

CHAPTER 38 - SEWER SERVICE CHARGE BYLAW

COUNCIL: JAN 6, 1975 MINISTER: MARCH 13, 1975
AMENDED AUG 4, 1981 AMENDED JUNE 21, 1982
COUNCIL: JULY 5, 1995 MINISTER: AUGUST 4, 1995
AMENDED BY COUNCIL MAY 6, 2002, MAY 5, 2008, March 12, 2009

BE IT RESOLVED by the Municipal Council of the Town of Middleton that Bylaw Chapter 38, Sewer Service Charge Bylaw, be enacted as follows:

1. In this Bylaw, unless the context otherwise specifically indicated otherwise:
 - (a) "Council" means the Council of the Town of Middleton.
 - (b) "Municipality" means the Town of Middleton.
 - (c) "Clerk" means the Clerk Treasurer of the Town of Middleton.
 - (d) "Engineer" means the Engineer for the Municipality and includes the Director of Public Works.
 - (e) "Building" means any dwelling, house, shop, store, office of any building which would require sewerage services.
 - (f) "Owner" means the owner or authorized agent of property that is in the area serviced by a public sewer system.
 - (g) "Sewer" means a pipe, conduit, drain, open channel, or ditch used for the collection and transmission of wastewater, storm water, or uncontaminated process.
2. Every owner of residential or commercial, taxable land
 - (a) on which any building is connected to a sewage system;

shall pay to the Municipality an annual "Sewer Charge" which will reflect 100% of the costs associated with running, servicing and improvements to the sewer treatment system.
3. The Municipality shall annually calculate the sewer charges by resolution of Council who will define the method by which residential and commercial rates are calculated. Such calculations can be found in Schedule "B" as an addendum to this Bylaw.
4. The Sewer Service Charge shall be billed twice per year concurrent with the interim and final property tax bills and due and payable on the date set by Municipal Council.

The sewer service charge for the interim billings shall be calculated using one-half the previous year's mill rate applied to the current year's assessment amount for each property, with the balance to be billed on the final property tax billing, once the rate has been set. The flat sewer fee of \$250 will be charged one-half on the interim property tax billing and one-half on the final property tax billing.

(A) The Sewer Service Charge, if not paid by the due date, shall bear interest at the same rate as charged on unpaid taxes.

(1) The Sewer Service Charge is a lien on the whole of the property subject to the sewer service charge in the same manner and with the same effect as rates and taxes under the Municipal Government Act.

(2) The Sewer Service Charge and interest thereon may be sued for and collected in the same manner as other rates and taxes.

5. Whereas a property, which is exempted from Municipal Taxation under the Assessment Act, the Bonus Act, a Special Act of Legislature, or by an agreement under the Industrial Estates Act, is connected to the Town sewer system, the owner or occupier shall pay to the Town, excepting in cases where a grant in lieu of taxes is being paid, a sewer rate calculated in accordance with Schedule "A" attached to this bylaw, and such amounts shall be charged against the real property so serviced

SCHEDULE "A"

Sewer Rates and Charges Tax Exempt Properties

(Rates amended May 15/87; May 13/88; July 2/91; Aug 4/95)

1. The sewer usage fee rate increases outlined below shall be amended annually to be effective April 1st following and shall be effective for the period ending March 31st next following.

Metered water service shall be used in calculating sewer rates as follows:

- A) Total cost for sanitary sewer operating system, plus related debt charges for sewer system, as budgeted for the upcoming fiscal year,
- B) minus the Provincial Grants toward sewer debt charges, sewer frontage revenues and other revenues generated from the sewer system operation, as budgeted for the upcoming year,
- C) divided by the total consumption as recorded from the master meter of the Water Utility for the immediate past one-year period of February 15 prior calendar year to February 14 current calendar year.
- D) Using the above formula, i.e. A minus B divided by C, the rate for a cubic meter of water is determined.

This rate is applied against the quarterly cubic meter consumption on customers' meters who are liable to pay the sewer usage charge in accordance with provisions in this Bylaw.

2. The rate shall be billed quarterly in conjunction with the quarterly water billings and shall be due and payable as of the 15th day of the month in which the quarterly billings are made.

3. An interest penalty rate per annum, as set by Council from time to time, shall be applied for each thirty (30) day period on any sewer usage bill principal amount outstanding and unpaid as at the end of thirty (30) days from date of billing and for any subsequent thirty (30) day period that the principal amount, or part thereof, remains unpaid.

4. Where metered water service is not provided or where a user is connected to the sewer system but not connected to the Town water system, then such user shall pay a flat rate of \$29.75 per quarter.

SCHEDULE "B"

Sewer Rates and Charges Residential and Commercial Properties

The sewer charge outlined below shall be amended annually to become effective April 1st following and shall be effective for the period ending March 31st next following.

1. Residential and Commercial Properties will be assessed a flat sewer fee of \$250.00 with the balance to be collected based upon a rate applied to assessment to reflect 100% cost recovery.
2. The rate will be calculated by dividing the total cost of sanitary sewer operations plus related debt charges as budgeted for the upcoming fiscal year.
3. Divided by the total number of taxable commercial and residential accounts.
4. Such accounts shall include any/all properties located in the Middleton Industrial Park which are tied into the sewer system.
5. The Sewer Service Charge shall be billed twice per year concurrent with the interim and final property tax bills and due at a date set by Council. Such date will be set in conjunction with the annual budget process.
6. An interest penalty rate per annum, as set by Council from time to time, shall be applied for each thirty (30) day period on any sewer usage bill principal amount outstanding and unpaid as at the end of thirty (30) days from date of billing and for any subsequent thirty (30) day period that the principal amount, or part thereof, remains unpaid.


THIS IS TO CERTIFY that this bylaw amendment, of which the foregoing is a true copy, was duly passed at a duly called meeting of the Town Council by majority vote of the whole Council of the Town of Middleton on the 2nd day of March, 2009.


Clayton MacMurtry
Chief Administrative Officer

1. Date of Notice to Council Jan 05/09
2. Date of First Reading Feb 02/09
3. Publication of Notice of Second Reading Feb 12/09
4. Date of Second Reading and Passing March 02/09
5. Date of Publication of Notice of Passing* March 12/09

* Effective date of the Bylaw unless otherwise specified in the text of the Bylaw.

GIVEN under the hand of the Chief Administrative Officer and under the corporate seal of the Town of Middleton this 12th day of March, 2009.


Clayton MacMurtry
Chief Administrative Officer