

**HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER C-1000  
RESPECTING CHARGES FOR THE RESOLUTION OF  
INADEQUATE WATER SUPPLY AND ON-SITE SEWAGE DISPOSAL SYSTEMS**

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

**Short Title**

1. This By-law shall be known as By-law C-1000 and may be cited as the *Charges for Water Supply and On-Site Sewage Disposal System Improvement By-Law*.

**Interpretation**

2. In this By-law,

(a) "Director" means the director of the department of the Municipality for Planning and Development, and includes a person acting under the supervision and direction of the Director;

(b) "owner" includes

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of and or a building,

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession on a person having the care and control of the land or building,

(iii) a person who occupies shores, beaches or shoals, and

(iv) in absence of proof to the contrary, the person assessed for the property;

(c) "principal residence" means a dwelling unit occupied for at least 180 days in the calendar year immediately prior to the year of application;

(d) "recreational property" means a dwelling unit used as a secondary place of residence for vacation or leisure activity;

(da) "on-site sewage disposal system" means, except where context requires otherwise, any on-site mechanism or part of an on-site mechanism for the treatment and disposal of sewage that is not directly connected to an approved central wastewater collection and treatment system;

(e) "Treasurer" means the Treasurer of the Municipality, and includes a person acting under the supervision and direction of the Treasurer; and

(f) "water supply improvement" means the installation or upgrade of a water system on the subject property for the supply, use, storage or conservation on water, including cisterns, water from fog systems, or greywater collection.

**Application of By-law**

3. This By-law shall apply to the installation and financing of water supply improvement or on-site sewage disposal system on a property in the Municipality where the property:

- (a) is a principal residence;
  - (b) is outside of the Halifax Water water or wastewater service area and there are no proposed plans to extend service to the property or building;
  - (c) the financing being requested is for a property that:
    - (i) has an existing water system that provides potable water but is inadequate;
    - (ii) requires the installation of water storage; or
    - (iii) has an existing on-site sewage disposal system; and
  - (d) the owner of the property,
    - (i) makes an application to the Municipality whereby the Municipality will pay for the costs of providing for, financing, and installing of water supply improvement or an on-site sewage disposal system; and
    - (ii) agrees to repay such costs to the Municipality pursuant to this By-law and an agreement entered into pursuant to clauses 5(i) and 5A(h).
4. Notwithstanding section 3, this By-law shall not apply to the following:
- (a) new home construction;
  - (b) property that is rented or leased;
  - (c) a recreational property;
  - (d) a resource property;
  - (e) commercial property;
  - (f) property that is exempt from residential property tax;
  - (g) any property without an existing water supply system; or
  - (h) any property with an existing water supply system that is adequate and
    - (i) is less than one year old; or
    - (ii) does not provide potable water.

**Eligibility – Water Supply Improvement Financing**

5. To be eligible for water supply improvement financing:
- (a) clauses 3(a), (b), (c)(i) or (c)(ii), and (d) of this by-law must be satisfied;
  - (b) the property owner must be in good standing on their property taxes and related charges;
  - (c) the property is held by the owner in fee simple;

- (d) the proposed water supply improvement is for a residential purpose;
- (e) the Municipality must be provided with an attestation indicating that the water supply for the subject property is inadequate;
- (f) the Municipality must be provided with a written estimate or a signed contract from a contractor approved by the Municipality;
- (g) the Director must approve the written estimate provided to the Municipality pursuant to clause (f) prior to the installation commencing;
- (h) the owner of the property must submit an application on a form as prescribed by the Director and pay the application fee in the amount set out in Administrative Order 15, *License, Permits, and Processing Fees Administrative Order*, and
- (i) 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 a payment schedule;
- (j) repealed.

**Eligibility – On-Site Sewage Disposal System**

- 5A
- (a) clauses 3(a), (b), (c)(iii) and (d) of this by-law must be satisfied;
  - (b) the property owner must be in good standing on their property taxes and related charges;
  - (c) the property is held by the owner in fee simple;
  - (d) the proposed on-site sewage disposal system is for a residential purpose;
  - (e) the Municipality must be provided with a written estimate or a signed contract from a contractor approved by the Municipality;
  - (f) the Director must approve the written estimate provided to the Municipality pursuant to clause (e) prior to the installation commencing;
  - (g) the owner of the property must submit an application on a form as prescribed by the Director and pay the application fee in the amount set out in Administrative Order 15, *License, Permits, and Processing Fees Administrative Order*, and
  - (h) an agreement must be executed between the owner of the property and the Municipality respecting the provisioning, financing and installation of the on-site sewage disposal system on the property of such owner and the repayment of all associated costs in accordance with a payment schedule.

**Confirmation of Work Completed – Water Supply Improvement**

6. Upon completion of the water supply improvement, the owner shall provide the Treasurer with
- (a) an itemized invoice for the full cost of the water supply improvement; and
  - (b) repealed;

- (c) repealed;
- (d) any other information required by the Director or Treasurer, including any documentation required to confirm the work was completed.

**Confirmation of Work Completed – On-Site Sewage Disposal System**

6A. Upon completion of the on-site sewage disposal system, the owner shall provide the Treasurer with

- (a) an itemized invoice for the full cost of the on-site sewage disposal system;
- (b) a copy of the Certificate of Installation submitted to Nova Scotia Environment; and
- (c) any other information required by the Director or Treasurer, including any documentation required to confirm the work was completed.

**Charge Imposed**

7. Where sections 3, and 5 or 5A are satisfied and water supply improvement equipment or the on-site sewage disposal system is installed on a property, a charge is hereby imposed in respect of the provision, financing, and installation of such equipment on the property.

**Amount of Charge**

8. (1) The amount of the charge imposed pursuant to section 5 or 5A shall be calculated based on the lesser of:

- (a) twenty thousand dollars (\$20,000); or
- (b) the actual cost of providing for, financing and installing water improvement equipment, or an on-site sewage disposal system, less any funding from any person, the Government of Canada, the Government of the Province of Nova Scotia or any combination of them; or
- (c) 75% of the assessed property value of the property as determined by Property Valuation Services Corporation.

**Lien**

9. (1) 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.

(2) A charge imposed pursuant to this By-law is collectable in the same manner as taxes and at the option of the Treasurer is collectable at the same time and by the same proceedings as taxes.

(3) The lien provided for in this By-law shall become effective on the date on which the Treasurer receives documentation confirming completion.

(4) The lien provided for in this By-law shall remain in effect until the charge plus interest has been paid in full.

**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 prime rate of the Municipality's banker plus two percentage points.

(2) Notwithstanding subsection (1), the minimum interest rate payable shall not be lower than two percent (2%).

**Installments**

11. The amount payable may, at the option of the owner, be paid in equal annual installments over a period not exceeding ten years and the balance becomes due and payable in case of default of payment of an installment.

**Exemption and Deferral Not Allowed**

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

Done and passed by Council this 20<sup>th</sup> day of March 2018

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Mayor

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Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on March 20<sup>th</sup>, 2018

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Kevin Arjoon, Municipal Clerk

Notice of Motion:	February 13, 2018
First Reading:	February 27, 2018
Notice of Second Reading Publication:	March 3, 2018
Second Reading:	March 20, 2018
Approval by Service Nova Scotia and Municipal Relations:	N/A
<u>Effective Date:</u>	<u>March 31, 2018</u>

Amendment #1 – C-1001

Notice of Motion:	July 31, 2018
First Reading:	August 14, 2018
Notice of Second Reading Publication:	August 18, 2018
Second Reading:	September 11, 2018
Approval by Service Nova Scotia and Municipal Relations:	N/A
<u>Effective Date:</u>	<u>September 15, 2018</u>

Amendment #2 – C-1002

Notice of Motion:	December 1, 2020
First Reading:	December 15, 2020
Notice of Second Reading Publication:	December 19, 2020
Second Reading:	January 12, 2021
Approval by Minister of Municipal Affairs and Housing:	N/A
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