

BY-LAW 34
SEWAGE BY-LAW

Be it enacted by the Council of the Village of Gagetown, New Brunswick, as follows:

1. DEFINITIONS

- A. "BUILDING" shall mean a house, trailer, structure or property used for human occupation, and situated within the jurisdiction of the Village of Gagetown.
- B. "BUILDING DRAIN" shall mean the horizontal piping, including any vertical offset, that conducts sewage to the building sewer.
- C. "BUILDING SEWER" shall mean a pipe that is connected to a building drain and begins one (1) meter outside a wall of a building and leads to the public sewer or other place of disposal approved by the Municipality.
- D. "CLERK" shall mean the clerk of the Village of Gagetown
- E. "ENGINEER" shall mean the engineer, firm, company, association, corporation or group from time to time designated by the Municipality to oversee the implementation of this By-Law, and the construction and maintenance of the sewer system within the Municipality's jurisdiction or his representative.
- F. "INSPECTOR" shall mean the inspector from time to time designated by the Municipality to oversee the implementation of this By-Law and the construction and maintenance of the sewerage system within the Municipality's jurisdiction.
- G. "MUNICIPALITY" shall mean the Village of Gagetown or a person or persons properly appointed by the Village of Gagetown to administer this by-law.
- H. "NATURAL OUTLET" shall mean any outlet into a water-course, pond, ditch, lake or other body of surface or ground water.
- I. "NATURAL WATERCOURSE" shall mean a surface or underground watercourse created by natural agencies and conditions.
- J. "OWNER" is the person in whose name a property is assessed under the Assessment Act.
- K. "PERSON" shall mean any individual, firm, company, association, institution, society, corporation or group.
- L. "PRIVATE SEWER SYSTEM" means any private system for sewage disposal serving one lot of real property.
- M. "PUBLIC SEWER" shall mean a sewer controlled by the Municipality.

- N. "SANITARY SEWER" shall mean a sewer which carries sewage and into which admission of storm, surface, and ground waters is specifically prohibited.
- O. "SEWAGE" shall mean a combination of the water-carried wastes from residences, business building, institutions and industrial establishments.
- P. "SEWER" shall mean a pipe or conduit for carrying the domestic wastewater, industrial wastewater, surface run off or excess ground water either together or separately.
- Q. "SEWER SYSTEM" shall mean collectively all the property involved in the operation of the sewer utility and shall include land, piping and appurtenances, pumping stations, treatment works and general property.
- R. "STORM SEWER" shall mean a pipe or conduit for carrying storm water, surface water and excess ground water but excludes domestic waste water and industrial wastes.
- S. "SUSPENDED SOLIDS (SS)" shall mean solids that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and which are largely removable by laboratory filtering.
- T. "USER UNIT" shall mean a unit as defined in SCHEDULE B USER UNIT TABLE of this by-law.
- U. "UNPOLLUTED DRAINAGE" shall mean drainage which does not contain micro-organisms, chemicals, wastes or wastewater in a concentration that exceeds the effluent criteria in effect.
- V. "WASTEWATER" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments.

2. REQUIREMENT TO CONNECT

The owner of all houses, buildings or properties used for human occupancy, employment or recreation or other purposes situated within the jurisdiction of the Municipality and abutting on any street or right of way in which there is now or hereafter located, a public sanitary sewer, is hereby required at his own expense to install suitable toilet facilities therein and to connect such facilities directly with the sanitary sewer in accordance with the provisions of this By-Law, provided that such sanitary sewer is within forty-six (46) meters of the property line and not more than fifty (50) meters from the building to be serviced.

- (A) For the purpose of the initial installation of the sewer system only, any dwelling situated over 45 meters from the sanitary sewer line will be eligible for financial assistance towards the cost of hook up as follows: the property owner shall be responsible for 100% of the cost of the first 45 meters and 10% of the cost of the hook up for any distance beyond 45 meters with the distance to be

measured from the sewer line to the side of dwelling nearest the line.

- (B) Where it is jointly agreed by the Municipality and the District Health Officer that a building does not require toilet facilities, the Owner of such building shall be exempted from installing such facilities and from connecting to the public sewer.
- (C) In the case of a building intended for future human habitation or business, the Owner shall pay the annual user fee as set forth in this by-law, even though he may be exempt under Section 2.b) from connecting to the public sewer at the time of the initial installation of the system.
- (D) The Municipality shall adopt a schedule setting out the time during which all property Owners, within specified areas, shall be required to connect a building sewer from any dwelling or building to the public sewer and shall give the property Owners at least two (2) months notice by public advertisement or in writing of such time limit.
- (E) Plans for all new subdivisions require the approval of the Village Council and the owner of such subdivisions shall enter into a sewage agreement with the municipality before any development takes place. Plans for the sewage collection system for all such subdivisions shall meet with the approval of the Village Council.
- (F) An authorized person, or any other person authorized by the Council shall have the right to enter upon any property in the municipality for the purpose of inspecting, observing or supervising the installation or maintenance of any sewer system situated on such property.

3. SEWER CONNECTIONS

- (A) Any person wishing or required to connect a building sewer from any dwelling or building to the existing public sewer shall submit to the municipality an "Application For Building Sewer" in the form set forth in Schedule "A" annexed to this by-law. Such application shall be accompanied by a payment of \$500.00 which will be the required non refundable fee for a new connection to the existing sewer system.
- (B) To satisfy conditions set out in section (C) hereof, a deposit of \$500.00 will be made to the Village at the time the application is received. Upon being satisfied that the application is in order, the municipality shall issue a permit to the applicant setting out such terms and conditions as the municipality deems necessary.
- (C) With respect to the potential future expansion to the existing system, an amount of payment for the connection will be determined by the capital cost of the said expansion using a formula related to lot frontage or an otherwise determined formula as set by Council

- (D) All costs and expenses incident to the installation of the building sewer to the public sewer shall be borne by the property owner. Streets, sidewalks, parkways or any other public property disturbed in the course of this work shall be restored by the Owner to the satisfaction of the municipality. Extension of the building sewer from the property line to the public sewer and connection thereto shall be made by an authorized person. The deposit of \$500.00 paid under Section 3(a) hereof shall be applied to such costs if not completed to the satisfaction of the municipality. If no damage has been assessed the deposit shall be refunded to the applicant.
- (E) The size, shape, alignment, materials of construction of a building sewer and methods to be used in excavating, placing of the pipe, jointing, testing, backfilling and site repairs shall be subject to the supervision and approval of an authorized person. The municipality shall provide a copy of "Guidelines for Installation of a Building Sewer" (Schedule "D") with each permit issued. No building sewer shall be covered until it is inspected and approved by an authorized person. The property owner or his agent shall notify the municipality when the building sewer is ready for inspection and connection to the public sewer. If the person installing a building sewer or his agent covers over any building sewer before it has been inspected and the inspector's report completed, the municipality may excavate the building sewer for the purpose of inspection and the cost of so doing shall be recoverable from the owner of the building sewer.
- (F) Where an owner connects a building sewer to the public sewer and provides an opening of the building sewer that will be below the level of the street above the public sewer, such owner will install a backwater valve between the connection of the building sewer and the public sewer and such outlets, which are below street level. When any existing building sewer has outlets which are below the level of the street above the public sewer to which it connects and such outlets remain below the said street level, the owner shall have installed at his expense, a backwater valve in the building sewer between the connection with the public sewer and any outlet below street level. Any person who fails to install such a backwater valve within the time allotted by the municipality for installation of such a valve shall be guilty of an offence.
- (G) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewerage carried by such building drain shall be lifted by an approved means and discharged into the building sewer. Costs of such lift pumps where necessary are to be the responsibility of the homeowner and will become the property of the homeowner who will be responsible for maintenance, repairs and operating costs.
4. EXISTING SEWER LINES
- (A) Existing building sewers which are found on examination and test by the municipality or its agent to be of acceptable standard and conform to this by-law may be incorporated into the system administered by the

municipality. If existing building sewer lines are found not to be of acceptable standard, they shall be replaced in accordance with the provisions of this by-law.

- (B) Upon completion of the building sewer connection and approval thereof, the owner of a property formerly served by septic tank, cesspool, privy, or private sewage disposal system on the property shall cause such septic tank, cesspool, privy or private sewage disposal system to be abandoned and filled with suitable material.
- (C) Not more than one building shall be serviced from each building sewer unless a special permit is obtained from the municipality.

- 5. The municipality may refuse to permit a building sewer connection to any building.
- 6. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off or sub-surface drainage to any sanitary sewer.
- 7. No authorized person shall uncover, make any connection with or openings into, use, alter or disturb any public sewer without having obtained written permission from the municipality.
- 8. Any permit issued under this by-law may be suspended or revoked by the municipality, if in the opinion of the municipality the sewage facility approved by such permit has not been installed or maintained in compliance with the provisions of this by-law or the conditions upon which such permit was issued.

9. BLOCKAGES

- (A) Any blockage within the main line of the sewage system shall be the responsibility of the municipality.
- (B) Any blockage within a lateral from a residence to the main line shall be the responsibility of the property owner including any portion of a lateral which may be on public property and necessitate repairs to a sidewalk or road.
- (C) Where the municipality is called by the owner to clear or repair a service connection and the blockage or damage is found to occur on that portion of the service connection between the building and the main line, then the municipality shall charge the owner for all costs incurred in locating the blockage and repairing and/or clearing the service connection.
- (D) Where a property owner has contracted with a plumber or a contractor to clear or repair a lateral line and it is proven that the blockage was not caused by the property owner, the municipality may, subject to council approval, reimburse the property owner for all or a portion of the costs, not to include damages.

- (E) If the blockage referred to in Subsection d) hereof on examination by the authorized person is caused by a negative grade or ruptured pipe between the pints of the property line and the main line of the system, the cost of the repairs will be the responsibility of the municipality.

10. PROHIBITIONS

No person shall drain or deposit anything in any public sewer main, or in any pipe leading thereto, which could impair or obstruct any such sewer including but not limited to the following:

- (A) matter having a temperature in excess of 65 degrees Celsius
- (B) matter which may contain any fat, oil or grease of more than 100 parts per million by weight (ppm) of animal or vegetable origin or 15 parts per million by weight of petroleum origin or lubricants of synthetic origin.
- (C) Gasoline, benzene, naphtha, fuel oil, acetone, solvents or other inflammable or explosive matter, in excess of 15 parts per million (ppm) by weight.
- (D) Ashes, cinders, garbage, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, cellulose, sanitary pads, disposable diapers, whole or sliced fruit or vegetables or any other solids of a type or quantity capable of causing an obstruction to the flow in sewers or other interference with the proper operating of the sewage system.
- (E) Matter containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or which constitutes a hazard to humans or animals. The municipality may, from time to time, set limits on other toxic or poisonous substances, which may be allowed to discharge to the sewage system as set out in Schedule E. Waste considered to be toxic or poisonous shall include, but not be limited to waste containing metals or chemicals such as cyanide, chromium, phenols, pesticides, herbicides, lead, mercury, etc.

11. RATES

- (A) The cost of operating and maintaining the sewer system including debt servicing costs, if applicable, shall be raised by a user charge for each user unit as set out in the User Unit Table (Schedule B). Such user charge to be established by resolution of council from time to time and levied quarterly or as set forth by the municipality and pro rated if the owner is connected to the sewer system during the calendar year.
- (B) The amount due is payable by the owner of the property to the municipality and shall be paid by the end of the calendar-quarter next following the date the bill is

mailed to the owner and shall be payable whether or not the bill is received by the owner. If the account is not paid in full by the end of the quarter, the amount owing to the municipality shall bear interest at a rate set by the municipality from time to time by resolution of Council. Any account paid in advance in one annual payment before the end of the first quarter will receive a per unit discount. The amount of such discount shall be established by resolution of Council from time to time.

- (C) The municipality shall mail invoices for sewage charges quarterly and statements, where necessary, shall show the amount of the account still unpaid with interest to the end of the quarter in which such invoice is mailed.
- (D) Failure to deliver such notice shall in no way affect the liability of any person to pay the user service charge.
- (E) After 10 days, notice in writing will be given to the owner who is in arrears, which notice may be given by registered mail, addressed to the owner, postage prepaid, and without prejudice, the municipality may:
 - a. sue in the name of the municipality by an action for debts;
 - b. proceed in any court of competent jurisdiction to enforce the special lien or charge created by the Municipalities Act on land to or with respect to which sewage services are supplied;
 - c. disconnect the user service provided to such owner and may discontinue such service until such time as the account including arrears and the entire costs of disconnecting and re-connecting the service and including all legal and administrative costs has been paid in full by the owner.
 - d. send the arrears sewage account to a collection agency.

12. INDEMNITY

No person shall have any cause of action against the Municipality, or its servants or agents for any claims 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 sanitary sewer system, except damage caused by the deliberate act or misfeasance of the Municipality servants or agents.

13. ENFORCEMENT:

A person who violates any provision of this by-law or who suffers or permits any act or thing to be done in contravention or violation of any provision thereof, or neglects or fails to do any act or thing herein required, is liable on summary conviction, to a fine of not less than \$100.00 and not more than \$500.00 or in default of payment to imprisonment for a term not exceeding thirty (30) days, or to both.

The conviction of a person under this section does not operate as a bar to further prosecution for the continued neglect or failure on his part to comply with the provisions of this by-law.

14. REPEAL

By-Law 18 and any amendments thereto is hereby repealed.

1st reading _____
2nd reading _____
3rd reading _____
Enactment: _____

Signed and sealed at the Village of Gagetown, in the County of Queens and the Province of New Brunswick, this ____ day of _____ 20__

Mayor

Clerk

SCHEDULE A

APPLICATION FOR BUILDING SEWER CONNECTION

**VILLAGE OF GAGETOWN BY-LAW 34
SEWAGE BY-LAW**

Application to:

Uncover, make any connections with openings into, use, alter or disturb the public sewer under the jurisdiction of the Village of Gagetown.

I, _____ of _____
Name address

Hereby apply to _____ a building sewer to the public sewer.

Location of lot _____
Street name

Type of building _____

Proposed date of required hook up _____

I am aware that with approval of this application by the Village that I become responsible for all direct or indirect costs which may result from any work performed under the issued permit, and furthermore, if the installation procedures do not meet the approval of the Village, the issued permit may be revoked without notice.

Date _____ Signature of applicant _____

Deposit per Section 3(a) _____

Payment for Installation received _____

Date Inspected _____ Inspected by _____

Deposit Returned _____

**SCHEDULE B
SEWERAGE USER UNIT TABLE**

**VILLAGE OF GAGETOWN BY-LAW 34
SEWAGE BY-LAW**

Single Residence	1 unit
Cottage, Guest Cottage, Cabin or detached Granny Suite	1 unit
Mobile Home, Travel Trailer	1 unit
Apartments	1 unit per apartment or rental unit in a building
Boarding House or Bed & Breakfast	1 unit for every four rental rooms or parts thereof, plus 1 unit for occupants, owners, managers, etc.
School	1 unit for every 10 pupils and staff or part thereof
Senior Citizens Home or Special Care Home	1 unit for every 10 employees or part thereof plus 1 unit for every 5 beds or part thereof
Office, retail store, finance or bank facility, garage, supermarket, convenience store, drug store, warehouse	1 unit for every 10 employees or part thereof
Church or Church Hall	1 unit
Club, tavern, bar or nightclub, restaurant or bakery	1 unit for each pair of public washrooms, plus 1 unit for each kitchen facility within the business
Take-out or canteen	1 unit
Barber shop or beauty salon	1 unit for every three chairs or part thereof
Laundromat	1 unit for every two washers or part thereof
Hotel, motel	1 unit for every three rental units or part thereof
Campground, park	1 unit for every pair of washrooms
Recreation facility	1 unit for every pair of washrooms

SCHEDULE E
VILLAGE OF GAGETOWN BY-LAW 34
SEWAGE BY-LAW

Except as otherwise provided in this By-Law, no person shall discharge, release, suffer or cause to be discharged into any storm sewer or watercourse, or public or private connections to any storm sewer or watercourse, any of the following:

Water containing any of the following in excess of the indicated concentrations:

Arsenic (As)	1.0 Milligram/Liter
Barium (Ba)	0.1 Milligrams/Liter
Cadmium (Cd)	0.1 Milligram/Liter
Chromium (Cr)	1.0 Milligrams/Liter
Copper (Cu)	1.0 Milligrams/Liter
Cyanide expressed as HCN	0.1 Milligrams/Liter
Lead (Pb)	1.0 Milligrams/Liter
Mercury (Hg)	0.001 Milligrams/Liter
Nickel (Ni)	1.0 Milligrams/Liter
Phenolic Compounds	0.02 Milligrams/Liter
Tin (Sn)	1.0 Milligrams/Liter
Zinc (Zn)	1.0 Milligrams/Liter
Pesticides	0.0 Milligrams/Liter
Herbicides	0.0 Milligrams/Liter