

SEWER CHARGES BYLAW

1. In this Bylaw, unless the context otherwise requires, the expression:
 - 1.1 “Annual Cost” is the total cost to the Town associated with the operation and maintenance of the Sewer System as determined by the Town;
 - 1.2 “Building” means any dwelling, house, shop, store, office or any building which would require sewer services;
 - 1.3 “Engineer” means the Engineer for the Town and includes the Superintendent of Works;
 - 1.4 “Town” means the Town of Yarmouth, represented by the Town Council;
 - 1.5 “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;
 - 1.6 “Sewer” means a pipe, conduit, drain, open channel, or ditch used for the collection and transmission of wastewater, stormwater, or uncontaminated process or cooling water;
 - 1.7 “Sewer System” means all pipes, mains, equipment, buildings and structures for collecting, pumping or treatment of wastewater and operated by the Town, but does not include a storm sewer;
 - 1.8 “Storm Sewer” means a sewer and all related structures designed exclusively for the collection and transmission of uncontaminated water, stormwater, drainage from land or from any watercourse or any of them;
 - 1.9 “Water Utility” means the Water Utility of the Town;
 - 1.10 “Year” means the fiscal year of the Town;
 - 1.11 “Council” means the Town Council of the Town of Yarmouth;
2. Every owner of land
 - (a) on which any building is connected to a Sewer System;
 - (b) that fronts on any street or highway in which a sewer is situate;

- 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 connected to a sewer system;

shall pay to the Town an annual “Sewer Service Charge” for the construction and maintenance of the sewer system of the Town.

3.1 The Town shall annually calculate the Sewer Service Charge as follows:

- a) an annual base rate for the owner of every property which is connected by a building sewer connection to the Sewer System, on the 1st day of April of every year of:
 - i) for each sewer connection servicing a single family residence, \$151 per year;
 - ii) for each sewer connection servicing a building containing more than one residential unit, \$184 per year; and
 - iii) for each sewer connection servicing a non-residential building, \$230.00 per year;and, in addition to the above
- b) a consumption rate, based on the volume of water entering a property connected by a building sewer connection to the Sewer System, as metered at the entrance to the property, payable on a quarterly basis when invoiced of:
 - i) for sewer connections servicing residential units, 90¢ for each 1,000 gallons of water as metered for the first 250,000 gallons per quarter and \$1.00 per 1,000 gallons of water for all amounts in excess of 250,000 gallons per quarter;
 - ii) for sewer connections servicing non-residential units, 90¢ for each 1,000 gallons of water, as metered, for the first 1,000 gallons of water, as metered, for the first 1,000,000 gallons per quarter, and \$1.00 per 1,000 gallons of water for any amounts in excess of 1,000,000 gallons per quarter.

3.2 Every owner of property who is a user of the Water Utility and the Sewer System shall pay a Sewer Service Charge based on their actual water rates.

- 3.3 Every owner of property who is a non-user of the Water Utility, but is a user of the Sewer System shall pay a Sewer Service Charge based on the average water rates charged to a similar class of user by the Water Utility.
- 3.4 Every owner of property who is not a user of the Sewer System shall pay a Sewer Service Charge calculated on the basis of 50% of the average water rates charged by the Water Utility to residential users, such percentage to be charged for every Two Hundred Feet (200') or part thereof of the property that fronts on a street or highway in which a sewer line is installed.
- 3.5 Every owner of property who is a user of the Water Utility and who establishes, through meters or such other measuring devices as Town Council of the Town (upon the advice of the Engineer) deems acceptable, that less than 50% of the water received by it from the Water Utility is on an annual basis disposed of through the Sewer System, shall pay a Sewer Service Charge based on the actual amount of water returned to the sewer system.
- 4.1 Each year, the Sewer Service Charge shall be increased over the previous year's charge based on the same percentage increase as the Town's gross sewer budget exceeds that of the prior year.
- 4.2 A vacant lot upon which no building exists shall be exempt from the Sewer Service Charge.
- 5.1 An owner of land that fronts on any street or highway in which a sewer is situate, or that fronts on a right of way which connects to such a street or highway, is not liable to pay the Sewer Service Charge if the Engineer certifies that it would be impractical to connect any building on the land to the sewer.
- 5.2 A decision of the Engineer pursuant to this Section may be appealed to the Council.
- 5.3 This Section applies only to land upon which a building has been constructed.
- 6.1 Sewer Service Charges shall be levied on the owners of all properties liable to pay the same 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, whichever is the earlier.
- 6.2 For the purposes of this Bylaw, a sewer has been installed when the Engineer has certified to the Council that the system or project of which the sewer forms part is substantially complete.
- 6.3 The Clerk shall forward a notice to each person who would be liable for the payment of a Sewer Service Charge, that a sewer has been installed.

- 7.1 The Sewer Service Charge shall be billed quarterly or at such other intervals as Council may determine by resolution from time to time.
- 7.2 The Sewer Service Charge shall be due and payable at the time it is billed.
- 7.3 The Sewer Service Charge, if not paid by the due date, shall bear interest at the same rate as charged on unpaid taxes.
- 8.1 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 *Assessment Act*.
- 8.2 The Sewer Service Charge and interest thereon may be sued for and collected in the same manner as other rates and taxes.
- 8.3 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 *Assessment Act*.
- 9.1 Every person connecting to the sewer shall pay a connection charge therefor equal to the cost to the Town of installing the connection, as determined by the Council by resolution from time to time.
- 9.2 For the purposes of this Bylaw, a sewer has been installed when the Engineer has certified to the Council that the system or project of which the sewer forms part is substantially complete.
- 9.3 The sewer connection charge is a lien, and bears interest and may be collected in the same manner as the Sewer Service Charge.
- 9.4 A sewer connection charge may be paid in two or three annual instalments, with interest on the unpaid balance at the same rate as for unpaid rates and taxes, at the option of the person liable therefor.
- 9.5 Nothing in this Section means that the Town is responsible for any part of a sewer connection that is not in a public street, highway or sewer easement.
- 10.1 Any person who subdivides land subject to a Sewer Service Charge, shall pay a trunk sewer tax equal to \$500.00 per lot created by the subdivision;
- 10.2 This Section does not apply to a subdivision that is a lot consolidation or that does not result in the creation of more lots than existed prior to the subdivision.

- 10.3 The trunk sewer tax is a lien, and bears interest and may be collected in the same manner as the Sewer Service Charge.
- 10.4 In this Section "subdivision" has the same meaning as in the *Planning Act*.

THIS IS TO CERTIFY THAT the foregoing is a true copy of the Sewer Charges By-law of the Town of Yarmouth.



Municipal Clerk-Treasurer

July 14, 2021

Date

By-law adopted Amendment to Part 3.1a)	August 24, 1995 September 27, 2004
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