

A BY-LAW RESPECTING POLLUTION CONTROL CHARGES  
TOWN OF NEW GLASGOW

1. This By-law shall be known and may be cited as the "Pollution Control Charge By-law".
2. In this By-law, unless the context specifically requires otherwise:
  - (a) *Metered User* means any person who is named as a customer of a Water Utility in respect of the provision of water service other than the owner, occupant or user of an Exempt Property;
  - (b) *Commercial or Institutional Unit* means a building, plant or other structure, or any separate self-contained part thereof which is used or is designed or intended to be used for a purpose other than as a Residential Dwelling Unit but does not include any Exempt Property;
  - (c) *Exempt Property* means any property which does not contain a Residential Dwelling Unit or Commercial or Institutional Unit connected to the Public Sewer System and which does not have frontage on a public street or highway containing a sewer main;
  - (d) *Town* means the Town of New Glasgow;
  - (e) *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, guardian, agent, mortgagee in possession or other person having the care or control of any land or building in case of the absence or disability of the person having title thereto;
  - (f) *Person* means an individual, sole proprietorship, partnership, unincorporated organization, body corporate, board, commission, agency, trust, joint venture or any natural person in his capacity as trustee, executor, administrator or other legal representative who owns, occupies or uses real property located in the Town;
  - (g) *Residential Dwelling Unit* means a house, building or other structure, or any part thereof comprised of one or more habitable rooms occupied or designed or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons and without limiting the generality of the foregoing, includes a single family dwelling, a unit in a duplex, apartment building or other multi-unit residential building, a mobile home whether free standing on wheels or on a flat bed or other trailer but does not include the operation of a hotel, motel, apartment hotel or hostel used for the purpose of lodging the public;
  - (h) *Unmetered Use* means any Person who is the owner of any lot or parcel of real property (other than an Exempt Property) containing a Commercial or Institutional Unit or a Residential Dwelling Unit to which no metered central water service is provided by a Water Utility;
  - (i) *Vacant Property Owner* means any Person who is the owner of any lot or parcel of real property, other than Exempt Property, which:
    - (i) does not contain a Commercial or Institutional Unit or Residential Dwelling Unit;

- (ii) contains a Commercial or Institutional Unit which is not connected to the Public Sewer System and all of the water supplied to the property by the Water Utility is transferred to a location outside the Town for consumption;
- (iii) contains a single Residential Dwelling Unit which is not connected to the Public Sewer System and which, due to the distance of the setback of the unit from the street line, is not required under any by-law of the Town to be connected to the Public Sewer System;
- (j) *User* means any Person who is a Metered User, an Unmetered User or a Vacant Property Owner;
- (k) *Water Utility* means the Town of New Glasgow Water Utility;

3. This By-law shall apply to all property located in the Town of New Glasgow.

4. Pollution Control charges are hereby levied on all Users in the Town pursuant to Section 110 of the Towns Act.

5. Every User shall pay the Pollution Control charges calculated in accordance with the provisions of this By-law.

6. Every Metered User shall pay a Pollution Control charge calculated:

- (i) at the rate of One Dollar Sixty One Cents (\$1.61) per one thousand (1000) imperial gallons of water consumption by such User if the User's water consumption is measured in imperial gallons;

In the event the actual amount of water consumption of a User is not available to the Water Utility for the purpose of billing the Pollution Control charge in any period, the amount of water consumption may be estimated by the Water Utility for the purposes of billing the Pollution Control charges for that period provided, however, that the amount of the Pollution Control charges billed on the basis of such estimates in any period shall be adjusted when the actual amount of water consumption for that period becomes known to the Water Utility.

7. The charges levied pursuant to the foregoing paragraph shall become due and payable to the Town when billed by the Water Utility and payment thereof may be remitted to the Water Utility on behalf of the Town.

8. Every Unmetered User shall pay a Pollution Control charge calculated at the rate of .23 cents per day for each Commercial or Institutional Unit or Residential Dwelling Unit to which no metered water service is provided and which is located on a property owned by such user.

9. Notwithstanding the foregoing paragraph, the Council of the Town of New Glasgow may, by amending this by-law to incorporate an additional schedule of charges, establish a separate or additional charge in respect of Unmetered Users who are owners of property containing Commercial or Institutional Units.

10. The charges levied pursuant to paragraph 8 of this By-law shall become due and payable when billed by the Town of New Glasgow or the Water Utility on behalf of the Town, which may bill such charges by quarterly instalments or on such other basis or at such other times as the tax collector for the Town considers appropriate.

11. Every Vacant Property Owner shall pay a Pollution Control charge calculated at the rate of .12 cents per day for each parcel or lot of land owned by such person which does not contain a Commercial or Institutional Unit or a Residential Dwelling Unit.

12. The charges levied pursuant to the preceding paragraph shall become due and payable when billed by the Town or the Water Utility, on behalf of the Town, which may bill such charges by quarterly instalments or on such other basis or at such other times as the tax collector for the Town considers appropriate.

13. Payment of the charges levied pursuant to this By-law may be remitted to the Water Utility on behalf of the Town.

14. Any Pollution Control charge which becomes payable under the provisions of this By-law shall constitute a lien on the real property in respect of which the charge has been levied in the same manner and with the same effect as a lien for rates and taxes under the Assessment Act.

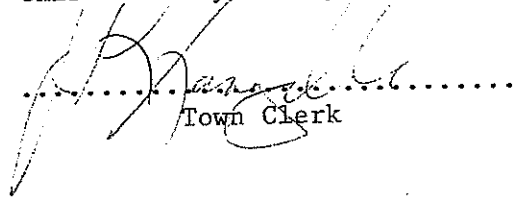
15. The lien on real property shall become effective on the date on which the Pollution Control charge becomes payable pursuant to the provisions of this By-law and shall remain in effect until the Pollution Control charge together with interest and late payment service charges, if any, therein are paid.

16. The principal amount of any Pollution Control charge which may become payable under the provisions of this By-law shall bear interest and/or be subject to a late payment service charge calculated at the same rate charged from time to time by the Water Utility which bills the Pollution Control charge on behalf of the Town of New Glasgow.

17. The Pollution Control charges levied pursuant to this By-law are collectible in the same manner and by the same proceedings as rates and taxes under the Assessment Act.

I, J. K. Langille, Clerk of the Town of New Glasgow, do hereby certify that the foregoing is a true copy of a By-law duly passed at a duly called meeting of the Town Council duly convened and held on the 18th day of April, 1995 A.D.

Given under the hand of the Town Clerk and under the seal of the said Town this 16th day of May, 1995, A.D.

  
.....  
Town Clerk

TOWN OF NEW GLASGOW

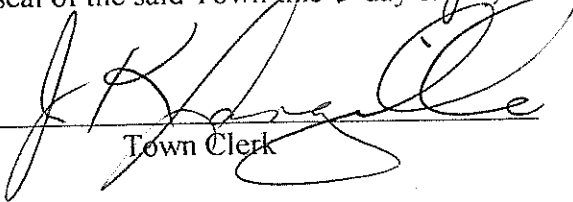
AMENDMENTS TO POLLUTION CONTROL CHARGE BY-LAW

The Pollution Control Charge By-law of the Town of New Glasgow is hereby amended as follows:

1. Section 2 Clause (i) is repealed.
2. Section 2 Clause (j) is amended by striking out the words "or a Vacant Property Owner" in the first and second lines.
3. Section 11 is repealed.
4. Section 12 is repealed.

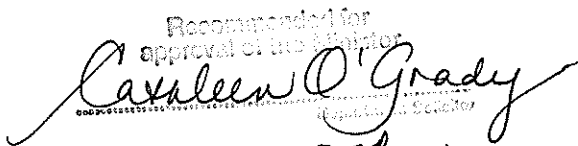
I, J. K. Langille, Clerk of the Town of New Glasgow do hereby certify that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Town Council duly convened and held on the *17<sup>th</sup>* day of *June*, 1996.

Given under the hand of the Town Clerk and under the seal of the said Town this *26<sup>th</sup>* day of *June*, 1996.

  
Town Clerk

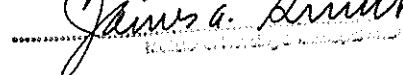
DEPARTMENT OF HOUSING  
& MUNICIPAL AFFAIRS

Recommended for  
approval of the Minister

  
Cassleen O'Grady  
Assistant Secretary

APPROVED this *3<sup>rd</sup>* day

of *July*, 19*96*.

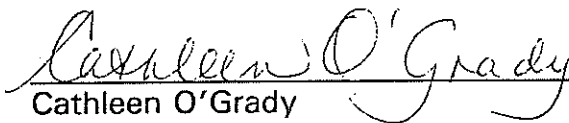
  
James A. Smith  
Regional Director

# TOWN OF NEW GLASGOW

## Pollution Control Charges By-law

Passed at a Meeting of Town Council held on April 18, 1995

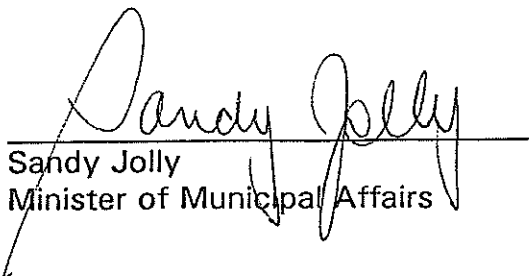
Recommended for approval with amendments.

  
Cathleen O'Grady  
Solicitor

The amendments to the Pollution Control Charges By-law which was adopted at a meeting of Town Council held on April 18, 1995, are approved, pursuant to Section 29 of the Municipal Affairs Act, with the following amendments:

1. Clause 2(j) is approved for such validity as it may have.
2. Section 8 is amended by replacing ".23 cents" with "\$.23" and by deleting the words "Commercial or Institutional Unit or".
3. Section 11 is amended by replacing ".12 cents" with "\$.12".
4. Section 14 is amended by replacing "real property" with "property of the occupant of the property".
5. Section 16 is amended by replacing all the words after the word "interest" in the second line with "as set by the Council by recorded resolution".

Dated at Halifax, Nova Scotia, this 12<sup>th</sup> day of June, 1995.

  
Sandy Jolly  
Minister of Municipal Affairs