

C3 Water Supply Program (WSP) Bylaw

The Municipal Council of the Municipality of the County of Annapolis under the authority vested in it by Subsections 65(acb) and 81A(1)(b) of the *Municipal Government Act*, enacts as follows:

Title

1. This Bylaw shall be known as “*C3 Water Supply Program (WSP) Bylaw.*”

Purpose

2. The purpose of this Bylaw is to enable financing of water supply upgrades to qualifying residential properties within the Municipality of the County of Annapolis.

Definitions

3. In this Bylaw words and phrases have the same meaning as in the *Municipal Government Act* or as provided below:
 - (a) **CAO** means the Chief Administrative Officer for the Municipality, or his/her designate;
 - (b) **event of default** includes any one of the following occurrences of any of the property owners:
 - (i) bankruptcy;
 - (ii) arrears of property taxes, sewer charges or area rates in excess of one year;
 - (iii) missed scheduled payment if not remedied within 90 days.
 - (c) **lending agreement** means the written, signed agreement between the owner of a Qualifying Property and the Municipality for financing of a Water Supply Upgrade;
 - (d) **municipality** means the Municipality of the County of Annapolis;
 - (e) **qualifying property** means an owner-occupied residential property located within the Municipality but does not include multi-unit residential or non-profit owned buildings, new construction or business/ industrial premises OR properties located within an existing municipally-owned and regulated water utility;
 - (f) **maximum eligible amount** means a general financing cap set by the Municipality. The Municipality of Annapolis’s maximum eligible amount is \$10,000.00;
 - (g) **water supply upgrade loan** means the local improvement charge levied on the property pursuant to section 81A of the *Nova Scotia Municipal Government Act*, and is equal to the value of the approved eligible upgrade(s), up to the Maximum Eligible Amount;
 - (h) **water supply upgrade** means a construction of a new dug or drilled well, or an upgrade to an existing well that is required to source water for the property. Upgrades may include the installation of equipment related thereto.

Administration

4. An owner of a Qualifying Property within the Municipality may apply on a prescribed form to the Municipality for financing of a Water Supply Upgrade to the property.
5. Lending shall be subject to the approval of Municipal Council which shall be subject to the sole discretion of the Municipality and the execution of a Lending Agreement. The conditions that must be met for approval include that:
 - (a) the owner of the qualifying property is not in default of any municipal taxes, rates or charges and has not been so for up to the past three years;
 - (b) water supply upgrades must comply with applicable provincial and/or federal regulations;
 - (c) the contractors must have a valid Department of Environment license to carry out a water supply upgrade;
 - (d) other conditions as indicated in the Lending Agreement that may be modified from time to time.

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6. The Water Supply Upgrade Loan shall become payable on the completion of the contract for the installation of the Water Upgrade in accordance with the Lending Agreement. The Water Upgrade Loan may consist of:
 - (a) the cost of the Water Supply Upgrade, including all labour costs, permit fees and applicable taxes;
 - (b) interest charges, including any additional interest arising due to any default of payment.
7. The owner of a Qualifying property may elect to pay the Water Supply Upgrade loan by equal installments over a period of not more than 10 years, on which interest shall be payable as set out in the Water Supply Upgrade Lending Agreement.
8. The Municipality shall not be responsible for ongoing maintenance and operating costs of the Water Supply Upgrade; the Water Supply Upgrade is owned and maintained by the owner of the Qualifying property.
9. In the Event of Default of any payment under the Lending 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.
10. The Municipality shall maintain a separate account of all monies due for the Water Supply Upgrade Loan, identifying, for the subject property:
 - (a) the names of the property owners, assessment account number, PID and civic addresses;
 - (b) the original amount of the Water Supply Upgrade Loan advanced; and
 - (c) the annual amounts paid to the Municipality to repay the Water Supply Upgrade loan, said amounts to distinguish between principal amounts and interest amounts.

Lien

11. On completion of a Water Supply Upgrade pursuant to the Lending Agreement, the Water Supply Upgrade Loan shall become a lien levied against the property in accordance with the *Municipal Government Act*.
12. The portion of the annual repayment of the Water Supply Upgrade Loan shall be equal to the total loan outstanding divided by the number of years remaining, with applicable interest, subject to Section 7 of this Bylaw.
13. The Water Supply Upgrade Loan advanced pursuant to this bylaw constitutes a first lien on the property and has the same effect as rates and taxes under the *Assessment Act*.
14. A Water Supply Upgrade Loan is collectable collectible in the same manner as rates and taxes under the *Municipal Government Act*, and is collectable at the same time and by the same proceedings as taxes upon an event of default.
15. The lien provided for in this Bylaw shall become effective on the date on which the Treasurer receives confirmation that the agreed improvement has been completed as evidenced by the Certificate of Completion.
16. The lien provided for in this Bylaw shall remain in effect until the total Water Supply Upgrade Loan, including any accrued interest, has been paid in full.

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Interest

17. Interest shall accrue on any Water Supply Upgrade Loan which remains outstanding.
18. Interest shall begin accruing on a Water Supply Upgrade loan on the earlier of:
 - (a) Certificate of Completion date, or
 - (b) 30 days from the date of the last submitted invoice for payment.
19. Interest is charged at the rate of the municipal cost of borrowing, including any additional interest arising due to any default of payment.

Administration Fee

20. A one-time administration fee of \$300.00 plus applicable taxes will form part of the application process.
21. If paid at the time of application, the administration fee will be refundable at a rate of 80% if the lending agreement does not get executed.
22. The administration fee may be included as part of the final water supply upgrade loan amount.

Repeals

23. Any previous Water Supply Program (WSP) Bylaws and amendments thereto are repealed upon coming into force of this bylaw.

<u>Clerk 's Annotation For Official Bylaw Book</u>	
Date of First Reading	September 18, 2018
Date of Advertisement of Notice of Intent to Consider	September 27, 2018
Date of Second Reading	October 16, 2018
Date of advertisement of Adoption of Bylaw	October 25, 2018*
I certify that this Bylaw was adopted by Municipal Council and published as indicated above.	
<i>Carolyn Young</i>	October 25, 2018
Municipal Clerk	Date
<i>*Effective date of the Bylaw unless otherwise specified.</i>	