

BY-LAW NO 1-18-1
A BY-LAW OF THE MUNICIPALITY OF ROTHESAY
TO AMEND THE ROTHESAY WATER BY-LAW

The Council of Rothesay, under the authority vested in it by Section 10 of the *Local Governance Act S.N.B* (2017), Chapter 18, and amendments thereto, hereby enacts as follows:

1. **The current definition for “Specifications for Developers” is amended by inserting “Rothesay Standard Front End Specifications” so as to read:**

“Specifications for Developers” means the standards entitled “*Rothesay Standard Front End Specifications*”, adopted by the municipality as a minimum standard for new construction of streets and services within the Town;

2. **Section 4.15 is amended by inserting “... , with the following exception: Where an Owner of a Residential Apartment Complex established prior to 1 January 1998 has provided proof of a clean, safe, and reliable supply of potable water as required by Appendix “A”, the requirements set out in Sections 4.15 and 7.6.1(d) are not applicable. Appendix A may be amended from time to time by resolution of Council” so as to read:**

Any owner of a commercial property, institutional property or residential apartment complex situated on land abutting a street, right-of-way, or public place in which there is a watermain shall connect to the main in a manner approved by the Town and use such watermain as its sole source of water, with the following exception:

Where an Owner of a Residential Apartment Complex established prior to 1 January 1998 has provided proof of a clean, safe, and reliable supply of potable water as required by Appendix “A”, the requirements set out in the preceding paragraph and Section 7.6.1(d) are not applicable. Appendix “A” may be amended from time to time by resolution of Council.

3. **Section 7.6.1(d) is amended by inserting “with the exception of Residential Apartment Complexes established prior to 1 January 1998 as described in Section 4.15” and “unless as otherwise recommended by the Committee and approved by resolution of Council” so as to read:**

For Commercial properties, Institutional properties and Residential Apartment Complexes, **with the exception of Residential Apartment Complexes established prior to 1 January 1998 as described in Section 4.15**, the following User Class Structure and payment schedule applies:

Class A) existing properties where water is available but not currently used:

- connection to the water system required on or before March 31, 2022;
- connection permit fee due at the start of construction;
- water system access fee payable in 40 equal quarterly instalments starting in the first quarter of water use but not later than June 30, 2022
- the Town is responsible for the cost and installation of service from the main line to the residents property line (i.e. to the “curb stop”)
- water meter rental charges payable over 5 years
- interest will be charged on payments in arrears

Class B) existing properties where water is not currently available but could be installed in the future:

- connection to the water system required on or before September 30 of the year *following installation of the water line (i.e. the end of the next construction season)*
- connection permit fee due at the start of construction
- water system access fee payable in 40 equal quarterly installments starting in the first quarter of water use but not later than Sept. 30th
- the Town is responsible for the cost and installation of service from the main line to the residents property line (i.e. to the “curb stop”)
- water meter rental charges payable over 5 years
- interest will be charged on payments in arrears

Class C) new construction where water is available:

- no proposed changes (ie. All fees are payable upon issuances of the connection permit ***unless as otherwise recommended by the Committee and approved by resolution of Council.***)

4. Section 7.11 is amended by deleting “water connection permit” and adding “unless as otherwise recommended by the Committee”, so as to read:

Every person connecting to the water system shall pay a meter connection permit fee and water system access fee as outlined in Schedule “E”. The fees shall include all inspection fees and charges associated with processing of the application, control and enforcement of “Specifications for Developers” and shall be paid in full prior to the issuance of a building permit ~~water connection permit~~, ***unless as otherwise recommended by the Committee and approved by resolution of Council.***

5. Council hereby authorizes the consolidation of By-law 1-18 and By-law 1-18-1.

EFFECTIVE DATE

This By-law comes into effect on the date of final enactment thereof.

FIRST READING BY TITLE _____ 15 October 2019

SECOND READING BY TITLE _____

READ IN ITS ENTIRETY _____

THIRD READING BY TITLE AND ENACTMENT _____

Dr. Nancy Grant
MAYOR

Mary Jane E. Banks
CLERK



ROTHERSAY

APPENDIX A

Water By-law 1-18

Requirements for Existing Residential Apartment Complexes established Prior to 1 January 1998 NOT Connected to Available Town Water



It is an objective of Rothesay that residents of any Residential Apartment Complex be served by a clean, safe, and continuous supply of potable water. When the Owner of an existing Residential Apartment Complex established prior to 1 January 1998 chooses not to connect to the available municipal potable water distribution network operated by the Town, such Owner is responsible for providing proof to the Town that a clean, safe, and reliable supply of potable water is provided to their tenants. Proof of a clean, safe, and reliable supply of potable water shall be demonstrated by the following methods:

- (a) The Owner shall submit to the Town Clerk results of water quality testing from the potable well supplying the tenants of the Residential Apartment Complex, conducted within the previous 30 days on or before 30 April and 31 October each year for the following sampling:
 - (i) Total coliforms and *Escherichia coli*; and
 - (ii) Inorganics.
- (b) The testing set out in paragraph (a) shall be conducted by the Provincial Analytical Services laboratory or by a laboratory accredited under the International Organization for Standardization standard ISO/IEC 17025:2005, entitled *General Requirements for the Competence of Testing and Calibration Laboratories*.
 - (i) In the event the sampling set out in paragraph (a) produces an unacceptable result the owner shall submit to the Town Clerk results of a subsequent test no later than 15 days following the date of the initial test.
 - (ii) In the event the two consecutive water quality tests fail to produce acceptable results, the data will be forwarded to the Department of Environment and Local Government for appropriate action, and shall require immediate connection to the Town water system as required in section (f).
- (c) The Owner shall obtain an electrical permit from the Town for the installation of an approved electrical interface of the building electrical panel with a generator of capacity sufficient to power emergency lighting and the pump for the private water supply.
- (d) Receipt by the Town Clerk of an affidavit from a licensed electrician that such an electrical interface has been installed.
 - (i) Receipt by the Town Clerk of an affidavit from a licensed electrician every twelve (12) months, confirming the electrical interface has been tested and performed satisfactorily.

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- (e) The Owner shall sign a waiver releasing the Town from any liability associated with water quality and quantity supplied by Owners to their tenants.
- (f) Failure to meet any of the requirements as outlined above may result in penalties under Section 8.1 of this By-law, and will require immediate connection to the Town's water system in a manner approved by the Town, and use of the municipal water system as a sole source of water.