

TOWN OF LUNENBURG

BY-LAW NUMBER 54

A BY-LAW RESPECTING ANNUAL SEWER CHARGES

BE IT ENACTED by the Town Council of the Town of Lunenburg under the authority of the Town's Act, R.S.N.S., 1989 as follows:

Short Title 1.1 This by-law shall be known as and may be cited as the "Annual Sewer Charge By-law".

Definitions 2.1 In this By-law:

- (a) "bed and breakfast establishment" means a private home in which the owner resides and provides accommodation to the traveling or vacationing public of a maximum of four bedrooms and a common livingroom and serves breakfast of which the cost is included in the price of the accommodation.
- (b) "charge" and "rate" in this By-law shall have the same meaning and shall be used interchangeably.
- (c) "Council" means the Town Council of the Town of Lunenburg.
- (d) "Dwelling Unit" means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- (e) "Non-residential" means any property except property assessed as residential property and without limiting the foregoing, includes all property of an institutional nature including Homes for Special Care and Nursing Homes.
- (f) "Non-residential assessment" means all assessment including assessment exempt from taxation and Homes for Special Care and Nursing Homes assessment, but does not include residential property and business occupancy assessment.

- (g) "Sanitary Sewer" means a sewer receiving and carrying liquid and water-carried wastes to which storm surface or groundwaters are not intentionally admitted.
- (h) "Sewage" means the combination of liquid and water-carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present.
- (i) "Sewer" means a pipe or conduit for carrying any, some or all of sewage, groundwater, stormwater or surface runoff, and includes all sewer drains, storm sewers, clear water sewers, storm drains and combined sewers vested in or under the control of the Town of Lunenburg.
- (j) "Sewer System" means a sewer which carries either or both of sanitary sewage as defined hereafter and stormwater as defined hereafter, and which is owned and operated by the Town.
- (k) "Sanitary Sewage" means water-carried wastes from residences, commercial buildings or premises, institutions, and industrial establishments, but excluding stormwater, as defined hereafter.
- (l) "Stormwater" means water from precipitation of all kinds, includes water from the melting of snow and ice, groundwater discharge and surface water.
- (m) "Private Sewer" means a sewer including sewer lateral, which is located on private or public property which is not owned or maintained by the Town.
- (n) "Town" shall mean the Town of Lunenburg.
- (o) "user" means the assessed owner of real property who is a person, organization, corporation, society, or partnership who discharges sewage into the sewer system, serving the Town of Lunenburg and surrounding areas or discharges sewage directly into the Lunenburg Harbour through a private sewer lateral.
- (p) "Year" means the fiscal year of the Town.

Sewer Charge 3.1 An annual sewer charge or rate shall be billed to users of the Town's sewer system based on annual sewer revenue requirements as set forth in this By-law.

Annual 3.2 On or before May 1st of each year Council shall by resolution establish the annual sewer revenue level for the current fiscal year, specifying what portion will be received from Town residential users and what portion will be received from Town non-residential users.

Non-residential Sewer Rates 4.1 All non-residential users of the system within the Town limits, shall pay to the Town each year a sewer rate based upon the user's assessment. This rate shall be set by dividing the total revenue requirements from non-residential users within the Town limits as established annually by Town Council, by the total assessment of all of the non-residential users within the Town limits.

Residential Sewer Users 5.1 All residential users of the system within the Town limits shall pay to the Town each year a sewer charge per dwelling unit as established annually by Town Council, provided that if the residence is used as a bed and breakfast establishment and is not assessed as commercial property, there shall be an additional annual charge of 25% of the rate established by Council as a rate for a dwelling unit multiplied by the number of rooms used in the bed and breakfast establishment.

Mixed Use 6.1 Users that own property which contain both residential property units and non-residential assessment shall pay a sewer charge as follows:

6.1.1 Non-residential portion based upon the sewer rate established in section 4.1; and

6.1.2 Residential portion based upon the per dwelling unit sewer charge established in section 5.1.

Deemed Dwelling Unit 6.2 For the purposes of this By-Law, where there is a residential use for at least four months in the year that is assessed as residential property but does not constitute a dwelling unit as defined in this By-Law, that residential use shall be deemed to constitute a dwelling unit.

Properties Outside

Town Limits 7.1

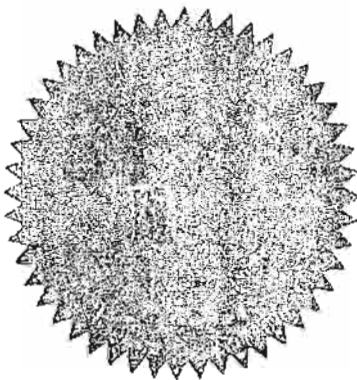
The owner of every residential property or other property outside of the Town limits of the Town of Lunenburg which is connected to the sewer system of the Town shall pay to the Town a sewer charge as follows:

- 7.1.1 Residential sewer users shall pay an annual sewer charge per dwelling unit which is double the charge established for residential users in the Town as established in Section 5.1;
- 7.1.2 Non-residential sewer users - The Town may enter into an Agreement with a non-residential sewer user outside of the Town limits of the Town of Lunenburg who is connected to the Town sewer system, or wishes to connect to the sewer system of the Town. The rate to be charged to the non-residential sewer user shall be determined by the Council of the Town but the rate shall not be less than double the approximate equivalent amount charged to a non-residential sewer user in the Town of Lunenburg based on an estimate of the total revenue from non-residential users within the Town limits divided by the water gallonage consumed by the total of non-residential users within the Town limits (in 1,000 Imperial gallon units). In any agreement entered into with a non-residential sewer user outside of the Town limits, the Town may restrict the amount and/or type of sewage which it will accept into the Town's sewer system.
- 7.1.3 All non-residential users outside of the Town limits of the Town of Lunenburg shall install a gallonage meter in a manner approved by the Town, to monitor flows of sewage into the Town sewer system and this meter shall be maintained by the property owner at the sole expense of the property owner and shall be made available for inspection by the Town or anyone on its behalf at all reasonable times.
- 7.1.4 The capital and maintenance costs for all out of Town connections into the Town sewer system shall be borne solely by the property owner.
- 7.1.5 Subject to any more stringent provisions contained in an Agreement between the Town and a non-residential user outside of the Town, all out of Town users must comply with the provisions of the Town Sewer Discharge By-law as amended from time to time.

- Billings 8.1 Council shall by resolution on or before May 1st of each fiscal year determine whether the sewer rates and charges established in this By-law shall be billed annually or divided into semi-annual or quarterly installments.
- Due Dates 9.1 The due date of the sewer charge or rate, or installment thereof, shall be thirty (30) days from the billing date. All accounts outstanding after the due date shall be subject to an interest charge at the same interest rate established by resolution of Council from time to time for the collection of outstanding taxes.
- Lien 10.1 A charge or rate levied under this By-law shall constitute a lien on the property and may be collected in the same manner and with the same remedies as rates and taxes levied under the Assessment Act.
- Revenue Purposes 11.1 Revenue collected pursuant to this By-law shall be used for any or all of the construction, operation and maintenance of a sewer system, including collection, mains or pipes, force mains, pumping stations, and sewage treatment plant, provided that any excess revenue shall be transferred to the Town's Special Reserve Fund to offset future costs of the sewer system. Notwithstanding the foregoing, private sewers are the responsibility of the owner thereof.
- Repeal 12.1 The previous Annual Sewer Charge By-law is hereby repealed.

Date Oct. 9/03

Bea Renton,
Town Manager/Clerk



I, Bea Renton, Town Manager/Clerk for the Town of Lunenburg, do certify that the foregoing is a true and current copy of the amended By-law #54 of the Town of Lunenburg, duly passed by the Lunenburg Town Council on September 11, 2003, with first reading having been given on May 29, 2003, second reading on July 10, 2003 and third and final reading on September 11, 2003, with an effective date of September 29, 2003 when published in the Lighthouse Log newspaper.

AMENDMENT TO TOWN OF LUNENBURG

BY-LAW #54

ANNUAL SEWER CHARGE BY-LAW

BE IT RESOLVED by the Town of Lunenburg that the Town of Lunenburg By-law #54 Annual Sewer Charge By-law be amended as follows:

Section 2.1 (bb) is added by inserting:

(bb) "Church" means St. John's Anglican Church, Central United Church, Zion Lutheran Church, St. Andrew's Presbyterian Church and St. Norbert's Catholic Church and related church halls located in the Town of Lunenburg.

Section 2.1 (e) is amended by inserting in line one the words "...churches and related church halls located in the Town of Lunenburg...", following the word "except".

Section 4 is amended by adding **Section 4.2**:

Church Sewer Rate **4.2** Church users of the system within Town limits shall pay to the Town an annual sewer charge for each account as noted below. The rate shall be calculated on the basis of a base rate equal to the Residential water base charge for 50,000 gallons consumption per year. Church users with a water consumption in excess of 50,000 gallons per year, will be charged an additional usage rate calculated at the current average Residential rate per 1,000 gallons of consumption in excess of 50,000 gallons. These rates shall be calculated, payable and due quarterly for the following accounts:

<u>Church</u>	<u>Water Account</u>
St John's Anglican Church	1-125
St John's Anglican Church Hall	1-120
Zion Lutheran Church & Hall	1-080
St Andrew's Presbyterian Church	1-010
St Andrew's Presbyterian Church Hall	1-000
St Norbert's Catholic Church	990
St Norbert's Catholic Church Hall	980
Central United Church	1-200
Central United Church Hall	1-210

**Clerk's Annotation For Official By-Law Book regarding Amendments to
By-law #54., Annual Sewer Charge By-law**

Date of first reading: **January 25, 2007**

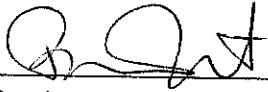
Date of advertisement of Notice of Intent to Consider: **February 3, 7 and 14, 2007**

Date of second and third and final reading: **February 22, 2007**

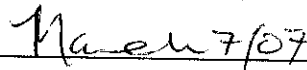
Date of advertisement of proposed By-Law: **March 7, 2007**

Date of mailing to Minister a certified copy of By-Law repeal: **March 5, 2007**

I certify that By-Law #54, Annual Sewer Charge By-law was amended by Council and published as indicated above.



Bea Renton
Clerk



Date

*Effective Date of the By-Law repeal unless otherwise specified in the text of the By-Law.

