

BY-LAW 6-04
SEWAGE BY-LAW

The Council of Rothesay, under authority vested in it by section 189 of the *Municipalities Act* R.S.N.B. (1973), Chapter M-22, and amendments thereto, hereby enacts as follows:

TITLE

1. This By-law may be cited as the “Sewage By-law”.

DEFINITIONS

2. In this By-law, unless otherwise stated:
 - a) “Biochemical Oxygen Demand” or "BOD" means the quantity of oxygen expressed in milligrams per litre, utilized in the biochemical oxidation of matter within a one hundred and twenty hour period at a temperature of twenty degrees centigrade as determined in procedures set forth in "Standard Methods";
 - b) “Building Sanitary Drain” means that part of the lowest horizontal piping of a drainage system which collects wastewater from drainage pipes inside the walls of the building and conveys it to the building sewer which begins one (1) metre outside the inner face of the building walls;
 - c) “Building Sanitary Sewer” means the extension of the building sanitary drain to the lateral;
 - d) “Building Storm Drain” means that part of the lowest horizontal piping within a building which conducts water or storm water to a building storm sewer;
 - e) “Building Storm Sewer” means the extension from the building storm drain to the storm sewer main or other discharge point;
 - f) "Chemical Oxygen Demand" or "COD" means the quantity of oxygen expressed in milligrams per litre, utilized in the chemical oxidation of organic matter under standard laboratory procedure, according to "Standard Methods";
 - g) “Commercial Unit” means a separate set of quarters used for other than residential purposes with a private entrance from outside the premises or from a common hallway or stairway inside;
 - h) “Committee” means the Water and Sewerage Committee of Rothesay, as appointed by the Mayor;
 - i) “Council” means the Mayor and Council of Rothesay;
 - j) “Dwelling unit” means a separate set of living quarters with a private entrance from outside the premises or from a common hallway or stairway inside;
 - k) “Domestic wastewater” means wastewater derived principally from dwellings;
 - l) "Effluent" means treated wastewater ;

- m) "Engineer" means the Town Engineer or his designate;
- n) "Equivalent User Units" means the rate at which non-single family residential users are charged for maintenance, construction and use of the sewer system; calculated with an average residential household as the base single unit;
- o) "Grease" means total oil and grease extracted from aqueous solution or suspension according to the laboratory procedures set forth in "Standard Methods", and includes, but is not limited to, hydrocarbons, esters, oils, fats, waxes and high molecular fatty acids;
- p) "Industrial unit" means an area of land with or without buildings or structures on which activities take place pertaining to industry, manufacturing, commerce, trade, business, or institutions as distinguished from domestic dwellings;
- q) "Institutional unit" means an area of land with or without buildings or structures on which activities take place pertaining to public or non-profit purposes, and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government buildings;
- r) "Interceptor" means a receptacle that is installed to prevent oil, grease, sand or other materials from passing into the sewer system;
- s) "Lateral" means that portion of a sewer used to extend a sanitary sewer across a street, roadway or right-of-way to connect to a building sanitary sewer at a point one (1) metre outside the inner face of the building walls;
- t) "Matter" includes any solid, liquid, or gas;
- u) "May" is construed as permissive;
- v) "Natural Outlet" is any outlet from a natural watercourse into another watercourse, pond, ditch or lake, or other body of surface or groundwater;
- w) "Owner" means the person in whose name the property is assessed under the *Assessment Act*, Chapter A-14, R.S.N.B. (1973) and amendments thereto, and includes the executors, administrators and assigns of such person.
- x) "Person" means any individual, partnership, company, public or private corporation, or agency of the Province of New Brunswick, agency or any other legal entity;

- y) "pH" means the measure of the intensity of the acid or alkaline condition of a solution determined by the hydrogen ion concentration of the solution in accordance with the "Standard Methods";
- z) "Phenolic Compounds" means hydroxyl derivatives of benzene and its condensed nuclei, concentrations of which shall be determined by "Standard Methods";
- aa) "Plumbing Fixture" means a receptacle, appliance, apparatus or other device which receives liquid, water or wastewater, and/or discharges it;
- bb) "Premises" means a building, which may contain more than one dwelling unit, institutional unit, industrial unit, and/or commercial unit, connected to the water and/or sewer system of the Town by one service connection to each system;
- cc) "Professional Engineer" means a registered member in good standing of the Association of Professional Engineers of New Brunswick;
- dd) "Provincial Regulations" means the requirements and provisions of the Province of New Brunswick contained in any Provincial Statute or in any Regulation or Order made pursuant to the authority of any Statute of New Brunswick;
- ee) "Public sewer" means a sewer to which all Owners of abutting properties have equal rights, and is controlled by the Town and shall include both sanitary and storm sewers;
- ff) "Residential Use" means the permitted uses for land that is zoned residential in the Zoning By-law;
- gg) "Roadway" means that portion of a Rothesay street between the curb lines or the travelled portion of a street designed for vehicular traffic and, except where the context indicates otherwise, includes a crosswalk;
- hh) "Sanitary Sewer" means a sewer for the collection and transmission of domestic, commercial and industrial wastewater or any of them, and to which uncontaminated or cooling water, storm, surface, and groundwater are not intentionally admitted;
- ii) "Sanitary Sewer Service" means any sanitary sewer operated by or on behalf of the Town to which Owners of premises are connected by a building sanitary sewer;
- jj) "Separator" means tanks with capacity "Separator" means tanks with capacity exceeding 2000 litres using density variations to separate insoluble petroleum from water, as regulated by the New Brunswick Department of Environment and Local Government;
- kk) "Sewage" means wastewater;

- ll) "Sewer" means a pipe, conduit, drain, open channel, or ditch used for the collection and transmission of wastewater, stormwater, or uncontaminated process or cooling water;
- mm) "Sewer Service Charge" means the charge to property Owners for maintenance, construction and provision of sewer services;
- nn) "Sewerage System" means all pipes, mains, equipment, buildings and structures for collecting, pumping or treatment of wastewater and operated by the Town but does not include a storm sewer;
- oo) "Shall" is construed as being mandatory;
- pp) "Specifications for Developers" means the standards adopted by the municipality as a minimum standard for new construction of streets and services within the Town;
- qq) "Sump Pump" means an automatic or manual pump provided and/or installed to discharge storm water and any other water other than wastewater from a sump pit, covered or uncovered; constructed inside or outside a building where gravity drainage is not possible or practical;
- rr) "Standard Methods for the Examination of Water and Wastewater" (herein referred to as "Standard Methods") means the analytical and examination procedures provided in the edition current at the time of testing, published jointly by the American Public Health Association and the American Water Works Association or any publication by or under the authority of the Canadian Standards Association deemed appropriate by Council;
- ss) "Storm Sewer" means a sewer that carries storm water and surface water, street wash and other wash waters or drainage, but excludes domestic water and industrial wastes;
- tt) "Storm Water" means surface water from rain, snow or ice melting and running off from the surface of a drainage area;
- uu) "Street" means a Rothesay street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith and, without restricting the generality of the foregoing, includes the full width of the right-of-way;
- vv) "Suspended Solids" means an insoluble matter that can be removed by filtration through a standard glass fibre filter as provided by "Standard Methods";
- ww) "Town" means the town of Rothesay or the area contained within its municipal boundaries as the context requires;
- xx) "Uncontaminated Water" means any water, including water from a public or private water works, to which no matter has been added as a consequence of its use, or to modify its use, by any person, and may include cooling water;

- yy) "Waste" means any material discharged into the sewerage system;
- zz) "Wastewater" means any liquid waste containing animal, vegetable, mineral or chemical matter in solution or suspension carried from any premises;
- aaa) "Watercourse" means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water and the water therein, and any channel, ditch, reservoir, drain, land drainage works or other man-made surface feature, whether it contains or conveys water or not.
- 2.1 In this By-law where the context requires, the singular shall be taken to also mean the plural and references to the male or female gender shall be taken to include the other.
3. **COMMITTEE**
- 3.1 The Water and Sewerage Committee shall be appointed by the Mayor. Appointments to the Committee may include members of Council, who may be appointed for a term as determined by the Mayor, and others whose appointments shall be made for two years. Members are eligible for re-appointment.
- 3.2 Council may refer any matter related to the sewer utility to the Water and Sewerage Committee for comment and the Committee shall provide Council with a written response to any matter referred by Council.
4. **USE OF PUBLIC SEWER SERVICES**
- No person shall discharge into the public sewer system matter of any type or at any temperature or in any quantity which may be or may become a health or safety hazard to people working on the public sewer system, or which may be or may become harmful to the public sewer system, or which may cause the public sewer system effluent to contravene any requirements of any applicable federal or provincial legislation, or which may interfere with the proper operation of the public sewer system, or which may impair or interfere with any sewage treatment process, or which is or may result in a hazard to any person, animal, property or vegetation.
- 4.1 **SANITARY SEWER**
- 4.1.1 No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage, cooling water or unpolluted industrial water into the sanitary sewer system.
- 4.1.2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet.
- 4.1.3 Except as herein provided, no person shall construct or maintain within the Town any privy, privy vault or cesspool or other facility intended or used for the disposal of sewage; with the exception of septic tanks approved by the New Brunswick Department of Health and Wellness and operated in accordance with this By-law.
- 4.1.4 Prior to connection to a public sanitary sewer, the Owner of any premises situated

within the Town, used for human occupancy, employment, recreational, institutional or other purposes is hereby required, at his own expense, to install suitable plumbing fixtures/facilities therein.

- 4.1.5 The Owner of any premises situated within the Town, used for human occupancy, employment, recreational, institutional or other purposes and abutting on any street or right-of-way in which there is now located a public sanitary sewer is hereby required, at his own expense, to connect directly with the public sanitary sewer in accordance with the provisions of this By-law, provided that such public sanitary sewer is within thirty (30) metres of the Owner's property line.
- 4.1.6 Except as otherwise provided in this By-law, no person shall discharge, release, suffer or cause to be discharged into any sanitary sewer or any public or private connections to any sanitary sewer any of the following:
- (a) Matter of a type or quantity that has or may emit a toxic or poisonous vapour or a chemical odour that may interfere with the proper operation of the sewerage system, constitute a hazard to any person, animals or property, or create any hazards or become harmful in the receiving waters of the sewerage system;
 - (b) Noxious or malodorous gases or substances capable of creating a public nuisance except human wastes, including, but not limited to, hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines and ammonia;
 - (c) Ashes, cinders, sand, potters clay, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood or other solid or viscous substances capable of causing obstruction to the flow of sewers or other interference with the proper operation of the sewerage system;
 - (d) Wastewater which consists of two or more separate liquid layers;
 - (e) Animal fat or flesh in particles larger than will pass through a screen having openings not larger than 6 millimeters square;
 - (f) Explosive matter, gasoline, benzene, naphtha, fuel oil or other flammable or explosive matter or wastewater containing any of these in any quantity;
 - (g) Waste which, either by itself or upon the reaction with other material, becomes highly coloured;
 - (h) Wastes containing herbicides, pesticides or xenobiotics including, but not limited to, polychlorinated biphenols (PCB's);

- (i) Atomic wastes and radioactive materials except as may be permitted under the *Atomic Energy Control Act* (Canada) currently in force and regulations thereunder;
- (j) Wastewater or uncontaminated water having a temperature in excess of seventy-five (75) degrees Celsius;
- (k) Wastewater having a pH less than 6.0 or greater than 9.5 or having any other corrosive or scale forming properties capable of causing damage or hazards to the sewerage system or people working on the sewerage system;
- (l) Wastewater that will create tastes or odours in drinking water supplies, making such waters unpalatable after conventional water purification treatment;
- (m) Matter of any type or at any temperature or in any quantity which may cause the sludge from the sewerage system to fail to meet the criteria relating to contaminants for spreading the sludge on agricultural lands, under New Brunswick Department of Environment and Local Government guidelines for sewage sludge utilization on agricultural lands;
- (n) Effluent from geothermal heat extraction systems;
- (o) Sewage containing dyes or colouring materials which pass through a sewage works and discolour the sewage works effluent;
- (p) Wastewater containing any of the following in excess of the indicated concentrations:
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|---------------------------|-----------------------|
| Aluminum (Al) | 50.0 Milligrams/Litre |
| Antimony (Sb) | 5.0 Milligrams/Litre |
| Arsenic (As) | 1.0 Milligram/Litre |
| Barium (Ba) | 5.0 Milligrams/Litre |
| Beryllium (Be) | 5.0 Milligrams/Litre |
| Bismuth (Bi) | 5.0 Milligrams/Litre |
| Cadmium (Cd) | 2.0 Milligram/Litre |
| Chlorides expressed as Cl | 1500 Milligrams/Litre |
| Chromium (Cr) | 5.0 Milligrams/Litre |
| Cobalt (Co) | 5.0 Milligrams/Litre |
| Copper (Cu) | 1.0 Milligrams/Litre |
| Cyanide expressed as HCN | 2.0 Milligrams/Litre |
| Fluorides expressed as F | 10.0 Milligrams/Litre |
| Iron (Fe) | 50.0 Milligrams/Litre |
| Lead (Pb) | 5.0 Milligrams/Litre |
| Manganese (Mn) | 5.0 Milligrams/Litre |
| Mercury (Hg) | 0.1 Milligrams/Litre |
| Molybdenum (Mo) | 5.0 Milligrams/Litre |
| Nickel (Ni) | 5.0 Milligrams/Litre |
| Phenolic Compounds | 1.0 Milligrams/Litre |

Phosphorus (P)	100.0 Milligrams/Litre
Sulphates expressed as SO ₄	1500 Milligrams/Litre
Sulphide expressed as H ₂ S	2.0 Milligrams/Litre
Selenium (Se)	5.0 Milligrams/Litre
Silver (Ag)	2.0 Milligrams/Litre
Tin (Sn)	5.0 Milligrams/Litre
Zinc (Zn)	5.0 Milligrams/Litre

- (q) Wastewater of which the BOD exceeds three hundred fifty (350) milligrams per litre;
- (r) Wastewater containing more than five hundred (500) milligrams per litre of suspended solids;
- (s) Wastewater of which the COD exceeds one thousand (1000) milligrams per litre.
- (t) Wastewater containing more than one hundred (100) milligrams per litre of fat, grease, or oil, and, in the case of mineral oils, in concentrations exceeding fifteen (15) milligrams per litre;
- (u) Any matter in such quantities which exert excessive chlorine requirements so as to constitute a significant load on the wastewater treatment works;
- (v) Septic tank sludge, wastes from marine vessels or vehicles or sludge from sewage treatment plants;
- (w) Any waters or wastes containing substances for which special treatment or disposal practices are required by applicable provincial or federal legislation.

4.1.7 No person shall connect a sump pump to a sanitary sewer.

4.1.8 The discharge of each of the matters or materials referred to in Section 4.1.6 into any sanitary sewer, or into any public or private connections to any sanitary sewer, in a concentration in excess of the limits stated constitutes a separate offence.

4.1.9 In determining whether a matter or material referred to in section 4.1.6 has been discharged into the sanitary sewer in excess of the limits established, the measurement of the concentration of the matter or material is the concentration which existed immediately before the matter or material was placed into the plumbing fixture or facility ultimately connected to the sanitary sewer and not the concentration that resulted as a result of the matter or material being diluted after or while being placed into the plumbing fixture or facility.

4.1.10 When required by the New Brunswick Department of Environment and Local Government, petroleum interceptors and separators shall be installed as follows:

- a) Petroleum interceptors and separators shall be installed so that the wastewater effluent discharges to the sanitary sewer system. Wastewater effluent from each device shall not display visible free-floating petroleum and total influent shall not exceed the maximum design flow for the unit.
- b) Petroleum interceptors shall be of obvious watertight construction with a secondary storage area to collect separated petroleum. A direct connection of any part of a petroleum interceptor and a waste oil storage system which will under any circumstances allow overflow or backflow of the waste oil to enter the interceptor shall not be permitted. Petroleum interceptors shall be designed for the particular installation by a professional engineer.
- c) Each and any separator shall be approved by the New Brunswick Department of Environment and Local Government.

4.1.11 The discharge of contents of a septic tank or any similar waste into the sanitary sewer system shall be only with the approval of the Council; and only at such points and under such conditions as the Engineer may specify.

4.2 STORM SEWER

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

- a) Wastewater or uncontaminated water having a temperature in excess of seventy-five (75) degrees Celsius;
- b) Wastewater having a pH less than 6.0 or greater than 9.5 or having any other corrosive or scale forming properties capable of causing damage or hazards to the storm sewer system or people working on the public sewer system;
- c) Explosive matter, gasoline, benzene, naphtha, fuel oil or other flammable or explosive matter or wastewater containing any of these in any quantity;
- d) Wastewater containing more than fifteen (15) milligrams per litre of solvent extractable material;
- e) Water which consists of two or more separate liquid layers;
- f) Water containing colour or coloured matter, which water would require a dilution in excess of four (4) parts of distilled water to one (1) part of such water to produce a mixture the colour of which is not distinguishable from that of distilled water;

- g) Water of which the BOD exceeds fifteen (15) milligrams per litre;
- h) Water containing more than fifteen (15) milligrams per litre of suspended solids;
- i) Water containing any matter which will not pass through a screen having openings not larger than 6 millimeters square;
- j) Matter of a type or quantity that has or may emit a toxic or poisonous vapour or a chemical odour that may interfere with the proper operation of the storm sewer system, constitute a hazard to humans, animals or property, or create any hazard or become harmful in the receiving waters of the storm sewer system;
- k) Noxious or malodorous gases or substances capable of creating a public nuisance, including, but not limited to, hydrogen sulphide, mercaptans, carbon disulphide, other reduced sulphur compounds, amines and ammonia;
- l) Effluent from petroleum interceptors or separators;
- m) Effluent from geothermal heat extraction systems;
- n) Water containing any of the following in excess of the indicated concentrations:

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

4.2.2 Except as otherwise specifically provided in this By-law, all tests, measurements, analyses and examinations of water or wastewater, its characteristics or contents shall be carried out in accordance with Standard Methods. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis by the Engineer.

5. APPLICATION FOR SERVICE

- 5.1 All costs and expenses incident to the installation and connection of the building sanitary sewer and/or building storm sewer to the sewerage system and/or storm sewer system shall be borne by the Owner.
- 5.2 The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sanitary sewer and/or building storm sewer.
- 5.3 The Owner shall use construction methods which safeguard the public and private property and work shall be carried out in strict compliance with the *Occupational Health and Safety Act*, S.N.B. (1983), Chapter O-0.2 as amended.
- 5.4 No unauthorized person shall uncover, make any connection with or openings into, use, alter or disturb any public sewer without first having obtained a written permit from the Engineer.
- 5.5 No person shall connect any storm sewer to any sanitary sewer.
- 5.6 Any permit granted under this By-law may be suspended or revoked by the Engineer if, the sewage facility approved by such permit is not being installed or maintained in compliance with the provisions of this By-law or the conditions upon which the permit was issued.
- 5.7 Owners of properties planned for subdivision that cannot effectively be served by the present Town sewage system shall:
 - a) be restricted from developing such properties until growth in the general area can support the extension of the present system; or
 - b) shall be required to construct a private sewage treatment system or other facilities capable of meeting all provincial legislation, regulations and orders.
- 5.8 The Engineer shall have right of access to all parts of an Owner's property or premises at all reasonable hours for the purpose of inspecting, observing or supervising the installation or maintenance of the public sewer service. The Town shall have the right to suspend service to any Owner who refuses such access or does not respond to requests by the Engineer for such access.
- 5.9 Where Council is of the opinion that it is necessary to construct a road or street in connection with providing public sewer service, it may undertake such work and authorize same by resolution.

6. CONNECTION TO PUBLIC SEWER SYSTEM

- 6.1 Where Council undertakes to extend the sanitary sewer system, Council may adopt a schedule setting out the time within which all Property Owners within the specified areas, shall be required to connect a building sanitary sewer line from any dwelling or building drain to the sanitary sewer and shall give such property Owners at least three (3) months calendar notice in writing of such time limit.
- 6.2 Any person who intends to connect a building sewer line from any dwelling or building drain to the public sewer, shall submit an application for a permit in the form set out in Schedule "A", accompanied by such plans, specifications or other information required to properly describe the work. No permit shall be issued under this section until such fees, as outlined in Schedule "B" have been paid to the Town. 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.
- 6.3 The size, shape, alignment, materials or construction of a building sewer line and methods to be used in excavating, placing of the pipe, joining testing and backfilling the trench shall be as specified in the "Specifications for Developers" and shall be subject to the supervision and approval of the Engineer.
- 6.4 The diameter of the pipe installed on residential properties shall be not less than one hundred millimetres (100 mm), and the pipe installed on commercial, institutional and industrial premises shall not be less than one hundred, fifty millimetres (150mm) in diameter. The slope shall not be less than one percent (1%).
- 6.5 Whenever possible, the building sanitary sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building sanitary drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sanitary drain shall be lifted by an approved means and discharged to the building sanitary sewer.
- 6.6 Existing building sewers may be used when they are found, on examination and test by the Engineer, to be of acceptable standard, and conform to other specifications of this By-law.
- 6.7 All costs and expenses incident to the extension of the building sewer to the sewer system shall be borne by the Property Owner, who shall own and maintain the extension. Streets, rights-of-way, sidewalks, parkways or any other public property disturbed in the course of this work shall be restored to the satisfaction of the Engineer.
- 6.8 The Town may grant a permit for the installation of a private sewage system where the cost of installation and connection of the building sanitary sewer would be excessive due to the location of the building. The private sewage system shall meet all the legislative requirements of the Province of New Brunswick or any department or departments thereof.

- 6.9 The Owner or his Agent shall notify the Engineer when the building sanitary sewer is ready for inspection and connection to the lateral. No portion of the building sanitary sewer or connection to the lateral shall be covered over until such is inspected and approved by the Engineer or his designate.

7. BACKWATER VALVES

- 7.1 Backwater valves shall be installed on building sanitary drains inside the foundation walls on all new building construction regardless of foundation elevation and installed in accordance with good trade practices.

- 7.2 Where an existing lateral has outlets which are below the level of the street above the sanitary sewer to which it connects, the property Owner shall, at his own expense, install a backwater valve in the building drain within sixty (60) days of being so directed by the Town.

- 7.3 A person who fails to install a backwater valve as required by this section is guilty of an offence.

- 7.4 Any person connecting a building storm drain into the storm sewer system shall install a backwater valve on the building storm drain.

8. MAINTENANCE AND BLOCKAGE

- 8.1 The main line of the sewer system shall be maintained and operated by the Town.

- 8.2 Any blockage in a sewer from the building to the main line of the sewer system shall be the responsibility of the Owner.

- 8.3 If a blockage referred to in section 8.2, on examination by the Engineer, is found to have been caused by a negative grade or rupture in the portion of the lateral located within the Town's right-of-way, the costs of the repairs shall be the responsibility of the Town.

9. SANITARY SEWER SERVICE RATES

- 9.1 Every Owner of land on which any building is situated that

- (a) fronts on any street, right-of-way or highway in which a sewer line is situated;
- (b) fronts on any right-of-way which connects to a street or highway in which a sewer is situated; or
- (c) Council has ordered connected to a sewerage system;

shall pay to the Town an annual "Sewer Service Charge" for the construction and maintenance of the sewerage system of the Town, as determined by resolution of Council on an annual basis.

- 9.3 A lot upon which no building has been constructed and which has less than the minimum frontage or area for a lot served by either a sewer system or by both sewer and water systems, under the Zoning By-law, is exempt from the sewer service charge, as long as the lot remains vacant.
- 9.4 An Owner of land on which a building is situated that fronts on any street or highway in which a sewer is situated, or that fronts on a right-of-way which connects to such a street or highway, is not liable to pay the sewer service charge if the Engineer certifies that it would be impractical to connect any building on the land to the sewer.
- 9.5 Sewer service charges shall be levied on the Owners of all properties liable to pay the same commencing at the beginning of the calendar year following the year in which a sewer line has been installed or the year in which a building on the property has been connected to the sewer system, whichever is earlier.
- 9.6 The sewer service charge shall be invoiced annually.
- 9.7 The sewer service charge payable by the Owner shall be paid to the Town on or before the end of the calendar month next following the date the invoice is mailed to such Owner and shall be payable whether or not the invoice is received by the Owner. If the sewer service charge is not paid in full, the amount owing to the Town shall bear interest at a rate set by resolution of Council, and such rate of interest shall be set forth on the invoice. A fee shall be charged to the account for "NSF" cheques, as outlined in Schedule "B".
- 9.7.1(a) Where recommended by the Committee, the Town Manager may authorize a payment schedule for any account with an outstanding balance that includes at least five hundred dollars (\$500.) that is in arrears for longer than one year.
- (i) Such payment schedule may be for a period of no longer than twenty-four (24) months and shall provide for payment of the outstanding balance including interest accrued to the date of the payment schedule as well as estimates of the new charges that would accrue during the payment period. The payment schedule may provide that, should the Owner make all payments due in accordance with the payment schedule, interest that would otherwise accrue on the outstanding balance during the payment period will be waived.
- (ii) In exceptional circumstances and with the approval of Council, a payment schedule may exceed twenty-four (24) months.
- (b) Where the Owner fails to make any payment by the date specified in the payment schedule, the full amount will become due and payable forthwith, including interest compounded in the normal fashion as if no payment schedule had ever been approved.
- (c) An Owner remains obligated to pay to the Town actual new charges incurred during the payment period and not merely estimates that may have been included in a payment schedule.

- (d)The authorization of a payment schedule in accordance with Section 9.7.1 subsection (a) is merely an accommodation to an Owner by the Town and does not reduce or affect, except to the degree specifically stated in section 9.7.1, the rights of the Town including, without limitation, its rights to accrue and collect the charges and interest thereon due from an Owner to the Town under this By-law or to disconnect service to a property.
- 9.8 If the account or any part thereof remains unpaid at the end of the period hereinbefore mentioned, the Town may sue in its own name to recover the balance owing, including interest, as if the said amount were a debt due from the Owner to the Town.
- 9.9 After ten days notice in writing has been given to an Owner who is in arrears, which notice may be given by registered mail addressed to the Owner, postage prepaid, and without prejudice to any other rights which the Town may have, the Town may disconnect service to the property until such time as the account and the entire cost of disconnecting and reconnecting the service have been paid in full or arrangements for payment satisfactory to Council and approved in writing by the Town Manager have been made by the Owner.
- 9.10 For the purposes of this By-law, a sewer has been installed when the Engineer has certified to Council that the system or project of which the sewer forms part is substantially complete.
- 9.11 Every person connecting to the sewer shall pay a connection fee as outlined in Schedule "B". 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.
- 9.12 The sewer connection fee is a lien, and bears interest and may be collected in the same manner as the sewer service charge hereinbefore mentioned.
- 9.13 Nothing in this By-law makes the Town responsible for any part of a sewer connection that is not in a public street, right-of-way, highway or sewer easement.

10. PENALTIES

- 10.1 Any person found violating 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 as may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act*, R.S.N.B. (1973), Chapter P-22.1, and amendments thereto, as a Category C offence.

10.2 The provisions of Sections 9 and 10 are cumulative and optional and one or more of the remedies provided to the Town may be undertaken simultaneously at the option of the Town.

11. SEVERABILITY

If any part of this By-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

12. BY-LAWS REPEALED

By-laws 1-00, 7-01 and 14-02 relating to the Rothesay sewerage system are hereby repealed.

13. EFFECTIVE DATE

This By-law comes into effect on the **1st day of January 2005**.

FIRST READING BY TITLE : 8 November 2004

SECOND READING BY TITLE : 10 January 2005

READ BY SECTION NUMBER : 14 February 2005
(Advertised as to content on the Rothesay website in accordance with *Municipalities Act* R.S.N.B. (1973) Chapter M-22)

THIRD READING BY TITLE AND ENACTED : 14 February 2005

MAYOR

CLERK