

MUNICIPALITY OF THE COUNTY OF KINGS

For By-Law information contact the Municipal Clerk

Tel: (902) 678-6141 Fax: (902) 678-9279 E-mail: municipalclerk@countyofkings.ca



BY-LAW # 115

RESPECTING CHARGES FOR THE IMPROVEMENT OF WATER SUPPLY

WHEREAS under the Provisions of the *Municipal Government Act*, a council may pass By-laws imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of equipment for the supply of water on private property pursuant to section 81A (1)(c) and 81A (2)(d);

NOW THEREFORE, the Council of the Municipality of the County of Kings, in the Province of Nova Scotia, enact as follows:

SHORT TITLE

1. This By-law shall be known as By-law 115 and may be cited as the Charges for Water Supply Improvement By-Law.

INTERPRETATION

2. Definitions

In this By-law:

- 2.1. **Act** means the *Municipal Government Act*, S.N.S. 1998, c.18;
- 2.2. **CAO** means the Chief Administrative Officer of the Municipality of the County of Kings;
- 2.3. **Director of Finance** means the Director of Finance and Information Technology for the Municipality of the County of Kings;
- 2.4. **Agreement** means a written, signed agreement between the Owner and the Municipality for the financing of a Water Supply Improvement;
- 2.5. **Municipality** means the Municipality of the County of Kings;
- 2.6. **Owner** includes a part owner, joint owner, tenant in common **or** joint tenant of a used single-unit or used two-unit property within the Municipality, and in absence of proof to the contrary, the person assessed for the property;
- 2.7. **Principal Residence** means a used dwelling unit occupied for at least 180 days in the calendar year immediately prior to the year of application;
- 2.8. **Water Supply Improvement** means the installation or upgrade of a water system on the subject property of the Owner for the supply, use, storage or conservation of water

including cisterns or rainwater collection. Dug wells and lake water systems are excluded;

- 2.9. **Water Supply Improvement Loan** means the charge levied on the subject property of the Owner pursuant to section 81A of the *Act* specifically for the purpose of the installation of a Water Supply Improvement.

3. Application of By-Law

This By-law shall apply to the installation and financing of a Water Supply Improvement on a property in the Municipality where the property is:

- 3.1. is a Principal Residence;
- 3.2. is outside the Municipality water service area or village water service area and there are no proposed plans to extend service to the property;
- 3.3. the financing being requested is for a property that:
 - 3.3.1. has an existing water system that provides potable water but is inadequate;
 - 3.3.2. requires the installation of water storage.
- 3.4. the Owner of the property,
 - 3.4.1. makes an application to the Municipality whereby the Municipality will pay for the reasonable costs of providing for, financing and installing of a Water Supply Improvement; and
 - 3.4.2. agrees to repay such costs to the Municipality pursuant to this By-law and an Agreement entered into pursuant to clause 5.7.

4. Exceptions

Notwithstanding section 3, this By-law shall not apply to the following:

- 4.1. new home construction;
- 4.2. property that is rented or leased;
- 4.3. a recreational property;
- 4.4. a resource property;
- 4.5. commercial property;
- 4.6. property that is exempt from residential property tax;

- 4.7. any property without an existing water supply system; or
- 4.8. any property with an existing water supply that is adequate and
 - 4.8.1. is less than one year old; or
 - 4.8.2. does not provide potable water.

5. Eligibility – Water Supply Improvement Financing

To be eligible for Water Supply Improvement financing:

- 5.1. clauses 3.1, 3.2, 3.3.1, and 3.4 of this By-law must be satisfied;
- 5.2. the property Owner must be in good standing on their property taxes and related charges;
- 5.3. the property is held by the Owner in fee simple;
- 5.4. the proposed Water Supply Improvement is for a residential purpose;
- 5.5. the Municipality must be provided with a written attestation confirming that the water supply for the subject property is inadequate together with an application;
- 5.6. the Owner of the property must submit an application on a form as prescribed by the Director of Finance, and
- 5.7. an Agreement must be executed between the Owner of the property and the Municipality respecting the provisioning, financing and installation of the water improvement on the property of such Owner and the repayment of all associated costs in accordance with the payment schedule;
- 5.8. The role of the Municipality shall be limited to financing of the Water Supply Improvement up to the limits prescribed.
- 5.9. The Municipality shall bear no responsibility for the completion or quality of the work or equipment required for the installation of the water improvement supply system. Nor shall the Municipality be responsible for water quality, pressure or potability.
- 5.10. The Property Owner shall be responsible for all approvals and registry requirements with the relevant Provincial authorities.
- 5.11. Properties that are able to connect to a Municipal Water Utility are not eligible for Water Supply Improvement financing.

6. Confirmation of Work Completed – Water Supply Improvement

Upon completion of the Water Supply Improvement, the Owner shall provide the Director of Finance with the following:

- 6.1. itemized invoice(s) for the full cost of the Water Supply Improvement;
- 6.2. drilled well report and pump installation report; and
- 6.3. any other information required by the Director of Finance.

7. Charge Imposed

Where sections 3 and 5 are satisfied and Water Supply Improvement equipment is installed on a property, a charge is hereby imposed in respect of the provision, financing and installation of such equipment on the property.

8. Amount of Charge

The amount of the charge imposed pursuant to section 5 shall be calculated based on the lesser of:

- 8.1. twenty thousand dollars (\$20,000.00); or
- 8.2. the actual cost of providing for, financing and installing Water Supply Improvement equipment, less any funding from any person, the Government of Canada, the Government of the Province of Nova Scotia or any combination of them; or
- 8.3. 75% of the assessed value of the property as determined by Property Valuation Service Corporation.

9. Lien

A charge imposed pursuant to this By-law constitutes a lien upon the real property with respect to which the charge has been levied in the same manner and with the same effect as taxes.

- 9.1. A charge imposed pursuant to this By-law is collectable in the same manner as taxes and at the same option of the Director of Finance is collectable at the same time and by the same proceeding as taxes.
- 9.2. The lien provided for in this By-law shall become effective on the date on which the Director of Finance receives documentation confirming completion as set out in section 6.
- 9.3. The lien provided for in this By-law shall remain in effect until the charge plus applicable interest has been paid in full.

10. Interest

10.1. Interest shall accrue and be payable annually on charges outstanding regardless of whether the Owner has elected to pay by installments on the amount outstanding from the date of billing forward at a rate equal to the Bank of Canada overnight target rate plus two percentage points (2.0%).

10.2. Notwithstanding subsection (10.1), the minimum interest rate payable shall not be lower than two percent (2.0%).

11. Installments

The amount payable will be paid in accordance with the terms set out in the Agreement executed between the Owner and Municipality for a term not exceeding ten years with the full balance being due and payable in case of default of payment.

12. Exemption and Deferral Not Allowed

The amount charged pursuant to this By-law is not eligible for Tax Deferral or Tax Exemption.

13. Municipality Not Liable

The Municipality is not responsible for the nature and quality of the Water Supply Improvement equipment or the quality of the work carried out in the installation of the Water Supply Improvement equipment. For greater certainty, the Municipality shall not be liable for any damage, direct or indirect, loss, injury or inadequacies arising from the supply and installation of the Water Supply Improvement equipment or use by the Owner.

14. Effective Date

This By-law will come into force and take effect on the date of its publication.

By-law Adoption				
First Reading	Notice of Second Reading	Second Reading	Notice of Passing	Certified Copy to Minister
Nov. 3, 2025	Nov. 13, 2025	Dec. 2, 2025	Dec. 20, 2025	Dec. 22, 2025

By-law Amendments				
First Reading	Notice of Second Reading	Second Reading	Notice of Passing	Certified Copy to Minister