

# MUNICIPALITY OF THE COUNTY OF KINGS

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## **BY-LAW # 98**

### **WASTEWATER SEWER BY-LAW**

#### **SUBTITLE**

A By-law to 1) prescribe standards and specifications for connecting to wastewater facilities owned by the Municipality of the County of Kings, 2) the conditions under which connections may be made, and 3) providing for the Recovery of Capital Costs of Installing a Sanitary Sewer System in certain communities in the Municipality of the County of Kings.

#### **PREAMBLE & ENACTMENT**

WHEREAS the Municipality has legislative authority and responsibility with respect to levying a Sewer Service Charge on taxable property assessments within a certain area, as well as imposing, fixing and providing methods of enforcing payment of charges, all to recoup the operating and maintenance costs of Municipality owned wastewater facilities;

AND WHEREAS the Municipality has legislative authority and responsibility with respect to levying a Sewer Service Charge on taxable property assessments within a certain area, as well as imposing, fixing and providing methods of enforcing payment of charges, all to recoup the municipal portion of the capital costs of installing a Sewer System;

AND WHEREAS the Municipality desires to enact a by-law to prescribe standards and specifications for connections to municipal wastewater facilities;

AND WHEREAS the Municipality desires to enact a by-law to impose, fix and provide for such a system and methods of enforcing payment of all such charges and fees in the communities requesting sewer services;

BE IT ENACTED by the Council of the Municipality as follows:

#### **Part 1: TITLE**

This By-law may be cited as the Wastewater Sewer By-law for the Municipality of the County of Kings, and shall apply to the Municipality of the County of Kings.

#### **Part 2: INTERPRETATION**

In this By-law the word "shall" is mandatory and not permissive. Word used in the present tense shall include the future. Words used in the singular shall include the plural except where otherwise indicated, and words used in the plural shall include the singular.

**Part 3: DEFINITIONS**

- 3.1 BACKFLOW VALVE means a check valve or other mechanical device designed to allow wastewater to flow in one direction and mitigate against wastewater backing up into a Building.
- 3.2 BUILDING means a type of structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material or equipment, excluding frames for sheltering crops, may require sewer services.
- 3.3 CAR WASH FACILITY means a Lot to be used primarily to clean the exterior and/or interior of vehicles, including washing by hand, automated equipment, and automobile detailing.
- 3.4 SELF-STORAGE FACILITY means a building or a part of a building consisting of separate, individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.
- 3.5 COUNCIL means the Council of the Municipality.
- 3.6 ENGINEER means the Engineer of the Municipality and includes a person acting under the supervision and direction of the Engineer.
- 3.7 FIXED ROOF OVERNIGHT ACCOMMODATION means a Building or Buildings providing overnight accommodation to the travelling public, which may or may not contain an eating establishment.
- 3.8 FOOD ESTABLISHMENT means a food service facility such as a restaurant, canteen, or cafeteria where foods are prepared and/or sold.
- 3.9 GROSS FLOOR AREA means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building, and for the purpose of this clause, the walls forming a court yard shall be deemed to be exterior walls.
- 3.10 HOME BASED BUSINESS means an accessory use of a residential dwelling and/or structures for employment involving the provision or sale of good or services or both goods and services to the public and where the dwelling is the principal residence of the business operator.
- 3.11 LATERAL means the section of a Service Connection from the Sewer Main to the property line.
- 3.12 LOT means any parcel of land that is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the Registry of Deeds.

- 3.13 MUNICIPAL SERVICES SPECIFICATIONS MANUAL means the Manual adopted by Council pursuant to the Subdivision By-law #60.
- 3.14 MUNICIPALITY means the Municipality of the County of Kings.
- 3.15 ONE UNIT DWELLING means a dwelling containing one residential unit, including a mini-home but excluding a mobile home or a recreational vehicle.
- 3.16 OWNER as it refers to the owner of the property includes:
- i. A part owner, joint owner, tenant in common or joint tenant of the whole or any part of any Lot or Building;
  - ii. In the case of the absence or incapacity of the Person having title to the Lot or Building, a trustee, an executor, an administrator, a guardian, an agent, a mortgagee in possession or other Person having the care or control of any Lot or Building; and
  - iii. In the absence of proof to the contrary, the Person assessed for the property.
- 3.17 PERSON includes a corporation and the heirs, executors, administrators or other legal representatives of a Person, but specifically excludes the Municipality.
- 3.18 PERSONAL SERVICE SHOP means a Building or part of a Building related to personal health and grooming are provided to individuals and, without limiting the generality of the foregoing, may include such establishments as barber shops, hair and nail salons, tattoo shops, massage therapy clinics, reflexology clinics, acupuncture clinics or tanning salon but excludes facilities for the manufacturing or fabrication of goods for sale.
- 3.19 SEMI DETACHED DWELLING means a residential building that contains two residential units, which is divided vertically by a wall extending ground to roof and which is separated by open space from other buildings, and each residential unit has an independent entrance.
- 3.20 SERVICE CONNECTION means a pipe and the necessary valves and protective boxes, connections, thaw wires, meters and any other material necessary and actually used to connect a Building to a Sewer System.
- 3.21 SEWER MAIN means the primary pipe owned by the Municipality that is used, or intended, for the collection and transportation of wastewater.
- 3.22 SEWER SYSTEM means the Municipality owned structures, pipes, meters, devices, equipment or other things used, or intended, for the collection, transportation, pumping or treatment of wastewater, including but not limited to sewer connection laterals in a Road right-of-way up to a Lot line.
- 3.23 THREE UNIT DWELLING means a residential building that contains three residential units and each residential unit has an independent entrance.

- 3.24 TREASURER means the Treasurer of the Municipality, and includes a person acting under the supervision and direction of the Treasurer.
- 3.25 WASHROOM FACILITY means a bathroom containing toilet(s) connected to the Sewer System.
- 3.26 WATER UTILITY means a public water utility in any given area responsible for the delivery of water in that area.

#### **Part 4: CONNECTIONS**

- 4.1 No connection to the Sewer System shall be made unless a Sewer Permit has been issued by the Engineer and the Permit has not expired. A permit is valid for 365 days from the date of issuance, inclusive of that date. The Owner or his/her agent shall submit an application for a Sewer Permit allowing a Service Connection. The application shall be in the form prescribed by the Engineer. A Sewer Permit Application Fee, as set out by Policy of Council, shall be submitted with the application. An application is not complete until all supporting documentation and all fees required by Policy of Council are received by the Engineer. Complete applications received by the Engineer before the effective date of this By-law shall be applications for the purposes of this By-law. Within 30 business days of receipt of a complete application, the Engineer shall approve the application if it complies with this By-law. If the application is refused, the Engineer shall inform the applicant, in writing, of the reason(s) for the refusal.
- 4.2 Where a Service Connection is not installed or only a Lateral is installed, the Owner shall be responsible for the construction of the Service Connection from the property line to the Building. A Backwater Valve shall be installed on the Service Connection. The applicant shall not connect to the Sewer System without complying with the provisions of this By-law.
- 4.3 Where a Service Connection is installed, the Owner is responsible for the ongoing maintenance from the Sewer Main to the Building and, where necessary, the upgrade or replacement of the Service Connection from the property line to the Building and any related costs. In the case of an upgrade or replacement of a Service Connection, the Owner shall install a Backwater Valve at their expense.
- 4.4 The Municipality is responsible for the upgrade or replacement of a Lateral. If the Municipal Engineer determines that a repair or replacement of a Lateral is required due to objects or debris discharged by the Owner, the Owner is responsible for all costs incurred by the Municipality for said repair or replacement. If the Owner fails pay, all costs incurred by the Municipality shall form a first lien 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 judgment, mortgage or other lien or encumbrance whatsoever affecting the property or the title thereto.
- 4.5 Every Person connecting to a Lateral or a Sewer Main shall construct the Service Connection according to the requirements of the Municipal Services Specifications

Manual, Municipal Building By-law #72, and the National Plumbing Code of Canada, as determined by the Municipal Engineer.

- 4.6 A Backflow Valve shall be installed on the Service Connection in an accessible location if the basement floor elevation of the Building being connected is below the elevation of the manhole cover downstream of the point where the Service Connection enters the Sewer System.
- 4.7 A separate and independent Service Connection shall be provided for every Building except that multiple buildings on the same Lot may utilize a common Lateral if all of the following conditions are met:
- All Buildings utilizing a common Lateral are located in whole on a single Lot.
  - Provisions have been made that are satisfactory to the Engineer to prevent backflow conditions in the Buildings utilizing a common Lateral.
  - Provisions have been made that are satisfactory to the Engineer to allow for mechanical cleaning of the common Lateral.
  - Prior to installation, the Owner must submit a scaled site plan including property boundaries, easements, proposed and existing Building locations, driveway(s), and other topographical features of the Lot relevant to the installation as well as the proposed Service Connection and Lateral arrangement, proposed pipe sizes, slopes and connection details.
  - The Owner must submit detailed “fixture unit” calculations as described in the current edition of the Canadian Plumbing Code for each Building in a form acceptable to the Engineer.
- 4.8 The Owner of multiple buildings on the same Lot utilizing a common Lateral is responsible for all repairs and maintenance of the entire Service Connection up to the connection of the Sewer System Main.
- 4.9 All charges as described in this By-law shall apply separately to all Buildings utilizing a common Lateral as if each Building had an independent Lateral.
- 4.10 The Engineer is authorized to enter at all reasonable times with reasonable notice upon any premises that are subject to this By-law to ascertain compliance with this By-law, including collection and verification of water meter readings, and inspection, repair or replacement of Municipality supplied water meters.
- 4.11 The Person to whom a permit has been issued, or his authorized agent or successor, shall notify the Engineer when the subject Service Connection is ready for inspection and connection to the Sewer System.
- 4.12 The Engineer shall inspect the subject Service Connection within three (3) business days of the receipt of notice. If the subject Service Connection or any portion thereof is not in compliance with this By-law, the Engineer shall notify the Owner of the failed inspection and provide a description of all deficiencies noted and remedial actions required. Once all

the remedial actions have been completed, the Owner may start the inspection process again.

- 4.13 Where a Service Connection is not to be installed in whole on a single Lot, the Owner of that Lot shall obtain and record at the Land Titles Registry Office or the Registry of Deeds a legal easement to allow for the installation and maintenance of the proposed Service Connection prior to its installation. A copy of this easement must be filed with the Engineer with the application.

#### **Part 5: SEWER SERVICE CHARGE**

- 5.1 Every Owner of a Lot upon which is located a Building connected to a Sewer System, or a Lot which fronts on any street or highway within which a Sewer System has been installed, shall pay to the Municipality a charge known as the Sewer Service Charge for the construction, operation, and maintenance of the Sewer System.

#### 5.2

- a) The Sewer Service Charge for a One Unit Dwelling, each unit in a Semi-Detached Dwelling or a Three-Unit Dwelling, and Hockey Arenas shall be determined in accordance with the following formula: Sewer Service Charge = Multiplier x Base Rate where “Multiplier” is determined from Schedule “A” and “Base Rate” is set by Policy of Council.
- b) The Sewer Service Charge for Car Wash Facilities shall be determined in accordance with the following formula:  
Sewer Service Charge = 1.5 x Base Rate + Discharge x Discharge Rate where “Discharge” is the amount of wastewater exceeding the volume of forty thousand (40,000) imperial gallons per year according to a water meter and where the “Base Rate” and “Discharge Rate” are both set by Policy of Council.
- i) Where a water meter is not installed, the Owner shall be responsible for installing a water meter(s) subject to the conditions in subsection 5.2 (f). With respect to new Car Wash Facilities must install the water meter(s) at time of construction.
- ii) If the Car Wash Facility is a metered customer of a Water Utility, the Owner shall authorize the Water Utility to provide the Municipality the water meter data for the Car Wash Facility for purposes of calculating the Sewer Service Charge.
- c) The Sewer Service Charge for each Building except for One Unit Dwellings, Semi-Detached Dwellings, Three Unit Dwellings, Hockey Arenas, and Car Wash Facilities, shall be determined in accordance with the following formula: Sewer Service Charge = Multiplier x Base Rate where “Multiplier” is determined from Schedule “A” and “Base Rate” is set by Policy of Council.
- d) The Owner of a Building described in 5.1 (c) may apply to the Engineer, no later than March 31 of each year, for a Sewer Service Charge Variance to permanently

have their Sewer Service Charge calculated and charged based on water meter readings.

- i) The application shall be in the form prescribed by the Engineer. A Sewer Service Charge Variance Fee, as set out by Policy of Council, shall be submitted with the application. An application is not complete until all supporting documentation and all fees required by Policy of Council are received by the Engineer. Complete applications received by the Engineer before the effective date of this By-law shall be applications for the purposes of this By-law.
  - ii) Within 20 business days of receipt of a complete application, the Engineer shall approve the application if it complies with this By-law. If the application is refused, the Engineer shall inform the applicant, in writing, of the reason(s) for the refusal.
  - iii) If the Engineer approves the Service Charge Variance, the Sewer Service Charge shall be determined in accordance with the following formula: Sewer Service Charge = 1.5 x Base Rate + Discharge x Discharge Rate where "Discharge" is the amount of wastewater exceeding the volume of forty thousand (40,000) imperial gallons per year according to a water meter and where the "Base Rate" and "Discharge Rate" are both set by Policy of Council.
  - iv) If the Building is a metered customer of a Water Utility, the Owner shall authorize the Water Utility to provide the Municipality the water meter data for the Building for purposes of calculating the Sewer Service Charge.
  - v) Where a water meter is not installed, the Owner shall be responsible for installing a water meter(s) subject to the conditions in subsection 5.2 (f). The Sewer Service Charge Variance shall not take effect until all water meters are installed in compliance with this By-law.
  - vi) Once a Service Charge Variance has been approved by the Engineer, the Owner cannot apply to have their Sewer Service Charge changed to the method specified in 5.1 (c).
- e) In making the calculation referred to in subsection 5.1 (c) and 5.1 (d), the total Sewer Service Charge for each individual Building on the same Lot shall be calculated and charged for separately from any other Buildings on that Lot.
  - f) In making the calculation referred to in subsections 5.1 (c) and 5.1 (d), where a water meter is not installed:
    - i) The Owner shall be responsible for installing a water meter, supplied by the Municipality, on each well that the Building receives water from. All water

- meters will be installed by May 15 unless otherwise authorized by the Engineer.
- ii) The Owner shall be responsible for cost of the water meter(s) and installation.
  - iii) The Owner or their authorized agent or successor, shall notify the Engineer when the subject water meter(s) is ready for inspection.
  - iv) The Engineer shall inspect the subject water meter(s) within three (3) business days of the receipt of notice. If the subject water meter(s) or any accessories thereof are not in compliance with this By-law, the Engineer shall notify the Owner of the failed inspection and provide a description of all deficiencies noted and remedial actions required. Once all the remedial actions have been completed, the Owner may start the inspection process again.
- 5.3 The Owner of a property situated within one hundred (100) feet of the upper end of termination of a Sewer System shall pay the same rate as if the Sewer System was to pass in front of such property.
- 5.4 The Sewer Service Charge shall form a first lien 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 judgment, mortgage or other lien or encumbrance whatsoever affecting the property or the title thereto.
- 5.5 The Sewer Service Charge shall be due from the date by which the Service Connection is made, and in the case of a connection existing at the time that this By-law is adopted, shall be due from that date.
- 5.6 Sewer Service Charge shall be payable on the dates for payment of the taxes in each year.
- 5.7 The Sewer Service Charge and interest thereon is collectable in the same manner as taxes and, at the option of the Treasurer, be collected at the same time, and by the same proceedings, as taxes.
- 5.8 In the event that any property liable for Sewer Service Charge is sold for non-payment of property taxes, the Municipality 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.
- 5.9 Every Person connecting to the Sewer System shall pay a non-refundable Sewer Permit Application Fee as set out by Policy of Council.
- 5.10 Every Person connecting to the Sewer System who requires the installation of a Service Connection from the property line to the Sewer System shall pay the Sewer Service Connection Fee as set out by Policy of Council for each Sewer Connection. The Sewer Service Connection Fee must be paid prior to the approval of the application.



- 5.11 For any other service requests such as dye tests, the fees are as set out by Policy of Council.
- 5.12 Notwithstanding sections 5.1 and 5.2, the Sewer Service Charge does not apply to any part of Wolfville Ridge Hamlet Phase 1 except those properties listed in Part 7.1.

#### **Part 6: SEWER CAPITAL CHARGE**

- 6.1 Part 6 shall apply only to those Sewer Systems as described in “Schedule B” and is limited to Sewer Connections applied for subsequent to the enactment of this By-law.
- 6.2 Notwithstanding Part 5 and in addition to the requirements of Part 5 there shall be Sewer Capital Charge as herein described.
- 6.3 Every Owner of a Lot upon which is located a Building connected to a Sewer System identified in Schedule “B”, or which Lot fronts on any street or highway within which a Sewer System identified in Schedule “B” has been installed, shall pay a charge known as the Sewer Capital Charge for the construction of the Sewer System. The Sewer Capital Charge relating to each such Sewer System is set out in Schedule “B”.
- 6.4 The Sewer Capital Charge shall form a first lien 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 judgment, mortgage or other lien or encumbrance whatsoever affecting the property or the title thereto.
- 6.5 The Treasurer shall notify the Owner of any such lands of the basis of the Sewer Capital Charge assessment and the amount payable.
- 6.6 In the event that any property liable for Sewer Capital Charge is sold for nonpayment of property taxes, the Treasurer 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.
- 6.7 The Sewer Capital Charge levied under this By-law shall be due sixty (60) days after filing of a certificate of completion by the Engineer, and payable on the date for payment of general rates in each year.
- 6.8 The Sewer Capital Charge shall form a first lien 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 judgment, mortgage or other lien or encumbrance whatsoever affecting the property or the title thereto.
- 6.9 a) If an application for a Sewer Permit is received by the Municipality within 365 days of the date that the Engineer signed the certificate of completion, the Sewer Capital Charge may, at the election of the Owner of a property, be paid in installments over a period of up to ten (10) years, subject to an interest rate as set out by Policy on a declining balance;

- b) If the Sewer Permit application is received after the 365-day period, the entire amount of the Sewer Capital Charge shall be due and payable upon application for the Sewer Permit;
- c) If the Owner defaults in any one annual installment, the entire balance of the Sewer Capital Charge becomes due and payable; and
- d) The Sewer Capital Charge will be indexed upwards yearly by the Sewer Capital Charge Index Rate as set out by Policy.

### **Part 7: EXCEPTIONS**

- 7.1 Notwithstanding any other part of this By-law, no new Service Connections shall be permitted to that part of the Sewer System located in Wolfville Ridge Hamlet Phase 1. The six properties in that Hamlet which currently benefit from a Service Connection are as follows:
- i. 3288 Greenfield Road, AAN 02543966, PID 55224018;
  - ii. 3284 Greenfield Road, AAN 02111985, PID 55224000;
  - iii. 3264 Greenfield Road, AAN 03889084, PID 55223994;
  - iv. 3275 Greenfield Road, AAN 05257824, PID 55190722;
  - v. 3287 Greenfield Road, AAN 04547233, PID 55190730;
  - vi. 3295 Greenfield Road, AAN 01901907, PID 55190755.

### **Part 8: REPEAL**

- 8.1 Sewer Charge By-law # 27A of the Municipality of the County of Kings entitled Sewer Charge By-law and By-law # 27B of the Municipality of the County of Kings entitled Sewer Connection By-law is hereby repealed.

### **Part 9: EFFECTIVE DATE**

- 9.1 This By-law comes into force and effect on the first day of October 2016.

#### History of this By-law

Enacted - November 15, 2013

Amended - October 1, 2016

Amended - July 26, 2018

**SCHEDULE "A" - SEWER SERVICE CHARGE UNITS (Effective April 1, 2018)**

<b>Feature</b>	<b>Multiplier</b>
One Unit Dwelling or Home Based Business (subject to determination of the Engineer)	1.0
Each unit in a Semi-Detached Dwelling or Three Unit Development	1.0
Multi-unit Development	1.5
Each unit in a Multi-unit Development	0.6
Each Academic Classroom in an Education Facility	1.0
Mobile Home or Mini Home not in a Licensed Park	1.0
Each site in a Mobile Home Park as per Municipal License	1.0
Commercial Campground and Trailer Parks	1.5
For each twenty (20) camp sites <b>or fraction thereof</b> add	1.0
Church, Church Hall, and Community Hall	1.0
Laundromat	1.5
For each washing machine add	0.2
Picnic Parks and Fairgrounds with Washroom Facility	1.0
Fixed Roof Overnight Accommodation	1.5
For each guestroom add	0.1
Food Establishment not licensed by NSLC or Alcohol & Gaming with up to twenty (20) seats	1.5
For each additional ten (10) seats <b>or fraction thereof</b> add	0.2
Premise licensed by NSLC or Alcohol & Gaming with up to ten (10) seats	1.5
For each additional five (5) seats <b>or fraction thereof</b> add	0.2
Drive-through Restaurant or Theatre with or without Canteen with one (1) Washroom Facility	1.5
For each additional Washroom Facility add	0.5
Service Station, Gas Station, and Gas Bar	1.5
For each convenience store add	0.5
For each automatic car wash bay	0.5
Personal Service Shop	1.5
For each Chair add	0.2
Hospital (includes any accessory uses such as a cafeteria)	1.5
For each fixed adjustable Chair in which personal services are administered to customers add	0.4
Institutional Care and Vocational Facility other than a Hospital	1.5
For each Food Establishment add	1.0
For each five (5) bed <b>or fraction thereof</b> add	1.0
Day Care Facility providing care for more than four (4 people) on a daily basis without overnight accommodation	1.5
Self-Storage Facility	1.0
Hockey Arenas	1.5
Other Commercial or Institutional use up to 1,000 m <sup>2</sup>	1.5 <del>0</del>
For each additional 1,000 m <sup>2</sup> of Gross Floor Area <b>or fraction thereof</b> add	0.5
Each Lot upon which no building has been constructed and not subject to final approval as a subdivision	
For every 200 feet of frontage or portion thereof that is not in active agricultural use	0.30
For every 1,000 feet of frontage or portion thereof that is in active agricultural use	0.30

**SCHEDULE "B"****a) Greenwich Road South**

All Lots at Greenwich serviced by a Sewer System and without limiting the foregoing, the applicable portions of the following shall pay a Sewer Capital Charge of four thousand dollars (\$4,096) for each Lot and, in the case of public schools the sum of four thousand dollars (\$4,096) for each Academic Classroom.

**b) Avonport**

All Lots at Avonport serviced by a Sewer System and without limiting the foregoing, the applicable portions of the following shall pay a Sewer Capital Charge of four thousand dollars (\$4,096) for each Lot and, in the case of public schools the sum of four thousand dollars (\$4,096) for each Academic Classroom.

**c) Wolfville Ridge Hamlet Phase 1**

The six properties to which the Capital Charge of five thousand dollars (\$5,120) applies to are the following.

- i. 3288 Greenfield Road, AAN 02543966, PID 55224018;
- ii. 3284 Greenfield Road, AAN 02111985, PID 55224000;
- iii. 3264 Greenfield Road, AAN 03889084, PID 55223994;
- iv. 3275 Greenfield Road, AAN 05257824, PID 55190722;
- v. 3287 Greenfield Road, AAN 04547233, PID 55190730;
- vi. 3295 Greenfield Road, AAN 01901907, PID 55190755.