

MUNICIPAL SERVICES USER FEE BY-LAW NO. 2017-001

TITLE: This By-law shall be known and cited as the Municipal Services User Fee By-law for the Town of Trenton.

PART 1. DEFINITIONS

In this By-law, unless the context otherwise requires:

“Act” means the *Municipal Government Act* (R.S.N.S 1998, c.18).

“Assessment Roll” means the assessment roll required to be prepared pursuant to the *Assessment Act* (R.S.N.S. 1989, c.23).

“CAO” means the Chief Administrative Officer of the Town of Trenton.

“Council” means the Town Council of the Town of Trenton.

“Exempt User” means a property owned by Her Majesty in the right of the Province and a property owned by the Town of Trenton.

“Exempt Volume” means the volume of water billed to a customer by a Water Utility, and that the customer can demonstrate has been used exclusively for commercial or industrial purposes and has not been or will not be discharged either directly or indirectly into the sewerage handling systems of the Town.

“Metered User” means any Person who is named as a customer of a Water Utility in respect of the provision of metered water service to a property situated within the boundaries of the Town, other than a wholesale customer that is in itself a water utility.

“Owner” includes any one or a combination of the following:

- a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a structure;
- in the case of the absence or incapacity of the person having title to the land or structure, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or structure;
- in the absence of proof to the contrary, the person assessed for the property.

“Person” means an individual, proprietorship, partnership, unincorporated organization, body corporate, board, commission, agency, trust, joint venture or any natural person acting in a capacity as trustee, executor, administrator or other legal representative of a Person, who owns, occupies or uses real property situated in the Town.

“Private Source User” means any Person who is not named as a customer of a Water Utility in respect of water service to a property situated within the boundaries of the Town, who provides water to the property from private sources and who is connected to and discharges into the Town sewerage system.

“Residential Dwelling Unit” means a self-contained portion of a building occupied, or designed and intended to be occupied, as a separate residence.

“Solid-Waste Management Facility” means a sanitary landfill licensed pursuant to the Environment Act or a location not required to be licensed pursuant to that Act, a recycling facility, a transfer station, a waste separation facility, a household hazardous waste facility, an incinerator, a composting site or any other facility for the management of solid waste including collection, recycling, treatment and disposal.

“Structure” means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, and signs and also fences exceeding two (2) metres (6 feet) in height.

“Town” means the Town of Trenton.

“Unmetered User” means any Person who is named as a customer of a Water Utility in respect of the provision of unmetered water service to a property situated within the boundaries of the Town.

“Water System Service Area” means that portion of the Town designated by Council policy as the water system service area for the Town.

“Water Utility” means the Town of Trenton Water Utility and the Town of New Glasgow Water Utility or either one of them individually.

PART 2 AUTHORITY

- 2.1 Pursuant to Subsection 81(1)(ba) of the *Municipal Government Act* (R.S. 1998, c.18) the Town has the authority to impose, fix and provide methods of enforcing payment of charges for solid waste management facilities; and
- 2.2 Pursuant to Subsection 80(1) of the *Municipal Government Act* (R.S. 1998, c.18) the Town has the authority to levy a rate on the value of all assessable property and business occupancy assessment in the area served by a water system in the municipality, as defined by council by policy, in order to recover that part of the cost of the water system that is attributable to fire protection; and
- 2.3 Pursuant to Subsection 81(1)(a) of the *Municipal Government Act* (R.S. 1998, c.18) the Town has the authority to impose, fix and provide methods of enforcing payment of charges for wastewater facilities or stormwater systems, the use of wastewater facilities or stormwater systems and connecting to wastewater or stormwater systems.

PART 3 SOLID WASTE MANAGEMENT CHARGE

- 3.1 In this Part “Solid Waste Management Charge” means a charge known as the Solid Waste Management Charge to be paid to the Town for the collection, handling and disposal of solid waste.
- 3.2 Nothing in this By-law shall exempt any person from complying with the requirements of the Pictou County Solid Waste Management System, Solid Waste Resource Management By-law or any other By-law in force within the Town or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town.
- 3.3 Every Owner of a property consisting of four (4) or fewer Residential Dwelling Units except an Exempt User shall pay a solid waste management charge for each Residential Dwelling Unit contained in that property.
- 3.4 The solid waste management charge shall be determined each year and shall be calculated as:
 - a) the total budgeted expenditure(s) for collection, handling and disposal of solid waste as provided in the annual budget approved by the Town council;
 - divided by
 - b) the total number of all Residential Dwelling Units in properties containing four (4) or fewer Residential Dwelling Units as set out in the Assessment Roll for that year.
- 3.5 The solid waste management charge shall be billed at the same time and upon the same terms as the Town property tax billings for that year. The solid waste management charge may be included as a separate charge on the Town property tax billing or may be billed on a separate billing.
- 3.6 Any solid waste management charge which becomes payable under the provisions of this by-law shall bear interest calculated at the same rate and upon the same terms as charged from time to time by the Town on unpaid property taxes.

- 3.7 Any solid waste management charge which becomes payable under the provisions of this by-law shall constitute a first lien on the property in respect of which the charge has been levied in the same manner and with the same effect as a lien for rates and taxes under the *Assessment Act* (R.S.N.S. 1989, c.23).
- 3.8 The lien on the property shall become effective on the date the solid waste management charge becomes payable and shall remain in effect until the solid waste management charge together with interest, if any, thereon are paid.
- 3.9 The solid waste management charges levied pursuant to this by-law are collectible in the same manner and by the same proceedings as rates and taxes under the *Assessment Act* (R.S.N.S. 1989, c.23).

PART 4 FIRE PROTECTION LEVY

- 4.1 Every Owner of a property situated within the Water System Service Area except an Exempt User shall pay a fire protection levy on the assessed value of their property.
- 4.2 The fire protection levy rate shall be determined each year and shall be calculated as:
 - a) the total budgeted expenditure(s) for hydrant charges levied by the Town’s Water Utility as ordered by the Nova Scotia Utility and Review Board;
divided by
 - b) the total assessed value, excluding forestry acreage, of all properties situated within the Water System Service Area of the Town as set out in the Assessment Roll for that year.
- 4.3 The fire protection levy shall be billed at the same time and upon the same terms as the Town property tax billings for that year. The fire protection levy may be included as a separate charge on the Town property tax billing or may be billed on a separate billing.
- 4.4 Any fire protection levy which becomes payable under the provisions of this by-law shall bear interest calculated at the same rate and upon the same terms as charged from time to time by the Town on unpaid property taxes.
- 4.5 Any fire protection levy which becomes payable under the provisions of this by-law shall constitute a first lien on the property in respect of which the charge has been levied in the same manner and with the same effect as a lien for rates and taxes under the *Assessment Act* (R.S.N.S. 1989, c.23).
- 4.6 The lien on the property shall become effective on the date the fire protection levy becomes payable and shall remain in effect until the fire protection levy together with interest, if any, thereon are paid.
- 4.7 The fire protection levy levied pursuant to this by-law is collectible in the same manner and by the same proceedings as rates and taxes under the *Assessment Act* (R.S.N.S. 1989, c.23).

PART 5 POLLUTION CONTROL LEVY

- 5.1 In this Part “Pollution Control Levy” means a charge known as the Pollution Control Levy to be paid to the Town for the operation, maintenance, debt principal and interest payments related to the sanitary and stormwater sewerage collection, treatment and disposal systems
- 5.2 Every Metered User except an Exempt User shall pay a pollution control levy on the total cubic meters of water volume, other than Exempt Volume, billed by a Water Utility.
- 5.3 Every Unmetered User except an Exempt User shall pay a pollution control levy on the estimated total cubic meters of water volume billed by a Water Utility. For this purpose the estimated total cubic meters of water volume shall be 160 cubic meters per annum (40 cubic meters per calendar quarter).

- 5.4 Every Private Source User except an Exempt User shall pay a pollution control levy on the estimated total cubic meters of water volume from private sources consumed by the Private Source User. For this purpose the estimated total cubic meters of water volume shall be 160 cubic meters per annum (40 cubic meters per calendar quarter).
- 5.5 The pollution control levy rate shall be determined each year and shall be calculated as:
- a) the total budgeted expenditure(s) for the operation and maintenance and debt principal and interest payments related to sanitary and stormwater sewerage collection, treatment and disposal systems;
divided by
 - b) the total of estimated volume of water consumption, other than Exempt Volume, to be delivered and billed to Metered Users and Unmetered Users in the year plus the estimated volume of water consumption used by Private Source Users in the year.
- 5.6 The pollution control levy shall be billed on behalf of the Town by the Town of Trenton Water Utility at the same time and upon the same terms as the Town water billings. The pollution control levy may be included as a separate charge on the Town water billing or may be billed on a separate billing.
- 5.7 The pollution control levy shall become due and payable when billed by the Town of Trenton Water Utility, and payment may be remitted to the Town of Trenton Water Utility on behalf of the Town.
- 5.8 In the event that the actual water consumption volume of a Metered User is not available to the Town of Trenton Water Utility for purpose of billing the pollution control levy in any period, the Town of Trenton Water Utility may estimate the water consumption volume for that period for purposes of billing the pollution control levy. Any pollution control levy billed to a Metered User on the basis of estimated consumption volumes in a period shall be adjusted and any difference billed or credited as appropriate when the actual amount of consumption volume becomes known to the Town of Trenton Water Utility.
- 5.9 Any pollution control levy which becomes payable under the provisions of this by-law shall bear interest calculated at the same rate and upon the same terms as ordered by the Nova Scotia Utility and Review Board and charged from time to time by the Town of Trenton Water Utility on unpaid water rates.
- 5.10 Any pollution control levy which becomes payable under the provisions of this by-law shall constitute a first lien on the property in respect of which the charge has been levied in the same manner and with the same effect as a lien for rates and taxes under the *Assessment Act* (R.S.N.S. 1989, c.23).
- 5.11 The lien on the property shall become effective on the date the pollution control levy becomes payable and shall remain in effect until the pollution control levy together with interest, if any, thereon are paid.
- 5.12 The pollution control levy levied pursuant to this by-law is collectible in the same manner and by the same proceedings as rates and taxes under the *Assessment Act* (R.S.N.S. 1989, c.23).

Date of First Reading:	<u>February 13, 2018</u>
Date of Advertisement of Notice of Intent to Consider:	<u>February 17, 2018</u>
Date of Second Reading:	<u>March 13, 2018</u>
Date of Advertisement of By-law Passage and Approval:	<u>March 17, 2018</u>
Date of Mailing Certified Copy to Department of Municipal Affairs:	<u>March 19, 2018</u>
I certify that this Municipal Services User Fee By-law was adopted by Council and published as indicated above.	

Chief Administrative Officer

Date