

1. This By-law is titled "By-law to Amend the Public Sewers By-law 25-08"
2. The Public Sewers By-law is hereby amended by inserting the following text:

Part V: Intermunicipal Services Agreement ("IMA")

43 Extensions under IMA

- a) Any person who requests a Capacity Allocation for Sanitary Services pursuant to the IMA is required to submit an application to the Municipality for approval, and such application shall be accompanied by an application fee as set out in the Fees Policy.
- b) An application made pursuant to (a) shall be subject to the granting of sewer allocation capacity by the Town of Amherst to the Municipality in accordance with the IMA.
- c) An application made pursuant to (a) shall be approved or rejected at the Engineer's discretion, acting in accordance with the IMA and the Municipality's applicable bylaws and policies.
- d) Where the Engineer approves an application pursuant to (a), permission shall be granted in the form of a permit, which shall specify that any such extension or connection to TOA's Sanitary Facilities shall be installed in accordance with the IMA and the Municipality's applicable bylaws and policies.
- e) Any permit issued pursuant to subsection (d) shall be subject to a fee as set out in the Fees Policy and shall expire three (3) years after the date of issuance, with any unused portion of the Capacity Allocation becoming available for reallocation.
- f) Capacity Allocation assigned under a permit shall be considered unused until physical connection to the main pursuant to this by-law.
- g) The Engineer reserves the right to refuse any application if the system or any portion thereof is at capacity or where the Engineer determines that available capacity under the IMA has been allocated or is required for other properties.

- h) All costs associated with an extension or connection to TOA's Sanitary Facilities pursuant to the IMA are the responsibility of the applicant, except as otherwise approved by the Council.
- i) No person shall connect to TOA's Sanitary Facilities under the IMA without first obtaining all necessary approvals and permissions required by the Town of Amherst.
- j) Every person who connects to TOA's Sanitary Facilities shall comply with the Town of Amherst's Public Sewer Bylaw and the applicable bylaws and policies of the Town of Amherst and the Municipality with respect to the provision of Sanitary Services. Where there is a conflict between the provisions of said by-laws and policies, the more stringent requirement will apply.

44 Sanitary Sewer Service Rate/Changes

- a) Where a building within the Municipality is connected to TOA's Sanitary Facilities, such building shall be subject to the Town of Amherst's sewer service rates or fees, as amended from time to time.
- b) Where a building within the Municipality is connected to TOA's Sanitary Facilities, charges for service shall be billed and collected by the Town of Amherst in the same manner as Town of Amherst customers.
- c) The Sewer Service Charge pursuant to section 11 shall not apply to any building that receives Sanitary Services pursuant to the IMA.

45 Unpaid Accounts to be Registered as Liens

- a) Where the account of a Town of Amherst customer in the Municipality remains unpaid for more than 90 days, the Town of Amherst shall transfer any such charge to the Municipality with a request that the charge be collected.
- b) For purposes of this section, any unpaid balance is a lien against the real property receiving the service, pursuant to s. 81(3)(f) of the *Municipal Government Act* and s. 20 of the Municipality's Public Sewers By-law.
- c) Where the Town of Amherst makes a request pursuant to subsection (a), it shall provide the Municipality with a statement of the customer's account demonstrating that the account has remained unpaid for more than 90 days.
- d) Where the Town of Amherst makes a request pursuant to subsection (a), the Municipality shall act promptly in good faith to collect the charge and remit this balance to the Town of Amherst.

- e) For clarity, where an unpaid balance is transferred to the Municipality pursuant to subsection (a), the Municipality shall not be required to repay the unpaid balance to the Town of Amherst until the Municipality has collected said balance from the customer.

Definitions

"Capacity Allocation" means the allocation of units by the Municipality to receive Sanitary Services from the Town of Amherst under the IMA.

"IMA" means the Intermunicipal Agreement between the Town of Amherst and the Municipality executed on October 4, 2024, which provides for certain customers located in the Municipality to connect to TOA's Sanitary Facilities.

"Sanitary Services" means sanitary sewer services provided by Town of Amherst to customers in the Municipality under the IMA.

"TOA's Sanitary Facilities" means all the facilities and equipment owned, controlled or operated by the Town of Amherst that are used to provide Sanitary Services from time to time, including without limitation, any infrastructure conveyed to the Town of Amherst pursuant to the IMA.

"Town of Amherst" means the Body Corporate of the Town of Amherst or the geographical area contained within its municipal boundaries, as context requires.

3. This By-law comes into force upon publication.

Clerk's Annotation for Official By-law Book

Date of First Reading: June 25th, 2025

Date of Second Reading: January 21st, 2026

*Date of advertisement of Approval of By-law: January 23rd, 2026

Date of mailing to Minister a certified copy of the By-law: January 23rd, 2026

I hereby certify that this is a true copy of the By-law to Amend the Public Sewers By-law 25-08 approved by the Council of the Municipality of Cumberland on January 21st, 2026.

Municipal Clerk:



Date:

January 23/26

*Effective date of By-law unless specified in the By-law