

The Town of Berwick

A BY-LAW RESPECTING THE LEVYING OF CHARGES FOR SEWER SERVICES

TITLE:

1. This By-law shall be known and may be cited as the "Sewer Charges By-law".

DEFINITIONS:

2. In this By-law:
 - a) **"Basic user"** means the owner of any property any boundary of which lies within One Hundred feet (100') of a Town sanitary sewer line, other than an Industrial User or a Residential Institutional User as defined in this bylaw;
 - b) **"CAO"** means the Chief Administrative Officer for the Town of Berwick;
 - c) **"Council"** means the Council of the Town of Berwick;
 - d) **"Engineer"** means the Engineer for the Town of Berwick and includes a person acting under the supervision and direction of the Engineer (from MGA);
 - e) **"Industrial user"** means Eden Valley Poultry Ltd.;
 - f) **"MGA"** means the *Municipal Government Act* of Nova Scotia, being Chapter 18, Statutes of Nova Scotia, 1998, as amended from time to time;
 - g) **"Operating Budget"** means the financial plan approved by Council for a specified period of time (the fiscal year) that balances projected revenues and fund balance appropriations to estimated expenditures and operating transfer obligations;
 - h) **"past year"** means the 12 months beginning January 1 and ending December 31 of the immediately preceding full calendar year;
 - i) **"sanitary sewer"** is defined to have the same meaning as those words are defined in the MGA - which, as of the date of the passing of this bylaw, read: "...means a sewer receiving and carrying liquid and water-carried wastes and

to which storm, surface, or ground waters are not intentionally admitted.”;

- j) **“sewage”** is defined to have the same meaning as the word is defined in the MGA - which, as of the date of passing of this bylaw, read: “...means the combination of liquid and water-carried wastes from buildings, containing animal, vegetable or mineral matter in suspension or solution, together with such groundwater, surface water or stormwater as might be present.”;
- k) **“Residential Institutional User”** means each of Grand View Manor or its successor and Fundy Villa or its successor;
- l) **“Town”** means the Town of Berwick;
- m) **“wastewater facilities”** is defined to have the same meaning as the words are defined in the MGA - which, as of the date of passing of this bylaw, read: “...means the structures, pipes, devices, equipment processes or other things used, or intended, for the collection, transportation, pumping or treatment of sewage and disposal of the effluent”.

BASIC USER CHARGES:

- 3. Every Basic User shall pay to the Town an annual charge per each individual property according to a levy, by the Town, as per the Town of Berwick’s Policy for Fees, the rate to be based on the remaining portion of the aggregate of the costs, both operating and capital, associated with the wastewater facilities of the Town – after the Industrial User and Residential Institutional User portions, calculated per Schedules “A” and “B” attached, have been removed.
- 4. This annual charge shall be called the Basic User Sewer Charge and shall be invoiced as a separately-identified item on the interim and final property tax billings each year.
- 5. The total Basic User share of operating costs – both the Collection and Transmission portion as well as the Treatment portion – shall be determined based on the Basic User portion of the average daily flow derived from total actual daily flows for the past year.
- 6. The total Basic User share of capital costs shall be determined based on the Basic User portion of total design load, being 400,000 Imperial gallons (1,816,000 litres) per day of hydraulic load for the Collection and Transmission portion and 600 pounds (273 kilograms) per day of BOD for the Treatment portion.

7. The Basic User Sewer Charge shall bear interest and be collectible in the same manner as any other rate or tax per the *Municipal Government Act*.

INDUSTRIAL USER CHARGES:

8. Each Industrial User which discharges sewage to any part of the Town's wastewater facilities shall pay to the Town, on a monthly basis, one-twelfth of an annual charge for sewage discharge – such annual charge to be determined based on calculations of the share, of that particular Industrial User, of the aggregate of the costs, both operating and capital, associated with the wastewater facilities of the Town – according to the formulae and calculations as described in Schedule "A" attached to, and forming part of, this bylaw.
9. The formulae and calculations as described in Schedule "A" shall be based on, and include but not be limited to, the following:
 - a) That portion, as per Town records and the advice of the Town's Consulting Engineers, of design capacity allocated for the use of each Industrial User;
 - b) That portion, as per Town records and the advice of the Town's Consulting Engineers, of actual use by each Industrial User of the Town's wastewater facilities over the past year; and
 - c) costs related to the wastewater facilities of the Town – such costs to include all operating costs, any capital costs, whether out of revenue or financed by debt, as well as transfers to reserves for future capital expenditures relating to said wastewater facilities.
10. This annual charge shall be called the Industrial User Sewer Charge and shall be invoiced on a monthly basis.
11. Each Industrial User's share of operating costs – both the Collection and Transmission portion as well as the Treatment portion – shall be determined based on that User's average daily flow derived from its flow readings and from total actual daily flows for the past year.
12. Each Industrial User's share of capital costs shall be determined based on that User's portion of total design load, being 475,000 Imperial gallons (2,156,500 litres) per day of hydraulic load for the Collection and Transmission portion and 1,800 pounds (820 kilograms) per day of BOD for the Treatment portion in the case of each of the

current Industrial Users.

13. The monthly invoice for the Industrial User Sewer Charge shall bear interest and be collectible in the same manner as any other rate or tax per the *Municipal Government Act*.

RESIDENTIAL INSTITUTIONAL USER CHARGES:

14. Each Residential Institutional User which discharges sewage to any part of the Town's wastewater facilities shall pay to the Town an annual charge for sewage discharge according to the formulae and calculations as described in Schedule "B" attached to, and forming part of, this bylaw.
15. The total operating budget, as referenced in Schedule "B" means all costs related to the wastewater facilities of the Town – such costs to include all operating costs, any capital costs, whether out of revenue or financed by debt, as well as transfers to reserves for future capital expenditures relating to said wastewater facilities.
16. This annual charge shall be called the Residential Institutional User Sewer Charge and shall be invoiced as a separately-identified item on the interim and final property tax billings each year for each Residential Institutional User.
17. The Residential Institutional User Sewer Charge shall bear interest and be collectible in the same manner as any other rate or tax per the *Municipal Government Act*.

History of this Bylaw:

- Enacted - October 9, 2001
- Amended - June 10, 2003
- Amended - March 12, 2013

Schedule "A" – Calculation of Industrial User Sewer Charge

Operating Costs

- Collection and Transmission:

$$A = F \times (G/H)$$

Where:

A = User's share of collection and transmission operating costs

F = Total current year's operating budget for collection and transmission costs

G = User's average daily flow for the past year

H = Total STP average daily flow for the past year

- Treatment:

$$B = I \times (J/M)$$

Where:

B = User's share of treatment operating costs

I = Total current year's operating budget for treatment costs

J = User's average daily pounds of BOD for the past year

M = Total STP average daily pounds of BOD for the past year

- Administration – Each Industrial User's share of administration costs related to the Town's wastewater facilities is to be determined based on the same ratios used in calculating the User's share of treatment operating costs.

Administrative items forming part of operating costs are as follows:

Those costs will include all costs directly attributed to the administration of the Town's sewer system by the Town staff. The Town shall keep all records, as deemed necessary, of staff time and related expenses and will use estimates in relation to costs not precisely measurable.

Schedule “A” – Calculation of Industrial User Sewer Charge, cont’d:

Capital Costs

- Collection and Transmission – Each Industrial User’s share of collection and transmission capital costs related to the Town’s wastewater facilities is to be determined based on the user’s percentage of the total design load. The following ratios shall be used:

	Hydraulic (,000) lgpd	% of Total
Residential	400	46%
Eden Valley Poultry Ltd	475	54%
Total	875	100%

- Treatment - Each Industrial User’s share of treatment capital costs related to the Town’s wastewater facilities is to be determined based on the user’s percentage of the total design load. The following ratios shall be used:

	BOD pounds/day	% of Total
Residential	600	25%
Eden Valley Poultry Ltd	1,800	75%
Total	2,400	100%

Total Annual Industrial User Sewer Charge – Industrial Users

Total Annual Industrial User Sewer Charge = A + B + C + D + E.

Where:

A = User’s share of collection and transmission operating costs

B = User’s share of treatment operating costs

C = User’s share of administration costs

D = User’s share of collection and transmission capital costs

E = User’s share of treatment capital costs

Schedule "B" – Calculation of Residential Institutional User Charge

$C = (N \times 150 \text{ IGPD}) / 1000 \times (R \times 365)$, where:

C = A Residential Institutional User's share of total annual operating costs.

N = number of residents at the Residential Institutional User.

O = total annual operating costs of the Town for its wastewater facilities.

P = average total daily flow, as calculated by Town staff, of sewage into the Town's sewage treatment plant ("STP").

R = cost per 1,000 Imperial gallons of wastewater collected and treated at the Town's STP, being $O/P \times 365$