

# PUBLIC SEWERS BY-LAW

## PART I

### DEFINITIONS

1. In this By-Law:

- a) "BUILDING SEWER" shall mean a sewer which is located on private or public property and which connects a building to a Public Sewer or other place of disposal;
- b) "COMBINED SEWER" shall mean a sewer intended to function simultaneously as a Storm Sewer and a Sanitary Sewer System;
- c) "CURRENT CHARGE" shall mean the amount of the sewer capital charge that is levied to each user that is due and payable in each fiscal period and is calculated as one-fifteenth of the total sewer capital charge as calculated under section 30 of this By-law;
- d) "GARBAGE" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce;
- e) "NATURAL OUTLET" shall mean any outlet into a ravine, gulch, watercourse, or the bed thereof, whether the same usually contains water or not, or any stream, river, creek, ditch, lake or other body of surface or groundwater;
- f) "PRIVATE SEWER" shall mean a sewer which services is located on private property and which is not owned or maintained by the Town, and sections of the sewer which are located under streets, easements or other Town or private property;
- g) "PUBLIC SEWER" shall mean a sewer which is located on public property and which is owned and maintained by the Town;
- h) "POLLUTED" shall mean altered physical, chemical, biological or aesthetic properties of the natural waters of the area, including change of the temperature, taste, or odour of the waters, or the addition of any liquid, solid, radioactive, gaseous or other substances to the water or the removal of such substances from the water, which will render, or is likely to render, the waters harmful to the public health, safety, or welfare; or harmful or less useful for domestic, municipal, industrial, agricultural, recreational or other lawful uses, or for animals, birds or aquatic life;
- i) "SANITARY SEWAGE" shall mean water-carried wastes from residences, commercial buildings or premises, institutions and industrial establishments, but excluding Storm Sewage;
- j) "SANITARY SEWER SYSTEM" shall mean a sewer which carries Sanitary Sewage and to which storm, surface and ground water are not intentionally admitted by private or non-Town property owners;
- k) "SEWAGE WORKS" shall mean all sewer systems, sewage pumping stations, sewage treatment plants, and other works for the collection, acceptance, transmission, treatment and disposal of sewage or for any one or more of them;
- l) "SLUDGE" shall mean the discharge of sewage which in concentration of any given constituent or any quantity of flow exceeds more than five times the average 24-hour concentration or flow for a period in excess of fifteen minutes;
- m) "STORM SEWAGE" shall mean ground, surface and storm waters which are unpolluted other than by their contact with the natural environment and industrial cooling water, and unpolluted process water;

- n) "STORM SEWER" shall mean a sewer which carries storm and surface water, industrial cooling water, or unpolluted process waters, including ditches and culverts but excludes Sanitary Sewage;
- o) "TOWN" shall mean the Town of Pictou, the duly elected Councillors or the Town of Pictou, acting in Council, or any commission or officer appointed by the Council to supervise the operation and administration of the sewage works including but not necessarily limited to the Town Engineer;
- p) "TOWN'S INSPECTOR" shall mean any sanitary inspector, public health inspector or any person who is authorized by the Town to carry out inspections or investigations on behalf of the Town as may be required under this By-Law;
- q) "WASTE" shall mean, without limitation, human or animal excrement, Garbage, Polluted material and substances, materials, waters and other items detailed in section 20 of this By-Law;
- r) "WASTEWATER SYSTEM" means the wastewater treatment plant and conveyance system completed during the fiscal year ending March 31, 2011.

## **PART II**

### **THE REQUIRED USE OF PUBLIC STREETS**

- 2. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, Garbage or other objectionable Waste.
- 3. It shall be unlawful to discharge to any natural outlet within the town, any sewage or other Polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this By-Law.
- 4. The owner of any dwellings, house, shop, store, office or other building, situate within the Town and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or Combined Sewer of the Town, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the Public Sewer in accordance with the provisions of this By-Law, within 90 days after date of notice by the Town to do so.

## **PART III**

### **BUILDING SEWERS AND CONNECTIONS**

- 5. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenance thereof, without first obtaining a permit from the Town.
- 6. The owner or his agent shall make application to the Town for any proposed connection.
- 7. The Town shall provide any installations required for the connections within the right-of-way of the Town streets when:
  - a) The owner agrees to a payment option pursuant to section 32 hereof; and
  - b) The property fronts on a street in which there is a sewer.
- 8. A separate and independent Building Sewer shall be provided for every building except where one building stands at the rear of another on an internal lot and no Private Sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, in which case the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer. For the purpose of this section, the word "building" includes each unit of a semi-detached (side by side) building.

9. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Town, to meet all requirements of this By-Law.
10. Size, slope, alignment, materials of construction of the Building Sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling the trench and the connection to the Public Sewer, shall all conform to the requirements of the Town, as they may exist at the time of installation. All Building Sewers shall incorporate an effective back water (check) valve, if any fixture served by it is located below the level of the street on which the sewer main is located.
11. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the building drain is too low to permit gravity flow to the Public Sewer, Sanitary Sewage carried by such building drains shall be lifted by an approved means and discharged to the Building Sewer.
12. No person shall make connection of roof down spouts, exterior foundation drains, sump or basement pumps, area way drains or other sources of surface runoff or groundwater to a Building Sewer or building drain, which in turn is connected directly or indirectly to the Sanitary Sewer System. Surface runoff or groundwater shall be disposed of by connection to a public Storm Sewer or by a natural outlet or shall be disposed of by wet well or other approved means.
13. The person who originally made application for the Building Sewer permit shall notify the Town when the Building Sewer is ready for inspection and connection to the Public Sewer. The entire works shall be performed under the supervision of the Town's Inspector.
14. All excavations for the Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalk, walkways, and other public property disturbed in the course of the work shall be restored to a condition which is satisfactory to the Town.

## **PART IV USE OF THE PUBLIC SEWER**

15. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to any Sanitary Sewer.
16. No persons shall discharge or cause to be discharged any Sanitary Sewer to any Storm Sewer.
17. Storm water, industrial cooling water, unpolluted process water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as Combined Sewers or Storm Sewers, or to a natural outlet approved under the *Environmental Protection and Waters Act*.
18. Storm Sewers shall be maintained as per the *Ditches and Water Courses Act*. For property owners who have a Storm Sewers boarding their property (i.e. ditch and culvert), it is the property owner's responsibility to maintain, repair and replace it, at their own expense
- 18-19. No person shall enter, break or remove any portion of any receiving basin, covering, identification flag, manhole, vent shaft, grating or any part of any sewer or drain, or, obstruct the flow of water or permit any substance to flow into a sewer or drain which shall form a deposit having a tendency to fill or obstruct such sewer or drain.
- 19-20. Sanitary Sewage shall be discharged to such sewers as are specifically designated as Sanitary Sewers or Combined Sewers, except that no person shall discharge or cause to be discharged the following described substances, materials, waters or wastes:

- a) Sewage at a temperature in excess of 75 degrees centigrade;
- b) Sewage containing any inflammable or explosive matter and, without limiting the generality of the foregoing, waste oils, gasoline, benzene, naphtha, fuel oil, acetone or other solvents;
- c) Any quantity of matter capable of obstructing the flow in or interfering with the proper operation of any part of the sewage works and, without limiting the generality of the foregoing, any such quantity of ashes, cinders, garbage, sand, straw, mud, shavings, metal, glass, rags, feather, plastic, wood or cellulose;
- d) Sewage having a pH less than 5.5 or greater than 9.5, of which, due to its nature or content, becomes less than 5.5 or greater than 9.5 during transmission to a sewage treatment plant;
- e) Sewage that may cause a nuisance and, without limiting the generality of the foregoing, sewage containing hydrogen sulphide, carbon disulfide, ammonia, trichloroethylene, sulphur dioxide, formaldehyde, chlorine, bromine, or pyridine, in such quantity that an offensive odour could emanate from the sewage works or could cause a nuisance;
- f) Sewage containing fish, animal wastes, including animal litter, and, without limiting the generality of the foregoing, containing intestines, stomach casings, intestinal contents, hides, hooves, toenails, horns, bones or poultry heads or sewage containing hair, wool, fur, feathers, paunch manure or fleshings;
- g) Sewage containing toxic or chemical pollutants in greater concentrations than is permitted by any authority having jurisdiction over the receiving waters;
- h) Sewage which exerts or causes:
  - i. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulphate);
  - ii. Excessive discolouration (such as, but not limited to, dye wastes and vegetable tanning solutions);
  - iii. Unusual BOD, chemical oxygen demand or chloride requirements in such quantities as to constitute a significant load on the Sewage Works; and
  - iv. Unusual volume of low or concentration of wastes constituting Sludge;
- i) The contents of septic tanks without approval of the Town;
- j) Radioactive materials except as may be permitted pursuant to federal and/or provincial legislation;
- k) Storm runoff, sewage derived from the drainage of lands or roofs, water used for cooling purposes or any other waters that are not Polluted;
- l) Without limiting any of the foregoing, no person shall discharge or cause to be discharged any waters or Wastes containing substances which are not amenable to treatment reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge or the receiving waters.

20-21. If any waters or Wastes are discharged or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in section 20 of this By-Law, the Town may do any or all of the following:

- a) Reject the described substances, materials, waters or Wastes;
- b) Require pretreatment to an acceptable condition for discharge to the Public Sewers;
- c) Require control over the quantities and rates of discharge; and/or
- d) Require payment to cover the added cost of handling and treating the Wastes not covered by existing taxes or sewage charges.

21-22. If the Town requires the pretreatment or equalization of Waste flows, the design and installation of the plant and/or equipment shall be subject to the review and approval of the Town.

22-23. Grease and oil interceptors shall be provided by the property owner when, in the opinion of the Town, they are necessary to the proper handling of liquid Wastes containing grease in excessive amounts, or any inflammable Wastes, sand or other harmful ingredients; except that such interceptors shall not be required to private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection.

23-24. Each preliminary treatment or flow equalizing facility shall be maintained continuously and satisfactorily in effective operation by the owner at his expense.

24-25. When required by the Town, the owner of any property served by a Building Sewer carrying industrial Waste shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the Wastes. Such manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. Manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

25-26. No statement contained in this Part shall be construed as preventing any special agreement or arrangement between the Town and any industrial entity or institution whereby an industrial or institutional Waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial entity.

## **PART V**

### **POWERS OR AUTHORITY OF INSPECTORS**

26-27. The Town's Inspectors shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing, at any reasonable time. The Town's Inspectors shall have no authority to inquire into any processes beyond those having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for Waste treatment.

## **PART VI**

### **SERVICE EQUIVALENTS**

27-28. Individual connected property owners shall pay charges levied pursuant to this By-Law based on the number of service equivalents retained on their property. The number of service equivalents shall be based on comparing an individual property to a single user property. A single user property shall contain not more than five (5) units, a single unit which retains two or more of the following: a toilet, sink, hand basin, fountain, shower or bathtub (hereafter, a "Unit"). A single user property shall constitute one service equivalent. All non-exempt connected properties shall be charged a minimum of one service equivalent.

~~28:29.~~ Multiple user properties will be determined by comparing their Unit counts to that of a single user. The Town shall maintain a list of multiple users by grouping properties into one of the following categories: apartments; tourist accommodations; schools; industrial; commercial; nursing homes and institutions. For every five (5) Units, tourist accommodations, schools, industrial and commercial properties shall be charged one (1) service equivalent. Nursing homes, properties containing apartments, and institutions shall be charged one (1) service equivalent for each Unit retained on the property. The Town reserves the exclusive right to categorize properties into one of the above groupings.

## **PART VII CAPITAL CHARGES**

### **Calculation of Charge**

~~29:30.~~ The owner of every property fronting on any street in which there is a Public Sewer with said property being connected to the Sanitary Sewer System at the time of enactment of this By-Law, or at such future time as the owner of said property requests or is required by the Town to connect to the Sanitary Sewer System shall pay to the Town:

- 1) A charge determined by dividing the total of the calculated service equivalents, less any exemptions approved through By-Law of the Town of Pictou, into the total of the long term debt and carrying charges incurred as a result of constructing the Wastewater System completed during the fiscal year ending March 31, 2011, and multiplying this number by the number of service equivalents retained by the connected user / property owner. These calculated amounts shall be the amounts payable by individual connected property owners.
- 2) Where a building has previously been connected to the Town's Sanitary Sewer system, no capital charge shall be payable under this By-Law where the building is rebuilt, replaced or repaired, if destroyed or damaged by fire or otherwise, including demolition for the purpose of renovation or redevelopment, if the building is substantially the same as it was before the destruction or damage and it is occupied by the same use.

- ~~30:31.~~ 1) The capital charge shall be rendered on all properties irrespective of destruction or demolition of property, change of use or occupancy.
- 2) Upon change of use per section 29 herein, all discounts on capital charge calculation shall be eliminated, including, without limitation, the 60% discounted factor for sewer capital calculation of tourist accommodations per Schedule "A", section 4.

### **Terms of Property Owner Re-Payment**

~~31:32.~~ The property owner may elect to retire the amount payable in full upon the issuance of the charge, or, in 15 or less annual installments. In the event of default of payment of any installment so elected by the property owner, the balance becomes due and payable in same manner as real property taxation collection as detailed within the Town's Revenue Collection Policy.

### **Interest Payable**

~~32:33.~~ In accordance with section 82 of the *Municipal Government Act*, interest is payable on unpaid taxes and charges levied pursuant to the capital charge at the same rate as for outstanding taxes. The interest on all outstanding balances is to begin accumulating on the date upon which the current charge as defined within this By-Law first becomes due and payable.

### **Lien**

~~33-34.~~ The sewer capital charge is a lien on the whole of the property subject to the sewer capital charge in the same manner and with the same effect as rates and taxes under the *Assessment Act*.

#### **Calculation of a Future Charge after Initial Billing has been Rendered**

~~34-35.~~ For those property owners being connected to the Sanitary Sewer System after the initial charge has been issued pursuant to this By-Law, the Town shall calculate such future charge by equating the property owner to that of a similar category of an existing connected property owner and rendering a charge in that amount, such charge which shall be rendered on the property on the earlier of:

- a. the date of occupancy permit issuance by the Town's Building Official; and
- b. the year of assessment of the property and inclusion in the Town's assessment roll.

In the event the charge is rendered in accordance with clause a. of this section, the date of occupancy permit issuance, the Town shall prorate the charge in accordance with the time remaining in the current fiscal year.

~~35-36.~~ Future capital charges shall be due and payable and form a lien against the real property as per the terms detailed within this By-Law and the *Assessment Act*.

~~36-37.~~ The Town reserves the right to correct errors in future charge calculation subsequent to rendering of initial billing, including the addition of properties and application of a capital charge calculated per the Amortization Schedule attached hereto as Schedule "B".

#### **Application of the Proceeds of Future Capital Fees Collected**

~~37-38.~~ The application (use of) future capital charges collected shall be governed by Town policy. Such policy of the Town shall be restricted to applying the proceeds of future collections to:

- a) The annual costs of operating the Sewage Works; and/or
- b) Placement of collections in a special reserve dedicated to future expansion or improvements to the Sewage Works.

## **PART VIII**

### **ANNUAL OPERATING CHARGES**

#### **Calculation of Sewer Operating Charge**

~~38-39.~~ The net cost of operating the Sewage Works shall be billed to connected users of the Sewage Works on an annual basis. The bill shall be for the same fiscal period as the Town, April 1 to March 31.

~~39-40.~~ The annual bill for property owners shall be based on the current year financial operating estimates pertaining to the Sewage Works.

~~40-41.~~ The rate shall only be applied to properties that are connected to the Town's Sewage Works. The rate shall be first billed in the year this By-Law comes into effect or in the future during the year in which a building(s) on the property has or have been connected to the Sewage Works.

~~41-42.~~ Individual property owner's share (portion) of the sewer operating charge shall be based on one of two methods:

- a) Calculation of a service equivalent

Under this method the charge shall be determined by dividing the total of the calculated service equivalents, as defined under Part VI of this By-Law, less any sewer operating charge exemptions approved through this or other By-Laws of the Town of Pictou, into the total of the net estimated annual operating costs of the Sewage Works, and multiplying this number by the number of service

equivalents retained by the connected user / property owner. These calculated amounts shall be the amounts payable by individual connected property owners as their annual operating charge.

b) Use of metered potable water

Under this method all of the users of the Sewage Works are to have their annual sewer operating charge billed on an annual basis and be based on their percentage share of the total metered water usage within the Town. Billing under this option shall be based on:

- i. Multiplying an individual property owner's percentage share and/or the percentage share of their tenant(s) water usage of the total metered water usage recorded by the Town's water utility, by the estimated net operating expenses of the Sewage Works.
- ii. The total metered water consumption within the Town shall be adjusted to account for: exemptions provided by legislation or Town By-Law; for Town metered water accounts which are exempted from this By-Law, and for those property owners who are non-users of the water utility but are users of the Sewage Works.
- iii. Every owner of property who is a non-user of the water utility, but is a user of the Sewage Works, shall pay a sewer operating charge based on the average water consumption of a similar class of user of the water utility.

**Addition and Proration of Operating Charge**

42-43. In the event of new construction, an operating charge shall be rendered on the property in accordance with this By-law on the earlier of:

- a. the date of occupancy permit issuance by the Town's Building Official; and
- b. the year of assessment of the property and inclusion in the Town's assessment roll.

In the event the operating charge is rendered in accordance with clause a. of this section, the date of occupancy permit issuance, the Town shall prorate the charge in accordance with the time remaining in the current fiscal year.

43-44. In the event of property destruction, the Town will consider applications by affidavit to prorate annual operating charges based upon the destruction date as sworn by the affiant in the form per Schedule "C" attached hereto, and the appropriate pro-ration shall be determined by the Town in accordance with the billing method employed, namely calculation of service equivalents per sections 28 and 42(a), or prior year water readings per section 42(b), or the Town shall estimate appropriate operating charges for Year 1 destruction in the event billing is per section 42(b).

44-45. In the event of change of occupancy, the Town will consider applications by affidavit to prorate annual operating charges based upon the occupancy permit date of existence or cancellation as sworn by the affiant in the form per Schedule "C" attached hereto, and the appropriate pro-ration shall be determined by the Town in accordance with the billing method employed, namely calculation of service equivalents per sections 28 and 42(a), or prior year water readings per section 42(b), or the Town shall estimate appropriate operating charges for Year 1 occupancy change in the event billing is per section 42(b).

45-46. In the event of change of use, the Town will consider applications by affidavit to prorate annual operating charges based upon the date of change of use per section 29 as sworn by the affiant in the form per Schedule "C" attached hereto, and the appropriate pro-ration shall be determined by the Town in accordance with the billing method employed, namely calculation of service equivalents per sections 28 and 42(a), or prior year water readings per section 42(b) attached, or the Town shall estimate appropriate operating charges for Year 1 change of use in the event billing is per section 42(b).

47. The effective date for provisions 43 through 46 of this By-Law shall be April 1, 2014.



48. Provisions 45 and 46 applies provided that:

- the subject property is vacant for at least 75% (9 months) in the applicable fiscal year;
- the account for the subject property is not in arrears;
- the property owner makes application for a partial exemption on the prescribed form attached hereto as Schedule "C";
- an exemption shall be calculated at between 75% and 100% of the property owner's share of the costs of the service; and
- an exemption under this policy be provided to the property owner's account as an annual credit in the applicable fiscal year.

**Selection of a Billing Methods**

46-49. Council shall select one of the methods itemized within section 42 of this By-Law by policy.

**Administration of the Sewer Operating Charge**

47-50. Sewer operating charges shall be payable in installments in the same manner as the Town tax bills.

48-51. The sewer operating charge, if not paid by the due date, shall bear interest at the same time, in the same manner and at the same rate as charged on unpaid taxes.

49-52. The sewer operating charge and interest thereon may be sued for and collected in the same manner as other rates and charges.

50-53. 51. The sewer operating charge is a lien on the whole of the property subject to the sewer operating charge in the same manner and with the same effect as rates and taxes under the *Assessment Act*.

**PART IX**

**EXEMPTIONS**

51-54. Those properties exempted from rates and taxes under section 5 of the *Assessment Act* shall be exempted from the sewer operating charge.

52-55. Schedule "A" which is attached hereto and forms part of this By-Law contains a list of properties that Council has exempted or partially exempted from either sewer capital and/or sewer operating charges.

53-56. With respect to rendering sewer operating charges under the metered water consumption method, the Town may exempt a portion of a charge levied on the owner of an industrial property when said owner supplies information to the Town, which the Town accepts as sufficient proof, that a determined volume of the customer's water is not discharged to the Sanitary Sewer System but is rather used in a manufacturing process. A decision on exemption in this regard shall be made by the Town Engineer. A property owner in disagreement with a decision of the Town Engineer may appeal to Town Council.

**PART X**

**PENALTIES**

54-57. Any person who violates or fails to comply with any provision of this By-Law shall be liable to a penalty on summary conviction not exceeding one thousand dollars (\$1,000), or in default of payment, to imprisonment for a term not exceeding 30 days, but this section shall not apply to parts VII and VIII.

55-58. The sewer operating charge and/or the sewer capital charge are liens on the whole of the property subject to the charges in the same manner and with the same effect as rates and taxes under the *Assessment Act*.

56-59. The sewer operating charge and/or the sewer capital charge and interest thereon may be sued for and collected in the same manner as other rates and taxes.

57-60. Land is liable to be sold for unpaid sewer operating charges and/or unpaid sewer capital charges in the same manner and with the same effect as for unpaid rates and taxes pursuant to the *Assessment Act*.

## **PART XI**

### **REPEAL**

58-61. The “Sewer Frontage Charge By-Law” approved by the Minister of Municipal Affairs on the 22<sup>nd</sup> day of December, 1976 and amended on the 28<sup>th</sup> day of July 1986; and the “Sewer Collection and Treatment Charge By-Law” approved by the Minister of Municipal Affairs the 2<sup>nd</sup> day of May, 1991; and any other By-Laws or parts of By-Laws in conflict herewith are hereby repealed.

**SCHEDULE "A"**  
**PUBLIC SEWERS BY-LAW EXEMPTIONS**

**Section 1. Properties Covered in Part By the Assessment Act <sup>1</sup>**

Assessment Account No.	Property Description	Property Address	Use
1501259	FIRST PRESBYTERIAN CHURCH OF	10 PRINCE ST	LAND CHURCH
1501267	FIRST PRESBYTERIAN CHURCH OF	5 PRINCE ST	LAND FELLOWSHIP HALL
10178053	MUNICIPALITY OF THE COUNTY OF	46 MUNICIPAL DR	MUNICIPAL BLDG <sup>2</sup>
4652185	PICTOU AGRICULTURAL SOCIETY	249 PATTERSON ST	LAND ARENA
4031628	ROMAN CATHOLIC EPISCOPAL CORP	16 ROSS ST	LAND CHURCH
4031636	ROMAN CATHOLIC EPISCOPAL CORP	117 DENOON ST	LAND FELLOWSHIP HALL
4075072	ROYAL CANADIAN LEGION BR 16	130 VETERANS DR	LAND FELLOWSHIP HALL
<del>9090568</del>	<del>SLC DEVELOPER TRUST</del>	<del>350 WELLINGTON ST</del>	<del>EDUCATIONAL</del>
4399617	ST ANDREW'S PRESBYTERIAN	105 COLERAINE ST	LAND CHURCH
4402014	ST JAMES CHURCH OF ENG OF CANA	20 DENOON ST	CHURCH
4401999	ST JAMES CHURCH OF ENGLAND	8 DENOON ST	LAND FELLOWSHIP HALL
4718283	UNITED CHURCH OF CANADA	47 JAMES ST	LAND CHURCH

- The above properties have been exempted from operating charges by virtue of section 5 of the *Assessment Act*. By virtue of this By-Law the above are hereby exempted from sewer capital charges. The exemption from sewer capital charges will cease when and if a change in use occurs that varies from the use corresponding to each property described in this Schedule.
- The Municipality of the County of Pictou, 46 Municipal Drive, shall be partially exempt from the sewer operating and capital charges. Two service equivalent units shall be charged to this account.

**Section 2. Additional Properties Exempted by Council**

Assessment Account No.	Property Description	Property Address	Use
9857990	NORTHUMBERLAND FISHERIES	CALADH AVE	MUSEUM <sup>3</sup>
4683684	TRUSTEES OF THE HARBOUR CLUB	21 ATLANTIC AVE	LAND FELLOWSHIP HALL <sup>3</sup>
0617681	PICTOU COMMUNITY NEW HORIZONS	14 KEMPT	LAND FELLOWSHIP HALL <sup>3</sup>
01363093	EASTERN STAR LODGE	83 WATER STREET	LAND RETAIL/OFFICE <sup>4</sup>

- The above three noted properties are hereby exempted from the sewer capital and operating charges. These exemptions will cease when and if a change in use occurs that varies from the use corresponding to each property described in this Schedule.
- The Eastern Star Lodge shall be charged one service equivalent unit.

**Section 3. Town Owned / Occupied Properties**

Town owned and/or occupied properties shall be exempt from both the sewer operating and capital charges. Exemptions include the deCoste Centre, with other exemptions to be determined by the Town, such determinations being within the full purview of the Town. Town owned properties leased to third parties shall be governed by the terms of said leases with respect to sewer capital and operating charges.

**Section 4. Tourist Accommodations**

For those properties categorized by the Town as tourist accommodations pursuant to section 29 of this By-Law, with service units in excess of one, used for tourist accommodation purposes, such properties owners shall have these additional service units discounted by a factor of 60% for purposes of calculating the sewer capital charge. The same discount of 60% shall be applied to rendering an operating charge when said charge is calculated pursuant to section 42(a) of this By-Law. Owners will not receive a discount on operating charges when and if the Town calculates operating charges based on metered potable water pursuant to section 42(b) of this By-Law.

**SCHEDULE "B"**  
**AMORTIZATION TABLE – CAPITAL CHARGES**

			Amount per
			Service
<u>Year Ending</u>	<u>Year</u>		<u>Equivalent</u>
March 31, 2012	1		\$ 126.02
March 31, 2013	2		\$ 124.74
March 31, 2014	3		\$ 123.26
March 31, 2015	4		\$ 121.56
March 31, 2016	5		\$ 119.64
March 31, 2017	6		\$ 117.52
March 31, 2018	7		\$ 115.15
March 31, 2019	8		\$ 112.53
March 31, 2020	9		\$ 109.67
March 31, 2021	10		\$ 106.63
March 31, 2022	11		\$ 103.43
March 31, 2023	12		\$ 100.14
March 31, 2024	13		\$ 96.74
March 31, 2025	14		\$ 93.26
March 31, 2026	15		\$ 89.70

**SCHEDULE "C"**

20\_\_\_\_\_

**IN THE MATTER OF:** Sewer Operating Charges pursuant to Part VIII – Annual Operating Charges of the Town of Pictou Public Sewers By-Law

- and -

Property Owner Applications by Affidavit to Prorate Annual Operating Charges

**AFFIDAVIT OF:** \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Tel. No. \_\_\_\_\_

***All applicants complete sections 1 – 9 and 20.***

I, \_\_\_\_\_, make oath and give evidence as follows:

1. I am the owner in fee simple of real property bearing PID # \_\_\_\_\_ and located at civic address \_\_\_\_\_ (hereafter, the "Property");
2. I have personal knowledge of the evidence sworn to in this affidavit except where otherwise stated to be based on information or belief;
3. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source;
4. I have reviewed the Town of Pictou Public Sewers By-Law (the "By-Law");
5. The Property contains \_\_\_\_ connected service units ("Units") per section 28 of the By-Law;
6. I understand that the Town of Pictou (the "Town") reserves the exclusive right to categorize multiple user properties per section 29 of the By-Law;
7. I am advised by Town staff and do believe that the Property is a: [*Check applicable box*]

single user property per section 28 of the By-Law; or

multiple user property per section 29 of the By-Law;

- 8. I understand that the categorization of the Property as above referenced determines the charging of service equivalents on the Property per Part VI of the By-Law;
- 9. I will notify the Town within 30 days of any change in the number of Units on the Property as sworn herein;

**[Check applicable heading and complete only corresponding Part: Property Destruction; Change in Occupancy; or Change in Use]**

**PART I - PROPERTY DESTRUCTION**

- 10. The Property was destroyed on \_\_\_\_\_ 20\_\_;
- 11. I apply to prorate the annual operating charge rendered on the Property based upon the noted destruction date;
- 12. I understand and agree that the appropriate pro-ration shall be determined by the Town in accordance with the billing method employed; namely, number of service equivalents or metered potable water per sections 28 and 42 of the By-Law;

**PART II - CHANGE IN OCCUPANCY**

- 13. The change in occupancy for the Property occurred on \_\_\_\_\_;
- 14. The percentage of occupancy is now \_\_\_\_\_% of the prior occupancy (not applicable if billed by metered potable water);
- 15. I understand and agree that the appropriate pro-ration shall be determined by the Town in accordance with the billing method employed; namely, number of service equivalents or metered potable water per sections 28 and 42 of the By-Law;

**PART III - CHANGE OF USE**

- 16. The Property was subject to a change of use dated \_\_\_\_\_;
- 17. As a result of a change of use, and if applicable based on the billing method used, I am requesting \_\_\_\_\_ Units be used to calculate the number of service equivalents for the sewer operating charge on the Property (not applicable if billed by metered potable water);
- 18. I apply to prorate the annual operating charge rendered on the Property based upon change of use per section 29 of the By-Law;
- 19. I understand and agree that the appropriate pro-ration shall be determined by the Town in accordance with the billing method employed; namely, number of service equivalents or metered potable water per sections 28 and 42 of the By-Law;
- 20. [Intentionally left blank]
- 21. I swear this affidavit in support of my application to prorate sewer operating charges billed on the Property for the fiscal year ending 31 March 20\_\_.

Sworn to before me )  
on \_\_\_\_\_, 20\_\_\_\_ )  
at Pictou, in the County )  
of Pictou and Province of )  
Nova Scotia: )  
 )  
 )  
 )  
 )  
\_\_\_\_\_)  
Barrister/Commissioner/Notary )  
of the Supreme Court of Nova Scotia )  
 )

\_\_\_\_\_  
\_\_\_\_\_  
print name

**CAO Annotation**

Date of first reading:	October 1, 2010
Date of advertisement of Notice of Intent to Consider:	October 6, 2010
Date of second reading:	October 18, 2010
Date of advertisement of Passage of By-Law:	October 27, 2010
Date of First Reading of Amendment:	April 23, 2014
<u>Date of advertisement of Notice of Intent to Consider:</u>	<u>May 28, 2014</u>
Date of Second Reading of Amendment:	June 16, 2014
Date of Advertisement of Passage of Amendment:	December 27, 2017
Date of First Reading of Amendment:	July 31, 2017
<u>Date of advertisement of Notice of Intent to Consider:</u>	<u>November 1, 2017</u>
Date of Second Reading of Amendment:	November 20, 2017
Date of Advertisement of Passage of Amendment:	December 27, 2017
<u>Date of First Reading of Amendment:</u>	<u>January 18, 2021</u>
<u>Date of advertisement of Notice of Intent to Consider:</u>	<u>February 3, 2021</u>
<u>Date of Second Reading of Amendment:</u>	
<u>Date of Advertisement of Passage of Amendment:</u>	

I certify that this PUBLIC SEWERS BY-LAW was adopted by Council and published as indicated above and was amended as indicated above.

\_\_\_\_\_  
Deputy Clerk