

Municipality of the District of Lunenburg POLICY

Title: LaHave River Wastewater Management District Cost Recovery	
Policy No. MDL-72	
Effective Date: September 12, 2017	Amended Date: February 12, 2019

1. Definitions

- 1.1. "Agreement" means the written, signed Straight Pipe Replacement Agreement between the Owner and the Municipality for the Straight Pipe replacement with an On-Site Sewage Disposal System.
- 1.2. "Annual Maintenance Charge" means the amount levied to recover the costs of management and maintenance of an On-Site Sewage Disposal System installed pursuant to the *By-Law Respecting the LaHave River Wastewater Management District*.
- 1.3. "Authorized Municipal Personnel" means the Designer, Installer, member of the LaHave Project Management Team, a municipal wastewater operator, or agent hired by the Municipality to provide services pursuant to the *By-law Respecting the LaHave River Wastewater Management District*.
- 1.4. "Certificate of Installation" means the documentation required as per the *On-Site Sewage Disposal Systems Regulations* verifying an On-Site Sewage Disposal System has been installed.
- 1.5. "Designer" means the Professional Engineering firm(s) as defined by the *On-Site Sewage Disposal Systems Regulations* of Nova Scotia and selected by the Municipality to evaluate properties and select or design an approved system.
- 1.6. "Director of Engineering" means the Director of Engineering of the Municipality or designate.
- 1.7. "Council" means the Council of the Municipality of the District of Lunenburg.
- 1.8. "Inspection" means the tasks required for Authorized Municipal Personnel to determine if a Straight Pipe exists from the building(s) upon the property.
- 1.9. "Installer" means the Qualified Person(s) as defined by the *On-Site Sewage Disposal Systems Regulations* of Nova Scotia and selected by the Municipality to complete the installation of approved systems.

- 1.10. "LaHave River Project Management Team" means the project leadership team, as appointed by the CAO, or any other employees of the Municipality as appointed from time to time, by the CAO. [amended Feb. 12/19]
- 1.11. "Municipality" means the Municipality of the District of Lunenburg or any employee or agent hired by the Municipality.
- 1.12. "Project Manager" means the person hired by the Municipality to provide project coordination services for the Straight Pipe Replacement Program pursuant to the *By-law Respecting the LaHave River Wastewater Management District* and applicable regulations. [amended Feb. 12/19]
- 1.13. "Public Sewer" means a sewer system that is located on public property and that is owned and maintained by a municipality.
- 1.14. "On-Site Sewage Disposal System" means a system for the treatment and disposal of sewage from a building not directly connected to a Public Sewer or other central sewage collection and treatment system.
- 1.15. "Owner" means the following:
 - 1.15.1. An owner, part owner, joint owner, tenants in common or joint tenant of the whole or any part or parcel of land or building;
 - 1.15.2. In the case of absence or incapacity of a person or persons having ownership of the parcel of land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of land or building; or,
 - 1.15.3. In the absence of proof of the contrary, the person assessed for the taxes on the parcel of land or building.
- 1.16. "Real Property" means an assessed property located within the Wastewater Management District upon which an On-Site Sewage Disposal System is installed under this program.
- 1.17. "Recovery Charge" means the charge levied to the Owner to recover the costs of the Work.
- 1.18. "Straight Pipe" means the transport of raw, untreated or partially settled sewage directly to a watercourse or drainage system that leads to a watercourse in place of a sewage disposal system.
- 1.19. "Straight Pipe Replacement Program" means the Work undertaken to replace all Straight Pipes with the Wastewater Management District with On-Site Sewage Disposal Systems pursuant to the *By-Law Respecting the LaHave River Wastewater Management District*.
- 1.20. "Wastewater Management District (WWMD)" means an area established by the Municipality within which it has the power to manage all wastewater disposal

systems both public and private (i.e. individual, on-site sewage disposal systems.).

- 1.21. "Work" means any activity related to, but not limited to, the required Inspections, assessments, surveys, design, installations, construction, property restoration, operation and maintenance for and of On-Site Sewage Disposal Systems to replace Straight Pipes within the Wastewater Management District.

2. Charges Imposed

- 2.1. Where the Municipality installs an On-Site Sewage Disposal System for an Owner of Real Property within the WWMD, a one-time Recovery Charge and an Annual Maintenance Charge is hereby levied as a first lien on the Real Property that received the On-Site Sewage Disposal System under the By-law Respecting the *LaHave River Wastewater Management District*.

3. Amount of Recovery Charge

- 3.1. The amount of Recovery Charge levied shall be determined in accordance with the provisions of this Policy and may be calculated based on any and all costs related to the Straight Pipe Replacement Program pursuant to the *By-law Respecting the LaHave River Wastewater Management District*.

3.1.1. Direct program costs include, but are not limited to:

1. Costs related to Inspections, surveys, design, assessments, installations, construction and property restoration; and
2. Any taxes, levies, fees, and any other costs incurred during the Work, or during the application, recording and administering of agreements, liens or charges.

3.1.2. Program administration costs include, but are not limited to:

1. Costs related to the Education and Awareness Program;
2. Inspection costs not directly related to properties found to have a straight pipe; and,
3. Project coordination and oversight costs. [amended Feb. 12/19]

- 3.2. The Recovery Charge shall be determined by summing the total direct program costs and program administration costs as per Section 3.1, less any eligible federal and provincial funding.

- 3.3. The Recovery Charge shall become effective on the date on the Certificate of Installation.

- 3.4. For non-residential properties that require an On-Site Sewage Disposal System that exceeds the capacity requirements of a single family, four-bedroom house, the Owner shall be responsible for additional cost of the larger capacity system. The additional cost to be recovered from the Owner shall be determined by the LaHave River Project Management Team.

3.5. Notwithstanding the above, the maximum contribution of federal and provincial funding allocated toward reducing the Recovery Charge for a commercial property shall not exceed \$19,667 plus a 2.5% escalation for each year after 2018 and applicable taxes. [amended Feb. 12/19]

4. Payment of Charges and Interest

4.1. The Recovery Charge imposed pursuant to this Policy, at the option of the Owner, be paid in equal monthly installments over a period of not more than seven (7) years, together with the administrative charge rate of four percent (4%) per year.

4.2. Payment of the Recovery Charge shall occur as follows:

4.2.1. The Owner(s) will make equal monthly payments to repay the outstanding Recovery Charge, including administrative charges payable on the unpaid Recovery Charge, calculated monthly, not in advance. These payments must be made through a pre-authorized payment plan set up through the Municipality. The payment schedule will be made available through the Municipality.

4.3. Administrative charges will begin accruing on the date on the Certificate of Installation.

4.4. In the event of a default of any payment of any installment, the outstanding balance of the Recovery Charge is immediately due and payable. Interest shall be accrued on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes and charges in default. The Recovery Charge imposed pursuant to the *By-law Respecting the LaHave River Wastewater Management District* constitutes a first lien on the property and has the same effect as rates and taxes under the Assessment Act.

5. Amount of Annual Maintenance Charge

5.1. The amount of the Annual Maintenance Charge levied pursuant to Section 2 shall be as set by resolution of Council, and determined by the maintenance requirements of the On-Site Sewage Disposal System installed:

5.1.1. The Annual Maintenance Charge for traditional tank and field systems shall be determined by the contract costs for agents hired by the Municipality to perform required maintenance as specified by the designer, plus ten percent (10%) for a reserve fund for unexpected repairs.

5.1.2. The Annual Maintenance Charge for all other On-Site Sewage Disposal Systems shall be determined by the contract costs for agents hired by the Municipality to perform required maintenance as specified by the

designer, plus the costs of equipment and parts as required, plus ten percent (10%) for a reserve fund for unexpected repairs.

5.2. The Annual Maintenance Charge shall be added to the final tax bill and shall become effective in the tax year following the issuance of the Certificate of Installation.

5.3. The Annual Maintenance Charge shall terminate seven (7) years from the date on the Certificate of Installation, where the full responsibility of the On-Site Sewage Disposal System is transferred to the Owner.

6. Inspection Charges

6.1. Where an Owner cannot provide proof of a sewer system as per Section 3 of Policy *MDL 73 - LaHave River Straight Pipe Replacement Program*, a charge may be applied to recover the expense of completing an inspection. [amended Feb. 12/19]

6.2. If the inspection results in a determination that there is a straight pipe, the inspection cost will be added to the total cost to replace the straight pipe with an appropriate system and included in the Recovery Charge.

6.3. If the inspection results in a determination that there is a straight pipe and the property owner refuses to participate in the Replacement Program, the inspection cost, including any site restoration costs required, shall be charged to the Owner. A bill will be issued for these charges upon the property owner, due 30 days from the date of issue. Interest shall be accrued on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes and charges in default. If unpaid, this charge will constitute a first lien on the property and has the same effect as rates and taxes under the Assessment Act. [amended Feb. 12/19]

Clerk's Annotation for Official Policy Book

Date of Notice to Council Members
of Intent to Consider:

August 22, 2017

Date of Adoption

September 12, 2017

Date of Notice to Council Members
of Intent to Consider Amendments

Jan. 22 & Feb. 5, 2019


Date of Approval of Amendments

February 12, 2019

I certify that this "*LaHave River Wastewater Management District Cost Recovery Policy*"
was adopted and amended by Council as indicated above.



Municipal Clerk



Date