



**MUNICIPALITY OF EAST HANTS  
BYLAW NUMBER A-200  
WATER SUPPLY AND ON-SITE SEWAGE DISPOSAL SYSTEM UPGRADE LENDING  
PROGRAM BYLAW**

**WHEREAS** Sections 81A(1)(c) and (d) of the Municipal Government Act authorize council to make by-laws imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of equipment for the supply, use, storage or conservation of water and on-site sewage disposal equipment on private property with the consent of the property owner;

**AND WHEREAS** the Municipality of the District of East Hants wishes to assist private property owners in installing equipment to improve their water supply and disposal of on-site sewage;

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

**1. SHORT TITLE**

- 1.1. This bylaw shall be known as the “Water Supply and On-Site Sewage Disposal System Upgrade Lending Program Bylaw”.

**2. DEFINITIONS**

- (a) “CAO” means the Chief Administrative Officer for the Municipality, or designate;
- (b) “Contractor” means an insured person or corporation licensed by the Nova Scotia Department of Environment and retained by the Qualifying Property Owner(s) to complete a Water Supply and/or On-Site Sewage Disposal System Upgrade;
- (c) “Director of Finance” means the Director of Finance & Treasurer for the Municipality, or designate;
- (d) “Early Exit” means leaving the Program prior to total completion of the approved Water Supply and/or On-Site Sewage Disposal System upgrades;
- (e) “Financing Agreement” means the Water Supply and On-site Sewage Disposal System Upgrade





Lending Program Financing Agreement, the written, signed agreement between the Qualifying Property Owner(s) and the Municipality for financing of a Water Supply Upgrade and/or On-Site Sewage Disposal System Upgrade;

- (f) “Household Income” means the total taxable income, per the Canada Revenue Agency’s Notice of Assessment, of all adults occupying the Qualifying Property, excluding persons under 25 years of age who are dependents living at home and are not an owner of the Qualifying Property and excluding the income of full-time students living in the Qualifying Property.”
- (g) “Maximum Eligible Amount” means the maximum amount that the Municipality will lend to a Qualifying Property Owner(s) for a Water Supply Upgrade and/or On-Site Sewage Disposal System Upgrade. The Maximum Eligible Amount is twenty-five thousand dollars (\$25,000.00) per Qualifying Property;
- (h) “Municipality” means the Municipality of the District of East Hants, and includes its Councillors, employees, agents and contractors;
- (i) “On-Site Sewage Disposal System Upgrade” means, except where context requires otherwise, the construction of a new or the upgrade of an existing on-site mechanism or part of an on-site mechanism for the treatment and disposal of sewage that is not directly connected to an approved central wastewater collection and treatment system;
- (j) “Qualifying Property” means an existing, already developed, owner-occupied detached, semi-detached, or row house residential property located within the Municipality that meets the eligibility criteria for participation in the Water Supply and On-Site Sewage Disposal System Upgrade Lending Program. Multi-unit residential buildings, new construction, and business/industrial premises are not eligible for this program;
- (k) “Qualifying Property Owner(s)” means the individual(s) in possession of the title for the Qualifying Property.
- (l) “Water Supply Upgrade” means the construction of a new dug or drilled well, or an upgrade to an existing well required to source potable water for the Qualifying Property; the installation





of equipment such as a well pump, a water line, and an electrical connection to support the function of a new or upgraded well; and other equipment, such as cisterns and containers, to improve the supply, use, and conservation of potable water as required for the Water Supply Upgrade;

- (m) “Water Supply and/or On-Site Sewage Disposal System Upgrade Lending Program” or “Upgrade Program” means a program established by the Municipality under which Qualifying Property Owner(s) may obtain financing for construction of Water Supply Upgrade and/or On-site Sewage Disposal System Upgrade under the terms and conditions of the Financing Agreement;
- (n) “Water Supply and/or On-site Sewage Disposal System Upgrade Loan” or “Upgrade Loan” means the loan supporting the charge levied on the Qualifying Property pursuant to section 81A of the Municipal Government Act, and is equal to the value of the Water Supply Upgrade and/or On-site Sewage Disposal System Upgrade, approved by the Municipality, up to the Maximum Eligible Amount. If a Qualifying Property Owner(s) owns more than one (1) Qualifying Property, they may only have one (1) active Upgrade Loan at a time.

### 3. APPLICATION AND APPROVAL

- 3.1. The Qualifying Property Owner(s) may apply for a Water Supply and/or On-site Sewage Disposal System Upgrade Loan; only one Water Supply and/or On-site Sewage Disposal System Upgrade Loan may be active against a Qualifying Property at a time.
- 3.2. Financing shall be subject to the approval and execution of a Financing Agreement by the Qualifying Property Owner(s) and the CAO on behalf of the Municipality. The conditions that must be met for approval include:
  - a) the Qualifying Property Owner(s) shall not be in default of any Municipal taxes, rates, or charges;
  - b) the Household Income of the Qualifying Property does not exceed \$100,000;
  - c) the proposed Water Supply Upgrade and/or On-Site Sewage Disposal System Upgrade complies with applicable Municipal, Provincial and Federal laws;





- d) the proposed Contractor must have a valid license to carry out the proposed work;
- e) the availability of approved funding for the upgrade program; and
- f) any additional conditions specified in the Financing Agreement are met.

3.3. Any work completed prior to the approval of the Qualifying Property Owner(s)'s Application Form and Financing Agreement are not eligible for reimbursement.

3.4. Applications that do not lead to a Financing Agreement at the end of one-hundred eighty (180) days from the date of submission will be closed.

#### **4. Confirmation of Work Completed**

4.1. Upon completion of the Water Supply Upgrade, the Qualifying Property Owner(s) shall provide the Director of Finance with the following items:

- a) itemized invoice(s) for the full cost of the Water Supply Upgrade from the Contractor upon completion of the Upgrade;
- b) a copy of the Contractor's completed 'Drilled Well Report' or 'Dug Well Report' as submitted to the Nova Scotia Department of Environment and Climate Change.
- c) any other information required by the Director of Finance.

4.2. Upon completion of the On-Site Sewage Disposal System Upgrade, the Qualifying Property Owner(s) shall provide the Director of Finance with the following items:

- a) itemized invoice(s) for the full cost of the On-Site Sewage Disposal System Upgrade upon completion of the Upgrade;
- b) a copy of the Contractor's completed 'Completion of Work' form as submitted to Nova Scotia Department of Environment and Climate Change; and





c) any other information required by the Director of Finance.

4.3. Should the Qualifying Property Owner(s) not be able to complete the approved Water Supply Upgrade and/or On-Site Sewage Disposal System Upgrade, Early Exit may be triggered. The Qualifying Property Owner(s) will be responsible for all costs incurred to date on the approved Water Supply Upgrade and/or On-Site Sewage Disposal System Upgrade.

### 5. Charge Imposed

5.1. Once the applicable parts of Sections 3 and 4 have been completed, the cost of provisioning, financing, and installing of approved equipment will be summed and the final amount will be applied as a charge in the form of a first lien on the Qualifying Property and may be collected in the same manner as taxes and by the same proceedings as taxes.

### 6. Payment of Charge

6.1. The Water Supply and/or On-site Sewage Disposal System Upgrade Loan is provided for the benefit of Qualifying Property Owner(s) in the form of the Municipality paying all eligible Contractor invoice(s) for completed work up to the amount of the approved Upgrade Loan. The Qualifying Property Owner(s) will sign the Contractor invoice(s) and submit them to the Municipality for payment. The Municipality will not pay invoice(s) amount(s) that exceed the Upgrade Loan; any invoices that exceed the Upgrade Loan are the responsibility of the Qualified Property Owner(s) to pay. The Municipality's payment of the Water Supply Upgrade and/or On-Site Sewage Disposal System Upgrade invoice(s) form the resulting loan and are a first lien on the Qualifying Property and may be collected in the same manner as taxes and by the same proceedings as taxes.

6.2. Costs for a Water Supply and/or On-site Sewage Disposal System Upgrade that are incurred prior to entering into the Financing Agreement with the Municipality are not eligible to be included in the Water Supply and/or On-site Sewage Disposal System Upgrade Loan.





- 6.3. The Upgrade Loan shall become payable on completion of installation of the Water Supply Upgrade and/or the On-Site Sewage Disposal System Upgrade in accordance with the Financing Agreement.
- 6.4. The Upgrade Loan may consist of:
- a) the cost of the Water Supply Upgrade and/or the On-Site Sewage Disposal Upgrade, including all labour costs, permitting fees, and applicable taxes not exceeding the Maximum Eligible Amount; and
  - b) interest accrued on the charge including any additional interest arising due to any default of payment.
- 6.5. The Qualifying Property Owner(s) shall pay the Upgrade Loan by equal installments over a period of ten (10) years, on which interest shall be payable as set out in the Financing Agreement.
- 6.6. In the event of default of any payment under the Financing Agreement, the outstanding balance shall be 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.
- 6.7. The Director of Finance shall maintain a separate account of all monies due for Water Supply and/or On-site Sewage Disposal System Upgrade Loans, identifying, for the Qualifying Property:
- a) the names of the Qualifying Property Owner(s), assessment, PID, and civic address;
  - b) the amount of the Upgrade Loan levied;
  - c) the annual amounts paid to the Municipality to repay the Upgrade Loan; and
  - d) the total amount paid on the Upgrade Loan.





### 7. Interest

- 7.1. Interest shall accrue and be payable annually on all charges outstanding, including any additional interest arising due to any default of payment.
- 7.2. Interest begins accruing when the final invoice(s) is received by the Municipality, or upon program exit. The interest rate for the duration of the Upgrade Loan will be defined in the *Municipal Fee Policy*.

### 8. Lien

- 8.1. On completion of a Water Supply Upgrade and/or On-Site Sewage Disposal Upgrade pursuant to a Financing Agreement, the amount owing on the Upgrade Loan shall be a first lien on the Qualifying Property and may be collected in the same manner as taxes and by the same proceedings as taxes.
- 8.2. Where the Qualifying Property Owner(s) opts for installment payments:
- the portion of the Upgrade Loan payable annually shall be equal to the Upgrade Loan outstanding, including interest, divided by the loan duration;
  - the amount outstanding on the Upgrade Loan shall become due and payable in the event of default of payment; and
  - the installment payments shall occur annually.
- 8.3. An Upgrade Loan under this bylaw is a first lien on the Qualifying Property and may be collected in the same manner as taxes and by the same proceedings as taxes.
- 8.4. The lien provided for in this bylaw shall remain in effect until the Upgrade Loan, including any accrued interest, has been paid in full.





### Certification

I, Kim Ramsay, Municipal Clerk of the Municipality of the District of East Hants, hereby certify that the above noted bylaw was passed at a meeting of the East Hants Municipal Council on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Kim Ramsay  
Municipal Clerk

Bylaw Adoption	
First Reading:	<Month/Day/Year>
Website and Social Media Notifications:	<Month/Day/Year>
Formal Notice of Publication:	<Month/Day/Year>
Second Reading:	<Month/Day/Year>
Website and Social Media Notifications:	<Month/Day/Year>
Formal Final Publication and Enactment:	<Month/Day/Year>
Enacted Bylaw posted to website:	<Month/Day/Year>
Notice to the Province of Nova Scotia:	<Month/Day/Year>

Version Number	Amendment Description	Council Approval Date
1.0	Bylaw Creation	<Month/Day/Year>

