



**MUNICIPALITY OF EAST HANTS
BYLAW NUMBER IO-200-1
A BYLAW IN AMENDMENT TO BYLAW IO-200, A BYLAW RELATING TO THE
PAYMENT OF INFRASTRUCTURE CHARGES**

WHEREAS Section 81, Subsections (1), (3) and (7) of the Municipal Government Act make the following provisions:

- (1) The Council may make Bylaws imposing, fixing and providing methods for the payment of charges for
 - (g) depositing in a special purpose tax account to provide for future expenditures for wastewater facilities, stormwater systems, water systems, transportation facilities or other anticipated capital requirements;
- (3) A Bylaw passed pursuant to this Section may provide
 - (a) that the charges fixed by, or determined pursuant to, the Bylaw may be chargeable in proportion to frontage, in proportion to area, in proportion to assessment of the respective properties fronting on the street or according to another plan or method set out in the Bylaw;
 - (c) that the charges may be different for different classes of development and may be different in different areas of the municipality;
- (7) Notwithstanding the *Public Utilities Act* and for greater certainty, any Bylaw made pursuant to this Section and any charge imposed or fixed pursuant to this Section do not require approval by the Board.

BE IT ENACTED by the Council of the Municipality of East Hants, as follows:

1. SHORT TITLE

- 1.1. This bylaw shall be known as Infrastructure Charges Bylaw.
- 1.2. The previous and all other versions of the Infrastructure Charges Bylaw are repealed and replaced by this version which will continue to be numbered IO-200.





2. DEFINITIONS

For the purposes of this Bylaw, the following words shall have the meanings hereby assigned to them:

- (a) **“Accessory Dwelling Unit”** means an accessory dwelling unit as defined in the Land Use Bylaw.
- (b) **“Apartment Building”** means a building consisting of 3 or more divided dwelling units which share a common entrance to the outdoors or which share a common water meter.
- (c) **“Change-of-Use”** means any alteration, expansion or development of a property, building or structure.
- (d) **“Commercial Lodging”** means rooms used to accommodate the public for profit by supplying them with sleeping facilities and shall include but not be limited to hotels, motels and guest houses.
- (e) **“Dwelling Unit”** means a dwelling unit as defined in the Land Use Bylaw.
- (f) **“Floor Area”** means gross floor area as defined in the Land Use Bylaw.
- (g) **“Food and Beverage Service”** means the preparation of food and beverages for immediate consumption and shall include the following subcategories:
 - i) **“Coffee Service”** means food and beverage service where the primary product is brewed coffee and shall include but not be limited to coffee shops.
 - ii) **“Takeout Service”** means food and beverage service where the product is prepared primarily for off-premises consumption whether or not on-premises consumption is provided and shall include but not be limited to drive-through restaurants.
 - iii) **“Liquor Service”** means food and beverage service licensed as a beverage room, lounge, cabaret or club by the Nova Scotia Alcohol and Gaming Authority.
 - iv) **“Full Service”** means food and beverage service where the product is prepared primarily for on-premises consumption and shall include but not be limited to full-service restaurants.
- (h) **“Industrial”** means the manufacturing, processing, fabricating or assembly of raw materials or goods, the bulk storage of raw materials or goods and related accessory uses and shall include the following subcategories:
 - i) **“Manufacturing”** means industrial use, excluding warehousing, and shall include but not be limited to manufacturing plants.





- ii) **“Warehousing”** means the bulk storage of raw materials or goods in areas not accessible to the public and shall include but not be limited to warehouses.
- (i) **“Institutional”** means health care or educational use and shall include the following subcategories:
 - i) **“Managed Care”** means health care facilities and shall include but not be limited to hospitals and homes for special care.
 - ii) **“Schools”** means non-residential schools.
- (j) **“Lot”** means any parcel of land described in a deed or described on a plan and deed pursuant to the Land Titles Clarification Act or as shown on an approved plan of subdivision filed in the Registry of Deeds.
- (k) **“Multi-Unit Residential”** means containing three or more dwelling units and shall include but not be limited to apartment buildings and townhouses. Dwelling units in commercial buildings shall be classified as apartment buildings.
- (l) **“Office”** means where business may be transacted, a personal service performed or consultation given and shall include but not be limited to office buildings, doctor offices and dentist offices.
- (m) **“Remainder Lot”** means that portion, if any, of the parent parcel that remains after the creation of one or more lots pursuant to the Subdivision Bylaw and for which no approval was requested.
- (n) **“Retail/Wholesale”** means where goods, wares, merchandise, substances, articles and services are offered or kept for sale and shall include but not be limited to shopping centres, grocery stores, service stations, auto parts stores and building supplies stores.
- (o) **“Serviced Lot”** means a lot that has both a Municipally-approved water lateral and a Municipally-approved wastewater lateral.
- (p) **“Townhouse”** means a dwelling unit in a building consisting on 3 or more divided dwelling units with each having their own independent entrance directly from the outdoors and each having their own separate water meter.
- (q) **“Unserviced Lot”** means a lot that is not a serviced lot.
- (r) **“Water Intensive”** means the use of water as part of a product, service or process and shall include but not be limited to food processing plants, car washes, and garden centres.
- (s) **“Laundromats” means an establishment providing washing, drying or dry cleaning machines on the premises for rental use by the general public or for dry cleaning purposes**





3. GENERAL

- 3.1. The purpose of infrastructure charges is to offset the cost to the Municipality of upgrading existing, and oversizing proposed, water and sanitary wastewater infrastructure that is attributable to new development. Infrastructure charges may be used to pay capital costs and costs for land, planning, studies, engineering, surveying, legal and financing incurred with respect to said infrastructure. Nothing contained in this Bylaw shall be construed as requiring the Municipality to extend Municipal services to a property. Where such services do not currently exist, it is the responsibility of the property owner to install and pay for such extensions in accordance with Municipal standards.
- 3.2. Infrastructure charges shall be calculated based on the use of the building(s) existing on or proposed for the lot as follows:
 - 3.2.1. Infrastructure charges shall be calculated based on the majority use of the building floor area; however, infrastructure charges for areas of a building that are allocated to a higher use, as determined by the infrastructure charge rates, shall be calculated based on the infrastructure charge rate for that use.
 - 3.2.2. Should any dispute arise respecting the use of a building or floor area or if such use is obscure or capable of more than one interpretation, infrastructure charges shall be calculated based on infrastructure charge rate for the highest use as determined by the infrastructure charge rates.
- 3.3. Infrastructure charges shall be due and payable to the Municipality as follows:
 - 3.3.1. On unserviced and remainder lots upon request to be serviced; and
 - 3.3.2. On all lots upon issuance of a building and/or development permit where a change-of-use to a higher use occurs. In such cases, two calculations shall be made:
 - 3.3.2.1. Infrastructure charges payable on the lot based on the proposed use; and
 - 3.3.2.2. Infrastructure charges payable on the lot if a building and/or development permit had been issued based on its existing use.





The difference between the two calculations shall be the infrastructure charges payable on the said lot; and

- 3.3.3. On lots approved for Two Dwelling Unit Residential (R2) upon issuance of a building permit that will result in more than one dwelling unit on the said lot.
- 3.4. The charges levied under this Bylaw are first liens on the real property and may be collected in the same manner as other charges. The lien becomes effective when the charges become due and payable as outlined in Article 3.3 of this Bylaw.

4. INFRASTRUCTURE CHARGES - RATES

Infrastructure charges shall be applied to lands within the South Corridor and Regional Growth Management Area and Shubenacadie Growth Management Area for water and wastewater service and within the Milford Growth Management Area for wastewater service only according to the following rates:

4.1. Single and Two Dwelling Unit

- 4.1.1. An unserviced or remainder lot approved for Established Residential Neighbourhood (R1) or Two Dwelling Unit Residential (R2) shall be charged a water infrastructure charge of \$3,000 for water service and a wastewater infrastructure charge of \$3,000 for wastewater service provided, however, that the following exemptions shall apply:
 - 4.1.1.1. A lot that existed prior to June 18, 1998 shall be exempt from the water infrastructure charge; and
 - 4.1.1.2. A lot that has a Municipally approved, unused wastewater lateral installed prior to July 27, 1988 shall be exempt from the wastewater infrastructure charge.
- 4.1.2. A lot approved for Established Residential Neighbourhood (R1) or Two Dwelling Unit Residential (R2) shall be charged an additional water infrastructure charge of \$3,000 and an additional wastewater infrastructure charge of \$3,000 upon issuance of a building permit that will result in more than one dwelling unit on the said lot unless the second dwelling unit is an accessory dwelling unit, in which case, the additional water infrastructure charge shall be \$750 per bedroom and the additional wastewater infrastructure charge shall be \$750 per bedroom.





- 4.1.3. A lot zoned for other than Established Residential Neighbourhood (R1) or Two Dwelling Unit Residential (R2) shall be charged infrastructure charges for single and two dwelling unit use upon issuance of a building permit for such use.
- 4.2. **Multi-Unit Residential** buildings shall be charged infrastructure charges as follows:
 - 4.2.1. **Apartment Buildings** - Water infrastructure charge of \$900 and wastewater infrastructure charge of \$900 per bedroom;
 - 4.2.2. **Townhouses** - Water infrastructure charge of \$750 and wastewater infrastructure charge of \$750 per bedroom.
- 4.3. **Commercial Lodging** buildings shall be charged a water infrastructure charge of \$450 and a wastewater infrastructure charge of \$450 per room intended for sleeping.
- 4.4. **Food and Beverage Service** buildings shall be charged infrastructure charges as follows:
 - 4.4.1. **Coffee Service** - Water infrastructure charge of \$4.50 and wastewater infrastructure charge of \$4.50 per square foot of floor area;
 - 4.4.2. **Takeout Service** - Water infrastructure charge of \$2.25 and wastewater infrastructure charge of \$2.25 per square foot of floor area;
 - 4.4.3. **Liquor Service** - Water infrastructure charge of \$2.25 and wastewater infrastructure charge of \$2.25 per square foot of floor area;
 - 4.4.4. **Full Service** - Water infrastructure charge of \$0.45 and wastewater infrastructure charge of \$0.45 per square foot of floor area.
- 4.5. **Office** buildings shall be charged a water infrastructure charge of \$0.45 and a wastewater infrastructure charge of \$0.45 per square foot of floor area.
- 4.6. **Retail/Wholesale** buildings shall be charged a water infrastructure charge of \$0.45 and a wastewater infrastructure charge of \$0.45 per square foot of floor area.
- 4.7. **Industrial** buildings shall be charged infrastructure charges as follows:
 - 4.7.1. **Manufacturing** - Water infrastructure charge of \$0.09 and wastewater infrastructure charge of \$0.09 per square foot of floor area;
 - 4.7.2. **Warehousing** - Water infrastructure charge of \$0.045 and wastewater infrastructure charge of \$0.045 per square foot of floor area.
- 4.8. **Institutional** buildings shall be charged infrastructure charges as follows:
 - 4.8.1. **Managed Care** - Water infrastructure charge of \$675 and wastewater infrastructure charge of \$675 per room intended for sleeping;
 - 4.8.2. **Schools** - Water infrastructure charge of \$31.50 and wastewater infrastructure charge of \$31.50 per person.





4.9. **Water Intensive** buildings shall be charged infrastructure charges as determined by the Municipal Engineer on an individual basis from projected water usage and wastewater discharge.

4.9.1. **Laundromats will receive a discounted rate within the water intensive charge calculation of 75%, to be recognized as a standalone category that provides benefit to both existing serviced area rate payers as well as rural stakeholders, while promoting more urban growth.**

5. CHARGES UNDER FORMER TRUNK SEWER TAX BYLAW

Charges arising under this Bylaw are deemed to include any charges that arose under provision of the former Trunk Sewer Tax Bylaw on other than Single Unit Dwelling (R1) and Single to Two Unit Dwelling (R2) at final subdivision approval.

6. Repeal

6.1. Bylaw 155 - Trunk Sewer Tax Bylaw in the Municipality of East Hants is hereby repealed.

6.2. The repeal of Bylaw 155 - Trunk Sewer Tax Bylaw in the Municipality of East Hants shall not affect any penalty, forfeiture or liability incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal.

I, Connie Nolan, CAO and Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted bylaw was passed at a meeting of the East Hants Municipal Council on October 25, 2017.

CONNIE NOLAN, CPA, CA, CFE
CAO/Municipal Clerk





VERSION LOG

Bylaw Adoption	
First Reading:	June 29, 2016
Notice of Public Hearing Publication:	July 13, 2016
Second Reading and Enactment:	July 27, 2016
Final Publication:	August 10, 2016
Notice to Service Nova Scotia & Municipal Relations:	August 10, 2016
First Reading:	September 27, 2017
Notice of Public Hearing Publication:	October 11, 2017
Second Reading and Enactment:	October 25, 2017
Final Publication:	November 8, 2017
Notice to Service Nova Scotia & Municipal Relations:	November 8, 2017

Version Number	Amendment Description	Council Approval Date
1	Bylaw adoption.	June 28, 2006
2	Infrastructure charges extended to Shubenacadie and Milford Serviceable Boundaries.	May 27, 2009
3	Bylaw number changed to IO-200; definitions amended; multi-unit residential infrastructure charges expanded and revised.	July 27, 2016
4	Amendment IO-200-1 related to Laundromats; bylaw number remains IO-200	October 25, 2017

