

**TOWN OF SACKVILLE**

**BY-LAW NO. 146**

**A BY-LAW OF THE MUNICIPALITY OF SACKVILLE  
RESPECTING  
THE WATER AND SEWERAGE SYSTEMS**

*Pursuant to sections 7(1) and 7(3) of the  
Municipalities Act, Chapter M - 22 the Council of the  
Municipality of Sackville duly assembled hereby enacts  
as follows:*

THE COUNCIL OF THE MUNICIPALITY OF SACKVILLE DULY  
ASSEMBLED HEREBY ENACTS AS FOLLOWS:

**SECTION I                      DEFINITIONS**

1. In this By-Law:

- (a) "branch sewer" means sewer pipe leading to a sewer main (also known as a sewer service), typically beginning at the property line;
- (b) "owner" means the person in whose name a property is assessed under the Assessment Act;
- (c) "private water system" means a water system owned by a person other than the municipality;
- (d) "Chief Administrative Officer or Town Manager or Town Administrator" means the Chief Administrative Officer of the Town of Sackville or his authorized representative;
- (e) "plumbing" means the pipes, fixtures, and other apparatus inside a building for bringing in the water supply and/or removing the liquid and waterborne wastes;

- (f) "sanitary sewer" means a sewer receiving and carrying waterborne wastes from residences, business buildings, institutions and industrial establishments, and to which storm, surface, or ground waters are not intentionally admitted;
- (g) "sanitary wastewater" means the combination of water-carried wastes from residences, business buildings, institutions and industrial establishments containing animal, vegetable, or mineral matter in suspension or solution from which storm, surface, or ground water are excluded insofar as possible;
- (h) "sewerage system" means a system of two or more inter-connected sewer mains having one or more common discharge outlets and includes necessary plumbing plants, force mains, siphons, other like works, treatment works and sewerage disposal plants;
- (i) "storm sewer" means a sewer or ditch that carries storm water and surface water, street wash, roof runoff, subsurface and foundation drainage, but excludes domestic wastewater and industrial wastes;
- (j) "water service pipe" means a water pipe leading from a water main, and typically ending at the property line;
- (k) "water system" includes a system of wells, tanks reservoirs, dams, watercourses, lakes, streams, rivers, buildings, machinery, filtration plants, cribs, basins, hydrants, water mains, water service pipes, fittings, motors, apparatus, water works and all other things useful for the drawing, collection and storing of water and treating, distributing and selling water to consumers; and,

- (l) "water" and "water supply" means the water supplied by the water system to consumers for the purposes specified in this By-Law.
- (m) "Council" means the elected body governing the Town of Sackville, as per the requirements of the Municipalities Act, latest revision, and all other relevant legislation;
- (n) "Resolution" means an approved motion of the Town of Sackville Council.
- (o) *"single family owner occupied" means any property consisting of one dwelling unit and occupied by less than three persons unrelated by blood or marriage.*

## SECTION II CONTROL OF SYSTEMS

- 2. Subject to the approval of Council, the Chief Administrative Officer shall administer, supervise and control the water and sewerage systems.
- 3. The Council may appoint the officers and employees necessary for the efficient and continuous operation of the water and sewerage systems.
- 4. The Chief Administrative Officer, subject to the direction and approval of Council:
  - (a) shall supervise the maintenance and any new construction of water and sewerage systems;
  - (b) may define the duties of all municipal employees engaged in work connected with the water and sewerage systems;
  - (c) shall cause to be made:

- i. plans of the water system showing the storage facilities and the land of the municipality surrounding it, the water mains and the size thereof in each street, all junctions, hydrants, pumps and pumphouses, meters and meter pits, valve and valve chambers, all additions and alterations made to the system from time to time, and all other information which the Chief Administrative Officer deems necessary; and,
  - ii. plans of the sewerage system showing the location, depth, slope, material, size, shape, thickness and construction thereof and all additions and alterations made thereto from time to time; and,
- (d) shall keep or cause to be kept a record of all work done in conjunction with the water and sewerage systems showing the cost of labour and material for each job, the depth of the pipe, the location of shutoffs and any other detail of each job required by the Chief Administrative Officer for water service and sewerage connections.

**SECTION III WATER SYSTEM**

5. (1) The Municipality may furnish the water supply for:
    - (a) domestic and fire protection purposes;
    - (b) municipal purposes; and,
    - (c) commercial and industrial purposes.
  - (2) (a) Notwithstanding subsection (1), when in the opinion of the Chief Administrative Officer the efficiency of the water supply for domestic and fire protection purposes is impaired by furnishing water for industrial purposes or for any other purpose not specified in subsection (1), the municipality shall not necessarily supply water for industrial purposes or for any other purpose not specified in subsection (1).
  - (b) Notwithstanding subsection(1), when in the opinion of the Chief Administrative Officer the efficiency of the water supply for domestic and fire protection purposes is impaired by a water shortage, the Council may by resolution regulate the use of the water supply as it deems proper.
  - (3) Subject to subsection (2), the Council may furnish water for purposes other than those listed in subsection (1) under a written agreement providing that the water supply may be discontinued temporarily or permanently by Resolution of the Council.
6. No person shall make or cause to be made an extension or addition to the water system without

the authorization of the Chief Administrative Officer.

7. Water mains and water service pipes shall be placed at a sufficient depth within the ground or otherwise sufficiently secured to assure that they are protected from frost under ordinary conditions to the satisfaction of the Chief Administrative Officer.
8. No connection shall be made to the water system for the purpose of taking water therefrom except under the direction and personal supervision of the Chief Administrative Officer or a person duly authorized by him for that purpose.
9. No person:
  - (a) shall make an excavation for the purpose of connecting a private water system with a water main or for taking water therefrom without the written approval of the Chief Administrative Officer; and,
  - (b) shall make any opening or excavation in any street in the Town of Sackville for the purpose of connecting to any water main without placing and maintaining a secure fence or barrier around such opening and adequately lighting the same during the night time. The Chief Administrative Officer may at any time order and direct the manner in which such hereinbefore mentioned fence or barrier may be placed or maintained or lighted, and it shall be the duty of any person making any such opening or excavation to carry out such order in accordance with the direction of said Chief Administrative Officer; and,
  - (c) shall make any excavation, trenching or other installation work without being in full accordance with the Workplace Health, Safety

and Compensation Commission of New Brunswick, latest revision, and its regulations; and,

- (d) shall make connections to the water system by private contractor, without being under supervision and approval of the Chief Administrative Officer. This will be subject to an administrative hook-up charge, as determined by Council, from time to time.
10. Water shall not be supplied from the water system to a private water system, other than as directed by Council in Section 5(3).
11. (1) A water system proposed by a developer shall not be constructed until plans and specifications have been approved by the Chief Administrative Officer. Such plans and specifications will be prepared by an engineer licensed to practice in the Province of New Brunswick. Upon completion of construction, the developer shall apply for final approval before water is supplied. The *Chief Administrative Officer* may require the developer to submit copies of the results of all tests, including acceptable pressure test, on the water system. At that time, a reproducible copy of the detailed as-built plans showing connections shall be provided to the municipality by the developer.
- (2) The water system within the public rights-of-way and easements as required shall become the property of the municipality upon issuance of the final approval.
- (3) Upon receiving completion approval from the municipality, the developer shall guarantee all work carried out within the subdivision for the next twelve (12) months.
12. No person shall operate any valve or hydrant which is part of the municipal water system without the

authorization of the Chief Administrative Officer; nor shall any person perform any activity or operation which, directly or indirectly, would affect the operation of any valve or hydrant which is part of the municipal water system.

13. When the Fire Department is extinguishing a fire within the municipality no person shall allow water to run from a private water system connected with the water supply except for domestic purposes or for the purposes of extinguishing or preventing a fire.
14. The owner of any premises having a private water system, shall not connect such system to the municipal water system, other than as directed by Council.
15. (1) The owner of any premises,
  - (a) before receiving a water supply, or
  - (b) before a water service pipe is renewed, shall file an application for a water permit in *prescribed form* with the *Chief Administrative Officer*.
- (2) When filing an application for a water permit under subsection (1), the owner shall deposit with the *Chief Administrative Officer* an amount as approved from time to time by Resolution of Council. This amount shall be credited to the cost of the work, and where the cost exceeds the deposit, the owner shall pay the difference to the *Chief Administrative Officer* before the water service is used.
- (3) The amount referred to in subsection (2) above shall apply in respect of any land in the Town of Sackville located on and/or

fronting on a street currently serviced by the water system.

- (4) Upon receipt of an application under subsection (1) above, the Chief Administrative Officer may issue a water permit authorizing the supply of water.
- (5)
  - (a) The annual cost of financing, operating and maintaining the water system of the Town shall be raised by a *water meter volume rate* or a service charge based upon the basic unit service charge adopted by the Council and the user unit table referred to in (e) of this subsection, as may be amended by Resolution of Council *and by metered rate as set by and amended by Council*.
  - (b) The service charge referred to in (a) shall be based upon the user unit table following, which may be amended at any time by a Resolution of Council. The basic unit service charge shall be \$149.36 per annum which may be amended at any time by a Resolution of Council.
  - (c) *The service charge shall be computed and levied as follows:*
    - (i) *For non-metered users the service charge shall be computed on the basis of a calendar year and levied semi-annually on or before January 31st and July 31st.*
    - (ii) *For metered users, the service charge shall be computed on the basis of a calendar year and levied quarterly, for the quarter ending on or before April 15th, for the quarter ending on or before July 15th, for the quarter ending on or*

before October 15th, and for the quarter ending on or before January 15th of the following year.

These charges shall be due and owing 30 calendar days from the date of billing.

Rates and charges may be prorated and submitted to users receiving water services, if such service is rendered between the billing dates above mentioned.

All such rates shall be subject to a discount of ten percent, if paid within thirty (30) days from the date of billing in the case of a senior citizen over 65 years of age. The senior discount is allowed on the personal residence or rental residence where they live. Seniors who live in a rental residence must make application by December 31, each year for a discount rebate. Seniors must have paid rent for the months which the rebate is applicable. Application will be made on appropriate form. Discounts and interest rates and terms shall be made by Resolution of Council.

- (d) Interest, at the rate of two decimal zero percentum(2.0%) per month, or as amended by a Resolution of Council, on any outstanding balance shall cumulate commencing on the first day of each month beyond the due date.
- (e) The present system of billing will remain in effect until amended by Resolution of Council.

<u>CATEGORY</u>	<u>UNITS</u>	<u>CONDITIONS</u>
1. Apartments unit	1	per apartment
2. Arenas	7	
3. Automotive body shops, with no auto sales facilities	2	
4. Automotive sales and service	1	per 15 employees or fraction thereof
5. Bakery	3	
6. Barber Shop	1	per 2 chairs or fraction thereof
7. Beauty Parlours	1	per 2 chairs or fraction thereof
8. Bowling alleys (restaurant facilities not included)	1	per 4 lanes or fraction thereof
9. Car wash (automatic)	10	
(self-serve)	5	
10. Churches	1	
11. Clubs, Taverns, Cabarets (limited food service)	1	per 400 sq. ft. of seating area
or		fraction thereof
12. Club, Taverns, Cabarets (general food service)	1	per 150 sq.ft. of

			seating area or fraction thereof
13.	Dental and Doctor's Offices	1	per practitioner
14.	Drive-In Theatres	1	per 50 spaces
15.	Duplex Residences	2	
16.	Fire Station	1	per bay
17.	Harness Racing Track	7	
18.	Hotels (not including restaurants)	1	per 4 accommodation units or fraction thereof
19.	Laundromat	1	per washing machine
20.	Manufacturing Plants	1	per 15 employees or fraction thereof
21.	Mobile Home	1	
22.	Motel, Cabins, Tourist Homes	1	per 4 accommodation units or fraction thereof
23.	Movie Theatre	1	per 80 seats or fraction thereof
24.	Municipal Garage	1	per bay

25.	Office Buildings	1	per 8000 sq. ft. of gross floor area or fraction thereof
26.	Recreation Centres (without pool)	2	
27.	Restaurant	1	per 150 sq.ft. of seating area or fraction thereof
28.	Retail Stores, Supermarkets, Department Stores (not including restaurants)	1	per 7000 sq.ft. retail sales area or fraction thereof
29.	Schools, Institutions (without cafeteria and/or showers)	1	per 27 pupils and staff or fraction thereof
30.	Schools, institutions (with cafeteria and/or showers)	1	per 16 pupils and staff or fraction thereof
31.	Senior Citizens and Nursing Homes fraction thereof	1	per 4 residents and staff or fraction thereof
32.	Service Station - with bays	2	per bay
33.	Service Stations - self serve, no bays	1	
34.	Single Family residence	1	
35.	Swimming Pool - outside	.25	

	- inside	2	
36.	Takeout restaurants, no table area or fraction	1	per 3 employees thereof
37.	Warehouse  or fraction thereof	1	per 15 employees
38.	Grannyflat	1	

(f) The Chief Administrative Officer shall determine which of the categories in 15(5)(E) shall apply to a water customer.

- (6) The size of service for any commercial or industrial establishment shall be no less than one (1) inch in diameter.
- (7) Privately-owned fire hydrants that are unmetered will be charged at such rate as determined, and may be amended, each year by Resolution of Council.
- (8) Privately-owned sprinkler systems on unmetered accounts will be charged at such rate as determined, and may be amended, each year by Resolution of Council.
- (9) Where water is supplied to a user through a water meter, the prescribed per unit volume rate shall apply and may be amended at any time by Resolution of Council. In any case, metered rates per 1,000 gallons, or metric equivalent, shall not be less in total annually than the rate established under sub-section 15(5)(b), hereof for the size of service as indicated by the table in the following sub-section 15(10).  
The Town or its agents shall have the right to inspect and read meters any time during normal hours of business.

(10) Where water is supplied to a user through a water meter, the annual rate as determined by the quantity of water consumed shall not be less than that determined by the following table of minimum service rentals:

<u>Meter Size</u> <u>Equivalents</u>	<u>Minimum User</u>
3/4" diameter	1
1"	1
1 - 1/4"	1
1 - 1/2"	1
2"	1
2 - 1/2"	2
3"	3
4"	5
6"	10

(11) The owner of a property shall be liable for all water system service charges due on that property, including owner-occupied properties and tenant-occupied properties.

16. (1) Before operating an out-of-door fountain, which is connected to the water supply system a person must file an application in prescribed form for a permit to do so with the *Chief Administrative Officer*.
- (2) The *Chief Administrative Officer* may issue a permit to operate an out-of-door fountain that shall specify the number of hours per day and months per year during which the fountain may run.
- (3) The owner of an out-of-door fountain shall provide the water supply pipe to that fountain with a stopcock that is accessible to the *Chief Administrative Officer*.

17. The Chief Administrative Officer, subject to direction of Council, may order that the water supply to any property shall be metered by a water meter approved by such Chief Administrative Officer.
18. No person shall be entitled to damages or to a refund of any payment for stoppage or interruption of the water supply caused by accident, frost or for the purpose of making additions or repairs to the water system or for any purpose which in the opinion of the Chief Administrative Officer is necessary or desirable.
19. No person shall use water for heat pump systems or air conditioning purposes at a rate in excess of one-tenth of a gallon per minute per ton of air conditioning capacity.
20. (1) The Chief Administrative Officer may discontinue a water supply at any time for:
  - (a) a violation of this by-law including non-payment of rates; or,
  - (b) at the request of and at the convenience of the owner of the premises.(2) Where a water supply has been discontinued under subsection (1) the owner of the premises shall cure the violation and pay a sum determined by the Chief Administrative Officer before the water supply is reconnected.
21. No person being an owner, tenant or occupant, or inmate of any premises supplied with water by the municipality shall:
  - (a) lend or sell the water;

- (b) give water away or permit water to be taken or carried away;
  - (c) use or apply it to the use of any other person; or,
  - (d) wrongfully neglect or improperly waste the water.
22. A shutoff shall be provided by the Town for all service pipes, and the Town through the Chief Administrative Officer shall have access to same at all times, and no other person shall interfere with the said shutoff or have any control over same.
23. All plumbing, pipes, fittings, vents, fixtures, and other devices for conveying and controlling the water supply which are used by a customer and are not the property of the municipality, shall be of a quality which meets existing minimum standards, i.e. most recent editions of the National Building Code of Canada, the National Fire Code, the National Plumbing Code, and relevant standards of the American Water Works Association.
24. No person shall fish, bathe, swim, wash or plunge in the waters of the Town Reservoir, or take or divert water or ice therefrom, or deposit anything therein, or in any brook or stream leading thereto, or commit or wilfully permit any act which would tend to contaminate or render impure any portion of the water supply of the Town including articles mentioned in the land-use watershed study "Designation for the Cedar Brook Water Supply Area", and all requirements and regulations as stipulated in the Clean Environment Act, and the Clean Water Act, latest revisions.
25. No person shall trespass on the Town Water shed land for any purpose whatsoever without obtaining a permit in writing from the *Chief Administrative Officer* or his designate and any

violations of paragraph 24 shall be an offence under the by-law and subject to a penalty.

26. No person or persons shall cut, saw or remove any wood, tree or brush from the Town Water Shed land, without the permission of the *Chief Administrative Officer* or his designate as per applicable provincial legislation in effect.
27. Any person whose account for water and sewerage has been fully paid in advance and whose service is discontinued for Town purposes either permanently or for a substantial period of time shall be entitled to a pro rata refund for the unexpired period for which rate has been paid.
28. Effective the date this by-law comes into effect, any new commercial building or building renovated for commercial use shall have metered water services only.
29. Any time other than the regular meter billing period that a meter reading is required to be taken, a meter reading fee will be charged as set by Resolution of Council.
30. An Encumbrance Certificate (Appendix C) will be provided for a fee to be set by Resolution of Council, for inquiries into any outstanding charges on properties.
31. Any request for day-to-day repairs, *water shut-off's or water turn on's* shall be charged a fee as set by Resolution of Council.
32. In the case of the transfer or sale of a property having a meter, in order to calculate the amount owing to the date of closure, use the amount of the last billing, divided by ninety (90) days, times the number of days from the last billing to the closure date, up to and including the date of closure. If a special reading of a meter for the sale of a property, or otherwise, that is not a regular billing

reading, is needed there will be a charge for such service as set by Resolution of Council.

33. Water meter applicants must comply with the following conditions to obtain water service:

(1) For new service installations, an inspection of the service must be approved by the Chief Administrative Officer before a meter installation will be considered.

2) It is the responsibility of the homeowner to ensure the service box (i.e. water shut-off) is adjusted to the final landscaped grade prior to the meter installation.

(3) No meters will be installed in crawl spaces less than 4 feet in height. Meters must be near doorways if installed in a crawl space.

(4) All required meter valves, couplings and pressure reducing valves must be in place before a meter will be installed as per New Brunswick Department of Labour regulations.

(5) There can be no other source of water supply directly connected to internal plumbing (i.e. well or lake water supply).

(6) The building must be roof tight, rough plumbing complete to meter and the external side installed.

(7) The civic number or lot number must be posted on the front of the home for identification in the field.

(8) A water service application with the property's proper civic number must be signed by the property owner and placed on file with the Chief Administrative Officer before a meter will be installed.

- (9) The town will supply an appropriately-sized meter to the customer for installation. Meter supply and installation, if by the Town will be at a charge to be set by a Resolution of Council.
- (10) In winter months between November 1 and April 1:
  - (a) Homeowners are responsible to thaw any frozen water lines prior to meter installation. The utility cannot guarantee a source of free flowing water supply during this period.
  - (b) The house must be in a heated condition before a meter can be installed.
  - (c) All repairs to frozen meters will be charged back to the building owner.
34. (1) Every person, being the Grantee of land or an interest in land within the limits of the Town of Sackville shall, within 30 days of receipt of a deed to such land or such interest, file a carbon copy, photostatic or other copy of the description of the said land together with the names of the Grantor(s) and Grantee(s) at the office of the Development Officer.
  - (2) Upon transfer of title and title transfers on date of closure of sales of a property, the Town Office must be notified prior to that change, so that outstanding accounts relative to that property are cleared.
  - (3) Any requests for a Certificate of Encumbrance against a property shall be provided in writing only at a fee to be set by Resolution of Council.

#### SECTION IV SANITARY SEWER SYSTEM

35. A branch sewer shall:
- (a) be constructed only of the material;
  - (b) be of the dimensions and the specifications; and,
  - (c) be laid at the grade and in the manner directed by the Chief Administrative Officer.
36. No person shall discharge, cause to be discharged, or continue to discharge any storm water, surface water, ground water, roof run-off, sub-surface drainage, foundation drains, cooling water, or unpolluted industrial waters into any service connection or sanitary sewer.
37. No person shall make or cause to be made an extension or addition to the sewer system without the authorization of the Chief Administrative Officer.
38. Sewer mains and branch sewers shall be placed at a sufficient depth within the ground or otherwise sufficiently secured to assure that they are protected from frost under ordinary conditions to the satisfaction of the Chief Administrative Officer.
39. No person shall connect a branch sewer with a sewer main unless the owner thereof has met any special requirements of the *Chief Administrative Officer*.
40. (1) No person shall make an opening, trench or excavation, construct or replace a branch

sewer and connect it with a sewer main, before:

- (a) filing an application for a branch sewer in Form A hereto annexed with the *Chief Administrative Officer*; and,
  - (b) depositing with the *Chief Administrative Officer* an amount equal to the estimated cost of installing or replacing a branch sewer and connecting it with a sewer main as established by this by-law, the *Chief Administrative Officer*, or an amount stipulated by Council.
- (2) The amount deposited under subsection (1) shall be credited to the cost of the work, and where the cost exceeds the deposit, the owner shall pay the difference to the *Chief Administrative Officer* before the branch sewer is used.
41. All land owners whether connected to the sanitary sewer system or not, are liable for the payment of rates.
42. (1) No person shall make any opening or excavation in any street in the Town of Sackville for the purpose of entering any sewer without placing and maintaining a secure fence or barrier around such opening and adequately lighting the same during the night time.
- (2) The *Chief Administrative Officer* may at any time order and direct the manner in which such hereinbefore mentioned fence or barrier may be placed or maintained or lighted, and it shall be the duty of any person making any such opening or excavation to carry out such order in accordance with the direction of said *Chief Administrative Officer*.

- (3) All excavation, trenching and any other installation work shall be made in full accordance with the Workplace Health, Safety and Compensation Commission of New Brunswick, latest revision, and its regulations.
  - (4) Connections to the sanitary sewer system made by private contractor, under supervision and approval of the Chief Administrative Officer, will be subject to an administrative hook-up charge, as determined by Council, from time to time.
43. No person shall make an entrance to any sewer without installing therein to the satisfaction of the Chief Administrative Officer good and sufficient traps to prevent the escape of sewer gas and a back valve to prevent the backup of sewerage. This is the responsibility of the land owner and will apply to all sanitary sewer connections.
44. No owner or leaseholder shall construct any sanitary sewer drain from any house or building located on land which abuts any street within the Town of Sackville except by connecting same with the sewer, except if otherwise authorized by the Chief Administrative Officer.
45. Except as hereinbefore provided, no person shall discharge, cause to be discharged, or continue to discharge any of the following into any drain or sewer connection connecting with the sanitary wastewater system of the municipality:
- (1) liquid or vapour having a temperature higher than 75 degrees Celsius;
  - (2) ashes, cinders, sand, earth, mud, straw, metal, glass, pigments, rags, textiles, tar, wood, wood products, paper fibre and plastics, or other viscous or colloidal substances capable of causing obstruction to the flow in sewers or

other interferences with the proper operation of the sewage treatment plants;

- (3) 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 fleshings;
- (4) water or wastes which may contain more than 150 milligrams per litre of fat, oil, or grease of animal or vegetable origin; or 15 milligrams per litre of oil or grease of mineral origin, or tar;
- (5) waters or wastes having a ph lower than 6.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, personnel, and treatment processes;
- (6) gasoline, benzene, naphtha, fuel oil, acetone, solvents, or other inflammable or explosive liquids, solids, or gases;
- (7) water or wastes containing cyanides, chromium, cadmium, 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;
- (8) noxious or malodorous gas or substance capable of creating a public nuisance;
- (9) waters or wastes containing substances or 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 municipality;

- (10) water or wastes containing more than 50 micrograms per litre of phenolic equivalents;
  - (11) water or wastes containing more than 1,500 milligrams per litre of chlorides or sulphates;
  - (12) and water or wastes having a five-day biochemical oxygen demand or total suspended solids concentration greater than 400 milligrams per litre.
46. Wherever sanitary wastewater characteristics do not agree with Section 45, the owner of the facility producing the wastewater shall install pretreatment facilities which shall reduce the wastewater characteristics to the acceptable limits specified.
47. (1) Whenever the municipality considers it necessary, it may require any person who is the owner of land used for industrial or commercial purposes and which is connected to the sanitary wastewater system of the municipality 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 excess amounts, or any inflammable wastes or other harmful ingredients.
- (2) All interceptors shall be of a type and capacity approved by the municipality and shall be located so as to be readily and easily accessible for cleaning and inspection.
- (3) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature and shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.

- (4) The municipality 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.
- 48.
- (1) No contents of a septic tank shall be discharged into any water course.
  - (2) A person may discharge, cause or permit to be discharged, the contents of a septic tank into a public sewer only after such person has obtained the written permission of the municipality and may do so only at such points and under such conditions as the municipality may specify.
- 49.
- (1) A sanitary sewer system proposed by a developer shall not be constructed until plans and specification, prepared by an Engineer licensed to practice in the Province of New Brunswick have been approved by the Chief Administrative Officer and the Department of the Environment.
  - (2) Sanitary sewer mains shall be located at sufficient depth to receive flow from adjacent existing or future buildings. Where existing isolated buildings become part of the subdivision, their sewers are to be connected to the system.
  - (3) Where the sanitary sewer mains of the subdivision are to discharge into an existing sanitary sewer main of the municipality, connections shall be made only at such points as are approved in writing by the municipality.
  - (4) If the connection to the existing sanitary sewer main does not occur at an existing manhole, the developer shall be required to install a suitable manhole. The developer shall

be responsible for the entire cost of this connection including road repair and repairs to the existing sewer as required by the municipality.

- (5) After completion of the service installations, the subdivider shall apply to the municipality for completion approval of the subdivision. *In addition to compliance with the Town of Sackville Development and Servicing Standards and the Town of Sackville Standard Municipal Specifications: Technical Specifications and Standard Details*, the municipality may require the subdivider to submit copies of the results of all tests, including exfiltration and infiltration, on the sanitary sewer system. At that time, a reproducible copy of the detailed as-built plans showing all services, pipes sizes, grades, catch basins, related appurtenances, and service connections shall be provided to the municipality by the developer, together with a satisfactory video inspection report. All elevations shall be geodetic elevations.
  - (6) Upon receiving completion approval from the municipality, the developer shall guarantee all works carried out within the subdivision for the next twelve (12) months.
  - (7) The sanitary sewer system within the public rights-of-way and easements as required shall become the property of the municipality upon issuance of the completion certificate.
50. (1) The owner of any premises *shall file an applications for a sanitary sewer permit with the Chief Administrative Officer,*
- (a) before receiving a sanitary sewer connection

- (b) before extending his private sanitary wastewater system, adding fixtures thereto, or
  - (c) before a sanitary sewer service pipe is renewed.
- (2) When filing an application for a sanitary sewer permit under subsection (1), the owner shall deposit with the *Chief Administrative Officer* an amount approved from time to time by Resolution of Council.
- (3) The amount referred to in subsection (2) above shall apply in respect of any land in the Town of Sackville located on and/or fronting on a currently served street.
- (4) All sewer charges referred to in subsection (2), shall be payable in advance to the *Chief Administrative Officer*.
- (a) The annual cost of financing, operating and maintaining the sewerage system of the Town shall be raised by a service charge levied annually, based upon the basic unit service charge adopted by Council and the user unit table referred to in (e) of this subsection, as may be amended by Resolution of Council.
  - (b) The service charge referred to in (a) shall be based upon the user unit table following, which may be amended at any time by a Resolution of Council. The basic unit service charge shall be \$156.70 per annum, and may be amended at any time by a Resolution of Council.
  - (c) The service charge shall be *computed and levied as follows*:

- (i) For non-metered users, the service charge shall be computed on the basis of a calendar year and levied semi-annually on or before January 31st and July 31st.
- (ii) For metered users, the service charge shall be computed on the basis of a calendar year and levied quarterly for the quarter ending on or before April 15th, for the quarter ending on or before July 15th, for the quarter ending on or before October 15th and for the quarter ending on or before January 15th of the following year.

All such rates shall be subject to a discount of ten percent, if paid within thirty (30) days from the date of billing in the case of a senior citizen over 65 years of age. The senior discount is allowed on the personal residence or rental residence where they live. Seniors who live in a rental residence must make application by December 31, each year for discount a rebate. Seniors must have paid rent for the months which rebate is applicable.

Application will be made on Appendix A. Discounts and interest rates and terms shall be made by Resolution of Council.

- (d) Interest at the rate of two decimal zero percentum (2.0%) per month, or as set by a Resolution of Council, on any outstanding balance shall cumulate commencing on the first day of each month beyond the due date.

(e) The present system of billing will remain in force until September 1, 1995 then the following billing system will take effect:

<u>CATEGORY</u>	<u>UNITS</u>	<u>CONDITIONS</u>
1. Apartments unit	1	per apartment
2. Arenas	7	
3. Automotive body shops, with no auto sales facilities	2	
4. Automotive sales and service	1	per 15 employees or fraction thereof
5. Bakery	3	
6. Barber Shop	1	per 2 chairs or fraction thereof
7. Beauty Parlour	1	per 2 chairs or fraction thereof
8. Bowling alleys (restaurant facilities not included)	1	per 4 lanes or fraction thereof
9. Car Wash (automatic) (self-serve)	10 5	
10. Churches	1	
11. Clubs, Taverns, Cabaret (limited food service)	1	per 400 sq. ft. of seating area or fraction thereof

12.	Club, Taverns, Cabarets (general food service)	1	per 150 sq. ft. of seating area or fraction
13.	Dental and Doctor's Offices	1	per practitioner
14.	Drive-In Theatres	1	per 50 spaces
15.	Duplex Residences	2	
16.	Fire Station	1	per bay
17.	Harness Racing Track	7	
18.	Hotels (not including restaurants)	1	per 4 accommodation units
19.	Laundromat machine	1	per washing
20.	Manufacturing Plants	1	per 15 employees or fraction thereof
21.	Mobile Homes	1	
22.	Motels, Cabins, Tourist Homes	1	per 4 accommodation units or fraction thereof
23.	Movie Theatre	1	per 80 seats or fraction thereof
24.	Municipal Garage	1	per bay

25.	Office Buildings floor	1	per 8000 sq. ft. of gross area or fraction thereof
26.	Recreation Centres (without pool)	2	
27.	Restaurants	1	per 150 sq.ft. of seating area or fraction thereof
28.	Retail Stores, Supermarkets, Department Stores (not including restaurants)	1	per 7,000 sq. ft. of retail sales area or fraction thereof
29.	Schools, Institutions (without cafeteria and/or showers)	1	per 27 pupils and staff or fraction thereof
30.	Schools, institutions (with cafeteria and/or showers)	1	per 16 pupils and staff or fraction thereof
31.	Senior Citizens and Nursing Homes	1	per 4 residents and staff or fraction thereof
32.	Service Station - with bays	2	per bay
33.	Service Stations - self- serve, no bays	1	
34.	Single Family residence	1	
35	Takeout restaurants, no table area	1	per 3 employees or fraction thereof

36 Warehouse 1 per 15 employees  
or  
fraction  
thereof

37 Grannyflats 1

(f) The Chief Administrative Officer shall determine which of the categories in 50(5)(e) shall apply to a sewerage customer.

(6) Where a sanitary sewer customer receives water from a metered municipal system, the sanitary sewer rate shall be equal to a percentage of the amount of water rate, this percentage being determined by the ratio of current sanitary sewer service rate to current water service rate.

51. The owner of a property shall be liable for all waste water system service charges due on that property, including owner occupied properties.

52. All plumbing, pipes, fittings, vents, fixtures, and other devices for conveying and controlling sanitary wastewater which are used by a customer and are not the property of the municipality shall be of a quality which meets existing minimum standards, ie. most recent editions of the National Building Code of Canada, the National Fire Code, the National Plumbing Code, and relevant standards of the Canadian Public Works Association.

53. The municipality shall not be liable for any damage or injury caused or done by reason of the interruption or intermittent flow of the sewer system, including flow changes caused by maintenance repairs to the said sewer system.

54. (1) When a public sewer becomes available to a property served by a private sewage disposal system, the municipality shall order that a service connection to the sewer system be installed, and the owner of the property shall forthwith install such service connection within the time specified by the municipality in its written notice.
- (2) Upon completion of the service connection and approval thereof by the municipality, the owner shall cause any septic tank, cesspool, privy or private sewage disposal system on the property to be abandoned and filled with suitable material.
- (3) Where the owner of the property fails to remove or close up any cesspool, septic tank privy or other private sewage disposal system on his property as required by this by-law after notice having been given by the municipality, the municipality may cause to be done all work necessary for compliance with the notice, and the cost thereof shall be recoverable from the owner.
55. (1) Where the municipality is called to clear or repair a branch sewer to a property, the property owner may be billed for the cost of the municipality's equipment and personnel.
- (2) Where a property owner has contracted with a plumber or contractor to clear or repair a branch sewer to the property and it is proved that the blockage or damage was not caused by the property owner and is on municipal property, the Chief Administrative Officer may:
- (a) *Authorize the reimbursement of the property owner forthwith for all or a*

portion of the invoiced costs, not to include damages; or

- (b) Refer the case to the Town Council for the determination of whether or not, and to what extent, the property owner shall be reimbursed.

**SECTION V            STORM SEWER SYSTEM**

56.        (1)    In any area of the Town where a storm sewer exists at adequate depth, any person owning a building or constructing a building shall install a branch storm sewer to allow discharge of storm water, surface water, ground water, roof run-off, sub-surface drainage, and foundation drains to the storm sewer.
- (2)    *In any area of the Town where a storm sewer does not exist or does not exist at adequate depth, any person owning a building or constructing a building shall install a branch storm sewer to the property line to facilitate future connection to a storm sewer system.*
- (3)    Upon the date of enactment of this by-law, it shall be a requirement of the owner of any new residential or commercial building to install and maintain a CSA approved back-water valve in the sanitary sewerage conduit leading from the owner's premises and connected to the municipal sewerage system.
57.        (1)    No person shall discharge, cause to be discharged, or continue to discharge, any sanitary wastewater, contents of a septic tank, flammable, hazardous, toxic, or damaging substance into any branch storm sewer or storm sewer system.
- (2)    No person shall discharge, cause to be discharged, or continue to discharge any cooling water or unpolluted industrial water into any branch storm sewer or storm sewer system without the written authorization of the Chief Administrative Officer.
58.        A branch storm sewer shall:

- (a) be constructed only of the material;
  - (b) be of the dimensions and the specifications, and
  - (c) be laid at the grade and in the manner directed by the Chief Administrative Officer.
59. No person shall make or cause to be made an extension or addition to the storm sewer system without the authorization of the Chief Administrative Officer.
60. Storm sewer mains and branch storm sewers shall be placed at sufficient depth within the ground or otherwise sufficiently secured to assure that they can receive storm water, surface water, ground water, roof run-off, subsurface drainage, and foundation drains from adjacent building, existing or otherwise, and to assure that they are adequately protected from frost and traffic under normal conditions to the satisfaction of the Chief Administrative Officer.
61. (1) No person shall make an opening, trench or excavation, construct or replace a branch storm sewer and connect it with a storm sewer main, before:
- (a) filing an application for a branch storm sewer in prescribed form with the *Chief Administrative Officer*; and,
  - (b) depositing with the *Chief Administrative Officer* an amount equal to the estimated cost of installing or replacing a branch storm sewer and connecting it with storm sewer main, or an amount stipulated by Council.
- (2) The amount deposited under subsection (1) be credited to the cost of the work, and where the cost exceeds the deposit, the owner shall pay

the difference to the *Chief Administrative Officer* before the branch sewer is used.

62. (1) No person shall make any opening or excavation in any street in the Town of Sackville for the purpose of entering any sewer without placing and maintaining a secure fence or barrier around such opening and adequately lighting the same during the night time.
- (2) The Chief Administrative Officer may at any time order and direct the manner in which such hereinbefore mentioned fence or barrier may be placed or maintained or lighted, and it shall be the duty of any person making any such opening or excavation to carry out such order in accordance with the direction of said Chief Administrative Officer.
- (3) All excavation, trenching and any other installation work shall be made in full accordance with the Workplace Health, Safety and Compensation Commission of New Brunswick, latest revision, and its regulations.
- (4) Connections to the storm sewer system made by private contractor under supervision and approval of the Chief Administrative Officer, will be subject to an administrative hook-up charge, as determined by Council, from time to time.
63. No person shall make an entrance to any storm sewer without installing therein to the satisfaction of the Chief Administrative Officer a back water valve to prevent back up from the storm sewer system.
64. (1) A storm sewer system proposed by a developer shall not be constructed until plans and specifications, prepared by an Engineer licensed to practice in the Province of New Brunswick, have been

approved by the Chief Administrative Officer.

- (2) Storm sewer mains shall be located at sufficient depth to receive flow from adjacent existing or future buildings. Where existing isolated buildings become part of the subdivision, their storm drains are to be connected to the system.
- (3) Where the storm sewer mains of the subdivision are to discharge into an existing storm sewer main of the municipality, connections shall be made only at such points as are approved in writing by the municipality.
- (4) If the connection to the existing storm sewer main does not occur at an existing manhole, the developer shall be required to install a suitable manhole. The developer shall be responsible for the entire cost of the connection, including road repairs and repair to the existing sewer as required by the municipality.
- (5) After completion of the service installation, the subdivider shall apply to the municipality for completion approval of the subdivision. The municipality may require the subdivider to submit copies of the results of all tests on the storm sewer system. At that time, a reproducible copy of the results of all tests on the storm sewer system, copies of the detailed as-built plans showing all services, pipe sizes, grades, catch basins, related appurtenances, and service connection shall be provided to the municipality by the developer. All elevations shall be geodetic.
- (6) Upon receiving completion approval from the municipality, the developer shall guarantee all work carried out within the subdivision for the next twelve months.

- (7) The storm sewer system within the public right-of-way and easements as required shall become the property of the municipality upon issuance of the completion certificate.
65. The owner of any premises, before receiving a storm sewer connection, or before a storm sewer service pipe is renewed, shall file an application for a storm sewer permit with the *Chief Administrative Officer*.
66. All plumbing, pipes, fittings, vents, fixtures, and other devices for conveying controlling storm water and drainage which are used by a customer and are not the property of the municipality shall be of a quality and installed in a manner satisfactory to the municipality, as per the following standards: Most recent editions of The National Building Code of Canada, The National Fire Code, The National Plumbing Code, and relevant standards of The Canadian Public Works Association.
67. The municipality shall not be liable for any damage or injury caused or done by reason of the interruption or intermittent flow of the storm sewer system, including flow changes caused by maintenance repairs to the said sewer system.
68. When a public storm sewer becomes available to a property not previously served by a storm sewer system, the municipality shall order that a service connection to the sewer system be installed, and the owner of the property shall forthwith install such service connection within the time specified by the municipality in its written notice.
69. No person shall allow any material or debris to be placed on public or private property in such a way that it causes runoff to the storm sewer

system to be delayed, interrupted, or prevented or to allow this material or debris to be carried into the storm sewer.

## SECTION VI GENERAL PROVISIONS

70. The Chief Administrative Officer, or any person authorized by him, may at any reasonable hour enter any premises, in the execution of his responsibilities with regards to the sewerage systems and to examine and read water meters.
71. The Chief Administrative Officer may discontinue the water supply to any premises:
- (a) where the Chief Administrative Officer or a person authorized by him is refused entry into the premises;
  - (b) during the construction or repair of the water or sewerage systems or both; and
  - (c) while a fire is in progress in the municipality.
72. Where a water and/or sewer system is made available by the municipality in any area of the municipality, the owner of premises using same and situate upon land abutting a street or public place where there is a water main or sewer main, shall install in the premises connections with the water and sewer mains and any apparatus and appliances required to ensure the proper sanitary conditions of the premises to the satisfaction of the Chief Administrative Officer.
73. (1) Water and Sanitary Sewer user charges, are payable by all owners of buildings abutting such services and having plumbing whether such building is connected to such systems or not.
- (2) *All hook-up charges are payable by owners of land abutting such service whether or not the land has on it any present structure and is connected to any residential system.*

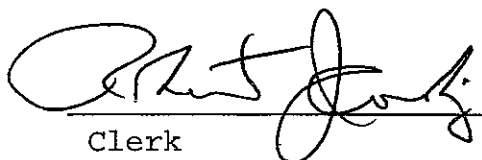
74. Any person or persons, corporations, partnerships, or societies who violate any of the provisions of this By-Law is guilty of an offence and is liable on a summary conviction to a fine for the first offence of not less than \$100.00, and not more than \$500.00; and for the second and all subsequent offenses not less than \$200.00, and not more than \$1,000.00; and in default of payment is liable to imprisonment in accordance with subsection 31(3) of the Summary Convictions Act.
75. Upon the passing of this By-Law; By-Laws No.'s 137, 137A, and 137B are hereby repealed.
76. This By-Law comes into force on the date of final passing.
76. This agreement is to be read with all changes of gender and numbers required by the context.

Read a first time this 13th day of May,  
1996.

Read a second time this 10th day of June,  
1996.

Read a third time and passed Council this 10th day  
of June, 1996.

  
Mayor

  
Clerk