

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER S - 100
RESPECTING SEWER CHARGES**

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

Short Title

- 1 This by-law shall be known as By-Law Number S-100, and may be cited as the "Sewer Charges By-law".

Definitions

“Dwelling Unit” means living quarters that are accessible from a private entrance, either outside the building or in a common area within the building, are occupied or, if unoccupied, are reasonably fit for occupancy, contain kitchen facilities within the unit, and have toilet facilities that are not shared with the occupants of other dwelling units.

“Infrastructure Charge” means a charge levied as a condition of subdivision approval pursuant to a by-law adopted under the authority of Section 274 of the Municipal Government Act.

Interpretation

- 2 (a) "Commission" means the Halifax Regional Water Commission;
- (b) "Council" means the Council of the Halifax Regional Municipality;
- (c) "Engineer" means Engineer as defined in the Halifax Regional Municipality Act;
- (d) "floor space" means the total area in square feet of all floors, measured along the outside surface of the exterior walls of the building, including the areas occupied by exterior and interior walls and partitions, all exits, service access spaces, vertical service spaces, and parking spaces within the exterior walls of the building but excluding non-habitable attic spaces and crawl spaces;
- (e) "municipality" means the Halifax Regional Municipality;
- (f) “primary collection system” means that portion of the wastewater and stormwater system that includes the local and trunk sewer lines and local pumping stations;

- (g) "public sewer" means a sewer controlled by the Regional Municipality;
- (h) "serviced land" means a lot or parcel of land for which public sewer service is available in an abutting street or abutting service easement;
- (i) "sewer" means a pipe for carrying sewage, groundwater, stormwater or surface run-off and includes all storm sewers, clearwater sewers, and combined sewers;
- (j) "stormwater system" means any method or means of carrying stormwater, including ditches, swales, pipes, sewers, drains, canals, pumping stations, retention ponds, conduits;
- (k) "wastewater system" means the structures, devices, equipment, processes and appurtenances intended for the collection, transportation, pumping and treatment of sewage and disposal of the effluent.

Pollution Control Charges

- 3 (1) All metered water users of the Commission shall pay a Pollution Control charge to be divided into an Environmental Protection charge and a Wastewater and Stormwater Management charge, at a rate to be set by resolution of Council.
- (2) The Environmental Protection charge shall be comprised of the annual operational, administrative, development, maintenance and capital costs, including debt servicing charges and reserve accounts, of that portion of the wastewater collection and treatment systems comprising the interceptor sewers, waste treatment plants, pumping stations and associated forcemains which directly transfer wastewater to an interceptor sewer or a waste treatment plant and other facilities of a similar nature, exclusive of the primary collection system, which charges shall be paid into an account to be called the Environmental Protection account and used for the purposes for which they were collected.
- (3) The Wastewater and Stormwater Management charge shall be established at the rate required to cover the annual cost of administering and maintaining the wastewater and stormwater primary collection systems and shall be paid into an account to be called the Wastewater and Stormwater Management Account and used for the purposes for which they were collected.
- (4) In establishing the pollution control charges, direct construction costs may be recovered in one year or more, consistent with attempts to avoid significant changes in rates from year to year.

Metered Users

- 4 (1) Metered users of water within the Regional Municipality, who are users of the public sewer system, shall pay the Pollution Control charge based on the actual volume of water billed.
- (2) The Pollution Control charge shall be due and payable to the Commission on the same date the water bill is due and payable to the Commission.

Unmetered Users/ Non-Users

- 5 (1) Unmetered users or non-users of water from the Commission, who are users of the public sewer system, shall pay the Pollution Control charge to the Municipality based on the average rate of consumption of water by a similar class of metered users of the Commission water in the preceding year and at the same rate established for metered users of water from the Commission.
- (2) The Pollution Control charge for unmetered users or said non-users may be billed by the Regional Municipality on the same dates as the water bills are rendered by the Commission to metered users of the Commission and if billed on the same date as the water bills, shall be due and payable to the Municipality on the same date as the water bills to the Commission.

Serviced Land

- 6 (1) Notwithstanding sections 4 and 5, every owner of serviced, vacant land shall pay a minimum Pollution Control charge calculated at a rate of \$0.1538 per day for each lot or parcel of land to be deposited to the Wastewater and Stormwater Management account.
- (2) The minimum Pollution Control charge for serviced, vacant land may be billed by the Municipality on the same dates as the water bills are rendered by the Commission to metered users and if billed on the same date as the water bills, shall be due and payable to the Municipality on the same date as the water bills to the water utility.

Exemptions

- 7 (1) A metered water user of the Commission, to whom public sewer is available in an abutting street or abutting service easement but is not connected to the public sewer, is entitled to an exemption from the Environmental Protection charge upon application to the Engineer, but is required to pay the Wastewater and Stormwater charge.
- (2) A metered water user of the Commission, to whom public sewer is not available, is exempt from all Pollution Control charges.

Rebate

- 8 (1) Where the volume of liquid discharged into the public sewer is less than half of the volume of water used by the property, as established by the property owner to the satisfaction of the Engineer, a rebate of one-third of the pollution control charges attributable to the difference between the amount of the water used and the amount of liquid discharged into the public sewer shall be given.
- (2) Notwithstanding subsection (1), where the volume of liquid discharged into the public sewer from landscaping and agricultural uses is less than one-quarter of the volume of water used by the property, as established by the property owner to the satisfaction of the Engineer, a rebate of two-third of the pollution control charges attributable to the difference between the amount of the water used and the amount of liquid discharged into the public sewer shall be given.

Late Payment Charge

- 9 Interest on overdue Pollution Control Charges is calculated and billed at 1.5% per month.

Existing Pollution Control Charges

- 10 Pollution Control charges in effect as of the coming into force of this bylaw shall remain in effect until amended by resolution of Council.

Sewer Redevelopment & Trunk Sewer Charge

- 11 (1) On all new buildings and all building additions in serviced areas, a sewer redevelopment charge at a rate of \$0.30 per square foot of floor space, is hereby levied and imposed, payable prior to the issuance of a building permit therefor by the Regional Municipality.
- (2) When an unserviced lot of land, occupied by a building, existed prior to the coming into force of this by-law, a trunk sewer charge in an amount as detailed below is hereby levied, payable when the lot is serviced by a public sewer:
- | | |
|---------------------|---------------------------------------|
| Dwelling Units | \$500.00 per unit |
| All other Buildings | \$0.30 per square foot of floor space |
- (3) A sewer redevelopment charge shall only be payable in respect of accessory buildings that contain facilities which can discharge effluent to the public sewer system.
- (4) For the purposes of this by-law new buildings include buildings which are

moved onto a new lot.

- (5) Notwithstanding subsection (1), the payment of a sewer redevelopment charge, or a portion thereof, may be deferred with interest until completion of construction but must be paid prior to issuance of the occupancy permit in respect of the building or addition.
- (6) Notwithstanding subsection (1), the payment of a sewer redevelopment charge shall not apply to buildings or building additions which are located on a parcel of land which was subject to an Infrastructure Charge imposed pursuant to the Halifax Regional Municipality Subdivision By-Law and containing a component related to new or expanded wastewater facilities or stormwater systems.
- (7) For the purposes of subsection (6), supra, a capital cost charge collected pursuant to the provisions of By-Law C-600 respecting Capital Cost Charges is not considered an Infrastructure Charge

Sewer Redevelopment Account

- 12 Any sewer redevelopment charge or trunk sewer charges collected shall be paid into an account to be called the Sewer Redevelopment Account and shall be used for upgrading and installation of trunk sewer systems within existing developed areas.

Interest on Sewer Redevelopment and Trunk Sewer Charges

- 13 Interest at the same rate charged for outstanding property taxes in the Regional Municipality shall be charged on the entire amount of any sewer redevelopment or trunk sewer charges outstanding, interest to begin accumulating on the date upon which the charge first becomes due and payable.

Lien

- 14 A charge or charges levied under this by-law shall constitute a lien against the property in respect of which the charge is levied and may be collected in the same manner and with the same remedies as provided for the collection of taxes in the Assessment Act.

Repeal

- 15 Town of Bedford Bylaw Number 15850, being the Sewer Development Charge Bylaw; City of Halifax Ordinance Number 153 respecting A Sewer Development Charge; City of Dartmouth By-laws P-1100 and P-1102 respecting Pollution Control Charges and for greater certainty Halifax Regional Municipality By-law P-200; City of Halifax Ordinance Number 156 respecting the Pollution Control Charge and for greater certainty Halifax Regional Municipality By-law P-201; Halifax County

Municipality By-Law No. 68 respecting Waste Water Disposal Charges; Town of Bedford By-Law No. 111910, being the Wastewater Disposal Charge By-Law; and City of Halifax Ordinance Number 160 respecting A Trunk Sewer Tax are repealed.

Done and Passed by Council this 29th day of April, A.D. 1997.

Walter R. Fitzgerald
MAYOR

Vi Carmichael
MUNICIPAL CLERK

BY-LAW S-100

Notice of Motion:	March 4, 1997
First Reading:	March 25, 1997
“Notice of Intent” Publication:	March 29, 1997
Second Reading:	April 15, 1997
Third Reading:	April 29, 1997
Approval of Minister of Housing & Municipal Affairs:	June 9, 1997
Effective Date:	June 21, 1997

1. Amended by S-101
Amendment: Definition - “Dwelling Unit”; Section 11 (2)

Notice of Motion:	December 7, 1999
First Reading:	December 14, 1999
“Notice of Intent” Publication:	December 18, 1999
Second Reading:	January 4, 2000
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	January 8, 2000

2. Amended by S-102
Amendment: Reduction in late payment charge; Section 9

Notice of Motion:	February 20, 2001
First Reading:	February 27, 2001
“Notice of Intent” Publication:	March 3, 2001
Second Reading:	March 20, 2001
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	April 1, 2001

3. Amended by S-103
Amendment: Reduction in late payment charge; Section 9

Notice of Motion:	April 3, 2001
First Reading:	April 10, 2001
“Notice of Intent” Publication:	April 14, 2001
Second Reading:	May 1, 2001
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	May 5, 2001

4. Amended by S-104
Amendment: Section 9 is deleted in its entirety and replaced. Effective date
January 1, 2002

Notice of Motion	December 11, 2001
First Reading:	December 18, 2001
“Notice of Intent” Publication:	December 22, 2001
Second Reading:	January 8, 2002
Approval of Minister of Housing & Municipal Affairs:	N/A
Effective Date:	January 1, 2002

5. Amended by S-105
Amendment: Addition to Section 8

Notice of Motion:	May 21, 2002
First Reading:	May 28, 2002
“Notice of Intent” Publication:	June 1, 2002
Second Reading:	June 18, 2002
Approval of Service Nova Scotia and Municipal Relations	N/A
Effective Date:	June 22, 2002

6. Amended by S-106
Amendment: Addition to Section 1 and Section 11

Notice of Motion:	February 25, 2003
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“Notice of Intent” Publication:	March 8, 2003
Second Reading:	March 25, 2003
Approval of Service Nova Scotia and Municipal Relations	N/A
Effective Date:	March 29, 2003

7. Amended by S-107
Amendment: Section 11

Notice of Motion:	April 17, 2007
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Second Reading”	May 15, 2007
Approval of Service Nova Scotia and Municipal Relations:	N/A
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