

Municipality of Cumberland By-Law 98-01

Upper Nappan Water Supply By-Law

- 1. This By-Law shall be known as and may be cited as the Upper Nappan Water Supply By-Law.**

- 2. This By-Law shall apply to properties on both sides of the MacDonald Road westerly from the east margin of the Highway #104 overpass to Route #2 and thence southerly along both sides of the public highway known as Route #2 to the Smith Road and thence westerly along both sides of the Smith Road a distance of Three Thousand Nine Hundred Eighty metres (3,980 m) and both sides of the public road through the Burns Subdivision, known as Burns Drive.**

- 3. In this By-Law, unless the context specifically indicates otherwise,**
 - (a) "Amherst" means the Town of Amherst;**

 - (b) "Capital Contribution" means a sum of money to be paid by a property owner to the Municipality of Cumberland for the privilege of making a connection to the Upper Nappan Water System, which is intended to allow the Municipality of Cumberland to recover approximately seventy-five percent of the capital costs incurred by the Municipality in the development of the System;**

 - (c) "Council" means the Council of the Municipality of the County of Cumberland.**

 - (d) "Installation Agreement" means an Agreement between a property owner and the**

Municipality which *inter alia* provides for the payment of a capital contribution by the property owner to the Municipality as a condition of connecting to the Upper Nappan Water System.

(e) "Municipality" means the Municipality of the County of Cumberland;

(f) "Owner" includes a part-owner, joint owner, tenant-in-common or joint tenant of the whole or any part of any land or building and includes a Trustee, an Executor, a Guardian, a Mortgagee in possession or other person having the care or control of any land or building in the case of the absence or disability of the person having title thereto.

(g) "Property" means any lot of land that fronts on a road within the area to which this By-Law applies.

(h) "Road" means both sides of the MacDonald Road between the margin of Highway #104 and Route #2; both sides of Route #2 between the end of the MacDonald Road and the Smith Road; both sides of the Smith Road extending westerly Three thousand Nine Hundred Eighty metres (3,980 m) from its intersection with Route #2 and both sides of Burns Drive;

(i) "Standard Connection" means any connection to the Upper Nappan Water System, or any branch or extension thereof, which has an inside diameter of pipe of One (1) inch or less.

(j) "Treasurer" means the treasurer of the Municipality of the County of Cumberland.

(k) "Upper Nappan Water System" and "System" mean a pipe or conduit for carrying water to residences, business, buildings, institutions, commercial establishments and includes all pipes, valves or hydrants of every description vested in or under the control of

the Municipality, including any systems constructed by the Municipality and subsequently conveyed to the Town of Amherst or to another water utility, including all storage tanks, structures, devices, equipment and appurtenances intended for the collection, transportation and pumping of water.

(l) "Utility" and "Amherst Water Utility" means the water utility owned and operated by the Town of Amherst in accordance with the rules and regulations as from time to time determined and approved by the Nova Scotia Utility and Review Board.

(m) "Water Contract" means a contract entered into between a property owner and the Town of Amherst for water service.

4. Any property owner who has frontage on a road to which this By-Law applies, may make application to the Municipality to connect to the Upper Nappan Water System. Prior to the connection being made, the owner must enter into a written Installation Agreement with the Municipality incorporating the requirements of this By-Law.

5. Each property owner who connects to the System shall pay a Capital Contribution. Where the connection is a Standard Connection the contribution can be paid in either of the following two ways; at the option of the Owner:

Option A: The Owner shall pay to the Municipality a lump sum in the amount of \$3,500.00 prior to the connection being made.

Option B: The Owner shall pay to the Municipality the sum of \$3,500.00, plus interest charged at the rate of six percent (6%) per annum on the unpaid balance, in twenty (20) equal annual payments of combined interest and principal in the amount of \$287.88 each. Schedule "A" to this By-Law sets out the amount of interest and principal included in each payment and

the amount of the unpaid balance. The first payment shall be made prior to connection to the system. The subsequent nineteen payments shall be due each year as set out in the Installation Agreement. A property owner not in arrears may pay the unpaid balance at any time without notice, penalty or additional interest and thereby discharge his obligation with regard to the Capital Contribution. If any annual payment is not made by the date set out in the Installation Agreement, interest shall be charged thereon at the current rate set by the Municipality for unpaid taxes, and the Owner shall be liable for this amount and shall be considered in arrears until the annual payment plus the interest is paid.

- 6. A property owner desiring to connect to the System with a connection larger than a Standard Connection shall pay an increased Capital Contribution directly proportional to the increased cross sectional area of the connection. The provisions of section 5 of this By-Law shall apply, with any necessary changes, to the increased Capital Contribution.**
- 7. The Capital Contribution and interest as prescribed by this By-Law shall become a charge on the whole of the applicant's property fronting on the road, to which water service is provided, in the same manner and with the same effect as rates and taxes pursuant to the Assessment Act, and at the option of the Treasurer, shall be collectible at the same time and in the same proceedings as are other rates and taxes of the Municipality.**
- 8. In the case of default of payment of any installment of Capital Contribution due by the property owner to the Municipality pursuant to this By-Law, the whole balance then outstanding together with interest shall immediately become due and payable by the property owner to the Municipality.**

I, Rennie J. Bugley, Clerk for the Municipality of the County of Cumberland, do hereby certify that the

**foregoing is a true copy of a By-Law duly passed at a
duly called meeting of the Council of the Municipality
of the County of Cumberland duly held and convened
on the 2nd day of July, 1998.**

**Given under the hand of the Municipal Clerk and
under the corporate seal of the Municipality this 13th
day of July, 1998.**

Municipal Clerk

Municipality of the County of Cumberland