the collection in the same manner as other rates and taxes.
- (k) Property is liable to be sold for unpaid sewer service charges in the same manner and with the same effect as for the unpaid rates and taxes pursuant to the Assessment Act.

7. This bylaw repeals and replaces Town of Digby By-law # 1994-02 A By-Law Respecting The Regulations of Sewer Charges.

<b>Clerk's Annotation For Official By-Law Book</b>	
Date of first reading:	<u>4 JUNE 2001</u>
Date of advertisement of Notice of Intent to Consider:	<u>20 JUNE 2001</u>
Date of second reading:	<u>3 JULY 2001</u>
*Date of advertisement of Passage of By-Law:	<u>11 JULY 2001</u>
Date of mailing to Minister a certified copy of By-Law:	<u>12 JULY 2001</u>
I certify that this TOWN OF DIGBY SEWER CHARGE BY-LAW was adopted by Council and published as indicated above.	
 _____	<u>12 JULY 2001</u> _____
Clerk	Date

SCHEDULE A

TYPE OF USER	NUMBER OF EQUIVALENT USER UNITS
Single Family Dwelling	1.0
Mobile Home	1.0
for private swimming pool, add	1.0
for each doctor or dentist in a private home, add	1.0
for each beauty or barber shop in a private home, add	0.75
Individual Apartment	1.0
Senior Citizens Home, per unit	0.6
Rooming house, Boarding House, Convent, Institutional Dormitory	
up to five beds	1.0
each additional bed	0.2
Hospitals and Homes with Medical Care Facilities	
without laundry facilities, per bed	0.5
with laundry facilities, per bed	0.75
Schools, per classroom	
without cafeteria or gym	1.0
with cafeteria or gym	1.5
with second gym, add	0.5
with both cafeteria and gym	2.0
Doctor's Office, Dentist's Office, Beauty or Barber Shop	1.0
Tourist Trailer Park with hook-up facilities	
per space	0.75
each additional bathroom	0.3
Hotels, Motels, and Tourist Cottages	
with housekeeping facilities, per room or unit	0.5
without housekeeping facilities, per room or unit	0.3
with a swimming pool, add	1.0
Tourist Home	
with one bathroom	1.2
each additional bathroom, add	0.3
Restaurant, Cafeteria, Snack Bar etc. are in addition to the above listing and are rated elsewhere in this Schedule.	
Stores, Banks, Clubs, Recreational Facilities, and places of business including Industrial premises	
first washroom facility	1.0
each additional washroom facility, add	0.5
Churches, Church Halls, each washroom facility	0.3
Buildings owned by Fraternal Organizations, each washroom facility	0.3

SCHEDULE A

TYPE OF USER	NUMBER OF EQUIVALENT USER UNITS
Fire Halls and Fire Stations	1
with washroom facilities	0.5
without washroom facilities	0.3
Laundromat	1.0
each machine, add	2.0
Service Stations with washroom facilities	2.0
Car wash facilities, each bay	1.0
Restaurant, cafeteria, snack bar	2.0
for each ten seats, add	0.25
Premises licensed by N.S. Liquor Commission: Restaurant, Lounge, Dining Room or Club	1.0
for each five seats add	0.75
Drive-in Restaurant or Theatre with Canteen	1.0
for first washroom facility	1.0
for each additional washroom facility, add	0.5
Vacant land	
for each lot with up to 300 feet of street or highway frontage	0.3
for each additional 50 feet or portion thereof of street or highway frontage, add	0.1
Street or highway frontage of a lot which, for every 50 feet or portion thereof, is in excess of 300 feet, and whose User Type falls within this list, add	0.1
Any Dwelling, Shop, Store, Office or other Building the nearest part of which is more than 100 feet away from any portion of the Municipality's sewer and which is not connected to the Municipality's sewer	0.2
Premises which have no Sanitary Facilities	0.5

**CERTIFIED  
COPY**

SCHEDULE " B "

SEWER SERVICE CHARGE SCHEDULE

Residential and Commercial users shall pay:

Less than 1 million gallons annually 100% of the Sewer Service Charge, or more than 1 million gallons annually 50% of the Sewer Service Charge based on their annual water consumption of the previous year.

Industrial Premises users shall pay:

Less than 1 million gallons annually 100% of the Sewer Service Charge, or more than 1 million gallons shall pay 10% of the Sewer Service Charge, or more than 10 million gallons shall pay 5% of the Sewer Service Charge based on their annual water consumption of the previous year.