

BY-LAW NO. 92-59

A BY-LAW RESPECTING WATER RATES AND CHARGES
AND SEWERAGE RATES AND CHARGES

BE IT ENACTED by the Council of the Village of Blacks Harbour as follows:

DEFINITIONS

1 In this by-law

"consumer" means a person using water supplied by the Village;

"council" means the Village Council of The Village of Blacks Harbour;

"manager" means the Village Manager as appointed from time to time by the Council;

"owner" means the person in whose name a property is assessed under the Assessment Act;

"property" means the land and buildings owned by a consumer;

"public works foreman" means the public works foreman appointed by Council;

"senior citizen" means a person over the age of sixty-five (65) years;

"water" and "water supply" means the water supplied by the water system to the consumer for the purposes specified in this by-law; and

"water system" includes a system of wells, tanks, reservoirs, dams, watercourses, lakes, streams, rivers, buildings, machinery, filtration plants, cribs, basins, hydrants, water mains, water service pipes, fittings, motors, apparatus, water works and all other things useful for the drawing, collecting and storing of water and treating, distributing and selling water to consumers.

LIABILITY

2 The owner of a property is liable for all water rates and charges and sewerage rates and charges imposed by this by-law on that property whether it is occupied by the owner or his or her tenant and shall pay all those rates, and charges to the Manager at the times prescribed by this by-law.

WATER AND SEWERAGE RATES

3 The water and sewer systems shall be operated and maintained on a user-charge basis, so as to produce an annually balanced budget as authorized by Section 189 of the Municipalities Act, R.S.N.B. 1973, Ch. M-22.

4 (1) The water and sewer rates for a property are calculated according to an amount per unit and such rate shall be annually payable in three equal installments on the last day of April, August and December in each year.

4 (2) Units are hereby established in accordance with Schedule "A" hereto attached.

4 (3) The amount per unit referred to in subsection (1) hereof shall be in accordance with the amount set forth in Schedule "A" hereto and may be amended from time to time by resolution of Council.

4 (4) The rate for a property may be decreased or increased in such a manner and to such an extent as determined by resolution of Council for special cause shown.

4 (5) In any case where a unit has not been established, or for other good cause shown, the Council may by resolution amend Schedule "A" on an individual basis.

INSTALLATION CHARGES

5 Water and sewer installation charges are payable in accordance with Schedule "A" hereto and all new service hook-ups shall be approved by Council.

DEPOSIT

6 (1) Upon demand by the Village Manager, the owner of a property shall pay to the Manager a deposit of fifty percent (50%) of the estimated cost of water and sewer rates and charges and other charges on that property for one year.

6 (2) Where the owner who made a deposit under subsection (1) ceases to own the property and there are no arrears of water and sewer rates or charges or other charges against that property, the Manager shall return the deposit referred to in subsection (1) to the owner on a date fixed by the Manager.

REFUNDS

7 Upon application by the owner the Manager may grant a refund of rates, or a reduction in rates or charges for good cause shown.

INTEREST

8 (1) All rates, rentals and charges remaining unpaid for thirty (30) days after they become due and payable under this By-law, including delinquent rates and charges from the date they become due and payable, bear interest at the rate of one and one-half percent (1 1/2%) per month, or part of a month, until paid.

(2) The interest rate referred to in subsection (1) hereof may be changed by resolution of Council from time to time.

PENALTIES FOR NON-PAYMENT

9 In the event that rates, fees, rentals, legal fees, interest and penalties as herein provided are not paid within sixty (60) days after rendition of the bill for such service, such charge shall constitute a special lien and charge on the property in respect of which such charges shall have been imposed pursuant to subsection 189(10) of the Municipalities Act.

10 If the charges referred to in Section 9 hereof shall remain unpaid after expiration of the said sixty (60) days as referred to therein, the Village may:

- (a) sue in the name of the Village in an action for debt;
- (b) cut off the water and/or sewer service provided to such property and may discontinue such service until such time as the account including arrears and the cost of disconnecting the service have been paid in full by the owner; and
- (c) proceed in accordance with Section 11 hereof.

11 (1) If the charge and interest thereon shall remain unpaid after expiration of the said sixty (60) days as provided in Section 10, it shall be lawful for the Manager by warrant under his or her hand and seal of the Village to order and direct the Chief of Police or any constable of the Village or the High Sheriff of the Judicial District of Saint John, or a Deputy Sheriff of said district, to sell at public auction to the highest bidder, first giving at least four (4) weeks public notice thereof, so much of the real estate in respect of which such use or charge shall have been imposed in whomsoever hands the same may be as may, in their judgment, be sufficient to pay such amount with all costs and charges attending such notice, sale and recovery of the said amount.

11 (2) The notice referred to in subsection (1) shall contain the time and place of such sale and a description of the real estate to be sold as to identify the same and shall be published once in each of two consecutive weeks in some newspaper circulated in the County of Charlotte and shall be posted in the office of the Village.

11 (3) Notice in writing specifying the time and place of the sale shall also be served on the owner personally or by registered or certified mail addressed to the owner at the latest address of the owner known to the manager.

11 (4) The said Chief of Police, constable, High Sheriff or Deputy Sheriff are hereby empowered to sell the said real estate to the highest bidder therefor and to execute a deed to the purchaser thereof, his or her heirs and assigns, and to deliver seizen and possession thereof to the purchaser.

11 (5) From the proceeds of said sale the said Chief of Police, constable, High Sheriff or Deputy Sheriff shall pay and satisfy all user-charges, costs and charges of such sale and shall pay over the balance remaining thereof, if any, to the owner of such real estate and the deed of such Chief of Police, constable, High Sheriff or Deputy Sheriff shall transfer and convey all the right, title and interest of such owner of and in the real estate so sold.

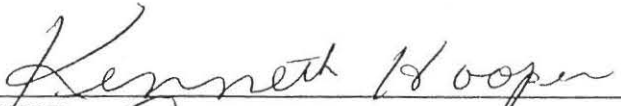
11 (6) Such deed duly executed with an affidavit of said Chief of Police, constable, High Sheriff or Deputy Sheriff taken before any person authorized to take acknowledgement or proof of deeds that the property so conveyed was rightly seized, advertised and sold, shall be prima facie evidence that all things have been done and all proceedings taken necessary to authorize the sale of said lands without any proof of the due imposition of the user-charge or the warrant or anything connected therewith.

INDEMNITY AND REFUNDS

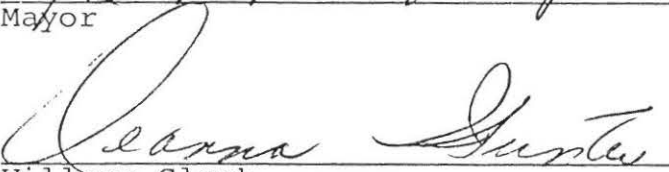
12 No person shall have any cause of action against the Village for any claim for damages of whatsoever nature or kind which may be caused at any time to any person or property arising from the construction, maintenance or operation of the sewer system, except damages caused by the deliberate act or misfeasance of the Village.

13 No person shall be entitled to a refund of any payment for stoppage or interruption of the sewer system caused by accident, frost or for the purpose of making additions or repairs to the sewer system or for any purpose which in the opinion of the Village is necessary or desirable.

IN WITNESS WHEREOF the Village of Blacks Harbour has caused its corporate seal to be hereunto affixed to this by-law the day of July 15 , A.D. 1992.



Mayor



Village Clerk

First Reading : By title, May 20, 1992

Second Reading : By title and In its Entirety, June 17, 1992

Third Reading : By title, July 15, 1992

VILLAGE OF BLACKS HARBOUR
USER UNIT TABLE - WATER & SEWERAGE RATES
SCHEDULE "A"

*Invoiced - May 1, September 1 and January 1, each year

Definition:

Full Unit - (a) flush, sink, bathtub or shower
(b) more than one stall

Half Unit - flush & sink or single utility

Single Resident	1 unit
Cottage or Cabin	1 unit
Mobile Home	1 unit
Apartments	1 unit per apartment in building
Schools	1 unit per every 15 pupils and staff or fraction thereof
Senior Citizens Apartments	1 unit per apartment in Building
Church Parsonage	1 unit
Curling Club Division Arena	3 units Flat rate
Restaurant (non-licensed)	1 1/2 units
Restaurant (licensed)	_____ units
Canteen/Take-out	_____ units
Barber Shop or Beauty Salon	_____ units
Service Station	_____ units
Body Shop	_____ units
Laundromat	1 unit every two washers
Hospital	10 units
Medical Clinic	1 1/2 units (1/2)
Commercial	Single rate per unit

Per Unit Charge

The amount per unit as authorized by Subsection 4(3) of the within by-law shall be:

1 UNIT	- WATER & SEWERAGE	\$ 414.00
1/2 UNITS	- WATER & SEWERAGE	207.00
FLAT RATE	- WATER & SEWERAGE	1242.00
1 UNIT	- SEWERAGE	243.00
1 UNIT	- WATER	243.00
1/2 UNIT	- SEWERAGE	121.50
1 UNIT	- WATER & SEWERAGE WITH PUMP	330.00

for the year 1992 and subsequent years until changed by resolution of the Village Council.

Interest Charges

The amount referred to in Section 8(1) shall be 1 1/2% per month, or part of a month for the year 1992 and subsequent years until changed by resolution of the Village Council.

Installation Charges

In addition to Section 5 of the within by-law requests subsequent hook-ups and disconnections (unless an emergency) shall be \$35.00 plus cost of materials for the year 1992 and subsequent years until changed by resolution of the Village Council.