

Town of Yarmouth  
**WATER SUPPLY UPGRADE PROGRAM**

Effective: October 27<sup>th</sup>, 2021  
TOY 80



**1.0 Purpose**

The purpose of the bylaw is to enable financing of water supply upgrades to qualifying residential properties within the Town of Yarmouth.

**2.0 Definitions**

**2.1** "CAO" means Chief Administrative Officer for the Town of Yarmouth, or their designate.

**2.2** "Event of default" includes any one of the following occurrences of any of the property owners:

- a. bankruptcy;
- b. arrears of property taxes or sewer charges;
- c. missed scheduled payment if not remedied within 90 days.

**2.3** "Lending Agreement" means the written, signed agreement between the owner of a Qualifying Property and the Town for financing of a Water Supply Upgrade.

**2.4** "Maximum eligible amount" means the maximum amount that the Town will lend to a Qualifying Property owner for a Water Supply Upgrade. The Town of Yarmouth's maximum eligible amount is \$10,000.

**2.5** "Town" means Town of Yarmouth.

**2.6** "Qualifying Property" means an owner-occupied residential property located within the Town but does not include multi-unit residential, non-profit owned buildings, business or industrial premises.

**2.7** "Water Supply Upgrade" means a replacement to an existing well that is required to source water for the property. Upgrades may include the installation of equipment related thereto.

**2.8** "Water Supply Upgrade loan" means moneys advanced to the owner of a Qualifying Property, either directly, or through a third party administering the project, pursuant to section 81A of the Nova Scotia Municipal Government Act.

**3.0 Administration**

**3.1** An owner of a Qualifying Property within the Town may apply on a prescribed form to the Town for financing of a Water Supply Upgrade to the property

**3.2** Lending shall be subject to the approval and agreement in writing of the CAO on behalf of the Town and the execution of a Lending Agreement. The conditions must be met for approval include that:

- a. the owner of the qualifying property is not in default of any Town taxes, rates, or charges and has no taxes, rates, or charges owing that are older than the current tax year;
  - b. water supply upgrades must comply with applicable provincial and/or federal regulations;
  - c. the contractors must have a valid Nova Scotia 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.
- 3.3** The Water Supply Upgrade Loan shall become payable on the completion of the contract for the installation of the Water Supply Upgrade in accordance with the Lending Agreement. The Water Supply Upgrade Loan may consist of:
- a. the cost of the Water Supply Upgrade, including all labour costs, permit fees and applicable taxes;
  - b. applicable service fees incurred by the Town directly or the owner of the Qualifying Property;
  - c. interest charges, including any additional interest arising due to any default of payment.
- 3.4** 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 Lending Agreement.
- 3.5** The Town 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.
- 3.6** 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 Town for unpaid taxes and charges in default.
- 3.7** The Town 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;
  - c. the annual amounts paid to the Town to repay the Water Supply Upgrade Loan, said amounts to distinguish between principal amounts and interest amounts; and
  - d. the Town will provide the property owner(s), annually, on the anniversary date of the loan, with a statement of account; showing the principal balance owing at the end of the previous year, total amount paid during the year, amount of interest included in the payment(s) and the balance of principal owing at the end of the year.
- 3.8** A member from Public Works shall ensure that work has been completed.
- 4.0** Lien
- 4.1** 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.

- 4.2 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 3.4 of this Bylaw.
- 4.3 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.
- 4.4 A Water Supply Upgrade Loan is collectable 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.
- 4.5 The lien provided for in this Bylaw shall become effective on the date the work is completed.
- 4.6 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.

**5.0 Interest**

- 5.1 Interest shall accrue on any Water Supply Upgrade Loan and associated charges which remain outstanding from the date of billing.
- 5.2 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.

5.2 Interest is payable on amounts deemed outstanding pursuant to the rate of 5%.

**6.0 Maintenance**

Nova Scotia Department of Environment recommends well water should be tested every six months for bacteria and every two years for chemical contaminants. For the duration of this agreement, the property owner, at their expense, shall have the well tested according to these standards and submit test results to the Town of Yarmouth, annually.

<b>Clerk’s Annotation for Official Bylaw Book</b>	
Date of Adoption: October 14 <sup>th</sup> , 2021	
I certify that this ‘Water Supply Upgrade Program Bylaw’ was adopted by Council as indicated above.	
Town Clerk:	Date:

**Adopted**

Date of First Reading	September 9 <sup>th</sup> , 2021
Notice of Intent to Consider	September 22 <sup>nd</sup> & 29 <sup>th</sup> , 2021
Date of Second Reading	October 14 <sup>th</sup> , 2021
Date of Publication	October 27 <sup>th</sup> , 2021