

Municipality of the District of Lunenburg

By-law Details	
Name	Capital Cost Recovery Charges for Water Systems
Number	013
Legislative Authority	Section 81(1)(c), Municipal Government Act
Effective Date	June 18, 2025

Purpose

- 1 For recovering the municipal portion of the capital cost associated with the installation of water systems in the Municipality of the District of Lunenburg (Municipality).

Definitions

- 2 (1) In this By-law,
 - (a) Act means the Municipal Government Act, R.S.N.S., Chapter 18 of the Acts of 1998.
 - (b) Council means the Council of the Municipality of the District of Lunenburg.
 - (c) Capital Charge means a charge imposed under section 81 of the Act in an amount to be determined in this By-law, and intended to recover all, or a part, of the municipal part of the actual capital cost of installing, extending or improving a public water system.
 - (d) Capital Cost Recovery Charge Area means an area where a capital charge is imposed and as more fully described in Schedule A and is referred to as charge area.
 - (e) Engineer means the Municipal Engineer for the Municipality
 - (f) Municipality means the Municipality of the District of Lunenburg.
 - (g) Owner means any of the following:
 - i) An owner, part owner, joint owner, tenants in common or joint tenant of the whole or any part or parcel of land or a building;
 - ii) in the case of the absence or incapacity of a person or persons having ownership of the parcel of land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of land or building;
 - iii) in the absence of proof of the contrary, the person assessed for the taxes on the parcel of land or building.

(h) Street means the whole and entire right-of-way of every road or road allowance vested in the Municipality or vested in the Province of Nova Scotia.

Charge Imposed

3 Where the Municipality installs, improves or extends a public water system in a charge area identified in Schedule A, a capital charge is hereby levied upon every owner of real property situated in whole or part within the charge area, who makes or has made an application for a connection to the public water system.

Amount of Capital Charge

4 (1) The amount of the capital charge levied under section (3) must be determined according to this By-law and of Schedule A and may be calculated based on:

- (a) a uniform amount for each lot or parcel of land in existence at the time of application or after being created by subdivision;
- (b) the frontage of each lot on any street;
- (c) the existing or proposed use of each lot;
- (d) the assessment classification of each lot;
- (e) the area of each lot;
- (f) the flow capacity or diameter of individual lateral connections of each lot;
- (g) any combination of two or more such methods of calculating the capital charge; or
- (h) such other method as Council deems appropriate.

Variations in Charges

5 The capital charge levied may be fixed at different rates for different assessment classes or uses of properties and may be fixed at different rates for different charge areas.

Frontage Charge

6 (1) Where the amount of the capital charge contains a component, calculated, in whole or in part, based upon the frontage of the lot on a street, the component of the capital charge that is based upon frontage will be calculated using all the following:

- (a) for the purpose of calculating frontage, the number of lineal feet of frontage will be a horizontal projection measured along the boundary line adjacent to the street;
- (b) where a lot is situated such that, the lot has frontage on two or more streets, the component of the capital charge based upon frontage will be calculated based upon the average lot frontage, calculated as the total frontage divided by the number of streets the lot has frontage on;

- (c) despite clause 6(a) and 6(b), where a lot has frontage on a street the minimum frontage will be 75 ft or 22.86 m.

Water Connection

- 7 (1) In addition to the requirements of all other Municipal By-laws, where a lot is in a charge area identified in Schedule A, no connection to a water system will occur unless:
 - (a) the landowner has confirmed in writing that the amount of the individual capital charge set, and payment requirements are agreed to by the landowner; and
 - (b) the Public Water Utility has notified the Municipality of a request for a connection to a public water system.

Lien

- 8 (1) A capital charge imposed under this By-law constitutes a lien upon the real property that the capital charge has been made, and the capital charge must be collected and payable the same way as taxes.
- (2) The lien provided for in this By-law will be applied on the date the Public Water Utility has notified the Municipality of a completed and valid connection to the public water system.
- (3) The lien will remain in effect until the capital charge plus interest has been paid in full.
- (4) Where a property subject to a lien is subdivided:
 - (a) where the capital charge imposed was calculated based upon frontage or lot area, the amount of the lien plus interest unpaid will be distributed among the new lots created including any residual land, using a percentage calculation.
 - (b) where the capital charge imposed was calculated based upon a lot charge, or use of the lot, or any other method other than as referenced in clause 4(a), the amount of the lien plus interest unpaid will be distributed among the new lots created including any residual land using a percentage calculation.
 - i) Market values for new lots created are determined by the Property Valuation Services Corporation.
 - (c) despite clause 8(4)(a) and 8(4)(b), the lien will not be proportioned to the new lots created and any residual lands where the capital charge imposed was based solely upon a lateral connection.

Payment of Charges and Interest

- 9 (1) A capital charge imposed under this By-law may, at the option of the owner be paid in equal installments, together with the municipality's prevailing interest rate as prescribed, over a period not to exceed 10 years.
- (2) The first installment and each succeeding installment is due when taxes and rates are due in each year, and
- (3) in the event of default of payment of any installment the whole balance with interest becomes due and payable.
- (4) The capital charge imposed by this By-law will bear an interest rate on any outstanding balance owing, but not due, and on any installment that is due and owing.
- (5) The interest rate will be as set by motion of Council with respect to taxes and overdue charges and will be applied under this same motion.

Repeal

- 10 By-law 013 Capital Cost Recovery Charges for Water Systems adopted by Municipal Council on December 20, 2004, and amended on January 25, 2011, is hereby repealed and replaced with this new By-law 013 Capital Cost Recovery for Water Systems.

By-law Adoption	
Effective date of original by-law	June 18, 2025
Date of first reading	May 27, 2025
Date of posting of notice of intent to consider	May 28, 2025
Date of second reading	June 10, 2025
Date of advertisement of passage of by-law	June 18, 2025
Effective date of the by-law unless otherwise specified in the text of this by-law.	
Date of mailing a certified copy of by-law to Minister	June 19, 2025
I certify that this By-law 013 Capital Cost Recovery Charges for Water System was repealed and replaced by Municipal Council and published as indicated above.	
Signature of Municipal Clerk	Date June 18, 2025

Capital Cost Recovery Charges for Water System

By-law 013

Page 5 of 6

Version	Amendment Description	Approval Date
Original	By-law 013, Capital Cost Recovery Charges for Water System	December 20, 2004
V1	Amended by repealing Clause C, in Schedule A	January 25, 2011
Repealed & Replaced	Removed "A-1 Charge Area#1, MacCulloch Road Waterline – Charge Area" from Schedule A, as all costs have been recovered. Reformatted to meet accessibility requirements and housekeeping/clear language	June 18, 2025

Capital Cost Recovery Charges for Water System

SCHEDULE A