

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER C-1000
RESPECTING CHARGES FOR THE RESOLUTION OF INADEQUATE WATER SUPPLY**

BE IT ENACTED by the Council of the Halifax Regional Municipality as follows:

Short Title

1. This By-law shall be known as By-law C-1000 and may be cited as the *Charges for Water Supply Improvement By-Law*.

Interpretation

2. In this By-law,

(a) "Director" means the director of the department of the Municipality for Finance, and includes a person acting under the supervision and direction of the Director;

(b) "owner" includes

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of and or a building,

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession on a person having the care and control of the land or building,

(iii) a person who occupies shores, beaches or shoals, and

(iv) in absence of proof to the contrary, the person assessed for the property;

(c) "principal residence" means a dwelling unit occupied for at least 180 days in the calendar year immediately prior to the year of application;

(d) "recreational property" means a dwelling unit used as a secondary place of residence for vacation or leisure activity;

(e) "Treasurer" means the Treasurer of the Municipality, and includes a person acting under the supervision and direction of the Treasurer; and

(f) "water supply improvement" means the installation or upgrade of a water system on the subject property for the supply, use, storage or conservation on water, including cisterns, water from fog systems, or greywater collection.

Application of By-law

3. This By-law shall apply to the installation and financing of water supply improvement on a property in the Municipality where the property:

(a) is a principle residence;

(b) is outside of the Halifax Water water service area and there are no proposed plans to extend service to the property or building;

(c) the property has an existing water system that provides potable water but does not meet minimum requirements for pressure, flow or recharge rates; and

(d) the owner of the property,

(i) makes an application to the Municipality whereby the Municipality will pay for the costs of providing for, financing, and installing of water supply improvement; and

(ii) agrees to repay such costs to the Municipality pursuant to this By-law and an agreement entered into pursuant to clause 5(i).

4. Notwithstanding section 3, this By-law shall not apply to the following:

- (a) new home construction;
- (b) property that is rented or leased;
- (c) a recreational property;
- (d) a resource property;
- (e) commercial property;
- (f) property that is exempt from residential property tax;
- (g) any property without an existing water supply system;
- (h) any property with an existing water supply system that meets acceptable standards for pressure, flow or recharge rates
- (i) that is less than one year old; or
- (ii) that does not provide potable water.

Eligibility

5. To be eligible for water supply improvement financing:

- (a) section 3 of this by-law must be satisfied;
- (b) the property owner must be in good standing on their property taxes and related charges;
- (c) the property is held by the owner in fee simple;
- (d) the proposed water supply improvement is for a residential purpose;
- (e) the Municipality must be provided with documentation indicating that the water supply for the subject property does not meet minimum pressure, flow or recharge rates;
- (f) the Municipality must be provided with a written estimate or a signed contract from a contractor who holds a certificate of qualification from Nova Scotia Environment;
- (g) the Director must approve the written estimate provided to the Municipality pursuant to clause (f) prior to the installation commencing;
- (h) the owner of the property must submit an application on a form as prescribed by the Director and pay the application fee in the amount set out in Administrative Order 15, *License, Permits, and Processing Fees Administrative Order*;

(i) an agreement must be executed between the owner of the property and the Municipality respecting the provisioning, financing and installation of the water improvement on the property of such owner and the repayment of all associated costs in accordance with a payment schedule; and

(j) the equipment installed results in a potable water supply that meets minimum pressure, flow and recharge rates for use on the property.

Confirmation of Improvement

6. Upon completion of the water supply improvement, the owner shall provide the Treasurer with

- (a) an itemized invoice for the full cost of the water supply improvement;
- (b) a copy of the well construction record indicating the well meets minimum standards for quantity and quality;
- (c) a copy of the pump installation report; and
- (d) any other information required by the Treasurer.

Charge Imposed

7. Where sections 3 and 5 are satisfied and water supply improvement equipment is installed on a property, a charge is hereby imposed in respect of the provision, financing, and installation of such equipment on the property.

Amount of Charge

8. (1) Subject to subsection (2), the amount of the charge imposed pursuant to section 5 shall be calculated based on the lesser of:

(a) one hundred and five percent (105%) of the written estimate provided pursuant to clause 5(f), less any funding received from any person, the Government of Canada, the Government of the Province of Nova Scotia or any combination of them; or

(b) the actual cost of providing for, financing and installing water improvement equipment, less any funding from any person, the Government of Canada, the Government of the Province of Nova Scotia or any combination of them

(2) The total cumulative value of the charge imposed under this By-law shall not exceed 75% of the assessed property value as determined by Property Valuation Services Corporation.

Lien

9. (1) A charge imposed pursuant to this By-law constitutes a lien upon the real property with respect to which the charge has been levied in the same manner and with the same effect as taxes.

(2) A charge imposed pursuant to this By-law is collectable in the same manner as taxes and at the option of the Treasurer is collectable at the same time and by the same proceedings as taxes.

(3) The lien provided for in this By-law shall become effective on the date on which the Treasurer receives documentation confirming completion.

(4) The lien provided for in this By-law shall remain in effect until the charge plus interest has been paid in full.

Interest

10. Interest shall accrue and be payable annually on charges outstanding regardless of whether the owner has elected to pay by installments on the amount outstanding from the date of billing forward at a rate equal to the prime rate of the Municipality's banker plus two percentage points.

Installments

11. The amount payable may, at the option of the owner, be paid in equal annual installments over a period not exceeding ten years and the balance becomes due and payable in case of default of payment of an installment.

Exemption and Deferral Not Allowed

12. The amount charged pursuant to this By-law is not eligible for Tax Deferral or Tax Exemption.

Done and passed by Council this 20th day of March 2018

Mayor

Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on March 20th, 2018

Kevin Arjoon, Municipal Clerk

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Amendment #1 – C-1001

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