

WATER AND SEWER – FEE FOR SERVICE BY-LAW

Pursuant to the authority conferred in sections 8 of the *Towns and Local Service Districts Act, 2025*, the Town Council of Portugal Cove-St. Philip's has adopted the following By-Law on the February 19, 2026.

1. TITLE

- 1.1 This document shall be known and cited as the *Water and Sewer– Fee for Service By-Law*.

2. PURPOSE

- 2.1 The purpose of this By-Law is to establish a process for the application of water and sewer fee for services to owners of real property in the Town.
- 2.2 All other pertinent information related to the installation and connection to the Towns water system can be found in the Water and Sewer By-Law.

3. INTERPRETATIONS

- 3.1 “**Council**” shall mean the Town Council of Portugal Cove – St. Philip's.
- 3.2 “**Employee**” or “**Employees**” shall mean any individual under an employment contract with the Town of Portugal Cove-St. Philip's including all members of staff, volunteers, contractors and members of Council.
- 3.3 “**Employer**” shall mean the Town of Portugal Cove-St. Philip's as represented by the Chief Administrative Officer or his/her designate.
- 3.4 “**Town**” shall mean the Town of Portugal Cove – St. Philip's.
- 3.5 “**Service Stubs**” shall mean the service pipe and components, connected to the potable water system or sanitary sewer system, extending to the property line.
- 3.6 “**Act**” shall mean the Towns and Local Service District Act.
- 3.7 “**Real Property**” shall mean land, and anything permanently attached to it, including building and structures.
- 3.8 “**Occupiable Building.**” shall mean any structure designed for, or currently used to, shelter or support human beings.

4. APPLICATION

4.1 This By-Law applies to all properties within the municipal boundaries of the Town of Portugal Cove-St. Philip's.

5. PROCEDURE

5.1 As per section 131 of the Act, the Town shall impose upon the owner of real property a water and sewer fee for services received or deemed to be received.

5.2 All serviceable commercial, residential, and vacant properties within the Town, that are deemed to receive service, notwithstanding that the property is not physically connected by lateral lines to the property, are liable for water and/or sewer fees payable to the Town on a per-annum basis at rates established in the current year Tax Structure and Schedule of Fees.

5.3 Where a real property is not directly connected to the Town's water and/or sewer services, and does not have Town provided service stub(s), the property may be considered unserviceable for the purpose of imposing water and/or sewage fees, provided that at least one (1) of the following conditions are applicable:

5.3.1 The real property does not contain an occupiable building and is not permitted to construct an occupiable building, due to lot size or other conflicts with current Development Regulations.

5.3.2 The real property does not have practical frontage or access to Town water and/or sewer without extending the main lines. The Town will not permit easements across private property to allow for service connection(s) to water and/or sewer.

5.3.3 The real property presents extraordinary geotechnical or environmental constraints that render servicing unreasonable or impractical. This shall be supported by satisfactory evidence presented to the Town.

5.3.4 The real property, while located within a designated service area, cannot reasonably be connected to the water and/or sewer services due to verified physical, regulatory or technical constraints that prevent connection. Such constraints shall be confirmed through an assessment or opinion provided by the Town's Public Works Department.

5.3.5 A real property that is situated along the route of a water and/or sewer transmission line that is not designed or intended to provide direct service connections, and where no service stub has been installed, shall not be deemed serviceable unless a connection point is established or otherwise approved by the Town.

5.4 If a serviceable parcel of land is approved to be subdivided into multiple serviceable lots, water and/or sewer fee for the individual serviceable lots will begin in the following year.

5.5 If an unserviceable property is made serviceable by infrastructure work performed by the Town or private developer, the corresponding water and/or sewer fee will not be charged for the current year and will begin the following year.

5.6 Council may, at its sole discretion, grant an exemption from water and/or sewer fees for a real property that is not connected to the Town's water and/or sewer services. Any exemption granted under this section applies only to the current property owner and shall require reassessment upon a change in ownership of the real property.

6. PENALTIES

6.1 All fees imposed by the Town are subject to the Town of Portugal Cove-St. Philip's Collection By-Law.

7. REPEALS OF PREVIOUS POLICIES AND AMENDMENTS

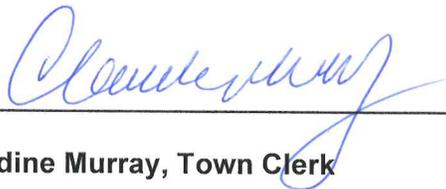
7.1 None

8. COME INTO EFFECT

8.1 These Regulations first came into effect on the February 19, 2026, through a resolution of Council, #2026-477.



Dave Bartlett, Mayor



Claudine Murray, Town Clerk