

BY- LAW NO. 42

TOWN OF MULGRAVE

SEWER CHARGES BY-LAW

BE IT ENACTED by the Council of the Town of Mulgrave, under the authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as amended, as follows:

1. This By-Law shall be known as By-Law Number 42 and 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 sewerage services;
 - (b) "Engineer" means the Engineer for the Municipality and includes the Superintendent of Works;
 - (c) "Municipality" means the "Town of Mulgrave"
 - (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 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;
 - (h) "Year" means the fiscal year of the Municipality.
3. Every owner of land
 - (a) on which any building is connected to a sewerage 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 Municipality an annual "Sewer Service Charge" for the operation and maintenance of the sewerage system of the Municipality.

4. The Municipality shall annually calculate the Sewer Service Charge by dividing the total operating and maintenance cost of the sewer system by the total of all assessable properties and business occupancy assessments.
5. Each year, the sewer service charge shall be increased over the previous years charge based on the same percentage increase as the Municipality's gross sewer operating and maintenance budget in the preceding year over that budget for the prior year.
6.
 - (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 the year in which a 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 when the Municipal Engineer has certified to the Council that the system or project of which the sewer forms part is substantially complete.
 - (3) 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.
7. The sewer service charge shall be billed as part of the annual property taxation bills issued by the municipality and shall be subject to the same terms and interest rates as taxation bills levied on real and/or business occupancy taxes issued by the municipality.
8.
 - (1) 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*.
 - (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*.

9. The provisions of this By-Law shall not apply to an owner who is exempted by the provisions of the Tax Exemption By-Law enacted by the municipality.
10. The provisions of this By-Law shall not apply to any property which is classified on the assessment roll as resource property as defined in the Assessment Act, R.S., c.23 as amended.
11. The provisions of this By-Law shall not apply to any parcel of land which, in the opinion of the Engineer, cannot reasonably be connected to the sewerage system. The onus shall be on the owner of any such parcel to make application in writing to the Engineer for an exemption from the sewer service charge.

Date of first reading:	November 6, 2006
Date of advertisement of Notice of Intent to Consider:	November 7, 2006
Date of second reading:	November 22, 2006
Date of advertisement of Passage of By-Law:	December 5, 2006
Date of mailing to Minister a certified copy of By-Law:	January 15, 2007
Date of First Reading of Amendment	September 4, 2007
Date of Second Reading of Amendment	October 1, 2007
Date of Advertisement of Passage of Amendment	October 17, 2007

I certify that this SEWER CHARGES BY-LAW was adopted by Council and published as indicated above and was amended as indicated above.



Chief Administrative Officer