

VILLAGE OF STANLEY
INCORPORATED 1966

BYLAW NO. W-1

A BY-LAW RELATING TO THE SEWERAGE SYSTEM

BE IT ENACTED by the Council of the *Village of Stanley* as follows:

1. Interpretation

In this by-law,

“back water valve” means a valve in that portion of the homeowner’s plumbing system known as the building drain, which is installed downstream of any connection and which is intended to prevent reverse flow from a public sewer into the sewer portion of the building plumbing system.

“building sewer” or “sanitary sewer service connection” means a pipe that is connected to a building drain 1m outside a wall of a building and that leads to a public sewer.

“building storm sewer” or “storm sewer service connection” means the extension from the building storm drain to the storm sewer main.

“Council means the Mayor and Councillors of the Village of Stanley.

“owner” means any person, firm or corporation owning or controlling the property under consideration and includes the person, firm or corporation in whose name the property is assessed under the Assessment Act of New Brunswick.

“private sewerage system” means a system, other than a system owned by the Village of Stanley for the disposal of sewage.

“sewer system” means all of the property involved in the operation of the Village of Stanley sewer utility and includes land, wastewater lines and appurtenances, pumping stations, treatment works, and general property.

“Village” means the Village of Stanley;

“village sewerage inspector” means the Village Sewerage Inspector duly appointed by Council for the purpose of administering and enforcing the provisions contained in this by-law.

“waste water” means spent or used water, which contains dissolved and suspended matter.

2. Village Sewerage Inspector

2.01 The Council shall appoint a Village Sewerage Inspector who shall exercise such powers and perform such duties as are contained in this by-law.

2.02 The Village Sewerage Inspector shall have the administration, supervision and control of the sewer system, subject to the approval of the Council. Other than the Village Sewerage Inspector, or a person acting under the direction of the Village Sewerage Inspector, no person shall uncover, make any connection with or opening into, alter or disturb any part of the sewer system.

2.03 The Council may appoint such officers and employees as from time to time are deemed necessary for the efficient and continuous operation of the sewer system.

2.04 Subject to the direction of the Council, the Village Sewerage Inspector shall have general supervision of the construction, operation, and maintenance of the sewer system.

2.05 The Village Sewerage Inspector shall cause to be made appropriate plans of the sewer system, including preparation of plans and specifications for the construction of new sewer lines, the upgrading of existing lines, and the preparation of tender packages for sewer construction.

2.06 The Village Sewerage Inspector may enter any lands, buildings, or structures at any reasonable time for the purpose of administering or enforcing this by-law.

3. Private Sewer System

3.01 Permit

The Village may grant a permit for the installation and maintenance of a private sewerage system to any owner whose property is, in the opinion of the Village Sewerage Inspector, not so located as to be readily accessible to the sewer system, provided the owner has met all requirements of applicable laws, government regulations, and orders of the Province of New Brunswick.

(a) Upon completion of the building lateral connection to either the sewer system or a private sewerage system 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) No person shall have a private building sewer connected with the Village sewer system or install a private sewerage system unless the Village Sewerage Inspector issues a permit therefore.

3.02 Application

- (a) A person seeking to obtain a permit for the installation and maintenance of a private sewerage system shall make application in writing to the Village Sewerage Inspector. Such written application shall
 - (i) be in the format prescribed by the Council,
 - (ii) contain information required by the Village Sewerage Inspector, and
 - (iii) be signed by the property owner.
- (b) A person who has been issued a permit under this section shall give 48 hours notice to the Village Sewerage Inspector of the intention to commence the work authorized by the permit.
- (c) Where a permit is issued under this section such work shall be performed and supervised by the Village Sewerage Inspector or a qualified and duly licensed designate.
- (d) If a person installs a private sewerage system without obtaining a permit under this section, the Village Sewerage Inspector may, at the expense of the owner, excavate the private building sewer, that part of the sewerage works affected, and the connection, or the private sewerage system.

3.03 Notice

- (a) If a person violates any provision of a permit under this section, the Village Sewerage Inspector may, by written notice served personally on or sent by registered mail to the person named on the permit, state the nature of the violation and suspend or cancel the permit.
- (b) Where the conditions leading to the suspension of the permit are subsequently corrected, the Village Sewerage Inspector may reinstate the suspended permit.
- (c) The person for whom such unauthorized work is performed shall be liable for the cost of any such excavation performed by the Village Sewerage Inspector, and is responsible for any damages caused by such unauthorized work.

3.04 Standards for Private Building Sewers

- (a) A permit issued under this section is issued on the condition that the installation of the private building sewer meets minimum standards established under the laws of the Province of New Brunswick.

- (b) The method of excavation, size, slope, alignment, materials of construction, placing of pipe, joining, testing and backfilling the trench for a private building sewer shall be subject to the supervision and approval of the Village Sewerage Inspector.
- (c) Wherever possible, the private building sewer shall be brought to the building at an elevation below the level of the basement floor.
- (d) Sewage below the elevation of a private building sewer shall be lifted by a means approved by the Village Sewerage Inspector and discharged into the sewer system.

3.05 Cost

- (a) The owner shall, unless otherwise approved by the Council, pay all costs and expenses incidental to the installation and connection of a private building sewer.
- (b) The owner shall indemnify the Village for any loss or damage caused by the owner or his or her agent, directly or indirectly, as a result of the installation or connection of a private building sewer.

3.06 Standards for Private Sewerage Systems

Before a permit is issued for the installation of a private sewerage system, the plans for such installation must meet the minimum standards established under the laws of the Province of New Brunswick.

4. Village Sewer System

No extensions, at public expense, shall be made to the sewer system along any of the streets of the Village without the authority of the Village Council.

4.01 Sewer Service Connection

- (a) The owner of any premises may file with the Clerk an application in the form provided for that purpose for the construction or replacing of a building sewer or building storm sewer and the connection thereof with the appropriate sewer main of the sewer system.
- (b) At the time of filing an application, a deposit of at least \$500.00 must accompany the application; a larger deposit may be required subject to the work required to connect to the sewer system.
- (c) The amount deposited shall be credited to the cost of the work and should such cost exceed the amount of the deposit, the owner shall pay the difference to the Clerk before the building is used, but should the deposit exceed the cost of the work, the surplus shall be refunded to the owner.

- 4.02 A building sewer or building storm sewer shall be constructed only of such material and of such dimensions and specifications and laid at such grade and in such manner as the Village Sewerage Inspector shall direct.
- 4.03 No owner or occupier of any premises shall permit drainage from the perimeter drain or roof thereof to flow directly or indirectly to the sewer system.
- 4.04 The owner of any building situate upon land abutting a street or public place wherein there is a sewer main or water main shall install in such building, connections with such sewer main and water main and such apparatus and appliances as may be required in the opinion of the Village Sewerage Inspector to insure the proper sanitary conditions of the premises and surrounding or adjacent properties.
- 4.05 The owner of any building connected by a building sewer to the sewer system shall permanently disconnect all other wastewater disposal systems upon completion of the building sewer.

4.06 Indemnity and Refunds

- (a) No person shall have any cause of action against the Village for any claim for damages caused to any person or property arising from the construction, maintenance or operation of the sewer system, except damages caused by the deliberate act or misfeasance of the Village.
- (b) No person shall be entitled to a refund of any payment for stoppage or interruption of the sewer system caused by accident, frost or for the purpose of making additions or repairs to the sewer system or for any purpose, which in the opinion of the Village Sewerage Inspector, is necessary or desirable.

4.07 Cost

Whether a residential, commercial or industrial property, the owner shall pay the Village the actual cost for sewer connection, including all repairs to streets, sidewalks, curbs, etc.

4.08 Connecting to Public Sewer

- (a) If the sewer system is made available in any area of the Village by the Village, the owners of dwellings or buildings shall utilize such system by connecting to it.
- (b) If an owner of a dwelling or building in an area of the Village served by the sewer system does not connect to the sewer system, the owner will still be required to pay the minimum rate for sewer service to that dwelling or building as if it were connected to the sewer system.

5. Lateral Connections

- 5.01 Before connecting a lateral to the sewer system the owner shall,
- (a) submit to the Clerk an application on a form prescribed from time to time by the Council,
 - (b) submit a plan showing the boundaries of the property, the location of all buildings and all services emanating from the buildings to the property line, including, but not limited to, the proposed lateral, storm connections, underground wiring and water lines, and
 - (c) submit a fee in an amount established from time to time by the Council.
- 5.02 Upon receipt of the duly completed application form, the Village Sewerage Inspector, or his or her designate, shall determine if it is feasible to connect the lateral to the sewer system and grant approval or disapproval.
- 5.03 No person shall install a lateral or uncover, make any connections with openings into, use, alter, or disturb the sewer system without approval from the Village Sewerage Inspector and the written authority of Council.
- 5.04 The owner shall be responsible for installing the lateral from the owner's property to the sewer system but the size, shape, alignment, materials of construction and the methods to be used in the excavating, placing of the pipe, jointing, testing and backfilling shall be subject to the supervision of the Village Sewerage Inspector, or his or her designate, and the authority of Council.
- 5.05 Should a lateral be installed without approval of Council, Council may give authorization to have the lateral opened for inspection. The cost for this work constitutes the same lien on the owner's land and shall be recoverable from the owner in the same manner as user-charges payable hereunder.
- 5.06 The Village is not required to connect a lateral where such would be unusually costly or difficult.
- 5.07 Where possible, a lateral shall be brought to a building at an elevation below the basement floor and where a building drain is too low to permit gravity flow to the sewer system, sanitary sewerage carried by such building drain shall be lifted by an approved means and discharged into the sewer system.
- 5.08 The portion of the sewer lateral from the building to the property line shall be the property of the owner and the remaining portion thereof to the sewer system shall be the property of the Village.

- 5.09 Existing laterals and private sewer systems of acceptable standard by the Village may be connected into the sewer system. Unacceptable systems shall be replaced in accordance with the provisions of this bylaw.
- 5.10 Without approval by the Council, no more than one (1) building shall be serviced from each lateral.
- 5.11 The owner of a building shall,
- (a) unplug, repair and maintain in good working order the lateral which services his or her building, including that portion of the lateral between the property line and the sanitary sewer,
 - (b) make arrangements for and pay all costs associated with maintaining the sewer lateral in good working order, including the repair or resurfacing of any street or sidewalk, and
 - (c) indemnify the Village from any loss or damage that may be occasioned by such repair, unplugging or maintenance where such has been determined to be his responsibility,
- 5.12 Costs incurred by the Village in carrying out the work prescribed in subsection 5.11 (a), (b), and (c) shall constitute the same lien on the owner's land and shall be recoverable from the owner in the same manner as user-charges payable hereunder.

6. Backwater Valves

- 6.01 The owner of every building connected to the sewer system shall install and maintain a backwater valve capable of preventing sewage from the sewer system from backing up into the building. Furthermore, no person or owner or occupant of a premises shall connect, cause to be connected, or allow to remain connected to a water system any piping, fixture, fitting, container or appliance, in a manner which, under any circumstances, may allow water, waste water or any other liquid, chemical or substance to enter the public water system or the water system within the premises without installing backflow prevention devices on the water system in and upon the premise.
- 6.02 The owner or occupant of a premise who is required to install and maintain a backwater valve or other backflow prevention devices shall do so at his or her own cost.
- 6.03 All backwater valves and other backflow prevention devices and the methods and manner of their installation and testing shall conform to regulations made and codes or standards referenced therein.

- 6.04 No person shall operate a water service connection or water supply valve to provide water to a newly renovated, constructed, reconstructed premise until such premise has had installed a backflow prevention device.
- 6.05 A person who fails to install a backwater valve or other backflow prevention device as required by this bylaw is guilty of an offence.

7. Rates and Enforcement

- 7.01 The Council shall determine and direct what sum or sums of money, if any, shall be raised and levied for the purposes of
- (i) repayment of the installation costs of the sewer system,
 - (ii) maintenance of such system, and
 - (iii) any other indebtedness incurred in connection with such system.
- 7.02 Installation costs mentioned in subsection 7.01(a) shall be deemed to include
- (i) the actual costs of construction,
 - (ii) the cost of engineering and surveying,
 - (iii) the compensation for lands taken for the purpose of the work, or injuriously affected by it, and the expenses, incurred by the Village in connection with determining such compensation,
 - (iv) the estimated cost of the issue and sale debentures and any discount allowed the purchasers of same, and
 - (v) the interest on all borrowings in connection with such work and any expenses incidental to the entering on, carrying out, and completing the work and raising the money to pay the cost thereof.
- 7.03 The rates charged to users of the sewer system shall be such as to produce an annual balanced budget.
- 7.04 User units are identified on Schedule "A" hereto attached to this by-law. Schedule "A" shall serve as a guide for Council to arrive at appropriate user unit allocations.
- 7.05 Rates charged in accordance with the provisions contained in Schedule "A" may, in isolated instances and/or special situations, be modified at the discretion of the Council.
- 7.06 Any owner of property within the Village with an existing sewer hook-up that does not have a building(s) on the property shall be responsible for only 25% of the annual sewage service user fee, until such time as service is connected.

- 7.07 If payment is not made within thirty days (30) of the date of issue of the sewer bill, a late payment charge will be levied at a monthly percentage rate determined by the Council.
- 7.08 If the sewer system is disconnected to any building by the Village as a result of non-compliance with any provision of this by-law, the cost of such disconnection shall form part of any account outstanding and shall be liable to be charged interest.
- 7.09 The Village shall mail invoices annually and/or quarterly for sewerage rates and such invoice shall show the current amount of the account, together with any arrears still unpaid with interest to the end of the month in which such invoice is mailed. After 10 days notice in writing (excluding Saturdays, Sundays, statutory holidays and the date notice was issued) has been 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, or personally served upon the owner or his representative, the Village may pursue any or all the following procedures either concurrently or consecutively:
- a) sue in the name of the Village for an action in debt;
 - 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 sewerage services are supplied;
 - c) disconnect the user service provided to such owner and discontinue such service until such time as the account, including arrears and cost of disconnection and reconnection the service has been paid in full by the owner;
 - d) undertake any other action against the owner which may be available to the Village under the Laws of the Province of New Brunswick.
- 7.10 Whenever, in the opinion of the Village, a violation of any of the clauses of the by-law has occurred or is existing, the Village may cause the sewer service to be discontinued to the premises where such violation has occurred or is existing until the violation has been cured. The costs for discontinuing the service shall be the responsibility of the owner and the service shall not be re-connected until such costs have been paid.
- 7.11 Sewer services may be disconnected to any property in respect of which a notice or order pursuant to a violation of any by-law of the Village having been issued and the time of period for compliance or any extension thereof, has elapsed without compliance in accordance with such notice or order. In the event any notice or order referred to in this section has been complied with following the disconnection of sewer services, or in the event any violation of this by-law has been cured, reconnection of the service connection with the Village may be carried out and the cost of such

reconnection shall be paid for the owner of the building or buildings affected thereby. Any such re-connection costs shall be liable for interest.

- 7.12 In the event any notice or order referred to in this section has been complied with following the disconnection of sewer services, or in the event any violation of the by-law has been cured, reconnection of the service may be carried out and the cost of such reconnection shall be paid for by the owner of the building or buildings affected thereby.

8. Restricted Use Of Sewers

- (a) No person shall connect roof downspouts, exterior foundation drains, or other sources of surface runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process water to the sewer system.
- (b) Storm water and all other unpolluted drainage shall be discharged into storm sewers or to a natural outlet approved by the Village Sewerage Inspector.
- (c) No person shall discharge, or cause to be discharged, into the sewer system.
 - (i) any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas,
 - (ii) any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment or process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or the sewage plant, including but not limited to cyanides in excess of two parts per million (mg/l) as cyanide (Cn) in the wastes as discharged into the public sewer,
 - (iii) any waters or wastes having a hydrogen ion content (pH) lower than 5.5 (7.0 being neutral water), or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the Village, or
 - (iv) any solid or viscous substances in quantities, or of such size, as to be capable of causing obstruction to the flow in the sewer, or other interference with the proper operation of the sewer works, such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and flashings, entrails, paper dishes or cups, milk containers, or similar materials, either whole or ground by garbage grinders.

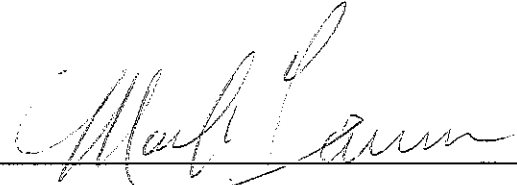
9. Penalty Provision

- 9.01 A person who violates any provision of this by-law commits an offence and is liable to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).
- 9.02 The conviction of a person under this section does not constitute a bar to further prosecution for the continued neglect or failure on his or her part to comply with the provisions of this by-law.

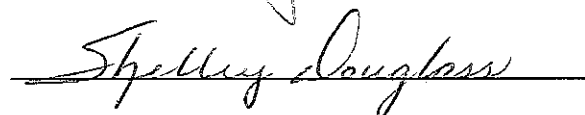
10. Repeal Provision

- 10.01 By-law No. 20A, Sewerage By-law, passed by Village Council on July 19, 1994, and By-law No. 18, Recommended Standards For The Installation Of Branch Services Stanley, New Brunswick, passed by Village Council on November 22, 1979, and By-law No. 20B Sewerage By-law, passed by Village Council on December 14th, 2009 are hereby repealed.
- 10.02 The repeal of By-law No. 20 Sewerage By-law and By-law No. 18, Recommended Standards For The Installation Of Branch Services Stanley, New Brunswick, and By-law No. 20B Sewerage By-law shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or things whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE VILLAGE OF STANLEY ON June 18th, 2012.



Mark Foreman, Mayor



Shelley Douglass, Village Clerk

Read for the first time on:

June 18, 2012

Read for the second time on:

June 18, 2012.

Read for the third time and enacted on:

June 27, 2012.