

MUNICIPALITY OF THE DISTRICT OF ARGYLE

BY-LAW #38

WATER SUPPLY UPGRADE - LENDING PROGRAM BY-LAW

DEFINITIONS

1. **CAO** means the Chief Administrative Officer for the Municipality, or his/her designate.
2. **Lending Agreement** means the written, signed agreement between the owner of a Qualifying Property and the Municipality for financing of a Water Supply Upgrade;
3. **Director of Finance** means the Director of Finance for the Municipality, or his/her designate;
4. **Municipality** means the Municipality of the District of Argyle;
5. **Qualifying Property** means an owner occupied residential property located within the Municipality but does not include multi-unit residential or non-profit owned buildings and does not include business or industrial premises;
6. **Water Supply Upgrade Loan** means moneys advanced to the owner of a Qualifying Property, either directly, or through a third party administering this project, pursuant to section 81A of the Nova Scotia Municipal Government Act;
7. **Water Supply Upgrade** means a construction of a new dug or drilled well, or an upgrade to an existing well that is required to source water for the property and will include all necessary additions to the water treatment system, providing the total cost remains under the existing cap. Upgrades may include the installation of equipment related thereto. Furthermore, it shall include the installation of cisterns, water from fog systems, greywater collection or other containers that are installed for the purposes of the supply, use and conservation of water;

ADMINISTRATION

8. An owner of a Qualifying Property within the Municipality may apply to the Municipality for financing of a Water Supply Upgrade to the property.
9. Lending shall be subject to the approval and agreement in writing of the CAO on behalf of the Municipality and the execution of a Lending Agreement. The conditions that must be met for approval include that:

a) The owner of the qualifying property is not in default of any municipal taxes, rates or charges on the qualifying property.

b) Water Supply Upgrades must comply with applicable provincial and/or federal regulations.

c) Other conditions as indicated in the Lending Agreement that may be modified from time to time.

10. The Water Supply Upgrade Loan shall become payable on the completion of 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 Municipality directly or the owner of the Qualifying Property.

c) Interest charges, including any additional interest arising due to any default of payment.

11. The owner of a Qualifying property may elect to pay the Water Supply Upgrade Loan by equal monthly installments over a period of not more than 10 years, on which interest shall be payable as set out in the Lending Agreement.

12. The Municipality 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.

13. 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 Municipality for unpaid taxes and charges in default. The outstanding loan shall be considered the same as rates and taxes in the Municipal Government Act, and the property shall follow the same proceedings as municipal taxes for tax sale purposes.

14. If the qualifying property owner sells the property during the course of the loan, the entire loan shall become payable and treated as taxes on the date of sale, except as to the interest payable thereon, and the owner shall be responsible for the entire loan payment.

15. The Director of Finance shall maintain a separate account of all monies due for Water Supply Upgrade Loan, identifying, for the subject property:

- a) The names of the property owners, assessment, PID and civic addresses.
- b) The amount of the Water Supply Upgrade Loan levied, and
- c) The annual amounts paid to the Municipality to repay the Water Upgrade loan.

LIEN

- 16. On completion of a Water Supply Upgrade pursuant to the Lending Agreement, the Water Supply Upgrade Loan shall become a lien in levied against the property in accordance with the Municipal Government Act.
- 17. The portion of the annual repayment of the Water Upgrade Loan shall be equal to the total loan outstanding divided by the number of years remaining, with applicable interest, notwithstanding Section 2.5 of this By-law.
- 18. 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.
- 19. 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.
- 20. The lien provided for in this By-law shall become effective on the date on which the CAO files with the Director of Finance with a certificate that the agreed improvement has been completed.
- 21. The lien provided for in this By-law shall remain in effect until the total Water Upgrade Loan, including any accrued interest and administrative charges have been paid in full.

INTEREST

- 22. Interest shall accrue on any Water Supply Upgrade Loan and associated charges which remain outstanding from the date of billing.
- 23. Interest is payable on amounts deemed outstanding pursuant to the rate of 3.5%.

Chief Administrative Officer's Annotation for Official By-Law Book	
Date of First Reading	January 08, 2019
Date of Advertisement of Notice of Intent to Consider	March 13, 2019
Date of Second Reading	April 09, 2019
Date of Advertisement of Passage of By-Law	
Date of Mailing to Minister a Certified Copy of By-Law	
Effective Date of By-Law	
I certify that this Water Supply Upgrade - Lending Program By-Law #38 was adopted by Council and published as indicated above.	
<div>_____</div> <div>Warden</div>	<div>_____</div> <div>Date</div>
<div>_____</div> <div>Chief Administrative Officer</div>	<div>_____</div> <div>Date</div>