

BY-LAW NO. 005

A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING SEWERAGE UTILITY PURSUANT TO SECTION 189 OF THE MUNICIPALITIES ACT OF NEW BRUNSWICK.

TITLE 2

DEFINITION 2

USE OF PUBLIC SERVICE 4

APPLICATION FOR SERVICE 7

CONNECTION TO PUBLIC SEWERAGE SYSTEM 8

MAINTENANCE AND BLOCKAGE 10

PRIVATE SEWERAGE DISPOSAL SYSTEM 10

RATES 11

INDEMNITY 15

PENALTIES 15

SEVERABILITY..... 16

ENFORCEMENT 16

BY-LAWS REPEALED..... 16

EFFECTIVE DATE 16

BY-LAW NO. 005

A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING THE SEWERAGE UTILITY.

The Council of the town of Quispamsis, under authority vested in it by Section 189 of the Municipalities Act of New Brunswick, enacts as follows:

1. TITLE

- a) This by-law may be cited as the "Sewerage Utility By-Law".

2. DEFINITION

In this by-law, unless the context otherwise requires,

- a) "**Backwater Valve**" means a valve installed at the end of a drain or outlet pipe to prevent the backward flow of water or wastewater;
- b) "**Building**" means a house, structure, trailer, minihome, mobile home or property used for human occupancy, employment, or recreation or other purposes, situated within the Town;
- c) "**Building Drain**" means that part of the lowest horizontal piping of a drainage system which receives the discharge from wastewater pipes inside the walls of the building and conveys it to the building sewer lateral beginning one (1) metre outside the inner face of the building walls;
- d) "**Building Inspector**" means the Building Inspector appointed by the town of Quispamsis;
- e) "**Building Sewer Lateral**" means the extension of the building drain to the public sewer or other place of disposal;
- f) "**Council**" means the Council of the town of Quispamsis;

- g) "**Dwelling Unit**" means a room or a suite of rooms designated or intended for use by an individual or family in which culinary facilities and sanitary sewer conveniences are provided for the exclusive use of such individual or family;
- h) "**Natural Outlet**" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water;
- i) "**Person**" means any individual, firm, company, association, institution, society, corporation or group;
- j) "**Private Sewerage Disposal System**" means any private system for sanitary wastewater disposal serving one lot of real property;
- k) "**Property Owner**" and "**Owner**" means the beneficial owner, and where applicable, means the owner of the fee simple or if such property is held subject to a Mortgage, it means the owner of the equity of redemption and if title shall be held in joint tenancy or tenancy in common, it means each of such owners jointly and severally;
- l) "**Public Sewer**" means a sanitary sewer controlled by the Town in which all property owners as referred to in Section 3(c) have equal rights;
- m) "**Sanitary Sewer**" means a sewer which receives and carries and to which storm, surface or ground waters are not intentionally admitted;
- n) "**Sanitary Wastewater**" means the combination of sewerage and water carried wastes from residences, business buildings, institutions, and commercial and industrial establishments containing animal, vegetable or mineral matter in suspension or solution from which storm, surface or ground waters are excluded insofar as possible;

- o) **"Service Connection"** means any piping system which conveys sanitary sewerage or sanitary wastewater from a building to a public sewer;
- p) **"Sewer"** means a pipe or conduit for carrying sewerage;
- q) **"Sewerage"** means a combination of the water-carried wastes from residences, business buildings, institutions and commercial and industrial establishments;
- r) **"Sewerage Works"** means all facilities for collection, treating, and disposing of sewerage;
- s) **"Shall"** is mandatory, **"May"** is permissive;
- t) **"Town"** means the town of Quispamsis, a municipality in the county of Kings and the Province of New Brunswick;
- u) **"Utility Inspector"** means the Utility Inspector appointed by the town of Quispamsis;
- v) **"Water Course"** means any channel in which a flow of water occurs either continually or intermittently;
- w) **"Year or Yearly"** means calendar year.

3. USE OF PUBLIC SERVICE

- a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off or subsurface drainage to any sanitary sewer.
- b) 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.
- c)
 - i) The owner of all houses, buildings, or properties used for human occupancy, employment, or recreation or

other purposes situated within the Town and abutting on any street, right of way or easement which there is now located, or may be located, a public sewer, is hereby required at his/her own expense to install suitable toilet facilities therein and to connect such facilities directly with the public sewer in accordance with the provisions of this by-law, provided that such public sewer is within thirty three (33) metres from the property line.

- ii) If the public sewer is over thirty three (33) metres from the property line, the property owner may, at his/her own expense, connect such facilities directly with the public sewer in accordance with the provisions of this by-law.
- d) Except as hereinafter provided, no person shall discharge, cause to be discharged, or continue to discharge any of the following into any building drain or public sewer:
- i) liquid or vapour having a temperature higher than sixty five degrees (65°) Celsius;
 - ii) ashes, cinders, sand, earth, mud, straw, metal, glass, pigments, rags, textiles, tar, wood, wood products, paper fibre, (disposable diapers, feminine napkins), and plastics, or other viscous or colloidal substance capable of causing obstruction to the flow in sewers or other interferences with the proper operations of the sewage treatment plants;
 - iii) animal wastes such as hair, wool, fur, feathers, intestines, or stomach casings, paunch manure or intestinal contents, hides or parts thereof, hooves, toenails, horns, bones and flesh;
 - iv) water or wastes which may contain more than one hundred fifty (150) milligrams per litre of fat, oil or grease of animal or vegetable origin; or fifteen (15) milligrams per litre of oil or grease of mineral origin, or tar;

- v) waters or wastes having a PH lower than six (6.0) or higher than nine and one half (9.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, personnel, and treatment processes;
 - vi) gasoline, benzene, naphtha, fuel oil, acetone, solvents, or other inflammable or explosive liquid, solid, or gas;
 - vii) waters or wastes containing cyanides, chromium, copper, or sulfides; or containing a toxic or poisonous substance in sufficient quantity to injure, or interfere with any sewage treatment, or constitute a hazard to humans or animals;
 - viii) noxious gas or substance capable of creating a public nuisance;
 - ix) waters or wastes containing more than fifty (50) micrograms per litre of phenolic equivalentents;
 - x) waters or wastes containing substances of such character and quality that unusual expense or attention is required to handle such materials at any wastewater treatment plant under the control of the Town;
 - xi) water or wastes containing more than one thousand five hundred (1,500) milligrams per litre of chlorides or sulfates;
 - xii) and waters or wastes having a five (5) day biochemical oxygen demand or total suspended solids concentration greater than four hundred (400) milligrams per litre.
- e) Wherever sanitary wastewater characteristics do not agree with Section 3(d), the owner of the facility producing the wastewater shall install pretreatment facilities which shall reduce the wastewater characteristics to the acceptable limits specified in Section 3(d).
- f) Subject to Section 3(e), the owner of the facility producing the wastewater shall install and operate treatment facilities to produce a

final effluent that meets Provincial requirements. These facilities are to be approved by the Town prior to construction. The effluent from such facilities not meeting the acceptable limits as specified in Section 3(d) shall not be discharged to the sanitary wastewater system of the Town. Any solids or sludge produced by such facilities shall not be discharged to the sanitary wastewater system of the Town and must be disposed of in accordance with Provincial Regulations.

- g)
 - i) Whenever the Town considers it necessary, it may require any person who is the owner of property used for industrial or commercial purposes and which is connected to the sanitary wastewater system of the Town to provide grease, oil, sand, or other interceptors in order to provide for the proper handling of liquid wastes containing grease, factory or abattoir wastes in excessive amounts, or any inflammable wastes or other harmful ingredients.
 - ii) All interceptors shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection.
 - iii) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of a substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.
 - iv) The Town may require the owner of any industrial or commercial property serviced by a sanitary sewer service connection to install a suitable control manhole in the service connection to facilitate observation, sampling, and measurement of the waste.

4. APPLICATION FOR SERVICE

- a) All costs and expenses incidental to the installation and connection of the building sewer lateral shall be borne by the property owner. The property owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer lateral.

- b) No unauthorized person shall uncover, make any connections with or openings into, use alter or disturb any public sewer without first having obtained a written permit from the Utility Inspector.
- c) Any permit granted under this by-law may be suspended or revoked by the Utility Inspector, if in the opinion of the Utility Inspector the sewerage works approved by such permit is not being installed or maintained in compliance with the provisions of this by-law or the conditions upon which such permit was issued.

5. CONNECTION TO PUBLIC SEWERAGE SYSTEM

- a)
 - i) Any person wishing or who is required to connect a building sewer lateral from any dwelling or building to the public sewer, which is located in a Residential Zone, shall submit to the Utility Inspector an application form approved by the Town, together with a fee of five hundred dollars (\$500.00). (AMENDMENT #4 DATED 2004-04-20)
 - ii) Any person wishing or who is required to connect a building sewer lateral from any dwelling or building to the public sewer, which is located in a Commercial, Industrial or Institutional Zone, shall submit to the Utility Inspector an application form approved by the Town, together with a fee of one thousand dollars (\$1,000.00). (AMENDMENT #4 DATED 2004-04-20)
- b) The size, shape, alignment, and materials of construction of a building sewer lateral and methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench shall be subject to the approval of the Utility Inspector. The diameter of the pipe installed on Residential properties shall not be less than one hundred (100) millimetres, and pipe installed for Commercial, Institutional, and Industrial properties shall not be less than one hundred fifty (150) millimetres in diameter. Pipe material shall be polyvinyl chloride with rubber gasket joints meeting the requirements of A.S.T.M.D.-3034, SDR35,

A.S.T.M.D.-2241, or SDR41. There shall be no substitution of an alternative pipe material.

- c) Backwater valves are to be installed on building drains, inside foundation walls on all new building construction regardless of foundation elevation with roadway, and installed in accordance with good trade practice. In addition, the building sewer lateral is to be blocked or capped to prevent entry of storm water or waste water during building construction.
- d) Whenever possible, the building sewer lateral 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, the sanitary wastewater carried by such building drain shall be lifted by means approved by the Utility Inspector and discharged to the building sewer lateral.
- e) Existing building sewer laterals may be used when they are found on examination by the Utility Inspector to be of acceptable standard, and conform to the requirements of this by-law. The Utility Inspector may require the property owner, at the owner's expense, to conduct tests to confirm the integrity of the existing building sewer lateral proposed to be re-used.
- f) The property owner shall be responsible for all costs of installing the service connection between the public sewer system and the building including all repairs to streets, sidewalks, curbs, or any other public property disturbed. All such public property shall be restored to the satisfaction of the Town.
- g) Extension of the building sewer lateral from the property line to the public sewer and connection thereto shall be the responsibility of the property owner. Bonding in the amount of one thousand dollars (\$1,000.00) or an amount determined necessary by the Town shall be submitted in advance by the property owner to cover any deficiencies that may occur from building sewer lateral installations. This portion of the building sewer lateral shall be owned by the Town and maintained by the property owner. Once the building sewer lateral has been

inspected by the Utility Inspector and found to be satisfactory, the bonding held by the Town shall be reduced to five hundred dollars (\$500.00) or by an amount determined by the Town, and remain in place for a period of twelve (12) months from the date of the final inspection, as determined by the Utility Inspector.

- h)
 - i) The property owner or his/her agent shall notify the Utility Inspector;
 - A) when the building sewer lateral is ready for connection to the public sewer; and
 - B) when the backwater valves are installed on the building drain inside the foundation wall.
 - ii) No connections shall be made to the public sewer nor shall newly constructed property be occupied, nor shall building sewer laterals be backfilled, until the Utility Inspector has completed this inspection and confirmed his/her satisfaction therewith.
- i) All Provincial Occupational Health and Safety regulations, with respect to excavation and sewer installation, shall be adhered to by all persons connecting to the public sewer system.
- j) The Public Sewer System may be refused, discontinued or disconnected at any time for:
 - (i) Non-payment of sewer user charges;
 - (ii) Non-payment of a sewer connection charge;
 - (iii) Non-payment of any repair for maintenance related charge;
 - (iv) Failure, in the opinion of the Utility Inspector, of the plumbing, pipes, fittings, vents, fixtures or other related devices on the premises necessary to comply with the requirements of this By-law or if any part of the sewer system of such premises is in any way unsuitable, dirty, unsanitary or in an inaccessible place;

(v) Violation of any provision of this By-law; (AMENDMENT #11 DATED 2011-01-18)

k) Where the Public Sewer System has been discontinued or disconnected under Section 5. j), the owner shall pay a disconnection fee, together with any amount in arrears and furthermore, a reconnection fee shall be paid before such supply will be restored. (AMENDMENT #11 DATED 2011-01-18)

6. MAINTENANCE AND BLOCKAGE

- a) The main line of the public sewer system shall be maintained and operated by the Town.
- b) Any blockage within a building sewer lateral from a building to the main line of the public sewer system, shall be the responsibility of the property owner.

7. PRIVATE SEWERAGE DISPOSAL SYSTEM

- a) No private sewerage disposal system shall be constructed within the Town unless a private sewage disposal permit has been issued by the Provincial Department of Health.
- b) No contents of a private sewerage disposal system shall be discharged into any natural outlet. A person may discharge, cause or permit to be discharged, the contents of a private sewerage disposal system into a public sewer only after such person has obtained the written permission of the Town and may do so only at such points and under such conditions as the Town may specify.
- c) The owner of a private sewage disposal system shall operate and maintain it in a sanitary manner and at no expense to the Town.
- d) Pursuant to Section 3(c), when a public sewer becomes available to a property served by a private sewage disposal system, the Town shall order that a service connection to the public sewer system be installed, and the owner of the property shall forthwith

install such service connection within the time specified by the Town in its written notice.

- e) Upon completion of the service connection and approval thereof by the Town, the property owner shall cause any private sewage disposal system on the property to be abandoned and filled with suitable material.
- f) Where the owner of the property fails to remove or close up any private sewage disposal system on his/her property as required by this by-law after notice having been given by the Town, the Town may cause to be done all work necessary for compliance with the notice, and the cost thereof shall be recoverable from the property owner.

8. RATES

- a) The annual cost of financing, operating, and maintaining the sewerage works shall be raised by a user charge levied yearly.
- b) The owner of every building connected to the public sewer, or required to be connected to the public sewer pursuant to Section 3(c)(i), shall pay or cause to be paid to the Town a yearly user charge by quarterly installments due in advance at the beginning of each quarter of each calendar year (AMENDMENT #6 DATED 2006-01-17) calculated as follows:
 - i) Effective, January 1, 2011, in the case of properties not serviced by the public water system, the sum of three hundred sixty eight dollars, (\$368.00) per dwelling unit or equivalent user as defined in Section 8(b)(ii) or Section 8(b)(iii), connected to the public sewer, or required to be connected to the public sewer, pursuant to Section 3(c)(i). In this by-law, all references to the phrase 'dwelling unit user fee' shall mean the said sum of three hundred sixty eight dollars (\$368.00). All references to "Public water system" shall mean the system regulated by By-law No. 24. (AMENDMENT #11 DATED 2011-01-18)

- ii) Where all or a portion of the building connected to the public sewer is used for an Industrial or Commercial use an equivalent user charge of one dwelling unit user fee for each ten (10) full-time employees or portion thereof employed in or about the building, plus a sum equal to one dwelling unit user fee for each twenty (20) part-time employees or portion thereof employed in or about the building. For the purposes of this subsection "full-time employees", shall be deemed to mean employees who each work in or about the building an average of twenty five (25) or more hours per calendar week. "Part-time employees", means employees who each work in or about the building an average of less than twenty five (25) hours per calendar week. The number of employees shall be determined as of December 31st of the year preceding the billing year or the date of commencement of operation whichever is the latest. Where the number of employees is not divisible by ten (10), (or twenty (20) in the case of part-time employees), the number will be rounded up to the next number which is so divisible.

- iii) Where all or a portion of the building connected to the public sewer is used for an institutional use the following equivalent user charges shall apply:
 - A) In the case of a School, a sum equal to one dwelling unit user fee for each fifteen (15) students, teachers and other employees or portion thereof. For purposes of calculation students, teachers and other employees shall be added together and divided by fifteen (15). Where the number of students, teachers and other employees is not divisible by fifteen (15) the number shall be rounded up to the next number which is so divisible;

 - B) In the case of Senior Citizens and similar residential complexes a sum equal to one dwelling unit user fee per dwelling unit;

- C) In the case of a Church or Church Hall a sum equal to one dwelling unit user fee;
- D) In the case of a Manse, Parish House or Rectory a sum equal to one dwelling unit user fee per dwelling unit;
- E) In the case of a Church or Church Hall used for school purposes, where classes are held on a regular daily basis, a sum equal to one dwelling unit user fee for each fifteen (15) students, teachers and other employees, or portion thereof. For purposes of calculation, students, teachers and other employees shall be added together and divided by fifteen (15). Where the number of students, teachers and other employees is not divisible by fifteen (15), the number shall be rounded up to the next number which is so divisible;
- F) In the case of a Library or a Fire Station a sum equal to one dwelling unit user fee;
- G) In the case of a Police Station a sum equal to two dwelling unit user fees;
- H) In the case of a Community Centre or other facility used for public gatherings, not otherwise identified in Section 8(b)(iii), a sum equal to one dwelling unit user fee;
- I) In the case of Special Care Homes or Nursing Homes, (AMENDMENT #7 DATED 2006-12-19) a sum equal to one dwelling unit user fee for each five (5) residents and employees, or portion thereof. For purposes of calculation, residents and employees shall be added together and divided by five (5). Where the number of residents and employees is not divisible by five (5), the number shall be rounded up to the next number which is so divisible.

- J) In the case of an apartment building, a sum equal to one dwelling unit user fee for each apartment; (AMENDMENT #6 DATED 2006-01-17)
- K) In the case of a hotel or motel, a sum equal to one dwelling unit user fee for each two rental rooms or suites. (AMENDMENT #6 DATED 2006-01-17)
- L) In the case of a Day Care facility, a sum equal to one dwelling unit for each fifteen (15) persons or portion thereof under the care of or employed in or about the facility. For the purposes on this subsection, "persons" is calculated by adding the total number of children three (3) years old and over, childcare workers, teachers and other employees under the care of or employed in or about the facility on a full time basis; plus the number of part-time students three (3) years old and over, childcare workers, teachers and other employees or portion thereof, under the care of or employed in or about the facility divided by two (2). For the purpose of this subsection, "part-time" shall refer to those children three (3) years old and over, childcare workers, teachers and other employees who are under the care of or employed in or about the facility for a period equal to four (4) hours or less per day. The number of persons shall be determined as of December 31st of the year preceding the billing year or the date of commencement of operation, whichever is the latest. Where the number of persons is not divisible by fifteen (15) - the number will be rounded up to the next number which is so divisible."(AMENDMENT #9 DATED 2009-04-21)
- M) In the case of Quispamsis Memorial Arena, a sum equal to five (5) dwelling unit user fees. (AMENDMENT #11 DATED 2011-01-18)

- N) In the case of qplex, a sum equal to eighteen (18) dwelling unit user fees. (AMENDMENT #11 DATED 2011-01-18)
- iv) Notwithstanding the provisions of Sections 8.b) ii) and iii), effective January 1, 2011, where a building connected to the public sewer system or required to be connected pursuant to Section 3(c)(i) is located on a property serviced by the Public water system, the owner shall pay a user fee equal to one decimal eight (1.8) times the water usage consumption charge for the property instead of the fees set out in Sections 8.b) ii) and iii). (AMENDMENT #11 DATED 2011-01-18)
- c) Effective May 1, 1999, compounded interest on overdue accounts shall be charged at the rate of one and one half (1.5) percent per month. (AMENDMENT #1 DATED 1999-04-13)
- d) The user charge on new dwelling units shall be prorated on the current year's user charge from the date of occupancy.
- e) Omission to deliver any notice shall not in any way affect the liability of any property owner receiving public sewer services to pay the user charge, or any other charge due pursuant to this by-law.
- f) The owner may deduct the sum of ten dollars (\$10) per dwelling unit from the foregoing yearly user charge if payment in full, for the full year, is received by the Town no later than thirty (30) days after the date of the initial quarterly billing for the year. (AMENDMENT #1 DATED 2006-01-17)
- g) Where a property owner fails to comply with Section 3(c)(i), such property owner shall pay a rate equal to what the rate would be applicable to that property if the connection with the public sewer system had been made.

9.

INDEMNITY

- a) No person shall have any claim against the Town or its agent for any claims for damages of whatsoever nature or kind, which may be caused at any time to any property, except damage caused by the deliberate act of the Town or its authorized agents.

10. PENALTIES

- a) Any person found violating any provisions of this by-law or who suffers or permits any act or thing to be done in contravention or violation of any provisions thereof, or neglects or fails to do any act or thing herein required, commits an offence punishable under Part II of the *Provincial Offences Procedures Act* as a category 'C' offence.
- b) Notwithstanding Section 10(a) a violator may pay an amount equal to the minimum penalty as set out under Part II of the *Provincial Offences Procedures Act* as a category 'C' offence, plus any costs, to any authorized person and upon such payment not be liable to further prosecution.
- c) 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/her part to comply with provisions of this by-law.

11. SEVERABILITY

- a) 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. ENFORCEMENT

- a) This by-law shall be enforced by the Utility Inspector and/or the Building Inspector.

13. BY-LAWS REPEALED

- a) All by-laws, rules and regulations heretofore passed, adopted and observed by the Councils of the former Town of Quispamsis and the former Village of Gondola Point, relating to the Sewerage Utility are hereby repealed.

14. EFFECTIVE DATE

- a) This by-law comes into effect on the date of final enactment thereof.

READ FIRST TIME: February 17, 1998

READ SECOND TIME: February 17, 1998

READ THIRD TIME AND ENACTED: March 10, 1998

AMENDMENT NO. 1 READ THIRD TIME AND ENACTED: April 13, 1999

AMENDMENT NO. 2 READ THIRD TIME AND ENACTED: January 2, 2002

AMENDMENT NO. 3 READ THIRD TIME AND ENACTED: February 4, 2003

AMENDMENT NO. 4 READ THIRD TIME AND ENACTED: April 20, 2004

AMENDMENT NO. 5 READ THIRD TIME AND ENACTED: January 18, 2005

AMENDMENT NO. 6 READ THIRD TIME AND ENACTED: January 17, 2006

AMENDMENT NO. 7 READ THIRD TIME AND ENACTED: December 19, 2006

AMENDMENT NO. 8 READ THIRD TIME AND ENACTED: January 20, 2009

AMENDMENT NO. 9 READ THIRD TIME AND ENACTED: April 21, 2009

AMENDMENT NO. 10 READ THIRD TIME AND ENACTED: January 19, 2010

AMENDMENT NO. 11 READ THIRD TIME AND ENACTED: January 18, 2011

SEAL

MAYOR

CLERK