

Bylaw 30: Capital Cost of Sewer & Water Construction

1. In this by-law, unless the context specifically indicated otherwise:
 - a) "Council" shall mean the Council of the Municipality of the County of Inverness.
 - b) "Street" when referred to in this by-law means a public right-way to which the public has access at all times and includes highway, road, avenue and land.
 - c) "County" means the Municipality of the County of Inverness.
 - d) "CAO" means the Chief Administrative Officer of the Municipality of the County of Inverness.
2.
 - a. Whenever the majority of the owners of property or any designated portion thereof shall petition the Council for the construction of a public sewer or water system or drain and shall leave with the Municipal Clerk the amount chargeable according to the provisions of the by-law to each owner whose signature is on the petition, then the Council may order the same to be constructed.
 - b. Every petition for a public sewer or water system shall be in the form in Appendix "A" to this by-law, or to the effect and every petition shall clearly state the locality in which the new sewer is required, the points between which the petitioners are desirous of having the same constructed the distance in feet between such points, the names of the street and the frontage of each property chargeable under the provisions of this by-law, and all such names and measurements shall be properly taken by some competent person who shall certify to the correctness of the same.
 - c. Such petition shall be accompanied by the sum of \$25.00 from each owner signing the aforesaid petition.
 - d. In the event that the Council orders the construction of any sewer or water system for which a petition has been made and submitted, such deposits shall be applied in discharge of the respective frontage charges or part thereof as hereinafter mentioned and as such charges shall respectively apply to those owners signing the petition.
 - e. In the event that the Council does not order the construction of any sewer or water system for which a petition has been made and submitted, the Municipal Clerk shall refund to each respective owner whose signature is upon the petition the amount that has been paid to the Municipal Clerk by or for such owner as required by these by-laws.
3. Notwithstanding the provisions of Section 2 of this by-law when the Council deems it necessary that a sewer system be constructed in any street or any portion thereof within the Municipality, the Council may order by resolution and without the authorization of any

petition of the owners such sewer or water systems to be constructed and all the provisions of the by-laws relating to and regulating the use of public sewers or water systems in force of the County be and are hereby made applicable to any sewer or water system constructed by virtue of such resolution.

4. The Council may by resolution order the repair or improvement of a sewer or water system existing in any street whenever the same shall be considered necessary or desirable, and to lay out, excavate, and complete new drains or sewer or water system in any street of the Municipality and perform any other work necessary to be done in connection therewith.
5. The cost incurred in installing, laying or constructing any sewer or water system and the building service connecting laterals to the boundary sideline of the right-of-way shall be paid by the owners of the properties fronting on the street in proportion to the length of frontage of each property.
6.
 - a) Prior to determining the final cost of constructing a sewer or water system the Municipality may issue an interim bill to cover a portion of the cost.
 - b) When it is determined that the cost or a portion of the cost of installing, laying or constructing an sewer or water system in any street shall be paid by the owners of the properties fronting on such street the cost of constructing any such sewer or water system shall be borne and paid in the following manner:

Each owner of real estate situate on either side of such street shall pay the Municipality of the County of Inverness a sum to not exceed thirty dollars (\$30) for each and every lineal foot of the owner's property fronting thereon which amount will be set by the Council by-law. The remaining expense shall be paid by the Municipality.

The following properties shall be chargeable as above and assessed for the constructions of sewer and water system:

FIRST: All properties lying on either side of such street, through which a new sewer or water system is to pass and opposite to the sewer and water system.

SECOND: All properties situate at or near the upper end or termination of such proposed sewer or water system shall pay the same price as if the sewer or water were to pass in front of such properties for their entire length provided that in no case shall any such property be assessed for a greater length of frontage than seventy-five feet beyond the termination of the sewer or water, measured along the side line of the street from a point directly opposite to the end of the sewer or water.

THIRD: Any property which is situated at the intersection or junction of two or more streets shall be liable to a total special tax under the above provision not to exceed the tax calculated on one-half of the total frontage of the streets.

FOURTH: Any property not having frontage on a street that is serviced by the sewer or water system shall pay the equivalent of a property with 100 feet of street frontage.

7. The Municipal Engineer shall keep an account on the cost of such work and on its completion shall file in the office of the Municipal Clerk:
 - a) A certificate of the cost of the work, the amount to be paid by the Municipality pursuant to the total lineal frontage and the cost per foot to be paid by abutters;
 - b) A statement of the lineal frontage of each property with the name of the owner thereof.
8. The Municipal Clerk from the certificate and statement filed by the Engineer shall determine the amount of charge or tax to be assessed and levied upon and paid by the respective owners of properties fronting on the street upon which the sewer or water system has been constructed.
9. (1) Such charge or tax shall be due and payable on the day when the bill therefore is mailed by ordinary mail to the person liable, and at the option of the respective persons liable may be paid in either of the following ways:
 - a) A lump sum payment in the year in which the charge or tax is assessed or,
 - b) By equal payments, each payable on the anniversary of the date on which the amount becomes due and payable, extended over the period of twenty years, with interest payable thereon annually at the rate of five (5) percent per annum with the option however to prepay the whole or any part of the amount remaining at any time without notice and provided that if default is made in the payment of any annual payment or interest or both when it falls due then the whole balance immediately becomes due and payable without notice on demand.
- (2) The owner shall within one month after receiving his/her bill notify the Municipal Clerk in writing which option he/she has selected under sub-section (1) and in the event of his/her failure to do so shall be deemed to have selected that provided by clause (b) thereof.
10. (1) Notwithstanding the provisions of sections 5,6,7,8 and 9 in addition to the tax imposed by section 5,6,7,8 and 9 where a public sewer or water system is built for or has been built a special trunk tax is hereby levied upon the owner of every unit serviced or capable of being served by the sewer or water.
- (2) The amount of this special trunk tax shall be an amount not to exceed three thousand dollars (\$3,000) to be determined by this by-law.
- (3) Any real property fronting on a street which has not been sub-divided but which is capable of being subdivided shall be deemed to be sub-divided into the maximum number of lots fronting on the street permissible under the subdivision regulations for the purpose of the special truck sewer tax imposed by this section.

(4) Units are assigned to properties as follows:

Single family dwelling: 1 (one) unit

Motel: 1/5 (one fifth) unit per rental room

Duplex: 2 (two) units

Multiple Family Dwelling: 1/2 (one half) unit per dwelling

Apartment Building: 1/2 (one half) unit per apartment

Retail Outlet: 1 (one) unit

Vacant lot capable of being created through subdivision: 1 (one) unit

11. Every charge or rate of tax imposed under the provisions of this By-Law shall form a lien and charge upon the lands in respect of which it is payable in the same manner and with the same effect as rates and taxes under the Assessment Act 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 hereto.
12. All such charges, or rates, if remaining unpaid when due and interest thereon may be sued for and collected in the name of the Municipality and in the same way as (and shall for the purposed of collection be deemed part of) the ordinary rates and taxes under the Assessment Act, provided however, that in the event of such property liable as aforesaid being sold for taxes, the Clerk shall deduct from the proceeds of such sale the full amount for which property is liable for such rates or charges, together with the interest thereon, although the whole may not have then become due and payable hereunder.
13. The owner of any lands liable for such rates or charges as aforesaid may pay the full amount thereof at any time, and upon such payment to the Clerk the lien for the same shall be extinguished.
14.
 - a) With respect to all property owners liable for payment of frontage rates, or trunk sewer tax under the provisions of this By-law, in the area served by the Port Hood sewer system, the frontage rate is hereby set at \$3.00 per lineal foot and the trunk sewer tax is hereby set at \$300.00.
 - b) In the area served by the Inverness sewer system, the frontage rate is hereby set at \$3.25 per lineal foot and the Trunk Sewer Tax is hereby set at \$325.00.
 - c) In the area served by the Cheticamp Sewer System, the footage rate is hereby set at \$5.77 per lineal foot and the Trunk Sewer Tax is hereby set at \$577.00.
 - d) In the area served by the Mabou Sewer System, the frontage rate is hereby set at \$5.75per lineal foot and the Trunk Sewer Tax is hereby set at \$575.00.
 - e) In the area served by the Judique Sewer System the frontage rate is hereby set at \$6.00 per lineal foot and the Trunk Sewer Tax is set at \$600.00.

f) In the area served by the Whycocomagh Sewer and Water System, the frontage rate is hereby set at \$22.00 per lineal foot and the Trunk Sewer Tax is set at \$2,200.00.

g) In the area served by the Davis Drive/Hilltop Estates Subdivision at Port Hastings, the Trunk Sewer Tax is hereby set at \$500.00 per lot.

h) In the area served by the Port Hood Water and Sewer, the Trunk Sewer Tax is hereby set at \$810.00 per lot.

i) In the area served by the Inverness Sewer System, the Trunk Sewer Tax is hereby set at \$286.00 per lot.

(j) In the area served by the Port Hastings Sewer and Water System, the frontage rate is hereby set at \$10.40 per lineal foot for sewer and \$7.43 per lineal foot for water; and the Trunk Sewer Tax is hereby set at \$1,222.97 per unit; and the Trunk Water Tax is hereby set at \$570.80 per unit.

(k) In the area served by the port Hood/Harbourview Sewer & Water system, the frontage rate is hereby set at \$19.03 per lineal foot for sewer and water; and the trunk sewer and water charge is hereby set at \$958.40 per unit.

(l) In the area served by the Judique Water System, the unit charge for the construction of the Judique Reservoir is \$935.97 per serviceable lot.

15. Where the size, dimensions or topography of a property or part thereof are as such that a building or structure cannot be serviced, the property or portion thereof shall not be subject to any sewer or water charge imposed under this By-Law.

USE OF SEWER

1. No person shall injure, break, or remove any portion of the public sewer system or its appurtenances.
2. No person shall permit any open gutter, cesspool, privy vault, cellar, underground drain or exhaust pipe from any machine or engine to be connected with any public sewer.
3. No person shall throw or deposit or cause to be thrown or deposited in any sewer or opening or receptacle connected with the sewer system any un-shredded garbage, offal, dead animal, bones, vegetable matter or thing except feces, urine, the necessary water closet paper and liquid house slops.

4. 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 animal, vegetable or mineral fat, oil, grease or lubricant whether the same is liquid, solid or a mixture of both liquid and solid.
5. Any person shall be permitted to dispose of properly shredded garbage or vegetable parings which are the wastes from the preparation, cooking and dispensing of food and from handling, storage and sale of produce which garbage and vegetable parings must be shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers, with no particles greater than one-half inch in any dimension.
6.
 - a) Whenever the County Engineer or Committee responsible for sewers considers it necessary, any person who is the owner of land which is used for industrial or commercial purposes and which is connected to a public sewer may be required to provide grease, oil and sand interceptors in order to provide for the proper handling of liquid wastes containing grease in excessive amounts, or any inflammables wastes, and sand or other harmful wastes, sand or ingredients.
 - b) All interceptors shall be of a type and capacity approved by the County Engineer or Committee responsible for sewers and shall be located so as to be readily and easily accessible for cleaning and inspection.
 - c) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.
7. The County Engineer or Committee responsible for sewers shall have the power to stop and prevent from discharging into the sewer system any private sewer or drain through which substances are discharged which are likely to injure the sewers or obstruct the flow of the sewage or through which substances are discharged in contravention to this by-law.
8. No person shall permit any pipe carrying sewage or surface water to discharge into any open trench.
9. No person shall discharge or cause to be discharged or permit to be discharged any contents or any septic tank or cesspit into any public sewer.
10. Any person who violates any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding one hundred dollars (\$100.00) and in default of payment thereof, to be imprisoned for a term not exceeding sixty (60) days.

THIS IS TO CERTIFY that the foregoing by-law is a true copy of a by-law duly passed at a duly called meeting of the Municipal Council of the Municipality Of the County of Inverness duly held on the 4th day of July A.D., 2016.

Keith MacDonald, Chief Administrative Officer

Date of First Reading:	
Date of Advertisement of Second Reading:	
Date of Second Reading:	
Date of Advertisement of Passage of By-Law:	
Date of Mailing to Minister a Certified Copy of By-Law:	