

M10 SEWER CHARGES BYLAW

- 1 For the purpose of this bylaw, unless the context otherwise requires:
- (a) “Building” means any dwelling, house, shop, store, office or structure which would require sewage services.
 - (b) “Dwelling” means a Building or portion thereof which is occupied or capable of being occupied as a home or residence by one or more persons.
 - (c) “Municipal Engineer” means the staff engineer of the Municipality or a consultant engineer engaged by the Municipality, or the Director of *Public Works* of the Municipality.
 - (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 sewer or drainage system constructed, purchased, or otherwise acquired by the Municipality and maintained as a public sewer or drain, and includes the trunk main, all laterals to the street/property line and any sewage treatment plant connected thereto.
 - (f) “Year” means the fiscal year of the Municipality.
 - (g) “Lot Line” means a boundary line of a lot.
 - (h) “Front Lot Line” means the line dividing the lot from the street; in the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line; and where such lot lines are of equal length, the front line shall be deemed to be the front lot line as established in the block of prior construction. In the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front lot line; and the opposite, shorter boundary shall be deemed to be the rear lot lines; and where such lot lines are of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.
 - (i) “Flankage Lot Line” means a side lot line which abuts the street on a corner lot.
 - (j) “Rear Lot Line” means the lot line from or opposite to the lot line.
 - (k) “Side Lot Line” means a lot line other than a front or rear lot line.
 - (l) “Lot” means any parcel of land described by its boundaries.
 - (m) “Corner Lot” means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front line of said lot.
 - (n) “Flag Lot” means a lot characterized by its location of the main body of the lot generally at the rear of another lot or otherwise separated from the street or roadway which provides access, and by a narrower prolongation extending from the main portion of the lot to the said street or roadway. A flag lot generally resembles a flag on a pole in the case of a rectangular layout, or the main body of the lot with an umbilical prolongation providing access in the case of such a lot having irregular boundaries. The minimum interior dimension of a flag lot shall be measured in the main body of the lot.

- (o) "Lot Area" means the total horizontal area within the lot lines of a lot.
- (p) "Lot Depth" means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid points of the front and rear lot lines.
- (q) "Lot Frontage" means the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the front lot line with either the middle of the rear lot line or the apex of a triangle formed by the side lot lines and at a point therein equal in distance to the minimum applicable front yard. In the case of a corner lot with a corner lot sight triangle, the exterior lot lines (street lines) shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage. The definition shall not apply in the case of a flag lot, where "frontage" shall be the length of the front lot line abutting the street.
- (r) "Through Lot" means a lot bounded on two opposite sides by streets or a highway provided, however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be deemed to be a corner lot for the purpose of this bylaw.
- (s) "Equivalent Unit" means a discharge to the system equal to that of a Dwelling.

2. ADMINISTRATIVE

- (1) The Municipality shall have a separate account for the sewer system operation.
- (2) The cost of the sewer service shall include:
 - (a) the direct operating and maintenance costs of the sewer systems, being the approved budget for the ensuing fiscal year;
 - (b) an allowance for the administrative costs associated with the sewer system, equal to five (5) per cent of the direct operating and maintenance costs of the system;
 - (c) a capital replacement cost up to point nine (0.9) per cent of the estimated replacement cost of the physical plant, including pumping stations, treatment plants, collector and trunk sewers, force mains and outfalls;
 - (d) the replacement cost will be reviewed every five years or at the discretion of Council.
- (3) The direct operating and maintenance costs of the sewer system do not include any part of the capital cost of the system, any extension of the system, any connection to the system of a lot or building that existed when the system was completed, or any debt charges associated with such costs.
- (4) Any capital costs incurred for replacement of any component of a sewer system shall be paid for out of the accumulated sewer capital replacement reserve fund for the sewer system. If the accumulated sewer capital replacement reserve fund is insufficient, the cost not paid for from the accumulated capital replacement reserve fund shall be charged to the sewer system and amortized over a period not to exceed the expected useful life of a system, with interest at a rate charged to the Municipality for other borrowings of a like nature.

3. SEWER SERVICE CHARGE

- (1) The sewer service charge shall be calculated annually by dividing the cost of the sewer service by the total of the Equivalent Units (*See Schedule "A"*). The cost of sewer service shall be calculated in accordance with Section 2. The total Equivalent Units shall be calculated in accordance with Section 5 on or before March 31st in each year.
- (2)
 - (a) The sewer service charge for each year shall normally be billed in the first quarter of the fiscal year.
 - (b) The sewer service charge is due and payable within 31 days of the billing date.
 - (c) The sewer service charge, if not paid when due, shall bear interest at the same rate as charged on unpaid taxes.
 - (d) 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 *Municipal Government Act*.
 - (e) The sewer service charge and interest thereon may be sued for and collected in the name of the Municipality in the same manner as other rates and taxes.
 - (f) 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 *Municipal Government Act*.
- (3) Prorated partial year billings will be issued for new Buildings commencing upon the date of connection.
- (4) Billings for newly created lots shall commence in the next billing period.
- (5) Industrial producers or processors may make application and justify, to the satisfaction of the Municipal Engineer, that a significant portion of water use is consumed in production and is not discharged to the community sewer system. In such circumstances the sewer service charge may be calculated by dividing the annual sewer discharge (as measured by meter as specified by the County and installed at the expense of the property owner) by 55,000 gallons, to determine the number of Equivalent Units.

4. WHO IS LIABLE FOR SEWER SERVICE CHARGES

- (1) Every owner of land:
 - (a) on which any Building is connected to the sewer line is located; or
 - (b) that fronts on any street or highway in which a sewer is situate; or
 - (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 be connected to a sewer line;shall pay to the Municipality, each year, a sewer service charge.

- (2) Sewer service charges shall be levied on the owners of all properties liable to pay 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 on a pro-rated basis, whichever is earlier.
- (3) For the purposes of this By-Law, a sewer has been installed when the Municipal Engineer has certified to Council that the system or the project of which the sewer forms part is substantially complete.
- (4) The Municipality shall forward a notice to each owner of land who is liable for the payment of the sewer charge that a sewer has been installed.
- (5) Municipal Council may grant exemptions from charges under this bylaw in the following circumstances:
 - (a) the Owner of the property does not have the legal ability to construct and maintain a sewer between the property and the municipal sewer; or
 - (b) the Owner of the property is, for reasons determined valid by the Engineer, unable to obtain a requisite provincial or federal permit to construct the sewer connection between the property and the municipal sewer.
- (5) An exemption shall remain in force unless circumstances under which the exemption was granted no longer exist.
- (6) A lot of land on which no building has been constructed and which has less than the minimum frontage or area for a lot served by a central sewer system, or a lot served by both a central sewer and a central water systems, as the case may be for the lot of land in question, as required by the Subdivision By-Law or by an applicable Land Use By-Law (whichever is stricter) is exempt from the sewer service charge.

5. SEWER SERVICE CHARGES

- (1) Each owner of land liable to pay the sewer service charge shall pay with respect to the number and kinds of buildings or equipment situate on the land according to *Schedule "A"*.
- (2) *Schedule "A"* may be amended, from time-to-time by resolution of Council.

<u>Clerk 's Annotation For Official Bylaw Book</u>	
Date of First Reading for Amendment	May 19, 2015
Date of Advertisement of Notice of Intent to Consider Amendment	May 28, 2015
Date of Final Reading for Amendment	June 16, 2015
Date of advertisement of Bylaw Amendment	July 30, 2015
I certify that this Bylaw was adopted by Municipal Council and published as indicated above.	
<i>Carolyn Young</i>	July 31, 2015
Municipal Clerk	Date
<i>*Effective date of the Bylaw unless otherwise specified.</i>	

AMENDMENTS

First Reading	August 20, 2002
“Notice of Intent” Publication	August 28, 2002
Final Reading	September 17, 2002
Effective Date (Publication)	October 1, 2002

BYLAW M10 AMENDMENTS (SECTION 4)

First Reading	February 17, 2004
Second Reading	April 20, 2004
Effective Date (Publication)	April 26, 2004

BYLAW M10 AMENDMENTS (SCHEDULE A)

First Reading	Waived, July 20, 2004
Second Reading	July 20, 2004
Effective Date	April 1, 2005

BYLAW M10 AMENDMENTS (SCHEDULE A)

First Reading	March 16, 2010
Second Reading	April 20, 2010
Effective Date	May 6, 2010

BYLAW M10 AMENDMENTS

First Reading	September 18, 2012
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BYLAW M10 AMENDMENTS

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BYLAW M10 AMENDMENTS

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BYLAW M10 AMENDMENTS

First Reading	May 19, 2015
Second Reading	June 16, 2015
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SCHEDULE "A"

Category	Equivalent Units
Building / Dwelling	1
Academic classroom in a school	1
Site in a mobile home park	1
Washing machine in a laundromat	1
Licensed bed in a nursing home or home for special care	2/3
Hotel or motel	1 plus ¼ per room
Campground or trailer park	1 plus 1/10 per site
Restaurant/lounge, lounge, tavern, pub: 1 –10 seats	1
11-50 seats	2
for each additional 50 seats or fraction thereof	1
200 feet of frontage or fraction thereof for each lot upon which no building has been constructed and which is not in active agricultural use and meets the requirements of Sections 4(1)(b) and 4(1)(c)	1/3
1,000 feet of frontage or fraction thereof for each lot upon which no building has been constructed and which is in active agricultural use.	1/3
Industrial, commercial and institutional uses	1 for each 55,000 gallons per annum of water consumed or discharged to the sewer during the immediately preceding calendar year, with a minimum value of one equivalent unit
All other property	1 plus 1 for each retail premise or office space or building in excess of one